



Town of Indian Trail
Minutes of Town Council

March 22, 2011

Civic Building

6:30 P.M.

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Robert Allen, Gary D'Onofrio, Jeffrey Goodall, John Hullinger, and Darlene Luther.

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Town Clerk Peggy Piontek, Finance Director Marsha Sutton, Town Engineer Scott Kaufhold, Tax Collector Janice Cook, Economic Development Coordinator Kelly Barnhart and Events Coordinator Rebecca Jones.

Press/Media: Marty Mitchen of the Charlotte Observer, Jillian Leamy of the Enquirer Journal

CALL MEETING TO ORDER

Mayor Quinn called the meeting to order, read a passage and lead the Pledge of Allegiance.

PRESENTATIONS

There were no presentations for this meeting

ADDITIONS AND DELETIONS

Darlene Luther made a motion adding as item 9d an update from Mayor Quinn on the recent MUMPO meeting and discussions with Barry Moose.

Council voted unanimously in favor of the motion.

Mr. Goodall recognized former Mayor Sandy Moore and Council Member Shirley Howe and welcomed them to the meeting.

MOTION TO APPROVE AGENDA

Gary D'Onofrio made a motion to approve the agenda as modified.

Council voted unanimously in favor of the motion.

CONSENT AGENDA

- a. Approval of February 22, 2011 minutes
- b. Approval of March 8, 2011 minutes
- c. Reappointment of Wesley Hinson to the ABC Board

John Hullinger made a motion pull the minutes from March 8, 2011 for discussion.

Council voted unanimously in favor of the motion.

Council requested that a modification be made on page three of the minutes.

John Hullinger made a motion to approve March 8, 2011 minutes as modified.

Council voted unanimously in favor of the motion.

Jeffrey Goodall made a motion to approve the Consent Agenda.

Council voted unanimously in favor of the motion.

SWEARING IN OF NEWLY APPOINTED COMMITTEE MEMBERS

The Town Clerk sworn in the following people as Committee Members: John Shelton for the Transportation Committee, Michael Rohleder and Nydia Morales for the Park, Tree and Greenway Committee, Larry Miller for the Stormwater Committee and Wesley Hinson for the ABC Board.

Mayor Quinn announced that the Town is still looking for volunteers for the Transportation Advisory Committee, Stormwater Committee, Park Trees & Greenway Committee, Planning Board and Board of

Adjustment; applications can be found at the back of the room. The town-wide survey results will be presented at the United Methodist Church across the street at 7 pm on Thursday; everyone is invited to hear the results.

PUBLIC COMMENTS

Sandy Moore, 4900 Pioneer Lane, Indian Trail, NC stated that the continued ramblings of Mayor Quinn with regards to alleged secrets, backdoor deals and money under the table has grown tiresome. She referred to a letter from Mayor Quinn dated November 8, 2010, just days after the former Town Manager passed away. The former Town Manager is unable to defend himself, is there laws to protect the deceased, if not there should be. Did the Mayor make an effort to talk to the former Town Manager; he certainly hasn't talked to me. What can possibly be gained by badgering a dead man? The Mayor has made no contact with me over the past 18 months while his theories about me. His supporters in the media, both newspaper and radio have never called me for a statement or opinion, yet he's allowed to continue. I am a private citizen and wish for John Quinn to leave me alone. It has never been a duty of any of Indian Trail's staff member to provide a car to me for parades. I took care of it myself; my husband and I picked up the car, cleaned it, put gas in it and returned it to the dealership. For the life of me I don't understand Quinn's behavior and his emails regarding cars and parades. She referred to an email from Council Member Hullinger to Mayor Quinn dated November 4, 2010 subject line is Christmas Parade where Mr. Hullinger states: come on man this type of banter will not solve anything and honestly looks childish to me. As for incentives to business, yes, please continue to foster relationships, Indian Trail has done it before, it shows faith in the future on both sides and visionary's know the difference. The proposed incentive for Stone Theatre is a step in the right direction. Look at the millions of dollars spent on the entertainment industry, why not be a part of it. Shame on you John Quinn for your recent published statement regarding the theatre, as a taxpayer I fully support the initiative for a state of the art movie theatre, bring it on.

Kevin R. Mays, 2007 Cadberry Court, Indian Trail, NC was there to invite all of the Council to an event that is being hosted for Spring Break for their children from Sun Valley Middle and High Schools. He was at Town Hall on Monday inquiring if he could have the Council's support to come to this venue. He has received the support from Lieutenant Coble that he is going to send some of his deputy's over there and is still waiting to hear a reply from the Council so he can report it back to his HOA. He has just been designated as the Social Committee Director, as such he's asking for the Council's support in these ventures. He has had block parties before and has sent out emails to each and every one of you to attend and is still waiting for a reply. He will continue to send invitations out to them until they come. We look forward to all or some of them coming to participate and to hear from them personally and meet the people that live in his section of Holly Park.

Mr. Allen requested the dates and times. Mr. Mays replied April 17th through April 24th. In addition to the events, we are having a car wash for the deputy's from 11 am to 1 pm on Monday the 18th, there's a

car wash planed on the 20th for Indian Trail city official vehicles and Friday (tentatively scheduled) is for the Fire Department. It's just something for the kids to meet some of you and the deputy's in a different perspective. It might inspire them to be firemen as well.

Roger Fish, 11001 Magna Court, Indian Trail, NC advised that the Union County Neighborhood Leaders Forum is having its annual spring conference on April 2nd at the Hartis Grove Baptist Church. This is being held for Homeowners Associations and leaders who are interested in being active in their communities. The program this year will address legislative legal issues that are affecting HOA's, advising there are at least 2 Bills in the Legislature that could affect HOA's. There will be two lawyers presenting the issues. Mr. Fish advised there will be a grand prize for a spring make over to increase the value of homes in communities. They have teamed up with affiliate members who are landscapers, Wal Mart and Lowes Home Improvement and others to get products to make over an entrance way or other common area in a community, valued at \$5,000, you may enter up to the day of the event April 2nd, there is information and applications with the Forum and presented a flyer. He advised he will send all the information to our Public Information Officer Rebecca and invited everyone to attend and will provide a table to exhibit your services to clients.

PUBLIC HEARINGS

a. Economic Development Incentive

To consider the provision of economic development incentives pursuant to G.S. 158-7.1. The Indian Trail Town Council intends to consider an incentive grant to Stone Theaters in a total amount not to exceed \$30,000 for the purpose of a traffic study. This matter was advertised in the Enquirer Journal on March 8, 2011

Mr. Fivas advised that Mr. Stone requested that the Council consider an economic development incentive. There have been discussions with the Stone Theatre Group and Mr. Merritt has researched the matter ensuring that we have followed the North Carolina Statutes. One question that may come up is the issue of making sure that the town is protected in case there is not some level of follow through with Stone Theatre, so a provision has been placed that if they do not a certain level of investment in a certain amount of time that all the funds be repaid to the Town. The other issue is that its state the total is "not to exceed \$30,000"; as a result of additional research the sum could be approximately \$15,000. Mr. Fivas advised he feels this is a great opportunity for the public to come and discuss their support or concerns on this matter.

Mayor Quinn opened and closed the public comments portion of the hearing as no one had signed up to speak.

The Council had a lengthy discussion on this matter with each member advising whether they support it or not and why.

Mr. Hullinger did not support it because he does not feel taxpayer money is not his to give away and should not be used for an incentive to a private entity. Mr. Allen stated that he did support it because we are doing something to encourage businesses and citing the value of the investment and new job opportunities for the town.

Mayor Quinn stated this project had already been announced, an incentive implies an inducement, and inquired if this incentive was discussed at the beginning and just now being brought forward or is this something that just came up? Mr. Fivas replied they would have to answer that for themselves. Mayor Quinn inquired why they were not here. Mr. Fivas replied you would have to ask them. Mayor Quinn asked if the DOT requires these studies on a project of this magnitude. Mr. Fivas replied yes.

Mr. Goodall did support it and feels that most of the residents in his community would as well, even up to an amount double this as we will receive so much in return for this investment; which is exactly what he feels this is an investment in the future of Indian Trail. This is something that is practiced State wide by many municipalities to encourage and bring more business to their communities.

Ms. Luther stated she did support this because things have slowed down, as is common, and by doing this it keeps things moving forward, showing an act of good faith to enable the project to stay here in Indian Trail. Just because something is announced and the plans are there it does not make it a given, citing the Downtown project as an example.

Mayor Quinn stated he agrees with Mr. Hullinger that government should not be subsidizing private business, unless there is a clear benefit to the citizens in that partnership. He cited Pineville as a municipality that has a large commercial base and their taxes more than double our taxes. He believes it is a myth that economic development will lower homeowner taxes.

Mr. D'Onofrio did support it because it has been his experience that the citizens are generally excited about something nice coming to Indian Trail and are very supportive of the project. What they do not want to hear is more excuses why it didn't happen.

BUSINESS ITEMS

a. Recommendation for Bond Counsel

Mr. Fivas advised pursuant to Council direction, staff has been interviewing Bond Counsel firms. He explained that staff would find it helpful to have them on board to direct us through a bond process should Council want to go in that direction. Although all firms interviewed were highly competent and would do the work, he introduced Mr. Leo & Mr. Jubee from the firm Parker Poe and both he and the Finance Director feel they would be the best fit for the community.

Jeffrey Goodall made a motion to approve the recommendation for selecting Parker Poe Law Firm as the Town of Indian Trail's Bond Council

Council voted unanimously in favor of the motion.

Mr. Fivas introduced Scott Leo of Parker Poe. Mr. Leo stated he is excited about working with the Town.

b. Consideration of Economic Development Agreement

Mr. Fivas advised this is the agreement drawn by Mr. Merritt between the Town and Stone Theatres. They have informed Ms. Barnhart that they have reviewed the agreement and have no issues with it. He explained that this agreement sets out a pathway for us to go forward. The most important component of this agreement is if the terms are not met an investment of over \$12,000,000 and open for business by July 1, 2012, they will have to repay the funds given.

Mr. Merritt asked that if the agreement is approved the Manager be given the authority to fill in the couple of blanks on the agreement, both are located on page 1. Needed to include is what type of corporate structure Stone Theatre Group and what state holds its incorporation; the second blank is the number of jobs that are anticipated at the facility. Mr. Merritt stated that by approve the agreement Council would also be giving Mr. Fivas permission to fill in those blanks.

Jeffrey Goodall made a motion to approve Economic Development Agreement between Stone Theatre Group and the Town of Indian Trail

Motion Passed 4 - 1 with John Hullinger opposing.

c. Davenport Lawrence Agreement

Mr. Fivas advised this firm specializes in support services for local governments such as utility franchise agreements to analyze if we are getting our fair share of funds from them. The reality is that with the annexations in the last ten years and our jurisdictional boundaries changing they come in and make sure we are getting paid what we should. We will not be spending any funds up front; they will receive a commission on funds they collect. The benefit is the initial find that they have and moving forward we will have a better understanding and will recoup over a long term time on people who are paying the franchise fee.

Jeffrey Goodall made a motion to approve the service agreement between Davenport Lawrence and the Town of Indian Trail.

Council voted unanimously in favor of the motion.

d. Update from Mayor Quinn on MUMPO meeting and discussions with Barry Moose.

Mayor Quinn provided some history. He referred to a LRTP project on Rea Road advising that there was some reluctance by MUMPO delegates, as well as citizens of Weddington speaking against the project. The vote was to put it off and bring it before the TCC for recommendation before visiting it again in a special meeting that's being called for April 27th at 9:00 a.m. in the Government Center. He is looking for direction from Council on how to proceed at that meeting. The cost of the project has escalated from \$2,500,000 to \$7,500,000. Mayor Quinn said that he discussed this with Barry Moose and was told that while it wasn't as important a priority, it might have been before Providence Road had been widened. He also received a call from Dumont Clark, the MUMPO Representative for Charlotte seeking support for their \$25,000,000 Grant Project to start a street car for 1.5 miles. This is part of a long range plan to start a street car from Charlotte to UNCC; the general feel from people who have commented on it is that they do not support this. The delegates were asked to vote on changing it on the priority list, no funds were required so it passed. Mayor Quinn advised that Mr. Kaufhold appeared before the MUMPO delegates and requested that the \$25,000 designated for Indian Trail for the Indian Trail, Stallings and Matthews Long Range Regional Transportation Plan (LR RTP) be reallocated so Indian Trail can perform its own traffic study and was approved. Mayor Quinn advised he did call Barry Moose and was advised that Mr. Moose is working on the Old Monroe Road issue and it looks promising. Mr. Moose informed Mayor Quinn that Old Monroe Road has been identified as the number two sub regional project in importance and that he would stand with us in selling that to MUMPO. Mr. Moose feels that the State funds may be increased to \$45,000,000 (total with all the parties involved). Ms. Luther clarified that the \$25,000 for the LR RTP has now been delegated to Indian Trail. Mayor Quinn replied yes, there is a \$5,000 match as opposed to the original \$25,000.

DISCUSSION ITEMS

a. Finalize discussion items with County Board of Commissioners

Mr. Fivas read the questions he had prepared as a result of the conversations and direction from Council at the last meeting. There was a general discussion amongst Council where some of them were tweaked and mildly revised, resulting in the following:

Mr. D'Onofrio reiterated that he feels there should be some agreement on what the next step is between the County and us. How do we go about applying the ideas or suggestions that will be made? He wants us to follow through with this discussion as opposed to what happened the last time they met.

b. Business Retention Program

Ms. Barnhardt advised that she created this program and presented to Council the purpose and benefits of it. Ms. Barnhardt explained why it's important to retain the businesses we have, the long term and short term objectives of the program, the steps to implementing the program, creating business recruiting tools, the importance of reaching out to our businesses with visits, having a Business Forum, creating a Business Owner's Advisory Committee, having a business development team, to create and

implement an incentive policy, Business Hall of Fame, a Business Appreciation Program and to offer site selection services.

The Council was very encouraging and supportive of this program.

MANAGER'S REPORT

Mr. Fivas announced that the survey will be coming out and staff will have substantial color copies for the Council. As soon as we get them on Thursday we will try and get them to you, although the consultant will not be landing until late afternoon and will need to drive here. He provided an update on the progress of Crossing Paths Park and congratulated the Town's Events Coordinator Rebecca Jones and her team on the good work they have been doing on scheduling the various events to be held in the park.

PLANNING REPORT

Ms. DeHart had nothing to report

ENGINEERS REPORT

Mr. Kaufhold had nothing to report.

COUNCIL COMMENTS

Mr. Goodall and Mr. D'Onofrio had nothing to report.

Ms. Luther discussed the Indian Bust and appreciates the work that the Arts and Historical Society has done.

Mr. Hullinger called upon the Indian Trail citizens to email and call your representatives to get them to support Indian Trail roads getting some of the State and Federal dollars for improvement.

Mayor Quinn will be happy to pass the email address to the MUMPO Representative in Charlotte. He's encouraged about the road project. He went onto provide his thoughts on the survey and its history, he believes the part pertaining to law enforcement is bogus and fraudulent it makes his blood boil and advised he will not be attending this sham of a survey with regard to law enforcement.

Mr. Allen commented that Indian Trail has many good things happening and requested that the citizens do not let that get lost in Mayor Quinn's comments. The public safety portion of the survey represents about 1% of the survey, it's all very informative and useful and he is looking forward to finding out the results at the same time the citizens do. He thanked the Historical Society for the good work and progress and to please let him know if there's anything he can do to assist.

CLOSED SESSION

There were no closed session items to discuss

ADJOURN

Jeffrey Goodall made a motion to adjourn
Motion Passed 4 - 1 with John Hullinger opposing.

APPROVED: _____

John J. Quinn, Mayor

Attest: _____

Peggy Piontek, Town Clerk



DRAFT