



Town of Indian Trail
Minutes of Town Council
July 8, 2014
Civic Building
06:30 P.M.

The following members of the governing body were present:

Mayor Pro Tem: David Cohn

Council Members: Gordon B. Daniels, David W. Drehs, and Gary M. Savoie.

Absent Members: Mayor Michael L. Alvarez and Council Member Christopher King

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Engineering and Public Works Scott Kaufhold, Planning Director Shelley DeHart, Director of Community & Economic Development Kelly Barnhardt, Assistant Director of Parks & Recreation Jason Tryon and Communications Coordinator Lindsey Edmonds.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Cohn called the meeting to order, led in the Pledge of Allegiance and announced that Mayor Alvarez and Council Member King are absent.

ADDITIONS AND DELETIONS

None

MOTION TO APPROVE AGENDA

David W. Drehs made a motion to approve the Agenda.

Council voted unanimously in favor of the motion.

PRESENTATIONS

- a. Certificate of Appreciation for Mayor’s Tree Initiative Project

Mayor Pro Tem Cohn read and presented the certificates to the recipients.

PUBLIC COMMENTS

Carol Yard a representative from Community Open Arms Outreach explained her organization and requested financial assistance from the Town and invited the Council to their fund raiser.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail, NC provided the history of the Sun Valley Commons Shopping Center referring to the wall and burm.

LAW ENFORCEMENT UPDATE

Lieutenant Coble updated Council on the activities of the Town, advising that break-ins are increasing on the North side of town and they have now installed bicycle patrols and unmarked vehicles to prevent this. He informed Council of the successful activity of the Deputies in catching crimes in action and those responsible for them as a result of residents calling in suspicious activity in their neighborhood. He provided the statistics of crimes and traffic violations.

CONSENT AGENDA

- a. Approval of June 10, 2014 draft minutes
- b. Approval of June 17, 2014 Special Meeting draft minutes
- c. Approval of Special Meeting for July 22, 2014 at 6:00 pm
Approval of 2013-2014 Powell Bill Map (**COPY OF STREETS AND CERTIFIED STATEMENT ATTACHED HERETO AND MADE**
- d. **APART OF THE MINUTES. MAP CAN BE FOUND IN ENGINEERS OFFICE)**
- e. Approval of Budget Amendments (**COPY ATTACHED HERETO AND MADE APART OF THE MINUTES)**
- f. Approval of Parks & Recreation vehicle (**COPY ATTACHED HERETO AND MADE APART OF THE MINUTES)**
- g. Approval of refund of tax payment over \$500

David W. Drehs made a motion to approve the Consent Agenda.

Council voted unanimously in favor of the motion.

PUBLIC HEARINGS

a. Annexation 141- Valley Parkway

Ms. DeHart presented the subject property is an undisturbed property located on the east side of Valley Parkway across from 1901 Valley Parkway, and is approximately 8.61 acres in size. The subject property is currently zoned Light Industrial by Union County. This annexation petition is being processed a conditional light industrial zoning classification. The recording of this annexation, if approved, is contingent upon the approval of the associated Conditional Zoning petition which will be heard by Council immediately following this request.

The following consistency findings, 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 #141 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 Pro Tem Cohn opened the public comments portion of the hearing.

John Ross, Eagle Engineering deferred his comments until the next matter.

Mayor Pro Tem Cohn closed public comments.

David W. Drehs made a motion The Town Council of Indian Trail finds that, pursuant to the requirements of NCGS § 160A-31(d), that the proposed Annexation Ordinance #141 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

Council voted unanimously in favor of the motion.

David W. Drehs made a motion to approve extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #141 establishing the effective date of the annexation as July 8, 2014 at 11:59 p.m.

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

b. CZ2014-001 Waste Pro Zoning

Ms. DeHart presented this is a request to establish a Conditional Light Industrial zoning district to support development of a solid waste contractor's office. The 8.6 acre subject property is undeveloped and located on Valley Parkway across from 1901 Valley Parkway. The proposed development features a 14,600 square foot building composed of approximately 8,400 sq. feet of office space (2-stories) and four vehicle bays. The subject property is currently within the unincorporated area of Union County. The property owners, Arnold and Myra Norwood, are processing a voluntarily annexation petition concurrent with the project.

This request was heard by the Indian Trail Planning Board on June 17, 2014. The Board discussed the general site layout, building material, access road, and a nearby storm water issue. Based on the discussion and deliberations, the Planning Board voted to transmit a recommendation to approve as conditioned to the Town Council and made the following required findings: The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

- *Goal – Land Use and Housing* - The proposed conditional district provides for an appropriate light industrial land use at an appropriate location in compliance with the Rogers Village Plan thus avoiding land use conflicts.
- *Goal- Mobility and Transportation* – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing multi-modal mobility in the area and construction of roadway improvements (turn-lane and storage) in compliance with NCDOT.
- *Goal- Economic Development*-The proposed conditional district will expand light industrial land use within the town supporting a more balanced tax base and employment opportunities.
- *Goal- Infrastructure*-The proposed conditional district will expand utilities in the area, and will evaluate stormwater needs to avoid potential impacts with adjacent properties.

The Board also found this request for the conditional zoning district is a reasonable request and is in the public interest because it promotes the goals of the adopted Comprehensive Plan in the areas of land use, mobility and transportation, economic development, and infrastructure.

Mayor Pro Tem Cohn opened the public comments portion of the hearing.

John Ross, President of Eagle Engineering presented some background on Waste Pro and advised their contract with the town requires them to create a facility that is consistent with land use plan. He reviewed the information that Ms. DeHart presented and ensured that it will not be a storage facility. The proposed development will be positive for the Town and thanked Council for their consideration.

Mayor Pro Tem Cohn closed the public comments portion of the hearing.

Gary M. Savoie made a motion to approve make the findings as read into the record and found in attach 2b

Council voted unanimously in favor of the motion.

Gary M. Savoie made a motion to approve CZ2014-001 as conditioned A

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

Proposed Traffic Calming in the Beacon Hills Subdivision
c. d. Proposed Traffic Calming in the Brookhaven Subdivision
These matters were presented together

Mr. Fivas provided some background and history of the Traffic Calming process.

Mr. Kaufhold advised this policy is to achieve speeds that are reasonable for a neighborhood setting and then explained the process: To receive request for traffic calming measure, collect

existing traffic data (speed & volume), install temporary speed tables, collect post-install data, recommend traffic calming plan and receive public input.

The results of the data collected from Beacon Hills are: Before temporary speed tables were installed traffic was 34 mph, after installation of speed tables traffic was 25 mph; before volume was 285 vpd, after 237 vpd. Mr. Kaufhold explained that the temporary devices (5) proved very effective. Council asked several questions on this subject.

Mr. Kaufhold presented the results from the traffic study for Brookhaven Sub Division: before installation 32 mph, after 23 mph; before 570 vpd after 544 vpd the proposed features will be 2 speed tables. Council asked several questions on this subject.

Mayor Pro Tem Cohn opened the Public Comments Portion of the Beacon Hills Public Hearing

Shirley Howe, 6205 Clearwater Dr., Indian Trail, NC stated she is the spokesperson for Beacon Hills and explained the requirements for HOA subdivisions advising she conducted the petition, advising that the residents overwhelmingly approved the calming device. Clearwater drive is 30' wide, foot traffic has increased after opening of shopping center and traffic increase continues from neighboring subdivision. She requested that Council consider that the residents deal with speeders, requesting approval.

Martha Summerville, 8016 Redlantern Road, stated that her street is used as a cut through speedway, she can't let kids or grandkids play in the front yard. She endorses the speed tables but not the traffic circle; she would like consideration for Red Lantern as well.

Vance Breese, 6216 Clearwater Dr., Indian Trail, NC lives on corner of Clearwater and Beacon Hills and agrees with the speed bumps. He does not agree with the roundabout, feels it will not do any good unless coming from the opposite direction.

Doug Lipsome, 6311 Clearwater Dr., Indian Trail, NC is opposed to the plan as he feels it's too much. He does not agree with the traffic circle. One table is in front of his house, He feels it's overkill as every 400 feet he will have to slow down to 5 miles an hour to go to the grocery store. He believes there are better ways to do this, feels traffic enforcement measures should be taken and enforced, and he provided some additional ideas. He repeated he's opposed to the plan as presented.

Mayor Pro Tem Cohn closed the Public Comments Portion of the Beacon Hills Public Hearing

Council had a discussion on the necessity of the traffic circle and traffic enforcement.

David W. Drehs made a motion to approve the proposed Traffic Calming in the Beacon Hills Subdivision eliminating the traffic circle and putting 4 speed tables.

Council voted unanimously in favor of the motion.

Mayor Pro Tem Cohn opened the Public Comments portion of the Brookhaven Subdivision Public Hearing

John Snyder stated that the neighbors voted down the speed tables, expressing his surprise it's being presented this evening. The traffic circle is proposed in a very tight intersection, creating difficult circumstances for drivers and buses. He requested that Council get

questionnaire out to residents, have it validated and then consider it. He stated there has been an increase of traffic patrols in the neighborhood but not seeing many citations being issued and requested that be considered as well. He believes there is not enough information for Council to vote on this as the residents have voted it down.

Carlo Cubini requested that the vote be postponed, as he thought the issue was put to bed. He has seen no statistics on accidents, speed originally 35 mph, and then reduced to 25 mph, no notice given. He still has not seen any statistics on the lowering of speed limit. He requested to see the studies on vehicle to vehicle, vehicle to pedestrian. If the circle and street are the right size they are helpful, but if not the right size accidents increase. The corner is not big enough for the circle and accommodate the moving trucks, as well as fire trucks. Couple of years ago temporary speed tables were installed, they had an emergency in their home and the emergency vehicles were slowed down delaying precious time for rescue. He believes that people will speed up between speed tables to make up for slowing down and lost time. He would request Council postpone this vote and do another study.

Mr. Fivas clarified that when all the votes and installment of speed tables was done when it was a state owned street, there were 15-20 tables installed and that makes it a much different plan than we are presenting this evening. The HOA requested we come in and do the study; our process did not have a vote.

Ron Biscofio, 406 Camrose Crossing, advised that Camrose is a downhill slope, he is in favor of the speed tables. He advised the vote in 2011 results are posted on the Brookhaven website. At the time there were 490 homes, 340 yes 74%. He thanked staff for their professionalism and courtesy when conducting the public meetings. On his street they have a speeding problem, it's an active neighborhood and they have a speeding problem. The method of resolution is what is on the table; he's in favor of what's proposed. Speeding has occurred every day since the 2011 vote. He feels it's the residents who are doing the speeding.

Bruce Rich, 1013 Annsdale Dr. Indian Trail, stated he has been actively engaged in safety speeding issues. It is discussed at every HOA meeting. He advised that the information has been provided to the residents at the HOA meeting, they conducted their own study and the town has conducted their own study. When they took the vote they enlisted the input of emergency services and received no objections. As a member of the safety committee for 10 years he appreciates the willingness of the town to hear their concerns and provide resolutions. This addresses 20% of the speeding in their neighborhood. He supports the speed tables but not the traffic circle.

Mr. Daniels read an email from Bill Fchaphorst and Girard LaQueve, which stated that they had concerns about the speed bumps.

Douglas Haig 4042 Camrose Lane stated he is in favor of the speed tables and traffic circle. He has reviewed the data and feels the traffic calming device has proven effective. Although they lost the vote, the simple majority supported the proposal. He would support with or without the traffic circle. In general he supports the project and encouraged staff to move as quickly as possible.

Gene Snyder, 4010 Camrose Crossing, stated she has been to most of the presentations and is taken by surprise by the traffic circle. She feels it should be postponed and get accurate data and consisted of 18 speed tables throughout the neighborhood.

Edgar Seeley, 1121 Dellacourt Lane, represents individuals with chronic pain stating that the problem is that no matter how wide and rounded they are they increase his pain, which is the result of an automobile accident. Whenever possible he avoids roads and parking lots with speed tables whenever possible but cannot avoid his neighborhood. He strongly urged Council not to construct these devices. He provided Council with a letter from his doctor. **(COPY CAN BE FOUND IN THE OFFICIAL PACKET)**

Mayor Pro Tem Cohn Closed Public Comments Portion of the Brookhaven Subdivision Public Hearing

Council had a lengthy discussion pertaining to whether the majority of the residents wanted this traffic calming plan also getting input from Lieutenant Coble on traffic enforcement.

Mr. Fivas explained that a neighborhood that doesn't have an HOA you need someone to request it. The HOA is a neighborhood legislative body that conducts these surveys and provides that information to the town. He explains that Brookhaven was grand fathered into the old policy approved in 2012 but the amended policy from 2013 they would be required to have a vote from the affected area, not the entire neighborhood, which is what we will see in the future. He explained the steps the neighborhood had to go through.

Mr. Cohn stated we should adopt a policy in future neighborhoods to put in speed bumps on roads a certain length and put the burden on the builders. We don't need to go to neighborhoods and let them decide whether they need the devices or not, it should be the town. The neighbors should not decide the Council should decide, it's an expensive proposition. He requested the Council postpone and take another vote in the neighborhood.

BUSINESS ITEMS

a. Approval of Municipal Speed Limit Ordinance for Indian Trail streets

Mr. Fivas explained we are just reaffirming the limits already posted on town roads, the only change would be to change Matthews Indian Trail Road from 35 to 25 and sets a speed limit for the future Chestnut Parkway. This resolution would establish the speed limits on every road we have.

Gary M. Savoie made a motion to approve the Municipal Speed Limit Ordinance for Indian Trail streets **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

DISCUSSION ITEMS

a. Update on Law Enforcement Analysis

Mr. Fivas advised we should receive a contract from them, get it to legal review and present to Council. They indicated they want it completed before the end of year.

b. Discussion on Old Monroe Road Intersections

Mr. Savoie stated he feels it's important that we rank some of the alignments on Old Monroe Road, Mr. Fivas passed out **(COPY ATTACHED HERETO AND MADE APART OF**

THE RECORD). The question is Super Street on intersections for it opposed to it? Council discussed each intersection and by consensus made the following suggestions:

1. Medians are too large, feel they should be narrower to keep the urban appeal.
2. They strongly oppose interfering with the new Family Dollar project. It was just built and has not opened yet.
3. They have concerns for Sun Valley Commons businesses, suggesting they make the road flow on the right hand side where there's a field and space.

SUPERSTREET INTERSECTIONS on Old Monroe Road:

Okay for Chestnut

Need more information for Indian Trail Road

Need more information for Brandon Oaks Parkway

Need more information for Wesley Chapel Stouts Road

c. Public Information Request Policy and Procedure Concerns of a resident

Michael Faulkenberry, a resident of Indian Trail expressed concern over the security of the Town's Internet and email system. He point out problems he believes might exist and provided suggestions. **(COPY CAN BE FOUND IN THE OFFICIAL PACKET)**

MANAGERS REPORT

Mr. Fivas stated we had a very good Independence Day Festival, enjoy the summer weather we will be complaining it'll be 30 degrees in December soon.

COUNCIL COMMENTS

Mr. Daniels stated that he is disappointed that County raised taxes, expected a raise but not that high. Having done so UCPS has money for schools, he suggested going to meetings to encourage schools be built in Indian Trail.

Mr. Drehs all the things in his managers report, public comments we're not doing anything residential and Economic Development, it took about 90 minutes and encouraged all Council Members to do the same. It was very informative.

Mr. Savoie thanked everyone for being here and thanked staff for all their hard work making up the data that we need in an easy and articulate manner.

Mr. Fivas thanked Mr. Kaufhold for the traffic calming information, this is not easy, it's a lot of good information and we appreciate your hard work. We are preparing to do an RFP to do some roadwork and patches, and for those in Beacon Hills we will get a contract fairly soon, we've been working on it and will get it done.

Mr. Cohn had no comments.

CLOSED SESSION

None

ADJOURN

Gordon B. Daniels made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

David Cohn, Mayor Pro Tem

Attest: _____
Peggy Piontek, Town Clerk