



**Town of Indian Trail**  
**Minutes of Town Council**  
**October 28, 2010**  
**Civic Building**  
**6:00 P.M.**

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Robert Allen, Gary D'Onofrio, Jeffrey Goodall, John Hullinger, and Darlene Luther.

Absent Members: Town Attorney Keith Merritt.

Staff Members: Town Manager Joe Fivas, Attorney George Sistrunk, Town Clerk Peggy Piontek, Finance Director Marsha Sutton, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, Senior Planner Katie Reeves, and Adam McLamb Engineering.

Press/Media: Marty Mitchen of the Charlotte Observer.

**CALL MEETING TO ORDER**

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

**PRESENTATIONS**

*None*

**ADDITIONS AND DELETIONS**

*None*

**MOTION TO APPROVE AGENDA**

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

**PUBLIC COMMENTS**

*No one had signed up to speak.*

**CONSENT AGENDA**

- a. Approval of October 12, 2010 minutes

Mayor Quinn requested a motion be made to pull the minutes from the Consent Agenda for further discussion.

John Hullinger made a motion to approve removing the minutes from the Consent Agenda for further discussion.  
Council voted unanimously in favor of the motion.

Mayor Quinn asked that the minutes be modified, page 6, second paragraph. The Clerk recommended it be modified to include the first sentence to read "Mayor Quinn inquired about the meeting with NCDOT for September 18th." Mayor Quinn agreed to the modification.

Jeffrey Goodall made a motion to approve the October 12, 2010 minutes as modified.  
Council voted unanimously in favor of the motion.

Jeffrey Goodall made a motion to approve Consent Agenda  
Council voted unanimously in favor of the motion.

**BUSINESS ITEMS**

- a. Urban Archery Deer Hunting

A request to allow Archery Deer Hunting in Indian Trail

Johnathon Shaw is a Biologist with the North Carolina Wildlife Resources Commission. He explained the Urban Archery Season is a five week extension of the normal bow hunting season. His number one complaint is overpopulation and most of the problems are in urban areas. This is the only successful method to control the deer population. Mr. Shaw explained that to be included in the extension, the municipality simply has to send a letter of intent, along with a detailed map to the Urban Archery Season. The deadline to apply for the 2012 Urban Archery Season will be April 1, 2011.

Mr. Hullinger thanked Mr. Shaw and advised he has received many requests from residents about controlling the deer population. He advised there are other rules that apply to this as well. Discussion pursued on this matter.

John Hullinger made a motion to approve directing town staff to go ahead and conform to the State requirements to include Indian Trail in the Urban Archery for the State of North Carolina.

Motion Passed 4 - 1 with Jeffrey Goodall opposing.

b. NCDOT Feasibility Study on Old Monroe Road

Mr. Fivas reminded Council that we previously discussed a meeting that would take place with Indian Trail, NCDOT and the Town of Stallings to see what opportunities were available. During that meeting the DOT volunteered to do a feasibility study in which they would pay for the assessment to analyze what the actual cost of widening Old Monroe Road to a four lane boulevard. Much of the data they have is older and some of the information is outdated and will affect the overall price of the project. This item on the agenda is to determine if we want to have NCDOT do a feasibility study to determine the cost for this project.

John Hullinger made a motion to approve to have the Town Manager proceed to give the Town's approval for the feasibility study on Old Monroe Road.

Council had a lengthy discussion on this, topics included: funding, appeal of having two municipalities working together, possible economic development tax revenue increase as a result of widening, concerns about the loss of funding earmarked for Indian Trail Road/Chestnut Connector, Matthews possible involvement, previous costs might be higher than current estimate due to property value, Stallings discussion last night at their Council meeting on this. Mr. Fivas suggested a stipulation that a breakdown be provided for each segment for staff to review.

Mr. Hullinger advised this matter has been discussed for over 15 minutes and called the question.

Motion Passed 4 - 1 with Jeffrey Goodall opposing.

Mr. Fivas asked if Council wanted staff to make the request on the feasibility study to provide the costing in segments. Council said yes.

**DISCUSSION ITEMS**

*None*

**MANAGER'S REPORT**

Mr. Fivas provided Council with the latest Indian Trail law enforcement activity report for September. He introduced and welcomed Kelly Barnhart; the Town's new Economic Development Coordinator and provided Council with some of her background. Ms. Barnhart will be spearheading the Business Owners Advisory Committee, putting together a business forum in the spring and implementing a Business Hall of Fame.

**PLANNING REPORT**

*None*

**ENGINEERS REPORT**

Mr. Kaufhold provided Council with an update on Potter Road sidewalk project and Waxhaw Indian Trail Road sidewalk project.

Mayor Quinn inquired about the status of the Unionville Indian Trail Road/Sardis Road sidewalk project. Mr. Kaufhold advised it is in the permitting process once completed, we will start the right of way process, which he explained will be a fairly intensive process.

### **COUNCIL COMMENTS**

Mayor Quinn inquired if there has been any progress on his Public Information Request. Mr. Fivas advised that several of the items requested were plats and we have to order out for those, requiring our assessment and cost related to this request. Mayor Quinn advised he would take the approved plans for both of the projects. Mr. Fivas advised that is what we have to have copied. Mayor Quinn asked if he can expect them relatively soon, in a couple of weeks. Ms. DeHart advised the requested plans and plat isn't the difficult part in getting the information, it's trying to track down all the old inspection reports etc. Back then record keeping was difficult so staff is having a difficult time locating a lot of the information Mayor Quinn requested. Mayor Quinn asked if there is an actual approved plan. Ms. DeHart replied yes. Mayor Quinn advised he would take that in the meantime. Ms. DeHart replied that'll be fine.

Mr. D'Onofrio encouraged everyone to go out and vote. He commented that Fun Day this year was better than the previous year. The character changed by transferring it from school property to the street where it felt more communal. It seemed like there were more people and the count estimates seemed higher as well. He congratulated staff on the good job they did and appreciates all their hard work. One of the nice things about living in a town like this is that we have an event like that where a family can come out and spend the day, doesn't cost a lot of money to enjoy their community.

Mr. Allen also spoke about Family Fun Day, stating it was a blast and feels it's a good barometer as to what we are doing. He received a lot of feedback and had the privilege of being there for 8 hours to enjoy it and consistently people were speaking about how positive the movement was and what we are achieving. We are going through a renaissance and it is not the time to be faint of heart. It will take bold moves and for the first time he feels like the planets are aligned. We have an Economic Development person, incredible staff, a great Town Manager and believe we have a Council that has the guts to take the heat to do the right thing. We must continue on that path, don't be deterred by it, don't get political by it, just do it. These bold moves may take some time bruises, but I think it necessary that we do it and it's a good time to be in Indian Trail.

Ms. Luther had no comments.

Mr. Goodall agreed with Mr. Allen that is it a good time to be in Indian Trail and said Fun Day was a great success, he spent a couple of hours there in the morning, bought some brooms. It was a great event, it was bigger and better, and the pictures on the face book page are a wonderful communication tool with the public, whether we're advertising for a committee or whatever. It is a wonderful, excellent immediate tool to get word out and those pictures of our Crossing Paths Park are fantastic so just keep up the good work. Great stuff.

Mr. Hullinger welcomed and thanked those that attended. He thanked Mr. Shaw for coming out.

## **CLOSED SESSION**

Robert Allen made a motion to enter closed session NCGS 143-318.11(a)(5) To establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real properties located at Houser property on Matthews Indian Trail Road.

Council voted unanimously in favor of the motion.

Council took and returned from a short break.

Gary D'Onofrio made a motion to approve entering back into Open Session.

Council voted unanimously in favor of the motion.

John Hullinger made a motion to table purchase agreement.

Mr. Hullinger explained his reasoning is that a couple of years ago the Council at the time made a purchase for the Blythe building property which resulted in citizen uproar that it was done quickly without the public having input before the decision was made. Citizens provided input afterward but it was too late and asked that this Council not make that same mistake and table this to allow the citizens to provide input whether they are for or against the purchase. Mayor Quinn pointed out there is a Public Hearing scheduled for this matter at the November 9th meeting. Mr. Fivas explained that Council is approving a purchase agreement which would have the ability for the Town to opt out any time between now and December 17th. The State mandates that we have a public hearing and a public process on the purchase and financing mechanism to do this. That will take place on November 9th. Council has the privilege to call a Special Meeting if they so desire, but we are obligated to have a public hearing on this matter. We are moving forward with the process and do some due diligence to ensure that there are no issues enabling Council to have all the information they need to make an informed decision and that is what we are doing, moving forward to collect information. General discussion pursued.

***Mr. Hullinger withdrew his motion.***

Jeffrey Goodall made a motion to approve directing the Town Manager to enter into the agreement for the purchase and sale of real property, the individual known as the Houser Family Partnership for \$30,500.00 per acre as the purchase price and to comply with the document provided to Council, the Agreement for Purchase and Sale of Real Property. The tax parcel number of the property is 07105011. This motion is to direct the Town Manager to enter into this agreement for the purchase and sale of that property on behalf of the Town of Indian Trail and to take care of the necessary due diligence. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Mr. Hullinger stated his opposition to the purchase of this property for the following reasons: We are building our first park right here across the railroad tracks and this property is just down the street towards Stallings. He would prefer not to have a two minute drive from our first park to our second. The property backs up to the railroad tracks, which he believes is a negative, we would have two parks on the railroad tracks. It's also divided by Matthews Indian Trail Road and as it stands now, the full Chestnut Connector goes through the property as well. It's on the very edge of Town, he advised these are the reasons he will not be supporting this.

Mayor Quinn commented that he believes the price is very reasonable. Having gone through the Park & Greenway Master Plan process and seeing where the parks were laid out, spent a lot of money to determine where the best place for parks would be. We didn't need a plan to identify two pieces of land within several hundred yards of each other downtown. We could have saved a lot of money if that was the intent all along. Having said that he thinks the park could be a very nice piece of property, having the train there is definitely a downturn. He did hear comments last night at the Stallings meeting that they will be happy to use the park as well. The folks over there were saying that Indian Trail can give us a park. I would prefer to see this where our park plan has identified as a major area in need of service which is on the other side of Highway 74, where none of the neighborhoods have really their own parks, maybe one. They are not newer neighborhoods, they are in need of revitalization and the neighborhoods on this side of Town are much better planned. They have walking trails, small parks, there's much more amenities. This park is really not close to any neighborhood of consequence to this Town, with no sidewalks accessible. We're talking about being a town of connectivity and putting in sidewalks, there aren't any sidewalks that go down to that. To me, while it's a great price, for the reasons Mr. Hullinger stated and the fact that it is not going to be accessible to the residents, I just don't see it as the best choice for the first park.

Mr. D'Onofrio advised he's been using the park in Stallings for years, they are our good neighbors and I've used the park in Matthews as well. It'll be a great park for Indian Trail, but it'll be a great park for Union County, he's looking forward to it. The park plan was not a futile effort by any means, among other things it shows a long range commitment to invest in parks in Indian Trail and it won't end with this park, there is long range development is part of that. It also enables us to qualify for certain funding facets, grants and things a like that we can't qualify for without it. A lot of good work has been done, he's excited about the purchase, and it's a large park. It's less than what I thought it was going end up being and it's in a good location. He believes it is very central to the Town and he believes all the people will use it.

Ms. Luther supports the purchase, although she preferred the Genwove property, but with that being where it's at she does support this. She believes the location is good, it's central to Indian Trail.

Mr. Allen advised that he supports purchase. He believes this is one of those opportunities that cannot be ignored. Like Councilman Luther he likes the Genwove property better but we know where we are on that one. He thinks about Central Park in New York and the Commons in Boston which are surrounded by development and they became center pieces to the communities. Like Mr. D'Onofrio, I've been using Stump Town and Stallings Park for quite some time; we are all residents of Union County. This was an opportunity and it, again, creates that synergy and sense of community, so I'll be supporting it.

Mayor Quinn clarified that he definitely has no problem with Stallings or anyone else using this park. There's no way to monitor that anyway and certainly it should be for everybody. I was basically, maybe I shouldn't have been doing that, but tongue in cheeking, when we discussed another park on Unionville Indian Trail Road, Mr. Goodall specifically said that he didn't like the idea that Lake Park might use the park if we bought the land up there near Lake Park. He found it humorous actually. Maybe I shouldn't have said that, he didn't want anybody to misconstrue, he believes everybody should use parks. Mr. Goodall's on the record that he doesn't feel that way and Mayor Quinn just thought that maybe mentioning that.

Motion Passed 4 - 1 with John Hullinger opposing.

**ADJOURN**

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

APPROVED: \_\_\_\_\_  
John J. Quinn, Mayor

DRAFT

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

