



Town of  
**INDIAN TRAIL**  
north carolina

**Town of Indian Trail**  
**Minutes of Regular Council Meeting**  
**May 11, 2010**  
**Civic Building**  
**7:00 P.M.**

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Gary D'Onofrio, Jeff Goodall, John Hullinger, Robert W. Allen, and Darlene Luther.

Absent Members: Town Clerk Peggy Piontek, Senior Planner Katie Reeves, and Marty Minchin of the Charlotte Observer.

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Finance Officer Marsha Sutton, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, Deputy Clerk Trena Sims, and Planner Craig Thomas.

**CALL MEETING TO ORDER**

Mayor Pro Tem Goodall called the meeting to order.

**PRESENTATIONS**

There were no presentations for this meeting.

**ADDITIONS AND DELETIONS**

Gary D'Onofrio made a motion add Item 9a - Discussion of the Budget Schedule.  
Council voted unanimously in favor of the motion.

Darlene Luther made a motion add Closed Session as Item 13a.  
Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

Robert W. Allen made a motion to approve Agenda.  
Council voted unanimously in favor of the motion.

### **PUBLIC COMMENTS**

Thomas Mussoni, 1200 E. Moorehead St, Charlotte, representing Auto-Bell Carwash, spoke regarding what he feels will be detrimental effects of the proposed intersection improvements at the intersection of Old Monroe Road and Indian Trail Road.

### **PUBLIC HEARINGS**

#### a. CZ2009-003 (215 Rowell Drive)

Craig Thomas presented the request to process a Conditional Zoning Map amendment to rezone the subject property from General Business District (GBD) to Conditional Zoning Regional Business District. The property is 3.16 acres with a 15,000 square foot building currently under construction and is located within the Highway 74 Corridor under the Comprehensive Plan. He pointed out the location on the map on the Power Point as well as a nearby flood plain area. The applicant's request is to allow motor vehicle repair including body work at the location. Mr. Thomas gave a brief comparison of the surrounding property use.

This matter was discussed at the Planning Board meeting on March 16th. The discussion items raised by the Planning Board were: The number of Conditional Zoning applications; the original use and approval of the building under construction; surrounding land uses; and the number of vehicles to be stored overnight. The majority of the discussion was based on the parking calculations. When the project was originally approved, based on the on the square footage and the use a calculation of 50 spaces was determined; the applicant agreed to provide 53. Staff went though many scenarios for the overnight parking; it was determined that 10 overnight storage spots could be used for the entire facility. This would allow 2-4 spaces per suite to accommodate not only auto repair but other uses that may park vehicles overnight. It also allows greater flexibility and prevents the applicant from repeating the rezoning process if here were a need to store more vehicles overnight.

The Planning Board supported the following consistency finding, which Mr. Thomas read into the record:

Goal 1.3.2 Land Use of the Comprehensive Plan - The proposed conditional zoning district will meet the goal of land use by avoiding land use conflicts between neighboring properties and promoting the development of business, and;

The request for this zoning reclassification is a reasonable request and is in the public interest because it

promotes the goals of the adopted Comprehensive Plan in the area of Land Use and is consistent with the adopted plans within the Town.

Mr. Thomas read the Draft Conditions into the record as follows: 1) Motor vehicle repair including body work be a permitted use at this location; 2) Vehicles that are not fully operational shall be stored indoors; 3) No more than ten vehicles shall be stored outdoors overnight; 4) Vehicles stored outdoors overnight shall be licensed, shall have tires and wheels installed, and shall not be placed on blocks; 5) The applicant shall address any comments from Union County Fire Marshall prior to Council approval; 6) The applicant shall update the building permit from Union County Inspections Department to reflect any requirements necessary for auto repair and body work; and 7) The applicant shall obtain all necessary county and state permits necessary for auto repair and hazardous material if applicable.

Mayor Pro Tem Goodall opened up public comments for this public hearing item.

Rick Strawn, 13437 Highway 74, Indian Trail, North Carolina is the applicant and is available to answer any questions.

Councilmember Hullinger questioned the condition of any vehicle that is not operational shall be stored indoors as that is the whole point of an auto mechanic is that vehicles are there to be repaired. A brief discussion followed.

Mayor Pro Tem Goodall closed the public comments for this matter.

John Hullinger made a motion to approve subject the removal of the condition "Vehicles that are not fully operational shall be stored indoors" from the draft conditions. Council voted unanimously in favor of the motion.

b. MCA2010-003 Title XV Land Usage

A request to amend Title XV - Land Usage of the Code of Ordinances to reflect the adoption of the Unified Development Ordinance.

Shelley DeHart presented the request to amend Title XV of the Indian Trail Code of Ordinances to reflect the adoption of the Unified Development Ordinance (UDO). Previous Ordinances were referenced as separate documents – Chapter 152 – Storm Water; Flood Control – Chapter 153 – Subdivisions regulations – Chapter 154 – Zoning regulations. These regulations were consolidated within UDO in December 2008. The Town Attorney recommendation is to rescind Chapters 152, 153, & 154 and introduce and adopt Chapter 155 in the Indian Trail Code of Ordinances that would reference the Unified Development Ordinance.

Mayor Pro Tem Goodall opened and closed public comments as no one had signed up to speak.

Robert W. Allen made a motion to approve MCA2010-003 Title XV Land Usage as presented. Council voted unanimously in favor of the motion.

c. ZT2010-004 Sign Ordinance

A request to amend Division 900 of the UDO to incorporate a sign program for the Hwy. 74 Business Corridor

Ms. Dehart presented a request to amend division 900 of the sign ordinance, topics included size, lighting, free standing, changeable copy signs, reader or message boards, 74 Corridor only, restrict 25% for LED and 50% for Manual, wall signs comparisons, clean up and area measurements. The Planning Board supported applying this town wide. Ms. DeHart read the consistency findings into the record:

- Goal 1.3.1 – to allow for business advertisement promoting economic prosperity while considering compatibility
  - Reasonable request – Keeping with the Vision

David Stevens, 21206 Rabbit Run, Chesterfield, VA spoke in favor of the changes, complimented Ms. DeHart and her staff for their professionalism and cooperation and feels no need to add to their hard work. He feels it creates stability and takes away points of questions that arise from the existing ordinance. He advised at the Planning Board meeting there was a demonstrative effort to prove that Indian Trail wants to be an excellent community thinking of it's businesses as well as it's community. He applauded Council for the direction they are taking and expressed hopes that they will approve the matter before them.

Mayor Pro Temp Goodall closed public testimony portion of the hearing.

***Mayor Quinn entered the meeting.***

Conversation pursued amongst Council, topics included: changing of signs allowance, effect on existing businesses, consistency, support of unlimited changes, having privilege license staff member send letters to the businesses on the 74 corridor to make them aware of the change, avoidance of possibility of blinking signs LED are 50% instead of 25%, size and location of signs, more liberal nuber of sign changes, compliance with NCDOT requirements.

Jeff Goodall made a motion to approve c. ZT2010-004 Sign Ordinance with the following changes: 50% LED instead of 25% and 10 minute minimum for LED sign changes.

Council voted unanimously in favor of the motion.

**CONSENT AGENDA**

- a. Approval of minutes for March 13, 2010, April 13, 2010 and April 27, 2010
- b. Tax Report - Month end tax Report for April 2010

Mayor Quinn requested that the March 13, 2010 minutes be pulled from the consent agenda.

John Hullinger made a motion to approve pulling March 13, 2010 minutes for discussion.

Council voted unanimously in favor of the motion.

Mayor Quinn requested the comments he made prior to leaving the meeting of March 13, 2010 be reflected in the minutes.

Robert W. Allen made a motion to approve Consent Agenda  
Council voted unanimously in favor of the motion.

John Hullinger made a motion to approve leaving the March 13, 2010 minutes outstanding for further discussion between the Mayor and Town Manager.

Motion Failed 4 - 1 with Gary D'Onofrio, Jeff Goodall, Robert W. Allen, and Darlene Luther opposing.

Gary D'Onofrio made a motion to approve March 13, 2010 minutes.

Motion Passed 4 - 1 with John Hullinger opposing.

### **BUSINESS ITEMS**

#### a. Waxhaw Indian Trail Road Sidewalk CIP

Town Engineer, Scott Kaufhold advised this was presented the Council several months ago as a recommendation from the Transportation Committee. At that time Council directed staff to find a way to cut costs on the design fee for the sidewalk project. Staff went to a small local company who put together a scope of work and provided us with a cost estimate for the design of \$25,000.00.

Jeff Goodall made a motion to approve Waxhaw Indian Trail Road Sidewalk CIP  
Council voted unanimously in favor of the motion.

### **DISCUSSION ITEMS**

*There were no matters for this.*

#### **9a Budget Schedule**

Mr. Fivas advised at the May 6th meeting there was discussion to alter the budget schedule that had been provided. He advised staff is comfortable with the schedule as proposed but wants to ensure the schedule meets Council's expectations and timelines.

Mr. D'Onofrio said that it appeared after the May 6th meeting there weren't a lot of questions left and he was unsure of the need for another workshop next week. If we wait until May 28th to put it out for public review and on the website, he feels it can be done sooner and Mr. Fivas agreed it would be possible. He doesn't see why we need to wait until the last meeting in June to adopt the budget.

Mr. Hullinger addressed concerns for public review time line. Mr. Fivas advised we could have the draft budget up within a day or so, advising that we would be able to meet all of our legal deadlines with the schedule that was proposed.

Ms. Luther advised she will be unavailable on May 25th, but doesn't understand why we can't keep the schedule the way it is and just not do the final workshop on May 17th. She's aware the Mayor has concerns about us trying to expedite it to get it by the people and that is not the message we want to send.

Jeff Goodall made a motion to approve delete May 17th workshop meeting.  
Council voted unanimously in favor of the motion.

Town Attorney, Keith Merritt requested that Council reopen item 6b for further discussion.

Jeff Goodall made a motion to approve reopening item 6b for further consideration.  
Council voted unanimously in favor of the motion.

Mr. Merritt explained the concern pertaining to chapter 152 and requested that Council make a motion that would rescind the prior action and make a motion to delete chapters 153 and 154 and adopt chapter 155. Chapter 152 will come before you in June.

John Hullinger made a motion to approve rescinding the action taken by Council tonight regarding the amendment report for MCA2010-003 Title XV Land Usage  
Council voted unanimously in favor of the motion.

### **MANAGER'S REPORT**

Mr. Fivas inquired if there would be a quorum for the May 25th meeting. It was determined there would be none and discussion took place to notify the media that the meeting would be cancelled. Mr. Fivas advised that we are still working on Indian Trail Road and Old Monroe Road intersection, by way of trying to figure out different designs and plans. There is a meeting scheduled later this week to discuss with the business owners some of the ideas we have concerning their issues. Mr. Fivas advised that Council Member D'Onofrio has agreed to test run our e-packet and we will be working with him on what does/doesn't work and some of the challenges we may face. He suggested the other Council Members confer with him on some of the issues he's experiencing.

### **PLANNING REPORT**

Planning Director, Shelley DeHart advised the dates for the bicycle plan are June 18th and June 19th and invited Council to attend. The Town is looking for parents and teens to help out in the stakeholders interviews.

**ENGINEERS REPORT**

Town Engineer, Scott Kaufhold advised that the environmental impact statement is ready for the Monroe Bypass, the design build teams will be shortlisted in June, once the selection is made the right of way process will begin later this fall. A meeting will be set up with the business owners who will be impacted by it.

**COUNCIL COMMENTS**

Ms. Luther commented that she is happy that we are continuing on the Business Friendly Act and taking action to prove we mean what we say.

Mr. Allen advised that it's nice to see us stop talking and get something done, he's encouraged and appreciates staff enthusiasm and thanked them.

Mayor Quinn had no comments.

Mr. D'Onofrio advised he had an opportunity to eat at one of the new establishments in town, Cocina Mexican restaurant and was very pleased and congratulated them.

Mr. Goodall said House of Kabuki provides good sushi and is the only Japanese restaurant in Indian Trail.

Mr. Hullinger had no comments to make.

**CLOSED SESSION 143.318-11(a)(5)**

Gary D'Onofrio made a motion to enter closed session 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.

Council voted unanimously in favor of the motion.

Jeff Goodall made a motion to approve entering into Open Session  
Council voted unanimously in favor of the motion.

**ADJOURN**

Jeff Goodall made a motion to adjourn  
Council voted unanimously in favor of the motion.

APPROVED:

---

John J. Quinn, Mayor

Attest:

---

Trena Sims, Deputy Town Clerk



**DRAFT**