



**Town of Indian Trail**  
**Minutes of Town Council**  
**March 26, 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, Senior Planner Rox Burhans, and Public Information Officer/Events Coordinator Rebecca Carter.

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

Mayor Alvarez called the meeting to order, led in the Pledge of Allegiance and announced that Council Member King was not in attendance.

**ADDITIONS AND DELETIONS**

Robert Allen made a motion removing item 5b from the Agenda.

Council voted unanimously in favor of the motion.

**MOTION TO APPROVE AGENDA**

Robert Allen made a motion to approve the agenda as modified.

Council voted unanimously in favor of the motion.

**ABC BOARD APPLICANTS INTERVIEWS**

Mr. Fivas provided Council with an update on the interview and selection procedures.

- a. Dr. Derek Hodgson

The applicant stated his name for the record and then there was a question and answer period between the Council Members and applicant.

- b. Robert Laatz

The applicant stated his name for the record and then there was a question and answer period between the Council Members and applicant.

Mr. Fivas informed Council that the Chairman recommend Mr. Laatz as the member and Mr. Hinson as new Chairman.

David Waddell made a motion to approve appointing Dr. Hodgson.  
Motion Failed 2 - 2 with Robert Allen, and Darlene Luther opposing.

Robert Allen made a motion to approve appointing Robert Laatz  
Motion Failed 2 - 2 with David Cohn, and David Waddell opposing.

Mayor Alvarez broke the tie and approved Mr. Laatz.

David Cohn made a motion to approve ABC Board choose their own chairperson  
Motion Passed 3 - 1 with David Waddell opposing.

**PRESENTATIONS**

- a. Proclamation for Child Abuse Prevention Month

Mayor Alvarez read the Proclamation (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)

- b. Conder Family Presentation

*This item was removed as a result of a motion made in  
Additions and Deletions*

## **PUBLIC COMMENTS**

Shirley Howe, 6205 Clearwater Drive Indian Trail, NC addressed an item under the Consent Agenda regarding budget amendments, she referred to printout and explained previous handouts from when she was in office stating that they provided explanations with amounts and purpose of allocation of funds. Ms. Howe feels to approve without amounts and reasons is not good business for anyone. She requested that Council consider approaching this problem by utilizing better communications so they can be better informed. The budget is their responsibility not only for approval by June 30th but to monitor for the entire year. The public should have better access to this information without having to call the Finance Department each time there is a budget amendment on the agenda.

Mr. Fivas replied this is something we can certainly look at but the budget amendments are transfers within the same department budgets, funds are not being moved from one department to another department. However, if Council chooses we can make the adjustments to put the amounts on their fairly quickly.

Samantha Towns, 104 Pine Lake Drive, Indian Trail, NC believes the Economic Alliance of South Charlotte is a nice venture to get into but feels the town reputation has been marred by Council members referring to residents as animals and children of the corn. How can we promote our image and attract business into this town if Town Council cannot control their mouths. The town is growing and we cannot have things remain the same we must have higher standards for the town.

Theresa Weiss a representative of Safe Alliance spoke on the agency and its endeavors for Child Protection, advising the programs available, statistics, and ways to get involved.

## **CONSENT AGENDA**

- a. Approval of March 7, 2013 draft minutes
- b. Approval of March 12, 2013 draft minutes
- c. Budget Amendments – *This item was removed and placed as 9e*
- d. Tax refunds over \$500 (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)
- e. Approval of 2013 Budget schedule (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)

Robert Allen made a motion to approve the Consent Agenda.

Mr. Waddell requested to pull item c and place on Agenda as item 9e.

Robert Allen made a motion to approve the Consent Agenda as amended.

Motion Passed 3 - 1 with David Waddell opposing.

## **PUBLIC HEARINGS**

- a. ZT2013-001 Automotive Repair in the GBD: This is a request to amend Chapter 520-

Business and Commercial Zoning Districts to allow for motor vehicle repair shops (not including body work, parking and commercial repair) in the General Business Zoning Districts (GBD) within the Town. Applicant: Town of Indian Trail - This matter was continued from the March 12th meeting.

Ms. DeHart presented this matter was first heard at the March 12th Council meeting and staff was directed to find a criteria that could be used for light commercial vehicles. Ms. DeHart advised Council that after researching the matter that a weight rating system could be used stating that any vehicle greater than 26,000 lbs is considered a heavy duty commercial vehicle. Ms. DeHart stated that staff is proposing to amend the original text amendment of 520.020G of Chapter 520 in the UDO to allow Automotive Repair Shop (excluding body work, parking and limited commercial repair).

Ms. DeHart read the findings into the record:

**Goal 1.3.2 Land Use** - this amendment further expands the mix of different types of land uses while avoiding potential land use conflicts between uses it proposes to allow the use by Special Use Permit which requires a review and decision by the Indian Trail Board of Adjustments in a public forum; and

- It furthers the opportunity for a more balanced tax base by promoting the development of businesses and retail centers within the Town.
- The request for the amendment of Section 520.020 G of Chapter 520 in the UDO to allow an Automotive Repair Shop (excluding body work, parking, and limited commercial repair) is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of Land Use and provides consistency with the Unified Development Ordinance.

David Cohn made a motion to approve make the consistency findings as read into the record and found in the draft ordinance.

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

David Cohn made a motion to approve ZT2013-001 as presented

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

## **BUSINESS ITEMS**

### **Second readings from the March 12, 2013 meeting**

- a. ZM2012-006 Oakwood Lane Properties: A request rezone three properties located at the end of Oakwood Lane from a single-family residential designation to the Institutional classification. These properties were purchased last July by the Town and have been

identified as the future Sardis Park facility. Parcels 07048019L and 07048019K are newly annexed properties (Annexation Ordinance #134) and the remaining parcel is already within the Town's jurisdiction

Ms. DeHart advised at the conclusion of the March 12, 2013 deliberations, the Council approved the first reading (introduction) of the draft ordinance approving ZM2012-006. Pursuant to North Carolina General Statute §160A-75, a second reading of the associated draft ordinance is required by Council to approve.

Ms. DeHart read the findings into the record:

**Goal 1.3.1 Quality of Life** - the rezoning of these properties to institutional provides the setting for an institutional use such as a public park and open space providing an enhanced quality of life for residents by providing both active and passive recreational opportunities; and

o **Goal 1.3.2 Land Use** - the rezoning of the subject properties will provide a mix of different types of land uses within the Sardis Interchange Mix Village consistent with the future land use vision of the Comprehensive Plan. It also provides a greater separation between land uses for the adjacent residential users as the Town carries out the park vision approved by voters last November; and

o The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of *Land Use* and is consistent with the adopted plans within the Town of Indian Trail.

David Cohn made a motion to approve make the consistency findings as read into the record and found in the draft ordinance **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Motion Passed 3 - 1 with David Waddell opposing.

David Cohn made a motion to approve approves the second reading of the ordinance approving zoning map amendment 2012-006

Motion Passed 3 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

b. CZ2012-001: Younts Miniature Golf: A request to establish a Conditional General Business District (CZ-GBD) zoning classification to support development of a 36-hole miniature golf course. Existing Zoning: Single-Family Residential-1 (SF-1). Location: Younts Road; Applicant: Scott Merritt

Mr. Burhans advised that the applicant is requested that this matter be tabled until the April 9, 2013 meeting.

Darlene Luther made a motion continue to April 9, 2013.

Council voted unanimously in favor of the motion.

c. ZT2012-007 Text Amendment UDO Chapter 710: A request to modify UDO Chapter 710

to permit accessory residential uses within non-residential zoning districts. Location: Town-wide, Applicant: Town of Indian Trail

Mr. Burhans advised at the conclusion of the March 12, 2013 deliberations, the Council approved the first reading (introduction) of the draft ordinance approving ZM2012-006. Pursuant to North Carolina General Statute §160A-75, a second reading of the associated draft ordinance is required by Council to approve.

Mr. Burhans read the findings into the record:

- **Goal 1.3.2 Land Use:** The proposed UDO ordinance amendments will help promote a greater mix of land uses by enabling accessory residential uses to locate in non-residential districts within the Downtown Overlay District. The proposed amendments will also help support a more balanced tax base by supporting individual businesses and industrial or office parks by enabling the use of onsite caretakers for facility maintenance, management, and/or security purposes; and
- **Goal 1.3.4 Downtown Revitalization:** The proposed UDO ordinance amendment will help Downtown Indian Trail become a focal point within the community by promoting mixed-use development that will help create a lively and active environment. The proposed amendment will also help support Downtown Indian Trail merchants by helping expand the residential population within close proximity to downtown businesses; and
- The request for this UDO amendment is in the best interest of the public because it establishes regulations enabling accessory residential uses within Downtown Indian Trail, while also allowing Indian Trail businesses to utilize onsite caretakers subject to compliance with specific standards.

Darlene Luther made a motion to approve to make the required findings as read into the record and found in the draft ordinance.

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

Darlene Luther made a motion to approve the second reading of the ordinance approving zoning map amendment 2012-007

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

d. Council Consideration of Approval of Resolution for General Obligation Bond Issuance

Mr. Fivas explained at the last Council meeting there was an approval from the Council to go forward selling bonds and this is the last step in the Bond Process, giving us the authority for the issuance of General Obligation Bonds.

David Cohn made a motion to approve Resolution for General Obligation Bond Issuance

Motion Passed 3 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

- e. Budget amendments - this item was moved from the Consent Agenda.

Mr. Waddell advised he requested this item be pulled from the Consent Agenda to clarify what the reallocation of funds for CMAQ project is.

Mr. Fivas explained it is the Unionville Sidewalk Project the AQ stands for Air Quality.

Robert Allen made a motion to approve Budget amendments

Motion Passed 3 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council took and returned from a brief break.

#### **DISCUSSION ITEMS**

- a. Council discussion of participation in the Economic Alliance of South Charlotte Communities

Mr. Fivas and Ms. Luther explained to Council the purpose and intent of this Alliance, advising that each of the four municipalities Indian Trail, Stallings, Matthews and Mint Hill would fund between \$1,500-\$3,000 per year for meeting expenses and administrative functions.. Council had a lengthy discussion pertaining to this matter.

David Cohn made a motion the Economic Alliance of South Charlotte Communities and send a letter to the other communities advising them of our support to move forward with them in partnership.

Council voted unanimously in favor of the motion.

- b. Consider and discuss options for implementing a business friendly initiative - This matter was requested by Council Member Waddell

Mr. Waddell advised there are some areas he would like to discuss:

Customer Service: He believes the staff are friendly and helpful if one comes in with a smile and wanted to make sure they were equipped with some sort of conflict resolution type training.

Construction processes - simplify permitting and review process, require written change orders of plans with signatures of both parties.

Relaxing ordinances: balance aesthetic goals with business needs, allow for yard signs in neighborhoods where not prohibited by Homeowners Associations, allow for yard signs on private property if compliant with Department of Transportation regulations, with or without restriction, abolish plan submittal, review and approval

requirement for permanent signage on private property if compliant with dot regulations, abolish landscape requirements for commercial property and replace with simple buffer and erosion control requirements.

Incentives: abolish business property tax on equipment, office furniture, etc., allow for real property tax deferral of up to \$500 for improvements to property visible from roads, consider a three year deferral for larger beautification projects include landscaping, permanent signage, parking lot resurfacing, facade improvements consider dollar for dollar or percentage of work completed, allow for one to three year deferral of real property tax on newly constructed commercial buildings, apply incentives uniformly to businesses as they are applicable selective application creates.

Council had a discussion and indicated they thought Mr. Waddell presented some good ideas for further consideration and discussion.

### **MANAGERS REPORT**

Mr. Fivas updated all on the Hop to IT event, although raining it was well attended. Mr. Wilson came to speak with us about 8008 Beacon Hills Drive; we're still working on that issue. The County has indicated they are comfortable with level of maintenance or the structural position of that advising he had a meeting with Mr. Waddell and Mr. Alvarez who voiced interest in that issue. Mr. Fivas stated he has been out there and the bank has been doing some work out there and code enforcement is doing everything possible to keep the home in the best repair possible. Staff believes there are some fatal problems with the issue that we need to find a solution for. Mr. Fivas stated this was a productive meeting, we're starting to get closer to budget time if there are any items that need to be discussed before the 1st of May, we'll be happy to discuss with Council. There are a number of projects ongoing right now that will take up a portion of the budget issues.

### **COUNCIL COMMENTS**

Mr. Cohn stated that he Ms. Howe and Mr. Waddell rode through the Beacon Hills neighborhood advising there's a problem and is something we should discuss as far as a budget item. He's seen the house from the road, but actually walked around this time and what you have to do is imagine living there, but we should do something about it. Broken decks, etc. needs to be addressed as a Council and Town, hopefully we will get something done about it. I consider it one of our highest priorities to get that fixed, it should be condemned.

Mr. Fivas advised that as far as the Town's code it's boarded and meets all of our regulations and requirements. Mr. Cohn stated if that house is ok, it's a shame and how do we make that unacceptable. Mr. Fivas replied the County would have to condemn it.

Mr. Allen had no comments

Mr. Waddell stated he enjoyed the tour of Beacon Hills the other day. The roads recently resurfaced had some spots that were cracking and one spot you can see the road underneath it. That house situation, if it takes getting County and staff together with residents being affected he would love to do it and is willing to be a part of it if it's

doable. Maybe we can hash it out and come up with a solution, if it's a County/Indian Trail thing it'll be for the benefit of the whole town to get to the bottom of it so we know what to do next time. He crashed Hemby Bridge Council meeting last week it was fun. Budget amendments, he appreciates Ms. Howe's concerns about how much and which money is being moved, he would love to see what she provided happen, if I'm voting on budget amendments I should know why and how much. He would like to see us work out some of the issues about daily bashing each other, he would encourage those that can and are willing do so and reminded everyone Kilah's Law is in Raleigh.

Ms. Luther stated she's spoken to dozens and dozens of businesses in Indian Trail and has heard wonderful things said about our staff, as far as interaction and service with our staff. There's always room for improvement but compliments are consistent.

Mayor Alvarez thanked staff for showing up to Hop to IT during the rain, along with the many people who showed up. He thanked Mr. Waddell for his presentation. He stated that house in Beacon Hills go way beyond the county, encouraging the Council to put an Ordinance in place holding the bank liable, put liens on the house to the point where you can take over the house to get the needs to be completed.

**CLOSED SESSION**

*None*

**ADJOURN**

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

APPROVED:

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Michael L. Alvarez

Attest:

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Peggy Piontek, Town Clerk