



Town of Indian Trail
Minutes of Town Council
June 22, 2010
Civic Building
6:00 P.M.

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Robert Allen, Gary D'Onofrio, Jeffrey Goodall, and Darlene Luther.

Absent Members: John Hullinger. Town Attorney Keith Merritt, Town Clerk Peggy Piontek, Junior Planner Jonathon Edwards, and Adam McLamb Engineering.

Staff Members: Town Manager Joe Fivas, Finance Director Marsha Sutton , Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, Senior Planner Katie Reeves, Deputy Clerk Trena Sims, and Field Operations Manager Joe Tolan.

Media Present: Marty Mitchen of the Charlotte Observer

CALL MEETING TO ORDER

Mayor Quinn called the meeting to order.

PRESENTATIONS

Park System Development Process

This matter was moved to 9a as a result of a motion made under Additions and Deletions

Indian Trail Alcoholic Beverage Committee Update

This matter was moved to 8a as a result of a motion made under Additions and Deletions

ADDITIONS AND DELETIONS

Mayor Quinn requested a motion to remove items 9a and 9b from the agenda.

Gary D'Onofrio made a motion to approve removing items 9a & b

Council voted unanimously in favor of the motion.

Jeffrey Goodall made a motion to approve moving the Park System Development Process item 9a

Council voted unanimously in favor of the motion.

Jeffrey Goodall made a motion to approve moving Indian Trail Alcoholic Beverage Committee update to item 8a and Stormwater maintenance to item 8b

Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Gary D'Onofrio made a motion to approve the agenda as modified.

Motion Failed 2 - 2 with Jeffrey Goodall, and Darlene Luther opposing.

Mayor Quinn asked if Ms. Luther or Mr. Goodall have any comments on this. Ms. Luther advised that she and Mr. Goodall want to move Update on Action Garbage discussions to item 8c.

Mr. D'Onofrio rescinded his motion.

Darlene Luther made a motion to approve moving Update on Action Garbage discussion to item 8c.

Council voted unanimously in favor of the motion.

Gary D'Onofrio made a motion to approve Agenda as modified

Council voted unanimously in favor of the motion.

PUBLIC COMMENTS

Kathy Broom, 4103 Runaway Circle, Indian Trail, NC commented that although citizens took the time to attend the meeting to express their concerns about the budget, this Council choose to ignore their concerns and did not address or explain them. She felt it showed a lack of concern for Indian Trail residents when immediately passing the budget, two weeks early at best. She went onto provide other matters that she felt the Council has been contradicting on, sighting the Park Fund as an example, explaining if it is not used as planned for purchase of park land and/or equipment, then the Park Fund tax should be eliminated. Ms. Broom advised that she feels the Indian Trail ABC Board is not consistent

with the other Boards/Committees that the Council has decided to abolish because of inconsistency. No other Board or Committee has non Indian Trail residents and none are paid, yet the ABC Board has non residents and is paid.

Ms. Broom feels that Ms. Luther was incorrect when she advised at the last meeting that Lieutenant Coble said he did not need any more officers. She believes that Lieutenant Coble was clear when he said he does not want to add any more officers until he has a commitment from Indian Trail. She expressed that she feels Mr. Allen and Ms. Luther's actions are inappropriate, advising that the right thing to do is to resign immediately.

Vannessa Ward with Action Garbage Service requested that Council please consider everything that is put before them and strongly consider reassigning the contract, advising it's a good move for the town's people as well as the residents who are employed by them. She offered to help in any way she can.

Hal Jones, 3004 Thorndale Rd., Indian Trail, NC referred to a recent newspaper article and advised that he spoke at the last meeting as an individual not to protect Theresa Allen. He was trying to clarify a situation where he was informing them that Mr. Allen and Ms. Luther were violating the law. Mr. Jones said he had referred to the budget in a positive manner when he last spoke. He also said that he did ask for Mr. Allen and Ms. Luther's resignation, advising that he still feels the same way. He feels he is embarrassed and tired of seeing this Board roll their eyes and do nothing. He does not agree with their opinion that this Board has outperformed any other Board. He does not believe they are professional feels they should get with the program and be politicians. He again asked Mr. Allen and Ms. Luther to resign and advised if they do not, additional information is forthcoming.

PUBLIC HEARINGS

None

CONSENT AGENDA

- a. Approval of May 6th, May 11th and June 8, 2010 minutes
- b. Budget Amendments
- c. Board Re-Appointments

Darlene Luther made a motion to approve removing Board Re-appointments from the Consent Agenda for future consideration.

Mr. D'Onofrio inquired why this motion was being made. Mr. Fivas advised we received a couple more applications and have not had an opportunity to review them before the agenda went out. He advised the next Planning Board meeting is not until after the next Council meeting, so we can move this matter to that meeting. Mayor Quinn inquired which committees received additional applications and general conversation pursued.

Council voted unanimously in favor of the motion.

Gary D'Onofrio made a motion to approve the Consent Agenda as modified.
Council voted unanimously in favor of the motion.

BUSINESS ITEMS

a. Indian Trail Alcoholic Beverage Committee Update

This matter was moved from Presentations as a result of a motion made under Additions and Deletions

Mr. Kenneth Porter, Committee Chairman of the Indian Trail ABC updated the Council as to their actions to date. He handed out and reviewed the budget that the Committee has adopted, advising it was prepared in conjunction with the information found on the North Carolina Alcoholic Beverage Commission website along with other information.

Accomplishments: Budget has been passed, breakeven point is approximately 1.8 million dollars, preliminary opening date slated for September 15, 2010, site selected, Board is bonded, waiting on State ABC Board pending approval of site selection scheduled for July 15th, contracts conversations with up fitting companies, site location should allow for to and from beach traffic along with local traffic to and from Charlotte.

Mr. Porter introduced Committee Member Wes Hinson, who has negotiated the lease, bonding and legal issues.

Mr. Hinson advised the primary milestones to accomplish early is setting and establishing the budget, site selection and financing. The site is located in the Union Town Center on Highway 74, 4800 square feet and signage was posted this past week (required 30 days in advance), meeting with the ALE tomorrow for their investigation, all disclosures have been provided to them. The letter of intent on that site is being worked up into a final lease and should be in hand this week. Mr. Hinson believes we have a below fair market value lease rate along with a substantial up fit contribution from the landlord, approximately \$140,000 which will cover the entire interior up fit with funds available for fixtures. The Committee has reached out to 6-7 different banking institutions, they have been given a loan proposal commitment from Citizens South which they have accepted, providing a letter of credit for the up fit, financial standing for inventory estimated at \$120,000, financing for point of sale computer system along with a credit facility for operating funds. Reimbursement to the Town for outlay of funds are captured within the approved budget. Once the financing is secured, we will not need any further outlay of town funds, the financing consists of favorable interest rates and payment terms. They have three primary vendors for the point of sale system and are anticipating completing within the next couple of weeks. Mr. Hinson advised that Committee Member Jan Brown is the lead on negotiations and discussions for the actual store up fit.

Mr. Brown provided the layout of the facility, advising it's a total of 4800 square feet, 3500 of which is retail, total display footage is 1402 lineal feet. It will include a conference room and Manager's office with a one way mirror, employees break room and a warehouse area. They have tried to incorporate Indian Trail into the interior environment by meeting with the Historical Society to obtain some

photographs of the Town. They estimate that 120,000 cars pass through the area and 75,000 people within a 10 mile radius, which they feel will be excellent for business and the center itself. He provided samples of the interior decorating materials advising the facility will be unique and a cut above the rest which is what, the Committee feels our community expects and deserves.

General conversation pursued between the Council and the Committee, topics included: traffic ingress and egress, staffing, other site considerations, determination of anticipated sales projections.

Mr. Goodall complimented the Committee for their hard work and success towards trying to achieve the goal of opening by October of this year. Mr. Allen and Ms. Luther echoed Mr. Goodall's comments.

b. Stormwater Maintenance Contract Renewal

This matter was moved to 8b as a result of a motion made under Additions and Deletions.

Town Engineer, Scott Kaufhold presented the Stormwater Contract renewal information, advising it will address the continuing stormwater needs for the town. He showed a map of areas that will benefit from the renewal and reviewed what has already been performed, along with some before and after photos of work previously performed. Mr. Tolan detailed the results of the work performed, using the stormwater contract the Town currently has in place and provided a work performance assessment of Bullseye Construction. They informed Council that most of the residents being provided with upgrades as a result of the stormwater maintenance program are satisfied and water quality is showing signs of improvement during Mr. Kaufhold's tenure with the Town. They estimate a week per project as a basic consideration for work performance once it begins.

Mr. D'Onofrio requested that the Stormwater improvement information be put out for the public to be made more aware of the service the Stormwater fee provides.

Gary D'Onofrio made a motion to approve a. Stormwater Maintenance Contract Renewal
Council voted unanimously in favor of the motion.

c. Update on Action Garbage discussions

This matter was moved as a result of a motion made under Additions and Deletions.

Mr. Fivas briefed Council on the negotiations with Waste Management and Action Garbage advising that he wants to ensure that Council and citizens are comfortable with the path of negotiations by presenting a clear idea of what is contained within the contract and that legal staff has reviewed the contract a couple of times. Mr. Fivas informed Council that it had been a five year contract; negotiations for yard waste for the entire community could possibly have been provided. There was general conversation pertaining to the possible advantages and disadvantages of a 5 year contract. Mr. Fivas informed Council that it is his opinion, when we consider renegotiating solid waste; he highly recommends that we negotiate not owning the solid waste receptacles. Highlights of the contract Mr. Fivas presented are as follows: effective date of September 1st is contingent upon the sale between Action Garbage and

Waste Connections, newly annexed areas and they do not have service we must allow Waste Connections to be the provider, cost of assembling the roll carts has been reduced, the length is 25 months, includes leaf pick up services for all homes for a short period of time, there is stronger language pertaining to any mechanical fluid leaks from their vehicles they will immediately stop and not driven on town roads, fleet maintenance records will be made available within 3 days, Mr. Fivas was satisfied with the result of thorough discussions in connection with operating procedures and customer service.

Council would like negotiations for a fee schedule with the provider so residents can have all their garbage picked up. Council inquired about things that are not an appliance, but too large to fit in the cart. Mr. Fadul explained that the cost quoted (\$11.46 per home per month) is based on collection using automated trucks for the purposes for reasonable productivity levels and the driver not getting out of the truck. If there is a larger item that cannot be put in the cart, citizens should call them, they will send someone out to inspect, pick it up and the cost is based on the size. Mr. Fadul advised that the Freon would have to be removed from refrigerators and freezers. Mr. D'Onofrio questioned what a citizen does if they accumulate more garbage than fits in the cart, he feels there is work left to do here and it should be done. Vanessa Ward, a representative from Action Garbage said that she realizes there is more work to do and Council and she would like to see it happen, but requested Council commit to assigning the contract to Waste Connections, as they are more than willing to negotiate with the Town to provide the level of service Council wants. She advised that if the reassignment is not granted then it will not be feasible to anyone. Ms. Luther advised that they should agree to reassign the contract and continue negotiations to provide more services to our citizens. Mr. Fadul advised that if there is a home that has additional trash and it's not town or block wide, they would prefer for the driver to get out of the truck and make that resident happy. Problems arise when the driver has to get 300 times and is unable to conclude his route. Mayor Quinn said it appears that this is first and foremost an assignment in the middle of a five year term, and appears it would benefit the residents of Indian Trail with better service at a lower cost on its face. He appreciates the possibility of getting additional service, as the residents have requested.

Mr. Fivas clarified that the citizens are charged for the second containers by the City of Monroe, resulting in the residents paying 100% of the cost that they contract through the City. If they want to throw more they pay more.

Mr. Fivas advised that we could amend the contract fairly quickly to have that provision of handling the households that need additional service. We can bring different options to Council for their consideration.

Jeffrey Goodall made a motion to approve reassigning the contract as presented tonight for the period of 25 months with the agreement of the Council after we experience the service to revisit all of the issues presented tonight within a year. Waste Connections within 30 days will be able to provide a fee schedule for bulk items and to explore what to do with households that have more garbage than what the bins currently allow

Council voted unanimously in favor of the motion.

CONTRACT IS ATTACHED HERETO AND MADE PART OF THE RECORD.

Council took a break.

Council returned from break.

DISCUSSION ITEMS

a. Prayer at Council Meetings

This matter was deleted as a result of a motion made under Additions and Deletions, requested by Mayor Quinn.

b. Public Information Request for emails

This matter was deleted as a result of a motion made under Additions and Deletions, requested by Mayor Quinn.

a. Park Development Process

This matter was moved as a result of a motion made under Additions and Deletions.

Mr. Fivas thanked the Finance Director, Marsha Sutton for her assistance and hard work on the garbage contract.

Mr. Fivas presented the step by step process for where the Town is proceeding with the park facilities. The purpose is to provide an opportunity for Council to openly discuss these ideas and provide direction or think about it and get back to staff in a couple of weeks. The steps are as follows:

Step 1: Identify community priorities - this has been ongoing during the last couple of years.

Step 2: Identify Council priorities - by pronouncing this is the year of the park clearly states Council's priorities.

Step 3: Allocate funding for a Park Plan - this is in the budget that Council adopted under the Capital Improvement Plan. Council has directed staff to use the Park

Plan funds for hard costs such as acquisition of property and equipment and building it out.

Step 4: Develop a Park Plan - this has been accomplished.

Step 5: Council adopt a Park Plan - this has been accomplished.

Step 6: Council begins implementation process - this has been accomplished.

Step 7: Council receives input from the Parks, Tree, & Greenway Committee - this has been accomplished.

Step 8: Council passes funding for annual Parks Plan - this has been accomplished.

Step 9: Council begins site selection process - this is where we are currently. This is the most difficult part because of the many options available.

Step 10: Council gives direction to staff to begin site selection process so staff can work within the public process.

Step 11: Staff brings options back to the Council, w/ appropriate public process.

Step 12: Council selects sites and gives clear direction for staff on implementation (bids, funding, multiple phase, accessories, and recreation/aesthetics) and include the Parks Trees & Greenway Committee in these discussions.

Step 13: Develop a Park Development Plan for each location chosen by the Council, with appropriate public process. This is where everything is down on paper,

Planners put it together, engineering studies, location of utilities, difficult areas that need to be addressed on the site.

Step 14: Get appropriate approvals from Council and any other individual or corporations that might be involved due to donations or resources.

Step 15: Begin bid process - this usually happens but not always.

Step 16: Begin construction - this occurs once Council approves all of the above.

Step 17: Project(s) completed.

Mr. Fivas advised staff is ready to go and provided some issues to consider:

Issues to consider:

1) Funding Options? Staff has been working on this and has an idea of what our options are, although a complex issue. Some options are: Park Fund, loans, dedicates more tax dollars to parks, looking for buy in from the community for the right plan you can use bonding.

2) Who will use the Park? Consideration must be given to a broad view of people who will be utilizing the park and how we can achieve this. Different parks need different function ability for those who use it.

3) Short term vs. Long term? We need patience and community buy in for long term plans, a 30-80 acre site could require phases that could take 4-10 years Council and community will need to be patient and buy into this plan.

4) Equal access for all residents - this is more in the terms of the location where everyone has easy access to it.

Park Tree & Greenway Committee recommended examples:

- Next to Development Services Bld.
- Sun Valley Elementary School
- Community Gardens

Staff Recommendations:

1) Build an Events Park within next 6 months. A space for the purpose of community events, something we can be proud of.

2) Purchase large park within next 6 months. A decision should be made on this, requiring phases that would be time consuming and the time is right for it.

3) Develop plan within 12 months to build two other smaller parks next year. This will enable us to include while preparing next year's budget.

4) Begin planning/build-out of large park within 12 months.

Larger Park Property Identification:

- Poplin Property - 90 Acres (3-parcels) – Location: Poplin Road - North Side of Hwy 74, Rocky River Village and is adjacent to an Elementary School

- Unionville/Faith Church Property - 69 acres – Location: Unionville-Indian Trail Road (North of Hwy 74) - Utility Easement – overhead lines. Pro- part of the greenway connection system; Natural Break for splitting the land use – park & residential - Con – limiting use?
- Houser Property - 51 Acres - 19 acres, possibly willing to sell - \$ Price/acre • Genwove Property - 27 acres - Clear Title - Owner wants to sell.
- Funderburk Property - Old Monroe Area – Sage Croft - 48- acres (12-acre park) - Future Faith Church Road - Connection with Trails within proposed Greenway.

Mr. Fivas advised Council we can either discuss it now, they can think about it, provide direction on what information they would like us to bring back.

Mr. Goodall believes we are further along in the process, advising the properties mentioned are not new to the Council. It has been explored for a couple of years by the previous Council and some of the current sitting members. He agrees it's time to take action, he feels the public has been inputting one half cent for several years, because the previous Council had the foresight to implement that leaving us in a good position. He feels that the Town events need to be larger. He inquired if the lot next to the Development Services Building meet the requirements for the Events Park Mr. Fivas recommend we build within the next six months? Mr. Fivas replied yes, he has researched other communities and an acre (which is the size of that lot) would be sufficient. Mr. Goodall suggested we use that lot, it would fulfill the purpose, we already own the land and would require very little build up. He would like to see Council decide tonight to direct staff to begin the negotiation process to purchase one of the larger properties. He thinks the Genwove property would be a good site, if we need to phase it in that would be fine, but its location is ideal.

Mr. D'Onofrio agrees we have looked at this for two years. We have the ability to move on something, agrees that the previous Council had great foresight to enable this Council to make these decisions. There were discussions years ago about a gathering place, something with perhaps a gazebo so the Mayor can address the crowd at an event, also so we can hold similar events other communities provide. He doesn't believe it would take much, something as simple as a band shell with perhaps a walking trail. He believes people are looking for that and feels it's pretty easy to do. He advised that a lesson learned was they have looked for several years for the perfect place and it doesn't exist for one reason or another, yet continues to prolong creating a park because of trying to find the perfect location, size, cost or obstructions. He is in favor of the property next to the Development Services Building for an event space, and feels that the Genwove property represents as good as any location they can find. He agrees with Mr. Goodall in developing a small park next to Development Services and proceed with negotiations on the Genwove property. Let's move forward, he believes it's time and that we are there.

Mr. Goodall said that Mr. Allen and Ms. Luther have already made enthusiastic statements about the Genwove property, and unless their positions have changed, he feels that a motion should be made.

Jeffrey Goodall made a motion to approve directing staff and Town Attorney to pursue turning Town owned lot next to Development Services Building into an events park within 6 months.

Mayor Quinn commented that the property located over at Holly Park should be considered because of its access to residents, walking ability to events, no trains to contend with. He complimented the Park, Tree and Greenway Committee on their hard work and advised they would like to be involved, providing information on some of the expertise the Committee holds. Mayor Quinn asked Mr. Fivas if the one half cent funding put aside for parks, which currently generates approximately \$140,000, be adequate to accomplish the goals mentioned here.

Mr. Fivas replied that we would like to have a conceptual idea of funding in two weeks to see what the possibilities are. In his experience, we are okay on a funding level to have something up and running within 6 months but would prefer to do more research before committing to this. One important aspect he would like to throw out is that if the Council goes forward with this, the most exhilarating part is to have a capital campaign with input from different organizations such as the Rotary Club and ask for donations of whatever they can provide. This would make building it a community event, creating ownership and pride in this landmark decision.

Mayor Quinn inquired about the Genwove property if we are talking about some kind of capital venture with developers or a park and has concerns as to what the building has been used for in the past and the cost of demolition. He would like some clarification as to what the vision of the Council is for that property.

Mr. Goodall reminded Mayor Quinn that the motion on the floor pertains to the lot next to the Development Services Building, suggesting this conversation be continued when Genwove is discussed.

Council voted unanimously in favor of the motion.

Mayor Quinn reiterated his previous questions about the condition and cost of demolition of the Genwove property.

Mr. D'Onofrio stated that he sees it as a park facility, not a developed area with stores, hotels or such.

Mayor Quinn asked a collaborative effort with Carolina Courts is being pursued to keep them in Indian Trail. He is just trying to clarify what the vision is for this site.

Ms. Luther replied that the beauty of this area is there are so many ideas, but definitely a park with perhaps other potential considerations with the existing buildings. Having the land in the central area is something we may regret if it is not taken advantage of now.

Mr. Fivas stated that the buildings on the property are favorable. There are grants potential for redevelopment and use those programs to leverage more resources for it using the example of the

Brownfield Grants. He has vast experience in this area and feels confident of this project from a fiscal standpoint.

Mr. Allen said the property is only limited by our imaginations and can be used for a number of things. For now he sees it as a park with a walking trail and perhaps housing the future Parks and Recreation Department we will need.

Mr. Goodall suggested that the Parks Committee use this as a project to explore and present the various options of its use.

Jeffrey Goodall made a motion to approve directing the Town Manager and Town Attorney immediately begin all processes necessary to purchase the Genwove property. Council voted unanimously in favor of the motion.

MANAGER'S REPORT

Mr. Fivas mentioned the July 4th Parade - sending out invitations advising the time, date, location, everything is going well.

a. Update on Action Garbage discussions

This matter was moved to item 8c as a result of a motion made under Additions and Deletions.

b. Surplus Property

Mr. Fivas advised he would like to postpone this discussion.

PLANNING REPORT

Mayor Quinn asked Katie Reeves to present some information regarding the library event where David Grant will be doing a presentation. She advised that on July 10th, from 2:00 - 4:00 p.m. Mr. Grant will teach teens to properly care for and plant trees. Those that participate will be able to take home a seedling for their participation. Mr. Grant will also be the lead on the training of the Parks Committee Membe

COUNCIL COMMENTS

Mayor Quinn, Mr. Allen, Mr. D'Onofrio, Ms. Luther had no comment. Mr. Goodall congratulated Lieutenant Coble on getting married.

Jeffrey Goodall made a motion to approve closed session minutes included in the packets. Council voted unanimously in favor of the motion.

The dates are as follows: December 9, 2008. For the year 2009: August 11, 25; September 8, 22, 30; October 13, 23, 24; November 6, 10, 13, 14, 19, 30; December 7, 8, 11, & 22. For the year 2010: January 5, 12, 26; February 9; March 9; April 27; May 11; and June 8.

CLOSED SESSION

There were no closed session items to discuss

ADJOURN

Jeffrey Goodall made a motion to adjourn
Council voted unanimously in favor of the motion.