



**Town of Indian Trail**  
**Minutes of Town Council**  
**November 13, 2012**  
**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, and David Waddell.

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, and Senior Planner Rox Burhans .

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

Mayor Alvarez called the meeting to order, acknowledged and thanked the Veterans everywhere and led in the Pledge of Allegiance.

**ADDITIONS AND DELETIONS**

Mr. Fivas suggested that since we have a lengthy agenda we entertain idea of not meeting on November 27th and schedule a special meeting to go over all the infrastructure issues.

Christopher King made a motion to approve cancelling the meeting for November 27th.  
Council voted unanimously in favor of the motion.

Mayor Alvarez announced that Councilman Cohn has not arrived yet.

**MOTION TO APPROVE AGENDA**

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

**APPOINTMENT OF TRANSPORTATION ADVISORY COMMITTEE APPLICANT**

- a. Michelle Simmons

Christopher King made a motion to approve the appointment of Michelle Simmons to a regular seat on the Transportation Advisory Committee.  
Council voted unanimously in favor of the motion.

**PRESENTATIONS**

- a. Recognition of the Town of Indian Trail Planning Board

Mayor Alvarez called up each present member of the Indian Trail Planning Board and presented them with a Certificate of Appreciation and acknowledged those that were not in attendance as well.

- b. Recognition of Waste Pro

Mr. Fivas explained the challenges that were accomplished by Waste Pro and expressed his appreciation for a smooth transition of our solid waste services.

Marcus Patrick and Jennifer Herring, representatives of Waste Pro expressed their thanks to the citizens and Council for the opportunity to provide this service. They provided information about the increase in recycling town wide and the education process they conducted to the schools.

- c. Presentation and acceptance of annual financial statement for period ending 6/30/2012.

Claire Meyer, a representative of Tinsley & Terry CPA advised that their firm has issued an unqualified opinion on the financial statement as of June 30, 2012. She informed Mr. Fivas and Council that the staff is extremely competent and conscientious of what they do, making her job quite easy. They have no findings to report nor were there any instances of noncompliance or budget violations, stating that the Town got the cleanest report that can be obtained.

David Waddell made a motion to approve the presentation and acceptance of annual financial statement for period ending June 30, 2012.  
Council voted unanimously in favor of the motion.

**PUBLIC COMMENTS**

Severin Jacobsen, 3905 Waters Reach Lane, Indian Trail, NC commented on the percentage of people who voted to approve the Parks Bond and the benefits those parks will bring.

Mayor Alvarez announced that Council Member David Cohn is now in attendance.

Art Spur, 4100 Woodcreek Court, Indian Trail, NC advised he has a recommendation for the committees and boards as it pertains to transparency. He feels they should be accurately recorded and placed on Granicus. He addressed a safety issue on Sardis Road and Highway 74 corner, expressing his concern about the dangerous corner. Mr. Spur addressed the issue of a barrier being placed across the road from Crossing Paths Park along the railroad tracks so the children can't reach them.

David Drehs, 3216 Oclub Tail, Indian Trail, NC requested 1 minute of silence for the veterans that did not make it home.

Michael Faulkenberry, 519 Pickett Circle, Indian Trail, NC congratulated all those involved in the Pro vote for the parks. He also addressed his Public Information Requests submitted on September 12th. The first one pertained to comments from a Council Member about the SBI being involved in a situation in April 2011 and the second one refers to a comment from another Council Member pertaining to a forensic psychologist observing the Council meetings for two years stating that he has not received any information on either of them, inquiring if there is no information on either event why has he not been told this.

Samantha Towns, 104 Pine Lake Drive, Indian Trail, NC commended the Indian Trail Arts & Historical Society for the excellent Cultural event that took place last month, expressing her pride that Indian Trail is moving forward with some of the negativity dying down.

### **CONSENT AGENDA**

- a. Approval October 9, 2012 draft Minutes
- b. Cancellation of Council Meeting for December 25, 2012
- c. Resolution to adopt the Union County North Carolina Multi-Jurisdictional Hazard Mitigation Plan **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- d. Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- e. Tax refunds over \$500 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- f. North Carolina Capital Management Trust Term Portfolio, moving funds currently held with them into a higher interest rate account.
- g. Approval of the contract between Union County and the Town of Indian Trail regarding the traffic enforcement deputies funded through the Governors Highway Safety Program **(COPY ATTACHED HERETO AND MADE A PART OF**

**THE RECORD)**

- h. Approval of Tax Report for Month End October 2012 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Christopher King made a motion to approve the Consent Agenda.  
Council voted unanimously in favor of the motion.

**PUBLIC HEARINGS**

- a. Annexation 132 - Brandon Oaks A request to annex two developed properties totaling .417 acres within Brandon Oaks. Location: 8011 Fountain brook Dr and 1007 Garden Oak Dr, Indian Trail. Applicants: Singh and Cepeda.

Ms. DeHart reviewed the actions previously taken by Council on this annexation and advised this is a request by the property owners to annex their properties (identified above) into the Town of Indian Trail.

Ms. DeHart stated that the General Statutes 160A-31(d) regarding voluntary annexations in North Carolina, must be made for the annexation to be valid: The Town Council of Indian Trail finds that, pursuant to the requirements of NCGS 160A-31(d), that the proposed Annexation Ordinance #132 petition offered by the applicant does in fact meet all the requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and manner.

Mayor Alvarez opened and closed the Public Comments portion of the hearing as no one had signed up to speak.

Robert Allen made a motion to approve the Town of Indian Trail finds that pursuant to the requirements of NCGS 160A-31(d) that the extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #132 establishing the effective date of the annexation as November 14, 2012 and that the proposed Annexation Ordinance #132 petition offered by the applicant does in fact meet all the requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and manner.

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

- b. Annexation 133 - Helmsville Road A request to annex a 23.39 acre parcel into the Town of Indian Trail. Location: Helmsville Road 07-048-016; Property Owner: Gulley

Ms. DeHart reviewed the actions previously taken by Council on this annexation and advised this is a request by the property owners to annex their properties (identified above) into the Town of Indian Trail. Ms. DeHart informed Council that NCGS 160A-31(d) applied to this annexation as well and read it into the record.

Mayor Alvarez opened and closed the public comments portion of the hearing as no one signed up to speak.

Robert Allen made a motion to approve the Town of Indian Trail finds that pursuant to the requirements of NCGS 160A-31(d) that the extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #133 establishing the effective date of the annexation as November 14, 2012 and that the proposed Annexation Ordinance #133 petition offered by the applicant does in fact meet all the requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and manner.

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

- c. CZ 2012-003 Meridian Apartment Conditional Zoning District: a request to establish a multi-family conditional zoning district on a developed 15.5 acre property known as the Meridian Apartments. Location: 1101 Flagstone Dr, Indian Trail; Applicant: S. Stephen Goodwin

Ms. DeHart advised that the applicant filed this Conditional Zoning District request in an effort to secure the density and parking space requirements of the existing development for future years. The process of establishing a Conditional Use Zoning District allows for some flexibility in development while conditioning the zoning district. It can be viewed as a "customized zoning district." This development, as authorized under the Special Use Permit, has lead to non-conforming aspects on this site in the area of parking and density. It is not unusual for developments in general to gain non-conforming status due to changes in zoning regulations over long periods of time. The concern from a property owner perspective, or investor, is if the site were to undergo a disaster that destroyed over 50 percent of the site, the site could only redevelop in compliance with ordinances in place at that time. A conditional zoning district (customized zoning district) would protect the property owner's investment.

The Planning Board heard this matter at its October 16, 2012 meeting and based on the discussion, the draft conditions are:

1. The property owner shall record a ten (10) foot wide public easement for the purpose of a greenway. The easement shall be located adjacent to the east property line of the subject property.
2. The property owner shall construct a 10-foot wide greenway path consistent with the requirements of the Carolina Thread Trail. Said greenway shall include a connection to the existing sidewalk located on Faith Church Road.
3. The property owner shall install 5 street lights adjacent to Faith Church Road. Lights shall be decorative acorn style similar to existing lights located at the developments access driveway.
4. The property owner shall explore the possibility of relocated the garbage compactor towards the east side of the development. If the unit cannot be relocated, supplemental landscaping shall be provided between the compactor and neighboring properties of the Traewyck subdivision. The applicant shall install a timer on the compactor to prevent operation during evening hours.

5. All conditions shall be met within two years of the establishment of the Conditional Zoning District. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Ms. DeHart informed Council that a follow-up meeting was held with the applicant's representative, the HOA President of Traewyck, an adjacent property owner in Traewyck and staff at which condition 4 was discussed, the group agreed upon the following mitigation to Condition 4:

To mitigate impacts associated with the garbage compactor, the property owner shall:

1. install a timer on the compactor to regulate hours of operations;
2. A cabinet will be constructed around the compactor hydraulic pump to aid in noise abatement.
3. The garbage compactor shall be professionally sanitized once a month during the summer months from June to September.
4. The compactor enclosure shall be maintained and repaired if needed.
5. A maximum of 25 Leland Cypress trees are to be installed on two adjacent properties: 3512 and 3508 Selway Drive within the Traewyck Subdivision as agreed by current property owners. Said trees shall be planted a minimum of 10-feet on center to create a landscape screen. Private property owners of 3512 and 3508 will maintain screening landscape material upon completion of installation by the applicant. After deliberations the Board motioned to make the following findings and transmit a recommendation to approve as conditioned:

Goal 1.3.1 Quality of Life - The proposed conditional zoning district will meet the goal of providing a diverse range of housing options in order to provide affordable living opportunities for a wide range of residents. It will also establish the first public greenway segment of the future Carolina Thread Trail providing an opportunity for public recreation within the Town.

The request for this Conditional Zoning District is a reasonable request and is in the public interest because it maintains a needed land use as identified in the Comprehensive Plan and includes improvements that benefit the general public in the area of lighting and greenway trails.

Mayor Alvarez opened the public comments portion and called Mr. Stephen Goodwin up to speak.

Stephen Goodwin advised that he represents the current owners stating they have done an outstanding job of fulfilling the conditions without any hesitation.

Robert Allen made a motion to make the required findings as read into the record and found within the attached ordinance.

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

Robert Allen made a motion to approve CZ 2012-003 establishing a Conditional Multi-Family Zoning District for the subject property including the modification of Condition 4 as presented.

Council voted unanimously in favor of the motion.

## **BUSINESS ITEMS**

- a. Discussion of First issuance of street bonds and a resolution authorizing the \$3,000,000 issuance with SunTrust Bank and the different interest rates and prepayment clauses.

Mr. Fivas advised this is a culmination of hard work by staff resulting in residents voting approval of the \$7,000,000 in street bonds which authorizes us to go and do this process. The Town Council moved forward and staff was given direction to begin looking at projects and now the process is how to take these infrastructure issues and translate into roads. This is the next step in the process, selling the bonds and moving forward on some projects.

The process we went through was to have our financial consultants assist us in putting an RFP together resulting in 3 bids on that RFP. Mr. Fivas explained the three bids received advising that we looked at 15 and 20 year options, preferring the 15 year option. The 15 year interest rate options we received were from: BB&T with a 2.56%, Carter Bank & Trust from Virginia was 2.75% and Sun Trust Bank provided us with 2 rates 1.98% (which comes with an early pay off penalty) & 2.15% would allow us to pay it off early without any penalty. Staff is recommending the Sun Trust Bank bid for 2.15%.

Mr. Waddell inquired how common is it that a municipality needs to refinance a bond debt. Mr. Fivas replied it happens occasionally when the bonds are taken at a much higher rate initially, the rates drop and the municipalities then refinance the bonds to take advantage of the lower rates.

Christopher King made a motion to approve the 2.15% interest rate from Sun Trust Bank on a 15 year note.

Council voted unanimously in favor of the motion.

Christopher King made a motion to approve Resolution of Town Council of Town of Indian Trail, North Carolina providing for the issuance of \$3,000,000 General Obligation Bond Series 2012 at 2.15%.

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

- b. Appointment a Council Representative to the four town Economic Development Partnership

Mr. Fivas provided a review of a meeting held in October with three other communities and requested to establish the Representative from our Community as the other communities have already done so.

Mr. King recommended Darlene Luther as the Representative - Council unanimously agreed.

- c. Withdraw directive to staff to investigate pricing on utilizing a private party for security consultation - *This item was requested by Council Member Waddell*

Mr. Waddell stated if Council does decide to withdraw the directive he would like the Council to utilize the Union County Sheriff's Office to do a security consultation along the same lines that was discussed in the October meeting.

David Waddell made a motion to approve withdrawing the directive to staff to investigate pricing on utilizing an outside service for security purposes. After Council discussion, Mr. Waddell withdrew his motion.

David Waddell made a motion to approve to utilize Union County Sheriff's Office for implementing any security recommendations.

Council had a discussion clarifying that the intent was to have the Sheriff's Office implement any recommendations received. Mr. Merritt advised that this item was not on the agenda and requested Council make a motion to suspend the rules to add as item 9c regarding the implementation of security measures, once done, Council Member Waddell can then make his original motion.

David Waddell made a motion to approve suspending the rules to add as item 9c discussion business item regarding implementation of security measures.  
Council voted unanimously in favor of the motion.

David Waddell made a motion to approve to utilize Union County Sheriff's Office services for implementation of any suggested security improvements that the Council will decide upon later.  
Council voted unanimously in favor of the motion.

Council took and returned from a brief break.

## **DISCUSSION ITEMS**

Mr. Merritt advised Mayor Alvarez that the Town Clerk is having some issues with the recording system and wanted the record to reflect that we are uncertain as to whether there will be any gaps in the recording.

### a. Discussion of Pathway 2 Progress Initiative and Technology Park

Mr. Fivas advised there are serious conversations that need to take place and suggested we defer this to a special meeting so we can go into a lengthy discussion about it.

### b. Discuss Future Wayfinding Signs Initiative

Ms. Barnhardt explained what wayfinding is and why communities have them, she provided examples of several communities. Ms. Barnhardt explained going through the process with a designer would involve developing a scope of work the Town agrees to, form a stakeholders group, perform a destination study and design production, review and finally approval. There was a discussion amongst staff and Council, topics included that it will provide sophistication to the town, important part of beautification, benefits to local businesses, opportunity for the local businesses that will be on the signs to assist with expense

and doing it in phases. By consensus Council was in favor of getting some options and a cost estimate for them to review.

c. Update on Old Monroe Road Widening

Mr. Fivas provided a brief update advising the Town Council directed staff to start preliminary environmental work. When we approach NCDOT simultaneously, they moved their project up about 18 months and put out to bid and are starting their environmental study. Staff has had conversations with NCDOT that there are professionals out there looking at the environmental issues (which the town is not paying for) along with a 25% design of the project. We need to work together with the Council and community to get the word out that we're working on this suggesting that we have the consulting group hired by NCDOT come and discuss this. Staff just wanted to update you and the residents by stating that officially the Old Monroe Road Project has begun.

d. Update on Chestnut Parkway Project

Mr. Fivas advised he has been working with engineering to come up with preliminary designs, along with permits to DENR on erosions control, which should be back in about 7-10 days which will begin the actual process of moving dirt, not only with Carolina Courts but with the Chestnut Parkway. It's well on its way and we need to explore the finer details.

e. Update on Animal Enforcement Ordinance

Mr. Fivas advised that the Public Safety Committee is working on it and is working on the financial aspects and perhaps at the December or January meeting there will be a draft for Council to review. There was a general conversation between Council and some of the Committee Members who were in the audience explaining where they were in the process, concluding with Mr. Fivas providing Council with the draft that is available for review.

f. Discuss Senior Citizen Initiative - *This item was requested by Mayor Alvarez*

Mayor Alvarez advised Senior Citizens are not getting information, they don't have internet, newspaper and is looking for suggestions on how to get this information to them. Perhaps recap the meeting in the newsletter. There's a senior center in Matthews or Monroe and he will be happy to get the information over to them.

Mr. King stated the he will be the first person to go and speak with them; he just needs to know who they are.

g. Discuss with possible action directing Public Safety Committee to begin work on a needs assessment for law enforcement - *This item was requested by Council Member Waddell*

Mr. Waddell advised that the current contract with Union County Sheriff's Office expires July 1, 2013. He has had discussions with a couple of the Council Members and feels there is probably a lot of support to improve our contract with them. We need to find out what the citizens wants/needs/expects to guide us to make the decisions on where to go later when we negotiate the contract, the sooner the better. A discussion pursued amongst Council.

David Waddell made a motion to approve directing the Public Safety Committee as they phase out of the leash law project to begin preliminary work to do overall needs assessment of law enforcement for the community and provide the Council recommendations on the level of service within the next 3-4 months after beginning.

Motion Failed 4 - 1 with Robert Allen, David Cohn, Christopher King, and Darlene Luther opposing.

- h. Discuss with possible action the autonomy of advisory committee and boards -  
*This item was requested by Council Member Waddell*

Mr. Waddell stated that he has heard some buzz about the autonomy of the committees that the committees advise Council, Council directs the staff, and he has concerns that staff is directing the committees. He would like confirmation that this is not correct.

Mr. Fivas replied unless he has examples otherwise. Mr. Waddell stated there were concerns brought up in the past and rather than bring them up again, he's worried about right now. As it stands right now we all understand that's how it works right now; the advisory committee advises the Council, the Council directs staff and the staff serves as a logistical resource for the committee to assist with some of the technical information. Mr. Fivas replied overall he views it as a collaborative partnership between all the different entities to come up with the best product for the residents.

#### **MANAGERS REPORT**

Mr. Fivas advised that approved in the 2012/2013 budget was the formation of a citizens academy to help residents have a better understanding of our community if they want to get involved so that will be forthcoming. The Christmas parade and tree lighting will be held on December 2nd. The Cultural Arts Center has been busy with free events the last week, kids and adults alike are having fun.

#### **COUNCIL COMMENTS**

Mr. Allen thanked the Veterans for the sacrifice they made and wished more people had made it out to the VFW event it was incredibly touching. If you have not witnessed the proper ceremony to retire our flag you should it will have an effect on you. We're getting some bigger things done that we can be proud of, starting to see the fruits of our labor and the sooner the better.

Mr. Waddell advised that the Consent Agenda had the approval of contract with Union County and Indian Trail for the Governments Highway Safety Grant this is a good thing which will start our traffic enforcement unit. He congratulated Mr. King and Mr. Cohn on the Parks Bond passing. Safety concerns brought up throughout the town is something we want to focus on later especially with the traffic. Veterans Day, try to understand these veterans by listening to them, especially the WWII Vets, keep it alive. He is happy about the street lights on Faith Church Road and Traewyck.

Mr. King commented that the Aldi's & QT intersection is a mess and Wesley Chapel Stouts Road is worse, agreeing with Mr. Spur. He gave Mr. Faulkenberry credit with the Stallings precinct we lost that District on the bond vote. He reminded everyone there is no meeting on the 27th; we will schedule a special meeting. He would suggest a Saturday morning, suggesting December 1st @ 9 am tentatively.

Mayor Alvarez thanked the staff for the box city presentation for schools, they worked hard and the kids enjoyed it. He advised that they were acknowledged nationally. He wished everyone a Happy Thanksgiving, suggesting we remember what the holiday is about giving peace and thanks, safe and enjoyable. He thanked the vets.

Ms. Luther thanked the vets and servicemen; she went to the event at the VFW and was glad that she went. The experience was indescribable. She is thrilled about the Parks Bond passing with 59%, it's an indication we're on the right path. She thanked everyone for praying for her daughter.

Mr. Cohn referred to movie about dog bites. He is thrilled with the Parks Bond passing and thanked everyone for their hard work.

#### **CLOSED SESSION**

Robert Allen made a motion to enter closed session NCGS 143-318.11 (a)(6) To 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 to approve coming out of closed session.

Motion Passed 4 - 1 with David Waddell opposing.

#### **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:

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Peggy Piontek, Town Clerk