



Town of Indian Trail
Minutes of Town Council
January 14, 2014
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Absent Members: David Waddell

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Planning Director Shelley DeHart, Director of Community & Economic Development Kelly Barnhardt, Finance Director Marsha Sutton, Human Resources Director Carey Warner and Director of Engineering and Public Works Scott Kaufhold .

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and lead in the Pledge of Allegiance. He announced Council Member Waddell was not present.

Mayor Alvarez informed Council that several people signed up for public comments and requested permission to extend public comment period, Council approved.

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. Swearing in of Mayor Pro Tem

Town Clerk, Peggy Piontek administered the Oath to Mayor Pro Tempore David Cohn. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

PUBLIC COMMENTS

Samantha Towns 104 Pinelake Drive, Monroe, NC stated that it is time to consider the town's image. She referred to the voting turnout in November and feels that Mr. Drehs should be appointed and recommended the Council follow the law to prevent any lawsuits.

Jonathan Baer requested his comments be recorded as verbatim, Council approved the request. A copy of the documents that Mr. Baer provided to the Clerk upon conclusion of his comments is **(ATTACHED HERETO AND MADE A PART OF THE RECORD)**.

Steven Long, 1012 Cranston Crossing Place, Indian Trail, NC stated that there are approximately 14 different openings on the town committees and boards. He urged citizens to take an application fill it out to take ownership and get involved. As far as replacing Mr. Waddell's seat, it should be done within the town charter. He referred to time shared with Charlotte Mayor Patrick Cannon, his shared ideals and goals especially with youth, economic growth, public safety and roads are a herald for us to realize (undeterminable) and take the plunge. If taxes and my love for this town are sure things.

Cathi Higgins, 3004 Clover Hill Road, Indian Trail, NC, reminded everyone that Mr. Baer did not state his address. Ms. Higgins addressed the appointment of the next council person, thanked Mr. Waddell for his service. Logically if this vacancy had occurred in November David Drehs would be sitting in that

chair right now. Residents voted only 2 months ago, she referred to the 500 voting residents who wanted to put David Drehs on the Council. She continued to express his qualifications.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC advised that she wanted to speak on the upcoming open seat for the Town Council position and explained why she endorsed David Drehs, stating his credentials. Ms. Howe explained her point is that there is a movement to appoint the vacant seat to a female that should not be considered in her opinion. This would provide an open door for a preselected female or male to get a free ride to claim the Council seat and suggested Council not be fooled.

Roger Fish, 1101 Magna Lane, Indian Trail, NC feels the next 2-5 years will be critical in Indian Trail and it will be a wonderful time to be on the Council. He believes it's important that Council maintains their freedom of action on who to choose, but feels there is merit to look at Mr. Drehs, he has done his due diligence, has voter approval, and would be an asset to the Council.

Michael Faulkenberry, 519 Pickett Circle, Indian Trail, NC feels Mr. Drehs is the best choice for Mr. Waddell's seat and provided some background on him. He agrees with Mr. King that we should have holiday lights in Indian Trail. The representation for Alliance of South Charlotte Communities should be put up for discussion and applications taken just like any committee.

Jan Brown, 6727 Long Nook Lane, Indian Trail, NC would like Council to interview several people, requested he be considered and provided his background and credentials.

David Drehs, 3216 Bow Club Trail, Indian Trail, NC stated he appreciated the comments that have been made about him this evening. He listed comparisons between him and Mr. Waddell. He is willing to accomplish any procedures or jump through any hoops Council wants and believes he would be an asset to the Town.

PUBLIC COMMENTS FOR FY 2014/2015 BUDGET DEVELOPMENT

No one had signed up to speak.

CONSENT AGENDA

- a. Approval December 10, 2013 draft Minutes
- b. Approval of 2014/2015 Budget Schedule **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Christopher King made a motion to approve the Consent Agenda
Council voted unanimously in favor of the motion

PUBLIC HEARINGS

a. Annexation 139 Lot 2 The Gardens

Ms. DeHart provided an explanation of what an annexation is and the process that is involved. Ms. DeHart then stated the subject property is located within "The Gardens at Brandon Oaks" within the unincorporated area of Union County. The subject property is developed with a single-family residential home. The parcel is approximately .179 acres in size, and is zoned Union County Residential-20 (R-20). This property is one of the two last remaining unincorporated county properties located within the Brandon Oaks Subdivision.

Ms. DeHart stated that the following consistency finding, pursuant to NCGS § 160A-31(d) regarding voluntary annexations in North Carolina, must be made for the annexation to be valid: The Town Council of Indian Trail finds that, pursuant to the requirements of NCGS § 160A- 31(d), that the proposed Annexation Ordinance #139 petition offered by the applicants does in fact meet all requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and manner.

Mayor Alvarez opened and closed public comments as no one had signed up to speak.

David Cohn made a motion to approve extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #139, establishing the effective date of this Annexation to January 15, 2014.

Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

b. ZT2013-005 Town Committee Reorganization

Mr. Burhans explained the UDO Text Amendment Process. Mr. Burhans stated that this is a request to amend several sections of the Unified Development Ordinance (UDO) to help implement the recent Town Council decision to repurpose the Parks, Tree, and Greenway Committee into the Parks, Arts, Recreating, and Culture Advisory Committee. The repurposing action created the need for a standalone Tree Advisory Committee. Town staff has proposed having members of the Planning Board staff the new Tree Advisory Committee.

The Planning Board met on December 17, 2013 to hear the proposed amendment in a public meeting, made the following findings and unanimously voted to transmit a recommendation to approve:

1. The proposed UDO amendment is consistent with the following goal:

2.3.3 of the Comprehensive Plan- *Parks and Recreation, Open Space, and Natural Environment* because it will help facilitate creation of the Tree Advisory Committee, which will be focused on providing advisory services to help protect the Indian Trail tree canopy and natural environment. The proposed amendments will also help ensure guidance related to parks, art, recreation, and cultural enrichment is provided by the PARC Committee, whose mission and expertise is tailored to these areas.

2. This UDO ordinance amendment is in the best interest of the public because it helps facilitate the creation of focused, advisory committees that will ensure that Town Council, staff, and citizens are provided with meaningful and informed guidance.

Mayor Alvarez opened and closed Public comments as no one signed up to speak.

Mayor Alvarez asked Council to reopen public comments for Mr. Fish - Council agreed.

Roger Fish explained the purpose of having a Tree Committee, the history and importance of our trees and ensuring their protection concluding that the PARC Committee agrees with this request.

Mayor Alvarez again closed the public comments portion of the hearing.

David Cohn made a motion to approve the required findings for ZT2013-005 and Comprehensive Plan Consistency Statement as previously read into the record and found in the Draft Ordinance Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

David Cohn made a motion to approve text amendment ZT2013-005 Council voted unanimously in favor of the motion

BUSINESS ITEMS

None

DISCUSSION ITEMS

- a. Discussion on process to fill ABC Board position

Mr. Fivas inquired what is the process Council wants to go through to select the individual, providing what has been accomplished in the past. Stating that if there is a change now would be the time to do so. By consensus Council agreed to continue as has been done previously.

- b. Discussion on filling vacant Council seat

Mr. Merritt read the statute and advised there is no prescribed method on how the seat is filled. He provided some history on the last 2 vacancies. Ultimately recommending that Council adopts some procedure and follow that. Council had a lengthy discussion on this topic.

David Cohn made a motion that the 1st runner up to be the person that the Council appoints after January 31st. So we would do that at the first meeting in February, we would appoint the 1st runner up.

Motion resulted in a tie:

2 in favor -Chris King and David Cohn

2 Opposed – Gordon Daniels and Gary Savoie

Mayor Alvarez broke the tie in favor of the motion, the motion passed.

c. Discussion on PARTF Grant

Mr. Fivas provided an update on the grant advising it will be on the consent agenda on January 28th, if there are any questions it's imperative that Council ask prior to that meeting because if it doesn't get approved on that date we won't get it in on time to meet the January 31st deadline.

d. Discussion on Representative for Alliance for South Charlotte Communities

Mr. Fivas advised that this is another appointee that the Council can choose to represent Indian Trail. He requested what process Council wants to perform to fill that position.

Mr. Savoie stated this is an important position and recommends opening it up, see what applicants we receive to get the best person sitting there. By consensus Council agreed, and doing it within 30 days maximum 60 days was suggested by Mr. Daniels.

MANAGERS REPORT

None

COUNCIL COMMENTS

Mr. King had no comments.

Mr. Daniels stated that in his opinion the process is what it is. This is tough process to pick a person to fill this seat, but it's an appointment and not an election. The election ended and this is a new process, we have to look at it as such. If we try to take one process and fit it into another process he believes is wrong. If we want to get the best possible person and that person is the person we've been discussing this evening that will become evident.

Mr. Cohn said he believes it was done the right way, the residents spoke and that's the way they wanted it done. To comment that's not the clean way to do it is shocking that an election is not the clean way to do it. Five people interviewing each applicant for 10 minutes and deciding who should be picked is not the clean way to do it; it's the least transparent way to do anything. He knows for a fact that emails are sent influencing people. He believes the people choose who they wanted; he thanked Mr. King and Mayor Alvarez for doing the right thing. He's hopeful that we will do the right thing in February. The people made the decision and we can't be any more transparent than that.

Mayor Alvarez stated that budget season is in full gear, urging Council to have a couple of public hearings. We need to review all policies and charters, close loopholes and bring to modern times, making sure policies are in order and transparent. Couple of items that need to be addressed is Public Comments and Law Enforcement. He will be putting an item on the agenda for the upcoming meetings and feels it's important to have the committees report to Council so we know what they're doing and provide them support, law enforcement as well. On the Tree Committee he likes the idea of adding beautification to their agenda.

Mr. Savoie state that his comments were not against Mr. Cohn, it was about creating a policy to have a guideline to go forward with.

CLOSED SESSION

None

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