

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn

TOWN MANAGER
Scott J. Kaufhold, P.E.



TOWN COUNCIL

Gordon B. Daniels

Gary M. Savoie

Amy R. Stanton

Mark A. Wireman

**Indian Trail Town Council
Regular Meeting
Tuesday, April 12, 2016
Civic Building—6:30 PM**

MINUTES

The following members of Town Council were present:

Mayor Michael Alvarez	Council Member Gary Savoie
Mayor Pro Tempore David Cohn	Council Member Gordon Daniels
Council Member Amy R. Stanton	Council Member Mark Wireman

The following members of staff were present:

Town Manager Scott Kaufhold, Town Attorney Keith Merritt, Town Clerk Kelley Southward, Director of Planning and Neighborhood Services Rox Burhans, Director Parks and Recreation Jason Tryon, Director of Finance Jim Wojtowicz, Director of Human Resources Tihisha Sharif, Contract Analyst/Executive Administrative Assistant Vicky Watts and Senior Planner Gretchen Coperine.

Guests present:

There were approximately 40 guests in the audience.

1. CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order at 6:30 PM and Andrew Lanier, Eagle Scout, led everyone in the Pledge of Allegiance to the Flag.

2. AGENDA ADDITIONS & DELETIONS

Action

- Councilman Savoie asked to delete item 4c-presentation by Linda Angus of the Operational & Fiscal Review (phase I) per direction of the Town Attorney to discuss at a later time. Mayor Alvarez solicited a motion to approve, which was submitted by Councilman Daniels the motion died by a vote of two (2) to three (3); Councilmen Savoie and Daniels voted in favor while Council Members Stanton, Wireman and Cohn voted in opposition of removing the item.*
- Councilman Wireman moved to delete item 13g of New Business as this item will be addressed as a part of item 13b that the Town Manager included on the agenda; the motion carried by a vote of three (3) to two (2) with Councilmen Daniels and Savoie voting in the opposition.*

3. MOTION TO APPROVE AGENDA

Action

Councilman Cohn moved to approve the agenda, as amended and the motion carried by way of a four (4) to one (1) vote; Mr. Daniels voting in opposition.

4. PRESENTATIONS/INTRODUCTIONS

- a) **Introduction of Tihisha Sharif, Human Resources Director.** Mr. Kaufhold introduced Tihisha Sharif, the Town's new Human Resources Director. Mrs. Sharif started a week ago and has hit the ground running. Mrs. Sharif worked for the Town of Pineville for several years and created their Human Resources Department. Everyone welcomed Mrs. Sharif noting how happy the Town was to have her on the Indian Trail team.
- b) **Presentation by Mayor Alvarez-Certificate of Achievement to Eagle Scout Andrew Lanier.** Council read the Certificate of Achievement outlining all the accomplishments of Eagle Scout Lanier. Mayor Alvarez presented the certificate to Andrew Lanier.
- c) **Presentation by Linda Angus of the Operational and Fiscal Review.** Councilman Cohn noted that the Town Attorney has suggested Council meet in Closed Session before discussing this item or listening to any presentation. He apologized to the audience for the interruption of having to enter closed session at this time and noted that he hopes the Closed Session will be brief—it will be held in the Cultural Arts Center. *Councilman Wireman moved to suspend the agenda rules to add a Closed Session at this point of the agenda to allow Council to discuss this time pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the Town Attorney to protect the attorney-client privilege; to consider and give instructions regarding any potential or actual claim, administrative procedure, or judicial action; or to consider and give instructions concerning a specific judicial action and pursuant to N.C.G.S. 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; to hear or investigate a complaint, charge, or grievance by or against a public officer or employee; the motion to suspend the agenda rules carried unanimously. Councilman Daniels moved that Council enter Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) and N.C.G.S. 143-318.11(a)(6) as stated above; the motion carried unanimously and Council retired to Closed Session in the Cultural Arts Center (the building next door to the Council's Chambers). Councilwoman Stanton requested to invite Linda Angus to the Closed Session; there was no opposition.*

After approximately 30 minutes Council returned to their Chambers in the Civic Building at which point Councilman Daniels moved that Council return to Regular Session of the meeting and the motion carried unanimously.

Councilman Wireman moved to suspend the rules in order to modify the agenda; the motion carried unanimously. Councilman Wireman moved that items 4c and 13a of the agenda be removed; the motion carried by way of unanimous vote.

- d) **Presentation by Chris Platé of Monroe-Union County Economic Development.** Mr. Platé gave a detailed presentation, which included a Power Point presentation, of the Monroe-Union Economic Development (MUED2016-2018 Work Plan. This is the second plan since the partnership formed in 2013. \$335 million of capital investments were

created under the first Work Plan among 42 different projects throughout Union County. 1,150 new jobs were created in Union County in that time and the unemployment rate was reduced 40% over that time period. Mr. Platé highlighted other accomplishments made since 2013.

The 2016-2018 MUED Work Plan focuses on four main functions to recruit industry and jobs to Union County: 1-precision manufacturing, 2-agri-business, 3-logistics and 4-commercial. Agri-business is a non-traditional economic development function but given the natural components of Union County it must be included. This is not a support of the crops and products produced in Union County but rather a support of the equipment used on these farms. The goal is to bring those types of manufacturing jobs here to Union County; closer to those who use the equipment. Councilman Daniels asked for a pie-chart breaking out MUED by municipality. Mr. Platé noted he did not have such a chart in his presentation but could provide Council with one at a later date but the data could only be shown in a comparison of Indian Trail to Union County; he cannot show the data compared among municipalities. MUED has a goal of guiding commercial businesses to grow in a structured way rather than just haphazard growth occurring. Based upon the four main functions of economic development a list of industries and businesses to target for locating in Union County has been devised. These include: agricultural equipment & processing, aerospace additive manufacturing, office development and medical device support operations.

Mr. Platé noted that there is a separate retail initiative available as a fifth function to MUED. The retail is different and separate because municipalities “have to pay to play”. Essentially, everyone in Union County (all municipalities) automatically benefits from the 4 main functions; funded through county taxes. If Indian Trail wants to join in the retail function he could provide details on that aspect.

This new plan differs from the first plan in that this plan focuses more on regions of the County rather than individual municipalities. Since the MUED had just formed in 2013 when the first plan was implemented it made sense at that time breakdown the county by municipality. There are 3 natural geographical regions to county: west, east and central. Since they have developed trusting relationships with each municipality gained through the implementation of the first plan they feel that this regional approach will help the second plan to be successful. Indian Trail is on the border of the western and central regions.

Councilman Daniels asked how the vote allocation works for projects; is it an equal vote? Mr. Plate’ said that within the retail component it would be equal since there is a fee to join. From an economic development standpoint, everyone gets representation. Mr. Ray Black is the representative for Indian Trail as well as others. The retail component is a separate program and the Town would have a dedicated person. Mr. Plate’ said he realizes the introduction of the retail component might be a little confusing; he could send some information to Mr. Kaufhold to distribute to Council. The retail is a separate program from the economic development; which essentially we already pay for through county taxes. The retail goal is to hire someone with the specific skill-set related to retail development in this area. Each town that pays into the retail program would get equal representation.

Councilman Wireman asked Mr. Plate to discuss the structure of the EDC. In 2012 there was a merger. City of Monroe would pay \$300,000 Union County would pay \$400,000 and create a joint entity. The city of Monroe also contributes an additional \$100,000. Both have equal representation in selecting members on the Board. The Advisory Board is made up of 8 voting members selected by Monroe, 8 voting members selected from Union County, and 9 ex-officio members (no voting rights just listen and advise). There is broad representation. The Staff analyzes projects as they come in, run cost/benefit analysis and make sure there is a positive ROI. We take the advice of the Board and send it up with our recommendation to the County Commission. Mr. Plate' attends staff meetings for Monroe and the County. He was on the EDC Board of Indian Trail as an ex-officiant, when it was in place. He is a government paid employee, not a 501c3. We are reigniting the 501(c)3 formally known as the Union County Partnership for Progress and that will help raise outside funds. The budget is funneled through the City of Monroe and therefore, he is technically paid by Monroe. However, the money is totally separate from City of Monroe's general fund.

This year we have relocated our office to a county-centric facility, Bealer Wholesale's prior building. We are reestablishing the 501c3. Our goal is to create 300 jobs and \$60 million of new capital investment.

Broadly, economic development is to improve the quality of citizens lives by creating job opportunities and a lower tax rate by creating a wider tax base. This is accomplished by the recruitment and retention of industries. Economic growth is NOT economic development. Economic growth is organic; it happens or doesn't happen. It can occur due to economic development but they are not the same. Economic development is a strategic and deliberate effort to bring companies and jobs to a community. Community development is not economic development either but it is a component of economic development that enhances the ability for economic development. Indian Trail over the past 5 years of so has made great accomplishments with community development with the implementation of amenities such as the parks.

MUED tracks larger companies that employ a lot of people. Currently they tracking about 170 companies in Union County that employ about 15,000 people. That is about \$600 million annually that is injected into Union County from these payrolls. The average hourly rate is \$18.50 per hour for these employees. \$12.07 is the average starting rate. The professionals are drawn from Monroe to Charlotte. The hourly workers are drawing from Stallings/Indian Trail all the way to Anson County. What is significant here is the point where those cross. Indian Trail, Stallings, and Monroe house both the executives and the laborers. Indian Trail is in a prime position.

Statics show that smaller businesses are located in Indian Trail. Only 2 or 3 industries located here are defined as significant (part of the 170 that MUED tracks): Harris Teeter Distribution Center; Kroups Brand; AP&T. While there is great land here companies won't wait on rezoning processes; companies are always looking for a reason to take a location off their list. Councilman Daniels noted that the EDAC that Indian Trail had was close to getting some properties rezoned to be ready for industries. He asked if it is better from Mr. Plate's point of view if a municipality has its own EDAC. Mr. Plate' said it

really makes no difference. At the end of the day, it's Town Council that provides official feedback. It's up to the Town Council if they want to have their own advisory committee to bring them information.

There are companies leaving Indian Trail and the County because they need to expand and we just don't have large enough buildings to accommodate their needs.

Councilman Wireman asked how many times Mr. Plate' had been invited to make a presentation at an Indian Trail Town Council meeting to present facts such as these. Mr. Plate' said he had only presented here once shortly after the MUED was formed.

Councilman Savoie asked what percentages of companies are looking for pad-ready sites. Mr. Plate' said that everyone is looking for pad-ready facilities. He said 6 companies that were recently looking to relocate did not relocate in the County went to another county because we had no pad-ready sites to offer. If pad-ready sites were available he believes they would sell quickly. He said if an existing company needs to relocate they do everything they can to stay in that municipality but if there is nothing there then they will look for a site elsewhere in the county before losing the business to another county.

Economy expected to slow down mid to late 2017; hopefully it will be a normal correction. Councilman Cohn asked how big of a pad are companies seeking. Mr. Plate' said they can find businesses that want anything from 20,000 sq ft to 200,000 sq ft. The demand is incredible and it's not unique to Union County. Surrounding counties have the same issue. However, Union County and Indian Trail are located in a very competitive spot. If you want a blend of housing options, it is easy to access from Indian Trail.

Councilman Wireman commended the tools available on the MUED's website. There is a database of existing businesses as well as a tool to help businesses search available locations. Mr. Plate' thanked Council for the opportunity to present to them this evening.

5. PUBLIC COMMENTS

- **Amanda Faulkenberry, 519 Pickett Circle.** Several weeks ago I went to Crooked Creek Park to walk and had to avoid 3 groups of smokers. I could only find two small signs that said no tobacco use. If the entire park is supposed to be non-smoking then additional large signed are needed. It should also be on the website. How is town enforcing non-smoking policy in parks? I would hate to see one of our parks damaged or destroyed by careless smoker.
- **David Drehs, 3216 Bow Club Trail.** My sole purpose is in representing the Miracle League of Indian Trail to express our firm desire for Option 2 in Area A. We want our kids to be next to other kids, playing together, and prefer the Miracle League Field to be located between the two baseball fields. The Miracle League Field is on all 3 options. However in Option 1 we are next to basketball courts, unstructured vs. structured play, not a good choice. In option 3, the field is next to the parking lot which is not the preference either, but basketball being the least favorite of the three options. Asking Council to support Option 2 in Area A. Thank you.
- **Michael Faulkenberry, 519 Pickett Circle.** A written copy of his comments was provided to Town Clerk and are attached hereto and made a part of these official minutes.

6. PUBLIC COMMENTS FOR FY 2016/2017 BUDGET DEVELOPMENT

There were no comments forthcoming.

7. LAW ENFORCEMENT UPDATE

Lt. Coble:

- Handouts were provided to Council and are attached hereto and made a part of these official minutes. Monthly statistics report, snapshot of first 3 months of this year compared to 2015, items that we track on our dashboard: Calls for service, average response time, self initiated activities, number of crashes and number of reports.
- Friday, March 25th, had a 39 year old go into 5/3 bank on Old Monroe Road, asked for cash, and no die packs, and them not to call police. She was quickly identified from the Facebook page and is now in custody.
- Narcan is an opiate antidote, it reduces the effects of an opiate overdose. Skyrocketing in the past couple of years. Since the deputies are often first on the scene, they will soon be carrying it. The Sheriff is a big advocate for moving forward with the program to help save lives.
- Update to the Firehouse Subs robbery that took place in February of 2014: The two men responsible for the armed robbery were sentenced to 192 and 87 months of prison respectively. They are responsible for 32 restaurant robberies in Charlotte.
- Currently testing a camera project for use during emergency situations and to monitor properties. Law enforcement would like Council to consider putting cameras in the Parks in the future. Law enforcement will continue to test it and bring it back to Council for potential future project.
- Continuing ongoing patrols on restaurant district along 74.
- Firearms training and qualifications ongoing.

8. DEPARTMENT UPDATES:

a) Department Head Update: Parks & Recreation—Jason Tryon

Since the last meeting update:

- Have had five tournaments at Crooked Creek Park. A total of 105 teams. Has become a stable for baseball & softball teams for the east coast, not just Indian Trail. Travelers from South Carolina, and Virginia.
- 120 Park rentals, have already reached 77% of revenue goal for Crooked Creek Park.
- First soccer program at Chestnut Square Park, had 10 registered, Couch to 5K starts on Monday, mini chef program has 7 kids registered and it starts next month.
- Have had 3 additional companies to come on board for sponsorships in the Park.
- Added two kiosks at Crooked Creek Park and one at Chestnut Park. Kiosks will tell them about programs and shelter rental signs.
- Two weeks ago a flyer was posted on Facebook page with all upcoming projects. It was viewed by 19 people and shared with 27 people. Right after that spike, all of registrations and shelter has really kicked up. Tremendous increase in views and followers on both Facebook page for Town and Parks and Rec page.

- Master Plan Update: Following the Woolpert presentation at the last meeting, as requested, we did create a link on Facebook for the public to view all options and make comments. Handout includes all comments. Where designated, Concept 1B and 2A were most popular.
- Dog Park - 60 more dog passes issued since March 10th. An average of 2-3 dog owners per day come in to get passes.

b) Department Head Update: Finance Director—Jim Wojtowicz

Mr. Wojtowicz: It is my first time addressing the Council and I am honored to be the Finance Director for Indian Trail. My first day, I spoke with the Town's audit manager and she told me that Indian Trail is on a good financial ground; my goal is to maintain it and improve on it.

- A dashboard will be created every month with help of Cindy Jones. It is a snapshot of our financials. It will be posted on the website, under the finance department in an effort to be more transparent. Mr. Kaufhold has been very supportive.
- 2016-2017 budget process is in full swing.
- Indian Trail's assessed valuation is up \$120 million from last year.
- I have a great staff. I am impressed with the checks and balances that Indian Trail has.

Councilman Wireman – There has been a change in state statutes that requires more transparency in budget and financials and to provide more information via website or means that they can be viewed.

Mr. Wojtowicz: Yes, it has not totally rolled out yet and we will stay on top of it. The new dashboard is a step in the right direction.

9. CONSENT AGENDA

- a) Approval Budget Amendments #544-#546
- b) Approval of Tax Month End Report for March 2016
- c) Approval of 4th of July Proclamation Honoring Korean War Veterans
- d) Approval of Arbor Day Proclamation
- e) Approval of Amended Carolina Courts Agreement
- f) Approval of Amended Chestnut Parkway Capital Project Ordinance (for consistency with Council action of 3/22/16 approving Phase 2 Right-of-Way design)
- g) Approval of Updated Budget Schedule for preparation of the FY 16-17 Budget

Councilman Daniels made motion to approve Consent Agenda. All approved unanimously.

10. PUBLIC HEARINGS

– Please adhere to the following guidelines:

- *Proceed to the podium, and state your name and address clearly;*
- *Be concise; avoid repetition; limit comments to three (3) minutes or less;*
- *Designate a spokesperson for large groups*

- a) **ZT2016-003 Grand Opening Banners:** Proposed amendment to Unified Development Ordinance Chapters 940 and 970 to remove permit requirements for business grand opening banners. Applicant: Town of Indian Trail (Ordinance #0160412-235)

Mr. Burhans: This is a request to amend Chapters 940 and 970 of the Unified Development Ordinance (UDO) to remove permitting requirements prior to installing grand opening banners. The Amendment has three key aspects: 1.) To eliminate permitting requirements for a grand opening banner. The amendment relocates grand opening banners to Chapter 940: Signs Not Requiring a Permit. 2) The amendment changes the duration of grand opening banners to 45-days from 30-days. The extra 15-days are intended to help mitigate any time lags between obtaining a zoning permit and the actual opening of the business. This is a slight deviation from what was discussed with Council; the Staff felt that there would be time lags between permit and actual opening. 3.) The amendment creates a process for installing a grand opening banner after the initial 45-day period by obtaining a temporary sign permit (using the banner permit process already in place today). The Planning Board could foresee circumstances where the business owner may decide at a later date to have grand opening sign and provides a secondary/alternative process. Business owners may not obtain two grand opening banners using the conventional and “backup” processes. There is still only one grand opening banner allowed.

The Planning Board heard this item at its March 15, 2016 public meeting. There were no public comments and very little discussion. The proposal was consistent with comprehensive goals for land use and unanimously the Planning Board recommended Town Council approval.

The following consistency statements were found:

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

- **Economic Development Goal #2:** The proposed Town initiated text amendment will expand marketing opportunities for new businesses and is reflective of the Town’s commitment to support the Indian Trail business community; and
- **Land Use and Housing #6:** The proposed text amendment’s elimination of the need for grand opening banner permits increases the predictability for new business owners in obtaining temporary signage.

2. This UDO ordinance amendment is in the best interest of the public because it helps create additional marketing opportunities for new businesses and makes the regulatory process more predictable, which will help promote job growth and ensure a more balanced tax base within the community.

Town Council Action Requested: Receive the Planning Board Recommendation and public comments and concur with the findings to approve, or approve as modified by Council, or disapprove the amendment.

Mayor Alvarez opened floor for Public Comments. There were no public comments. Mayor Alvarez closed the floor for Public Comments.

Councilman Wireman made the motion to approve the required consistency findings as read into record by Staff. Motion was unanimously approved.

Councilman Wireman made the motion to recommend approving the proposed amendment to UDO Chapters 940 and 970 to remove permit requirements for business grand opening banners as presented. Motion was unanimously approved.

- b) ZT2016-001 and Comprehensive Plan Amendment (CPA) 2016-001: Hotel and Mixed Building Uses: Proposed amendment to Unified Development Ordinance (UDO) Chapters 520, 810, 1010, 1610, create new Chapters 7220 and 7230, and amend Comprehensive Plan Chapter 3 to permit hotel-motel uses and mixed-use buildings within the Village Center overlay districts and related amendments. Applicant: Moser Group. (Ordinance #0160412-236)**

After Mayor Alvarez opened the Public Hearing the floor was turned over to staff beginning with Rox Burhans, Planning & Neighborhood Services Director. Mr. Burhans said that due to the nature of this application it was split between him and Senior Planner Gretchen Coperine. Mr. Burhans would be providing a brief presentation on the Hotels/Motels portion of the proposed text amendment. His presentation would be followed by a brief presentation from Mrs. Coperine regarding the proposed text amendment for Mixed-Use building aspect. Then, they would allow the applicant and/or the applicant's agents to make brief presentations.

To that end, Mr. Burhans began the presentation of the requested UDO text amendment to permit hotel/motel uses within the Town's General Business (GBD) Zoning District and more specifically, in the Overlay Village Center District (OVCD) areas which are areas deemed to be intense concentration areas of commercial and mixed-use type development. The Moser Group is the applicant and several sections of the UDO would be affected: The Table of Uses; Use Specific Standards; Landscaping; and Parking Standards. Although this application specifically relates to amending text of the UDO the applicant has noted that they desire to construct a hotel from a national hotel chain the Sun Valley Commons area. Since the UDO does not currently allow for the hotel/motel use in that specific area the Moser Group has filed this application to amend the UDO so that the use would be permitted in the future if the text amendment is approved.

The proposed amendment starts with Chapter 520 of the UDO—Table of Uses; adding Hotel/Motel as a permitted use in the GBD and the OVCD. Additionally, a language to the Use Standards would be modified to read: “*Only permitted in select Village Center locations within GBD. See UDO Chapter 7220 for use standards and Village Center locations.” An asterisk (*) would also be added to the Regional Business District (RBD) where hotel/motel is already a permitted use. Of course the * would be included with the GBD and OVD for this use as well. **All proposed changes are noted in red font and the complete Planning Board Transmittal and Staff reports including the proposed UDO amendments are attached hereto and made a part of the official minutes.**

Mr. Burhans pointed out that although hotels/motels are currently permitted in the RBD, the most intense business district that we have and mainly located along the US 74 corridor, there are currently no hotels or motels within the Town of Indian Trail. So, visitors to our community have to go out of Town to find lodging accommodations. As part of this amendment staff and the Planning Board researched how other jurisdictions handle zoning of hotels and motels and more specifically those hotels and motels located off a main corridor. They found that there was not any boiler plate answer or approach. Each jurisdiction addressed hotels and motels in more mid-tier commercial districts. What the research provided is that the proposed amendment is not unusual from practices of other area municipalities.

As is the case with most text amendment applications they come to staff as broad and general. As long as the requested amendment is reasonable, staff will take the proposed request and message it to fit Indian Trail and make sure there is consistency throughout the UDO. So, in addition to amending the table of uses for this request, Chapter 7220 of the UDO would be amended to provide some basic yet specific standards related to hotels and motels. Proposed standards include limiting hotels and motels within the GBD to the Sun Valley-OVCD. All units must be entered from an interior hallway or an interior courtyard or swimming area (for first floor units). Exterior balconies would not be permitted within 200 feet of single family residences except under specific screening circumstances. The total length of stay for a patron could not exceed 30 consecutive days. Areas devoted to non living quarters such as restaurants and conference rooms shall not exceed 20% of the total gross floor area without a conditional rezoning approval. Pool facilities would not be permitted between the building and street or in front of the building within the GBD/OVCD. The proposed height limit for hotels/motels in 63-feet (five stories) unless a taller height is permitted as part of conditional rezoning approval. Finally, buildings located adjacent to single-family residential zoning districts or uses shall have enhanced landscaping to help minimize the visibility of upper second story floors. Additionally, some changes to landscaping requirements have been made to include standards for hotels/motels and parking for conference or meeting centers.

There were no comments from the public when this matter was before the Planning Board in March. However, Mr. Burhans noted that there was a very active discussion by and between the Planning Board, staff and the applicant. Much of the discussion focused on the proposed location as the Planning Board asked why the applicant wasn't looking to build along HWY 74—the applicant can address Council on that matter this evening. The height was discussed at length and actually increased from staff's original recommendation of only allowing four stories; this was to keep the height of any hotel/motel the same as Stone Theaters; which is currently located in Sun Valley Commons. The aforementioned standards were discussed in-depth. The Planning Board also tried to determine the difference between a hotel and motel but no industry standard exists to differentiate between the two. Mr. Burhans said that concluded his presentation on the hotel/motel portion of the application and turned the floor over to Gretchen Coperine, Senior Planner to address the mixed use portion of the application.

Ms. Coperine noted that this request is part of the same application made by the Moser Group to amend the UDO. However, this portion of the request is to allow for mixed use buildings in certain commercial centers. Currently, mixed uses are not permitted. We allow for multifamily residential and commercial but the two are not permitted within one building, which would be a mixed use. The UDO would be amended in several areas for this change. First, Section 520 (Uses Table) to permit mixed use building in the GB and the OVCD with “conditional rezoning approval to establish use, only permitted in select Village Center locations within GBD see UDO Chapter 7230 for use standards and Village Center locations”. Second, amend Chapter 7230 to include standards for mixed use buildings. Mixed Use Buildings are intended to provide two or more complementary uses within the same building structure. A Mixed Use Building is a multi-story building that contains at least one floor devoted to nonresidential uses and one floor devoted to residential use. Ms. Coperine noted that landscaping requirements between mixed use buildings and single-family residences or neighborhoods would be intensified to protect the single family residences and neighborhoods.

The proposed standards for UDO Chapter 7230 Mixed Use Buildings are:

- Mixed Use Buildings shall required a conditional rezoning approval process
- Mixed Use Buildings within the GBD shall only be permitted within the village center overlay areas of Austin Village, Sun Valley, Rocky River and Old Monroe Village Centers as identified within the Indian Trail Comprehensive Plan.
- Building Use: the mix of uses within a Mixed Use Building shall consist of the commercial or office uses on the ground, multi-family residential or commercial uses on the upper floors. Multi-family uses shall be limited to 75% of total floor area in a mixed use building. The mix of residential and non-residential uses shall not alternate on upper floors, non-residential uses may be provided on the ground and 2nd floors, however, any subsequent floors proving residential uses shall not alternate between residential and non-residential uses. There shall be no residential and commercial uses on the same floor.
- Unless otherwise provided the lot and building standards shall meet the requirements of the UDO, Chapter 520.030-Lot and Building Standards
- The maximum density shall be determined through the conditional rezoning approval process for each site, based on site location, building form, massing and scale. The maximum floor area for non-residential uses shall be 28,000 square feet for a 2-story building; 33,000 square feet for a 3-story building and 36,000 square feet for a 4-story building.
- The design for mixed use buildings shall comply with UDO Chapter 630, Village Center Overlay Zone and Chapter 1320, Nonresidential Design Standards. Also, each building shall be designed with harmonious architectural elements as a single structure; exterior balconies shall not be allowed within two hundred (200) feet of any single family residentially zoned or occupied property unless they are located in an interior courtyard or are physically separated or screened from the residentially zoned property by another building or portion of a building; entrances for the residential and nonresidential uses shall be separate and/or through h a common courtyard,

where it is not feasible to provide a separate entrance to the residential uses, access to same shall be restricted to residents only via controlled access mechanism.

- In addition to height limitations specified in UDO Chapter 520.303 (A) and (B) within the GBD-OVCD overlay district, building height shall be limited to 50-feet or 4-stories (whichever is greater) unless a taller height is permitted as part of a conditional rezoning approval.
- Land Use Group: Mixed Use Buildings shall be classified as a Group 2, per UDO Chapter 810.050 Land Use Groups. Landscaping shall be subject to nonresidential landscape requirements per UDO Chapter 800. Additional landscaping, open space and or amenities may be required based on site location, building form, massing and scale. Such requirements shall be determined as part of the conditional rezoning approval.
- Sign requirements shall be subject to nonresidential sign requirements as specified in the Chapter 800 of the UDO.

Ms. Coperine relayed that this change would in addition to an amendment the UDO would require an amendment to the Comprehensive Plan, which is done by a resolution as opposed to an ordinance, which is necessary to amend the UDO. She reported that the Planning Board has voted unanimously to recommend the changes for mixed uses, as presented. Ms. Coperine read the consistency findings for the record:

“The proposed UDO amendment is consistent with Land Use and Housing Goals #1, 2, 4 and 5 because it will enable diverse uses, densities and housing types, avoids potential land use incompatibilities, promotes sustainable development through the use of smart growth principles and encourages high quality design; and Economic Development #1 because it will enable infrastructure investment in the commercial areas of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community. This UDO ordinance amendment is in the best interest of the public because it seeks to concentrate more intense development within the village centers and protect the low density single-family areas as envisioned in the Comprehensive Plan.”

Ms. Coperine said that Council is being asked to receive the information and public comments. Then, Council should consider approval of Resolution #R160412-1, which is to amend the Comprehensive Plan as explained. Second, Council should consider adopting the consistency findings for the text amendments. And finally, Council should consider (i.e. approve as presented, approve with modifications, disapprove or request more information) adopting Ordinance #0160412-236 which would adopt all text amendments presented and explained by Mr. Burhans and Ms. Coperine.

Councilman Wireman asked if Monroe was used in the sampling of comparing how different municipalities address hotels and motels in zoning. Mr. Burhans said that Monroe was not a part of the sample as their commercial is concentrated to their downtown area or along HWY 74; they do not have the tier structure of commercial that was being examined for this purpose. However, they did look at Monroe’s existing hotels and those are located along HWY 74. Councilman Wireman asked that of those towns sampled do they have an overlay similar to that of the Sun Valley area. Mr. Burhans said based upon the zoning descriptions some do have the overlay while others do not.

Councilman Wireman said for the mixed use definition hotels were not included; was this oversight or are they separate? Ms. Coperine noted that hotels/motels are a separate classification from mixed use so that was intentional. Councilman Wireman said that he was confused by the heavy discussion of residential use (in the mixed use presentation) as he thought this was all about hotels/motels and how it relates to the Comprehensive Plan Amendment (CPA). Ms. Coperine explained that the CPA is specific to the mixed use amendments of the application; density is only applicable to the mixed use portion.

Councilman Daniels asked if recommendation with modifications would include changing locations (i.e. changing zoning districts). He asked if this was just relative to Sun Valley. Ms. Coperine clarified, noting that the hotels/motels portion was applicable to Sun Valley but the proposed mixed use, as presented, would be permitted in Sun Valley, Austin Village, Rocky River and Old Monroe Village Centers. Councilman Daniels said he was focused on hotels/motels and it was clarified that the proposed text amendment would, with specific standards, permit hotels/motels in the Sun Valley area. Mr. Burhans confirmed that Council has the discretion to modify where (i.e. in what zoning districts) hotels/motels are permitted. Mr. Burhans reiterated that hotels/motels are currently permitted along HWY 74 in Indian Trail. If Councilman Daniels wanted to suggest an area different than what has been proposed in the text amendment being considered this evening, Mr. Burhans suggested that staff be given some directives from Council where they would like to have hotels/motels considered and let staff research and bring changes of the amendment back before Council so that everything is codified appropriately.

Councilman Wireman said it's his understanding that Sun Valley Commons is primarily for entertainment and shopping; to support the surrounding residential neighborhoods. However, he said that in the Comprehensive Plan it notes that there should be a discussion to look at a smaller scale plan for the area. He is concerned that the Planning Board has made the recommendation to move forward with these amendments; perhaps they did not see that sentence or did not understand its meaning. Mr. Burhans confirmed that the Sun Valley area has been identified, by Council a few years ago, as an entertainment area; a place where people go and spend time versus going to grab one thing quickly and leaving. Mr. Burhans said that he believed the former Economic Development Advisory Committee may have been looking at an area within Sun Valley for a small scale plan. However, he doesn't know if it would be the best planning practice to add such in that area because so much of the area has already been replanned to be in-line with what is already existing. Councilman Wireman believed it was Lot 14; a 3.5 acre tract that was being examined for the small-scale plan.

Mr. Burhans introduced Mr. John Ross of Eagle Engineering to present some information regarding hotels/motels in the subject area on behalf of the applicant, the Moser Group. Mr. Ross said at the March 15th Planning Board Meeting questions arose specific to the proposed site at Sun Valley with regards to hotels/motels; such as will this be a full-service hotel? Yes, it will be full-service with a restaurant and meeting rooms; conventions will be able to take place on-site. What would be the market sector for the hotel? Business travelers throughout the week; there are 3,500 jobs that support this type of industry need around the Charlotte airport. On the weekends it would be travelers associated with team sporting tournaments. Indian Trail's parks as well as Carolina Courts and Extreme Ice all host sporting events and competitions. Currently, those associated with all these sporting events that take place in

Indian Trail have to leave Indian Trail for lodging accommodations. Finally, extended out of town family members to residents of Indian Trail would be able to utilize this hotel. According to Mr. Ross, NC DOT traffic consultants have relayed that a hotel is a less intense traffic generator than other commercial uses currently allowed in the OVCD.

Mr. Ross said the Planning Board was also curious as to what size hotel was being proposed should this text amendment be approved. He presented five renderings of possible similar hotels that would be considered for the site. The proposed design type would be a mid-rise facility with 90-120 rooms. He highlighted and agreed with the positive aspects of a hotel in this area included in the Staff Report. Mr. Ross also said they are in agreement with the concerns included in the report; the Union County Sheriff's Office (UCSO) would be included in all stages of planning. The hotel companies sought for this project have very comprehensive life-safety plans and designs that encompass everything from lighting to fire safety. Mr. Ross said he believes the proposed text amendment will promote a positive and welcome a much needed addition to Indian Trail.

Councilman Daniels asked if the applicant had given any consideration to building a hotel in a different location in Town; would they consider another location outside of the Sun Valley area. Mr. Ross said that national hotel chains have toured Indian Trail and each one has said that Sun Valley is the area in which they would build first. Councilman Daniels said that he believes everyone is in agreement that Indian Trail needs a hotel. The difference in opinion is where a hotel should be located in town.

Mr. John Urban of Urban Architecture Group of Matthews addressed Council next regarding the mixed use portion of the text amendment application on behalf of the Moser Group. Mr. Urban said that Sun Valley Commons and the OVCD is a very dynamic project in Indian Trail. The addition of mixed use development would elevate it exponentially. Even in Mr. Plate's presentation this evening it was noted that a diversification of housing, hi-tech jobs and entertaining millennials is important to economic growth. The mixed use aspect in the Sun Valley area could accomplish all of these things. Mixed use residential units are not necessarily family-oriented living quarters. Rather, such residences appeal to millennials with hi-tech jobs. It helps to increase retail in the area because if you can get it where you live then you are more likely to use the retail over ordering on-line or traveling elsewhere to get what you want/need. Of course, restaurants do well in these areas too. It is a live, work, play concept that has been very successful in North End in Matthews. That developer has a waiting list for the residential portion. Baxter, Brookdale and Phillips Place are other examples of mixed use neighborhoods that have been very successful in the area. There is more sustainability for the area because vehicular traffic is reduced: people could potentially live, work and be entertained on the same property.

Councilman Cohn said he heard restaurant mentioned as an available amenity in the hotel during Mr. Ross' presentation. Would there be an actual restaurant or perhaps is food available at the proposed hotel. Mr. Moser said that there would not be a restaurant in the proposed hotel but food may be prepared and offered on-site but not in the form of a restaurant. Rather 20% of the floor area may be designated for convention meetings.

Councilman Wireman said that he is still confused between these two concepts hotels and mixed use. Mr. Burhans said that the text amendment application requested these two

different development types; one is not dependent upon the other. Mixed use is one type of development and hotels/motels are a separate use and development type. However, both types of uses/developments are being requested for village center areas. The hotels/motels have been requested for one village center (Sun Valley) and the mixed use for multiple village centers that were outlined by Ms. Coperine. So, these two different uses or types of developments are exclusive of each other; they are not dependent upon one another rather they are two separate uses for UDO text amendments provided by one applicant on one application.

Councilman Daniels:

What is being asked of Council? Mr. Burhans reiterated that the mixed use portion would: 1) require approval of a Resolution to amend the Comprehensive plan; 2) require approval of the consistency findings as read into the record by Ms. Coperine; and 3) Action regarding the proposed amendment for mixed use (approve as presented, approve with modifications, disapprove or request more information). The proposed Hotel/Motel UDO amendment would: 1) require approval of the consistency findings as previously read into the record and 2) require action on the proposed amendment (approve as presented, approve with modifications, disapprove or request more information).

Councilwoman Stanton:

Where is the Mixed Use proposed to be located? Ms. Coperine explained that no specific area is identified at this time. However, the amendment would allow for Mixed Use Buildings to be permitted within the GBD shall only be permitted within the village center overlay areas of Austin Village, Sun Valley, Rocky River and Old Monroe Village Centers as identified within the Indian Trail Comprehensive Plan. The text amendment would only allow the possibility of mixed use buildings in these areas. Specific projects would have to go through a conditional zoning process and ultimately have Council approval. No site specific location has been determined for any of the areas. However, the applicant of the text amendment may have a site specific area for mixed use in mind if Council wanted to hear from Mr. Moser.

Councilman Daniels:

Ms. Coperine explained a UDO text amendment after query by Councilman Daniels The UDO is our zoning code and is applicable to all land in Indian Trail; not just to any specific person or property. However, properties have different zoning classifications and UDO explains what is permitted outright for each zoning district, what uses could be permitted if certain criteria are met and what uses are not permitted. The UDO is a tool to guide the town in review of projects that come forth by application. A text amendment does not approve specific projects. So, if the mixed use text amendments were approved it would allow a person/firm/corporation/developer to apply for a conditional use permit for a specific mixed use project that would have to go through the entire conditional zoning process and Council has final say.

Councilman Wireman:

Obviously there is confusion here. I am concerned that the public is quite confused by the way in which this application was presented and advertised. I don't want to speak for all of the public but I wish this could be simplified to laymen's terms so it would be easy for everyone to understand. I don't know what was done to educate the public so that they could completely understand these two proposed text amendments in this application.

Dennis Moser- Moser Group

Mr. Moser felt that Councilman Wireman had a very good question. When we first filed the motion for the re-zoning for Sun Valley Commons there was a hotel included. In 2010 when we paid our water/sewer fees to the County it included fees for a hotel. There has never been a time when there wasn't a hotel at Sun Valley Commons. To cut out any confusion, that is why we are here. I have a site that is already zoned to permit a hotel in Stallings and by HWY 74 in Indian Trail by the Lowes. With the Monroe bypass, it is taking 11 acres of the Stallings site and putting it 22 feet below the road. There will be construction there for next several years. We have been fighting to get a hotel in Indian Trail. We are asking you to endorse what the hotel industry professionals and consultants have concluded which is that Sun Valley is the right site, because of the amenities and airport. The confusion over the super streets and Monroe bypass, they don't feel that 74 is the correct location right now. The first one that has the best chance of being economically feasible is at Sun Valley Commons.

On the mixed use request, we are struggling to attract at Sun Valley Commons, the retailers that demand a higher density of population in order to thrive. All this text amendment is doing is adding a tool to your toolbox for someone to come back to you later on and still bring a retailer in later on. The assessed value of the hotel is \$16 million, 112 rooms. This is a dream opportunity and it offsets the tax burdens for the residents.

Mr. Cohn:

I wish you could tell me what kind of hotel. When we talked, I thought you had stated that there would be a possibility to put a city tax on the rooms? I am not trying to raise taxes, but I thought it would be a good source of income that the residents would not pay.

A: (Mr. Moser) I can't mention the specific brands. I can commit to a Hilton or Marriott brand. I did not say that about a city tax on rooms, but there are real estate taxes that are based on the assessed value that will benefit the Town. I personally would not like to see a sales tax. Sun Valley is becoming known as our entertainment district; how do you have an "entertainment district" without a hotel?

Mayor Alvarez opened Public Comments:

- **Doug Pressley, 6308 Monroe Road, Indian Trail.** I live less than ½-mile to the proposed hotel. The question has been asked several times as to why you would put a major hotel off the main road. I've lived here my whole life and seen the tremendous amount of care and effort has been put into crafting a residential area with anchoring permanent businesses. Previous Council has dedicated a lot of effort. A high occupancy hotel with transitory population and to run the risk of introducing tremendous traffic which the road cannot handle would be wrong. I believe this is a mistake for the Sun Valley area, and I would hope the Council would not support the addition of this hotel.
- **Amanda Faulkenberry, 519 Pickett Circle.** According to the 2014 Comprehensive Plan, a village center should focus on retail and professional services for the surrounding residential neighborhoods. It also designates Sun Valley Commons as shopping and entertainment district. To allow a hotel or mixed use building would compromise the village center feel and uniqueness. What about the impact that a multi-story hotel or mixed use building would have to us on the other side of the wall?

How would you feel if half a dozen or more people could watch you in your back yard; in your pool or on your deck? How safe would you feel? Would we have to buy room darkening curtains and blinds to sleep with all the parking lot lights? We have already had several issues with this based upon the current development. How many times would you have to call Sheriff's department because of noise and other issues that could occur? Just stop and picture this right behind your house or literally across the street from your home. The individuals that want this will never have to deal with the issues because they don't live in this area. Asking Council to say no to both hotel and multi-story mixed use UDO amendments.

- **Shirley Howe, 6205 Clearwater Drive.** I am confused; I thought this was just to comment on the hotel. I am in favor of a hotel in the area, but I don't approve of the Sun Valley area. It should be on Highway 74. There are 4 schools in the immediate area, Publix will add additional local businesses that will generate more traffic. Let's not forget the existing problems on Monroe road. Thousands of homes were built in this area with little consideration for infrastructure. Monroe widening project is several years away. Valley Estates is directly adjacent to this property. We continue to make the same mistakes over and over. Don't let history repeat itself.
- **Jerry Morse, 271 Unionville Indian Trail Road.** I live four houses from Kate's Skating rink. I personally will not be impacted but I feel for those residents and that it is totally the wrong spot for the hotel. I live on 74 and knew the risks when I decided to buy a house there. HWY 74 is the perfect location for a hotel. It is centrally located to all the parks and the Extreme Ice Center. It seems odd to put a pink elephant on the neighbors; it's just a bad move. It's not my money but it is my town and I want to see the best for the people. I'm impressed by Mr. Moser and accomplishments that have been made but I don't want to feel like we are being bullied into decisions. I would rather see a hotel than another car lot on 74.
- **Tommy Smith, 609 Picketts Circle.** I live behind the "Indian Trail wall" as it has come to be known. I can see the theater through the trees, and if a 4 – 5 story hotel goes there, I think is a safety concern for the children that live there. The developer did not show the back side of the hotel. The Blvd (HWY 74) is a better place.
- **Michael Faulkenberry, Pickett Circle.** Mr. Moser said that there was always a plan to build a hotel at Sun Valley Commons but this is the first that I've ever heard of it. Our neighborhood had a meeting with Mr. Moser to get the wall built and it was never brought up then. Also Sun Valley Commons was proposed in 2010 as "the biggest economic development project south of DC and north of Miami, Florida"; as you can see it's not working too well. We all know that economic growth will flourish upon completion of the Monroe By-pass because Indian Trail will have several exits from the by-pass and that is where a hotel would be most appreciated. It would be more convenient for vacationers to stop for the night or several nights. It would also be easier for tour groups to stop and spend the night when traveling to the east coast. It would be better situated on HWY 74 for folks involved in sporting events taking place at Town parks, Extreme Ice and Carolina Courts without putting additional traffic burdens on our local streets. Indian Trail is already helpless in trying to solve our existing traffic problems. You don't need a crystal ball to tell you once a hotel is built along the by-pass that the Sun Valley hotel would have a dramatic drop in business. Looking at present projects on the Town website, the Charter school was originally slated to go on Wesley Chapel Road but was moved to Younts Road because Wesley Chapel couldn't handle the expected increase in traffic. Mr. Moser's property near

Kate's Skates is more than sufficient for the size hotel he is proposing. Mr. Moser was recently quoted in a paper as saying he hears Indian Trail needs a hotel more than anything. Well, I heard from residents while running in the last two elections that better roads are needed in Indian Trail to accommodate heavy traffic more than anything else.

- **Kelly Donofrio, 3005 Datau Lane, Indian Trail.** I agree that this is not the location for a 5-story building in a suburban village. It is a place that the families that live in the area go to do their shopping and catch a movie. It is not an appropriate area for a transit population that you get with a hotel. The families that live there did not sign on for this. It was never in the plans to have a hotel in this area so folks bought their homes without knowing that a hotel would ever be considered here. If the need for a hotel is so great then the developers will find another more appropriate place to construct a hotel in Indian Trail. This town keeps making the same mistakes as far as development. I ask that everyone step back and take a look at the full picture instead of the hodgepodge that we have now.

There were no other public comments forthcoming so Mayor Alvarez closed the floor to public comments and opened the floor to Council discussion.

Councilman Daniels: I was invited to walk the area around Sun Valley by a resident and it opened my eyes which led to the questions I asked tonight about an alternative site. I went to Carolina Courts and saw that we had Phase I of Chestnut Parkway finished, and in my opinion, that would be the perfect location for a hotel. I would vote for a hotel in Indian Trail every day, but I would like for it to be in a location that is sustainable and not a hindrance to residents in that area. I listen to constituents concerns, but have to base my decision on what I feel is right for the area. My vote is not based on emotion but on facts and what I feel is best for Indian Trail. One thing that concerns me about a hotel at any location is that some people stay at a hotel for 30 minutes and then leave. I don't want that type of thing around my children and I'm sure other residents feel the same way.

Councilman Wireman: My biggest concern is that the text amendments, as presented, were confusing and we haven't heard enough from the public. I have documented that there are 70 residents that expressed concerns with Sun Valley Commons. It was meant to be support for the residential areas. I think most folks don't disagree that a hotel is needed in Indian Trail but not in Sun Valley. 36,000 cars go through that intersection, that is a lot of traffic and another 100-200 cars would add additional delays in travel time to Indian Trail residents. I don't want to add more issues and complexities to the roads. I spoke with Mr. Moser today and he made some road improvements with the development of Sun Valley Commons, some of which were mandated. However, the intersections in the area are still having traffic issues. Wesley Chapel is a nightmare, Taylor Glen is a problem. I have concerns from a traffic and safety perspective with adding more traffic. I don't think we had an opportunity to hear from all the residents and there are huge residential communities in that area. We as a Town failed in not getting this information out; if you're not a Planner it would be hard to understand. I don't see the people here that support it. I would like to educate the residents better and get more feedback from them.

I have heard from business owners and they indicated that they will support a hotel on 74 location. The Monroe airport is an executive airport, not commercial. It's \$90 to get to Indian Trail from the Charlotte airport.

Councilwoman Stanton: Thank you for all the public comments. Thank you Mr. Moser for speaking with me last week and your presentation this evening. I talked with residents, and my feedback from those I talked with was about 50/50. Some were for it for the tax base; some didn't like it because it is a residential area. And then the other part of the residents I spoke with didn't know anything about the hotel or the mixed use. I didn't know about mixed use until I sat in this chair this evening. The information needs to get out to the residents, maybe we need to have a town hall meeting and get more feedback. Let the residents hear the presentations and let them share their feelings on the proposals. I know we can't make everyone happy but I want to try to make most residents happy. Even my own home is divided on this issue. I hope my fellow council members agree to get more information out to the residents and to get more feedback from the residents.

Councilman Cohn: I look at things differently here and have a different perspective. This has been a long week for me. I don't just make the decision; I live it and sleep it. I've read a lot, went door to door, behind the wall, went to Brandon Oaks, put it on Friends of Indian Trail. I purposely did not comment because I did not want to influence anyone. Some of these people were against the movie theaters, Carolina Courts and the parks. There was some concern of prostitution and drugs. I'm a gold member of this particular hotel, and I don't think those will be issues at \$120/night. Talked with Extreme Ice, was told they could book a hotel 48 of 52 weeks a year. They had a big tournament during spring break and booked 800 rooms/filled up 10 hotels. I talked with Carolina Courts, they book 3,000-5,000 rooms per year. The average family from Extreme Ice spends \$1500 a weekend. That's a lot of money leaving our town. A big advantage to having a hotel in Sun Valley is that folks would park their car at the hotel and then spend walk around the businesses at Sun Valley Commons and spend their money at the restaurants and businesses. While the kids are at the movie, the parents can go to Hickory Tavern. I understand why a hotel would want to go in that area. It's not all about the jobs and money although that would be very nice. However, it is not the right thing to do if the public does not want it. I might know in my heart it's the right thing to do but if the Town residents don't want it, that's all that matters. Maybe the residents don't know the advantages. We need to do something for the people that live there. There wasn't a hotel there when they moved there. We need to take them into consideration. A hotel would not generate as much traffic as a lot of other things that can go on the land. Do we want to vote on this? Do we want to table it? Do we want to hold a public meeting to further inform the people?

Councilwoman Stanton:

Mr. Moser, would you be ok, if the Town set up a Town Hall, would you 3 do another presentation at Sun Valley High School auditorium and let Council hear from the residents both for and against? Can we get the residents educated?

A: (Mr. Moser) Yes, we are absolutely open to that. Don't forget to include the business community who will be using the hotel. We have heard from the residents that they excited to have a hotel closer for family so they don't have to stay in another town when they visit. Everyone agrees that 74 is the place to go but that will be years out before the impact of the bypass is visible.

Councilwoman Stanton said that she did go to the businesses in the area and they are excited about a hotel. I would like to table and have a type of town hall meeting to educate the people; get those that are for the project out there and those that are against it should come too and maybe the two sides can talk with each other. Mr. Moser opined that it is typical that people who are in favor of a project like this typically don't come out and express their opinions. It is only those who are adamantly opposed who will take the time to come out to a public meeting and speak on the issue. However, I am willing to have the meeting if Council wants the meeting. He reiterated that the expert hotel consultants have toured Indian Trail with him and said Sun Valley is the most viable location for a hotel in Indian Trail.

Councilman Savoie:

I understood we were voting on the text amendments for village overlays for hotels and mixed use. However, it is clear this evening that there needs to be an education piece for residents.

Councilman Wireman:

The residents that came out in opposition of this matter this evening are just as busy as anyone who is for the hotel but they took the time out of their busy schedules to come tonight to share their opinions. It's not fair to characterize it that way and I don't characterize it that way. It is very confusing how this is written; if you're not a planner you won't understand. We need to make an effort to educate our residents. He said that Mr. Plate' told him that he agrees that HWY 74 would be best for a hotel. The Monroe airport is an executive airport so it won't really be utilized by folks utilizing a hotel here.

Councilman Cohn:

Something needs to be done for the people that live adjacent to the proposed hotel. When they bought a home there, there was not a hotel. These people need to be taken into consideration. Try to work something out to make these folks happy. He added that a hotel will not generate as much traffic as folks may think. There are other businesses that could generate a lot more traffic in the area than what a 112 room hotel will generate. But again, if the residents aren't going to be happy with it then I won't be either.

Mr. Moser: Made an offer to meet separately with the residents on Pickett Lane in addition to the Town Hall. He has a solution to the negative there. Offered to put sidewalks with one-way gate, people could walk to eat/to theater. The other side of Pickett circle is already zoned commercial and multi-family. Do we go back and take a look at how the backside of the wall looks and create some different screening options. We could continue to work with residents and see what could enhance and increase the values of the homes.

Mr. Moser also asked that the Town cover the notice (advertisement) the distribution and costs associated with the additional meeting for the residents. He asked that Council include business owners. Mr. Burhans agreed that was a reasonable request.

Councilwoman Stanton liked the idea of meeting individually with residents on Pickett. In fact, if we do have a town hall forum meeting perhaps we could invite those residents to show up a half hour early; if they come, great and if not, that's their choice.

Councilman Daniels asked if Mr. Moser had any sketches of plans; is there sufficient parking. Mr. Moser did not have a sketch but said that there are 170 parking spaces which exceeds the parking requirement of the UDO. Councilman Daniels felt that the Monroe Airport will one day be commercial. The only thing precluding it from being commercial now is that the runway isn't long enough but they are working on an extension.

Councilman Wireman said that meeting with the residents is up to Moser. He commented that he is unsure how Mr. Moser could address the resident concerns with the size of the hotel and proximity to their yards, ("cover the hotel") unless Mr. Moser would have to plant 60 foot trees to screen.

Mr. Merritt, one of the options is to request additional information. Also, the property owner has to agree to the meeting with residents; it is not a requirement available in the UDO as part of the normal process for a text amendment (or at least not at this point in the process). Mr. Moser was in agreement so long as the costs associated with the additional meeting are not put on him.

Mr. Burhans: Since we don't have a specific date, direct meeting to occur subject to Mr. Moser's agreement. Town will need to re-advertise. I'm told that there has been a lot of social media conversation around the hotel and not the mixed use, so that may have created some of the misunderstanding that there were hotel and mixed-use discussions.

Councilwoman Stanton made a motion to continue the discussion following the opportunity for further public comment at Town Hall as agreed to by Mr. Moser, Moser Group. The motion carried unanimously.

Councilwoman Stanton moved that there be a mailed notice of this town hall forum meeting sent to residents/property owners within a three-mile radius of Sun Valley Commons. It was pointed out that such may be a too large of a radius for a mailed notice and Mr. Burhans was consulted. The motion died.

Mr. Burhans said that they could do a mailed notice to all property owners within 500 feet of Sun Valley Commons. Councilman Wireman wanted the distance extended; Councilwoman Stanton agreed. Upon query from Mr. Moser, Council confirmed that the Town would cover the cost of the mailed notices and advertising and would handle the administrative tasks associated with both. Mr. Moser had no opinion as to how many people the town sends notices to. Ultimately, Mr. Burhans said that staff would map a radius around Sun Valley Commons that was more than 500 feet but less than 3 miles to see what geographical area would be mailed a notice. Mr. Burhans stated for the record that the notices for the public meetings clearly stated that amendments to the UDO for mixed use as well as for hotels/motels were being considered; the staff reports were also clearly stated to this effect. Mr. Burhans noted that there was a fairly large news paper article written about this application and at least 95% of the article pertained to the hotel/motel issue. He has also been told that social media chatter has focused on the hotel/motel issue as well.

Mr. Moser asked if it would be better, in view of the confusion with the two issues, to address the mixed-use at a later time and just keep the discussion to the hotel at this time? Mr. Merritt asked Mr. Burhans if there would be an ability to suspend an application under the UDO. Mr.

Burhans said it would have to be brought back to Council. Mr. Merritt suggested requesting the issues be bifurcated. The applicant would need to set a date to when the mixed-use issue would come back to Council for reconsideration. Council seemed inclined to support bifurcating the issues and bring the mixed use portion back at a later date after the hotel issue has been completed.

Councilman Cohn said that he has a good idea of what hotel chain would be going in the Sun Valley area (if the text amendment is approved). He opined that Council should be informed of what hotel chain it will be before taking action on this matter. Mr. Merritt pointed out that such is not prudent at this time.

Councilman Wireman made a motion that the current application for text amendment be bifurcated; separate the hotel portion from mixed use portion. Motion was approved unanimously.

Councilman Daniels made a motion to have the mixed use application come back to Council at a later date, after the hotel matter has been addressed, to be decided by the applicant. Motion was approved unanimously.

Councilman Wireman noted that with respect to the hotel/motel text amendment application there is a request by Council for more information and as such there will be a public information meeting and issue will be brought back before Council after the public information meeting is held. The motion carried unanimously.

Mr. Moser requested that businesses get mailed notice as well as residents if they are located in the radius that is determined. Council agreed.

11. BOARD & COMMITTEE APPOINTMENTS

- a) **ABC Board**--Council to appoint a member to Seat #3 for a 3-year term ending March 31, 2019
-One application has been received as of 4/6/16--Mr. Robert Laatz (incumbent)

Councilman Savoie made a motion to appoint Mr. Robert Laatz to Seat #3 for the 3-year term ending March 31, 2019. Motion was approved unanimously.

- b) **Planning/Tree Board**—Council to appoint members to the following vacant seats:
- Seat #4 (Regular Member unexpired 3-year term ends 6/30/18)
 - Alternate #1 (possible appointment; dependant on appointment to Seat #2; this Alternate member has applied for the Regular Member Seat so if he is appointed to the Regular Seat then this Alternate position would be made vacant term ends 6/30/17)

Applications for the Planning/Tree Board have been received from the following: Jorge Aponte (currently an Alternate Member); Joseph Lytch, Jayson Derosier and Arthur Spurr.

Councilman Cohn made a motion to table appointing a member to Seat #4 on Planning/Tree Board. Motion approved unanimously.

c) **Board of Adjustment**—Council to appoint members to the following vacant seats:

- Alternate #1 term ending 6/30/16
- Alternate #3 term ending 6/30/18

Applications for the Board of Adjustment have been received from Kat Miller and John Eigenbrode.

Councilman Savoie made a motion to appoint the following to vacant seats on the Board of Adjustment: Kat Miller to Alternate #1, ending 6/30/16, and John Eigenbrode to Alternate # 3, term ending 6/30/18. Approved unanimously.

12. OLD BUSINESS ITEMS

a) **CZ2015-005 Waxhaw-Indian Trail Road:** This is a rezone request to establish a Conditional Zoning Single Family district for 49 single-family units on a parcel approximately 16 acres. The proposed project is intended to be a senior housing concept development. The parcels are located on the east side of Waxhaw Indian Trail Road, north of Blanchard Circle. (Parcels: 07117010, 07117010A, 07117010B and 07117010C) Applicant: Blake Communities VP2-SC, LLC. **PUBLIC HEARING was held March 22, 2016;** Council requested additional information which has been provided to Council by staff. Council should discuss if the additional information is sufficient before considering the following actions:

- (1) Consider approval of the consistency findings**
- (2) Motion to approve or disapprove CZ2015-005 as presented in the second reading (Ordinance #0160412-234).**

Councilman Wireman:

There was concern about the applicant's business when the entity could not be found registered with Secretary of State. Thank you for getting this information and for correcting the record regarding the applicant's name and registration with Secretary of State. I contacted Blake Communities and was told that they do use VP2-SC, LLC it is essentially a holding company, specific to this zoning request. They don't register it until after they get the approval. Mr. Merritt weighed in and he noticed that the name was corrected to VP1-SC LLC. Thanks to landowner for getting it corrected.

Motion made by Councilman Cohn to approve the consistency findings as previously read into the record at Town Council meeting on March 22, 2016. The motion was unanimously approved.

Motion made by Councilman Savoie to approve CZ2015-005 as presented in the second reading (Ordinance #0160412-234). Motion approved 4-1 with Councilman Daniels opposing.

13. NEW BUSINESS ITEMS

a) ~~**Council consideration of Phase 2 Operational & Fiscal Review proposal**~~

This item was removed during a suspension of the agenda rules during Item 4c of the agenda.

b) **Council consideration of UCSO Contract Amendment**

Mr. Kaufhold: During the budget retreat on 3/5/16, Lt. Coble presented both existing and optional future UCSO – Indian Trail Bureau organizational charts for review. Currently Lt. Coble has 12 direct reports. With option #1, he would have 14 direct reports; option #2 has 6 direct reports, with an additional Captain position, and option #3 has 6 direct reports, with no additional Captain position. The Staff's recommendation is to pursue Option #2, to build leadership ranks beginning with promoting the Lieutenant's position to Captain. Moving the organizational chart from a flat organization to a leadership organization with a clear chain of command. The Staff preference is to promote Lt. Coble to Captain, however that is ultimately Sheriff Cathey's decision.

Council Member Cohn made a motion to approve UCSO Contract Amendment Option #2. Motion approved unanimously.

c) Council consideration of C-4957 A Rogers Rd Sidewalk Improvements – CEI and Capital Ordinance

Mr. Kaufhold – First, there is a correction to the memo in the package. Under required Actions, item #3, the memo shows “approval of capital ordinance for *Chestnut Extension*”; the approval of capital ordinance is for Rogers Road sidewalk improvements, **not** Chestnut Extension.

Federally funded CMAQ projects require oversight through Construction, Engineering, and Inspection (CEI) services. Alley, Williams, Carmen and King, Inc. were chosen through the selection process; the proposed fee for these services is \$150,422.19. Standard practice on Town funded projects is to include an amount in the itemized bid for contingency to cover unanticipated expense during construction. The Rogers Road Sidewalk project's low bid exceeded the state threshold of \$1,000,000 resulting in a state requirement to remove contingency from the itemized bid and include it elsewhere. Staff is recommending a contingency in the amount of \$108,463 (standard recommendation of 10%) to be included in the Capital Project Ordinance.

Councilman Savoie made the motion to approve contract for CEI services. Motion approved unanimously.

Councilman Daniels made the motion to approve the Capital Project Ordinance pertaining to the Rogers Road sidewalk improvements. Motion approved unanimously.

Councilman Savoie made the motion to approve the 10% contingency for the project. Motion was unanimously approved.

Mr. Kaufhold relayed that the plan is to begin construction May 1, 2016. Rogers Road sidewalk work will begin first, and then the sidewalk work off Sardis.

d) Council consideration of Budget Appropriation: Transfer to Stormwater Fund

Mr. Kaufhold: Council provided direction to staff to begin addressing the stormwater infrastructure needs of three areas (1st Avenue, Ashe Croft, and Traewyck) experiencing stormwater runoff related issues. There is a consultant on board to

study these areas. The cost of the work was not planned for during budget preparation last year, so staff is requesting an appropriation of \$100,000 from the surplus in the Stormwater Utility Fund to cover unanticipated expenses.

Councilman Cohn made a motion to approve the appropriation of \$100,000 from the Stormwater fund. The motion was approved unanimously.

e) Council consideration of Traffic Calming Bid Results

Mr. Kaufhold: In March we sent out the informal bids to five contractors. We had three bids ranging from \$57,000 - \$104,000. Lowest responsive, responsible bidder is A Plus Paving. Staff recommends that Council award the contract to A Plus Paving.

Councilman Cohn made a motion to take Staff's recommendation on awarding contract to A Plus Paving for the traffic calming project. Motion approved unanimously.

f) Council consideration of Traewyck Stormwater Design Fee

Mr. Kaufhold:

I wish Mr. Griggs were here tonight, he lives off Cottage Creek and Traewyck and has been to town minutes several times to address Council. This is a request for the funds to have a consultant do an evaluation and come up with alternatives. The proposed design fee of \$21,850.00 includes physical survey, drainage calculations, cost estimates and exhibits for 2 alternative improvements.

Town is going to try and partner with Union County on the work the County is doing behind the creek.

Mr. Kaufhold reminds Council that the design fee provides alternatives for Council to consider but it does not include the cost to build. If an improvement option is recommended and approved, staff will return with another fee proposal to complete final construction documents which include plans, specifications, final cost estimate, and permits.

Councilman Wireman made a motion to approve the Traewyck stormwater design fee proposal. Motion approved unanimously.

~~g) Council direction to the Town Manager to add to the Fiscal Year 2016-2017 budget one full-time sergeant position that was requested at the Town Council's strategic planning session (Councilman Daniels)~~

Item 13g was deleted as part of Additions and Deletions section and was addressed as part of item 13b that the Town Manager included on the agenda.

h) Council direction to the Town Manager to create a Strong Resolution for the April 26th Council Meeting to Demand NCDOT, who is constructing the Monroe

Bypass to construct needed Sound Barriers for the Bonterra, Arbor Glen and other surrounding properties (Councilman Daniels)

Councilman Daniels made a motion to direct Town Manager to create a strong draft resolution for NCDOT to build needed sound barriers for neighborhoods listed above and surrounding properties and to see a draft around April 20th; discussion ensued.

Councilman Cohn: Mr. Kaufhold, are we meeting with DOT in the near future? I know in Bonterra, we met with NCDOT, and there was a petition with 400-500 names in to build a wall. The NCDOT stated, at the Bonterra neighborhood meeting, that they could not and would not build a wall; they said that their study showed it didn't meet the qualifications for distance and noise level. Said it wouldn't do any good to build a wall. Mr. Kaufhold, would you know how to do a resolution before the meeting with NCDOT or should we wait to speak with DOT at next meeting?

A: Mr. Kaufhold: Yes, as far as I know, DOT plans to be at the next meeting with 2 to 3 people and an opportunity for Council to ask questions. Would not do any harm to draft a resolution, studies were done, but the residents in these areas want a wall, here's the petition etc. Councilman Daniels, you had mentioned there were also some issues brought up about pedestrian connectivity being affected, sidewalks planned. In 2010 we started working on connectivity, worked out a draft municipal agreement in 2012 where NCDOT will pay 70%, and municipalities will pay 30%. Locations were agreed to, sum of \$50,000 for the Town, I will show Council at another time.

Upon query by Councilman Wireman, Mr. Kaufhold said that NCDOT has never directly told him they would not build a wall in these areas but they have made it clear that the areas don't meet their standards to receive a wall for the Monroe By-pass project.

Mayor Alvarez called for a vote and the motion submitted Councilman Daniels carried unanimously.

14. DISCUSSION ITEMS: none forthcoming.

15. UPDATES

- a) Manager's Update: Scott Kaufhold, Town Manager
 - Town Hall Update: It has slowed down. The steel work is going through refabrication based on changes. There has been ground remediation going on at the site. I read about a \$400,000 fine somewhere but Mr. Kaufhold has not seen anything about it. He noted that there has also been a rumor that the removal of the cupola cost \$30,000 but the foreman said that it took three men and a crane one-hour and estimates the cost to be less than \$1,000 for that work.
- b) Update on the Unsealing of the Closed Session Minutes -Town Clerk

Ms. Southward: She has reviewed the 9 sets of closed session minutes that were in the 2013 - Current closed session book and have prepared a spreadsheet pending Mr. Merritt's review of the hard copies.

16. COUNCIL COMMENTS

Councilman Savoie: Thanks to staff for all the hard work on presentations. Have a good evening.

Councilman Daniels: I have a laundry list but it can wait until next time. See you all in two weeks.

Councilman Wireman: Thanks for coming, good discussion, important items on the agenda. Look forward to next meeting.

Councilwoman Stanton: I want to thank everyone for coming out, and the residents that shared their opinion. Thank you always to the Sheriff's department. Town staff you are remarkable, I hear great things about you. Mr. Kaufhold you do a great job and have a great staff that supports you. Council, thank you, great evening. We are going to get out by 11:30 so we are going to skip Mr. Cohn tonight.

Councilman Cohn: Thanks to everyone for coming out tonight. Go Tarheels. I love this town, happy we all got together tonight.

Mayor Alvarez: Thank you; was going to ask for a motion to adjourn but it looks as though Council has a Closed Session.

17. CLOSED SESSION

Councilman Wireman moved that Council enter Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the Town Attorney to protect the attorney-client privilege; and N.C.G.S. 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. The motion carried by way of unanimous vote.

Upon returning from Closed Session Councilman Cohn moved that Council enter Regular Session; motion carried unanimously.

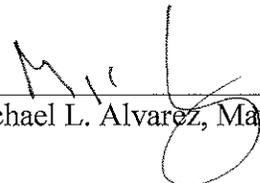
18. POSSIBLE ACTION FOLLOWING CLOSED SESSION: none necessary

19. ADJOURN

Councilman Daniels made the motion to adjourn. Motion approved unanimously.

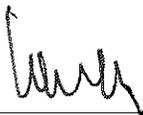
(SEAL)





Michael L. Alvarez, Mayor

Attest:



Kelley Southward, Town Clerk