



**Town of Indian Trail**  
**Minutes of Town Council**  
**June 11, 2013**  
**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, Darlene Luther, and David Waddell.

Absent Members: Christopher King.

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, Tax Collector Janice Cook, Director of Engineering and Public Works Scott Kaufhold , Director of Human Resources Miriam Lowery, and Senior Planner Rox Burhans .

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

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance.

**ADDITIONS AND DELETIONS**

David Waddell made a motion to approve adding the Resolution supporting the 2009-2014 Comprehensive Facilities Assessment as item 9c.  
Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

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

### **PRESENTATIONS**

*None*

### **BOARD INTERVIEWS**

#### *a. PLANNING BOARD:*

- 1) KURT KENNEL - Council asked and Mr. Kennell answered several questions.
- 2) DOUGLAS GIGI - Mr. Gigi was unable to attend the meeting.
- 3) JACK JAMES - Council asked and Mr. James answered several questions.

Mr. Fivas read the names of the applicants who are requesting reappointment.

Robert Allen made a motion to approve appointing Sidney Sandy as an Alternate Member.  
Motion Passed 3 - 1 with David Waddell opposing.

Mayor Alvarez announced that Council Member King is not in attendance.

David Cohn made a motion to approve appointing Alan Rosenberg as a Regular Member of the Planning Board.  
Council voted unanimously in favor of the motion.

David Waddell made a motion to approve appointing Jack James as a Regular Member of the Planning Board.  
Council had a brief discussion about this.  
Motion Failed 3 - 1 with Robert Allen, David Cohn, and Darlene Luther opposing.

Robert Allen made a motion to approve reappointing Pattie Cowan and Larry Miller as Regular Member positions of the Planning Board.  
Motion Passed 3 - 1 with David Waddell opposing.

#### *b. BOARD OF ADJUSTMENT:*

- 1) ROBERT THURBON - Council asked and Mr. Thurbon answered several questions.
- 2) SHIRLEY HOWE - Council asked and Ms. Howe answered several questions.

## COUNCIL BOARD APPOINTMENTS

David Cohn made a motion to approve appointing Shirley Howe as a Regular Member of the Board of Adjustment.

Motion Failed 3 - 1 with Robert Allen, Darlene Luther, and David Waddell opposing.

David Cohn made a motion to approve appointing Shirley Howe as an Alternate Member of the Board of Adjustment.

Council voted unanimously in favor of the motion.

David Waddell made a motion to approve appointing Robert Thurbon as an Alternate Member of the Board of Adjustment.

Council voted unanimously in favor of the motion.

Darlene Luther made a motion to approve reappointing Daniel Takah as a Regular Member of the Board of Adjustment.

Council voted unanimously in favor of the motion.

## **PUBLIC COMMENTS**

Steven Chip Long, 1012 Cranston Crossing Place, Indian Trail, NC as a member of the Transportation Advisory Committee stated it's been about 5 years since the Town has received an in depth assessment of the pavement condition. Mr. Long stated that the Committee discussed the opportunity to have an unbiased, third party assessment team that uses a Federal condition rating method, recommending we put this in the budget to enable us to determine which streets need repairs immediately and which can wait.

James A. White, 1815 Greentree Lane, Indian Trail, NC requested that Council consider including video so residents can view the presentations as well as listen to them.

## **CONSENT AGENDA**

- a. Approval of draft minutes for May 28, 2013
- b. Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c. Removal of Committee Member

Robert Allen made a motion to approve the Consent Agenda.

Motion Passed 3 - 1 with David Waddell opposing.

## **PUBLIC HEARINGS**

- a. Annexation #136

Ms. DeHart presented the subject property is located on the south side of Highway 74 between Smith Farm Road and Indian Trail Road within the unincorporated area of the County. The property is wooded, undeveloped parcel with a recorded sanitary sewer easement that transverses the property It is approximately 15.34 acres in size and is zoned Union County R-20. The location map also delineates the future Chestnut Park which abuts the corner of the property. The future Chestnut Parkway will extend from the town park property across the subject property to connect to Highway 74. The property owners have requested the annexation ordinance be effective June 30, 2014.

Ms. DeHart read the consistence 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 #136 petition offered by the applicants does in fact meet all the requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and manner.

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

Darlene Luther made a motion The Town of Indian Trail finds that, pursuant to the requirements of NCGS 160A-31(d), that the proposed Annexation Ordinance #136 petition offered by the applicants does in fact meet all the requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and manner.

Motion Passed 3 - 1 with David Waddell opposing.

Darlene Luther made a motion to approve extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #136 establishing the effective date of the annexation as June 30, 2014. Motion Passed 3 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

b. ZM-2013-001: Hasty Property Rezone

Ms. DeHart presented that the property owner has requested to amend the Indian Trail Zoning Map by reclassifying their 3-acre undeveloped property from Light Industrial (LI) to a Single-Family Residential (SF-1) zoning classification. The Planning Board heard this item at its May 21, 2013 public meeting and were able to make the following consistency findings:

**Goal 1.3.1 Quality of Life** - the rezoning of this property to single-family residential (SF-1) provides the property owner the opportunity to develop a single-family home within an area that is currently developed with single-family dwellings offering a continued rural housing option.

**Goal 1.3.2 Land Use** - the rezoning of the subject property is consistent with the existing land uses thus avoiding the introduction of light industrial use in an established rural residential area and neighboring municipality; and the request for this zoning reclassification is a reasonable request and is in the public interest because:

- *It is in general conformity with the adopted Indian Trail Comprehensive Plan; and*
- *Allows the property owner use of their property fully aware of the future Monroe Connector alignment and potential growth pressures in the area.*

**Town Council Action:** Chapter 320.050 outlines the ultimate issue before Council on Amendments. They are:

- *the range of uses that may occur under the proposed amendment versus the range of uses under the existing zoning classification.*

- *The impact of the proposed change on the public at large versus any advantages or disadvantages to the individual requesting the change.*
- *The existing land uses and zoning within the general vicinity of the property.*
- *The suitability of the subject property for the uses permitted under the existing classification.*
- *The extent that the amendment may adversely affect the operation of public facilities or services including roadways, storm water management facilities, sewer and water services and law and fire protection.*
- *Consistency with the Indian Trail Comprehensive Plan.* The Planning Board is transmitting a recommendation to approve.

Mayor Alvarez opened the public comments portion of the hearing.

Angie Hasty, 7916 Stinson Hartis Rd, Indian Trail, NC stated they purchased the property 15 years ago, paid it off and when they decided to build a house on it they discovered it was rezoned as a result of the annexation. They have submitted all the permits and requests to the town and now they need Council approval for that.

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

David Cohn made a motion concur with the findings and approve ZM-2013-001 Hasty Property Rezone as presented.

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

c. ZT2012-008: Amendment of Flood Damage Reduction Ordinance

Ms. DeHart presented the proposed amendment is a general “housekeeping” exercise to reestablish cross-references within Chapter 1360 of the Unified Development Ordinance. There are no other changes proposed to this chapter.

This proposed amendment was heard by the Planning Board on May 21, 2013, and after a general discussion the Board motioned to make the findings and transmit a unanimous recommendation to approve. The draft findings for Council consideration are noted below:

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

1.3.5 Of the Comprehensive Plan- *Utilities*; the proposed UDO ordinance amendment will clarify regulations to help protect life and property as it relates to the Special Flood Hazard Areas and stormwater requirements promoting best management practices within the Town.

2. This UDO ordinance amendment is in the best interest of the public because it clarifies regulations within the Unified Development Ordinance intended to protect the public and enhances customer service by providing clear and concise regulations within the Town

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

Robert Allen made a motion concur with the findings and approve ZT2012-008 as presented. Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

### **BUSINESS ITEMS**

a. Adoption of the Fiscal Year 2013-2014 Annual Budget

Mr. Fivas provided the history of how the budget was created and prepared advising we are in the final stages and the Council has the opportunity to adopt this budget tonight. He informed Council they do not have to adopt it tonight but by State law the budget must be adopted by July 1, 2013.

Robert Allen made a motion to approve adopting the Budget Ordinance at this time. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Motion Passed 3 - 1 with David Waddell opposing.

b. Official naming of (Chestnut) Park

Mr. Fivas explained that it is now time to permanently name the park, so that we can continue with our wayfinding program as well. There were several names presented to our Park, Tree and Greenway Committee. They discussed it at their last meeting and they prefer to retain the name Chestnut. Now we are requesting Council to determine what to call it.

Darlene Luther made a motion to approve naming the park Chestnut Square at Indian Trail. Council voted unanimously in favor of the motion.

c. Resolution supporting the 2009-2014 Comprehensive Facilities Assessment  
*This item was added as a result of a motion made in Additions & Deletions*

Ms. Luther explained how this matter came to the Council's attention, stating that she requested to have this on the agenda as Sun Valley schools are some of the oldest in the County and often get overlooked. Ms. Luther read the Resolution into the record.

Darlene Luther made a motion to approve Resolution supporting the 2009-2014 Comprehensive Facilities Assessment. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**  
Motion Passed 3 - 1 with David Waddell opposing.

#### **DISCUSSION ITEMS**

- a. Discussion and presentation from Chris Plate from Monroe-Union County Economic Development

Mr. Plate explained to Council the benefits that could possibly be obtained by being a member of the Union County Economic Development.

- b. Transparency and disclosure - This item was requested by Council Member Luther

Ms. Luther explained that she was not in attendance at the last meeting is requested clarification from Mayor Alvarez on his comments pertaining to the February 16th meeting. Council had a lengthy discussion on this subject.

- c. Videotaping of Council Meetings - This item was requested by Council Member Luther

Ms. Luther explained that she feels the citizens would benefit from having the ability to watch the meetings as well as listen to them and requested the Town Manager to provide Council with more information.

#### **MANAGERS REPORT**

*None*

#### **COUNCIL COMMENTS**

Mayor Alvarez, Council Members Allen, Cohn and Luther had no comments.

Council Member Waddell addressed the Resolution for Sun Valley schools, advising that he would prefer the County put more teachers in the classroom than spend funds on beautification. Council Member Waddell spoke to the issue of transparency from this evenings meeting, stating that he feels that certain Council Members should not throw stones if they live in glass houses.

#### **CLOSED SESSION**

*None*

#### **ADJOURN**

David Cohn made a motion to adjourn  
Council voted unanimously in favor of the motion.

**APPROVED:**

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**Michael L. Alvarez, Mayor**

Attest:

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Peggy Piontek, Town Clerk