



Town of Indian Trail
Minutes of Town Council
May 10, 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, Gary D'Onofrio and Darlene Luther.

Absent Members: Mayor John J. Quinn, Council Member John Hullinger

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Finance Director Marsha Sutton, Town Engineer Scott Kaufhold, Tax Collector Janice Cook, Economic Development Coordinator, Kelly Barnhart, Human Resources Miriam Lowery, Staff Accountant Jennifer Smith, Events Coordinator Rebecca Jones, and Planning Director Shelley DeHart.

Press/Media: Jillian Leamy of the Enquirer Journal, and Marty Minchin of the Charlotte Observer.

CALL MEETING TO ORDER

Mayor Pro Tem Goodall called the meeting to order, lead the Pledge of Allegiance and called for a moment of silence. He announced the Grand Opening of Crossing Paths Park to be held on Saturday, May 14, 2011.

ADDITIONS AND DELETIONS

Robert Allen made a motion adding as item 9d update on safety and procedures update from Town Manager and establishing a timeline of delivery.
Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

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

PUBLIC COMMENTS

Severin Jacobsen, 3905 Waters Reach Lane, Indian Trail, NC informed the audience about an event called Scanfest being held at Carolina Courts on November 5th. Mr. Jacobsen listed the activities that will happen, invited everyone to attend and advised he would like this to remain in Indian Trail.

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

- a. Approval of April 26, 2011 minutes
- b. Tax Report for April 2011

Darlene Luther made a motion to approve pulling item 6a, April 26, 2011 minutes for discussion.
Council voted unanimously in favor of the motion.

Ms. Luther requested that her question to the Chamber President on the Wingate Study be included in the minutes. Her question was, since the study showed commercial vs. residential tax base is 85/15% in Union County. Ms. Luther asked what it was 10 years ago and she replied 85/15%. She asked the question, knowing what the answer was, because she believes it's important for everyone to be aware that we spend a large sum of money at the County level on Economic Development but yet we are still at 85/15%.

Robert Allen made a motion to approve amending the April 26, 2011 minutes as stated by Councilwoman Luther.
Council voted unanimously in favor of the motion.

The minutes will be modified and resubmitted to Council for approval on May 24, 2011.

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

PUBLIC HEARINGS:

- a. ZT2011-001 LIGHTING STANDARDS: a request to amend Chapter 1330 and Chapter 1660 of the Unified Development Ordinance regarding lighting standards. Applicant: Town of

Indian Trail. Location: Town-wide.

Ms. DeHart presented to Council advised this is to amend chapters 1330 and 1660 of the UDO. Its purpose is to simplify and clarify language, provide flexibility, clarify requirements for special uses. She explained what the purpose of any light ordinance is. The amendments included NCDOT regulations, addition of light measurement technique, maximum foot candle at the property line, flexibility to use decorative light, maximum fixture height, gas stations 30fc and automotive to 50fc. The recreation fields section has been amended to 80 feet in height, are equipped with glare control package, lights must be turned out 1 hour after event and increased the fc. The Planning Board hear this on April 19th and made the following modifications: Auto Dealers must reduce lighting at 11 pm providing enough security, wood poles for lighting fixtures, security lighting for ATMs and concluded the proposed UDO amendment is consistent with the following goals: 1.3.2 of the Comprehensive Plan - Land Use because the amendment provides regulations encouraging the use of lighting design practices and systems that will minimize glare, light trespass and light pollution thus reducing the potential for land use conflicts between neighboring properties; and

2. This UDO ordinance amendment request is reasonable and in the best interest of the public because it provides clear guidance for better efficiency and the use of best lighting design practices.

They transmitted a recommendation for approval.

Mayor Pro Tem Goodall opened and closed the Public Comments portion of the hearing as no one signed up to speak.

Gary D'Onofrio made a motion to approve ZT2011-001 Lighting Ordinance with the recommendations made by the Planning Board.

Council voted unanimously in favor of the motion.

b. ZT2011-003 VEHICLE SALES USES

Ms. DeHart respectfully requested this item be continued to the May 24, 2011 meeting.

Robert Allen made a motion to approve continuing ZT2011-003 VEHICLE SALES USES to May 24, 2011.

Council voted unanimously in favor of the motion.

c. ZT2011-005 OFF-SITE SIGNAGE

Ms. DeHart advised this is a request to amend Chapter 990 of the UDO to allow for off-site signage on properties located adjacent to Highway 74 for the purpose of advertising meeting and gathering alls, various types of entertainment or sports venues that accommodate a minimum of 2,000 people. Ms. DeHart summarized this amendment proposes to amend Chapter 990 addressing the off-site signage for large entertainment, sports, meeting venues; amend Chapter 790 to provide a cross reference to that Chapter and amend Chapter 930 to exempt Town from sign ordinance for identification and way finding signs.

The Planning Board heard this matter on April 19, 2011 and had some concerns about these off-site signs may have electronic board messaging within the Highway 74 District, one member had a concern about limiting them to certain uses which was not shared by the rest of the Board, the applicant had concerns regarding the 1,000 foot

radius which has since been modified and placed within the draft. After deliberation and modifications the Planning Board determined the UDO amendment is consistent with the following goals: 1.3.2 of the Comprehensive Plan - Land Use; the proposed UDO ordinance amendments will help to promote a quality mix of different land uses and promoting a more balance tax base through the use of signage; and this UDO ordinance amendment request is reasonable and in the best interest of the public because it promotes economic development and a more balanced tax base while establishing criteria to further town beautification, voting 6-1.

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

Wes Fault is a member of the law firm Goodwin and Hinson, 309 Post Office Drive, Indian Trail, NC. He is here on behalf of the applicant and advised he will try and answer any questions the Council might have.

Mayor Pro Tem closed the public comments portion of the hearing.

Mr. D'Onofrio commented this is an addition that could provide several uses; Mr. Allen thanked staff for doing an excellent job and Ms. Luther asked Ms. DeHart what the sign restriction was before. Ms. DeHart advised it is based on the size of the acreage of the lot and provided examples.

Gary D'Onofrio made a motion to approve ZT2011-005 OFF-SITE SIGNAGE as presented. Council voted unanimously in favor of the motion.

BUSINESS ITEMS

a. Park Ordinance MCA 2011-002

Mr. Fivas advised that staff consulted with several municipalities; spoke with our law enforcement, fire department and legal for advice before presenting this to Council. Mr. Goodall inquired about paragraph 94.07 that pertains to pets not being allowed in the park. Ms. DeHart explained that it is worded "unless otherwise posted" as there are areas where you would want to permit a pet and areas where you would not, leaving it to the discretion of the town.

Gary D'Onofrio made a motion to approve the Park and Recreation rules as presented. Council voted unanimously in favor of the motion.

b. Approval of Bond Advisor

Mr. Fivas introduced the representatives from Davenport Bond Advisors staff recommends them to the Council to hire them to work with staff should we head in the direction of Bonds. He explained the process staff went through to select them and that they were chosen because of their significant experience with similar communities to Indian Trail. In the initial stage they will explain what it will cost, they are the experts that will walk us through the bond rating procedure, they could save the community significant dollars by getting us the highest possible rating, and they are highly regarded in the New York Bond Houses.

Gary D'Onofrio made a motion to approve Davenport & Company, LLC as Indian Trail's bond advisor.

Council voted unanimously in favor of the motion.

Council took and returned from a brief break.

DISCUSSION ITEMS

a. Fiscal Year 2011-12 Budget Presentation

Mr. Fivas explained the budget process, advising staff has been working on it since February and we will have it available for public review and the website as quickly as possible, but if there are numerous changes after tonight it will be available by May 17th, the Public Hearing is scheduled for May 24th and Council can legally adopt it anytime after the public hearing. However if Council feels another meeting is needed to discuss the budget we will happy to arrange it before the public hearing. The citizen survey results and Council goals are the common thread throughout the budget. Mr. Fivas's presentation included information pertaining to the population growth, tax classification, organization chart (adding 3 positions to public works), municipal tax rate comparisons with cities our size (pointing out we have the lowest tax rate while providing a quality service) debt service ratio comparisons, intergovernmental ratio comparisons (one area we need to watch over the next couple of years), an explanation of where each penny of the 14.5 cent tax rate goes (with 12.04 cents going toward sanitation and law enforcement), a revenue summary points out the town revenues are stable but flat and he is not recommending any property tax or fee increase this year. What we will need future revenue for (including a CIP to include \$2,550,000 in projects) advising the implementation of the future years of CIP will depend on new revenue streams (bonding, loans etc.). Mr. Fivas pointed out an expense summary with the following highlights: Council goals & initiatives, \$2.55 million in CIP, reduced positions, contracts and reviewing all benefits, creating a Code Enforcement Division, recommending a 2.5% COLA for town employees, recommending 3 new Public Works positions with only 10% of the costs being from the General Fund (utilizing Powell Bill and Stormwater fees for salaries), investment in new financial software package, new servers, customer service improvement for website, marketing and new tablet computers for elected officials; law enforcement 0.0% increase from County, neighborhood traffic enforcement initiative, youth safety education program and leash law education, administration will be rewriting an outdated Municipal Code, we will be bidding out a solid waste contract (we have recently received a proposal from our current provider), we have received a request from the County to take over the satellite recycling center by Sun Valley High School. Some other expenses will include a .51% increase in our retirement contributions and are reviewing health and other benefit options; if directed we will work towards a new bond rating; create a new special assessment policy; implement a business retention program, hire a consultant for strategic economic development plan, write and process state economic development grants for qualified town businesses; continue town event implantation; bid out information technology services and perform an assessment, continue to building our web presence; implement a neighborhood traffic safety initiative by adding 416 hours of traffic enforcement, purchase an additional radar speed trailer, create neighborhood traffic education program, adopt a comprehensive traffic calming policy, create a youth safety education program, if a leash law is adopted funds have been built in for community education and address safety of civic building and town employees; we will being the comprehensive plan update, administer solid waste services and begin minimum housing program for removal of blighted properties.

Mr. D'Onofrio read the list of the 2010 top 10 property tax payers in Indian Trail (Wal-Mart, Harris Teeter, Hanson Brick, Dale Jarret, Covington Meridian Acquisition, Berry Triplas, LR&FR LLC , Radiator Specialty, Lowes Home

Center, Wallace Indian land, along with several public utilities) combined they pay \$300,000 per year in property taxes. He wanted to let them know they are appreciated, they contribute to the tax basin, provide employment and enhance the quality of life here. He believes there is a tremendous amount of preparation in different areas that are covered in the budget and Council continually ask staff to do a lot with very little, he'd wants to spend more time going through it but likes what he has initially seen. He listed all the accomplishments attained and expressed pride in the fact that the tax rate has not gone up but down .5% during his tenure and believes the 2.5% COLA for staff is well deserved. He is against taking over the recycle facility for the County and is in favor of bidding out for solid waste.

Mr. Goodall commented on the tax rate not being raised, encouraged citizens to go review cities our size to see how large the staff is, we have 30-32 staff members conducting all the town's business doing a lot with very little stating that he also supports the 2.5% COLA. He is opposed to taking over the Sun Valley trash and recycle center as the County should be held accountable for providing those services. He complimented staff on the budget indicating that he has no idea how all the things in this budget will be accomplished without a tax increase and warned the citizens that the 14.5 cent rate will need to go up soon. He inquired if the long term plan includes a Parks Director next year as we now have two parks to ensure that the park rules are enforced and maintain them, he's expecting to have a large area of the new park opened next year. Mr. Goodall expressed concern that we only have one person dedicated to Economic Development and it might not be enough to get us to a 60/40 split. He perceives that she will be traveling to promote Indian Trail and feels we should ramp that department up. We will need to look like a top 10 town for families and he appreciates the working being done on our ordinances to enhance our beautification, we have many eyesores on our thoroughfares. He complimented the Recycle event held on Saturday, providing citizens the opportunity to get rid of the debris that might normally be an eyesore. Mr. Goodall wanted to clarify to the citizens that the rumor we are waiting for a grant to develop the 51 acres we purchased for a park is untrue. If we are awarded the grant, it's a plus, but this Council is not putting the park's use in jeopardy by waiting for the State to determine if we will be awarded the funds.

Ms. Luther would like this year being the year for focusing on beautification, we've done a lot with our parks and will continue to do so but Indian Trail needs a face lift. We want to attract economic development and it presents a challenge with the way we currently look. She is always hearing about Indian Trail Road needing sprucing up and hopes that we can put in landscaped areas. She's uncertain as to what the budget includes, but hopes that Indian Trail Road will get beautification.

Mr. Fivas advised that this is the time to discuss this, most of our beautification and streetscape are focused on our gateways, and if Indian Trail Road is a priority we need to know that. If that's something we should dedicate resources to for banners and flowerpots, hard maintenance, restriping or whatever it takes, we will be happy to get some cost estimates. Mr. Fivas advised the one thing he has heard a lot of is holiday decorations and we need to know if that is also something you want.

Ms. Luther feels that most of our residents would be happy to see Indian Trail Road beautified. Ms. Luther referred to Matthews and its beautification and would like to see that incorporated here, it's very important.

Mr. Fivas replied that was not worded in the Goals & Initiative and he is encouraged to hear it and we can certainly work with you on putting some of those elements in this budget.

Ms. Luther commented that she would like to see a Bond Referendum this November for road infrastructure, widening Old Monroe Road and one for Parks as well.

b. Bond Presentation

Mr. Fivas introduced Scott Leo from Parker Poe Law Firm as our Bond Attorney. His job is to ensure that we are legal, timely and he has extensive experience in this.

Mr. Leo explained the steps and process in obtaining a General Obligation (GO) Bond, topics included: what's a GO Bond, voter approval required **for what and how much** (Council decides amount, it gets put on ballot, educate voters, examples of wording); **undertake the process** (making certain findings and authorizing application to the LGC; introducing the bond orders (wording questions is very important); holding public hearings (notices in paper); adopt the bond orders and resolution set the bond referendum); must begin in June to meet statutory and Board of Election time line (August 15th); **Inform** (educate voters by describing projects and financial impact, cannot spend town funds to directly or indirectly (i.e. paid staff) advocate); **Vote** (a majority is needed, each question stands on its own, Board of Election and Town certifies the vote); Issue Bonds (authorized for purposes and up to amount for up to 7 years extendable to 10, but not required to issue all at once, LGC is highly involved in process determining when and how to issue, Bond ratings, terms of repayment schedule and interest rates of bonds; LGC issues the bonds on behalf of the town and money is available to fund projects).

Mr. Hullinger asked if that includes Council telling them why we voted for it, reply no. Ms. Luther asked if we can tell them what it will cost them, reply yes. Mr. Merritt inquired about the requirement of a Section 5 approval (Voters Rights Act requiring procedures if there is a change in the way voting is held), reply BOE says yes but they will research and probably do it anyway. General conversation pursued pertaining to assessment of costs for roads, park, perhaps an individual question for Old Monroe Road need specific assessment for that, beautification. Ms. Luther expressed concern that a separate question should be asked for Old Monroe Road to ensure that should there be a delay with NCDOT or any other reason that another Council cannot decide not to use it on Old Monroe Road. Mr. Leo advised the voters are giving you authorization for the four corners of the bond order, it provides both flexibility and restraint. Mr. Fivas recommended that the question be written as general as possible for roads, not specific, from a strategic standpoint you must look at what the majority of the population will approve and as he has concerns it might not pass for Old Monroe Road. He inquired what direction Council wanted to go, perhaps a special meeting to discuss project.

Jeffrey Goodall made a motion to approve directing Town Manager to provide 3 figures at the next event for the Council to discuss and take action, one to fully develop the 51 acre park another number for Old Monroe Road improvements, and 3rd on how much we will need for general traffic, transportation and road issues in Indian Trail.

Mr. Leo advised not to discount information campaign, where you can inform the citizens your specific intent for the bond, while wording generally. This way if a future Council chooses to do something different they will have to answer to the citizens.

Council voted unanimously in favor of the motion.

Mr. D'Onofrio requested to be excused.

Robert Allen made a motion to approve excusing Council Member D'Onofrio.
Council voted unanimously in favor of the motion.

Council took and returned from a short break.

c. Discussion on US 74 monument sign design

Mr. Fivas advised that we are working with a local company from Charlotte called Southwood; this would include two monument signs on Highway 74 but also directional signage.

Ms. DeHart provided a selection of different designs and after review the Council decided they liked the classic style. Staff will bring back several different versions of this sign.

d. Update on safety procedures

This item was added as a result of a motion made in item 3 Additions and Deletions.

Mr. Allen advised that he felt Council may not have provided all the information Mr. Fivas might need on this subject at the last meeting. He would like to know what the status is on what was requested and establish a time line for delivery.

Mr. Fivas replied that we have accomplished what was requested in two weeks: the parking spots have been reserved for Council, staff has spoken with Duke on additional parking lot lights and they will be putting them up, and he and Lieutenant Coble have discussed alternative issues and things that need to be considered. Lieutenant Coble is having conversations with security experts, while staff has been reviewing issues inside the building as per the suggestions.

Mr. Allen inquired about the one way coating on the door to allow visual out but not in, exploratory pricing on metal detectors. Mr. Fivas advised all of that is being done right now. Mr. Allen asked when Council can expect this information. Mr. Fivas said the June 28th meeting. He asked does Council really want to discuss security in a public meeting or would they prefer to have staff handle it. Mr. Goodall asked Mr. Merritt if this can be discussed in Closed Session, Mr. Merritt advised he feels it could be but would like to research it. Conversation continued amongst Council, Mr. Fivas and Lieutenant Coble about metal detectors.

MANAGER'S REPORT

Mr. Fivas advised the Grand Opening of Crossing Paths Park is on Saturday, May 14th and the rain date is on May 27th. We will be communicating depending on the weather, but the issue we may have that it's not only if it rains on Saturday but if we get rain on Wednesday, Thursday, or Friday getting wet causing slippery or an uncomfortable situation. We want to have the best event. He believes there's an 85% chance we will have the event. There was conversation about the rain date.

PLANNING REPORT

Ms. DeHart had no report.

ENGINEERS REPORT

Mr. Kaufhold had no report.

COUNCIL COMMENTS

Mr. Allen, Mr. Goodall and Ms. Luther had no comments.

CLOSED SESSION

Jeffrey Goodall made a motion to enter closed session **143-318-11(a)(6)** 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 come out of Closed Session. Council voted unanimously in favor of the motion.

ADJOURN

Robert Allen 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