

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, September 13, 2016
Civic Building—6:30 PM**

MINUTES

The Indian Trail Town Council held a Regular Meeting on Tuesday, September 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
Mayor Pro Tempore David Cohn
Council Member Mark Wireman
Council Member Gary Savoie
Council Member Amy R. Stanton

The following members of Town Council were absent:

Council Member Gordon Daniels

The following members of staff were present:

Town Manager Scott Kaufhold, Interim Town Attorney Chris Duggan, Town Clerk Kelley Southward, Director of Planning and Neighborhood Services Rox Burhans, Director of Finance Jim Wojtowicz, Contract & Bond Administrator/Executive Assistant to Town Manager Vicky Watts, Communications/Community Engagement Coordinator Mike Parks, Senior Planner Gretchen Coperine and Recreation Program Coordinator Katy Keller.

Guests Present: there were approximately 60 guests in the audience at the height of guest attendance.

- 1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE:** Mayor Alvarez called the meeting to order at 6:30 PM and a member of the VFW led everyone in the Pledge of Allegiance.
- 2. MOMENT OF SILENCE:** after the Pledge, all remained standing for a moment of Silence. Following the moment of silence Mayor Alvarez recognized a first responder who was boots on the ground at Ground Zero on 9-11 in the audience this evening, Paul. Mayor Alvarez asked everyone to remember all those who lost their lives 15 years ago on September 11th.
- 3. AGENDA ADDITIONS & DELETIONS**

Action

Councilman Cohn requested to add New Business Item 11c-direct staff to prepare and send out an RFP for Town Attorney. Councilman Wireman requested to add New Business Item 11d-appoint an Economic Development Task Force and he also requested to add New Business Item 11e-direct staff to examine potholes on 1st Avenue and provide estimated cost to repair.

4. MOTION TO APPROVE AGENDA

Action

Councilman Savoie moved to approve the agenda, as amended, and the motion carried unanimously.

Mayor Alvarez noted for the record that Councilman Daniels was not present but that he gave sufficient notice that he would be absent.

5. PRESENTATIONS

- a) **Union Preparatory Academy of Indian Trail:** Principal in Training Allison Simpson and Principal Joan Roman addressed Council first. Ms. Simpson noted that the school opened on time on August 29th and they have received a lot of positive feedback. This year they offer grades K-6 and will add 7th grade next year and 8th grade the following year to reach their full capacity of over 1,100 students. There are over 200 parents actively engaged in helping the students and school succeed. They are working with local colleges to hopefully have student teachers train at Union Preparatory. Principal Roman added that there 661 students enrolled this year and there are 60 staff members comprised of a mix of veteran and beginning teachers. Students are currently being evaluated so that personalized learning plans can be tweaked and administered. Principal Roman also noted that the school has partnered with local law enforcement to assist them with morning and afternoon traffic associated with student drop-off/pick-up.

Next, Mr. Jim Turner, Union Preparatory Board Treasurer, addressed Council starting with a quote by the 2nd U.S President, John Adams: "There are two educations; one should teach us how to earn a living and the other should teach us how to live." Mr. Turner thanked all the Union Prep Board Members as well as Ms. Simpson, Ms. Roman and most especially Ryan Construction for all their efforts in getting the school opened on time. The effort for this school began four years ago but Raleigh didn't approve the application until last year. The site for the school had not even been cleared in January. He read an email from January that was penned by Councilman Cohn and sent to Mayor Alvarez. In his email, Councilman Cohn said if the Charter School opened on time (August 2016) he would eat a vacuum cleaner. It was at this point in the meeting that a vacuum cleaner shaped cake was presented to Councilman Cohn. It was noted that the 65,000 square foot school was constructed in less than six months; the foundation was poured the first of April. Principal Roman noted that on September 27th at 10AM there would be a ribbon cutting at the school and invited all to attend.

- b) **Mischelle Reece & Sheriff's Department regarding the Adopt-A-Cop and Flower Fund:** Councilman Cohn noted that Ms. Reece lives in Bonterra and had decided with all happening in the world and the way in which law enforcement officers are being treated that she wanted to do something positive for our local law enforcement. So, she decided to organize an Adopt-a-Cop program; where gift/goodie bags are given to officers. Captain Coble said that when Ms. Reece first came to him she wanted to supply the Indian Trail Sheriff's Office with gift bags as a token of appreciation. Quickly after he supplied her with those 25 deputies' names she contacted him for more names. This process repeated itself several times. Ms. Reece set a goal to provide gift bags for all Union County Sheriff's Office (UCSO) employees; which employees over 300 people. With Ms. Reece spearheading the effort, the Bonterra neighborhood met that goal. When it came time to transport all the bags from the Bonterra Clubhouse they filled a big covered trailer and 5 or 6 vehicles with gift bags. Captain Coble said words could not describe how wonderful the efforts of all those who contributed made everyone at the UCSO feel. To show their appreciation, the UCSO presented Ms. Reece with a plaque as well as a Challenge Coin. Ms. Reece spoke noting that it was a true community effort sparked by her reaction to the fallen police officers in Dallas, TX. She wanted our law enforcement officers to know that they are loved and appreciated. Ms. Reece then presented

Captain Coble with a \$1,000 check for the UCSO Flower Fund so that they can send something when an officer has been injured or fallen (currently the department passes around a collection basket as public funds cannot be used to send flowers).

6. PUBLIC COMMENTS

- Katherine Stout of 2001 Sandbox Circle in Indian Trail along with another Indian Trail resident, Kathy Charmin, addressed Council noting that they are a part of the Union County Public Schools Bond Steering Committee as representatives for Sun Valley High Schools. They were seeking active support from Council regarding the school bond referendum that will be on the November ballot. Three schools in Indian Trail would benefit from the bond, if it passes: Porter Ridge High School, Porter Ridge Middle School and Sun Valley High School. If the bond is approved it could mean a slight tax increase for the residents of Union County. The funds will allow for much needed/long awaited improvement. Sun Valley HS is 55 years old and the facilities are out-dated. Improvements would expand classrooms, the cafeteria, band room and auditorium to meet the needs of the students which is projected to grow to 1,800 over the next few years. The athletic fields will also be improved as the facilities are currently unsafe and inadequate for a school this size and fall short of the facilities of every other school in the County. In all, seven Union County schools would benefit from the bond referendum if it passes.
- Pat Mower of 2022 Canopy Drive in Indian Trail addressed Council about the up-coming Heritage Project which is a 430 lot subdivision located in Indian Trail and Wesley Chapel. Mrs. Mower said that she represents 200 Indian Trail residents that have signed a petition opposing this project. She urged Council to live up to their campaign promises and listen to the residents and fight for their interests. She said that project will add over 1,000 vehicles to the already high traffic volume on our inadequate and struggling infrastructure. She asked that Council not approve anymore residential development until the roads are upgraded to handle the current congestion. The project seeks to combine 5 parcels of land and boasts a density of only 1.79 houses per acre. Mrs. Mower said that one area closest to Brandon Oaks and Taylor Glen will actually have a density of 2.33 houses per acre. She felt that the project would adversely affect the value of existing homes as well as the dwindling tree canopy in Indian Trail. Mrs. Mower also noted the construction noise that would be inevitable for the 5-year build out, stress to streets from construction equipment and additional students filling the schools that are already near capacity as reasons why she and others are opposed to the project.
- Walter Hohn of 1009 Downey Court in Indian Trail said that he shares the opinion of the previous speaker. He expressed appreciation for Council listening to the residents and noted Council's recent vote against the text amendments pertaining to hotel/motel uses in Sun Valley as an example.
- Mrs. Amanda Faulkenberry of 519 Pickets Circle addressed Council regarding the Public Information Request Policy adopted by Council on August 9th. She opposed the retroactive approval to March and noted that the Town was immediately in violation of the policy with the retroactive approval as her husband was not notified of receipt of the PIR, contacted with a cost estimate or estimation of completion time which are elements included in the policy. She noted that the Town Clerk received the (email) files (from the Information Technology contractor) on April 22nd. So, how can the Town charge \$1,400 or \$800 for services in September that the Town incurred four months ago. The state says that people can receive their public records at a minimal cost and she doesn't consider \$800-\$1,400 a minimal cost. These are excessive costs; Council has approved a PIR policy that discriminates against people making public information requests based upon their ability to pay for the records. Mrs. Faulkenberry quoted an excerpt from the draft August 9, 2016 Minutes where Council Member Stanton said that she is doing this "to try stop all these PIRs from the same people all the time and bogging down the Clerk." Mrs. Faulkenberry provided the Clerk with a written copy of her comments, which is attached hereto these official minutes and made part thereof.

- Mr. Michael Faulkenberry of 519 Pickets Circle addressed Council by saying the discussion of the PIR policy at the August meeting was an interesting discussion. He referenced a social median post by Mr. Wireman stating that the taxpayer shouldn't burden other taxpayers and asked why then, was it okay for the Town to make special accommodations by sending out notifications for a special meeting for a hotel that could benefit one person? How many taxpayers were affected by the mailing? There wasn't an uproar by Mr. Wireman concerning that added expense or effort. He said that during the August 9th discussion Ms. Stanton referred to the PIR's dated March 22nd and 29th, which are three emails Mr. Faulkenberry submitted. He said that he had also submitted a PIR for documents pertaining to Ms. Stanton but she failed to mention that when stating she was looking out for town staff. He said that Ms. Stanton did not have any documents to produce regarding supposed meetings with NCDOT from February to May 2016 because she could not attend CRTPO meetings. Mr. Faulkenberry said that he recently received five months of emails for free for all of Council, the Mayor and Town Manager. He said that in one email Ms. Stanton referred to one of his emails as not being as "nutty" as his other emails. Mr. Faulkenberry said this statement shows Ms. Stanton has animosity towards him and is a character assassination of him. Further, he said that she wrote to the Mayor telling him to ignore his request for a public apology. He also said that she carbon copied Mr. Cohn and Mr. Wireman using their personal email addresses; two other council members were never made aware of the conversation. Mr. Faulkenberry said that he did not see any emails stating Ms. Stanton is doing a wonderful job as she has claimed. Mr. Faulkenberry said that David Cohn forwarded some of his emails that he had sent to Mark Wireman to Indian Trail resident Shirely Howe. Mr. Faulkenberry said that Mr. Wireman has not mentioned that he put in a PIR three years ago for several months of emails (13,000) for town staff and that he only paid \$8 to fill that PIR. He opined that Mr. Wireman is a hypocrite for now being a Council Member and agreeing with changing of the PIR policy. Mr. Faulkenberry said over the years he has paid the amount for PIRs that he was instructed to pay by the town. Mr. Faulkenberry provided a written copy of his comments to the Clerk and such is attached hereto and made part of these official minutes.
- Mr. Jerry Morris of 271 Unionville-Indian Trail Road asked Council to step back and reconsider the PIR policy approved last month. He suggested a few years ago that all public records be converted to pdf and posted on the Town's website for everyone to see, which will likely reduce requests for records. Mr. Morris opined that there must be a better solution than what has recently been approved. Mr. Morris said it is nice to see this Council meeting so well attended. He would like to see better notification of Town meetings. He said that Mr. Parks does a good job with posting notices for special meetings such as the community meeting for the hotel text amendment on social media. The same should be done for Town Council and Planning Board meetings. It would be nice for more residents to come and provide input at meetings. Mr. Morris thanked Mayor Alvarez for volunteering at the VFW this past weekend and all the residents that supported this wonderful organization. Without our Veterans, we are nothing.
- Amelie Schoel of 4017 Crossing addressed everyone noting she is running for the Union County Board of Education, District 5. She felt it is everyone's responsibility to hold elected officials accountable and agreed it is nice to see this meeting so well attended and the community support for the Sheriff's Office. The District 5 School District takes in parts of Sun Valley, Weddington and Indian Trail; students attend the Porter Ridge cluster, Sun Valley cluster and Weddington cluster. It is a widespread and diverse district. Before becoming a mother of two Mrs. Schoel noted that she was a working corporate woman. Now, her children are teenagers that attend Union County Public Schools and have since Kindergarten. Since 2009, she has served countless hours as a volunteer at schools, was President of the Antioch PTO and has been a member of two school improvement teams at Antioch Elementary and Weddington Middle. Over the past five years she has regularly attended School Board and Committee meetings and has learned a lot about UCPS finances, facilities, curriculum and policies. She was invited to serve on the Superintendent's Advisory Committee and take part in an accreditation process. It is Mrs. Schoel's goal to positively engage individuals, communities, municipalities and our county government in the future of UCPS. Working together to

plan for growth and coming together to find balance in fiscal responsibility and adequate school funding while raising awareness for the pressures on students, teachers and staff. She requested support and everyone's vote on November 8th.

- Cathi Higgins of 3004 Clover Hill Road referenced the last edition of the Union County Weekly's article on the potential for 435 more homes straddling Indian Trail and Wesley Chapel; the Heritage project that several people made comment about this evening. Specifically the article references that the project is targeted for senior citizen homes. However, Mrs. Higgins said that is not accurate; the project is not a true senior community. She said that anyone of any age could live in every single unit in the subdivision. Also the project is adjacent to the recently approved Union County subdivision of 269 units which also boasts senior restricted but in reality it is not. So, if the Heritage project is approved there will be 700 units in the area which are permitted for all ages. Mrs. Higgins said that she has researched these so called senior communities and there are over 1,200 built, approved or proposed age-restricted, age-targeted, senior housing units where in reality anyone of any age can live in every single one of those 1,200 units. Our infrastructure will be impacted. When people hear "senior community" they think of low to no impact on the infrastructure, schools, law enforcement etc. and that is just not the case. Council in Indian Trail has the power to change that; mandate developers to make true senior communities by restricting people under the age of 19 in the HOA by-laws and covenants and restrictions in perpetuity and make that a condition of any rezoning claiming to be age-restricted. If that is not done than every unit within the project can have anyone of any age living in every unit in the project.
- Former Council Member Mr. Gary D'Onofrio 3005 Daytah Lane thanked the Mayor and Council for their service. He noted that elected officials may enter office thinking that they are going to address a specific issue but circumstances beyond their control may demand their focus and efforts to a different issue. Traffic and Indian Trail is a big problem at the moment and Council's thoughtfulness, leadership, effort and immediate attention is needed to guide the town through this mess. Severe may not even be a strong enough term to describe the current traffic problems. Last Thursday it took Mr. D'Onofrio an hour and 20 minutes to drive from his home in Brandon Oaks to the 485 exchange; a distance of about 8 miles. It is extremely frustrating. He said that the problem has been increasing for some time. Some want to blame the issue on the Indian Trail Road closure but he does not believe that would be accurate. Certainly the road closure isn't helping but it's not the only thing contributing to the problem. The problem is that we just don't have adequate infrastructure. Our population has increased by about 50% in the past decade and infrastructure improvements have not been made to accommodate this population growth. Population is going to continue to increase. He implored Council to work closely with NCDOT and create actionable plans that can be implemented now.
- Finally, the Mayor read an email from Town resident Mr. David Waddell, another former Council Member, who could not be present this evening (email attached hereto these official minutes and made part thereof). Mr. Waddell urged Council to reconsider the PIR policy adopted last month. §132-1 of the NC General Statutes states that public records should be provided at a minimal cost. What Mr. Faulkenberry is being asked to pay is, in Mr. Waddell's opinion, an infringement upon his right to access public information. He asked Council to seek a more viable solution that doesn't prevent the common person from receiving information they are entitled to.
- Mayor Pro Tem Cohn stepped away from his seat at the dais to make public comments from the podium. He said that there a lot of positive things happening in our community. Council is listening to the people. He acknowledged that there are problems and agreed that traffic is a huge problem in our community. He said this Council is working to address the traffic and the issue wasn't created overnight; you can go back many Councils to see how we got to this point. He wanted to address the PIR policy. But first, he said a comment was made about Council sending out notices for the community meeting regarding the hotel amendment. He said that was not done for the developer but rather for the people. Council wanted to make people aware of the application and get the resident's

feedback. People came and told Council what they wanted and Council listened to the people and acted on their wishes. One PIR requestor has asked for 100,00 PIRs (emails) and it is taxpayers that are covering the cost to produce. It costs taxpayers tons of money because staff and the Town Attorney has to review the information being provided; that takes time and money. He said that he is all for putting the information out there for everyone to look at. Tonight he heard that he, David Cohn, sent an email to Shirley Howe; there is nothing wrong with that—that is not illegal. Taxpayers money is being spent for someone to create drama in the Town. What is being done that is illegal? So what if Ms. Stanton sends something to someone else? If someone wants the town to put all of this time and money into their PIRs then they should have to pay for it; the policy gives a certain amount “free”. Mayor Pro Tem Cohn said that he likes to play golf but he has to pay to play golf. If someone likes to read town information as a hobby then they should have to pay for that too in his opinion.

- 7. LAW ENFORCEMENT UPDATE:** Captain Coble said that their officers are updating and completing certifications. Two officers just completed a dignitary training course. Over the past month they have been working with a vendor for body cameras and have been testing some too. He said that body camera systems are much like cell phones; the technology is moving so fast they are almost obsolete as soon as you purchase them. He reminded everyone to take their possessions out of their cars and lock their car doors; there have been a lot of vehicle break-ins. Hungry Howie’s was victim on an armed robbery a couple weeks ago; Matthews had a similar robbery. The Kangaroo was recently robbed at gun point. On September 6th he met with Representative Horne and some School District representatives. They are trying to identify the areas in Union County with the biggest traffic problems. Representative Horne would like to request funding to address some of the issues. He urged people to be patient while in traffic because frustrations escalate quickly; you never know who is in front or behind you and if they are armed or not.

8. CONSENT AGENDA

Action

- a) **Approval of Budget Amendments #615-618**
- b) **Approval of Draft Minutes August 9, 2016 Regular Town Council Meeting**
- c) **Approval of Tax Month End Report August 2016**
- d) **Approval of Certificate of Sufficiency-regarding the Clerk's investigation of Annexation Petition #143 for Parcel# 07120005 90 and 07120008; Parcels are approximately 8 acres total and located on the northeast side of Hawfield Road**
- e) **Approval of Resolution #R160913-01-Resolution Fixing the Date of the Public Hearing for Annexation Petition #143 for October 11, 2016**

Councilman Wireman moved to approve the Consent Agenda and the motion carried unanimously.

9. PUBLIC HEARINGS

Action

- a) **Annexation #142 Virginia Trace: This is a voluntary annexation request to annex into the Town of Indian Trail; Parcel # 07045001-approximately 39.114 acres. The parcel is located on the southeast corner of Unionville Indian Trail Road and Oakwood Lane. Applicant: M/I Homes of Charlotte, LLC**
- b) **CZ2016-004 Virginia Trace: This is a Rezone request to establish a Conditional Zoning Single Family (CZ-SF-5) district for 92 single-family detached units on a parcel approximately 39.114 acres. The parcel is located on the southeast corner of Unionville Indian Trail Road and Oakwood Lane. Parcel # 07045001. Applicant: M/I Homes of Charlotte, LLC**

Ms. Gretchen Coperine, Senior Planner, addressed Council and asked if she could present both the Annexation and Conditional Zoning applications at one time then the applicant and their engineer would like to also make a brief presentation; Council was agreeable. The annexation is for an approximate 39 acre parcel of land in Union County located at the southeast corner of Unionville-Indian Trail Road and Oakwood Lane. Oakwood Lane is the road in which the Town’s Crooked Creek Park is located. Ms.

Coperine explained that anytime a municipality annexes property into the corporate limits they are required by law to assign a municipal zoning designation. The existing unincorporated Union County zoning designation of the property is R-20 which is a single-family residential zoning. The proposed concurrent zoning associated with this annexation (#142) is Conditional Single-Family 5 (CZ-SF-5); all within the Village Center Overlay. The development is proposed to have 92 single-family detached homes. The subject property is neighbored by Arbor Glen to the north; a neighborhood of approximately 280 units with a density of 3.2 dwelling units per acre. Crooked Creek, a Union County (UC) neighborhood to the west is approximately 3 units per acre. Suburban Estates to the southeast is about 3.5 units to the acre and located in Indian Trail. Sardis Baptist Church, Sardis Elementary School and Crooked Creek Park are also located in the vicinity of the subject property. Adjacent properties are zoned R-20 (UC), R-8 (UC) which is another single family designation but does permit multifamily and townhome units, SF-5 (IT) and SF-1 (IT). In addition to the 92 single family homes, the concept plan offers two entrances; one off of Oakwood Lane and other off of Unionville-IT Road. Road improvements will be made to Unionville-IT Road along with right-of-way dedications. The developer has offered to add a sidewalk to the school.

In terms of the Comprehensive Plan it is located in the Crooked Creek Village and is technically mixed use within the Village Overlay district. The proposed density is 2.3 dwelling units per acre. This is compatible with the densities of other neighborhoods in the area (slightly lower than adjacent subdivisions). The concept plan has been reviewed by NCDOT, the UC Fire Marshal, the Sheriff's Office and Union County Public Schools. A Traffic Impact Analysis (TIA) was submitted to NCDOT with the concept plan; improvements have been proposed from the findings. The Fire Marshal had no comments at this time; if approved, the plan would be resubmitted for a full review. The Sheriff's Office wanted to ensure there was sufficient driveway so that the sidewalk would not be blocked by parked cars in a driveway. So the minimum setback will be 22 feet. Traffic calming measures would be reviewed at site plan review. The plan provides 13 guest on-street parking spaces, two parking places in the garage and two parking places in each driveway. Children of the neighborhood would attend Sardis Elementary, Porter Ridge Middle and Porter Ridge High School. Porter Ridge Middle and High Schools are slated to receive improvements if the School Bond is approved in the November election.

Two Community Meetings were held on June 7th for this project; four members of the public attended. General topics discussed included construction associated with Crooked Creek Park, potential increase to traffic on Oakwood Lane and the potential construction entrance on Oakwood Lane. The applications went before the Planning Board on June 21st. The width of Unionville-IT Road and if future widening could be accommodated was discussed. Ms. Coperine noted that the project would allow for future widening of the road as they would be required to dedicate right-of-way. Traffic and roadway improvements were also discussed and the traffic engineer is present tonight and can speak to that issue if there are questions regarding the specifics of improvements; a slide showing a round-a-bout was shown. Also, the Planning Board discussed how the project would be affected by the Monroe By-Pass. The build-out date of the project is projected for 2019. The Planning Board voted 5 to 2 in favor of recommending that Council approve this annexation and conditional zoning.

Ms. Coperine read the consistency findings of the Planning Board into the record: "the project is consistent with the goals of the Comprehensive Plan are satisfied as follows: Land Use and Housing Goals #1, 2 and 5: the proposed project promotes compatibility of land uses between neighboring properties and residential properties within surrounding jurisdictions, increases the diversity of housing options within Indian Trail, and proposes high quality design to promote attractive land development; and Mobility and Transportation Goal#3: the propose development incorporates pedestrian amenities and connectivity throughout the community and existing infrastructure. The request for this conditional zoning district (SF-5) is a reasonable request and is in the public interest because it supports the goals of

the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation, land use and housing.”

Councilman Wireman asked how many homes are slated for the development under construction across from Ashcroft. Mr. Burhans felt it was about 210. Councilman Wireman said that he had heard of seen something where it was more like 500; Mr. Burhans said he was not aware of such only the approximate 210 units have been approved. Councilwoman Stanton asked how long the round-a-bout road improvement on Unionville-IT will take. Mr. Kaufhold estimated that it will be complete in approximately 2 years. Upon query from Councilman Cohn, Ms. Coperine said that typically when an application for voluntary annexation comes forth it comes with a project in mind; that is why the applications are concurrent. Of course, the Town cannot zone property that is not located within the municipality but state law mandates that should an annexation take place; the municipality is required to designate zoning. Basically, the Town would not want to “trap” the applicant: approve the annexation then assign a zoning designation that has not been requested. Again, if the Town does not accept the property then they have no authority over the zoning.

Mayor Alvarez noted that no speakers had signed up for the annexation public hearing however there was one speaker forthcoming.

- Mr. Medford of 5920 Oakwood Lane addressed Council on behalf of the residents of Oakwood Lane, most of who were present. In regard to the density, there is a mobile home park in the area that has higher density but given that there is a church on 15 acres, a school on 30 acres and to the south of the subject property two houses that are situated on 30 acres he takes exception to the notion that surrounding densities are comparable to the proposed project with 2.3 units per acre. He and his neighbors are concerned about safety related matters because the addition of nearly 100 homes in an area with less than 10 homes currently would forever change the neighborhood’s dynamic. He said that the last proposed traffic plan he saw had a divided highway; they would only be able to make right turns out of Oakwood Lane. He asked Council to take a common sense approach when it comes to development of Indian Trail. He said that he and his neighbors are not opposed to development but they would like to see future development that is in harmony with the area. Mr. Medford said that he came before Council in 1999 when there was a high density neighborhood proposed at the end of Oakwood Lane. Luckily that Council had the fortitude to look into the future and see that such was not the highest and best use for the property. If they had not had such fortitude we would not have Crooked Creek Park, which is beautiful, where it is located today. He would like to see this Council act with the same leadership and wisdom. Those that were represented by Mr. Medford stood up as requested by Councilman Wireman.

Councilman Wireman said that over the past few months there have been growing concerns about our roads and the traffic. He noted that it is very frustrating and traffic is horrendous in Indian Trail. He is not in favor of any additional high density residential development at this time; we need to address our infrastructure first.

Councilman Cohn said he agrees with a lot of what Councilman Wireman just said. However, he really likes the concept of the proposed neighborhood given the proximity to the park and school. He said that Council’s emails are overflowing with complaints and concerns from citizens about the traffic. He agreed that it is time to address the Town’s failing infrastructure before approving the development of more residential neighborhoods. He asked a procedural question about moving forward with the public hearing and votes this evening. The Clerk noted that the applicant should be afforded the opportunity to speak; the Town Attorney concurred.

Ms. Coperine noted that at the start of these items she asked to combine the two matters into one prior to any Council action; at the end of all discussions and all public comments then Council could take motions/actions one at a time starting with the annexation. Mayor Alvarez sought clarification: if the annexation is not approved then Council cannot vote on the zoning and Mr. Duggan concurred that the statement was correct. Councilman Savoie asked if the annexation and zoning are not approved by the Town what is permitted under the County's current zoning. Ms. Coperine noted that the R-20 UC zoning designation would allow for single family homes with lot sizes an average of 20,000 square feet (just under half an acre). However, an adjacent UC property is zoned R-8. So, there is potential for the subject property to be rezoned by UC to R-8 meaning that lot sizes could be a minimum of 8,000 square feet and allows single family residential as well as multifamily and townhomes (mixed residential). So, the best case scenario would be for the property to be developed under R-20. Councilman Cohn felt it would be highly unlikely for UC to allow multifamily residential on that property. Ms. Coperine reiterated that Council is being asked to discuss the annexation and concurring zoning together; gain all public input and then vote on the annexation and then, if applicable, vote on the zoning.

Mr. John Ross of Eagle Engineering was afforded the opportunity to address Council. Eagle Engineering is the project engineer for the applicant, M/I Homes. In addition, to M/I Home representatives here this evening their traffic engineer consultant is also present. Mr. Ross showed the subject 39-acre parcel and surrounding properties as Ms. Coperine had done. Additionally, Mr. Ross presented a slide showing the proximity of the subject area to the future Monroe By-Pass; he explained road improvements in the area associate with the By-Pass noting such improvements end about 100-150 feet away from the subject property. The project has been named Virginia Trace after and in honor of the trading path that originated from the Native American Community in this area to the Virginia settlers. He relayed that the project has 7.75 acres of open space and that only 3.5 acres are required. There are the two points of access because there are more than 50 lots. Interior streets are curb and gutter with sidewalks and street lighting.

Chad Lloyd of 3242 Tatting Road, Matthews with M/I Homes addressed Council next. Mr. Lloyd said that the vision for the neighborhood is a walking community; kids can walk to school everyone can walk to the Town's beautiful park and citizens can easily get access to jobs. They have committed making a connection to the sidewalks for Sardis Elementary at the expense of M/I Homes; the connecting sidewalk has been approved by the school system. It is estimated 33 students from the neighborhood would attend Sardis Elementary and there is capacity available. 10 students would enroll in Porter Ridge Middle and only 4 students would enroll in Porter Ridge High School; a very modest impact. The new charter school is only 2.5 miles away from this neighborhood. There is also a wonderful, five-star rated daycare across the street from the neighborhood. The main entrance to the neighborhood is less than half a mile away from the new exchange for the Monroe By-Pass making it convenient for Charlotte commuters to get from home to work without having to use HWY 74. They've employed the same traffic engineer the Town uses to analyze this project. Further, the developer is going to contribute \$200,000 to the intersection improvements the Town is required to make on Unionville-IT Road due to the development of Crooked Creek Park. The density will be less than that allowed by the UDO and the open space is nearly double the requirement. There is a 20-foot buffer around the community and sidewalks within and around the community. They will provide a signage easement to the Town on Oakwood Lane so that the Town can construct a nice sign for Crooked Creek Park. The homes will be a mix of traditional 2-story and ranch homes and range in size from 1,700 square feet to just over 3,000 square feet. Price range of homes are expected to be in the mid to high \$200,000 range. All homes will be energy-star/echo-friendly standards with up to 30% energy savings. All construction will have a warranty. Since this is a conditional zoning, the Town has architectural controls and M/I Homes has agreed to no vinyl siding. He requested Council's support of the project.

Justin Carole, Traffic Engineer, addressed Council next. When looking at the improvements the Town required a traffic study and each intersection will have improvements. At Oakwood Lane and Unionville-IT Rd there will be designated left and right turn lanes added. There are currently on about 90 vehicles exiting during peak hours and the neighborhood is estimated to only add about 10 vehicles during the peak hours. The interior main street runs through the neighborhood from Oakwood to Unionville-IT Rd and will offer relief if school events cause traffic back-ups. There will be a left-turn lane into the neighborhood. Mr. Carole is the same traffic engineer that is working on the intersection improvements for the Town for Unionville-IT Rd. and Sardis Rd. The developer is going to put funds toward the project to work with the Town for the greater good of the community.

Mr. Ross reiterated the consistency findings previously read into the record by Ms. Coperine.

Councilwoman Stanton shared concerns about the pass through road that runs through the neighborhood and the walking connection to Sardis Elementary. She had additional concerns about the near full capacity of Porter Ridge Middle and High. Yes, if the bond goes through in November the capacity could be increased for these schools but we cannot make an assumption today that the bond will pass. She also confirmed that the improvements to the intersection of Unionville-IT Rd and Sardis Rd are going to occur with or without the development of this neighborhood. Other than these concerns Councilwoman Stanton said that she likes the plan but cannot support it at this time as traffic is an issue in our town.

Councilman Cohn said he feels it is a great neighborhood and loves the idea of it being so close to the Town's park; they've done a great job with the design of the neighborhood. However, with the traffic issues in Town now he feels residents would be very unhappy with Council if they were to approve more residential development. He acknowledged that it's a small subdivision with only 92 homes but the line has to be drawn somewhere. The people of Indian Trail don't want it and it is for the simple reason that traffic is already so terrible. He asked Mr. Burhans how many homes have already been approved that have not been built yet. Mr. Burhans estimated the number of approved dwelling units slated for construction in Indian Trail is in the 2,000 range; the exact number is available on the Town's website.

Councilman Wireman agreed that it looks like a great community with wonderful amenities. However, Council has to look at the impact to the entire town. All our streets are completely saturated already. At this time he cannot support the project because our citizens' concerns about traffic.

Councilman Wireman moved to deny the application for annexation #142/Virginia Trace; the motion carried by a vote of three (3) to one (1) with Councilman Savoie voting in the opposition.

Although the zoning was now a moot issue Mayor Alvarez opened the public hearing for the zoning of the Virginia Trace property since it was an advertised public hearing.

- Mr. Jerry Morris said it is sad that Council is a victim of circumstance right now because it is a beautiful project. He doesn't feel that an entrance on Oakwood Lane is appropriate. He said that he doesn't know if the school bond is going to pass after people saw their Union County tax bills this year. He also felt the R-20 zoning was adequate; the SF-5 is too dense for that area. Finally, he reiterated his public comments from earlier that there needs to be more effort in advertising meetings because only a handful of people came to speak on this matter tonight.

- Mr. Faulkenberry addressed Council asking if M/I Homes could still build in the location even though it's just Union County. He said the parcel could still be developed but now Indian Trail won't reap any taxes but will still get the traffic. It is a catch 22. He said that the Comprehensive Plan needs to be amended. He wished the property could be annexed without the stipulations of zoning; the property would make a good light industrial park or a hotel would fit nicely there.
- Brandon Shock 3802 Edgeview Drive noted he just moved here from West Virginia and cannot believe how terrible the traffic is here. He thought it was bad 16 years ago when he visited but this is horrendous. If the Council had approved the project, he asked the developer if the buildings would be complete before or after the Monroe By-Pass is completed. The developer estimated both would've completed about the same time in 2019.
- Gary D'Onofrio addressed Council stating that the developers are good guys with a nice project and yes, the Council is in a bad position. He said that the developer was just unlucky; the buffet was open and it has run out food. He doesn't know what the advantage was to request annexation to the Town but if they get approval to build by the County at least Council Members can say to their constituents that they listened to the public and the development didn't occur on their watch. Councilman Cohn doesn't believe the County would approve the subdivision. A lady from the audience said that improvements to Oakwood Lane are needed; Mayor Alvarez said that would be a matter to be discussed at a future meeting.

Mayor Alvarez closed the public hearing.

There was a brief 5-minute recess.

10. OLD BUSINESS ITEMS

Action

- a) **Council Consideration of a Policy to honor a Person or Business of the Month. (tabled item- Councilman Cohn)**

Staff had provided a proposed written policy that allowed the public to vote for a person of the month via the Town's website. It was noted that through their research the Town could not give money or gift cards. However, a small plaque or similar token could be awarded. Upon discussion Council noted that they preferred for their own membership or staff (or collaboratively) to select the person or business and it should be awarded quarterly; Council will take suggestions and vote on it. The program should begin January first and the policy should include how often someone can win. Staff was directed to draft a new policy with the changes discussed and bring the written policy back to Council.

- b) **Council to appoint one of their own membership to be Indian Trail's representative on the Charlotte Regional Transportation Planning Organization (CRTPO). (tabled item)**

Mr. Kaufhold noted that the Mayor is the default representative. Council Members felt that they should give Councilman Daniels the opportunity to be our representative if he is interested. The matter remained tabled until the next Council Meeting.

11. NEW BUSINESS ITEMS

Action

- a) **Council to consider appointing Ms. Jeannette Lucas to the Board of Adjustment to fill Seat #1, vacant seat with the unexpired, 3-year term ending June 30, 2018.**

Ms. Southward noted that Ms. Lucas if present if Council has questions for her and her application was included in the agenda packet; the Board of Adjustment Chairman has recommended she be appointed. Upon query from the Mayor, Ms. Southward noted that one Alternate Seat is vacant and the other Alternate Member has not inquired about becoming a Regular Member. Council heard from

Ms. Lucas who has a background in construction and has attended meetings similar to a Board of Adjustment but it was not called the same thing where she lived before. It was confirmed that she lives in Indian Trail in the Hemby Bridge area.

Council Member Savoie submitted a motion to appoint Ms. Lucas to the Board of Adjustment as a Regular Member, Seat #1 to fill the unexpired term ending June 30, 2018 and the motion carried unanimously.

b) Council to consider appointing Mr. Anthony Susana to the Public Safety Committee to fill Seat #6, vacant seat with the unexpired, 3 year term ending June 30, 2019.

Ms. Southward noted that the application was in Council's packets. Mr. Susana could not be present this evening but the Chairperson has been in contact with him and recommends his appointment. There are vacancies on the committee but the committee has met within the last month or so.

Councilman Savoie moved to appoint Mr. Anthony Susana to the Public Safety Committee to fill Seat #6 for a three year term ending June 30, 2019 and the motion carried unanimously.

c) Send out an RFP for Town Attorney (Councilman Cohn added this item during agenda additions/deletions).

Council gave consensus to direct staff to prepare and send out an RFP for a Town Attorney.

d) Economic Development Task Force (Councilman Wireman added this item during agenda additions/deletions)

Councilman Wireman noted that this was a carryover from a June meeting when Chris Platé gave a presentation to Council regarding business/technology parks and recommended a task force be appointed to discuss moving a business/technology park for the Town consisting of Mr. Platé, Mr. Burhans, Mr. Kaufhold and two Council Members. Councilman Wireman volunteered for the ED Task Force. Councilman Cohn said he would also like to be a part but cannot attend the first meeting slated for Friday, September 16, 2016 at 11:30AM.

Councilwoman Stanton moved to appoint Councilman Wireman to the Economic Development Task Force, as recommended by Mr. Platé and the motion carried unanimously. Councilman Savoie moved to appoint Mayor Pro Tem Cohn to the Economic Development Task Force and the motion carried unanimously.

e) Direct staff to examine potholes on 1st Avenue and provide estimated cost to repair (Councilman Wireman added this item during agenda additions/deletions).

Mayor Alvarez noted that there is a flooding issue on 1st Avenue which has caused a lot of potholes on the road. Mr. Kaufhold noted that this is a private road so Powell Bill funds could not be spent for road repairs. The drainage study for 1st Ave should be presented to Council at the next meeting. Mr. Kaufhold said that the Town could temporarily fill the potholes but it would have to be with minimum effort and expense as it is a private road; funds would have to come from the General Fund. The holes could be filled with cold-patch by public works; which is a low cost, temporary fix. Councilman Cohn recommended the temporary fix be completed. Mr. Kaufhold estimated there were probably 8-10 potholes and they could all be cold-patched for a few hundred dollars in materials (that does not include labor costs). Councilman Savoie asked why the owner of the road is not properly maintaining it and how many times has the Town contacted the owner. Mr. Kaufhold said the Town has had numerous conversations with the owner. The owner also owned and developed 2nd Avenue to which the Town still had a bond for. When the Town called the bank about utilizing the bond to repair the road then the owner quickly made the repairs. Unfortunately there are no sureties/bonds for 1st Ave. Mr. Kaufhold relayed that the owner claims he paid the Town \$5,000 years ago and

conveyed 1st Ave to the Town at that time. Mr. Kaufhold said the Town has no record of such and has asked the owner to produce some evidence of this payment and conveyance. Councilman Cohn asked if there was any way the Town could put pressure on the owner to fix the issues. Mayor Alvarez said he knows the owner and will try to get him into town hall for a discussion. *Councilman Wireman moved to approve a one-time temporary fix for the potholes on 1st Ave and the motion carried unanimously.*

12. DISCUSSION ITEMS

a) **Solid Waste and Recycling RFP Level of Service Discussion. (Mr. Burhans)**

Mr. Burhans relayed the findings of community input on the levels of service currently provided and what suggestions they may have. There was an on-line survey that yielded 750 responses from residents. There were three people that attended the public meeting that was held on this matter. The majority of citizens are satisfied but suggestions were supplied.

Solid waste and garbage is recommended to remain a weekly curbside pickup.

Staff recommends that recycling pickup remains bi-weekly but offer a second roll-out can on a cost sharing basis for citizens who recycle a lot. This is recommended because feedback received from the on-line survey did yield quite a few requests for weekly recycling pick-up. Councilman Cohn felt that one can enough for recycling and felt a majority of people would agree; a couple people in the audience, upon a request for a show of hands, noted that a 2nd roll-out can would be good. Last year the Town spent a little over \$300,000 for the bi-weekly recycling. Council agreed to staff's recommendation for those who request it to receive a 2nd roll-out can with a cost share.

Yard waste is recommended to remain a bi-weekly pick up service. He said that a lot of citizens did not realize that this is a service currently offered. Council agreed.

Bulk pick up is recommended to change to quarterly pick up as opposed to 3 times per year with a once a year drop off. The once a year drop off would be discontinued. Council agreed.

Mr. Burhans sought Council direction for recycling pick up from the schools in Indian Trail. When this service originally began the Town would receive money from the recycling but there has been a shift in the demand for recyclables and that is no longer the case. Under a new contract the Town may even incur a hefty cost to pick up the recyclables from schools. We do not pick up from Porter Ridge as it is not from the Town; inquiry by Councilman Cohn. If Council does not want to continue this service we would let the school system know well in advance so that they could properly budget for having to cover recycling collection costs for these schools again. Council Member Cohn suggested putting the service in the RFP as an educated decision cannot be made until we know if there is going to be a cost or not. Mr. Burhans said professional in the industry have relayed it will cost the Town.

Councilman Savoie said that if everyone who responded to the survey is happy with the level of service why are we not locking in our Waste Pro Contract with taking advantage of the extension which includes the recycling pick up for the schools. Councilman Cohn said Waste Pro will likely submit a bid too. Councilman Savoie said that their new bid will likely be higher than our current costs. Mr. Burhans said that the current contract extension option doesn't necessarily lock in our current costs. Rather, it opens up the opportunity for negotiations with Waste Pro for rates. It was decided to include the recycling pick up for schools in the RFP. Councilwoman Stanton said if the costs for the recycling for the schools comes into high could we remove that service in a final contract. Mr. Burhans felt the RFP could be written in such a manner.

Councilman Wireman said it is his understanding that the last RFPs were not all received in a manner that compared apples to apples; some included tipping fees and some did not—he asked Mr. Burhans to explain tipping fees. Mr. Burhans said that there is a cost for collection and we currently pay a per household fee for that. Then there is a cost for taking all the waste from all households to the solid waste transfer station for disposal; the cost is called tipping fees. Our current contract is structured so that we pay the collection cost (the per household fee) to Waste Pro. Then when they go to the landfill or the transfer station they get a ticket for the tipping fees and they send Indian Trail a separate bill for the tipping fees incurred to them for Indian Trail's solid waste disposal. So the RFP could be set up in the same way our current contract is set up or we could ask for tipping fees and collection fees to be included all in one rate. Mr. Burhans said the working document for the current RFP is set up in the manner to ask for both ways and any provider that does not respond with the fees presented in these two ways will not be considered. Council agreed to have the costs provided both ways in the RFP.

Councilman Savoie asked if we have approached Waste Pro about what cost would be if we were to extend the contract. Councilman Wireman said he does not believe so as Council had decided to send out an RFP. Attorney Duggan said as he reads the current contract with Waste Pro he believes the costs stay fixed if the Town exercises the renewals contained in the contract; there are two 2-year extensions.

b) Discount for field space for Indian Trail Athletic Association and Porter Ridge Athletic Association. (Councilman Cohn)

Councilman Cohn estimated that 90% of the children that play for these associations are from Indian Trail. He noted that he has talked with applicable staff about this matter and thinks that these associations should pay half of what they are currently paying (Ms. Keller noted that they currently pay the residential rate). Councilman Savoie suggested the donation policy be used; have them come in and get a donation to off-set the costs they are paying now. Why not charge everyone from Indian Trail a discounted rate and what about churches? Ms. Keller said many churches use the fields and receive the residential rate as well. Councilman Cohn said that PRAA and ITAA are non-profits that have volunteers that run the associations and have difficulties making ends meet. PRAA is paying \$30,000/year to utilize school facilities. It is \$300 for a child to play ball. The more the association is going to have to pay the more a family is going to have to pay for their children to play. Councilman Savoie said churches are non-profit too and if you give a discount for one you open yourself up to scrutiny if you don't give it to everyone. Councilman Cohn said that what he is proposing is for the children; the church leagues are often adults.

Councilman Cohn motioned to give PRAA and ITAA half price of the residential field fees and the motion carried unanimously.

13. UPDATES

- a) **Manager's Update: Scott Kaufhold, Town Manager:** noted that staff is receiving a lot of complaints about the traffic; there are new schools that have opened and there are concurrent DOT construction projects not just here but in other municipalities diverting drivers. Issues are being compounded but staff is working with NCDOT and have asked they make a brief presentation at the next Town Council meeting.

The Faith Church Road connector is proposed to have changes and we are working through the process to implement those changes. This is to remove the section that is proposed to go through Brandon Oaks; not to build the road as originally proposed.

We have new staff members on board and are almost up to full staff; all packed in one building.

14. COUNCIL COMMENTS

- **Councilman Savoie**-thanked everyone for coming out and appreciates staff and their presentations.
- **Councilman Cohn**-gave heartfelt condolences to Ms. Samantha Towns in the loss of her mother, Samantha Brown who was 96 years old. Councilman Cohn wishes he had known her better.
- **Mayor Alvarez**-noted he had the honor of attending the VFW dedication of the Towers Memorial on 9-11; he urged everyone to go to the VFW to see the beautiful memorial. He also gave his condolences to Ms. Towns in the loss of her mother. There will be a ribbon cutting across the street at the GOP Headquarters and Laura Trump will be there.
- **Councilwoman Stanton**-thanked the UCSO for everything they do to keep the Town safe. She also shared condolences to Ms. Towns in the loss of her mother. She thanked everyone for coming out and staff for all of their hard work.
- **Councilman Wireman**-thanked Ms. Reece for her efforts in the Adopt-A-Cop program. He wishes the residents that made comments about the PIR policy were still present. He said that the Town has simply adopted the State's policy and given everyone 4-hours a quarter free. He said that requestors could refine their requests rather than putting in a blank request for 4-5 months of emails resulting of thousands of emails. Once the Clerk receives the emails from our IT Contractor then she has to sit and go through each email to ensure nothing that is restricted from public records law is given. Then the Manger looks at and if there is anything questionable the attorney has to review. It is something that takes up a lot of staff time and costs a lot of money to all the taxpayers. He said that Mr. Parks is doing a great job getting information out through social media. He thanked staff, UCSO and residents.

15. CLOSED SESSION

Action

Council Member Stanton moved that Council enter Closed Session pursuant to:

[N.C.G.S. 143-318.11(a)(1)]

Prevent the disclosure of privileged information

Under the North Carolina General Statutes or regulation

Under the regulations or laws of the United States

TO PREVENT THE DISCLOSURE OF INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL PURSUANT TO THE LAW of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, specifically, NCGS 132.17 with respect to sensitive public security information.

[N.C.G.S. 143-318.11(a)(3)]

Consult with the Attorney

To protect the attorney-client privilege

To consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action.

[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 Savoie moved for Council to enter Regular Session and the motion carried unanimously.

16. ADJOURN: *Councilman Savoie moved to adjourn; motion carried unanimously.*

(SEAL)

Michael L. Alvarez, Mayor

Attest: _____
Kelley Southward, Town Clerk