

Town of Indian Trail
Minutes of Regular Council Mtg.
March 24, 2009
Civic Building
6:00 P.M.

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Gary D'Onofrio, Jeff Goodall, Shirley Howe, and Dan Schallenkamp.

Absent Members: John Hullinger, Planning Technician Hillary Pace, Trena Sims, Deputy Town Clerk, Associate Planner Jason Mann, Junior Planner Craig Thomas, and Luke Fawcett, GIS Specialist.

Staff Members: Town Attorney Keith Merritt, Town Manager Ed Humphries, Town Clerk Peggy Piontek, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Finance Director Marsha Sutton, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, Administrative Assistant Vicky Watts, Senior Planner Katie Reeves, Adam McLamb Engineering, and Junior Planner Jonathon Edwards.

CALL MEETING TO ORDER

Mayor Quinn Called the meeting to order

PRESENTATIONS

None at this time

ADDITIONS AND DELETIONS

Mr. Humphries requested that we put the January 13, 2009 minutes back on the agenda.

Dan Schallenkamp made a motion to approve adding the January 13, 2009 minutes to the agenda as item 6a.

Motion Failed 2 - 1 with Jeff Goodall, and Shirley Howe opposing.

Dan Schallenkamp made a motion to approve removing item 5b, Resolution of Intent, from the Consent Agenda and place it in 6a.

Council voted unanimously in favor of the motion.

Shirley Howe made a motion to approve pulling 5g, Budget amendment to move funds to pay for GIS software and 5h Budget amendment for farmer's market tents and tables from the consent agenda for further discussion as items 6b.

Council voted unanimously in favor of the motion.

Mr. D'Onofrio entered the meeting

MOTION TO APPROVE AGENDA

Dan Schallenkamp made a motion to approve agenda

Council voted unanimously in favor of the motion.

CONSENT AGENDA

a. Approval of February 27, and March 10, 2009 minutes

b. Resolution of Intent

This item was moved to 6a for further discussion

c. Budget Amendment to reallocate funds for office/building renovations

d. Budget Amendment to set up law enforcement as their own department

e. Budget Amendment for chairs for civic building

f. Budget Amendment to reallocate funds for Blythe Building HVAC unit.

g. Budget Amendment to move funds to pay for GIS software

This item was moved to 6b for further explanation

h. Budget Amendment for Farmers Market tents and tables

This item was moved to 6b for further explanation

i. Budget Amendment to reallocate funds for sport pack discussed at Council retreat

j. Budget Amendment to establish new fund for Powell Bill - revenue

k. Budget Amendment to establish new fund for Powell Bill - expenditures

Dan Schallenkamp made a motion to approve consent agenda with items 5b moved to 6a, 5g and 5h moved to 6b.

Council voted unanimously in favor of the motion. **(Copies of all Budget Amendments can be found on file in the Finance Department.)**

OLD BUSINESS

a. Resolution of Intent

Mr. Edwards presented to Council that these resolutions are for areas 1,3,5,6,7,8.

He went over the process:

1. To adopt the Resolution of Intent tonight.

2. Adopt annexation report on April 8, 2009 @ 6:30

3. Public information meeting will be May 13 @ 7:00

Public hearing of May 27th,
Adoption of Annexation Ordinances on June 9
Effective Adoption on August 30, 2009.

Mr. Edwards explained exactly what Council needs to do is to adopt the Resolutions of Intent for the aforementioned areas, with the understanding that the date will be changed to May 13, 2009.

Mr. Schallenkamp inquired when are we required to notify the property owners that are affected? Mr. Edwards replied on April 10th and no later than April 14th, by first class mail.

Mr. D'Onofrio inquired from Council if they feel the Civic Building is large enough to accommodate whatever crowd this may draw? Mr. Humphries replied we thought of that, don't know how many people will come, but we just didn't think about selecting another place.

Ms. Howe inquired how many actual properties are involved in the areas. Ms. Bennett from COG replied approximately 400.

Ms. Howe inquired what happens if mail is sent out and comes back. Ms. Bennett from COG advised it has to go out certified and if it comes back there are specific steps that must be taken which is dictated by statutes.

Dan Schallenkamp made a motion to approve in their entirety, the Resolutions of Intent for each area; each must be modified from May 12, 2009 to May 13, 2009 for the Public Information Meeting @ 7:00 pm in the Civic Building.

Motion Passed 3 - 1 with Gary D'Onofrio opposing. **(Copies of all Resolutions of Intent for areas 1, 3, 5, 6, 7 & 8 are attached hereto and made a part of these minutes.)**

b. Budget Amendment to move funds to pay for GIS software and
Budget Amendment for Farmers Market tents and tables
These items were pulled from the consent agenda for further explanation.

Mr. Humphries stated it should not be GIS software should be GIS hardware, as it's a server.

Finance Director Marsha Sutton informed Council that the total is \$4,985.11. When it was discussed there was \$1,661.71 in the account and Ms. Sutton created a budget amendment to move the difference out of another account in the department.

Ms. Howe requested a breakdown for the charge of each item. She inquired if the charge for the server, battery backup, racks all have individual costs and she would prefer to have an itemized bill. Mr. Humphries advised he will get that information to Council.

Mr. Humphries explained the expenses for the Farmers Market advising that it has been estimated that we will need 20 tents (approximate cost is \$170 each) and 20 tables (approximately \$50 each). If there are any funds left over it will be applied to the purchase of the green bags.

Ms. Howe explained that she has always asked for a simple one line to explain the quantity or purpose of the amendment, rather than general terms such as Farmers Market. Ms. Sutton replied no problem.

Mr. D'Onofrio confirmed that these items will be utilized for all town events. Mr. Humphries confirmed they would.

Shirley Howe made a motion to approve accepting the budget amendments moved from the consent agenda to Old Business as item b with the understanding that the information from our IT company for the breakdown of the charges on the software/hardware.

Council voted unanimously in favor of the motion. **(Copy of the approved budget amendment can be found on file in the Finance Department.)**

DISCUSSION & POSSIBLE ACTION

a. Amendment of Town Code from the Parking section of the Ordinance 71.01

Mr. Humphries explained this amendment of Town Code from the Parking section of the Ordinance 71.01 under number 3 the no parking section. It states "at no time shall a vehicle be parked on the side of the street for more than two (2) hours". He has had several complaints from neighbors, groups and advised that Sgt. Coble has asked the town to address this matter as it is difficult to enforce. He recommends we remove it at this time and if Council wants to come up with additional parking suggestions, we can add them at a later date, after we have had a chance to think about it.

Sergeant Coble confirmed Mr. Humphries comments, advising we receive many complaints from citizens who are battling with their neighbors. Advising if we can't enforce something equally, he does not want to do selective enforcement. It's difficult to determine how long a car is parked without chalking the tires on it. He expressed concern about emergency vehicles and busses getting through the neighborhoods.

Dan Schallenkamp made a motion to approve removing Parking Regulation 71.01 (A)(3) from the municipal code.

Council voted unanimously in favor of the motion. **(Copy attached hereto and made a part of these minutes.)**

Mr. Merritt noted that because it was a unanimous vote and therefore was more than two-thirds a vote it only requires this meeting and does not have to come up on the agenda a second time.

NEW BUSINESS

a. ZM2005-005 Fairview Developers Property Annexation

Senior Planner Katie Reeves presented to Council that this is a request to apply a zoning designation to 3 properties that have been annexed into the town. She provided the history:
The property was annexed in November 2005, the Ordinance states that once we annex the property the

Council must designate zoning to the annexed property within 60 days. The zoning process was started in December 2005 Planning Board recommended approval of an R20 Zoning designation. In January 2006 the request for the R20 Zoning designation was brought before the Town Council and it was agreed upon by both the applicant and Town Council to wait until the new Unified Development Ordinances were adopted, which was done in December 2008.

Applicant is requesting SF1 Zoning designation, which is single family residential and is the equivalent of an R20, so roughly two zoning units per acre is the density of the SF1.

Property Characteristics: Subject properties 75.52 acres, total project 125.14 acres; acreage in floodplain is 25.96

Ms. Reeves advised that Comprehensive Plan consistency must be addressed. For this particular piece of property, located in the North Fork Village, it requires medium density residential is 60%

If zoning approved the current base would increase from 37.13% to 51.3% while leaving additional SF1 properties available for rezoning.

The Planning Board recommended approval of this project on February 17, 2009

Ms. Reeves read into the record the Consistency findings:

Statement of Reasonableness

Mr. Schallenkamp asked if this is a straight rezone, no project involved. In past it's been in conjunction with a project. He asked for possible uses for SF1. Ms. Reeves advised mostly residential uses, some churches. Mr. Schallenkamp confirmed single family; detached, minimum square footage is 20,000 sq. ft. Ms. Reeves confirmed this information.

Mr. Merritt clarified this is an initial zoning not a rezoning. There is no zoning on the property right now. If you annex you have 60 days to zone, so at this point this is an initial zoning, you're not changing it from anything.

Mr. Schallenkamp inquired if it was voluntary. Ms. Reeves replied it was.

Mr. Goodall inquired if the 3 applications are for the 3 properties. Ms. Reeves advised there is a separate application for each property. Mr. Goodall inquired if the applicant was charged 3 fees. Ms. DeHart advised that although there were three properties we processed it as one.

Mayor Quinn opened the Public comments portion of the hearing

Mr. John Cassel advised that when it was originally applied for they brought forth six parcels and he pointed out the six parcels advising they are trying to clean up the parcels for consistent zoning on these parcels so that as they work through the issues, we can come back to Council with a comprehensive plan to determine what to do with the property.

Mayor Quinn inquired about the Monroe Bypass coming through that parcel. Mr. Cassel replied, it does, they have had some preliminary conversations with the Turnpike Authority about accessibility and so forth.

Mayor Quinn closed the public hearing section.

Dan Schallenkamp made a motion to accept the consistency findings as recommended by the Planning Board and approve SF1 Zoning designation for the property included in case ZM2005-005 as recommended by the Indian Trail Planning Board.

Council voted unanimously in favor of the motion. **(Copy attached hereto and made a part of these minutes.)**

MANAGERS REPORT

Mr. Humphries advised that:

1. We have started the investigation of a Bond Referendum to be on the November ballot. If not in November then May 2010. He explained the process of getting a rating. He told Council he will keep them posted on the process.
2. We have talked to several sign companies to see what is available for the front of the Administration Building. We have heard from several companies, request more time and bring back in April
3. When Developer does a project and doesn't complete required improvements they put up a surety bond to insure those improvement would be made by a particular time. There was a developer that advised us that because of the economy the bank would not renew his letters of credit. This presents a problem for the developer. The question was raised what if a developer could substitute collateral other than a letter of credit or surety bond. We have researched that and he recommends not doing that at this time. We should keep it as our Ordinance requires either a letter of credit or a surety bond. There is a possibility in this economy that we will have to call in some bonds.
4. Grant applied for last spring with the Sheriff's Department has been advised we should make sure we're still interested in applying for a grant and can it be altered. It is the opinion of Sergeant Coble and Mr. Humphries that we should change it from people to equipment.

Sergeant Coble advised that new grants are due the 31st and they are asking for resubmittals. His concern is we are submitting as an agency for the County which has their financial problems and they might not approve the up front cost of resubmittal and the Governor's Highway Safety is no doubt also feeling the financial crunch of the economy. He feels we're better off asking for equipment than personnel.

Mr. Humphries advised Council is being requested to concur with this application.

Mr. D'Onofrio asked what makes him think that asking for manpower will not work. Sergeant Coble advised that he received no response from the Governor's Highway Safety last year. Mr. D'Onofrio advised he would rather have manpower on the street rather than radar equipment.

Ms. Howe feels we need to get more progressive here. Governor Perdue has an office in Charlotte and why don't we go down and speak to her, we could get a no but it's worth a try. She would suggest to request Officers and equipment.

Mr. Goodall Is this our grant? Sergeant Coble advised that it is for Town of Indian Trail. It would be Sergeant Coble submitting it on behalf of the Town.

Dan Schallenkamp made a motion to approve resubmitting a new grant proposal for equipment and that Sergeant Coble and the Town Manager can decide what equipment we should apply for.

Motion Passed 3 - 1 with Gary D'Onofrio opposing.

Ms. Howe can agree with the motion, but still feels that we should make a contact with the Governor's Office.

Mayor Quinn pointed out that they have been successful with getting donations to up fit the Planning Building.

Mr. Schallenkamp advised he would encourage Sergeant Coble to pursue any free items as long as it is non-committal until it is brought before Council.

PLANNING REPORT

Ms. DeHart clarified the May 13th public information meeting does not required Council attendance. She has been busy working on the budget. They will be holding their first sign workshop this Thursday in the Civic Building and have 3 confirmed auto dealerships confirmed to sit on the committee.

They have been working hard to contact different types of business parks developers and their associations regarding their signage needs for their business parks so our ordinance can be evaluated to determine if there is a way to work together to assist in meeting their needs as well as keeping our signage aesthetically pleasing.

The Junior National Hockey Championship tournament bags have arrived and each Council member has been given one. The ads have been submitted for the program.

Ms. DeHart shared an economic development brochure with Council, advising that Indian Trail businesses advertise in this brochure, suggesting that we maintain our relationship with Union County Citizens for Progress, so our businesses will be featured in these County wide brochures.

Ms. DeHart advised that they are aware of the parking issues in existing subdivisions that were approved with smaller streets than our standards and the trouble with public safety when people are parked on both sides of the street. We will take notice of these subdivisions and enter it into our data base. Our goal would be to work with the neighborhoods in the future to create a program to assist them with signage or marking clearly identifying parking allowances.

Earth Arbor Day plans were discussed. Three schools are participating in poem contest. Tree City USA will be presenting the award again this year. Blue grass group will play. There will be classes and informational booths. The gym has been arranged in case of rain and they are narrowing down details of tree planting.

Katie Reeves on Farmers Market: The opening day is April 18th and will kick off market with opening ceremony, singer, Chamber, blue grass band lined up. It will run every Saturday rain or shine through November along with various classes and educational booths.

ENGINEERS REPORT

Mr. Kaufhold advised at the MPO meeting there was approval for stimulus package for road improvements, which includes the intersection of Faith Church Road and Unionville Indian Trail Road. Update on the Monroe Bypass is the Federal Highway Administration has submitted comments to the Turnpike Authority and we should have an announcement sometime in mid April.

Establishing Truck routes: The state owns the right of way for most of our roads; they will do what they want to do. The town can enact an ordinance for a truck route, but if it's a state road you need their approval. The only time they will do a weight restriction is if there is a concern for a bridge or pavement structure. Discussion continued.

Mr. Schallenkamp suggested, based on what Mr. Kaufhold has informed them, he requested to consider asking the Transportation Committee to draft a letter, identify and contact some of the manufacturing communities in Union County to suggest that your dispatcher direct your trucks to highway 74 without using Monroe Road or Secret Shortcut.

Mayor Quinn requested Council direct Mr. Humphries follow up with Mr. Schmidt just to let us know what the status is so he knows we're addressing this issue.

Mr. Schallenkamp advised it sounds like a good idea, although he has not seen the letter. He would further suggest that we try with a polite letter writing campaign.

Mr. Kaufhold advised that Barry Moose from NCDOT is available either meeting in April. Council suggested April 28th.

COUNCIL COMMENTS

Ms. Howe. Mr. Goodall and Mr. D'Onofrio had no comments.

Mr. Schallenkamp attended fire commissioners meeting on the 19th and they asked to recommend the RFQ for a fire study. The bidder that performs the work will get input from the municipalities. He suggests as that time comes forth we need to be organized who we put before them on this subject.

Mayor Quinn welcomed foreign exchange students at SVHS. He spoke with principal and she would like to make the school available for town events. He advised that three churches have contacted him to inquire what they can do in areas of civic service to the town. He suggested a Religious leaders meeting or conference/breakfast.

He attended the MUMPO meeting and the TCC meeting providing Council with information from both, he went to the Public Safety meeting, met with Maureen Mulhall on the National Hockey Championship. He was informed a couple of weeks ago that Family Circle Magazine was considering Indian Trail in an annual review of towns as some of the best places to live in America. A reporter for the magazine called today and he will be speaking to them tomorrow. The theme this year is on Education and a great place to raise children. They looked at over 1700 areas around the country and we were selected in the 15 that has been submitted to the editor and we have made it to the final 10. He advised he will ask the staff to provide information that will be needed and suggested if anyone has any thoughts or comments to get them to him within the next 15 hours.

CLOSED SESSION

Jeff Goodall made a motion to enter closed session NCGS 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.

Dan Schallenkamp made a motion to approve to come out of Closed Session.

Council voted unanimously in favor of the motion.

ADJOURN

Gary D'Onofrio made a motion to adjourn

Council voted unanimously in favor of the motion.

APPROVED: _____
John J. Quinn, Mayor

Attest: _____
Peggy Piontek, Town Clerk