



**Town of Indian Trail**  
**Minutes of Town Council**  
**May 13, 2014**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Gordon Daniels, David Drehs, Christopher King and Gary Savoie

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, Director of Engineering and Public Works Scott Kaufhold, Communications Coordinator Lindsey Edmonds, Assistant Director of Parks & Recreation Jason Tryon, Senior Planner Rox Burhans, Tax Collector Janice Cook, and Assistant Finance Director Jennifer Smith.

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

Mayor Alvarez called the meeting to order. Deputy Rushing led the Pledge of Allegiance.

**ADDITIONS AND DELETIONS**

Mr. Fivas explained that the representative for Berkshire Advisors was detained in an airport and will not be able to attend tonight's meeting. He also explained that the people for the presentations were advised to come later because of the anticipated interview, recommending that we should move the public hearings (items 10 a & b) to the item 4 and move item 6 to 11a.

Gary Savoie made a motion to approve moving agenda item #6 to 11a.  
Council voted unanimously in favor of the motion.

Gary Savoie made a motion to approve moving agenda items 10 a & b to item #4  
Council voted unanimously in favor of the motion.

Gary Savoie made a motion to approve deleting the original item #4 interview on law enforcement analysis with Berkshire Advisors, Inc.  
Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

Gary Savoie made a motion to approve the agenda as amended.  
Council voted unanimously in favor of the motion.

Mayor Alvarez stated: Join us for a movie under the stars when we kick our Sunset Series continues on Friday, May 16, when we watch the movie *Despicable Me 2* in Crossing Paths Park! The movie will begin at dusk, and the bounce house will open at 7 p.m. The Indian Trail Cultural Arts Center recently announced its summer camp schedule! Look for more information on the Town's website and the Cultural Arts Center Facebook page.

### **INTERVIEW ON LAW ENFORCEMENT ANALYSIS WITH BERKSHIRE ADVISORS, INC**

*This matter was deleted as a result of a motion made in additions/deletions*

### **PUBLIC HEARINGS**

*These items were moved up as a result of a motion made in additions/deletions.*

- a. 2014-002 Amendment of UDO Related to Thrift/Consignment Sales

Senior Planner Rox Burhans stated this is a request to amend Chapters 520, 7200, and 1610 of the Unified Development Ordinance (UDO) to permit Second Hand Thrift/Consignment Sale uses within the Neighborhood Business District and Central Business District zoning classifications as well as the Downtown and Village Center Overlay Districts, subject to conditions to ensure compatibility.

## Background/Analysis

Text Amendment Case No. ZT2014-002 was initiated by the Planning Board on March 20, 2014. At the March meeting, staff informed the Planning Board about two recent thrift store business inquiries within Downtown Indian Trail that were disapproved due to the UDO's classification of these businesses as "Second Hand/Rummage Sale" uses. This use is currently only permitted within the more intense, Regional Business District (RBD) and General Business District (GBD) zoning districts. After receiving preliminary staff research regarding the characteristics of second hand thrift/consignment store uses, the Planning Board initiated ZT2014-002.

ZT2014-002 will enable second hand thrift/consignment sale uses to locate within all Indian Trail commercial zoning districts, including Downtown Indian Trail and the Town's Village Centers such as Sun Valley, Austin Village, and others. The Downtown and the Village Centers are smaller-scale areas of the community that have a heightened priority for compact development with a focus on urban design and attractive aesthetics. The following standards (in summarized form) are proposed to ensure compatibility within these important areas and to minimize impacts to adjacent properties.

### Proposed Thrift/Consignment Store Standards (within Downtown, Village Centers, etc.)

1. Donated items or store merchandise shall be delivered to, processed, and stored within the interior of buildings. No exterior storage shall be permitted;
2. Outdoor merchandise receiving areas may be established subject to Special Use Permit approval by the Board of Adjustment for the delivery of oversized merchandise or for delivery of merchandise from individuals with physical limitations. *This standard was specifically recommended by the Planning Board at their April 24th meeting;*
3. Drive thru facilities is prohibited;
4. Use of exterior donation drop off bins is prohibited;
5. Use of tractor trailers or shipping containers is prohibited for storage of merchandise.

The Planning Board unanimously recommended approval of ZT2014-002 subject to a modification to include the ability for an outdoor merchandise receiving area subject to Special Use Permit approval and made the following findings:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:  
*Downtown Revitalization Goal 1:* Because it will enable second hand thrift and consignment store uses to locate within Downtown Indian Trail and contribute to the success of the Downtown economy; and

*Land Use Goals 1 and 5:* Because it creates standards for second hand thrift and consignment store uses and antique shop uses to ensure high quality, attractive development and minimize impacts to adjacent properties.

2. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts subject to standards that are intended to ensure compatibility with character of the area and minimize impacts to adjacent properties

Mayor Alvarez stated, for full disclosure, he attended the Planning Board meeting as a resident and spoke in favor of Common Heart and currently he owns a consignment shop.

Mayor Alvarez opened the Public Comments portion of the hearing.

Keith Adams, 607 Greenbrook Parkway, Weddington, NC the Executive Director of Common Heart stated he appreciates the ability he's had to operate and provide services in Indian Trail, they are looking to move into this area and would love for this Zoning Amendment to be approved. He believes it would increase economic things in the Town.

Mayor Alvarez closed the Public Comments portion of the hearing.

David Drehs made a motion to approve Comprehensive Plan consistency statement and the findings as read into the record.

Council voted unanimously in favor of the motion.

David Drehs made a motion to approve ZT2014-002 as presented. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Council voted unanimously in favor of the motion.

b. 2014-2015 FISCAL YEAR BUDGET

Mr. Fivas provided a brief overview of the budget process conducted, stating that the draft has been made available to residents and this is the first opportunity for public comments on the draft. There will be a second opportunity at our next meeting as well.

Mayor Alvarez opened the Public Comments portion of the hearing.

Amanda Faulkenberry, 519 Picketts Circle, Indian Trail, NC advised that the funds set for law enforcement is not enough, asking for a minimum for 2 deputies and 2 detectives. The 2 additional parks coming up will require additional law enforcement and detective work.

Mayor Alvarez closed the Public Comments portion of the hearing.

Mr. Drehs thanked the staff for making him feel welcome, explaining a tour he received of the Town facilities, recommending that the rest of the Council do the same if time permits, as it enabled him to understand the budget better.

**PRESENTATIONS**

*These matters were moved as a result of a motion made in additions/deletions*

a. Proclamation for Police Week

Mayor Alvarez read and presented the Proclamation to Deputy Rushing. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

b. Certificate of Recognition for Kiwanis of Monroe

Mayor Alvarez read and presented the Certificate of Recognition to Caleb Barnhardt from the Kiwanis Club and Brantley Aycock from Circle K.

Mr. Fivas expressed his appreciation to both organizations and provided a brief description of the work done. Both gentlemen expressed their appreciation for this recognition and provided a brief overview of the organizations they represent. Mayor Alvarez explained the Kiwanis Club's Terrific Kid program and expressed his appreciation for all they do. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

**PUBLIC COMMENTS**

Amanda Faulkenberry, 519 Pickett Circle, Indian Trail, NC had a presentation showing pictures to Crossing Paths Park on Saturday May 3rd. They were pictures of trash throughout the park stating that is what greeted anyone who drove by or wanted to go into the park, it's a disgrace. They picked up all the trash and emptied the overflow. At 1pm Mr. Fivas showed up to assist. She does not understand why no arrangements were made. On Sunday the trash cans were still full.

Lars Napp, 655 Powder Horn spoke on the Plyler Road project currently being proposed stating he's not in favor of it and discussed its impact on schools. He discussed overcrowding in classes referring to the removal of caps of students permitted in classrooms, urging all Council go into the 2009 Facilities report.

Ruth Koss, 6729 First Avenue, Indian Trail, NC reviewed the public comments she made last month advising it's time for action. She stated she has not received any reports or contact about the stormwater issues in her neighborhood. She requested a forensic audit of the stormwater service STAT.

Greg Vossekuil, 213 Edenshire Court, Indian Trail, NC stated that he was at the last meeting requesting assistance pertaining to his damaged driveway. There is an agreement to get it repaired and requested it get done as soon as possible, as he has concerns over its safety currently.

Michael Faulkenberry 519 Picketts Circle, Indian Trail requested that everyone wear a blue ribbon on Wednesday, May 14th acknowledging those law enforcement officers that have lost their lives and held a moment of silence.

Stephanie Jones, 2008 Helli Drive, Indian Trail, NC addressed the parking ordinance, providing issues currently in her neighborhood. She has done her research and stated that you should park on the correct side of the road not the opposite. She has spoken to officers and they do not understand how it's written. She understands the town is working on new ordinances but feels the current one should be enforced.

Tim Wilkins, 6607 First Avenue, Indian Trail, NC explained flooding concerns that existed in his neighborhood in New Jersey and now his current neighborhood on First Avenue, stating that his neighbors put out sand bags to prevent water coming into their homes. He researched the developer who claims not to have any responsibility. The Town recommended they annex into Indian Trail, and he wants to get some resolution to this matter.

Mayor Alvarez closed the Public Comments portion of the meeting.

- c. Union County Drug Court Foundation - *This matter was moved as a result of a motion made in additions/deletions.*

Judge Gwin explained he runs a program called the DWI Treatment Program. It was designed to prevent repeat chronic DWI offenders off the road. Judge Gwin provided an overview of the program and gave examples of its success. **(A COPY OF THE POWERE POINT CAN BE FOUND IN THE OFFICIAL PACKET IN THE CLERK'S OFFICE).**

Nathan Campbell - resident of Union County and a graduate of DWI Treatment Court in 2005, stated that the opportunity this gives to individuals like himself saves lives. It saved his. He is a family man who has been given a second chance.

Stella Brown stated they are here to ask for assistance to get the word out and if at all possible any funding for the community.

Mr. Merritt asked some questions and then stated this has proven to be an incredibly effective program, 3 years ago it was defunded, there are some counties that have kept them and self funded, they are well worth the money invested in them. They change the behavior of the person and should be supported any way they can be

Mayor Alvarez stated that he admires Judge Gwin for the hard work and great results in this court, explaining how heartwarming the graduation is and also how hard the Judge is on those that do not follow the rules. Several Council Members made positive comments on this item.

#### **LAW ENFORCEMENT UPDATE**

*None*

#### **CONSENT AGENDA**

- a. Approval of April 22, 2014 draft minutes
- b. Approval of Resolution for street maintenance **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- c. Approval of amendment to the Capital Project Ordinance for C-4957 B **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- d. Approval of amendment to the Capital Project Ordinance for Chestnut Square Park **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- e. Approval of amendment to the Capital Project Ordinance for Chestnut Parkway Extension **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Gary Savoie made a motion to approve the Consent Agenda.

Mr. Cohn wanted to be sure everyone is looking into the Consent Agenda. Requesting that more information be provided on these items. Mr. Cohn inquired if Council can get hard copies of what this is for. Mr. Fivas explained the items on the Consent Agenda.

Council voted unanimously in favor of the motion.

#### **BUSINESS ITEMS**

FY2014-15 BUDGET PRESENTATION - This item was moved as a result of a motion made in additions/deletions.

Mr. Fivas presented the highlights of the budget, informing Council of the process to create it, where we were 6 years ago, where we are now and where we're headed and how the budget fits into our current plans and future. Mr. Fivas informed Council of the five threats to our community - lack of future infrastructure development, lack of future economic development, building quality of life programs, growth and appearance & beautification. Mr. Fivas provided information on the following topics: transportation, investment district, lack of future plans for Economical Development, Parks & Recreation, growth management, beautification and appearance, population growth, tax classification, organizational chart, debt services ratio, intergovernmental dependency ratio, town revenues, expense summary, Human Resources, Finance and Business Administration, Law Enforcement, Planning and Neighborhood Services, Engineering and Public Works then asked if Council had any questions. None were asked. **(A COPY OF THE POWER POINT CAN BE FOUND IN THE OFFICIAL PACKET IN THE CLERK'S OFFICE)**

### **DISCUSSION ITEMS**

#### a. Discussion on Economic Development Advisory Committee

Mr. Fivas advised that several communities have this. It allows certain business owners to provide opinions on how to bring in large corporations, etc. He inquired if Council would like staff to provide them with a draft, Council agreed.

### **STRATEGIC PLANNING SESSION**

#### a. 5 year Transportation Plan

Mr. Fivas presented Council with a draft process to get public input on transportation issues. He advised that we will have to push back the dates somewhat, due to presenting it later than anticipated when created. Mr. Fivas explained we will hold community meetings in the Civic Building, one for North and one for South side of Indian Trail. Then we can hold a Public Hearing and with those comments and we will put together a plan. Mr. Fivas inquired if Council wants public input, is this enough or does Council want more. Council agreed with the plan.

#### b. Parks & Recreation Update

Mr. Fivas advised this will be approximately a one hour conversation so he recommends doing it at the next meeting. Council agreed.

#### c. Neighborhood Enhancement Program

Ms. DeHart presented a brief snapshot on staff's research of Neighborhood Enhancement Programs advising they can be small or large and the budgets that go along with that; but must be customized

to the community for which it's implemented. The purpose is to empower neighborhood leaders to partner with their community residents and the town. It presents opportunities for residents to address their tough issues, which comes down to the enhancement of a quality of life in a neighborhood translating to stabilization of property values. What staff would like to do is continue developing this program, we will bring back to you a menu and look for Council's guidance in picking the right program for Indian Trail.

d. Municipal Complex Update

Mr. Fivas stated that Council directed staff to research options and availability for locations for a Municipal Complex. The challenge is where those facilities should be. Mr. Fivas handed out a letter he received from Mr. Carlton Tyson, from Typar Commercial Real Estate, advising they would donate 2 acres across the street for this purpose. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Council had a discussion on this matter and by consensus requested Mr. Fivas confirm Council is interested. They need to get a clear definition of what the property owner wants on this property and the size of the property being donated.

**MANAGERS REPORT**

Mr. Fivas invited everyone to several upcoming events in the Town. He stated he is looking forward to the presentation on Parks & Recreation. Mr. Fivas thanked staff for their hard work. He advised we are planning the stormwater 101 class for when the agenda's get a little lighter. Mr. Fivas reminded everyone to make sure you wear your ribbon on May 14th.

**COUNCIL COMMENTS**

Mr. Cohn complemented staff for doing such a great job, such few people you do such great work, in spite of having to work long hours you still come in here and smile. Tomorrow night Porter Ridge is in playoffs. He provided their stats.

Mr. King had no comments.

Mr. Drehs thanked staff for the great tour, Memorial Day is Monday the 26th, and he does a service at his church at 8:30 and 11:00 a.m. and explained the ceremony. He invited everyone on the 25th to the Spirit of Joy Lutheran Church.

Mr. Daniels thanked everyone for coming out on December 10th he was very happy to be sworn into this Council but on April 22nd he was down because a gentleman who applied for the Public Safety Committee was turned down. At that time, Mr. Daniels asked to table it and it did not happen, due process was not conducted, an arrest record was pulled off the internet. According to Union County there is no arrest record. He believes it was wrong, and is asking Council to reconsider; this is the 2nd time that a person has had an arrest record used against him. We need to be sure that the individual is truly a criminal and not just an arrest record.

Mayor Alvarez thanked Mr. Fivas and staff for tonight, reminded everyone about the movie; he thanked the Faulkenberrys for cleaning the park. Mayor Alvarez reminded everyone that it's Law Enforcement Appreciation Week, if you're out and about in line for food pick up the tab for one of them if you can, thank them and let them know they are appreciated. Kids will be out on the street, schools closing, please be careful.

Mr. Savoie thanked staff for hard work and diligence; he thanked the Faulkenberrys for cleaning up the park, in fair disclosure it looked like that because about 700 people attended the movie night that lasted until 11 pm. He thanked staff for pulling that off and the great accolades we heard about that.

**CLOSED SESSION**

*None*

**ADJOURN**

Christopher King made a motion to adjourn  
Council voted unanimously in favor of the motion.

**APPROVED:**

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**Michael L. Alvarez, Mayor**

Attest: \_\_\_\_\_  
Peggy Piontek, Town Clerk

