



Town of Indian Trail
Minutes of Town Council
December 10, 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, David Waddell.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Engineering and Public Works Scott Kaufhold, Planning Director Shelley DeHart, Director of Community & Economic Development Kelly Barnhardt, Tax Collector Janice Cook.

CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance

PRESENTATIONS

a) Presentation of Chestnut Square Park Dedication Plaque

Mr. Fivas presented the dedication plaque, advised that the park is still being constructed and invited Council to make any comments. Council Members expressed their appreciation to staff and their pride in being a part of it.

ADDITIONS AND DELETIONS

David Waddell made a motion to approve adding Consideration of approval of Purchase of Property located at 4026 Old Monroe Road as item 8c.

Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Christopher King made a motion to approve the agenda.

Motion Passed 4 - 1 with David Waddell opposing.

PUBLIC COMMENTS

Mayor Alvarez read an email he received from a resident.

CONSENT AGENDA

- a) Approval of the November 26, 2013 draft minutes
- b) Approval of Arbor Day Proclamation **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c) Annexation # 139
Rescind Resolution #R131126-2
Adopt Resolution # R131210-1 setting the Public Hearing for January 14, 2014
(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)

Robert Allen made a motion to approve the Consent Agenda.

Motion Passed 4 - 1 with David Waddell opposing.

PUBLIC HEARINGS

- a) ZT 2013-004 Changes to Board of Adjustment Requirements

Ms. DeHart presented that the proposed changes are based on the need for the Town's UDO to be updated to maintain compliance with recent State law. The changes will help clarify some ambiguity in how the board should make decisions and procedural topics. Staff has reviewed the Session Law and reviews by legal and planning peers regarding how to incorporate these changes into the UDO. The Indian Trail Town Attorney has also reviewed the proposed UDO amendments. The Planning Board met on November 19, 2013 to hear the proposed amendment in a public meeting. The Board had no questions or concerns regarding the amendment. The Board then made the following findings and unanimously voted to transmit a recommendation to approve:

1. The proposed UDO amendment is consistent with the following statement: Goal #3 Land Use (from recently updated Comprehensive Plan) Promote high quality development through efficient and predictable land development process.

2. This UDO ordinance amendment is in the best interest of the public because it makes important changes to provide a predictable process when dealing with existing and future development in Indian Trail. With outdated, awkward and confusing language being removed the changes help to modernize all ordinances across the state so that all board of adjustments are following a standardized and up-to-date process.

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

Robert Allen made a motion to approve the required findings for ZT 2013-004 as previously read into the record and found in the draft Ordinance.

Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve text amendment ZT 2013-004. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

b.)ZT2013-003 Flood Damage Reduction Ordinance

Ms. DeHart presented that this request is a simple housekeeping exercise to reference newly adopted FIS and DFIRM within this Chapter. The amendment is required by the State so the Town can retain its flood insurance program. The Planning Board met on November 19, 2013 to hear the proposed amendment in a public meeting. The Board had no questions or concerns regarding the amendment. The Board then made the following findings and unanimously voted to transmit a recommendation to approve:

1. The proposed UDO amendment is consistent with the following goal: 1.3.5 of the Comprehensive Plan- Utilities; because it will update mapping references keeping regulations current to help protect life and property as it relates to the Special Flood Hazard Areas and stormwater requirements promoting best management practices 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 intended to protect the public and enhances customer service by providing clear and concise regulations within the Town.

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

Robert Allen made a motion the required findings for ZT2013-003 as previously read into the record and found in the draft Ordinance.

Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve text amendment ZT2013-003 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

BUSINESS

- a) Council consideration of approval of bylaws and membership into the Alliance for South Charlotte Communities - requested by Council Member Luther

Ms. Luther provided the history of this matter, explaining the purpose is to retain and attract new investment and strong employment in the communities south of Charlotte, to highlight our region to bring more economic development here. Ms. Luther recommended approving the bylaws and the \$4,000 start up costs to be used for legal costs, administrative costs, start-up costs and general meeting costs.

Council had a brief discussion on this matter.

Darlene Luther made a motion to approve adopting the bylaws and accept membership into the Alliance for South Charlotte Communities **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
Motion Passed 4 - 1 with David Waddell opposing.

- b) Leash Law violation reporting process - requested by Council Member Luther

Ms. Luther stated there's been some confusion about how it will be enforced, from adoption until now no policy or process has been implemented. Lt. Coble has made it clear that they are enforcing this law. Ms. Luther explained the process that Lt. Coble expressed in an email and believes we need to do a better job of letting people know what to do when this matter comes about.

Mr. Fivas stated the best way to address it is to come up with a frequently asked questions sheet and circulate it throughout the community thru HOA's, our website and newsletter.

- c) Consideration of approval of Purchase of Property located at 4026 Old Monroe Road - *this matter was added as a result of a motion made in Additions and Deletions by Council Member Waddell.*

Mr. Fivas explained that this parcel is approximately 2/3 of an acre; we own the parcel (approximately 1 acre) adjacent to this one. Staff was directed to negotiate a purchase price (\$24,900.00) below the asking price (\$29,900.00) and now presents this matter for Council consideration and possible approval.

Robert Allen made a motion to approve the purchase of 4026 Old Monroe Road for the purchase price of \$24,900.00. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
Motion Passed 4 - 1 with David Waddell opposing.

Robert Allen made a motion to approve budget amendment attached to the purchase **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
Motion Passed 4 - 1 with David Waddell opposing.

Mr. Fivas clarified that this is just a purchase agreement; staff still has to go through our due diligence process and explained what that consists of.

PRESENTATION TO OUTGOING COUNCIL MEMBERS

Mr. Fivas expressed appreciation to Council Members Luther and Allen for their service, reviewed some of the matters to which they were a part of then presented each of them with a small token of appreciation from the residents, staff and fellow Council Members.

Ms. Luther explained when and why she got into politics. Ms. Luther explained there was a group of individuals that got together to make a difference by providing parks, road improvements, an ABC store and liquor by the drink which ultimately will enhance economic development and the community. Ms. Luther went through many of the accomplishments achieved within the last 6 years, she feels that Indian Trail is a blank slate with incredible possibilities, but the ground work had to be laid. These last 4-6 years have been very difficult because people do not like change, but most of the residents, according to the polling and surveys want and approve the direction we're going in, but there are always some that are unhappy and that's ok. You have to be willing to uphold the promises and platform you ran on, she feels that she was true to her campaign promises, recommending the new members do the same. She is happy that Mr. Daniels and Mr. Savoie are taking their seat, as they too are excited about the future of Indian Trail.

Mr. Allen explained his political history, stating that his whole push for his entire term was for economic development and there's no reason for Indian Trail to be a bedroom community of Charlotte. When you make bold moves you get a lot of loud criticism and if you can't take it stay out of the kitchen. His campaign platform was bold, but his motivating factor was the demise of the downtown project planned for across the street. Many of the things planned for that project have happened elsewhere and stimulated those economies and he didn't want to see that happen again. He went into it knowing he would be stepping on toes but knowing that he would look back and be proud. His advice to Mr. Daniels and Savoie is to endeavor to persevere, just stay the course, you know what needs to be done there are some very bold moves that are going to be very necessary for the future so get ready because it's coming.

COUNCIL COMMENTS

Mayor Alvarez stated that both Ms. Luther and Mr. Allen progressed this town forward in leaps and bounds, taking the bullets for what had to be done to bring amenities and economic development to our town. He stated that the residents appreciate the theatre and that both of them have been true to themselves and have had the towns best interests at heart, he wished them both the best.

Mr. Waddell stated that politics aren't as important as the heart. He told Council Members Allen and Luther that he has not had to wonder where they stood; they have been consistent, if anything's

respectable that is. He appreciates their honesty with themselves and although we have had our disagreements he has never had to wonder where they stood, they have been consistent. He shared a prayer with them #624 through 26 and that was the message he wanted them to leave with.

Mr. Cohn expressed his sentiments are much like Mr. Waddell's. He admires them for standing their ground, we've gone at each other pretty strong he still walked out of the room knowing where they stood and respected them for that. He may not have agreed on everything but there were many things they did agree on, it's hard to stand your ground. He thanked them for their service to the town, best of luck and hopes they come back and help the Council out. He asked for God's blessing on them and wished them the best of luck.

Mr. King thanked them for their service for four years. He stated he is going to miss Mr. Allen's pushing of motions to get us out the door. He told Ms. Luther his nickname for her is "one last thing". He is going to miss them both, we went just about the same way on voting, it's been a pleasure, and he considers them friends. He knows they have gone through a lot while serving and wished them both the best of luck.

Mr. Allen thanked everyone, things get heated and happen and he believes it's hard when you get behind something to make it happen. No one gets into this for their own glory; they are in here to serve the community. If you can keep that in your head you're representing 37,000 people, not just 8-10 who are screaming at you. Remember there's a bigger game that you will have to work on, it's bittersweet, but he has enjoyed serving with them.

Ms. Luther agreed with all that Mr. Allen said. She stated that she ran because she wanted to create change in the four years and pass the baton onto others. For everyone that is coming out to say goodbye to them and to welcome in the new members she very happy that they came, it means a lot to all of them, it's been fun and she can't wait until tomorrow where she won't be blamed for things.

RECESS

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Gordon Daniels, Christopher King, Gary Savoie and David Waddell.

OATH OF OFFICE

Council Member Elect Gordon B. Daniels was sworn into office by Mayor Michael Alvarez **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council Member Elect Gary M. Savoie was sworn into office by Town Clerk Peggy Piontek **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

APPOINTMENTS

a) Mayor Pro Tem

Mr. King nominated Mr. Cohn as Mayor Pro Tem, Council voted unanimously in favor of the nomination.

b) Charlotte Regional Transportation Planning Organization Representative and Alternate

Mr. King nominated Mayor Alvarez - Mr. Daniels nominated Gary Savoie. Mayor Alvarez deferred the Representative nomination to Mr. Savoie and stated he would be happy to accept the Alternate position, Council voted unanimously in favor of the nomination.

c) Council of Governments Representative

Mr. Cohn nominated Mr. King, council voted unanimously in favor of the nomination.

d) Council of Governments Alternate

Mr. Cohn nominated Mr. Daniels, Council voted unanimously in favor of the nomination.

e) Alliance for South Charlotte Communities Representative

Mr. Waddell nominated Mr. Daniels, Council voted unanimously in favor of the nomination.

DISCUSSION

a) Discuss the formation of a Civility Policy for Elected Officials - requested by Council Member Daniels

Mr. Daniels expressed that we are all Council Brothers that should have each other's back. He's open to anyone questioning him when he makes a decision but feels they should show likeness and courtesy towards each other. To keep our situations in house and not air it to the public, it will go a long way to this being a great and effective Council for the next 2-4 years.

Gordon Daniels made a motion to approve having staff draw up a draft civility report that can be modified by Council.

Motion Passed 3 - 2 with Christopher King, and David Waddell opposing.

COUNCIL COMMENTS

Mr. King - congratulated new members, welcomed them aboard and advised there's no turning back now. The honeymoon will be short, there's a lot to do, decisions to make. If he can assist in any way to

get them up to speed, feel free to contact him. He looks forward to serving with them for the next 2 years.

Mr. Waddell congratulated Mr. Savoie and Mr. Daniels on their successful campaign. If they need any help, he will be happy to assist. He explained to Mr. Daniels why he voted against the Civility Policy, stating that if we followed the Council Code of Ethics alone it would remove the necessity to have any further action. He encouraged the families of the new members, they will need your support and for you to listen. It has been wonderful to have the support of a loving wife. You are the other half of the team and we appreciate you too.

Mr. Daniels stated that this has been a day that he has looked forward to and wished it could be longer. He advised Mr. Cohn that Mr. Allen and Ms. Luther left wisdom in their seats. He thanked everyone who came out in support of his and Mr. Savoie's swearing in.

Mayor Alvarez welcomed Mr. Daniels and Mr. Savoie, congratulated them and advised he looks forward to working with them. This is our final meeting for 2013, wished everyone a happy holiday season, to be safe and think of those less fortunate than them, if you have the means please share. No days a guarantee, every day is a gift, each person sitting next to you, like them dislike them, agree or disagree they too are a true gift. Without each other we have nothing, that's my message for the season to remember why we're here. He wished everyone a Blessed Holiday with their families and for those that can't be with their families that are serving this nation, for children that are starving may they have a meal, those that don't have may they have something and remember how good we all have it. God Bless you all.

Mr. Cohn congratulated the new members, we will work well together, there's no I in team, there's no U either. He's looking forward to working with both of them, won't agree to everything but will to a lot. He wished everyone a Merry Christmas and hoped they have a good holiday and may God bless them.

Mr. Savoie thanked his family for the love and support during this campaign season and especially as he embarks on a new chapter in his life. He thanked all of those that supported him and worked very hard on his campaign, you are the reason why I am sitting here. To the Council and staff he looks forward to working with them and making a better Indian Trail. To all the residents for the opportunity they have given me to do the best for them and this Town. Thank you.

CLOSED SESSION

None

ADJOURN

Christopher King made a motion to adjourn
Motion Passed 4 - 1 with David Waddell opposing.

APPROVED:

Michael L. Alvarez, Mayor

Attest: _____
Peggy Piontek, Town Clerk