



Town of Indian Trail
Minutes of Town Council
June 14, 2011
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor Pro Tem: Jeffrey L. Goodall

Council Members: Robert Allen, John Hullinger, and Darlene Luther.

Absent Members: Gary D'Onofrio. John J. Quinn and Town Clerk Peggy Piontek.

Staff Members: Town Manager Joe Fivas, Deputy Clerk Trena Sims, Town Attorney Keith Merritt, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Finance Director Marsha Sutton , Economic Development Coordinator, Kelly Barnhart, Events Coordinator Rebecca Jones, Human Resources Miriam Lowery, and Hillary Pace, Environmental Planner.

CALL MEETING TO ORDER

Mayor Pro Tem Goodall called the meeting to order, lead the pledge of allegiance and announced upcoming events.

ADDITIONS AND DELETIONS

Darlene Luther made a motion to approve adding possible Council action on personnel matter as item 14a after closed session.

Motion Passed 3 - 1 with John Hullinger opposing.

MOTION TO APPROVE AGENDA

Robert Allen made a motion to approve the agenda
Motion Passed 3 - 1 with John Hullinger opposing.

PUBLIC COMMENTS

None

PRESENTATIONS

None

CONSENT AGENDA

- a. Tax Report - Month end for May 2011
- b. Approval of May 24, 2011 minutes
- c. Budget Amendments

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

PUBLIC HEARINGS

a. CZ2011-002 INDIAN TRAIL BUSINESS PARK

Ms. DeHart presented a request to rezone two parcels (approximately 4.733 acres) from General Business District (GBD) to Conditional Zoning Regional Business District (CZ-RBD) to add additional uses for these locations. The Planning Board heard this matter on May 17th and felt the following uses should be prohibited: Adult Use, vehicle sales and repair shop, RV and boat storage and vehicle storage and towing. After deliberation, the Planning Board was able to make the following findings of fact:

Goal 1.3.2 Land Use because the Conditional Zoning District will meet the goal of land use by avoiding potential land use conflicts and creating a more balanced tax base;

Goal 1.3.4 Downtown Revitalization: The proposed conditional zoning district will meet the goal of downtown revitalization by providing an opportunity for additional uses associated with businesses that serve the local and regional population.

They also found the request is reasonable and in the best interest of the public because the goal of the Comprehensive Plan in the area of Land Use and Downtown revitalization and is consistent with all other regulations.

The Planning Board transmits their recommendation to approve.

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

Mayor Pro Tem Goodall announced that Mayor Quinn and Councilman Gary D’Onofrio are not present this evening.

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

b. ZT2011-006 WHOLESALE DISTRIBUTION

Ms. DeHart presented a request to amend Chapter 520.020 of the Unified Development Ordinance to allow wholesale distribution by right for existing office/warehouse facilities in order to modify the use table for wholesale distribution, distinguish between existing structures and new facilities and allow "by right" versus Special Use Permit. This is a result of the downturn in the economy and non conforming uses, it will expedite the permitting process, provide administrative review of proposed businesses in existing buildings and special use permits would be utilized for new facilities or to consider impacts to adjacent properties.

The Planning Board heard this matter on May 17th and was able to make the following findings of fact:

The proposed UDO amendment is consistent with goal 1.3.2 of the Comprehensive Plan – Land Use; the proposed ordinance amendment allows various land uses promoting economic development while considering potential land use conflicts. 2. This ordinance amendment is a reasonable request and in the best interest of the public because it supports and promotes economic development within the appropriate zoning.

The Planning Board submits a recommendation of approval.

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

Darlene Luther made a motion to concur with the findings and approve as presented.

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

c. CPA2011-002 CAROLINA THREAD TRAIL

Ms. DeHart presented a request to consider adopting the draft Union County Carolina Thread Trail Plan explaining the vision and the many benefits to be derived from adopting it. The Planning Board heard this matter on May 17th, received recommendations from the Parks, Trees and Greenway Committee as well as the Carolina Thread Trail steering committee, and was able to make the following findings of fact:

It is consistent with our adopted Comprehensive, Park and Pedestrian Plans and transmits a recommendation to approve. Ms. DeHart invited Mr. Severin Jacobsen from the steering committee to speak. Mr. Jacobsen expressed why he joined the committee, appreciation to all those involved in the project, results from the current citizen survey taken by the town, the process of the project and the benefits the Thread Trail will bring to our residents and the entire County.

Mayor Pro Tem Goodall opened and closed the public comments portion of the public hearing.

Robert Allen made a motion to approve as presented.

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

d. **CPA2011-001 BICYCLE MASTER PLAN**

Ms. Pace presented a request to amend/add to the Comprehensive Plan the Bicycle Master Plan. Ms. Pace reviewed the Plan for Council and advised it has been recommended by the steering committee. The purpose is for approval to apply for a \$35,000 NCDOT Bicycle and Pedestrian Planning Grant to improve conditions for walking and biking. It is a source of multimodal transportation and shows smart growth initiatives. Ms. Pace read the vision statement of the committee, explained the many different sources of input received on the plan, the proposed bicycle network, and provided the project prioritizing and implementation plan. Ms Pace advised that this will provide connection to Union and Mecklenburg County recreation facilities and it provides better transportation alternatives. The Planning Board heard this on May 17th and agreed by unanimous vote that it is consistent with the Comprehensive Plan and other adopted plans, thereby transmitting approval. Ms. Pace invited Mr. David Anderson and Ash Meyer to provide their perspective as residents and members of the steering committee. Mr. Anderson provided some of his background and said it has been his and Mr. Meyer's pleasure to work on the steering committee of this project. He also explained the process of input and how the committee developed the master plan. Mr. Meyer thanked the Council for their efforts and advised he is passionate about the plan, feels it will improve the quality of life and hopes that the Council has the same vision.

Mayor Pro Tem Goodall opened and closed the public comments portion.

John Hullinger made a motion to approve CPA2011-001 BICYCLE MASTER PLAN

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

BUSINESS ITEMS

None

Council took and returned from a brief break.

DISCUSSION ITEMS

a. **Discussion of possible referendum priorities**

Mr. Fivas explained that management is proposing 3 bond questions:

Park Improvements:

"Shall the order authorizing \$4,500,000 of bonds secured by the pledge of the full faith and credit of the Town of Indian Trail, North Carolina to pay the costs of providing for the acquisition, construction, renovation, improvement and equipping of parks and recreation facilities for the 51-acre community park owned by the Town of Indian Trail, including the acquisition of land, rights -of-way and easements related thereto, if necessary, and a tax to be levied for the payment thereof be approved?"

Mr. Fivas explained the assumption used in developing the estimated tax impact information for the park question:

1) a single issue date in 2012; 2) issue amount \$4,500,000; 3) 20 year principal amortization structured for overall

level principal; 4) interest rate of 5.0% - currently above market rate; 5) conservative growth rates of 1.5% in 2013 with 2.5% used thereafter. Based on these assumptions the estimated average tax impact over the 20 year structured repayment period would result in a tax rate increase of approximately .967 cents. In Indian Trail, for each 1.0 cents of a tax rate increase to an individual property tax payer the cost would be approximately 83.33 cents per \$100,000 in value per month.

Mr. Fivas explained for various streets, traffic improvements, sidewalks and beautification funds management is proposing a bond referendum question in the amount of \$7,000,000 to pay for cost of street repairs, beautification and related expenses throughout the town.

"SHALL the order authorizing \$7,000,000 of bonds secured by the pledge of the full faith and credit of the Town of Indian Trail, North Carolina to pay the costs of acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading, improving or beautifying streets, roads and intersections, including the cost of related studies, plans and design; acquiring, constructing, reconstructing, improving or beautifying sidewalks or walkways, curbs, gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land, rights-of-way and easements in land required therefore, and a tax to be levied for the payment thereof be approved?"

Mr. Fivas explained several examples that these funds could be applied to and explained the assumptions used in developing the tax impact information for this question: 1) multiple year issue dates in 2012 \$1,000,000 and then starting 2013 through 2017 \$2,000,000 every other year; 2) 20 year principal amortization structured for overall level principal; 3) interested rate of 5.0% - currently above market rate; 4) Conservative growth rates of 1.5% in 2013 with 2.5% used thereafter. Based on these assumptions the estimated average tax impact over the 20 year structured repayment period would result in a tax rate increase of approximately 1.16 cents. In Indian Trail, for each 1.0 cents of a tax rate increase to an individual property tax payer the cost would be approximately 83.33 cents per \$100,000 in value per month.

Mr. Fivas explained that management is proposing a bond referendum question in the amount of \$10,000,000 to pay the cost of widening a thoroughfare in the town from two lanes to four lanes to improve traffic congestion and promote economic development.

"SHALL the order authorizing \$10,000,000 of bonds secured by the pledge of the full faith and credit of the Town of Indian Trail, North Carolina to pay the costs of widening a thoroughfare in the Town of Indian Trail from two lanes to four lanes, including acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading, improving or beautifying of such thoroughfare, the cost of related studies, plans and design, acquiring, constructing, reconstructing, improving or beautifying sidewalks, curbs gutters, drains, bridges, overpasses, underpasses and grade crossings and providing related landscaping, lighting and traffic controls, signals and markers; and the acquisition of land, rights-of-way and easements in land required therefore, and a tax to be levied for the payment thereof be approved?" Mr. Fivas provided some examples of projects and explained the assumptions are used in developing the tax impact information are 1) multiple year issue dates in 2013 \$6,600,000 and in 2015 \$3,400,000; 2) 20 year principal amortization structured for overall level principal; 3) interested rate of 5.0% - currently above market rate; 4) Conservative growth rates of 1.5% in 2013 with 2.5% used thereafter. Based on these assumptions the estimated average tax impact over the 20 year structured repayment period would result in a tax rate increase of approximately 1.82 cents. In Indian Trail, for each 1.0 cents of a tax rate increase to an individual property tax payer the cost would be approximately 83.33 cents per \$100,000 in value per month. For

this example, the approximate tax impact of the traffic congestions bonds would cost the taxpayers \$1.52 per \$100,000 in value per month.

Mr. Fivas went over the process with Council informing them that Scott Leo, our Bond Counsel is present to assist in answering any questions and if Council goes in this direction, he has created resolutions for the questions that could start the process tonight.

Council reviewed each question individually starting with the Park Bond question. Mr. Goodall expressed he has no problem with this question as it provides complete control to the Town and its citizens.

Jeffrey Goodall made a motion to approve this Park Bond question as presented.
Council voted unanimously in favor of the motion.

Jeffrey Goodall made a motion to approve the Infrastructure Bond question as presented.
Council voted unanimously in favor of the motion.

Council discussed the question pertaining to the widening of a thoroughfare in the town. Mr. Leo advised that the questions change slightly to include the possibility of adding a fifth lane to accommodate turns etc. The accurate question is found on the Resolution prepared for this evening. Mr. Goodall inquired why Old Monroe Road was not mentioned specifically so the citizens know exactly what they are voting on. This question presents its own issues as we have no control on the road we would widen, they are controlled and at the discretion of NCDOT. Mr. Hullinger advised that should NCDOT come in and fund the widening of Old Monroe Road, the funds would still be available for other thoroughfares. Ms. Luther believes that it's unrealistic to think that NCDOT will widen it if they know that we have a passed referendum. She feels that if everyone knows we're talking about Old Monroe Road that the Council wants it done. She feels that the question needs to be targeted to our original intent Old Monroe Road. Mr. Allen stated he believes the question should be specific to Old Monroe Road. Let the citizens decide if they want those funds spent on that road. Mr. Goodall understands the ambiguity of how the question is worded but as a voter and citizen he feels the question should be worded for the targeted thoroughfare of Old Monroe Road.

Darlene Luther made a motion to approve adding Old Monroe Road to the proposed traffic congestion question for a \$10,000,000 bond.

Motion Passed 3 - 1 with John Hullinger opposing.

Mr. Leo explained the process for the actions which will be required over the next three meetings. He explained the resolutions being presented to them tonight and guided Council through the motion process.

Robert Allen made a motion to approve the resolution of the Town directing the publication to the Notice of Intention to apply to the Local Government Commission for approval of the bonds and to amend the question of the \$10,000,000 bond to pay the costs of widening Old Monroe Road in the Town of Indian Trail.

Motion Passed 3 - 1 with John Hullinger opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Robert Allen made a motion to approve Resolution of the Town Council authorizing the Finance Director to apply to the Local Government Commission for approval of the towns General Obligation Bond financings and to submit such application to the Local Government Commission and to amend the question of the \$10,000,000 bond to pay the costs of widening Old Monroe Road in the Town of Indian Trail.

Motion Passed 3 - 1 with John Hullinger opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Robert Allen made a motion to approve Resolution of the Town Council of the Town of Indian Trail making certain statements of fact concerning the proposed bond issue and to amend the question of the \$10,000,000 bond to pay the costs of widening Old Monroe Road in the Town of Indian Trail.

Motion Passed 3 - 1 with John Hullinger opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Mr. Leo clarified at the next meeting Council will introduce the Bond Orders, adopt the Resolution setting the public hearing on the Bond Order for July 12, 2011. At the July 12th meeting we will hold the Public Hearing and Council will adopt the resolution setting the special bond referendum.

b. **Presentation of beautification initiatives for Indian Trail Rd & Highway 74** requested by Councilwoman Luther. (followed by a discussion and action of items to include in the 2011-2012 fiscal year's budget) to improve the aesthetic appeal/ maintenance of Indian Trail, and for the town to serve as an example of what we expect/hope to see from our commercial and residential property owners. Included in this discussion will be an appreciation award to recognize and promote businesses who have contributed to the improvement of our community by their renovation and enhancement of their commercial properties.
(This matter was tabled at the May 24, 2011 meeting)

Councilmember Luther began by addressing certain areas she felt needs beautification. Highway 74 is our main thoroughfare makes a statement for our community. Most residents travel this road and will experience our newly implemented beautification efforts. Sprucing up this area will help to establish the town's identity and works well with our branding efforts. Beautification of this road will set us apart and convey an obvious sense of pride in our community. Indian Trail Road is a special place; the area of our government center reflects the community overall and improvements to this area, which includes our Historic Business District, will create a quaint and inviting atmosphere. It serves as access to both public parks and will offer a place with appeal and character.

Councilmember Luther feels that the beautification to Highway 74 will take more time to work out a plan due to involvement and input from NCDOT, right of way issues and it is a much larger area to cover. The NCDOT mows Hwy. 74 four times a year and as the town moves forward with a Public Works Department, let's find out if we can keep DOT's mowing service while supplementing with our own mowing/trimming maintenance. The Town should plan to plant ornamental trees along median, possible curb/gutter like on some of the main thoroughfares in Charlotte and Matthews. This is a more long term plan that will make for a manicured and attractive ride along

what is now referred to as an eyesore, due to lack of maintenance and beautification efforts. This will make a statement about our community and will also help with attracting economic development. Monument signs on both ends with flowers would also be a nice addition.

A more immediate and feasible project would be Indian Trail Road, from Park Road to Matthews-Indian Trail Road specifically. It needs clean-up and on-going maintenance. Perhaps removal of "poles to nowhere" and bury the electrical lines, although the expense is unknown at this time. Additional suggestions for beautification and streetscape are to add streetlights consistent with those on Blythe for continuity or simple black poles which we can possibly hang flowering baskets; addition of curb and sidewalk to be consistent with Blythe Road; addition of flowers, flower boxes, hanging baskets or the like at various buildings and/or street poles. For private property, could be purchased by town in bulk or purchased by owners and perhaps maintained by town for continuity of care in the Historic Business District. Landscaping the small piece of town owned land at the corner of Blythe Drive and Indian Trail Road would make a lovely and inviting entry leading toward an equally beautiful Crossing Paths Park. An arbor, gazebo or park benches with a lovely garden and way-finding sign may add much needed character and charm to this area. The Town should look into historic preservation and national registration for any historic buildings with plaques identifying what older properties once were for matters of interest. Grants for this may be possible. Possible discussion with property owner of strip plaza next to the area i.e.; addition of a curbed, grassed area which will greatly improve aesthetics, while increasing pedestrian safety by creating an identifiable entrance/exit. Some area properties need some "tender loving care" and this may very well inspire them to do just that.

The end result is that the Historic Business District can begin to look like one. Our government center can begin to look like one. The access road to our parks will exemplify and set the tone for what lies ahead at our parks and our outdoor street festivals will exude an unmistakable sense of pride in our community. The Town of Indian Trail will set an example of community beautification and enhancement, practicing what we preach this type of activity is inherently contagious; you'll see it even in residential neighborhoods. It renews spirits, encourages participation and elicits a true sense of community pride. This is an investment we can and should make in our community. Councilmember Luther feels Council should consider the idea of having a beautification recognition/acknowledgement presented to those businesses who have significantly improved the exterior appearance of their properties, contributing to a more beautiful Indian Trail. Council held a brief discussion of the items presented.

Darlene Luther made a motion to approve directing the Manager and staff to bring back to Council a plan, in phases, with cost estimates for implementation of items discussed by the first meeting in August. Council voted unanimously in favor of the motion.

MANAGER'S REPORT

Mr. Fivas asked that everyone tell their friends about the Face Book Page as we are trying to get to 1,000 likes by July 4th.

PLANNING REPORT

None

ENGINEERS REPORT

None

COUNCIL COMMENTS

None

CLOSED SESSION

Jeffrey Goodall made a motion to enter closed session [N.C.G.S. 143-318.11(a)(5)] To establish or instruct the staff or agent concerning the negotiations of the amount of compensation or other terms of an employment contract and

[N.C.G.S. 143-318.11 (a)(6)]

To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee.

Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve going back into open session.

Council voted unanimously in favor of the motion.

a. Possible Council action on personnel matter.

This item was added as a result of a motion made in Item 2 Additions and Deletions.

Darlene Luther made a motion to approve the extension of employment agreement for the Town Manager Joe Fivas which is extending his term of employment to June 30, 2015.

Motion Passed 3 - 1 with John Hullinger opposing.

ADJOURN

John Hullinger made a motion to adjourn

Council voted unanimously in favor of the motion.

APPROVED: _____
Jeffrey L. Goodall, Mayor Pro Tem

Attest: _____
Peggy Piontek, Town Clerk