



**Town of Indian Trail**  
**Minutes of Town Council**  
**December 14, 2010**  
**Civic Building**  
**7:00 P.M.**

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Robert Allen, Jeffrey Goodall, John Hullinger, and Darlene Luther.

Absent Members: Gary D'Onofrio.

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Town Clerk Peggy Piontek, Town Engineer Scott Kaufhold, Finance Director Marsha Sutton, and Planning Director Shelley DeHart.

**CALL MEETING TO ORDER**

Mayor Quinn called the meeting to order, read an inspirational message and announced Town Hall closings for the holidays, Crossing Paths Park dedication on Saturday, December 18th, the second meeting of the Town Council on December 28th has been cancelled and as of January 2011 all Town Council meeting times will change to 6:30 p.m.

**PRESENTATIONS**

- a. Presentation and acceptance of annual financial statement for period ending 6/30/2010.

Claire Meyer from Tinsley & Terry presented their report advising they have issued an unqualified opinion, which is the highest level of assurance they can issue. During the audit they found no instances of statutory violations or contractual violations, informing Council that it is a really clean report. Ms. Meyer advised this is the fourth year that the firm has audited the Town and the structure has become much more complex than it was in 2007 and explained why. She advised the books are in much better shape than they were four years ago; it is obvious there is more diligence on the part of the staff, and they are more experienced and well trained.

Jeffrey Goodall made a motion to accept the June 30, 2010 Annual Financial Report as submitted by Tinsley & Terry, Certified Public Accountants.  
Council voted unanimously in favor of the motion.

Mayor Quinn noted that Mr. D'Onofrio was unable to attend the meeting.

b. Architectural Task Force

Craig Grimmer, he is the Developer of Sheridan subdivision in Indian Trail advised he has been a part of the task force to address the concerns of the real estate industry, homeowners and residents in Indian Trail. He advised that it has been a good process and they all have a better feel for the complexity of the issues and have come up with some recommendations of suggested text changes to the UDO that will be going before the Planning Board, better disclosure information is coming about, the Town is putting in place mechanisms on the website to provide additional information to the real estate community and potential residents. Mr. Grimmer expressed the Task Force's appreciation to the Council for allowing this to happen; they thanked the Planning Board for being a part of it and all the members who took part in this process.

**ADDITIONS AND DELETIONS**

John Hullinger made a motion remove item 8c, Citizen Survey instrument review from the agenda.  
Motion Failed 3 - 1 with Robert Allen, Jeffrey Goodall, and Darlene Luther opposing.

Jeffrey Goodall made a motion pull item 8a, Indemnity Policy from the agenda.  
Council voted unanimously in favor of the motion.

**MOTION TO APPROVE AGENDA**

Robert Allen made a motion to approve the Agenda as amended.

Motion Passed 3 - 1 with John Hullinger opposing.

### **PUBLIC COMMENTS**

Jan Brown, 6727 Long Nook Lane, Indian Trail, NC informed the audience that he is a member of the ABC Board and provided Council with an update on the ABC Store.

Jim Houston, 2009 Blue Range Road, would like to see the Citizen survey questions posted on the website for the citizens to be aware of what is being asked.

Gary Evans, 4800 Mossy Cup Lane, said that he is a resident of Indian Trail and a former Police Officer from a town similar to the size of Indian Trail and explained his experience in that town when the Council replaced the Sheriff's Department with a Police Department: expense of training officers out of the academy to have them leave 6-12 months after for a larger salary with another department, advising there was never a sense of stability, low morale resulting in lack of focus and increase in sick days. Mr. Evans explained the benefits of having an experienced officer who is familiar with the town as opposed to one who is not, creating frustration and lack of security for the citizens. He explained how a Police Chief is hired and that he reports to Council and expressed he is more comfortable with an individual who knows the laws and how they work. He congratulated the Sheriff's Department for their professionalism, efficiency, promptness, concerned and effective.

David Wydell, 2101 Waxhaw-Indian Trail Road asked that the survey ask participants what drew them to the area. He encouraged Council to consider keeping the park simple at first. He is concerned that in about 2 years a property reveal will affect the revenue of our town, expressing that it could result in a loss of revenue for the Town and asked Council to give that serious consideration before spending any funds.

### **CONSENT AGENDA**

- a. Tax Report - Month end for November 2010
- b. November 23, 2010 minutes
- c. Council Meeting Schedule for 2011

John Hullinger made a motion pull 6c Council meeting schedule for discussion  
Council voted unanimously in favor of the motion.

Mr. Hullinger requested moving the Nov. 7th from Monday to Wednesday November 9th.

Jeffrey Goodall made a motion moving the November meeting to Wednesday Nov. 9th

Council voted unanimously in favor of the motion.

John Hullinger made a motion to approve the consent agenda as amended.

Council voted unanimously in favor of the motion.

## **PUBLIC HEARINGS**

### a. ZT 2010-012 ACCESSORY APARTMENT DEFINITION AMENDMENT

*This matter was advertised in the Enquirer Journal on December 2nd & 9th*

A request to amend Sections 510.020(G), 710.070, and 1620.020 of the Unified Development Ordinance further defining accessory apartments as a use.

Applicant: Town of Indian Trail. Location: Town-wide.

Jonathon Edwards, Junior Planner presented to Council that there are three parts to this text amendment: UDO Section 510.020(G) Table of permissible uses, UDO Section 710.070 Accessory apartment use regulations, UDO section 1620.010 definition of accessory apartment. Mr. Edwards explained the background, general information regarding accessory apartment uses and research regarding accessory apartment uses. He explained the difference between the text amendments we have now and those that are being proposed. The Planning Board heard this matter on October 19th and unanimously recommended approval with one modification - Section 710.070(F)(4) - Building materials; accessory apartment must be constructed of the same materials as primary home. They were able to make the following required findings:

Goal 1.3.1-Quality of Life: the proposed UDO amendment will help make the UDO consistent with state, federal and other regulatory standards for accessory apartments and provide for the health, safety and welfare of all Indian Trail citizens.

Goal 1.3.2 - Land Use: the proposed UDO amendment will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities.

Additional finding: This UDO amendment is in the best interest of the public because it promotes a more efficient development system and review process, while providing a great quality of life for all residents of the Town of Indian Trail.

Mayor Quinn opened and closed the public comments portion of the hearing, as no one had signed up to speak.

Jeffrey Goodall made a motion to approve ZT 2010-012 Accessory Apartment Definition Amendment as transmitted.

Council voted unanimously in favor of the motion.

## **BUSINESS ITEMS**

a. Indemnity Policy

*This matter was removed from the agenda as a result of a motion made in Item 3 Additions and Deletions.*

b. Snow & Ice Removal Contract

Mr. Fivas provided some history on this subject and recommended that we are not getting what we need out of it. Mr. Fivas would like to research the matter more thoroughly to determine how we can serve more of the population and recommends that we do not renew this contract. Council agreed to Mr. Fivas's recommendation.

c. Citizen Survey Instrument Review

Mr. Fivas advised that the draft copy of the citizen survey presented to Council was reviewed and revised by staff and we are now looking for Council feedback. There was discussion amongst Council and Mr. Fivas resulting with the following changes: Question 8 should include how safe do they feel at night; question 20 should be changed to asking for top 3 choices; question 23 c & d should be removed and the question should be revised to read "availability of outdoor athletic fields; question 29 b & c should read 63 cents; question 30 should be clarified to accurately describe the banners and signs and adding "other" and rephrase "way finding signs"; question 31 should include "other" like 32.

Jeffrey Goodall made a motion to approve the Citizen Survey as amended. Council voted unanimously in favor of the motion.

Council took and returned from a brief break.

d. MUMPO update from Mayor John Quinn regarding timelines that must be met, and decisions that must be made, by the town of Indian Trail as it relates to NCDOT funding.

Ms. Luther ask Mayor Quinn to inform the Council what happened at the last MUMPO meeting and what decisions need to be made and when. She is aware there are a lot of timelines coming up and feels Council needs to be prepared to make decision to prevent any loss of funding on potential projects.

Mayor Quinn advised there are no timelines. We are dependent on the DOT to do their feasibility study, and hopefully that'll be done within the next couple of months. The only timeline to be considered is for a grant that we received to conduct a joint traffic study with Stallings & Matthews. It's called a Unified Work Program and is a matching grant; we are not obligated to use it. It is his understanding that there is

\$75,000 of grant money for a study, there has been a proposal of \$150,000. Stallings and Matthews have requested an RFQ to see if they can get a better price but it must be spent before the end of June 2011. Mayor Quinn was made aware of an interim study DOT did on Old Monroe Road, what it would take to improve its intersections from 485 to Wesley Chapel Stouts Road in lieu of widening it. Mayor advised he sat at meeting when Stallings voted down the Chestnut Connect and voted to approve pursuing Old Monroe Road widening. The funds are still on the TIP and Mayor Quinn did make a motion at the last MUMPO meeting to specifically remove it and for it to be reconsidered for Old Monroe Road in conjunction with Stallings when the study is through and the motion was approved. This was suggested to him by the Chairman of MUMPO to readdress the issue before the MUMPO Delegates after the study comes in.

Ms. Luther confirmed that the money is still allocated for Stallings Road and Indian Trail Road. Mayor Quinn confirmed that those two projects are still on the TIP as approved projects, it doesn't appear they are going to happen because neither towns want them to happen the way DOT is now saying they must happen. In conjunction with that, Barry Moose came to that meeting and presented to the MUMPO Delegates the 43 step process for putting a project on the TIP and these steps must also be completed in an effort to change the project. Mayor Quinn suggested that Council consider researching how this very long, slow 43 step process can be changed.

Ms. Luther suggested perhaps we should meet with Stallings and discuss options. Mr. Kaufhold advised if we move the money from where it's intended to another area it might not be well received by the TCC. However he believes Barry Moose is supportive of applying the funds to Old Monroe Road. Mr. Kaufhold advised that the Comprehensive Transportation Plan that we have received a \$75,000 grant is multi-jurisdictional plan, which equates to taking your old thoroughfare plan and updating it to a multi-mobile plan where you throw in your bike, pedestrian, transit and if you don't create one the State will create one for you which we will have to adopt by default. We must spend MUMPO's money by the end of June 2011, the consultant has advised us it will not be a problem to get it done in six months, and staff is working on the scope of work and aligning it with Town priorities and needs. He believes Mr. Moose wants to get some transportation improvement done here and he did mention at the Stallings meeting that he would be willing to go to the Secretary of Transportation to possibly leverage other funds to supplement if Old Monroe Road looks like it's within reach.

Mayor feels if there is a passion and a real commitment to making this project happen, on both sides that Old Monroe Road could happen. Mr. Kaufhold agreed, because when it was mentioned that should the local governments bring some money to the table what would the DOT think about that and that's when the Old Monroe Road option actually opened up.

Ms. Luther agreed and feels that if both jurisdictions are truly committed to the project and let DOT know that, perhaps we can get it to happen. But we must meet and decide and commit to it. Mr. Fivas advised that we've had that meeting with Mr. Moose and Stallings has advised him that both jurisdictions are very much interested in making this happen, so DOT is doing the study. However we need to get the money in the infrastructure in Indian Trail, he is concerned that if we leave these funds on the table then we will not be considered for another project while there are funds still unused for our project. We need to get these funds into our roads and make a decision that we are committed. Let's work on Indian Trail Roads and perhaps others will follow.

Darlene Luther made a motion to table item 9a.  
Council voted unanimously in favor of the motion.

***Mayor Quinn left the meeting.***

### **DISCUSSION ITEMS**

- a. Discussion to assess what it would take for the Town of Indian Trail to be responsible for its own building permits/inspections in order to improve the service to businesses - this matter was tabled as a result of a motion made by Council Member Luther.
- b. Update from town manager regarding beautification initiatives (way-finding signs, cemetery sign, banners, what we plan to do with downtown subcommittee recommendations, discuss priority areas)

Ms. Luther explained why she requested this be put on the agenda and asked Mr. Fivas for an update. Mr. Fivas advised that staff has been researching the beautification of Indian Trail and provided some ideas they were looking at. These matters will be brought before Council for a discussion on a 3-5 year plan on how we can get all of these beautification improvements accomplished.

### **MANAGER'S REPORT**

Mr. Fivas acknowledged and thanked Chase Coble, Jeremy Schoen and Ray Killough for their contribution in putting up the playground at Crossing Paths Park today in the cold weather. He thanked all those involved with the Tree Lighting. Mr. Fivas advised that the Lions Club has asked to do a multiyear agreement on sharing the cost of the playground.

### **PLANNING REPORT**

Ms. DeHart advised that staff attended a neighborhood meeting for Sun Valley Phase III hosted by the Moser Group for the Pickett Circle residents. It was very well attended by the residents who were provided an opportunity to share their concerns about potential traffic and safety impact and shared their request to have the group consider allowing them to hook up to the sewer that they will be bringing into the area. The meeting went so well that the Developer will host another meeting as the project moves further along.

Mr. Goodall inquired if the census is being conducted by GIS, not post office addresses. Mr. Fivas advised that once we get the results, we will go through them and look at all the census tracks and ensure that none are missing. There is a way to self audit and correct any errors.

### **ENGINEERS REPORT**

Mr. Kaufhold had nothing to report.

### **COUNCIL COMMENTS**

Mr. Allen and Ms. Luther had no comments.

Mr. Goodall thanked Mr. Fivas and the staff for the most dynamic year in Indian Trail and how we positioned ourselves to prepare for the future. He advised that now is the time to be looking at, preparing and planning the events for next year.

Mr. Hullinger thanked the Deputies for responding to a call in his neighborhood about a suspicious car, resulting in the apprehension of one of the thieves responsible for car break ins. He wished everyone a happy holiday season & new year.

### **CLOSED SESSION**

John Hullinger made a motion to enter closed session **N.C.G.S. 143-318.11(a)(3)** Consult with the Attorney to protect the attorney-client privilege. To consider and give instruction concerning a judicial action titled *Keystone Builders vs. Town of Indian Trail*.

**NCGS 143-318.11(a)(5)** to establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property known as the Houser property. Council voted unanimously in favor of the motion.

John Hullinger made a motion to approve coming out of CLOSED SESSION. Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve suspending the Rules to add a budget amendment to the agenda. Council voted unanimously in favor of the motion.

Ms. Sutton advised that a budget amendment is requested so she can recognize \$1,750,000.00 for the purchase of the Houser property. She will book \$1,550,000.00 for land purchase and \$200,000.00 for land purchase contingency, as we are reimbursed for contingency items they will be flipped up into the land purchase.

Robert Allen made a motion to approve a budget amendment in the amount of \$1,750,000. Council voted unanimously in favor of the motion.

**ADJOURN**

John Hullinger made a motion to adjourn  
Council voted unanimously in favor of the motion.

DRAFT

APPROVED:

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John J. Quinn, Mayor

Attest: \_\_\_\_\_

Peggy Piontek, Town Clerk