



Town of Indian Trail
Minutes of Town Council
April 8, 2014
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Community & Economic Development Kelly Barnhardt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Director of Engineering and Public Works Scott Kaufhold , Communications Coordinator Lindsey Edmonds , and Assistant Director of Parks & Recreation Jason Tryon.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez led in the pledge and announced that CZ2013-009 Plyler Road Community is not on the agenda and will not be discussed this evening. Mayor Alvarez informed Council that an extension of time for Public Comments is needed due to the number of people who signed up to speak.

Christopher King made a motion to approve extending Public Comments.
Council voted unanimously in favor of the motion.

ADDITIONS AND DELETIONS

None

MOTION TO APPROVE AGENDA

Gary M. Savoie made a motion to approve the agenda.
Council voted unanimously in favor of the motion.

PRESENTATIONS

- a. Donate Life Proclamation (COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)
- b. Proclamation for National Poetry Month (COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)
- c. Proclamation for Child Abuse Prevention Month & Sexual Assault Awareness Month (COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)
- d. Recognition of Leroy Rushing (COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)

Mayor Alvarez read all of the above Proclamations.

Roger Fish provided a brief history on Mr. Rushing.

PUBLIC COMMENTS

Ruth G. Koss, 6729 First Ave., Indian Trail, NC referred to the road, ditches and flooding of First Avenue. She stated the problem has been flooding during heavy rainstorms for many years. This is stormwater that flows down to First Avenue from Woodhaven Road which compounds the problem when our own stormwater is overwhelming our ditches and roads and properties. Her proposal to Council is a document in writing within 30 days on how you intend to resolve this problem.

Amanda Faulkenberry, 519 Pickett Circle, Indian Trail, NC congratulated the newest Council Member and addressed Mr. Daniels & Mr. Savoie about their not attending the meeting held on March 25th. Ms. Faulkenberry stated that, we the people will begin taking back our town and recited a Native American proverb - "Listen or your time will make you deaf". Margaret Mead said: "never doubt that a small group of thoughtful citizens can change the world, indeed it is the only thing that ever has".

Shirley Howe, 6205 Clearwater Dr., Indian Trail, NC thanked Mr. Drehs for his behavior during the interview and stated he showed dignity, honesty, respect, control and understanding. Ms. Howe then referred to Stallings street sweeping delay stating that we are not in compliance with Phase II of the Stormwater Permit. She handed out an article to Council from a local newspaper. She requested that they pay attention to this as she is uncertain as to why it has not been done, stating that she served on the Stormwater Committee for 3 years and during that time the Town complied with all requirements.

Lars Knapp, 655 Powderhorn, stated he learned many things about growth in Indian Trail during a conversation with Council Member Daniels. He was advised and agreed with it's necessity but the point of contention was the manner in which growth should be conducted. Mr. Knapp feels it would irresponsible for any municipality to approve more large scale building projects without first meeting with the appropriate officials to discuss the implications involved with such a project. Although he and Councilman Daniels don't seem to agree on much, he knows they agree that growth is essential to the economic well being of any town, we only disagree on how fast this growth should happen. He requested that the Council vote against rezoning in the areas in question to residential areas.

Bledar Apostoli, no address provided, stated he moved here 1.5 months ago and advised that he has concerns about street parking. People are parking on both sides of the streets, which are narrow, creating traffic and safety issues for emergency vehicles. He is requesting Council vote on an Ordinance for people to park on their own property and not in the street.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail, NC addressed item 11 on the agenda pertaining to the future of Indian Trail, stating that all the documents he has requested has shown him one pattern to do one thing and one thing only, they don't diversify doing several items at once advising that is a pattern of disaster. If you want this town to grow properly, you need diversity and spend money across the board, not just parks only or the Chestnut Parkway or just widening Old Monroe Road, you need to go all across the board to be successful. The question is for item 11, there should be some good discussion here, but are you just going to pick a few of your preferences, all five or just one item itself, reminding Council that Law Enforcement is going to be very important for growth or there will be disastrous consequences.

Cathi Higgins, 3004 Clover Hill Rd., Indian Trail, NC congratulated Mr. Drehs on his appointment to the Town Council and thanked him for the honorable way he handled the turmoil surrounding his appointment. She urged the Council to fix the loophole that allows your members to boycott Town Council meetings without any official reprimand, sanction, censure or punishment for obstructing the business of our Town, please don't let that happen again.

PUBLIC COMMENTS FOR FY 2014/2015 BUDGET DEVELOPMENT

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC stated that the Municipal Ordinances have to be updated, without them you can't get things done here. Completions of road paving, in her development there have been streets that have gone unattended; and the Code of Ethics and the Charter need to be revised.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail, NC suggested adding 2 deputies regardless of the law enforcement assessment, we know we're understaffed; a snow removal contract would be appreciated by the deputies and emergency services, the tax increase approved 2 years ago, you should change the structure to be used for what it's needed and finally money for committees.

CONSENT AGENDA

- a. Approval January 14, 2014 draft minutes
- b. Budget Amendments (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)
- c. Approval of refund of overpayment of taxes over \$500
- d. Approval of state grant extension for WM Goodyear Co.

Christopher King made a motion to approve the Consent Agenda
Council voted unanimously in favor of the motion.

PUBLIC HEARINGS

- a. ZM 2014-001 8009 Fountainbrook

Planning Director Shelley DeHart presented to Council that this is a housekeeping exercise associated with a recent voluntary annexation (Annexation 139). Pursuant to North Carolina General Statutes, local jurisdictions are required to establish local zoning on properties annexed into their community. This request proposes to reclassify zoning on parcel 07-091-033, 8009 Fountainbrook, from the Union County Residential R-20 to Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay 1). The proposed zoning classification is consistent with this phase ("The Gardens") in the Brandon Oaks subdivision. The subject property is developed with a single-family residential dwelling on a .17 acre parcel. The Planning Board heard this rezone request on February 18, 2014 made the following required findings and unanimously voted to transmit a recommendation to approve the rezone request. The proposed rezone petition is consistent with the goals of the Comprehensive Plan in the area of:

Quality of Life: the proposed rezoning to SF-4 with a PED Overlay 1 will help to promote a better quality of life for our residents by ensuring the continuation of the unique identity and residential character of the Brandon Oaks community.

Land Use and Housing: the proposed rezoning to SF-4 with a PED Overlay 1 will help provide a diverse range of housing opportunities in Indian Trail by providing additional medium density housing within an overall planned development community with varying housing sizes and densities.

The Planning Board further found this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of *Quality of Life* and *Land Use and Housing* and is consistent with the adopted plans within the Town of Indian Trail.

Mayor Alvarez opened and closed Public Comments as no one had signed up to speak.

Christopher King made a motion to approve the findings as read into the record and found in the draft Ordinance.

Council voted unanimously in favor of the motion.

Christopher King made a motion to approve ZM 2014-001 8009 Fountainbrook **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

b. ZT2014-001 Flood Damage Reduction Ordinance Amendment

Planning Director Shelley DeHart presented that the Town Council recently approved a text amendment of Chapter 1360-Flood Damage Reduction Ordinance (ZT2013-003) which provided new references to newly adopted FIS and DFIRM within this Chapter in December 2013. The State has completed its review of our Ordinance and has requested some very small modifications.

The Planning Board met on January 21, 2014 to hear the proposed amendment in a public meeting. The Board had questions regarding an acronym-DFIRM within the proposed amendment. This acronym means - Digital Flood Insurance Rate Map. The Board then made the following findings with a suggested modification to add this acronym to the glossary portion of the ordinance and unanimously voted to transmit a recommendation to approve:

1. The proposed UDO amendment is consistent with the following goal of the Comprehensive Plan:

Utilities - because it will update our local regulations consistent with the requirements of the State thus improving regulations with the intent of protecting life and property as it relates to the Special Flood Hazard Areas within the Town.

2. This UDO ordinance amendment is in the best interest of the public because it maintains current regulations within the Unified Development Ordinance consistent with the State upholding the Town's Flood Insurance Program for its residents.

Mayor Alvarez opened and closed Public Comments as no one had signed up to speak.

Christopher King made a motion to approve the findings as read into the record and found in the draft Ordinance

Council voted unanimously in favor of the motion.

Christopher King made a motion to approve ZT2014-001 Flood Damage Reduction Ordinance Amendment (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)

Council voted unanimously in favor of the motion.

BUSINESS ITEMS

- a. Consider approval of adding Law Enforcement Update and Town Committee Update after Public Comments- Item Requested by Mayor Alvarez

Mayor Alvarez suggested placing a law enforcement update after public comments at every meeting. He also recommended that the Committees be given an opportunity to present to Council when they feel it's warranted.

David Cohn made a motion having law enforcement update on the agenda for every regular scheduled meeting.

Motion Passed 4 - 1 with Gordon B. Daniels opposing.

David W. Drehs made a motion make time available at Town Council meetings for up to two committees to report to the Council as they feel necessary and that coordination should be made through the Town Clerk.

Council voted unanimously in favor of the motion.

DISCUSSION ITEMS

- a. Discussion on Bonterra Streets

Mr. Fivas inquired if Council would like to hear a brief overview of the resident's position on this item. Although this has been presented to Council previously, it was late and some time ago. Council agreed Mr. Rosenberg should provide a brief overview. Upon completion of Mr. Rosenberg's presentation, Council had a discussion amongst themselves and Mr. Merritt.

David W. Drehs made a motion to approve staff working with the Bonterra Homeowners Association and find the process to either approve or deny adoption of those roads.
Council voted unanimously in favor of the motion.

Mr. Fivas stated when we emerge from this issue we will have a policy that will apply to the future.

b. Discussion of organization of Committees and Boards

Mr. Fivas explained that it is the time of year to revisit our rotation of committees and boards, recommending that when the Council is out speaking with the residents that all committees and boards will have open spots. The deadline for applications is currently May 23rd, after that we will start having interviews for the boards and appointments for committees. These are very important to our town.

STRATEGIC PLANNING SESSION

a. Discussion of Law Enforcement Analysis

Mr. Fivas stated this was discussed in January, and if Council has no further questions we will begin the process of bringing some of these potential consultants in before Council for interviews. Once the interviews are completed, Council will make a selection and we will begin the process of the analysis. Council had a lengthy discussion on this subject on what time limits should be given to the consultants to present to Council.

David Cohn made a motion to approve bringing in the contractors to our meeting on either the 10th or 24th of May.

Motion Passed 3 - 2 with Gordon B. Daniels, and Christopher King opposing.

b. Presentation on future Business Park & Economic Development

Kelly Barnhardt provided a brief background and introduction of Melanie Underwood an Economic Development Consultant.

Ms. Underwood presented to Council the benefits of Economic Development, who the players are, the duties of the Economic Development staff, Town Manager and Council, the process and where leads come from, examples of successful business parks in the State, potential funding availability, the advantages of our location and what the next steps for Indian Trail are.

Mr. Fivas stated that this is not something that can be done overnight, inquiring if Council would like staff to research this further and provide more information. By consensus Council agreed they would like more information on this.

c. Discussion of 5 year Transportation Plan

Mr. Fivas advised this was presented in January and staff would like to come back in a month or so to get some public comment on it to determine what they want so we can prepare a 5 year plan. Council agreed it's very important topic that we need to stay focused on.

d. Presentation on adopted Downtown Master Plan

Mr. Fivas stated that this presentation is to show we have a Downtown Master Plan and how we got to where we are and requested that Ms. DeHart give a presentation.

Ms. DeHart presented a brief overview of how we got there and it's history; In 2000 the Planning Board was getting regulations and zoning ordinances and presented a Resolution to Council to support a Downtown Overlay study identifying a clear boundary of the downtown area and establish unique regulations to help the development of quality in the downtown area which was approved. A contract with the Centralina Council of Governments to conduct the plan; process included partnerships among various diverse groups that have a stake in downtown Indian Trail (city and county, local bankers, merchants, the chamber of commerce, property owners, community leaders and others). **(A copy of: Defining the Vision and the Downtown Master Plan is attached hereto and made a part of the record).**

e. Discussion on future Municipal Complex

Mr. Fivas explained in the future we will need other facilities like a public works yard, community center, updated version of chambers and at some point we need to figure out where those places are and that it makes sense. These investments will not be made in the near future, but we need to plan for it. Council agreed this was something to consider but expressed concern over funding. They requested that staff begin to research some locations for a start.

f. Discussion on improvements to Town website

Mr. Fivas explained this is a major project and labor intensive. Mr. King strongly recommended that staff bring in a consultant on web development, as there is a lot of analysis to be conducted and it has

to be done correctly the first time. By consensus Council agreed. Mr. Fivas clarified that after the budget is passed we will allocate some funds in the budget for a consultant.

MANAGERS REPORT

Mr. Fivas passed out brochures staff created for pet owners in Indian Trail. He explained that tonight we had a presentation on National Poetry Month and an event in the Cultural Arts Building this past weekend and it was well attended and successful. Apparently there is an active poetry group in India Trail.

Mr. Fivas explained that staff is aware of the street sweeping needs and there is a contract on his desk but we have another option and are trying to save the town some funds. Staff will research that option and if not appropriate, we will probably execute the contract and go forward with the sweeping, explaining some of the challenges it presents. In the future we may have to look into owning our own street sweeper.

COUNCIL COMMENTS

Mr. Daniels thanked everyone for coming out and speaking about your concerns for Indian Trail. Council Members Cohn, King and Savoie had no comments.

Mayor Alvarez welcomed Mr. Drehs aboard to his first Council meeting, a job well done. He thanked everyone for coming out and introduced Ms. Mercedes Cass, requesting Council's permission for her to speak. Ms. Cass invited Council to enjoy some Hispanic cuisine at a new restaurant located in Indian Trail.

Mr. Drehs stated he is happy to be here.

Mr. Fivas reminded everyone that the Community Clean Up Day will be Saturday, April 12th, 9-11 am at the Food Lion on Highway 74.

CLOSED SESSION

None

ADJOURN

Gary M. Savoie made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk