



**Town of Indian Trail**  
**Minutes of Town Council**

**April 9, 2013**

**Civic Building**

**6:30 P.M.**

The following members of the governing body were present:

Mayor Pro Tem: David Cohn

Council Members: Robert Allen, Christopher King, Darlene Luther, and David Waddell.

Absent Members: Michael L. Alvarez.

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, Tax Collector Janice Cook, Director of Engineering and Public Works Scott Kaufhold, Director of Human Resources Miriam Lowery, Senior Planner Rox Burhans, and Public Information Officer/Events Coordinator Rebecca Carter.

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

Mayor Pro Tem Cohn called the meeting to order and announced that Mayor Alvarez was not in attendance.

**PRESENTATIONS**

- a. National Autism Awareness Month Proclamation

Mayor Pro Tem Cohn read the Proclamation.

b. Proclamation for Lieutenant Chase Coble

Mayor Pro Tem Cohn read the Proclamation, presented it to Lieutenant Coble and stated that Indian Trail is fortunate to have such a dedicated individual.

**ADDITIONS AND DELETIONS**

*None*

**MOTION TO APPROVE AGENDA**

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

**PUBLIC COMMENTS**

Art Spurr, 4100 Wood Creek Court, Indian Trail, NC agreed with the Proclamation for Lieutenant Coble and thanked the Council for continuing the contract with Union County Sheriff's Office. He requested, as a member of the Public Safety Committee, that the Council have an independent study for law enforcement. Mr. Spurr suggested making a part of the 150 acre park for someone to live there in a recreational vehicle 24/7 for security purposes and a possible source of additional revenue.

Jim Houston, 2009 Blue Range Road, Indian Trail, C as Vice Chair of the Public Safety Committee stated they are preparing their report for Council on accomplishments in the past year and they will be providing recommendations for the new year. Mr. Houston advised that one of the things they will be recommending is hiring 3 more deputies for Indian Trail Sheriff's Department and is hoping it will be considered in the budget conversations.

Samantha Towns, 104 Pine Lake Drive, Indian Trail commented she feels the Council are elected and in her opinion their philosophy is they do what they want to do, don't care what the citizens think and will not apologize. Ms. Towns stated that a few citizens that attended the meeting for contract negotiations wanted to thank David Waddell for standing up maintain his promise to maintain the Sheriff's Office. Ms. Towns presented a certificate to Mr. Waddell and David Cohn for maintaining their office and standing up for the Sheriff's Office, along with one for Lieutenant Coble and thanked him for his service.

Elizabeth Cook, 5003 Old Charlotte Highway, advised that May 12-18 is National Police Week a time to honor those officers who lost their lives in the line of duty. Ms. Cook provided some statistics and advised that the Monroe Union Paternal Order of Police Lodge 19 will host the Union County Police Week candlelight ceremony in the Judicial Center on Friday May 17 @ 8 pm and invited all to attend. Ms. Cook recited the loss of lives in Union County in the line of duty.

## **CONSENT AGENDA**

- a. Approval of March 21, 2013 draft minutes
- b. Approval of March 26, 2013 draft minutes
- c. Monroe Bypass Resolution **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**
- d. Month End Tax Report for March **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**
- e. Budget Amendments **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**
- f. Capital Project Ordinance for C-4957 B Unionville Indian Trail Road Sidewalk Improvements **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

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

## **PUBLIC HEARINGS**

*None*

## **BUSINESS ITEMS**

- a. Council consideration of approval of Site Solutions Scope Agreement

Mr. Fivas explained that Council approved Site Solutions as the Project Manager for Chestnut Park, and the agreement before you will identify their role in turning our vision for the park into reality. This Agreement is for Phase I improvements which are identified in detail while working with Council on design and preference of architecture. The tentative timeline is for construction to begin around June 17th and conclude by September 1st. The cost for Site Solutions to act as Project Manager from permitting to construction management is \$124,500. Mr. Fivas explained the financial and logistical reasons for changes in the site layout.

Council had a lengthy discussion with Mr. Fivas and Derrick Williams, Site Solutions Representative, topics included: timeline for other amenities such as walking trails, Dog Park, play ground, Boy Scouts and other volunteer group's assistance, multipurpose fields, backstops for baseball and safety study for needs lighting and security.

Christopher King made a motion to approve item 8a Site Solutions Scope Agreement. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

Motion Passed 4 - 1 with David Waddell opposing.

- b. Council consideration of approval of Chestnut Park

Mr. Fivas reminded Council that Phase I is already commencing and this is three separate projects rolled into one bidding opportunity to assist in cost and efficiency: First phase of Chestnut Connector, Pad for Carolina Courts is complete and other phase of beginning the park. We now need to discuss Phase II of the development which will consist of building, part of Shady Bluff Road, parking lot for the park and a new road that will connect to Matthews Indian Trail Road. Mr. Fivas went onto explain that Council has a couple of options to consider for direction to staff. Option one would be to approve the change order to allow the developer to continue on this project and amend their scope of work; advising the advantage would be they are already on the site, no confusion of several contractors running into each other, errors with coordination, project continues with no time lost on bid process (minimum of 60 days) or risk of higher bids. The disadvantage could be that we might get lower bids but staff time spent on the process and construction time lost is something to take into consideration.

Mr. King inquired if NCDOT would permit a left turn out of the park. Mr. Fivas explained that this will be Town road, so that would be Council's decision. Mr. Waddell inquired where the funding would come from. Mr. Fivas explained when the Capital Improvement Ordinance is approved then Council will decide on the allocation of funds. Some could come from road bonds, Powell Bill funds, and road improvement funds. Once we determine the cost, staff will provide you with recommendations and suggestions for your consideration. Mr. Fivas explained that staff had concerns about parking so we added additional parking spaces resulting in the increase to approximately \$1,200,000.00 - \$1,300,000.00 which would also include the continued widening of Matthews Indian Trail Road. By consensus Council agreed to this.

c. Council consideration of approval of Woolpert Scope Agreement

Mr. Fivas explained at the point where Council has seen preliminary draft design and are now ready to put together a comprehensive scope to completing this project. Mr. Fivas provided an extensive explanation of the many areas Woolpert would handle in this agreement, obtaining Council's approval on all of it as the project progresses, ultimately handling the responsibility of construction management on the project for a cost of \$450,000.00. Mr. Fivas introduced Mr. Pack from Woolpert and Council had a lengthy discussion on playgrounds, working with topography and surface in Dog Park.

Christopher King made a motion to approve of the Woolpert Scope Agreement  
Motion Passed 4 - 1 with David Waddell opposing.

Mr. Fivas requested the motion be amended the the approval of the Woolpert Scope Agreement is contingent upon the actual selling of our bonds.

Christopher King made a motion to amend the previous motion for the Woolpert Scope Agreement subject to the availability of bond financing. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

Motion Passed 4 - 1 with David Waddell opposing.

- d. Second Reading: CZ2012-001: Younts Miniature Golf: A request to establish a Conditional General Business District (CZ-GBD) zoning classification to support development of a 36-hole miniature golf course. Existing Zoning: Single-Family Residential-1 (SF-1). Location: Younts Road; Applicant: Scott Merritt

Mr. Burhans presented to Council that a public hearing for this matter was held on March 12th, at the conclusion the Council approved the first reading and according to North Carolina General Statutes a second reading of the associated draft ordinance is required for Council to approve. At the request of the applicant the Council approved a deferral of the second reading at the March 26th meeting until tonight's meeting to provide the applicant with additional time to research roadway infrastructure design challenges with staff and NCDOT. The key issue centered on the design of an existing drainage pipe under Younts Road that was not functional as originally designed resulting in the following modified condition of approval: *Frontage Improvements*: The subject property's Younts Road frontage shall be improved with curb, gutter, 6-ft. wide sidewalk, street trees, and any additional improvements required by the Town and/or NCDOT. Alternative stormwater drainage designs for the Younts Road frontage improvements may be permitted to address existing drainage challenges associated with Younts Road, subject to approval by the Town of Indian Trail and NCDOT.

Mr. Burhans read the required findings into the record:

**Goal 1.3.2 Land Use** - The proposed conditional district will provide expanded recreational opportunities and a gathering place for Town residents, visitors, as well as current and future workers within the Old Hickory Business Park Corridor. The rezoning is subject to conditions to help avoid creating any land use impacts to neighboring properties. The proposed conditional rezoning will also help create a more balanced tax base by helping facilitate development of a commercial use on an otherwise undeveloped property in a manner that is consistent with the Comprehensive Plan. The conditional rezoning will also result in the retention of an existing grove of trees that will be an amenity to the site, while helping preserve the Indian Trail community forest.

The request for this conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of uses within the Old Hickory Business Park Corridor and includes elements that benefit the general public in the area tree preservation.

Darlene Luther made a motion to approve this second reading of the ordinance for Conditional Zoning Map Amendment 2012-001.

Council voted unanimously in favor of the motion.

Darlene Luther made a motion to approve making the required findings as read into the record and found in the draft ordinance.

Council voted unanimously in favor of the motion.

- e. Abolishment of Tree Ordinances - this matter was requested by Council Member Waddell

Mr. Waddell thoroughly review Division 800 of the Indian Trail Unified Development Ordinance as it pertains to the Tree Ordinance Requirements, requesting that Council consider revising some of it but removing most of it as he feels it infringes on the rights of people to be able to own and dispose of private property freely. Mr. Waddell provided a detailed explanation as it pertains to residents and developers alike, assuring Council he feels most will do all they can to enhance and improve the appearance and value of their properties without our involvement.

Mr. Merritt informed Mr. Waddell that for the type of change he is proposing, this is not something that can come before the Council immediately. He explained that it would have to go back through the Planning Board requiring Public Hearings a process that would be much longer before it would get to the Town Council for approval of any changes to the Unified Development Ordinance.

### **DISCUSSION ITEMS**

#### a. Council discussion for creation of Indian Trail Citizen Academy

Mr. Fivas advised he is insuring that Council feels this has value for the community. The goal is to educate residents about the inner workings of Council/staff. Hopefully obtaining additional committee members in the future, getting more knowledge and participation in the future as well. Mr. Fivas explained that there will be six stages, UDO purpose and why we have it, transportation, financial planning, public safety, have an opportunity to have dialogue with residents. Citizens Academies are common in many communities. Mr. Fivas explained this would be a low cost project, funds needed for binders, printing, basic materials, graduation certificates, and plaques for some examples. Council could approve the nominees or it could be on a first come first serve basis, or if you sign up you make a commitment that you will apply to serve on at committee for at least one year. By consensus Council requested staff to come up with a plan and bring it back to them for consideration.

### **MANAGERS REPORT**

Mr. Fivas recognized the staff for doing incredible work - doing the 2 park projects, chestnut parkway; sidewalks are amazing accomplishments for the community. He advised that many of you don't see behind the scenes of staff working thru lunches and 8 am to 9 pm, he is grateful for the amount of time and energy the staff puts in. These are the faces people you see at the meetings, but there are many more that are not seen or recognized that put in hard work and dedication to the Town.

Mr. Fivas reminded everyone that next Saturday is Community Planting Day at Crossing Paths Park from 9:00 am until noon and it's a good opportunity to socialize and get some work done; on April 20th we will hold our Arbor Day event with Stallings and on the 27th we will have our 3rd annual clean up day at Food Lion, bring any item you want to get rid of it's a good opportunity for your spring cleaning.

### **COUNCIL COMMENTS**

Mr. Waddell stated he appreciates Mr. Spurr's comments on needs assessment and agrees. He would love to see us find an adequate level of service for our community. Have someone professional come in and advise us of the level of service that would be best for our community. He appreciates Mr. Houston from the Public Safety Committee and thanked Ms. Towns for the documents. He would like to support Ms. Cook's efforts for Police week, maybe some blue lights in the Cultural Arts Center. Mr. Waddell stated on the Consent Agenda there was a Monroe Bypass Resolution, he forgot it was in there and does not support it, there's more to that story than has been presented and suggests everyone look into it. He would like to see the park going out for bid rather than a change order. Mr. Mayor, Ms. Luther and Mr. Allen he believes you owe some people an apology he believes the citizens, sheriffs and deputies went thru a lot, he's asking that you apologize or resign.

Mr. Allen stated an apology won't be coming except to deputies if they were offended. As for an independent study he believes it's an exercise in futility, it has been attempted before and it was less than enthusiastically received by the UCSO. He believes they are more than capable of dictating what they want us to get. We'll just keep moving forward on the big projects.

Mr. King had no comments.

Ms. Luther feels Mr. Waddell's request is ridiculous, what disturbs her is for some reason not everyone is allowed to have a different opinion. This whole thing started with everyone on the same side of this issue, all of us wanted to continue with the Sheriff's Office, where we differed is what should be put in the contract. It was a difference of opinion; some of us changed our minds others stood fast because we truly believed we could get a better contract that would better serve the residents of Indian Trail. Some residents agree and some disagreed but in the end we, just like they are entitled to our opinion and the fact that not everyone comes to the same conclusion is not a bad thing. With that being said she feels she owes no apology and will echo that if any deputies took it personally as to their personal service that's a completely different issue, although we never said that. We always stated it was not about the deputies, it's about getting a better contract for our residents.

Mr. Cohn asked Council to think about needs assessment and he agrees with Mr. Waddell, until we do it there are so many questions that need to be answered? I'm willing to listen, we all get together let's find someone who's going to do a fair job and get it done, figure out what we need for a sheriff's department and get it done. Who knows what they will recommend and is asking the Council to please consider it so we don't have to go through this over and over again.

As far as the town staff goes you guys are great, we get the credit for doing a lot of things, you do all the work. Thank you for what you do, you make us look good because of your professionalism.

Congratulations to Chase and thanks to Samantha for the plaque.

## **CLOSED SESSION**

*None*

## **ADJOURN**

Christopher King made a motion to adjourn  
Council voted unanimously in favor of the motion.

APPROVED:

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Michael L. Alvarez

Attest:

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Peggy Piontek, Town Clerk