



Town of Indian Trail
Minutes of Town Council
November 12, 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, Christopher King, Darlene Luther, David Waddell.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Engineering and Public Works Scott Kaufhold , Finance Director Marsha Sutton, Planning Director Shelley DeHart, Director of Community & Economic Development Kelly Barnhardt, Tax Collector Janice Cook, Director of Human Resources Carey Warner and Senior Planner Rox Burhans .

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and VFW Post 2423 led in the Pledge of Allegiance.

ADDITIONS AND DELETIONS

David Waddell made a motion to approve adding Letter of Intent for partnership with Charlotte Regional Transportation Planning Organization as item 8f.
Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve moving Presentation item 4a down to item 4c and move up others accordingly.

Council voted unanimously in favor of the motion.

Darlene Luther made a motion to approve deleting item 9a Stormwater Program Modifications 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.

PRESENTATIONS

- b. Certificate of Recognition for Condor Family - This matter was requested by Council Member King

Mayor Alvarez advised that Council Member King was not in attendance at this time.

Mayor Alvarez read the Certificate and presented it to the Conder Family.

- c. Veterans Day Proclamation

Mayor Alvarez read the Proclamation and presented it to VFW Post 2423.

- a. Presentation and acceptance of Annual Financial Statement for period ending 6/30/2013.
This matter was moved down to 4c as a result of a motion made in Additions & Deletions, all other presentations were moved up accordingly.

Mr. Fivas advised that the weather delayed the auditor, requesting it be postponed until after Public Comments

PUBLIC COMMENTS

Kathy Broom , 4103 Runaway Circle, Indian Trail, NC addressed the issue of the proposed Public Records Policy advising it should not be passed as it is a deterrent for citizens who want information because of costs. Ms. Broom also feels we should not take over the roads of Bonterra, as it is not a Town issue; it is a matter between the builder and HOA.

Amanda Faulkenberry, 519 Picketts Circle, Indian Trail, NC spoke on the public information requests, expressing some issues resulting from requests she and her husband submitted. Ms. Faulkenberry stated that if charges are assessed for staff time will detailed time keeping be provided.

Shirley Howe, 6205 Clearwater Dive, Indian Trail, NC addressed the lack of documentation on the website for meetings, depriving the citizens information. Ms. Howe provided some examples and recommended having a book in the back of the room with all the documentation for citizens to review.

Art Spurr, 4100 Woodcreek Dr., Indian Trail, NC stated he is appalled at the thought of the cost of the information request. He suggested that the town hire more staff to assist in filling the information requests.

Council Member Chris King entered the meeting.

Gary Evans, 4800 Mossy Cup Lane, Indian Trail, NC provided his opinion on the town accepting the streets in Bonterra, explaining that upon purchase of the homes, each resident owns the street in front of their home making them responsible for the maintenance of that street. He stated it should not be a burden for the Indian Trail taxpayers by having to purchase that land and bring the roads up to standard and he does not recommend doing so.

Jerry Morse, 271 Unionville-Indian Trail Road, Indian Trail, NC stated he believes it is wrong to punish all of Indian Trail for the abuse of a couple of people. He stated his reasoning, stating that if this is passed it will be perceived as an attempt to hide information.

Gordon Daniels, 1020 Woodkirk Lane, Indian Trail, NC thanked his campaign staff for assistance in his election. He addressed the Council about an email that he sent asking to get together. He stated he has high integrity and his agenda is to do the best for the Town. He thanked David Drehs for being a gentleman and running a class campaign.

Presentation and acceptance of Annual Financial Statement for period ending 6/30/2013

This matter was delayed by request of Town Manager in Presentations

Claire Meyers, from Tinsley & Terry CPAS advised they issued an unmodified opinion which is the highest level of assurance they can issue. She commended the Finance staff for the complex and unfamiliar matters they handled and that they handled it without issue. Ms. Meyers advised her company had to provide an additional report under the Single Audit Implementation Act due to the expenditures of several Grants the Town received this year, advising that the Town also received an unmodified opinion.

Mr. Fivas reminded everyone that we have had 5 years of unmodified audits, pointed out that our Assistant Finance Director led the audit this year did a wonderful job, along with the Finance Director and all the Managers that had to provide information and documentation, stating it's a team effort.

Robert Allen made a motion to accept the annual Financial Statement for period ending June 30, 2013. Council voted unanimously in favor of the motion.

CONSENT AGENDA

- a. Approval of draft minutes for October 22, 2013
- b. Approval of draft minutes for November 1, 2013
- c. Budget Amendments (**COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES**)
- d. 2013 Asphalt Patching Contract (**COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES**)
- e. Approval of organization restructuring

Robert Allen made a motion to approve the Consent Agenda.

Motion Passed 5 - 1 with David Waddell opposing.

PUBLIC HEARINGS

- a. Annexation 138 Southgate: A request for a voluntary satellite annexation of 140+ acres located within the Poplin and Rocky River Road area. Applicant: Walton North Carolina, LLC; Parcel numbers 07021015J; 07021015E; 07021007D; 07006001; 07006001A and 07009017

Planning Director Shelley DeHart presented the subject properties are located in the area of Poplin and Rocky River Road within the unincorporated area of the County. These properties have been used for farming activities and single-family residential use. There is a blue-line stream with associated floodplain adjacent to the west boundary of the site along with patches of wooded area distributed throughout the site. The applicants are processing a conditional zoning petition (CZ2013-006) concurrently with this annexation request. Ms. DeHart explained this is a Satellite Annexation and stated the following:

Satellite Annexation

Properties that are noncontiguous to the jurisdictional boundaries are required to meet the following regulations:

1. Some part of the annexation area must not be more than three miles of the annexing city's corporate limits or must be contiguous to the satellite corporate limits of the annexation city. *The subject annexation area is located approximately 78-linear feet from the Town's corporate limit.*
2. No point in the annexation area may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city.
3. The annexing city must be able to provide the same services to the annexation area that it provides to areas within its primary corporate limits. *The Town will provide the same services to this annexation area that it provides to areas within our corporate limits.*
4. If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included. *This area is not a subdivision as defined in G. S. 160-A-376.*

5. The total area of a city's satellites, including the annexation area, may not exceed ten percent (10%) of area within its primary corporate limit. *The total area of Town's satellite annexation area including the subject area is 5.4 percent of the primary corporate limit.*

The following finding, pursuant to NCGS § 160A-58.2 regarding voluntary satellite annexations (non-contiguous) in North Carolina, must be made for the annexation to be valid:

The Town Council of Indian Trail finds that Annexation Ordinance Petition #138 hereby:

- Meets the standards set out in G.S. 160A-58.1(b); and
- The petition bears the signatures of all of the owners of real property proposed for annexation; and
- The petition is otherwise valid; and
- The public health, safety and welfare of the inhabitants of the Town and area proposed for annexation will be best served by the annexation.

Mayor Alvarez opened the public comments portion of the hearing.

John Ross, 2013A Van Buren Avenue, Indian Trail, NC stated he is present to provide answers to any technical questions the Council might have. Mr. Waddell inquired about the Blue Stream possibility flooding once the development is built. Mr. Ross advised Eagle Engineering has conducted a full study of that flood plain to verify it will not.

Andy Rathke, 7739 Woodmere Drive, Harrisburg NC, Development Manager for this development stated he is present to provide answers to any questions. Council had no questions.

Mayor Alvarez closed the public comments portion of the hearing.

Robert Allen made a motion approve extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #138 establishing the effective date of the annexation as November 13, 2013 at 12:01 am. The Town Council of Indian Trail finds that Annexation Ordinance Petition #138 hereby:

- Meets the standards set out in G.S. 160A-58.1(b); and
- the petition bears the signatures of all of the owners of real property proposed for annexation; and
- The petition is otherwise valid; and
- The public health, safety and welfare of the inhabitants of the Town and area proposed for annexation will be best served by the annexation **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Motion Passed 4 - 1 with David Waddell opposing.

- b. CZ2013-006 Southgate Planned Union Development: A request to rezone 140+ acres from RA-40 to a conditional zoning district (CZ-PUD) to all for the Development of a planned mixed-use community consisting diverse residential housing types, institutional use for emergency responders, and neighborhood commercial use. Applicant: John Ross P.E. on behalf of the Walton Development Group; Location: Poplin and Rocky River Road area; Parcels

Planning Director Shelley DeHart presented the applicant has requested this conditional rezone for the purpose of developing a Planned Unit Development (PUD) pursuant to Chapter 660 of the Indian Trail Unified Development Ordinance (UDO). A Planned Unit Development is intended to allow creative and harmonious mixtures of land uses under a single master plan, which are well planned and complimentary to each other. The proposed Conditional Planned Unit Development (CZ-PUD) zoning district, with the Village Center Overlay, has been branded as **Southgate** by the applicant. The guiding principles for the Southgate Planned Community, as identified within the Southgate Master Plan, are: *Quality of Life, Sense of Community, Enduring Design, and Site Stewardship*. Section 4 of the Southgate packet is the Master Plan which provides the development design guidelines proposed to fulfill the applicant vision for this planned community and support its guiding principles listed above.

Six parcels make up the 140+ acre project site which is located in the area of the Poplin/Rocky River Road intersection. The planned development is proposed to be designed under Traditional Neighborhood Development (TND) principles of compact design, mixed use, pedestrian-oriented development, with parks, greens, and squares. This proposed Planned Unit Development consists of mixed residential housing types (single-family detached - 250 units, townhomes-52 units, and apartments-240 units), institutional use (emergency response facility site- 2 acres), and 23+ acres of neighborhood commercial use. The gross density of the community would be approximately 3.8 dwelling units to the acre. The development will have five access points, two on Poplin Rd and three on Rocky River Road. The proposal also contemplates roadway improvements as recommended in the submitted Traffic Impact Analysis and approved by the North Carolina Department of Transportation (NCDOT). The development provides both recreational and passive open space within each use district including a trail pathway to the adjacent elementary school.

This project was heard by the Planning Board at its October 29, 2013 public meeting. The Planning Board had few questions associated with timing of the development and internal circulation. The applicant provided the following additional information at the Board meeting:

An economic impact report was provided prepared by the Bleakly Advisory Group which projected the following:

- *Southgate will be valued at \$124,850,000, based on today's real estate development prices and today's dollars.*
- *Combined local property and sales tax collections at Southgate will equal \$1.9 million annually.*
- *286 permanent jobs would be created by the commercial tenants of the development at build-out.*
- *1,500 construction jobs over the course of the build-out period.*

The applicant has also committed monies (\$180,000) for a longer-term intersection improvement at Poplin and Rocky River Road. NCDOT has recommended a partnership between the developer, the Town and NCDOT to construct longer-term improvement of a traffic circle at that location.

There were no members of the public signed up to speak to the project other than the applicant's development team. After receiving the report, public comments, and deliberations, the Board motioned

to make the findings and transmit a recommendation to approve as conditioned (6-1). The proposed draft conditions are:

1. *Concept Plan and Architectural Guidelines*: The site shall be developed as generally depicted on the approved concept plans dated August 23rd, 2013 (detailed concept plan) and September 17th 2013 (Zoning Concept Plan). The overall development shall comply with Unified Development Ordinance (UDO) Chapter 13 *Statement of Integrity and Design* standards and the supplementary *Southgate Design Guidelines* dated "Updated September 19, 2013". Additional conditions: a. parking for the townhomes shall located and accessed from behind units with visitor parking provided on-street.
b. Additional on-street parking shall be provided within the single-family district at key locations including the district's green spaces.
c. A trail shall be constructed from the neighborhood to the adjacent school - Poplin Elementary. Said trail shall be design and approved by Union County Public Schools.
d. Building materials shall be limited to those identified within the *Southgate Design Guidelines* or otherwise conditioned herein.
e. Side facades of the single-family residential dwellings are restricted to masonry materials.
f. All structures shall meet the requirements of the fire codes and building codes adopted by Union County at the time of development.

2. *Permitted Uses*: The permitted use of the subject property shall consist of a mix of single-family residential, multi-family residential, institutional use for emergency responders, and neighborhood commercial. All uses are restricted to those identified within the *Southgate Design Guidelines*.

a. The applicant shall dedicate a two acre parcel, as identified within the concept plan, to the Town for the purpose of emergency responder facility within 6-months from the date of approval.
b. Said emergency responder parcel will be donated to the fire protection agency (currently Hemby Bridge Fire Department) that services the area. The fire protection facility shall include an office and storage area for the Town's law enforcement agency (UCSO).
c. The commercial district (NBD) is approved for 23.07 acres for a maximum of 16.4% of the PUD.

3. *Maximum Residential Dwelling Units*: The maximum number of residential dwelling units permitted within the planned community is 542 dwelling units consisting of:

a. 250-single-family detached residential units;
b. 52- townhome units, and
c. 240 multi-family apartment dwelling units.
d. The overall density of the project shall not exceed 3.81 du/acre.

4. *TIA Roadway Improvements*: The developer shall be responsible for constructing all road improvements identified in the Final TIA prepared October, 2013 by DMPR. The applicant has offered \$180,000 towards a future traffic circle in partnership with the Town and NCDOT for the intersection of Rocky River Road and Poplin Rd. The acceptance of these funds shall satisfy the required left-turn lane at this intersection and Poplin and Unionville- Indian Trail Road (within Monroe Bypass Alignment).

5. *Frontage Improvements*: Poplin Road and Rocky River Road street frontage will be improved with curb/gutter, a 6 to 10-ft wide sidewalk, and street trees. A min. 42 1/2-ft ROW measured from the existing road centerline will be dedicated to NCDOT or its assigns. All required frontage improvements shall be constructed and any associated public ROW dedicated pursuant to an approved phasing plan.

6. *Landscaping*: A master landscape plan shall be submitted and approved by the Town during the site plan approval process. The perimeter landscaping and entry areas shall be design to mimic the rural open space feel of the surrounding areas. Other amenities such as ornamental fencing, monuments, and/or other community amenities etc. that are consistent with the *Southgate Design Guidelines* shall also be integrated within this area.

7. *Onsite Road Improvements*: A complete hierarchy of streets are required promoting good connectivity in keeping with principles of a TND:

- The main arterials located within the commercial/multi-family/single-family district will be 60-ft wide ROW and shall accommodate on-street parking. Secondary roads within the single-family districts shall be 50-foot wide ROWs.
- All streets shall be improved with curb/gutter, sidewalks, street trees, and decorative street lights.
- The primary entrance road within the single-family residential district at Poplin will include a small round-about to preserve some existing heritage oak trees of the site.
- Proposed stubbed streets will be designed to address any required temporary turn-around needed by emergency services.
- Traffic calming is required throughout the development and shall include such features as: corner bulb-outs, enhanced pedestrian crossings, and landscape medians.
- Alternative roadway designs would be considered at plan review to encourage rear loading garages within the single-family district subject to approval by the Town Engineer and emergency service responders.

8. *Open Space and Tree Retention*:

- a. The development shall provide a minimum of 35.21 acres or 25% of the total site area is open space. This open space shall be distributed through-out the planned community including the commercial area.
- b. Each residential district (single-family & multi-family) shall include a recreation amenity area.
- c. Both active and passive recreation facilities shall be found throughout the development which can include: plazas and green spaces promoting public art within the commercial district.
- d. A greenway trail shall be constructed within the floodplain area along the west property line. Additional trails shall be constructed linking residents to the various districts.
- e. The applicant shall comply with the Tree Preservation Ordinance within the UDO.
- f. Street trees are required on all streets including exterior streets to the development.
- g. A minimum 25-wide buffer is required adjacent to the exterior boundaries of the planned development. Buffers are required to be a minimum of 50-feet in width surrounding the multi-family district adjacent to single-family residential properties located exterior to the development. Buffers are required to be built in compliance with the UDO or otherwise as agreed upon with adjacent property owners.
- h. Maintenance of all open space areas shall be the responsibility of the Southgate developer and/or his/her assigns.

9. *Stormwater Detention Pond*: The size of the proposed stormwater management facilities identified on the Concept Plan is for illustrative purposes only. The exact size will be determined with the Site Plan

submittal. a. A min. 10-ft of separation shall be provided between the facility and any property lines or ROW lines.

b. A dense vegetated screen shall be provided around the stormwater management improvements to minimize any visual obtrusiveness to adjacent properties or existing or future ROW if not designed as an amenity. The size of the facility separation and/or its screening may be increased by the Planning Director based on the final proposed design and its likely increased visual impact to adjacent properties or existing or future ROW.

c. Large detention facilities located within required open space located at the entrance areas of all districts shall be designed as an amenity.

10. *Adjacent Property Owner Agreements:* The developer shall be conditioned to comply with signed agreements enter into with the James/Helms property owners to the South providing sewer access and separation fencing.

11. The approval of this conditional district (CZ-PUD/O-VC) is subject to the approval of Annexation Ordinance #138.

12. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Upon agreement on the proposed conditions, the Board made the following findings of fact:

Goal 1.3.1 Quality of Life – The proposed conditional district will create a planned unit development under the guiding principles of a Traditional Neighborhood Development providing diverse housing and affordable living opportunities for a wide range of residents, promoting a walk able mixed use community with a compact design, pedestrian amenities and open space.

Goal 1.3.2 Land Use - The proposed conditional district will avoid potential land use impacts with adjacent properties and adjacent municipalities by providing a sensitive buffer design between neighboring properties. The proposed district will further contribute to a more balanced tax base through the voluntary annexation of 140 acres into the Town of Indian Trail and mixed use approach providing 23 acres of commercial use.

Goal 1.3.3 Transportation - The proposed district is designed under the guiding principles of a Traditional Neighborhood Development providing mixed use in a compact design offering multi-modal options thus relieving congestion on our roads.

This conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of land uses within a well planned community providing expanded housing, business, job, and lifestyle opportunities for Indian Trail citizens and business owners. The district also includes elements that benefit the general public in the areas of open space, tree preservation, and transportation infrastructure investment.

Mayor Alvarez opened public comments portion of the hearing.

John Ross, 2013A Van Buren Avenue, Indian Trail, NC introduced his associates, explained some of the traffic improvements, the many studies conducted, the process involved with the public for this project and the benefits to the community.

Andy Rathke, 7739 Woodmere Drive, Harrisburg NC, expressed his appreciation to present this project advising he believes this will be an asset to the community.

Peter Langham, a representative from Walton Development provided his background stating that this is a walk able, livable community.

Mayor Alvarez closed the public comment portion of the public hearing.

Robert Allen made a motion adopt the consistency statement as contained in the report and as read into the record.

Motion Passed 4 - 1 with David Waddell opposing.

Robert Allen made a motion concur with findings and recommend approval as presented. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Motion Passed 4 - 1 with David Waddell opposing.

- c. CPA 2012-001 Comprehensive Plan Update: A request to adopt updates to the Town of Indian Trail Comprehensive Plan. The Comprehensive Plan serves as the Town's long range guide for managing growth and community development. Proposed updates were made throughout the existing plan and were largely based on updated data and mapping and community feedback. Applicant: Town of Indian Trail; Location: Town wide.

Council took a brief recess.

Council returned from the recess.

Senior Planner Rox Burhans introduced Donal Simpson from HNTB. Mr. Simpson explained the process involved and provided a condensed overview of the Comprehensive Plan for the audience and Council consideration. Council made comments and asked questions.

No one had signed up to speak for the public comments.

Robert Allen made a motion to adopt the Comprehensive Plan and instruct staff to begin the implementation process. **(COPY OF THE ORDINANCE ATTACHED HERETO AND MADE PART OF THE RECORD)**

Motion Passed 4 - 1 with David Waddell opposing.

- d. Spanish Moss Road Traffic Calming

Director of Engineering and Public Works Scott Kaufhold presented to Council the process of this matter advising that Council has three options for consideration: first option - is speed tables; second - close road down permanently, third - temporary closure (to see what issue may arise that are unintended).

Council had a lengthy discussion on this matter, they had concerns that all residents of the street are not aware of the closing as no one signed up to speak on this matter. They requested that staff repost the information and continue the hearing until the next Council meeting.

Robert Allen made a motion to approve keeping the hearing open until the next meeting.
Council voted unanimously in favor of the motion.

BUSINESS ITEMS

- a. CZ2013-003 Union Grove Subdivision: Second reading of approval ordinance for a rezone request to establish a Conditional Single-Family Residential-5 Zone on an approximate 68-acre subject property for the purpose of developing a single-family residential subdivision. Location: Unionville-Indian Trail Road - Parcels 07066007-80 and 90, Applicant: The Bayard Group

Senior Planner Rox Burhans presented a brief summary of this matter. Council had approved this Ordinance on October 22nd, a super majority is required so a second reading and vote necessary.

Robert Allen made a motion to approve the required findings for CZ2013-003 as previously read into the record and found in the draft Ordinance.
Motion Passed 4 - 1 with David Waddell opposing.

Robert Allen made a motion to approve the second reading of the Ordinance approving the Conditional Zoning Map Amendment 2013-003. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
Motion Passed 4 - 1 with David Waddell opposing.

- b. Council consideration of Records Request Policy

Mr. Fivas explained that essentially what the policy states on any public information request less than 40 pages are given to resident at no cost, if copying cost is over \$1.99 we charge 5 cents per copy, this new policy change addresses the excessive issues that Council requested Mr. Merritt look into.

Town Attorney Keith Merritt provided a thorough explanation of the revised policy.

Council had a lengthy discussion about this matter resulting in tabling this so the new Council can decide.

David Waddell made a motion to table Business Item 8b.
Council voted unanimously in favor of the motion.

c. Council consideration of approval of change order and Capital Project Amendment Ordinance for Chestnut Square Park

Mr. Fivas advised lighting for the park was discussed when Council approved the bids, that it should be bid as an alternate and not included in the overall general bid package. Staff went back and reduced the cost of the lighting package by \$30,000.00. The lighting system staff recommends is from Musco which also has a 25 year warranty. Mr. Fivas explained that Council has five options for lighting the fields and went over each one. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Mr. Fivas explained the Town Council approved a Park Sign design from Buzz Bizzell during our discussions on the wayfinding program. Staff has received a bid for this sign from J.D. Goodrum. J.D. Goodrum's bid was \$49,550 for this sign. This cost includes lighting, electrical work, landscaping, and design. Town staff will work to lower this cost by working with the contractor. The cost of this sign would come from the wayfinding funds approved in the FY 2013/14 budget.

Christopher King made a motion to approve option 4 for \$411,000.00 and give the authorization to the Town Manager to amend the current Chestnut Square Park Ordinance for the above selected option above and give the authorization to the Town Manager to amend the current Chestnut Square Park Ordinance for the Park Sign project as approved by Town Council not to exceed the cost of \$49,550.00.

(COPY OF OPTIONS ATTACHED HERETO AND MADE A PART OF THE RECORD)

Motion Passed 3 - 2 with David Cohn, and David Waddell opposing.

d. Council consideration of Park Tree and Greenway Committee changes

Mr. Fivas explained that this will rename and repurpose for the committee to Parks, Arts, Recreating and Culture (PARC) Advisory Committee and increase the members to 9 with 2 alternates.

Robert Allen made a motion to approve the Park Tree and Greenway Committee changes. **(COPY OF RULES OF PROCEDURE ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Motion Passed 4 - 1 with David Waddell opposing.

e. Council consideration of approval of Resolution supporting Union County Public Schools 2009 - 2014 Comprehensive Facilities Assessment - This matter was requested by Council Member King

Mr. King stated that as a Council and Town we need to show the county we support our school system.

Christopher King made a motion to approve Resolution supporting Union County Public Schools 2009 - 2014 Comprehensive Facilities Assessment. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Motion Passed 4 - 1 with David Waddell opposing.

f. Letter Of Intent for partnership with Charlotte Regional Transportation Planning Organization

This item was added as a result of a motion made under Additions and Deletions

Mr. Fivas explained that the CRTPO has asked for a Letter of Intent for any possible projects that are in their funding tier from their communities and needs to be submitted by January 10, 2014. Mr. Fivas explained that the funding formula is changing to reflect the more you contribute the higher your projects will rank.

Scott Cole, Deputy Division Engineer for NCDOT, Division 10 explained the existing funding system, advising that the Legislature recently passed a law rewriting how transportation funding is allocated throughout the State. He provided a brief overview of the new system, stating that if a local authority assisted in funding a project NCDOT would consider prioritizing that project.

Robert Allen made a motion to approve instructing staff to prepare the Letter of Intent for Ten Million Dollars.

Mr. Cole explained that the Old Monroe Road Project is divided into 3 segments: segment a - is from downtown Matthews from Trade Street to 485; segment b is from 485 to Waxhaw Indian Trail Road these are currently State funded; segment c is from Waxhaw Indian Trail Road to Wesley Chapel Stouts Road, ensuring that traffic will not stop there, they will be sure it gets through that intersection.

Motion Passed 4 - 1 with David Waddell opposing.

Mr. Fivas clarified if Council wants staff to submit the Letter of Intent or return to Council for review. By consensus Council directed staff to submit.

DISCUSSION ITEMS

- a. Stormwater Program Modifications - *this item was removed as a result of motion in Additions and Deletions*
- b. NCDOT discussion of future projection of US-74

Scott Cole from NCDOT presented a brief history on studies conducted; methodology used from study results, some recommendations for short and long term solutions. Mr. Cole provided a thorough explanation of a Superstreet explaining that NCDOT feels they provide improved safety, less travel time, economically beneficial and environmentally responsible. He stated that NCDOT plans on making US 74 a Superstreet and all 4 intersections in Indian Trail and will be right turn only with the ability to make a U turn further down the highway, there will be no left turns or cross over, with construction scheduled to begin in October 2015. Council had a lengthy discussion on this matter. **(A COPY OF THE POWER POINT CAN BE FOUND IN THE PACKET IN THE CLERK'S OFFICE)**

c. Discussion of process to accept Bonterra streets into public system

Alan Rosenberg, President of the Bonterra Homeowners Association (HOA) provided some background on the subdivision explaining that when the homes for Phases I & II (85% completed) were sold the residents bought the property to the middle of the street, thereby making them private streets. Phase III & IV was sold to a new developer who is developing those phases with public streets being constructed to the Indian Trail development standard for traditional neighborhood development. Access to Phases III & IV is only available through the private roads of Phases I & II. To convey access to the private street right of way within Bonterra Village to be available to another entity requires approval of our existing residents. They are requesting acceptance of Bonterra streets to be consistent with the other subdivisions in the Town of Indian Trail, and consistency within the phases of Bonterra Village. Having one section with public and others with private streets depresses the value of the section with private streets.

Mr. Merritt stated the next steps from a staff perspective, this is not a decision we can make to craft an agreement with Bonterra to move towards taking over the roads or not, we're just looking for direction.

Council had a lengthy discussion on this matter expressing the pros and cons ultimately resulting in tabling it until the new Council are seated.

MANAGERS REPORT

Mr. Fivas provided an update on our William Goodyear Grant application, stating that we are still waiting on the State to get cleared with any extension.

COUNCIL COMMENTS

Mr. King had no comments.

Mr. Waddell stated that the more dense the population is the more dense the retail and prevalent retail is in town. We will have greater infrastructure needs. Public safety and schools seem to be the big ones, suggesting that the new Council Members consider that. His biggest problem with the Comprehensive Plan is the process. On public records, if we don't want the appearance of having problems, then restricting access to public records is probably not the way to do that. Board of Education vs. Board of County Commissioners, he believes there's more to this story, he doesn't believe the Board would let the schools fall apart on purpose, suggesting Council proceed with caution. The Bonterra streets creates the question of what is it going to cost us to take those roads, how does it compare with other neighborhoods and why did it happen and are there preventions in place to ensure it doesn't happen again. Voter turnout was poor stating that if you don't vote you kind of vote, it was a sad turnout. If you really went with the logic that majority opinion is a mandate, we had 98% not interested in the town and

at that point you should just shut it down, unincorporated it and turn it over to the County. He thinks there's something going on that makes people disinterested, encouraging everyone to show up.

Mr. Allen requested that John Ross find Walton some property in Indian Trail, have a great reputation, we've been blessed of grabbing some projects by some quality individuals. They are international in their presence and very local in their philosophy, they work with Planning and will go that extra mile, invest in their communities and have a reputation for doing that.

Mayor Alvarez told future Council to take into consideration Bonterra Roads as long as it's consistent with other roads. For the people that stayed for this meeting, you really care he appreciates each of you for hanging out with us.

Mr. Cohn had no comments.

Ms. Luther as far as the low turnout in the election, its typical when there is nothing to vote for but local Council. That's just how it is around here and has been for a long time. With that being said, out of the people who cared enough to go to the polls and vote, she congratulated Gordon Daniels and Gary Savoie and now you know at least two of the issues you'll be dealing with Bonterra and the Public Comment Policy. Congratulations to you and I wish you the best four years and that Indian Trail keeps doing great things like it's been doing.

CLOSED SESSION

none

ADJOURN

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

APPROVED:

Michael L. Alvarez

Attest:

Peggy Piontek, Town Clerk

