

Town of Indian Trail
Minutes of Town Council
February 10, 2009
Civic Building
7:00 P.M.

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Gary D'Onofrio, Jeff L. Goodall, Shirley Howe, John Hullinger, and Dan Schallenkamp.

Staff Members: Town Attorney Keith Merritt, Town Manager Ed Humphries, Town Clerk Peggy Piontek, Engineer Scott Kaufhold, Planning Director Shelley DeHart, Tax Collector Janice Cook, Finance Officer Marsha Sutton, and Assistant to the Town Manager Miriam Lowery.

Press/Media: Shirley Bossbach from the County Edge.

CALL MEETING TO ORDER

Mayor Quinn called the meeting to order.

Town Attorney, Keith Merritt explained that the Town Council will be meeting on Wednesday February 11, 2009 at 6:00 in the Civic Building, as a Special meeting for the purpose of discussing the Town Charter Amendments. There is no question that notice was given within 48 hours of the meeting.

Gary D'Onofrio made a motion to approve having a special meeting on Wednesday, February 11, 2009 at 6:00 pm in the Civic Building to discuss the Town Charter Amendments.

Council voted unanimously in favor of the motion.

PRESENTATIONS

Mr. Fawcett provided the history on the decision to update the website. He advised the goals were to create a more efficient, user friendly site. For staff a more efficient website content management system in order to make it easier to update and add content to it. We incorporated the Branding information and gave it a fresh look. The effort for the Stormwater services request application was a consideration as well. The website committee consisted of Luke Fawcett, Hillary Pace, Miriam Lowery and Vicky Watts.

ADDITIONS AND DELETIONS

Jeff L. Goodall made a motion to approve adding discussion and possible appointment of designee to the Union County Governments Advisory Committee as item 8e under Discussion and Possible action.

Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Dan Schallenkamp made a motion to approve agenda as modified.

Council voted unanimously in favor of the motion.

PUBLIC COMMENTS

Steve Hogan, 500 McMillan Dr., Indian Trail, NC believes Indian Trail needs a leash law and requested that Council consider the results of the survey, not to use the dichotomized results.

Kathy Broom, 4103 Runaway Circle, Indian Trail, NC voiced her support for Indian Trail Union County Deputy full service substation be located on Highway 74. She believes that it is a more visible location and will help deter crime. She requested Council not make a quick cheap decision and listen to Mr. Hullinger's advice.

Carol Toot 3927 Edgeview Drive, Indian Trail, NC explained she has an issue with the tax bill. She did not get her bill until January 21st of this year with the delinquent taxes already on it. She does not understand why she has to pay a penalty when she did not get the bill until after they were delinquent.

Mayor Quinn disclosed that he spoke with Ms. Toot about this issue a couple of weeks ago. He asked the Town Manager if it could be waived (\$6.00) and he explained that there is a statute that does not allow the Town to waive it, but that the individual Councils of municipalities can waive such things if they are brought before the Council and a motion is made to do so. He advised Ms. Toot of this and she stated she would come before the Council to request that it be waived.

Mr. Humphries said he would respond to Ms. Toot directly. Mr. D’Onofrio suggested that we can discuss this at some other point in the meeting, as we normally don’t have interactive comments to public comments.

Jim Murphy, 3507 Selway Drive, Indian Trail, NC agreed with Ms. Broom and wanted to reiterate the importance of putting this office in the right location.

Kathy Kukor, 1010 Monaco Ct. Indian Trail, NC explained that as the president of her HOA she has heard many complaints about petty crime in her neighborhood. Petty crimes are generally committed by juveniles and suggested Council put some focus on ways to keep them busy to prevent them from creating these crimes.

Roger Fisch, 11001 Magnal Lane, Indian Trial, NC advised he concurred with the previous speakers on increasing the number of officers and the more visible location of the substation on Highway 74. He believes we need more services for the juveniles in the community.

CONSENT AGENDA

- a. Tax Report – Month End Tax Report for January 2009 (**Copy attached hereto and made a part of these minutes.**)
- b. Approval of minutes for October 14th and December 30, 2008

Dan Schallenkamp made a motion to approve Consent Agenda

Council voted unanimously in favor of the motion.

OLD BUSINESS

- a. Approve contract with Centralina (COG) to prepare reports and ordinances

Mr. Duston explained that the effective date on the new calendar is August 31, 2009. The first act is to adopt a Resolution of Intent at the March 24th meeting, adoption of the Annexation Report at a special meeting on April 7th, the town will hold a Public Information meeting May 12th, Council holds a public hearing May 26th, adoption of Annexation Ordinance on June 9th and the effective date of Annexation will be August 31st. He pointed out to Council the 7 areas that are intended to be annexed and qualify for same. Mr. Duston advised that we have qualified according to the statutes that are currently active, but that could change by the Legislator this session.

Mr. Merritt inquired who is responsible for the metes and bounds description. Mr. Duston replied it is the Town's responsibility. Mr. Merritt explained what a metes and bounds description is and advised it is expensive. Mr. Merritt advised that we should speak with a surveyor on what cost is involved for a metes and bounds survey on these properties. It should be done as soon as possible.

Ms. Howe inquired if Ms. DeHart feels there are any problems that we're missing here or to get her opinion on this subject.

Ms. DeHart replied that there are two areas of concern to the Planning Department. One is area 3, it's a subdivision. The concern is more to the annexation process, it appears that to qualify that subdivision they would be annexing just a part of their open space and all of the lots. The majority of their open space within that subdivision would not be part of the annexation. She asked Mr. Duston if he has been involved with that type of annexation with other districts.

Mr. Duston advised this has come up and is something that has been discussed in the past with staff. He has done annexations both ways where the open space has not been annexed and where it has. He takes an extremely necessary conservative approach towards annexation, it is his opinion it would be safer for litigation purposes to not include the open space. If some off line conversations took place with the Town Attorney about the status of that open space, perhaps a different opinion could be rendered. He has dealt with annexations where it was not taken in to

make the annexation stronger; however stormwater was not a concern of theirs. Stormwater, open space and park and recreation complaints were not a service that they provided. He has seen communities proactively annex because they are getting the complaints by citizens, they can't do anything about it, so they annex in order to resolve some issues for the citizens. If you do not take it in now, it will likely be much much more difficult to take it involuntarily in the future. Council needs to decide if this is what they want to do.

Ms. DeHart inquired if the town considers going forward is there any way we can get the open space. Her concern is for perhaps a greenways or pedestrian path that may be planned and the subdivision might want to partake.

Mr. Duston replied it can be sent to the Legislator for a special act. He did it last week.

Ms. DeHart explained that if the open space was included staff would support it. She explained that area 7 presents a problem because we would prefer to take it all at once if possible. This is a new residential subdivision. Staffs concern is that we know there are some proposed changes in the Statutes that may or may not happen, but if we go forth and annex this early portion; you would have the beginning of a subdivision within our jurisdiction and if things change and we're not able to annex the back portion, half would be in Union County, which can be quite confusing.

Mr. Duston replied he agrees that since we are uncertain of the upcoming possible changes that the whole project should be annexed. Most communities do like to have communities as a whole. When you get the complaints, the citizens are not going to appreciate that their neighbors are in your jurisdiction and they are not. He understands and agrees with Ms. DeHarts concerns.

Mr. Merritt inquired if there is any way to annex the rest of the area. Mr. Duston replied no. Mr. Merritt inquired if we know the owner of the other half of the property and Ms. DeHart said no. Mr. Duston advised just looking at the map he can tell us that it will be a problem. Mr. Merritt advised he does not know what the subdivision standards are, they currently are probably County standards, from a developers perspective there are obviously advantages to being in the County as opposed to being in a municipality. If they are already developing it in a way that meetings the towns criteria, they may not have much of a preference one way or the other. Mr. Duston replied that taking that area in if it's undeveloped is going to skew the numbers on an involuntary annexation.

Mr. Schallenkamp asked if we need to make a decision on March 24th to stick with this time schedule. Mr. Duston replied that you need to give us the approval tonight to produce the information for March 24th. The proposal is \$8,977 plus 7.5 membership hours.

Dan Schallenkamp made a motion to approve contract with Centralina Council of Governments to prepare reports and ordinances and request that we try and get the open space in area 3 and see if the owners would like to voluntarily annex the other half of area 7.

Motion Passed 4 - 1 with Gary D'Onofrio opposing. (Copy of the contract is on file with the Finance Officer.)

Mr. Merritt advised that we need the Engineer to get the surveyor to have him survey the annexation areas to get the meets and bounds descriptions.

Mr. Schallenkamp inquired if Mr. Humphries will get an estimate of those and bring it back to Council? Mr. Humphries advised he will continue to talk to Mr. Merritt and make sure we do it right.

DISCUSSION & POSSIBLE ACTION

a. Resolution to adopt Legislative positions for 2009-2010 session

Mr. Humphries explained the Resolution and advised that each jurisdiction is being asked to adopt the resolutions so the County can act as one. Mayor Quinn explained that it was mentioned at the Mayors meeting that the County wanted to insure that our position is known. Ms. Howe commented that this is time sensitive and suggested that we make a decision tonight. Mr. Schallenkamp asked for some explanation of item number 1 in the resolution pertaining to collective bargaining. Mr. Humphries advised this matter has come up at the Federal level, this is not the time to do that, it would be very cost prohibitive for all towns.

Jeff L. Goodall made a motion to approve Resolution to adopt Legislative positions for 2009-2010 session.

Motion Passed 4 - 1 with Dan Schallenkamp opposing. (Copy attached hereto and made a part of these minutes.)

Mayor Quinn recognized former Council Member Mercedes Cass. Ms. Cass asked people to support Indian Trail Elementary School to purchase lunch tickets for \$8.00 on February 20, 2009.

b. Use of Powell Bill Funds for urgent projects of Public Safety

Mayor Quinn requested that Council consider using Powell Bill funds for roads that need immediate attention like Unionville Indian Trail Road and Faith Church Road. It is his understanding that we could use Powell Bill Funds and ask the State to reimburse us at a later time.

Mr. Kaufhold advised that a Legislative change was made in 2007 that you can use the funds in conjunction with TIP. Perhaps lending the money could be an option or use our Powell Bill Funds to fully fund the project. You could use your STPA Funds as well, but the quickest way would be for the Powell Bill Funds.

Mayor Quinn asked Mr. Kaufhold to explain the process for the economic stimulus project. Mr. Kaufhold advised that there was a request for a quick list for shovel ready projects for the economic stimulus projects where there is estimated \$56,000,000. They broke it down between big and small projects and Unionville Indian Trail Road and Faith Church Road as the number 2 project for the State. Mayor Quinn advised that Mr. Barry Moose understands the severity of the project and believes it should be done as quickly as possible.

Ms. Howe commented on the bridge on Indian Trail Road and asked Mr. Kaufhold to explain. He advised that this has a very low sufficiency rating; out of 100 it rates an 8. That bridge was part of the road widening project and now they are looking at separating that which may help speed up the work on that road. Ms. Howe advised that Mr. Moose said it was now on a stand alone rating.

Mr. Schallenkamp suggested we have a meeting in the near future to invite DOT officials and discuss our road conditions.

Mr. D'Onofrio advised that he would be in favor of the meeting that Mr. Schallenkamp suggested. He inquired if Lake Park is interested in assisting with the funding, since they have 25% of the project.

Ms. Howe suggested that we make it a workshop rather than go through our whole agenda.

Mr. Humphries advised he and Scott will look into getting the parties here for the meeting. Mr. Hullinger agreed that we should expedite this project, as it is very dangerous.

Mr. Merritt suggested a motion to authorize Mr. Kaufhold to continue discussions with NCDOT and other parties with respect to funding options for this particular project. If there is a concrete proposal that he can bring back to Council working with NCDOT and Lake Park that if there's some agreement that they can work out.

Mr. Goodall asked what we are doing differently that we have not already been doing. Mr. Humphries advised nothing rather than a need to address Faith Church Road and Unionville Indian Trail Road. Mr. Humphries explained that the funding for this project has been delayed. He feels it time for an update from NCDOT.

Mr. Goodall advised that Union County is creating a County wide transportation advisory committee.

Mr. Kaufhold advised that Indian Trail will be hosting the first meeting.

Mayor Quinn advised that what's different is that the use of Powell Bill Funds would be used in urgent projects of public safety.

Dan Schallenkamp made a motion to approve authorizing Mr. Kaufhold to continue negotiations with NCDOT and other parties with respect to improvements at the intersection at Unionville Indian Trail Road and Faith Church Road intersection possibly including the use of Powell Bill Funds.

Council voted unanimously in favor of the motion.

c. Select location and budget for Indian Trail Deputies

Mr. Schallenkamp advised that he has gone back and forth on this and he feels what's changed is the economy changing is a big factor. At this point I'm not so prepared to make a recommendation and I'd like to take this opportunity to express their thoughts. He requested that Council not make a decision tonight. He would like both worlds where the Deputies could be located in the Planning Building as the prime location and the secondary location on Highway 74, perhaps making that location smaller than originally planned. It is his understanding that they would not be in the

building during the majority of the day. We would be using the tax payers money wisely and still have high visibility that we desire. This is a debated decision and it should be delayed for another two weeks until everyone can be heard on this.

Mr. D'Onofrio commented that he would agree with Mr. Schallenkamp that growth has increased that we have not had a chance to catch up. He likes the idea of Mr. Schallenkamp, but feels the Planning Building will be vacant in less than a month and would be a good use. He has had many comments from citizens that they want more visibility, which means more man power, patrols which can be done without having them on Highway 74. They can do that with whatever space we provide and we are obligated to provide them with space. Other things to consider is funding, if there is no participation at the County level to ask the citizens of Indian Trail to pay for the space would be unreasonable. We own the Planning Building. He thinks that we can accomplish the same goals wherever they are located and any contributions already offered should not change because of location. He has heard that visibility prevents crime but Dr. Friday advised that is not the case, he is a criminologist and retired sheriff. He hears people getting excited about more officers. From his point of view the building we have here would be a fine choice.

Mr. Hullinger said as a tax payer would like to see them on Highway 74 he believes it would prevent crime. The Sheriff's made it clear the more space we give him the more services he would provide. He will send as many of the resources down here as we can fit. This would also aid the other town's agencies who currently have to go down to the Sheriff's office to do other things. He would take advantage of some of these programs; he would get a concealed weapons permit. He has not heard any opposition from the citizens, just the Council Members. The survey said the residents are willing to pay more for three things, better roads, parks and public safety. He feels a unit on Highway 74 would do that. If we do not get the grant or turn it down there are funds set aside for our match which can be used to increase the number of deputies on patrol. His idea is for the Town of Indian Trail to pay for the expenses for the first 2 years and then let the County pick up the expenses for the next 3. He feels we do not make a decision, listen to the residents who have spoken loud and clear and let the Public Safety Committee research this.

Mr. Goodall asked Mr. Humphries how big the Planning Building is, Mr. Humphries replied 1950 square feet. He inquired what is the most amount of employees that have worked there, 13 was the answer. He agrees with what Mr. D'Onofrio said, he is in the municipal business not the County business. He would like to know what the County is doing for the western side of the County for public safety. At this point and time he feels we far exceed our contractual obligation to Union County to put the 5 deputies in a 1950 square foot building. If the County wants to put more in a satellite office that's fine.

Ms. Howe advised that she appreciates the comments from Council and the citizens who spoke. She has always been supportive of the deputies, but due to the abrupt change in the economy she has had to reevaluate her position at this time. She believes that if they were on Highway 74 it would be beneficial. She feels the Planning Building can accommodate whatever the Sheriff's Department may have planned for this satellite office. When we return to a more stable economy additional ideas can be discussed. She had contacted the County Commissioner and had been informed that they have no funds for this project and she feels that until they can assist in the expense it should be in the Planning Building. Although our citizens would benefit from the

Highway 74 location, so would other municipalities. This type of partnership is in no way practical when we, the Town, are the only investors. The Planning Building is rent free and there will be no expenses other than what we are now paying. The move from the Administration building frees up much needed space for our staff. The Planning building far exceeds the current space the deputies have, it offers adequate room for additional personnel and we can accommodate whatever Sheriff Cathey feels is necessary to offer more services. She contacted Sheriff Cathey and he informed her that he would absolutely not have a problem with the deputies going into the Planning building that he would work with the town, no change was necessary to our contract with Union County and he could transfer whatever personnel he deemed necessary to the Planning building because it was under his authority. Sheriff also stated that due to the financial forecast that the County is facing partnered with an unstable future, this move to the Planning building is a wise decision at this time. She has been given permission from Sheriff Cathey to share his statement. Sergeant Coble related the same information to her. Once our economy returns to a stable condition, other ideas/locations can always be presented for consideration by the Council. She advised that the Public Safety Committee is not responsible to determine where they go; it is the responsibility of the Council. Ms. Howe does not feel that doing this is disrespecting the citizens on the Public Safety Committee. She is in favor of using whatever funds we can for additional officers. In compliance with our current contract responsibilities to provide space for our contracted deputies through the Union County Sheriff's Department I'm requesting we relocate them to the Planning building upon vacancy for the remainder of our current contract.

Shirley Howe made a motion to approve utilizing the planning building to provide space for the contracted Union County Deputies to be made available upon vacancy by the Planning Department for the remainder of our contract.

Mayor Quinn advised this was not his idea to place the Sheriff's office on Highway 74; it was the Sheriff's office idea. They advised that it was the optimum location for the deputies of Indian Trail. We never discussed this with the County, but the Sheriff's office put aside an amount of money to up fit the building. He does not want to be demeaning, but he has spoken to many businesses that support having them on Highway 74. The only reason to default to the Planning Building is money. It would have nothing to do with the levels of service. If we offer a larger building, Sheriff Cathey would put more officers in them. He feels as a municipality we have the responsibility to provide the services our citizens we are asking for. He feels for the Council to arbitrarily come up with a decision tonight, before we have exhausted all options he feels would be a travesty. He has had conversations and people are willing to be supportive. Bottom line is that the Sheriff's office wanted this location. He feels the Planning building could be used for community activities, leaving this building for Council and town needs.

Mr. Schallenkamp respectfully asked Council Member Howe to retract her motion. We have not had a chance to discuss his idea of a smaller satellite office on Highway 74 with our deputies. In a way he wants to vote for putting the officers in the Planning Building, he wants to show support for our men and women wearing a badge. Right now it's a very hot topic and we have not received all the public input before we make a decision. For those reasons if this motion is put to a vote I will vote against it.

Mr. Goodall requested we call for the vote.

Mr. D'Onofrio said the question we need to ask ourselves is if we use this facility why will we not have the same level of service we would if it was located on Highway 74. Why wouldn't the Sheriff have/designate those extra patrols going in and out of our buildings as opposed to Highway 74? We are the second largest municipality in the County and we are paying an addition one million dollars a year to the County on top of our County taxes, for extra services in contract deputies. He believes we deserve these extra services without feeling the only way we're going to get them is in a location of their preferred choice as opposed to what's best for our citizens. He believes when people are speaking of visibility he believes they are referring to an increase of levels of service. He referred to an article in the Charlotte Observer.

Ms. Howe advised the motion she made is to move the sheriff's office across the street for housing so that our employees in the Administration building have a little more room. This does not stop anything from happening down on Highway 74 if the people the Mayor has been talking to are still willing to give donations. She likes Mr. Schallenkamp's idea and feels it should be pursued. Because of all of these reasons she will not withdraw her motion.

Mr. Hullinger advised her motion states for the remainder of her contract which is 4 years, which essentially does take off the office on Highway 74 for a minimum of 4 years. That's the main problem he has with it and encourages the Board to listen to the citizens. When we entertained Liquor by the Drink there were passionate people on both sides. He has seen the opposition side and yet we're rushing to a decision.

Mr. Goodall asked to appeal to the Board. Mayor Quinn said he was out of order. Mr. Goodall appealed to the Board again and called for a vote.

Mayor Quinn said that two months ago Ms. Howe was talking about tearing down the Planning Building to make a park, so now it's a valuable asset to public safety and the only difference is the County won't come up and help us with \$35,000. Our tax paying residents, 100% of everybody out there I've talked to is saying do it, this is our money and this is the way I want you to spend our money, this is what I feel is important. This Board with the exception of Mr. Hullinger and Mr. Schallenkamp is willing to say we don't care what you say. It's ludicrous.

Motion Passed 3 - 2 with John Hullinger, and Dan Schallenkamp opposing.

d. Instructions and procedure for our MUMPO Delegate

Mr. Schallenkamp advised that he did not find anything in our ordinances on how we would like our MUMPO delegate to vote on matters. Traditionally the delegate would ask the Council how they want to vote on these matters. Procedurally since we don't have anything where the Council gives the delegate instructions, suggesting that the Towns MUMPO delegate has no authority to express the town's opinions without authority of the Council. He feels that the delegate should not offer his/her own opinion as that of the towns.

Mr. Schallenkamp is looking for direction from the TM or TA on what to do with the Resolution that was passed on December 30th that is dangling out there right now. He asked when does a resolution pass by the Council take effect, is it upon adoption or when it is signed? Do we need to

rescind the resolution, have it signed by the Mayor Pro Tem? If the Mayor still objects to signing the resolution, perhaps the Mayor Pro Tem can sign it with a notation that the Mayor refused to sign it.

Mr. Merritt advised that a resolution takes effect upon passage. The easiest way to correct the dangling resolution would probably be a simple motion to rescind the resolution due to the fact that the Mayor has exerted his right to be the MUMPO delegate. The MUMPO rules state that the delegates will vote on matters pursuant to their elected bodies. That is the way that the previous delegate handled it and if the Council wants to adopt an ordinance to that effect it would be appropriate.

Mayor Quinn said that Mr. Schallenkamps suggestion is reasonable and perfectly appropriate. He would expect he be debriefed on some of these things.

Mr. Hullinger said Mr. Goodall added item 8e after this, we may want to take a broad approach that we cover it all in the same.

Ms. Howe read a resolution from the town of Stallings.

Mr. Schallenkamp suggested that we correct it to read the Mayor or any elected official. We'll put it up for the next meeting.

Mr. Merritt advised he will take care of it for the next meeting. He asked the Mayor who the alternate delegate will be.

Mr. Goodall advised that he does not acknowledge the Mayor as the MUMPO delegate and he will not serve as an alternate unless Mr. Hullinger is the delegate. He feels that the Mayor not signing this resolution makes any of our resolutions meaningless. He expressed concern over the Mayor's veto power, something he does not have to pick and choose which resolutions he signs. He feels the Mayor Pro Tem should sign that resolution. He feels our charter will trump anything the MUMPO.

Mr. Merritt replied that the Mayor does not have veto power but he can choose to sign or not sign anything, it does not interfere with its validity.

Mr. Merritt advised that it is not only a MUMPO rule but it is the Memorandum of Understanding that Indian Trail Council has voted to approve. His legal opinion is that the Mayor does have the ability if he wants to assert it to be the MUMPO delegate. He feels if there is a dispute that MUMPO will say these are our rules and you have adopted our rules. He suggested that the resolution be rescinded because the MUMPO rules as adopted by the Council would prevail and the Mayor will be the MUMPO delegate.

Mr. Goodall advised that as a point of procedural rule, minutes from December 30th and he's wondering why the Council goes through the motion of approving minutes if all he has to do is sign it right there? What's the difference between that and this unanimous resolution?

Mr. Merritt advised that as a town you are trying to document things in a way that is archival, that can be found and that are rules and regulations that you can go back and find. If the Mayor chooses not to perform his duties then the Council can direct the Mayor Pro Tem to sign it.

Mr. D'Onofrio advised that he recognizes the Mayors right to represent the town as stated in the MUMPO rules. He will not back anything that would challenge the rules. As the official representative you have the right to designate appointees. Before any of this had transpired you had stated that there wasn't any interest on your part in assuming that position. We were all fine with Mr. Hullinger and Mr. Goodall representing the town. He inquired why the Mayor changed the decision of the Council of Mr. Hullinger as the delegate and Mr. Goodall as the alternate.

Mayor Quinn advised that he and Mr. Schallenkamp discussed who was going to be the MUMPO delegate; he has expressed to him that he was not uncomfortable with the representatives from the town who had expressed an interest in serving. Through this conversation I learned that he was basically, the way I saw the resolution, a challenge to the MUMPO rules that we agreed to abide by. He advised Mr. Schallenkamp during that conversation if you will allow me to appoint, I will be happy to do that, but if you choose to bring a resolution basically saying we don't agree with MUMPO's right to tell us what to do, and then I had to oppose that. The resolution was passed and to me it had no standing.

Mr. Goodall added to the Mayor's comment, that if we are going to be a member of MUMPO you have to play by the rules, who's been our MUMPO representative for the last 2, 3, 4 years? Has that been the Mayor?

Mayor Quinn replied yes it was, until this last year.

So for the last year, we haven't had a legitimate MUMPO representative? Mr. Humphries did they notify the town that Mr. Schallenkamp wasn't a legitimate representative? He asked Mr.

Schallenkamp how many meetings he went to during his tenor as the MUMPO representative.

Mr. Schallenkamp advised that Councilman Godwin was originally the MUMPO representative.

When he had to resign the Council asked me to be the MUMPO representative.

Dan Schallenkamp made a motion to approve rescinding the resolution of December 30th.

Motion Passed 3 - 2 with Shirley Howe, and John Hullinger opposing.

8e Discussion and possible appointment of designee to the Union County
Governments Advisory Committee

Mr. Goodall read an article from the Union County Update about this matter. He would like to discuss this matter on appointing a member of our Council on this new Committee.

Mr. Schallenkamp inquired he doesn't know if this is the way they wanted to inform us or if they plan on contacting us by letter. Typically they send us a letter. He is certainly in favor of being a member of the committee. His concern is we doing it too early?

Mr. D'Onofrio advised, with Councils approval, he would be happy to serve in this capacity as a designee to the Union County Governments Advisory Board and do so in the guidelines Mr.

Schallenkamp expressed earlier; which are to express the will of the Council and refrain from personal interjection.

Mr. Hullinger agreed with Mr. Schallenkamp and would like to table it before making a decision on it. I like to thank Mr. Goodall for bringing it up.

Mayor Quinn feels we should ask Dr. Roger Fish, if he would be willing to serve.

Mr. Goodall addressed Mr. Schallenkamp's concerns. He feels Mr. D'Onofrio would be a great delegate for Indian Trail. Mr. Fish could serve as a citizen on this committee.

Ms. Howe agrees with Mr. Goodall and requested Mr. Humphries do some research and submit Mr. D'Onofrio.

Mr. Hullinger stated his voting against this is in no way against you, I would prefer more information before agreeing to this.

Mr. Schallenkamp agrees with Mr. Hullinger.

Jeff L. Goodall made a motion to approve Gary D'Onofrio as the representative and to have our Town Manager research if we're following the right procedure.

Motion Passed 3 - 2 with John Hullinger, and Dan Schallenkamp opposing.

NEW BUSINESS

None at this time

MANAGERS REPORT

None at this time

Jeff L. Goodall made a motion to approve taking a 5 minute break

Council voted unanimously in favor of the motion.

Mr. D'Onofrio asked Mr. Humphries about Ms. Toot comments about her tax bill. Do we have contact information? I've read the General Statute where it says you have no right to waive a tax bill.

Mr. Humphries explained staff can not do it, Council can, but theoretically, just because you don't get a bill is not a reason to waive it. We're sorry she didn't, it wasn't anything we did or you did. If you open that door for one you may have to do it for everyone.

Mr. Goodall commented floodgate.

That's what they do not recommend you do.

Mayor Quinn said he understands what Mr. Humphries is saying but the woman's husband died in November.

Mr. Goodall again said floodgate.

Mayor Quinn said there are many circumstances on this matter would enable us to justify doing that in this particular case. If the Council wants to throw in a dollar a piece that'll solve the problem, if not, I'll pay it myself.

Council collected the money for the late fee on taxes.

Mr. Schallenkamp noted for the record that this is not a precedent setting event.

Mayor Quinn stated for the record that Carol Toot's issue has been resolved.

Jeff L. Goodall made a motion to approve taking a 5 minute break.

Council voted unanimously in favor of the motion.

PLANNING REPORT

Ms. DeHart presented to Council a proposed addition to Sun Valley High School, it will have new classrooms that are highly visible from Old Monroe Rd.

The new Auto Bell, staff worked very hard on the architecture and should be open in about 3-4 weeks.

First Citizens Bank is putting on an 869 sq. ft. addition which required them to have additional parking (already complete) and enhanced landscaping.

Old Hickory has an office warehouse of 1700 sq. ft. going up for Preferred Flooring.

Another flooring business in Old Hickory which is Watson Flooring which is over 20,000 sq. feet.

Staff is moving along on the Farmers Market. Katie Reeves met with a group of farmers and interested vendors and they seem to be coming up with some great plans. The kick off is anticipated for April 18th, is proposed for every Saturday 8 am to noon, here at Town Hall.

We are set to kick off the Master Park Plan; it will identify future park needs, of parks hierarchy and basic guidelines. It will include a new public survey in which our new website has that ability; the results will be announced in our next Town Newsletter around May.

Ms. DeHart informed Council that in April Extreme Ice will host the USA Hockey National Championship, hosted by the Charlotte Junior Checkers. There will be a program created to give the estimated 2,000+ families/friends of the contestants that are planning to come to Indian Trail for the event. The organizers are looking for advertising for this program. Ms. DeHart asked Council if they would be interested in purchasing a full page for \$250.00 welcoming everyone.

Ms. DeHart advised that this is just the beginning of athletic events, with Carolina Courts introducing basketball and volleyball championships possible. This gives us an opportunity to expand on our branding items such as banners up on street lights. To date, we have not gone in the direction of purchasing banners with our new logos. She requested Council consider directing staff to go ahead and pursue looking and bringing information back to them. In addition to the Town logo, we can add to the bottom a tag that can highlight competition and other events in IndianTrail, suggesting they be put up on Highway 74 and Old Monroe Road to not only advertise the events but to let the people who are traveling to these events know they have arrived. Other things we can advertise is our own events, Farmers Market, Christmas, Fun Day etc.

Ms. DeHart advised that staff would like to pursue putting together a package showing Council these ideas for their consideration.

Mayor Quinn advised that the representative asked him to prepare a letter for the event and asked if that is what Ms. DeHart is referring to? Ms. DeHart said she is uncertain what the representative spoke to Mayor Quinn about and advised we will contact her and see what she s looking for.

Dan Schallenkamp made a motion to approve full color ad for Extreme Ice event. The cost is \$250 in addition to staff time.

Council voted unanimously in favor of the motion.

Dan Schallenkamp made a motion to approve directing the Planning staff to put together a package on the banners and bring it back to Council.

Council voted unanimously in favor of the motion.

Ms. Howe asked Ms. DeHart when we change zoning how do we notify the County that the change has been made. We're loosing a lot of tax base money here. What do we have to do notify them?

Ms. DeHart confirmed that Ms. Howe is referring the Council approving rezoning from one lower intensity use to a higher intensity use. She is unaware of a process in house that gives notification; we can call the County and work on something to get them whatever they need. In the meantime we can get them a new zoning map that provides the current information and work with the County to insure what they have in their data base is consistent with what the current zoning is.

ENGINEERS REPORT

Mr. Kaufhold provided an update on the Monroe Bypass. At the TCC meeting the Turnpike Authority announced that the Federal Government is reviewing their report. We should get an announcement in March.

The Chestnut Connector about 3 months ago HNTB met with the Division staff from the State to go over what requirements would be for update the feasibility study. HNTB submitted their scope of work to the NCDOT people to Division and to Raleigh. We haven't heard anything; we put a request for an update on that. The folks in Raleigh said they discussed this project and will defer to Division and we haven't heard anything yet from Division.

Joe Tolan, our Fields Operation Manager, stumbled onto a letter from the North Carolina Department of Environmental and Natural Resources dated February 6th, that said it's possible that appropriate stormwater projects could be eligible for funding. If there are projects that can move to construction quickly please send a letter to them. We sent a certified letter today requesting \$300,000 for our stormwater maintenance contract. We have a number of projects that we can do that hopefully will qualify. We are one of 5 towns that had submitted.

There was discussion between Mr. Schallenkamp and Mr. Kaufhold about what a scope of work is.

Mr. Schallenkamp inquired if it's accurate to say that DOT has not spent a dollar on Chestnut Road

study from June when they put the complete brakes on Indian Trail Road to jump to the Chestnut Connector project?

Mr. Kaufhold confirmed he was correct.

COUNCIL COMMENTS

Mr. Hullinger would like to see the Town continue to embrace the sports theme we have going on here. We should continue to attract and build on that.

Mr. Goodall provided a brief overview of the Events Committee's first meeting. He is impressed with the talents, backgrounds and enthusiasm of members is a huge understatement. There are 4 functional subcommittees in the areas of Logistics Management, Marketing and Publicity, Participation in Fundraising and Volunteer recruitment. Our first three meetings will be primarily educational so they are knowledgeable of our existing events. He thanked Peggy, Jason and Katie who have or will provide overviews of our current events. The second task will be to design and recommend to the Council the events for the 2009-2010 fiscal year budget. Third they will devote their efforts to the quickly approaching Farmers Market and Earth/Arbor Day. Finally they will explore what they can do to enhance all our Towns events to insure maximum participation to the diverse interests, enjoyment and entertainment of all of our citizens. He asked Council's help in the coming months, as it will be crucial to the Committees success and they certainly welcome ideas from everyone. He announced the next meeting is February 19th at 6:30 pm in the Civic Building and invited everyone to attend.

Mr. Schallenkamp advised he visited the Carolina Courts facility on Saturday and found it to be a beautiful facility, all six of their courts had games going on, the place was crowded with people and he wondered to himself where were all these guys 2 months ago before this place opened. It is a first class facility and an asset to the Town.

Mr. Hullinger commented that a lot of the private schools that do not have the facilities play there. He feels it's great that the owners allow them to do that.

Mr. D'Onofrio agreed that he loves the whole sports theme and that if we had baseball and football represented we'd have all the major sports, at that point we could have play it, or win it, Indian Trail sports city USA.

He may ask the Council at the next meeting perhaps clarifying Golf Cart regulations and/or ordinance in Indian Trail. He saw many of them in the summer months, a lot of them looked ok but many didn't. It involved alcohol and golf carts, kids and golf carts, no lights at night, crossing busy intersections; this is an accident waiting to happen.

Mr. Humphries advised it might be late this year because it does require special legislation to do.

Ms. Howe asked Mr. Humphries that Council receive a copy of the billing each month or at least every 2 months, because there's no way that the staff knows how many times we call our attorney. Just put it in our packets as an FYI and we can review it.

She mentioned the fund raising BBQ event for Indian Trail Elementary School.

She informed Mr. Humphries that there is a stormwater meeting on Thursday and wants to be sure to get the charges from MJ when he was here, are we prorating and charging stormwater for the

website. The full service charge was \$8,000 did we pay for any of that?

Mr. Humphries replied it is his understanding that the Stormwater did pay their share.

She would like to see us have a workshop in the future on our Code of Ethics, we should have everything updated.

She thanked Mr. Schallenkamp for sneaking over to her house and putting a Cardinals sign on her front lawn the day of the Super Bowl. It took a day to find the one you put on the car.

Mayor Quinn advised he is very disappointed in the Council on the vote for the public safety initiative. He feels he did his best, he's passionate about what he believes and he holds no hard feelings personally. He hopes that can be reciprocated as well. He will fight for what he believes in with as much passion and energy that he has. When it's all said and done he will go home and go to sleep knowing he did the right thing and he hopes that our citizens who, he believes, have been not well served in this situation will make themselves heard as time passes. He has the utmost respect for our law enforcement folks but I think they are victims of their own, you guys are just too nice, they do such a great job we take them for granted. They do such a great job and with the little resources that this town has ever allocated to them, it's just a shame that we're not going to give them the dignity and respect and really reward them for a job well done by giving them more tools to work with and the way I understand they work is if you give them nothing they'll make it work anyway. He appreciates that, has the utmost respect for them and knows they appreciate getting out of a 300 sq. foot office space, anything is an improvement.

CLOSED SESSION

Mayor Quinn asked to be excused because he has to get up early tomorrow.

Jeff L. Goodall made a motion to enter closed session NCGS 143-318.11 (a)(5) To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property.

NCGS 143-318.11 (a)(3) To consult with attorney, protect the attorney client privilege and to consider and give instructions pertaining to a potential action, claim, administrative procedure or judicial action.

NCGS 143-318.11 (a)(6) To consider the qualifications, competence, performance, conditions of appointment of a public officer or employee or perspective public officer or employee.

John Hullinger made a motion to approve excusing Mayor Quinn for the rest of the meeting.

Council voted unanimously in favor of the motion.

Jeff L. Goodall made a motion to approve coming out of closed session

Council voted unanimously in favor of the motion.

Ms. Howe reminded the Council that we have a meeting tomorrow at 6:00 pm

ADJOURN

Gary D'Onofrio made a motion to adjourn.

Council voted unanimously in favor of the motion.

APPROVED:

John J. Quinn, Mayor

Attest:

Peggy Piontek, Town Clerk