



Town of **INDIAN TRAIL** north carolina

Town of Indian Trail
Minutes of Regular Council Mtg.
September 22, 2009
Civic Building
6:00 P.M.

The following members of the governing body were present:

Mayor: John J. Quinn

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

Absent Members: Dan Schallenkamp. Interim Town Manager Peggy Piontek.

Staff Members: Town Attorney Keith Merritt, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Finance Officer Marsha Sutton, Assistant to Town Manager Miriam Lowery, Senior Planner Katie Reeves, Planning Technician Hillary Pace, Interim Town Clerk Trena Sims, Marty Minchin of the Charlotte Observer, and Adam McLamb Engineering.

CALL MEETING TO ORDER

Mayor Quinn called the meeting to order. He noted that Councilman Schallenkamp is absent and the Town Attorney is not yet here.

PRESENTATIONS

John Hill - United States Postal Service

Mr. Hill provided a brief history of the zip code assignments, advising changing demographics can necessitate changes in zip code boundaries to achieve USPS objectives; he explained the zip code digit meaning; in the 2000 census Indian Trail had a population of 11,905 with 7,299 households, this data was used as part of the 20 year plan the postal service uses to build a current post office this year in Indian Trail. Today the population is 26,000+ and there are 12,834 households and businesses they deliver to; the postal service receives no federal funding, that is provided by sales and services of stamps. He addressed the amount of annexation done by Indian Trail during the last 9-10 years, advising voluntary or satellite annexation creates a huge problem for them. He explained there are 7 other municipalities in the general area that don't have a post office or zip code of their own, the following areas are delivered by Indian Trail:

Stallings, ranked 4th has 3 zip codes (pop. 11,331), Indian Trail, ranked 11th has 5 zip codes (pop. 26,010), Wesley Chapel, ranked 20th has requested a zip code and it was denied (pop. 4,793), Lake Park ranked 37th has 2 zip codes (pop. 3,203) Hemby Bridge, ranked 73rd get mail delivery from 1 zip code which is Indian Trail, Marvin ranked 8th (pop. 2,639), Mineral Springs ranked 26th (pop. 2,401) get mail delivery from 2 zip codes; they have their own post office but it is PO Box and retail only and was established by Congress prior to 1972 and they are unable to close it unless authorized by Congress, Waxhaw ranked 48th (pop. 3,788) has 2 zip codes and finally Weddington ranked 52nd (pop. 9,409) are delivered by 3 zip codes. Mr. Hill explained that he has gone through all the data on the Town, looks at all the maps and draws out where deliveries are actually coming from and why, then visits each post office to measure and determine size and what they can accept for additional growth. He advised with the 6.87% growth rate and the 20 year plan they had, we are now 2,000 over what was projected. They are aware the space is tight, but a national drive to close and consolidate post offices is being done to save money. The questions considered are related to whether proposed boundaries manageable. Indian Trail is spread out and to create a zip code boundary, they would have to go out and pull in a whole bunch of people that are currently getting delivery from somewhere else and give them an Indian Trail zip code. This would result in making us not cohesive or manageable, especially with the 7 other surrounding communities, all have requested their own zip code within the past 15 years. To accomplish a move for all residents to have an Indian Trail zip code would require moving the following people: Matthews zip code of 28104 would result in moving 2,121 addresses, Matthews zip code 28105 - 297 addresses, Monroe zip code - 2,938, Waxhaw zip code - 200; totaling 5,556 moves or creating an additional 9 routes for the post office here, 626 are businesses who would incur expenses for letterheads and notifying their customers. It would also require an immediate expansion of the present building by 8,012 square feet, not enough room on site to accomplish along with adequate parking facilities, to build a new post office without retail presence would cost approximately two million dollars, with retail presence 4.2 million dollars.

He advised that we have the ability to request the boundary change which entails everything above in addition to more. Once the boundary has been accomplished or rejected, additional requests to amend the boundary will not be reconsidered more frequently than every 10 years. Projects estimate that by 2013 there will be a total of households of 14,060. Mr. Hill asked for questions.

Ms. Howe commented it doesn't look good and Mr. Hill confirmed due to economic reasons she was correct. Ms. Howe advised that it's difficult to send mail outs as a result of so many zip codes, especially during election time it's important for voters. Mr. Hill advised that he is uncertain as to how Union County keeps up with their tax base, but anyone with an Indian Trail municode (additional 4 digits at end of zip code) should be permitted to vote in Indian Trail.

Mr. Goodall commented that the zip code/municode system was set up to get to the exact address efficiently and asked why does it matter what town name is on the envelope. Mr. Hill replied it matters because the name is assigned to the zip code, giving an example of Charlotte having 21 post offices; Mint Hill has no zip code and because of that the USPS can use different structures built into their organization allowing Mint Hill to use their name and 28227 zip codes. Indian Trail is another aspect, you have a zip code and the USPS can not allow any other town to use that zip code. The automation reads from the bottom up, starting with the zip code, then the town and if there is an error in any one of those it rejects it, it has to be manually sorted and sent to the proper town. Mr. Hill advised there is no practical way to accomplish what you want to do.

Mr. D'Onofrio commented that people have come here from all over the country and are confused, asking from a real estate perspective the problem is looking for a house in Indian Trail on line and you don't see any houses in Monroe. Mr. Hill advised that MLS listings are using the zip code boundaries, suggesting requesting MLS to change their process. Mr. D'Onofrio said there is also a property value reflection, towns are different and location is the most important thing, if that is not clearly defined you're not looking at what you think you're looking at or got something that perhaps is not as valuable as you originally thought. Mr. D'Onofrio advised that schools have Monroe addresses and that creates fundraising issues, which puts you in a position of trying to establish where the school actually is; the same situation with Cub Scouts. The biggest concern is that people have no sense of where they live. Mrs. D'Onofrio put the information on Union County Moms that Mr. Hill was going to be present at tonight's meeting; this resulted in six email responses and read them. Mr. D'Onofrio said these people don't know where they live, they think they live in Monroe and just pay taxes to Indian Trail, asking Mr. Hill if he believes these people will know where to vote? Mr. D'Onofrio advised we need to give these people some answers and asked Mr. Hill for suggestions. Mr. Hill advised that he has suggestions, but Mr. D'Onofrio will not like them, the reality is municipal and local governments are using the zip codes for something it's not supposed to be used for. The zip code is for a mailing address only, it has nothing to do with where you vote, go to school or anything else. As for correcting the situation you have, you will have to get with Union County Government and work with them to pull out the differences where you think they need to come from. The zip code, *again*, is nothing but the efficient and effective delivery of mail. Mr. D'Onofrio asked is it possible to get Indian Trail the name onto one mail using a different zip code number. Mr. Hill advised it's not possible without skewing the automation system. Mr. Hill provided some examples of other cities that have issues such as Boiling Springs. If we used the name and a different zip code our efficiency and service would go away. Mr. D'Onofrio commented that thinking about post offices, specifically Matthews, Waxhaw and Monroe, wondering if there is anyone that lives in Monroe that does not get their mail from the Monroe post office. Mr. Hill answered yes, there are a couple of instances of that, just about every zip code we have people will live in one town and get mail from another. If you come from a heavily populated area, the chances of this happening are slim. Zip Codes were set in 1963 and they continually monitor the zip codes, once you get to a certain level, they start taking action to adjust the zip code boundary or change it and when they do that they work with the local municipality to try and make sure we get everything we can to get the annexation in. Nine years ago when the Indian Trail office was opened, the town limits were smaller, with the expansion if we stopped and tried to change zip codes every time a town annexed you can imagine the problems we would have. Mr. D'Onofrio said we've had some unprecedented growth, more than doubling our population and asked that every 10 years what it we can petition for is. Mr. Hill replied a request for a boundary change can be made but if refused, you will have to wait another 10 years, unless the postal service changes it. It takes a letter from the municipality requesting a zip code boundary change to the District Manager. He advised that our possibility of getting it changed is close to none because of the economics we're in. The postal service will loose Two Billion Dollars this year and Indian Trail wants us to invest Two to Four Million Dollars so everyone can have a zip code here. From a business standpoint it is impractical. Mr. D'Onofrio expressed understanding of the finances, but suggested in the interest of the postal service business, they might want to consider the customer service they are providing to a large town. Mr. Hill advised it is not always possible to meet the needs of the customers. Mr. D'Onofrio asked if Mr. Hill could guide us on how to word a letter requesting a boundary change to ensure that it is strongly considered. Mr. Hill recommended going to the postal service website for guidelines that the postal service uses to consider such requests and he reiterated what process he has to go through in order for it to be considered.

Mayor Quinn confirmed the boundaries of Indian Trail on the map that Mr. Hill was showing. Mayor Quinn said: so you set up zip codes, then annexation, you look at that map of Indian Trail borders and it looks like an egg that was dropped on the ground and spread out in many directions. Mr. Hill confirmed he was correct and advised that's why the question is it concentrated manageable and that makes it not concentrated manageable because this (the map he has provided) is the administrative portion of the Indian Trail boundaries and before any changes can be made, if we deny it in the administrative portion then it will never get to the last step which is to survey every individual who would be involved in this change. This would include people who do and don't live in Indian Trail. However if we send that letter out, the majority response will indicate whether there a change is made.

Mayor Quinn said Mr. Hill made a great point and with all due respect he doesn't know if it's worth continuing with this line, any change that might be significant would happen at the local municipal level. Mr. Hill confirmed he was correct and that would be working with the County government, if they are going to use the zip code then they need to give you an opportunity to say where your town limits are and this is what we need to work from, even though it's got a Monroe mailing address it needs to be identified as Indian Trail. If we were to give you a zip code and tell your neighboring cities they don't have a zip code it creates unrest, they are not happy about not having a zip code as it stands. You are going to create a lot more community unrest, we do follow local politics in the areas and we're familiar with some of the items that are taking place.

Mr. Hullinger inquired if Mr. Hill has a summary of what he presented tonight that we could post on our website to get the information out to our residents, perhaps even a map that will show us if someone wants this information. Mr. Hill advised he can work with out GIS staff member and set something up to put on your website to show the delivery boundaries and he can prepare a summary for the Town and send it to us. Mr. Hill advised the postal service is going to pure automation in January/February 2010, adding another machine to sort "flats" magazines and larger items. If that happens it will do away with half of their clerk staff, explaining they are doing everything they can to cut costs and get mail out. Each year they pick up another 1.52 million new delivery points that has to be added to the system. He advised the postal service will do everything they can to work with the Town, but they can not bend and bow. He advised if he had to send a request for our boundary change forward right now he would recommend denial based on all the factors and what it would cost to move 5,000 people as it would generate another 9 delivery routes to go in, along with the equipment, training, transportation networks.

Mr. D'Onofrio inquired where we would file the petition if we choose to do that. Mr. Hill responded that we should send a letter requesting zip code boundary review to the District Manager, 2901 Scott Futrell Drive, Charlotte, NC 28228.

Mayor Quinn announced there are hand sanitizers for public use. He also announced that the candidate forum will be held on October 6th at 7:00p.m. at Sun Valley High School auditorium. Index cards will be available at the forum to write down questions for the candidates, it is being hosted by the League of Women Voters and flyers can be found in the back of the room tonight.

Mayor Quinn advised that the Council will hold a Closed Session meeting on September 30th at 6:00 p.m. to discuss the Town Manager search; it will not be open to the public.

ADDITIONS AND DELETIONS

Shirley Howe made a motion to approve addition of street acceptance in Taylor Glenn Phase II to Consent Agenda as item 5d.

Council voted unanimously in favor of the motion.

Gary D'Onofrio made a motion to approve delete Item 8a the Austin Village sidewalk project from the agenda.

Council voted unanimously in favor of the motion.

John Hullinger made a motion to approve deleting item 6a request for emails.

Mr. Hullinger stated this is a matter between Mayor Quinn, Ms. Howe and the Town Attorney.

Ms. Howe stated that she does not feel it should be removed because Mr. Merritt's taken care of it, it's all been done publicly and there's no sense in changing it now.

Mr. D'Onofrio inquired if Council action is necessary for this matter.

Motion Failed 3 - 1 with Gary D'Onofrio, Jeff Goodall, and Shirley Howe opposing.

MOTION TO APPROVE AGENDA

Jeff Goodall made a motion to approve Agenda.

Motion Passed 3 - 1 with John Hullinger opposing.

CONSENT AGENDA

- a. Budget Amendment - Resurfacing Contract Appropriation (**COPY OF THE BUDGET AMENDMENT CAN BE FOUND ON FILE WITH THE FINANCE OFFICER**)
- b. MSLR for Old Monroe Road (**COPY IS ATTACHED HERETO AND MADE A PART OF THESE MINUTES.**)
- c. Resolution Opposing Duke Power Proposed Rate Increases(**COPY IS ATTACHED HERETO AND MADE A PART OF THESE MINUTES.**)
- d. Street acceptance in Taylor Glenn Phase II. (*this matter was added as a result of a motion made in item 3*) (**COPY IS ATTACHED HERETO AND MADE A PART OF THESE MINUTES.**)

Shirley Howe made a motion to approve Consent Agenda

Council voted unanimously in favor of the motion.

OLD BUSINESS

Request for E-mails

Council Member Howe advised she is waiting for Mayor Quinn to provide the Town Attorney the original emails without them being pasted and cut. Mayor replied this question was asked and answered, everything

Ms. Howe requested was given to her. Ms. Howe disagreed and requested Mr. Merritt addresses this. Mr. Merritt advised that the status is that Ms. Howe made a Public Records Request for emails between the Mayor and Family Circle magazine. The Town provided Ms. Howe with copies of emails that were on the Town Information Technology system. At the last meeting Mayor Quinn provided Mr. Merritt with a CD that had a chronology as a document and within that chronology there were emails that appeared to be imported from Outlook into a word document. Mr. Merritt turned the electronic version over to Ms. Howe as part of the response to the request and requested that Mayor Quinn provide him with a copy of the documents within their original format and Mr. Quinn replied by email stating that the document he provided contained the original versions of the emails. Mr. Merritt replied that he would still like for Mayor Quinn to hit print and provide a copy of each of the emails to ensure that the information being provided is the same as its original format rather than being imported into another document system and that is where his request with the Mayor stands at this point and time. He stated that he doesn't believe he has received a reply from his request this afternoon.

Mayor Quinn replied, asked for and given, your original request was for copies of all emails that he received from Family Circle and that's what you got. Mayor Quinn went on to say that he received Mr. Merritt's request this afternoon and he went back and tried to find one of the emails, he held up a document advising this was the format Mr. Merritt received, it was copied as read on his yahoo address, in the order they were received in total. He found an email, hit print version and printed it, he noted there is a slightly different format and wonders if an issue will now be made of that. While it gives exactly the same information and described the slight difference in formats. He advised he spent hours searching for the emails, put together a Power Point presentation with the exact documents as taken off the email system and the Council didn't want me to present it, they took it off the agenda. He was happy to provide the presentation for everyone to see. He provided Council with the history of this matter and advised that he received an email from Mr. Merritt questioning if he provided all the documents and that he wants them again, to which Mayor Quinn responded he already provided them. Mayor Quinn said Mr. Merritt and Ms. Howe have now placed this back on the agenda, asked that this has gone from a private citizen asking for information and doesn't have to reveal why she wants it, to a \$200 per hour attorney fee you are all paying for that he's looking out for Ms. Howe's request, he asked if Ms. Howe has hired Mr. Merritt or is the Town paying it. If it's the town paying it, it's a Council directive and he hasn't heard anything from the Council directing you to proceed on this matter and if that's the case why do you want it because everyone should know if they're paying for it. Mr. Merritt responded if any person in this audience makes a Public Records Request, his duty as part of the town is to make sure that the town responds to that request fully and adequately as called for under North Carolina Law. It does not make a difference if it is Ms. Howe or any person sitting here, they are entitled to the original document, in it's original version, and quite frankly and are probably required to get all the metadata attached to it. That's all the data that shows how and when created, as well as, editing in any way. What he has requested, to ensure, because the document you provided on the disc was a cut and paste version, as you stated. It was taken from whatever version you used and imported onto the disc. He advised that all he's asked for is the originals to make sure that the documents, since they were imported ad not in their native format, have the same information as their original document. Mr. Merritt pointed out that Mayor Quinn has recently made the exact same request for a document from Mrs. Piontek for an email. Mayor Quinn said he never received it, Mr. Merritt advised it was emailed to him within 15-20 minutes of his request and it was the third time it had been provided to Mayor Quinn. Mayor Quinn stated that is untrue. Mr. Merritt advised if he is to treat Mayor Quinn in the same manner and comply with your requests for originals, then he has to treat Ms. Howe in the same manner as she has made a request for originals. We're talking about 10 or so emails, which have already been identified with the date and time and asking you to go on your computer and hit print for each one of those emails. You have apparently done for some of them, it does not seem to be an onerous task. If the question is why attorney's fees are being spent on this, it's because Mr. Merritt is trying to comply with North Carolina law to provide this person who has

made a Public Records Request for the documents they are entitled, which he does not believe would take you more than 5 minutes to comply with, that is why we are here. Mayor Quinn advised Mr. Merritt was wrong, it took him longer than 5 minutes to find the emails and then print it out. This is the first time, today, where you wanted the email printed from the original format. What was asked for was a copy of all emails and you got it as originally sent or received and what you're going to get when I print them out is going to be the exact same thing. I'm more than happy to do it, it's a waste of money and time, it's a bait and switch because we had a private citizen putting in a request and it was answered. Frankly sir, your statement that Mrs. Piontek's email was given to me when I asked for it, I asked her over a week and a half and that was one of the emails. This was an email chain, I'll put it up on my website so you can see I was requesting this stuff for weeks, not until this request was made of me and I said what about the request I made back in June and I never got the original format on and there it comes supposedly. Mr. Merritt replied that your response for request also stated that all of the Council Members had been given at a prior meeting. Mayor Quinn advised except him, he wasn't there, that's why he requested it and she refused to give it to him. Everyone got it but me. Mr. Merritt advised he is trying to do his job and get a simple request answered.

Mr. D'Onofrio inquired of Mayor Quinn if there was any reason he can't do this? Mayor Quinn replied no, just time man, just time, I'll track them down, hit print and we'll do it. What about if I just forward them? Mr. Merritt replied if they are forwarded in the original format that's fine.

Ms. Howe said in the past, Mayor Quinn you said you've never done anything unethical, immoral or illegal, I would say that working 5 months to produce a request for public information in my opinion is an ethical violation. All you had to do was press the button, print the emails and bring them in but you're going to make a big deal out of this just so you can get your name in the paper again. The original emails were requested at two different Council meetings, in addition, when Keith asked you for them you said you would bring them in. Excluding headers and footers on some is part of the reason we wanted the original emails. You claim that you are transparent so why did you hesitate to produce the records, are you proud of your actions, do you think you set a good example? Your lack of response and the fact that you did not produce original emails, indicates to me that you're hiding something and I think that's why you're being so aggressive. Perhaps you adjusted your hard drive or replaced it, one can only guess. I'm convinced at this point we will never get all the original emails, because nobody would wait this long and make this big deal out of it.

Mayor Quinn replied you people accuse me of abusing staff, calling staff liars, all kinds of unethical behavior without providing one shred of documentation that any of that has happened in either closed or open session. I have a great relationship with Family Circle, I requested copies of emails and they sent them to me. I asked them for an email sent to the Interim Town Manager that she refused to give to me that she had given to everyone else on the Council, I wasn't here and everyone else on the Council received this email. We have these people sitting here shaking their heads like as if they know what they're talking about, *Candidate Broom*. Ms. Howe called for point of order. You'll get the emails, it's no big deal, and you'll see the problem was with Town Hall not with me.

Mr. D'Onofrio advised we need to maintain order and decorum, I also think that calling a member of the audience out from the Mayor's chair is not professional. This is a member of the audience that got up here during the Public Comments section and claimed that I had told her that I tried to undermine Family Circle article, this is what we have seeking a seat on the Council. Mr. D'Onofrio said we do not engage members of the audience from the Council table, that's what I'm saying, this is not order. Mayor Quinn replied that the audience needs to chill out as far as I'm concerned. I'm tired of being set upon by a Council that has nothing that they can site that I've ever done wrong and because I've criticized Council actions and said I

don't agree with some of the directions that we're going. Mr. D'Onofrio reminded Mayor Quinn that our agenda item is emails, you said you're going to give them then let's please move forward.

DISCUSSION & POSSIBLE ACTION

Engineering Vehicle

Mr. Kaufhold in the 2009/2010 budget a request was made for a new Public Works position along with a new vehicle for anticipated workload. The position has been filled and a request is now being made to purchase a vehicle for an amount not to exceed \$16,500.00. We're looking at a 2009 Ford Focus from Dale Jarrett Ford.

Mr. D'Onofrio inquired what vehicle Mr. Rowel will be using. Mr. Kaufhold advised he will be using the Ford F150 and the Focus and Escape would be for the remaining staff. Mr. D'Onofrio asked what the current vehicles are used for. Mr. Kaufhold advised we have a Field Operations Manager and Field Engineer on a daily basis, the last vehicle would be for the rest of the Engineering staff.

Mr. D'Onofrio advised that he has been considering revising the procedure for expenditures. He inquired about the process that was done. Mr. McLamb advised that he went to Toyota, Ford and Honda and has written proposals from all of them. Mr. D'Onofrio explained that information would be helpful for Council to review in the packets. He suggested that the Council consider revising the process when there is a full Board and the Town Manager is present so we can have a better eye on large expenditures.

Jeff Goodall made a motion to approve purchase of a new Engineering Vehicle

Council voted unanimously in favor of the motion.

Friends of the Goose and Crooked Watersheds

Hillary Pace, Environmental Planner and Grant writer advised Council that on behalf of the Stormwater Program that the Council of Governments recently received a grant to establish a citizen awareness program or group for the Crooked Creek Watersheds. Much of our area falls into the Crooked Creek Basin and the Goose Creek Basin. Issues with these watershed are the Federally regulated endangered Carolina Heelsplitter, State Eco System enhanced program, Total Maximum Daily Load Program being done for the Goose Creek Watershed. Summarizing there is a litany of State and Regulatory Programs going on in these watersheds. Centralina Council of Governments position is that the component of citizen involvement is missing. With this Grant the Council of Governments would like to invite and put together a citizen group from the watershed jurisdictions to get together and come up with an awareness agenda. The goals would be geared towards education, for the purpose of spreading information on cleaning our watershed quality, streams, getting involved in local programs, proactive activities to increase the water quality in our area. Ms. Pace extended an invitation to the citizens of Indian Trail to attend the meeting on Monday, September 28th at 6:00 p.m. at the Stallings Civic Building. Information about this will be posted on the Stormwater section of our website or they can contact Hillary Pace, monthly meetings are proposed.

Council took a break.

Council returned from break.

NEW BUSINESS

Austin Village Sidewalk Project

This matter was removed from the agenda as a result of Mr. D'Onofrio's motion under Additions and Deletions

Indian Trail Business Recovery Act

Mr. Goodall presented to Council what they can do to enhance business or attract business to Indian Trail. He provided examples of different municipalities that work for them such as tax incentives, organizations, departments dedicated to this cause. He provided some background of the economic conditions.

Commercial revenue helps prevent rising taxes and today we have a 77/23 percent ratio in regards to business/homeowner taxes. Council needs to determine what kind of town we want, commercial or a bedroom type community as we are now. Most citizens want somewhere in between.

Indian Trail Efforts: Are we business friendly? He questions what incentives do we currently have to attract new businesses, none.

Overall Guild lines for consideration: The goal is to help businesses (existing and new) succeed during drastic economic times while promoting improved aesthetic qualities. He recommends adopted measures to be for a one year period to automatically expire midnight September 30, 2010, unless there is additional Council action.

Adopted measures recommended:

Waiving enforcement only for a specific time period or a moratorium without rescinding or modifying existing ordinances. There is no suggestion to rescind, modify or eliminate any existing ordinances or portions thereof.

Waiving all Indian Trail imposed fees associated with establishing a *new business* in the Town of Indian Trail (no grandfathering). This will no apply to tax requirements or any State or County level fees or permits, only Town of Indian Trail imposed or regulated fees, excluding Stormwater which is Federally mandated. This will benefit business without spending direct money and no discrimination.

Remove the time limitations on temporary signs and promotional banners. Apply town sponsored events to this as well.

Remove the maximum permitted promotional banners at any given time within a multi tenant center.

Allow for a display of a maximum of two banners per business at any given time.

Remove Grand Opening and Going out of Business 30 day restrictions.

Establish a Business Advisory Committee. Recommending a staff liaison, not a Council Member.

Comprised of business owners or representative of an existing business in Indian Trail. A seven member Committee.

Not leave success to initiatives in programs offered by County level business agencies. It can reflect Indian Trail's business interest with those agencies. Hold first meeting as soon as possible but no later than January.

Other Incentives for consideration:

Take original 1907 boundaries of Indian Trail, approximately 1/2 mile circle and make it a Historical Business District and mark it so.

Promote and encourage Indian Trail Business to Business Commerce. Shop Indian Trail first, County second and State third.

Prohibit skateboarding on business property, discourage loitering, unobstructed passages for consumers.

Perhaps a nuisance ordinance with fines of \$250 for 1st offence, \$500 for 2nd and \$1,000 for 3rd. Publicize extensively before effective date.

Mr. D'Onofrio asked Mr. Merit about the legal considerations for these suggestions. Mr. Merritt advised that Council could direct him or staff to compose a resolution or other document that would specifically set forth exactly how we accomplish these things. He does not believe there is an issue having a resolution that states the Town is temporarily suspending its collection of fees with respect to varying permits and other things. He advised it must be stated in such a way that it's impacting what you want to impact and not inadvertently impacting something else. He expressed concern about the changes for banners, if they are considered to be changes to the UDO then if we would have to follow the UDO amendment procedures to follow those tasks. He said if Council wants to vote on any one of these tonight, that's fine but with the instruction to staff to come back to you at the next meeting with the appropriate resolution to actually implement those changes.

Council had general conversation pertaining to this matter.

Mayor Quinn advised that he has heard a number of complaints from hard working decent business owners who have felt the sign ordinances are unfair. Others have come to the Town and ask for an exception to the period of times that they put their signs up. He provided several complaints he has received, advising his heart goes out to people who are trying to run a business. He's encouraged by the conversation tonight, as he has not heard encouragement from this Board who has defended the ordinance. He feels there are legitimate concerns from businesses. He has a concern that some people are privileged who receive a pass. He advised that Mr. Allen who is running for office got up in front of the Council at the last meeting wanting the sign ordinance to be relaxed, after he has had his restaurant signs up for two months on Wesley Chapel Road and Highway 74. He watched this to see how long they would be there and can't believe that the Council and staff did not see these signs. Finally at the August 11th meeting he showed the picture to Ms. DeHart and the next day the signs were down. At the next meeting Mr. Allen appeared and pleaded his case for all small business owners. He said he is troubled by this. Someone who is running for office or is in office need to be respectful of the rules and he can't imagine someone being allowed to do these things and put these signs out there. His argument was he spent a lot of money on them, but they knew the rules when they came in. Whatever we do, the Town should be very attentive to fairness and consistency in enforcement and not giving the impression that some people get a pass and some don't. That's the worse thing we can do in government. Mayor Quinn feels we need to look at where we want to go in this whole area of enforcement and encouraging businesses.

Mr. D'Onofrio replied that's a pretty serious accusation. He doesn't know the specifics of who went out there and what Mr. Allen did or did not know. Mayor Quinn advised he spoke to our previous Code Enforcement Officer, Kim Faires, and she advised she specifically did mention this to them with regard to signs. Mrs. Allen was on the Planning Board and Mr. Allen has been on the County Planning Board, so these are not just allegations, this is what it is. Mr. D'Onofrio said he is uncertain we should take the word of a former employee. He said that Mrs. Allen, who is the owner of the restaurant not Mr. Allen, was an alternate on the Planning Board for about 4-5 months. He is all for fair enforcement and doing it the right way so everyone plays by the same rules. He advised he has learned that there is one individual who tends to approximately 26 square miles of territory. That individual visits one area then moves on to the next and once they leave the sign pops up and it's very hard to get a handle on the situation with that much territory.

We have a new staff member starting soon and hopefully that will assist. There are a lot of rules to enforce and they are trying to do all of them.

Shirley Howe made a motion to approve directing staff to prepare a document regarding the implementation of a moratorium on fees, excluding Stormwater Fees and enforcement of certain ordinances as set forth on pages five and six of Mr. Goodall's presentation.

Motion Passed 3 - 1 with John Hullinger opposing.

Mr. D'Onofrio suggested that we discuss this at the next meeting so we can give it more time and thought on the best way to create a Business Advisory Committee.

Gary D'Onofrio made a motion to approve directing staff to research forming a Business Advisory Committee and bring back suggestions at our next meeting on how best to formulate that and proceed from there. To advertise the item in the newspaper to generate some interest and get some feedback.

Mr. D'Onofrio asked Ms. Dehart if she could get in touch with business owners. Ms. DeHart advised we can post it on the website and advertise in the newspaper to spread the word and invite them to join our Business Advisory Committee.

Council voted unanimously in favor of the motion.

Gary D'Onofrio made a motion to approve instructing staff to investigate the designation of a Historic Business District within the Town of Indian Trail, as presented on slide eight of Mr. Goodall's presentation and report back to Council the steps that need to be taken.

Council voted unanimously in favor of the motion.

Gary D'Onofrio made a motion to approve instructing staff to research developing an Indian Trail Business Nuisance Ordinance prohibiting skateboarding on business property, storefronts, commercial parking lots and sidewalks. Discourage loitering and to create safe and unobstructed passages for customer pedestrian traffic.

Motion Passed 3 - 1 with John Hullinger opposing.

PLANNING REPORT

Ms. DeHart presented to Council that staff has started many of the large project directives given by Council, Holly Park, proposed amendment to change condition of approval, the directive to rezone all the properties within Industrial Ventures to a Light Industrial designation. In working on this we're using our website to provide more in depth information to property owners. Ms. DeHart provided an example for Council. Ms. Dehart advised that October is National Planning Month and staff plans to visit schools and subdivisions teaching about stormwater and how it affects the community.

ENGINEERS REPORT

Mr. McLamb provided an update on welcome to Indian Trail sign advising that we can not put up the white Tree City USA sign. It can be put up on a separate location but not on this sign. Also, Indian Trail has to be in regular font. He provided an example, advising one more line of supplemental text can be added. There was discussion of the text to be included and by consensus Council decided to add 2009 Top 10 Town for families.

COUNCIL COMMENTS

Ms. Howe apologized to everyone for the meeting tonight. It should have been under more control and she believes the entire Council feels that way about it and thanked them for their patience and understanding. She commented on 18A being defeated by MUMPO and feels if more time was spent soliciting the other Union Council Members that are members of MUMPO it would have helped and she feels Mayor Quinn should have done that. Stallings and Indian Trail were the only two Towns that have been affected and Waxhaw voting against us was not right.

She commented on Mayor Quinn's website that it is one sided and the stories are slanted and one day it's going to go too far. She hopes Mayor Quinn keeps his word and brings the emails in or sends them to our attorney. She feels Mayor Quinn attacking people who are running for office was totally uncalled for and attacking people in the audience, there's not protocol for that. Maybe because you're a candidate and not someone's choice, it's easy to lash out to somebody and she feels everyone is trying to run a clean campaign here and you should be commended on what you're doing and how you're acting towards each other. It is unprofessional the way the verbiage is coming out to you in the audience.

Mr. Goodall advised that he appreciated the attendance tonight, it's better than usual. It's appreciated whether you're citizens or business owners, he feels it's healthy for you to come to the meetings and experience them for themselves and form your own opinions on what's good or bad and see your government in action. Those of you in here tonight have seen your government in action tonight, good or bad, whatever, all of it. The only way to do that is to come to the meetings. He appreciates the feedback from everyone, what you tell us we do listen to. We may not change everything, but we hear you. See you in the future meetings. Family Fun Day is October 10th.

Mayor Quinn invited everyone to visit his website, where he does have a voice. He told everyone to feel free to take the invitations to the website and he'll do his best to relate accurate information and let everyone know what's going on, Town Hall from the inside. Hopefully, ultimately we'll get better government.

Mr. Hullinger had no comments to make other than we're getting out of here at a decent time.

Mr. D'Onofrio thanked the Postal Service for coming out tonight, providing us with a rundown on what we can and can't do. It is his hope we will be petitioning them, whether it's declined or not, at least at that point we tried. There has been graffiti sprayed on the road in his development and inquired if the average person knows who to contact for that. We took over many miles of streets and he feels we should communicate with those people that live on the streets we own how they inform the town of issues. He recognized the owner of Streets of Laredo and commented on the rodeo held in Indian Trail. He attended this event and advised it's one of those things you can only appreciate by actually being there and see it live. He would like to see us work and publicize that event in the future and possibly do something to combo it with the

Pow Wow. He feels that event could be a real big event in Indian Trail. It was a great event, his son is still talking about it and thanked the individual for putting it on, advising hopefully we can all work together to make it a really nice event in the future.

CLOSED SESSION

Jeff Goodall made a motion to approve 143-318.11(a)(5) to establish or instruct the agent concerning negotiations, price and terms of a contract concerning the acquisition of real property.

Council voted unanimously in favor of the motion.

Gary D'Onofrio made a motion to approve going back into Open Session.

Council voted unanimously in favor of the motion.

ADJOURN

John Hullinger made a motion to adjourn

Council voted unanimously in favor of the motion.

APPROVED:

John J. Quinn, Mayor

Attest:

Trena Sims, Interim Town Clerk