



Town of Indian Trail
Minutes of Town Council
August 13, 2013
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

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 , Senior Planner Rox Burhans , and Human Resources Director Carey Warner.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and invited Boy Scouts in attendance to lead in the Pledge of Allegiance.

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.

PRESENTATIONS

- a. Pulmonary Hypertension Proclamation

Mayor Alvarez read the Proclamation **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

PUBLIC COMMENTS

None

CONSENT AGENDA

- a. Approval of draft minutes for July 9, 2013
- b. Appointment of Frances Knight as Regular Member to Public Safety Committee
- c. Appointment of Joseph Carteret as Alternate to the Public Safety Committee
- d. Appointment of additional applicants to the Citizens Academy
- e. 2012 Tax Settlement **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- f. Amendment of solid waste contract to include storm debris removal services **(COPY CAN BE FOUND IN THE FINANCE OFFICE)**
- g. Council consideration and approval of Blythe Grading Change Order and amendment to Chestnut Square Capital Project Ordinance **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- h. Mathews-Indian Trail street closing for construction
- i. Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- j. Bi-annual report of LGC 203 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- k. Ordinance Amending the Budget Ordinance for Capital Reserve Transfer to Debt Service General Fund **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- l. Council consideration and approval of Crooked Creek Park sign

Christopher King made a motion to approve the Consent Agenda
Motion Passed 4 - 1 with David Waddell opposing.

PUBLIC HEARINGS

a. CZ2013-005 Bonterra Lot Addition

Ms. DeHart presented that this is a request to reclassify (rezone) the subject property's zoning from a low density single-family residential classification (SF-1) to a moderate to high single-family residential (SF-5) classification **and** apply the Pre-existing planned unit development zoning overlay associated with the Bonterra Village development (PED -1SUP2001-005 CZ). Although this request only involves the rezoning of a single- 1.01 acre parcel, the applicant is required to process this request through the Conditional Zoning process because the request is to extend the existing conditional zoning district, known as the Bonterra Village Planned Unit Development, onto the subject property.

Ms. DeHart advised this project was heard by the Planning Board at its July 16th, 2013 public meeting. The Planning Board questioned the status of traffic study and whether the study took into account future conditions. The status of the traffic study is they (NCDOT) concur with the recommendations of the study and will be issuing a formal letter of approval to the applicant next week. The applicant, John Ross, addressed the traffic study question stating that NCDOT does take into account future projections. After receiving the report, and public comments, and deliberations, the Board motioned to make the findings and transmit a recommendation to approve as conditioned. The draft conditions are:

1. The development of this property shall be in compliance with the theme and conditions of the approved Planned Unit Development known as Bonterra Village approved by the Town as Special Use Permit 2001-005 recorded at the Union County Register of Deeds BK 1866 PG350-353.
2. The Bonterra Village Faith Church Road entrance area shall be designed and submitted for approval at the site plan review stage of phase 5 or 6 whichever comes first.
3. The developer or responsible party shall construct recommended roadway improvements as identified in the Traffic Impact Study prepared by DRMP dated June 2013 upon approval of NCDOT. Said improvements shall be installed at the time the Faith Church Road entrance into the development is constructed for use.
4. The applicant or responsible party shall obtain all permits required for development with the Town and outside agencies in compliance with applicable regulations.
5. The final approval document (*if approved by Town Council*), shall be recorded at the Union County Register of Deeds.
6. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Ms. DeHart read the findings into the record:

- *Goal 1.3.1 Quality of Life: This proposal supports this goal of providing a diverse range of housing options at varying densities; and*
- *Goal 1.3.2 Land Use: The property is proposed to be incorporated within Bonterra Village, a planned unit development, and will be subject to all conditions of the approved development alleviating the potential for land use conflicts. Additionally, its inclusion into the village will enhance the Faith Church Road entrance area by reducing an existing sight distance issue for the existing development.*

The request for this conditional zoning district (PED-1/SF-5 - SUP2001-005-CZ) is a reasonable request and is in the public interest because supports the goal of the adopted Comprehensive Plan and includes elements that benefit the general public in the area transportation infrastructure investment and housing type choice.

Mayor Alvarez opened the public comments portion of the hearing.

John Ross of Eagle Engineering working for Walton group thanked Ms. DeHart and offered his assistance to answer any questions.

Mr. Andy Renky thanked everyone to allow them to have this presentation.

Mayor Alvarez closed the public comments portion of the hearing.

Robert Allen made a motion to concur with findings and approve as presented. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

BUSINESS ITEMS

a. Council consideration and approval of Crooked Creek Park Phase 1 and Capital Project Ordinance

Mr. Fivas advised staff held a formal bid opening for Oakwood Lane Improvements, Crooked Creek Park at Indian Trail - Phase 1A on Thursday, August 8, 2013. The four bids ranged from \$761,701.16 to \$959,640.00. Staff recommends W. M. Warr & Son, Inc. with a bid of \$761,701.16 as the lowest responsive, responsible bidder.

Christopher King made a motion to approve a contract for WM War and Son for entrance of Crooked Creek Park. **(A COPY CAN BE FOUND IN THE FINANCE OFFICE)**

Motion Passed 4 - 1 with David Waddell opposing.

Christopher King made a motion to approve the Amended Capital Project Ordinance that is attached to the bid. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD).**

Motion Passed 4 - 1 with David Waddell opposing.

b. Council consideration and approval of extending the new facility deadline for Waste Pro

Mr. Fivas advised that Waste Pro has been diligently trying to find a parcel in Indian Trail to relocate to with no success to date. Our contract allows for a one time extension. If not extended the penalty is \$1,000 fine per month. Mr. Fivas recommended that we extend the deadline for another year.

Robert Allen made a motion to approve extending the new facility deadline for Waste Pro until August 2014.

Council voted unanimously in favor of the motion.

c. Council consideration of authorizing a Facebook page for the Public Safety Committee

This item was requested by Council Member Waddell

Mr. Waddell explained that that Public Safety Committee has made this request.

Mr. Steven Long, a member of the committee advised that it's a good idea and the purpose is that it should be used for communication between the committee members and the people in the town. To see what is going on in the committee and have the committee receive input on things they would like to see in the town.

Mr. Merritt expressed concerned if it's separate from the town, we would need to monitor it. He would like to know how it will be set up. He explained that the Town has some exposure if it's posted in our name, if it's done it should be the town that's doing it and someone should be monitoring it.

Council Members discussed it, resulting in a consensus that it should not be town sponsored and should not be affiliated with the town.

Christopher King made a motion to table to another meeting.

Motion Passed 4 - 1 with David Waddell opposing.

DISCUSSION ITEMS

a. Discussion of Wayfinding Sign Program

Mr. Buzz Bizzell provided update advising his company has gone through every message, every sign in every location. He presented 3 options for signage for Council approval so he can now go through the process with NCDOT.

Darlene Luther made a motion to approve Wayfinding Sign Program Option B

Mr. Fivas explained that Council would need to select one of the signs presented this evening. Mr. King asked the audience by a show of hands and the majority picked option C.

Ms. Luther withdrew her motion.

Darlene Luther made a motion to approve Wayfinding Sign Program with option C. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve writing NCDOT requesting permission to place the signs in the Right Of Way.

Council voted unanimously in favor of the motion.

Mr. Fivas inquired of Mr. Bizzell if the 2 signs in the Chestnut Square Park would be part of the same bid as the roadway signs or different. Mr. Bizzell explained they would be different but they will create a graphic standard manual that has facility identification and other signs that do not require NCDOT permission. This manual is usually used as part of the Park Plan and becomes a part of that bid package. Mr. Fivas inquired if Council like the sign shown for Chestnut Square and did they want it in the bid package. By consensus they approved to include the specification for this particular design for this facility and others as well.

b. Discussion of Economic Development Incentive Policy

Mr. Fivas explained staff has had some preliminary conversations about putting together an Economic Development Policy, reviewed other municipality's samples and requested direction on whether to proceed with this topic by creating a draft and submitting to Council within the next couple of months or table it for another time.

Mr. Waddell would like to see staff put together something for the Council to review. By consensus Council agreed.

MANAGERS REPORT

Mr. Fivas advised that Council will be hearing soon that the town will be receiving some investments on US 74 from NCDOT we'll know more in the next couple of weeks.

COUNCIL COMMENTS

Mr. Waddell stated he wanted to question the matter on the Consent Agenda pertaining to Chestnut Square if the funding would be coming from park fund or economic development.

Mr. Fivas explained that its park funds and provided the reasons for the additional grading.

Mr. Waddell thanked Mr. Fivas and staff for the Economic Development policy. Also for the Safety Committee he'll be glad to forward information to those that aren't here and bounce off of them. He's looking forward to having future discussions on that.

Mayor Alvarez thanked the Boy Scouts for leading in the Pledge of Allegiance and reminded everyone school is starting, be alert children will be on the streets and sidewalks to please be careful and have a safe school year.

Ms. Luther, Mr. Allen and Mr. King had no comments.

Mr. Cohn congratulated the Park Tree & Greenway Committee and all parties involved in the Tree City award. If you have not been to the park it's coming along, it's going to be great and he is looking forward to it. He read that Carolina Courts is not in the top 10 businesses in the town for making money and heard a lot of things that Carolina Courts received, but they've put up several million dollars to create the facility. There is a tournament, bringing many people that will generate funds for our businesses in our town. That's what it's all about. He believes it will be the largest generator of business in town and if you own a business in town I think you're very thankful that the parks are going to be here.

CLOSED SESSION

ADJOURN

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

APPROVED:

Michael L. Alvarez , Mayor

Attest:

Peggy Piontek, Town Clerk

