



Town of Indian Trail
Minutes of Town Council
July 10, 2012
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: Robert Allen, David Cohn, Christopher King, Darlene Luther, and David Waddell.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Community & Economic Development Kelly Barnhardt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Town Engineer Scott Kaufhold, and Tax Collector Janice Cook.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez led in the Pledge of Allegiance

Christopher King made a motion to approve deleting item 4 from the agenda as the last applicant is unable to attend this meeting and move it to the August 14th meeting.

Council voted unanimously in favor of the motion.

ADDITIONS AND DELETIONS

None

MOTION TO APPROVE AGENDA

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

ABC BOARD INTERVIEW AND APPOINTMENT

This matter was removed as a result of a motion made by Council Member King.

- a. Robert Laatz

PRESENTATIONS

- a. Staff Service Award Recognition

Mr. Fivas explained the job title and responsibilities of Susan Didier who is being recognized for her 5 years of service. He congratulated her and presented her with a small token of appreciation.

PUBLIC COMMENTS

Cathi Higgins, 3004 Clover Hill Rd. Indian Trail, NC thanked the Council for their kind words and concern about her resignation of the Public Safety Committee. Ms. Higgins assured Council that she did not resign or withdraw her request to remove Mr. Art Spurr from that committee because she felt threatened or intimidated. Ms. Higgins explained that if she has an issue or problem she will go right to that person, one on one, face to face and that she can respectfully agree to disagree with someone. She wants to get the facts, discuss it and if necessary involve the decision makers. Ms. Higgins state that she chooses not to perpetuate rumors, gossip or lies; she does not call people names or accrue. She is not a coward who hides behind a podium, pen or keyboard and refuses to be anonymous. Ms. Higgins stated she is blessed with a full and happy life with family and friends, children who give her great hope and anticipation for the future, hobbies and activities that keep her busy and a passion for being interested, productive member of my town, my community and any group of people she works with whether she's paid or not. Ms. Higgins stated that she has always chosen to support intelligent, reasonable and thoughtful people who display good judgment, altruism, independent and critical thought, good decision making, and planning skills are respectful, loyal and consider the consequences of their action. No matter how loudly the others moan and wait for attention, she's learned to rise above the noise and ignore them. Ms. Higgins expressed her fortune to be in a position to choose which projects she wants to work on, who to work with, and what causes and standards she wants to advance. She expressed that her resignation was a thoughtful, considered choice. Ms. Higgins informed Council that she withdrew her request because Mr. Spurr had made it clear to further its cause might not benefit my town and he is just not that important to me. She plans to continue and look forward to her involvement in our town, choosing to share her time, energy and attention with people who can

positively work towards the common good. Ms. Higgins thanked the Council for their service to our town, her community, her family and to her.

Steven Long, 1012 Cranston Crossing Place, Indian Trail, NC advised that he has attended the Public Safety Committee meetings and feels it's a great loss to the town and committee with the resignation of Ms. Higgins and Ms. Towns. He commented on the synergy and professionalism of the committee with Ms. Higgins and Ms. Towns there. He attended the meeting last night and saw it all fall apart as a result of their resignation. He feels that the loss of these two individuals due to such a senseless demonstration is sad, stating that if there are individuals that are so unhappy with the community 74 goes both ways and felt that needs to be said.

Samantha Towns, 104 Pine Lake Drive, Indian Trail, NC referred to an article in the Union County Weekly requested that Council and citizens stop the chaos. How can we progress in this town with the chaos? She stated that the staff and Council are unable to perform their duties with the constant ridiculous requests for unnecessary information. There is a wealth of talent in this town but we cannot get volunteers because people do not want to be in the chaos and victims of potential lawsuits and bullied. She inquired if people are here to service the town for its betterment or their ego. She was embarrassed to receive a call from someone in another state who was familiar with the antics of Indian Trail. She requested that Council form an ethics policy for committee members to abide by.

Jonathon Baer, 5517 Rogers Road, Indian Trail, NC advised he doesn't know what the intentions are concerning Mr. Spurr and he also is disappointed with the direction of the whole situation and the different antics going on. He addressed the criteria being used to possibly remove Mr. Spurr from the Public Safety Committee. He feels that there are 2 Council Members and potential Board member who engaged in liable as part of a defamation of character campaign from November 2011 to mid April 2012. He requested that if Mr. Spurr is removed that the 2 council members and certain Board members be removed as well.

Curtis Bennet, 7716 Confer Circle, Indian Trail, NC stated that he feels things move awfully slow and directed his comments about the sidewalk that is to be built from Younts Road to Faith Church Road. He feels that Unionville Indian Trail Road is a busy road and will need to be widened soon. He also inquired about why we are spending \$8,000,000 to widen Old Monroe Road that he feels will benefit the people living in Monroe not Indian Trail. He wants to see the citizens of Indian Trail benefit. He sees things that can be improved on and suggests looking ahead to plan for them.

Mr. Fivas thanked Mr. Bennet for his comments and updated the Council on the Unionville Indian Trail Road sidewalk advising staff agrees it's been a long time. One of the hurdles was the Federal process to acquire the right of way, that has been completed and we are ready for the sidewalk and it will happen soon. This is a \$500,000 project and the Federal Government will pay approximately 80% of it.

CONSENT AGENDA

- a. Approval of June 26, 2012 Special and Regular meeting minutes

- b. Revision to Law Enforcement Contract
(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)
- c. 2012 Stormwater Maintenance Contract Renewal
(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)
- d. Budget Amendments
- e. Approval of Solid Waste Agreement
This matter was removed from the Consent Agenda and placed for discussion as item 9b

David Waddell made a motion to approve moving item (e) for further clarification as item 9b. Council voted unanimously in favor of the motion.

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

PUBLIC HEARINGS

- a. ZM2012-002 Brandon Oaks: a request to rezone 2 parcels from R-20 to SF-4 with PED Overlay 1. Properties were annexed on 6-1-2012 by Annexation No. 131

Mr. Burhans stated this is a request to rezone two parcels (approximately 0.366 acres) that were recently annexed into the Town as part of Annexation #131 (parcels 07091004 07091029) from Residential-20 (R-20) to Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay1) zoning classification. The Planning Board heard this matter on June 19, 2012 and found the proposed amendment is consistent with the following goals of the Comprehensive Plan:

Goal 1.3.1 Quality of Life: A more sustainable quality of life to the residents of Indian Trail by establishing a greater sense of community and promoting a unique identity with the Town of Indian Trail for all residents. The proposed rezoning to SF-4 with a PED Overlay 1 will help to promote a better quality of life for our residents by ensuring the continuation of the unique identity and residential character of the Brandon Oaks community.

Goal 1.3.1 Quality of Life: A diverse range of housing options, including varying densities of single family, multifamily, traditional neighborhood development (TND), and mixed-use communities in order to provide affordable living opportunities for a wide range of residents. The proposed rezoning to SF-4 with a PED Overlay 1 will help provide a diverse range of housing opportunities in Indian Trail by providing additional medium density housing within an overall planned development community with varying housing sizes and densities.

The Planning Board further finds zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of Quality of Life and is consistent with the adopted plans within the Town of Indian Trail and transmits a unanimous recommendation of approval.

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

Christopher King made a motion to approve ZM2012-002 Brandon Oaks as presented.
Council voted unanimously in favor of the motion.

(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)

BUSINESS ITEMS

a. Poplin Road Sidewalk Contract

Mr. Fivas advised this is phase 1 of the Bonterra sidewalk project, providing where the sidewalk will be located. He advised we are committed to completing the first phase so that the residents of Annandale, Fieldstone Farms and Bonterra communities can walk to school safely.

David Cohn made a motion to approve the Poplin Road Sidewalk Contract
Council voted unanimously in favor of the motion.

(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)

b. Solid Waste Agreement

This matter was pulled from the Consent Agenda for further discussion.

David Waddell made a motion to approve amending the solid waste contract to remove the provision for yard waste pick up.

Mr. Waddell expressed his concern over having a burn ordinance because of yard waste pick up. His reservations are based on residents that have large parcels of land who generally blow leaves into a pile and burn them.

Motion Failed 4 - 1 with Robert Allen, David Cohn, Christopher King, and Darlene Luther opposing.

Robert Allen made a motion to approve the solid waste agreement.

Motion Passed 4 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

DISCUSSION ITEMS

a. Discussion of proposed future infrastructure projects

Mr. Fivas advised that the Pathways 2 Progress initiative concept would establish an investment district within Indian Trail. It would be a primary area within Indian Trail to improve infrastructure, create quality of life amenities and focus on economic development. Mr. Fivas presented some overall district improves could include a 3-4 lane parkway, technology/business parks with investment from public/private partnerships, development of a municipal complex, create a greenway system to connect

all sections of our community and multiple parks, develop two gateway projects branding Indian Trail and creating economic development opportunities, improve some independent intersections, building a walkway and bikeway system within the district, creation of cultural arts center and identification of future entertainment areas. Mr. Fivas explained that this project could be done in phases over approximately a 12 year time span and provided some ideas for phase 1.

By consensus, Council was supportive and encouraged with this concept suggesting that roads be addressed first. Mr. Fivas advised that staff will begin to develop a 20,000 foot plan for Council to review, if approved then it will be presented to the residents for their input then we can work on possible implementation.

- b. Discussion pertaining to better communication between Town Officials/Boards/Committees to include a discussion pertaining to a recently received request from the Public Safety Committee - This item was requested by Mayor Alvarez

Mayor Alvarez asked Mr. Fivas, after meetings is there a structure in place to communicate with the public on what went on, other than Granicus in written form where the citizens can receive the information? He expressed his concern about limiting the miscommunication and providing accurate information to our citizens.

Mr. Fivas stated staff will substantially upgrade newsletters and public outreach, they will be more frequent. Some of the inter-council/community discussions are more difficult because the message changes so frequently creating challenges on how to get the information out. It's a difficult issue and direction should be made towards policy.

Mayor Alvarez inquired if there are guidelines set for communication and ethics for committees/boards. Mr. Fivas replied the code of ethics would be addressed for Council and bylaws for committees/boards can be revised and implemented.

Mayor Alvarez stated he would like to limit the amount of sidetracking on nonsense, of people coming up frustrated? Is there information in the newspaper after the meetings?

Ms. Luther suggested sending the newsletters more frequently. Ms. Luther advised that when she is asked questions, she refers the individuals to Mr. Fivas, as he is the one with the most information. She feels the residents have a responsibility to try and find the information. Ms. Luther feels the citizens would be more inclined to watch the meetings rather than listen to them, suggesting videotaping the meetings.

Mr. Allen suggested we have the Public Information Officer put a synopsis in the newspaper and on the website.

Mr. Waddell referred to his experiences with the City of Charlotte and inquired if Indian Trail has a go to person for the public to contact with questions?

Mr. Fivas replied if they call town hall, he is always available to answer questions or staff will direct the caller to the specific staff member who can assist them.

Mr. King Stated the information is there for the public to see, the question is are they taking the time to review it?

Mr. Fivas advised that although we do a good job we can collectively do a better job. He believes we have some overall struggles on the overall message and that we need to articulate a very clear message on what Indian Trail is about.

MANAGERS REPORT

Mr. Fivas reminded everyone about the music event on Friday at Crossing Paths Park, he advised that staff was pleased with the solid waste discussion, it was fair and good deal for the community we reduced our cost and increased our services. He cautioned that when implementing this, there will be questions, we will have to work thru those issues. He recommended that Council funnel any questions back to the staff and we will address them with Waste Pro.

COUNCIL COMMENTS

Ms. Luther thanked everyone for coming.

Mr. Allen publicly apologized to Ms. Higgins and Ms. Towns, stating that we lose. He's sorry they are going; the committees are to be an extension of the Council who depends on the committees to bring them worthwhile information. It was wrong and as far as he's concerned the whole thing is tainted now. When you knowingly ingest something into the body that you know is bad for it, it's complete contradictory and won't assist you in reaching your goals assigned to them by the Council. He advised that the First Amendment is not just for a few, you are entitled to your opinion and he shares it.

Mr. Waddell told Ms. Towns that she is fantastic and he appreciates her. He's grateful for them (Ms. Towns and Ms. Higgins) being a part of this town. He informed Ms. Higgins he appreciates her, she's an intelligent lady. He disagrees with sentiments towards Mr. Spurr but encouraged her in the interest of productivity; he was taken aback by some of the things that were said not believing it to be Ms. Higgins. He respects her and thanks her and advised that all of them need to move forward and not get involved in the back fighting. Keep your opinions and thoughts but let's do it in a civilized manner. He believes the rest of the Public Safety Committee is perfectly capable of doing what they have been tasked to do.

Mr. King informed everyone we do not have a meeting in two weeks and there is a special meeting this Thursday @ 7:30. He stated it was a great presentation tonight on the Pathways 2 Progress; he's excited about it and looks forward to bringing it closer to reality so they can bring it to the people.

Mr. Cohn thanked Waste Pro and the staff for their hard work in getting the best deal for the town. We will receive many good services while saving the taxpayers money. He expressed his feelings for Ms. Higgins and Ms. Towns and advised they had every right to say what they said. He has a lot of respect for Mr. Spurr, people make mistakes. He understands and believes Ms. Higgins and Ms. Towns had every right to do what they did. It's unfortunate that the town is losing two great volunteers and wishes things would have worked out differently for both of them.

Mayor Alvarez acknowledged his feelings for Ms. Towns & Ms. Higgins and he agrees with what Mr. Allen said about the whole situation. As for the Council this is one of the best he's ever seen, they are good honest people. Let's just back off and let them do their job and bring this town forward.

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