



**Town of Indian Trail**  
**Minutes of Town Council**  
**September 10, 2013**  
**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.

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, Director of Engineering and Public Works Scott Kaufhold , Senior Planner Rox Burhans , and Human Resources Director Carey Warner.

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

Mayor Alvarez asked for a moment of silence in observance of September 11, 2001 and requested the deputies lead the Pledge of Allegiance. Mayor Alvarez announced that Council Member Luther was not in attendance.

**ADDITIONS AND DELETIONS**

*None*

**MOTION TO APPROVE AGENDA**

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

**PRESENTATIONS**

a. Certificates of Appreciation for Park Tree & Greenway Committee

Mayor Alvarez introduced the Park, Tree & Greenway Committee Chair Roger Fish. Mr. Fish explained the process conducted by staff, residents, Elected Officials and Committee members to receive the 2013 Tree City USA of the year and 2013 Outstanding Project of the year awards and presented them to the Town Council.

Mayor Alvarez described what was involved for the Mayors Tree Initiative, introduced Union County Arborist Bill Smith and expressed his gratitude to Mr. Smith for his participation. Mayor Alvarez presented the Principals of the Elementary Schools with a photo gallery for each school that participated.

Mayor Pro Tem Cohn presented certificates to the Park, Tree & Greenway Committee for their involvement in the Town receiving the awards.

b. July 4th Parade Float Contest winners

Indian Trail Business Association President presented the awards to the contest winners.

- |                       |  |
|-----------------------|--|
| Most Patriotic        | Brandon Oaks Community                                     |
| Most Creative         | Extreme Ice  |
| Best Youth Float      | Indian Trail Athletic Association                          |
| Best All Around Float | Victory Riders Motorcycle Ministry of First Baptist Church |

c. Constitution Week Proclamation

Mayor Alvarez read the Proclamation (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)

d. Indian Trail Arts & Historical Society Presentation

David Collins, 4616 Hartis Grove Church Road, Indian Trail, NC suggested Council consider erecting a Historical Gateway/Wayfinding Monument on Blythe Drive at the Intersection of Indian Trail Road and the railroad tracks, advising that it is the Historical Society's belief this idea would serve a real need to direct residents and visitors where to go for various services.

## **PUBLIC COMMENTS**

David Drehs, 3216 Bow Club Trail, Indian Trail, NC stated that it was encouraging when the elected officials exchanged emails about the apartments. He feels there might be a slight disconnect between the Schools and Elected Officials and suggested they periodically have lunch with each other to stay connected.

Gary D'Onofrio, 3005 Dataw Dr., Indian Trail, NC expressed his concern over the apartment projects being presented to them this evening and provided his thoughts as to why.

## **CONSENT AGENDA**

- a. Approval of draft minutes for August 27, 2013
- b. Appointment of Roger Fish to Stormwater Committee
- c. Appointment of Kristopher Rowe to Stormwater Committee
- d. Annexation # 137:
  - \* A resolution directing the Town Clerk to investigate the sufficiency of the proposed voluntary annexation petition **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
  - \* A Certificate of Sufficiency **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
  - \* A resolution setting the public hearing date for the annexation to October 22, 2013 **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

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

## **PUBLIC HEARINGS**

- a. CZ2013-002 Glenn Oaks Apartments: This is a rezoning request to establish a Conditional Multi-Family Residential Zone on a 17 acre subject property for the purpose of developing a 204 unit apartment community. Location: 4508 Old Monroe Road- Parcels: 07114016C (portion of) 07114015 (portion of) 07114023, 07114360, 07114359, 07114016A, 07114016, & 07114025D Applicant: Cameron Helms & Larry Sagehorn

Senior Planner Rox Burhans advised this is a request to establish a Conditional MFR-CZ zoning district to support development of a 204 unit apartment community and related improvements. The gross density of the community on the 17 acre subject property would be approximately 12.1 units per acre. As a means of comparison, Hawthorne at the Trail has a gross density of approximately 16.2 acres (252 units/15.59 acres). The proposal also contemplates construction of a westbound left turn lane on Old Monroe Road and a southbound left turn lane on Waxhaw-Indian Trail Road, as recommended by the submitted Traffic Impact Analysis and approved by the North Carolina Department of Transportation.

As part of the conditional rezoning process, the applicant conducted two neighborhood meetings held on June 24th during the day and June 26th in the evening to discuss the proposed project with interested citizens. Approximately 23 attendees participated in the daytime meeting and approximately 25 attendees participated in the evening meeting with many individuals attending both sessions. The condition rezoning request was presented to the Planning Board at the July 16, 2013 meeting and the Board recommended approval (voting 5-1) subject to conditions which are included in the Ordinance. Mr. Burhans read the findings into the record:

*\*Goal 1.3.1 Quality of Life* - Indian Trail is a growing community of approximately 37,000 residents, yet it only has one multifamily apartment community with 252-dwelling units. The proposed conditional rezoning will provide a greater diversity of housing options for Indian Trail residents and business owners within a master planned community. This community will feature an attractive architectural design that integrates with nearby single-family homes, provide significant tree retention and open space preservation, establish an interconnected trail and sidewalk system for residents, and provide buffering between adjacent single-family residential and commercial uses.

*\*Goal 1.3.2 Land Use* - The proposed conditional district will provide a greater mix of land uses by integrating multifamily housing within a village center in an area that is mostly surrounded by existing commercial businesses. The proposed conditional rezoning provides buffering for adjacent residential uses and is conditioned in a manner to help avoid potential land use conflicts. The proposed conditional rezoning will also help provide a more balanced tax base by making a substantial economic investment in the subject property in a manner consistent with the Comprehensive Plan and by expanding the customer base for existing businesses within the village center.

\*The Planning Board further found the request for this conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of uses within the Old Monroe Village Center, provides expanded housing opportunities for Indian Trail citizens and business owners, and includes elements that benefit the general public in the area tree preservation and transportation infrastructure investment.

The Town Council heard comments from the developer Cameron Helms, the General Contractor Larry Sagehorn and Don Spence who conducted the Traffic Analysis Study.

Mayor Alvarez opened the public comments portion of the hearing.

Richard Straser 3501 Elkway, Indian Trail, he has discussed concerns with developers on numerous occasions, advising that zoning currently allows for Buckhead Lane to cut thru from Old Monroe Road to Pioneer Lane creating dangerous traffic to Deerstyne residents, whereas if the apartment complex is built Buckhead Lane will not go thru, nor will the other possible commercial businesses. Mr. Straser stated that the Deerstyne neighborhood have all agreed that Glen Oaks apartment complex would be a better fit for the community if the following stipulations are met: Buckhead Lane will end at its current location, Glenn Oaks will have their own separate gated back entrance, a fence will separate the

apartment complex from Deerstyne and at least 200 feet of green space will be left between Deerstyne & Glen Oaks, all of which have been agreed upon by the developers.

David Drehs, 3216 Bow Club Trail, Indian Trail stated he is confused on the math, will there not be children in the 108 2 bedroom units and provided the math. He addressed the difference between commercial and rush hour traffic, apartments have a life cycle stating that within 24 months there is 90% occupancy and become profitable resulting in a major company taking it over resulting in a short lifespan and their value decreases over time as opposed to residential homes. Mr. Drehs recommended that we look long term and wait until Old Monroe Road is four lanes.

Jerry Morse, 271 Unionville Indian Trail Rd, Indian Trail, NC read an email that he sent to Mayor and Council, stating he has kept an open mind about this project. He has had meetings with the developers and now has reservations about this project. The existing apartments in Indian Trail have short term occupancy and those that live there seem unhappy. He provided statistics and asked if we truly want or need apartments in Indian Trail when other neighboring communities already provide them. He referred to the intersection of Old Monroe Road and Indian Trail Road stating it currently is not an acceptable situation, stating that if this request is approved the ones that will most benefit are the real estate agents, land developer and those involved in the mortgage industry, not the residents of Indian Trail.

Cheryl Mimi, 5017 Dresden Court, Monroe, NC expressed she is opposed to it but her concern is the future of the apartment complex as well as the schools capacity. She feels the schools are maxed out in capacity and adding additional students will result in additional problems. The complex will attract people who are looking for a better school system and that will result increases in the amount of children the schools have to serve, as a teacher she finds it challenging to deal with overcrowding.

Dallas Martinelli, 1001 Sebastian Court, Indian Trail expressed concern about the school crowding that his children started school and will end school in a trailer. He inquired what the water and crime impact would be and the number of additional deputies that will be required. Mr. Martinelli addressed the study done by NCDOT on the intersection of Old Monroe Road and Indian Trail Road that the turn lanes currently have to be extended an additional 500 feet, adding a 25 foot turn lane will not assist in any way. He stated that intersection is unsafe to walk or ride a bike across. It is not wanted by the people he has spoken to in his neighborhood; it totally changes the aspect of what was bought into in this town.

Dan Smith 4617 Pioneer Lane, Indian Trail stated that he was disappointed; he assumed that the developer would have told what he was developing and then our Planner would indicate approval/disapproval, instead of the Senior Planner endorsing it before the developer presented. He stated he built a house 5-6 years ago on Pioneer Lane and due to lack of sewage availability he was forced to incur the expense of a septic system and now asks how can we approve a 200 unit apartment complex with the sewage issues in Union County.

Jan Brown, 6727 Long Nook Lane, Indian Trail, NC stated he believes we need diversity in housing if you want industry in Indian Trail. This is a quality unit, it would be an improvement for Indian Trail and he hopes it gets passed.

Cam Helms, 4440 Old Monroe Road, Indian Trail thanked everyone for their comments. The question is do we want to have the economical benefit or let a neighboring community build it and reap the rewards.

Mayor Alvarez closed public comments portion of the public hearing.

Robert Allen made a motion to approve the required findings including the consistency statement.

Council had a discussion on this topic, each providing their thoughts on why they would or would not approve the motion.

Motion Failed 2 - 2 with David Cohn, and David Waddell opposing.

Mayor Alvarez broke the tie voting in favor of the motion.

Mr. Merritt explained it will come back for a second reading at a later meeting, as this is an Ordinance and needs to pass by a super majority which was not the case this evening. There will not be another public hearing or presentation, it will simply be read and voted on again.

Robert Allen made a motion to approve as presented.

Motion Failed 2 - 2 with David Cohn, and David Waddell opposing.

Mayor Alvarez broke the tie by voting in favor of the motion. Mr. Merritt advised that the same rules apply as in the last motion; it will need a second reading.

## **BUSINESS ITEMS**

- a. *Council consideration of approval of bid for Chestnut Square Park and approval of amended Capital Improvement Project Ordinance*

Mr. Fivas provided a history of both Crooked Creek Park and Chestnut Square Park Projects, explaining the bids went out and have been received and opened. Mr. Fivas advised that part of the process is occasionally to determine the cost of an upcoming possible item; you bid it as an alternate item that is not part of the base bid. Staff included 5 alternate items: multipurpose fields and the sports lightings, stating that we feel the quote on the fields were very strong and will be recommending Council approval on the base bid and multipurpose fields. The lights, staff feels we can negotiate with the company and review different options. Mr. Fivas clarified what is included in this bid is: tennis courts, sand volleyball, pavilion areas, bathroom facilities, trees and many construction items, if approved construction would commence very soon. If you added the two bids together, the base and alternate for multipurpose

would total \$1.8 million. Mr. Fivas advised that the Capital Improvement Project Ordinance needs to be approved as well. He stated that at the conclusion of this we will have used \$1.5 million of the park monies, leaving \$7 million for the other park facility.

Mr. Fivas advised that there is a contingency of \$150-160,000 if we bring the project in on time the costs could be reduced by this amount. There is no way to determine that until the project is completed.

Christopher King made a motion to approve item 8a the base bid and option alternate 1 for Chestnut Square Park. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Motion Passed 3 - 1 with David Waddell opposing.

Christopher King made a motion to approve Capital Project Improvement Ordinance **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Motion Passed 3 - 1 with David Waddell opposing.

b. Indian Trail Road Bridge Project

Mr. Fivas stated at the last meeting Council requested to table this matter until they had an opportunity to review the situation. Both Mr. King and Mr. Waddell went out to the site and feel widening this section of road simply does not make sense.

Mr. Allen made a motion to free form to respectfully decline NCDOT's project.

Council voted unanimously in favor of the motion.

c. Council consideration of Law Enforcement Assessment RFP

Mr. Fivas explained this is a draft Request for Proposal (RFP), a proposal for Council to bring someone in and start the process. This is simply the beginning of the process with no commitments. If Council approves tonight, the response needs to be back to us by October 11th and for Council to decide on who they want to interview on October 23rd, with the dates of interviewing being October 29th & 30th.

Robert Allen made a motion to approve the draft RFP proposal. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Council voted unanimously in favor of the motion.

d. Resolution to establish a Minority Business Participation Goal

Mr. Merritt explained that this is a required program from the state; certain projects have goals of minority women participation in those projects. Council needs to determine the percentage goal, reminding council it's simply a goal not a requirement. This is done on a yearly basis not project by project.

Robert Allen made a motion to approve Resolution to establish a Minority Women in Business Participation Goal of 5%. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**  
Motion Passed 3 - 1 with David Waddell opposing.

### **DISCUSSION ITEMS**

#### a. Political activities at Town Events

Mr. Fivas advised he has had a request for Cultural Arts Festival if Council wanted to have candidates educate voters at that time. We would provide a space and have them stay at their location. Having heard no objection Mr. Fivas said we will provide them a space.

#### b. Transportation Update

Mr. Fivas requested to table this matter to a further meeting as a result of a phone call received from NCDOT today providing us additional information. By consensus Council approved tabling.

### **10. MANAGERS REPORT**

Mr. Fivas inquired about the presentation from Indian Trail Arts & Historical Society if that something the Council wants to hear more from them, do you want staff to work with them. By consensus Council agreed.

At last meeting Council designated Parks Trees & Greenway Committee for names of 2 roads going to the Parks. They selected one name for each road, and before we bring it to you, do you want a couple of options or just one. Mr. Waddell suggested having public provide some input at the Cultural Arts Festival. Council agreed that was a great idea.

There will be signs going up for election if anyone has questions, please be sure to contact staff.

### **COUNCIL COMMENTS**

Mr. Allen had no comments.

Mr. Waddell got call from a citizen in Ridgefield, said public works crew went out and cleared a drainage ditch for him he was very happy. He said they did quality work, were professional and had a good attitude. Appreciates the people who came out this evening to speak, and recommends they familiarize themselves with the different plans the town has.

Mr. King wished all the candidates here the best of luck.

Mr. Cohn thanked everyone who came out to speak these evening, difficult decisions and appreciates the emails he has received. Read an email from Porter Ridge Athletic Association.

Mayor Alvarez stated that he often goes out to schools and suggests we expand our horizons. He challenged that tomorrow September 11th, if you are in line getting coffee or out and about, if there is first responder there, buy them their coffee or lunch if you're able to, and show them how much we appreciate all they do.

**CLOSED SESSION**

*None*

**ADJOURN**

Robert Allen made a motion to adjourn  
Motion Passed 3 - 1 with David Waddell opposing.

**APPROVED:**

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**Michael L. Alvarez, Mayor**

Attest:

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Peggy Piontek, Town Clerk