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Town of  
**INDIAN TRAIL**  
north carolina

**Town of Indian Trail**  
**Minutes of Regular Council Mtg.**  
**February 23, 2010**  
**Civic Building**  
**6:00 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.

Staff Members: 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, Senior Planner Katie Reeves, Adam McLamb Engineering, Interim Town Clerk Trena Sims, and Interim Town Manager Peggy Piontek.

Press: Marty Mitchen of the Charlotte Observer

**CALL MEETING TO ORDER**

Mayor Quinn called the meeting to order. He recognized the passing of Ms. Wilma Kiser who represented our oldest citizen during the Town's Centennial celebration and offered condolences to her family.

Mayor Quinn announced that the Council will hold a Special Meeting tomorrow night at 6:00 pm to interview ABC Board applicants.

**ADDITIONS AND DELETIONS**

Jeff Goodall made a motion move Public Comments to Item 3a.

Council voted unanimously in favor of the motion.

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Gary D'Onofrio made a motion add Item 9b as Goals and Initiatives.

Council voted unanimously in favor of the motion.

Gary D'Onofrio made a motion delete Item 14 - Closed Session.

Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

Gary D'Onofrio made a motion to approve Agenda.

Council voted unanimously in favor of the motion.

### **Public Comments**

Kathy Broom, 4103 Runaway Circle, stated she currently serves on the Planning Board and Stormwater Committee, but these comments are not representative for those bodies. She expressed her concern of the direction of this Council. She expressed her disappointment at the recent dismissal of the committees and at how it was handled.

Dr. Carlton Alridge, 2033 Fripp Lane, commented on the recent changes, due to the election, of board members and on the format they ran on. He suggested that when the Town Manager comes on board that the members go on a retreat to start dialogue to find commonality.

Russell Whitehurst had signed up to speak but chose to abstain from comment.

Katherine Zamer, 2010 Currier Place, commented on the UNCC police study. She feels there is a faction within the Town stirring things up; as she understands it, Council has no plans to start a police department, but has only requested to have measurable data in order to make a determination.

Samantha Towns, 104 Pine Lake Drive, blamed the residents of Indian Trail for not getting out to vote. She expressed her disappointment and questioned the criteria for the dismissal of the committees; there has not been enough time to review what these committees do. She requests that Council review their decision and reinstitute the committees.

Mayor Quinn gave the floor to Planning Board Chairman Whitehurst to call the Planning Board to order.

Chairman Whitehurst called the meeting to order.

**Planning Board Roll Call** Members Present: Chairman Russell Whitehurst, Vice Chair Patricia Cowan, Kathy Broom, Gary Vaughn, alternates Larry Miller, John Simulcik and Brian Elias. Members Rollins, Wilber were absent.

### **NEW BUSINESS**

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### **CPA 2009-001 Park and Greenway Master Plan**

Katie Reeves stated she and committee member Mr. Dubisz will be giving a presentation of the Park and Greenway Master Plan. The Park and Greenway Plan will be referred to as the Park Plan. The process began in March 2009 with the Parks, Greenway and Tree Committee serving as the steering committee. The committee has worked with the Plan and is recommending the Plan to the Planning Board. Ms Reeves recognized the committee members and David Grant, Ex officio member, the Urban Forester with the Union County Co Operative Extension. Ms Reeves stated the consultant for the plan was HNTB.

Mr. Dubisz stated the Park Master Plan provides a long range vision of park and recreation need for the community. Based on this plan it is 10 years. The process began by identifying the goals and vision of the community, taking an inventory of existing park and greenway facilities and programs and assessing the needs of the community through surveys and community workshops. The Master Plan provides recommendations for park types such as mini, neighborhood community and district parks. Greenways and proposed locations are also recommended along with other concerns of programs, funding, and maintenance.

Mr. Dubisz continued by saying the public process began with a community survey, two half day workshops with stakeholders, and four public workshops around the Town then to the steering committee for review. Currently we are in the Planning Board and Town Council review. Lastly would be final adoption.

The vision was established by the steering committee and the public at the ‘kick off’ meeting and states:

***Indian Trail will promote a well planned park and recreation system that encourages an appreciation of nature, conservation, and a healthy and safe quality of life for all ages. The Town’s park and recreation system will be designed through partnership to connect our heritage with our future.***

The goals were established at the beginning of the process.

1. To promote Indian Trail’s small town heritage by incorporating arts and cultural activities with the development of recreational programs and facilities.
2. Preserve wetlands and other environmentally sensitive areas.
3. Develop facilities and programs that are accessible by all users.
4. Encourage physical and environmental education opportunities for all age groups.
5. Enhance the safety of parks, greenways and other recreational facilities by providing adequate lighting and signage.
6. Ensure that all recreational facilities are kept attractive through the development of a comprehensive maintenance program.

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7. Promote facilities and programs that are inviting to all users and are integrated into the context of the community.

Mr. Dubisz explained there are four types of parks as well as greenways. They will all be ADA accessible. He stated proposed parks are based on current population in neighborhoods and future growth.

Types include *mini parks* consisting of 1-5 acres, service an area of approximately ¼ of a mile.

*Neighborhood parks* are 5-10 acres in size, service an area of ½ mile. These parks will have play structures, tennis and volleyball courts, internal trails, picnic areas and general open space.

*Community parks* are 20-50 acres in size, service an area of ½ mile to 3 miles with play structures, game courts, tennis courts and ball fields. These parks will have internal trails, picnic and sitting areas as well as general open space.

*District parks* are between 80-15 acres in size, they would serve an area of 5-10 miles. These parks are recommended for partnership with Union County because of the regional service area.

Ms Reeves continued with discussion of implementation. She stated this will be handled as a partnership between Town Council, various agencies, developers, staff and the committees. The Tree and Greenway Committee will keep track of the implementation, producing an annual report for Town Council. Ms Reeves discussed the modifications to the plan during the draft process:

- Add the term ADA into the glossary
- The park funding information has been modified to be consistent with Council's direction.
- Minor typing and formatting issues will be corrected by HNTB before the final printing.

Ms Reeves stated the recommended action for Council to consider and read into the record the draft consistency findings.

1.3.1 of the Comprehensive Plan-Quality of Life. The Comprehensive Plan indicates a parks system should be established to provide a better sense of community. The Park and Greenway Master Plan directly addresses this goal by providing direction for future park and greenway locations.

1.3.2 of the Comprehensive Plan-Land Use. The Parks and Greenway Master Plan will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities, through establishing a parks and greenway system in locations which compliment the surrounding uses.

1.3.3 of the Comprehensive Plan- Transportation. The Parks and Greenway Master Plan will help to plan for multi-modal transportation options that include pedestrians and bicyclist, through the network of greenway infrastructure planning.

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1.3.4 of the Comprehensive Plan-Downtown Revitalization. The Park and Greenway Master Plan will promote the downtown area as a gathering place for community events, while at the same time serving as a business and cultural destination for the local and regional population, through providing options for the future park and greenway connections in the downtown.

This comprehensive plan amendment is in the best interest of the public because it provides a planning tool for future park and greenways which in turn provides a greater quality of life for all residents of the Town of Indian Trail.

Chairman Whitehurst asked if there is a short term plan for implementation to kick start this plan other than waiting for development. Ms Reeves replied implementation will occur through different ways and if opportunities arise at locations on the proposed park map the process will begin. She stated grant opportunities are more feasible now once a Park Plan is adopted.

Chairman Whitehurst thanked the committee and staff for all the work done to develop this plan.

Member Broom asked if any schools have been identified to partnership with the park plan. Ms Reeves stated at this time areas are not being looked. This plan does make a special effort to have language in the plan to encourage partnership with the schools. She stated a feasibility study must be done before any location is identified. The plan is not parcel specific, the indicator on the map is suggesting a park would be conducive in that general area and other areas can be options.

Mayor Quinn speaking, as a member of the Park and Greenway committee, stated wording on page 4.7 of the Park Plan refers to partnership with schools.

Ms Reeves stated the school policies are included in the appendices in regards to joint uses of facilities

Member Cowan asked if this plan is approved what would be the expedition of the grant process and timeline for obtaining monies. Ms Reeves replied different grants have different criteria but most grants want a Master Plan to be in place and could not answer specifically on a timeline.

Ms DeHart stated the PARTIF grant is an annual grant available for park land acquisition as well as development for up to \$500,000.00, dollar for dollar match. This grant requires purchase or to develop property in a very short timeline. The Town is eligible every year. Having an adopted plan gives a town a certain amount of points for implementation items.

Member Miller asked if the Town could accept donated land from developers

Ms Reeves replied if a developer is in the process of developing, the ordinance requires a certain amount of land is dedicated to park land. If a developer does not have the land or does not want to dedicate land monies can be donated as an in lieu fee and the town can use the monies to generate a park in the general area. Donating or purchasing land from a developer is an option. In lieu fees would be required to go into the park fund, none have been submitted. The fund has been in existence for 2 years.

Chairman Whitehurst opened public comment.

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Roger Fish, speaking as a Park and Greenway committee member, came before the board. Dr. Fish stated he is a former Assistant Superintendent in the District of Columbia public schools for curriculum and technology. Regarding Council representation on committees Dr. Fish stated in his opinion it is a good for Council members to know what is going on. The Council member can act as an advocate for a committee. He stated Patrice Parker, Principal of Sun Valley Elementary School, is present at this meeting. Dr Fish stated he has had conversation with facilities director, Don Hughes and the Principal at Sun Valley Senior High School. He stated Mr. Hughes sent him a map of properties in the Sun Valley area. There is 12.2 acres and an additional 5 acres adjacent that would be large enough for a neighborhood park. The school system has an interest in partnership with the Town. Dr Fish spoke to the need for administration of this plan and the benefits of greenways.

Public session closed.

Chairman Whitehurst asked if there is a provision to assign a person to administer. Ms Reeves replied the plan recommends a staff member be assigned to work towards implementation. As the Parks and Rec. program progresses a part time person be hired to manage and develop the program further.

Member Miller complimented the committee on the job of developing the Park Plan.

Member Broom also thanked the committee for the involving the public and praised the plan.

With no further discussion:

Member Cowan motioned to recommend to Town Council the approval of the Park Plan with stated modifications and the findings being made.

Member Simulcik seconded the motion.

All members voted in favor.

Chairman Whitehurst turned the meeting over to the Mayor. Town Attorney Keith Merritt recommended, stating for the record, this presentation be incorporated into the public hearing session for Town Council so as to not to present the case again.

Mayor Quinn opened the Town Council Public session.

Roger Fish came before the Council commending David Grant, staff and HNTB for their contribution to the development of the plan.

Public session closed.

Council discussion and questions session open.

Councilman Hullinger stated, in his opinion, the survey was not unbiased. He did not accept the validity of the survey; it could have been taken multiple times by the same person.

Ms Reeves commented it was an online survey and yes it could have been taken multiple times. Producing a scientific survey was too expensive for the budget the Town had to work with.

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Mayor Quinn stated in regards to funding it is going to be a critical issue. He stated in the survey parks was the number three priority. Funding will require commitment to get this done as well as staffing. He stated he believes the ½ cent is not going to do the job for long term park initiatives.

With no further questions or comments;  
Councilman D’Onofrio motioned to approve the Park Plan as presented.  
All members voted in favor.

Councilman D’Onofrio motioned to direct staff to open up dialogue with the school system for possible partnership. He recommended Dr. Fish as liaison, to include any member of the park committee that would like to be involved. Due to budget decisions at hand a timeline of 30 days to initiate discussion and report back to Council was included in the motion.  
All members voted in favor.

Councilman Goodall motioned to make this year ‘The Year of the Parks for Indian Trail’ with a goal to purchase a major park in this calendar year.

Councilman Allen stated he would like to have included, in the motion, collaboration with Union County Schools and Union County Parks and Recreations. This could result in sharing the cost.

Mayor Quinn asked for David Grant to come before the board and offer suggestions. Mr. Grant stated he would like to help the Council be specific with the goals and listed the types of parks and the acres associated with each type (stated in the previous presentation). Councilman Goodall stated, in referring to the definitions, he is recommending a community park.

The motion was repeated.  
All members voted in favor.

### **ZT 2010-002 Sign Ordinance Amendment**

Planning Director Shelley DeHart presented the request to amend Division 900 of the UDO to allow for internally illuminated routed monument signs within the Village Centers in Indian Trail. She stated the request is to specifically allow for internally illuminated, back lit channel lettering, free standing signs with in the Village Center Overlay Districts. The request was generated by a multi tenant sign request in the Austin Village Overlay District. Currently the ordinance does not allow these types of signs; they are all to be externally illuminated. Ms DeHart presented samples of signs. There is a lack of place and design in most of these signs. A mix of materials and a higher quality of signage was the intent. This amendment is a request to allow internally illuminated, back lit and open face channel lettering, routed in back channeled and with regards to externally illuminated, this stands with the requesting the light be directed towards the sign. Also to have the freestanding signs be architecturally integrated to the site design using similar materials. Austin Village signage is a good example. The required findings were read into the record. The proposed UDO amendment is consistent with the following goals:

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- 1.3.1 of the Comprehensive Plan – Quality of Life; the proposed amendment of the Sign Ordinance further promotes the unique identity for Indian Trail with a common urban design elements within the Village Center Areas of the Town; and
- 1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO ordinance amendment of the Town Sign Ordinance intent is to allow for business advertisement promoting economic prosperity while considering compatibility with the mixed use potential of our Village Centers.

This UDO amendment is a reasonable request and in the best interest of the public because the amendment provides for alternative sign illumination for business owners and centers promoting economic development in keeping with the vision of the Village Centers identified in the Comprehensive Plan.

Member Cowan thanked staff for all the hard work and many examples of signs giving the Planning Board the opportunity to make an informed recommendation.

Member Broom expressed concern the ordinance is being constantly changed. She asked if this will eliminate the old ugly signs. Ms DeHart replied this request only addresses the free standing signs. It would only allow the routed in back or the channel letter style, back lit or open faced. This does not address non illuminated signage. The City of Charlotte has utilized the internally illuminated signage in an attractive manner in their mixed villages.

Member Broom asked why this is only being addressed for Village Centers. Ms DeHart replied the needs are different in different areas, such as Hwy 74, with 200 ft right of ways, as opposed to commercial areas in Village Centers. When asked why this issue does not address signs on the buildings Ms DeHart replied she would like to, she stated she only advertised the text amendment regarding free standing.

With no one signed up to speak to the issue Chairman Whitehurst opened and closed the public session.

Mayor Quinn apologized for not recognizing the Planning Board still being in session as part of the joint meeting.

With no further discussion within the Planning Board;

Member Vaughn motioned to recommend to Town Council approval of the amendment.

Member Miller seconded the motion.

All members voted in favor.

Chairman Whitehurst again turned the meeting over to the Town Council.

Mayor Quinn opened and closed the public session.

Councilman Hullinger stated this is a step in the right direction of being business friendly and would like to continue to assist businesses.

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Councilwoman Luther stated this is what is so great about having a completed UDO, giving the Town the needed standards of design and esthetic appeal. There is still flexibility, allowing businesses to keep their branding. This all results in an attractive town.

With no further discussion;

Councilman Allen motioned to approve ZT 2010-002.

Council members Luther, Goodall, Hullinger and Allen voting in favor.

Councilman D'Onofrio opposed

### **DISCUSSION AND POSSIBLE ACTION**

#### **Planning Board**

Mayor Quinn recognized Russell Whitehurst to address the Council regarding recent Council action to reconstitute the Planning Board.

Mr. Whitehurst read as follows: (email from Mr. Allen is quoted in red)

Mr. Mayor and members of the Council,

On behalf of the Indian Trail Planning Board I would like to present to you a response to recent actions taken by the Council to direct staff to investigate the process of disbanding/reconstituting the current Planning Board.

At the meeting on February 9<sup>th</sup>, 2010 when the motion was made by Councilman Allen, the only reason that was given for wanting to remove Indian Trail's boards and committees was to give the incoming Town Manager a "clean slate" to work with. Following up on this point Councilman Allen sent an email on February 15, 2010 with eight (8) items intended to clarify the three Council member's rationale behind this decision.

I would like to address these points individually as they pertain to the Indian Trail Planning Board.

*"1. No consistent policy or policies exist today for Indian Trail boards and committees. We need to ensure each future board and committee member has at least some level of professional or private expertise in a particular committee's topic of research or study. Town Council members participation in boards and committees needs to be studied by the new Town Manager to ensure there is no undue level of influence and to define the capacity of which a Council member may take part in future boards and committees, if at all."*

Mr. Whitehurst responds: The Planning Board, in fact, has written Rules of Procedure that outline ten (10) articles including the establishment of the board, duties and powers, and rules of conduct for the members. In addition the board is considered a "public body" and is subject to all rules and regulations for public bodies contained in North Carolina's Open Meetings regulation outlined in Chapter 143, Article 33C of the North Carolina General Statute.

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The current planning board is made up of a diversified cross section of the citizens of Indian Trail, including a Land Surveyor, Labor Negotiator, Banker, Sheriff's Deputy, Homemaker and other Laymen and Laywomen.

*"2. There is no guarantee how future boards and committees will look, what types, how many. We intend to provide the new Town Manager with a clean slate of capabilities and opportunities."*

Mr. Whitehurst responds: The Planning Board is mandated by North Carolina General Statute 160A-387 and by Town Ordinance. The responsibilities of the Town Manager are outlined in our Town Charter. The Town Charter makes no provision for the Town Manager to be involved in the creation and/or oversight of the Town Planning Board. The Planning Boards interaction is relegated to the Planning Department and to the Town Council.

*"3. The new Town Manager will evaluate effectiveness of past boards and committees and determine after a thorough review of current town staff capabilities and review of professional consultant usage what committees, if any, may be needed or created for our future."*

Mr. Whitehurst responds: It is not the responsibility of the Town Manager to evaluate the performance of the Planning Board. That is the responsibility of the Town Council. This evaluation is done on an annual basis through the current application process.

*"4. For every existing committee member today, there have been many qualified applicants in the past who have been turned away."*

Mr. Whitehurst responds: This is simply not true. In the last year, three (3) applicants have applied. All three were previous members and were reapplying (Broom, Whitehurst and Vaughn). In June of 2008 there were seven (7) applicants for the Planning Board, 1 was appointed but resigned immediately and was replaced by one of the original 7. So technically of the 6, 3 were appointed (Rollins, Simulcik and Elias).

*"5. The current Town Council did not choose any of the existing members on our current boards and committees. We will open the door to all past, present members, and future applicants for any board or committee which may be created in the future."*

Mr. Whitehurst responds: All regular and alternate Planning Board members are appointed for three (3) year staggered terms. Staggered terms serve to ensure there is always a level of experience and knowledge of previous Board actions. Every year there is an opportunity for the Council to evaluate existing Board members with expired terms that wish to reapply and/or evaluate any new applicants applying to the Planning Board. The process of bringing a completely new Planning Board up to speed would be futile at best.

*"6. We need boards and committees to work in cooperation and in conjunction with the Town Council and Town Staff and provide UNBIASED FACTUAL research and study with their board or committee recommendations. We do not desire those with obvious political agendas to consistently oppose town initiatives and spread falsehoods in the press and on websites at every opportunity. This is not only unethical but is unhealthy for the Town as a whole."*

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Mr. Whitehurst responds: Article II of the Planning Boards Rules of Procedure define the duties and powers of the Board. The Boards research and information is provided by various resources including Town staff, existing codes and ordinances and neighboring municipalities. The Planning Board serves as an advisory body to the Town Council and is not in a position to agree with or oppose Town initiatives.

In addition, Article VII-1 states that “Members of the Planning Board may be removed by the Town Council for cause, including violation of the rules stated below herein.” The rules referred to deal mainly with attendance. If there is an issue with a Planning Board member or members and due cause can be shown, then there are procedures in place for their removal.

*“7. Some current board and committee members are simply reflective of former Town Council administrations whose goals are now inconsistent with the current Town Council. We desire Board and Committee members who reflect the goals of the Council and Town Staff. At every level of government, a new administration earns the right by their majority election to choose board and committee members who are unbiased and have no political agendas other than to serve the best interests of the country, state, county or municipality.”*

Mr. Whitehurst responds: The Planning Board is reflective of the Town of Indian Trail and to that end the Board serves the citizens of Indian Trail. Our role as Planning Board members is not to agree or disagree with the Council, we base our recommendations on our training and the research provided by staff and not what we think the Council wants. Once again, the Council has the opportunity annually to evaluate the current members with expired terms and any new applicants.

*“8. A strict limit of one board or committee for any person should be placed in effect and become a part of any future policies that are created in regards to boards and committees – this ensures no single person is over-tasked or is provided an exorbitant and unhealthy level of influence in town matters. This will also maximize opportunities for as many citizens as possible to take part in the future. We also need to ensure there is no real or perceived conflict of interest with applicants who serve on County or State level committees and boards.”*

Mr. Whitehurst responds: We have several members of the Planning Board that are serving or have served on various Town committees. The input that we receive back at the Planning Board level from the board members, town citizens and business owners involved in these committees is invaluable and a tremendous resource.

*Comments not from the written statement;*

Mr. Whitehurst stated the board has done many good things for the Town with cooperation of staff and citizens, The Park and Greenway Plan shows this works. The Planning Board also

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served as the UDO committee, outside of the planning responsibilities. If Council feels there are things not above board there are procedures to address that.

*Mr. Whitehurst continues with his written statement:*

Based on this information the Planning Board would ask that the Town Council rescind the directive to investigate the “reconstituting” of the Planning Board and Board of Adjustments and to follow the rules and procedures that are currently in effect for these Boards.

Respectfully,  
Russell Whitehurst,  
Chairman Indian Trail Planning Board.

### **Conclusion of read statement.**

Mr. Whitehurst thanked the Council and asked if there were any questions. With no further discussion or questions from the Town Council.

Member Cowan motioned to adjourn the Planning Board.  
Member Vaughn seconded the motion  
All members voted in favor.

### **PUBLIC COMMENTS**

*(This item moved up on the Agenda pursuant to a motion made under additions and deletions.)*

### **CONSENT AGENDA**

- a. Finance Department List for Shredding
- b. Tax Department List for Shredding

Councilmember D’Onofrio commented that in looking at dates of some of the documents, some go back to 1956. He feels this may have some historical value and perhaps the Indian Trail Arts and Historical Society would be interested in reviewing the records. He suggested having the documents scanned for future reference.

Ms. Piontek stated there are statues and guidelines the tax and finance department have to follow in records retention; clarification as to why this matter is before them tonight. Additional discussion ensued.

Gary D’Onofrio made a motion table this item.

Council voted unanimously in favor of the motion.

### **PRESENTATIONS**

#### **U.S. Census 2010**

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Luke Fawcett updated the Council on the Census 2010 efforts. The census is a count of everyone in the United States. Everyone in the United States must be counted - people of all races and ethnic groups, both citizens and noncitizens. The US Constitution requires a national census once every ten years. Census Day is April 1, 2010. Businesses, faith-based groups and community organizations have partnered with the US Census Bureau to encourage everyone to participate in the 2010 Census. Census forms will be delivered or mailed in March 2010. Census workers visit households that do not return forms. A complete and accurate count is important: Every year, the federal government distributes more than \$400 billion to state, local and tribal governments based on census data; Census data guide local decision makers on where to build new roads, hospitals, child-care and senior centers, schools and more; Census data determine how many seats each state will have in the US House of Representatives.

Businesses use census data to help inform business decisions and spur growth. Funding for vital services - as determined by the census - can make a positive impact on the lives of employees, their families and their communities. These services include: Health - hospitals, health centers and community health programs; Education - schools, job training, English language learning programs; Transportation - roads, bridges, public transportation; Other Support - child care and senior centers, cultural programs. This is the shortest census form in history - 10 questions. The census information is safe; by law the Census Bureau cannot share respondents' answers with anyone, including other federal agencies and law enforcement entities.

Key dates for the Census are as follows:

Delivery of 2010 Census forms: March 2010

Census Coffee Break: March 22nd-April 9<sup>th</sup>

Indian Trail Census Day: March 29, 2010

Final counts delivered to President: December 31, 2010

Redistricting counts delivered to states: February- March 2011

### **Stormwater Advisory Committee Annual Report**

Mr. Kaufhold introduced John Eigenbrode, recently elected Chairman of the Stormwater Advisory Committee.

Mr. Eigenbrode reported on the Stormwater Advisory Committee 2009 Annual Report. He briefly went over the history of the committee and their duties and charges.

Why even have a stormwater program? NPDES Permit mandates improvements to local water quality; erosion is the primary cause of poor water quality in our region; stormwater construction projects improve water quality by reducing erosion. He introduced some before and after pictures of completed projects.

Years 1-3 - The Stormwater Program began as a joint venture between the Town of Stallings and Indian Trail and lasted 18 months. SWAC and Woolpert created the Stormwater Management Program which outlines the implementation of the six minimum measures the NPDES Permit

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requires. Begin implementation of the six minimum measures. Developed utility rates and made recommendations to Town Council.

Year 4 - Ongoing Implementation of Six Minimum Measures: 1) Public Education and Outreach - website, fliers, handouts, mailings; 2) Public Involvement and Participation - Adopt - a-stream, storm drain markings, Enviroscene presentation; 3) Illicit Discharge Detection and Elimination - channel outfall mapping, closed storm drain system map; 4) Construction Site Runoff Control - NCDENR; 5) Post -Construction Site Runoff Controls - Worked with development projects; 6) Pollution Prevention and Good Housekeeping - Training classes  
Also received 91 stormwater requests for service, completed 29 projects effecting some 85 properties.

He explained the current stormwater utility fees: Residential Tier 1 - <2060 sq. ft = \$42.48/yr; Residential Tier 2 - >2060 sq. ft. = \$50.88/yr; Commercial - 1 ERU=2060 sq. ft. - \$32.40/ERU/yr. 2009 Revenue - \$999,300.

Budget Summary Year 4 (July 2008-June 2009)

Labor - \$167,000 - 17% of the budget; Contract Services - \$492,000 - 51% of the budget; General Equipment, Facilities, Supplies - \$75,000 - 8% of the budget; Capital Improvements - \$233,000 - 24% of the budget; Budget - \$967,000.

Budget Summary Year 5 (July 2009 - June 2010): Labor increased to \$200,000; Contract Services reduced to \$315,000; General Equipment, Facilities, Supplies reduced to \$41,000; Capital Improvements increased to \$636,000. Budget increased to \$1,192,000.

Councilmember Goodall questioned whether the businesses were taking advantages of the Stormwater funds. Mr. Eigenbrode replies that projects are classified with A, B & C whether it's imminent flooding with structures; they try to do a mix of projects. Mr. Tolan gave an example of a project on Commerce Drive in which they worked with NCDOT with financing primarily from the Town as the DOT does not have the available funds. He estimated an 85/15 mix with residential receiving the majority of the projects involving residential property. Additional discussion regarding the report continued briefly.

### **OLD BUSINESS**

#### **Loitering Ordinance (2nd reading)**

Mr. Merritt re-introduced the Loitering Ordinance within Chapter 131 in the Code of Ordinances for the second vote; it did not have a super majority at the first reading.

Jeff Goodall made a motion to amend Chapter 131 - Loitering Ordinance specifically 131.20 in respect to the fines - change 1st offense to \$100; 2nd offense to \$250 and each subsequent offense to \$500. (*This motion is later amended.*)

Council discussed the change in fines.

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Jeff Goodall made a motion to amend his prior motion to change the fees to 1st offense - \$50; 2nd offense - \$100; 3rd and subsequent offenses - \$250.

Motion Passed 4 - 1 with Gary D'Onofrio opposing.

Jeff Goodall made a motion adopt Chapter 131 Loitering Ordinance.

Council voted unanimously in favor of the motion.

### **Goals and Initiatives**

Councilmember D'Onofrio stated in looking at the Draft Agenda for the Goals and Initiatives Session it seemed to be heavy on staff presentation. He is hoping for part of the day for the staff to bring Council up to date and pose possible solutions and reserve the second half of the day to express Council ideas.

Council discussed possible change of date; consensus was to leave on March 13th.

### **MANAGER'S REPORT**

Ms. Piontek provided information regarding the acquisition of Action Garbage by Waste Connections; referenced an e-mail from Mr. Fadul. Mr. Fadul's proposal is for the citizens to purchase the carts and they would pick up additional solid waste. She received the vehicle maintenance records on February 11 and reported on the clean up efforts. The Town of Stallings is waiting on Indian Trail to make a decision regarding the contract.

The ABC Board applications have been received and applicant interview times have been confirmed. She reminded Council of the reception to be held for Mr. Fivas on March 10th at 6:00 at Xtreme Ice Center. This is her last report as Town Manager and she thanked Council for the opportunity and thanked Mr. Merritt and staff also.

### **PLANNING REPORT**

Ms. DeHart stated that tomorrow night is the planning training through Centralina; it will be recorded and put on the website to enable others to listen. The newsletter has been sent to print. Earth/Arbor Day is moving along and will have a blue grass band, vendors and a small farmers market.

### **ENGINEERS REPORT**

Mr. Kaufhold stated there will be a drop-in public meeting on February 25 from 4-6 pm for review and comment on the Long Range Transportation Plan. Indian Trail has 17 roadway segments on the LRTP - totaling 34 miles of roadway.

### **COUNCIL COMMENTS**

## DRAFT

Councilmember Luther stated for the record that her agenda is not for or against a police department or a continued contract with the Sheriff's Department. Her agenda is economic development, job creation, business friendly initiatives, beautification and seeing a park come to fruition.

Mayor Quinn believes the number one responsibility as a government body is to provide public safety. He is proud of the Planning Board Chair clearly refuting the stated reasons for disbanding the committees.

Councilmember D'Onofrio stated that tomorrow the Council will be here for ABC Board applicant interviews. He requested the Governance Committee be notified of the meeting and that he will be unable to attend their meeting tomorrow night.

Councilmember Goodall had no comments.

Councilmember Allen stated he is not for a police department, he supports the deputies; but an increase in deputies will cost additional money. He apologized to the Planning Board; he did not realize the bullet points would be received the way they were. The comments did not apply to a specific board or committee it was a broad statement. Disbanding of board/committees is commonplace as they serve at the will and pleasure of Councils, this is happening more frequently at the county and municipal levels.

Councilmember Hullinger commented that just because others do it, doesn't make it right.

### **CLOSED SESSION**

*(This item deleted pursuant to motion made under additions and deletions.)*

### **ADJOURN**

Jeff Goodall made a motion to adjourn

Council voted unanimously in favor of the motion.

APPROVED:

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John J. Quinn, Mayor

Attest:

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Trena Sims, Interim Town Clerk