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, July 12, 2016
Civic Building—6:30 PM

MINUTES

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

The following members of Town Council were present:
Mayor Michael Alvarez
Mayor Pro Tempore David Cohn
Council Member Mark Wireman
Council Member Gary Savoie
Council Member Gordon Daniels

The following members of Town council were absent:
Council Member Amy R. Stanton

The following members of staff were present:
Town Manager Scott Kaufhold, 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, Tax/Revenue Collector Alicia Massey, Contract & Bond Administrator/Executive Assistant to Town Manager Vicky Watts and Communications/Community Engagement Coordinator Mike Parks.

Guests Present: there were approximately 30 guests in the audience.

1. **CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE**
   Mayor Alvarez led everyone in the Pledge of Allegiance to the Flag. Everyone remained standing and there was a moment of silence in honor of the police officers who had been killed in Dallas, Texas and the loss of lives that had appeared to have prompted the shootings in Dallas. After the moment of silence Mayor Alvarez urged everyone to let our local law enforcement officers know that they are appreciated. Also, Mayor Alvarez recognized that local resident, Mr. Crump, a WWII Veteran who landed on Normandy, was present in the audience.

2. **AGENDA ADDITIONS & DELETIONS**
   Councilman Wireman moved to remove, at the request of the applicant, Consent Agenda Items 8h&i related to annexation; Add to Presentations Item 4b regarding National Night Out; remove agenda New Business Item 11g and Discussion Items 12b&c--the motion carried by a vote three (3) to one (1) with Councilman Daniels opposing.

Councilman Daniels moved to add (back) to New Business Item 11g (an item that had just been removed above) "Council consideration to direct Town staff to send a letter to the NC DOT requesting to have all the planned Super Street configurations in the Town of Indian Trail to allow traffic to go directly through these intersections, instead of outlawing all left turns and be directly consistent to the City of Monroe's and the Monroe-Union Economic Development Corporation request in June". Councilman Daniels began to advocate the item and Councilman Wireman called for a point of order noting that this is simply "additions and deletions". Councilman Daniels noted he was requesting, by motion, to add this item back to the agenda; and there was a tie vote of two (2) to two (2); Mayor Alvarez broke the tie vote with an opposing vote--motion denied by a vote of two (2) in favor and three (3) in opposition.

Councilman Wireman moved to put a moratorium on placing any similar items (to those removed) on the agenda for at least six months. Attorney Merritt noted that there is not a process by which such a moratorium can be executed at this time to keep from reintroducing these items. However, Mr. Merritt noted that in the Council's Rules of Procedure, Motion 17 "To Prevent Reintroduction for Six Months" that the motion for a moratorium on reintroduction for six months should immediately follow a defeated motion of an item. To clarify, Mr. Merritt said that the item would have to be considered and debated by Council and then ruled on and defeated (a substantive motion must be made) and then a motion made directly following the defeated motion to prevent reintroduction for the six months a 2/3 vote is required.

3. MOTION TO APPROVE AGENDA

Council Member Wireman moved to approve the agenda, as amended; carried by a vote of three (3) to one (1) with Council Member Daniels opposing.

4. PRESENTATIONS

a) 2016 Indian Trail July 4th Parade Float Winners Plaque Presentation: Robin McGrath of Heritage Funeral Home noted that this is the business' second year in hosting the awards; they are proud to be part of the community. Winners were asked to step outside for pictures. Awards were as follows

- Most Unique Antique: Silverado Wrecker Service
- Best Youth (no age limit): Mr. Crump from VFW 2423
- Most Patriotic: M & R Stables
- Most Spirit by a Business: Extreme Ice and ASAP Communications tied for this award
- Most Red, White & Blue: Total Being Yoga
- Most Creative: Sardis Baptist Church
- Nana's Choice (Ms. McGrath's Mother): Ms. Chloe Valini

b) National Night Out: Mr. Gary Evans and Mr. David L. Cook were recognized by Mayor Alvarez Mr. Evans gave a history of National Night Out (NNO): it began in 1984 by Matt Peskin; 400 communities in 23 states participated in the first NNO. Today more than 16,000 communities in all 50 states, Canada and U.S military bases around the world participate. Over 38 million people participate in this annual event that takes place on the evening of the first Tuesday in August. The purpose is to promote police, community partnerships and neighborhood comradery in an effort to make our neighborhoods safer places to live. The "Light's On" campaign encourages citizens in the community to turn on their porch lights, lock your doors and spend the night outside with your neighbors. When Mr. Evans' neighborhood started this several years it began with about 10 people and grew to about 75 last year; they invite the Sheriff's Department and Baker's Fire Department. This year, he would like to partner with the Town to host NNO at one of the Town's parks. Last year they had games, vendors, food and raffles. All proceeds from the raffle were donated to Turning Point Shelter for Women. He would love to see the event at Chestnut Square Park this year and looks forward to working with Jason Tryon and his staff on this event.

Mr. David L. Cook of Artists Music Guild has a partnership with the Town of Indian Trail to help local schools. He said that he has the ability to bring a musical artist to this event so that there is live music. He recommended a Christian-Country musician but they could bring anyone type of musician the Town wanted. He said that it would cost about $500 to have live music at the NNO event.

5. PUBLIC COMMENTS

- Mr. Ray Killough of 5125 Old Monroe Road, Indian Trail. He praised Council for considering to add Christian Prayer to the start of every Council meeting. When he went off the Council in 2006 there was prayer at the start of each meeting. It seems as though things were more peaceful then. Our country is in trouble these days. Historically, when great countries move away from God division and hostility and other problems increase. He read a passage from 2nd Chronicles. God's word tells us all to pray for our leaders. He thanked Council for the job they do and the opportunity to speak
- Cybil Casper of 4214 Manchester Lane thanked Council members for their service to the community and opportunity to speak this evening. She and her husband are taxpaying residents as they own several properties in Indian Trail. Mrs. Casper said that she is a God-fearing women that tries to treat people with dignity and respect and also believes that people reap what they sow. Mrs. Casper said that she regrets the circumstances that have brought her here this evening and if she has offended anyone by her actions she apologized and asked for forgiveness. She said that she recently sent an email to Council regarding issues with her properties arising from the sidewalk project along Sardis Road. She said that she and her husband have tried to get answers to solve the issues but all efforts have been to no avail. She asked that the Mayor and Council assist her with the issues and help her and her husband to find a solution. She asked for the documentation showing the Town's legal limits on her property and for a fair assessment of the damage that has occurred. Mrs. Casper said that she is not trying to harm the Town but rather protect her property from further damage. She would like the rights of Town citizens and property owners to respected and upheld. Mrs. Casper felt that the Town Manager owed her and her husband a public apology for his behavior during a recent meeting they had with him at Town Hall.
- Samantha Towns of 104 Pine Lake Drive said that we are a society on edge. Violence prevails and the world is filled with hatred, extremist and mentally ill individuals whose actions and reactions may have catastrophic repercussions to us all. On July 1st, 2016 WBTV News reported that Indian Trail Town Council would not be offering up prayer for the victims of the Orlando nightclub shootings. The information provided to this news broadcast was distorted and gave misinformation to the public. There was a moment of silence for these victims at the start of the previous meeting. There is no objection to seeking a higher office but political antics and how one is attaining their goals should be reviewed. Town Council staff and residents have been patient with regards to Mr. Daniels' agenda items. Most of his items were discussed at the budget workshops but Mr. Daniels chose not attend those meetings. Instead, he attended the Democratic Convention because it was more beneficial to help him try to secure his House 69 Seat then to fulfill his duty as an Indian Trail elected official. How can you make the public feel secure if you cannot fulfill your local obligations? Ms. Towns opined that Mr. Daniels should be censored if his political antics do not stop. We need to move on with town business and stop the repetitious agenda items.
- Michael Faulkenberry of 519 Pickets Circle addressed Council next; a written copy of his exact comments are attached hereto and made part of these official minutes. He commented on the agenda items regarding setting up an agenda setting committee and having a "person of the month". He also commented on an email accusing him of being a "Drama King".
- Dennis Gay of 4705 Pioneer Lane said that he has been in Indian Trail 61 years and he has seen all kinds of Councils. He believes that we currently have the best Council he has ever seen. There will always be people who want to stir the pot and some are trying to stir it good now. The greatest thing he has seen is when at the last meeting when two women who were nearing a nervous breakdown about their flooding issues earlier in the year came back to Council thanking them for making

progress and addressing their problems. He opined that we have the best and most qualified Town Manager that we've ever had. He said that since Mr. Kaufhold is an Engineer and a Manager he is worth more than the town is paying him. Mr. Gay suggested that people stop playing games and get together to move the town forward.

- Huge Medford--choose not to speak as the item he was here for was removed from the agenda.
- Shirley Howe of 6205 Clearwater Drive. In a July 8, 2016 Enquirer Journal article, Mrs. Howe believes that Mr. Daniels made some interesting comments that she cannot dismiss. She read some quotes provided by Mr. Daniels from the article. In the 3rd paragraph of the article it says that Mr. Cohn, Wireman and Alvarez said (during a Town Council Meeting) what that they have to do is to prevent Mr. Daniels from having success in his run for the 69th District for the NC House of Representatives. Mrs. Howe said she never heard any such comments made. The article also notes that the three members mentioned above are Republicans while Mr. Daniels is a Democrat. Mrs. Howe said that Indian Trail has non-partisan elections. The reason for a non-partisan Council, she opined, is so that elected officials are more concerned about what they can do for Indian Trail residents than what party they are affiliated with. Mrs. Howe said if Mr. Daniels doesn't understand why his fellow Council members and some residents are opposed to him then he should go on Granicus and listen to himself. For the past two years Mr. Daniels was part of the majority and she saw where he ignored the voice of the people in making decisions. Now, that Mr. Daniels is in the minority it appears as though he is having difficulty accepting that new position. She was not proud of the moment in April when Mr. Daniels told the Mayor to be a man and remove him from the meeting--it's sad that such comments ensure that his name makes it in the paper. Mrs. Howe said that the other members of Council are not required to promote Mr. Daniels' agenda.

6. LAW ENFORCEMENT UPDATE

Captain Coble was happy to see a packed house at tonight's meeting and commended all those in attendance. He said that the department is as busy as last year if not busier and their response time is holding steady. It is very hot and they are trying out new body amour vests. He is making his deputies come into the office and take frequent breaks where they take the amour off and get hydrated. Residents may have seen on the news this morning that in a neighborhood just outside of town a man and women were found in their home dead due to gunshot wounds. Captain Coble is confident that this was an isolated incident and folks should not fear that there is killing running ramped in the area targeting random people. He commended Indian Trail Public Works for their assistance last week. The 4th of July Parade was another successful event with no major issues. Deputy May handled the pre-planning with Town staff this year. Deputies were involved in a car pursuit that ended in crash about 1AM this morning; the pursuit was initiated by Highway Patrol. The suspects were two 14-year old boys who took the vehicle from their parents' home without permission.

Finally, just before the 4th of July Parade Captain Coble began to receive phone calls and emails in response to a local news paper article taunting "Indian Trail Low Taxes, No Police Department". Captain Coble said it was 1/4 of a story and he's seen students write better; more detailed, more thorough and more accurate. Captain Coble said that anyone who know him and/or his deputies then they know that their hearts are invested in Indian Trail. He said that Indian Trail has about 34,000 residents and it is a safe Town. There are some statistics referenced in the article that originated from some websites from a company far from here generated by a person that has never been to Indian Trail, NC so they have no idea if we are a safe community or not. Those kind of websites will never give Indian Trail a "safe community" award because of how the crime reporting is done here. If someone from the newspaper had bothered to call the Union County Sheriff's Office here in Indian Trail, that could have been explained but they preferred not to do any research and write an article that tells a 1/4 of the real story. He said that if you didn't read the article, then don't waste your time doing so and if you did read the article, he was sorry you wasted your time.

7. **DEPARTMENT UPDATES:**

a) **Department Update: Parks & Recreation—Jason Tryon, Director of Parks & Recreation**
Mr. Tryon said that it has been a busy month; 7 summer camps have taken place since the first of June. The Jazz concerts at Crossing Paths Park have been very successful; the next is July 22nd. It is estimated that around 6,000 people attended the 4th of July parade and there were 75 floats. The grand opening for the outdoor fitness equipment was on June 25th at Crooked Creek Park. National Night Out will be held at Chestnut Square Park on August 2nd. The grand opening for the disc golf at Crooked Creek Park will also be held August 27th. Movie night's will resume in the fall and will be held at Crooked Creek Park as opposed to the spring movie nights that were held at Crossing Paths Park. September 17th at Crossing Paths Park there will be fundraising event for pediatric cancer. The Cultural Arts Festival and Halloween Trunk or Treat will also be taking place in the fall.

Revenue goals for the 15/16 fiscal year were exceeded; so goals for this fiscal year were increased. We are only 12 days into the new fiscal year and Parks & Rec. has already brought in 15% of the year's revenue goals. The biggest softball tournament of the year will be held this weekend at Crooked Creek Park and 8 other parks in the area; 159 teams are registered to participate.

Councilman Cohn commended Mr. Tryon and his staff for all of their hard work. The parks are a wonderful thing for Indian Trail. The parks and events make him proud and is happy that Indian Trail residents have a free thing to do/place to go with their families. Councilman Wireman echoed the comments and added that the concerts at Crossing Paths Park have been excellent. Councilman Wireman asked the status of the storage/maintenance building at Crooked Creek Park. Mr. Tryon noted it is in be the budget to be completed this fiscal year. Councilman Daniels noted that his grandson has really enjoyed the children's zip-line at Crooked Creek Park; Councilman Daniels likes that the playground is in the shade. Councilman Savoie also echoed the positive comments and noted that people are looking forward to the splashpad. Mr. Tryon said the biggest challenge is getting the word out about the parks.

b) **Department Update: Finance—Jim Wojtowicz, Finance Director**
Mr. Wojtowicz reported that the new budget has been implemented and loaded into the system. He provided Council with a list of tax rates of surrounding communities; Indian Trail has the lowest tax rate in the area. He also showed un-audited FY 15/16 figures: Legal costs budgeted was $79,590 and we actually only spent $73,760 (but the June bill has not yet been received); tax collected 99.7% of what was actually billed and we only budgeted for 96% so the additional revenues will transfer to our debt service; PARTF Grant was awarded for $312,800 for improvements at Crooked Creek Park and we'll get back 50% (which is $156,000); although un-audited it is estimated that revenues exceed expenditures by $700,000 so that amount will go into the town's fund balance. Encumbered funds from last year include: Admin $32,000 PO forensic audit finance; $19,000 encumbered to update computers (on a 5 year plan); and there is $50,000 PO for website redesign which Mr. Parks will give details later this evening. In the 15/16 budget $500,000 of fund balance was allocated to balance the budget but by Mr. Wojtowicz predictions we will not have to use any fund balance; in fact he estimates that we will add about $660,000 to our fund balance. The auditor will be on-site in August. Councilman Daniels requested a comparison of numbers from the same time last year so that he can compare how we are doing now to the prior the year. Council Members noted the excellent job of collecting taxes by Alicia Massey, Tax Collector, and her staff.

8. **CONSENT AGENDA** **Action**

a) Approval of Budget Amendments #603-#610
b) Approval of Draft Minutes June 28, 2016 Regular Town Council Meeting
c) Approval of Month End Tax Report June 2016
d) Approval of Tax Settlement 2015 Taxes

e) Approval of Order of Collection
f) Approval of opening the Public Comment Period for Faith Church Road Corridor Study
g) Approval of Resolution #R160712-01-Resolution Directing the Town Clerk to Investigate a Petition Received Under G.S. 160A-31 (Voluntary Contiguous Annexation; Annexation #142)
~~h) Approval of Certificate of Sufficiency-Annexation Petition #142 for Parcel# 07045001~~
~~i) Approval of Resolution #R160712-02-Resolution Fixing the Date of the Public Hearing for Annexation for August 9, 2016~~ **(these two items were removed from the Consent Agenda during Additions and Deletions)**
j) Approval of Resolution #R160712-03-Resolution Authorizing Sale of Surplus Personal Property Worth Less than $30,000
k) Approval of Amendment #2 of the May 1, 2013 Interlocal Agreement Between the Town of Indian Trail, NC, Union County, NC and Eddie Cathey, Sheriff of Union County
l) Cancel second meeting in August; August 23rd which was "tentative" on the Annual Meeting Schedule

Councilman Wireman moved to approve the Consent Agenda and there was a brief discussion. Councilman Daniels noted that there were a lot of items on the Consent Agenda and asked in the future to group like things together and break out what he can and he can't vote for everything on the Consent Agenda. *The motion to approve carried by a vote of three (3) to one (1) with Councilman Daniels opposing.*

9. PUBLIC HEARINGS **None**

10. OLD BUSINESS ITEMS **None**

11. NEW BUSINESS ITEMS

a) **Council consideration to approve equipment purchase of a new backhoe. (Mr. Kaufhold)**
Mr. Kaufhold said that a backhoe is really needed. *Councilman Cohn moved to approve the purchase of the backhoe, as presented by staff and there was brief discussion.* Councilman Daniels asked if the current backhoe is fully depreciated; are there any years left for its use. Mr. Kaufhold pointed out that the Town does not have a backhoe; this will be the first. *The motion to purchase a backhoe carried unanimously.*

b) **Council consideration to approve Website Design and Developer. (Mr. Kaufhold)**
Mr. Parks, Communications/Community Engagement Coordinator, gave a brilliant and detailed presentation to Council. Mr. Parks began by noting that given the out-dated way in which our current Town Website was originally developed and hosted (circa. 2010) that we would have to build a brand new website. Most municipalities try to update their websites every 3-4 years so we are past due. Website technology has changes a lot in the past 6 years and it will be exciting to bring a brand new site to Indian Trail that will be easier for staff to update and more user-friendly for the public. Currently our website gets about 50,000-60,000 "unique" users per month and each of those view 2-3 pages of the site. Top pages include Planning/Neighborhood Services, Town Council and News/Events. Mr. Parks highlighted some of the problems with our current, code-based website.

After extensive research about what options are available today for websites, Mr. Parks spoke with area municipalities about their website developers and department heads about what they see as our website's biggest needs in order to write a Request for Proposals (RFP). The RFP was sent to five website development companies. Responses to the RFP were received from Civic Plus and Vision Internet. The bid from Civic Plus was $24,229 (redesign and first year of annual maintenance) plus $4,300 per year for annual maintenance. Vision Internet's bid was $40,660 for redesign and $7,000 per year for annual maintenance. Our current website does not have an annual maintenance fee; we

contract maintenance issues out on an as-needed basis. Currently if the site is down or if it has been hacked we may not know about it for a period of time. With an annual maintenance contract the company is constantly monitoring for issues and will likely already be working to rectify problems before we even know about a problem; the site will be monitored 24/7.

Councilman Savoie noted the large huge difference in the cost of the bids. At one point, later, Councilman Wireman said sometimes these companies will submit a very high bid because they aren't in a position where they really want to take on a new client so they'll bid high. Mr. Parks noted that the low bidder, Civic Plus, even offers additional services not requested in the RFP and therefore, not included in the high bid. Specifically, Civic Plus' bid includes a mobile application. Asides from that the services offered by both are very comparable; Vision Internet is simply charging more for their services. Of the three companies that did not respond to the RFP, Mr. Parks reported that one company was unable to meet the deadline for the RFP, another company was not able to host the site (a requirement of the RFP) and one company simply did not respond.

Mr. Parks recommends Civic Plus for the following reasons: the Town will have complete freedom in designing the pages; the site will be able to support pictures, audio, slideshows, video and more; the interactive calendar will be much easier to use and view; an eNews function will replace our current Constant Contact list; One department Main page (one department could have a page that looks like a totally different website to stand out--Parks and Recreation departments often utilize this feature in other jurisdictions; 24/7 support & security; News Alert system and a Contact Us support forms; guaranteed redesign after three years; reservations and on-line payments; development of a map function; citizen requests and tracker form center; predictive search; intranet; and opinion polls to name a few. Mr. Parks showed examples of Civic Plus designs for other municipalities such as Burlington. He also showed examples of how Indian Trail pages might look with Civic Plus.

If Council selects a development company this evening then a Website Redesign Committee of staff will be organized. This committee will meet with developer/designer to formulate a layout based upon our needs. Once they build the initial site based on our needs they will turn the site over to the Town so that specific pages can be built and detailed. Then, Civic Plus will provide training to staff on who to operate the site. The new website should be live in 16-25 weeks dependent upon the Town's needs and availability. The goal will be to have the new website up and running when we move into the new Town Hall next year.

Councilman Wireman asked for details on what the annual maintenance contract includes. Mr. Parks gave some scenarios of assistance that is included in the annual contract. The biggest component of the annual maintenance is the security and support. They will monitor the site for issues and hacking 24/7. Also, the annual maintenance contract is required to receive the update in three years. Councilman Wireman asked the estimated turn-around time for response to support issues. Mr. Parks said he was unsure of the exact response time but a technician is assigned to a certain number of accounts to monitor and provide support. Hosting is included in their bid proposal. Councilman Wireman asked Mr. Parks to provide him details for the security.

Councilman Daniels said if we were to ignore the costs and just look at what is being provided what makes Civic Plus standout ahead of the other company. Mr. Parks said that he spoke with a local client today, Town of Davidson, and they are very happy with Civic Plus. Additionally, they are offering the mobile app; a lot people (i.e. the public) visit our site with their mobile devices and being able to locate where someone is and link them to a map an provide directions to someplace in town will be very nice. Finally, it will be much easier for staff to update the website. Councilman Daniels said he just couldn't understand the cost difference in the two bids.

Upon query from Councilman Savoie it was confirmed that there is an existing Purchase Order encumbering funds for website redesign in the amount of $50,000; which should cover the redesign and about five years of annual maintenance fees. All of Council agreed that Mr. Parks provided an excellent presentation. Councilman Cohn asked a question about current maintenance fees; Mr. Parks was unsure of how often we have to contract out maintenance for the website or the amount of money we spend annually for issues that arise.

Councilman Cohn moved to award bid for Website Design to Civic Plus, as presented. There was brief discussion. Councilman Daniels noted that Councilman Wireman had asked for additional information regarding the security. Councilman Wireman said that he was okay to proceed with Civic Plus but asked that Mr. Parks still provide him with the security details as his profession is website/internet security. Councilman Wireman pointed out that the high bidder just may not have the time to take on another client but didn't want to not respond to an RFP. He feels that Civic Plus has provided a good cost estimate although the annual maintenance may be a bit high but for what we would be getting their bid is "in the ballpark". *Mayor Alvarez called for a vote to the motion to award the Website Design bid to Civic Plus and the motion carried by a unanimous vote.*

c) Council consideration to approve having a moment of silence at the beginning of Town Council Meetings. (Mayor Pro Tem Cohn)

Councilman Cohn said that he put this on the agenda because he feels there was some confusion over the secular prayer item at the last Town Council meeting. He stated that he is a Christian, but added that he is half Jewish as his father was Jewish. He was opposed to having secular prayer because he felt that people of every religion may be offended by praying to a god of another religion at the start of every meeting. He was confused that tonight there was both secular prayer and Christian prayer on the agenda. Councilman Cohn said that at the meeting following the Orlando shootings, Council began the meeting with a moment of silence, which seemed to serve the purpose; everyone present had the opportunity to pray to their own god or simply take a moment to reflect on that tragedy.

Rather than having a prayer at the start of each meeting, Councilman Cohn would like to see the meetings begin with a moment of silence. Councilman Savoie agreed that a moment of silence would be most appropriate. With secular prayer someone will be left out at each meeting. A moment of silence will include everyone.

Councilman Daniels said that our Town Attorney would not allow us to have Christian prayer as it is unconstitutional. He put the item on the agenda to answer a question of another council member. So, there could only be a secular prayer and a silent prayer. The reason why Councilman Daniels said he wanted a secular prayer was not to leave anyone out. He said that secular prayer doesn't define any religion; if you don't take it upon yourself to sign up with the Mayor then you are leaving yourself (or your religion) out. He noted the governments that have secular prayer; including local, state and federal. He felt that secular prayer would show unity, emotion and teach our youth that we can pray together. He opined that if a group prays together they have better ability to begin ironing out their differences and respect each other. Councilman Daniels said he doesn't believe having a secular prayer where one week you have Jewish prayer, the next Christian and then the next Muslim prayer and so on and so forth would be a problem so long as everyone remains respectful to one another religion. However, the most important thing would be to have a prayer and if that means a moment of silence for everyone to pray silently then he would not be opposed.

Councilman Wireman sais that he has contemplated these issues carefully. We are supposed to have a separation of church and state and we have to abide by the constitution. People of all faiths use some form of prayer or meditation in their spiritual or religious practice albeit taking different forms or looking different from one another. A prayer can range from silent meditation to a full course of

chanting and harmonious recitations. In some religions prayer is performed sitting others they lie prostate, kneel, stand or even dance. Some pray regularly while others pray during special events or situations in their lives. In essence prayer, in whatever form or position, is not just what we do, it is more importantly who we are. In the end it does not matter whether we use 'the', 'thou' or 'what up' when it comes to prayer in the form in which you as an individual pray it is the attitude of our hearts that counts. Therefore, to pray effectively our body and mind must be peacefully in the present moment in the here and now when you have mindfulness in the present moment you then have the element of concentration which leads to insight. It is with this element of peace in the present moment with the right concentration that leads to the insight that provides for the right ingredients for prayer. This is why I support a moment of silence; to allow all of us to reach the right state that will generate powerful universal energy allowing each of us to reach the right state for successful prayer for our families, our community, our nation and the world at large."

Councilman Cohn moved that Council have a moment of silence to begin each Regular Town Council Meeting; the motion carried by a unanimous vote.

Councilman Cohn moved to suspend the agenda rules to amend the agenda; the motion carried unanimously.

Councilman Daniels moved to remove New Business Item 11h (Christian prayer) & 11i (secular prayer) from the agenda; the motion carried unanimously.

d) **Council to consider selecting and honoring an "Indian Trail Person of the Month"; give a gift certificate for appreciation of positive things people do for the Town. (Mayor Pro Tem Cohn)**
Councilman Cohn said we have a lot residents that work hard to make our Town better and believes these people should be recognized. When he says "people" it could be an individual, a family, a business or a non-profit organization. This would just be a positive thing for the Town to say "thank you" to those who are doing positive things for the Town. He suggested that perhaps we could give a $50 gift certificated to a restaurant or something to show gratitude.

Councilman Daniels asked to table until the full Council was present. He opined that Council would have to be careful--guidelines would be necessary as we don't want to leave someone out. Councilman Cohn said that someone is always going to be left out if we have 38,000 residents then 37,999 are going to be left out. However, he had no problems waiting until all Council members were present to continue discussions of this matter.

Town Attorney Merritt noted that the Town could not spend public funds for this purpose; they cannot give people gift certificates or other gifts. He could research the matter further. The Town could give a certificate or award of some sort, perhaps a plaque or other type of award of the non-cash nature. However, if a business wanted to sponsor the award program then maybe the same purpose could be met.

Councilman Savoie and Mayor Alvarez felt a policy could be drafted while also investigating what other towns do and if any businesses may want to sponsor.

Councilman Cohn moved to table this matter and figure out how to give a nice gift and have Mr. Merritt and staff investigate options and policies; the motion to table carried unanimously.

e) **Council to consider modifying the Donation Policy. (Councilman Wireman)**
Councilman Wireman wants to amend the Donation Policy to include that a representative of the organization seeking a donation to appear before Council as a presentation. Details about the

organization should be presented including their mission, how they help Indian Trail and our residents, percentage of dollars benefitting recipients versus administrative overhead. Council should not take action at the same meeting but at a meeting following the presentation.

Councilman Daniels said this would limit the Town from giving to who they want to without it being sought. Councilman Wireman said the Town should make a presentation outlining these criteria. Mr. Merritt said in the existing policy it notes that donations should be determined during the budget process. The policy also says a donation/sponsorship policy should be filled out. The Clerk has said that no such form appears to have never been created. Mr. Merritt said the form should be created and anyone seeking a donation fills the form out. He also suggested that Council set time aside in one budget workshop to hear presentations from those who have completed the form. Then Council makes a decision of which applicant(s) to include donations for in the upcoming budget. Once that budget is approved and implemented the donations are dispersed. That limits donations to being addressed once a year at the same time each year. The form could include space to provide the information Councilman Wireman asked for above. Donation requests have been considered out of budget cycle; it's been more of an ad-hoc process. Of course, if a request came to Council out of cycle Council has the authority to consider such requests. However, if Council wants the process to be more uniform then following the existing policy would be away to accomplish such.

Councilman Daniels said requests for donations used to come through the Mayor and the Mayor would request a presentation to be on the agenda. Councilman Daniels said that he believes a certain amount of money should be budgeted each year and when that amount is gone then it's gone. It is given on a first come, first serve basis upon completion of a form similar to what a non-profit organization completes for the IRS. Councilman Daniels likes the idea of sticking to a routine. Mr. Merritt pointed out that sticking to a routine is up to Council.

Councilman Cohn agrees with Councilman Wireman and we should amend the policy to include his suggestions. He especially likes the idea that Council does not act the same night that the presentation is made so that Council isn't under pressure and has time to digest what was presented.

Councilman Wireman moved to modify the donation and sponsorship policy to include a presentation by the organization seeking a donation and direct staff to draft the form/application referenced in the policy; the motion carried unanimously.

f) Council to consider the development of a Draft Agenda Committee to consist of the Town Manager, Mayor and Clerk. (Councilman Wireman)

Councilman Wireman found it odd to learn from the School of Government that governing bodies are not required to have an agenda. However, if a municipality decides to have an agenda then there are certain criteria to be met and regulations to follow. The way our current system works, all items are submitted to the Town Clerk to include on the agenda. Until the agenda is approved by Council during the meeting it is simply a proposed agenda. A lot of municipalities give the Mayor the authority to set the agenda. Other municipalities have an agenda committee. Councilman Wireman suggests that an agenda setting committee be created and such committee should consist of the Mayor, the Town Manager and the Town Clerk. The committee should keep minutes of what was submitted and anything that was not included and a reason as to why an item was not included on the agenda. The agenda drafted would still be a proposed agenda until it's adopted by Council in open session of the meeting. The committee would be able to limit what is included on the proposed agenda but Council can override (during agenda additions and deletions) any decision of what ultimately made it on the proposed agenda and any item that was not included.

Councilman Wireman moved to create a draft agenda committee to consist of the Mayor, Town Manager and Town Clerk to prepare the proposed agenda on behalf of Council; the committee will be responsible for setting the rules for submission of the agenda items and all of the factors that go along with that. Discussion ensued.

Councilman Daniels said he has been accused of putting on a lot of agenda items. He discussed how agenda items are born. He responds to tax payers emails and other correspondence that include their concerns. He noted that recently an item he included on an agenda came from a concern of a citizen and it was removed from the agenda by Council during additions and deletions. This does not allow for tax-payer/citizen voices to be heard. The person that presents the draft agenda should research requested items and make sure they are putting forth the best agenda that is in the best interest of the Town and the citizens. Are Council members removing items because they don't like me? He began to talk about the recent moratorium on development agenda item he had submitted that was removed by Council but point of order was called.

Councilman Cohn said we are her for the people and that is the reason for meetings and agendas. He opined that some members include items on the agenda and then calls the media to come to the meeting so the light can shine on them. That is not putting items on the agenda for the people. A lot of times items have been discussed at length and put on agendas over and over again; so Council removes the item at additions and deletions.

Councilman Savoie was hoping that a committee would not be necessary. Perhaps Council could just limit the number of items each member could submit for any single agenda? He suggested items be submitted to the Clerk and Manager a week prior to the meeting. If we do establish a committee then all agenda requests should be shared with all of Council and public; maybe minutes could be kept. However, he doesn't want to see the time of the Manager and Clerk being taken up too much with this matter.

Mr. Merritt noted that the agenda setting procedure is laid out in the Council's Rules of Procedure, which was adopted as an ordinance. So, any changes made to the process would have to be made through an ordinance amendment, which requires a public hearing. Rule 4 would have to be amended to formulate this committee. Also, it appears as though since the committee would include the Mayor, an elected official, that the committee would be subject to the open meetings law meaning that the meetings of the committee would have to be properly advertised, open to the public and minutes would have to be kept. Such is not applicable for committees that just consist of staff but including an elected official prompts the open meetings law. Councilman Wireman disagreed stating that he spoke with Ms. Bluestien of the School of Government on this matter and they said it would not be a public body. Mr. Merritt said he is reading from a School of Government publication and would contact Ms. Bluestien.

Mayor Alvarez suggested that this matter be tabled until some guidelines are formulated for the committee. It was again noted that an ordinance amendment would be required. Mayor Alvarez felt that the committee meetings should be open to the public. He also noted that many towns give the authority solely to the Mayor. He doesn't want that authority solely as the Manager and Clerk know what needs to go on an agenda.

Councilman Wireman modified his motion to the following: direct staff to work with the Mayor to draft a policy that would set forth the guidelines and procedures that this draft agenda committee would under for creating the proposed agenda and bring back to Council for approval and there was discussion. Councilman Daniels asked Mr. Merritt if we should be making a motion to adjust the ordinance; Mr. Merritt noted that any amendment has to come back before Council for public hearing

and ultimate action by Council; Council could make changes to what is presented to them or approve what is presented--Council makes that final decision. As he understands it Councilman Wireman's suggestion is directing staff to work with the Mayor to prepare an ordinance amendment that will come back to Council to go through the entire ordinance amendment process. *Councilman Wireman amended his amended motion to change the word "policy" to "ordinance" and added that such should be brought back to Council at the first meeting in September. The motion carried by a vote of three (3) to one (1) with Councilman Daniels voting in the opposition.*

~~g) Council consideration to direct Town staff to send a letter to the North Carolina Department of Transportation (NCDOT) requesting to have all the planned Super Street configurations in the Town of Indian Trail to allow traffic to go directly through these intersections, instead of outlawing all left turns, and be directly consistent to the City of Monroe's and the Monroe-Union Economic Development Corporation request in June. (Councilman Daniels)~~ **Note: item 11g was removed during Agenda Additions & Deletions**

~~h) Council consideration to start each Indian Trail Town Council meeting with a Christian prayer and allow the Mayor to establish all of the policies, practices, and selection of those who give the prayer at each Town Council meeting. (Councilman Daniels)~~ **NOTE: items 11i & 11h were removed from the agenda after suspension of the rules to amend the agenda during New Business Item 11c.**

~~i) Council consideration to start each Indian Trail Council meeting with a secular prayer and allow the Mayor to establish all of the policies, practices, and selection of those who give the prayer at each Town Council Meeting. (Councilman Daniels)~~ **NOTE: items 11i & 11h were removed from the agenda after suspension of the rules to amend the agenda during New Business Item 11c.**

j) Council consideration of Woolpert's scope of work for Crooked Creek Park. (Mr. Tryon)
Mr. Tryon reminded everyone that Concept 1B was selected by Council for the next phase of development at Crooked Creek Park after a public input period. This concepts develops eastward in the park and major amenities include a nature center, walking trails, open grass field with more shelters and another playground. The next step in this process is to proceed with extending the agreement in place with Woolpert. The Scope of Work is for $59,150 this includes services to create programming and schematic designs for the amenities. This will also include initial wetland permitting assistance of additional parkland. This has been included in the budget. Councilman Savoie asked if this plays into the Miracle League amenities at all. Mr. Tryon noted that the selected Concept 1B did not include the Miracle League amenities and therefore this scope of work does not relate to such either. It is thought that the next scope of work will be for Woolpert to update the Master Plan for the park, which would then incorporate the Miracle League elements--showing them in the Master Plan. The land for the Miracle League amenities is located on the west side of the park.

Councilman Wireman moved to approve the Scope of Work for Crooked Creek Park as submitted by Woolpert, as presented; the motion carried unanimously.

12. DISCUSSION ITEMS

a) Traffic Calming Devices and Street Ownership for Crismark. (Mayor Alvarez)
Mayor Alvarez noted that there has been a lot of misinformation posted to social media regarding who (developer, town and/or state) owns what streets in Crismark. Mr. Gilenwater of the Crismark Home Owners Association (HOA) was present and spokes person for the residents of Crismark present (approximately 10 residents were in attendance). The developer was not present. Mayor Alvarez said the developer had tried to throw the town under the bus on this issue on social media.

Mr. Gilenwater of 2015 Crismark Drive addressed Council. Residents of Crismark are concerned about speeding and reckless driving in the neighborhood. A few weeks ago a car flipped over in the neighborhood. They have been told that some streets within the development are owned by the state, some owned by the town and some owned by neither at this point. They would like to know what can be done to eradicate the speeding and reckless driving. Mr. Kaufhold noted that Crismark has been developed in phases; approximately 13 phases. Currently about one-third of the streets are owned by the Town, one-third owned by the State and one-third of the streets are still owned by the current developer (mostly owns the streets in phases 1, 2, 4 &5). The developer has been requesting the Town release the surety bonds that were put in place to ensure completion of the streets (certain standards have to be met before the sureties will be released). Once the standards are met and sureties released, the Town staff will make a recommendation to Town Council to take action to accept the streets into the Town's street system. Staff has inspected the streets for which the developer has asked to have the sureties released. Mr. Kaufhold expects that within the next six months Council will be asked to accept about 14 miles of streets into the Town's system. Many of these will be streets from Crismark from phases 2 and 5 and part of phase 4. They will not consider accepting streets where construction is still taking place in the area as there may be damage to the streets from construction equipment.

Regarding Hyde Park Drive (developer owned) Mr. Kaufhold noting that the developer has claimed that the Town will not allow him to install more than one speed table. Mr. Kaufhold said the fact is that the Town cannot require the developer to put any speed tables in because the street is owned by the developer. Mr. Kaufhold said that the Town recommended the developer install three speed tables on Hyde Park Drive but again, the Town cannot require any and certainly doesn't prohibit the developer from installing any. Mr. Gilenwater said the developer made the HOA pay for the one exiting speed table. Mr. Kaufhold said that now, the Town requires traffic calming devices as part of the plan approval process but this development was approved under an earlier code when no traffic calming was required and therefore the Town cannot require any be installed. The developer could have installed three, as suggested, but elected to only install the one.

As for the third of the streets owned by the State, Crismark Drive being one of those, the HOA would have to petition the State to install traffic calming devices. The State has a specific process that must be followed for them to consider any request to install traffic calming devices. Now, if there is a desire for the Town to take over the State owned streets the State would have to make repairs to their streets before Town Council would take action to accept those streets into the Town's system. An unidentified Crismark resident in audience opined that construction trucks from the Bonterra subdivision caused damage to Crismark Drive when driving through the Crismark development to get to Bonterra. She asked if they (Bonterra's construction company) could be held responsible for the damages. Mr. Kaufhold said that the claim could be relayed to the State and the State may attempt to hold them liable. If the HOA wants the Town to consider taking over streets then they should let Mr. Kaufhold know which ones and he'll have staff investigate and get in touch with the State to see what can be done. Another person from the audience asked if Crismark Drive would remain State-owned or be turned over to the Town. Mr. Kaufhold said that it all depends; it's likely that the State would have to make repairs before the Town would accept it into the Town's street system. The State is normally in favor of turning streets over to municipalities but sometimes they just don't have it in their budget to make the necessary repairs before the Town will accept the streets. Residents may want to make requests directly to the State to make those repairs and turn the street over to the Town.

If the residents want traffic calming devices installed on Crismark Drive, they should contact NC DOT about the petition process for that request. Mr. Kaufhold believes there may be a cost sharing. Mr. Gilenwater said he has looked into it and it appears as it can take 6-12 months for their required

traffic studies and then there is still no guarantee that the State would approve the install of the devices. NC DOT recommended that the HOA try and have the Town take the streets over because the Town has less stringent requirements for the installation of traffic calming devices.

Mayor Alvarez suggested that the HOA meet with the Town Manager or Mr. Parks to go over their specific concerns. A gentleman from the audience (presumably a resident of Crismark) said that he conducted a lot of research regarding traffic calming devices and found that speed bumps are counterintuitive and don't work. Police presence is okay but still not a resolve. The most effective measure, reportedly, is the radar sign that shows a drivers speed. Traffic cameras have also been proven an effective measure. Mayor Alvarez said that the radar sign can be requested through the Sheriff's Department. Mr. Gilenwater said that they don't want speed bumps but rather the speed tables. Mr. Kaufhold noted that there is a science to traffic calming but it is a contentious issue. Captain Coble said that he would meet with Crismark representatives to discuss the radar sign.

~~b) Council discussion on creating a zoning amendment for a needed combination of a hotel, a minimum of 10,000 square foot Class A conference center, and a white table cloth restaurant at Sun Valley Commons Entertainment District, instead of the currently requested stand alone hotel. (Councilman Daniels)~~ **Note: item 12b was removed during Agenda Additions and Deletions.**

~~c) Council discussion on creating a new Senior Center for Indian Trail residents, while considering using one of the three Town-owned buildings on Indian Trail Road for this future purpose. (Councilman Daniels)~~ **Note: item 12c was removed during Agenda Additions and Deletions.**

d) Limit each presentation to 10 minutes. (Mayor Alvarez)
Mayor Alvarez said that he would not be opposed to a maximum of three presentations per agenda and each presentation should not exceed 10 minutes. Councilman Savoie asked what happens when Council starts asking questions and it eats into the speaker's time. Mayor Alvarez said that the person should make their presentation not to exceed 10 minutes and if Council needs more information and starts asking questions that is fine. It would be up to him (as the Mayor whose duty is to facilitate the meeting) to ensure that questions by Council do not become repetitive and exhaustive. *Councilman Wireman moved to limit presentations to 3 per agenda each to not exceed 10 minutes and questions to not count against the presenter's time and the motion carried unanimously.*

13. UPDATES

a) **Manager's Update:** Scott Kaufhold, Town Manager, reported that the new Director of Engineering and Public Works, Patrick Sadek, starts next Monday. Mr. Sadek has worked for the City Charlotte, City of Myrtle Beach and had a private engineering firm with his brothers. The second phase of the operational and fiscal review is underway by Linda Angus, CPA and he has met with the outside attorney selected for the review of the first phase. Finally, Mr. Kaufhold reported that construction of the new Town Hall is slated to start back up in the next couple of weeks. Councilman Wireman asked that it was clearly stated for the record that the Town has not been fined for anything related to the new Town Hall and the delay was not a result of the changes made to the interior of the building. Mr. Kaufhold said that it just takes time to fabricate steel.

14. COUNCIL COMMENTS

- Councilman Daniels said that others have made comments that agenda items are being placed on the agenda for political reasons. He wanted to address some of his agenda items that were removed from the agenda this evening. One item was to discuss a senior center; he was surprised that a member of the public criticized him for putting items on the agenda as this member of the public has asked for a senior center in the past. Regarding his request for a discussion for a zoning amendment for a combination hotel with conference center and restaurant he said part of that request would've included

looking at all safety and traffic issues surrounding a hotel. He doesn't agree with every agenda item but if they are asked for by the residents he wants the matters addressed for the residents. He disagreed with the criticism he is receiving for adding items to the agenda. He referred to an item removed at a previous meeting regarding the NC DOT's configuration of super streets on HWY 74. Staff may have sent a letter and been denied but Council should still be able to discuss the matter. Monroe was denied originally but then that was eventually overturned and they are now getting a Michigan left. Is the message or messenger being labeled? He said that he will continue to put items on the agenda. People ask him all the time about issues; even when he goes to the grocery store. It is talking to the people of Indian Trail and hearing what they want--those are the issues he puts on the agenda. He cares about Indian Trail and the truth and will tell anyone who can handle the truth what the truth is. He feels as though we are giving our town to NC DOT. Councilman Daniels said he is not responsible for what someone writes in the paper or says on the news. Thanks for coming to the meeting.

- Councilman Savoie hopes everyone had a great 4th of July; be safe and we'll see you in August.
- Councilman Wireman said that another Council Member has accused him of taking action that is personal against this other member. He said that his actions are not personal but rather, everyone has different political views. He was elected on a particular platform and he is trying to hold true to that platform. All Council Members are not always going to agree and support one another. He and two other members have been accused of running the town as a pack but if you go back and look at the minutes there have been times when he has disagreed with each member of Council and times when he and each member have agreed. He ran on a campaign where he doesn't rubber stamp developers/developments. He doesn't take money from developers. The hotel is a perfect example--that text amendment still hasn't had final action by Council because Council is trying to do their due diligence. Perhaps there was a mis-print or mis-quote in the paper but Councilman Daniels was quoted in the paper as saying his fellow Council Members should support him in running for state office. He said that he cannot as a public official endorse someone for higher office. It's not personal, it's just politics. We don't need a moratorium on development; Council has other weapons in their arsenal to develop the town responsibly. Moratoriums have an adverse effect on economic development that run beyond the moratorium time. Councilman Wireman said he is here for the people of Indian Trail and he and other member of Council won't always agree on things. He urged everyone to be careful in the extreme heat; looks forward to seeing everyone at the next concert in the park.
- Councilman Cohn said why would we shoot down the 10,000 square foot conference center and hotel? You couldn't fit that size of facility on that property so why even consider something that isn't possible. He isn't going to support things that don't make sense. Councilman Cohn noted the statement by Councilman Daniels that not everything is accurate; Councilman Cohn agreed and noted that when Councilman Daniels ran he said that he was not in favor of a new Town Hall but voted for it once in office. He also said that Councilman Daniels had stated that he did not call the news stations to attend our recent meetings. However, when Councilman Cohn called the news stations and inquired both stations said that Councilman Daniels had contacted them. Councilman Cohn said that Councilman Daniels has taken money from a developers employees. Councilman Cohn said he found the newspaper article where Councilman Daniels didn't understand why his fellow Council members weren't supporting him in running for state office kind of crazy and it's because Councilman Daniels is a democrat and the members republicans. He read an excerpt from the article and he doesn't want Councilman Daniels to lose (as stated in the article); he wants Indian Trail and our residents to win. Councilman Cohn spoke to the issue of a police department versus the Sheriff's Department contract and that Councilman Daniels supports starting a police department. Councilman Cohn felt Councilman Daniels' request for prayer was grandstanding because he's running for higher office. Councilman Cohn refuted other statements and allegations made by Councilman Daniels including: donations to athletic associations, rubber-stamping developers, campaign promises and being hypocritical (details and other reasons listed by Councilman Cohn as to why he doesn't support

Councilman Daniels can be heard on the Granicus recording of this meeting). Councilman Cohn just believes our town deserves better; we need someone who is honest and cares about the residents more than the developers. Councilman Cohn said that he's supported many democrats that were honest people but he doesn't believe Councilman Daniels is honest so he cannot support him.

- Mayor Alvarez said that last night he received a message by social media regarding an issue that a resident was having near a construction area and Captain Coble quickly responded to the issue; Mayor Alvarez thanked Captain Coble. If the governing body is in favor of the people then the Town then what is best will be done. Mayor Alvarez corrected himself stating a letter wasn't sent to NC DOT about the super streets but rather they came to multiple meetings and there was ample time for Council input and resident input; the project has been approved and moving forward. As a Christian, Mayor Alvarez would love to have Christian prayer at the start of the meeting but that's not permitted in this day and age. He appreciates Council's decision to have a moment of silence at the start of each meeting. He said that he appreciates Councilman Daniels and doesn't have to agree with him to appreciate him. He would like Council to leave their issues in this room when they leave and respect one another as fellow human beings when they leave. He gave words of thanks and honor to the police, fire and first responders. He wished everyone a safe and happy summer as it will be nearly over the next time Council meets.

15. CLOSED SESSION **Action**

Councilman Savoie moved that Council enter closed session in accordance with N.C.G.S 143-318.11(a)(3) to protect the attorney-client privilege; 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; N.C.G.S 143-318.11(a)(7) to plan, conduct, or hear reports concerning investigations of alleged criminal conduct. The motion carried unanimously.

Upon returning from Closed Session Councilman Wireman moved that Council enter Regular Session, which carried by a unanimous vote.

16. ADJOURN **Action**

Councilman Savoie moved to adjourn the meeting at approximately 10:35 PM

(SEAL)

TOWN OF INDIAN TRAIL, NORTH CAROLINA ★ INCORPORATED 1907 ★ OFFICIAL SEAL

Mayor Michael L. Alvarez

Attest:

Kelley Southward, Town Clerk