



**Town of Indian Trail**  
**Minutes of Town Council**  
**March 10, 2015**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, David W. Drehs, Gordon B. Daniels, and Gary M. Savoie.

Absent Members: Christopher King

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Engineering and Public Works Scott Kaufhold , Planning Director Rox Burhans, Director of Community & Economic Development Kelly Barnhardt, Assistant Director of Parks & Recreation Jason Tryon, and Communications Coordinator Lindsey Edmonds.

**CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance and announced: At the applicant's request, Rezoning case CZ2014-003 Hanfield Village will not be heard on this agenda and will be heard by the Town Council at a later meeting.

**ADDITIONS AND DELETIONS**

Gary M. Savoie made a motion to approve removing Business Items a, b, and c.  
Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

David Cohn made a motion to approve the agenda as amended.  
Council voted unanimously in favor of the motion.

### **PRESENTATIONS**

#### **a. Certificate of Recognition for Vernon Moore**

Mr. Donald Moore provided some background about Vernon Moore and his effect on the County. Mr. Moore donated the school bell currently located in the Cultural Arts Center. He introduced Janice and Rachel Williams Granddaughters of Vernon Moore and David Collins who Mr. Moore adopted.

Mayor Alvarez read the Certificate of Recognition and presented it to Mr. Moore's Granddaughters. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

#### **b. Stormwater Advisory Committee Annual Report**

Mr. Larry Miller, Chairman of the Stormwater Committee presented to Council the Committees annual report informing them of its purpose, members, duties and charges, its necessity by providing before and after pictures of projects completed. He explained that the Stormwater Committee is now in their eighth year accomplishing the ongoing implementation of seven minimum measures. Mr. Miller stated the current stormwater utility fees, the revenue received in 2014, upcoming events, when the Committee meets and statistics on number of requests received and those able to be accomplished by the Town.

#### **c. Strategic Planning Initiative & Budget Presentation**

Mr. Fivas inquired if Council was interested in beginning a strategic planning process for the town, as requested by some of the committee members. He provided a timeline and advised it will conclude with public comments at our June 9th meeting and explained some key priorities.

Mr. Drehs liked the idea and timeline along with completing the loop with the committees. Mr. Savoie and Mr. Daniels agreed.

### **PUBLIC COMMENTS**

Michael Faulkenberry, 519 Picketts Circle, Indian Trail, NC addressed the need of additional deputies, residents and committee members not receiving responses from Council Members. He stated that he was invited to discuss issues in person, inquiring why some Council Members have concerns over providing the

information on the government server as public record. Mr. Faulkenberry referred to a recent request for information he submitted for the license numbers of the General Contractors used for Chestnut Square Park playground equipment, stating that he received two replies from the Town Manager but never received the information he requested. Mr. Faulkenberry went onto address the question asked some time ago pertaining to why the former Planning Director Lee Bailey had a Confidentiality Agreement with the Town, why no other staff member has ever had one, why an attorney was provided by the Town for Mr. Bailey when what was later stated that he had no information on the Town. Mr. Faulkenberry feels we should get a refund for representing him as he could have stated he had no knowledge prior to having the Town Attorney represent him.

Jerry Morse, 271 Unionville-Indian Trail Road, Indian Trail, NC addressed the law enforcement assessment study, stating that it says that we have a fine service at a good value. He compared us to neighboring communities, advising that he does not want to see our law enforcement under the control of the Town Manager or Council. He feels we need more deputies and reviewed the advantages of using the Union County Sheriff's Office. Mr. Morse feels the community is generally satisfied with the results and said if it ain't broke don't fix it. He thinks a Police Department will be expensive.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC addressed the issue of the budget amendments on tonight's consent agenda comparing them to amendments presented in 2012, all of which have signatures. She specifically referred to the budget amendment in the amount of \$405,000.00 for Town Hall indicating Council approval on January 10, 2012. Ms. Howe stated that this item cannot be found on either the agenda or minutes and provided Council with a copy of both for the January 10<sup>th</sup> meeting. Ms. Howe asked why there are no signatures on tonight's amendments and where is the motion to cover this expense. She is still of the belief that the Town should have an audit.

Art Spurr expressed concern about the change in zoning for a subdivision directly across from Ashcroft Subdivision. He stated that several staff members came out to inspect the site distance issues and that there were people who came out to measure for the new subdivision and there is nothing that he is aware of by North Carolina Department of Transportation to have modifications made to his subdivision. He expressed this could create more of a danger than a help suggesting that North Carolina Department Of Transportation and the Town of Indian Trail get together and decide what modifications need to be made for the safety of his subdivision and make them on the developers side of the road not the Ashcroft side.

#### **PUBLIC COMMENTS FOR FY 2015/2016 BUDGET DEVELOPMENT**

Mayor Alvarez opened and closed these public comments as no signed up to speak.

#### **PUBLIC COMMENTS FOR FUTURE TOWN HALL/COMMUNITY CENTER**

Mr. Fivas provided a brief summary of the municipal complex, using the information from the February 10th meeting. This report included the history, cost & size, financing options and possible time lines. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Dr Shamir Ally, 1008 Nutgrove Lane, Indian Trail, NC expressed appreciation for the great presentation. He stated anything that does not grow dies, if you do not invest in yourself no one else will. We must use the opportunity to get people to respect and invest in themselves. He does not support a bond, requesting to have a clause to use resources as they come. It is his fear that we will go for a bond, suggesting that the Town build the town hall with a loan.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail, NC stated Wesley Chapel built their town hall without debt and why can't Indian Trail do the same. It has been discussed since 2006 why wasn't it a priority when the park bonds were proposed twice. Indian Trail has nothing to offer new businesses in the form of incentives because of the debt ratio we have. During the past 2 years it's all or nothing, this is not what will bring businesses in. Why hasn't the cost of the Chestnut Parkway and parks been presented to the public so we know what they actually cost and can be properly budgeted. Why can't we wait four years save the money up and why are we taking information and direction from the Rotary.

Gary Evans, 4800 Mossy Cup Lane, Indian Trail, NC expressed his concern and disgust for the arrogance of this council. The lackadaisical attitude towards spending of tax money and transparency. We have parks that were approved and started to build; it's his understanding that we don't have the funds to finish these parks and now we're talking about an eight million dollar town hall and he wants to know why we need that. He drove around and other municipalities use existing buildings and wants to know why we can't do that and why does everything we do have to be better than everyone else. He inquired about the disconnect between the public and the Council.

Lars Knapp, 655 Powder Horn, stated there's a way to make your job easy and to get the majority of the people off your backs by putting the Town Hall up for some sort of referendum. You are here to represent the people what better way to do that than let them decide. He provided three different options to Council on letting the people decide and by doing so their job is done and that's what they were elected for.

Tripp Melton, 2007 Terrapin Street, Indian Trail, NC provided his background and advised from a commercial real estate standpoint he has never seen interest rates lower and it's the best time to build. If we wait to try and do it with cash the cost will continue to rise. He pointed out the Town owns the land. He stated that business owners and people who want to be here want to see the Town invest in themselves; it provides the town with an identity. It will help revive the downtown area, concluding with an urging to get it done.

Jerry Wigen, 10004 Fenwick Drive, Indian Trail, NC stated he has been attending these meetings for about a decade and has heard the same arguments for that long. He feels it's time to stop talking about it and get it done, if it was done back in the beginning it would have been a lot cheaper. He complimented the Council on doing a great job in moving the town forward and encouraged them to get it done and get it built.

Laurel Colton, 6025 Indian Brook Drive, Indian Trail, NC we should have built it years ago because the cost keeps growing. We are the largest town in Union County and have no town hall. She referred to neighboring municipalities that have built a town hall and their economic development has improved as a result. She

explained there were 13,000 residents when she got here and now we have 35,000 that's a lot of people and we need to get it built.

Andy Morrison, 8631 Elmsworth Lane, Indian Trail, NC provided some statistics from a study he conducted to determine if a new town hall was needed. His results indicated that there is major overcrowding of employees anywhere from 166 to 344 percent, with an anticipated growth rate of 2% over the next ten years we will need 50 employees resulting in the need for approximately 20-40,000 square feet of existing space.

Samantha Towns, 104 Pine Lake Drive, Indian Trail, NC advised that the municipalities that have great town halls have much more economic development. If you are talking about spending eight million she would like to see a referendum and the citizens would like to know what is being spent and where and stop putting it on the consent agenda. Concluding that it's apparent that you are working on your resumes and want to see your names on buildings and parks. Unless you get some major economic development anything that costs millions must come to the residents.

Al King, 4330 Matthews Indian Trail Road, Indian Trail, NC thanked Council for serving and feels it's terrific that you are creating a Strategic Plan. His last encounter with this Council was for the Chestnut connector and if it had happened it would have solved a lot of traffic problems so we need a strategic plan. He moved his business plan Preventech here because he doesn't like traffic. If we take economic development seriously we have a great product to sell to keep the people working here. You have got to invest in yourselves to have others invest in the town. He encouraged Council to build it now.

John Killman 101 Silver Glen Lane, Indian Trail, NC thanked Lindsey Edmonds for doing a great job with the Citizens Academy. Looking at the additional costs of police, will the cost of the mortgage take precedence over the public safety? He referred to comments made in the Enquirer Journal about asking permission to build a town hall is the same as changing a light bulb and found it offensive; eight million dollars is something the residents should be asked about.

Jerry Morse, 271 Unionville-Indian Trail Road, Indian Trail, NC stated he agreed that we have outgrown this town hall, but doesn't agree we need an eight million dollar town hall. He took exception to the statement of "you standing up to us" when you should "stand up for us". It's our money and we expect you to lead not dictate. Our infrastructure is terrible, our parks are not paid for and wanted to know what happened to the philosophy of purchasing what you can afford, you should do it in pieces. If everyone is not in agreement on the spending of these funds it should be on a referendum.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC stated it was a good sales job with the property being offered across the street and then everyone got excited about using the land we already own. We had liquor by the drink and parks on the ballot so when you're spending this amount of money it should be put on the ballot this November as well. She appreciates money is cheap but it will give you a feel of the whole town because that's what we did for liquor by the drink and parks. She thinks Council is afraid they will lose. She is glad the law enforcement study is back and hopes you will make a good decision on that, they are hard working individuals.

David Cohn played a recording of the last meeting, stating that there was never a referendum when the town hall was on the ballot. Why are we here, we don't have to ask you to change a light bulb, over the last 3 ½ years we haven't asked for anything except the bond referendum. He addressed the audience stating that "we work for you, you should tell us what you want", I will always ask you. As far as a gentleman at a Rotary meeting saying "go ahead and do it if you don't need approval on it". Mr. Cohn was uncertain whose approval he was referring to. Isn't it our job to listen to the people? He asked the audience to please stay for the last item on the agenda that he requested to be put on.

### **LAW ENFORCEMENT UPDATE**

Lieutenant Coble provided an update on Poplin Road advising there was a meeting that was attended by many and is hopeful we might get some resolutions to the issue. He explained that the roundabout project on Rocky River and Poplin is on task. He advised that they did a red alert for a missing senior citizen and he was found later that evening. On February 27th, there was a shoplifter in Wal-Mart who had a gun, he was picked up by two of the deputies, the gun was found. The deputies arrested a couple of kids who have been breaking into some vehicles. He advised that a young girl was struck and killed by a vehicle on Poplin Road, they are conducting a death investigation but he does not expect the driver to be charged with anything.

### **ABC BOARD INTERVIEWS - J. SULLIVAN - P. COWAN**

Interview of Patti Cowan was conducted by each Council Member asking Ms. Cowan some questions; topics included expertise, what stands out to her, and commitment of time. Council thanked Ms. Cowan for her time.

Interview of Jeff Sullivan was conducted by each Council Member asking Mr. Sullivan some questions; topics included ideas to enhance the store, previous experience that can apply to this position, why him, and commitment of time. Council thanked Mr. Sullivan for his time.

Mr. Fivas advised that the Board recommended both applicants.

Gary M. Savoie made a motion to approve appointing Jeff Sullivan to the ABC Board. Council voted unanimously in favor of the motion.

Mr. Cohn congratulated Mr. Sullivan.

### **CONSENT AGENDA**

- a. Approval of February 10, 2015 draft minutes
- b. Approval of Tax Report for February month end **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c. Approval of Pre-Qualification Policy **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

- d. Approval of Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- e. Approval of Concessions Agreement **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- f. Approval of Bill of Sale for Water Line at Crooked Creek Park **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- g. Approval of Bill of Sale for Sewer Line at Crooked Creek Park **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- h. Approval of Bill of Sale for Sewer Outfall Line at Crooked Creek Park **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- i. Approval of Future Sanitary Sewer Easement for Crooked Creek Park **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- j. Approval of Certification of Authorization and Corporate Resolution and Authority for Borrowing **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- k. Approval of Part time Seasonal Employee Positions
- l. Approval of Motor Vehicle Policy **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

David W. Drehs made a motion to approve the Consent Agenda.  
Council voted unanimously in favor of the motion.

**PUBLIC HEARINGS**

NONE

**BUSINESS ITEMS**

- a. Council consideration of approval for Pre Construction Manager @ Risk Agreement - *this matter was removed from the agenda as a result of a motion made by Councilman Savoie in Additions and Deletions.*
- b. Council Approval of Construction Manager @ Risk Agreement Exhibit 1 General Conditions of the Contract - *this matter was removed from the agenda as a result of a motion made by Councilman Savoie in Additions and Deletions.*
- c. Council approval of Construction Manager @ Risk Agreement For Construction Manager at Risk Contract Fixed Guaranteed Maximum Price - *this matter was removed from the agenda as a result of a motion made by Councilman Savoie in Additions and Deletions.*
- d. Council consideration of approval of construction priorities for FY 2015/2016 and change order for Oakwood Lane

Mr. Fivas stated that we are asking to continue the repairs on Oakwood Lane as it was ranked the worst road in Indian Trail and then we will bring back more information on the pavement study and then go forward with the rest of the roads in the next fiscal year.

David W. Drehs made a motion to approve continuation of construction priority on Oakwood Lane. Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

### DISCUSSION ITEMS

#### a. Discussion and review of PERF Law Enforcement Study Report

Mr. Fivas advised that we just wanted to get the information out there and we are not looking for any information from Council.

Mr. Cohn stated he realizes it's a draft and not the final decision. He was pleased with what it said, it spoke very highly of our Sheriff's Department and we are all proud of them as well. There were many things he didn't understand and would like Lt. Coble to come up and give us his opinion on it.

Lt. Coble stated he was happy to get this report, feels PERF did an excellent job. He read it 15 times because you paid good money for it and we want you to get a good product. He presented Council with some clarification or expansion on the information. Couple of things jumped out at him: Dr. Fraser is looking for some feedback; it states you have 22 deputies when you only have 21, providing how this would affect the numbers. Lt. Coble explained they included the traffic cars and other officers that do not work on the street, when Lt. Coble questioned him Dr. Fraser stated that he got that information from our data.

Mayor Alvarez asked Sheriff Cathey about the County budget process. Sheriff Cathey stated if you wait until budget time to get two more deputies you won't get them till December. Our budget is complete and we can go to the County Board now and inform them that you want two more deputies.

Mr. Fivas agreed with what the Sheriff said. We were planning on programming the two deputies in there and if we get the highway grant we can figure out what to do then. It would be beneficial to both budgets that we commit tonight to two deputies.

Sheriff Cathey agreed. There was a discussion on the parameters of the Grant and what that would mean to the number of deputy's. At the conclusion of this conversation Lt. Coble stated with Council's permission, he will continue talks with PERF to ensure you get the best product possible, Council agreed.

Council will use the next 2 weeks to get together and work on the study and provide some input and question at that time. Mr. Merritt reminded them of the parameters of the open meetings law.

#### b. Discussion of US-74 Aesthetic Improvements

Mr. Fivas stated that the Matrix of DOT on costing for some of the aesthetic improvements on Highway 74. He went onto explain what a strain pole is, advising that to do all 4 intersections with 32 signal poles would be \$851,000. You can do all 4, or any number in between. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Council directed Mr. Fivas to provide them with some pictures.

c. Discussion of Bond Referendum for New Town Hall

Mr. Cohn stated when you have a lot of people in favor and a lot of people against something don't you think they should have a choice and vote for it. He pointed out that we voted for bonds of \$8,500,000.00 for parks and showed pictures of what was expected. He does not believe we're even close to completing them, as we only have 4 ball fields. We should finish what we said we were going to do and it's the only fair way to do it. He listed 4 things we need to complete - Chestnut Parkway he estimates to cost at least \$10,000,000.00; \$4,500,000.00 on the parks; then Old Monroe Road widening in 2023-2024 \$10,000,000.00, we decided to do neighborhood enhancement that we have done nothing towards; law enforcement addition of 4 new deputies about \$400,000.00 thousand dollars. It is of his opinion because we had to raise taxes for the bond referendum that we will have to raise taxes for the Town Hall. He's for a town hall, but he wants the residents to vote on it. What is the difference in an \$8,500,000.00 bond for a park and an \$8,500,000.00 bond for a town hall? People move here because we have the lowest tax rate for any city our size in the state. The only municipality that has debt for their town hall is Mint Hill, their tax rate is 30 cents ours is 18.5 cents and if you want your taxes to nearly double that's your decision. There is nothing more I want than for this town to be successful and I believe we need a referendum and I believe that we're not doing one because there are some people who are afraid it won't pass.

Mr. Cohn advised he is going to make a motion that he feels will tell you where your Council stands and it comes with accountability.

David Cohn made a motion to approve putting a referendum on the ballot in November.

Council had a lengthy discussion on this matter; topics included: waiting for a full Council, steps necessary for a referendum, what a referendum is, purchase of Blythe Building, how other municipalities fund town halls, how the 4 cents increase was set up (Capital Improvement Projects and debt reduction) and the different kinds of referendums.

Mr. Cohn withdrew his previous motion and revised it.

David Cohn made a motion to approve a referendum asking the residents if they want to build a town hall and spend \$8,500,000.00 on it.

Motion Failed 3 - 1 with David W. Drehs, Gordon B. Daniels, and Gary M. Savoie opposing.

MANAGERS REPORT

*None*

COUNCIL COMMENTS

Mr. Cohn stated to never forget what happened here and remember it in November.

Mr. Daniels thanked everyone who showed up and made comments and your tax dollars are important whether it's 2 or 8 million dollars.

Mayor thank you Mr. Cohn for attempting. He apologized for being remiss in doing this at an earlier meeting and asked for a moment of silence in memory of Mr. James Houston.

Mr. Drehs said at the last meeting he commented on the great job the EMT's did when called for his Mother-in-law, unfortunately she passed away and the Town of Indian Trail lost one great lady. He thanked all the people who supported his family.

Mr. Savoie expressed sorrow for Mr. Drehs loss and thanked everyone for staying out as long as you did and thanked staff for their hard work.

**CLOSED SESSION**

*None*

**ADJOURN**

David Cohn made a motion to adjourn  
Council voted unanimously in favor of the motion.

**APPROVED:**



Michael L. Alvarez, Mayor

Attest:   
Town Clerk