



Town of Indian Trail
Minutes of Town Council
October 09, 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, and David Waddell.

Absent Members: Darlene Luther, Finance Director Marsha Sutton, Tax Collector Janice Cook.

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, Director of Engineering and Public Works Scott Kaufhold , and Director of Human Resources Miriam Lowery.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order; lead in the Pledge and announced that Council Member Luther is not in attendance tonight.

ADDITIONS AND DELETIONS

Mr. Fivas informed Council that there are items forthcoming that will need Council's approval at the end of October. He requested that Council motion to cancel the meeting scheduled for October 23, 2012 and advised we will schedule and announce a Special Meeting once the documents arrive. Mr. Fivas stated that this would be a more efficient way to handle this, rather than have both meetings, we'll combine any items that might have been scheduled for October 23rd with the Special Meeting.

Robert Allen made a motion to approve cancelling the Council Meeting scheduled for October 23, 2012.
Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Christopher King made a motion to approve the agenda.
Motion Passed 3 - 1 with David Waddell opposing.

PARK, TREE & GREENWAY COMMITTEE APPOINTMENT * Dhruv Bhatt

David Cohn made a motion to approve appointing Mr. Bhatt to the Park Tree & Greenway Committee.
Council voted unanimously in favor of the motion.

PRESENTATIONS

a. National Community Planning Month Proclamation

Mayor Alvarez announced this is National Community Planning Month; he read the Proclamation and advised that we will present this to the Planning Board at a future meeting.

(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)

b. Stormwater Advisory Committee Annual Report

John Eigenbrode, Chairman of the Stormwater Advisory Committee provided information from when the committee was formed to date.

PUBLIC COMMENTS

David Drehs, 3216 Bow Club Drive, Indian Trail, NC referred to comments from the last meeting advising that he is not afraid and feels safe while attending, stating that we should not spend funds for safety measures as Union County Sheriff's Office can do the job.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC discussed the circumstances about Council Member Luther's daughter's auto accident requesting the community pray and donate to assist the family in this time of need. Ms. Howe provided information on where to send donations and the website.

Samantha Towns, 104 Pine Lake Drive, Indian Trail, NC expressed her concern over the loss of the Indian Trail Post Office, stating that it will be costly for businesses to go to Monroe or Matthews to pick up their mail. She requested that Council do what they can to avoid this.

Gary Evans, 4800 Mossy Curp Lane, Indian Trail, NC expressed his concern with the Council about the Union County Sherriff's Office, advising they risk their lives and are underpaid, along with the wasting of funds for private security to do a job that is done well by the professionals we have in UCSO.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail, NC read some emails written by Mayor Alvarez.

Council Member Allen called a Point of Order as this is contrary to what is agreed upon before speaking. Mayor Alvarez stated that Mr. Faulkenberry may continue but he is to direct his comments to the Council in general and not individually. Mr. Faulkenberry stated that people are using alias names and these threats must stop, he is setting up a Face Book page posting the negative emails.

Chase Coble, 3344 Presson Road, Monroe, NC spoke in an attempt to set the record straight from the misinformation and untruths stated at the last meeting. He referred to comments from a Council Member that a request was made over 18 months ago and nothing was done and no progress has been made, in addition this individual stated has no confidence of getting it done any other way but a third party. Mr. Coble referred to in several meetings where safety was discussed and Council entered into Closed Session to discuss this without inviting any representative from Law Enforcement. Mr. Coble advised that postings on social media sites are mitigated it would keep the drama from the meeting room. Mr. Coble informed Council that after the original discussion, a list of suggest safety measures was compiled and he was never invited into Closed Session as he requested, to discuss implementation of the suggested safety measures provided. He concluded by informing Council that the officers attending this meeting, have provided security detail to many National events to include the Democratic Nation Convention, United Nations Building in New York, detail teams for several Presidents and the Pope, several years of SWAT Operator Service and if they are not capable of coming up here and providing security for your meeting we hope you move forward and get somebody who can.

Mr. Fivas commented on Ms. Towns suggestion about the Indian Trail Post Office that we have had discussions and will be happy to provide you that information, we also feel it's a very important issue.

CONSENT AGENDA

- a. Approval of 2012 Record Retention Schedule
- b. Approval of draft minutes for September 11, 2012
- c. Annexation 132 - 1007 Garden Oaks and 8011 Fountainbrook
Dr.- * Resolution directing the Clerk to investigate
Annexation Petition * Certificate of Sufficiency * Resolution
fixing the date of the Public Hearing for Annexation 132
**(COPY ATTACHED HERETO AND MADE A PART OF THE
MINUTES)**
- d. Annexation 133 - Helmsville Road * Resolution directing the

Clerk to investigate Annexation Petition * Certificate of Sufficiency * Resolution fixing the date of the Public Hearing for Annexation 133

(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)

Mr. Fivas informed Council that there are Resolutions directing the Town Clerk to Schedule a Public Hearing for each Annexation which were modified from your packet. The ones sent to you indicated that the Public Hearings would be held on October 23rd, as a result of the motion made earlier, we had to modify those Resolutions to read that the Public Hearing will be held on November 13th and if approved, that is the Resolution you will be approving. Mayor Alvarez confirmed that all Council Members understood.

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

PUBLIC HEARINGS

- a.ZT2012-004 Public Notice A request to amend Chapter 310 to enhance the Town's public hearing noticing Requirements related to land use decision. Applicant: Town of Indian Trail; Location: Town-wide

Ms. DeHart presented that public noticing related to zoning permits is a key component of the discretionary permit process to encourage public engagement in land use decisions and is statutorily required as well. This amendment is a result of research and collaboration with the Planning Board to address noticing concerns voiced by residents related to these permits, specific areas of concern are: Mail-out notice for public hearing, newspaper notification and community meetings.

Staff found two issues that could be addressed administratively, public notice comprehension and newspaper readership for the public notice. Staff has

modified the public notice mailed to adjacent property owners to better explain the project, the process and the implications if the project is granted and has changed to the Union County News Section of the Charlotte Observer as its readership numbers in the area is larger than what we were using.

In addition, staff has extended the notification area (mail out) beyond the minimum state requirement. The Planning Board provided direction to staff to amend the ordinance to allow the Board or Planning Director the discretion to require a community meeting.

The Planning Board heard this item at its August 16th and again on September 18th where they motioned to make the followings findings and transmits a unanimous recommendation for approval.

1. The proposed UDO amendment is consistent with the following goals:
 - 1.3.2 of the Comprehensive Plan - *Land Use*; because this amendment encourages public participation in land use decisions by informing and engaging residents within the project area promotion land use compatibility.
2. This UDO ordinance amendment is in the best interest of the public because it enhances public noticing requirements and information dissemination thus encouraging public participation in the land use decision.

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 ZT2012-004 Public Notice make the required findings as read into the record and stated in the draft ordinance Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

b.CZ2009-003A 215 Rowell Drive

A request to modify the architectural requirements associated with the original rezone

Approved to Conditional Zoning Regional Business District (CZ-RBD)

Location: 215 Rowell Drive; Applicant: Rick Strawn Tax Parcel 07-084-405G

Ms. DeHart advised this site plan for this property was approved in March 2009 and conditional zoning was approved in May 2010. Each approval included an architectural rendering consisting of brick and stucco along the 300 foot side facade/wall facing the parking lot. The proposed rezoning request only involves an architectural change to the side facade/wall to include three 50 foot segments of brick and stucco with the remainder consisting of metal panels, which would comply with the current UDO standards.

The Planning Board heard this item on September 18th and motioned to make the following findings and transmit a recommendation to approve.

1. The proposed UDO amendment is consistent with the following goals:
 - 1.3.2 of the Comprehensive Plan - *Land Use*; The existing conditional zoning district meets the goal of land use by avoiding land use conflicts between neighboring properties. The proposed change promotes new businesses by allowing the construction to be completed in harmony with existing development.
2. The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of Land Use and is consistent with the adopted plans within the Town of Indian Trail.

Mayor Alvarez opened up the public comments of the hearing

Rick Strawn, 13417 US Highway 74, Indian Trail, NC advised that his goal was to bring his business to Indian Trail because of the Monroe Bypass. He was trying to bring jobs to Indian Trail and uncertain if that will now happen, that's his goal, the last he heard the Bypass was going to be started up again at the end of the year. He is trying to get the building completed so he can proceed and get some kind of business in there.

Mayor Alvarez closed the public comments portion of the hearing.

Robert Allen made a motion to approve CZ2009-003A 215 Rowell Drive make the required findings as read into the record and stated in the draft ordinance. Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

- c. ZM2012-003 Unionville Indian Trail Road: A request to rezone three parcels within the Downtown Overlay (O-DD) from Light Industrial (L-I) to General Business District (GBD). Location: 124, 200, And 222 Unionville Indian Trail Road. Applicant: Town of Indian Trail. Tax Parcels: 07-111-007A, 07-105-012B, and 07-105-012

Ms. DeHart presented that this is an attempt to assign a more appropriate zoning classification to the three parcels. Staff is of the opinion General Business District is more compatible with existing land uses, the future land uses called for in the Comprehensive Plan and the overall concept of the Downtown Village.

The Planning Board heard this item on September 18th were able to make the following findings and transmit a unanimous recommendation to approve.

1. The proposed UDO amendment is consistent with the following goals:
 - 1.3.1 of the Comprehensive Plan - *Quality of Life*: because the proposed rezoning will promote a better quality of life for our residents by eliminating potential industrial land uses not compatible

with the downtown Indian Trail environment.

1.3.4 Of the Comprehensive Plan - *Downtown Revitalization*; because the proposed rezoning to GBD within the O-DD overlay will more closely resemble the existing land uses and be more compatible with the location criteria designated for the Downtown Village.

2. The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of *Quality of Life* and *Downtown Revitalization* and is consistent with the adopted plans within the Town of Indian Trail.

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 ZM2012-003 and make the required findings as read into the record and stated in the draft ordinance.

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

BUSINESS ITEMS

None

DISCUSSION ITEMS

None

MANAGERS REPORT

Ms. Barnhardt advised that the Cultural Arts Center ribbon cutting will be on October 20th at 3:00 pm, coinciding with the Cultural Arts Festival being held at Crossing Paths Park. The building will be open at 11:00 am, with a variety of artists displaying their work. The businesses and community in general are

excited, staff has been inundated with offers from businesses to either sponsor or donate for future events or activities in the center. There will be a full schedule of events planned available hopefully by the end of next week which will be posted on line. We are pleased with what we have to offer, kids and adults classes from any ability level basic to very skilled.

Mr. Fivas advised that our Public Works Department did all the renovations. The candy crawl is coming up, it was very successful last year and staff is starting to formulate our Christmas Parade activities.

COUNCIL COMMENTS

Mr. Allen congratulated Ms. DeHart and the Planning Department for the proclamation stating they are the best around. What they do is incredible advising they are looking at greenhouse gases, they are unsung heroes.

Mr. Waddell stated that the Governors Highway Safety Grant has been approved and is awaiting paperwork from the town, it will provide 2 deputy's for traffic. The Rowell Drive rezone has been a long and excruciating process for the property owner in some ways and he believes that he has learned that communication is the key and perhaps there are ways to improve communication.

Our thoughts and prayers are for Christina and her close family & friends; we extend our heartfelt sympathies to her.

For the Post Office the best thing that can be done is for residents in town to hand write a letter to congress to get their attention to them to see it change, he also suggested a resolution to congress requesting we keep the post office and address the zip code as well. He encouraged residents to send the letters.

Mr. King reminded everyone the Council meeting for October 23rd was cancelled and the next one is 11/13.

Mayor Alvarez said the official grand opening for Moes is Thursday; they are a charitable business to the community. He complimented the ITA&HS on tracking down our history. He thanked everyone who sent well wishes to him after his surgery and sent his love and prayers to Christina and his strength to Darlene. He thanked UCSO for applying for the safety grant.

Mr. Cohn stated what a great community we live in, he believes the prayers have helped Christina. He thanked Sheriff's Dept. and believes they are wonderful. He understands how they feel and agrees with them. He wants to make it work and hopes there are no hard feelings. He thinks the Sherriff's office feels unappreciated but doesn't believe that he or the Council feels that way. He recommended that we should get together as a community and move on. He supports them and thinks they are the best.

If you are going to put things in emails or on face book you can and will be called out on them. Asking both sides to discontinue this, let's conduct our business like we're all working for the same goal. Let's move on. He's embarrassed by it.

CLOSED SESSION

Christopher King 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.

Christopher King made a motion to approve entering back into Open Session.

Council voted unanimously in favor of the motion.

ADJOURN

Robert Allen made a motion to adjourn

Council voted unanimously in favor of the motion.

APPROVED:

Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk