



Town of Indian Trail
Minutes of Regular Council Meeting,
October 13, 2009
Civic Building
6:00 P.M.

The following members of the governing body were present:

Mayor Pro Tem: Shirley Howe

Council Members: Gary D'Onofrio, Jeff Goodall, and Dan Schallenkamp.

Absent Members: John Hullinger, John J. Quinn.

Staff Members: Town Attorney Keith Merritt, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Finance Officer Marsha Sutton, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, Adam McLamb Engineering, Interim Town Manager Peggy Piontek, and Interim Town Clerk Trena Sims.

CALL MEETING TO ORDER

Mayor Pro Tem Shirley Howe called the meeting to order.

CLOSED SESSION - Economic Development

Dan Schallenkamp made a motion to enter closed session **NCGS 143.318-11 (a)(4)** To discuss matters related to the location or expansion of businesses in the area served by this body.

Council voted unanimously in favor of the motion.

Dan Schallenkamp made a motion to approve going back into open session.
Council voted unanimously in favor of the motion.

Jeff Goodall made a motion to approve recess to reconvene until 7:00 p.m.

Council voted unanimously in favor of the motion.

Dan Schallenkamp made a motion to approve going back into open session.
Council voted unanimously in favor of the motion.

Mayor Pro Tem Shirley Howe called the meeting back to order. She announced the following:

- There is some hand cleaner in the back of the room in order to prevent spreading the flu,
- There will be a closed session meeting in the Civic Building on October 23rd at 3:00 p.m. and October 24th at 9:00 a.m. for the purpose of the Town Manager search.
- The Administration Building will be closed on Thursday October 15th and Friday October 16th for renovations. The Interim Town Manager and Finance Director can be located at Development Services Building.
- For Public Comments, the Town Clerk will hold up a yellow card to indicate 30 seconds remaining and a red card to advise that the time is up.
- Mayor Quinn is ill and Mr. Hullinger was unable to attend tonight's meeting.

The Pledge of Allegiance was lead by Boy Scout Troop 276 and 198.

PRESENTATIONS

a. Proclamation for National Planning Month

Mayor Pro Tem Howe read and presented the National Community Planning Month Proclamation to the town Planning Director Shelley DeHart. **(Copy attached hereto and made a part of these minutes.)**

b. Certificate of Recognition for Mick Simpson

Mayor Pro Tem Howe presented Certificate of Recognition to truck driver Mick Simpson for his accomplishment of receiving the National Safe Driving Trophy. **(Copy attached hereto and made a part of these minutes.)**

ADDITIONS AND DELETIONS

There were no additions or deletions.

MOTION TO APPROVE AGENDA

Jeff Goodall made a motion to approve agenda.
Council voted unanimously in favor of the motion.

PUBLIC COMMENTS

Dwayne Howard, 1002 Kwonzan Court, Indian Trail, NC expressed his concerns of the sign ordinance moratorium. He feels that it will make the landscaping look cluttered.

Mike Knight, 1000 Frances Knight Place, Indian Trail, NC. Mr. Knight is a member of Brandon Oaks HOA and advised Council of certain traffic issues that concerns the HOA. He also advised

that the HOA would be willing to donate land in front of the park if the Town would create parking spaces for it when they repave Brandon Oaks Parkway.

Chris Azar, 5523 Orr Road, Indian Trail, NC expressed that the Unified Development Ordinance should be amended and provided a copy of his suggestions, explaining that he is of the opinion that it was established to slow down growth.

Mr. Schallenkamp advised it may be Mr. Azar's opinion that the UDO was established to slow down growth, he does not believe that opinion. It was designed to simplify and organize our ordinances and to provide for better regulations so that the tax payers do not have to fund as much of the cost of the growth in the future.

Juanita Woods, 5103 Darby Drive, Indian Trail, NC expressed that she has issues with homeowners in her neighborhood not maintaining their property. She has discussed this with the Interim Town Manager, Code Enforcement has come out and sent letters but there are still homes that need maintaining and would appreciate the Town doing something about it.

Hal Jones, 3004 Thorndale Road, Indian Trail, NC expressed concern over the Mayor's website. He takes issue with the Mayor running a disinformation website using his official title as Mayor of Indian Trail. He feels it should be run as a public citizen and not as the Mayor, suggesting the attorney research to determine if it should be used as an official site. He's here to try and help make Indian Trail a better place and does not understand Mayor Quinn's vision.

CONSENT AGENDA

- a. Tax Report - Month End Tax Report for September 2009. **(Copy attached hereto and made a part of these minutes.)**
- b. Annexation Petition #128 **(Copy attached hereto and made a part of these minutes.)**
 - (1) Resolution Directing Clerk to Investigate the Petition
 - (2) Certificate of Sufficiency by Clerk
 - (3) Resolution setting date of Public Hearing for November 10, 2009 **(Copies attached hereto and made a part of these minutes.)**

Dan Schallenkamp made a motion to approve Consent Agenda
Council voted unanimously in favor of the motion.

OLD BUSINESS

Finalize Results of Previously Requested E-mails

Mayor Pro Tem Howe handed the gavel over to Council Member Jeff Goodall, as she is presenting this matter.

Councilmember Howe presented information regarding the previous meetings and addressing this in public, advising under the Open Meetings Law they are obligated to discuss these matters in open session.

She addressed the e-mails that were sent to her by Mayor Quinn and she forwarded the e-mails to the Town Attorney for verification. In order to prevent any more time or expense, she will accept what has been submitted. However, she has another issue with this as some of this was

done in his home e-mail account and any official business should be conducted on the e-mail account provided by the Town. She can not confirm that she has received all of the emails without subpoenaing Mayor Quinn's personal computer.

Ms. Howe advised that Mr. Hullinger advised her of a phone call he received from Mayor Quinn that concerned him that Mayor Quinn had spoken poorly of the town and possibly jeopardized our chances of being selected at one of the Top 10 Towns.

Ms. Howe advised that Mayor Quinn's attack on two of the candidates and one of the candidate's spouses at the last meeting was totally uncalled for, if that should occur again, Council should halt the meeting and allow those individuals to come forward and defend their name.

Mr. D'Onofrio advised that Mr. Hullinger spoke to him in person indicating that his conversations with the Mayor gave him concerns that the Mayor made comments to Family Circle Magazine that would have deferred our chances of being chosen for the award. It was never indicated to Mr. D'Onofrio that it was done deliberately or to sabotage our chances but he was concerned about what had been conveyed to the magazine.

Mr. Schallenkamp advised he had a similar experience that Mr. Hullinger did phone him quite concerned indicating that the Mayor had made some disparaging comments about Council, staff, other goings on in the town to one of the individuals from Family Circle Magazine. Mr. Hullinger was concerned enough that he took the initiative the next day to contact the magazine directly to try and smooth out or determine the comments the Mayor had made to keep us out of the running. It is Mr. Schallenkamp advised that Mr. Hullinger indicated to him that he felt better after speaking with the magazine. Since that time Mr. hullinger has given, what he would consider, an extremely watered down account of the conversation he had with Mr. Schallenkamp. This puts Mr. Schallenkamp in a poor position, he referred to Mr. Hullinger's original account when speaking with the Mayor and at this point Mr. Hullinger has backed away from what he told Mr. Schallenkamp earlier.

Solid Waste Overflow

Ms. Piontek presented the information regarding the new garbage policy effective October 31, advising that our service provider will only be collecting the solid waste contained in the roll out cart provided. They will no longer be taking any additional solid waste found alongside the cart. Another cart can be purchased through our service provider. She read the notice for the record and advised copies were located on the back table.

She briefly reviewed the new law that came into effect on October 1. plastic can no longer be put in the household garbage container and must be put into the recycle bin.

Mr. D'Onofrio wanted to insure that we mail something to the residents. He confirmed this has been done in the past as a courtesy from our service provider and that due to our growth it is no longer economically feasible for them to continue and that it has nothing to do with the Town trying to cut costs.

General conversation pursued on how to get the word out to the residents in addition to the adds that have been put in all the newspapers and on the website. Staff was directed to create a mailing and send to every household with this information.

Sergeant Coble advised he will put it on the citizen's observer which is sent to HOA's and households.

Gary D'Onofrio made a motion to approve directing staff to find the most cost effective means of communicating this information by mail to each household before October 31st.

Council voted unanimously in favor of the motion.

Sign Ordinance Moratorium

Ms. DeHart presented the information regarding the sign ordinance suspension as follows:

- Suspends Sign Regulations
 - Chapter 960.080 Temporary Signs (Banners)
 - Number of display banners per business (1)
 - Number of Days promotional banners may be displayed (2-week period x 6 times a year)
 - Number of banners that may be displayed at any given time within a multi-tenant center (max 2)
 - Duration of Grand Opening and Going Out of Business Banner
 - Resolution does not:
 - Affect enforcement of any other sign ordinances state or local including the size, type of placement location.
 - Takes affect immediately
 - Review no later than one year from the effected date.

Town Attorney Keith Merritt added a couple of things to this: One of the concerns with the draft was if someone is spending money in reliance of this resolution, the language is specific that it is no more than one year, so Council can review it at their discretion.

Mr. Schallenkamp inquired if any other businesses have come forward to request changes to the sign ordinance, other than those that were heard during public comments at previous meetings. Ms. DeHart replied yes, there were a couple of other business owners at the last meeting that spoke to me privately, advising they would really appreciate this and can live with just limiting to the four reliefs. There was a discussion about multi tenant shopping centers and the amount of banners permitted to display. Ms. DeHart advised the banner displays are still limited to one display per multi tenant center and we would still regulate the use of that center. We will not regulate what is on the building facade.

Mr. D'Onofrio advised he has received a few emails regarding this matter and asked for further explanation. As he understands it for banners located on the facade, currently it's limited to 1 banner per 2 week period 6 times a year. Ms. DeHart confirmed. The change will be that they are limited to 2 banners per business for however long they desire. Ms. DeHart confirmed this. Mr. D'Onofrio confirmed that we are allowing one more banner on the building for a longer

period of time. Ms. DeHart confirmed he was correct. Mr. D'Onofrio confirmed that the banners themselves are limited to size, Ms. DeHart confirmed 32 square feet if it's on the facade.

Mr. Schallenkamp advised that the Town has absolutely no input as to what can be written on the copy of the signs, we never have. Ms. DeHart confirmed he was correct.

Ms. Howe asked if this would not relate to campaign signs. Ms. DeHart advised the campaign signs are a different section of our Ordinance, but they can be on a banner or cardboard sign, as long as it meets the size and how they are being displayed. Mr. Merritt confirmed that this resolution does not impact campaign signs.

Jeff Goodall made a motion to approve Sign Ordinance Moratorium Resolution. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Motion Passed 3 - 1 with Dan Schallenkamp opposing.

Council took a 10 minute break.

Council returned from break.

DISCUSSION & POSSIBLE ACTION

Business Advisory Committee

Ms. DeHart provided information regarding this matter and requested it be postponed until November 10th in order for staff to research this matter further. General conversation pursued and by consensus Council approved Ms. DeHart's request.

PUBLIC HEARINGS:

ZT 2009-007 Sign Ordinance Amendment

Ms. DeHart advised that the second part of the request is for allowing usage of LED signs. We have received a request from Stallings Fire Department for this usage. She provided the requirements for the LED light permitting and the history of the matter with the Planning Board. They are transmitting the approval as modified and what's before you is the establishment of the amended section. The findings the Planning Board made were:

- Consistent with 1.3.2 – Land Use – because it establishes sign standards that will assist in the avoidance of potential land use conflicts between neighboring properties, streamline the process for regulatory agencies; and assist with promoting Town events.
- Best Interest – provide sign standards that will streamline the process and Town recognized Events

Mayor Pro Tem Howe opened the public comments portion of the hearing. No one had signed up to speak so she closed the comments section. Council had general discussion on this.

Ms. DeHart presented a request to amend division 900 signs of the UDO to allow for LED signs use by government agencies for emergency services for the purpose of relaying emergency or public service information. Proposing an exemption for a town recognized event is one that is in part of wholly sponsored by the Town, recognized event by the Town Council. Such events shall include only those events listed on the Town recognized Event list as maintained by the Town Clerk. The Town -recognized Event List may be amended as need by the Town Council. She then read the amendment into the record, advising this gives us the ability to put up the signs for town recognized events at the new off site locations.

Gary D'Onofrio made a motion to table ZT 2009-007 Sign Ordinance Amendment until the next meeting.

Mr. D'Onofrio advised that if Council wishes to approve part of this matter and table the LED sign portion, he will withdraw his motion.

Dan Schallenkamp made a motion to approve ZT 2009-007 Sign Ordinance Amendment, concurring with the required findings as read into the record and with Council modifications that strikes 930.060a.

Motion Failed 2 - 2 with Gary D'Onofrio, and Jeff Goodall opposing.

Gary D'Onofrio made a motion to table a. ZT 2009-007 Sign Ordinance Amendment until the next meeting.

Council voted unanimously in favor of the motion.

ZT 2009-008 Various Text Amendments

Ms. DeHart gave a brief overview of the above amendments. She advised any temporary use that is to exceed the current time limits provided shall go through a Special Use Permit and is subject to approval by the Board of Adjustment a maximum of 45 days. The Planning Board proposed to remove the airport overlay district. Ms. DeHeart read the finding the Planning Board made into the record:

- 1.3.1 of the Comprehensive Plan - Quality of Life; the proposed UDO ordinance amendments will help to streamline the current UDO and allow for the promotion of a greater quality of life for the citizens of the Town Indian Trail.
- 1.3.2 of the Comprehensive Plan - Land Use; the proposed UDO ordinance amendments will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities through a streamlined process of review.
- This UDO ordinance amendment is in the best interest of the public because it promotes a more efficient development system and review process, while providing a greater quality of life for all residents of the Town of Indian Trail.

Mayor Pro Tem Howe opened public comments for the public hearing portion of the matter. No one had signed up to speak so she closed the public comments section. Council had general conversation about this matter.

Jeff Goodall made a motion to approve ZT 2009-008 Various Text Amendments Section 1610.070(B)(1), add Section 1610.080(J)(5), Section 510.020(G), Section 440.010(F), Section 520.020(G), Section 440.020(D), add Chapter 6110, and add to three existing use categories in Section 520.020(G) of the Unified Development Ordinance to modify on page 2 of the attachment item 6 allow for extensions of tents sales at auto dealerships with the correction of 32 days instead of 45 days three times a year instead 040.020(D) auto dealerships and to remove section 6110 chapter as read into the record and take out the airport overlay and concur with the Planning Board findings.

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

NEW BUSINESS

Austin Village Sidewalk Project

Mr. McLamb presented the information regarding this matter. This is a sidewalk that will connect Worwood Acres and Indian Brook Subdivision to be connected to the new commercial development constructed.

Dan Schallenkamp made a motion to approve soliciting bids for Austin Village Sidewalk Project.

Council voted unanimously in favor of the motion.

Callonwood South Bond Project

Mr. Kaufhold request for approval of a contract. Callonwood South - subdivision development where developer cannot complete the project per the approved plans. There was only one bid presented, but within 5% of the engineers estimate. The funds to complete this will come from the letters of credit from the developer, the only town cost would be staff time.

Jeff Goodall made a motion to approve awarding the contract for the Callonwood South Bond Project.

Council voted unanimously in favor of the motion.

Town Recognized Events

Ms. DeHart presented a request to adopt a list of Town Recognized Events and procedure for adding to the list. This would include not only town sponsored events, but town participating events. Applications will be submitted to the Town Manager, reviewed with the Event Committee and brought before Council for approval. Ms. DeHart read into the record the definition for a town recognized event: it is one that is sponsored wholly or in part by the town, recognized by the town or proclaimed as a town recognized event by the Town Council. Such

events shall include only those events listed on the town recognized event list as maintained by the Town Clerk. The town recognized event list may be amended as needed by the Town Council. The proposed list is: Spring clean up day, July 4th parade, Public Safety Appreciation Dinner, Family Fun day, Christmas Tree Lighting, Christmas Parade, Indian Trail Pow Wow, Indian Trail Farmer's Market, Earth Day/Arbor Day Celebration and Skate It Day.

Ms. DeHart asked Council to approve adopting the amended list, adopting the process and authorizing all Town Recognized events to use town banner displays. Council had a general discussion and decided that Public Safety Appreciation Dinner should be removed from the list.

Gary D'Onofrio made a motion to approve adopting the amended list excluding the Public Safety Appreciation Dinner, adopting the process of adding to the list and authorizing all Town Recognized events to use the town banner displays. Council voted unanimously in favor of the motion.

Town Hall, Civic Building and Sheriff's Office Parking Lot

Mr. McLamb presented the information regarding the parking lot which is out of compliance with the UDO - Stormwater issues and other issues. It would require landscaping for new and existing structures, the parking lot is not ADA compliant with either State or Federal requirements it needs a more accessible route from the parking spot to the door, it is not well lit and he explained the proposed improvements, requesting Council approve solicitation for bids on this project.

Jeff Goodall made a motion to approve solicitation for bids.

Council voted unanimously in favor of the motion.

MANAGERS REPORT

Ms. Piontek congratulated Susan and Trena, Planning staff and Bill Rowell for all their work on Family Fun Day. It was a huge success, we estimated approximately 5,000 people were in attendance, 78 vendors and all comments from attendees were very positive, the thank yous have gone out and the books are closed for the 2009 Family Fun Day.

Ms. Piontek explained that some campaign signs were possibly picked up by mistake, she apologized for the inconvenience to the candidates, advised all signs are in the truck outside the building for the candidates to take with them.

She reminded everyone again that the Administration Building will be closed on Thursday and Friday for renovations, the Interim Town Manager and Finance Director can be contacted at Development Services and requested patience during this time period if we do not respond in a timely manner.

Ms. Piontek asked for direction on the Town seal located on the front of the Administration building. It's currently the old seal and would they like it replaced with the new one. If that's the case, what would they like us to do with the existing seal recently refinished by the Boy Scouts. Council directed staff to replace the seal and donate the old one to the Historical Society.

Ms. Piontek asked Council to advise if any of them will participate on Safe Halloween at Stallings Fire Department. We need to purchase candy, please contact her.

Mr. Goodall thanked Ms. Piontek for overseeing Family Fun Day but also going to Indian Trail Elementary School on Sunday morning with her daughter to clean up trash and cigarette butts. That is beyond the call of duty.

PLANNING REPORT

Ms. DeHart gave information out regarding the Christmas Parade it will be held on Sunday, November 29th, Christmas Tree Lighting will be held on Wednesday, December 2nd at 6:30 at Town Hall.

Community Planning Month: Staff is out in the community doing some activities there is a whole display dedicated for this at the library, books will be donated to the library related to planning, they were at Bonterra Subdivision for an open house there was a steady flow of people, Thursday, October 12th staff will have an open house here at Town Hall between 5:00 - 8:00 p.m., they are doing a direct mail out to many of the communities that do not have HOA's. Ms. DeHart provided statistics for the community libraries, Union West Library is the smallest in the County and has the largest circulation of books and issued 350 new cards in August and is the best used library in Union County.

ENGINEERS REPORT

Mr. Kaufhold presented information on 2009 Powell Bill revenue advising it has been decreased net 5% State wide, the reason is more roads have been built in the State and there is less gas tax money to go around. Mr. Kaufhold recommended being conservative by adjusting the 5 year Powell Bill plan, cap your town roads determine a limit, we're at 37 miles now, perhaps 50 miles would be the cap. It is his recommendation with the rate of decrease not to take over any future streets without a pavement condition rating of 90 or above. Mr. Kaufhold advised that the 2010 census might prove to provide an increase and the State Legislation have some bills that are floating around and one of them has the potential for the State to release all the secondary roads to the local municipalities.

Mr. Kaufhold advised that Brandon Oaks Parkway repavement will be moved to the Spring of 2010

Street Resurfacing Update:

1. Begun storm drain crossing replacement (8 total)
2. Patching & resurfacing operations to begin on Midway Drive & Picketts Circle in early November
3. Commence pavement reclamation operations on Brandon Oaks Parkway in spring.
4. Consider adding bike/pedestrian striping facilities to Brandon Oaks Parkway

Stormwater Program Update:

Mr. McLamb handed out a new stormwater informational brochure.

Focus:

1. Water Quantity (flood control)
2. Water Quality (NPDES Permit)
3. Infrastructure Maintenance
4. Community Enhancement

Mr. Kaufhold advised that we need to make a decision on the Welcome to Indian Trail Sign. He advised that Council did not make a decision at the last meeting and our time is up. He informed Council that Mayor Quinn had called him to request that we bring it back up for discussion. However he is not here tonight, although Mr. Kaufhold sent him an email late today requesting the wording he would prefer, he has not heard from him as of now.

Gary D'Onofrio made a motion to approve the Welcome to Indian Trail sign as presented.

Council voted unanimously in favor of the motion.

Mr. Kaufhold advised that Union County is on a program to replace the street signs to make them bigger etc., the timeline is 2018 to finish, and they just began the process. While they are doing that there is opportunity to put our seal or logo on the signs.

COUNCIL COMMENTS

Mr. Schallenkamp had no comments to make.

Mr. Goodall commented that it's good to see 6 candidates still in attendance. He advised that Monroe's voter turnout was dismal and that he is upset that early voting will only be held in Monroe although we have 2,000 more registered voters than Monroe does. He announced this because Indian Trail citizens are expecting to go to Stallings Fire Department for early voting. This decision not to allow early voting in Indian Trail for the most voters in Union County is shameful. There is no early voting at Stallings Fire Department, you must go to Monroe Library to do so and it starts on October 15th. Election day is November 3rd, let's hope we get alot better than the Monroe turnout.

Hats off to Mr. D'Onofrio for the momentum he has created on the Zip Code situation. It's been in the press and on the news, some other towns have picked up on it also; taking no for an answer is a little hard to swallow.

Mr. D'Onofrio advised that the postal service had graciously come and answer some of our concerns but he felt they were somewhat dismissive of those concerns and not really flexible in any way. Considering there were some extraordinary circumstances within Union County, specifically within Indian Trail with the growth that we have had and the fact that there are present thousands of residents that have addresses within Indian Trail. Many of whom may not know where they live; emails received expressed concerns on numerous standpoints. There is interest from other municipalities within the area that have had issues for many years, not all issues are the same as ours. The postal service was very clear that they are a business and are in it to make money, but they also need to recognize that all 27,000 people in this town are customers and if you're a business you might want to make them happy. If they are not happy, then you are doing something wrong and perhaps they should look inward if they are doing

something wrong. It is not his desire to attack them, but it seems they function as a government entity when it suits them and then as a business when it suits them the other way. He will continue to pursue the matter.

Family Fun Day was bigger and better this year than it's ever been, he's been to all of them and every year it gets a little bit bigger and better. It's a testament to all the staff at town hall that put a lot of effort into it. One of whom, Susan, walked around all day with a mega phone yelling things of interest to people, very enthusiastic and happy and we're lucky to have all of them.

Ms. Howe said this is the 5th year she has attended the Family Fun Day, Trena and Susan did a great job. The enthusiasm from Susan was incredible. It was a great time, everybody pitched in, the staff is great when it comes to this. She complimented Mr. Goodall and his band Outta the Blue for donating their time and talents and they were rocking all day, everyone enjoyed them. Ms. Howe wished Mr. Schallenkamp a Happy Birthday. She thanked the Council for a good meeting tonight; we got our work done and did it in a pleasant way.

CLOSED SESSION

Jeff Goodall made a motion to enter closed session NCGS 143-318.11(a)(31) to consult with an attorney to protect the attorney/client privilege.

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.

Dan Schallenkamp made a motion to approve going back into Open Session.

Council voted unanimously in favor of the motion.

ADJOURN

Dan Schallenkamp made a motion to adjourn

Council voted unanimously in favor of the motion.

APPROVED:

Shirley Howe, Mayor Pro Tem

Attest:

Trena Sims, Interim Town Clerk