



Town of Indian Trail
Minutes of Town Council
October 12, 2010
Civic Building
7:00 P.M.

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Robert Allen, Jeffrey Goodall, John Hullinger, and Darlene Luther.

Absent Members: Gary D'Onofrio.

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Town Clerk Peggy Piontek, Finance Director Marsha Sutton, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, Senior Planner Katie Reeves, Adam McLamb Engineering, and Marty Mitchen of the Charlotte Observer.

CALL MEETING TO ORDER

_Mayor Quinn announced Family Fun Day Event

ADDITIONS AND DELETIONS

Jeffrey Goodall made a motion adding a presentation by the Indian Trail Arts & Historical Society as business item 6c.

Council voted unanimously in favor of the motion.

Mr. D'Onofrio was announced absent by Mayor Quinn.

Jeffrey Goodall made a motion adding Indian Trail Park alternative bid as business item 6d. Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Jeffrey Goodall made a motion to approve the agenda. Council voted unanimously in favor of the motion.

PUBLIC COMMENTS

Christine Tramuntano. 4717 Pioneer Lane, Indian Trail, NC spoke about her displeasure with responses she experienced with Code Enforcement and the Sheriff's Office about her cat being attacked by a neighbors dog. Ms. Tranumtano requested code specific for animals that are dangerous be considered, as she feels the ones in existence are archaic.

Maureen Mulhall, 533 Raintree Drive, Matthews, NC advised that she is concerned about the comments made about Crossing Paths Park at the 9/28 meeting. She provided reasons why the park is in a good location for the Town of Indian Trail.

Chad Hannon, 1308 Independence Blvd., Indian Trail, NC advised he is in support of Crossing Paths Park. He provided his reasons why this park is a good idea and a good location.

CONSENT AGENDA

- a. Tax Report - Month end for September 2010 **(Copy attached hereto and made a part of these minutes.)**
- b. September 28, 2010 minutes
- c. Sediment and Erosion Control Policy **(Copy attached hereto and made a part of these minutes.)**
- d. Brook Valley Street Acceptance **(Copy attached hereto and made a part of these minutes.)**

Mayor Quinn requested a motion to pull the September 28, 2010 minutes from the Consent Agenda for further discussion.

John Hullinger made a motion pulling September 28, 2010 minutes from the Consent Agenda for further discussion. Council voted unanimously in favor of the motion.

Mayor Quinn pointed out on page 4, 6th paragraph, the last five words *(but changes behind the scenes)*, be deleted.

Jeffrey Goodall made a motion the Consent Agenda with the last 5 words deleted from the minutes of September 28, 2010 meeting on page 4, 6th paragraph. Council voted unanimously in favor of the motion.

John Hullinger made a motion to approve the September 28, 2010 minutes as modified.

Council voted unanimously in favor of the motion.

John Hullinger made a motion to approve the Consent Agenda.

Council voted unanimously in favor of the motion.

BUSINESS ITEMS

a. County Request for Urban Forestry Agreement

Mr. Fivas advised the County Manager contacted the Town and asked for an agreement to put us in a partnership within the County to help fund the Forester program. Mr. Fivas went on to explain how the Town of Indian Trail benefits from the use of this program. He provided 3 options - 1) agree with the document provided. 2) take no action. 3) going to County and working an arrangement as a contract employee.

Mayor questions if the total changes if the other towns do not participate. Mr. Fivas advised no the amount does not change and explained his conversation with the Interim County Manager.

Jeffrey Goodall made a motion have the Town Manager speak with the Union County Representative about a per hour cost for the services of an Urban Forester for the coming year. Offering him to divide \$60,671.00 by 2080 hours, which is the standard government hour in a year for a fee.

Council voted unanimously in favor of the motion.

b. Closed Session Policy

Mr. Fivas provided the history of this matter, advising staff has provided the revisions requested by Council at the September 28, 2010 meeting. Council discussed reviewing minutes of meetings that occurred before they were elected.

John Hullinger made a motion to approve Closed Session Policy as revised.

Mayor Quinn requested being able to review Closed Session Minutes from 2006 and 2007.

Council voted unanimously in favor of the motion. **(Copy attached hereto and made a part of these minutes.)**

Mr. Goodall momentarily left the Council table.

John Hullinger made a motion suspending rules and add item 6b1.

Motion tied 2 - 2 with Robert Allen, and Darlene Luther opposing.

Mayor Quinn broke the tie and voted in favor of suspending the rules.

b1. Discussion of Closed Session Policy and allowing the Mayor to review the Closed Session Minutes from 2006 and 2007

John Hullinger made a motion allowing Mayor Quinn to review the Closed Session minutes for years 2006 and 2007 with Mr. Fivas.

Motion Failed 3 - 1 with Robert Allen, Jeffrey Goodall, and Darlene Luther opposing.

Council took a brief break.

Council returned from break.

6c Indian Trail Art & Historical Society Presentation

_This item was added as a result of a motion in item 3

Mr. Fivas provided summary on how this matter came about.

Ed Dubios, Parks Tree & Greenway Committee member advised the Indian Trail Arts & Historical society presented a historically accurate Indian believed to have existed. Mr. Lemmon & Mr. Moore advised that a bronze bust on a pedestal would be a perfect opportunity to put in the park along with a walk of history throughout the park so visitors can learn the Town's history.. The Indian Trail Arts & Historical Society has raised quite a bit of money and will assist in fund raising efforts to fund this addition. The Committee voted unanimously in favor of the idea of presenting to the Council.

Roger Fish is the Vice Chairman of the Parks Tree & Greenway and is also on the Indian Trail Arts & Historical Society. He advised that the Master Park Plan would encourage an appreciation of nature and conservation and a healthy and safe quality of life for all ages. It also calls for partnerships to connect our heritage with our future through the preservation of local history and culture. It's intended as a bridging. He is concerned that old timers and new comers were in danger of losing a sense of place. Mr. Fish provided history on the matter.

Don Moore a member of the Arts & Historical Society, advising they are looking for a home for the Centennial capsule and thought the park would be an excellent choice. Mr. Moore provided history on the Indians that settled here. Mr. Moore proposed a pedestal approximately five feet in height, selected stone which is being donated but the mason will need to be paid. This project is approximately 75% funded, the capsule has been purchased and they are looking for items to put into the capsule. The estimated cost for completion of the bust and the labor to do the base is \$9,700.00.

Steve Hauser wanted Council to understand the legitimacy of Indian Trail. He provided the history on how they found the image of the Indian. Mr. Hauser discussed gold mining, trains, the effects of the Civil War, incorporation of the Town and the impact of all wars on Indian Trail Mr. Hauser advised they are seeking permission for this project to be a part of the Crossing Paths Park.

Mr. Fish advised that the Society has raised most of the funding for this project, so they are asking for Council to consider putting it into this location and if there is the possibility of any additional funding or if the endorsement would be available from the Town then the Society could use that approval to seek its own additional funding for the project.

Mr. Goodall asked Mr. Fivas if there is anything to prohibit their organization to the Town's website. Can they be mentioned on our face book page? Mr. Fivas advised absolutely. He also requested that Lilly's Auction House and the Post Office get historical site confirmation.

There was discussion about its location in the park.

Jeffrey Goodall made a motion the Town of Indian Trail endorses the proposal from Indian Trail Arts & Historical Society, approve the location of the memorial portion as presented and we assist in advertising their efforts any way that is legally possible and to give the Indian Trail Arts & Historical Society \$2,500.00 for the project. Council voted unanimously in favor of the motion.

6d Indian Trail Park bid alternative

This item was added as a result of a motion in item 3

Mr. Fivas advised that at a previous meeting we discussed additional provisions, but no decision was made and he is requesting Council direction. Those discussions included: asphalt overlay on Blythe Drive, a vertical concrete curb along the side where the railroad track is to have curbs on both sides of the road which will cost just over \$18,000 and finally an eight foot sidewalk for an approximate feel of \$1,700, money has already been allocated in this year's budget.

Jeffrey Goodall made a motion to approve eight foot sidewalks, resurfacing roads and double curbs. Motion Passed 3 - 1 with John Hullinger opposing.

DISCUSSION ITEMS

a. Strategic Transportation Capital Improvements

Mr. Fivas advised the purpose for this matter is because staff is starting to look at next year's budget. We need this information to have dialogue on what are the decisions we can make on transportation so we can prepare an accurate budget. He is presenting for Council to think about, put it on an upcoming agenda for Council consideration.

Mr. Hullinger feels this should be brought up at the beginning of next year. Mr. Goodall suggests using this topic as part of the survey. Ms. Luther advised she would like to start the process and have discussions on this and suggested we have a representative from Public Works and discuss water/sewer as this has an impact on economic development.

b. North Carolina Parks & Recreation Trust Fund Grant

Mr. Fivas advised the North Carolina Parks & Recreation Trust Fund Grant can be considered and is due by January 31, 2011. This is a matching grant up to \$500,000 and Mr. Fivas is looking for direction from Council if staff should move forward to obtain matching funds for a project.

John Hullinger made a motion to approve having staff pursue applying for the North Carolina Parks & Recreation Trust Fund Grant.

Council voted unanimously in favor of the motion.

MANAGER'S REPORT

a. Chestnut Connector Update

Mr. Fivas provided an update and advised he is following through with Councils request to get an indication when the Chestnut Connector would be four lane limited access highway in writing from NCDOT. Mr. Fivas, Mr. Kaufhold had a meeting yesterday with Mr. Moose from NCDOT. Mr. Moose advised that all of his traffic engineers agree it should be a four lane facility immediately and believe they are close to have funding available to get it done. Staff asked if it could be in writing. NCDOT would be able to write the letter but is not able to provide a guarantee; they do have the research and funds available to build a four lane facility.

Mayor Quinn inquired about a meeting scheduled with NCDOT for September 18th. Mr. Fivas explained the meeting that Mayor Quinn referred to pertains to an email received from Stallings about sitting down with them and DOT and discuss the project. Mr. Fivas inquired if Council feels staff should pursue this conversation and requested direction. Council had a lengthy conversation about this resulting in Old Monroe Road should be the top priority. Mr. Fivas requested Council to clarify, does Council want staff to go and sit down with Stallings and NCDOT to discuss the Chestnut Connector? Mr. Fivas requested Council advise if NCDOT is not willing to apply the funds to Old Monroe Road, then what is our position. We need to leave ourselves options for what is best for our community.

Mr. Fivas feels that financing is the issue with Old Monroe Road and asked Council if we want to partner and come up with a financing strategy and do what needs to be done, we need to be ready to partner with the State and any other parties willing to participate. His recommendation is that we should go to the meeting with Stallings and NCDOT and convey that Old Monroe Road is our priority. Should NCDOT reply Chestnut Connector take it or leave it, staff will get back to you.

John Hullinger made a motion to approve going to the meeting tell them we're excited about Old Monroe Road, less excited about the Chestnut Connector.

Motion Passed 3 - 1 with Jeffrey Goodall opposing.

b. Crossing Paths Park Groundbreaking Ceremony

Mr. Fivas informed Council that there will be a groundbreaking ceremony at 10:15 a.m. on Saturday, October 16th, hoping that everyone will join in, the Parks Committee and Rotary has been invited as well.

PLANNING REPORT

There was no planning report.

ENGINEERS REPORT

There was no engineers report.

COUNCIL COMMENTS

Mayor Quinn advised he liked the presentation from the Indian Trail Arts & Historical Society for the park. He feels the comment made during the presentation "looking back is important in order to determine where we are going in the future" should pertain to our history in Town Hall. How things have been done and he thinks the decision of the Council to employ anti-open government policy and deny Elected Officials, who happen to be in the minority or whose opinions they happen not to agree with or dislike personally, to deny them access to information they were elected to be able to be able to access has become typical for this Council and their history. He believes, in order to move forward as a Town Government, history is important and addressing issues that have resulted in policies that are now being made is important.

Mr. Hullinger had not comments.

Mr. Goodall thanked staff for all the work on Family Fun Day. He advised that Council has the easy job of just showing up without any thought about how it came about. Staff has done a great job this year and all the years' preceding. He wanted to acknowledge the hard work Ms. Piontek has done for the Town in the years she's been here to create such a wonderful event, all the while attending to her duties as Town Clerk. He invited everyone to come out and enjoy the day.

Ms. Luther thanks the Arts & Historical Society for their presentation. She responded to Mayor Quinn's comments about the action taken tonight by the Council about reviewing Closed Session minutes that took place prior to their term of office without the vote of the entire Council. She feels they did open it up to be more open. The Mayor can go back, without any consent from the Council, to review any Closed Session minutes he would like for the time that he has been the Mayor of Indian Trail. What she stands against is his request to go back to prior Councils where he was not the Mayor involved, and she believes that still is the right decision. She believes that Council is here to serve during the time they have been elected and that those issues during that period is what is relevant and what entitles them to review Closed Session minutes. She wanted to clarify this information amongst his inferences against the Council.

Mr. Allen wanted to know if the sketch of the Native American shown tonight is available for purchase, he would like to buy one. He expressed appreciation for all the research that went into it and looks forward to seeing it erected in the park. He also thanked everyone for their condolences on the passing of his father, it meant a lot to him, he was his hero and Mr. Allen will miss him.

CLOSED SESSION

John Hullinger made a motion to enter closed session NCGS 143-318.11(a)(3) To consider and give instructions concerning a judicial action titled Indian Trail vs. JCH Enterprises, Union County Superior Court.

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 properties identified at the prior council meeting for a park.

Council voted unanimously in favor of the motion.

Council took a brief break.
Council returned from break.

Robert Allen made a motion to approve entering back into Open Session
Council voted unanimously in favor of the motion.

Mr. Merritt advised that Council also discussed in Closed Session, property that identified to the Town as 143 acre track that has been provided by the Tyson Group for property located near Oakwood Lane in Indian Trail.

Mr. Goodall left meeting prior to adjourning.

Mayor Quinn advised that Council should feel free to say Mr. Mayor to be recognized, he does not always see hands raised.

ADJOURN

John Hullinger made a motion
Council voted unanimously in favor of the motion.

APPROVED: _____
John J. Quinn, Mayor

Attest: _____
Peggy Piontek, Town Clerk