



Town of Indian Trail
Minutes of Town Council
July 9, 2013
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: Robert Allen, David Cohn, Christopher King, Darlene Luther, and David Waddell.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney George Sistrunk, Director of Community & Economic Development Kelly Barnhardt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Tax Collector Janice Cook, Director of Engineering and Public Works Scott Kaufhold.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance.

ADDITIONS AND DELETIONS

David Waddell made a motion to approve Preventative Technologies Water Line Upgrade as item 9a and move other items down accordingly.
Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Christopher King made a motion to approve the agenda.
Council voted unanimously in favor of the motion.

PRESENTATIONS

None

COMMITTEE APPOINTMENTS

Park Tree & Greenway Committee:

Christopher King made a motion to approve Roger Fish as a Regular Member.
Council voted unanimously in favor of the motion.

Christopher King made a motion to approve Chip Long as a Regular Member.
Motion Passed 4 - 1 with David Waddell opposing.

Robert Allen made a motion to approve Brian Olin as a Regular Member.
Motion Passed 4 - 1 with David Waddell opposing.

David Waddell made a motion to approve Marco Cevallos as an Alternate Member.
Council had a short discussion about Mr. Cevallos not receiving a recommendation from the Chair.
Motion Failed 3 - 2 with Robert Allen, Darlene Luther, and Christopher King opposing.

Robert Allen made a motion to approve Robert Tosti as an Alternate Member.
Motion Passed 4 - 1 with David Waddell opposing.

Public Safety Committee:

Christopher King made a motion waive the rules accepting Mr. Dreh's application although late.
Motion Passed 4 - 1 with Darlene Luther opposing.

David Waddell made a motion to approve recusing himself from voting as he has a family member applying for a position on the Public Safety Committee.
Council voted unanimously in favor of the motion.

David Cohn made a motion to approve Sherry Waddell as a Regular Member.

Council voted unanimously in favor of the motion.

David Cohn made a motion to approve David Drehs Regular Member.
Motion Passed 4 - 1 with Darlene Luther opposing.

Darlene Luther made a motion to approve Chip Long as a Regular Member.
Council voted unanimously in favor of the motion.

David Cohn made a motion to approve Frances Knight as an Alternate Member.
Motion Passed 3 - 1 with Darlene Luther opposing.

Robert Allen made a motion to approve Robert Tosti as an Alternate Member.
Council voted unanimously in favor of the motion.

Transportation Advisory Committee:

Darlene Luther made a motion to approve Chip Long, Michelle Simmons and Dan Jenka as Regular Members.
Motion Passed 4 - 1 with David Waddell opposing.

Stormwater Advisory Committee:

Robert Allen made a motion to approve Chip Long, Jeremy Murphy, John Barnard and Alan Mosley as Regular Members.
Motion Passed 4 - 1 with David Waddell opposing.

Citizen Academy:

Christopher King made a motion to approve, subject to being a business owner or resident of Indian Trail, Scott Lee, Judett Black, Joseph McCallister, Richard Miller, Chip Long, Rose Ma, Mark Helotie, Gerald Morse, Sheryl Morse, David Hoshour, Louis Ma, Barclay Brontley, Carlos Santiago, Maureen Williamson, Frances Knight, Jordn Burrell, Allan Kaufman, Nydia Morales, Rima Bouajram and David Spencer as members of the Citizen Academy.

Council voted unanimously in favor of the motion.

PUBLIC COMMENTS

Chip Long, 1012 Cranston Crossing Place, Indian Trail, NC informed everyone there will be a blood drive on August 1st and invited all to sign up and donate.

Roger Fish - congratulated manager, staff & council on the parade. He commented on the donation of the old school bell as grand marshal and provided a brief history on the bell.

CONSENT AGENDA

- a. Approval of draft minutes for June 11, 2013
- b. Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- c. Tax Report for Month End June 2013 **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- d. 2012-2013 Powell Bill Map **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- e. Approval of Playground purchase **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- f. TND Land Development **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Christopher King made a motion to approve the Consent Agenda.
Motion Passed 4 - 1 with David Waddell opposing.

PUBLIC HEARINGS

None

BUSINESS ITEMS

- a. Preventative Technologies Water Line Upgrade - this item was added as a result of a motion made under Additions and Deletions

Mr. Fivas explained that Preventative Technologies requested the Town upgrade the water line construction plans from a 6 inch pipe to an 8 inch pipe, agreeing to pay all the costs associated with this upgrade. The Town Attorney has prepared an Agreement and an amendment to the current Capital Project Ordinance for Council's consideration and approval.

Christopher King made a motion to approve the Agreement and the amended Capital Project Ordinance.

Motion Passed 4 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

- b. Council consideration for approval of Municipal Code

Mr. Fivas explained that our current Code of Ordinances is outdated. He advised that a proposal has been submitted for Council consideration and approval for the updates and should Council wish to have it available on line staff will provide the additional costing involved once the Codes have been updated.

Christopher King made a motion to approve item 9b Council consideration for approval of Municipal Code.

Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

- c. Discuss conducting a forensic audit for the last seven years - this item was requested by Council Member Waddell

Mr. Waddell read a statement explaining why he requested this item. Council and the Town Manager had a lengthy discussion on this subject. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES).**

David Waddell made a motion to approve moving forward with the process before we determine what to do next in regards to conducting a forensic audit

Motion Failed 4 - 1 with Robert Allen, Darlene Luther, Christopher King, and David Cohn opposing.

- d. Council consideration for approval of Permit for use at public exhibition under § 14-413

Mr. Fivas explained that the Union County Fire Marshall requires Council approval of a Temporary Use Permit issued to Banshee Productions for pyrotechnics to be used in filming on July 30th & 31st at the Hanson Brick facility.

Robert Allen made a motion to approve the Temporary Use Permit for use at public exhibition under § 14-413

Council voted unanimously in favor of the motion.

DISCUSSION ITEMS

- a. Law Enforcement Assessment

Mr. Fivas advised that he is looking for direction from the Council on how to proceed with this approved budget item starting with when Council would like to start this process.

Christopher King made a motion to approve beginning Law Enforcement Assessment process immediately.

Council voted unanimously in favor of the motion.

Mr. Fivas requested clarification of how Council wants the process to move forward: should the RFP be prepared by staff, Council or contract with a firm?

Robert Allen made a motion to approve staff coming up with a shell of an RFP providing key take away items, enabling Council to fill in the blanks so their scope is being executed.

Motion Passed 4 - 1 with David Waddell opposing.

Mr. Fivas advised once the RFP is Council approved, staff will send it out across the country; get bids, after Council review bids how do you want to move forward? Council can interview the firms and decide which firm to hire, staff can narrow it down or the Public Safety Committee can narrow it down.

Robert Allen made a motion to approve review responding firms on RFP and Council is decision makers. Council voted unanimously in favor of the motion.

Mr. Fivas advised the next element would be to put together an agreement on scope of work and inquired Council's preference on who will write the agreement.

Christopher King made a motion to approve holding a special meeting with the Public Safety Committee to discuss the scope of work on the agreement for the Law Enforcement Assessment. Council voted unanimously in favor of the motion.

b. Old Monroe Road widening update

Mr. Fivas explained that we have two options on this project: NCDOT wants to explore the option of partnering with us so they can do it all as one project; or we can simply apply the funds from the bond approved by the residents and widen the section we had discussed. Council had a lengthy discussion on this, with Mr. Fivas suggesting that he and the Town Engineer set up a meeting with the NCDOT people in Raleigh then come back to Council with the results of that conversation.

c. Comprehensive Plan update

Ms. DeHart explained the steps staff has taken to date to get input from the community, along with the steps taken with the firm handling the Plan. Ms. DeHart advised the future workshops and community involvement that is scheduled inviting Council to attend as well.

d. Entertainment District

Mr. Fivas explained this pertains to an entertainment and shopping district, advising that there was conversation during the budget process of developing an overlay district or trying to facilitate those districts in an area and inquired if council wanted to move forward or wait. Council had some discussion on this with Mr. Fivas suggesting that staff provide Council with some ideas on what the steps are and how, if feasible, it can be incorporated into the Comprehensive Plan.

e. US-74 Beautification - this matter was requested by Council Member Luther

Ms. Luther referred to the new roses and lily's that are located on Highway 74 as you enter and leave Matthews and suggested that Council consider doing the same thing in Indian Trail. It enables the drivers to be aware that they have entered into a new area that takes pride in its presentation.

Mr. Fivas advised there is a process for this, we can design a plan for Council to review, modify and/or approve then we can submit to NCDOT for approval.

Robert Allen made a motion to approve staff creating and submitting a plan to Council for their input. Council voted unanimously in favor of the motion.

f. Videotaping Council Meetings - this matter was requested by Council Member Luther

Mr. Fivas advised he provided several options on the memo submitted for this matter and Council had a discussion on the pros and cons of videoing the Council meetings.

Robert Allen made a motion to approve Option 3

Motion Passed 3 - 2 with Christopher King, and David Cohn opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD).**

MANAGERS REPORT

None

COUNCIL COMMENTS

None

CLOSED SESSION

Christopher King made a motion NCGS 143-318 11 (a)4 to discuss matters relating to the location or expansion of business in the area served by this body

NCGS 143-318 11(a)6 to consider the qualifications, competence, performance, condition of public officer or employee or prospective public officer or employee - to hear or investigate a complaint charge or grievance by or against a public officer or employee.

Council voted unanimously in favor of the motion.

Christopher King made a motion to approve going back into Open Session

Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve amend the extension of severance employment agreement for the Town Manager, Joe Fivas from 9 months to 16 months.

Motion Passed 3 - 2 with David Cohn, and David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

ADJOURN

Christopher King made a motion to adjourn
Motion Passed 4 - 1 with David Cohn opposing.

APPROVED:

Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk