

**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  
Monday, June 13, 2016  
Civic Building—6:30 PM**

**MINUTES**

The Indian Trail Town Council held a Regular Monthly Meeting on Monday, June 13, 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	Council Member Gary Savoie (arrived at 6:34PM)
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, 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, Communications Coordinator Mike Parks, Recreation Program Coordinator Katy Keller and Senior Planner Gretchen Coperine.

**Guests Present:** there were approximately 22 guests in the audience.

**1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE**

Mayor Alvarez called the meeting to order at 6:32 PM and led everyone in the Pledge of Allegiance to the Flag. He then asked everyone to remain standing for a moment of silence for the victims of the Pulse nightclub shootings in Orlando, Florida on June 12<sup>th</sup>.

The Town Clerk noted that there were technical difficulties with the Smartboard and it would not be functioning this evening.

**2. AGENDA ADDITIONS & DELETIONS**

There were no additions/deletions forthcoming.

**Action**

**3. MOTION TO APPROVE AGENDA**

*Councilman Daniels moved to approve the agenda, as presented; motion carried by way of a unanimous vote.*

**Action**

#### **4. PRESENTATIONS/INTRODUCTIONS**

None

#### **5. PUBLIC COMMENTS**

There were no public comments forthcoming.

#### **6. LAW ENFORCEMENT UPDATE**

Councilman Savoie joined the meeting at 6:34 PM.

Captain Coble reported that the May 2016 motor vehicle crashes were 119, which is down from May of 2015—there were 133. 1,087 calls for service this May down slightly from last year's 1,093. Response time was 9:18 this May compared to 10:06 last May. 1,908 self-initiated activities this May compared to 1,487 last May. 260 reports taking this May compared to 256 last May.

Capt. Coble reported that active shooter training just ended and upcoming on-line trainings include: fire arms law update, human trafficking awareness, recovery of mobile devices, juvenile/minority sensitivity training, and law enforcement intelligence briefing. Regarding the motor cycle patrolman, the officer primarily assigned to the bike had an average 6:59 second response time during the past month. Now that schools are out we will have three additional officers assigned to Indian Trail for the summer; the officers are normally School Resource Officers.

Finally Capt. Coble relayed that a couple weeks ago a family headed home to Tennessee from vacation stopped at an Indian Trail gas station to refuel. A 14-year old boy who had been asleep in the third row seats got out to use the restroom without telling his parents. Unfortunately, the boy got left behind and the family had made it to Asheboro before realizing that the child wasn't present. Sadly, the 14-year old did not know his parent's phone numbers. Fortunately, through social media IT Deputies were able to make contact with the parents and the child was reunited with his family.

#### **7. DEPARTMENT UPDATES:**

**a) Department Update: Finance & Business Operations—Jim Wojtowicz**

Mr. Wojtowicz noted that the 2016/2017 Draft Budget is included on this agenda for Council action. We are in the last month of the fiscal year; Finance staff is preparing for year-end close. All opened purchase orders have been reviewed. There were some opened purchase orders from 2013. Some were closed out and unspent funds dropped back into the fund balance. Conversely he has worked with Department Heads to create purchase orders for any items that still need to be purchased from the current budget. For instance, the Waste Pro bill for June service won't come into until July but we need to ensure that the June services get charged to this year's budget because we use the accrual basis of accounting. Finally, this evening Council is being asked to select an auditor later in the agenda.

**b) Department Update: Communications & Community Engagement—Mike Parks**

Mr. Parks reported that he continues to meet with Home Owner Associations (HOAs); he has met with Treywick and Brandon Oaks since his last report to Council. A lot of good feedback was received: most issues revolve around roads and stormwater. Concerns have been conveyed to the proper town departments and some matters have already been resolved. Overall, folks are quite pleased with his attendance at the HOA meetings; they appreciate the town coming to them rather than they having to go to the town.

The first Town Hall Forum went well. Councilman Wireman was in attendance and there was good back and forth discussion with town representatives and residents. The forum lasted about two hours.

Mr. Parks has met with multiple website designers to discuss the Town's new website. He is hopeful that our new website will be more modern and easier for people to use and for the town to get information out to the public. A new stormwater page has been included on the current website. He is also building a new page for the current website about projects in the area such as the NCDOT bridge reconstruction on Indian Trail Road.

Social Media pages reach about 12, 000 residents. Likewise, 12,000 copies of the quarterly newsletter were just printed and should be received by residents in this week's mail.

## 8. CONSENT AGENDA

Action

- a) Approval Budget Amendments #570-#579
- b) Approval of Draft Minutes December 8, 2015 Regular Town Council Meeting
- c) Approval of Draft Minutes February 23, 2016 Regular Town Council Meeting
- d) Approval of Draft Minutes March 10, 2016 Regular Town Council Meeting
- e) Approval of Draft Minutes April 12, 2016 Regular Town Council Meeting
- f) Approval of Draft Minutes May 10, 2016 Regular Town Council Meeting
- g) Approval of Draft Minutes May 24, 2016 Regular Town Council Meeting
- h) Approval of Draft Minutes March 5, 2016 Budget Retreat
- i) Approval of Draft Minutes April 16, 2016 Budget Retreat
- j) Approval of Tax Month End Report for May 2016

*Councilman Cohn moved to approve the Consent Agenda, as present; the motion carried by way of a unanimous vote.*

## 9. 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*

- a) **CZ2016-001 Church of the Redeemer: this is a rezone request to establish a Conditional Zoning for a religious institution on a portion of parcel 07123001F. The parcel is located on the north side of Wesley Chapel Road. Applicant: Douglas Helms, MCT General Contractors Inc.**

Ms. Gretchen Coperine, Senior Planner, presented this rezoning request. **A copy of the Planning Board's Transmittal including their report, minutes and the application regarding this item is attached hereto and made a part of these official minutes.** The subject property is approximately 8 acres located on the north side of Wesley Chapel Road. Currently the parcel is zoned SF4 (single family zoning). The proposed institutional zoning classification would allow the proposed church as a use. The proposed church is approximately 11,795 square feet.

This parcel was originally part of the Sheridan master plan as an out parcel. The density and open space of the project would not be affected by the proposed rezoning. Therefore, Sheridan and Taylor Glenn would remain compliant with their density and open space requirements.

The eastern portion of the property is where development is proposed to occur. There is a portion of the property that would remain its current zoning of SF4. There is a 50-foot buffer along the northern and eastern boundaries of the property and a 25-foot buffer around the western boundary. The building is situated beyond the parking area. A right-in/right-out ingress/egress will be located on Wesley Chapel Road; NCDOT has reviewed this and is in agreement.

Two community meetings were held April 28, 2016. Eight people attended the community meetings most were parishioners of the Church of the Redeemer. Questions focused on the building and timeline for completion. The Planning Board heard this item during their May meeting and discussion focused on the right-in/right-out access. The width of Wesley Chapel Road was discussed; the road could be widened in the future. It was also relayed that the applicant does not propose any recreation facilities other than a tot-lot play area.

Ms. Coperine read the consistency findings into the record:

- Land Use and Housing Goals #1 & #5: the proposed project promotes compatibility of land uses between neighboring properties and residential properties within surrounding jurisdictions and proposes high quality design to promote attractive land development
- Mobility and Transportation Goal #3: the proposed development incorporates pedestrian connectivity through the use of sidewalks along Wesley Chapel Road, as well as opportunity to connect to any future development directly west of this development.
- The request for this conditional zoning district (Institutional) 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 and land use.

Councilman Daniels asked if the proposed building is larger than other area churches. Ms. Coperine noted that the size is comparable to other area churches; it is not out of character for other churches in the area. Will the days of service require traffic controls was also asked by Councilman Daniels. The requirements to have law enforcement provide traffic controls are not in the Town's conditions; Ms. Coperine noted that 150 parishioners are expected for each Sunday service.

Pastor Mike Averill, applicant, of 700 Perth Drive, Monroe addressed Council to answer Councilman's Daniels question—will there be other days of the week when services are held. Pastor Averill said Sunday would be the primary day that services would be held. There would be additional activities throughout the week.

Mayor Alvarez opened the public comments portion of the public hearing.

- Pastor Mike Averill reported that the Church of the Redeemer has part of the community for over 14 years; they have been holding Sunday services at Sun Valley High School. They are now ready to put some permanent roots down in the community. This will be a great thing for his congregation and it will allow them to serve the community better. They hope to be an asset to the community at large. Upon query from Mayor Alvarez, Pastor Averill noted the church has owned the subject property for many years.
- Chris Hope of Monroe is the project engineer and said that a church has far less impacts on an area than most other uses.
- Doug Helms of Monroe is the project builder and is ready to get moving on the construction. He hopes that they will break ground this year as they've been working with the church for three years.

Mayor Alvarez closed the public comments.

*Councilman Wireman moved to accept and approve the consistency findings as read into the record by Ms. Coperine; the motion carried unanimously.*

*Councilman Daniels moved to approve the rezoning of CZ2016-0014 to establish a Conditional Zoning for a religious institution on the presented portion of parcel #07123001F; the motion carried unanimously.*

- b) ZT2016-005 Crooked Creek Wastewater Treatment Plant Exemption: This is a proposed amendment to the Unified Development Ordinance Chapters 110.080 and 520.020G to exempt existing and future onsite improvements at the Union County Crooked Creek Wastewater Treatment Plant from UDO requirements. Parcel # 07066015B. Applicant: Town of Indian Trail.**

Mr. Rox Burhans, Planning Director, presented this item to Council. **A copy of the Planning Board's Transmittal including their report, minutes and the application regarding this item is attached hereto and made a part of these official minutes.** Mr. Burhans noted this UDO text amendment has been initiated by the Town of Indian Trail and is a request to amend Chapters 110.080 and 520.020G to exempt existing and future onsite improvements at the Union County Crooked Creek Wastewater Treatment Plant from the UDO permit requirements. Mr. Burhans noted that the text amendment would only apply to exempting this

particular site. About one-third of the existing treatment facility is an open lawn area; this is where expansion is proposed to locate. It abuts the Ashcroft, Brittney Downs and Treywick neighborhoods.

If Council approves this text amendment then the County would not be required to obtain any special permits for this particular plant expansion. Union County would likely move forward with their proposed expansion which includes a 30-foot equalization tank and pump station buildings. Back in February, Union County held a public information meeting regarding this expansion project. That meeting was held here in the Council's chambers and adjacent property owners (adjacent to the subject property) were mailed notice of that public meeting. When the Planning Board heard this item in April approximately 160 mailed notices were sent to neighboring property owners. As required by the UDO a new paper ad was published for this meeting this evening. Four residents of the Treywick community made public comments opposing the text amendment at the Planning Board meetings when this matter was discussed in April and May. Union County gave presentations to the Planning Board as well; a copy of that Power Point presentation as well as the minutes from the Planning Board meetings is included in the report that is attached hereto these official minutes.

The Planning Board has recommended approval of the text amendment. Mr. Burhans read the consistency findings into the record:

- The proposed UDO amendment is consistent with the Comprehensive Plan goals: Goal #1-the proposed text amendment will enable future wastewater system improvements to occur in a more expeditious manner by being exempt from local regulations and approval processes.
- This UDO ordinance amendment is in the best interest of the public because it helps create a more efficient process to providing additional wastewater treatment capacity and services to the growing Indian Trail community.

Councilman Wireman asked the status of the drainage study that Council tasked a consultant to perform for Traywick earlier this year. Mr. Kaufhold expects that the consulting engineering will have their findings of Traywick ready to present to Council in September. This is the first time a drainage study has been performed in that area.

Councilman Daniels said that he likes the ordinance requirements currently in place for this type of facility (expansion) because it provides specific notification to residents directly affected and gives them the opportunity to present their case. Further, it puts the burden on the applicant to prove their case to the proper Board (i.e. the Board of Adjustment). He opined that the proposed ordinance amendment would eliminate the residents from getting their due process. Councilman Daniels asked how the amendment would make the process more efficient.

Mr. Burhans noted that by the nature of the UDO text amendment, as proposed, the process is more efficient. It would allow the County to expand the existing facility without going through a special process for expansion permission. Additionally, the County would not have to submit drawings and obtain permits. If the text amendment is approved, then the County could just proceed with the facility expansion. Councilman Daniels said he sees how it would be easier for the County but it takes the residents out of sharing their thoughts.

Mayor Alvarez asked what the "checks and balance" system is on this matter. Mr. Burhans pointed out that Union County Public Works has to answer to the County Commissioners. The County Board of Commissioners is representatives of the residents in the affected area. So, if any resident felt that Union County Works over-steps their boundaries they could take their issues to the County Board of Commissioners.

Councilman Wireman asked about the meeting held by Union County Public Works. Mr. Burhans reiterated that in February Union County Public Works held a public meeting here in Indian Trail in this very building for residents. It is Mr. Burhans understanding that the County mailed notifications of that public meeting to property owners adjacent to the subject property. Upon further query from Councilman Wireman, Mr.

Burhans said as far as he is aware, the public has been given the opportunity to publically speak on this matter at least three times prior to this evening's opportunity.

Mayor Alvarez said he is concerned that 20 years from now it may have to be investigated who did what, when and why if a resident is buried under water on their private property.

Councilman Cohn said to him its common sense that the more development that occurs in town, the more users there are for the water and sewer systems. This will either force existing treatment facilities to have to be expanded or new facilities to be constructed. Council should think about this when they are voting to put in new developments such as multifamily apartment complexes and single family residential neighborhoods. If Indian Trail is going to grow as projected in 20 years we will need more or larger treatment facilities. Mr. Burhans concurred. Councilman Cohn said he understands that no one wants this type of facility near their home but the fact is this particular facility is already there. The County is seeking to make the existing facility larger. Councilman Cohn said in his mind it is better to expand an existing facility than to build a new one.

Councilman Savoie said that the need of the expansion is not being disputed and that is not what we are looking to approve. What Council is being asked to approve is the change in the process that the County would have to go through. This text amendment is so that the County doesn't have to follow the more in-depth process that is already in place for them to move forward with this project. This text amendment will make the process much easier for the County to move forward with this particular project. Mr. Burhans said that the proposed text amendment would allow the County to not have to go through our approval process or follow our established standards.

Councilman Wireman said it is his understanding that the Town and County may have differing opinions of how their proposed expansion is classified; they way in which the County views it, they wouldn't fall subject to the existing process and permitting anyway and the Town may disagree. The difference of opinions could become a contentious back-and-forth that would ultimately cost time and money. The proposed text amendment would save time and money to allow the expansion which both the Town and County recognize is needed since the Town has grown and will continue to grow.

Mayor Alvarez opened the floor for public comments:

- Mr. Eugene Griggs of 1706 Cottage Creek Road addressed Council noting that his home is located within 100 feet of the existing wastewater treatment facility. He strongly opposes the text amendment. He said that four days ago for 72 straight hours a motor ran all day and all night; it was very loud. Mr. Griggs said that he does not object to the County installing a new tank at the facility but does object to the Town giving up control. Where was a person to address the loud motor running for 72 hours; a person can't live like that—he can't even enjoy his own yard. Mr. Griggs also noted his on-going drainage issues and stated he should not have to live like this. He has been dealing with these issues for ten years and is tired of it.

With no other public comments forthcoming, Mayor Alvarez closed the floor to public comments.

Mr. Burhans noted that if Council is ready to act, two motions would be necessary: one to approve the consistency findings and another to make a final decision on the matter (i.e. approve the text amendment or deny it, or request further information).

Councilman Cohn confirmed from Mr. Griggs' that the loud motor running for 72 hours is coming from existing equipment at the facility. Mr. Griggs reiterated that he doesn't object the facility expansion just the Town not making the County go through the current established process and permitting. Mr. Griggs pointed out that there may be additional issues with the expansion. Mr. Burhans noted that at the community meetings County staff noted that they are sensitive to issues like noise and glaring lights and try to mitigate those issues as much as possible for neighboring properties. Councilman Cohn asked if there was a

possibility of the situation of the existing loud motor being corrected with the proposed improvements. Mr. Kaufhold said he would ask County representatives.

*Councilwoman Stanton moved to present the consistency findings as read into the record by Mr. Burhans; the motion carried by a vote of three (3) to two (2) with Councilmen Savoie and Daniels opposing.*

*Councilwoman Stanton moved to approve the UDO Text Amendment ZT2016-005 (Ordinance #0160613-242), as presented. The vote was as follows: Council members Stanton, Cohn and Wireman voted in favor of the motion while Council members Savoie and Daniels voted in the opposition; a vote of three (3) to two (2). It was noted that a super majority vote is required for this, the first reading of an ordinance and therefore the motion did not carry as a 4/5 vote is required. The matter would be brought back to Council for a second reading (only a majority vote is required at a second reading).*

- c) **ZT2016-006 Dumpster Enclosures: This is a proposed amendment to the Unified Development Ordinance Chapter 13130 to create additional options in the design of dumpster enclosures for existing businesses. Applicant: Town of Indian Trail.**

Mr. Burhans noted that this proposed amendment would have no effect on the dumpster enclosure materials for new buildings. Rather, the proposed amendment would provide for different options of materials to be used for dumpster enclosures and grease traps for existing buildings; the materials are quality materials. This amendment was drafted after Council discussions that took place at the two Town Council Regular Meetings in March. The Planning Board has researched the issue, drafted a proposed amendment and make recommendation to approve to Council. **A copy of the proposed text amendment along with the Planning Board Transmittal and Report is attached hereto and made part of these official minutes.** This proposed amendment is part of efforts to be more business friendly. Dumpster enclosures for existing structures are regulated in the nonconforming section of the UDO.

After Mr. Burhans explained the Planning Board's analysis he read the consistency findings into the record as follows:

- The proposed UDO amendment is consistent the Comprehensive Plan's Land Use and Housing #5 and Economic Development Goal #3: the proposed text creates additional flexibility in the design of refuse and grease trap enclosures for existing businesses, which will promote small business grown in a manner that is supportive of community aesthetics.
- The UDO amendment is in the best interest of the public because it helps promote attractive community aesthetics in a manner that is not burdensome to the small business community.

Upon a question by Councilwoman Stanton, Mr. Burhans noted that this text amendment, if approved, would allow dumpster enclosures to be constructed of different materials than the primary structure for existing buildings.

Mayor Alvarez opened the floor for public comments; there were no comments forthcoming so Mayor Alvarez closed the public comments.

*Councilman Daniels moved to approve the consistency findings as read into the record; the motion carried by a vote of four (4) to one (1) with Councilwoman Stanton voting in the opposition.*

*Councilman Daniels moved to approve the UDO text amendment ZT2016-006 (Ordinance #0160613-243), as presented. The motion carried by a vote of four (4) to one (1) with Councilwoman Stanton voting in the opposition.*

#### 10. BOARD AND COMMITTEE APPOINTMENTS (Interviews as necessary)

- a) **Planning/Tree Board Appointments:** Meets the 3<sup>rd</sup> Tuesday of month at 6:30pm (Civic Bld)
- 1) Seat #3: Regular Member 3-year term 7/1/2016-6/30/2019

- 2) Seat #4: Regular Member unexpired 3-year term 7/1/2015-6/30/2018
- 3) Seat #6: Regular Member 3-year term 7/1/2016-6/30/2019
- 4) Seat #7: Regular Member 3-year term 7/1/2016-6/30/2019
- 5) Alt #3: Alternate Member 3-year term 7/1/2016-6/30/2019
- 6) Alt #1 currently filled by Mr. Jorge Aponte who has applied for a Regular Member Seat; should he be appointed to a Regular Member Seat Council will fill this Alternate Member seat which is a 3-year term 7/1/2014-6/30/2017
- 7) Alt #2 currently filled by Mr. Dennis Gay who has applied for a Regular Member Seat; should he be appointed to a Regular Member Seat Council will fill this Alternate Member seat which is a 3-year term 7/1/2014-6/30/2017

9 Applications have been received for the Planning/Tree Board:

- Patricia Cowan (seeking reappointment to Seat #6)
- Larry Miller (seeking reappointment to Seat #3)
- Jorge Aponte (seeking advancement from Alt #1 to a Regular Member Seat)
- Dennis Gay (seeking advancement from Alt #2 to a Regular Member Seat)
- Jayson Derosier
- Joseph Lytch
- Arthur Spurr
- John Killman
- Mike Head

The Town Clerk noted that she had received several written recommendations earlier in the day for some of the Boards and Committees from the Chairs or staff Liaisons; copies were placed at Council's seats prior to the meeting. Councilman Cohn asked if any member wanted to review applicants; Council felt it was not necessary. Councilman Cohn thanked the Planning Board for all their efforts over the years. He opined that despite their hard work he feels it is time for a change on the Planning Board.

*Councilman Cohn submitted a motion to appoint John Killman to Seat #3; appoint Michael Head to Seat #4; appoint Dennis Gay to Seat #6; appoint Jorge Aponte to Seat #7; appoint Jayson Derosier to Alternate #3; appoint Joseph Lytch to Alternate #1; and appoint Arthur Spurr to Alternate #2. The motion carried by a vote of four (4) to one (1) with Councilman Daniels opposing.*

The Town Clerk asked that everyone take notice of the appointment terms; the majority of the terms begin July 1<sup>st</sup>.

**b) Board of Adjustment:** Meets the 4<sup>th</sup> Thursday of month at 7pm (Civic Bld)

- 1) Seat #2: Regular Member 3-year term 7/1/2016-6/30/2019
- 2) Alt #1: Alternate Member 3-year term 7/1/2016-6/30/2019
- 3) Alt #2: Alternate Member 3-year term 7/1/2016-6/30/2019

2 Applications have been received for the Board of Adjustment:

- Daniel Takah (seeking reappointment to Seat #2)
- Kat Miller (seeking reappointment to Alt #1)

*Councilman Cohn moved to reappoint Mr. Takah to Seat #2 and Ms. Miller to Alternate #1; the motion carried by a unanimous vote.*

**c) Public Safety Committee:** Meets the 1<sup>st</sup> Thursday of month at 6:30pm (Blythe bld)

- 1) Seat #2: Regular Member 3-year term 7/1/2016-6/30/2019
- 2) Seat #4: Regular Member 3-year term 7/1/2016-6/30/2019
- 3) Seat #5: Regular Member 3-year term 7/1/2016-6/30/2019
- 4) Seat #6: Regular Member 3-year term 7/1/2016-6/30/2019
- 5) Alt #1: Alternate Member 3-year term 7/1/2016-6/30/2019

6) Alt #2: Alternate Member unexpired 3-year term 7/1/2015-6/30/2018

3 Applications have been received for the Public Safety Committee (plus 1 request for reaptmt)

- Steven Smith (seeking reappointment to Seat #5)
- Frances Knight (seeking reappointment to Seat #4)
- James P. McNeil

*Councilman Cohn moved to reappoint Steven Smith to Seat #5; reappointment Frances Knight to Seat #4 and appoint Mr. James McNeil to Seat #2. The motion carried unanimously.*

**d) Stormwater Committee:** Meets bi-monthly starting Jan. on 2<sup>nd</sup> Thurs at 6pm (Blythe bld)

- 1) Seat #1: Regular Member 3-year term 7/1/2016-6/30/2019
- 2) Seat #2: Regular Member 3-year term 7/1/2016-6/30/2019
- 3) Seat #7: Regular Member 3-year term 7/1/2016-6/30/2019
- 4) Alt #1: Alternate Member unexpired 3-year term 7/1/2014-6/30/2017

2 Applications have been received for the Stormwater Committee:

- Dennis Gay (seeking reappointment to Seat #1)
- Kris Rowe (seeking reappointment to Seat #2)

*Councilman Wireman moved to reappointment Dennis Gay to Seat #1 and reappoint Kris Rowe to Seat #2; the motion carried unanimously.*

**e) Transportation Advisory Committee:** meets 1<sup>st</sup> Tuesday of month at 6:30pm (Blythe bld)

- 1) Seat #1: Regular Member 3-year term 7/1/2016-6/30/2019
- 2) Seat #2: Regular Member 3-year term 7/1/2016-6/30/2019
- 3) Seat #3 Regular Member unexpired 3-year term 7/1/2015-6/30/2018
- 4) Seat #4: Regular Member 3-year term 7/1/2016-6/30/2019
- 5) Seat #6: Regular Member unexpired 3-year term 7/1/2014-6/30/2017
- 6) Alt #1: Alternate Member unexpired 3-year term 7/1/2015-6/30/2018
- 7) Alt #2: Alternate Member unexpired 3-year term 7/1/2014-6/30/2017

1 Application has been received for the Transportation Advisory Committee:

- Michelle Simmons (seeking reappointment to Seat #2)

*Councilman Daniels moved to reappoint Ms. Simmons to Seat #2; the motion carried unanimously.*

**f) Parks, Arts Recreation & Culture (PARC) Committee:** meets 1<sup>st</sup> Wed. 6pm (Civic bld)

- 1) Seat #1: Regular Member 3-year term 7/1/2016-6/30/2019
- 2) Seat #2: Regular Member unexpired 3-year term 7/1/2014-6/30/2017
- 3) Seat #3: Regular Member unexpired 3-year term 7/1/2015-6/30/2018
- 4) Seat #4: Regular Member 3-year term 7/1/2016-6/30/2019
- 5) Seat #6: Regular Member 3-year term 7/1/2016-6/30/2019
- 6) Seat #7: Regular Member unexpired 3-year term 7/1/2015-6/30/2018
- 7) Alt #1: Alternate Member unexpired 3-year term 7/1/2015-6/30/2018
- 8) Alt #2: Alternate Member unexpired 3-year term 7/1/2014-6/30/2017

1 Application has been received for the PARC Committee:

- Brian Olin (seeking reappointment to Seat #4)

*Councilman Wireman asked Mr. Tryon if the PARC had been struggling to get a quorum. Mr. Tryon confirmed that a meeting has not been held in approximately six months due to lack of a quorum and applicants. Councilman Daniels*

said if there is a problem getting a quorum why would we reappoint the same people. Mayor Alvarez noted it is not a question of Mr. Olin's attendance but rather, the seats have been vacated; we need more applicants.

*Councilman Wireman moved to reappoint Brian Olin to Seat #4; the motion carried unanimously.*

- g) Economic Development Committee:** newly reorganized all 7 seats are vacant; no applications were received as of June 8, 2016.

Councilman Wireman asked how people were notified of this Committee and applicants solicited. Ms. Southward noted that it has been included on the Town's Website and advertised in the Charlotte Observer. Mr. Parks added that it has been posted on the Town's social media.

## 11. OLD BUSINESS ITEMS

### Action

- a) Council consideration of awarding a contract for annual auditing services (tabled May 24<sup>th</sup>) (Mr. Wojtowicz)**

Mr. Wojtowicz, Finance Director, is not recommending Council approve the contract for auditing services with JB Watson and Company from Wadesboro. *Councilman Wireman moved to approve the contract for auditing services proposed by JB Watson and Company; the motion carried unanimously.*

- b) Council consideration to approve the 2016/2017 Fiscal Year Budget Ordinance and set the tax rate at 18.5 cents per \$100 of assessed value (public hearing was held May 24, 2016). (Mr. Kaufhold)**

Mr. Kaufhold noted that since the Budget Public Hearing held at the last meeting there were some salary adjustments that needed to be included in the Budget. In total the salary adjustments add \$28,000 to the budget. Mr. Kaufhold noted that he sent an email to Council regarding this issue earlier today. The budget was balanced with this change without affecting the tax rate.

Councilman Wireman asked the total amount of outstanding purchase orders from previous years; Mr. Wojtowicz said that he didn't know the figure off-hand and that he would get that information to Councilman Wireman. Councilman Wireman said that he has received positive feedback on this budget; it is easy to read and follow. He thanked staff for their hard work in preparing the budget.

*Councilman Wireman moved to approve the FY 16-17 Budget Ordinance and tax rate of 18.5 cents per \$100 of assessed value. The motion carried by a vote of four (4) to one (1) with Councilman Daniels voting in the opposition.*

## 12. NEW BUSINESS ITEMS

### Action

- a) Council consideration of approving an expense of \$5,000 for Indian Trail to be part of the Volunteer Fire Departments' study regarding fire fees/fire taxes as presented by Hemby Bridge Fire Chief Blythe on May 24<sup>th</sup>.**

Chief Blythe noted that Indian Trail should also appoint someone (staff or Council) to be part of the Committee that will be put together to prepare a scope of work. Once a scope of work is created and a consultant selected then it should be about 3 months for deliverable. Councilman Daniels asked how close the County is to making a decision. Chief Blythe said that the County just put it on hold until next year.

*Councilwoman Stanton moved to approve the \$5,000 expenditure to partner with Stallings and possibly others to conduct a study regarding fire fees/fire taxes; the motion carried unanimously.*

- b) Council consideration of approving a Resolution to Support the Miracle League of Indian Trail, NC Board of Directors To Build a Miracle League Field and Miracle League Playground. (Mayor Pro Tem Cohn)**

Councilman Cohn read the Resolution, which is **attached hereto and made a part of these official minutes**. Councilman Wireman asked if the memorandum of understanding will include the nuts and bolts of exactly what the Town is responsible for providing. Councilman Cohn believed it would do so; this is simply a resolution. Councilman Wireman said he'd hold his questions until that time but he wants to make sure that the Town doesn't over-extend themselves from a financial standpoint. This is the second Resolution regarding the Miracle League Field.

*Councilman Cohn moved to approve Resolution to Support the Miracle League of Indian Trail, NC Board of Directors to Build a Miracle League Field and Miracle League Playground (#R160613-01); the motion carried unanimously.*

- c) **Council consideration to direct town staff to prepare a letter to Mr. Mohammed El-Nagheeb, NCDOT 716 West Main Street, Albemarle, NC 28001, requesting that the current advisory traffic signs at the Sun Valley High School on Old Monroe Road be converted to regulatory traffic signs. (Councilman Daniels)**

Councilman Daniels noted that he is requesting a regulatory sign in this area that notes the times in which the speed limit in the area is reduced to 35 MPH so that it can be enforced. Mr. Nagheeb said that if the Town would forward a letter to him he would then forward it to the General Assembly so the process to get the signs changed can begin.

Captain Coble was asked to weigh-in. Captain Coble said it is his understanding that the signs in the area now, which are the yellow signs recommending 35 MPH during school hours, were put there for a reason rather than the requested white 35 MPH signs that have the times in which that speed is applicable in this 45 MPH zone. Captain Coble doesn't know what the reason was at the time installed but DOT has criteria for determining which type of sign will be installed near a school; Mr. Kaufhold may know more about the criteria.

Captain Coble relayed that the crash data for that area does not show speed as the main reason for accidents. Rather, rear end collisions occur from driver's not paying attention and red-light/yield violations at the intersection. During school drop-off/pick-up hours; drivers are hard pressed to reach the 45 MPH speed simply due to traffic congestion.

Mr. Kaufhold said that DOT has 3 criteria for determining which type of sign to install. A few years ago the town requested the entire corridor's speed be permanently reduced from 45 MPH to 35 MPH and that request was denied. He said that DOT would be agreeable to investigating the area for the signs requested by Councilman Daniels once school resumes in the fall if we send them a formal request to do so.

Councilwoman Stanton asked Councilman Daniels how he came about requesting this item. Councilman Daniels said that a resident in the area expressed a concern about the speed in the area. The resident sees children crossing the roads at improper crossings and is concerned for their safety. A Highway Patrol Officer was the one who noted that this type of sign would have to be requested. Captain Coble said he did not recall any incidents where a child was harmed while crossing the road. Captain Coble said if Council would like he can check to see if the person in charge of school safety would also write a letter that way two entities would be requesting the same thing from DOT. Council felt such would be helpful.

*Councilman Daniels moved that a letter be written by staff to Mr. Nagheeb requesting that current advisory traffic signs at Sun Valley High Scholl on Old Monroe Road be converted to regulatory traffic signs. The motion carried unanimously.*

- d) **Council consideration to have the Town send an official letter to the NCDOT to have them re-evaluate their position on the construction of sound barriers for the Bonterra and Arbor Glen neighborhoods during the construction of the Monroe Bypass project based on maintaining and reducing any decline**

**in property values for this neighborhood and showing our support of the hundreds of Bonterra residents who signed a petition. (Councilman Daniels)**

Councilman Daniels said that when NC DOT representative Scott Cole was here in April discussing the sound barriers he noted that if the Town wants them to investigate effects of property values then we should send a letter requesting NC DOT investigate how sound barrier walls and noise from highways affects property values. Councilman Wireman agreed that data should be collected. Mr. Kaufhold said he sent a letter to NC DOT regarding this matter. We received a response on June 2<sup>nd</sup>. Basically, they will not reconsider putting a noise barrier wall in any areas not already approved to receive a wall in conjunction with the Monroe By-Pass project. Councilman Daniels said that he would have liked to have known about the letter beforehand; he would not have put this matter on the agenda. No action was needed on this item.

- e) **Council consideration to have the Town Council immediately begin negotiations with owners of the property at 5880 W HWY 74 #201 Indian Trail NC (Food Lion Town Center) to lease and open a new Union County Sheriff's Office (UCSO) Satellite Station to serve the northern half of Indian Trail that is consistent with the finding found in last year's Law Enforcement Report approved by the Town Council. (Councilman Daniels)**

There was a lengthy discussion regarding this matter. Council was confused as to whether or not Councilman Daniels was seeking a second location in Indian Trail (i.e. keeping the station on Navajo Trail and adding a second off of HWY 74) or looking for the existing station (on Navajo Trail) to be relocated. Councilman Daniels was seeking a second location; keep the Sheriff's annex station on Navajo Trail and add a second Sheriff's annex station in the shopping center where the ABC Store is located. Captain Coble said he and Sheriff Cathey feel a second station is unnecessary in Indian Trail at this time. Two locations that close together have not worked in the past. Additionally, it would be a huge expense for the town to add a second substation in town and it won't get much "bang for the buck". Captain Coble doesn't believe a second station would bring better service to anyone in Indian Trail; deputies are stationed in their cars all around town to provide the best service possible.

*Ultimately Councilman Daniels moved that Town Council begin negotiations with owners of the property at 5880 W HWY 74 #201 Indian Trail NC to lease and open a new (second) Union County Sheriff's Office satellite station so that we will know the cost in case we need it in the future. The motion was denied with a vote of one (1) in favor (Councilman Daniels) and four (4) voting in the opposition.*

- f) **Council Consideration, in order to compete directly with neighboring municipalities business parks in the future, to have the Town Council to earmark \$225,000 of funding in the Economic Development Cost Center in the FY 2016/2017 budget to have the Town prepare and send out a competitive RFP before August 1, 2016 for a consultant to prepare a task oriented strategic plan for how the Town can start a business or technology park, how the Town can fund a business or technology park, where specifically should a business or technology park be located, begin negotiations to purchase land, begin legal document preparation, prepare a regional market study to give us direction on what industries we should recruit, discuss with Town of Stallings and Town of Matthews to see if they want to partner with building and funding a new business park, and staffing and operational costs needed for this plan. (Councilman Daniels)**

Councilman Daniels said that Huntersville, Davidson and Cornelius had a partnership that put together a great technological business park. He would like to invite representatives from those municipalities to make a presentation to Council regarding their successful project. Councilman Daniels reached out to Mr. Chris Plate' regarding this item and he expressed no concerns. Councilman Daniels said that Indian Trail doesn't have \$20 million like Monroe is spending on their airport and business park.

Councilman Wireman said that he was surprised by this item as Council has asked Mr. Plate' of Monroe Union County Economic Development (MUCED) to make a presentation regarding business parks at the June

28<sup>th</sup> Council meeting. Councilman Savoie concurred. Councilman Cohn opined that Councilman Daniels items are just a matter of grandstanding.

Councilman Daniels did not understand why Council wants someone from Monroe steering our ship in economic development. It was clarified that only \$50,000 of the budgeted \$275,000 was slated to go to MUCED and that would be for a retail consultant. Economic development assistance is provided to us by MUCED automatically as it is available to all municipalities in Union County.

*Councilman Daniels moved that in order to compete directly with neighboring municipalities business parks in the future, to have the Town Council to earmark \$225,000 of funding in the Economic Development Cost Center in the FY 2016/2017 budget to have the Town prepare and send out a competitive RFP before August 1, 2016 for a consultant to prepare a task oriented strategic plan for how the Town can start a business or technology park, how the Town can fund a business or technology park, where specifically should a business or technology park be located, begin negotiations to purchase land, begin legal document preparation, prepare a regional market study to give us direction on what industries we should recruit, discuss with Town of Stallings and Town of Matthews to see if they want to partner with building and funding a new business park, and staffing and operational costs needed for this plan. The motion died by a vote of one (1) to four (4) with Councilman Daniels being the only member voting in favor of the motion.*

### 13. DISCUSSION ITEMS

#### a) Crooked Creek Park Splash Pad Project

Mr. Tryon noted that a splash-pad is part of the Parks and Recreation Trust Fund Grant (PARTF Grant) the Town was awarded last year for Crooked Creek Park (CCP). The Parks and Rec team has been working on the design of the splash-pad for about 6 months. After in-depth research they feel a recirculation system is better suited for Indian Trail. While the upfront cost of system is more than a traditional system the Town will save money in the long run because the water bill will be less over time as consumption is less. He passed around pictures of the proposed splash-pad and explained the elements which are interactive. There will also be a pump house. The splash pad will be located at the top of the existing playground at CCP on the other side of the zip line. The cement will brushed finish to reduce slipping. Mr. Tryon noted that the cost of the pump house is \$32,199. The cost of the splash pad is \$222,994. After other projects associated with the PARTF Grant there is \$213,000 left in the budget so the Town will be reimbursed for half of that amount upon competition of the splash pad; about \$9,000 was taken from capital expenses to cover the shortfall.

Mr. Kaufhold noted that if Council is agreeable to the recirculation system and the design/layout of the splash pad and pump house then staff will move forward to have a contract put together that will be brought back to Council for final approval. Council gave their consensus to direct staff to proceed with the recirculation system splash pad with the necessary pump house as presented. Mr. Tryon was not certain when construction would be completed; he does not know how long the permitting will take.

#### b) Discussion regarding recent article in the Enquirer Journal accusing certain Council members of having a quorum (Mayor Pro Tem Cohn)

Councilman Cohn read a recent article from the Enquirer Journal (EJ) titled "IT Town Manager Climbing the Pay Ladder". Councilman Cohn said eventually he'd like to open the closed session minutes where Mr. Kaufhold's salary was discussed, and that can be done upon following a certain procedure and permission from the employee named. That way the public will know how Council came to the decision of Mr. Kaufhold's salary. Councilman Cohn took offense to some of the accusations and insinuations made in the article; some of which were quoted by Councilman Daniels. Basically, Council or certain members of Council were accused of making an under-handed decision on the Manager's salary. It was also insinuated in the article that members of Council constituting a quorum were holding illegal meetings. Councilman Cohn noted that while campaigning, before members Wireman and Stanton were sworn into office on December 8<sup>th</sup> and he was sworn-in for a 2<sup>nd</sup> term, the three of them would meet—and there is nothing illegal about that and it was not a quorum. Additionally, Councilman Cohn disagreed with comparison of salaries for our Manager

and the Stallings Manager; the article noted that our Manager has less staff and makes more money. However, Councilman Cohn made the point that Stallings has roughly a \$7 Million budget where Indian Trail has about a \$14 Million budget and likewise Indian Trail has more than double the residents of Stallings. Councilman Cohn said that Indian Trail has 34 employees while Stallings has 41 employees. So; Mr. Kaufhold is running a Town double the size and double the budget with less employees than Stallings. Additionally, Indian Trail has the lowest tax rate of any Town our size. Councilman Cohn said he is proud of what the Town is doing and how Mr. Kaufhold is running town.

It is noted that Councilman Savoie left the meeting at approximate 9:15 PM without being excused by a vote of Council; he left when Councilman Cohn was in the middle reading the article.

Councilman Daniels felt the Town Manager should have been posted; at a minimum it should have been posted internally so that other staff would've had the opportunity to be interviewed for the position if interested. Councilman Daniels felt it was against state law that the job wasn't posted at least internally. Mr. Merritt was asked if that was against the law; Mr. Merritt said that he wasn't aware of any law that requires a position be posted.

Councilman Wireman asked to clarify the point that nothing illegal was done by appointing Mr. Kaufhold Interim Manager or adjusting that status to Manager. This appointment is a decision and appointment that Council can make.

#### **14. UPDATES**

- a) Manager's Update: Scott Kaufhold, Town Manager: Mr. Kaufhold said that "Minions" will be shown Friday evening in the Park. Council is welcome to ride in the 4<sup>th</sup> of July Parade—contact Mr. Tryon. Payroll will be changing from monthly to twice a month beginning in July.

#### **15. COUNCIL COMMENTS**

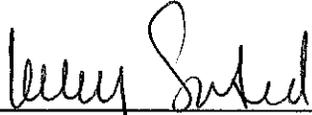
- Councilwoman Stanton thanked Captain Coble for cutting his vacation short to be here this evening and staff for all of their hard work. On a personal note, her first grandchild was born yesterday; mom and baby are both doing well—she thanked everyone for the well-wishes.
- Councilman Daniels noted the passing of Muhammad Ali, a great man that he once had the privilege of meeting. He quoted Eleanor Roosevelt "small minds discuss people, average minds discuss events and great minds discuss ideas."
- Councilman Wireman thanked Councilman Cohn for bringing up the EJ item. It is unfortunate that we have a newspaper reporting smut rather than actual events. The reason why he no longer communicates by speaking to the EJ reporter is he is unlike any reporter that Councilman Wireman has ever encountered. Councilman Wireman would be happy to share the text messages he has received from this particular reporter. He believes the reporter is trying to make the news rather than report it. Councilman Wireman said if this reporter wants to put his questions in writing and send them in an email, he would be happy to respond in writing. Councilman Wireman speaks to other reporters but will no longer communicate verbally with this particular reporter. Councilman Wireman thanked Mr. Parks for his efforts as the Communications Coordinator. Councilman Wireman thanked Captain Coble for coming to the meeting this evening. He thanked staff for their hard work.
- Councilman Cohn thanked everyone for coming and listening to him. He tries to look out for the Town. He mentioned the tragedy in Orlando and hopes that national leadership can help to end senseless tragedies like this from continuing. Councilman Cohn also noted the loss of Muhammad Ali; he was the Greatest of all time.
- Mayor Alvarez agreed that the passing of Muhammad Ali is a loss to mankind. Another sports legend, Gordy Howe also passed this week. Both were good sports heroes to look up to. Mayor Alvarez said the Orlando tragedy is an example of crimes against people. The fix for these tragedies begins at home with good parenting. Mayor Alvarez said that he did not read the article that was in the EJ but he takes offense to it; he has had no meetings with anyone outside of properly called meetings. If anyone wants to do an article on him they should pick up the phone and call him. The UCSO should not have to be here on their day off or worry about not having a home station in Indian Trail.

16. **CLOSED SESSION:** none

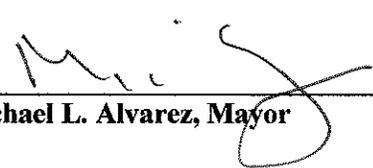
17. **ADJOURN:** *Councilman Stanton moved to adjourn at approximately 9:35 PM and the motion carried unanimously.*

(SEAL)

Attest:



Kelley Southward, Town Clerk

---

Michael L. Alvarez, Mayor

