

**Town of Indian Trail**  
**Minutes of Regular Council Mtg.**  
**January 27, 2009**  
**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, Shirley Howe, John Hullinger, and Dan Schallenkamp.

Absent Members: Town Clerk Peggy Piontek and Junior Planner Craig Thomas.

Staff Members: Town Attorney Keith Merritt, Town Manager Ed Humphries, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Finance Officer Marsha Sutton, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, Administrative Assistant Vicky Watts, Senior Planner Katie Reeves, Planning Technician Hillary Pace, Trena Sims, Deputy Town Clerk, Adam McLamb Engineering, Junior Planner Jonathon Edwards, and Associate Planner Jason Mann.

Media Present: Shirley Bossbach of the County Edge, Marty Mitchen of the Charlotte Observer

**CALL MEETING TO ORDER**

Mayor Quinn called the meeting to order.

**COUNTY COMMISSIONERS**

Chairman Lanny Openshaw called to order the Special Meeting for the Union County Board of Commissioners.

Mayor Quinn thanked the Union County Board of Commissioners for their attendance. He then recognized Police Chief Plyler from Stallings, Captain Mike Easley and Mayor Linda Paxton.

Chairman Openshaw thanked the Board for the invitation to meet with them tonight. The Commissioners are here to listen to the presentation by the Indian Trail Council regarding the goals and short term goals.

### **a. Goals and short-term plans for Indian Trail Dan Schallenkamp**

Councilmember Schallenkamp presented the following Goals and short-term plans for Indian Trail on behalf of the Town Council:

I want to take a minute to highlight many of our accomplishments but first a word about our recent past. Indian Trail has come a long way in the past several years. We went from being the poster child for un-planned, un-restrained growth to becoming a model for wise and proactive planning. We only wish we could roll the clock backwards and put our current plans and ordinances in-place 15 or even 10 years ago. This should serve as a warning to other communities in Union County. There is no-substitute for strong development ordinances and adequate, long-range planning and you must put such tools in-place long before your first big wave of growth.

Now on to recent accomplishments. Indian Trail is very excited with our newly adopted Unified Development Ordinance (UDO) which is designed to guide and regulate future development. This UDO will help Indian Trail implement the goals we have adopted in our planning guides such as our Comprehensive Plan, Downtown Vision Plan, Downtown Master Plan and (after tonight) our Comprehensive Pedestrian Plan. All of these types of plans are very important to the healthy growth of any community. In recent years we have established several citizens' committees for: Public Safety, Storm Water, Parks/Greenway/Tree, and Transportation. We now place the audio of all Town Council meetings on the internet for all citizens to hear. We recently received the results of our first ever citizens and business survey which will help guide future decisions. In 2007 Indian Trail proudly celebrated our 100<sup>th</sup> anniversary. Also in 2007, we had the great pleasure of playing host to the VFW's Moving Wall Vietnam Memorial and we earned the "Tree City USA" designation from the National Arbor Day Foundation.

Because we have come to realize that we can not rely solely on the State to address our road needs, Indian Trail established a Road Fund and we dedicate two (2) cents of our tax rate to this fund. We have also established a Park Fund (which you will hear about a bit later).

Our goals and short-term plans are to continue to be proactive by investing in the types of planning that will maintain and enhance the quality of life here in Indian Trail. We will continue to work in concert with Union County, with neighboring communities and with the State as we strive to incrementally improve services such as law enforcement and infrastructure needs such as roads and parks. These are costly endeavors, costly in both time and money and these costs are directly related to recent, unsustainable growth we have experienced.

### **b. How the County can better serve Indian Trail**

#### **Roads and Intersections - Shirley Howe**

Councilmember Howe presented the Roads and Intersections portion of the meeting as follows: I also welcome you to our Indian Trail Town Meeting and I appreciate you giving this Council the opportunity to exchange our thoughts and ideas with you.

Union County and the Town of Indian Trail are charged with a daunting challenge: What can we do to assist each other in resolving our transportation dilemma?

We have to recognize the severity of our national economy along with the past and present lack of funding from the State and the North Carolina Department of Transportation for projects such as road and intersection improvements, road maintenance, and new roads. The economic future of this county is being challenged like never before. Yesterday, State Senate leader Marc Basnight stated that he wants to backtrack on the General Assembly's pledge to phase out the transfer of the \$172 million from the State Highway Trust Fund and move it to the General Fund, which pays for non-transportation needs. This move will also delay the new turnpike.

Union County is listed in the top ten fastest growing counties in the United States. The Town of Indian Trail is the eighth fastest growing town in the country! These findings are a result of a study from an Arkansas Based company, The Gadberry Group. This group is a national demographer shadowing population trends from businesses and municipalities. There is a saying, "Build it and they will come." Thousands of homes in Indian Trail were built and "they" did come from all over the country. Nearly half of our Town's residents have lived here for less than five years. It is obvious to me that growth did not pay for itself and that control of our infrastructure was not maintained.

Indian Trail residents recently participated in a Town survey. Our citizens chose Road Improvements as their #1 priority by a vote of 95.8%. Their choice is well taken considering that Indian Trail and Union County have been deprived of our fair share of road money for years due to political influence. As a result, a large portion of these funds were allotted to the Eastern part of our state which is clearly out of proportion to its population and growth.

In the past, elected officials have tapped road money to balance the State budget. We, as elected officials, have a responsibility to our constituents to assure them that we are making every effort to correct this discrepancy in Raleigh by setting our goals and requiring, if not demanding, total transparency from start to finish on all road funding projects in North Carolina. We must become proactive and unify the county for the common good.

#### Observations:

The stimulus package that is being promoted is somewhat of a disappointment. Out of \$76 million dollars designated for Division 10 (Mecklenburg, Cabarrus, Anson, Stanley, and Union Counties), our area may see at most 2.6% of this money.

Union County Bridges: According to Federal law, statewide all bridges are inspected and rated every two years. Out of 181 bridges in Union County, the second worst rated bridge is located in Indian Trail. Some of you crossed that bridge to attend this meeting. Indian Trail School buses, filled with our children, cross this bridge on a daily bases. The bridge scored 8 out of a possible 100 points. This bridge is located less than 100 yards from Indian Trail Elementary School. It is a disaster waiting to happen. Our Engineering Staff have reported conditions at this bridge on numerous occasions to the Department of Transportation.

Recent crash data reveals that six out of the top ten accident locations in Union County are located in the Town of Indian Trail. Highway 74 will continue to be a traffic nightmare until a bypass is completed. Our Town Council adopted a resolution to support the bypass by

unanimously supporting 18-A. We continue to be confident that the Turnpike Authority will find favor in our decision on this preferred route.

Our population increased with many residents settling in large developments such as Brandon Oaks, Holly Park, and Taylor Glenn with Monroe Road becoming a major connector. Traffic flow on this road has become unmanageable. This road crosses through four municipalities. Many travelers who live in other communities have no other choice but to use this two lane road.

Indian Trail has three critically congested intersections at Potters, Waxhaw Indian Trail, and Wesley Chapel roads. We are playing catch up because we did not pay attention to our transportation infrastructure. In the past, we have received very little assistance from the State or NC DOT with a comprehensive plan to improve traffic and safety conditions on this vital east/west thoroughfare.

During our budget session two years ago, our council designated \$.02 (15%) to be set aside for road money. We projected shortfalls in NC DOT funds and considered this decision as a positive proactive approach. We would like to know if the county is considering a schedule similar to Mecklenburg County by introducing a sales tax for state roads in Union County. A sales tax would be equally shared by all and not place the sole responsibility on the property owners.

Perhaps uniting with other municipalities, we can serve notice to elected officials in Raleigh to revise the DOT equity formula so that Union County and Indian Trail will be awarded more funds. The time for waiting has passed. It is time to think outside the box, explore all options, accept responsibility for our past shortcomings and take the lead.

### **Satellite Sheriff's Office - John Hullinger**

Councilmember Hullinger presented information regarding deputies in Indian Trail as follows: I wish to thank the Sheriff and the County Commissioners for partnering with the Town of Indian Trail for law enforcement. We feel that this is a very good partnership, and a recent study by a student group in the Master of Public Administration program at the University of North Carolina Charlotte, reinforces the value of this partnership.

Recently, there has been discussion between Indian Trail and Union County regarding an additional Sheriff's office location in Indian Trail. This year, the Town of Indian Trail's contract for law enforcement accounted for 5 % of Union County's \$18,619,469 law enforcement budget. This percent will increase as Indian Trail adds more deputies, which our citizens, in a recent survey, have asked us to do. As part of this increase, we have discussed the possibility of partnering with Union County in order to create a Sheriff's office location here in Indian Trail. We have included a copy of the estimated costs associated with this project, based on a potential location on US 74. We believe that an additional Sheriff's office location in Indian Trail would be a tremendous resource, not only for the residents of Indian Trail, but also the businesses and citizens of Union County. We see a tremendous opportunity to provide many services to county businesses and citizens, without them having to travel to the Sheriff's main office. This would greatly benefit the Sheriff's office, the residents and businesses of Indian Trail, and the citizens of Union County.

This vision of having an additional Sheriff's office location in Indian Trail is coming at a difficult time for the county. We understand that the county is facing financial challenges right now, but we also see an increase in crime during this economical down turn. While the ongoing expenses to maintain a Sheriff's office in Indian Trail are minor, the startup costs are significantly more. Mayor Quinn has contacted businesses in an effort to garner financial support to help offset some of these initial costs. Before making any further decisions on this initiative, we would like to ask the county to consider this partnership with the Town of Indian Trail and the business community. We request that you take this project into consideration and inform us of what the county can or cannot do to bring this project to fruition.

Thank you for taking the time to meet with us and listen to our thoughts and ideas. At this time, I would like to open it up for the Commissioners to ask any questions that they might have about this law enforcement project.

Chairman Openshaw stated that was a great idea. The County's finances are in meltdown mode. Having a Sheriff's office right on Hwy. 74 is a logical location for accessibility. This would possibly be the primary satellite office in the future. If there is any way we can help out, don't think there is right now though, but if there is any way, there would significant support.

Mayor Quinn introduced some local business leaders or representatives who are here to support the action of an office on Hwy. 74. Chairman Openshaw thanked the business leaders for being there.

Commissioner Rogers stated that she is making notes and questions to save for the end, but she wants to hear what the Council has to say right now, if time runs out, she will submit the information after the meeting.

### **Parks and Recreation - Gary D'Onofrio**

Councilmember D'Onofrio made the presentation for Parks & Recreation as follows: I would like to thank the Union County Board of Commissioners for taking the initiative to get out and speak with each of the municipalities in Union County and become engaged in a dialogue that will help all of us with regard to planning, implementation, and conclusion of designs, projects, and programs that will enhance the quality of life for our residents.

As you are all aware, Indian Trail has been a very rapidly growing community with people moving here from all over other counties in North Carolina as well as numerous other states to enjoy the lower cost of housing, the good public schools, the great weather, and the authentic suburban feel that Indian Trail and Union County both provide. As we have grown, so to have the expectations of our citizens for us to provide amenities which are consistent with the overall vision of a community in which they may work, live, and play. These parameters are set forth in the Indian Trail Comprehensive Plan and are to be achieved over time through the enforcement of our newly adopted Unified Development Ordinance. In our recently completed branding exercise and citizen survey, the people of Indian Trail have spoken as to what they would like to see in these regards. The people want to live in a town that has a sense of community, a sense of

place, and which is family friendly. According to our citizens, parks and recreational facilities are a fixed element in a town that has these qualities mentioned previously.

In fact, going back to survey results received from the citizens in 2004 during the development of our Comprehensive plan, the people confirmed they wanted to see parks and recreational facilities in our Town. This desire was reconfirmed in 2008 during our citizen survey, with “parks and recreational facilities” ranking third in “new projects citizens feel should definitely be done.” With 85.1% of those who had an opinion responding in this matter, this only slightly falls behind improving roads and increasing public safety levels, which were ranked 1 and 2 respectively on the list. To the elected leaders of Indian Trail these are very significant statistics and we are committed to delivering for our citizens.

The Parks, Boulevards, and Greenways element of our Comprehensive Plan identifies a level of service demand of approximately 3.5 acres of park and recreation land per 1,000 people. Based on a current population of 26,000 that would correspond to 91 acres being needed today to meet the current demand. When including population projections over the next 20-30 years this figure could be nearly 300 acres of park and recreation land to meet demand. With the Town of Indian Trail currently maintaining 0 acres of park and recreation land you can see we have our work cut out for us.

In fairness it is estimated by our planning officials that there is perhaps 30 acres of park and recreation land within the various subdivisions of Indian Trail currently existing as small pocket parks, open space, etc. Our residents have responded resoundingly in favor of local government completing park and recreation projects despite this fact. We as the elected officials of Indian Trail are committed to delivering on the citizen’s wishes, and have taken concrete steps to achieve them. Among them are the following:

- Incorporated a required park land dedication or “in lieu fee” regulations for new subdivisions within our Unified Development Ordinance.
- Establishing a vision for parks, greenway, and open space within our Comprehensive Plan.
- Establishing a parks, greenway, and tree committee.
- Applied for and received a grant for establishing a Comprehensive Pedestrian Plan, which includes greenway connectivity.
- Allocated in 2008 a ½ cent of our tax rate to a park fund.
- Budgeted for a Master Park Plan, which will begin next month.
- Currently working with neighboring jurisdictions and the Carolina Thread Trail to plan for extensions of their system into Union County

While we move ahead with our initiatives in Indian Trail, we feel that the County can exercise a bigger role in what is largely a quality of life issue for all of our residents. First greater cooperation and communication is needed. Unity in direction can only be achieved through open dialogue and mutual planning. Planning is a worthwhile endeavor as it can solidify the grant process as well. It is our understanding that the County adopted a Comprehensive Park Plan in 2006 which focuses mainly on the development of additional “district parks”, such as Cane Creek, in Union County. We believe that communication and cooperation with the

municipalities on smaller park projects and the execution of the development of the larger “district parks” can simultaneously be in the works. There is only one proposed district park on the County planning map way up in the northeast section of the County. However the proximity to the concentrated population of the western side of the County would prevent it from being used by a majority of County residents.

Financial assistance can also be spread around so that the municipalities are not alone in bearing the costs associated with parks and recreational facilities. For example, there exists a planning grant of \$60,000 for the previously mentioned Carolina Thread Trail. There is a required 10% match that it would be appropriate for the County to provide considering the trail would traverse the whole of Union County, and not just one town. With full empathy and understanding for the financial struggles the County presently endures, a \$6,000 expenditure for this does not seem unreasonable, especially when considering that a significant number of county residents may be in favor of it.

The County can also partner with Indian Trail in Park and Recreation facilities that are open to the public. The possibility of the county purchasing land in Indian Trail for a park, and the Town of Indian Trail developing and running the facility, or vice versa, may be worth considering as it benefits Town and County residents alike. Also, land next to Union County Public Schools can be developed with County participation and thereby enhance a growing niche in Indian Trail for athletics. Currently the hugely popular Indian Trail Athletic Association (ITAA), as well as the privately run Extreme Ice Center (which is drawing national attention), and Carolina Courts facilities are all in Indian Trail.

The County does provide a first class facility at Cane Creek, and we should thank you for it. This is a wonderful place with many available activities for our citizens. Geographically speaking for most of the residents of Indian Trail it is not close enough to go to on a regular basis. So while the facility is great, there needs to be more of them for all of the citizens and their families to enjoy. We should also thank Union County for the Union County Athletic Council Grant, which our own ITAA has utilized in the past.

In challenging economic times it may not seem a high priority for projects involving Parks and Recreation. However, our citizens have said otherwise, and many people are looking to get back to family activities that are low cost or free. The Indian Trail Town Survey showed that 2/3 of our residents would be willing to pay some additional taxes for future projects like parks and recreational facilities. What better way to encourage quality of life than to provide facilities where people can walk together, ride bikes together, see a concert in the park together, fish together, or push their children on a swing.

Therefore, the Town of Indian Trail respectfully asks for your consideration in the matters of and increased commitment to planning for parks and recreation, improving communication with the municipalities as it relates to the same and to increasing Parks and Recreational facilities for all the citizens of Union County to enjoy.

**c. County process improvements that will assist Indian Trail Dan Schallenkamp**

A) An adequate transportation infrastructure is critical to both economic development and quality of life. This is an area that has been almost completely overlooked despite the enormous growth Union County has experienced in the past decade. Transportation improvements are a great, hidden cost of growth that has gone unaddressed for too long. We must have a sustained, county-wide, coordinated effort to begin addressing our transportation challenges. Failure to act on this puts our county further behind. We suggest the following:

1) MUMPO has both a technical committee (TCC) made up of planners, engineers and consultants as well as the MPO made up of elected officials. The county should consider a similar structure, both a technical/recommending body and a non-technical body (i.e. elected officials) who act on those recommendations. Call it the "Union Transportation Committee" or (UTC). The UTC would be charged with the coordination and planning of all transportation efforts, to facilitate cross-jurisdiction cooperation, and to present a unified voice to MUMPO.

2) A county staff member whose primary job responsibility is that of county-wide transportation coordinator. This position would be responsible for all activities of the UTC. In the near term, the county may start this by seeking a qualified volunteer for this position, perhaps a retired individual with traffic engineering experience.

B) The county must avoid any funding cuts that might reduce or burden our emergency services including law enforcement, fire and EMS. As the county population continues to grow, we can not allow reductions in these services. Rather, these services must increase as our population increases. Public safety is one of our primary duties as elected officials and many would argue that it is our most important duty. This leads to the following questions/comments/requests:

- Do we have adequate EMS/ambulance services?
- Do we have adequate Fire service? When is the last time we did a Fire Study?
- We understand that the county has for several years been reducing or in some cases, eliminating funding of our Volunteer Fire Departments (VFDs). If this is accurate, why has this been done in a time when we are growing so fast? Also, have these reductions been uniform across all the VFDs?
- Indian Trail invests in the Union County Sheriffs' Department through the contract deputy program. We have determined this to be a high-quality, cost effective way to provide a higher level of law enforcement services to our citizens. Because of this investment, Indian Trail would be very concerned with any and all proposed budget cuts that may reduce or otherwise affect the level of service that is provided to our citizens.

As Councilmember Hullinger mentioned just our contract deputies' fees represent about 5% of the sheriff's law enforcement budget. We also need to take into consideration that if you took the entire Union County property tax coming out of Indian Trail and take the percentage of that goes toward law enforcement, you can add that to the 5%. This could represent approximately 25-30% of the Sheriff's budget. As a large contributor to the Sheriff's budget, we want to work together to understand these cuts that are being recommended, because in the upcoming budget year we may be asking for additional contract deputies. If there has to be another round of cuts, Indian Trail would like to be at the table for discussions as we pay 90% of the full burden cost of our deputies.

**d. Suggestions for enhancing economic development with Indian Trail**  
**Jeff Goodall**

Councilmember Goodall gave a presentation on economic development as follows: I too thank Chairman Openshaw and each of you for making this initiative happen and taking the time to join us this evening. On behalf of our recently reported 44,805 citizens who are inside Indian Trail's borders or within a very close sphere of economic influence, you are always very welcome and we hope you can visit us as often as your schedules permit. It is very appropriate that the topic of "enhancing economic development" be the final discussion since all the previously discussed quality of life issues have a significant and profound effect with this issue. Whether it is the availability of adequate roads, the availability of public transportation, the availability and quality of our schools, the aesthetic beauty and availability of parks and trails, the availability of clean water, the availability of adequate sewer treatment and disposal, the availability of responsive public safety, or the appeal of low tax rates -- all these components culminate in the real value our citizens' receive for their hard earned tax dollars and these same components are critical to attract commercial and industrial development to Indian Trail and Union County.

One of my personal goals is to offer our citizens a more self-sustaining Indian Trail – a hometown where they have ample opportunities to worship, ample opportunities to work, ample opportunities to recreate, ample opportunities to be entertained, dine, shop, and so forth. The more we work toward this vision, the more we minimize traffic congestion and maximize funding our own Union County schools and government services by retaining tax dollars in Union County. Currently the bulk of Indian Trail citizens' discretionary income flows into Mecklenburg due to the job opportunities, shopping and entertainment choices offered there. Today, the most important two issues to enhance economic development are to provide adequate sewer and water for future Indian Trail businesses and industries. While we witness the expansion of the commercial tax base in Mecklenburg, York (SC), and Cabarrus Counties, we are being forced to sit on the sidelines. We realize the lack of sewer and water is not a new problem nor did you create it, however, regardless of past mismanagement, as elected leaders, we all must work diligently, intelligently, and swiftly to resolve these major issues if we are to have any economic development in the next 5-10 years in Indian Trail.

We would like Indian Trail to become more proactive in its sewer planning. We have always depended on Union County for water/sewer and never been involved in planning for future services. With the state of our current and future allocations, quietly sitting back and waiting for the County to let us know if and when sewer will become available is simply poor planning. We are of the opinion that our town should become a partner in water/sewer planning and not just a user. Monroe and Union County have partnered in the past to secure future sewer. This of course cost them dollars but it secured future allocation.

Without future sewer allocation economic development looks grim in Indian Trail and Union County which will force our municipalities to increase property taxes to address growing service demands. Union County should not address these critical issues alone, there should be a

collaboration, possibly the formation of a special sewer/water allocation committee formed with elected representatives from all municipalities and these same towns must be willing to act to help secure their own future allocations. In addition, there could be a technical committee or subcommittee formed consisting of town engineers and planners to help develop and recommend policy, allocation, costs, and processes. Regardless of what changes may come about, there must be 100% transparency in all future water and sewer planning and allocation. Our citizens deserve and demand full accountability.

With our extremely close proximity to the economic engine of North Carolina, the Queen City of Charlotte, Indian Trail can become a very attractive spot for commercial and industrial development. If provided the opportunity and resources, it becomes a win-win scenario as if Indian Trail prospers economically, so does Union County.

### **Union County Board of Commissioners Comments**

Commissioner Tracy Kuehler believes the BOC shares the public safety concerns and the decision today was tough. The BOC made it clear to Sheriff Cathey that if what he was doing did not work and was not manageable that he come back for discussions with the BOC. The transportation committee is a great idea; she has heard concerns from many of the town leaders. She believes that on February 4th the MUMPO leaders are getting together at the Weddington Town Hall to discuss the best way for Union County to speak with a unified voice. The fire study has been discussed at a previous meeting and will again be on a future agenda to answer the questions posed here tonight. Commission Kuehler inquired where the Council sees Union County working with Indian Trail to further their goals. Councilmember D'Onofrio replied that in his portion of the presentation, Parks and Recreation, the partnership aspect could be a big thing. If there is a park in Indian Trail, of course it would be open to the public, and county residents, whether they be in Indian Trail or not, can benefit from it; so sharing cost of developing or purchasing the land, in whatever form that comes; maybe not right now, because the financial hurdles are big. The Thread Trail program with the grant and the match, again its \$6,000; if we can secure the grant and work on planning this, the whole county can potentially benefit, as the map of the thread trail goes around the various towns.

Councilmember Schallenkamp stated we have invested heavily into the UDO and would like to have someone to review the county's ordinance and Indian Trail's ordinances and ordinances from neighboring towns and find the best ordinance, for example for traffic studies or perhaps for water runoff, and find the best in the county and apply county-wide; share the best practices and ordinances. Perhaps get the planners together to pool resources to pick the best. Towns that have not hit the growth would benefit from adopting critical ordinances now as opposed to waiting until the growth comes. That's why ETJs become attractive to towns.

Councilmember Goodall recently tied his comment to economic development and gave an example of his trying to locate a movie theater in Indian Trail on the internet. There were several located just across the border of Mecklenburg County; but there was nothing playing in Indian Trail. He quoted a recent article in the County Edge regarding the article in which the Gadberry Group stated that Indian Trail was ranked the eighth fastest growing town in the

country. They mention in the article that the population is over 44,000. If a retail business would call inquiring about Indian Trail, one of the first things they would hear is there is no sewer and water. He feels the economic development focus should be where the people are; with our population, not having a movie theater is not a good thing. He hopes to work with the County on economic development to keep our tax dollars in Union County.

Commissioner Kim Rogers stated she had many question, but the time has run. She let Council know that she was extremely impressed with the presentations. These comments will be noted and she will be forming a report addressing items and will give it to the Council along with the Board of Commissioners. This meeting was a wonderful example of why the Commissioners wanted to meet with the municipalities.

Commissioner Allan Baucom praised the Council on doing a good job of presenting the ideas. The sewer and water capacity were inherited issues and the Commissioners have been aggressive in trying to find solutions. The Board is working on a timeline of finding solutions and when the timeline is complete, it will be shared with the Council. He expressed his appreciation for the presentations and to the public for being here.

Commissioner Mills believes this is a good opportunity and they are working on water and sewer. The Sheriff's office location would be good on Hwy. 74. Indian Trail has a lot to offer. Commissioner Mills stated he attended an opening for the Bear's Lair, which is a great facility. He also mentioned that he was at Extreme Ice recently for a Rotary meeting and Paul Wylie, who works there and is a 1992 silver medalist, spoke. Indian Trail has a lot to offer. He looks forward to working with Indian Trail in the future.

Chairman Openshaw felt the presentation addressed the heart of the issues and these topics resonate with them. The County is in the red in their budget. There are a lot of projects out there they are working on water and sewer. The County has stopped issuing water permits to re-examine the water allocation policy to see if they can re-prioritize, particularly for businesses. He thanked members who passed the APFO (this was passed before the most recent council members were in office). Somehow their going to have to pay for this. One thing that South Carolina has done is "Pennies for Progress" for roads. It's pretty clear that the state is not going to be helping us out on minor thoroughfares. This will have to be looked at in the near future. Chairman Openshaw thanked Council for the presentations and will be glad to get back to the Council in the future.

Mayor Quinn thanked the Board of Commissioners for coming. He believes the County's strength is in its people cooperating together.

Chairman Openshaw made motion to adjourn the meeting of the Board of Commissioners. The commissioners voted unanimously in favor.

## **PRESENTATIONS**

### **Citizen Informed Performance Measurement - Warren Miller**

Mr. Humphries introduced Warren Miller with Fountainworks out of Raleigh.

Mr. Miller gave a little bit of his background information. His company uses whatever means is available to create a more targeted approach. The Citizens Informed is something we can learn from talking with people. The idea is that by understanding it can help staff and Council make better decisions; it's not a replacement of performance measures, it compliments the measures already in place. He gave an example.

Specifically, some of the differences they see as staff develops performance measures, as an example, solid waste. Staff may focus on speed, collections per hour; whereas, in talking with citizens, an additional measure would develop with noise. This addition would compliment the performance measures, not replace. Public officials tend to look at technical components of an issue. Citizens may think about the experience these services provide. In focus group research, you can understand what you are doing well and what can be improved.

Mr. Miller explained a little about the Fountainworks approach. They use any information we know already, they use consumer market research techniques and they work with the team afterwards by using research findings to develop a strategy. The citizens are recruited to make sure to get a demographic sampling of about 12-15 people, with people that the town may not normally hear from; and may literally pay a cash incentive to participate, as many towns around the state and country are doing.

Councilmember Howe asked how citizens were recruited. Mr. Miller stated that in some cases, they may use information from databases of market research firms or the local Chamber of Commerce and pick citizens using a screening to make sure to get a good representation of the community.

Councilmember D'Onofrio thanked Mr. Miller for coming and stated that this could be used as a tool to be utilized for public safety or parks and recreation. This could be considered a tool during budget time.

### **Annexation Report - Bill Duston**

Mr. Duston stated that Council had requested the NCLM to research possible annexation of some donut holes within the town limits. Mr. Duston handed out maps of seven different areas that qualify for involuntary annexations. All of these areas qualify; some of these areas are very strong in qualifications. They are conservative in the approach to involuntary annexations. There are a couple with commercial or industrial uses and the majority are property within subdivisions. Most of these qualify with the standard 60/60 rule. With this rule, 60% of lots must be developed for urban purposes. Sixty percent of the residential and undeveloped acreage property must be in lots/tracts three acres or less in size. One other standard is the contiguity standard, each one of the areas has to be 1/8 or 12.5% contiguous with the primary corporate limits of the town.

On the map for Area 1, shaded in blue is a Subsection D, this is what is called a euphemism for a land bridge. It's a lot that is not developed and does not have to meet these other standards. We

needed this triangular lot to meet the Subsection D standard, using this made Area 1 qualify. Other areas were looked at, but for whatever reason, they did not meet the threshold qualification.

The decision to go forward rest with the Council. Mr. Duston presented two calendars, one which is very time aggressive with an effective date of June 30, 2009. If Council chooses, Centralina can go ahead and do work to put together annexation reports and studies that show services the town provides, how the services are being provided, determining that the services are being provided at the same level as the current residents are receiving, how much it's going to cost and what revenues the town would receive. All this information would be provided in a report to the Council and adopted. There are two avenues for public input. One is called the public informational meeting, an open house. Basically you display the map; give an explanation of the annexation report and staff would answer questions. Then the Town Council would hold a public hearing, and then if the Council chooses, they can adopt the annexation ordinance. There would separate ordinances for each area. Union County is subject to civil rights legislation of 1964, which does require submittal to the Department of Justice (DOJ) for pre-clearance. The DOJ requires sixty days. State statutes now state there must be at least seventy days between the adoption of the ordinance and the effective date of the annexation.

With the other calendar, the work would be performed before the end of the fiscal year with the effective date of June 30, 2010. Most local governments like to have the effective date as June 30 for tax purposes; there would be no prorating of taxes. The effective date could possibly be as late as August 31st of this year or next year and not have the taxes prorated. Within sixty days of annexation, the town must place its zoning classification on the property.

There will be a report with seven areas bundled in it, but Council, as it so chooses, would need to adopt separate ordinances for each area.

Mr. Merritt inquired as to the status of annexation within the legislature now. The league has come up with a list of recommendations, but Mr. Duston did not know if it has been made formal. Mr. Merritt expressed his concern with the proposed timeline and proposed it may be advisable to have the effective date for this year, due to the potential action that could be taken in legislation. There was general discussion as to the possible changes.

Councilmember Howe questioned whether the people in these areas wanted to annexed. Mr. Duston did not know, as he has not had discussion with them.

Councilmember D'Onofrio stated that, for example in Area 4, since it is a developed subdivision, the ability to lay our zoning ordinances there for development doesn't exist anymore. The residents in this area are left asking what they get out of it and how much is it going to cost as well. One could argue that the subdivision, which is surrounding by Indian Trail, for the most part, is already benefiting from the services yet does not have to pay, i.e., public safety, or if there is a park, they can utilize it. There was additional discussion of what services would need to be provided.

Mr. Duston reiterated that this is a Council decision whether or not to go forward with any of the areas.

Councilmember Howe believes before annexation is considered, the condition of the roads within these potential areas should be examined, as this was not done when her subdivision was involuntarily annexed.

Mr. Duston briefly went over again the actions that need to take place before annexations can occur.

Mr. Humphries inquired if Council chooses to contract with Centralina, when they would need to know the decision in order to complete a June 30, 2009 annexation. Mr. Duston replied very soon; he is not prepared to quote a price tonight. In order to follow the timeline, the decision would need to be made before the next Council meeting. There was some discussion as to the timeline calendar and which would work best. Mr. Humphries recommended making a decision at the February 10th meeting, after receipt of additional information, i.e., contract and August 31 effective date calendar.

Councilmember Goodall stated that he favored the more aggressive calendar, due to the 2010 census.

#### **ADDITIONS AND DELETIONS**

There were none.

#### **MOTION TO APPROVE AGENDA**

Gary D'Onofrio made a motion to approve the agenda.  
Council voted unanimously in favor of the motion.

#### **CONSENT AGENDA**

Shirley Howe made a motion pull the Budget Amendment from the Consent Agenda for discussion.  
Council voted unanimously in favor of the motion.

##### **a. Budget Amendments**

Mr. Humphries presented and explained the needed budget amendments. This amendment shows adjustments that are needed due to motions made and approved by Council.

Councilmember Howe questioned some of the fees on the Clearwater property; there are two, one is the house on wheels and the other is the purchase of the right of way. The mowing for the culvert, should that not have been billed back to the property owner. Mr. Merritt addressed this; the town has provided him information in regards to putting a lien on the property for expenses incurred by the town. Repayment has not received at this time.

Councilmember Howe believes the charge of \$262.50 should be listed for the house on wheels and not for the Mellot property. Mr. Humphries stated this is just for the Clearwater property the town purchased.

There was continued discussion as to which property this expense was incurred upon.

Councilmember Howe stated that the Stormwater Committee is very concerned that the charges be kept separate. She feels it would be a good idea if a balance statement for each account be provided each month. Mr. Humphries replied we have a new procedure to show exactly how much is in each account - park funds, road fund and the Powell Bill balance; this will be available beginning at the end of February.

Councilmember Schallenkamp stated that Mr. Humphries is committed to getting the Powell Bill capital improvement fund out of this 10- accounting and it will be created separately. Mr. Humphries confirmed this.

Councilmember Schallenkamp is in favor of this budget amendment. He request that before any additional monies is taken from the fund balance or savings, that staff looks for other cuts in the current year's budget.

Jeff Goodall made a motion to approve the Budget Amendments as presented.

Council voted unanimously in favor of the motion. **(Copy attached hereto and made a part of these minutes.)**

### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS PUBLIC HEARING**

#### **a. Comprehensive Pedestrian Plan**

Mayor Quinn open and closed public comments section of this public hearing on this item, as no one had signed up to speak.

Jason Mann gave some background information on the Comprehensive Pedestrian Plan. As instructed by the Council, it has been reviewed by NCDOT and the draft plan reflects their comments. There are not many changes from the document the Council was first presented back in October. Mr. Mann briefly went over these changes.

More explicit language about the Monroe Bypass was added in Section 2.4.5.

Specific recommendations to update the Town's Land Development Standards, which includes a cross section for roads, sidewalks, etc. That is what developers look to when they have to build a road. Staff also wanted to encourage greenway development. On the map, future greenways are identified. In this section the town would require development of a greenway, if it is on the map, as per the Comprehensive and Pedestrian Plan. Additionally, a broad philosophy guiding the implementation of the Pedestrian Plan and a set of priority implementation actions were inserted.

Consistency findings are not required per statute, but staff thinks it's a good idea. Mr. Mann read these findings as follows:

The proposed amendment is consistent with the following goals:

1.3.1 of the Comprehensive Plan - Quality of Life; the proposed Pedestrian Plan will help improve quality of life for the residents of Indian Trail by enhancing the Towns' pedestrian infrastructure, resulting in more recreation and transportation options, and

1.3.3 of the Comprehensive Plan - Transportation; by bringing about a more complete and well designed pedestrian network, residents will be presented with an alternative from the automobile for transportation, which may help reduce congestion on the Town's roads, and

1.3.4 of the Comprehensive Plan - Downtown Revitalization; the proposed Pedestrian Plan will help increase pedestrian connectivity, making it easier for residents to walk to and throughout the Downtown for recreation, to patronize local businesses, or attend Town events.

Dan Schallenkamp made a motion to approve Comprehensive Pedestrian Plan as presented. Council voted unanimously in favor of the motion. **(Copy attached hereto and made a part of these minutes.)**

## **DISCUSSION & POSSIBLE ACTION**

### **a. Possible amendment of the Rules of Procedure For the Town Council For the Town of Indian Trail**

Mr. Merritt provided a copy of the Rules of Procedure and a copy of a fax from Mr. Cansler. The first rule he wanted to discuss was Rule 18, Motion 10 which dealt with the amount of time debate had to occur before there could be a motion for the previous question. The existing rule states a motion cannot be made until there had been at least 60 minutes of debate. There was discussion of shortening this down to 20 minutes. The other item discussed was whether the Council wanted to adopt a informal soft cut off time for meetings of 10:00 pm and a hard cut off of 11:00 pm, with the possibility that the 11:00 pm cut off time could be extended by a 2/3 vote of the Council. Within the Charter a 2/3 majority vote is required to change the adopted rules. Mr. Merritt advised these are proposed changes.

Within rules there were choices to be made that were never made when the Rules were adopted. The first occurs in Rule 9, and it deals with when the presiding officer is in active debate. It states that if the Mayor or presiding officer becomes actively involved in debate of a particular proposal he/she either MAY or SHALL and then it says "Needs to Be Addressed" and "See Mr. Cansler's Memo" designate another council member to preside over the debate. Mr. Cansler's suggestion was do away with the rule completely with respect to needing to pass the gavel if the Mayor becomes involved in a debate. Mr. Merritt suggested that if Council wants to keep the rule, then choose the word MAY option. Another place where a choice was not made was Rule 31; it deals with appointments by the Town. In the second paragraph, it states "The mayor and the choices [shall not have a right to vote on appointments] or [may vote on appointments] and the statement NEEDS TO BE ADDRESSED. Mr. Merritt stated that since he has been here, the Mayor has not voted on appointments and recommends the option of "the mayor shall not vote on appointments". The Rules cannot be changed unless it is on the agenda, which it is and a two thirds majority vote or 4 out of 5 votes would be needed to change the Rules.

Councilmember Goodall inquired where the 2/3 rule came from. Mr. Merritt was not sure.

Mr. Schallenkamp made a motion to approve the modification of Motion 10 in Rule 18 within the Rules of Procedure to read at least 20 minutes of debate.

Mayor Quinn stated that at the last meeting Mr. Merritt was very clear in stating that any proposed changes in the Rules of Procedure, because it was an ordinance, needed a public hearing and also any proposed changes needs to be set specifically on the agenda. Mr. Merritt responded that what he said was that it needed to be on the agenda. Rule 33 states "These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, as long as the amendment is consistent with the city charter, general law, and generally accepted principles of parliamentary procedure". On the agenda it is shown at "Possible amendment of the Rules of Procedure for the Town Council of Indian Trail".

Council voted unanimously in favor of the motion.

Councilmember Schallenkamp inquired of Mr. Merritt if in regards to Rule 31 under Appointments if it would be best to strike this sentence since the mayor has not in the past voted on appointments and it is already understood that the mayor votes only in the event of a tie vote. Mr. Merritt stated striking the sentence would have the same effect.

Dan Schallenkamp made a motion in Rule 31 Appointments to strike the entire sentence that says the mayor shall not or shall vote on appointments that come before the council.

Council voted unanimously in favor of the motion.

Mr. Merritt addressed Rule 9 addressing when the presiding officer is in active debate. He agrees with Mr. Cansler's memo to strike the sentence altogether or at least to use the term may, simply because if you require it every time, the meetings are going to be spent passing the gavel back and forth.

Mayor Quinn inquired of the Council the intention for addressing this rule. Councilmember Hullinger answered just to maintain order in the meeting; he feels that as the mayor presides over the meeting, if a council member gets out of order it is his responsibility to stop them, the same should apply to the mayor if he is out of order, and there is someone to rule.

Councilmember Schallenkamp gave an additional reason why is to shorten the meeting times, which is the original discussion and the reason we are visiting this. In examining the Rules these other items were noted. The Council continued discussion of the disposition of Rule 9.

Mayor Quinn asked if the purpose of this change was an attempt to limit the mayor's position to debate any issue more than any other council member. Discussion ensued.

Dan Schallenkamp made a motion to amend Rule 9 within the Rules of Procedure regarding active debate for mayor to use the word MAY instead of SHALL designate another council member to preside over the debate.

Motion Passed 4 - 1 with Shirley Howe opposing. **(Copy attached hereto and made a part of these minutes.)**

Councilmember Hullinger asked if Council would discuss cutoff time for meetings.

Councilmember Schallenkamp would like to make these unofficial rules instead of being in the Rules to go by. There was general discussion about the cut off times and an option for meeting to possibly be extended.

Dan Schallenkamp made a motion adopt procedure and not a rule change to have a soft cut off of 10:00 pm and a hard cut off of 11:00 pm, this would include closed session.

Council voted unanimously in favor of the motion.

Councilmember Schallenkamp suggested having guidelines of time on each item on the agenda.

Gary D'Onofrio made a motion encourage estimated times on each agenda item.

Council voted unanimously in favor of the motion.

**b. Discussion of possible Town Charter Amendments**

Mr. Merritt put this on the agenda in order to get a sense of where Council wants to go with any changes in the Charter.

Councilmember Howe suggested having a workshop to discuss possible changes.

Shirley Howe made a motion Set up workshop to discuss the possible changes in the Town Charter

Council voted unanimously in favor of the motion.

**MANAGERS REPORT**

None

**PLANNING REPORT**

None

**ENGINEERS REPORT**

None

**COUNCIL COMMENTS**

Councilmember Schallenkamp congratulated Ms. Howe on being a grandmother times two.

Councilmember Hullinger commented that he was disappointed in the news of the school board about the money they've wasted. He intends to attend the next board meeting if possible.

Councilmember D'Onofrio concurred with Mr. Hullinger thoughts. He reported some feedback about the suspension of the Sheriff's DARE program and it's not going over well with folks.

Councilmember Howe asked Mr. Humphries to supply Council with a list of all meeting dates. She also commented that she was very proud of the Council tonight for the presentations they gave to the BOC.

Mayor Quinn commented on the HOA/Community Leaders Forum which was a success and on the Commissioner's meeting today with the Sheriff.

**CLOSED SESSION**

There were no items for closed session.

**ADJOURN**

APPROVED:

\_\_\_\_\_  
John J. Quinn, Mayor

Attest:

\_\_\_\_\_  
Peggy Piontek, Town Clerk

