



Town of Indian Trail
Minutes of Town Council
September 11, 2012
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: Robert Allen, Christopher King, Darlene Luther, and David Waddell.

Absent Members: David Cohn, Planning Director Shelley DeHart, and Director of Human Resources Miriam Lowery.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Community & Economic Development Kelly Barnhardt, Finance Director Marsha Sutton, Tax Collector Janice Cook, Director of Engineering and Public Works Scott Kaufhold , and Senior Planner Rox Burhans .

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and asked the Sun Valley ROTC to lead in the Pledge of Allegiance.

ADDITIONS AND DELETIONS

Darlene Luther made a motion to approve deleting item 10a Pathways 2 Progress Initiative
Motion Passed 4 - 1 with David Cohn opposing.

MOTION TO APPROVE AGENDA

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

PRESENTATIONS

a. Proclamation for September 11th

Mayor Alvarez read the Proclamation **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
Mayor Alvarez handed the gavel over to Council Member Allen for the presentation from ROTC

b. Sun Valley ROTC Presentation

Mr. Allen thanked the Mayor and expressed his excitement on this matter and invited Commander Russell up for their presentation to Council and the Indian Trail VFW.

The members of Sun Valley JROTC presented Council Member Allen with an American Flag. John Eigenbrode of the Indian Trail VFW presented the JROTC with a certificate for meritorious and distinguished service in furthering the aims and ideals of the Veterans of Foreign Wars of the United States. The JROTC presented the VFW with a donation check for the Vietnam Moving Wall.

c. Recognition of Town Clerk

Mr. Fivas presented to Peggy Piontek a plaque acknowledging her designation as a North Carolina Certified Municipal Clerk.

Mayor Alvarez announced that Councilman Cohn is not in attendance this evening.

PUBLIC COMMENTS

Cathi Higgins, 3004 Clover Hill Rd. Indian Trail, NC expressed her concern about security in the building during meetings, due the unusual behavior of some of the citizens attending the meeting. Ms Higgins summed up by stating: reflecting on this day we should be proactive.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC expressed her concern as it pertains to the safety of those attending the meetings and suggesting a discussion in open session and providing direction to Mr. Fivas with improvements and to move forward implementing them.

Severin Jacobsen, 3905 Waters Reach Lane, Indian Trail, NC, congratulated and thanked Ms. Piontek for her service reflecting on her duties as Interim Town Manager. Mr. Jacobsen advised there are several areas that are located in Indian Trail but fall under the jurisdiction of Union County that do not have

sidewalks which is a safety issue and should be addressed with Union County for the school children. He suggested writing a strong letter to the County stating this.

Keith Adams a representative of Common Heart located at 116 Business Park Drive, Indian Trail, NC informed every one of their deeds and invited all Council and audience to attend their festival, advising there is a fund raiser dunking booth available for volunteers.

Michael Faulkenberry, Picketts Circle, Indian Trail, NC stated Mr. Allen does not have permission to record him and put it on You Tube. He addressed a matter that was put on Mayor Alvarez's face book and an editorial Mayor Alvarez placed in the Enquirer Journal. He advised he has emailed the Mayor about it and expects a response. He inquired why Mayor Alvarez will not debate with Mr. Quinn. He requested that Mayor Alvarez prove all matters in his editorial.

COMMITTEE APPOINTMENTS

a. Public Safety Committee

Christopher King made a motion to approve David Drehs to the Public Safety Committee Motion Failed 2 - 2 with Robert Allen, and Darlene Luther opposing. Mayor Alvarez broke the tie in favor of appointing Mr. Drehs to the committee.

Darlene Luther made a motion to approve appointing Steven Long to the Public Safety Committee. Motion Passed 3 - 1 with David Waddell opposing.

b. Transportation Committee

Christopher King made a motion to approve appointing Steven Long to the Transportation Committee as a regular seat. Motion Passed 3 - 1 with David Waddell opposing.

c. Stormwater Committee

David Waddell made a motion to approve appointing Ben Lanzillotta to the Stormwater Committee as a regular seat Council voted unanimously in favor of the motion.

CONSENT AGENDA

- a. Approval of August 8, 2012 Special Meeting Minutes & August 14, 2012 Regular Meeting Minutes
- b. Bond Reimbursement Resolution **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- c. Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- d. Memorandum of Agreement for Regional Hazardous Mitigation Plan **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Robert Allen made a motion to approve the Consent Agenda.

Mr. Waddell requested removing item b for further discussion and explanation.

Mr. Allen withdrew his motion

Mr. Fivas explained the reasoning for the Bond Reimbursement Resolution.

David Waddell made a motion to approve revised Consent Agenda.
Council voted unanimously in favor of the motion.

Christopher King made a motion to approve Bond Reimbursement Resolution.
Motion Passed 3 - 1 with David Waddell opposing.

PUBLIC HEARINGS

a. ZT2012-005 Contractors Office Uses:

Mr. Burhans explained that the proposed amendments will modify the UDO by enabling Contractor Office uses to have outdoor operations within the Downtown Overlay District (O-DD). These uses are currently allowed within the O-DD, however, there is no provision for any outdoor operations. The amendments specifically contemplate the following: Outdoor operations associated with Contractor Office uses are only permitted on properties with a base zoning district of GBD or RBD. These are intense commercial districts located in the outlying areas of the Downtown Overlay District; and requests for outdoor operations associated with Contractor Office uses will require a Special Use Permit approval by the Board of Adjustments in a public hearing.

Mr. Burhans advised that this matter was heard by the Planning Board on August 21, 2012 and after a general discussion the Board motioned to make the following findings:

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

1.3.2 of the Comprehensive Plan – *Land Use*; the proposed UDO ordinance amendment will promote an expanded tax base by providing greater opportunities for Building Contracting/Construction Office uses within downtown Indian Trail in a manner that avoids potential land use conflicts with neighboring properties.

1.3.4 of the Comprehensive Plan-*Downtown Revitalization*; the proposed UDO ordinance amendment will help increase the viability of downtown properties by providing an opportunity for Building Contracting/Construction Office uses to have outdoor operations at appropriate locations.

2. This UDO ordinance amendment is in the best interest of the public because it creates regulations establishing the appropriate location and procedural review for outdoor operations associated with Building Contracting/Construction Office uses within the Downtown Overlay District.

The Planning Board transmitted a unanimous recommendation to approve.

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 concur with the Planning Board findings and approve as presented. Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

b. ZT2012-006 Wholesale Vehicle Sales

Mr. Burhans presented the proposed amendments will modify the UDO by enabling Wholesale Vehicle Sales uses to locate in all commercial zoning districts. As defined by the UDO, Wholesale Vehicle Sales are limited to office and administrative activities only. These uses typically contemplate business-to-business distributorships and similar businesses. There is no allowance for onsite vehicle storage, sales, or repair activities. The proposed amendments are intended to treat Wholesale Vehicle Sales uses consistently with conventional office uses by allowing them in all business and commercial districts.

Mr. Burhans advised this proposed amendment was heard by the Planning Board on August 21, 2012 and after a general discussion the Board motioned to make the following findings and transmit a unanimous recommendation to approve.

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

1.3.2 Of the Comprehensive Plan – *Land Use*; the proposed UDO ordinance amendments will help promote a greater mix of land uses by enabling Wholesale Heavy and Light Equipment Sales/Rental uses to locate in all business and commercial zoning districts. The proposed amendments will also expand the tax base by increasing the number of potential locations these uses may locate within Indian Trail.

2. This UDO ordinance amendment is in the best interest of the public because it establishes regulations ensuring Wholesale Heavy and Light Equipment Sales/Rental uses are permitted in the appropriate Indian Trail zoning districts. The amendments also correct an error within the UDO that will ensure the vehicle sales lot standards apply in the industrial zoning districts.

Mayor Alvarez opened and closed the public comments portion of the hearing as no one had signed up to speak.

Darlene Luther made a motion concur with the Planning Board findings and approve as presented. Motion Passed 3 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

BUSINESS ITEMS

None

DISCUSSION ITEMS

a. Pathways 2 Progress Initiative

This matter was deleted as a result of a motion made under Additions and Deletions.

b. Update on Park Designs

Mr. Fivas advised that staff would like to have the designs for Council review at the next meeting. Staff conducted a presentation for the Park Trees & Greenway Committee (PT&GC) resulting in some valuable feedback from them. As a result of conversations with Carolina Courts adjustments have been made to the design of the 51 acre park and both Carolina Courts and the PT&GC have expressed their comfort with the small adjustments. For the larger park there's a meeting set up with PT&GC on September 24th to discuss the designs. The biggest change in the design of this park as a result of feedback is to develop the furthest south side of the park into more of an ecological area, referring to Squirrel Lake Park as an example. Mr. Fivas stated that staff will be coming to Council for input on applying for PARTF Grants, advising that Matthews received this grant for Squirrel Lake Park and we would like to emulate some of their ideas/activities into our park like rain gardens, a kids fishing pond, and butterfly gardens.

c. Update on Street Projects

Mr. Fivas explained the benefits of having a Public Works Department and provided an update on several ongoing projects: Clearwater Drive dilapidated house, Beacon Hill Road reconstruction, nuisance home in Beacon Hills.

d. Update on Sidewalk Projects

Mr. Fivas presented an update on current sidewalk projects located at: Poplin Road, Unionville Indian Trail Road sidewalk project starts at Wal-Mart Shopping Center and goes to Brittany Downs the Right Of Way has been cleared and 80% of cost is being paid by federal grants, Wesley Chapel Stouts and Old Monroe Road sidewalk project, Sun Valley new sidewalk at theatre, Chestnut Lane sidewalk connecting to the Austin Village Center, Callonwood, Brookhaven and Chestnut Place subdivisions, Chestnut Lane road widening although a benefit to our residents this project is not being done by the Town.

Mr. Fivas provided additional updates on other projects: Old Monroe Road widening is still in discussion on specifics with NCDOT and first leg of Chestnut Parkway is in design, we need to spend time on solutions and resolutions to issues on Sardis Road Church Road and Unionville Indian Trail Road, currently working on issues for Rogers Road and Wesley Chapel Stouts Road needs various turn lanes.

Mr. Fivas concluded by saying there are many projects both actively being worked on and scheduled for

the near future making the most efficient and economical use of the newly formed Public Works Department and tax dollars.

e. Naming of Parks

Mr. Fivas reminded Council this was discussed at the last meeting and several conversations with individual Council Members, staff and the Park, Trees and Greenway Committee resulted in feedback that the time table set up to do the naming with the schools effectively and right would not work out in time frame we originally provided. Mr. Fivas recommended that we set the naming issue aside, see the results of the referendum and revisit it after the election in November. By consensus Council agreed with Mr. Fivas.

f. Safety and Security concerns by residents, Council Members and staff - this item was requested by Council Member Allen

Mr. Allen referred to the meeting held on April 19, 2011 when Council addressed this item; although some improvements were made countermeasures were superficial and grossly inadequate in his opinion. He feels the concerns are being greatly marginalized we are being placated as to additional procedures and systems. Since then there has been two Mayors, several former Council Members, and residents all having expressed their concerns about safety. He requested that we go into Closed Session to discuss contracting a private third party firm located outside the immediate area with the necessary credentials and experience to assess, formulate and implement adequate security measures to protect our residents, staff and Elected Officials that attend these meetings.

MANAGERS REPORT

Mr. Fivas advised that the Public Safety Committee has provided staff with a draft of an animal control ordinance. He commented that the solid waste program has distributed approximately 26,000 cans; services are being implemented fairly well and complimented both staff and Waste Pro on the handling of this massive conversion. Both the services and trash cans have been well received by the residents. He reminded Council and residents that the Town is compensated for the old containers so be sure to put them out in front of their house for Waste Pro to pick up.

COUNCIL COMMENTS

Mr. King and Mr. Allen had no comments this evening.

Mayor Alvarez thanked everyone for coming and considering the date he asked that people thank and appreciate those individuals whose job it is to run into danger for our protection. He congratulated the entire area both in Charlotte and surrounding for doing a great job during the Democratic National Convention.

Mr. Waddell stated that if you're willing to trade your liberties for security you don't deserve either. He is confident that Union County Sheriff's Office is more than capable of securing this building, and he is anxious to hear any legitimate concerns he has not been privy to. He expressed his heartfelt gratitude for law enforcement, fire, emergency service, and those who responded to the tragedy of 9/11 and requested that they be kept in everyone's hearts and prayers. Let's not loose site this is a free nation and unfortunately things cannot be prevented no matter how much law enforcement you have in place.

Ms. Luther stated that this is a hard topic but it's open and honest and gave credit to those that stood up and spoke about it as it took a lot of courage because it is a subject that could be taken personally. Although we do not expect anything to happen, we are all pretty wise enough to say that we need to take proactive measures in case it does so that we and the people attending these meetings are protected.

CLOSED SESSION

Robert Allen made a motion to enter closed session for NCGS143-318.11(a)(9) To discuss and take action regarding plans to protect public safety as it relates to existing of potential terrorist activity and to receiving briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken in response to such activity.

Motion Passed 3 - 1 with David Waddell opposing.

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

ADJOURN

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

APPROVED:

Michael L. Alvarez

Attest:

Peggy Piontek, Town Clerk

