



**Town of Indian Trail**  
**Minutes of Town Council**  
**June 10, 2014**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Absent Members: Town Clerk Peggy Piontek.

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

**CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Alvarez called the meeting to order, Council Member King led in the Pledge of Allegiance. Mayor Alvarez explained the two different signup sheets, one for public comments and one for the public hearing.

**ADDITIONS AND DELETIONS**

Gordon B. Daniels made a motion to approve deleting Discussion on Donation Policies from the agenda, to be added to another meeting for further discussion.

Gary M. Savoie made a motion to approve removing Neighborhood Enhancement Program from the agenda.

Mayor Alvarez called for one vote on both motions, Council approved the motions unanimously.

Mayor Alvarez explained many people have signed up for Public Comments and the Public Hearing, requesting that Council extend comment period on both items.

Christopher King made a motion to approve extending the comments portions of the meeting. Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

Gary M. Savoie made a motion to approve Agenda as amended. Council voted unanimously in favor of the motion.

### **PRESENTATIONS**

*None*

### **PUBLIC COMMENTS**

Andrea Matysek, 7411 Conifer Circle, Indian Trail, NC spoke on the need and advantages of having a handicapped accessible ball park, requesting Council consider this for Crooked Creek Park.

Cathi Higgins 3004 Clover Hill Road, Indian Trail, NC requested that Council Members who accepted donations from the Developer of the upcoming Public Hearing reclude themselves from the vote, as she feels it s unethical and taints their vote.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC referred to campaign promises pertaining to infrastructure made by Council Members Daniels, Savoie and Drehs requesting they honor those promises when voting on the upcoming agenda item for the proposed apartment complex.

Samantha Towns, 104 Pine Lake Drive, Indian Trail, NC inquired if the Town Council is listening to the residents as it pertains to the needs of all residents providing judiciary legal infrastructure and environmental responsibility to town growth for their safety and informing residents when a project is being planned in their neighborhood.

Amanda Faulkenberry, 519 Picket Circle, Indian Trail, NC stated that she was assured the parks expenses would not exceed the \$8,000,000, but information requested indicated there is an additional \$2,900,000. There has been no explanation where these funds are coming from.

Paul Stewart, 12209 Danby Road, Pineville, NC stated he is a representative of Adapt a Sports program which consists of people with disabilities and having parks facilities that are accessible for them to play on is important to them.

Beverly Jones, 6841 Idelwild Road, Charlotte, NC stated that she owns property located at 5102 Old Charlotte Highway expressing that currently traffic makes getting out difficult and stated she has concerns and is opposed to the proposed apartments. Ms. Jones requested that Council reconsider this item.

Art Spurr, 4100 Woodcreek Court, Indian Trail, NC congratulated the town on a successful Family Fun Day. He expressed concerns about a forensic audit, stating it's not something that hurts, but is something that will assist to determine what areas might need improvement, requesting that one be conducted. Mr. Spurr stated that the pictures of the park presented prior to the bond passing were beautiful, but now the cost has exceeded the bond funds.

Mayor Alvarez closed public comments.

#### **LAW ENFORCEMENT UPDATE**

Lieutenant Coble updated council on activities of the deputies; topics included training, several calls responded to and participation in Family Fun Day.

#### **CONSENT AGENDA**

- a. Approval of May 27, 2014 draft minutes
- b. Approval of Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c. Annexation #141:
  - Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
  - Certificate of Sufficiency **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
  - Resolution Fixing the Date of the Public Hearing For Annexation 141 for July 8, 2014 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Gary M. Savoie made a motion to approve the Consent Agenda.  
Council voted unanimously in favor of the motion.

#### **PUBLIC HEARINGS**

- a. ZT2014-003 Sporting Goods Store Amendment and General Housekeeping table.

Ms. DeHart presented that the impetus for this request is to streamline the process for sporting good stores to establish within the Central Business District (which is located primarily within the historic downtown area), the Downtown Overlay District, and the Village Center Overlay District. This type of use is currently allowed within these districts however requires the business owner to obtain approval of a Special Use Permit by the Indian Trail Board of Adjustment. This process typically takes approximately 90-days. Staff surveyed other jurisdictions and found this type of use is typically allowed in most commercial zoning districts by right.

The proposed amendment includes: 1) further defining sporting good stores to include firearm sales and gun smithing which typically is a service associated with this use; and 2) allowing sporting good stores by right within all commercial zoning districts except the Neighborhood Business District which is proposed to maintain a Special Use permit requirement. The Neighborhood Business District is intended to allow for small scale retail and business services uses in close proximity to residential neighborhoods. General housekeeping changes were included in this amendment primarily focused on correcting some inconsistencies between districts, removing some outdated language such as Video/CD store, and correcting a cross reference (520.040) which was intended to reference a maximum size limitation for some uses within various districts.

The Planning Board heard this item at its May 20, 2014 public meeting and made the following consistency findings and approved the motion to recommend approval to the Town Council.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - ♣ **Downtown Revitalization:** Because it will enable sporting goods retail stores to locate within Downtown Indian Trail by right and contribute to the success of the Downtown economy; and
  - ♣ **Economic Development:** Because it will allow sporting good retail stores by right, saving time and red tape for business owners supporting a more balanced tax base within our community.
2. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts supporting economic development within our community.

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

Christopher King made a motion to make the required consistency findings as read into the record Council voted unanimously in favor of the motion.

Christopher King made a motion to approve ZT2014-003 as presented. Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

b. CZ2013-009 Plyler Road Community

Ms. DeHart presented that this is a request to rezone a 27-acre property for the purpose of developing a multi-family residential community on the existing abandoned light industrial site located at the corner of Unionville-Indian Trail Road and Plyler Road. The subject property is known locally as the "Genwove" site

which was a leading veneer manufacturing company in the south at its peak of operation. The facility closed down in 2008; was purchased in 2009 with some site demolition occurring between 2009 -2010.

The applicant had originally proposed 378- residential units, within two styles of multi-family residential structures - a mix of six-plex units (8-big house design units) and three-story garden style apartment buildings (11) resulting in a total proposed density of 14 units per acre. The applicant presented a modified proposal of 348-residential units to the Planning Board at the March 20th meeting.

The site plan reflects a reduction in the number of units by the removal of one-three story garden style apartment structure. The removal of the structure reduced the proposed units to 348 apartments resulting in an overall density of 12.8 units to the acre (previously 14 du/acre). The reduction in the number of residential units reduces the number of required parking spaces to 860 spaces (from the previous 933 required spaces). The applicant is providing a total of 829-parking spaces which results in a 3.6% deficit in the required parking for the site.

The Planning Board after much deliberation and discussion, motioned to recommend approval to the Town Council (4 to 3), based on the modified site plan and conditions, and making the following findings as read into the record:

*Goal – Land Use and Housing* - The proposed conditional district provides for quality multi-family residential use at an appropriate location providing a more appropriate transition between land uses than the existing abandoned light industrial use.

*Goal- Mobility and Transportation* – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of roadway improvements (turn-lane and storage), construction of an enhanced pedestrian crossing, a cash contribution for intersection improvements, and dedication of right-of-way on adjacent roadways to meet the future transportation needs of our community.

*Goal- Infrastructure*-The proposed conditional district will expand utilities in the area, underground overhead utilities where feasible.

WHEREAS, request for this conditional zoning district is a reasonable request and is in the public interest because it eliminates an abandoned light industrial site, establishes a more appropriate transitional use between the single-family community, creates a mix of housing sizes within the US 74-West corridor, provides expanded housing opportunities for Indian Trail citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

Council had a lengthy conversation pertaining to this matter.

R. Dean Harrell, 615 Potter Road, Matthews, NC expressed his appreciation for being here, introduced consultants he had with him, explained the environmental study conducted, construction will be done in two phases, described building materials to be used, CSX will provide packets to tenants on evacuation procedures, entire site will be fenced in, they have had discussions and agreements with the neighbors on issues, parking concerns, aerial structure over railroad tracks to enable residents to have access to future

town center, tax revenue and job opportunities. **(A COPY OF THE HIGHER DENSITY DEVELOPMENT REPORT CAN BE FOUND IN THE CLERK'S OFFICE)**

John Townsend, Traffic Engineer with Davenport provided a brief recap of how they conducted the traffic impact study. He answered several questions from Council, topics included: impact difference between this project and manufacturing, to what year did the study go, background analysis, intersection ratings determination acceptable ranges, traffic study was done without downtown project included. **(A COPY OF THE TRAFFIC IMPACT STUDY CAN BE FOUND IN THE CLERK'S OFFICE)**

Lisa Taylor a representative for Grey Star Management provided some history on their organization, stating their goal is to embrace with the community and participate in town events. She explained they have strict qualifications, run credit screening and criminal records, security programs for emergency evacuations; their goal is to conserve the environment and enhance the value. She answered questions from Council, topics included: location of example of this development, demographics, job opportunities, anticipated build out, steps to eliminate noise from neighborhood, sound deterrent from railroad tracks, parking, cost and construction would begin in first quarter of 2015. **(A COPY OF THE INFORMATION ON GREYSTAR CAN BE FOUND IN THE CLERK'S OFFICE)**

Mayor Alvarez opened the public comments portion of the hearing.

Michael Faulkenberry, 519 Picket Circle, Indian Trail, NC suggested that the Town budget for this growth for law enforcement, making sure the roads are in place before, not after the fact and suggested other uses for the land.

Shawna Steele, 213 Cupped Oak Drive, Stallings, NC advised she is a neighbor to Indian Trail and does not support this project because we depend on the county for water, sewer, emergency services and our schools. She stated that Don Hughes advised this will have an impact to school as there is no formula, the more popular the school the more demand there will be. Ms. Steele stated that the Stallings Planning Board and Council unanimously denied a 117 family unit project in Stallings because of these matters. She advised these projects need to have smart roads and be planned.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC stated that most people are unaware that this project will be connected to the Downtown LLC development equating to approximately 920 units, having a devastating effect on the traffic impact, safety and school redistricting and property values. Ms. Howe discussed the rating of the Indian Trail Road/Matthews Indian Trail Road intersection and the anticipated single entrance to the Downtown project. Ms. Howe stated that Indian Trail is the worst offender to school overcrowding with 2,000 apartments and expressed concern over a possible derailment or chemical spill of the railroad.

Cathi Higgins, 3004 Clover Hill Road, Indian Trail, NC stated that this project is to be built below the town's parking, setback standards and Comprehensive Plan. Ms. Higgins commented on Mr. Harrell's previous

project issues then stated rapid growth has resulted in traffic issues, school overcrowding, dried up water and sewer and the need for contracted deputies in our town. Ms. Higgins stated that we are waiting to see if our County taxes will be raised because of these issues and the need for restaurants and retail should not sacrifice the safety and education of our children, traffic and crime. Ms. Higgins advised that Council has already approved 1048 units and requested they ensure these issues are resolved without raising our taxes before approving any more.

Art Spurr, 4100 Wood Creek Court, Indian Trail, NC requested that any Council Members who received funds from the developer should reclude themselves from the vote. He stated he is against putting that big a complex on a 2 lane road. He advised that the UDO indicates Unionville Indian Trail Road will be a 4 lane road yet all the other side streets will remain the same. Mr. Spurr referred to increased crime rate in his neighborhood as a result of increased development. He stated that the residents want people to come and invest their lives with jobs other than fast food establishments. He feels light industrial in that area would create permanent jobs so they can work and live here. Mr. Spurr requested a moratorium on building until the infrastructure is in place.

Ned Hurd, 104 Silverglen Lane, Indian Trail, NC sated when we drive through the traffic it's tough to ignore, asking why keep building with infrastructure first. He suggested not jumping at this apartment complex, urging Council to slow down and see what happens with the ones already approved. He feels the traffic study was not done at a prime time when traffic is heaviest.

Amanda Faulkenberry, 519 Picketts Circle, Indian Trail, NC presented a PowerPoint on resident safety stating that traffic complaints have been expressed on Plyler Road, Unionville Indian Trail Road, the intersection of Indian Trail and Matthews Indian Trail Roads, that traffic on them have already increased as a result of Carolina Courts and Chestnut Parkway which will take years to complete. Ms. Faulkenberry addressed concerns over fire safety as our volunteer departments are not fully staffed also expressing concern of their ability to get through the downtown intersection.

John Killman, 101 Silver Glen Lane, stated he sent an email to Council. He advised several neighbors spent months knocking on doors and 51 residents are against the development by petition as traffic, schools and safety are huge concerns. He referred to the size and content of traffic studies conducted in the subject area and one in Brandon Oaks appearing to have more emphasis for speed bumps than 1,000 new residents, requesting that Council slow down on development.

Gary Simmons, 102 Silver Glen Lane, Indian Trail, NC was glad to hear someone was interested in the property until he found out it was apartments, suggesting building homes that someone would want to buy. If approved he hopes staff will make the developer do what they promise, like landscaping before building.

Lars Knap, 655 Powder Horn, Wesley Chapel, NC describe what an overcrowded schools feels like, stated these apartments will add a lot of kids into overcrowded schools, advising that watch level means 110% capacity or more. He reminded Council they impact education on where they go to school and the number of students that go there by approving these complexes.

Travis Marguardt, 1009 Ridgefield Circle, Indian Trail, NC stated he's lived here 8 years, seen the area grow but the infrastructure is not growing with it, expressing the challenges he faces because of the traffic. Mr. Marguardt explained that during the construction the traffic will be difficult and the need to put in sidewalks.

David Traynor 1013 Cranston Crossing Place, Indian Trail, NC suggested looking at priorities of Indian Trail, as it will create overcrowding in schools. He feels we have lost sight of our goals, he understands the need for diversified housing, for 10 years we've had 252 apartments, but in the last year 1,000 more apartments have been approved. He requested we slow down and have managed growth.

Steven Long, 1012 Cranston Crossing Drive, Indian Trail, NC stated he is the Chairperson of the Traffic Advisory Committee, as well as a member of several other committees and Boards, and he is for responsible growth. He feels we need time share units for when relatives come in but also affordable housing for people who cannot pay for the upkeep on a home. Apartments are an alternative for those people.

Tonya Hunt, 103 Silver Glenn Lane, Indian Trail, NC referred to and read a second letter from Union County Public Schools pertaining to Indian Trail Elementary and Sun Valley cluster schools, which states that this project along with others will create an overcapacity situation. She stated that her son is being forced out of his school; she is unhappy about it and feels this is something that must be taken into consideration before approving these projects.

Jerry Morse 271 Unionville Indian Trail Road, Indian Trail, NC stated he has been a resident since before the growth and the one constant has been the infrastructure has always lagged behind the development, leaving the residents to incur the expense of these developments for roads, emergency services and law enforcement. He feels we should be good neighbors as well and not make decisions that will negatively impact surrounding areas. Mr. Morse advised that the Council Members who accepted campaign donations should reclus themselves.

Melissa Merrell, 2603 Albatrose Lane, Stallings, NC stated she is a resident of Stallings and that her son was redistricted last year and will have to go through another redistricting next year so he will not be going to school with his big brother. She is distraught, 530 students have been redistricted from the Porter Ridge cluster which will triple the distance they must travel. Ms. Merrell provided statistics on redistricting.

Mayor Alvarez closed the public comments.

David W. Drehs made a motion disapprove CZ2013-009 as conditioned.

Council Member Drehs withdrew his motion.

Gordon B. Daniels made a motion make the required findings as read into the record and found in attachment 6 of the draft ordinance.

Motion Passed 3 - 2 with David Cohn, and David W. Drehs opposing.

Gordon B. Daniels made a motion to approve CZ2013-009 Plyler Road Community as presented.  
Motion Passed 3 - 2 with David Cohn, and David W. Drehs opposing.

Council took and returned from a brief break.

### **BUSINESS ITEMS**

#### a. Approval of FY2014-15 Budget Ordinance

Mr. Fivas explained this is the Ordinance that we discussed in May and what you will actually be approving is what is in the packet.

David W. Drehs made a motion to approve FY2014-15 Budget Ordinance.

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

#### b. Approval of Change Order for Crooked Creek Park

Mr. Fivas advised that we ran into some significant rock when bringing the sewer line over to the park. It was debated and discussed internally, there were some funds available but the cost exceeded that amount by \$40,000, which is why we bring this to you for approval. The actual cost is approximately \$34,000 but to ensure that we won't have to come back again for this issue, we are requesting an additional \$6,000. If these funds are not needed they will not be spent.

Gary M. Savoie made a motion to approve Change Order for Crooked Creek Park.

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

### **DISCUSSION ITEMS**

#### a. Discussion on Questions for Law Enforcement References

Mr. King stated he was sold on the first organization.

Mr. Cohn stated that the 2 questions he would like to ask: Let's get referrals and simply ask those references if they did a good job? What our needs would be in the future for law enforcement?

Mr. Savoie stated he like the first group as they are not for profit and have done a lot of work, the second was a small organization that might be overburdened with this project and has no experience in contract work

Lieutenant Coble stated that both are capable, but you need to determine where you are, what you want to accomplish and how to move forward. The most important thing you need is an analysis of what it's going to cost to get started (people, equipment and building) and get a good perspective on what we need in the future.

By consensus Council determined that we need to get references and research them and Mr. Cohn will pursue that information.

b. Discussion on Municipal Complex

Mr. Fivas provided a brief history of this subject and advised that we have received a survey of the potential donation of property across the street. He passed out some information **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)** advising it is 6.72 acres which covers a piece along Indian Trail Road for signage, the road right of way around the facility, there is a piece that can be made into a town square or park area. Mr. Fivas stated staff has spoken to the people interested in doing this with us; their stipulations are a time frame for construction and consistency in building materials design. If the Council is interested in taking this donation/gift, you can direct staff to develop an agreement with all the details. That will enable you to know what the costs are. This would be a nonbinding discussion that enables us to put everything in front of you so you can make a more informed decision.

Council had a lengthy discussion on this; topic included funding, architects, responsibility for infrastructure. Mr. Fivas clarified they were directing the staff to continue the conversation for a working agreement, get a RFP for an architect, see about a public works building and prepare a potential location for other possible amenities in the future, present some funding options for Council to review before approval. Mayor Alvarez took a vote for a consensus on this direction to staff; all Council Members approved this by a show of hands.

c. Discussion on Committee/Board Appointment Policy

Mr. Fivas reviewed the revised policy, Council requested it state that Alternate members who have served more than 12 months, shall be appointed to a Regular seat upon recommendation from the committee they serve on as an Alternate. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Mr. Fivas advised that 3 people have turned their applications in after the deadline and asked if Council wants to accept those applications; by consensus Council agreed to waive the deadline for these people.

d. Discussion on Neighborhood Enhancement Program

*This matter was removed as a result of a motion made under additions and deletions.*

e. Discussion on Donation Policies

*This matter was removed as a result of a motion made under additions and deletions.*

**MANAGERS REPORT**

Mr. Fivas informed Council that a second reading for tonight's Public Hearing on CZ2013-009 is required and asked Council if they wanted it at the next regular meeting or at the special meeting scheduled for next week. By consensus Council agreed to hold it at the next regular meeting. He stated that Family Fun Day was

a success and thanked everyone for their hard work.

Mr. Fivas advised that we are in the process of configuring the plaque for Crooked Creek Park, advising that 2 Councils had input on it and would like to list all the members of the previous Council and this Council as well. Mr. Daniels requested that the middle initials be added; Mr. Fivas confirmed they would be included. By consensus Council agreed to put all the names on the plaque. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

### **COUNCIL COMMENTS**

Mr. Cohn congratulated the Sun Valley girl's softball team for winning the State Championships. He advised he did not agree with the decision that was made here tonight, but he wants it to be the best and hopes it works out.

Mayor Alvarez stated that Family Fun Day was a great fun day and he believes next year it'll be held at our new park. He congratulated the Sun Valley Softball team and suggested we send them a letter or have them come in to be recognized. He mentioned that he is getting asked about the cemetery sign. Finally, the apartments were passed this evening, it doesn't matter what he wants, the people spoke overwhelming against it and it's nice to see Indian Trail is following the footsteps of Washington, DC and going with the people that pay them, rather than the people that elected them.

Mr. Drehs called out Chase Coble who said he was having a fun time at Family Fun Day, but requested to go with Mr. Drehs to a dance recital where it was air conditioned.

Mr. King acknowledged the passing of a Porter Ridge student and advised he missed requesting a moment of silence in her honor.

Mr. Daniels thanked everyone who came out and stayed, it's been a long night and to get home safely. He'll see them at the next meeting.

Mr. Cohn stated he missed awards night tonight at the school and his daughter won 2 awards and expressed his pride in her.

Mr. Savoie thanked staff for Family Fun Day and movie night, both were successful. He recommended putting something out in front of the Town, stating "Home of the Sun Valley State Champions". He asked everyone to keep the family of the Porter Ridge student in their minds as graduation happens, summer is here and school has let out so be safe.

### **CLOSED SESSION**

*None*

**ADJOURN**

Gary M. Savoie made a motion to adjourn  
Council voted unanimously in favor of the motion.

**APPROVED:**

---

**Michael L. Alvarez, Mayor**

Attest: \_\_\_\_\_  
Peggy Piontek, Town Clerk