

**MAYOR**  
Michael L. Alvarez

**MAYOR PRO TEM**  
David L. Cohn



**TOWN COUNCIL**  
Gary M. Savoie  
Christopher M. King  
Gordon B. Daniels  
David W. Drehs

**Town Council Regular Meeting**  
**Tuesday, October 13, 2015**  
**Civic Building**  
**6:30 PM**

**AGENDA**

1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE
2. ADDITIONS AND DELETIONS
3. MOTION TO APPROVE AGENDA action
4. PRESENTATIONS
5. PUBLIC COMMENTS
6. LAW ENFORCEMENT UPDATE
7. CONSENT AGENDA
  - a. Approval of the September 8, 2015 Regular Meeting draft minutes
  - b. Approval of Tax Month End Report-September 2015
  - c. Approval of Budget Amendments
8. PUBLIC HEARINGS
  - Please adhere to the following guidelines:
    - Proceed to the podium, and state your name and address clearly;
    - Be concise; avoid repetition; limit comments to three (3) minutes or less;
    - Designate a spokesperson for large groups

**9. BUSINESS ITEMS**

**10. DISCUSSION ITEMS**

- a. Review Councilman Cohn's 2012—27% tax increase. (Item requested by Councilman Daniels)
- b. Review Councilman Cohn's record that raised the Town's debt. (Item requested by Councilman Daniels)
- c. Review of Councilman Cohn's vote for hundreds of apartments for the South Gate development. (Item requested by Councilman Daniels)

**11. MANAGER'S REPORT**

**12. COUNCIL COMMENTS**

**13. CLOSED SESSION**

**action**

**14. ADJOURN**

**action**

**To speak concerning an item on the Agenda, please print your name and address on the sign-up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.**

**AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS**

*The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The email address is [ksouthward@admin.indiantrial.org](mailto:ksouthward@admin.indiantrial.org) the phone number is 704-821-5401*



**Town of Indian Trail  
Minutes of Town Council Regular Meeting  
September 8, 2015  
Civic Building  
6:30 P.M.**

**MINUTES**

**The following members of the governing body were present:**

**Mayor:** Michael L. Alvarez

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

**Absent Members:** Christopher King

**Staff Members:** Town Manager Joe Fivas, Town Clerk Kelley Southward, Town Attorney Keith Merritt, Finance Director Marsha Sutton, Planning Director Rox Burhans, Director of Community & Economic Development Kelly Barnhardt, Director of Parks & Recreation Jason Tryon and Communications Coordinator Mike Parks.

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

Mayor Alvarez called the Meeting to order at 6:30 PM and led the Pledge of Allegiance to the Flag. It was noted that Councilman Christopher King was not yet present. Mayor Alvarez read a statement at staff's behest noting that the Public Hearing for the zoning text amendment ZT2015-003 regarding Heritage Tree Protection would not be heard this evening but rather, at a future Town Council meeting.

**ADDITIONS AND DELETIONS**

Councilman Savoie noted that only two bids were received for the resurfacing contract and that there needed to be at least 3 bids to move forward. *To that end, Councilman Drehs moved to remove Business Item 9b from the agenda and the motion carried unanimously.*

**MOTION TO APPROVE AGENDA**

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

## **PRESENTATIONS**

None.

## **PUBLIC COMMENTS**

Mayor Alvarez reminded everyone of the Public Comment Guidelines.

Mr. Michael Faulkenberry of 519 Picketts Circle, addressed Council first. He read an excerpt from a September 2, 2015 Florida newspaper describing a finalist for a City Manager position. He said that it is not in the Town Manager's job description to set goals unless directed by Council or to influence or promote any bond referendums. He asked what parks have been completed. He stated that Chestnut Square Park was reduced from 51 acres to 40 acres and felt that Crooked Creek Park was nowhere near completion. Stallings only spent \$80,000 for all of their playground equipment and we have spent \$500,000 for playground equipment at two parks. He opined that a private business is burdening the limited parking at one park. On June 5<sup>th</sup> Mr. Faulkenberry submitted a public information request for a copy of the property layout of the proposed rezoning of the property across from Carolina Courts; proposed to be rezoned to institutional. He was disappointed that the request was not filled until June 25<sup>th</sup> which was after the subject matter was addressed at two meetings. Further, he was not satisfied with what he received in regard to his request.

Ms. Cathi Higgins of 3004 Clover Hill Road was next to address the Council. She thanked the Town Council for reappointing her to the Indian Trail Planning Board last month. She expressed how and why she enjoys serving on this important Board. The Council thanked her for her service.

## **LAW ENFORCEMENT UPDATE**

Lt. Chase Coble addressed Council giving an update of activity in August: calls were 1,085; self-initiated activities were 1,518; 116 motor vehicle accidents; 262 criminal reports were taken; and average response time was down to 8 minutes, 32 seconds. August yielded a lot of car break-ins; 4 individuals are facing over 500 charges relating to this wave of break-ins. His department is pushing for NC DOT to perform some traffic safety improvements in Town. A new Deputy started today and two more are slated to start later this month. A cooperative under-age sales of alcohol operation that began in April completed in August. Two establishments in Indian Trail, out of sixteen sampled, sold to an under-age individual. Upon question, Lt. Coble noted that he was still awaiting some information from staff regarding the upcoming fall events in Town prior to finalizing his plan of action. As for the parking plan he is aware that spaces are being counted; the Town Manager is more familiar with the complete parking plan. Upon query, Lt. Coble noted that the County Commissioners have approved the amended agreement for more deputies in Indian Trail and it should be coming before this Council for subsequent approval soon.

## **CONSENT AGENDA**

- a. Approval of the August 5, 2015 Special Meeting draft minutes
- b. Approval of the August 11, 2015 Regular Meeting draft minutes
- c. Approval of Budget Amendments
- d. Approval of Tax Month End August 2015
- e. Approval of a Cash Management Policy
- f. Approval of Tax Refund in Excess of \$500

- g. Approval of Recycling Grant
- h. Approval of Street Closures
- i. Approval of Removal of Robert Tosti from the Public Safety Advisory Committee
- j. Approval of PlayPrints Grant
- k. Approval of AdHoc Committee member

*Councilman Savoie moved to approve the Consent Agenda, as presented. Councilman Cohn inquired about item 7i; Mr. Fivas explained that this was an attendance issue and the Public Safety Advisory Committee requested the Council consider this matter. Mayor Alvarez called for a vote to the motion on the table, which carried unanimously.*

**PUBLIC HEARINGS -Please adhere to the following guidelines:**

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

As Mayor Alvarez stated at the onset of the meeting, the zoning text amendment related to Heritage Tree Protection would be heard at a future Council Meeting.

**BUSINESS ITEMS**

**a. Council consideration of approval of a Comprehensive Transportation Plan.**

Town Manager Joe Fivas gave a detailed Power Point presentation of the Comprehensive Transportation Plan noting the history of Indian Trail's streets, what is currently taking place and outlining 5 and 10 year goals; **a copy of his presentation is attached hereto and made part of these minutes.** Mr. Fivas sought Council's direction in three areas.

First, is Council ready for staff to prepare and send out Requests for Qualifications (RFQ) for a design, permitting and right-of-way (ROW) consultant for Chestnut Parkway? Councilman Daniels asked if staff could compile a list of the top 3 projects that would only involve local funding. After a brief discussion, Mr. Fivas said that staff could produce such a list.

Councilman Savoie, the Town's transportation representative on the Regional Planning Organization (RPO), noted that other towns in the area are joining together to try to get DOT to combine projects and get started. Local DOT representatives seem in favor of the collaborative efforts but are now trying to convince Raleigh to approve everything so that work can commence. He explained the possibility of DOT reimbursement if the Town moves forward in funding a project on DOT streets; the reimbursement would also include reimbursement of interest.

Regarding the Old Monroe widening project Councilman Cohn opined, while still not ideal, he'd like to see it moved up to 2020, as Mr. Fivas reported may be the case; it's better than 2024. He inquired the cost of the RFQ and if the Transportation Advisory Committee gave input. Mr. Fivas noted that funding for the next phase of the Chestnut Parkway was included in the current Fiscal Year 2015-2016 (FY 15-16) Budget. Councilman Drehs sought clarification; the RFQ should only cost staff time; costs would come back before Council for final approval. Mr. Fivas confirmed such was correct. *Councilman Drehs moved to approve preparing and sending out an RFQ for a design, permitting and ROW consultant for Chestnut Parkway and the motion carried by way of a unanimous vote.*

Second, Mr. Fivas sought Council's consideration of approving staff to begin the RFQ process for consultant for Indian Trail Road Widening and Streetscape. This item has also been included in the FY 15-16 Budget. Research on many of the pieces of this project has been completed. Is Council ready to put the pieces together in a complete project plan? NCDOT advises that doing such will take about a year. Approving staff to begin the RFQ process will be the first step in moving forward. *Councilman Drehs moved to empower staff to begin the RFQ process for Indian Trail Road Widening and Streetscape; the motion carried unanimously.*

Finally, Mr. Fivas sought direction and feedback from Council on the proposed Greenway System. The Town has acquired \$2 million in grants over the next 4 or 5 years to be used for this purpose. Essentially, these are 10'-12' pathways adjoining residential neighborhoods intended for walking or biking to help alleviate some congestion on our roads. Councilman Savoie said it's worth further investigation. Mr. Fivas clarified that this matter wasn't included in the FY 15-16 Budget. After some discussion Council asked staff to bring back a detailed plan and information about the grants; no action was needed at this time.

**b. Council consideration of awarding bid upon presentation of 2015 Resurfacing Contract Bid Results.**

This item was removed from the agenda during Additions and Deletions.

**c. Council consideration of approval of Dog Park Policies & Procedures**

Mr. Jason Tryon, Director of Parks and Recreation, gave a presentation of the procedure for obtaining a pass to the dog park and the proposed policy/rules that his department has drafted. **A copy of the Dog Park Policies and Procedures is attached hereto and made a part of these minutes.** Basically, a key card is needed to enter the dog park. These are issued at the Cultural Arts Center and Town Hall, on annual basis, after completing an application and providing proof of vaccinations. The passes are free to Indian Trail residents and cost \$50 (for

the first dog plus \$25 for each additional dog) for non-residents. After swiping-in visitors will be in a containment area where they can remove leashes from their dog(s) and then enter the appropriate dog park area. There are separate areas for small and large dogs. Owners would be limited to a maximum of three dogs. Council expressed some concerns over how people could abuse and/or become non-compliant with the policies but would give it a try. Mr. Tryon said that in his research of other areas this process ensures the most safety for people and pets and therefore protects the Town. *Councilman Savoie moved to approve the Dog Park Policies and Procedures, as presented; the motion carried unanimously.*

#### **d. Council consideration of approval of digital permitting system**

The digital permitting system is included in the FY 15-16 Budget. After in-depth research and a selection process Planning Staff is recommending the Town use Infovision Software (**contract attached hereto and made a part of these minutes**). *Councilman Daniels moved to approve the digital permitting system presented by staff; the motion carried unanimously.*

### **DISCUSSION ITEMS**

Councilman Cohn was recognized and stated that he believes if a Council member is going to be unable to attend a meeting then they should let either the Mayor or Town Manager know beforehand so that we don't risk not having a quorum present. Town Attorney Keith Merritt interjected noting that this matter is not on the agenda so if the Board would like to discuss the issue then there should be a motion to suspend the agenda rules for the said purpose. *To that end, Councilman Cohn moved to suspend the agenda rules to add discussion of Council member attendance at meetings; the motion carried unanimously.* Councilman Cohn said obviously Councilman King had not informed anyone prior to tonight's meeting that he was going to be unable to attend. Councilman Cohn felt it puts Council at risk of not having a quorum present if someone, either the Mayor or Town Manager, is not notified in advance. He felt it would just be a professional courtesy for one to make a phone call or send an email. Town Attorney Merritt said that setting rules for conduct in this nature is more aspirational than anything; elected officials cannot be made to follow such guidelines. It won't hurt to establish the guideline but there is no consequence if an elected official doesn't comply; there is no State Statute governing Council member attendance. The other Council members agreed to the guideline that members should call or email the Mayor or Town Manager if they'll be unable to attend a meeting. They did not feel that anything needed reduced to writing at this time.

### **MANAGER'S REPORT**

Mr. Fivas had nothing to report.

### **COUNCIL COMMENTS**

Councilman Cohn: at this point had no comment other than to thank those who attended the meeting.

Councilman Drehs: shared that he recently attended the graduation of his nephew's son from basic

training at Fort Jackson; it made him wish he was 19 again. The pride his nephew had was amazing.

Councilman Savoie: thanked everyone for attending this evening; staff for their hard work and presentations they made this evening; and Lt. Coble for everything he and his team does.

Mayor Alvarez: reminded everyone that Friday is September 11th; Patriot's Day. The Town will host a small ceremony at 8AM at Crossing Paths Park. He urged everyone to take the time to say "thank you" to a first responder and a law enforcement officer; buy them a cup of coffee or lunch if you can. Show those who risk their lives for us every day that their service is appreciated.

Councilman Daniels: thanked everyone for attending. He also thanked all the candidates that are running for Town Council. It plays in his mind that prior to being on Council a member of Council relayed to him that things thought of and said with the best of intentions are not as easily accomplished. He has found that to be very true and asked candidates to keep that in mind.

Councilman Cohn: asked to make a comment at this point and was recognized. He told how he recently attended a football game with his granddaughter. The morale of the story was that people are listening; even when you don't realize it, someone is always listening.

**CLOSED SESSION**

None.

**ADJOURN**

*Councilman Daniels moved to adjourn the meeting at approximately 8:18 PM and the motion carried unanimously.*

APPROVED:

\_\_\_\_\_  
Michael L. Alvarez, Mayor

Attest:

\_\_\_\_\_  
Kelley Southward, Town Clerk

**Town of Indian Trail**

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**Memo**



**TO:** Mayor and Town Council  
**FROM:** Joe Fivas  
**CC:** Tracee Karlsson, Alicia Massey  
**DATE:** October 13, 2015  
**SUBJECT:** Month End September 2015

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According to GS 105-350(7) it is the duty of the revenue collector to submit to the governing body at each of its regular meetings a report of the amount he/she has collected on each year's taxes with which he is charged, the amount remaining uncollected, and the steps he/she is taking to encourage or enforce payment of uncollected taxes.

Attached is the month end report for September 2015 collections. The revenue department is using all collection remedies as provided by general statute to collect delinquent taxes including but not limited to garnishments, attachments and NC Debt Setoff.

| Description  | Count        | Principal      |                     |             | Penalty     | Total               |
|--------------|--------------|----------------|---------------------|-------------|-------------|---------------------|
|              |              | Arrears/Other  | 2015                | 2016        |             |                     |
| Billing      | 32046        | 0.00           | 7,280,407.52        | 0.00        | 0.00        | 7,280,407.52        |
| Payments     | 3534         | 961.24-        | 678,342.62-         | 0.00        | 0.00        | 679,303.86-         |
| Reversals    | 0            | 0.00           | 0.00                | 0.00        | 0.00        | 0.00                |
| Adjustments  | 1479         | 0.00           | 1,995.50-           | 0.00        | 0.00        | 1,995.50-           |
| Apply Over   | 0            | 0.00           | 0.00                | 0.00        | 0.00        | 0.00                |
| Rev Appl Ovr | 0            | 0.00           | 0.00                | 0.00        | 0.00        | 0.00                |
| Penalty      | 0            |                |                     |             | 0.00        | 0.00                |
| Totals       | <u>37059</u> | <u>961.24-</u> | <u>6,600,069.40</u> | <u>0.00</u> | <u>0.00</u> | <u>6,599,108.16</u> |



**TO:** Mayor and Town Council  
**FROM:** Joe Fivas  
**CC:** Tracee Karlsson  
**DATE:** October 13, 2015  
**SUBJECT:** Budget Amendments for October 13<sup>th</sup> Meeting

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Please find attached budget amendments processed through September 30, 2015.

Please feel free to call, email, come in or ask any questions you may have regarding these matters.







# TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: GORDON B. DANIELS Department: COUNCILMAN

Contact Phone # (704) 907-1688 Date Submitted 10/7/15

Date of Town Council Meeting to consider this item: 10/13/15

Meetings are generally 2<sup>nd</sup> & 4<sup>th</sup> Tuesday of each month. Meetings begin @ 6:30 p.m., snacks will be provided at all meetings.

Please indicate how much time you expect this matter to take: 10 MINUTES

Description (give short summary of topic; this is how item appears on the Agenda.)  
Review the true facts behind  
Councilmen Cook's 2012 - 27% tax  
increase

Who will attend Council meeting able to respond to questions? Give name & title:  
Gordon B. Daniels, Councilmember

Where does this item need to appear? Check all that apply:

|   |  |
|---|--|
| <input type="checkbox"/> Consent Agenda           | <input type="checkbox"/> Schedule Public Hearing** |
| <input type="checkbox"/> Presentation/Recognition | <input type="checkbox"/> Closed Session            |
| <input type="checkbox"/> Business Items           | <input checked="" type="checkbox"/> Discussion     |

\*Board, commission, or group requesting joint meeting: \_\_\_\_\_

Supply General Statute or local ordinance that governs this item  
\_\_\_\_\_

Has this item been reviewed by Town Attorney? Yes \_\_\_\_\_ No \_\_\_\_\_ (Attach recommendation.)

What action is requested of the Council? \_\_\_\_\_

What action is requested of the Manager? \_\_\_\_\_

Are Town funds required? Yes / No \$ \_\_\_\_\_ Funding Source \_\_\_\_\_

**PLEASE PROVIDE:** A copy of all attachments for Council's Agenda to the Clerk no later than 5:00 pm the Tuesday before for above referenced meeting.

\*\* If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper \*\*

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Date of Town Council Meeting to consider this item: 10/13/15

Please indicate how much time you expect this matter to take: \_\_\_\_\_

Description (give short summary of topic, this is how item appears on the Agenda.)

Review the true facts behind Councilman Cohn's record that significantly raised the towns debt

Who will attend Council meeting able to respond to questions? Give name & title:

Gordon B. Daniels, Councilman

Where does this item need to appear? Check all that apply:

- Consent Agenda
- Schedule Public Hearing\*\*
- Discussion
- Presentation/Recognition
- Closed Session
- Work session
- New Business
- Old Business

\*Board, commission, or group requesting joint meeting: \_\_\_\_\_

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes \_\_\_\_\_ No \_\_\_\_\_ (Attach recommendation.)

What action is requested of the Council? \_\_\_\_\_

What action is requested of the Manager? \_\_\_\_\_

Are Town funds required? Yes / No \$ \_\_\_\_\_ Funding Source \_\_\_\_\_

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Please indicate how much time you expect this matter to take: 10/13/15

Description (give short summary of topic; this is how item appears on the Agenda.)  
Review of Councilman Cohn's  
vote for hundreds of apartments  
for the South gate developments.

Who will attend Council meeting able to respond to questions? Give name & title:  
Gordon B. Daniels, Councilman

Where does this item need to appear? Check all that apply:  
 Consent Agenda                       Schedule Public Hearing\*\*  
 Presentation/Recognition               Closed Session  
 Business Items                               Discussion  
\*Board, commission, or group requesting joint meeting: \_\_\_\_\_

Supply General Statute or local ordinance that governs this item  
\_\_\_\_\_

Has this item been reviewed by Town Attorney? Yes \_\_\_\_\_ No \_\_\_\_\_ (Attach recommendation.)

What action is requested of the Council? \_\_\_\_\_

What action is requested of the Manager? \_\_\_\_\_

Are Town funds required? Yes / No \$ \_\_\_\_\_ Funding Source \_\_\_\_\_

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