

MAYOR
Michael L Alvarez

MAYOR PRO TEM
David L. Cohn

TOWN MANAGER
Scott J. Kaufhold, P.E.



TOWN COUNCIL

Gordon B. Daniels

Gary M. Savoie

Amy R. Stanton

Mark A. Wireman

**Indian Trail Town Council
Regular Meeting
Tuesday, May 24, 2016
Civic Building—6:30 PM**

AGENDA

1. **CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE**
2. **AGENDA ADDITIONS & DELETIONS** **Action**
3. **MOTION TO APPROVE AGENDA** **Action**
4. **PRESENTATIONS/INTRODUCTIONS**
 - a) Union County Sheriff's Service Award
5. **PUBLIC COMMENTS**
6. **LAW ENFORCEMENT UPDATE**
7. **DEPARTMENT UPDATES:**
 - a) Department Head Update: Planning & Neighborhood Services—Rox Burhans
 - b) Department Head Update: Parks & Recreation—Jason Tryon
8. **CONSENT AGENDA** **Action**
 - a) Approval Budget Amendments
 - b) Approval of Draft Minutes January 12, 2016 Regular Town Council Meeting
 - c) Approval of Draft Minutes January 26, 2016 Regular Town Council Meeting
 - d) Approval of Draft Minutes February 11, 2016 Regular Town Council Meeting
 - e) Approval of Draft Minutes March 22, 2016 Regular Town Council Meeting
 - f) Approval of 2nd Draft Minutes April 26, 2016 Regular Town Council Meeting
9. **PUBLIC HEARINGS**
 - ***Please adhere to the following guidelines:***
 - ***Proceed to the podium, and state your name and address clearly;***
 - ***Be concise; avoid repetition; limit comments to three (3) minutes or less;***
 - ***Designate a spokesperson for large groups***

a) Budget Presentation and Public Hearing for the proposed 2016-2017 Fiscal Year Budget

10. OLD BUSINESS ITEMS

Action

- a) Council consideration of awarding a contract for annual auditing services (tabled May 10th for staff to prepare a rating card). (Mr. Wojtowicz)
- b) Council consideration of selecting outside Counsel to review Phase 1 of the Operational and Fiscal Review. (Mr. Kaufhold)

11. NEW BUSINESS ITEMS

Action

- a) Council consideration of approving Powell Bill Fund Appropriation. (Mr. Wojtowicz)
- b) Council consideration of approving a proposed amendment to the Municipal Complex Capital Project Ordinance. (Mr. Kaufhold)
- c) Council consider including in the budget to hire staff to prepare Town minutes, and to purchase a new Granicus system. The Town Council has not been presented any official Town minutes since November 2015. This is the official record for the Town and it is a complete breakdown of transparency and open government that we have no official record approved for the last seven months. (Councilman Daniels)
- d) Council consideration to reduce the Town's property tax rate from 18.5 cents to 18.0 cents due to the \$32 million fund balance reporting on Dec. 31, 2015, and reduce the FY 16-17 budget by approximately \$179,000 and to fund this specific fund decrease by eliminating the funding for the unfilled and unneeded Assistant Town Manager position by eliminating \$23,000 in funding for an increase in the Town contribution to the new 401K Plan, and by delaying the implementation of funding in this year's budget for the Town Manager's Executive Assistant and the Planning Technician position. (Councilman Daniels)
- e) Council consideration to have the Town Attorney review the Town approved Traffic Calming Policy found on our website and see if the Town followed our own policy process when recently approving traffic calming devices and funding for certain neighborhoods, and report to the Council on the June 14th Council Meeting. (Councilman Daniels)
- f) Council Consideration to begin the implementation of the formation of a fully operational Business Park within 2 years. (Councilman Daniels)

12. DISCUSSION ITEMS

13. UPDATES

- a) Manager's Update: Scott Kaufhold, Town Manager

14. COUNCIL COMMENTS

15. CLOSED SESSION

Action

16. POSSIBLE ACTION FOLLOWING CLOSED SESSION

17. ADJOURN

Action

Batch Id: JMW Posting Date: 04/18/16 Budget Year: 6 Fund: 47 Reason: Amended Budget
* Account Not on File in Budget Year: 6

Expenditure Account Revenue Account	Account Description Account Description	Change Description	Amend Budget	Chg to Budget	Seq
47-00-8180-599-000	Rogers Rd Sidewalk Construction	Rogers Road Const	1,084,632.00	1,084,632.00	1
47-00-8180-599-213	Rogers Rd Sidewalk - Engineering	Rogers Road Engineer	150,422.00	150,422.00	2
47-00-8180-599-001	Rogers Rd Sidewalk Const -10% Contingenc	Rogers Road Conting	108,463.00	108,463.00	3
		Trans from 2012 Bd	504,875.00	0.00	4
47-00-3985-980-012		Trans from 2012 Bd	838,642.00	0.00	5
47-00-2600-000-000	Federal sidewalk grant				
Total Amend Budget: 1,343,517.00			Total Change To Budget: 1,343,517.00		

Revenue Posting Summary			Amend Antic	Chg to Antic
47-00-2600-000-000	Federal sidewalk grant	Trans from 2012 Bd	838,642.00	838,642.00
47-00-3985-980-012		Trans from 2012 Bd	504,875.00	504,875.00
Total Amend Anticipated: 1,343,517.00			Total Change To Anticipated: 1,343,517.00	

G/L Posting Summary		
G/L Debit:		
47-99-9999-999-999	Budgetary Control	1,343,517.00
G/L Credit:		
47-99-9999-999-999	Budgetary Control	1,343,517.00
Total Debits: 1,343,517.00		Total Credits: 1,343,517.00

Entries: 5 Total Amend Budget: 1,343,517.00 Total Change To Budget: 1,343,517.00
Total Amend Anticipated: 1,343,517.00 Total Change To Anticipated: 1,343,517.00

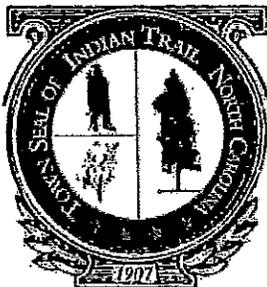
There are NO errors in this listing.

April 18, 2016
04:16 PM

TOWN OF INDIAN TRAIL
Budget Amend Batch Update/Posting Report

Batch: JMW	Updated Entries:	5	Ref Num:	552	Reason:	Amended Budget
	Total Amend Budget:	1,343,517.00		Total Change To Budget:	1,343,517.00	
	Total Amend Anticipated:	1,343,517.00		Total Change To Anticipated:	1,343,517.00	
	Total Debits:	1,343,517.00		Total Credits:	1,343,517.00	

TOWN OF INDIAN TRAIL
ENGINEERING DEPARTMENT

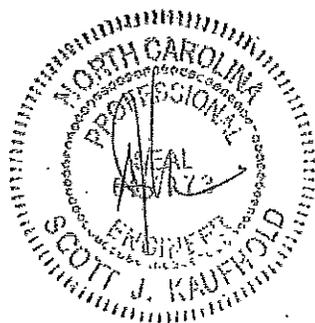


PROJECT MANUAL FOR
C-4957 A Rogers Road Sidewalk Improvements

PROJECT NUMBER:

505-2016-001

TOWN OF INDIAN TRAIL, NORTH CAROLINA



Scott J. Kaufhold, P.E.
Director of Engineering and Public Works
Registered, North Carolina 024973

**CAPITAL PROJECT ORDINANCE FOR
C-4957 A ROGERS ROAD SIDEWALK IMPROVEMENTS**

WHEREAS, the Town of Indian Trail desires to promote pedestrian activity in the Town and to provide for more connections to facilities throughout the Town; and

WHEREAS, certain grant funding to accomplish this goal is available and has been approved for the Town of Indian Trail,

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Indian Trail, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is the construction of a sidewalk, providing for pedestrian activities, financed by a Federal Grant and Street Bonds, to be commonly known as the C-4957 A Rogers Road Sidewalk Improvements.

SECTION 2. The officers of the Town are hereby directed to proceed with the capital project within the term of the grant documents and budget contained herein.

SECTION 3. The following amounts are appropriated for this project:

Construction	\$1,084,632.00
Construction Engineering Inspection Services	\$150,422.00
10% Contingency	<u>\$108,463.00</u>
Total Appropriations	<u>\$1,343,517.00</u>

SECTION 4. The following revenues are anticipated to complete this project:

Federal Grant	\$838,642.00
20% Matching Funds (Street Bond)	\$209,659.00
Street Bond	<u>\$295,216.00</u>
Total Estimated Revenues	<u>\$1,343,517.00</u>

SECTION 5. The Finance Director is hereby directed to maintain within the capital project fund sufficient detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations.

SECTION 6. Funds may be advanced from the Powell Bill Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

SECTION 7. The Finance Director is directed to report on the financial status of the project element in Section 3 and as requested by the Town of Indian Trail.

SECTION 8. The Budget Officer is directed to include an analysis of the estimated spending and capital project revenue in the budget for this, and other active capital projects, with the Budget Ordinance.

SECTION 10. Copies of this capital project ordinance shall be made available to the Clerk and the Finance Director for direction in carrying out this project.

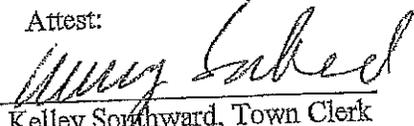
ADOPTED BY THE TOWN COUNCIL this the 12th day of April, 2016.





Michael L. Alvarez, Mayor

Attest:



Kelley Southward, Town Clerk

May 9, 2016
03:19 PM

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Batch Id: AGADDY Batch Date: 04/14/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
47-00-8180-599-001 Rogers Rd Sidewalk Const -10% Contingenc	Transfer Out	To consolidate Rogers Road Sidewalk acct	108,462.81	1
47-00-8180-599-000 Rogers Rd Sidewalk Construction	Transfer In	To consolidate Rogers Road Sidewalk acct	108,462.81	2

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
Rogers Rd Sidewalk Co 47		0.00	0.00	108,462.81	108,462.81	0.00	0.00
Total of All Funds:		0.00	0.00	108,462.81	108,462.81	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	108,462.81
Transfer Out:	1	108,462.81
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	216,925.62

There are NO errors in this listing.

	Updated Entries	Updated Amount		
Reimbursements:	0	0.00		
Expenditures:	0	0.00		
Transfer In:	1	108,462.81		
Transfer Out:	1	108,462.81		
Cancel:	0	0.00		
Encumbrances:	0	0.00		
Batch: AGADDY	Updated Entries: 2	Updated Amount: 216,925.62	Ref Num: 560	

TOWN OF INDIAN TRAIL
Abbreviated 2016 Expenditure Account Status

May 3, 2016
11:55 AM

Range of Accounts: 10-00-4140-000-000 to 10-00-4140-999-999 Include Cap Accounts: Yes Skip Zero Activity: Yes As Of: 05/03/16

Account No	Description	Budgeted	Transfers	Encumber	Net Expd/Reimb	Unexpended	Balance YTD	%Used
10-00-4140-000-000	TAX:	78,301.00	3,971.00	0.00	63,004.74	19,267.26	19,267.26	77
10-00-4140-121-000	SALARIES	1,144.00	58.00	0.00	907.08	294.92	294.92	75
10-00-4140-181-000	SS & MEDICARE CONTRIBUTION	5,659.00	268.00	0.00	4,253.05	1,673.95	1,673.95	72
10-00-4140-182-000	RETIREMENT	20,114.00	0.00	0.00	15,652.00	4,462.00	4,462.00	78
10-00-4140-183-000	HEALTH INSURANCE	800.00	0.00	0.00	815.51	15.51-	15.51-	102
10-00-4140-260-000	SUPPLIES	400.00	0.00	0.00	142.37	257.63	257.63	36
10-00-4140-311-000	TRAVEL EXPENSES	5,500.00	0.00	0.00	4,401.60	1,098.40	1,098.40	80
10-00-4140-325-000	Tax Postage	2,940.00	40.00-	0.00	984.03	1,915.97	1,915.97	34
10-00-4140-341-000	PRINTING	365.00	0.00	0.00	96.03	268.97	268.97	26
10-00-4140-343-000	Printer / Copier Usage	850.00	0.00	430.50	0.00	850.00	419.50	51
10-00-4140-391-000	ADVERTISING	500.00	0.00	0.00	335.00	165.00	165.00	67
10-00-4140-395-000	STAFF TRAINING	46.00	0.00	0.00	0.00	46.00	46.00	0
10-00-4140-396-000	Filing Fees	3,270.00	0.00	1,949.50	1,240.50	2,029.50	80.00	98
10-00-4140-397-000	CONTRACT SERVICES	0.00	40.00	0.00	40.00	0.00	0.00	100
10-00-4140-491-000	DUES & SUBSCRIPTIONS							
	Control Total	119,889.00	4,297.00	2,380.00	91,871.91	32,314.09	29,934.09	76
	Fund Budgeted	119,889.00	4,297.00	2,380.00	91,871.91	32,314.09	29,934.09	76
	Fund Non-Budgeted	0.00	0.00	0.00	0.00	0.00	0.00	0
	Fund Total	119,889.00	4,297.00	2,380.00	91,871.91	32,314.09	29,934.09	76
	Final Budgeted	119,889.00	4,297.00	2,380.00	91,871.91	32,314.09	29,934.09	76
	Final Non-Budgeted	0.00	0.00	0.00	0.00	0.00	0.00	0
	Final Total	119,889.00	4,297.00	2,380.00	91,871.91	32,314.09	29,934.09	76

50.00

50.00

May 10, 2016
12:48 PM

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Batch Id: AGADDY Batch Date: 05/10/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-00-4140-260-000 SUPPLIES	Transfer In	To reallocate funds to cover supplies	50.00	1
10-00-4140-341-000 PRINTING	Transfer Out	To reallocate funds to cover supplies	50.00	2

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	50.00	50.00	0.00	0.00
Total of All Funds:		0.00	0.00	50.00	50.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	50.00
Transfer Out:	1	50.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	100.00

There are NO errors in this listing.

May 10, 2016
12:49 PM

TOWN OF INDIAN TRAIL
Expenditure Batch Update/Posting Report

Page No: 1

	Updated Entries	Updated Amount		
Reimbursements:	0	0.00		
Expenditures:	0	0.00		
Transfer In:	1	50.00		
Transfer Out:	1	50.00		
Cancel:	0	0.00		
Encumbrances:	0	0.00		
Batch: AGADDY	Updated Entries: 2	Updated Amount: 100.00	Ref Num: 561	

May 10, 2016
12:50 PM

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Batch Id: AGADDY Batch Date: 05/10/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-00-5000-260-000 OFFICE SUPPLIES	Transfer In	Reallocate funds to cover extra expenses	450.00	1
10-00-5000-397-000 Contract SERVICES	Transfer In	Reallocate funds to cover extra expenses	1,000.00	2
10-00-5000-397-001 Employment Screening	Transfer In	Reallocate funds to cover extra expenses	250.00	3
10-00-5000-185-000 UNEMPLOYMENT INSURANCE	Transfer Out	Reallocate funds to cover extra expenses	1,700.00	4

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	1,700.00	1,700.00	0.00	0.00
Total of All Funds:		0.00	0.00	1,700.00	1,700.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	3	1,700.00
Transfer Out:	1	1,700.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	4	3,400.00

There are NO errors in this listing.

May 10, 2016
12:50 PM

TOWN OF INDIAN TRAIL
Expenditure Batch Update/Posting Report

Page No: 1

	Updated Entries	Updated Amount
Reimbursements:	0	0.00
Expenditures:	0	0.00
Transfer In:	3	1,700.00
Transfer Out:	1	1,700.00
Cancel:	0	0.00
Encumbrances:	0	0.00

Batch: AGADDY	Updated Entries:	4	Updated Amount:	3,400.00	Ref Num:	562
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TOWN OF INDIAN TRAIL
Abbreviated 2016 Expenditure Account Status

May 3, 2016
11:55 AM

Range of Accounts: 10-00-4150-000-000 to 10-00-4150-999-999 Include Cap Accounts: Yes Skip Zero Activity: Yes As Of: 05/03/16

Account No	Description	Budgeted	Transfers	Encumber	Net Expd/Reimb	Unexpended	Balance YTD	%Used
10-00-4150-000-000	LEGAL:							
10-00-4150-192-000	Governing Body	3,000.00	0.00	0.00	2,560.00	440.00	440.00	85
10-00-4150-192-001	Administration	47,590.00	20,600.00	3,590.00	29,118.14	2,128.14	5,718.14	121
10-00-4150-192-002	Finance	500.00	3,000.00	0.00	3,434.00	66.00	66.00	98
10-00-4150-192-003	Comm & Econ Development	3,000.00	0.00	0.00	0.00	3,000.00	3,000.00	0
10-00-4150-192-004	Human Resources	1,000.00	0.00	0.00	0.00	1,000.00	1,000.00	0
10-00-4150-192-005	Tax	500.00	0.00	0.00	0.00	500.00	500.00	0
10-00-4150-192-006	Planning	19,000.00	0.00	0.00	4,700.00	14,300.00	14,300.00	25
10-00-4150-192-007	ENGINEERING	5,000.00	0.00	0.00	2,500.00	2,500.00	2,500.00	50
10-00-4150-192-008	Bond Legal Expenses	0.00	17,500.00	0.00	17,500.00	0.00	0.00	100
10-00-4150-192-009	Parks & Recreation	0.00	100.00	0.00	200.00	100.00	100.00	200
	Control Total	79,590.00	0.00	3,590.00	60,012.14	19,577.86	15,987.86	80
	Fund Budgeted	79,590.00	0.00	3,590.00	60,012.14	19,577.86	15,987.86	80
	Fund Non-Budgeted	0.00	0.00	0.00	0.00	0.00	0.00	0
	Fund Total	79,590.00	0.00	3,590.00	60,012.14	19,577.86	15,987.86	80
	Final Budgeted	79,590.00	0.00	3,590.00	60,012.14	19,577.86	15,987.86	80
	Final Non-Budgeted	0.00	0.00	0.00	0.00	0.00	0.00	0
	Final Total	79,590.00	0.00	3,590.00	60,012.14	19,577.86	15,987.86	80

May 10, 2016
12:52 PM

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Batch Id: AGADDY Batch Date: 05/10/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-00-4150-192-001 Administration	Transfer In	Reallocate funds to cover add'l expenses	10,000.00	1
10-00-4150-192-009 Parks & Recreation	Transfer In	Reallocate funds to cover add'l expenses	200.00	2
10-00-4150-192-006 Planning	Transfer Out	Reallocate funds to cover add'l expenses	10,200.00	3

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	10,200.00	10,200.00	0.00	0.00
Total of All Funds:		0.00	0.00	10,200.00	10,200.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	2	10,200.00
Transfer Out:	1	10,200.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	3	20,400.00

There are NO errors in this listing.

May 10, 2016
12:52 PM

TOWN OF INDIAN TRAIL
Expenditure Batch Update/Posting Report

Page No: 1

	Updated Entries	Updated Amount		
Reimbursements:	0	0.00		
Expenditures:	0	0.00		
Transfer In:	2	10,200.00		
Transfer Out:	1	10,200.00		
Cancel:	0	0.00		
Encumbrances:	0	0.00		
Batch: AGADDY	Updated Entries: 3	Updated Amount: 20,400.00	Ref Num: 563	

TOWN OF INDIAN TRAIL
Abbreviated 2016 Expenditure Account Status

Range of Accounts: 10-80-6130-000-000 to 10-80-6130-999-999 Include Cap Accounts: Yes Skip Zero Activity: Yes As Of: 05/03/16

Account No	Description	Budgeted	Transfers	Encumber	Net Expd/Reimb	Unexpended	Balance YTD	%Used
10-80-6130-000-000	PARKS & RECREATION:	195,799.00	5,711.00	0.00	133,405.29	68,104.71	68,104.71	66
10-80-6130-121-000	SALARIES	32,000.00	0.00	0.00	13,335.00	18,665.00	18,665.00	42
10-80-6130-126-000	Salaries and wages - Temp and Part-Time	5,322.00	83.00	0.00	2,964.82	2,440.18	2,440.18	55
10-80-6130-181-000	SS & MEDICARE CONTRIBUTION	14,172.00	385.00	0.00	8,842.24	5,714.76	5,714.76	61
10-80-6130-182-000	RETIREMENT	60,504.00	0.00	0.00	30,156.69	30,347.31	30,347.31	50
10-80-6130-183-000	HEALTH INSURANCE	600.00	0.00	0.00	900.00	300.00-	300.00-	150
10-80-6130-189-000	Other Fringe Benefits	3,500.00	500.00-	0.00	1,424.30	1,575.70	1,575.70	47
10-80-6130-212-000	Uniforms	1,000.00	200.00	0.00	1,137.63	62.37	62.37	95
10-80-6130-260-000	SUPPLIES	11,059.96	200.00-	1,834.83	8,019.71	2,840.25	1,005.42	91
10-80-6130-290-000	Park Supplies	Payable:	350.00					
		1,400.00	0.00	0.00	1,007.21	392.79	392.79	72
10-80-6130-311-000	TRAVEL EXPENSES	2,016.00	0.00	0.00	1,663.62	352.38	352.38	83
10-80-6130-329-000	Communications and Internet	2,000.00	0.00	0.00	792.21	1,207.79	1,207.79	40
10-80-6130-330-000	Park Utilities- Crossing Paths Park	Payable:	154.82					
		25,000.00	23,000.00	0.00	44,453.67	3,546.33	3,546.33	93
10-80-6130-330-001	Park Utilities- Chestnut Square Park	0.00	50.00	0.00	7.13	42.87	42.87	14
10-80-6130-343-000	Printer/Copier Usage	1,756.23	0.00	0.00	1,786.85	30.62-	30.62-	102
10-80-6130-359-000	Maintenance and Repairs	10,500.00	7,000.00-	2,315.00	480.00	3,020.00	705.00	80
10-80-6130-375-000	Public Outreach	5,200.00	150.00-	0.00	2,909.70	2,140.30	2,140.30	58
10-80-6130-395-000	STAFF TRAINING	38,448.94	0.00	20,075.94	17,461.72	20,987.22	911.28	98
10-80-6130-397-000	Contract SERVICES	0.00	550.00	0.00	473.75	76.25	76.25	86
10-80-6130-491-000	DUES & SUBSCRIPTIONS	227,820.29	11,000.00-	105,397.38	110,771.70	106,048.59	651.21	100
10-80-6130-496-003	Chestnut Squar /crooked Creek Projects	300.00	250.00-	0.00	0.00	50.00	50.00	0
10-80-6130-499-000	MISC EXPENSE	1,400.00	200.00-	0.00	355.17	844.83	844.83	30
10-80-6130-511-000	Office Furniture < 5,000	199.34	51,520.00	51,490.47	199.00	51,520.34	29.87	100
10-80-6130-550-000	Equipment >\$5,000	42,345.78	14,800.00-	9,431.14	13,714.22	13,831.56	4,400.42	84
10-80-6130-551-000	Equipment <\$5,000	Payable:	105.29					
		682,343.54	47,399.00	190,544.76	396,261.63	333,480.91	142,936.15	80
	Control Total	Payable:	610.11					

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Batch Id: AGADDY Batch Date: 05/10/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-80-6130-189-000 Other Fringe Benefits	Transfer In	Reallocate funds to cover add'l expenses	600.00	1
10-80-6130-359-000 Maintenance and Repairs	Transfer In	Reallocate funds to cover add'l expenses	100.00	2
10-80-6130-511-000 Office Furniture < 5,000	Transfer Out	Reallocate funds to cover add'l expenses	700.00	3
10-80-6140-121-000 Salaries	Transfer In	Reallocate funds to cover add'l expenses	7,500.00	4
10-80-6140-126-000 Part Time Salaries	Transfer Out	Reallocate funds to cover add'l expenses	3,000.00	5
10-80-6140-351-000 Building Maint/Upgrades	Transfer Out	Reallocate funds to cover add'l expenses	1,500.00	6
10-80-6140-511-000 Equipment <\$5,000	Transfer Out	Reallocate funds to cover add'l expenses	500.00	7
10-80-6130-121-000 SALARIES	Transfer Out	Reallocate funds to cover add'l expenses	2,500.00	8

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	8,200.00	8,200.00	0.00	0.00
Total of All Funds:		0.00	0.00	8,200.00	8,200.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	3	8,200.00
Transfer Out:	5	8,200.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	8	16,400.00

There are NO errors in this listing.

	Updated Entries	Updated Amount			
Reimbursements:	0	0.00			
Expenditures:	0	0.00			
Transfer In:	3	8,200.00			
Transfer Out:	5	8,200.00			
Cancel:	0	0.00			
Encumbrances:	0	0.00			
Batch: AGADDY	Updated Entries:	8	Updated Amount:	16,400.00	Ref Num: 564

Branden Chopelas

From: Scott Kaufhold
Sent: Wednesday, May 11, 2016 2:04 PM
To: Vicky Watts
Cc: Branden Chopelas
Subject: RE: DPW Budget Transfer Request

please proceed

Scott J. Kaufhold, P.E.
Indian Trail Town Manager
704-821-1314

From: Vicky Watts
Sent: Wednesday, May 11, 2016 2:02 PM
To: Scott Kaufhold
Cc: Branden Chopelas
Subject: DPW Budget Transfer Request

For your approval:

Date: 5/11/2016 FY 2015-2016 Budget

BUDGET	AMOUNT	FROM ACCOUNT NO.	DESCRIPTION	TO ACCOUNT NO.	DESCRIPTION	PURPOSE
DPW	375.00	10-40-4260-182-000	Retirement	10-40-4260-189-000	Fringe Benefits	Balance Account

Thank you,

Vicky Watts

Contract and Bond Administrator
Interim Assistant to Town Manager

INDIAN TRAIL

Engineering Department
130 Blythe Drive
PO Box 2430
Indian Trail, NC 28079

Office: (704) 821-1314
Fax: (704) 821-1381

Batch Id: AGADDY Batch Date: 05/11/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-40-4260-182-000 RETIREMENT	Transfer Out	Cell phone allowance for rest of year	375.00	1
10-40-4260-189-000 Other Fringe Benefits	Transfer In	Cell phone allowance for rest of year	375.00	2

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	375.00	375.00	0.00	0.00
Total of All Funds:		0.00	0.00	375.00	375.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	375.00
Transfer Out:	1	375.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	750.00

There are NO errors in this listing.

May 12, 2016
08:47 AM

TOWN OF INDIAN TRAIL
Expenditure Batch Update/Posting Report

Page No: 1

	Updated Entries	Updated Amount			
Reimbursements:	0	0.00			
Expenditures:	0	0.00			
Transfer In:	1	375.00			
Transfer Out:	1	375.00			
Cancel:	0	0.00			
Encumbrances:	0	0.00			
Batch: AGADDY	Updated Entries:	2	Updated Amount:	750.00	Ref Num: 565

Branden Chopelas

From: Branden Chopelas
Sent: Monday, May 09, 2016 10:34 AM
To: Rox Burhans
Cc: Finance Director
Subject: RE: OverEncumbered Accounts

Rox,

I will write it up and get it to you to sign.

Thank you!
Branden

From: Rox Burhans
Sent: Monday, May 09, 2016 9:48 AM
To: Branden Chopelas
Subject: RE: OverEncumbered Accounts

Hi Branden:

For code enforcement, please pull the money from the Minimum Housing Account instead (10-40-4911-397-001).

In the for what its worth category, I did not approve the purchase of a tablet, which Pam indicated is the reason for one of the transfers. One of my staff received a recycled tablet from a former TC member.

Thanks.

Rox

Rox Burhans, Planning Director

Town of Indian Trail
P.O. Box 2430
Indian Trail, NC 28079
704-821-5401
www.indiantrail.org

From: Branden Chopelas
Sent: Friday, May 06, 2016 11:00 AM
To: Rox Burhans
Subject: OverEncumbered Accounts

Rox,

The following Planning Account is over encumbered: Copier and Usage
The following Code Enforcement Account is over encumbered: Other Communications, Internet Cost.

We suggest the following transfers:

10-40-4910-343-000	Copier/Printer Usage	IN	\$ 250.00
--------------------	----------------------	----	-----------

10-40-4910-391-000	Advertising	OUT	\$ 250.00
10-40-4911-329-000	Other Communication, Internet cost	IN	\$ 200.00
10-04-4911-511-000	Equipment < \$5000	OUT	\$ 200.00

If this is acceptable to you, please respond to this email and we will complete the Budget Transfer.

Have a Great Day!

Branden Chopelas, CPA

Assistant Director of Finance

Town of Indian Trail

P.O. Box 2430

Indian Trail, NC 28079

bchopelas@admin.indiantrail.org

(p) 704.821.5401 ext. 221

(f) 704.821.9045



May 12, 2016
08:48 AM

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Page No: 1

Batch Id: AGADDY Batch Date: 05/09/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-40-4911-329-000 Other Communications, Internet Cost	Transfer In	Reallocate to cover cost of data	200.00	1
10-40-4911-397-001 Minimum Housing Program	Transfer Out	Reallocate to cover cost of data	200.00	2

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	200.00	200.00	0.00	0.00
Total of All Funds:		0.00	0.00	200.00	200.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	200.00
Transfer Out:	1	200.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	400.00

There are NO errors in this listing.

May 12, 2016
08:48 AM

TOWN OF INDIAN TRAIL
Expenditure Batch Update/Posting Report

Page No: 1

	Updated Entries	Updated Amount		
Reimbursements:	0	0.00		
Expenditures:	0	0.00		
Transfer In:	1	200.00		
Transfer Out:	1	200.00		
Cancel:	0	0.00		
Encumbrances:	0	0.00		
Batch: AGADDY	Updated Entries: 2	Updated Amount: 400.00	Ref Num: 566	

TOWN OF INDIAN TRAIL
Abbreviated 2016 Expenditure Account Status

Range of Accounts: 10-40-4910-000 to 10-40-4910-999-999 Include Cap Accounts: Yes Skip Zero Activity: Yes As Of: 05/03/16

Account No	Description	Budgeted	Transfers	Encumber	Net Expd/Reimb	Unexpended	Balance YTD	%Used
10-40-4910-000-000	PLANNING & ZONING:	359,677.00	9,289.00	0.00	258,309.87	110,656.13	110,656.13	70
10-40-4910-121-000	SALARIES	6,026.00	135.00	0.00	3,629.46	2,531.54	2,531.54	59
10-40-4910-181-000	SS & MEDICARE CONTR.	25,958.00	627.00	0.00	17,512.37	9,072.63	9,072.63	66
10-40-4910-182-000	RETIREMENT	76,712.00	0.00	0.00	60,966.53	15,745.47	15,745.47	79
10-40-4910-183-000	HEALTH INSURANCE	900.00	0.00	0.00	680.00	220.00	220.00	76
10-40-4910-189-000	Other Fringe Benefits	5,000.00	0.00	0.00	2,193.01	2,806.99	2,806.99	44
10-40-4910-260-000	OFFICE SUPPLIES	Payable:	44.62					
		3,000.00	0.00	0.00	1,127.73	1,872.27	1,872.27	38
10-40-4910-311-000	TRAVEL EXPENSE	2,500.00	0.00	0.00	12.95	2,487.05	2,487.05	1
10-40-4910-321-000	Telephone	4,860.00	0.00	0.00	2,237.48	2,622.52	2,622.52	46
10-40-4910-325-000	Planning Postage	500.00	0.00	0.00	0.00	500.00	500.00	0
10-40-4910-329-000	Other Communications, Internet Cost	1,500.00	0.00	0.00	0.00	1,500.00	1,500.00	0
10-40-4910-341-000	PRINTING & BINDING	500.00	0.00	0.00	678.31	178.31	178.31	136
10-40-4910-343-000	Copier / Printer Usage	5,000.00	0.00	0.00	862.10	4,137.90	4,137.90	17
10-40-4910-391-000	ADVERTISING	4,000.00	0.00	0.00	1,640.00	2,360.00	2,360.00	41
10-40-4910-395-000	STAFF TRAINING	Payable:	44.00					
		1,000.00	0.00	0.00	490.56	509.44	509.44	49
10-40-4910-395-001	COMMITTEE TRAINING	250.00	0.00	0.00	54.00	196.00	196.00	22
10-40-4910-396-000	FILING FEES	30,000.00	15,000.00	0.00	425.00	14,575.00	14,575.00	3
10-40-4910-397-000	Contract SERV.	Payable:	425.00					
		1,000.00	1,000.00	0.00	0.00	0.00	0.00	0
10-40-4910-397-001	DATA PROC. EQUIP/LICENSE RENEW	200,000.00	0.00	0.00	200,000.00	0.00	0.00	100
10-40-4910-397-002	Rocky River/Poplin Roundabout	2,750.00	0.00	0.00	1,594.00	1,156.00	1,156.00	58
10-40-4910-491-000	DUES & SUBSCRIPTIONS	1,500.00	0.00	0.00	998.22	501.78	501.78	67
10-40-4910-511-000	Other Equipment < \$5,000	Payable:	132.98					
		732,633.00	5,949.00	0.00	553,411.59	173,272.41	173,272.41	76
Control Total		Payable:	646.60					
		732,633.00	5,949.00	0.00	553,411.59	173,272.41	173,272.41	76
Fund Budgeted		Payable:	646.60					
		0.00	0.00	0.00	0.00	0.00	0.00	0
Fund Non-Budgeted		732,633.00	5,949.00	0.00	553,411.59	173,272.41	173,272.41	76
Fund Total		Payable:	646.60					

Branden Chopelas

From: Branden Chopelas
Sent: Monday, May 09, 2016 10:34 AM
To: Rox Burhans
Cc: Finance Director
Subject: RE: OverEncumbered Accounts

Rox,

I will write it up and get it to you to sign.

Thank you!
Branden

From: Rox Burhans
Sent: Monday, May 09, 2016 9:48 AM
To: Branden Chopelas
Subject: RE: OverEncumbered Accounts

Hi Branden:

For code enforcement, please pull the money from the Minimum Housing Account instead (10-40-4911-397-001).

In the for what its worth category, I did not approve the purchase of a tablet, which Pam indicated is the reason for one of the transfers. One of my staff received a recycled tablet from a former TC member.

Thanks.

Rox

Rox Burhans, Planning Director

Town of Indian Trail
P.O. Box 2430
Indian Trail, NC 28079
704-821-5401
www.indiantrail.org

From: Branden Chopelas
Sent: Friday, May 06, 2016 11:00 AM
To: Rox Burhans
Subject: OverEncumbered Accounts

Rox,

The following Planning Account is over encumbered: Copier and Usage
The following Code Enforcement Account is over encumbered: Other Communications, Internet Cost.

We suggest the following transfers:

10-40-4910-343-000	Copier/Printer Usage	IN	\$ 250.00
--------------------	----------------------	----	-----------

10-40-4910-391-000	Advertising	OUT	\$ 250.00
10-40-4911-329-000	Other Communication, Internet cost	IN	\$ 200.00
10-04-4911-511-000	Equipment < \$5000	OUT	\$ 200.00

If this is acceptable to you, please respond to this email and we will complete the Budget Transfer.

Have a Great Day!

Branden Chopelas, CPA

Assistant Director of Finance

Town of Indian Trail

P.O. Box 2430

Indian Trail, NC 28079

bchopelas@admin.indiantrail.org

(p) 704.821.5401 ext. 221

(f) 704.821.9045



May 12, 2016
08:49 AM

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Page No: 1

Batch Id: AGADDY Batch Date: 05/09/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-40-4910-343-000 Copier / Printer Usage	Transfer In	Reallocate to cover add'l cost	250.00	1
10-40-4910-391-000 ADVERTISING	Transfer Out	Reallocate to cover add'l cost	250.00	2

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	250.00	250.00	0.00	0.00
Total of All Funds:		0.00	0.00	250.00	250.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	250.00
Transfer Out:	1	250.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	500.00

There are NO errors in this listing.

May 12, 2016
08:49 AM

TOWN OF INDIAN TRAIL
Expenditure Batch Update/Posting Report

Page No: 1

	Updated Entries	Updated Amount		
Reimbursements:	0	0.00		
Expenditures:	0	0.00		
Transfer In:	1	250.00		
Transfer Out:	1	250.00		
Cancel:	0	0.00		
Encumbrances:	0	0.00		
Batch: AGADDY	Updated Entries: 2	Updated Amount: 500.00	Ref Num: 567	

Account No	Description	Budgeted	Transfers	Encumber	Net Expd/Retimb	Unexpended	Balance YTD	%Used
10-40-4920-511-000	Equipment <\$5,000	2,500.00	0.00	61.84	666.19	1,833.81	1,771.97	29
	Control Total	359,052.59	33,791.00- Payable: 976.38	3,867.29	199,232.68	126,028.91	122,161.62	62
	Fund Budgeted	359,052.59	33,791.00- Payable: 976.38	3,867.29	199,232.68	126,028.91	122,161.62	62
	Fund Non-Budgeted	0.00	0.00	0.00	0.00	0.00	0.00	0
	Fund Total	359,052.59	33,791.00- Payable: 976.38	3,867.29	199,232.68	126,028.91	122,161.62	62
	Final Budgeted	359,052.59	33,791.00- Payable: 976.38	3,867.29	199,232.68	126,028.91	122,161.62	62
	Final Non-Budgeted	0.00	0.00	0.00	0.00	0.00	0.00	0
	Final Total	359,052.59	33,791.00- Payable: 976.38	3,867.29	199,232.68	126,028.91	122,161.62	62

P.O. Type: A11
 Format: Detail without line Item Notes
 Range: 10-40-4920-493-004 to 10-40-4920-493-004
 Rcvd Batch Id Range: First to Last
 Prior Year Only: N
 Encumbrance Date Range: First to 06/30/16
 * Means Prior Year Line
 Subtotal DEPARTMENT: NO
 DEPARTMENT Page Break: NO
 OBJECT Page Break: NO
 Subtotal OBJECT: NO
 Subtotal FUNCTION: NO

Account	Description	Item Description	Amount	Stat/CHK	Enc Date	First Rcvd	Chk/Void	Invoice	PO Type
Fund:	General Fund								
10-40-4920-493-004	EASTER EGG HUNT								P
6-000881	2 SPRINGFIELD WORKSHOP, INC	Eggs for Hop to It	69.56	0		02/17/16			P
6-000882	2 WALMA010 WalMart	Candy Easter	20.28	0		02/17/16			P
6-001048	9 CAROL100 Carolina Weekly	Event Ad-HopToIt	167.50	0		03/29/16			P
			157.34						
	Fund Total: General Fund		157.34						

Total Charged Lines: 3 Total List Amount: 157.34 Total Void Amount: 0.00

60.50

375.00

60.50
247.00

Branden Chopelas

From: Jason Tryon
Sent: Friday, May 06, 2016 11:12 AM
To: Branden Chopelas
Subject: RE: Over Encumbered Accounts

Branden,
Please proceed with the transfer below. I made one small change to one of the accounts, we have a conference coming up that we will all register for so I would like to hold off on the staff training account. Let me know if you have any questions.

Jay Tryon, CPRP

Director of Parks & Recreation
Town of Indian Trail
130 Blythe
Indian Trail, NC 28079
Phone: 704-821-8114****NEW NUMBER***
Fax: 704-821-9045****NEW NUMBER***



From: Branden Chopelas
Sent: Friday, May 06, 2016 11:04 AM
To: Jason Tryon
Subject: Over Encumbered Accounts

Jay,

The following P&R Accounts are over Encumbered: Other Fringe Benefits; Maintenance and Repair
The following C&ED Account is over Encumbered: Pirnter/Copier Usage

We suggest the following transfers:

10-80-6130-189-000	Other Fringe Benefits	IN	\$ 600.00
10-80-6130-359-000	Maintenance & Repair	IN	\$ 100.00
10-80-6130-511-000	Office Furniture	OUT	\$ 700.00
10-40-4920-343-000	Printer/Copier Usage	IN	\$ 500.00
10-40-4920-395-000	Staff Training	OUT	\$ 500.00

If this is acceptable to you, please respond to this email and we will complete the Budget Transfer.

Have a Great Day!

Branden Chopelas, CPA

Assistant Director of Finance
Town of Indian Trail
P.O. Box 2430
Indian Trail, NC 28079
bhopelas@admin.indiantrail.org
(p) 704.821.5401 ext. 221
(f) 704.821.9045



May 12, 2016
08:50 AM

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Page No: 1

Batch Id: AGADDY Batch Date: 05/06/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
10-40-4920-343-000 Printer / Copier Usage	Transfer In	Reallocate cover cost of flyers	500.00	1
10-40-4920-395-000 STAFF TRAINING	Transfer Out	Reallocate cover cost of flyers	500.00	2

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
General Fund	10	0.00	0.00	500.00	500.00	0.00	0.00
Total of All Funds:		0.00	0.00	500.00	500.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	500.00
Transfer Out:	1	500.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	1,000.00

There are NO errors in this listing.

May 12, 2016
08:51 AM

TOWN OF INDIAN TRAIL
Expenditure Batch Update/Posting Report

	Updated Entries	Updated Amount
Reimbursements:	0	0.00
Expenditures:	0	0.00
Transfer In:	1	500.00
Transfer Out:	1	500.00
Cancel:	0	0.00
Encumbrances:	0	0.00

Batch: AGADDY Updated Entries: 2 Updated Amount: 1,000.00 Ref Num: 568

Branden Chopelas

From: Scott Kaufhold
Sent: Tuesday, May 10, 2016 10:00 AM
To: Vicky Watts
Cc: Branden Chopelas; Finance Director
Subject: RE: Stormwater Utility Transfer Request

please proceed

Scott J. Kaufhold, P.E.
Indian Trail Town Manager
704-821-1314

From: Vicky Watts
Sent: Tuesday, May 10, 2016 8:51 AM
To: Scott Kaufhold
Cc: Branden Chopelas; Finance Director
Subject: Stormwater Utility Transfer Request

For your approval:

Date: 5/10/2016 FY 2015-2016 Budget

BUDGET	AMOUNT	FROM ACCOUNT NO.	DESCRIPTION	TO ACCOUNT NO.	DESCRIPTION	PURPOSE
Stormwater	400.00	60-90-7500-397-000	Committee Training	60-90-7500-491-000	Dues & Subs	SESWA Renewal

Thank you,

Vicky Watts
Contract and Bond Administrator



Engineering Department
130 Blythe Drive
PO Box 2430
Indian Trail, NC 28079

Office: (704) 821-1314
Fax: (704) 821-1381

May 12, 2016
08:54 AM

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Batch Id: AGADDY Batch Date: 05/10/16 Batch Type: Standard

Account No. Account Description	Type	Entry Description	Amount	Seq
60-90-7500-397-000 CONTRACT SERVICES	Transfer Out	SESWA Renewal	400.00	1
60-90-7500-491-000 Dues And Subscriptions	Transfer In	SESWA Renewal	400.00	2

TOWN OF INDIAN TRAIL
Expenditure Entry Verification Listing

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
Stormwater	60	0.00	0.00	400.00	400.00	0.00	0.00
Total of All Funds:		0.00	0.00	400.00	400.00	0.00	0.00

	Entries	Amount
Expenditures:	0	0.00
Reimbursements:	0	0.00
Transfer In:	1	400.00
Transfer Out:	1	400.00
Cancel:	0	0.00
Encumbrance:	0	0.00
Total:	2	800.00

There are NO errors in this listing.

	Updated Entries	Updated Amount			
Reimbursements:	0	0.00			
Expenditures:	0	0.00			
Transfer In:	1	400.00			
Transfer Out:	1	400.00			
Cancel:	0	0.00			
Encumbrances:	0	0.00			
Batch: AGADDY	Updated Entries:	2	Updated Amount:	800.00	Ref Num: 569

MAYOR
Michael L Alvarez

MAYOR PRO TEM
David L. Cohn

INTERIM TOWN MANAGER
Scott J. Kaufhold, P.E.



TOWN COUNCIL

Gordon B. Daniels
Gary M. Savoie
Amy R. Stanton
Mark A. Wireman

**Indian Trail Town Council
Regular Meeting
January 12, 2016
Civic Building—6:30 PM**

MINUTES

The Indian Trail Town Council convened at 6:30 PM on Tuesday, January 12, 2016 for a Regular Town Council Meeting in the Council's Chambers at the Civic Building—100 Navajo Trail, Indian Trail, NC.

The following members of Council were present:

Mayor Michael L. Alvarez
Council Member Gordon B. Daniels
Council Member Amy R. Stanton

Mayor Pro Tem David L. Cohn
Council Member Gary M. Savoie
Council Member Mark A. Wireman

All members of Council were present.

The following members of Staff were present:

Interim Town Manager/Director of Engineering Scott J. Kaufhold, Town Attorney Keith Merritt, Town Clerk Kelley Southward, Planning/Neighborhood Services Director Rox Burhans, Community Economic Development Director Kelly Barnhardt, Parks & Recreation Director Jason Tryon, Contract Analyst Vicky Watts, Engineering Project Manager Adam McLamb, Communications Coordinator Mike Parks, Community Engagement Coordinator Julia Zweifel and Senior Planner Gretchen Coperine.

1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order at 6:30 PM and led everyone in the Pledge of Allegiance.

2. AGENDA ADDITIONS & DELETIONS

- Mayor Alvarez announced that Representative Arp will not attend meeting, motion to remove him from Presentations, Item 4C.
- Councilman Cohn: Strike and reschedule Discussion (Item 10C), Porter's Ridge Athletic Association, they could not attend meeting.
- Councilman Daniels: Permission to add to Business (Item J) permission to address the Ashcroft development.
- Councilman Wireman, add to Business (Item 9K) RFP for comprehensive financial audit. Add to Business (Item 9L) change date for February council meeting from February 9 to February 11; Remove Business Item 9D. Add Discussion (Items 10E) Policy on Private Roads; add to Discussion (Item 10F), VFW Road.

3. MOTION TO APPROVE AGENDA

Town Council Regular Meeting Minutes – January 12, 2016

Motion to approve amended agenda as presented by Member Savoie. Vote to approve was unanimous.

4. PRESENTATIONS

a) 2015 Christmas Parade Awards

Mayor Alvarez, thanked all participants on behalf of the Town of Indian Trail, Council, staff and residents. The sponsors and winners of the Christmas parade float contest were in attendance. The parade was held on Sunday, December 6th. The Union West Rotary Organization coordinated nearly 100 individuals and unique conveyances that took part in the parade. There were five float categories, listed below with winners and sponsors. Papa Murphy's Take & Bake Pizza, Steven C. Long, Notary, CSNA, The Fun House Inc. and the Indian Trail Arts and Historical Society, each donated a \$25 gift certificate and magnet. State Farm Insurance and The Fun House, Inc. were parade judges. The awards were announced as follows:

Best Youth – Winner - Shiloh Elementary School Chorus (in attendance)
Sponsored by: Indian Trail Arts and Historical Society, dedicated to preserving the history of Indian Trail.

Best Decorated – Winner - Girl Scout Troup 2803
Sponsored by: Indian Trail Arts and Historical Society

Most Red and Green – Winner - Escape Travel and Cruises (in attendance)
Sponsored by: Papa Murphy's Take & Bake Pizza (Hwy 74, near Walmart)

Most Spirit by a Business – Winner - Masterpiece Studios
Sponsored by: Steven C. Long, Notary, CNSA

Most Creative – Winner - JoAnne's Florist
Sponsored by: The Fun House, Inc.

The Town of Indian Trail Council thanked all participants and sponsors. Councilman Cohn asked those sponsors and winners in attendance were asked to stand to receive recognition and applause. Those in attendance also posed for a group photograph.

b) Approval/Presentation of a Proclamation naming AJ Helotie “Mayor for a Day”

Mayor Michael Alvarez read the Proclamation for Independence Day 2015 proclaiming AJ Helotie to be Indian Trails's Mayor for the Day on July 4th 2015.

Council Member Wireman made the motion and the vote was unanimous to approve.

Mayor Alvarez presented the framed Proclamation to young AJ Helotie.

c) Presentation of the Connect NC Bond Package by Representative Dean Arp

Representative Dean Arp was not able to attend. Item was removed in Agenda Additions and Deletions.

d) Presentation and acceptance of Annual Financial Statements for period ending June 30, 2015; Ms. Clare Meyer, CPA of Tinsley & Terry CPA's, P.A.

Ms. Clare Meyer, CPA of Tinsley & Terry presented. The report was issued by Tinsley & Terry for financial statements for the town as of June 30, 2015. An unmodified opinion was issued, which is the highest level of assurance. No statutory, contractual, or budgetary violations, were noted. In the State single audit report there were no findings that needed to be reported.

Ms. Meyer opened for questions:

Q&A

Council Member Wireman

Q: Regarding statutory audits, my understanding is that you don't specifically audit internal controls or offer opinions on internal controls?

A: No, the internal controls are documented as part of the audit and used to determine level of testing that needs to be performed.

Q: How many accounts in the general ledger? Is every account tested?

A: About 900 – 1000. No, every account or transaction is not tested in the audit.

Q: What percentage of the accounts was tested during the audit?

A: Cannot respond off top of my head, because some of accounts are grouped, i.e., payroll has six accounts, plus 5 or 6 functions. The audit is a sample of the transactions.

Q: Budget amendments for fiscal year that audit was performed, what % of budget amendments?

A: Auditing is always a sample. I believe we looked at a month's worth.

Q: Wanted to highlight over the past several years, the town has not spent a lot of money on roads. From a financial risk perspective, concerned that if the money has not been spent on the roads for maintenance, the fixes increase in cost over years. As part of the audit process, do you look at that type of financial risk for maintenance items?

A: The audit covers July 1, 2014, through June 30, 2015. Maintenance items are not part of the financial audit process.

Council Member Daniels:

Q: Considering Council Member Wireman's questions, if the audit contains the source of use of funds, would that answer question as to what monies we have and how they are being spent?

A: Yes, the audit shows the fund balance for restricted assets. And you can see what has been spent by function within the audited financial statements.

Q: Any recommendation for future audits for municipalities re: Council Member Wireman's question about maintenance?

A: I advise town to have a capital management plan, 1-5-10 year for all physical assets held, buildings, roads, anything that need to be maintained.

Council Member Savoie:

Q: Is this audit approach standard for peers in this governmental industry?

A: Yes, the audit is driven by standards my industry has as to how we approach an audit and then the audit for a town is mandated by general statute. There is an oversight committee with the local government commission. They review all audits that are performed before they are allowed to be released to the town. This provides an additional oversight because they want to see consistency among towns.

Q: Any risk would lie with our protocols, policy and procedures, which you evaluate?

A: Yes, we document and look at them to determine how it will affect the actual financial transactions during the year. From that we determine what level of testing we need to do to assure ourselves that the numbers are materially correct.

Q: Any suggested changes in our protocols and policies?

A: We did not have any this year, we have had some in the past years. I did suggest, in a letter to management and the Board, that your Staff should go to class and get updated on the Green Book Standards (concept of internal controls) to make sure internal controls being implemented are proper for size and complexity of town. The federal government has clarified the Green Book Standards, a concept of internal controls in governmental environments.

Q: How long have you been auditing our town? Throughout that time, have you ever made recommendations regarding internal controls? Have you seen our policies and procedures?

A: We have been auditing your town for about 7 years. Yes, I have seen your formal policy and procedures. In the years we first started auditing, when you did not have formal policy and procedures, we did have some findings.

Q: Do the same personnel come on site for audit every year?

A: No we try to rotate. This year, I was on site for the audit. The Manager had been on site for the previous 4 years for the audit.

Councilman Cohn

Q: Do you do primarily the same thing every year? Do you bounce around or look at the same things?

A: Our standards require us to bounce around on what we are looking at and to look at some “surprises”. We do identify key risk areas to make sure there is proper coverage on those areas. Every summer, a communication is sent to the board to ask if they have any areas of concern. That is also reviewed with management and a random employee every year, which develops our planning for substantive testing.

Q: Does the town generally do the same audit every year, or every once in a while, do a more in-depth audit?

A: No an audit is the highest level of assurance you can give over financial statements. There are other types of audits that could be performed, but generally those are triggered on as needed basis and if there is a concern about a specific area. That concern would need to be identified before the audit. In the past, the town has asked about other types of audits, i.e., forensic.

Q: I read somewhere that a town should change auditors every 3-5 years?

A: Towns are different than large businesses/Fortune 500 companies. The reason is that the auditors are usually on site most of the year due to volume of transactions. So if you have someone on site then it is a good idea to rotate. You can go to LGC website to see history of auditors for towns and length of time they’ve been auditing them. We do suggest you do a RFP on a regular basis to make sure you are getting a fair fee and evaluate the quality versus price.

Councilman Wireman:

To answer Councilman Cohn’s question, according to Municipal Government of NC, chapter 15, page 459, it does actually state that most cities engage auditors for a term of 3-5 years.

Motion to accept and approve the financial audit and Annual Financial Statements for period ending 6/30/15 made by Council Member Daniels. Unanimously approved.

- e) **Presentation by Leverage Resources regarding a Community Involvement Survey**
Mike Giaimo

Leverage Resources creates solutions and strategies to help organizations develop sustainable growth. Handout distributed to Council. Public can email Leverage Resources and ask for a copy of the presentation. County over last two decades has realized significant growth.

Development needs and opportunities are consistent with growth, infrastructure, roads, services and residential and commercial development needs. Community involvement is of key importance. It is key that resources understand the vision and initiatives. This requires an effective public awareness, communications, events and surveys, and a full support system to feed into community participation and committees to support efforts.

The solutions and strategies Leverage Resources provide are customized. Surveys are key, prior town survey was only 400 participants, not representative, too small of a sample, clear disconnect. We can get more involvement and still be cost effective.

Councilman Wireman

Q: What impact could be expected?

A: Surveys are done online and on paper to reach all residents. Responses will allow you to recreate mission statements based on response and guidance. We have seen a double digit growth in involvement which is key. The Citizens Academy on your website is a great example and opportunity for having informed and involved residents.

5. PUBLIC COMMENTS

- Mr. Art Spurr, 4100 Woodcreek Court, resident of Ashe Croft subdivision. In the 90's, Ashe Croft did not have the water drain off system that they have now or the requirements. So we have a tiny retention pond that borders on Crooked Creek. Crooked Creek has continued to rise due to development and water flowing downhill. On August 8 last year, Crooked Creek went over its bank and flooded our pond. The Town Council and NC DOT, and the Town of Indian Trail has a development across the road from Ashe Croft Subdivision, they have been allowed to tie their drainage into Ashe Croft subdivision. Those houses are being flooded out every single time it rains, due to development across the street. There used to be only one drain, now there are 230 + houses, going at a 90 degree angle off the pipe. The NC DOT says that when the drainage system leaves their right-of-way it's no longer their responsibility. So once the pipe goes behind those houses and makes the 90 degree turn, it is not their problem. We're being flooded from the top and plugged from the bottom and nobody has taken responsibility for it. Thanks to Town Council and those that came to look at the situation. It has gotten bad, even when it doesn't rain, the development across the street is still pumping their ponds. Every 2 years, the 100-year flood plain keeps getting larger, and more houses get eaten up because of it. And that is because the infrastructure is not in place before things are approved.
- Ms. Kimberly Light, resident of Ashe Croft subdivision. Neighbors are frustrated by lack of response to emails and calls. Residents have been told the issue is a State issue and no one in Indian Trail can help. Since Bay Yard Group began construction at Unionville Indian Trail Road, the problem has gotten worse. Based on long time, 20 + year residents, storm runoff and flooding has never been this bad until construction began. Problems started when the Bay Yard Group tied the drainage system for the new development into our system resulting in increased water. While tying into our system our sidewalks and roads were torn up. The road conditions at the entrance at Ashe Croft Drive make it hazardous to enter and exit the neighborhood. Along the back of the homes on Brookforest Lane, there is an easement to handle storm water runoff and it is not maintained by HOA, homeowners are supposed to mow and weed to maintain. It was tedious but manageable. With construction, this area is impossible to maintain. Heavy rain, added runoff, dead fish, trash, water and sludge 3-4 days after a storm. Water is being pumped off from retention pond at construction site across the road. A worker told me that they were only pumping off only 2 feet of water from the retention pond but could be pumping 20 feet. The continued to pump for 2 more days, at least

8 hours/day. It is killing grass, our soil composition has changed, standing water remains until it evaporates. Residents have been dismissed by Town of Indian Trail engineers that say it is a State issue and the house needed to flood to get help from Town. Home and property values are deteriorating. We need a remedy for the situation and assistance from elected officials, to help taxpayers with this issue without passing the buck. To help prevent further damage, property value deterioration, mosquitoes, sickness and flooding. Pictures presented to council.

- **Shirley Howe, 6205 Clearwater Drive, Indian Trail.** Several months ago she relayed at Council meeting during public comments that the state government recommends changing the audit company every 3 – 5 years. An RFP was sent out some months ago. She notices that the Town is still using the same audit company. Wants to ask why. Secondly, the audio of council meetings are not available to listen to on the Granicus. She asks that the information be in the Town newsletter. Councilman Daniels had requested this prior and it only went in newsletter once. It needs to be in town newsletter every edition. Thanks to the newly elected members and Scott on his position.

6. LAW ENFORCEMENT UPDATE

- Lt. Coble reported that the US Marshall Service asked for assistance this morning locating and serving a warrant on a man wanted out of NY for narcotic trafficking. Resulted in a foot pursuit, suspect is in custody and will be extradited. On December 6th, a male entered Circle K at corner of Chestnut & Potter Road, armed with knife, suspect fled on foot. Deputies & canine unit arrived on scene. Detectives are working on leads. On January 1st, a male, meeting the same description, entered the same store and robbed the cashier at knife point, fled scene on foot. Crimestoppers has been issued. This is the same store where a NC Highway Patrolman and one of our deputies shot at a year and a half ago. Sunday, January 10th, at 9:55 pm. Burger King, male with handgun robbed store employees of money from safe, discharged handgun no injuries. Fled the scene. Deputies responded, 2 minute response. Canine unit utilized. Lead developed off surveillance video and determined he left from vehicle from back of parking lot. Detectives are working on the case, hoping to get posted on Crimestoppers.
- Working with planning department on Golf cart registration process, wrinkles ironed out, confident that by first part of February should be registering golf carts. March is ordinance deadline for golf cart registration.
- Working with public works in Crooked Creek Park, on No Parking signage. No parking signs recycled No Parking signs from elsewhere and erected in Crooked Creek.
- Working with engineering department on re-striping on Chestnut Parkway. 73 additional parking stalls that have been created at Chestnut Square Park utilizing on street parkway on Chestnut Parkway. May be temporary. Raised the parking to a total of 390 parking stalls, not including handicapped or 4 playground access stalls.
- Working on 2015 stats and within 3 weeks the Town Manager will receive detailed information about law enforcement cases in 2015, goals and initiatives for the upcoming year.
- 1,034 calls for service in December; (up from November at 985) self-initiated activity, 1,652; Average Response Time 9 minutes, 24 seconds, (9:21 in November) 132 motor vehicle crashes of which the Sheriff's office investigated 66, and NC State Highway Patrol investigated the other 66. 259 reports taken by deputies assigned, same as November.
- There is a Facebook page for the Indian Trail Bureau of Union County Sheriff's.

7. CONSENT AGENDA

- a) Approval of November 10, 2015 Regular Meeting Draft Minutes
- b) Approval of tax refunds for overpayment of taxes greater than \$500.00
- c) Approval of Budget Amendments
- d) Approval of the Revised Powell Bill Map

Motion to approve the Consent Agenda as presented, by Councilman Cohn. Unanimously approved.

8. PUBLIC HEARINGS

– Please adhere to the following guidelines:

- Proceed to the podium, and state your name and address clearly;
- Be concise; avoid repetition; limit comments to three (3) minutes or less;
- Designate a spokesperson for large groups

- a) **ZT2015-003 Heritage Trees: Request to amend the definition of Heritage Trees and amend the Heritage Tree Protection provisions of the UDO: Chapter 1640.260, Chapter 830.040(E) and Chapter 880.040(A). This is town-wide amendment; the applicant is the Town of Indian Trail.**

Gretchen Coperine, Senior Planner, Town of Indian Trail, gave a detailed presentation, providing definitions, current and proposed changes to the Development ordinance.

Definitions: A Text Amendment is a request to alter or add to the text of a chapter of our Development Ordinance. A Text Amendment can be done at request of staff, citizens, the Planning or Tree Board or Town Council. Process: The Staff prepares research & report, the Planning Board hears it, a draft ordinance is prepared, the Planning Board makes recommendations to Town Council, and Town Council makes final decision.

Background: In Ordinance, trees over a certain size have to be protected, if they cannot be protected, they have to be mitigated. This amendment was initiated by the Tree Board in response to requirements that are impractical to meet in our existing code. Intent is to provide standards which are feasible to comply with but also allow appropriate tree preservation and flexibility for commercial sites in replanting and mitigation scenarios.

Existing definition of Heritage Tree: Any tree that is 12 inches in diameter or larger is a heritage tree.

Proposed Amendment: Specify if the tree is deciduous, (oak or hickory) it would have to be 14 inches or greater in diameter. An evergreen tree (pines or cedar) would have to be 18 inch or greater in diameter. Have identified nuisance trees that would not be defined as a heritage tree.

Actual Mitigation Standards:

Current standard: When a tree is taken out over 12 inches in diameter, it has to be replaced with 3 trees; if 18-24 inches in diameter, it will be replaced with 4 trees; 24 inches or more in diameter, replaced with 5 trees.

Proposed change: Instead of doing a total tree count for mitigation, single-family residential (subdivision) zone, 50% replaced, non-residential zone 25% replaced. For example, an 18 inch tree would have to be replaced with a 9 inch tree or in non-residential it would have to be replaced with 25% or with a 4.5 inch diameter tree.

The proposed change allows you to differentiate between residential and non-residential and provides a more equitable mitigation.

Alternate Mitigation Options

- 1.) In-Lieu Fees
- 2.) Alternative Planting Plan or,
- 3.) Off-site Plantings,
- 4.) Or any combination of the options.

Example: Fisher Textiles

Under existing requirements, they would have to replant 249 trees on 6 acres;
Under proposed requirements, they would need to replant 29 trees.

Example: Zaxby's

Under existing requirements, they would have to replant 226 trees on 3 acres;
Under proposed requirements, they would have to plant 62.

Example: Killingworth

Under existing plan, they would have to replant 63 trees on 1.7 acres;
Under proposed, they would have to plant 26 trees.

This was presented to the Planning Board and they had general questions about trees found most commonly on site and expressed overall support and approval of amendment.

The Planning Board revisited the amendment to include an additional option for mitigation and found the required consistency findings and recommended unanimously to approve the item as presented.

The following consistency statements were found: (Read into record by Gretchen Coperine)

- 1.) The proposed UDO Amendment is consistent with the following goals of the Comprehensive Plan.
 - **Open Space and Natural Environment Goal #5:** Because it will enable responsible growth and development while preserving and protecting the natural environment and features.
- 2.) This UDO ordinance amendment is in the best interest of the public because it helps further responsible land development while maximizing the community forest environment.

Gretchen asks Board for two motions:

- 1.) Motion to make Consistency Findings as read into record and,
- 2.) Motion to make a final Decision to Approve, Approve with Modifications, or Request More Information.

Motion made by Council Member Savoie to approve the Required Consistency Findings as read into record by Staff. Motion approved unanimously.

Motion made by Council Member Stanton to approve Ordinance #0160112-231 a UDO text amendment regarding Heritage Trees ZT 2015-003, as presented. Motion approved unanimously.

9. BUSINESS ITEMS

- a) **Council consideration to approve an amendment to the 2013 Union County Sheriff's Office Agreement for Law Enforcement Services.**

To approve the amendment pursuant to the approved 2015-2016 town budget which added additional deputies based on the approved budget. Mr. Kaufhold asked all to note that the final version being approved today was sent out via email to all Council Members this afternoon, and is slightly different than the one in the package. On this version, the language changed in document is in Paragraph 14 of Agreement, dealt with removing traffic deputies, which deleted second and third sentences to Section 13 of original Agreement. Councilman Savoie asked if the document needed to be re-approved by Union County. Mr. Kaufhold said

that Union County made the changes to the document and it only has to be re-executed, changes have already been approved by Union County.

Council Member Daniels asked to add a comment to the record regarding the law enforcement survey which suggested an increase of deputies to 28 for year 2020 and to look at expediting the increase in deputies sooner. Council Member Cohn said that he would note the comment to the record.

Motion made to approve amendment to the 2013 Union County Sheriff's Office Agreement for Law Enforcement Services by Council Member Wireman. Motion was approved unanimously.

b) Council consideration to approve the Geotechnical Services Contract for the Town Hall Project.

Mr. Kaufhold advised that this contract is for necessary work that is already being performed by Geotechnical Services for the Town Hall project. It adds additional costs of \$65,000 to the project for necessary work related to Town Hall Project.

Motion made by Council Member Daniels to approve the Geotechnical Services Contract for the Town Hall Project as presented. Motion approved unanimously.

c) Council to consider providing direction to staff regarding the town's parking ordinance; make amendments to make this a civil penalty. (Councilwoman Stanton)

Councilwoman Stanton brought up the current parking ticket cost, \$218 currently, with a required court date and fee paid to the court system. The cost and process is too high compared to surrounding communities. Staff needs to move the issue regarding costs and ordinance up in priority on the agenda. It needs to be made more reasonable for citizens and visitors to Indian Trail.

Lt. Coble: Prefer parking tickets to be a civil penalty, \$20-\$25. A civil penalty will go to the Town's general fund. Consideration needs to be given to how to convey message and identify streets which should not have any parking? There are streets where parking is affecting UPS, postal service, and EMS services. The plan needs to be workable for Indian Trail. Chase has been reviewing the drafts and ordinances, with an eye to today and to the future. Engineering department needs to be involved.

Councilman Savoie asked how are state and private roads handled? Chase responded that private roads are considered a driveway for purposes of enforcement of motor vehicle laws.

Indian Trail's parking ordinance has needed revision for years. Council agreed on 90 day window to review issue for completion.

Motion made by Councilman Wireman to move forward to direct Staff regarding Town's parking ordinance to make it a civil penalty and provide solutions on how staff may handle said process. Approved unanimously.

d) Council to consider directing Town staff to estimate the cost to complete the paving of Sardis Drive from Aldi to Sun Valley Place. (Council Member Wireman)

Item was removed in Agenda Additions and Deletions.

e) Council to consider the formation of an Economic Advisory Committee. (Council Member Wireman)

This is a continuation from the previous Council meeting, and dismemberment of EDAC. The Economic Development department was directed to focus on parks and didn't report directly to Council. Council Member Wireman researched the topic and discovered that there has been no focus on economic development in 5 years. In 2012, we had a 71% residential tax base, 24% tax class base. In 2014, the residential tax base increased to 73%, business tax base decreased to 22%. This shows lack of economic development and that the residents are carrying the burden from a tax perspective. From 2012 – 2015 economic development has been allocated \$1.12M between salary etc. Committee needs to support and enhance.

Recommendations:

Having an Economic Advisory committee that reports directly to council on a regular basis is important and can support and enhance what needs to be done from an economic perspective. Tactical items for the committee would be to start focusing on tree replacement (addressed today), sidewalks, and other impediments to business. We need to determine how we can mitigate impediments to businesses that come to Indian Trail that can help sustain a family and help to foster business growth.

Councilman Daniels: Economic Development Advisory Committee was started last year and Indian Trail is one of only two towns in Union County that had an EDAC. He agrees an economic development committee is needed.

Motion made by Councilman Wireman to move forward with forming a new Economic Advisory Committee and to direct staff to develop bylaws and procedures. Approved unanimously.

f) Council consideration to promote an Alternate member of the Board of Adjustment to a Regular Member; to fill the unexpired term of Seat #5 ending June 30, 2017.

Mr. Kaufhold introduced topic and the need to promote an Alternate to fill the seat for personnel in Seat #5, who has moved from the area. Kelley Southward, Town Clerk, introduced the alternates and shared applications with Council.

Kelley Southward, Town Clerk –

There are two alternates from Board of Adjustments that applied, Dr. Ally and Pat O'Connor. Both applications are in the package. Both have been serving as alternates for more than 12 months. The Chairman has recommended both equally.

Pat O'Connor in attendance. Dr. Ally could not attend this evening's meeting as he had business in Washington, DC.

Mr. Kaufhold asked if the applicants serve on other boards or committees?

Pat O'Connor responded that he does not serve on other boards and committees, other than Board of Adjustments and has lived in Union County for 35 years. Ms. Southward responded to same question in regards to Dr. Ally. Dr. Ally is on several other boards and committees but is reducing to the two. Dr. Ally has said that if he is not selected to move up to the regular member seat on the Board of Adjustments he would let Board of Adjustments go. He has two other committees he would like to stay with, but if Council would promote him to the regular member seat, he would like to stay with Board of Adjustments.

Councilwoman Stanton noted that Mr. O'Connor has lived in Union County for 35 years. Dr. Ally moved to Union County in May of 2014.

Motion made by Councilman Cohn to nominate and promote Mr. O'Connor to sit on Board of Adjustments to fill the unexpired term of Seat #5, ending June 30, 2017. The motion was approved unanimously.

g) Discussion and possible action regarding ABC Board member pay.

Mr. Kaufhold-

Background: The ABC has their own board and staff and acts autonomously. The Town appoints the Members of the ABC Board and sets the pay for Board Membes. The new financial person with ABC Board discovered there were some salary discrepancies in amounts that were approved for Board Member pay vs. what was paid out to the tune of \$6,000 over 5 years (\$50 per meeting for two of the members). The Town does not cut those checks or collect the money, but the town does approve the amount of salary. Laurie Lee, Director of ABC Board Audit and Pricing Unit in Raleigh had noted to the ABC finance person that the pay change be made retroactively to resolve the issue.

Councilman Daniels: He does not think that an error in the past should be approved retroactively. Acknowledge the error, direct staff to have procedures to set pay at a certain level and make sure there are grounds to monitor pay. Let's move forward and make it right and make a procedure to monitor agreed upon money.

Councilwoman Stanton: Do we know where this started? Mr. Kaufhold responded no, we do not, just the numbers and the period of time.

Councilman Wireman:

Q: Concur with Councilman Daniels, regarding not approving it retroactively to 2011, not sure what the implications would be. The issue may need Mr. Merritt's input or to someone at State level to make sure that the Town does not have any ramifications.

A: (Mr. Merritt)

This was not an action that was taken by the town. ABC Board is appointed by the town, but there isn't really any oversight other than setting salaries of board members.. It wouldn't come back to the town. State ABC Board has made a suggestion to deal with it. The town has a few choices, say we are approving it retroactively but we have not approved any salary over and above what was approved. Ask staff to come back to another meeting with Agenda item to revisit salaries. If not approved retro, my assumption is that it would create a problem between ABC Board and State and it's possible they could go back and say the received funds will have to be repaid. Choice, deal with issue, or leave ABC Board in position to deal with the state.

Council asked staff if the suggestion from the ABC Board was received in writing? Ms. Southward responded that it was not in writing but it can be requested in writing from Ms. Lee. Council felt it would be best to contact Ms. Lee and have her provide any suggestions for resolving this matter in writing. Mayor Alvarez suggests Council to consider that it could set a bad precedent to approve mistakes to be corrected retroactively. Council will table requiring written verification of recommendation from ABC Board.

Councilman Savoie:

The town could take the position that although it was not approved at the time, it is approved retroactively. But the ABC Board will have to attend Town Council meeting to agree to the salary going forward. Choices are to deal with issue, and handle retroactively, or leave ABC Board in having to deal with the issue with the State.

Motion made by Councilman Wireman to table discussion on resolving ABC Board pay discrepancy in order to allow Keith and Scott Kaufhold to research further. Motion approved unanimously.

h) Council consideration of unsealing Closed Session Meeting Minutes as discussed by Council on 12/8/2015. (Councilwoman Stanton)

Action Requested of Council: Staff to be guided to review closed session minutes to determine if the documents contain any sensitive that should not be disclosed in ordinance with state statutes. If any meeting documents do contain sensitive documents, the document must be reviewed by attorney review. There is a guided outline where county staff can review the minutes which would saves the attorney fees and costs to reduce costs and allow Town to get the information out to residents.

Keith Merritt: The Town Clerk is the only Staff person that could do that review. Can't have any other staff person go through them because there is personnel information, protected by State law. Only the Clerk or HR could review it to ensure there is not disclosure of personnel information.

Councilman Wireman:

Every 3 years, closed session minutes become part of public record. There are always gray areas in privacy, but there are good resources and checklists for guidance. Staff could identify any gray areas and set those aside for attorney review. It is not feasible to have attorney review all documents. It would allow us to meet the spirit of statutory guidance while at same time not spending attorney review for items that can be reviewed internally. I will defer to Scott regarding qualifications of his staff to review.

Mr. Kaufhold- concerned with exposure and liability. It only takes one thing to slip through the cracks.

Councilman Daniels –

Q: Keith, Who is responsible for release of information should there be liability regarding release of information?

A: (Keith Merritt) The Town Clerk is the custodian of the records and the Town Manager. Public records requests go through Town Clerk. They are the only two people who could be authorized to legally review the information before release. The Town Clerk is the custodian of the records. The Clerk signs off on the certification that it is true, accurate and complete. And that person has liability for improper production. From a civil standpoint, you would have to prove damages, but it is a class 1 misdemeanor with a \$100 fine.

Councilman Cohn: Would like to know how many closed session minutes are out there, and in his opinion those will decrease in future, but will vary from year to year. So he thinks it is a good idea to have the minutes reviewed by the Clerk but we need the staff to help the Clerk with other duties in order to free up her time for that process.

It was suggested to take a look at the past couple years and move forward in identifying how much and not continuing to table issue.

Per Mr. Kaufhold, the Clerk identified approximately 25 pages of closed session minutes over past 3 years. The work has already been done for some years and released to the public. *Councilman Daniels made motion to table discussion on unsealing Closed Session Meeting Minutes as discussed by Council and to be reopened or discussed at first council meeting in April. Unanimously approved.*

i) Council consideration to approve the amended Board/Committee Appointment Policy as prepared by staff upon direction made by Council on 12/8/2015. And, if the amendment

is approved action by Council to adjust Board/Committee membership to be compliant with the amended policy.

Kelley Southward, Town Clerk.

Last month Councilman Wireman had an Agenda item regarding limitations in the appointment policy stating that no board or committee member could serve on more than two boards and/or committees at one time. Some language had been drafted Section 2, subsection I Limitation. The one exception that was not discussed at the meeting, is that by ordinance in the UDO the Tree Board sits as the Planning Board. So when drafting this ordinance, they were counted as one committee. As those Planning members would technically serve on three committees, the Amendment is being brought back to Council.

Council member Wireman made motion to approve amended Board/Committee Policy as prepared by staff. Approved unanimously.

j) Ashe Croft –stormwater/drainage issues. Direct Staff to look into this and get it fixed. (Councilman Daniels)

Scott Kaufhold – Two phases are temporary (smaller storm events, 10 year storm) and permanent erosion controls. Town does not have authority over temporary. Local governments cannot have requirements that exceed State requirements.

Erosion control is state controlled. When temporary goes to permanent, than the Town will have control over it and Town has high standards for much higher storms, 100-year storm. Town is working with Contractor, and Developer to pump out ponds, and has asked State to address the issue directly with homeowners. Has a filter system that is above and beyond what the Developer was required to do. The State allows the developer to pump water out of the ponds. There has been such heavy rainfall, rain runs off the site and sediment builds-up and water accumulates. It has been documented via video and photographs. If homeowners can demonstrate that it caused home flooding, (crawl space or finished floor damage) that opens up many options.

Councilman Wireman:

Q: Keith, Does Town have any statutory authority that Town can explore to remedy for residents?

A: (Keith) Erosion control is State of NC, State needs to respond and address regarding erosion control. If measures are failing it is up to State. Based upon what he has heard tonight, he doesn't think we would have authority to request builder to meet higher requirements than what state required.

Councilwoman Stanton:

I have seen the problems first hand. With approval I will contact the contractor for the subdivision under construction directly or go to their office. Councilman Daniels has placed calls four times and never received a response.

Councilman Cohn:

We need to talk with developer first, next, talk with the State. And ultimately it is an Indian Trail problem since it affects our residents and a big concern of the Town and Council.

Mr. Burhans said that Council should confirm that the proper owner and entity has been contacted; the original developer/contactor may have sold the project a year ago, need to confirm that Town is contacting correct entity. Owner may be AB Homes?

Councilman Savoie

Q: Scott, What is potential solution?

A: They would use developable land, short term. There are options to try to help. The nature of the design requirements with the two entities, one handling temporary, and one handling long term are at issue. Temporary is designed to hold smaller storms. There are some options that are not foolproof but they can be discussed and requested of developer, but at end of day, we can't pull permits or certificate of occupancy.

Scott Kaufhold:

We need option to bridge long term and short term gap. Demonstrate and document before and after damages. Make sure that the contractor takes care of damages before they leave.

Motion by Councilman Daniels to place Ashe Croft home situation topic on next Agenda for update. Approved unanimously.

k) RFP Comprehensive Financial Audit

Councilman Wireman:

I asked for this agenda item to be added this evening because I've been informed that Mr. Kaufhold has received two proposals from auditing firms in response to the RFP sent out after the December 8th meeting for a more comprehensive audit. The required annual audit only tests certain accounts and looks at a larger picture rather than drilling down to carefully review our 976 line items. Not certain that we have a clear picture of our finances just based upon the sheer volume of the number of accounts we have. This comprehensive audit is in no way shape or form to look for fraud. I'm not going after anyone or trying to find blood in the water or send anyone to jail. The comprehensive audit is simply to provide a clear financial picture of the town's finances. We have a lot of big projects and special funds associated with capital projects and our debt service and Council needs to have a clear understanding of all the funds and finances for the Town as a whole. Council will soon be faced with tough financial decisions.

Councilman Savoie:

I have not seen the RFP that was sent out but I would like to see it: what have we asked these auditors to do?

Scott Kaufhold:

Two RFP responses were received in response to December 8th discussion to research costs for performing a more comprehensive financial audit which is more of an operational and fiscal review. Select view of a certain number of accounts, and sheer volume, not sure if we have a clear picture of the town as a whole. Big projects, Town Hall, neglected infrastructure, due diligence perspective. The direction from Council last month was a phased approach. Have a CPA and attorney look at a cross section; designate a number of hours to look across funds and bonds. Basically the legal framework for which the Town spends money. If something unusual or curious is found during this initial phase, then a second phase could be completed to drill down and look at the curious portions in further detail and depth.

Scope of RFP

Operational and Fiscal Review. Contacted five firms that have experience with this, two responded. Phased approach involving CPA and Attorney and designated hours and legal framework for which money is spent. If something unusual is found in initial audit, then would be able to move into Phase II.

Financial Forensic LLC, Linda Green Angus' resume is impressive. Provided a different approach of looking at financials and a good understanding and what we were looking for. Previous to this line of work she was a county manager so she is very familiar with

governmental accounting and management practices. She was involved in a very controversial forensic audit in South Carolina; Council can Google her name to learn the details. Although we are not looking for a forensic audit she has a way of looking finances with a different approach.

Councilman Daniels said that he can understand new Council members desire to have a more in-depth audit when they come on board; he'd probably want the same. He commented that most accountants that work in establishment don't want to be associated with a forensic audit. Consider and use caution when choosing companies that specialize in forensics and especially those that have "forensic" in their business name for the good of the Town and investors. In his professional opinion when trying to enhance economic development one does not want to be involved in a forensic audit. Again, he has nothing against a specialized more in-depth audit but for the good of the Town urged Council to stay away from "forensic" audits or any firm that has such in their name. He was upset by the ramifications of this for the Town.

Councilman Savoie noted we will be looking for a new auditor this year. He suggested that Town hire a new auditor with capability to conduct due diligence and ancillary drill-down capability going forward. It would save money going forward and provide economies of scale.

Councilman Cohn said that the states recommendation is change auditors every three to five years; we've had the same auditor for at least seven years. He understands new Council Members' desires for a more in-depth audit but also understands what Councilman Daniels was saying about the use of the word "forensic" for the audit or the name of the auditing firm. He understands that \$12,000 is a lot of money but feels it is worth it if it straightens things up and provides Council with a clear understanding of where the Town stands financially. If there are any problems let's identify them and get them sorted out that so that we can move forward. Mr. Merritt said \$12,000 is just for the first phase, which as outlined in this proposal would basically be to figure out what needs to be done or examined.

Councilman Daniels felt that Councilman Savoie had a great idea. If we are going to be selecting a new auditor for the annual audit why not combine that with this. They could go ahead and complete this comprehensive audit now and then be ready for the annual audit in the summer. Make sure you choose someone that has the capability to do both. It would be a death sentence to choose a person whose company has "forensic" in its title.

Councilwoman Stanton asked if it was being suggested to choose a new auditor to dig deeper into the audit that is to be done at the end of this fiscal year. Councilman Daniels confirmed. Councilwoman Stanton said that Ms. Meyer said this evening that the fiscal year audit is always done the same; a sample is taken it's not an in-depth type of audit. Councilman Daniels said they use a standard; we would be asking for a different level. Councilwoman Stanton asked why wait until June; we'd pay extra for a more in-depth audit anyway why not just select someone now to do this more in-depth audit. Councilman Daniels said we could request a special audit now; he just liked the idea of whoever is going to be the new auditor for the annual audit also be the one to do this comprehensive audit. Councilwoman Stanton said she is ready to select a firm this evening to do the comprehensive audit. Councilman Savoie said he thought it would just be economical to choose one firm to do both audits.

Councilman Wireman felt this was a good discussion point but wished it had been brought up last month. If we are going to send out a new RFP it will delay the process another month. He doesn't want to create a slippery slope where something comes to Council month after month because the criteria of what was originally sought get expanded upon each month; it delays progress. He recommended moving forward with the RFP before us this evening and

select a firm now. If we want to expand the contract with the selected firm then we should have it on the next agenda.

Councilman Daniels again noted his concerns for selecting a firm with “forensic” in the firms name. Councilwoman Stanton asked Mr. Kaufhold if he had talked with both firms that have submitted RFPs; he confirmed that he met in person with one firm and talked to the other by phone. Councilwoman Stanton said the firms cannot change their name and opined that it would not cause any great alarm. If our Interim Manager feels this is the firm we should go with then she supports his recommendation. Councilman Daniels said we may be better served if we wait until a new Finance Director is hired before selecting an auditor for this comprehensive audit.

Mr. Merritt was recognized by Mayor Alvarez and requested a brief, 5-minute recess so that he could have a quick discussion with Mr. Kaufhold.

Mayor Alvarez called for a 5-minute recess. After 5-minutes Mayor Alvarez called the meeting back to order.

Mr. Kaufhold was recognized. Mr. Kaufhold recommended to Council that the RFP be re-advertised as there are some technical issues that have been brought to his attention. To that end, it opens the possibility to add to the RFP. So, if Council so desires the RFP could be revised to include the standard fiscal year-end auditing services in addition to the comprehensive operational and fiscal review audit.

Motion by Councilman Wireman to table and amend RFP to correct technical issues and look for an audit firm that can provide additional services for the annual fiscal year-end audit as well as the operational and fiscal review comprehensive audit. Approved unanimously.

L.) Change Town Hall Meeting from February 9th to February 11th.

Motion by Councilman Wireman to change Town Hall Meeting from February 9th meeting to February 11th. Unanimously approved.

10. DISCUSSION ITEMS

a) Town Stormwater Issues (Council Member Cohn)

1st Avenue, 2nd Avenue, and other private roads have had issues for years. Storm water money has not been spent in several years on these issues but rather been spent at the parks. This Council needs to take a serious look at fixing these problems and others, even if private roads. The residential annual stormwater fee is about \$50 a year, which raises about \$1.2 million per year for stormwater. Even if we had to raise the fee \$20 or \$30 for one year to help generate funds to fix these problems it would be worth it for the residents that have to live with these terrible flooding conditions as some of the folks from Ashcroft spoke of earlier this evening. We finally have a Council that wants to help the residents so let’s strike while the iron is hot. First step would be to get a cost estimate from a consulting engineering firm of what it would cost us to fix the problems.

Mr. Kaufhold said that staff has looked at these issues with the resources available to staff. If Council wants to get good cost estimates an engineering firm would have to be hired to identify what the problems are and propose solutions that have cost estimates associated with the proposed solutions. It will cost the Town to have an engineering firm do the work necessary to find out what the solutions will cost.

Councilman Savoie asked if there was a prioritization list. Mr. Kaufhold said that there are probably half a dozen problem areas; with historic, habitual stormwater issues. He would suggest that the consulting engineer look at three problem areas at a time and provide the analysis and costs estimates to Council for their consideration in moving forward.

Councilman Wireman asked if the engineering department has a discretionary fund to pull from to hire a consulting engineer to look at these issues. Mr. Kaufhold said that there are funds available for this purpose. Councilman Wireman said that Council does want to help residents. He doesn't know if he would want to raise fees at this time but will have a better idea after the comprehensive audit where we are standing financially and if raising fees would be necessary. He recently toured the Town and saw some of these issues first-hand and it's very emotional to know that people in our Town are enduring some of the situations that were witnessed

Councilman Daniels said if it is found that stormwater funds were used for matters that they are not permitted to be used for then that would be unacceptable. He asked for clarification; would we be addressing Town roads and private roads? Mr. Kaufhold said that he suggested known problem areas be reviewed, which could mean Town roads, state roads or private roads. Of course, Town Powell Bill funds could not be used on private roads. So, it would be up to Council to decide if they wanted to allocate other funding sources (like from the stormwater fund) to address issues on private roads. Upon query from Councilman Daniels, Mr. Kaufhold agreed that Treywick is another problem area and there is a potential plant extension in the vicinity, which will likely only worsen the bad situation.

Councilman Cohn clarified that he did not say he wanted to raise stormwater fees he was just noting that such was an option to provide funding should it be necessary. He further clarified that he did not say that stormwater fund money had been used illegally. It was not illegal to spend stormwater funds on the stormwater controls for the parks. He was simply saying that funds were spent at the parks rather than in other areas for the past couple years.

Councilman Cohn submitted a motion to ask staff to get a cost estimate from a consulting engineering firm to look at these issues; three areas. Unanimously approved.

b) Update of Council's plan for the new Town Hall (Council Member Cohn/ Mr. Kaufhold)

Mr. Kaufhold gave an update on the new Town Hall construction status and background. As Town Engineer, he was not included in this project.

Background: Originally started at a 25,000 SF building, at some point in time it was decided that 20,000 SF would suffice. Buildings under 20,000 square feet avoid Department of Insurance review which, can add 3-9 months to the approval process. Lobby and open areas remained the same from the 25,000 sq ft design; office space was sacrificed. Aesthetically appealing but lost some good functionally. 1/3 of the way into the schedule and budget on the project. Last council meeting, started working with architect and builder to maximum the space and provide a cost estimate to provide more practical use of space for the community.

Not included in the \$8M facility – furniture, telecommunications or data, A/V security cameras, complete landscaping per UDO (perimeter included), roadway frontish improvements, water sewer tap fees, building permit fees, dumpster enclosures were removed, geotechnical services contract (approved earlier this evening for a cost of \$65,000) and sufficient room for current staff. Mr. McLamb noted that there had been a work program done for the building which included office spaces needed as well as other aspects such as lobbies, staircases, meeting rooms, utility rooms etc. Current staff would not all be able to fit in the

building as designed a month ago. There are several departments that would have to let a member of staff go in order for all departments to fit in the area that they were designed for.

Mr. Kaufhold said when he was serving only as Director of Engineering he and his department were excluded from the planning and other aspects of designing the new Town Hall. These issues would have certainly been brought up by his department had they been included.

As directed last month by Council, Mr. Kaufhold, Interim Town Manager/Director of Engineering, has tried to maximize the useable space by reducing large open areas, combined meeting spaces (community room and Council Chambers) and basically got about 5 times the community space. By doing this Mr. Kaufhold believes sufficient room for current staff has been created. These are the ideas right now; we don't currently have cost estimates for these proposed changes.

The architect will be creating some redesigns as described and Mr. Kaufhold will bring cost estimate back from architects and builders regarding the redesign and maximize space. We don't know if the cost will be more or less or if we will be at a break-even point but such will be relayed as soon as the information is received. We are attempting to value engineer the building to maximize space, get more community use and scale back on the "fanciness" in order to provide more practical use.

Mr. Kaufhold showed an outside rendering of a view he said was not previously shared. The view showed the 40-foot retaining wall for the Chestnut Parkway, which he said will be almost within arms-reach of the building. Upon query from Councilman Savoie, Mr. Kaufhold estimated the distance of the retaining wall to be about 40 feet from the building at its closest point.

Councilman Wireman said "WOW". He thanked Mr. Kaufhold for his due diligence and getting the truth out to the residents. He doesn't believe this had been communicated accurately to the residents previously. This presentation has been an eye-opener for him and he is very concerned about the overage amount. \$8M is going to only get us an empty building. He thanked staff for the redesign that will provide a home for all of staff and plenty of community space. Councilman Wireman thought that a contractor /builder for the interior work had not yet been selected but Mr. Kaufhold said that was incorrect an interior contractor has been selected by the Construction Manager at Risk; they are responsible for taking the project from start to finish (outside of furniture and the other things previously listed).

Councilwoman Stanton said she is also wowed and can't believe things had gotten this far and she realizes it not the fault of anyone who is here now. She asked if there was room for staff to grow. Mr. Kaufhold said he believes there will be room for the staff that the Town has now as well as community space. It could buy the Town time to build a separate community building and then phase-out the community space in this building to phase-in more office space. It all depends on what the needs will be in the future.

Councilman Cohn disagreed with Councilwoman Stanton by saying there are folks present at fault for this building. The residents were not given the opportunity to vote on construction of this facility and he opined that such is a shame. He believed no one had been told the truth. He has been on Council for four years now and he knew the Town's Engineering Department was not included and that there were mistakes made with the design of the building. Why were our own experts not included? We need follow through with what we say and what we approve. The Town Hall is supposed to be an \$8.5M project and we can all see this evening that in reality it will cost much more. Councilman Cohn said in his opinion they were not told the truth previously. We are still building parks that were supposed to be complete so there

are a lot of big projects going on and he believes this Council will do everything it can to keep taxes low but it will be a challenge.

Councilman Cohn said that Council cannot stop the Town Hall project at this point because there is too much already invested in the project. Don't believe the rumors that we are going to gut the building and scrap this project. That cannot happen. We have a great Town Manager and staff and we'll end up building a nice Town Hall that will make everyone proud. Councilman Cohn said it was not a project he was in favor of and doesn't believe the majority of residents were either but it is too late to turn back now.

Councilwoman Stanton clarified her previous statement that when she said it was no one's fault here she meant staff. She as well as residents know where the blame lies.

Mr. Kaufhold said we have to move forward and expend funds to find out what these changes will cost (or if we'll break even). Councilman Wireman said even though some of these data points are hard to swallow he appreciates the truth being put out there and would like this practice to continue moving forward. He agreed with Councilman Cohn that we will work with what we got to make the best Town Hall possible and maximize space and be a building that will be here a long time. He urged residents to contact him with their questions and concerns. Councilman Cohn asked how many parking spaces would be on the site. Mr. Kaufhold said about 50-60; the minimum required by code.

Mayor Alvarez noted that a resident, Mr. Gary Evans, in the audience asked to speak; he asked Council if they were agreeable to hearing Mr. Evans. Council Members Cohn, Stanton and Wireman said they did not have a problem with hearing Mr. Evans. Councilman Daniels said that he did not have a problem with it but earlier there was a different gentleman that wanted to be heard and it was not permitted or entertained to be permitted and he would like things to be fair and consistent.

Gary Evans, 4800 Mossy Cup Lane, was recognized and permitted to address Council. Mr. Evans asked, of the two Council members that voted for this project that are present this evening, were they aware of this situation, that this building would not be furnished, did not include telecommunications? It is probably going to cost another \$5M to finish this building, were you aware when you voted on it? When you were behind closed doors?

Mayor Alvarez said if Council Members so choose to answer the question they will answer Mr. Evan's question during Council Comments.

c) Provide assistance & support to Porter's Ridge Athletic Association in their search for athletic fields/facilities (Council Member Cohn)

Removed from Agenda in Additions and Deletions.

d) Announce all current Board/Committee vacancies

The Town Clerk announced the following vacancies:

Stormwater: 3 regular seats and 1 alternate seat

PARC: 4 regular seats and 1 alternate seat

Board of Adjustment: 2 alternate seats

Transportation Advisory Committee: 2 regular seats and 2 alternate seats

Planning/Tree Board: 1 regular seat

Public Safety: 1 regular seat and 1 alternate seat

Quad Alliance: the resident seat is vacant

e) **Roads Acceptance (Councilman Wireman) (this item was added during additions and deletions)**

Indian Trail has private roads that demand attention, annexed into Indian Trail. Due diligence requires a proactive policy to address challenges for private roads. Come up with a percentage of maintenance costs based on wear and tear.

Councilman Cohn says that there was a plan brought to Council in the past. Keith Merritt says that there was a policy that was adopted regarding accepting private roads and taking them into public roads. There was a cost sharing process based upon an analysis. Councilman Cohn says he doesn't think the policy was adopted. The Clerk will look into it and clarify whether it was adopted. Town staff to bring to next meeting if it exists to have discussion.

f) **VFW Lane (Mayor Alvarez)**

Mayor Alvarez asked Council to consider fixing the VFW road, veterans of foreign wars. They open up doors to the community, gave their lives for their country. Knows the residents would be in favor.

Councilman Daniels asked for costs involved in fixing the road. Councilman Cohn agrees that costs and a discussion should take place, but he's in favor of fixing. Mayor Alvarez suggests that we ask Staff to get with Commander to get scope and cost.

Councilman Wireman said that it was an honor to have Mr. Crep, a WWII Veteran with us this evening and thanks for service. Recommends that we move forward with getting costs to fix road. Consensus reached.

At this point Mr. Kaufhold asked to be recognized. He stated that there had not been a consensus or action related to move forward with having the architect make plan revisions, which will be an expense, so that we can come back with estimates of what the overall changes will cost. Councilman Wireman moved to approve the expense of having the architect make plan revisions so that cost estimates can be obtained and the motion carried unanimously.

11. UPDATES

a) **Manager's Update: Scott Kaufhold, Interim Town Manager**

- Rogers Road sidewalk is going out for bid, federal aid project. Last large cement project. Authorization from NCDOT received to advertise for bids. Hope to start construction in March / April.
- The current Position Classification/Pay plan is 10 years old. A Human Resources consultant was hired to evaluate, access, and make recommendations for changes. She will be finalizing her findings and should be able to present in upcoming budget retreat session for discussion.
- Proposed traffic calming projects, law enforcement and engineering has said are "no brainers". Historic problem areas for a long while for speeding and volume.
- Chestnut Parkway, on street parking, we were able to get it re-stripped at cost \$20/each. Vs. to build a new parking spot would cost \$2500/each. Help for public safety and traffic issues.

b) **Department Head Update: Community & Economic Development—Kelly Barnhardt**

- Working on updating databases of business in Indian Trail. As of July 1st, 2015, businesses are no longer required to get a Business privilege License. Will take a few months. Working on gathering information about available space, buildings and land.

- Working with Union County Procurement Director on upcoming vendor fair. Will be held on April 6th at South Piedmont Community College. To help smaller businesses in and around Union County. It is a daylong event, Indian Trail will have a table.
- Upcoming NC Works Incumbent Worker Training Grant information session will be held on February 18th in conjunction with Centralina Workforce Development Board and the NC Department of Commerce. Web link in weekly report. Geared to Business Owners and getting workforce information training.
- Attended CREW workshop/luncheon. Lecture was regarding infrastructure in our region but this meeting was mainly geared to I77 managed lanes. Helpful information to allow Indian Trail to plan accordingly.
- Will attend emerging leaders workshop in Charlotte for NC Economic Developers. Will have variety of site selectors to talk to, and valuable to talk to other ED folks across the state.
- Monthly newsletter ran behind in December due to holidays. Will go out this month in printed format, next month via email.
- Our town and committee meetings are posted again on social media sites. Once GRANICUS is up and running we can put link on our facebook site and can use constant contact email database to email out to residents.
- Updating web content, tedious and time consuming. Making strides.
- Events is in its slow season. Start strategizing for spring events. The new event season starts in March, Kick off with Founders Day recognition. Easter event mid March, information and details next month.
- Citizens Academy budgeted for this year in the Spring. Can tweak content and settings if interested. Would need to start getting information out there soon. Class range is 20-22 applicants based in past.

c) Department Head Update: Planning & Neighborhood Services—Rox Burhans

Year end statistics. Population growth trends, growth of western union county communities. 2010 population 33,518 citizens, 2014 jumped to 36,628. Indian Trail projected in 2015 at 37,000. Monroe is growing slower than the rest at 3.8% Indian Trail 2010- 2014 period grew at 9.3% Stallings at 9.4% Waxhaw grew at 22%.

New Homes Permits: 2010 modest growth - , 2012- 2013 was highest, leveled off in 2014- 2015 to around 250 permits.

New Business Permits – In 2015, issued permits for 123 new businesses, that’s primarily businesses located in existing space and included home occupation type permits. Note: Permits only, does not mean the businesses opened their doors.

Solid Waste – Indian Trail trends at present - .85 tons (1,700 lbs) per household generated. Recycling is on downward trajectory - About .21 tons (400 lbs) per household. Yard waste is at .05 tons (100 lbs) per household.

12. COUNCIL COMMENTS

- **Mayor Alvarez**—thanks to the VFW for sticking it out through the meeting
- **Councilman Cohn** – Scott, you are doing a good job, you have taken on a lot and your hard work is appreciated. I appreciate your working with law enforcement and Council. We are back to an open government. It is nice to know exactly what is going on in town, and what the staff is doing. Questions are being answered to the best of your ability and knowledge. The

staff is excited again. Law enforcement comes to us and tells us about a clogged drain, how often do you see that? Thanks for everyone staying so late.

- **Councilman Daniels** – Address an issue, if the Town Clerk could check to see if we had a closed meeting in Town Hall. Meeting with Scott at 10:00- Want to discuss the wants and needs of the Town hall. We need to discuss the wants and the needs, example we already have furniture that we can use and “make do”.
- **Councilman Wireman** – Long productive meeting but necessary issues and housekeeping. Appreciate all the support I continue to receive. We are doing the right thing for the right reasons. There was frustration with lack of transparency, and allowing residents true input. As you saw in December and tonight, I am holding true to campaign promises for truth and transparency. Thanks to Town staff for working hard. Scott you’re doing a great job and taking the task to heart and you have a great supportive staff. Chase, always fun to ride around with you. Can’t say enough about law enforcement, the face of Indian Trail.
- **Councilwoman Stanton** –Thanks everyone for being here. Staff, you guys are fabulous. Scott, you have really stepped up, you have answers, and when you don’t, you find answers. Lieutenant, thank you for always being there for us. Thanks for having our backs, don’t hesitate to call us. We are here for you.
- **Councilman Savoie** – All my decisions for the Town Hall were based off numbers and presentations that were done throughout Council meetings and workshops. I ensured that we had Construction manager at risk so that we could stay within budget. First time I saw that list (of what was not included) was tonight. Thanks to staff for everything they do, and LT for all you do. Thanks for everyone for staying out here.

13. CLOSED SESSION

Councilman Wireman moved that Council enter into Closed Session pursuant to N.C.G.S 143-318.11(a)(3) to protect the attorney-client privilege and 143-318.11(a)(6) To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee; the motion carried unanimously.

Upon conclusion of Closed Session Councilwoman Stanton moved to return to Regular Session.

Motion to suspend the rules to add to the agenda: “consideration of employment contract for Interim Town Manager” submitted by Councilman Savoie; carried unanimously.

Consideration of Employment Contract for Interim Town Manager: *Councilman Cohn moved to approve the Interim Town Manager Contract with Mr. Scott Kaufhold, as written; the motion carried unanimously.*

14. ADJOURN: *Councilman Savoie made motion to adjourn, all in favor; approved unanimously.*

Attest:

Michael L. Alvarez, Mayor

Kelley Southward, Town Clerk

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn

INTERIM TOWN MANAGER
Scott J. Kaufhold, P.E.



TOWN COUNCIL

Gordon B. Daniels
Gary M. Savoie
Amy R. Stanton
Mark A. Wireman

**Indian Trail Town Council
Regular Meeting
January 26, 2016
Civic Building—6:30 PM**

MINUTES

The Indian Trail Town Council convened at 6:30 PM on Tuesday, January 26, 2016 for a Regular Town Council Meeting in the Council's Chambers at the Civic Building—100 Navajo Trail, Indian Trail, NC 28079.

The following members of Council were present:

Mayor Michael L. Alvarez
Council Member Gordon B. Daniels (arrived late)
Council Member Amy R. Stanton

Mayor Pro Tem David L. Cohn
Council Member Gary M. Savoie
Council Member Mark A. Wireman

All members of Council were present.

The following members of Staff were present:

Interim Town Manager/Director of Engineering Scott J. Kaufhold, Town Attorney Keith Merritt, Town Clerk Kelley Southward, Planning/Neighborhood Services Director Rox Burhans, Community Economic Development Director Kelly Barnhardt, Parks & Recreation Director Jason Tryon, Communications Coordinator Mike Parks and Community Engagement Coordinator Julia Zweifel.

1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and announced that Councilman Daniels will be late to meeting. Council led in the Pledge of Allegiance.

2. AGENDA ADDITIONS & DELETIONS

Councilman Savoie: Move 7C, Approval of Budget Amendments to 9A.

Councilwoman Stanton: Modify the Taylor Glenn, Agenda Item 10A. Change it to consider all subdivisions that have similar safety concerns.

Councilman Wireman: add Discussion Item 11E, put together schedule for Committee and Board updates to Council.

3. MOTION TO APPROVE AGENDA

Motion by Councilman Savoie to approve amended agenda. Approved unanimously.

4. PRESENTATIONS

- a) **Staff appreciation award for 10 years of service—Ms. Trena Sims**

Mr. Kaufhold presented award. Trena Sims started as Assistant to Town Clerk, filled in as Deputy Clerk, and was under engineering for 3 years. Congratulations and thank you for your service! A token of appreciation was presented to Ms. Sims.

5. PUBLIC COMMENTS

- **Nico Iannelli 2000 Corona Lane.** Taylor Glenn Association, Acting President. Safety concerns since 2005. In 2015, there was an increase to 1200-1400 cars using Magna Lane, many from Brandon Oaks, with total disregard for speed and stop signs. 85% of the cars coming through are exceeding speed limits. Law enforcement has been called, but they can't be there at all times. There are 30 + children that live in the immediate cul-de-sac at risk. Resident is asking the Town to take into consideration traffic calming and work with HOA to alleviate this situation. The traffic study was done in September, but elected to wait to bring issue to this Town Council.
- **Brian Hooper 6000 Magna Lane** in Taylor Glenn subdivision. Cars that are cutting through, speeding and running the stop sign puts kids at risk, risk of property damage. He lives across from the main cut through for Brandon Oaks. The traffic wakes up son at night with vehicles running stop signs, lapping the neighborhood, and revving engines at 10:00 or 11:00 at night. Resident has issues turning left into his driveway. Need to slow people on Corona that use it as a cut through to get from Brandon Oaks through Taylor Glenn to get to Wesley Chapel. Issue has grown exponentially in a year. Need to address before someone gets hurt or killed.
- **Ms. Samantha Towns 104 Pine Lake Drive.** Nine years in Council meetings and heard everyone say how much they love Indian Trail, but it seems some of these people have disappeared from the meetings, because the election didn't go their way? Thank new Council for bringing a lot of things to light. Thanks to Mr. Kaufhold and his staff and for letting the citizens know what is happening in this Town.
- **Mr. Arthur Spurr, 4100 Wood Creek Court in Indian Trail.** Trena has done outstanding job for the public safety committee as a recorder. Thanks to Council for all things you are doing to help us with the stormwater problems we have in the Ashe Croft subdivision. As you know, we pay a stormwater fee. I have a suggestion for a solution to this problem. The houses in back of Brookforest, the State stops their responsibility at the end of pipe, but the easement runs behind the houses and through the common area and to Crooked Creek. There is no reason why the Town of Indian Trail can't fix it with the stormwater fees that we pay. The Town can put the pipe to the Creek, reclaim the land and make the State maintain it. On the pond side, use stormwater fees to redo the pond so that it is large enough to handle. Raise berg so that water does not fall from Crooked Creek into private property. Put massive pressure on Army Corp of engineers to fix the Creek that has turned into a raging river. The Town Council should put a Moratorium on any new construction that runs waters into Crooked Creek or any tributaries that feed that Creek until this problem is fixed.
- **Kim Light, 4021 Brookforest Lane.** In the past few weeks, I've interacted with several council members and State Representative Dean Arp. Thanks to all that came to our neighborhood and surveyed the damage. The yards are still in standing water and a big mess. The new neighborhood across the street, they don't just lower the level; they drain the entire pond from the retention pond, 500,000 gallons of water when full, all being forcibly pumped through our yards every time it rains. Our yards never have a chance to dry out. Is it right that a development uphill from us can tie into our smaller inadequate drainage systems, destroy our properties, and not have any responsibility for damages? This is supposed to be temporary, but who is responsible for the damage that is being caused? It has been going on for months and based on progress that has been made, for a long time to come. The damage is real. Is it possible that someone made a mistake and this plan isn't going to work? Did anyone examine what would happen to the yards in Ashcroft? We need a solution to this flooding and erosion issue before it gets even worse. Millions of dollars are going into the new Town Hall and Indian Trail parks. It would be nice if all residents could have homes and

yards they can enjoy. Thanks to everyone that has taken an interest in trying to help and keeping Indian Trail a great place to live.

- **Margarite Holm – 4023 Brookforest Lane in Ashe Croft subdivision.** Thanks to Town Council for listening to homeowners, especially Amy Stanton and Representative Dean Arp who came out to our development on January 18th. I am on the Board of HOA for Ashe Croft; tonight, I speak as a homeowner. The management company for Ashe Croft is aware of our situation. The HOA can do little about flooding taking place along the easements that run through our neighborhood. We strongly hope the homeowners and the Town can come to a satisfactory solution to the excessive amount of water our properties are receiving as a direct result of the construction. Indian Trail's growth should not come at the expense of resident properties.
- **Chuck Horn – from Monroe.** People in law enforcement, military, fireman, paramedic and school teachers can be nominated for Humanitarian of the Year award. Nominations among your peers. Sergeant Green Memorial Humanitarian Award. Get the word out to nominate someone. Also doing scholarships. NCheroesrealty.com

Mayor Alvarez noted that Councilman Daniels had joined the meeting; he arrived at approximately 6:50PM.

6. LAW ENFORCEMENT UPDATE

Lt. Chase Coble presented the activity report by category in 2015 as follows:

Answered 1,041 911 misdialed or hang-up calls; 9,237 preventative patrols; 3,040 traffic stops; 2,327 business checks initiated; 848 call by phone request; 744 animal related; 108 parking complaints; 113 domestic disputes.

- Vehicle crashes increased from 946 in 2012 to 1,091 in 2013; in 2014 increased to 1,189, in 2015 it increased to 1,390. Most are on secondary routes. Severity of crashes has gone down.
- Deputy training received (in addition to state mandated training): Juvenile Law Update training, Event Security Planning, Alcohol Testing Certification, Field Training Officer Crash, FBI Executive Development Leadership
- Our grant coordinator has been in touch with Jonathan Fieldman, who oversees safety unit for DWI task force. There is an opportunity for the Town of Indian Trail to apply for a grant for a traffic officer, 85% federal funding vs. 15% town funding in first year. In Year 1, the federal amount is \$125,000 spent; the Town's share would be \$22,000. Funding will not be awarded until October 2016. Application needs to be submitted by end of January. Indian Trail Traffic Safety officer. Good opportunity for street cleanup with traffic enforcement. Council is interested in proceeding with application.

Mr. Kaufhold asked Lt. Coble about the inclement weather recently. Lt. Coble responded that the Town got a good "heads up" and the storm. The schools made the decision to close and most people stayed at home. Two days prior to the storm, law enforcement had sufficient notice to do the planning & prep for the storm, snow tires, 4-wheel drive etc. Overall good experience during the bad weather.

Councilman Cohn – Thanked Mr. Polite with Papa Murphy's Pizza for donating food for the meeting.

Mayor Alvarez announced that the Boy Scouts were in attendance to meet requirements for a merit badge.

7. CONSENT AGENDA

- a) Approval of Tax Month End Report-December 2015
- b) Approval of tax refunds of overpayments in excess of \$500.00
- c) ~~Approval of Budget Amendments~~ (moved to Old Business Items 9A)

Motion made by Councilman Savoie to approve on amended Consent Agenda. Motion approved unanimously.

8. PUBLIC HEARINGS

NONE

– Please adhere to the following guidelines:

- *Proceed to the podium, and state your name and address clearly;*
- *Be concise; avoid repetition; limit comments to three (3) minutes or less;*
- *Designate a spokesperson for large groups*

9. OLD BUSINESS ITEMS

a) Approval of Budget Amendments/ Merit Increases (Councilman Savoie)

Councilman Savoie questioned the merit increase, he fully believe in giving the merit and COLA every year, but recalled in years past receiving a list in an itemized manner. He questioned if this was policy. Mr. Kaufhold stated that this was the first year there has been a merit pool and it was an amount approved in the budget and delegated via the manager to department heads to disperse to employees based on performance. Councilman Cohn stated he did not recall merit raises being brought to Council, as they would not have knowledge of how merits raises should be disbursed to employees. Mayor Alvarez clarified that a list was presented during a closed session meeting previously.

Motion to approve Budget Amendments by Councilman Cohn. Unanimously approved.

b) Staff to present information related to VFW Lane as directed by Council to obtain; Action by Council as necessary upon presentation of the information ascertained by staff

Scott Kaufhold presented two options:

Option 1: Patching only, \$30,000, or Option 2: patching and overlay, approximately \$44,000. Both options include re-installing existing speed hump.

Councilman Cohn asked to hear from Gary Evans, in the audience, as Mr. Evans had put out announcement on facebook to see if anyone has an interest in donating the asphalt. Mr. Evans said that no donations have been received to date. Mr. Evans said he would continue to try. Councilman Wireman inquired as to the quality of the patching. Mr. Kaufhold noting it was high-quality. Patching would extend life 5-7 years and with an additional overlay it would be extended far beyond that; Option 2 would be at least a 10-year fix for the infrequently traveled road. Councilman Daniels asked what would last longer cement or asphalt and which is more expensive. Mr. Kaufhold said that asphalt on asphalt would last longer; it would not be advantageous to put concrete over asphalt. Concrete is much more expensive to repair but probably has to be repaired less frequently than asphalt.

Upon query by Councilman Savoie, Mr. Kaufhold said this project will go out for bid as part of the Spring Resurfacing Contract, probably in April. Council will have to approve the package and a budget amendment will be needed. In the mean time we can advertise; better to advertise early.

Councilman Wireman made motion to go with Option 2, patching and overlay. Motion approved unanimously.

c) Council consideration of changes to ABC Board Member pay—staff to present information obtained from NC ABC Commission

Mr. Kaufhold: At our last meeting, we discussed the pay disparity issue with ABC Board members. Town Council has authority to establish the pay for ABC Board members. When discovered by auditors for ABC, Laurie Lee, ABC Board suggested that the Council approve

the increase retroactively. The Council asked for her recommendation in writing and it was provided via email. The ABC Board's Finance Director could not find any records from her predecessor to show why the increase took place without Town approval.

Town Clerk researched and per Town records, the only time Town Council approved any pay for ABC Board was on January 12, 2011. At that time, the Council approved \$300 for Chair and \$200 for the other two members, which continued for a year. The following January everyone got paid \$100 more for the month. Then in February 2011, the Chairman dropped back down the normal \$300/month and the other two members were getting \$250/month, instead of the approved to \$200/month.

Councilman Cohn – a no-brainer, just approve retroactive and move on. I believe that the more you dig into how this happened, the more it will cost the Town. The bottom line is that if these people would have to pay back money that they didn't know they were getting in error, it is wrong. A lot of appreciation needs to be shown for people that work on this ABC Board, I've seen it firsthand. I don't want these people to have to pay this money back under any circumstances. It would be extremely unfair.

Councilman Daniels – David, I agree with you, that past employees should not suffer.

Q: A mistake was made. Do we have legal authority to put any controls to monitor this in the future? Why are we in this situation?

A: (Mr. Merritt) There is already a state law in place, not sure how a Town policy would affect what happened. The statutes say that this Board sets the compensation for Members of the ABC Board. Not sure of the exact circumstances as to how it was approved without Council approval, the ABC Board caught the error and now we are looking at resolutions. It is assumed that the ABC Board is aware of their obligations and responsibilities.

Q: Mr. Kaufhold, when the pay changed, what was the procedure? Was it followed?

A: (Mr. Kaufhold) Council originally set the pay, there is no record of the Council changing the pay. One approval, one amount.

Q: Mr. Merritt, is there a way to explore other options to resolve? Is there anything in the statutes we could explore?

A: There is nothing in the statutes. We can talk to local ABC commission to see if local ABC Board can pay it as an expense, but, understand they will be paying it back to themselves.

Q: ABC gives money toward certain funds, they could increase for a particular time, the funding of any kind of charity or non-profit?

A: (Mr. Merritt) I would have to look into it, we can talk to state board about it.

Councilwoman Stanton—It feels like someone knew what was happening and that the Board members would have noticed the increase. If it is approved retroactively, without investigation into how it happened, we may end up coming back at the issue again. I would like to see what came forth from those on the Board at the time. I am with Mr. Savoie and Mr. Daniels. I believe we need to look at the other angles. For the record, I've never been to an ABC meeting.

Q: Mr. Kaufhold, Isn't this all in the record at the beginning of each term as to how much they get paid beforehand?

A: (Mr. Kaufhold) Yes. It spells it out and amounts are documented from the audit as to when it changed in the audit. Dates and amounts are all documented. How it was communicated, what the approved pay was, I would have to look into it. At some point in time an extra \$50 went into the paychecks.

Councilman Savoie—I agree with Ms. Stanton. Approving it retroactively is almost like rewarding bad behavior.

Q: Why does overpayment have to come back from the employee? Why can't it just be a fine at the Top?

A: (Mr. Merritt), my guess is that the revenues for ABC Board are statutorily set. I would have to check into it further with Ms. Lee.

Mayor Alvarez—If the ABC Board has an attorney that attends the meeting, and they allowed the raise, in my opinion they should be responsible.

Mr. Alvarez asked permission for Mr. Brown to speak. Mr. Brown was on the Board at the time of the pay discrepancy.

Jan Brown, ABC Board:

I was on the first ABC Board, which consisted of a lawyer, CPA and me. The Town Council at the time approved \$250 for each Board member. I don't know who made the mistake, if it was a mistake or when it was made. I believe that everything was handled perfectly. Town council approved \$250 for each board member.

Q: (Mr. Cohn): I don't know who was on Council when that happened, you do, and I take your word for it. Why do you believe the Town Council approved it?

A: (Jan Brown) The Council had approved the Board and we were under your auspices. So I am assuming the Council had approved everything. We are audited and we give the audit to the Town Manager every year. There are other ABC Boards in the state that make equal to what we do and others make more.

Councilman Wireman

Q: Help me understand, is it your understanding that Council approved the \$250 or are you assuming that they approved it? Is it your understanding that it was approved in 2011?

A: (Jan Brown) It is my understanding that the Council did approve what we were making. We don't arbitrarily assign the salary, it has to be approved by Council. We provide a copy of the audit to the Town when we get audited. We invite you to come to our meetings.

Mayor Alvarez

Is possible for the Council to put the pay back to the approved \$200 amount, but forgive the \$250 that was paid to the employees? At a later date, if they want to put it back to \$250, we can address it.

Councilman Wireman:

I am with Mr. Cohn, we are in situation where are probably going to have to approve it retroactively. We do need to have more stringent controls. From a policy perspective we need to make sure that there is a review, quarterly basis at least. It's not fair that we were put in this situation. If we are held accountable, my recommendation is that it is our due diligence to make sure that we review it on a regular basis to make sure it doesn't slip through the cracks.

Offer to Council for consideration: Agree with Mr. Daniels that we have to forgive past transgressions. Also agree with Mr. Cohn that the beneficiaries are not responsible. It is Council's responsibility to make sure that we have additional stringent controls in place that we don't have this happen again.

Propose that we retroactively approve the pay increase. That would mean there wouldn't be additional legal fees spent and it would not penalize employees. Proposing that we approve it

and at the same time, work closely with staff to make sure that going forward, it is reviewed on a regular basis to make sure this issue does not slip through the cracks again.

Motion made by Councilman Wireman to approve retroactively and put safety measures in place for future. Councilman Cohn and Councilman Wireman voted in favor. Councilman Savoie, Councilman Daniels and Councilwoman Stanton Opposed. Councilman Wireman's Motion was denied.

Mr. Savoie states that in the email from Ms. Lee, she stated that there may be other options to explore beyond the three potential options being discussed. Staff can perform further due diligence and gather more information on additional options.

Council Member Stanton made motion to direct staff to explore other options with Ms. Lee without taking money back from board members themselves. Council members Stanton, Savoie, Daniels in favor while Council members Cohn and Wireman Opposed. Motion Carried three (3) to two (2).

Mr. Cohn stated that if no others options are identified as available, he is strongly opposed to making the Board members pay it back.

Mr. Merritt: The only source of new funds coming back into ABC store itself is going to be coming from the Board members themselves. The overpayment is considered to be funds lost to ABC Store profits so there isn't really an option that the ABC Store could repay the money because it was money lost by them to begin with.

There was a consensus to add this topic to the next meeting for a final vote. Mr. Kaufhold and staff confirmed timeframe is feasible to get explore additional options with ABC Commission, Laurie Lee.

Mayor Alvarez called for a brief recess at approximately 8:05 PM; the meeting reconvened about 10 minutes later.

d) Council consideration regarding the Request for Proposals (RFP)—Operational and Fiscal Review (Councilman Wireman)

During mandated yearly audit review at last meeting, it was disclosed that while the state does mandate yearly audits, it does not mandate which accounts to audit and the audit only includes a sampling of accounts. It looks primarily at state allocated funds, and does a small subset of those, and a small subset of budget amendments. Since the Town has a lot of major financial obligations that we as a Town have to continue to push forward, we would like to see more in-depth audits to include recommendations on internal controls. It was recommended that the RFP go back out for proposal and be amended to perhaps leverage the same firm to handle a comprehensive review and move in for state audit.

At the last meeting, there were some concerns expressed with the RFP. I talked with LGC, Local Government Council Agency, under department of treasure at state level. My understanding is that there were concerns being raised here are some conversations that this would be a negative if we moved forward. Those concerns were laid to rest in conversation with LGC. The State encourages and promotes municipalities doing more comprehensive review especially since all our major decision makers have left, it is our fiduciary responsibility to make sure we have a clear picture. LGC says there are not statutory road blocks, it is a positive indicator and is strongly encouraged. LGC had no concern with forensic being in the name of audit firm. If we make a decision to move forward with one of these companies tonight, the LGC will forward their information for final approval. LGC

related Councilman Wireman that it is strongly discouraged to use same firm for both types of audits, even though there are no statutory requirements.

Mr. Kaufhold distributed proposals, the same scope of services that was put out last time. Two responses to RFP, Barker Jones & Company, Davis Forensic Group; one is \$12,000, the other is \$36,000.

Councilman Cohn asked why the price discrepancy. Councilman Wireman's response is that Linda Green Angus, Barker Jones & Co. is the most technically qualified.

Motion made by Council member Stanton to approve Barker, Jones & Co. Unanimously approved.

10. NEW BUSINESS ITEMS

- a) **Council consideration in providing direction to the Town Manager regarding the need for traffic calming in the Taylor Glenn neighborhood—Magna Lane and Corona Lane; the neighborhood streets are maintained by both the State & Town. Also discuss the safety concerns around pulling out of the neighborhood—corner of Taylor Glenn Lane and Wesley Chapel Road. (Councilman Savoie) And all other subdivisions and neighborhoods with similar safety concerns (as added during additions/deletions).**

Councilman Savoie said the front entrance to Taylor Glenn neighborhood is very dangerous and has been an ongoing issue since neighborhood was established. The issue is with line of sight issue from Wesley Chapel to entrance of Taylor Glenn Lane. Ask staff to see what is available to reduce speed of individuals and allow someone to pull out and turn left. Severe accidents have happened there. People are driving 65 mph on Wesley Chapel, coming around the curve, speed limit is 45 mph.

Sight line – Have HOA look into moving shrubs and fence to improve sight line. Consensus by Council to have Mr. Kaufhold open up dialogue regarding with coming up with solutions for the line of sight.

Lt. Coble, has not had complaints of speeding on Wesley Chapel Road. All complaints have been within the neighborhood. Line of sight issue in front, fence and shrubbery needs to be cleaned up. Connectivity brings more traffic to areas.

Councilman Cohn asked Lt. Coble, tailgaters, etc. reporting a license plate number, does that do any good? Neighborhoods getting together can help watch for repeat speeders etc. and help each other solve the problems.

A: (Coble) Yes. Law enforcement can start looking for that vehicle. Although we can't necessarily make a criminal charge, have to be able to lawfully put the driver in the driver's seat.

Traffic calming will be tabled and discussed under Discussion Item C.

Mayor Alvarez had to leave meeting, gave gable to Mayor Pro Tem Cohn.

- b) **Council consideration to approve a Budget Workshop/Retreat Schedule**

Mr. Kaufhold and Ms. Southward identified a need to get direction form Council for upcoming budget.

Suggested Dates for workshop/retreat: (9:00 a.m. to 2:00 p.m.) and Council response:

Saturday, Feb 13 – Date Deleted by Council
Saturday, March 5 – Date Approved by Council
Saturday, April 16 – Date Approved by Council

Councilman Savoie: Confirm that the finance group will come into meeting with the proposed budget, to have something to look at from Mr. Kaufhold and his staff. Workshop will be more strategic and not actually building the budget.

Mayor Pro Tem Cohn suggested two workshop dates and if needed, can add another to the schedule. The Town Clerk suggested approving the March 5th and April 16th dates, which would allow Staff more time to prepare. Dates approved as recommended.

c) Council consideration to approve an Amended Capital Project Ordinance for the Municipal Complex

Elaborate on stormwater money in capital fund. Mr. Kaufhold said the road going into facility is a public road. The Powell Bill Fund was for road construction.

Councilman Savoie, included design fees, construction manager at risk.

Councilman Daniels –

Councilman Daniels requests an opportunity to discuss numbers further to make sure things haven't been double counted and to have Creech attend a Council meeting to address Council's questions up front.

Q: What made the costs escalate?

A: (Mr. Kaufhold) Numbers that weren't presented. Architectural fees, construction manager at risk fees, geotechnical, survey work, plat. All costs that would have been planned for up front. With prior proper planning with the engineering group this would have been avoided. Pre-construction activities are not advised by the building engineers for the Town's budget. Those would have been identified with prior planning.

Councilman Wireman – Construction costs were \$8M. Now the revised budget shows we went to \$8.7 M to complete construction. Bait and switch done in August for residents, very concerning that it occurred and residents are stuck with footing the bill. With change orders, this will probably go up.

Q: Mr. Kaufhold, with this price tag we have today, and what we are expecting to be rising costs, what is your sense if we were to walk away today? Are we at a breakeven point or point of no return?

A: (Mr. Kaufhold) We had a conversation on that scenario and tried to put a number to it. Very difficult to answer since there are so many variables: contract language, costs that have already been incurred by subcontractors and suppliers and lawsuit potential. It would be only a guess. My gut would be if we stopped today, we would lose money.

Councilman Wireman

I am comfortable that Mr. Kaufhold painstakingly reviewed numbers from an engineering perspective and his 24 years of experience in engineering weighs heavily on the validity of the numbers that are being presented as well as the process and procedures that should be followed for these types of projects/large expenditures.

Q: If I understand correctly from last meeting, there are general statutory requirements that the Town engineers have to be involved in the design phase to make sure that from a statutory standpoint there are certain things that have to be engineered in there, to make sure Town isn't in violation, (of permit for example).

A: Mr. Kaufhold: Town engineering staff is there to provide recommendations on how to proceed. These are things that were found after the fact. A lot of these things should have been done up front.

Motion made by Councilman Savoie to accept/approve the revised Municipal Complex Capital Project Ordinance (Ordinance #0160126-232); motion carried unanimously.

11. DISCUSSION ITEMS

a) Ashcroft/stormwater update

Mr. Kaufhold

Follow-up item from last meeting, moved as quickly as we could. Met with consulting engineers and looked at top three drainage problem areas, Ashe Croft being one of them. Drove the site, went over the issues and asked the consultant to go back and provide scope of services, with FEMA schedule, to take a look at what is going on. Look at two things: 1.) Is there anything that can be done in the short term and 2.) To provide a long term solution. Fee proposal, just under \$35,000, includes survey and design. Provides with alternatives to consider, but it does not include costs for final construction plans. At the end of the day, this is phase one of a two phase process. The deliverable would be: here are some options; Council considers the options/recommendations, get costs for the selected option.

Councilman Wireman

Q: If we are taking \$175,000 out of stormwater fund and allocating it to municipal fund, how much is left in stormwater fund?

A: (Mr. Kaufhold) As a guess, approximately \$2M.

Mayor Pro-tem Cohn:

Q: Did developer meeting happen?

A: (Mr. Kaufhold) Met with the developer and the contractor last week. We did get some interesting information and we should be able to see a short term improvement once we can get approval from Union County Public Works. There was a water line issue that is blocking a new storm water drain connecting in, once they get it approved should help. There were some minor things that the County said the developer would need to provide one or two items. Once the developer provides those, the field inspector will allow them to tie in with new pipes. . Good meeting with them. Will continue doing what we need to do.

Q: When will we know something back?

A: (Mr. Kaufhold) At least a month.

Q: How did this problem happen? How do we stop this?

A: (Mr. Kaufhold) It was built to current standards, so there is an issue there, with the State standards. Town can not supersede the State. Town has a high design standard for permanent. Greater downstream analysis.

Councilman Daniels:

Mr. Kaufhold did you meet with Raleigh about Ashe Croft?

A: NCDENR is the group that oversees and approves erosion control response and oversight, but I have not heard back. No response to calls or email. Dean Arp and I are playing phone tag, but will get together and will continue.

Q: Any state disaster recovery funds that could be recovered? Would they qualify?

A: (Mr. Kaufhold) We would have to look into that.

Councilwoman Stanton

Q: What can the Town do for the residents now?

A: (Mr. Kaufhold) We can ask the developer or contractor to go clean up sediment and mud build-up. That conversation has already taken place with the Developer. But beyond that, there isn't much we can do that wouldn't make it worse.

Motion to allow staff to move forward with Ashe Croft drainage study. Unanimously approved.

b) Private Road Acceptance Policy/Bonterra Agreement

Mr. Kaufhold

The Town has a street acceptance program that was amended and approved by Council on 11/25/14. We have an approved amended Street Acceptance Policy that is fair and equitable. We work with developers regarding taking over new roads. The State is not taking any new subdivision roads for maintenance. We work with the State each year.

Mr. Merritt

Bonterra Agreement. Bonterra was developed with private roads. The lot lines go to the center line of the road meaning the residents own the ground underneath the roads in Bonterra. Bonterra asked the Town to take over maintenance. Usually the developer would dedicate the roads to the Town but in Bonterra you can't do that, because the roads are owned by the residents. To convey the roadway in Bonterra, every property owner would have to sign off on it.

Is there a way for the Town to take over the maintenance of the road? The normal way is not available for Bonterra. The Board of Directors for the homeowners of Bonterra has the right to make private roads open for public use. Bonterra would have to vote to make their roads open for public use under homeowners document, 60% of the homeowners must approve.

In November/December 2014 an agreement was drafted. It was presented to Council for review and comment in December 2014. The Council approved a proposed agreement where the Town could take over maintenance. That agreement is in the hands of Bonterra. The framework exists, but Bonterra has never signed the Agreement. The council could rescind, modify or take to their residents to seek approval. The Town agreed to take over maintenance from back of curb to back of curb, there is no property being conveyed to the Town. The only caveat is to confirm with the State that they are eligible to use Powell Bill Funds to maintain the road. The State said that was fine, but Mr. Merritt would still want the agreement to go to the State to confirm. Council members and employees are personally responsible for improper use of Powell Bill funds for improper expenditures.

Mayor Pro-Tem Cohn:

It is his understanding that there is a lawsuit with the developer and the Town does not want to take over roads in that neighborhood with what is going on in the neighborhood. The Town needs to get a road acceptance policy for all streets. There should be an ordinance that we don't build any more private roads in Indian Trail. It's cheaper for the developer.

Councilman Daniels

There is a distinction between neighborhood private roads and private roads. Why not just absorb the roads now since we are going to have to do it eventually. The State will not lift a hand. Needs to be made equitable and fair for homeowners in Indian Trail, should make a motion that we are going to take over all neighborhood, state & private roads.

Councilman Wireman

Point of order to Mr. Daniels, we are not discussing State roads right now, let's get back to discussion or add that as agenda item.

Councilman Savoie:

There is a street acceptance policy already that any neighborhood can take that is fair and equitable. Once a development is completed, they should have to turn over the roads to the Town. Avoid private or state-owned roads going forward.

Mayor Pro Tem Cohn: Reserve the conversation for another day.

c) Draft Traffic Calming Priority List

Mr. Kaufhold

These locations that are being presented, we have been monitoring for years and are known issues from law enforcement and traffic data gathering perspectives. Estimate is \$5,000 each per speed table. Need to talk with emergency services and the traffic calming industry has been that speed tables are fine for subdivision. Speed Lump would be a precedent setting but need to discuss for lower volume streets with emergency services. Will continue to monitor as requests come in, but this is a good start. All new developments now include requirements for traffic calming. These are all town roads, so we will be using Power Bill money.

Recommended Priority List:

- Taylor Glen to Brandon Oaks
- Indian Trail Road to Old Monroe Road
- Gribble Road to Old Monroe Road
- Crooked Creek Circle at Crooked Creek Park

Councilwoman Stanton

Q: Have we spoken to HOAs and see if they can help?

A: (Mr. Kaufhold) the policy has been set for the previous two projects, and the Town has paid for it.

Suggestion for Mr. Kaufhold, see if there is anything that can be done for private roads?

Councilman Savoie

Q: What is timing for completion?

A: Could put contract out and get it done by spring. National standard is what is being followed regarding spacing, height etc.

Councilman Savoie made a Motion to move town forward in traffic calming as presented and get it done by spring. Unanimously approved.

d) Town Hall Update (Councilman Savoie)

Councilman Savoie

Mr. Savoie stated that in the previous meeting there was a discussion on not having any space left in the new Town Hall building. He used the last approved organizational chart, in budget and went through it and listed the personnel and vacancies, 34 seats, excluding public works and parks (which assumes they would stay in the Blythe building). So there are 49 available spots on 1st and 2nd only need 24 seats currently. There are actually 15 extra seats in the configuration he presented and feels there is ample space for staff. Asked to have floor plans added to minutes.

Mr. Kaufhold: There is not enough room for everyone in the engineering department. Example: Finance has room for 14 people and they only have one person. Recommends that Council ask the architect in to a meeting to work on work groupings. Mr. Kaufhold wants to ensure there is enough room to grow and have space for the community.

Councilman Daniels

FTEs in the budget contradicts the statement that the new building will not house the current employees. Can configure the workstations or add cubicles. I would like to have Creech and other architects at other meetings, I'm an amateur on this, and it's not my field.

Mayor Pro-tem Cohn

With all the money being spent, it should be perfect. Why we are building a new building and it is already inefficient with department placement of employees. May have more space but it is not practical.

Councilwoman Stanton

I agree putting cubicles in a new building is embarrassing. The offices need to be together by department, in own offices.

Councilman Wireman

Whether we agree with or not, the investment has been made. We were told it would handle current staff and handle Town growth. The money hasn't been allocated for all the terminals on the plan. We don't have the required necessities of what is required in the new building. Mr. Kaufhold is doing due diligence to make it functional.

e) **Committee/Board Reporting Schedule (Councilman Wireman)**

It has been a while since we had regularly scheduled updates from committees. Need to reach out to boards/committees and have them come out on a regular scheduled basis. Staff would work on creating a schedule.

12. UPDATES

a) **Manager's Update: Scott Kaufhold, Interim Town Manager**

Currently reviewing a contract for temporary employment services for two positions:

1.) Finance Director, formerly worked for Town of Davidson 2.) HR Director formerly worked with Mecklenburg County. Both positions will assist during the transition.

The HR Director is working on salary survey that was mentioned last meeting.

Mayor Pro Tem Cohn appreciates Mr. Kaufhold sharing the information and keeping Council informed on new hires and separations of staff.

b) **Department Head Update: Parks & Recreation— Jason Tryon**

- The big project is updating the master plan for Crooked Creek Park. Plan of action, first was to hold public meeting on January 6th. Woolpert was on site for the meeting. Broke up attendees in groups and had a discussion to see what amenities are important to them. Also created a survey for facebook, same questions; 434 people took the facebook survey, 124 left feedback. The Top 3 items for new facilities: more walking trails and bike paths, a recreational center, and a playground. Survey also requested comments or additional feedback and a lot of the comments tied into the ranking of facilities and top priority was playground. Which programs (from a list of programs) is most important to your household? 1.) special events, 2.) adult fitness, 3.) youth programs and summer camps.

- Dog Park opened in November, 114 people came to get passes for the dogs. The majority are residents. Shade structure installed and park benches pending around shade structure
- Field use, Chestnut Square Park, 10 different organizations will be using the fields.
- Crooked Creek Park, 23 different organizations request use. There is a waiting list. Tournaments booked with six different organizations, March 12th through November 4th. Majority of the teams are local team from Indian Trail or Union County.
- Parks Grant: ordered outdoor fitness equipment, hopefully installed by April or May. Six different types of equipment. Three of the six will be wheelchair accessible. Laid out disc golf course (18 holes) and trail line.
- Installing two additional shade structures, one is between fields #1 and #4, second one closer to the playground. Six Picnic tables on each shade structure.
- Variety of summer camps.
- Programs in parks: outdoor fitness for adults, couch to 5K running program, pre-school nature programs at both parks.
- Miracle League: They are still in fund raising stage, hoping to have project funded within next 18 months.

Woolpert, meeting with them on Thursday, put together another public meeting will present to council at February meeting.

Councilman Wireman requested and update on maintenance shed being built out by Dog Park: Jason Tryon: there have been some roadblocks getting in touch with project leaders. It was turned over to engineering department and Mike Wright, Public Works Director. Still being worked out for future.

c) January Quad Alliance Meeting Update: Councilman Wireman

Attended the Quad Alliance Meeting. Provided a brief history on the Quad Alliance: Indian Trail joined in 2013 for the purpose of economic development. Stated that there has been a lot of talk about shared services as of late. The membership cost originally was \$4000 yearly and is now \$5000. January was the yearly meeting for the Quad Alliance. Mr. Wireman stated that because this was his first meeting (Mr Kaufhold also attended), he abstained from the decision making process. The decision was made to withhold staff participation due to all of the important matters and tasks going on in the Town. The Quad Alliance agreed that the meetings would be scaled back to every other month and leave some positions open for future staff participation from Indian Trail.

13. COUNCIL COMMENTS

Councilman Wireman

Thanked the staff for all they continued to do and for their participation at the Council meeting. Thanked Mr. Kaufhold and fellow council members.

Councilwoman Stanton

Thanked Papa Murphy's for the pizza, thanked the residence for attending the meeting and staff for everything they do. Folks have been contacting her and thanking her for what Council is doing for staff and residents.

Mayor Pro Tem Cohn
Thanked everyone.

Councilman Daniels

Also thanked everyone for attending. Said Mr. Kaufhold is doing a great job considering he comes to this new position from Engineering. He encouraged Mr. Kaufhold to contact him if he has any questions regarding data and interpreting the data; he would be happy to help. He said to Mr. Kaufhold that it was not a backslap when he said that Mr. Kaufhold was double counting stuff. He said Mr. Kaufhold has taken on a lot and he will survive.

Councilman Savoie

Thanked residents and staff. He also thanked Mr. Kaufhold for stepping up.

14. CLOSED SESSION

Motion by Councilwoman Stanton to enter Closed Session pursuant to 143-318.11(a)(3) Attorney-Client privilege and 143-318.11(a)(6) Personnel; unanimously carried.

Motion made to come out of closed session by Councilman Daniels and unanimously carried.

15. ADJOURN

Motion to adjourn the meeting by Councilman Savoie and unanimously carried.

MAYOR
Michael L Alvarez

MAYOR PRO TEM
David L. Cohn

INTERIM TOWN MANAGER
Scott J. Kaufhold



TOWN COUNCIL
Gordon B. Daniels
Gary M. Savoie
Amy R. Stanton
Mark A. Wireman

**Indian Trail Town Council
Regular Meeting
Thursday, February 11, 2016
Civic Building—6:30 PM**

MINUTES

The Indian Trail Town Council convened at 6:30 PM on Thursday, February 11, 2016 for a Regular Town Council Meeting in the Council's Chambers at the Civic Building—100 Navajo Trail, Indian Trail, NC 28079.

The following members of Council were present:

Mayor Michael L. Alvarez
Council Member Gordon B. Daniels
Council Member Mark A. Wireman

Mayor Pro Tem David L. Cohn
Council Member Amy R. Stanton
Council Member Gary M. Savoie

The following members of Staff were present:

Interim Town Manager/Director of Engineering Scott J. Kaufhold, Town Attorney Keith Merritt, Town Clerk Kelley Southward, Planning/Neighborhood Services Director Rox Burhans, Community Economic Development Director Kelly Barnhardt, Parks & Recreation Director Jason Tryon, Communications Coordinator Mike Parks and Community Engagement Coordinator Julia Zweifel.

1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order at 6:30 p.m. and led the Council in the Pledge of Allegiance.

2. AGENDA ADDITIONS & DELETIONS

*Councilman Wireman, Motion to add under Presentations, Item 4E, Artists Music Guild.
Councilman Wireman, Motion to add to Old Business, Item 9b, recording and updated Granicus System.*

Agenda additions approved unanimously.

3. MOTION TO APPROVE AGENDA

Councilman Daniels made motion to approve Agenda as amended. Agenda approved unanimously.

4. PRESENTATIONS/INTRODUCTIONS

a) Introduction of Cindy Jones, Finance Consultant

Mr. Kaufhold: To welcome and introduce Cindy Jones, temporary and interim Finance Consultant. Cindy will be temporarily helping the Town in this role during the transition to hire a new Finance Director. She previously retired from the Town of Davidson.

b) Artist's Music Guild

Mayor Alvarez introduced David L Cook. The Artist's Music Guild is based out of Monroe and in partnership with Towns brings the arts back to schools.

David L. Cook, Christian musician, won two Grammy awards and seven Emmy awards. The Artist's Music Guild was created as a protection agency for legendary artists. The reach was extended to up and coming artists. As the arts were cut back in the school systems, the decision was made to extend the influence of arts and legends into the public school system to encourage kids. Arts funding has been cut 3% across the country.

Mr. Cook showed the Council a video of last year's Heritage Awards, which will air on February 20th, coast to coast, and will enter 17 million homes. The event took place at Architectural Center; there were over 1,900 people in attendance, including Mayor Alvarez. There were over 450 kids from the public school systems in attendance, many from below poverty level. During the convention at Monroe Mall, and in partnership with Office Maxx, the Guild purchased book bags and school supplies for every one of the 450 students.

The City of Monroe is a partner of the Guild and awarded the Artist's Music Guild \$10,000 this year due to the economic impact the Guild provided last year to their town. The Artist's Music Guild moved into Monroe Crossing mall and committed to bringing an arts program to the mall every month. The Artist's Music Guild events at the mall have increased foot traffic at Monroe Crossing mall by 12%.

The Artist's Guild is looking to expand its program to Indian Trail and work with Council on bringing more exposure to the arts.

In Indian Trail, three schools are already on board with the program: Sardis, Shiloh, and Sun Valley Middle School. It costs the Guild about \$1,000 per school to bring in educators and the curriculum and to provide book bags.

In April, at Monroe Mall, the Artist's Music Guild will be holding a "Union Idol" event and every school in Union County will be able to participate. The winner will receive a \$500 scholarship and also get a performance spot on the Heritage Awards. The Guild is asking Council to give the Artists Guild \$3,000 so that the Artist's Guild can bring music into those schools.

Councilman Wireman commented that it sounds like a great program, but he would like to see what the Town's gift policy says before committing to the requested contribution.

Councilman Wireman requested that Mr. Kaufhold email the Town's gifts policy to Council for review and postpone this item for the next agenda. Councilman Daniels also asked that

Mr. Kaufhold provide the Council with the current remaining funds available for contributions in this fiscal year.

5. PUBLIC COMMENTS

Mayor Alvarez clarified for the record that although the Town's policy states that Public Comments cannot be directed to an individual, the State Statute says that public comments may be directed to an individual. He further asked commenters to be forewarned that vulgar or out of line comments or actions will justify possible removal from meeting.

Eugene Griggs, 1706 Cottage Creek Road, Traywick community, in the Indian Trail flood zone. Mr. Griggs states that he has been trying to get water issues resolved for 10 years, with the County and the Town. The problem has only gotten worse. He is in attendance to address Council and residents of the Town. He needs help, the street needs help, and the whole neighborhood needs help to resolve the issue.

Mayor Alvarez closed Public Comments.

6. LAW ENFORCEMENT UPDATE

Lt. Coble:

- 2015 year-end report was distributed to Council.
- In January: 876 calls for service; 1,978 self initiated activity, increased from 1,652 in the month prior. Vehicle crashes: 117 reported; Reports taken 254; the average response time initially showed 14 minutes and 43 seconds. Upon investigation, Lt. Coble noticed that there was a call for service on January 28th where Lt. Coble had asked the dispatcher to re-open the file to get additional information; the request was handled in a few minutes. However by reopening the CAD card, it caused that one call to show a 7 hour response time. So once that call was taken out, it changed the average response time to 10 minutes, 4 seconds on average.
- Attended meeting in Bonterra. DOT also attended meeting. Update re: Poplin and Rocky River, a roundabout was slated for last year but was delayed. This spring, they are looking to get that done; there are already crews out from the gas company moving utilities. There was a concern with the impact of the bypass on the roundabout plans.

7. CONSENT AGENDA

- a) Approval of Tax Month End Report-January 2016
- b) Approval of tax refunds of overpayments in excess of \$500.00
- c) Charge the Revenue/Tax Collector to advertise delinquent 2015 Taxes
- d) Approval of Budget Amendments

Councilman Savoie made a motion to approve the Consent Agenda. Motion was approved unanimously.

8. PUBLIC HEARINGS

NONE

– Please adhere to the following guidelines:

- *Proceed to the podium, and state your name and address clearly;*
- *Be concise; avoid repetition; limit comments to three (3) minutes or less;*

- *Designate a spokesperson for large groups*

9. OLD BUSINESS ITEMS

a) Town Hall Update

Mr. Kaufhold

Purpose of the update today is two-fold: 1.) To clarify information discussed during last meeting, and 2.) Provide an update to Council on the progress made with architect and builders on potential changes.

1.) Clarify Information

There are two approved documents, one is a budget, one is a contract, both were approved by Town Council.

- The capital project ordinance. Approved in August 2015 for \$7.98 million, that is the budget for the project. NCGS: Capital Project Ordinance authorizes all appropriations necessary for the completion the project. Six months previous to that, a presentation, move-in ready facility for \$7.99 million. At the last Town Council Meeting Mr. Kaufhold had relayed that his research showed that what was approved in August 2015 for \$7.98 million was not a move-in ready facility. The following items were not included in that cost:

Landscaping (per UDO)
 Street Improvements (UDO)
 Dumpster Enclosure (UDO)
 Geotechnical Services
 Furniture
 Telecommunications/Data System
 Security System(s)
 Audio/Visual Systems
 Development Fees

Collectively these items will cost about an additional \$1.2 million for the same building.

- Approved contract with Edifice, Construction Manager, Contractor at Risk (Exhibit 9). Cost of the work, includes the targeted value management goals. Once design plan were finished, \$8 million was approved but it was \$250,000 over the budget if you built it as the plans. So the direction and agreement was that the construction manager would find costs based on those design plans- it is a built in savings goal.

At the last meeting, we discussed the items that were not included which add additional costs of \$1.2 million. The additional costs of \$1.2 million were costs from different vendors (furniture, landscaping, telecommunications, security, road improvements, geotechnical, and development fees).

Construction Manager's contingency for \$436,000: designed for specific construction contingencies, ex: ½ is for bad soil/rock on site (\$50,000 of that money is already gone for soil underneath the building). The other element is called the Contractor's Contingency, (\$236, 000). Whatever is left of the contractor's contingency fund at completion, is shared between the Contractor (65%) and the Town (35%). Contingency funds currently available are down to \$299,000.

At this point even if we did not run into any other problems that would require the contingency we'll still have to put about \$900,000 into making the building move-in ready (\$1.2M less the \$299,000 =about \$900,000).

Councilman Wireman:

The numbers based upon the August 11, 2015 approval of \$7.98M in the Capital Project Ordinance (CPO) to the amended CPO approved last month bringing the new total up to \$8.7M was due to change orders that took place when the previous Town Manager was here, correct? Mr. Kaufhold said the CPO approved in August was to build the building and did not include the costs associated with the design of the building. State Statute requires that the CPO include all costs associated with the project including design fees. So, the CPO had to be amended last month to include those fees. So, it was an update to the CPO for those upfront costs they weren't typical "change orders".

Councilman Daniels:

Understood that cost to build the building was \$7.9M. He further had the understanding that the borrowed monies plus what the Town had in reserves totaled \$8.7M. Mr. Kaufhold clarified that the total of the two was \$8.75M. He would like Creech and Edifice to be present so that he can ask them when we look at the to do list as far as furniture and these other elements are we talking top of the line products or what? He viewed Mint Hill's facility and their costs were less. Were our estimates for top or middle or bottom of the line products? Mr. Kaufhold said the previous Manager would have to be asked that question. Councilman Daniels said he'd like to ask Edifice. Mr. Kaufhold said that such items were not in the Edifice contract and therefore they were not the ones who provided the estimates. Mr. Kaufhold said the cost estimates he has shared came from different vendors/suppliers. About a year ago those items would have been included in the Edifice contract but they were pulled out of the contract that was approved in August 2015. So now the Town is responsible for those elements; getting the cost estimates. Edifice, at this point, has nothing to do with providing these elements or the cost estimates for these elements. These estimates came from a file belonging to the previous Town Manager; he was apparently working on obtaining the cost estimates before his separation from the Town. Councilman Daniels held that he thought Mr. Kaufhold had previously said he got these estimates from the builder. Regardless he would like to have Edifice and/or Creech present to answer questions that arise. Councilman Daniels would like Council to see the previous change orders and would like to see Edifice and Creech at meetings to respond directly to questions. Councilman Daniels said that Council should be provided all change orders and vote on them. Mr. Kaufhold said that all change orders to date took place under the previous Town Manager, Joe Fivas, and they should have been presented under his administration. Going forward that is how it would and should be handled in regards to change orders. Mr. Kaufhold said the estimated costs for the missing elements came from individual vendors specializing in each product; a total of \$1.2M is just an estimate at this time based upon the floor plans that we have.

Councilman Cohn: Will continue to be up front and on the table as we have since December. The people should have had a chance to vote on this to begin with. I find it unusual that we would build an \$8 million building without the engineering department participating. It is strange that the people weren't given the opportunity to vote on the building but now you want to see the change orders for being up front with the people.

Mr. Kaufhold: If you polled most municipalities, most would have a building committee. Engineering was brought in on tail end of things.

Councilwoman Stanton: I wish that prior Council had asked for more transparency for this Town Hall. Thanks to Mr. Kaufhold and engineering staff for dealing with the issue.

Mr. Merritt was asked by Councilman Daniels about the definition of a Public Hearing. Mr. Merritt said that some issues require public input and it has to be advertised in a certain manner.

Councilman Daniels said that there were four Public Meetings on the Town Center. Councilman Cohn called point of order.

Mayor Alvarez: Asked Councilman Daniels to stay in order. The previous Council was blindly led forward, and in his opinion, the Public Hearings were a farce. This Council cannot rectify an error of the past. Need to move forward and not continue to harp on it. This item was on the Agenda and slated as an update.

Councilman Wireman:

He doesn't want to the project inadvertently delayed because change orders have to be brought to Council. From a contractual standpoint it could cost more money.

Mr. Merritt: added that if there are any changes that require the expenditures of additional funds, those changes will have to come back to Council for approval. He would have to look at capital project ordinance.

Councilman Wireman: So if the change order doesn't go above the \$8.7M then it doesn't have to come back to Council? Mr. Merritt: It would depend upon the wording of the Capital Project Ordinance.

Mr. Kaufhold stated that the Council should not cling to a false hope that the soil/rock money will be available.

2) Mr. Kaufhold: Town Staff was also tasked with looking into doing a temporary stop on the building which evolved into looking at ways to adjust the building's intended use.

The current floor plan disjoins staff. Currently working with builders and architects to see if there is a way to keep the steel in place, and to look at moving walls to get more community space and department cohesiveness, as well as a single point of contact for customer service. Proposed redesign includes:

- Delete cupola
- Lower mechanical area
- Reconfigure main lobby
- Move chamber to lower level
- Reconfiguration of building
- Reconfigure outdoor balcony
- General Contractor, 3 months
- Preconst. and change management
- Trade remobilization and resubmittals
- Contingency

Fee, Bond, Insurance

Cons: Cost for the various changes would be about \$394,000 which is a 5% increase.

Pros: Doubled community space. The square footage remains unchanged. New plan allows for department cohesiveness, provides for plan and project file storage, a single point of contact for customer service and for future expansion. Field staff would remain at Blythe Building.

Motion made by Councilman Cohn to postpone vote until the next Council Meeting. Mr. Kaufhold was given direction to send Council an email that details changes and costs of the proposed changes and bring back to Council at next Council meeting. Unanimously approved.

b) Granicus System (Mayor Alvarez)

The previous Council approved a new A/V system for this Town Hall building. It is a \$20,000 system and is in the budget. Need a motion to either decide to put it in the current building as budgeted, or rescind approval for this building and proceed with the A/V for the new Town Hall. Mr. Kaufhold estimates completion of the new Town Hall building for late fall or early winter 2016. Councilman Daniels said we are trying to make good use of tax payer money and to put \$20,000 in this building when we are only going to be here another year isn't justified to him. We don't like the current system but let's try to deal with it for the remainder of our time in this facility. Councilwoman Stanton asked what this building would be used for after the move; Mr. Kaufhold said that would have to be discussed in the future.

Councilman Cohn made a motion to instruct staff not to proceed with purchasing a system to upgrade the audio/video which records meetings for the current Town Hall building. All in favor. Motion is approved unanimously.

10. NEW BUSINESS ITEMS

a) Council consideration for policy procedure for Closed Session and Resolution #R090609-2 (Councilman Wireman)

Councilman Wireman:

Closed Session

Has always been a contentious issue. There was a question about the legality or perceived legality of our policy and procedures for closed session. I contacted the NC School of Government and the League of Municipalities. Both agencies said that the Town policy is legal under the state statutes, however, but both agencies said that it gives the perception that we are trying to hide information. I wanted to bring this policy up for discussion.

Councilman Wireman asked that the Council take a look at the current Closed Session Policy. Per State Statutes, Council must make the closed session minutes available for public inspection as soon as the reason for the closed session is no longer valid.

Remove the language that closed session minutes need to be reviewed by Council unless there is still a valid reason. Policy will still be keeping the intent but it won't be so strict that we need counsel review.

Councilman Savoie: if there are any questions or doubts as far as what is published regarding confidentiality i.e, personnel information, staff should call Mr. Merritt.

Councilman Daniels: It did not take long to request closed meeting minutes and to receive them from the Town Clerk. Mr. Cohn stated that he was not able to get access to Council Closed Session Minutes; he had to go through Town Attorney to attempt to get access. Mayor Alvarez called Mr. Cohn's comments out of order.

Mr. Merritt – Since this is a Town policy, it can be changed by Council and only refers to Council. This policy does not refer to the Public's right to view Closed Session Minutes.

Councilman Wireman has made the motion to revise the Policy Procedure for Closed Session as per following:

- *Second sentence, first bullet, deletes the following language: "for meetings taking place".*
- *Remove third sentence: "The closed session minutes cannot otherwise be viewed or listened to without the approval of a majority of the Indian Trail Town Council by vote taken in open session."*

The motion was approved unanimously.

Resolution #R090609-2

Councilman Wireman: This resolution was created for a specific Mayor and I would ask that it be removed from the books since it no longer applies.

Mr. Merritt, responded that it does not apply to Mayor Alvarez as written. Council can pass a motion to rescind it.

Councilman Wireman made a motion that the resolution #R090609-2 regarding communication with Town Staff is rescinded.

b) Council consideration of 1st Avenue Storm Drain Analysis Fee Proposal

Mr. Kaufhold:

This is the second location the Council has identified with regards to stormwater issues. Attached is a design fee proposal which includes survey and engineering services to analyze existing conditions and come up with some alternatives, with cost estimates to consider. There is no construction tied to this contract. This is a two phase approach, looking for a design standard improvement, and a scaled back version that would reduce flooding and convey run-off without destroying yards,

1st Avenue is a platted for public but it is still private, but no government agency has taken over. The Town and State Powell Bill records list it as private. Approximately 1/3 of the drainage that impacts 1st Avenue comes off a publicly maintained road.

Councilman Daniels: My understanding of 1st Avenue, is that where the water is being diverted that is causing the flooding problems is crossing over private roads and then it is going on to public roads. The residents are in a dilemma so I am in favor of the study.

Mr. Cohn: I brought up 1st Avenue and the stormwater problems to Council. I am in favor of fixing private roads in any area of Town for residents of Indian Trail. If the Town went in to fix the problem on 1st Avenue, you could spend well over \$1M. My understanding, through talking with Mr. Kaufhold, is to hope the study provides an alternative that would cost a couple hundred thousand to solve the problem/satisfy the neighborhood.

Mr. Merritt: The Town has the ability to do the study to uncover the problem. But Council needs to note that there are a couple of Town policies that say you can only maintain over public roads. So if at any point in time the Town wants to move forward, it will need to change some Town policies, as well as begin conversations with State about whether stormwater funds could be used for this project which involves a private road. Plus the Town would still have to get the consent of property owners. If the study gives a viable alternative, Town will have to jump other hurdles to move forward.

Councilman Wireman: Are the residents open to the Town taking over that road? Mr. Kaufhold has had several meetings with residents at stormwater advisory committee meetings and yes, they are in favor and would do what is needed on their part.

Councilman Stanton made a motion to approve the contract for study of the design fee for the drainage problems on 1st Avenue. Motion is approved unanimously.

11. DISCUSSION ITEMS

a) Public Information Requests Update

Mr. Kaufhold:

At the December 8th meeting, there were some conversations re: public information requests. Following the meeting, I checked and there were a few that had not been answered yet and were outstanding, well over a year old, and repeat requests. Mr. Kaufhold will get the responses out.

Councilman Daniels has one he has been waiting for response too; Mr. Kaufhold said he only identified two as outstanding so if the Council had others that were not responded to yet, to bring them to his attention.

b) Announce additional Board/Committee vacancies (Town Clerk)

Ms. Southward: There is a vacancy on the Planning Board and Transportation Advisory Board. We are not getting many applications.

Councilman Cohn stated that he knows of a couple of people that signed up for Planning Board. Town Clerk confirmed receiving a few applications for the Planning Board.

Mayor Alvarez stated that he has a community board at the store that he could post a vacancy list on; Ms. Southward will email vacancies to Mayor Alvarez.

12. UPDATES

- a) Manager's Update: Scott Kaufhold, Interim Town Manager
 - Operational and fiscal review, the process is underway.

- Union County Public Works is holding a Public community meeting regarding planned improvements for Crooked Creek Wastewater Plant. It is being hosted here on February 18th at 6:00 pm. Councilman Savoie asked that this information gets out to residents in the area so that they know the meeting is being held here.
- Taylor Glenn and sight distance issues, NC DOT was quick to respond that they will post warning signs re: intersection and speed. Mr. Kaufhold has not heard back from the HOA President re: fence and sight distance line.
- Town Manager and Staff priorities, weekly report and action item agenda, Current energies are focused on filling vacancies on staff, 25% turnover in short period of time. Will be looking at Finance Director and Assistant Finance Director next. Next priorities are the policy updates: school impact analysis, monthly Town Hall meeting open dialogue during Public Comment, parking ordinance, and economic advisory committee.

Inquiry from Council about bridge replacement project. Mr. Kaufhold informed that they will shut down Indian Trail Road for several months while they build the facility. The detour route is South Fork Road, very narrow road. NC DOT is not recommending any improvements along South Fork Rd. They will do a truck detour signage plan. Mr. Kaufhold did not have the scheduled dates with him.

Councilwoman Stanton:

Suggestion made that Julia provide updates to Council on the HOA meetings. Mr. Kaufhold agreed that was a good idea and at future meetings will rotate HOA updates in with other staff updates on the agenda.

Councilman Savoie:

He added a suggestion that the HOA dialogue be added to the website too for resident visibility and dialogue.

13. COUNCIL COMMENTS

Mayor Alvarez: all Council members have received a breast cancer pin in honor of a friend that is fighting it. Thanks to residents that came to fund raiser and to the community of Hemby Ridge who put on the fund raiser with community service committee. I encourage Council to reach out to Mayor Pressley and form a community service here that will help. Thanks to David for taking time to come out and present.

Councilwoman Stanton: Thanks to the residents that attended; Lt. Coble for keeping us safe. Wanted to let Kelly know that there is a possible quorum on February 27th, Lincoln Reagan dinner, at Ag Center; a few Council and Mayor will be in attendance. Thanks to staff for all that you do.

Councilman Wireman: Thank you to residents. We continue to move the ball forward. Scott you do an excellent job, revamping the Town Hall to have everyone together in a functional facility is very important and sends a positive message. I am looking forward to seeing the numbers on that. Thank Council for removing any stigmas that we aren't an open council. Thanks to Staff. Chase, we can't forget about you, thank you for the presentation.

Councilman Daniels: Thank the residents for coming out. Regarding the Town Hall I understand that each Council in the majority has to make changes to a previous plan, but when they make change to a previous plan, they should take responsibility for the course of the changes.

have been receiving emails from a resident asking the Mayor to give him a personal apology, or tell him you're not going to apologize, and ask the resident to take Council off the email trail. Mayor Alvarez responded that the resident has every right to email Council, how he chooses to handle his business is up to him, but Councilman Daniel's request is duly noted.

Councilman Cohn: Thank everyone for coming. Thanks to Chase for coming out last night, way beyond call of duty to attend toll road meeting to inform the public. Thanks to Vicki who came last night and answered questions. Thanks to all Town Staff for working so hard, coming in early and staying late. Public Hearings are giving the public a chance to voice their opinion on a council decision or Town decision. The Town Hall Public Hearing was about 50/50 in favor of/opposed. It should have given more reason to put it on a ballot. Give the people a chance to vote for it.

Councilman Savoie: Thanks Chase. Staff, as always, an excellent job. Scott, Mr. Merritt, thank you.

14. CLOSED SESSION: none

15. ADJOURN: *Councilman Daniels moved to adjourn; carried unanimously.*

Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn

INTERIM TOWN MANAGER
Scott J. Kaufhold



TOWN COUNCIL

Gordon B. Daniels
Gary M. Savoie
Amy R. Stanton
Mark A. Wireman

**Indian Trail Town Council
Regular Meeting
Tuesday, March 22, 2016
Civic Building—6:30 PM**

MINUTES

The Indian Trail Town Council convened at 6:30 PM on Tuesday, March 22, 2016 for a Regular Town Council Meeting in the Council's Chambers at the Civic Building—100 Navajo Trail, Indian Trail.

The following members of Council were present:

Mayor Michael L. Alvarez
Council Member Gordon B. Daniels
Council Member Mark A. Wireman

Mayor Pro Tem David L. Cohn
Council Member Amy R. Stanton

The following members of Council were absent:

Councilman Gary Savoie was not in attendance.

The following members of Staff were present:

Interim Town Manager/Director of Engineering Scott J. Kaufhold, Town Attorney Keith Merritt, Town Clerk Kelley Southward, Planning/Neighborhood Services Director Rox Burhans, Communications Coordinator Mike Parks and Senior Planner Gretchen Coperine.

1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

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

There was a moment of silence for events that unfolded in Brussels.

2. AGENDA ADDITIONS & DELETIONS

Councilwoman Stanton: Add a proclamation dedication for July 4th parade as Business item 11d.

Councilman Wireman: Add under Business Items, 11E, Council to direct staff to get RFP for trash contract.

Councilman Daniels: Consent Agenda, break out Item 8A, Consent Agenda as Business Item 11F, Budget Amendment #540-543.

3. MOTION TO APPROVE AGENDA

Councilman Daniels made motion to approve agenda as amended. Approved unanimously.

4. PRESENTATIONS/INTRODUCTIONS

a) Introduction of Jim Wojtowicz, Finance Director

Town Manager, Mr. Kaufhold, introduced Jim Wojtowicz from Poughkeepsie, New York where he was Finance Director. Jim has been here for two days and is actively engaged in the finances of Town. Welcome Jim aboard.

b) Rotary-Check Presentation by Robin McGrath

Union West Rotary was chartered on April 2, 1996 and we are proud to be celebrating our 20th anniversary this year. Union West Rotary is a civic organization that supports international and local projects and community services. In 2005, we started the Christmas parade. In 2011, Union West Rotary pledged to pay \$50,000 for the amphitheater. We were asked to pay it over ten years. In our fifth year, we are proud to say we were able to pay off our debt in five years. It is my honor to present the final installment to the Town of Indian Trail. Several members of Rotary were present and recognized.

5. PUBLIC COMMENTS

- Michael Falkenbury, 519 Picket Circle. Last November, I had the honor of running for Town Council. One of the other candidates said if he was reelected, he would have the opportunity to redeem himself from mistakes made in prior term. I was promised a public apology, I am still waiting on the apology. There is a problem with someone mimicking the Indian Trail facebook page and the Council needs to clarify which facebook page belongs to the Town. Fourth of July parade, there is a history that all council members do not participate in the parade. I suggest all give Town Council members, as a show of unity, participate in the Fourth of July parade.

6. PUBLIC COMMENTS FOR FY 2016/2017 BUDGET DEVELOPMENT

No one signed up for Public Comments for FY 2016/2017 Budget Development. Mayor Alvarez closed the public comments for this topic.

7. LAW ENFORCEMENT UPDATE

Lt. Coble:

There was an armed robbery at the Subway on Unionville Indian Trail Road, March 11, 2016. Black male with handgun robbed employees. Police response time was immediate; total of 12 deputies responded to scene. This brings the total number of robberies to four businesses on the 74 corridor. In response, we have assigned extra manpower for a uniformed presence and also added plain clothes detectives. We continue to work with neighboring jurisdictions, including Matthews.

On Sunday, March 13th, there was an armed robbery at Suburban Estates neighborhood, off Spring Harvest Drive. Detectives worked with CMPD and were able to identify the car used in the robbery through tag readers and video surveillance. A good suspect was identified, and once we have a search warrant, will move forward with criminal charges.

At Sun Valley High School, there were 3 different threats on bathroom wall and 3 different small fires started. Worked with school system, and had a police presence on site. We were able to identify a 14 year old male suspect as being responsible for the threats on bathroom walls. A 17 year old suspect was identified as starting all three fires.

I participated in a conference call with NCDOT Turnpike, Director of Toll operations. Have already been in contact with Monroe Bypass Constructors, which is the company that is doing the work, but we want to build a relationship from a public safety aspect with the operators. We are planning a regional meeting where they will meet with all the public service entities that have jurisdiction on the turnpike. Roadway is going to have cameras that can detect a wrong way driver.

8. CONSENT AGENDA

- a) Approve Budget Amendments #540-#543 (moved to 11f during additions/deletions)
- b) Approve Tax Refunds in excess of \$500.00
- c) Approval of additional signatories for Town bank accounts
- d) Approve revised Closed Session Policy as directed by Council on 2/11/16

Motion made by Councilman Cohn to approve Consent Agenda. Motion approved unanimously.

9. PUBLIC HEARINGS

– Please adhere to the following guidelines:

- *Proceed to the podium, and state your name and address clearly;*
 - *Be concise; avoid repetition; limit comments to three (3) minutes or less;*
 - *Designate a spokesperson for large groups*
- a) **CZ2015-005 Waxhaw-Indian Trail Road: This is a rezone request to establish a Conditional Zoning Single Family district for 49 single-family units on a parcel approximately 16 acres. The proposed project is intended to be a senior housing concept development. The parcels are located on the east side of Waxhaw Indian Trail Road, north of Blanchard Circle. (Parcels: 07117010, 07117010A, 07117010B and 07117010C) Applicant: Blake Communities VP2-SC, LLC.**

Gretchen Coperine, Senior Planner with Town of Indian Trail

The request is to re-zone approximately 16 acres current zoning from Single Family (SF-1) to a proposed zoning Single Family (SF-5). SF-5 zoning district is a moderate/high density single family residential zoning district. The intent of the request is to allow approximately 49 single-family detached homes intended to be age-targeted housing for persons 55 years and older. The community will not be age-restrictive. The concept plan offers a single entrance point off Waxhaw Indian Trail, with required roadway improvement: left hand turn lane. 20 foot perimeter buffer, above and beyond what is required. There are 2.3 acres of open space, which is 1 acre above and beyond what is required. 12 guest parking spaces. There will be two stormwater management areas in the form of retention ponds. Homes will have an architectural mix of stone, brick and wood, 2 car garages.

Medium density, proposed density is 3 units per acre which is within admitted density.

Outside agency feedback and review. NC Dot did require TIA but did required improvements over Waxhaw Indian Trail Road. Union County Sheriff's department was concerned with parking, which has been addressed with Front set back of 25 feet. Schools: Indian Trail Elementary, Sun Valley Middle (below watch) and Sun Valley High (at watch level)

Two community meetings were held on January 22, with most of the concerns focused on with future drainage and flooding concerns. This project will not affect Arbors at Blanchard. Colton Ridge questioned where in relation the ponds will be in relationship to their property. There is a depiction included in the Plans; on east side a 20 foot perimeter buffer, and on the Colton ridge side an existing 15 foot buffer owned by Colton ridge HOA which will not be affected. The two ponds will tie into drainage and the applicant is at meeting to address technically how ponds tie in and how they will alleviate drainage.

Planning Board drafted an ordinance with draft conditions that address comments and requirements for the project. It addressed the concept plan implementation and roadway improvements. Planning board heard the item and had questions regarding the width of interior roads to accommodate emergency vehicles, (50 foot, which is standard), sidewalk widths and mail kiosk accessibility.

The Planning Board voted 5-0 to transmit a recommendation to approve as conditioned to the Town Council and made the following required findings: The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

- Land Use and Housing Goals #1, 2 and 5: The proposed project promotes compatibility of land uses between neighboring properties and residential properties within surrounding jurisdictions, increases the diversity of housing options within Indian Trail, and proposes high quality design to promote attractive land development,; and
- Mobility and Transportation Goal #3: The proposed development incorporates pedestrian amenities and connectivity throughout the community, as well as opportunity to connect to any future development directly north of this development.

The request for this conditional zoning district (SF-5 District) is a reasonable request and is in the public interest because it supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation, land use and housing.

Gretchen is requesting two motions from Council.

- Make the required consistency findings as read to record by Staff.
- Make final decision to approve as presented, approve with modifications, disapprove or request more information.

Open for questions and applicant is also available at meeting to answer questions.

Councilman Wireman:

Questions on application:

- 1.) There is not a date received on the application, when was it submitted?
A: Ms. Coperine: The submittal date was September 19, 2015 shows on page 5 of backup information of the Planning Report.
- 2.) Project description says “xx” lots, instead of 49 lots.
A: (Ms. Coperine) It is not uncommon as long as the concept plan itself has the adequate number of lots.
CM Wireman: I’m a little concerned about that because this is an official application they should include the number of lots they are requesting even if the number changes slightly upon review.
- 3.) Could not find the company name, Blake Communities VP2-SC, LLC registered with any Secretary of State. Similar registered names with Delaware and Florida but nothing that matches this name exactly and nothing in NC or SC.
A: Ms. Coperine deferred to applicant. Design professional representing developer, Matthew Velkovich with Summit Land Services 355 Centre Circle, Fort Mill, SC addressed Council stating he will need to ask the company to get clarification on the business entity.
CM Wireman felt it was important from an accountability standpoint. Further, the application is an official document and the information should be true and accurate and verified.
- 4.) Q: On design of home itself, in the interior is the return air flow located in the ceiling or lower level. Also are the front doors oversized and wheelchair accessible.
A: (Cary Avant, H&H Constructors of Fayetteville, NC) HVAC is in the ceilings. The front door is oversized and all cased openings are oversized.
- 5.) Retention Ponds, tying into some of the flows, what does downstream flow look like?
A: Mr. Velkovich. The area downstream in Colton Ridge has storm drainage that was sized to accept it one with 42” pipe and an 18” pipe. They are intended to accept water

from sites upstream. As part of our analysis, we will need to determine that we are not overburdening.

Councilman Cohn:

1.) Q: What is the proposed cost of the homes?

A: Cary Avant with H&H Constructors Inc. with home office in Fayetteville is a regional builder, building 500 homes a year in NC and SC. This is a popular product, and is heavily amenitized and active communities. More and more people are looking for an age targeted neighborhood, smaller more intimate neighborhood, with less hustle and bustle of activities. There is almost no burden on the schools. Price range is starting in the \$290's - \$325.

2.) Q: Mr. Cohn asked if Mr. Avant has done business with the investor, Blake Communities.

A: Mr. Avant replied that he has used the firm in the past for capital sources. If H&H finds property that meets H&H criteria, Blake Communities will source the property, purchase land, rezone and sell it back to H & H. H & H Constructors has five locations in Charlotte, in Concord, Mooresville, Monroe, Lake Wylie and are in process of developing 162 lots in York County and an 80-acre site in Denver.

Mayor Alvarez stated there was no one signed up for Public Comments for the Public Hearing and he closed the Public Comments portion.

Councilman Wireman made a motion to table topic requesting more information on the business entity Blake Communities VP2-SC, LLC is provided and continued at April 12, 2016 meeting to receive additional information. All in favor, with Councilman Cohn opposing. Motion approved 3-1.

10. BOARD & COMMITTEE APPOINTMENTS

a) Stormwater Committee—Council to appoint members to the following vacant seats:

- **Seat #1 (Regular Member unexpired 3-year term ends 6/30/16)**
- **Seat #4 (Regular Member unexpired 3-year term ends 6/30/18)**
- **Seat #7 (Regular Member unexpired 3-year term ends 6/30/16)**

Applications for the Stormwater Committee have been received from the following: Robin McGrath, William Dennis Gay and Jason Klinger (currently and Alternate Member)

Per Town Clerk, we only have two applications, the other did not come in as expected. Appoint to Seat #1 and Seat #4. Mr. Miller has provided written recommendation to Council for Mr. Gay and Ms. McGrath.

Councilman Cohn made a motion to appoint Mr. William Dennis Gay to Seat #1 and Ms. Robin McGrath appointed to Seat #4. Approved unanimously.

b) Planning/Tree Board—Council to appoint members to the following vacant seats:

- **Seat #2 (Regular Member unexpired 3-year term ends 6/30/17)**
- **Alternate #2 (unexpired 3-year term expires 6/30/17)**
- **Alternate #3 (unexpired 3-year term expires 6/30/16)**
- **Alternate #1 (possible-dependant on appointment to Seat #2; this Alternate member has applied for the Regular Member Seat)**

Applications for the Planning/Tree Board have been received from the following: Jorge Aponte (currently an Alternate Member); Joseph Lytch, Helen Killough, William Dennis Gay, Samantha Towns and Jayson Derosier.

Per Town Clerk, Council received a resignation creating a vacancy in another regular meeting seat. When a seat becomes vacant, it needs to be advertised on Town's website and announced at a meeting,

per policy, but Town Clerk will defer to Mr. Merritt as to whether position can appointed at this meeting. Consensus that the current policy be followed; the new vacancy/appointment should be added to next Agenda.

Councilwoman Stanton recommends appointing Ms. Samantha Towns to Seat #2 Regular Member on Planning/Tree Board. Unanimously approved.

Councilman Cohn recommends appointing Mr. Dennis Gay to Alternate #2 on Planning/Tree Board. Unanimously approved.

Councilman Cohn recommends appointing Ms. Helen Killough to Alternate #3 on Planning/Tree Board. Unanimously approved.

Alternate #1 is already filled by Mr. Jorge Aponte.

- c) Parks, Arts, Recreation and Cultural (PARC) Committee—Council to appoint members:**
- **Seat #9 (Regular Member unexpired 3-year term ends 6/30/17)**

There are multiple vacancies on this committee but only one application has been received to date; Susan R. Bryant

Councilman Wireman made motion to approve Susan R. Bryant to Seat #9 on PARC Committee. Unanimously approved.

11. BUSINESS ITEMS

- a) Council consideration to approve Chestnut Parkway Phase 2 for 65% Design Plans (“Right-of-Way” Plans)**

Mr. Kaufhold:

This is a follow-up item from the budget retreat the direction was to continue to move forward with the development of design plans for Chestnut Parkway Phase 2 from Old Monroe Road to Gribble Road. RS&H was selected. The proposed design has been divided into two parts which is typical of a project of this size and scope. The first part will accomplish 65%/75% design (“Right-of-Way Plans”).

The funds would come from the street fund; it was originally planned under transportation improvement fund, but those were rolled over, \$4.8M in street fund where we would have to allocate it.

There is a warehouse of data demonstrating the need. The Raleigh office’s latest numbers show Chestnut Parkway was going to have enough traffic in the future to need a six lane facility.

The piece over the railroad was requested by the State on state-wide projects and funding list. Division 10 agreed to add that project to the list, and the State selected it, the State has only funded \$3 million of an \$18-20 million project.

Mr. Merritt

Q: If you do this first (Old Monroe to Gribble), do you know what the tie in will be? Will it have to be re-designed when DOT provides funding for the 2nd phase?

A: (Mr. Kaufhold) in 2006, the Town hired a firm to do a feasibility study. High level study that looks at the corridor and as part of that study they come up with three alternative alignments. For Chestnut Parkway, went through public process, one alignment was selected.

We have the geometrics. NCDOT has hired a firm to start environmental process for the middle piece.

We started out on the first piece, which was from 74 to Matthews Indian Trail Road, and used the feasibility study. It was handed off to DOT consultants for the piece over the bridge. The consultant that came up scope and fee also used the same feasibility study.

Councilman Cohn made a motion to approve funding and scope of work by RS&H Architects-Engineers-Planners Inc. for Chestnut Parkway Phase 2 for 65% design plans (Right-of-Way Plans). Motion approved unanimously.

b) Council consideration to approve awarding bid for the Rodgers Road sidewalk project (Resolution #R160322-1).

Mr. Kaufhold:

This is federally funded project, and long awaited. The process is that once the Town is ready to award for construction, the local Town officials have to provide a resolution which will then go to the State for approval. It will take around 30 days to get approval from the State. The resolution when approved, hopefully this evening, may potentially allow construction to begin within 30-45 days. The project is expected to last five months. Grant money will be used for this project, \$550,000 - \$650,000 range depending on what our CEI costs will be. As was agreed, the upfront money will be funded by the street fund. Once construction has started, we can file for reimbursement of expenses within the first 60 days, we do not have to wait until end of the project.

Councilman Cohn made motion to approve Rodgers Road sidewalk project Resolution #R160322-1. Unanimously approved.

c) Council consideration to direct staff/Planning Board to prepare a UDO text amendment to allow for flexibility in dumpster enclosure(s) materials for change of use facilities. (Councilman Daniels)

Councilman Daniels:

Ask Staff to consider preparing a UDO text amendment in consideration of waste facilities for change of use. Presently, homes that convert to a business may have to have a dumpster enclosure as if they were a corporate structured business. It would give the business owners a chance to abide by the ordinance without the costs being too high.

Rox Burhans provided an example for Council: On Indian Trail road, parcels which may be zoned commercial, there are people that still live on the street, and they may want to convert the house to a business.

Motion by Councilman Daniels to direct Staff to prepare a UDO text amendment to bring back to Council to allow for flexibility in dumpster enclosures for change of use facilities. Approved unanimously.

d) Proclamation July 4th parade (Mayor Alvarez)

Each year, the Mayor has had a Proclamation for July 4th parade and this year he would like to propose dedication for Korean War veterans. Mayor will bring back drafted Proclamation for approval.

Motion made by Councilman Daniels to dedicate July 4th to Korean War Veterans and will prepare Proclamation for Council review and approval. Approved unanimously.

e) **Direct Staff to prepare RFP and work with Monroe on trash contract.**

Councilman Wireman:

Waste Pro Management contract is up for review a year from now. Need to direct Staff to get an RFP out to start process. Monroe has same time period as for their renewal so we may be able to save money if the Town works with Monroe on a joint RFP. Staff would contact them to see if there is an interest.

Councilman Wireman made a motion to direct staff to start RFP process and to reach out to the Town's counterparts in Monroe to see if they have an interest in participating in a joint RFP. Motion approved unanimously.

f) **Request to Pull Budget Amendments #540-#543 from Consent Agenda. (Councilman Daniels)**

Councilman Daniels:

- Budget Amendment is not signed by the Town Manager.
- Lawn mower was \$42,000, but the price on the lawn mower went up? Is this the same lawn mower that is now showing \$49,000? Where is the money coming from, is it Playground equipment

Mr. Kaufhold will send all the details to the lawn mower question from the last meeting. There was no information provided on playground equipment during the last budget.

Mr. Cohn: It was clearly stated in the last meeting that the money would be pulled from the playground fund. It was approved at the last Town Council meeting.

Per Councilman Wireman, we are still at \$42,000 point, but other equipment was included.

Motion made by Councilman Wireman to approve Budget Amendments #540-#543, motion carries by a vote of three (3) to one (1) with Councilman Daniels opposing. Motion is approved.

12. DISCUSSION ITEMS: none

13. UPDATES

a) **Manager's Update: Scott Kaufhold, Interim Town Manager**

- Next Council meeting will provide bid results for traffic calming.
- Fee proposal for next drainage study on Traywick (Cottage Creek, back side of UC Public Works Facility)
- Closing out three large contracts. These are close-outs with specific contractors: Crooked Creek Park, Sauceman \$4.8 million project with \$22,000 to spare; Chestnut Square Park, Goodrum contract is closed with \$114,000 to spare; and Chestnut Parkway from park limits to 74 with Devere, contract is closed with \$22,000 savings. All came in under budget. These were capital project ordinances and will be asking Council to re-allocate those funds.
- Town Hall project, architect is finalizing revisions to floor plan, final costs on that. We are recommending the architect and construction manager will handle the Furniture, Fixtures and Equipment (FFE) portion of the contract. Need proposal on table. Need to make decision on roundabout or turn lanes. 11 change orders totaling \$271,000 only 4 involved money the rest were a wash; the biggest chunk occurred 4-5 months ago.
- Grant to study road, getting \$60,000 back

b) **Department Head Update: Planning & Neighborhood Services—Rox Burhans**

- Mayor's Tree initiative project is actively being planned. Program is where we go out to schools and explain the importance of tree, show how to plan a tree and send them home with a tree. out with Mayor Alvarez and go to 4th grade classes, largest session ever, going to 7 schools. Passing out schedule and email Pam Goode if you want to attend any of these sessions. Will also send out schedule via email.
- New employee in the Planning department, Julia Zwiefel from the Community and Economic Development Department and has a planning background.
- New residential re-zoning application received for project called Sardis Point, located at intersection of Oakwood Lane and Sardis Road or Union Indian Trail Road.
- The Planning Board heard two text amendment cases at the March meeting. One being a developer initiated amendment related to hotels and mixed use developments within village centers. They did approve it with modifications. Will discuss at Public Meeting. The other is the grand opening banner amendment that Town Council asked for draft and work it through process.
- School Impact Assessment Update – The assessment is basically to look at how we can provide Council with more information related to school impacts associated with new developments and school growth. The Planning staff has met with other Union County planners and talked about the topic. Spoke to Union County public schools facilities director. The facilities department was pleased with the information they are reporting with demographics study and bond initiative. They feel they are managing pretty well. Overall they didn't see the benefit of additional information. Also spoke with Charlotte Mecklenburg Schools which produces detailed information for zoning boards, financial impacts, student information etc. I was able to get a good general idea as to how their program operated.

c) Department Head Update: Parks & Recreation

Jason Tryon is out of town, Mike Parks to provided update for Communications instead of a Parks and Recreation update. Before Mr. Parks came forward Councilman Wireman asked Mr. Kaufhold for an update on the shed construction at Crooked Creek Park. Mr. Kaufhold said he would come prepared with an update on that issue for the next Council Meeting.

Communications efforts:

- The Town has two facebook pages, the main Town of Indian Trail page, one is specific to Parks and Recreation. Some individuals in the community had started their own pages regarding Parks and rec. People were asking questions on those pages thinking they were Town pages. The Town has claimed those pages and will take over maintenance of those sites. Our Twitter page has 1,000 followers, instagram and constant contact email . Website has had over 100,000 visitors. Problems with 30 broken links throughout our website, search function doesn't work, outdated information, town initiatives. Granicus is only accessible via explorer, most people use Firefox.
- Visited HOAs re: community engagement issues, Sun Valley HOA issues. Code violation issues, questions on Rogers Road sidewalk projects.
- Connecting Businesses with Union County on April 6th.
- Created a webpage for the Park Master Plan, in process of creating town hall update page, and ready to begin working on town hall forums that Council approved.

14. COUNCIL COMMENTS

Mayor Alvarez

Thanks to Susan for all her hard work on "Hop to It". See the parks are open for tournaments; wish the Staff a good tournament season. Lt. Coble, thanks for update. Have a safe holiday.

Councilman Cohn

Town of Indian Trail Town Council Meeting March 22, 2016

Thanks to everyone for coming, look forward to next meeting.

Councilman Daniels

Thanks to everyone for coming. Two things I want to get into Granicus and the minutes, some good points for the budget discussion. I will give to Ms. Southward to include with minutes. Relayed a message that when apologies go unsaid, it affects people.

Councilman Wireman

I have yet to hear an apology to the residents for not asking the right questions at the right times and how that has cost the Town. Lt. Coble and law enforcement, thanks for keeping us safe. Thanks to Council for another good meeting.

Councilwoman Stanton

Thanks to the residents who are here. Thanks to Staff for doing a wonderful job for the town and to Lt. Coble and his sidekick. Congratulations to the applicants on their newly appointed roles.

15. CLOSED SESSION

Councilman Daniels moved to enter Closed Session pursuant to NCGS 143-318.11(a)(6) Personnel Matters; motion carried unanimously.

Upon conclusion of Closed Session, Councilwoman Stanton moved to enter Regular Session; motion carried unanimously.

16. POSSIBLE ACTION FOLLOWING CLOSED SESSION

Councilman Wireman moved to suspend the rules to add to the agenda “consideration of hiring a Town Manager” and the motion carried by a vote of three (3) to one (1) with Councilman Daniels opposing.

Councilwoman Stanton moved to appoint/hire Scott Kaufhold as our full Town Manager and take the “Interim” off; the motion carried by a vote of three (3) to one (1) with Councilman Daniels opposing.

Mr. Kaufhold was congratulated.

17. ADJOURN

Councilman Daniels moved to adjourn; carried unanimously.

Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk



**Indian Trail
Town Council Regular Meeting
Tuesday, April 26, 2016
Civic Building—6:30 PM**

MINUTES

The following members of Town Council were present:

Mayor Michael Alvarez	Council Member Gary Savoie
Mayor Pro Tempore David Cohn	Council Member Gordon Daniels
Council Member Amy R. Stanton	Council Member Mark Wireman

(All members of Council were present)

The following members of staff were present:

Town Manager Scott Kaufhold, P.E., Town Attorney Keith Merritt, Town Clerk Kelley Southward, Director of Planning and Neighborhood Services Rox Burhans, Director Parks and Recreation Jason Tryon, Director of Finance Jim Wojtowicz, Contract Analyst/Executive Administrative Assistant Vicky Watts and Communications Coordinator Mike Parks.

Guests presents:

There were approximately 15 guests in the audience.

1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order at 6:30 PM and led everyone in the Pledge of Allegiance to the Flag. Mayor Alvarez requested everyone remain standing while he congratulated Chase Coble for his recent advancement to Captain from Lieutenant with the Union County Sheriff's Office.

2. AGENDA ADDITIONS & DELETIONS

Action

Councilman Savoie moved to relocate item 9c-Approval of Crooked Creek Master Plan Concept 1B from the Consent Agenda to Old Business; make it item 12a and renumber the remainder Old Business accordingly.

3. MOTION TO APPROVE AGENDA

Action

Councilman Daniels moved to approve the Agenda, as amended above; the motion carried by a unanimous vote.

4. PRESENTATIONS/INTRODUCTIONS

- a) **Presentation by Scott Cole of NC DOT regarding a noise barrier wall for the Monroe Bypass. Action by Council to consider approving Resolution #R160426-1; a Resolution in Support of a Noise Wall to be Constructed at Certain Locations Along the Monroe Bypass Project.**

Mr. Scott Cole of NC DOT addressed Council. He noted that an environmental study was done in accordance with Federal and State regulations for environmental impacts, which include human environmental impacts, of the Monroe Bypass project. For the purposes of the study performed, a noise receptor is any structure that receives any level of noise and not necessarily excessive noise. A benefited receptor is any structure that receives a 5 decibel or more reduction in noise due to a noise abatement measure such as a noise barrier/wall. The Federal Highway Administration (FHWA) mandates that noise for roads measuring at 66 decibels and above be mitigated; this is a level of noise classified to be between moderate and loud when referring to noise from roads. Some mitigation devices commonly used are walls and berms but berms require a lot of right-of-way.

NC DOT is required to follow the criteria found in the FHWA's Traffic Noise Abatement Policy and Guidance Manual. The FHWA issues a model, which they frequently update, to determine the noise for the project life. In this case the Monroe project life is 20 years; ending 2035. The model forecasts the noise for car and truck traffic taking into consideration all types of factors including the coarseness of the asphalt. When the forecasted noise levels exceed 66 decibels or there is a substantial noise increase (10 decibels or greater) then mitigation measures must be implemented. There are different points along the Monroe Bypass where structures are affected by noise exceeding 66 decibels and therefore mitigation devices (i.e. barrier walls) have been proposed. There are other areas where the noise is slated to be less than 66 decibels and therefore no mitigation measures have been proposed. The area near/along the Bonterra neighborhood, which is approximately 600-800 feet from the Monroe Bypass is not slated to receive a noise mitigation device as the area is not projected to exceed 66 decibels of noise.

In the Noise Abatement Policy there is something called the "date of public knowledge". This is when the environmental study is approved. This is after public outreach and a public hearing process is complete; the study is approved and this is the date of public knowledge. Anything (structures) built before the date of public knowledge will be considered for noise mitigation/abatement. However, any structures built (i.e. building permits are issued) after the date of public knowledge DOT is not required to provide noise mitigation measures even if the 66 decibels are exceeded for these new structures. It falls in the "buyers beware" category since the public has knowledge of the study findings (the study is publically available). The date of public knowledge in this case is May 15, 2014.

Four noise barrier walls are slated for different areas along the entire Monroe Bypass; two of those walls are in Indian Trail. The first proposed wall in Indian Trail is #NW2C near the US 74 Business connector located near the Old Hickory Business Park continuing on towards Stinson Hartis Road ending almost at Strand Drive. The second proposed wall in Indian Trail for the Monroe Bypass is located near Hemby Bridge at the other end of Stinson Hartis Road continuing towards the interchange at Indian Trail-Fairview Road and ending near Faith Church Road.

Mr. Cole said he understands that there may be an issue that there is not a wall slated near the Bonterra neighborhood. His slides showed the difference in how far structures in Bonterra are from the Monroe Bypass versus those areas slated to receive a wall. Upon query by Councilman Daniels Mr. Cole noted that a noise study was not done for the entrance road to Bonterra as they only do studies for built structures and not for roads. Roads are not considered impacted noise receptors. Mr. Cole did not have the exact decibels forecasted for the structures in Bonterra; it is included in the 300+ page study but since a wall is not proposed it did not meet the 66 decibels. Councilman Cohn felt the biggest concern for residents in Bonterra, which is an influential area in Indian Trail, is that until the Monroe Bypass is built the exact amount of noise is unknown. NC DOT won't build a wall after the bypass is built; it would be up to the Town to build a wall if they felt it would be necessary for the residents of an area without a wall.

Mr. Cole noted that NC DOT does not create the model or the process for determining if a wall is necessary; it is a federal standard issued by the FHWA. So they have to follow the federal standards of how noise is evaluated and mitigated. Everyone is treated the same by using these federal regulations. Upon query Mr. Cole noted that property values are not considered in part of the evaluation process. The Monroe Bypass has been in planning for 20-25 years. Councilman Daniels asked if property values could be introduced as part of the process. Mr. Cole said it could be introduced for consideration for projects in the future. Mr. Merritt noted that log-rhythmic scales are different than folks may realize. When you talk about going from 60 decibels to 70 decibels (a 10 decibel difference) it is actually a doubling of noise. So basically, DOT or FHWA doesn't consider noise mitigation practices unless there is slated to be at least a doubling of noise; Mr. Cole concurred.

Councilman Wireman asked if any studies are done after the road is built to see if the forecasted findings are accurate or not. Mr. Coles said there are no such studies conducted after road construction. This is a Type I project and the policy for such clearly states that they do not retrofit after project construction. Mr. Wireman noted that it is concerning because without a study after the road is built we don't know how accurate the forecast was prior to construction. As a scientist he said it is important to re-evaluate original findings and forecasts so that future forecasts can be more accurate. Mr. Cole said the he is not an expert in noise analysis but he does have confidence in their policies and procedures for determining noise mitigation/abatement practices. He reiterated that national standards are used and he is certain that studies have been conducted to validate the data and forecasting measures in the policy and process. Councilman Wireman said he would like to see those studies or if they're available on-line he'd like to know where he could find them.

Councilman Cohn said he would have hoped a noise expert would have come to this presentation this evening. Mr. Cole said they thought about having the noise-team attend this evening but the standards and the study would remain the same regardless. Councilman Cohn asked about safety measures. Mr. Cole noted that the Monroe Bypass is a controlled access facility like the freeways so; there will be a controlled access fence at the right-of-way line. Councilman Cohn asked if public outcry made a difference; Mr. Cole said public outcry does have influence and helps them to learn about citizen concerns. There is a petition for a noise wall in the Bonterra area. Councilman Savoie asked for the environmental study; how far off are we from receiving a wall in the Bonterra area? Mr. Cole did not know off the top of his head and the experts in noise would be better suited to answer such a question. He estimated that the homes are probably set back twice as far as needed to warrant a noise barrier wall.

Mr. Cole asked if the Town of Indian Trail has concerns and wants DOT to consider looking at property values as a part of the study or any other issue then the Town should send a letter requesting DOT to consider such specific items. This way they have a paper trail of exactly what Indian Trail is requesting and when the request was made. Councilman Daniels agreed that any requests would be best addressed by putting them in writing.

Finally, Mr. Cole said his last point was that the residents in the vicinity of the areas slighted to receive a noise wall have the opportunity to vote for or against the wall. If they decide they don't want a wall then they can vote it down. There is a point-per ballot formula based upon how close a resident/property owner is to the proposed wall. For those property owners on the front row they get 3 points per ballot. Property owners on 2nd, 3rd, and 4th rows receive one point per ballot. Then residents on the front row get an additional point. So, if you are on the front row and you're a property owner and you reside there you would get 4 points for your vote. Renters on the front row get one point (but again the property owner gets 3). Other row residents get one point. Around July of this year, Indian Trail residents affected by the proposed two walls will be able to vote. Councilman Cohn said he didn't understand the purpose in those slated to receiving the wall

having the opportunity to vote; he felt those who aren't slated to receive a wall should have the right to vote in order to get one. If those slated to receive a wall vote it down would DOT construct in an area not slated to receive a wall? Mr. Cole said Indian Trail residents eligible for this vote could likely expect the voting to take place in July 2016.

5. PUBLIC COMMENTS

- Mr. Eugene Griggs 1706 Cottage Creek Trail (Traewyck subdivision) addressed Council once again regarding the drainage issues with his property and in the Traewyck subdivision. He asked if the Union County Public Utilities' 3 million gallon expansion at the Crooked Creek Wastewater Facility will have any impacts (positive or negative) on his neighborhood. Why is the Town giving up control to Union County so easily?
- Ms. Samantha Towns addressed Council regarding the April 16th Budget Workshop—she commended staff for all of their hard work. She asked that item 12f be eliminated from the agenda because if all Council members had attended the Budget meeting they would know that this item had been discussed and the reasons why a tax reduction was not being considered for the upcoming fiscal year. Indian Trail should be priority as far as political aspirations of Council members as they were elected here first.
- Mrs. Shirely Howe of 6205 Clearwater Drive said that she recently read a Letter to the Editor in the Charlotte Observer that made good sense her. It was about when voting for a local elected official the people are investing their hope and trust in that person. She opined that the Budget is similar to the Town's bible; guiding us through the fiscal year. She felt that it should be mandatory for all elected officials to attend the Budget Workshops. Without a full Council present it deprives the 38,000 residents of Indian Trail full representation for what is to be included in the budget. If staff is expected to give up their personal time away from their families then Council should be expected to the same. Budget items are now on this agenda—is this just someone searching for political exposure in the local paper? She urged Council to place their energy where it counts and do what they were elected to do.

6. PUBLIC COMMENTS FOR FY 2016/2017 BUDGET DEVELOPMENT

None forthcoming.

7. LAW ENFORCEMENT UPDATE

Captain Chase Coble gave report of heroic efforts of UCSO Deputies since the last meeting. One account taking place last Thursday when parents reported a 14-year old missing but felt the teen would return. Deputy Mike Kenary took it upon himself to check a spot known in the woods where teens tend to hang out. The 14-year old was found unresponsive at this spot by the Deputy Kenary; there was evidence of a drug overdose. The deputy carried the teen out of the woods and was able to administer Narcam—which Sheriff's Deputies had just begun to carry in their vehicles. The above-and-beyond efforts of the Deputy Kenary coupled with the availability of the Narcam likely saved the teen's life. There was a second incident of an overdose where Narcam was used to save a 25-year old was also highlighted by Captain Coble. Council members noted that these accounts truly showed that our deputies are heroes and they should be recognized. Captain Coble had an idea for public recognition at a future Council Meeting. Council further congratulated Captain Coble for accomplishing this rank with the UCSO.

8. DEPARTMENT UPDATES:

- a) **Department Head Update: Planning & Neighborhood Services—Rox Burhans**
Mr. Burhans informed Council of two upcoming rezoning projects. Both applications have recently been submitted and have not gone before the Planning Board yet. So, this is an advanced heads-up for matters that would make their way to Council in several months.

First, the Virginia Trace project is located at the corner of Oakwood Lane and Unionville Indian Trail Road. Currently the property is located in an unincorporated area of Union

County so an annexation would be required. A conditional zoning would also be necessary for the project to be approved as requested. The proposed project consists of approximately 92 single family home lots on the approximate 40-acre site. Upon a query Mr. Burhans relayed that he does not know the price point for the proposed lots/homes and that is not something required in the application process. Exact lot sizes are also unknown at this point but they will likely be relatively small lots. Mr. Burhans encouraged Council members to meet with him individually to go over the details of the proposed project as it goes through the required process. The applicant for this project is M/I Homes and Mr. Burhans projected it could be before Council as early as late summer 2016. The application was just received about 2 weeks ago.

Second, there is a proposed project referred to as the Hawfield project because it's located off of Hawfield Road which is a gravel road just before you get to the Sheridan Community on Wesley Chapel Road. The project falls within two jurisdictions: Indian Trail and Wesley Chapel. This is a larger single family lot subdivision consisting of approximately 265 acres (163 acres in Indian Trail and 103 acres in Wesley Chapel). A total of 442 single family lots are proposed; 325 lots in Indian Trail and 117 lots in Wesley Chapel. The applicant is Queen City Property. Some of the property may be undevelopable due to creeks and possible wetlands. Detailed drainage studies would not be conducted until after rezoning is approved (if approved). This would be another conditional rezoning. A road is slated to go through the project connecting Wesley Chapel Road to Waxhaw Indian Trail Road. This application has only been in for about a week. Again, Mr. Burhans encouraged Council members to meet with him individually to discuss details of this proposed project. Councilman Wireman noted off the cuff he has a lot of concerns about various impacts such as roads and schools.

Finally, Mr. Burhans relayed that Mayor's Tree Initiative 2016 took place last week. They visited 8 schools and about 1,000 students were impacted. They planted 14 trees (full size) with the children at the 8 schools and each child was given a sapling to take home and plant with their family. This year there was a partnership with the Planning & Neighborhood Services and Parks & Recreation Departments. It was an "all hands on deck" project that makes a valuable contribution to the community. Councilwoman Stanton noted she was unable to attend due to her job but saw pictures on Facebook and could see the joy on the students faces.

- b) Department Head Update: Community Development & Communications—Mike Parks**
Mr. Parks noted that he attended some of the Tree Initiative programs last week at the schools and it was a rewarding experience.

Mr. Parks reported that we have about 5,000 followers on the Town's main Facebook page and about 1,000 on the Parks and Recreation FB page; all the other Town FB pages combined have about 1,000 followers. We have more than 1,000 followers on Twitter and about 3,000 folks participate in our Constant Contact list. About 12,000 newsletters are mailed to residents/property owners.

Now that he has been assigned some Community Development tasks, Mr. Parks has begun meeting with HOAs; he has attended one HOA meeting and scheduled meetings with several others over the next few months. Mr. Parks is also speaking with web designers/hosting companies about getting a new website for the town.

The Arbor Day/Earth Day event was held this past Saturday at Stallings; next year it will be Indian Trails turn to host the event. May 6th there will be a movie—"The Good Dinosaur" shown at Crossing Paths Park. Upon a query from Councilman Wireman Mr. Parks noted that he does not oversee Granicus.

9. CONSENT AGENDA

Action

- a) **Approval Budget Amendments #547-#551 and #554**
- b) **Approval of Classification Plan and Pay Scale**
- c) ~~Approval of Crooked Creek Park Master Plan Concept 1B~~ **This item was removed from the Consent Agenda and added to item a of Old Business (11a) during Agenda Additions and Deletions.**
- d) **Approval of a Resolution which allows employees and Council to participate in the NC Public Employee Deferred Compensation Plan under Internal Revenue Code 457(b)**

Councilman Wireman moved to approve the three items on the Consent Agenda; the motion carried unanimously.

10. PUBLIC HEARINGS

Action

- Please adhere to the following guidelines:
 - Proceed to the podium, and state your name and address clearly;
 - Be concise; avoid repetition; limit comments to three (3) minutes or less;
 - Designate a spokesperson for large groups

There were no public hearings.

11. OLD BUSINESS ITEMS

Action

- a) **Council Consideration to approve Crooked Creek Park Master Plan Concept 1B.**

It was noted that this matter was discussed at length at the April 16, 2016 Budget Workshop and it was the consensus of Council to move forward with Concept 1B. Councilman Savoie noted that there were three concepts to choose from but 1B just seemed the most logical and had the most elements desired from the public input process. He further pointed out that it does not include a Miracle League baseball field but this is something that we still want in Indian Trail at Crooked Creek Park. He suggested that the Council earmark an area at the park that would be reserved for the Miracle League while they raise the funds necessary to build the field. Councilman Wireman agreed that the Miracle League field would be a great benefit to the Town. However, it has been relayed to him, and Mr. David Drehs in the audience who is spearheading this project confirmed, that it would take them a couple years to raise the funds to build the field. Councilman Wireman suggested we earmark the land for a specified period of time; he suggested two years so they can raise the funds. Mr. Drehs was recognized from the audience and suggested that coordination of efforts improve. It is difficult for him to raise funds for a Miracle League field when there is a gravel parking lot at the park.

Upon query from Councilman Wireman, Director of Parks & Recreation Jason Tryon noted that if Council approves moving forward with Master Site Plan Concept 1B there is not a Miracle League field space reserved in that area. However, there is still plenty of undeveloped space on the opposite side of the park where the Miracle League field could go. Councilman Cohn suggested that Mr. Drehs get a plan together for the Miracle League field and present it to Council. Mr. Drehs asked if he could present his plan at the next Town Council meeting. Councilman Cohn said that Town Council supports donating the land at the park for the Miracle League but they are going to have to do the ground work and the planning and show Council for what they are asking. Currently, Council has nothing to discuss or consider because no plan has been presented.

Councilman Cohn moved to approve Crooked Creek Park Master Plan Concept 1B; the motion carried by way of a unanimous vote.

Further, there was a consensus by Council to include a presentation by Mr. Drehs for the Miracle League field at the next Council Meeting; to include on the agenda.

b) Council consideration to approve By-Laws for a new Economic Development Committee (staff was directed to draft new By-Laws by Council)

It was noted by Councilman Wireman that these By-Laws require that the Economic Development Committee take direction from and report to the Town Council, which is different from the By-Laws of the former Economic Development Advisory Committee.

Councilman Wireman moved to approve the By-Laws for the new Economic Development Committee, as presented; the motion carried by a vote of four (4) to one (1) with Councilman Daniels voting in the opposition.

c) Council consideration to approve an outline for holding Town Hall Meetings once per quarter (staff was directed by Council to provide a plan of action for this meeting forum)

Councilman Wireman noted that there is proposal to have no more than two Council Members attend these quarterly meetings. The quarterly meetings are proposed to take place on Thursday evenings 7 PM to 8 PM or Saturday mornings 10 AM to 11 AM (alternating each quarter). The purpose is to make another opportunity for residents to become informed and share their concerns. The hope is to move the venues around town making it as convenient as possible for residents to participate. The first 15 minutes or so would be Council Members and staff providing updates of what has been happening in Town and take the rest of the hour to open the floor to residents to express concerns and ask questions. There would not be a quorum of Council present and therefore they would not be official town meetings; minutes would not be necessary. Councilman Savoie asked how Council members not present would know what was discussed. Councilman Wireman said that a summary report could be generated and distributed to the remainder of Council by either a member of staff that attends or the Council members that attend. The Town Clerk also noted that the digital recorder could be used but not Granicus as it would not be available at the various venues.

The initial meeting would be held on the evening of Thursday, May 26th 7 PM to 8 PM at the Town Civic Building (or possibly the Cultural Arts Center next to the Civic Building).

Councilman Wireman moved to approve the outline (memo) regarding Town Hall Meetings to be held once per quarter, as presented; the motion carried unanimously.

d) Council consideration to award bid for resurfacing contract

Mr. Kaufhold noted that 3 bids were received for this resurfacing contract and opened last week ranging from \$1.713 million to \$2.035 million. Roads to be resurfaced on this contract will include some of those that scored less than a 40 on the road condition survey; meaning that these are roads in such poor condition that maintenance will no longer extend their life. The roads are either dead or dying so the work to be done is reconstruction. Upon query from Mayor Alvarez, Mr. Kaufhold confirmed that this contract would include the improvements to VFW Lane as approved by Council earlier this year. Mr. Kaufhold reported that Red Clay Industries was the lowest, responsive, responsible bidder with a bid of \$1,713,741 and it is staff's recommendation to award the bid to them.

Councilman Wireman submitted a motion to award the resurfacing contract to Red Clay Industries as the lowest, responsive, responsible bidder for their bid amount of \$1,713,741 and the motion carried by way of a unanimous vote.

e) Council consideration of Operational & Fiscal Review Phase II Fee Proposal

Mr. Kaufhold said that he recommends Council proceed with Phase II with the cost not to exceed \$32,000; a copy of the proposed scope of work is attached hereto and made part of these official minutes.

Councilman Daniels asked if Phase I was complete and ready to be published. Mr. Kaufhold noted that the work that was scoped out by Barker Jones & Co. for Phase I has been completed. Councilman Daniels asked if there was any chance in the future that Phase I would require more work. Mr. Kaufhold said such would be possible and it is noted under Phase II in the scope of work where it says: "Report Preparation and Presentation and Phase II Task Determination". Councilman Daniels said he likes to see Phase I finished completely before considering funding for anything else. Councilman Wireman opined that the objective of Phase I work has been reached per the scope of work. The report may still be in somewhat of a draft form and need some adjusting but the core of the work is finished. In its current form we cannot officially release Phase I to the public but that should not preclude us from moving forward with Phase II at this time.

Councilman Cohn moved to approve moving forward with Phase II of the Scope of Work for the Operational and Fiscal Review proposed by Barker Jones & Co. with fees not to exceed \$32,000; the motion carried by a vote of four (4) to one (1) with Councilman Daniels voting in the opposition.

12. NEW BUSINESS ITEMS

a) Council consideration of selecting outside Counsel for review of Operational & Fiscal Review Phase I

Mr. Kaufhold noted that there were some questions regarding the draft results of Phase I of the Operational & Fiscal Review and a recommendation was made to have outside counsel review the draft results. Councilman Savoie asked that our Town Attorney, Keith Merritt, be fully involved in this process. Councilman Daniels agreed that Mr. Merritt should be included and should recommend the outside Counsel secured for the review. He asked Mr. Merritt if they were voting to seek or not seek outside counsel or selecting a specific person/firm at this time. Mr. Merritt said that was up to Council. Councilman Daniels said he would have a problem voting for a person that Mr. Merritt has not had any input in selecting.

Councilwoman Stanton prefaced her statements by saying she has nothing against Mr. Merritt but she believes that the draft report needs to be looked at from an attorney with no ties to anyone associated with the Town. She said that she has spoken with other municipalities that have had similar situations and their recommendation is to bring in someone who is completely unfamiliar with anyone involved in Town business. Councilman Daniels agrees that the special attorney be from outside of the Town and unrelated to Town business but that our attorney should be able to review this special attorney and make recommendation on their competence based upon his years of experience as an attorney.

Mayor Alvarez asked if this outside attorney would be representing Indian Trail or simply reviewing the findings of the Phase I Operational & Fiscal Review. Mr. Merritt clarified by stating that any attorney retained by the Town Council is representing the Town Council. He

agreed that outside counsel should review some things in the draft findings it is up to Town Council how to make the determination of what attorney to use.

Councilman Wireman said that he would traditionally agree that we would have our resident expert (Mr. Merritt) weigh-in on what attorney to select. However, it's been brought to his attention that there is potential for a conflict of interest in him having take part in the selection process based upon the particular matter. This could be discussed further in Closed Session if necessary. He believes Town Council may have to be completely independent in who and how outside counsel is chosen.

Councilman Cohn said he doesn't believe anyone is trying to keep Mr. Merritt out of it; once an attorney is chosen then Mr. Merritt could provide his blessing or have his say as to whether or not he feels the chosen counsel is a good attorney or not. However, he believes the attorney should come from completely outside town business and outside of Indian Trail.

Mayor Alvarez asked the Town Manager if an attorney has been recommended. Mr. Kaufhold said they have talked to some and there is one name they could bring forth but this is more of a discussion at this point. Councilman Savoie agreed that this should be done outside. Everyone here could probably provide a name that could be considered an outside attorney. However, he believes Mr. Merritt is the best person here that is capable of taking in names and doing some due-diligence on who would be the most qualified for this analysis. Councilman Cohn said he means no disrespect to Mr. Merritt but as he is hearing things the majority of Council doesn't want Mr. Merritt involved in the process of selecting the attorney for the purpose of keeping it as "clean" as possible. Councilman Cohn said he is more than willing to have Mr. Merritt provide his input to say whether or not a good attorney has been chosen.

Councilman Cohn moved that Council move forward in consideration of selecting outside Counsel for review of the Operational & Fiscal Review Phase I. The motion carried by a vote of three (3) to two (2) with Councilmen Daniels and Savoie voting in opposition.

Mr. Kaufhold asked Council how they would like to find out about the selection. Mr. Kaufhold reiterated that he has spoken with some attorneys. Councilman Daniels said that he would like to be included on the process moving forward. He clarified that included means that he be given the same information as any other/all other Council members are given. All Council members should have the same opportunity to submit names of attorneys to represent the Town.

Councilman Cohn said that Town staff has been asked many times to provide a list of contractors for Town Council to choose from; then Town Council makes the final decision. He felt like Councilman Daniels was giving conflicting accounts of what he's looking for: first he said he wanted Mr. Merritt to make the choice for outside counsel now he's asking to be included in the process. Both Councilmen Cohn and Wireman said they have not seen any list of potential attorneys. Councilman Wireman suggested Mr. Kaufhold send the list of attorneys that he has spoken to out to Mr. Merritt first and then send it out to Council with Mr. Merritt's comments. It should be sent to all Council members so that everyone is on equal terms.

Councilwomen Stanton said she had mentioned, in front of all Council members at last month's meeting when this item was discussed, an attorney that Waxhaw had used in a similar situation and she thinks perhaps Mr. Kaufhold may have contacted that attorney.

Mr. Kaufhold recommended that he send his list to Mr. Merritt tomorrow and Mr. Merritt can cross off those attorneys that he would not recommend using for this task. Then, Mr.

Kaufhold can forward the revised list to Council and Council can then make a decision at the next Regular Council Meeting. Councilman Wireman asked that Mr. Merritt provide reasons as to why he would not recommend someone if there is anyone on the list he doesn't recommend. Mr. Merritt noted that any thoughts he had would best be discussed in Closed Session. Councilman Daniels clarified his earlier statements saying that he was not insinuating a list already existed but rather was referring to a future list.

b) Council consideration of to approve Capital Project Ordinance Closeout for Unionville Road Sidewalk

Mr. Kaufhold noted that this item, as well as the next two items, is to closeout completed projects that have come in under budget but he would yield the floor to Mr. Wojtowicz for further explanation. Mr. Wojtowicz noted that 57% of this project was completed with a grant. Ms. Watts has done an excellent job of administering the grant and obtaining the reimbursements. The original budget was for \$1,237,615 but actual expenses were only \$893,771; leaving a surplus of \$347,854 which can be reallocated to a future project.

Councilman Cohn moved to approve the closeout for the Capital Project Ordinance for Unionville Road Sidewalk and the motion carried unanimously.

c) Council consideration to approve Capital Project Ordinance Closeout for Chestnut Parkway Extension Phase I

This project was budgeted for \$1,861,890 and actual funds expended were \$1,833,618 allowing for \$28,272 going back into the Powell Bill's fund balance. *Councilman Daniels moved to approve the Capital Project Ordinance Closeout for Chestnut Parkway Extension Phase I and the motion carried by a unanimous vote.*

d) Council consideration to approve Capital Project Ordinance Closeout for Chestnut Square Park

Mr. Wojtowicz said that parks where he came from were nowhere near as beautiful as Chestnut Square Park—he opined that it was a successful mission. Not only is it a beautiful park but it was completed under budget by \$305,711. The original budget was \$5,283,913 and actual expenses were \$4,978,202. *Councilwoman Stanton moved to approve the Capital Project Ordinance closeout for Chestnut Square Park, the motion carried by way of a unanimous vote.*

e) Council consideration of amendments to the Board & Committee Appointment Policy (Councilman Cohn)

The two amendments were briefly discussed and read by the Town Clerk; a copy of the Amended Board & Committee Appointment Policy is attached hereto and made a part of these minutes. Section II A and Section II H both had changes. Upon query from Councilman Wireman it was noted that the policy does address attendance. *Councilman Cohn moved to approve the amended Board & Committee Appointment Policy, as presented and the motion carried by a unanimous vote.*

f) Council consideration to schedule and advertise a Public Hearing at the May 10th Council Meeting to get public input on decreasing our Indian Trail Tax Rate from 18.5 cents to 17.5 cents due to having a total of \$32 Million in cash in our Town Fund Balance on Dec 31st and residents and businesses deserve a tax decrease with these excessive amount of accumulated funds. (Councilman Daniels)

Councilman Daniels said the Finance Director was asked at the April 16th Budget Meeting if a tax decrease was feasible and the answer was it was a possibility that could be on the table. Councilman Daniels said the Finance Director also said at that meeting that there was \$10 million in the budget and most of that was real. Councilman Daniels said that Indian Trail has 160% of the budget in fund balance; most places only have 12%. He said that he has done research and having a fund balance of 25%-50% of the budget allows enough for rainy day situations. Councilman Daniels said he's not asking for Council to vote on a tax decrease he's just asking for the public to give their opinions; to schedule a public hearing. If the public wants a decrease, he believes we have the ability to afford a tax decrease of 1 cent.

Councilman Daniels moved to schedule a Public Hearing for May 10, 2016, 6:30 PM at the Civic Building to gain public input on decreasing the tax rate and discussion ensued.

Councilman Savoie said if we do move forward with a public hearing he would like the Finance Director to provide financial impacts of the proposed decrease across the board. Council needs to be shown the budget with the tax rate proposed reduction as well as keeping the tax rate the same. Councilman Daniels agreed.

Councilman Cohn said that he wanted to know if the Finance Director had been contacted by any Council member on reducing the tax rate and the affects of such. Mr. Wojtowicz said he had not been contacted by any Council members regarding this matter.

Mr. Wojtowicz said that Indian Trail is financially healthy. Last year there was a re-assessment of property values done in Union County (where our property values come from). By law staff had to provide Council with the "revenue neutral" tax rate. Since our overall property values had decreased by \$53 billion the revenue neutral tax rate that was recommended was 18.83 cents but Council held the tax rate at 18.5 cents. So, we didn't increase taxes when could have under the premise of generating the same tax revenue after a reassessment. Further, 85% of our tax rate is fixed: 5 cents goes to the debt service capital reserve, almost another 5 cents goes to sanitation, more than 5 cents goes to law enforcement and we are looking to increase the number of officers we have in our contract. With so much happening in the Town right now, Mr. Wojtowicz said his professional opinion would be that it is not a good time to lower the tax rate.

Councilwoman Stanton said she wishes Councilman Daniels would've been present at the Budget Meetings so he could have heard what all is happening in town. We need to increase the law enforcement in town because the town is still growing. She wished this item was not even on the agenda and probably wouldn't be if Councilman Daniels had attended the last Budget Meeting.

Councilman Daniels asked Mr. Wojtowicz if he was aware that residential, commercial, and commercial with utilities were separated out. We survived our reduction in tax base from last year's reassessment. He said that earlier this year he asked that the budget be drafted showing both holding the tax rate at 18.5 cents and reducing it to 17.5 cents.

Councilman Savoie said he doesn't mind entertaining this thought but again, would like to see the numbers for both and the effects on the proposed budget for next fiscal year. He asked if potential revenues over the next couple years could be factored in as well; for businesses slated to locate in Indian Trail. Mr. Wojtowicz said a 1 cent reduction would generate about \$358,000 less than holding the tax rate at 18.5 cents. No projected offsets are included in that figure.

Councilman Cohn noted that in the proposed FY 16-17 Budget there is a staggered start for the four (4) proposed additional deputies to the UCSO contract. The start is staggered in order to keep costs down because adding four deputies is a huge fiscal impact and we'll have to absorb total annual costs in the FY 17-18 budget. Councilman Cohn said that in or about January of this year Councilman Daniels wanted to start four new deputies immediately without concern to the cost and now he wants to reduce the tax rate? Councilman Cohn felt that something was amiss in the contrasting wishes of Councilman Daniels. He felt that it would've been very beneficial for Councilman Daniels to have attended the last budget meeting because he could've learned a lot. Councilman Cohn continued by stating that Councilman Daniels ran on the platform that he would not support a new Town Hall but once he got in office he was in support of such. Mayor Alvarez asked Councilman Cohn to keep on topic after Councilman Daniels asked for point of order. Councilman Cohn felt his point was on topic and asked why the Town is borrowing funds, thus paying interest, to build the new Town Hall. If we are in such great financial condition why don't we just build it without borrowing and save the interest? Then Councilman Cohn said that when taxes were raised 4 cents for the parks Council said that the parks would be completed before starting any new projects and that was not done—the parks are not finished but we've started the Town Hall project. Why would we lower taxes now if we have these unfinished projects?

Councilman Cohn asked Mr. Wojtowicz if we actually have \$32 million in fund balance. Mr. Wojtowicz said that there is \$32 million but most of it is restricted (i.e. earmarked and mandated to be spent on specific projects). Councilman Cohn said our town suffers because of political grand-standing because people want to go out and get votes by saying they introduced the idea of lowering the tax rate. But those same people want to build things like a new town hall without public input. Saying they want to lower taxes at this point, is just hypocritical in his opinion. Upon query by Mayor Alvarez, Mr. Wojtowicz concurred that there is enough money in the fund balance to pay bills for current projects with enough money left over for a rainy day.

Mr. Wojtowicz said as of today, the Tax Collector has reported that 99.4% of the people have paid their 2015 taxes. So, people can pay their taxes in Indian Trail. Councilman Wireman said as a Councilmember one of their most important duties is preparation of the budget. Council is paid by tax-payers to act upon these important budget matters. He said that he finds agenda items like this item very concerning. Rather than going out and educating the public on facts discussed in budget meetings showing why we cannot decrease taxes and how we are trying not to increase taxes we have agenda items brought forth by one member that brings confusion to the public about the reality of financial abilities. He opined that this information was thoroughly discussed at the last budget meeting and finance staff did a great job at presenting the facts and explaining the true financial picture of the Town so that anyone could understand what really can and cannot be supported in the upcoming fiscal year budget.

Councilman Wireman said if the tax rate is lowered we'll not be able to bring on new deputies next year. Thankfully, we have a Sheriff that works with us and allows the staggered start. Further, we still have to complete Phase 1 (concept 1B just approved this evening) of Crooked Creek Park which will cost about \$2.1 million. Additionally, there is \$895,000 for the recently approved sidewalk project. We will likely have to tap into at least \$300,000 of fund balance for those two items. Of course, costs associated with the town hall project are increasing; he believes it has increased from \$250/square foot to about \$500/square foot. If we lower the tax rate something will have to go unfinished.

Councilman Daniels asked Mr. Wojtowicz if we could afford to currently take \$300,000 from the unrestricted fund balance. Mr. Wojtowicz reported that the unrestricted fund balance is about \$10 million.

Mayor Alvarez called for a vote to the motion on the table which was to schedule a public hearing to reduce the tax rate 1 cent. The motion was denied by a vote of two (2) to three (3): Council members Daniels and Savoie voted in favor of the motion while Council members Wireman, Cohn and Stanton voted in the opposition.

Councilman Savoie suggested that figures be ran both ways so that public can be educated on the impacts of both lowering the rate and keeping it at 18.5 cents. Since the matter of suggesting to hold a public hearing on lowering the tax rate was on this agenda folks may ask why such is not moving forward. Other members noted that the monthly financial report is being posted on Town's website.

- g) Council consideration that a Town Hall Exterior Design with a cupola was approved by the Mayor and Town Council on November 25th, 2014. My understanding is that a cupola has now been removed from the Town Hall exterior design. Town staff indicated they would only make changes to the interior of the building. Please have the Town Manager distribute documentation to the Mayor and Town Council before the April 26th Council meeting that shows that Mayor and Town Council officially voted to remove this exterior feature from the previously Council approved exterior design and any communications with Creech giving them direction on removing the Cupola. (Councilman Daniels)**

Councilman Daniels said that it is his understanding that if Council votes to do something only a vote of Council can undo; he asked Mr. Merritt if his understanding was correct. Mr. Merritt said that stated that broadly he could not answer the question. Councilman Daniels specified his question asking Mr. Merritt if Council had voted for this cupola on the new Town Hall; can it only be removed by action of Council? Mr. Merritt said he could provide his legal opinion of the scenario to Council in Closed Session if need be; he would not provide his legal opinion of such in Open Session at this time. Councilman Daniels said that with this item he is simply asking that the Town Manager show the Mayor and Council that Council voted to approve removing the cupola.

The Town Manager passed out a packet of documentation to the Mayor and Council. On February 11, 2016 in the Power Point presented at the Council meeting there was a slide containing the "Building Redesign" items; "delete cupola was the first item on the list. Then, as per Council direction, Mr. Kaufhold sent an email to the Mayor and Council on February 16, 2016 titled "Town Hall Building Design Options" and the first item under the "Major changes include" section was "eliminate cupola". Then the Power Point slide presented at the February 23, 2016 states: "design ideas were sent to Council for review with supporting detail after the Feb. 11, 2016 Council meeting" (which would be the email of February 16th). Mr. Kaufhold said that staff reviewed the audio of the February 23, 2016 Regular Council Meeting and found that removal of the cupola was mentioned during the recommendations for change at minute 56:55 of that meeting and the Council approved the recommended changes by a vote of three (3) to one (1) that evening.

Councilman Daniels asked if there were (written) minutes to back up this evidence. Mr. Kaufhold noted that the Town Clerk had assumed the duties of the Human Resources Director for four months as well as other duties and since the audio of meetings are available on-line the transcription of minutes from earlier this year have not been completed. Temporary help is being secured to get the minutes transcribed. Mr. Kaufhold said that while the February 23, 2016 minutes have not been transcribed to written form anyone can listen to the recording of the meeting and hear the discussion and vote beginning at minute 56:55. Mr. Kaufhold said

that Mr. Daniels asked for documentation, which has been provided. Mr. Merritt confirmed that the recordings of the meetings on Granicus are in fact public records.

Councilman Wireman said to him, this is a non-issue. It was presented to Council and voted on and the documentation of such has been provided, as requested by Councilman Daniels. Councilman Cohn apologized to residents as this item, he believes, is nothing more than a waste of time.

Councilman Cohn submitted a motion to close-out this item and move on with the agenda; the motion carried by a vote of four (4) to one (1) with Councilman Daniels opposing.

Mayor Alvarez stated for the record that he recalls the removing of the cupola being presented to Council and voted on by Council quite clearly. Mayor Alvarez added that he believes the grandstanding on the matter is insulting to everyone. Councilman Daniels said he takes that comment very personal and believed a lot of residents were very surprised when the cupola was removed. Mayor Alvarez called Councilman Daniels out of order and there was some back-and-forth between the two that became quite heated. Mayor Alvarez threatened to have Councilman Daniels ejected from the meeting which appeared to anger Councilman Daniels. Mayor Alvarez solicited a motion and vote to eject Councilman Daniels. The verbal dispute continued between the two and Captain Coble stood up and asked that Council regain control for the sake of the Town. Other Council members began to make comments as well and Captain Coble then warned that if tempers did not calm and the meeting move forward he would have the meeting dispersed.

13. DISCUSSION ITEMS: none

14. UPDATES

- a) **Manager's Update:** Scott Kaufhold, Town Manager: Mr. Kaufhold said that the draft budget for FY 2016-2017 is being completed.

15. COUNCIL COMMENTS

- **Councilman Wireman:** thanked residents for coming to the meeting and being involved in the Town. He welcomed the public to contact them if they have any questions regarding Town business.
- **Councilman Daniels:** said when he ran three years ago he did so on the platform to reduce taxes for seniors and the disabled; it's not a plot to gain supporters for future political race. He said that he attended the first half of the first budget meeting; he is thankful that we have Granicus to bring members up to date should they miss a meeting. He hopes that Council can one day work together as a body of five and not be split three to two or four to one on every issue. He said the question was asked if he had reached out the Finance Director regarding an issue on the agenda. He said that previously he tried to reach out to staff in the Planning Department when he had questions and was denied access to meet or speak with Planning staff. Why would a member of staff be prohibited from meeting with an elected official? He found it distasteful and disgusting and it held him back from attempting to meet Finance staff regarding the issue he included on this agenda. In the future he hopes to be able to contact staff when he has questions or concerns.
- **Councilwomen Stanton:** thanked everyone for coming out this evening; thanked Captain Coble for interjecting during the heated discussion; thanked staff for all their hard work and Mr. Kaufhold for doing a great job—she felt staff is happy. She wished everyone well in their travels home.
- **Mayor Alvarez:** said he attends all the Town events and people engage him in conversations. If everyone put as much focus into Town business as they put into these agenda items that

have already been covered the Town would benefit greatly. As presented, these items do appear to be political grand-standing and if they are—shame. It is Council’s job to work for the people of Indian Trail. He urged that the childish games stop; the residents are tired of it and the grand-standing needs to stop. He thanked Mr. Burhans and staff for the Tree Initiative; it is a great thing for the community. Next Thursday, May 5 is National Day of Prayer which was approved by Congress many years ago. There will be a ceremony in Crossing Paths Park 12 Noon to 12:45 PM; please attend if you can and pray for our country and our leaders. This Saturday at the Monroe Mall the Artists Music Guild will hold “Union Idol” 3PM to 8PM. The Arbor Day Celebration was wonderful. He asked the Town Manager to communicate with Mr. Griggs what is going on with the stormwater situation in his neighborhood. If there is excess money in our budget, Mayor Alvarez opined that it should be put into law enforcement for our town. Mayor Alvarez recognized Councilman Daniels. Councilman Daniels noted that the Mayor and Council were invited to the Annual Military Inspection for JROTC at Sun Valley High; it was confirmed that quorum may attend—the Clerk would send a notice of such to the Sunshine List.

- **Councilman Cohn:** thanked the public for coming this evening and staff for their presentations. He said that he hates when people play politics. It bothers him when Council members go out and try to start a police department and they talk about adding Sheriff’s deputies. Also, when elected officials run on a platform that does not support a new town hall then after elected vote for a new town hall without the vote of the people. He said that he doesn’t know any better than to be straight forward with folks. He’d love to be able to lower taxes but feels it’s just not feasible with all that’s going on. He’s upset that all the parks were supposed to be finished before moving on to any other projects; parks money was to only go to parks.
- **Councilman Savoie:** thanked staff for their diligence and hard work. He congratulated Captain Coble on his recent promotion from Lieutenant to Captain and thanked everyone who attended the meeting.

16. CLOSED SESSION

Action

Councilman Daniels moved that Council enter Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to protect the attorney-client privilege and N.C.G.S. 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee; the motion carried unanimously. Council entered Closed Session.

Upon conclusion of Closed Session the public was invited back into the Council Chambers at which time Councilman Daniels moved that Council enter into Regular/Open Session and motion carried unanimously

17. POSSIBLE ACTION FOLLOWING CLOSED SESSION

Councilman Wireman moved to suspend the agenda rules to add the following items to the agenda:

- 1) *Release of prior closed session minutes*
- 2) *Consideration of the Resolution #R160426-1 A Resolution in Support of a Noise Wall to be Constructed at Certain Locations Along the Monroe Bypass Project.*

The motion to add these two items to the agenda carried unanimously.

- 1) **Release of Prior Closed Session Minutes:** *Councilman Wireman moved to release/unseal the Closed Session as presented/recommended by the Town Clerk in Closed Session (2/10/2009 Closed Session Minutes in their entirety; 7/9/2013 Closed Session Minutes only the portion pertaining to G.S. 143-318.11(a)(4) regarding business expansion; 8/27/2013 Closed Session Minutes only page 1 with regard to approving other Closed Session Minutes; November 26, 2013 Closed Session Minutes only the portions pertaining to unsealing other Closed Session Minutes and the portion pertaining to G.S. 143-318.11(a)(5) property purchase; and 10/13/2015 Closed*

Session Minutes on the first 2 paragraphs). The motion carried by way of a unanimous vote of Council.

- 2) **Consideration of Resolution #R160426-1 A Resolution in Support of a Noise Wall to be Constructed at Certain Locations Along the Monroe Bypass Project:** *Councilman Daniels moved to approve Resolution #R100426-1 and the motion carried unanimously.*

18. ADJOURN: *Councilman Daniels moved to adjourn at approximately 9:40 PM and the motion carried unanimously.*

APPROVED:

Mayor Michael L. Alvarez

(SEAL)

Attest:

Kelley Southward, Town Clerk

DRAFT



PUBLIC NOTICE

Budget Hearing Advertisement

Public Hearing

The Fiscal Year 2016-2017 proposed budget for the Town of Indian Trail has been presented to the Town Council and is available for public inspection beginning May 5th in the office of the Town Clerk in the Administrative Services Building, 130 Blythe Drive, Indian Trail, NC from 9:00 AM to 5:00 PM weekdays and at the Union West Library, 123 Unionville-Indian Trail Rd. West. The proposed budget can also be accessed on the Finance & Business Operations page of the Town's website, www.indiantrail.org.

Town Council will hold a Public Hearing for the proposed FY 16-17 Budget on Tuesday, May 24, 2016, 6:30 PM at the Indian Trail Civic Building, 100 Navajo Trail, Indian Trail, NC. Any persons who wish to be heard on the budget may appear.

Proposed Budget Highlights:

General Fund:	\$14,028,568
Powell Bill Fund:	\$ 821,600
Stormwater Utility:	\$ 1,221,500

Proposed Tax Rate: \$0.185 per \$100 of assessed value

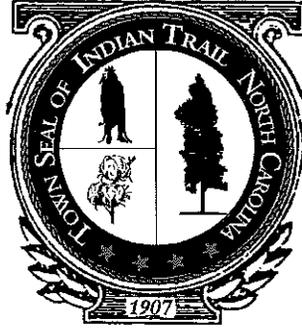
Respectfully submitted,
Kelley Southward, Town Clerk

10a

MAYOR
Michael L Alvarez

MAYOR PRO TEM
David L. Cohn

TOWN MANAGER
Scott Kaufhold



TOWN COUNCIL
Gordon B. Daniels
Gary M. Savoie
Mark A. Wireman
Amy R. Stanton

TOWN CLERK
Kelley Southward

Dated 05/19/2016

To: Mayor & Town Council

From: Finance Director Wojtowicz

Subject: Recommendation of outside auditors

Please find attached a quantitative scoring sheet in regard to our selection of outside auditors for our town.

The score sheet identifies our three finalists:

- A) JB Watson & Company of Wadesboro, NC
- B) Potter & Company of Monroe, NC
- C) Rowell, Craven & Short of Mint Hill, NC

As the scoring sheet indicates the three firms were measured based on: firm experience related to municipalities of our size and structure, experience of staff who would be working on our audit, and the firm's references and understanding of specifics related to Indian Trail.

As the final weighted score indicates the selection criteria was difficult as all three firms rated superior and above based on the judgment of Deputy Finance Director Chopelas and me.

We are recommending Potter and Company based on their final weighted score of 9.925

Auditors for FY17
 Consolidated Scoring Sheet
 5/18/2016

Firm	Firm's experience, knowledge, familiarity with similar projects					Experience of Firm's staff to perform work					Firm's understanding of project specific issues					Raw Score	Weighted Score	Comments
	Rater			Weight = 30%		Rater			Weight = 40%		Rater			Weight = 30%				
	A	B	C	D	Total	A	B	C	D	Total	A	B	C	D	Total			
JB Watson	4	4.5			8.5	4	5			9	5	5			10	27.5	9.15	One partner and one Staff Accountant
Potter & Co	5	4.75			9.75	5	5			10	5	5			10	29.75	9.925	Has two partners specializing in Governmental Audits As well as experienced manager and accountant
Rowell, Craven and Short	3	4.5			7.5	4	5			9	5	5			10	26.5	8.85	One one person on staff (partner)

RATING GUIDELINES

- 5 Outstanding Qualified Response: *Depth and quality of response offer significant advantages to the project; no deficiencies*
- 4 Superior Response: *Response exceeds stated requirements; no deficiencies*
- 3 Fully Qualified Response: *Response meets stated requirements; no deficiencies*
- 2 Minimally Qualified Response: *Response meets stated requirements; some deficiencies*
- 1 Marginal Response: *Response contains significant deficiencies; OR lack of detail prevents adequate evaluation*

Town of Indian Trail

Memo

TO: Town Council and Mayor
FROM: Scott J. Kaufhold, P.E., Town Manager
DATE: May 24, 2016
SUBJECT: Council Consideration of Selecting Outside Council for
Operational & Fiscal Review Phase I



General Information:

At the April 26 Council Meeting, staff was directed to submit a list of potential attorneys to Keith Merritt for review of qualifications. Mr. Merritt was asked to cross off attorneys he would not recommend and provide reasons as to why. No attorneys (firms) were disqualified. Staff recommends Spencer & Spencer.

Required Actions:

Council Approval

Attachment:

Law Firm Profiles

Cox Law Firm, PLLC

Melanie D. Cox

Our Mission

Cox Law Firm's mission is to provide you with exceptional legal services at a reasonable price.

Our Experience

Chris has been licensed and practicing law in North Carolina since 1999, while Melanie began her career as an attorney in North Carolina in 2001. Both Chris and Melanie worked as Assistant District Attorneys in Union County, NC, and have extensive trial experience. We are experienced in family law matters, wills and estates, personal injury, wrongful death, contract disputes, land use matters, local government law, traffic tickets, and criminal matters.

Our Promise

We promise to listen to you and provide you the prompt attention your case deserves.

Melanie D. Cox was admitted to the North Carolina Bar in 2001, after graduating from The University of North Carolina School of Law. She received her undergraduate degree from The Catholic University of America in Washington, DC, in 1998, graduating summa cum laude, Phi Beta Kappa, and Academic All American (swimming). Melanie grew up in Charlotte, NC and was an assistant district attorney for the 20th Prosecutorial District from 2001-2007 where she tried numerous jury trials and hundreds of bench trials. She then joined the law firm of Perry, Bundy, Plyler, & Long, LLP in Monroe, NC from 2007-2015, specializing in civil litigation. In April of 2015, she and her husband, Chris Cox, opened Cox Law Firm, PLLC in Waxhaw, North Carolina. Melanie continues to focus her practice on family law, civil litigation, personal injury, wrongful death and municipal law.

Bringewatt and Snover, PLLC

Kevin Bringewatt

At Bringewatt & Snover, we recognize that, in this competitive business environment, you want legal counsel who knows not only the law but also knows and understands your business and its challenges.

The firm was founded in 1999 and has grown to five attorneys, all of whom previously practiced with large law firms in Charlotte, North Carolina. Our commitment is to partner with you so that we can provide practical, high quality legal advice that addresses your needs and your business goals. Our clients include companies from large to small, real estate developers, lenders and non-profit institutions such as hospitals and schools. Our practices focus on the following:

- real estate
- entity formation and corporate governance
- commercial leasing
- education law
- municipal law
- purchasing and contracting
- land use planning and zoning
- dispute resolution
- risk management

We are committed to being your trusted counselor and advisor.

Founder and Managing Member Kevin Bringewatt started the firm as a solo practitioner in 1999 with a commitment to providing high quality, cost effective and personalized legal counsel to his clients. Kevin has extensive experience in commercial real estate transactions, purchasing contracts, and local government law. He advises clients on real estate site selection and acquisition with particular emphasis on acquisition of school sites. He has extensive knowledge of local government contracting and purchasing laws and regularly represents business and institutional clients in connection with their procurement of contracted services. Kevin is currently the town attorney for two municipalities, and he represents land owners in negotiations regarding municipal planning and zoning matters. His practice also includes the preparation and negotiation of real estate purchase and sale contracts, the negotiation and drafting of commercial leases and the preparation of documents for mortgage-based financing. He practiced with the law firm of Smith, Helms, Mulliss & Moore, L.L.P. from 1993 to 1999 and he served as Judicial Clerk for The Honorable William L. Osteen, United States District Court Middle District of North Carolina from 1992 to 1993.

Education

- Duke University School of Law, JD, 1992
- Wofford College, BA, *summa cum laude*, valedictorian, 1989

Affiliations

- Member, Mecklenburg County Bar Association
- Member, North Carolina Bar Association
- Past Board Member, Davidson Youth Baseball
- Past Board Member, Ada Jenkins Center

Spencer & Spencer, PA

W. Chaplin Spencer

Since 1873, attorneys at Spencer & Spencer, P.A., and its predecessors, have provided clients with excellent legal representation and client service in a wide range of practice areas. Spencer & Spencer, P.A. has a rich history of providing exceptional legal counseling and service to sophisticated government and corporate clients which is uncommon for a small firm in a small town.

The firm is located in historic downtown Rock Hill, South Carolina, approximately 20 miles south of Charlotte, North Carolina. As a result of our proximity to Charlotte, several attorneys in the firm are licensed in both South Carolina and North Carolina. These attorneys regularly represent clients in both states.

Today, Spencer & Spencer, P.A.'s attorneys have expertise in a variety of areas, including local government, commercial litigation, appellate advocacy, commercial real estate, corporate organization and governance, and business transactions. This expertise has earned Spencer & Spencer, P.A. the long-standing loyalty of its clients. Whether serving the City of Rock Hill, a client since 1915, or an individual client with a single transaction, the attorneys and staff of Spencer & Spencer, P.A., have the experience, expertise and capability to provide outstanding legal representation and service.

The firm is also able to offer its real estate clients a full range of title insurance services. Three of the firm's attorneys are licensed South Carolina title insurance agents. These attorneys write title insurance through two firm-owned title insurance agencies for nationally-recognized title insurance companies such as Chicago Title Insurance Company, and First American Title Insurance Company.

W. Chaplin Spencer is a shareholder in the firm. Chaplin joined the firm in 1998, and is the fourth generation Spencer to practice law at the firm. His areas of practice include local government, banking, creditor-debtor, corporate law and complex commercial and government litigation. Prior to joining the firm, Chaplin served as law clerk to the Honorable John C. Hayes, III, Sixteenth Judicial Circuit of South Carolina.

Areas of Practice

- Banking & Creditor/Debtor Litigation
- Business Transactions
- Government and Constitutional Litigation
- Local Government Law
- Municipal bonds
- Tax-exempt Financing
- Zoning
- Eminent Domain
- Landlord/Tenant
- Public Housing

Education

- University of South Carolina B.S., 1993
- J.D., cum laude, 1997
- Order of the Coif
- Order of Wig & Robe
- Research Editor, American Bar Association Real Property, Probate and Trust Journal, 1995-1997.

Admitted

- South Carolina, 1997
- North Carolina, 1999
- U.S. District Court, District of South Carolina
- U.S. Court of Appeals, Fourth Circuit

Professional Activities

- Sixteenth Judicial Circuit Representative, Young Lawyers Division (2000-2004)
- Statewide Community Law Weekly (Director, 2002)
- Young Lawyers Division Service to the Public (Director, 2003 - 2004)
- Treasurer, Young Lawyers Division (2005)
- Member of York County Bar Association, North Carolina State Bar, and South Carolina Bar
- Board of Directors, NC Association of Municipal Attorneys (2006-2008; 2010-2012)
- President, South Carolina Municipal Attorneys Assoc. (2012)

Town of Indian Trail

Memo

TO: Town Council and Mayor

FROM: Scott J. Kaufhold, P.E., Town Manager
Jim Wojtowicz, CPA, Finance Director

DATE: May 24, 2016

SUBJECT: Powell Bill Fund Appropriation Consideration



General Information:

On April 26, 2016, Council awarded the 2016 Resurfacing Contract to Red Clay Industries, Inc. in the amount of \$1,713,741.70. For this project, staff recommends the following:

2012 Street Bond	250,000.00
FY 15/16 Powell Bill Budget	363,742.00
Powell Bill Fund Balance	
Appropriation	<u>1,100,000.00</u>
	1,713,742.00

Required Actions:

Council Approval of Appropriation

Attachment:

Revenue to Budget Amendment Request

Town of Indian Trail

Memo

TO: Town Council and Mayor
FROM: Scott J. Kaufhold, P.E., Town Manager
DATE: May 24, 2016



SUBJECT: Amended Capital Project Ordinance for Municipal Complex Proposal

General Information:

On December 8, 2015, current staff inherited the Municipal Complex capital project. At the direction of Council, we diligently examined the costs involved to date including known, estimated, and unaccounted for costs. The purpose for this undertaking was to thoroughly assess the financial condition of the project which was originally presented to the public and approved by Council on February 10, 2015 as a move in ready facility for under \$8,000,000.

On the January 12, 2016 Town Council meeting, staff presented the findings of this undertaking which clearly showed that the \$7,983,312 Municipal Complex was not a move in ready facility. It simply gets a shell building. The \$7,983,312 did not adequately provide for the needs of staff and the community, and did not fully adhere to the Town's development ordinances. Key items missing from the \$7,983,312 include full landscaping, tree mitigation, trash dumpster and enclosure, roadway and frontage improvements, in addition to furniture, telecommunications, data, security, and audiovisual requirements.

While assessing the financial condition of the project, staff discovered that \$721,840 in expenses were not included in the Capital Project Ordinance. This issue was brought to Council on January 26, 2016 and was subsequently approved in an amended Capital Project Ordinance for \$8,705,152, to account for the known costs.

On February 11, 2016 staff recommended \$400,000 in changes to the building for reasons outlined above. Council approved these changes on February 23, 2016, bringing the total authorized project expenses to \$9,105,152. To address the omissions of previous staff, we recommend the approval of an additional **\$1,678,000** estimated to complete the project. This brings the total estimated project cost to \$10,783,152 and into compliance with NCGS 159-13.2 (c) Project Ordinances, and the Town's own Land Development Ordinances. Costs are as follows:

1. Change Order No. 1: **\$289,759**
 - a. \$278,538 changes authorized through November 2015
 - b. \$11,221 weather impacts & county inspection requirements

2. Proposed Change Order No. 2: \$890,139 less \$400,000 in Council approved changes on February 23, 2016 which reduces Change Order No. 2 to **\$490,139**
 - a. \$374,000 revised drawings (Council approved estimate of \$400,000 on February 23, 2016)
 - b. \$360,000 design/build of Roundabout & UDO required roadway frontage improvements
 - c. \$77,253 UDO required landscaping
 - d. \$22,000 kitchen food service equipment
 - e. \$56,886 overhead, profit, bonds, insurance

3. Estimated Furniture, Fixtures, & Equipment (FFE) and other Costs: **\$898,102**
- a. \$264,000 furniture
 - b. \$420,000 telecommunications/data/IT
 - c. \$64,000 audiovisual & security
 - d. \$50,000 dumpster & reinforced concrete approach pad
 - e. \$75,102 irrigation, tap & meter fees
 - f. \$25,000 additional design/construction/coordination services

Pursuant to NCGS 159-13.2, the adoption of an ordinance is required in order to authorize capital project expenditures.

Required Actions:

Council Approval

Attachments:

- 1. Edifice - Change Order No. 1
- 2. Edifice - Proposed Change Order No. 2
- 3. Amended Capital Project Ordinance for Municipal Complex



Change Order

Project (Name and Address):
 NC3525 . Indian Trail Town Hall

Change Order: 01 - Change Order #1
Date: 3/7/2016

TO CONTRACTOR (Name and Address):
 Edifice, Inc
 P.O. Box 36349
 Charlotte, NC 28236

FROM OWNER (Name and Address):
 Town of Indian Trail
 130 Blythe Drive
 Indian Trail, NC 28079

THE CONTRACT IS CHANGED AS FOLLOWS:

Description	Amount
PCO 01 Weather Impacts - Sept. - Nov. 2015	7,687.27
PCO 02 For Construction Documents	278,538.59
PCO 03 Weather Impacts - Dec. 2015	0.00
PCO 04 Access Road to Building	0.00
PCO 05 Unsuitable Soils October - December 2015	0.00
PCO 06 Sub Bonds Evaluation	0.00
PCO 07 Storm System Cleanouts	1,388.75
PCO 08 Added two floor boxes	3,002.44
PCO 09 Change Slab Edge Condition	0.00
PCO 10 RFI #25	-857.67

Total For Change Order: \$289,759.38

The original Contract Sum was **\$7,982,460.00**
 The net change by previously authorized Change Orders **0.00**
 The Contract Sum prior to this Change Order was **\$7,982,460.00**
 The Contract Sum will be increased by this Change Order in the amount of **289,759.38**
 The new Contract Sum including this change order will be will be **\$8,272,219.38**
 The Contract Time will be increased by Thirty (30) Days
 The date of Substantial Completion as of the date of this Change Order therefore is **October 13, 2016**

NOTE: This change order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contract, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Architect/Engineer:
 Creech & Associates

Accepted By Contractor:
 Edifice, Inc

Authorized By Owner:
 Town of Indian Trail

Print: JOHN CRAWFORD

Print: _____

Print: _____

Signed: [Signature]

Signed: _____

Signed: _____

Date: 3/30/16

Date: _____

Date: _____

Proposed Change Order

Contractor's Change Order Request Summary

Indian Trail Town Hall

Edifice, Inc.
1401 West Morehead Street
Charlotte, NC 28208

C.O.R. Request Total*	\$	890,139.18
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Signature (here): _____
Print Name (here): _____

Date: _____

Contractor Summary - (Sheet "B")

Indian Trail Town Hall
304 Matthews Indian Trail Road
Indian Trail, NC

Summary of Contractor's Self Performed Work

Total Material*	\$	-
Total Labor*	\$	-
Total Equipment*	\$	-
Total Extended General Conditions*	\$	-
Total Unit Prices*	\$	-
Total of Self Performed Work*	\$	-

Summary of Quoted Work (subcontractors)

Revised Drawings (includes a \$130K credit for removing the cupola)	Quote #1 Total* (without General Contractor OH&P)	\$	374,000.00
Intersection Roundabout (Design Build)	Quote #2 Total* (without General Contractor OH&P)	\$	360,000.00
Landscaping Required at Road Frontage	Quote #3 Total* (without General Contractor OH&P)	\$	77,253.00
Food Service Equipment for Kitchen	Quote #3 Total* (without General Contractor OH&P)	\$	22,000.00

Subtotal - Quoted (subcontract) Work* (w/o Gen Contractor OH&P)	\$	833,253.00
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Overhead and Profit	5	\$	41,662.65
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Total Quoted (subcontractor) Work (with Gen Contractor OH&P)	\$	874,915.65
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Total All Work* (without bond and ins)	\$	874,915.65
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Payment & Performance Bond	1%	\$	8,749.16
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Insurances	0.74%	\$	6,474.38
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Bonds & Insurance*	\$	15,223.53
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Grand Total All Work*	\$	890,139.18
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STATE OF NORTH CAROLINA

ORDINANCE # 0160524-240

TOWN OF INDIAN TRAIL

AMENDED CAPITAL PROJECT ORDINANCE FOR MUNICIPAL COMPLEX

BE IT ORDAINED by Town Council of the Town of Indian Trail, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is the Municipal Complex.

SECTION 2. The officers of the Town are hereby directed to proceed with the capital project within the term of the budget contained herein.

SECTION 3. The following amount is appropriated for this project:

	Current Budget	Revised Budget
Design	\$600,000.00	\$600,000.00
Pre-Construction	\$35,000.00	\$35,000.00
Construction	\$8,070,152.00	\$10,148,152.00
Total Appropriation	<u>\$8,705,152.00</u>	<u>\$10,783,152.00</u>

SECTION 4. The following revenues are anticipated to complete this project:

	Current Budget	Revised Budget
Town Hall Fund	\$5,123,312.00	\$5,123,312.00
Powell Bill Fund	\$125,000.00	\$125,000.00
Stormwater Utility Fund	\$175,000.00	\$175,000.00
Capital Reserve Fund	\$3,195,000.00	\$4,995,000.00
General Fund	\$86,840.00	\$364,840.00
Total Anticipated Revenues	<u>\$8,705,152.00</u>	<u>\$10,783,152.00</u>

SECTION 5. The Finance Director is hereby directed to maintain within the capital project fund sufficient detailed accounting records to satisfy the requirements of an annual independent audit.

SECTION 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

SECTION 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of the project element in Section 3 and on the total revenues received or claimed.

SECTION 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on the capital project in every budget submission made to this Council.

SECTION 9. Any unexpended funds appropriated shall be reserved by the Town Council for use as provided by applicable law or regulation.

SECTION 10. The Finance Director is authorized from time to time to transfer as a loan from the General Fund in an amount necessary to met obligations until such time as funding is received. When Funds are received, repayments to the General Fund may be made.

SECTION 11. Copies of this capital project ordinance shall be made available to the Clerk and the Finance Director for direction in carrying out this project.

ADOPTED BY THE TOWN COUNCIL this the 24th day of May, 2016.

Michael Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: GORDON B. DANIELS Department: COUNCIL MEMBER
Contact Phone # (704) 907-1688 Date Submitted 5/18/16

Date of Town Council Meeting to consider this item: 5/24/16
Meetings are generally 2nd & 4th Tuesday of each month. Meetings begin @ 6:30 p.m., snacks will be provided at all meetings.

Please indicate how much time you expect this matter to take: 15 MIN.

Description (give short summary of topic; this is how item appears on the Agenda.)
SEE ATTACHED

Who will attend Council meeting able to respond to questions? Give name & title:
COUNCIL MEMBER DANIELS

Where does this item need to appear? Check all that apply:

<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Schedule Public Hearing**
<input type="checkbox"/> Presentation/Recognition	<input type="checkbox"/> Closed Session
<input checked="" type="checkbox"/> Business Items	<input type="checkbox"/> Discussion

*Board, commission, or group requesting joint meeting: _____

Supply General Statute or local ordinance that governs this item

Has this item been reviewed by Town Attorney? Yes _____ No X (Attach recommendation.)
What action is requested of the Council? MOTION APPROVAL
What action is requested of the Manager? NONE
Are Town funds required? Yes / No \$ _____ Funding Source _____

PLEASE PROVIDE: A copy of all attachments for Council's Agenda to the Clerk no later than 5:00 pm the Tuesday before for above referenced meeting.

** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper **

11c

Business Item:

Council consider including in the budget to hire staff to prepare Town minutes, and to purchase a new Granicus system. The Town Council has not been presented any official Town minutes since November 2015. This is the official record for the Town, and it is a complete breakdown of transparency and open government that we have no official record approved for the last seven months.

Historically, the Town has approved minutes every two weeks. In my experience, this past process provides transparency and open government for all of our residents. At this point, how can the Council approve minutes from seven months ago, and to be able to review these minutes. My hope is to have the Town Manager hire additional staff to complete these minutes for our review.

Gordon B. Samuel
5/18/16, 10:43 AM

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: Gordon B. Daniels Department: Council

Contact Phone # (704) 907-1688 Date Submitted 5/18/16

Date of Town Council Meeting to consider this item: 5/24/16
Meetings are generally 2nd & 4th Tuesday of each month. Meetings begin @ 6:30 p.m., snacks will be provided at all meetings.

Please indicate how much time you expect this matter to take: 15 MIN.

Description (give short summary of topic; this is how item appears on the Agenda.)
see ATTACHED

Who will attend Council meeting able to respond to questions? Give name & title:
Council member Gordon B. Daniels

Where does this item need to appear? Check all that apply:

<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Schedule Public Hearing**
<input type="checkbox"/> Presentation/Recognition	<input type="checkbox"/> Closed Session
<input checked="" type="checkbox"/> Business Items	<input type="checkbox"/> Discussion

*Board, commission, or group requesting joint meeting: _____

Supply General Statute or local ordinance that governs this item

Has this item been reviewed by Town Attorney? Yes _____ No X (Attach recommendation.)

What action is requested of the Council? MOTION APPROVAL

What action is requested of the Manager? NONE

Are Town funds required? Yes ~~No~~ \$ YES, \$179,000 Funding Source Budget

PLEASE PROVIDE: A copy of all attachments for Council's Agenda to the Clerk no later than 5:00 pm the Tuesday before for above referenced meeting.

** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper **

11d

Business Item:

I make a motion to reduce the Town's property tax rate from 18.5 cents to 18.0 cents, due to the \$32.0 million fund balance reporting on Dec 31, 2015, and reduce the Fiscal Year 2016-17 budget by approximately \$179,000, and to fund this specific fund decrease by eliminating the funding for the unfilled and unneeded Assistant Town Manager position, by eliminating \$23,000 in funding for an increase in the Town contribution to the new 401(k) Plan, and by delaying the implementation of funding in this year's budget for the Town Manager's Executive Assistant and the Planning Technician position.

On Dec 31, 2015 the Town had \$32.0 million in total fund balance reported to the state, the Town's property owners, businesses, and homeowners deserve to get a small portion of these funds in our Town's reserves back. I am proposing a reduction in our tax rate from 18.5 cents to 18.0 cents.

I believe residents can better spend their own tax funds than the Town government.

In my amendment to the budget, I have also fully funded this tax collection decrease of \$179,000 by eliminating the unfilled and unneeded Assistant Town Manager position, by delaying implementation of the new Town Manager Executive Assistant position which is already filled by another staff member, by delaying the implementation of the new Planning Technician position, and eliminating the plan to significantly increase (\$23,000) the Town's 401(k) contribution.

Gordon B. Daniels
5/18/14, 10:43 AM

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: GORDON B. DANIELS Department: COUNCIL MEMBER

Contact Phone # (104) 907-1688 Date Submitted 5/18/16

Date of Town Council Meeting to consider this item: 5/24/16
Meetings are generally 2nd & 4th Tuesday of each month. Meetings begin @ 6:30 p.m., snacks will be provided at all meetings.

Please indicate how much time you expect this matter to take: 15 MIN.

Description (give short summary of topic; this is how item appears on the Agenda.)

See ATTACHED

Who will attend Council meeting able to respond to questions? Give name & title:

COUNCIL MEMBER DANIELS

Where does this item need to appear? Check all that apply:

Consent Agenda

Schedule Public Hearing**

Presentation/Recognition

Closed Session

Business Items

Discussion

*Board, commission, or group requesting joint meeting: _____

Supply General Statute or local ordinance that governs this item

Has this item been reviewed by Town Attorney? Yes _____ No (Attach recommendation.)

What action is requested of the Council? MOTION APPROVAL

What action is requested of the Manager? NONE

Are Town funds required? Yes No \$ _____ Funding Source _____

PLEASE PROVIDE: A copy of all attachments for Council's Agenda to the Clerk no later than 5:00 pm the Tuesday before for above referenced meeting.

** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper **

11e

Business Item:

I make a motion to have the Town Attorney review the Town approved Traffic Calming Policy found on our website and see if the Town followed our own policy process when recently approving traffic calming devices and funding for certain neighborhoods, and report to the Council on the June 14th Council Meeting.

The Town Council recently approved a contract to construct a number of traffic calming devices. When asked about the process from a resident, I reviewed our Town policy found on our web page and have questions whether the Town followed it's own policy in approving this contract. If we mandate that businesses and residents follow our Town policies and ordinances, then we should follow our own policies with no exceptions. I believe we should operate with full transparency, and need to change any policy before we just decide not to follow our policy.

Gordon B Daniels
5/18/16, 10:43 AM

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: GORDON B. DANIELS Department: COUNCIL MEMBER

Contact Phone # (704) 907-1688 Date Submitted 5/18/16

Date of Town Council Meeting to consider this item: 5/24/16

Meetings are generally 2nd & 4th Tuesday of each month. Meetings begin @ 6:30 p.m., snacks will be provided at all meetings.

Please indicate how much time you expect this matter to take: 15 MIN.

Description (give short summary of topic; this is how item appears on the Agenda.)
SEE ATTACHED

Who will attend Council meeting able to respond to questions? Give name & title:
COUNCIL MEMBER DANIELS

Where does this item need to appear? Check all that apply:

<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Schedule Public Hearing**
<input type="checkbox"/> Presentation/Recognition	<input type="checkbox"/> Closed Session
<input checked="" type="checkbox"/> Business Items	<input type="checkbox"/> Discussion

*Board, commission, or group requesting joint meeting: _____

Supply General Statute or local ordinance that governs this item

Has this item been reviewed by Town Attorney? Yes _____ No X (Attach recommendation.)

What action is requested of the Council? MOTION APPROVAL

What action is requested of the Manager? NONE

Are Town funds required? Yes / No \$ _____ Funding Source _____

PLEASE PROVIDE: A copy of all attachments for Council's Agenda to the Clerk no later than 5:00 pm the Tuesday before for above referenced meeting.

** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper **

11f

Business Item:

I make a motion to begin the implementation of the formation of a fully operational Business Park within 2 years.

I believe Town Council needs to focus on bringing new quality jobs to Indian Trail. Currently, the Town has no available site ready locations to bring in any new jobs. I propose that the Town Council establish a fully operating 200 acre Business Park to directly compete with the City of Monroe's industrial park for any new large job providers looking to locate in Union County. The City of Monroe has the only available sites ready for development in Union County.

Gordon B. Daniels
5/18/16, 10:43 AM