



**Town of Indian Trail**  
**Minutes of Town Council**  
**November 29, 2011**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Robert Allen, Gary D'Onofrio, Darlene Luther, and Roger Stanton.

Absent Members: Jeffrey Goodall.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Town Engineer Scott Kaufhold, Tax Collector Janice Cook, and Human Resources Miriam Lowery.

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

Mayor Quinn called the meeting to order and lead in the Pledge of Allegiance.

**PRESENTATION TO OUTGOING ELECTED OFFICIALS**

Mr. Fivas expressed his appreciation for their service and presented a token of appreciation to each of them.

**COMMENTS FROM COUNCIL**

Mayor Quinn invited Robyn Fossdal to speak on his behalf. Ms. Fossdal expressed her appreciation to Mayor Quinn for his service and cited many of the accomplishments she found beneficial to the citizens.

Mr. Stanton expressed his appreciation for the opportunity to serve as a Council Member and advised it was an enjoyable learning experience.

Mr. D'Onofrio stated he enjoyed his time on the Council, cited some of his proudest accomplishments and provided some advice to the incoming members.

Ms. Luther thanked them for their service and mentioned the many accomplishments that occurred during their term.

### **ADDITIONS AND DELETIONS**

Roger Stanton made a motion adding the Patricia Hamilton issue as item 14a  
Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

Gary D'Onofrio made a motion to approve the agenda as modified.  
Council voted unanimously in favor of the motion.

### **PRESENTATIONS**

#### **a. Update of Economic Development Strategic Plan - Sanford Houlshouser**

Mr. Fivas introduced Mike Geouge from Sanford Houlshouser. Mr. Geouge provided an update to Council on what stage the Economic Development Strategic Plan is in, stating that it might be presented to Council in January or February.

Mike Geouge from Sanford Houlshouser provided and update on the Economic Development Strategic Plan.

Council took and returned from a brief break.

### **PUBLIC COMMENTS**

Shirley Howe, 6205 Clearwater Dr., Indian Trail expressed her thoughts on the outgoing Council Members.

Cathi Higgins, 3004 Clover Hill Road, Indian Trail, NC expressed her thoughts on the outgoing Council members.

### **CONSENT AGENDA**

- a. November 9, 2011 minutes
- b. Resolution of Consideration: Request to renew the Resolution of Consideration identifying areas the Town would like to annex in the future
- c. Acceptance of the June 30, 2011 Annual Financial Report as submitted by Tinsley, & Terry Certified Public Accountants at the November 9, 2011 meeting. **(COPY ON FILE)**

**WITH FINANCE OFFICER AND INCORPORATED HEREIN BY REFERENCE)**

- d. Resolution certifying and declaring the results for the Bond Referendums **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES.)**

Mayor Quinn requested that item b. be pulled for discussion.

Gary D'Onofrio made a motion to approve pulling item b from the Consent Agenda for a brief discussion. Council voted unanimously in favor of the motion.

Mayor Quinn inquired if the map provided suggests that all the parcels should be annexed at this time. Ms. DeHart explained the purpose of the Resolution of Consideration, advising it is not a requirement to annex all parcels at once.

Gary D'Onofrio made a motion adopting the Resolution of Consideration for annexation. Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES.)**

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

**PUBLIC HEARINGS:**

- a) **ZT2011-007 Text Amendment Chapter 1320:** A request to amend Chapter 1320 expanding the use of EIFS (Stucco) as a building material for non-residential development. Applicant: Town of Indian Trail; Location: Non-Residential Zoning Districts.

Ms. DeHart advised these chapters regulate building material as it relates to building in the town. Specifically Exterior Insulation and Finishing System (EIFS) and currently its use are limited. The Planning Board has had an extensive education on EIFS over a three month period. After this process the Planning Board was able to make the required consistency findings and is transmitting a recommendation to approve. Ms. DeHart read the findings into the record:

1. The proposed UDO amendment is consistent with the following goals:
  - 1.3.2 of the Comprehensive Plan - Land Use; the proposed UDO amendments will provide flexibility with the use of building material types requiring consistency with North Carolina Building Codes, thus promoting a quality mix of different land uses and development types while avoiding land use conflicts with neighboring properties.
2. This UDO ordinance amendment request is reasonable and in the best interest of the public because it strengthens and expands the Town's architectural standards regarding building materials providing flexibility for development in compliance with NC Building Code for all nonresidential development.

Mayor Quinn opened the public comments portion of the hearing.

Jack Cox, 70 Spring St. NW, Concord, NC provided information pertaining to EFIS, and advised it will be used for commercial only. Council had a brief discussion with Mr. Cox.

Mayor Quinn closed the public comments of the hearing.

Gary D'Onofrio made a motion concur with the findings and transmittal of the Planning Board to approve ZT2011-007 Text Amendment Chapter 1320.

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

b) **ZT2011-009 Stormwater Ordinance Amendment: A request to amend Chapters 1360 Flood Damage Reduction Ordinance and 1370 Storm Water Management Permits, and introduce a new appendix establishing Earthen Embankment Requirement. Town-wide**

Ms. DeHart explained the purpose of the text amendment is to re-write the section to change the stormwater detention requirements from the 2-, 10-, 25-, 50-, and 100 year storm events to the 2-, 10-, and 25- year storm events. The implementation of this amendment will result in a more sustainable holistic approach to stormwater management by considering both the individual development site and the watershed. The Planning Board heard this item at their November 1, 2011 Special Meeting and after hearing it and deliberation made the following findings and transmits a recommendation of approval:

1. The proposed UDO amendment is consistent with the following goals:

1.3.2 of the Comprehensive Plan - Land Use; the proposed UDO ordinance amendments will establish a sustainable and holistic approach to stormwater management reducing the potential for land use conflicts.

2. This UDO ordinance amendment request is reasonable and in the best interest of the public because it strengthens and expands the Town's approach in regulating storm water management leading us to a more sustainable environment.

Mayor Quinn inquired if this will relax stormwater detention requirements considerably.

Mr. Kaufhold explained that what has been in place for several years has been the 100 year storm. What staff has been looking at to simplify it is that we have not considered the effect for downstream and this ordinance does that. It considers the surrounding areas, not just the area currently being developed.

Mayor Quinn opened the public comments portion of the hearing,

Shirley Howe, 6205 Clearwater Dr. Indian Trail, NC inquired about the old existing problems that have not been quite completed. She expressed concerns over this ordinance being lax and making things worse for existing properties. She asked if this is just for new properties or existing situations as well.

Mr. Kaufhold advised this will apply to any development or redevelopment. There is a 10% rule which means that if you have a 5 acre site, you need to look 50 acres downstream. A lengthy discussion continued.

Art Spurr, 4100 Woodcredd Ct., Indian Trail asked who is going to determine the impact study is correct? Will the Engineer go out and double check the Developers report?

Mr. Kaufhold replied we have a series of checks and balances to ensure that doesn't happen and explained them.

Mayor Quinn closed the public comments portion of the hearing.

Robert Allen made a motion concur with the findings and transmittal of the Planning Board to approve ZT2011-009 Stormwater Ordinance Amendment .

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

- c) **ZT2011-010 Miscellaneous Appendix Additions:** A request to establish three new appendices to the Unified Development Ordinance (UDO) codifying regulations and procedures related to retaining wall design and construction, embankment design and construction, and downstream impact analysis requirements.

Ms. DeHart explained the proposed adoption will codify basic design and construction regulations in the area of retaining walls and embankment design and will provide guidance of downstream impact analysis as required in the stormwater amendment. The Planning Board made following findings and recommends approval. 1) The proposed UDO amendment is consistent with the following goals: 1.3.2 of the Comprehensive Plan - Land Use, the proposed UDO ordinance amendments will establish clear and concise regulations related to development in keeping with regional best management practices thus reducing the potential for land use conflicts; 2) This UDO ordinance amendment request is reasonable and in the best interest of the public because it establishes minimum design and construction criteria and provides clear guidance to the development community.

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

Robert Allen made a motion approve case ZT2011-010 UDO to concur with the findings of the Planning Board and to approve as submitted.

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

## **BUSINESS ITEMS**

- a. **2011-12 Resurfacing Contract**

Mr. Fivas presented the proposed resurfacing contract and stated that staff recommends Boggs Paving, which was the lowest bidder, for the project. Council and staff briefly discussed the roads that are proposed to be resurfaced.

Roger Stanton made a motion to approve the 2011-12 Resurfacing Contract with Boggs Paving. Council voted unanimously in favor of the motion. **(COPY ON FILE WITH FINANCE OFFICER AND IS INCORPORATED HEREIN BY REFERENCE)**

## **DISCUSSION ITEMS**

### **a. Presentation of Traffic Calming Policy Options**

Mr. Fivas stated that according to the recent survey, residents feel that traffic calming measures are needed. Mr. Kaufhold presented the objectives for the efforts which are to reduce speed on residential streets, reduce cut-through traffic, preserve emergency vehicle access, increase safety for pedestrians and enhance visibility. He gave a brief review of the proposed process: residents make request, conduct speed volume study, score to rank for prioritization, develop a specific plan and an evaluation/follow-up to check the effectiveness. He gave examples of what measures may be performed, such as, speed tables, speed cushions, roundabouts, traffic circles, raised crosswalks, mid-block neckdown and a chicane.

## **MANAGER'S REPORT**

Mr. Fivas reminded Council that Porter Ridge High School football state championship game will be played on December 3. He also updated Council with information on the Christmas parade and festivities to be held on December 3rd and informed everyone that the new Indian Trail magazine arrived today. The new council will be sworn in at the December 13th meeting. Discussion ensued regarding when the newly elected officials would be sworn in at the December 13th meeting.

## **COUNCIL COMMENTS**

Ms. Luther thanked the outgoing members for their service and stated she is looking forward to the next meeting.

Mr. Allen expressed his appreciation for the work of the outgoing council members and the town staff.

Mayor Quinn conveyed his appreciation for the opportunity to serve the people of Indian Trail. He briefly outlined the goals he tried to achieve during his tenure. He applauded Wesley Chapel and the Sheriff's office for the new proposed substation in their town.

Mr. Stanton thanked the Council for selecting him out of all the candidates that submitted resumes. He has mostly enjoyed meeting the townspeople and business owners and having the opportunity to respond to their issues. He

encouraged the incoming council to consider information he presented at the last meeting about the Town Governments. He thanked his family for their continued support.

Mr. D'Onofrio thanked his wife and son as family contributes so much to this endeavor; he has missed his son's Cub Scout meetings for four years. He is interested in what is to come with the new council.

**CLOSED SESSION**

Gary D'Onofrio made a motion enter into closed session pursuant to NCGS 143-318.11(a)(3) to protect attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action.

Council voted unanimously in favor of the motion.

Robert Allen made a motion return to open session.

Council voted unanimously in favor of the motion.

Roger Stanton made a motion to approve the Settlement Agreement and Release made by and between Patricia Hamilton and the Town of Indian Trail.

Council voted unanimously in favor of the motion.

**ADJOURN**

Gary D'Onofrio made a motion to adjourn

Council voted unanimously in favor of the motion.

APPROVED: \_\_\_\_\_  
Michael L. Alvarez, Mayor

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

