



**Town of Indian Trail**  
**Minutes of Town Council**  
**May 28, 2013**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Christopher King and David Waddell.

Absent Members: Robert Allen and Darlene Luther.

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 and led in the Pledge of Allegiance.

**ADDITIONS AND DELETIONS**

Christopher King made a motion to approve adding Certificate of Recognition at item 2b

Council voted unanimously in favor of the motion.

Mayor Alvarez announced that Council Members Allen and Luther would not be in attendance.

Christopher King made a motion to approve Update from Woolpert on Crooked Creek Park at Indian Trail at item 8a

Council voted unanimously in favor of the motion.

**MOTION TO APPROVE AGENDA**

Christopher King made a motion to approve the agenda.

Council voted unanimously in favor of the motion.

**PRESENTATIONS**

a. Public Safety Committee Annual Report

Mr. Fivas introduced representatives of the Public Safety Committee Frances Knight and Sherry Waddell

Frances Knight, the Chair of the Public Safety Committee presented their annual report which included 2012-2013 accomplishments and the 2013-2014 goals.

b. Certificate of Achievement for J. Parker Garrison

Mayor Alvarez read the Certificate and presented it to J. Parker Garrison. J. Parker Garrison explained the contest and his task. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

**PUBLIC COMMENTS**

Art Spur, 4100 Woodcreek Court, Indian Trail, NC expressed his concern about the map on website showing all the subdivisions and other issues. He stated that the Comprehensive Plan shows inaccurate information. Mr. Spurr explained there are blind spots coming out of his subdivision Ashcroft and now there is another subdivision which will create more traffic issues and dangers. He recommends that the zoning and high density zoning not be approved.

Shirley Howe advised the Council that her neighborhood had a meeting that was well attended by residents, staff and officials. Ms. Howe explained the purpose was to have the neighbors inform Code Enforcement if there is a problem before that problem becomes out of control. She complimented staff on their attendance and assistance with information. She feels there needs to be more staff to assist in enforcing the codes. Ms. Howe would like the budget item for neighborhood enhancement approved and advised that there is another meeting scheduled for her neighborhood.

Eddie Mitchell, executive director of Golden Games advising he is bringing those games to Indian Trail on August 16-24. This event consists of 10 games and Mr. Mitchell explained in detail the event, advising that this will be a great opportunity for Indian Trail assisting in economic development as well. It will be held at several established facilities throughout the town.

**CONSENT AGENDA**

a. Approval of May 14, 2013 draft minutes

- b. Approval of Tinsley & Terry Audit Contract and Rep. Letter  
**(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c. Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- d. Approval of a Resolution directing the Town Clerk to investigate the sufficiency of the proposed voluntary Annexation Petition # 136 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- e. Approval of the Certificate of Sufficiency **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- f. Approval of a Resolution setting the Public Hearing date for Annexation # 136 to June 11, 2013. Location: Hwy 74 and the Chestnut Parkway PIN # 07-105-005-90; Applicant: Property Owners

Christopher King made a motion to approve the Consent Agenda Motion Passed 2 - 1 with David Waddell opposing.

### **PUBLIC HEARINGS**

- a. 2013-2014 Fiscal Year Budget

Mayor Alvarez opened the Public Comments portion of the public hearing.

Art Spur advised that he is wondering where the funds are coming from for all the suggested improvements contained in the budget. He inquired what is going to be the actual expense of the parks, beautification, Comprehensive Plan, expressing his concern that we are going down a road that we don't need to go down. He suggests working on things that brings jobs to Indian Trail where people can work and earn a living. Mr. Spurr advised that some time ago he suggested a VA Hospital was interested in coming to the area and Indian Trail should pursue this, but now it's being bid out and will be locate by the airport in Charlotte so now and our chance has been lost.

Amanda Faulkenberry, 519 Picketts Circle, Indian Trail, NC expressed concern that there are no funds available to take action on the planned law enforcement assessment. She suggested there be funds placed aside for an increase of 3 additional officers; she commented on the funds for each departments contract services and would like to see a breakdown of what that means. She inquired about the line item for dues and subscriptions and noticed there was \$29,000 for Administration. Community and economics, 16% of the budget is for community expense, she saw no information about sponsorship. The state is going to remove 20-30% of the funds and inquired what we do as she does not believe our budget will handle it.

Brian Rogers, 2011 Triple Crown Drive, Indian Trail, NC stated he hopes there will be no tax increase after the public hearing as it's not included as presented. He advised our debt is growing and many of the people who moved here did so because of low taxes stating its ok to be different. He explained health care and Social Security costs have increased. He advised in 2014 the County will go through a revaluation, when taxes and revenue go up they rarely go down. He expressed his concern about the debt associated with Mr. King's suggestion about Town Hall and Community Center. He stated quit spending and end the debt madness.

Mayor Alvarez closed the Public Comments portion of hearing.

## **BUSINESS ITEMS**

### a. Update from Woolpert on Crooked Creek Park at Indian Trail

Andrew Pack presented Council with an update to Crooked Creek Park providing highlights and overview of the project, topics included the process/phasing which defines the project, advising they are currently working on the construction documents of the park to go out for bid providing a recommendation to the Council so the contracts and construction can commence. The project is broken into two phases - Phase 1A is the front entrance and waterline, suggesting a

roundabout at the entrance, new sidewalk. Phase 1b consists of 4 baseball fields, storage room, and concession stand and playground and Dog Park. Mr. Pack advised they are still on schedule and displayed some photographs and concepts they are working on for the playground and overall park.

Mr. Cohn stated what hasn't been discussed is what the average park similar to this would bring to a town in the sense of revenue. Mr. Pack advised they have done these feasibility studies and can have it available within a few months.

Mayor Alvarez inquired if Woolpert has done studies on recommendations on large parks safety and upkeep. Mr. Pack advised yes, usually the parks provide a safe environment for people, there will be lighting, security cameras, gating preventing admission 24 hours.

Mr. Waddell inquired if there will be fencing around Dog Park? Mr. Pack replied yes. Will there be fencing around young children play area? Mr. Pack replied yes. What are the cost estimates of the first build out phase and completion of the entire park? Mr. Pack replied for the first part about \$5-5,500,000, he needs to get figures for the hardscape and water will be another \$200-300,000.

Mr. Fivas inquired if is there any need to get more information on the designs and is everyone still comfortable with the direction Woolpert is going. By consensus Council replies yes.

## **DISCUSSION ITEMS**

- a. Discuss conduct and false allegations made by Mayor Alvarez toward Sheriff Lt. Coble, Council Members and other allegations where he has shown no proof of guilt - this item was requested by Council Member Cohn

Mr. Cohn stated that pertaining to the meeting on February 16th the Mayor has apologized to several people and inquired what the apology to Sheriff Coble was

for. Mayor Alvarez replied unprofessional behavior. Mr. Cohn continued to comment on statements made and behavior following that meeting by Mayor Alvarez. Mr. Cohn inquired if Sheriff Coble made a threat to you outside. Mayor Alvarez replied in a direct way no, I felt uncomfortable in a general situation.

Mr. Waddell read a statement ultimately recommending a censorship of Mayor Alvarez and suggested all simply move on.

David Waddell made a motion to approve censuring Mayor Alvarez for unethical conduct.

Council voted unanimously in favor of the motion.

### **MANAGERS REPORT**

Mr. Fivas advised that our Board interviews will be held at the next meeting and explained the process requesting if Council would like to change it, please get in touch with staff. He inquired that there is an applicant that is currently on a Board but is now applying for another Board do you want to interview that individual again. Mr. King, Mr. Cohn do not feel the need to interview the applicant. Mr. Waddell inquired if there is a number of boards/committees one person can apply and serve on? Mr. Fivas replied we will research it and get back to you.

### **COUNCIL COMMENTS**

Mayor Alvarez, Council Members Cohn and King had no comments to make.

Mr. Waddell stated he would like to explore the possibility of having a VA Hospital in our area. He said he appreciates everyone's recommendations tonight on the budget and it would be nice if some of them would be adhered to. He thanked those for the concerns and ideas and would like to see more input in the process and believes a one on one format would be great.

**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**

Attest:

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Peggy Piontek, Town Clerk