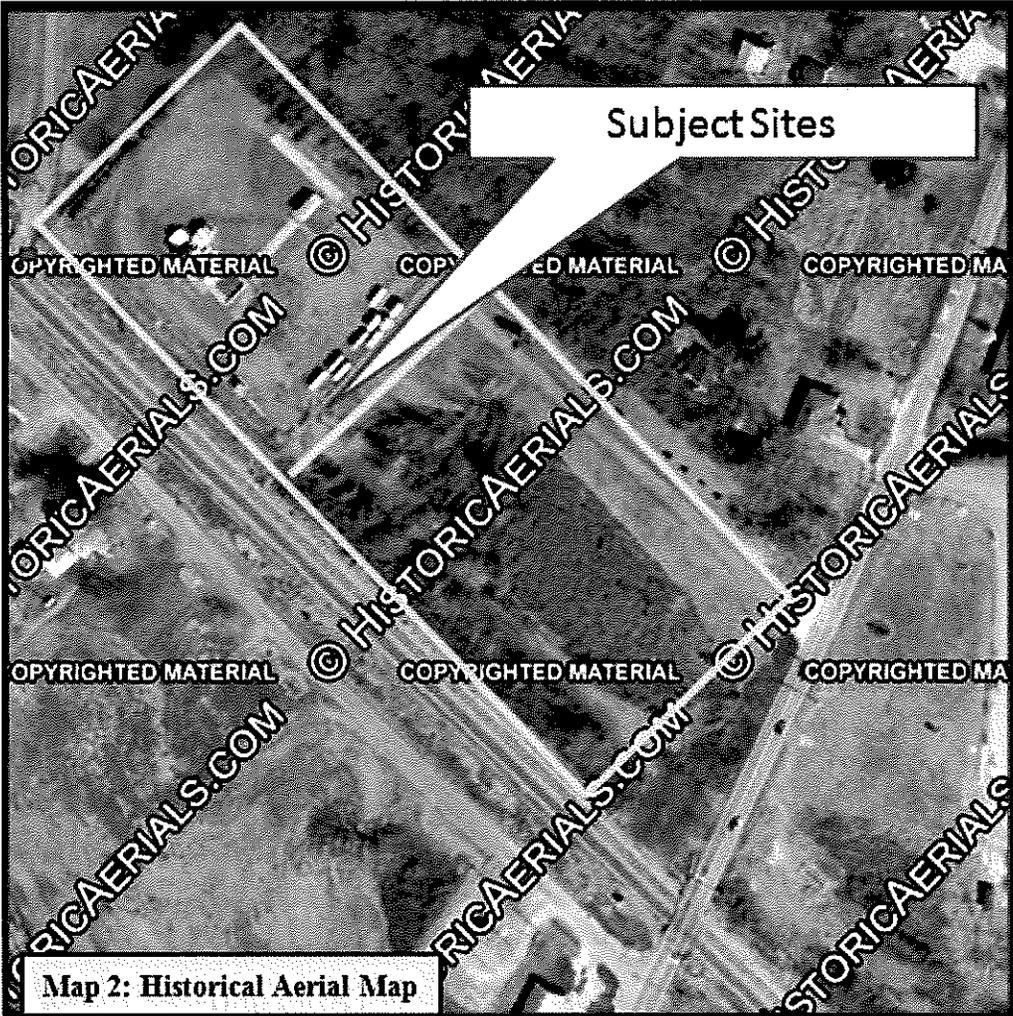


From a historical perspective, aerial photography from 2002 (Map 2 below) reflects the northernmost parcel once being an active use for chemical storage. The photo depicts several storage tanks on the property. Many of these tanks have been removed from the site.



Map 2: Historical Aerial Map

Zoning Information

The subject properties are currently zoned Regional Business District (RBD), which is a nonresidential zoning district with direct access to thoroughfares. This application proposes to rezone this property to Light Industrial District (LI). The Light Industrial District is established to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses. Warehousing, distribution and servicing enterprises and office and ancillary service activities controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.

Map 3 below provides the zoning district information in the project area. The existing zoning in the subject properties area is generally consistent with the previously noted existing conditions map. Regional Business District (RBD) is adjacent to the subject sites to the northwest, north, east and also across Wesley Chapel Stouts Road to the southeast. There are several parcels to the southwest across the railroad along Orr Road zoned Light Industrial (L-I).

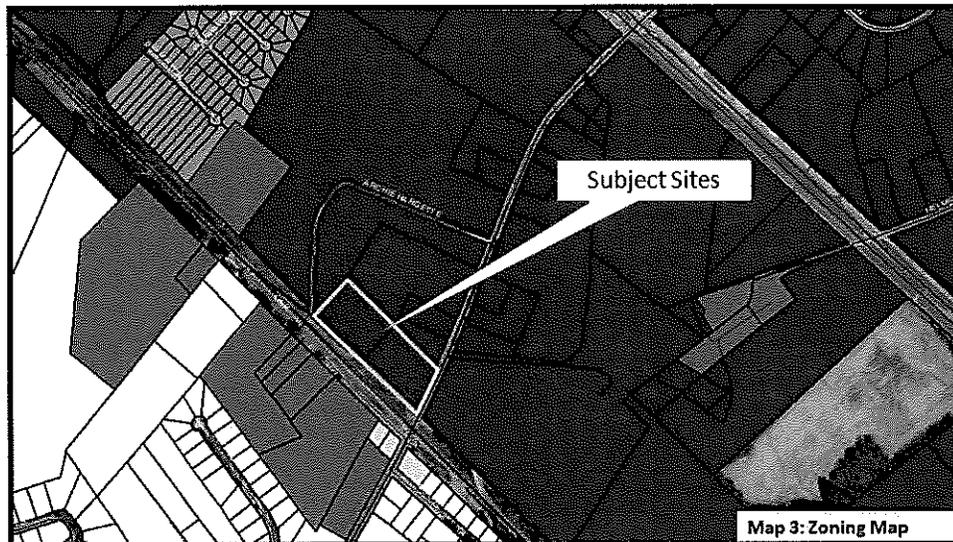


Table 1 below provides a comparison of dimensional requirements between the existing Regional Business District and proposed Light Industrial. The proposed L-I has the larger dimensional/separation requirements between the existing zoning classifications.

TABLE 1: DIMENSIONAL REQUIREMENT COMPARISON

| | Regional Business District (RBD) | Light Industrial District (L-I) |
|---------------|---|--|
| Lot Width | 60-ft | 100-ft |
| Front Setback | 40-ft; 20-ft if parking is located behind the building | 50-ft |
| Rear Setback | 20-ft | 50-ft |
| Side Yard | 10-ft not abutting residential 15-ft abutting a residential district | 20-ft not abutting a residential district 25-ft abutting a residential district |

Recent Planning Initiatives

The subject properties being considered for rezoning historically has had industrial zoning. In 2008 the property was designated Regional Business District (RBD), a zoning classification with the adoption of the 2008 Comprehensive Plan. The zoning district with the prior 2005 Comprehensive Plan was Heavy Commercial (HC). The Future Land Use category with that Comprehensive Plan was Railroad. The proposed rezoning would correctly place these properties in a zoning district consistent with the operations of the former use. There are industrial uses and industrial zoning in this area, adjacent to the CSX Railroad.

Community Meeting

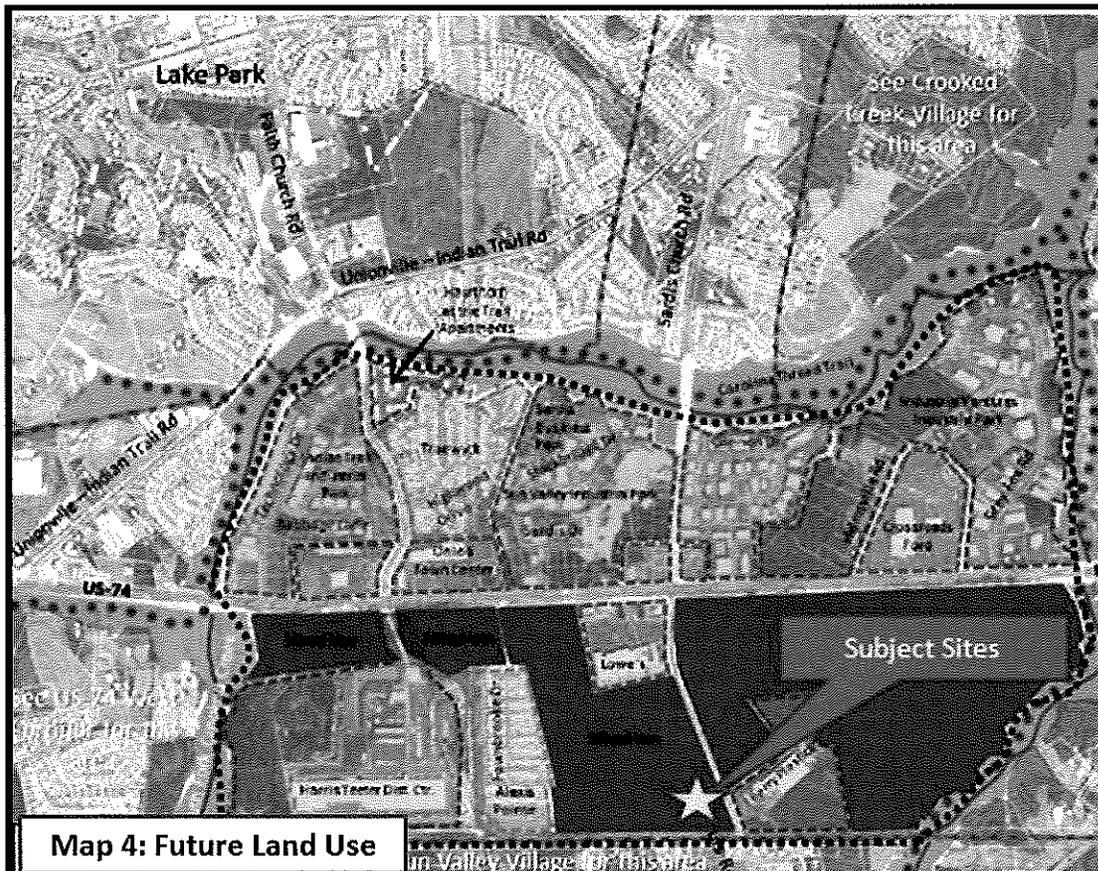
Town staff facilitated a community meeting on October 6, 2016 from 6-8 p.m. at the Indian Trail Civic Building. No attendees were present.

Plan Consistency

Comprehensive Plan

The subject properties are located within the US-74 East Corridor Plan of the Comprehensive Plan (Map 4 below). The Future Land Use Map designates these parcels as Mixed Use and the current zoning, Regional Business District, is consistent with the plan. The proposed Zoning Map Amendment to Light Industrial is an Industrial category on the Future Land Use Map, which is inconsistent with the Future Land Use Map.

This Zoning Map Amendment requires a Comprehensive Plan Amendment. The Comprehensive Plan Amendment would be designating these parcels as Industrial instead of Mixed Use. It should be noted that in the 2005 Comprehensive Plan, The Future Land Use Map classified these parcels as Railroad, which was an industrial classification. The 2008 Comprehensive Plan designated the zoning on the property as Regional Business District, a new zoning district with that Comprehensive Plan. The Future Land Use Map classification was Mixed Use. If the Comprehensive Plan Amendment is approved to Industrial, the Zoning Map Amendment would be consistent with the Comprehensive Plan.



Action Required

The Planning Board must make findings prior to motioning for recommendation. The findings must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the following goal can be found:

Land Use and Housing Goal 6: The rezoning of the subject properties to Light Industrial will allow uses not permitted in the Regional Business District. The former use on site would not be allowed under the existing zoning. Manufacturing, production, and freight movement are permitted uses in the Light Industrial zoning district. The rezoning to a zoning district that is more suitable within the existing area will provide more opportunity for investment in the community.

Economic Development Goal 2: One of the parcels had a former business which would be a nonconforming use if operating today. In talking with the applicant and discussing options such as rezoning, the rezoning to Light Industrial will allow the property to be marketed for uses more suitable for the area which would not be permitted under the current zoning .

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of *Land Use and Housing and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail.

Recommendation

Planning Staff believes that the findings can be made to support the Comprehensive Plan Amendment. With staff recommending approval of the Comprehensive Plan Amendment, staff supports the petition requesting a rezone to a Light Industrial because it is consistent with the Comprehensive Plan.

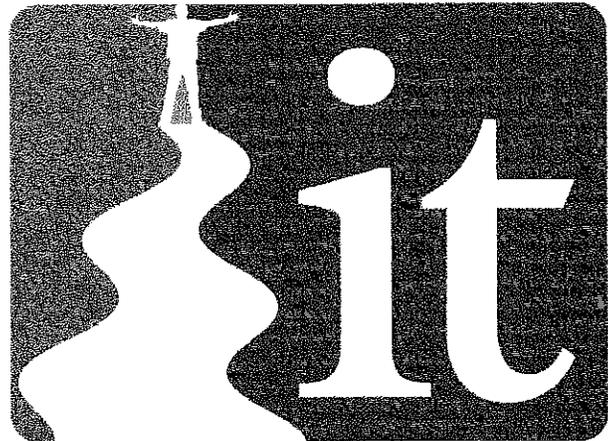
Staff Contact:

Meade Bradshaw III
704 821-5401
mbradshaw@planning.indiantrail.org

PB ATTACHMENT 1: APPLICATION

R-000722
Inv 29064

ZONING MAP AMENDMENT APPLICATION



INDIAN TRAIL
north carolina

PLANNING & NEIGHBORHOOD SERVICES

PO Box 2430

Indian Trail, NC 28079

Telephone (704) 821-5401

Fax (704) 821-9045

DEADLINE: THE FIRST DAY OF EACH MONTH

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee: Less than 2 acres \$250, 2-10 acres \$600, >10 acres \$800

Notification Fee \$2.50 per adjoining property owner

TECHNOLOGY FEE, 10% OF APPLICABLE FEES, WILL BE APPLIED TO THE TOTAL FEE

ZONING MAP AMENDMENT APPLICATION

Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- Articles of Incorporation, Certificate of Incorporation, Articles of Organization, Corporate Charter, or similar (unless applicant is an individual)
- Fees associated with review
- ****A TECHNOLOGY FEE, 10% OF ALL APPLICABLE FEES, WILL BE APPLIED TO THE TOTAL FEE.**

General Information

Project Address 3107 Wesley Chapel Strouts + 000 Wesley Chapel
 City Indian Trail/Monroe State NC Zip 28110
 Tax Parcel ID 07-064-1221 07-064-1221 Designation Industrial
 Total Acres 5.827 Impervious Area _____ (Light)
 Project Description Rail Distribution

Contact Information - Applicant

Contact Name ~~Herbert~~ Richard Roskind
 Company Name LEASE EVALUATIONS, INC
 Address 4300 Sharon Road # 544
 City Charlotte State NC Zip 28211
 Phone 704-905-6175 Fax 866-517-8523
 Email RRoskind@aol.com

Contact Information - Property Owner

Contact Name Herbert Roskind, Jr.
 Company Name _____
 Address 10629 E. Desert Willow Dr
 City Scottsdale State AZ Zip 85257
 Phone 602-312-3332 Fax _____
 Email H.Roskind@cox.net

ZONING MAP AMENDMENT APPLICATION

Applicant's Certification

Signature

Richard Roskin Date ~~5/31/2016~~ 8/10/2016

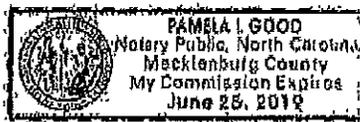
Printed Name/Title

Richard Roskin

Signature of Notary Public

Pamela Good Date 8-10-16

Notary Seal



Property Owner's Certification

Signature

Harbert G. Roskin Sr Date 8/11/2016

Printed Name/Title

Harbert G. Roskin Sr / OWNER

Signature of Notary Public

Date _____

Notary Seal

~~SEE ATTACHED ACKNOWLEDGMENT 8/11/16~~

TOWN OF INDIAN TRAIL OFFICE USE ONLY

Case Number: 7M 2016-001

Date Received: 8-22-16

Amount of Fee: _____

Received By: *hr*

Receipt #: _____

TC ATTACHMENT 2: DRAFT ORDINANCE

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE # 0161115-251

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCELS 07069122 & 07069122A LOCATED ON WESLEY CHAPEL STOUTS ROAD SOUTH OF US HIGHWAY 74 FROM REGIONAL BUSINESS DISTRICT (RBD), TO LIGHT INDUSTRIAL (L-I), IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, this Zoning Map Amendment (ZM2016-001) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a community meeting was held on October 6, 2016 to discuss this zoning map amendment and no public comments were received; and

WHEREAS, a public meeting was held by the Planning Board on October 18, 2016 to consider this zoning map amendment; and

WHEREAS, the Planning Board found the proposed map amendment is consistent with the following goals of the Comprehensive Plan:

Land Use and Housing Goal 6: The rezoning of the subject properties to Light Industrial will allow uses not permitted in the Regional Business District. The former use on site would not be allowed under the existing zoning. Manufacturing, production, and freight movement are permitted uses in the Light Industrial zoning district. The rezoning to a zoning district that is more suitable within the existing area will provide more opportunity for investment in the community.

Economic Development Goal 2: One of the parcels had a former business which would be a nonconforming use if operating today. In talking with the applicant and discussing options such as rezoning, the rezoning to Light Industrial will allow the property to be marketed for uses more suitable for the area which would not be permitted under the current zoning.

WHEREAS, the Planning Board further found this zoning reclassification zoning reclassification is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses; and

WHEREAS, after making the required findings, the Planning Board voted 7-0 to transmit a recommendation to **approve** to the Town Council; and

WHEREAS, the Town Council held a public hearing on November 15, 2016 to consider said request and recommendation of **approval** from the Planning Board; and

WHEREAS, the Town Council made the required findings.

NOW, THEREFORE, IT SHALL BE ORDAINED by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 – Makes the required findings as stated herein; and

Section 2 - Approves ZM 2016-001 Zoning Petition thereby granting the Zoning Map amendment to establish a Light Industrial (L-I) zoning designation on parcels **07069122 & 07069122A**.

Section 3 – This ordinance shall be effective immediately upon adoption.

AND IT IS SO ORDAINED this day of November, 2016.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Kelley Southward, Town Clerk

Michael L. Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY

TC ATTACHMENT 3: PB DRAFT MEETING MINUTES

Town of Indian Trail



P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone 704-821-5401
Fax 704-821-9045

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES

October 18, 2016
6:30 P.M.

CALL TO ORDER

The meeting was called to order by Chair Jan Brown

ROLL CALL

The following members of the governing body were present:

Board Members: Jan Brown, Sidney Sandy, Samantha Towns, Dennis Gay, Jayson Derosier, John Killman, and Mike Head.

Members Present but not Voting: Arthur Spurr.

Absent: Jorge Aponte, Joseph Lytch.

Staff Members: Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, Meade Bradshaw- Senior Planner, and Pam Good- Board Secretary.

APPROVAL OF MINUTES- SEPTEMBER 20, 2016

Motion to approve as written by Member Derosier, seconded by Member Gay. Vote to approve was unanimous.

PUBLIC ITEMS

a) **ZM2016-001 and CPA2016-003 Rail Distribution-** This is a Zoning Map Amendment to rezone to Light Industrial (L-I). The parcels included are parcel numbers 07069122A and 07069122, totaling approximately 5.82 acres. The parcels are located on the west side of Wesley Chapel Stouts Road. Applicant: Richard Roskind.

The case was presented by Senior Planner Meade Bradshaw. He began his presentation with an overview of the project. He then spoke about the existing zoning in the subject properties area which is generally consistent with the previously noted existing conditions map. Regional Business District (RBD) is adjacent to the subject sites to the northwest, north, east and also across Wesley Chapel Stouts Road to the southeast. There are several parcels to the southwest across the railroad along Orr Road zoned Light Industrial (L-I).

Recent Planning Initiatives

The subject properties being considered for rezoning historically has had industrial zoning. In 2008 the property was designated Regional Business District (RBD), a zoning classification with the adoption of the 2008 Comprehensive Plan. The zoning district with the prior 2005 Comprehensive Plan was Heavy Commercial (HC). The Future Land Use category with that Comprehensive Plan was Railroad. The proposed rezoning would correctly place these properties in a zoning district consistent with the operations of the former use. There are industrial uses and industrial zoning in this area, adjacent to the CSX Railroad.

Community Meeting

Town staff facilitated a community meeting on October 6, 2016 from 6-8 p.m. at the Indian Trail Civic Building. No attendees were present.

Plan Consistency

The subject properties are located within the US-74 East Corridor Plan of the Comprehensive Plan (Map 4 below). The Future Land Use Map designates these parcels as Mixed Use and the current zoning, Regional Business District, is consistent with the plan. The proposed Zoning Map Amendment to Light Industrial is an Industrial category on the Future Land Use Map, which is currently inconsistent with the Future Land Use Map.

This Zoning Map Amendment requires a Comprehensive Plan Amendment. The Comprehensive Plan Amendment would be designating these parcels as Industrial instead of Mixed Use. It should be noted that in the 2005 Comprehensive Plan, The Future Land Use Map classified these parcels as Railroad, which was an industrial classification. The 2008 Comprehensive Plan designated the zoning on the property as Regional Business District, a new zoning district with that Comprehensive Plan. The Future Land Use Map classification was Mixed Use. If the Comprehensive Plan Amendment is approved to Industrial, the Zoning Map Amendment would be consistent with the Comprehensive Plan.

Staff is of the opinion the following goals can be found:

Land Use and Housing Goal 6: The rezoning of the subject properties to Light Industrial will allow uses not permitted in the Regional Business District. The former use on site would not be allowed under the existing zoning. Manufacturing, production, and freight movement are permitted uses in the Light Industrial zoning district. The rezoning to a zoning district that is more suitable within the existing area will provide more opportunity for investment in the community.

Economic Development Goal 2: One of the parcels had a former business which would be a nonconforming use if operating today. In talking with the applicant and discussing options such as rezoning, the rezoning to Light Industrial will allow the property to be marketed for uses more suitable for the area which would not be permitted under the current zoning.

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of *Land Use and Housing and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail. Planning Staff believes that the findings can be made to support the Comprehensive Plan Amendment. With staff recommending approval of the Comprehensive Plan Amendment, staff supports the petition requesting a rezone to a Light Industrial because it is consistent with the Comprehensive Plan.

Opened Public Comment.

Applicant Richard Roskind, of 4300 Sharon Rd #544 Charlotte, NC addressed the board and gave some brief statements to the board regarding the property. He is a brother to the owner of the property.

Closed Public Comment.

Motion to approved ZM2016-001 by Member Gay, seconded by Member Towns. Vote to approve was unanimous.

- b) **ZT2016-008- Food Vendors** A request to amend Chapter 440 of the Unified Development Ordinance (UDO) to update existing ordinances for temporary food vendors in town-owned park properties. Applicant: Town of Indian Trail.

The case was presented by Senior Planner Meade Bradshaw.

Analysis/Overview

This request is initiated by the Town of Indian Trail to allow food vendors in the town parks and other town properties as long as the food vendor has a signed contract with the town. The UDO currently requires temporary food vendors to be in conjunction with a local restaurant or a nonprofit sponsored event. This amendment would allow a food vendor who is not in conjunction with a local restaurant or not associated with a nonprofit sponsored event to operate on Town of Indian Trail park property as long as a contract has been executed between the Town of Indian Trail and the food vendor.

Based on staff's findings, staff offers the following modifications for the Board's consideration. For ease of reference, proposed new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font.

Chapter 440. Types of Temporary Uses

440.20 Types of Temporary Uses

Examples of temporary non-residential uses include the following and are subject to the specific regulations of DIVISION 700, Supplementary Use Regulations:

A. Food vendors

1. Food vendors must be in conjunction with a local restaurant, ~~or a non-profit sponsored event~~, or be operating under contract with the Town of Indian Trail on Town owned property.

Required Consistency Findings

Staff Bradshaw read the following required consistency findings into the record.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - **Quality of Life Goal #2:** This amendment shows support for our cultural amenities and our park system, which will bring more people to these locations.
 - **Parks and Recreation, Open Space, and Natural Environment Goal #1:** Allowing temporary food vendors to operate on Town properties under a business agreement will support diverse active and passive recreational opportunities that meet the needs of all Indian Trail residents.
 - **Economic Development #3:** Creating an opportunity for businesses to operate on property open to the public is fostering public-private partnerships, encouraging business development and investment within the town.
2. This UDO ordinance amendment is in the best interest of the public because it encourages the public to visit public facilities and creates opportunities for the private businesses.

Staff recommended that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-008 as presented.

Opened Public Comment.

Staff Hayden Kramer from Indian Trail Parks and Recreation Department, stepped forward to answer questions.

Chair Brown asked if there is a limit to the hours of operation. Staff Kramer answered that when the town hosts special events, vendors would only be allowed to sell items during the special event hours. An advantage of this change would

be that the vendors would need to show town staff documentation of their health inspection, insurance, menu, and pictures of their vehicle.

Member Towns asked if there will be enough receptacles to be able to handle trash at each event with extra vendors. Staff Kramer answered that permanent and portable receptacles are provided at the events.

Member Sandy asked what is considered town property. Staff Kramer answered that Town Property to be used for event would be the parks. The town receives 20 % of all gross sales for the day.

Closed public comment.

Motion to approve ZT2016-008 and the consistency findings as read into the record, by Member Towns, seconded by Member Gay. Vote to approve was unanimous.

c) **ZT2016-009 Car Wash within VCO** This is a request to amend Chapter 520 new Chapter 7220 to the Unified Development Ordinance (UDO) to allow the expansion of existing car wash uses within the Old Monroe Village Center Overlay only. Applicant: Charles A Howard II.

The case was presented by Senior Planner Gretchen Coperine.

Analysis/Overview

This request was initiated by Charles A. Howard, II of Auto Bell Car Wash in order to permit the expansion of existing car wash uses within the Old Monroe Village Center Overlay in the Town of Indian Trail. The intent from Auto Bell Car Wash is to combine the existing Auto Bell Car Wash parcel (parcel 07114018A) with the property directly to the north being rezoned under ZM2016-002 (parcel 07114018) in order to expand the site and accommodate a finishing area (i.e., hand drying and detailing).

Outline of Text Amendment

- **Chapter 520.020:** lists existing car wash uses within the Old Monroe Village Center Overlay as a permitted use.
- **Chapter 7220:** further clarifies that any existing permitted car wash use within the Old Monroe Village Center has full rights to expand and allows the combination of adjacent parcels of land for said expansion as long as all other sections of the UDO are met.

With regard to the proposed amendment, staff worked with the applicant to craft language that would make existing car wash uses a permitted use within the Old Monroe Village Center only. Under the current UDO, car washes are not permitted within any Village Center Overlay. The existing Autobell Car Wash use was permitted prior to the adoption of the UDO in December 2008. In order for Autobell to be able to expand, this text amendment is needed to give it full rights as a permitted use.

To date, there exist two (2) car wash uses within the Old Monroe village center overlay which have been in existence before any UDO requirements in our current code. See the table below. In this case, said uses become permitted uses with full rights to expand and rebuild in the case of a natural disaster. Below is a table of the two (2) parcels with existing car wash uses within the Old Monroe Village Center. Again, this amendment proposes language that legitimizes the uses below, as they have been in existence before UDO requirements were established.

| Parcel | Current Use |
|-----------|---|
| 07114018A | Car Wash use for Autobell Car Wash |
| 07114073 | Car Wash use for Exxon gas station at the corner of Indian Trail Road and Old Monroe Road |

Required Consistency Findings

Staff read the following consistency findings into the record:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan: *Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*
2. This UDO ordinance amendment is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses. Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-009 as presented.

Questions:

Steven Bennett of Helms, Robison and Lee in Monroe NC, attorney for the applicant, presented a power point presentation to the board regarding the project.

Chair Brown asked if the basic expansion will be for the detail of the cars. He also mentioned that he didn't believe Auto Bell was in competition with other car wash in the area as the other car wash is self-service except for one bay and there is no attendant. Conversely, Auto Bell is a full service car wash.

Member Derosier asked about the current traffic flow. Staff Coperine stated that if the project gets approved, the entrance would change so the traffic pattern would change.

Member Gay mentioned that the proposed text amendment does not open doors for new car washes, does it restrict trade? Staff Coperine answered that the amendment would remove the "non-conforming" portion of the ordinance. Staff Burhans reiterated that the amendment would not restrict any new car washes more than the present regulations currently allow or restrict. It would only affect existing car washes.

Member Towns asked if the property will tie into the road directly behind the property. Staff Coperine answered no and that the applicant is only trying to tie into the adjacent parcel. Mr. Bennett stated that there would likely be a new entrance but a site plan has not be submitted yet.

Motion to approve ZT2016-009 with consistency findings as read into the record by Member Derosier, seconded by Member Sandy. Vote to approve was unanimous.

d) ZM2016-002 Auto Bell Car Wash- A request to rezone a parcel of land (approx. 0.89 acres) to the General Business District, within Village Center Overlay. The existing zoning is SF-1, Single Family Residential.

This case was presented by Staff Coperine who began with an overview and background of the project. Adjacent zoning classifications and uses in the surrounding area are as follows: to the North is an existing non-conforming single family house zoned GBD; to the South is Auto Bell Car Wash zoned GBD; to the East of the subject property across Old Monroe Road is the Food Lion shopping center zoned GBD; to the West is warehouse/storage use zoned and GBD. All properties are within the Village Center Overlay District. The

proposed GBD zoning district is consistent with current commercial uses in the areas immediately adjacent to and nearby the subject property.

Community Meeting

A community meeting was held on October 7, 2016 at the Town of Indian Trail at 100 Navajo Trail. No members of the public attended and no public comments were received before or after the community meeting.

Consistency with the Town of Indian Trail's Comprehensive Plan

The subject property is located within the Old Monroe Village. Indian Trail's Comprehensive Plan designates the future land use for the subject property as Mixed-Use intended for commercial and other supporting uses and supports the envisioned urban development. The rezoning request for General Business District (GBD) is consistent with the Town of Indian Trail's Comprehensive Plan in this regard.

Required Consistency Findings

Staff Coperine read the following required consistency findings into the record.

Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

Staff recommends the Planning Board receive the report and recommend **Approval** to the Town Council as presented.

Opened Public Comments.

Closed Public Comments.

Questions

Chair Brown mentioned that the expansion in the finishing area would help with safety of the public . Member Derosier agreed.

Member Killman asked the single family home next door has been notified? Staff Coperine answered that all public within 500 feet have been notified. It was mentioned that the home is zoned General Business.

Motion to approve ZM2016-002 and the consistency findings as read into the record was by Member Towns, seconded by Member Gay. Vote to approve was unanimous.

Motion to reconsider agenda item #4a. by Member Derosier, seconded by Member Gay. Vote was unanimous in favor. Recommendation to approve **ZM2016-001 and CPA2016-003 with consistency findings as read into the record** was made by Member Gay, seconded by Member Head. Vote was unanimous in favor.

OTHER BUSINESS

a) **Approval of 2017 meeting schedule.** Motion to approve draft schedule by Member Derosier, seconded Member Gay. Vote to approve was unanimous.

November 2016 meeting reschedule. Town Council needed November 15th for their meeting. Motion to move November Planning Board meeting to Thursday November 17 by Member Head, seconded by Member Killman. Vote to approve was unanimous.

PLANNING REPORT

Planning Report

- Public Meeting- Old Monroe widening. Series of detailed maps in hallway of town hall. Last day of comments is Nov 15th.
- Release of Solid Waste/Recycling proposal. Town Council asked to re-bid. Getting proposals back in January 2017.
- Staffing change- Planner Julia Zweifel is leaving her position in the Indian Trail Planning Department to take a position with the City of Charlotte.
- November is National Planning Month. Box City

ADJOURN

Motion to adjourn by Member Sandy, seconded by Member Gay. Vote was unanimous in favor. Meeting adjourned at 7:40pm

Chairman:

Date: _____

Secretary:

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL)

ORDINANCE # 016115-252

**AN ORDINANCE AMENDING CHAPTER 440, TYPES OF TEMPORARY USES,
OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO)
RELATED TO FOOD VENDORS IN
INDIAN TRAIL, NORTH CAROLINA**

WHEREAS, the Town is the applicant for ZT 2016-008 requesting to amend Chapter 440 Food Vendors, to allow food trucks to operate on Town owned property having entered into a contract agreement with the Town; and

WHEREAS, this Zoning Amendment (ZT 2016-008) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on October 18, 2016 in a public meeting; and

WHEREAS, the Planning Board after hearing the amendment and deliberations made the following findings and recommended approval to the Town Council:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - **Quality of Life Goal #2:** This amendment shows support for our cultural amenities and our park system, which will bring more people to these locations.
 - **Parks and Recreation, Open Space, and Natural Environment Goal #1:** This business agreement will create diverse active and passive recreational opportunities that meet the needs of all Indian Trail residents.
 - **Economic Development #3:** Creating an opportunity for businesses to operate on property open to the public is fostering public-private partnerships, encouraging business development and investment within the town.
2. This UDO ordinance amendment is in the best interest of the public because it encourages the public to visit public facilities and creates opportunities for the private businesses.

WHEREAS, the Town Council received the Planning Board transmittal in the required public hearing held on November ____, 2016, and after receiving the transmittal, public comment, and deliberation, voted to approve the amendment with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL,
NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTER 440 is hereby Approved as shown in TC Attachment 2;

Section 2- This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS DAY OF , 2016. THE TOWN COUNCIL OF INDIAN TRAIL

By _____ Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY



P.O. Box 2430
 Indian Trail, North Carolina 28079
 Telephone (704) 821-5401
 Fax (704) 821-9045
PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the November 15, 2016 Town Council Public Hearing

| | | | |
|------------------------------------|---|--|--|
| Case: ZT2016-008 | | | |
| Reference Name | Food Vendors | | |
| Planning Board Meeting Date | October 18, 2016 | | |
| Members Present | Chair Jan Brown <input checked="" type="checkbox"/> | John Killman <input checked="" type="checkbox"/> | Samantha Towns <input checked="" type="checkbox"/> |
| | Vice Chair Dennis Gay <input checked="" type="checkbox"/> | Mike Head <input checked="" type="checkbox"/> | Sidney Sandy <input checked="" type="checkbox"/> |
| | Jayson Derosier <input checked="" type="checkbox"/> | Arthur Spurr <input type="checkbox"/> Alternate 1 | Vacant <input type="checkbox"/> Alternate 2 |
| | Vacant <input type="checkbox"/> Alternate 3 | | |
| Case Found Complete | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | | |
| Motion | Recommend approval as conditioned to Town Council | | |
| Member Making the Motion | Board Member Samantha Townes | | |
| Second the Motion | Vice Chair Member Gay | | |
| Vote | 7 to 0 | | |

Project Summary

This is a request to amend Chapter 440 of the Unified Development Ordinance (UDO) to update existing ordinances for temporary food vendors in town owned park properties.

Town Council Action: *Receive the Planning Board transmittal report and public testimony and:*

1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

Analysis/Overview

This request was initiated by the Town of Indian Trail Parks & Recreation Department in order to have food trucks on Town owned park property when the Town is hosting an event. A contract would have to be signed between the vendor and the Town.

Outline of Text Amendment

- **Chapter 440.020:** states that food vendors must be in conjunction with a local restaurant or non-profit sponsored event.

Planning Board Meeting

This request was heard by the Indian Trail Planning Board on October 18, 2016. The Board had questions regarding hours of operation. The entire meeting can be heard on [Granicus](#) and be reviewed in the attached Draft Planning Board Meeting Minutes (Town Council Attachment 3).

The Planning Board voted 7 to 0 to transmit a recommendation to approve as conditioned to the Town Council and made the following required findings: The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

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

- **Quality of Life Goal #2:** *The rezoning of the subject properties to Light Industrial will allow uses not permitted in the Regional Business District. The former use on site would not be allowed under the existing zoning. Manufacturing, production, and freight movement are permitted uses in the Light Industrial zoning district. The rezoning to a zoning district that is more suitable within the existing area will provide more opportunity for investment in the community.*
- **Parks, Recreation, Open Space, and Natural Environment Goal #1:** *One of the parcels had a former business which would be a nonconforming use if operating today. In talking with the applicant and discussing options such as rezoning, the rezoning to Light Industrial will allow the property to be marketed for uses more suitable for the area which would not be permitted under the current zoning.*
- **Economic Development Goal#3:** *Creating an opportunity for business to operate on property open to the public is fostering public-private partnerships, encouraging business development and investment within the town.*

2. The request for this Text Amendment is a reasonable request and is in the public interest because it supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of Quality of Life; Parks and Recreation, Open Space, and Natural Environment; and Economic Development.

Meade Bradshaw III

704 821-5401

mbradshaw@planning.indiantrail.org

Attachment -1- Planning Board Report and PB Attachments

Attachment- 2 – Draft Ordinance

Attachment 3- PB Meeting Minutes

TC ATTACHMENT 1: Planning Board Report and PB Attachments



P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone (704) 821-5401
PLANNING AND NEIGHBORHOOD SERVICES

Zoning Text Amendment Staff Report

| | | |
|---------------------------------------|---|---|
| Case: ZT 2016-008 Food Vendors | | |
| Reference Name | Amendment of UDO Chapter 440 | |
| Applicant | Town of Indian Trail | |
| Submittal Date | October 3, 2016 | |
| Location | Town-wide | |
| Tax Map Number | N/A | |
| Plan Consistency | Town of Indian Trail Comprehensive Plan | Consistent With Goals of the Adopted Comprehensive Plan |
| Recommendations & Comments | Planning Staff | Recommends Approval of Proposed Text Amendment. |

Project Summary

This is a request to amend Chapter 440 of the Unified Development Ordinance (UDO) to update existing ordinances for temporary food vendors in town owned park properties.

Staff Recommendation- Staff recommends based on the guidance of the adopted plans that the text amendment be supported by recommending its approval to the Town Council.

Analysis/Overview

This request is initiated by the Town of Indian Trail to allow food vendors in the town parks and other town properties as long as the food vendor has a signed contract with the town. The UDO currently requires temporary food vendors to be in conjunction with a local restaurant or a nonprofit sponsored event. This amendment would allow a food vendor who is not in conjunction with a local restaurant or not associated with a nonprofit sponsored event to operate on Town of Indian Trail park property as long as a contract has been executed between the Town of Indian Trail and the food vendor.

Based on staff's findings, we offer the following modifications for the Board's consideration. For ease of reference, proposed new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font.

Chapter 440. Types of Temporary Uses

440.020 Types of Temporary Uses

Examples of temporary non-residential uses include the following and are subject to the specific regulations of DIVISION 700, Supplementary Use Regulations:

A. Food vendors

1. Food vendors must be in conjunction with a local restaurant, ~~or a non-profit sponsored event~~ or be operating under contract with the Town of Indian Trail on Town owned property.

Required Consistency Findings

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - **Quality of Life Goal #2:** This amendment shows support for our cultural amenities and our park system, which will bring more people to these locations.
 - **Parks and Recreation, Open Space, and Natural Environment Goal #1:** Allowing temporary food vendors to operate on Town properties under a business agreement will support diverse active and passive recreational opportunities that meet the needs of all Indian Trail residents.
 - **Economic Development #3:** Creating an opportunity for businesses to operate on property open to the public is fostering public-private partnerships, encouraging business development and investment within the town.
2. This UDO ordinance amendment is in the best interest of the public because it encourages the public to visit public facilities and creates opportunities for the private businesses.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-008 as presented.

Staff Contact:

Meade Bradshaw III
704-821-5401
mbradshaw@planning.indiantrail.org

Attachments:

Attachment 1: Application

PB ATTACHMENT 1: APPLICATION

UDO TEXT AMENDMENT APPLICATION



PLANNING & NEIGHBORHOOD SERVICES

130 Blythe Drive

PO Box 2430

Indian Trail, NC 28079

Telephone (704) 821-5401

Fax (704) 821-9045

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$500.00

A TECHNOLOGY FEE, 10% OF PROCESSING FEE, WILL BE APPLIED TO THE TOTAL FEE.

**UDO TEXT AMENDMENT
APPLICATION**

Subject Section of the UDO:

Name Jason Tryon

Chapter: 440.020 (A)

Purpose: Update existing policies for food vendors in the parks

Contact Information – Applicant

Name **Jason Tryon**

Address **130 Blythe Dr**

City **Indian Trail**

State NC Zip **28079**

Phone **704-821-8114** Fax **704-821-9045**

Email **Jtryon@Admin.indiantrail.org**

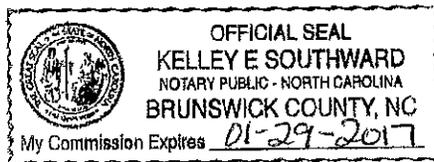
Applicant's Certification

Signature *Jason Tryon* Date 9/1/16

Printed Name/Title Jason Tryon

Signature of Notary Public *Kelley E Southward* Date 9/1/2016

Notary Seal



09-01-16 PM 1:21 10

TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: ZT2016-008

DATE RECEIVED: 9/1/16

AMOUNT OF FEE: N/A

RECEIVED BY: AJ

RECEIPT #: _____

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL,
NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 -- UDO CHAPTER 440 is hereby Approved as shown in TC Attachment 2;

Section 2- This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS DAY OF , 2016. THE TOWN COUNCIL OF INDIAN TRAIL

By _____ Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

TC ATTACHMENT 3: PB DRAFT MEETING MINUTES



Town of Indian Trail



P.O. Box 2430
Indian Trail, North Carolina 28079
Telephone 704-821-5401
Fax 704-821-9045

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES

October 18, 2016
6:30 P.M.

CALL TO ORDER

The meeting was called to order by Chair Jan Brown

ROLL CALL

The following members of the governing body were present:

Board Members: Jan Brown, Sidney Sandy, Samantha Towns, Dennis Gay, Jayson Derosier, John Killman, and Mike Head.

Members Present but not Voting: Arthur Spurr.

Absent: Jorge Aponte, Joseph Lytch.

Staff Members: Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, Meade Bradshaw- Senior Planner, and Pam Good- Board Secretary

APPROVAL OF MINUTES- SEPTEMBER 20, 2016

Motion to approve as written by Member Derosier, seconded by Member Gay. Vote to approve was unanimous.

PUBLIC ITEMS

a) **ZM2016-001 and CPA2016-003 Rail Distribution-** This is a Zoning Map Amendment to rezone to Light Industrial (L-I). The parcels included are parcel numbers 07069122A and 07069122, totaling approximately 5.82 acres. The parcels are located on the west side of Wesley Chapel Stouts Road. Applicant: Richard Roskind.

The case was presented by Senior Planner Meade Bradshaw. He began his presentation with an overview of the project. He then spoke about the existing zoning in the subject properties area which is generally consistent with the previously noted existing conditions map. Regional Business District (RBD) is adjacent to the subject sites to the northwest, north, east and also across Wesley Chapel Stouts Road to the southeast. There are several parcels to the southwest across the railroad along Orr Road zoned Light Industrial (L-I).

Recent Planning Initiatives

The subject properties being considered for rezoning historically has had industrial zoning. In 2008 the property was designated Regional Business District (RBD), a zoning classification with the adoption of the 2008 Comprehensive Plan. The zoning district with the prior 2005 Comprehensive Plan was Heavy Commercial (HC). The Future Land Use category with that Comprehensive Plan was Railroad. The proposed rezoning would correctly place these properties in a zoning district consistent with the operations of the former use. There are industrial uses and industrial zoning in this area, adjacent to the CSX Railroad.

Community Meeting

Town staff facilitated a community meeting on October 6, 2016 from 6-8 p.m. at the Indian Trail Civic Building. No attendees were present.

Plan Consistency

The subject properties are located within the US-74 East Corridor Plan of the Comprehensive Plan (Map 4 below). The Future Land Use Map designates these parcels as Mixed Use and the current zoning, Regional Business District, is consistent with the plan. The proposed Zoning Map Amendment to Light Industrial is an Industrial category on the Future Land Use Map, which is currently inconsistent with the Future Land Use Map.

This Zoning Map Amendment requires a Comprehensive Plan Amendment. The Comprehensive Plan Amendment would be designating these parcels as Industrial instead of Mixed Use. It should be noted that in the 2005 Comprehensive Plan, The Future Land Use Map classified these parcels as Railroad, which was an industrial classification. The 2008 Comprehensive Plan designated the zoning on the property as Regional Business District, a new zoning district with that Comprehensive Plan. The Future Land Use Map classification was Mixed Use. If the Comprehensive Plan Amendment is approved to Industrial, the Zoning Map Amendment would be consistent with the Comprehensive Plan.

Staff is of the opinion the following goals can be found:

Land Use and Housing Goal 6: The rezoning of the subject properties to Light Industrial will allow uses not permitted in the Regional Business District. The former use on site would not be allowed under the existing zoning. Manufacturing, production, and freight movement are permitted uses in the Light Industrial zoning district. The rezoning to a zoning district that is more suitable within the existing area will provide more opportunity for investment in the community.

Economic Development Goal 2: One of the parcels had a former business which would be a nonconforming use if operating today. In talking with the applicant and discussing options such as rezoning, the rezoning to Light Industrial will allow the property to be marketed for uses more suitable for the area which would not be permitted under the current zoning.

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of *Land Use and Housing and Economic Development* and is consistent with the adopted plans within the Town of Indian Trail. Planning Staff believes that the findings can be made to support the Comprehensive Plan Amendment. With staff recommending approval of the Comprehensive Plan Amendment, staff supports the petition requesting a rezone to a Light Industrial because it is consistent with the Comprehensive Plan.

Opened Public Comment.

Applicant Richard Roskind, of 4300 Sharon Rd #544 Charlotte, NC addressed the board and gave some brief statements to the board regarding the property. He is a brother to the owner of the property.

Closed Public Comment.

Motion to approved ZM2016-001 by Member Gay, seconded by Member Towns. Vote to approve was unanimous.

- b) **ZT2016-008- Food Vendors** A request to amend Chapter 440 of the Unified Development Ordinance (UDO) to update existing ordinances for temporary food vendors in town-owned park properties. Applicant: Town of Indian Trail.

The case was presented by Senior Planner Meade Bradshaw.

Analysis/Overview

This request is initiated by the Town of Indian Trail to allow food vendors in the town parks and other town properties as long as the food vendor has a signed contract with the town. The UDO currently requires temporary food vendors to be in conjunction with a local restaurant or a nonprofit sponsored event. This amendment would allow a food vendor who is not in conjunction with a local restaurant or not associated with a nonprofit sponsored event to operate on Town of Indian Trail park property as long as a contract has been executed between the Town of Indian Trail and the food vendor.

Based on staff's findings, staff offers the following modifications for the Board's consideration. For ease of reference, proposed new text is referenced in red/underlined font and deletions are referenced in ~~strikethrough~~ font.

Chapter 440. Types of Temporary Uses

440.20 Types of Temporary Uses

Examples of temporary non-residential uses include the following and are subject to the specific regulations of DIVISION 700, Supplementary Use Regulations:

A. Food vendors

1. Food vendors must be in conjunction with a local restaurant, ~~or a non-profit sponsored event, or be operating under contract with the Town of Indian Trail on Town owned property.~~ or be operating under contract with the Town of Indian Trail on Town owned property.

Required Consistency Findings

Staff Bradshaw read the following required consistency findings into the record.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - **Quality of Life Goal #2:** This amendment shows support for our cultural amenities and our park system, which will bring more people to these locations.
 - **Parks and Recreation, Open Space, and Natural Environment Goal #1:** Allowing temporary food vendors to operate on Town properties under a business agreement will support diverse active and passive recreational opportunities that meet the needs of all Indian Trail residents.
 - **Economic Development #3:** Creating an opportunity for businesses to operate on property open to the public is fostering public-private partnerships, encouraging business development and investment within the town.
2. This UDO ordinance amendment is in the best interest of the public because it encourages the public to visit public facilities and creates opportunities for the private businesses.

Staff recommended that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-008 as presented.

Opened Public Comment.

Staff Hayden Kramer from Indian Trail Parks and Recreation Department, stepped forward to answer questions.

Chair Brown asked if there is a limit to the hours of operation. Staff Kramer answered that when the town hosts special events, vendors would only be allowed to sell items during the special event hours. An advantage of this change would

be that the vendors would need to show town staff documentation of their health inspection, insurance, menu, and pictures of their vehicle.

Member Towns asked if there will be enough receptacles to be able to handle trash at each event with extra vendors. Staff Kramer answered that permanent and portable receptacles are provided at the events.

Member Sandy asked what is considered town property. Staff Kramer answered that Town Property to be used for event would be the parks. The town receives 20 % of all gross sales for the day.

Closed public comment.

Motion to approve ZT2016-008 and the consistency findings as read into the record, by Member Towns, seconded by Member Gay. Vote to approve was unanimous.

c) **ZT2016-009 Car Wash within VCO** This is a request to amend Chapter 520 new Chapter 7220 to the Unified Development Ordinance (UDO) to allow the expansion of existing car wash uses within the Old Monroe Village Center Overlay only. Applicant: Charles A Howard II.

The case was presented by Senior Planner Gretchen Coperine.

Analysis/Overview

This request was initiated by Charles A. Howard, II of Auto Bell Car Wash in order to permit the expansion of existing car wash uses within the Old Monroe Village Center Overlay in the Town of Indian Trail. The intent from Auto Bell Car Wash is to combine the existing Auto Bell Car Wash parcel (parcel 07114018A) with the property directly to the north being rezoned under ZM2016-002 (parcel 07114018) in order to expand the site and accommodate a finishing area (i.e., hand drying and detailing).

Outline of Text Amendment

- **Chapter 520.020:** lists existing car wash uses within the Old Monroe Village Center Overlay as a permitted use.
- **Chapter 7220:** further clarifies that any existing permitted car wash use within the Old Monroe Village Center has full rights to expand and allows the combination of adjacent parcels of land for said expansion as long as all other sections of the UDO are met.

With regard to the proposed amendment, staff worked with the applicant to craft language that would make existing car wash uses a permitted use within the Old Monroe Village Center only. Under the current UDO, car washes are not permitted within any Village Center Overlay. The existing Autobell Car Wash use was permitted prior to the adoption of the UDO in December 2008. In order for Autobell to be able to expand, this text amendment is needed to give it full rights as a permitted use.

To date, there exist two (2) car wash uses within the Old Monroe village center overlay which have been in existence before any UDO requirements in our current code. See the table below. In this case, said uses become permitted uses with full rights to expand and rebuild in the case of a natural disaster. Below is a table of the two (2) parcels with existing car wash uses within the Old Monroe Village Center. Again, this amendment proposes language that legitimizes the uses below, as they have been in existence before UDO requirements were established.

| Parcel | Current Use |
|-----------|---|
| 07114018A | Car Wash use for Autobell Car Wash |
| 07114073 | Car Wash use for Exxon gas station at the corner of Indian Trail Road and Old Monroe Road |

Required Consistency Findings

Staff read the following consistency findings into the record:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan: *Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.*
2. This UDO ordinance amendment is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses. Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2016-009 as presented.

Questions:

Steven Bennett of Helms, Robison and Lee in Monroe NC, attorney for the applicant, presented a power point presentation to the board regarding the project.

Chair Brown asked if the basic expansion will be for the detail of the cars. He also mentioned that he didn't believe Auto Bell was in competition with other car wash in the area as the other car wash is self-service except for one bay and there is no attendant. Conversely, Auto Bell is a full service car wash.

Member Derosier asked about the current traffic flow. Staff Coperine stated that if the project gets approved, the entrance would change so the traffic pattern would change.

Member Gay mentioned that the proposed text amendment does not open doors for new car washes, does it restrict trade? Staff Coperine answered that the amendment would remove the "non-conforming" portion of the ordinance. Staff Burhans reiterated that the amendment would not restrict any new car washes more than the present regulations currently allow or restrict. It would only affect existing car washes.

Member Towns asked if the property will tie into the road directly behind the property. Staff Coperine answered no and that the applicant is only trying to tie into the adjacent parcel. Mr. Bennett stated that there would likely be a new entrance but a site plan has not be submitted yet.

Motion to approve ZT2016-009 with consistency findings as read into the record by Member Derosier, seconded by Member Sandy. Vote to approve was unanimous.

d) ZM2016-002 Auto Bell Car Wash- A request to rezone a parcel of land (approx. 0.89 acres) to the General Business District, within Village Center Overlay. The existing zoning is SF-1, Single Family Residential.

This case was presented by Staff Coperine who began with an overview and background of the project. Adjacent zoning classifications and uses in the surrounding area are as follows: to the North is an existing non-conforming single family house zoned GBD; to the South is Auto Bell Car Wash zoned GBD; to the East of the subject property across Old Monroe Road is the Food Lion shopping center zoned GBD; to the West is warehouse/storage use zoned and GBD. All properties are within the Village Center Overlay District. The

proposed GBD zoning district is consistent with current commercial uses in the areas immediately adjacent to and nearby the subject property.

Community Meeting

A community meeting was held on October 7, 2016 at the Town of Indian Trail at 100 Navajo Trail. No members of the public attended and no public comments were received before or after the community meeting.

Consistency with the Town of Indian Trail's Comprehensive Plan

The subject property is located within the Old Monroe Village. Indian Trail's Comprehensive Plan designates the future land use for the subject property as Mixed-Use intended for commercial and other supporting uses and supports the envisioned urban development. The rezoning request for General Business District (GBD) is consistent with the Town of Indian Trail's Comprehensive Plan in this regard.

Required Consistency Findings

Staff Coperine read the following required consistency findings into the record.

Economic Development Goals #1 and 6: The proposed amendment helps create a more balanced tax base and promotes a diverse local economy by allowing business growth and expansion in the appropriate commercial area within the Town.

The request for this zoning reclassification is a reasonable request and is in the public interest because it promotes business expansion and growth within an area of the Town that is compatible with surrounding uses.

Staff recommends the Planning Board receive the report and recommend **Approval** to the Town Council as presented.

Opened Public Comments.

Closed Public Comments.

Questions

Chair Brown mentioned that the expansion in the finishing area would help with safety of the public . Member Derosier agreed.

Member Killman asked the single family home next door has been notified? Staff Coperine answered that all public within 500 feet have been notified. It was mentioned that the home is zoned General Business.

Motion to approve ZM2016-002 and the consistency findings as read into the record was by Member Towns, seconded by Member Gay. Vote to approve was unanimous.

Motion to reconsider agenda item #4a. by Member Derosier, seconded by Member Gay. Vote was unanimous in favor. Recommendation to approve **ZM2016-001 and CPA2016-003 with consistency findings as read into the record** was made by Member Gay, seconded by Member Head. Vote was unanimous in favor.

OTHER BUSINESS

- a) **Approval of 2017 meeting schedule.** Motion to approve draft schedule by Member Derosier, seconded Member Gay. Vote to approve was unanimous.

November 2016 meeting reschedule. Town Council needed November 15th for their meeting. Motion to move November Planning Board meeting to Thursday November 17 by Member Head, seconded by Member Killman. Vote to approve was unanimous.

PLANNING REPORT

Planning Report

- Public Meeting- Old Monroe widening. Series of detailed maps in hallway of town hall. Last day of comments is Nov 15th.
- Release of Solid Waste/Recycling proposal. Town Council asked to re-bid. Getting proposals back in January 2017.
- Staffing change- Planner Julia Zweifel is leaving her position in the Indian Trail Planning Department to take a position with the City of Charlotte.
- November is National Planning Month. Box City

ADJOURN

Motion to adjourn by Member Sandy, seconded by Member Gay. Vote was unanimous in favor. Meeting adjourned at 7:40pm

Chairman:

Date: _____

Secretary:

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Scott J. Kaufhold, P.E., Town Manager

DATE: November 15, 2016

SUBJECT: RFP Town Attorney



General Information:

Under Council direction, an Request for Proposal for Town Attorney was sent to five firms on October 16, 2016. The Town received three proposals. Two firms declined to submit.

Attachments:

1. RFP Town Attorney
2. Attorney Listing
3. Proposal - Bringewatt & Snover, PLLC
4. Proposal - The Duggan Law Firm, PC
5. Proposal - Spencer & Spencer, PA

**TOWN OF INDIAN TRAIL, NC
REQUEST FOR PROPOSALS/QUALIFICATIONS
TOWN ATTORNEY**

The Town of Indian Trail, NC (herein after "Town") invites qualified attorneys and legal firms having sufficient experience with North Carolina local government law, tax law, employment law, contracts, code enforcement, land use/zoning, planning and other areas of municipal law to submit proposals and qualifications to the Town as outlined in Section II.

There is no expressed or implied obligation for the Town to reimburse firms for any expenses incurred in preparing proposals in response to this request.

I. Requirements:

The Town is interested in retaining the services of a working attorney, one who would be available to attend all regularly scheduled meetings of the Town Council (two per month, second & fourth Tuesdays starting at 6:30 PM) as well as some special meetings (as called and requested). Additionally, the Town Attorney should be available to attend meetings/hearings of the Board of Adjustment (3rd Thursday of each month starting at 6:00 PM). The Town Attorney will write, review and deliver Town Ordinances, contracts, select resolutions, policies, prosecute and defend all suits or actions that the Town may be a party to, enforcement of judgments in favor of the Town, prosecute violations of Town Codes, and attend to any other legal matter as directed by the Town Council. The attorney will produce work products, not simply render opinions.

Interested attorneys should submit a statement of qualifications for the firm. This statement should include (at a minimum) a brief personal history and/or the history of the firm, a resume(s), information about previous governmental (or other related) experience as well as key strengths that the attorney(s) would be able to offer to the Town as its legal counsel. Also, list and explain your proposed rate schedule for retainer and contract work provided to the Town. The attorney(s) must have a JD Degree from an accredited school of law and be a member of the State Bar of North Carolina. The Town of Indian Trail is a Council-Manager form of government and therefore must work closely and be able to communicate effectively with the Town Manager as well as the Mayor and five members of Town Council.

II. Submittal:

Proposals should be submitted by 5:00 PM EST on Friday, November 4, 2016 to the Town of Indian Trail to the attention of Vicky Watts, Executive Assistant to Town Manager:

By Mail: P.O Box 2430
Indian Trail, NC 28079

In Person: 130 Blythe Drive
Indian Trail, NC 28079

By Email: vbw@engineering.indiantrail.org

III. Decision:

The Town reserves the right to reject any or all proposals, waive technicalities and to be the sole judge of the suitability of the services for its intended use and further, specifically reserves the right to make the award that is in the best interest of the Town as decided by a majority of Town Council. Failure to respond to any requirements outlined in this request for proposals, or failure to enclose copies of the required documents, may disqualify the proposal. The appointment of Town Attorney will be made by a majority vote of Town Council. Town Council anticipates making an appointment during their Regular Meeting on Tuesday, November 15, 2016 and may or may not request that attorneys submitting proposals be present. The Town Attorney shall serve at the pleasure of the Town Council as per the Town Charter.

RFP Attorney

Charles Buckley, III
Cranford, Buckley, Schultze, Tomchin, Allen & Buie, PA
7257 Pineville-Matthews Rd
STE 2100
Charlotte, NC 28226
704-364-9076
crb3@southcharlottelawfirm.com

Cox Law Firm, PLLC
Melanie D. Cox
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Waxhaw, NC 28173
704-243-9693
melanie@coxlawnc.com

Bringewatt and Snover, PLLC
Kevin Bringewatt
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442 S. Main Street
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803-327-7191

The Duggan Law Firm PC
301 S. Charlotte Avenue
Monroe, NC 28110
704-776-9610
Chris Duggan

BRINGEWATT & SNOVER, PLLC

Attorneys at Law

Vicky Watts
Town of Indian Trail
130 Blythe Drive
Indian Trail, NC 28079

RE: Town of Indian Trail: Proposal to Provide Legal Services

Dear Ms. Watts:

In response to the Town of Indian Trail's Request for Proposals/Qualifications for Town Attorney, Bringewatt & Snover, PLLC hereby submits the following:

- Background; Scope. We understand the Town seeks to retain legal counsel to represent the Town on an ongoing basis. Specifically, the Town anticipates requiring legal assistance in various areas, including but not limited to: (i) planning, zoning and land use; (ii) procurement and contracting; (iii) code enforcement; (iv) litigation management; and (vi) general governance and related municipal legal requirements. We understand that legal counsel will directly report to the Board of Commissioners and that ongoing work will routinely include attendance at the Board's regular meetings, the occasional special meeting, and meetings/hearings of the Board of Adjustments.
- Attorneys Handling Your Work. Bringewatt & Snover, PLLC has specialized in, among other areas, municipal law since its founding in 1999. The firm is currently legal counsel to two, fast-growing Mecklenburg County towns and represents several public school systems. In its role as Town Counsel, the firm has handled the various and diverse legal needs of Towns surrounding Charlotte and has assisted with and experienced the unique challenges related to growth, increased population and development confronting the Towns in the Charlotte MSA.

We propose a team approach with all attorneys in our firm working together to meet the Town's legal needs in a timely, practical and cost-effective manner – with partners Karen Wolter and Kevin Bringewatt serving as your primary contacts.

Specifically, based on our current understanding of the Town's legal needs, we anticipate that Karen will primarily focus on handling the Board's regular monthly meetings. We are open to discussing the option of having Karen set bi-weekly office hours to facilitate regular meetings with Town staff regarding various legal assignments, assisting with code enforcement and managing outside counsel in the event of litigation or matters involving specialized expertise (such as employment law matters). We anticipate that Kevin Bringewatt and the other attorneys with the firm will assist the Town in handling zoning/land use matters and procurement/contracting matters. We will also involve our partners, Beth Snover and Kathy Pilkington and our associate Scott Dennis, as needed – likely in connection with real estate acquisitions and matters that may require legal research. We will also involve legal assistant(s) as appropriate, including for example, when a title search may be needed. Of course, as we

November 2, 2016

Page 2

learn more about the specifics of the Town's legal needs we have the flexibility to revise and modify individual "job descriptions" as appropriate in order to optimize our partnership with the Town.

Please know that regardless of the specific scope of assignments, our firm prides itself on our prompt responsiveness to our clients. Our practice is to respond to e-mails and messages within 24 hours and typically quicker than that. We are flexible with scheduling and will work closely with Town staff to optimize efficient communication and will work diligently to exceed your expectations for client service.

- Fees; Other Expenses. We propose a flat fee retainer of \$2,500 per month to cover up to three monthly meetings of your choice (e.g. meetings of the Town Counsel and a meeting of the Board of Adjustments), an additional five hours of legal services per month, and all travel time. This financial structure creates an environment that promotes a strong line of communication between attorneys and business people and helps with budgeting. Most importantly, this financial structure aligns closely with the important goal of teaming with Town staff to identify and resolve potential legal issues as early (and inexpensively) as possible. Additional hours beyond the retainer will be billed on an hourly basis. Our standard hourly rate (all partners) is typically between \$295-\$325 per hour but we propose to provide legal services to the Town at our discounted local government rate of \$220 per hour.

Associate attorney time, as needed, will be billed at \$175 per hour and legal assistant time, if needed, will be billed at \$125 per hour. Unlike most firms, generally there is no charge for long distance phone calls, routine copies or postage. However, we do need to reserve the right to charge actual costs for any major copy jobs (e.g. title work) or "non-routine" expenses of this type.

- Retainer; Billing. No retainer necessary. We will bill on a monthly basis based on services actually performed. Payment is due within 30 days of receipt of invoice.
- At Will. Of course, an attorney-client engagement is "at-will" and either one of us may terminate this engagement by giving notice to the other. That said, we typically have very long-term clients and plan to work continually to earn your business. Our goal is to be your valued legal partner for many years to come.

Thank you for the opportunity to submit this proposal.

Sincerely Yours,
Bringewatt & Snover, PLLC



Kevin M. Bringewatt

KAREN K. WOLTER

P.O. Box 453
Davidson, North Carolina 28036
704 (896-1747)

LEGAL EXPERIENCE:

ATTORNEY-AT-LAW; BRINGEWATT & SNOVER, PLLC; Davidson, North Carolina; April 2009 - Present.

Member of Bringewatt & Snover, PLLC. Experience includes litigation; pre-litigation dispute resolution; general counsel; non-profit governance; local government law:

- Pre-litigation dispute resolution practice focused primarily on business entity dissolution and general commercial disputes;
- Outside general counsel to for-profit and not-for-profit businesses. Provide general legal counsel on topics such as governance, day-to-day operations, dispute resolution, and risk management;
- General counsel for youth sports organizations in the Lake Norman area;
- Municipal government code enforcement.

ATTORNEY-AT-LAW; SMITH, HELMS, MULLISS & MOORE, L.L.P.; Charlotte, North Carolina; September 1995 – August 1998

Practice focused primarily on commercial litigation.

ATTORNEY-AT-LAW; ALSTON & BIRD; Atlanta, Georgia; August 1993 – September 1995

Practice focused primarily on commercial litigation.

TRUSTEE; DAVIDSON DAY SCHOOL; Davidson, North Carolina; April 2002-June 2013;

General Counsel 2002-2007; Chairman of Board 2007-2012; Trustee 2012-2013

EDUCATION:

GEORGIA STATE UNIVERSITY COLLEGE OF LAW, Atlanta, Georgia
J.D., *magna cum laude*, May 1993

UNIVERSITY OF WISCONSIN-MADISON, Madison, Wisconsin
B.B.A., December 1988; Major: Marketing and Management

AFFILIATIONS:

- Member, Mecklenburg County Bar Association
- Member, North Carolina Bar Association
- Trustee, American Foreign Academic Research, Inc.
- Trustee, Young Elites
- Inactive Member, State Bar of Georgia
- Past Trustee, Davidson Day School

PERSONAL:

Karen has been a resident of the Town of Cornelius since 1996. She lives happily with her husband Chuck and three children. When she is not practicing law Karen spends her time providing services to several Lake Norman area charitable organizations, enjoying the Lake, traveling, and cheering on her kids at their many sporting events.

KEVIN M. BRINGEWATT

P.O. Box 453
Davidson, North Carolina 28036
704 (896-1747)

LEGAL EXPERIENCE:

ATTORNEY-AT-LAW; BRINGEWATT & SNOVER, PLLC; Davidson, North Carolina; May 1999-present.

Founder of Bringewatt & Snover, PLLC. Experience includes commercial real estate and local government law including:

- planning, zoning and land use (town attorney for local municipalities);
- local government contract/purchasing;
- real estate site selection and acquisition (with particular emphasis on institutional clients);
- preparation and negotiation of real estate purchase and sale contracts;
- negotiation and drafting of commercial leases; and
- mortgage-based financing.

ATTORNEY-AT-LAW; SMITH, HELMS, MULLISS & MOORE, L.L.P.; Charlotte, North Carolina; September 1993 – April 1999.

Practice focused primarily on commercial real estate and other areas noted above.

JUDICIAL CLERK; UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF NORTH CAROLINA, THE HONORABLE WILLIAM L. OSTEEEN; Greensboro, North Carolina; August 1992 - August 1993.

Advised and assisted Judge Osteen in a variety of federal court matters.

EDUCATION:

DUKE UNIVERSITY SCHOOL OF LAW, Durham, North Carolina
J.D., May 1992

Administrative Editor, *Law & Contemporary Problems*, 1991-1992
Moot Court Board, 1991-1992

WOFFORD COLLEGE, Spartanburg, South Carolina
B.A., *summa cum laude*, May 1989; Major: Philosophy

Honor Graduate (1st in class)

NORTH CAROLINA SCHOOL OF SCIENCE AND MATHEMATICS, Durham, North Carolina, June 1986.

AFFILIATIONS:

- Member, Mecklenburg County Bar Association
- Member, North Carolina Bar Association
- Member, Zoning, Planning & Land Use Section Council
- Past Board Member, Davidson Youth Baseball
- Past Board Member, Ada Jenkins Center

PERSONAL:

Kevin lives in Davidson with his wife, Tammy, and their five children. When he is not practicing law or spending time with his family, Kevin enjoys serving as a volunteer coach for local youth sports programs.

THE DUGGAN LAW FIRM, PC

Christopher M. Duggan, Esq.
Licensed in North Carolina
and New York

301 South Charlotte Avenue

PO Box 481

Monroe, NC 28111

Telephone -704-776-9610

Fax-704-776-9611

cduggan@dugganlegal.com

www.dugganlegal.com

November 2, 2016

Town of Indian Trail
Attn: Vicky Watts
P.O. Box 2430
Indian Trail, NC 28079

Dear Ms. Watts,

This is in response to the Town's Request for Proposal/Qualifications for the Town Attorney position. I would like to thank you for the opportunity to provide said proposal.

As you know, my name is Christopher Duggan and I am the principal of The Duggan Law Firm, P.C and am a member of the North Carolina State Bar. My Bar Number is 39065. I have been practicing law since my graduation from the Vermont Law School in 2000. I obtained both my Juris Doctorate as well as a Masters of Studies in Environmental Law from Vermont Law School upon graduation. Special note within those degrees is course studies and internship involving land use, land planning, municipal and administrative agencies.

Since my graduation, I have practiced law in a wide variety of areas ranging from Federal and State environmental regulation actions and programs, to land use and planning regulation, litigation and administrative hearings. I have defended local municipalities from lawsuits while I was in-house counsel for Selective Insurance Company of America, who was a major insurer of municipalities in New York (Bar # 3992583). I have served on the Union County Planning Board and have attended numerous public meetings for numerous decision and legislative bodies in Union County and beyond. I have been involved in several litigation matters wherein allegations have been made against local municipalities regarding violations of various statutes, policies and procedures. Finally, I maintain a general practice of law which exposes me to an expanded wealth of knowledge on areas such as general civil litigation, business law, contracts, legal appeals and many more. Due to my diverse experience, the Town would have an attorney who can draw upon his vast experience in many various areas of the law.

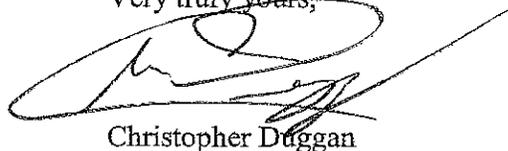
I moved to North Carolina in 2009 with my wife Tami and our two children (now three!) and opened my own practice. Although I faced significant challenges upon the opening of my practice in an unknown locale and during the beginning of the economic recession, I have been able to persevere due to my high level of dedication to the Law, my Clients and my Ethics. Additionally, I believe that my interpersonal skills allow me to interact closely with various individual positions and allow me to set aside any personal feelings for the betterment of my client within any specific situation.

My hope is that the Council will consider me for the position of Town Attorney for Indian Trail and continue to allow me to serve the Town of Indian Trail as I have now been serving for the past two plus months.

My current rate with the Town is \$200.00 per hour and I would be willing to maintain this rate for the remainder of the fiscal year.

Should you require any further information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Christopher Duggan', with a large, sweeping flourish extending to the right.

Christopher Duggan

CMD/jfg

SPENCER & SPENCER

PROFESSIONAL ASSOCIATION

Attorneys and Counselors at Law

C.E. SPENCER (1849-1921)
C.W.F. SPENCER (1876-1956)
C.W.F. SPENCER, JR. (1911-1985)
EMIL W. WALD (1934-2011)
W.C. SPENCER †
WILLIAM L. "RED" FERGUSON †
PAUL W. DILLINGHAM
W. MARK WHITE*
W. CHAPLIN SPENCER, JR.*
R. ALEXANDER SULLIVAN*
R. BRENT THOMPkins*
JEREMY D. MELVILLE*

† Of Counsel

* Also admitted in NC

November 1, 2016

SUITE 200
226 EAST MAIN STREET

P.O. Box 790
ROCK HILL, S.C. 29731-6790

Telephone
803-327-7191

Telecopier
803-327-3868

Internet Address
brentthompkins@spencerfirm.com

Website
www.spencerfirm.com

Via E-mail and U.S. Mail

Town of Indian Trail
Attention: Vicky Watts
P.O. Box 2430
Indian Trail, NC 28079

Re: Town Attorney Position

Dear Sir or Madam,

Please consider this letter and the accompanying attachments as my application to serve as the Town Attorney for the Town of Indian Trail, NC ("Indian Trail"). I would like to thank you for the opportunity to apply for the position. Spencer & Spencer, P.A. has extensive experience providing legal services to municipal and local government clients in North Carolina and South Carolina. Both mine and this firm's collective practice areas, qualifications and experience are fully set forth below and included within the attachments. Although I would be the primary contact for Indian Trail, all the attorneys in our office regularly handle matters for our local governmental clients and would be available to assist should the need arise.

Spencer & Spencer, P.A. provides a full range of both transaction and litigation services in the following areas of law: (i) municipal and local government; (ii) real estate; (iii) corporate/business; (iv) commercial foreclosure and banking; and (v) construction. My individual practice areas involve approximately sixty-percent (60%) municipal law, thirty percent

(30%) real estate law and ten percent (10%) corporate/business law.

Spencer & Spencer, P.A. has represented government clients for over one hundred years. Currently our local government and municipal clients include the Town of Waxhaw, NC, City of Rock Hill, SC, York County Natural Gas Authority, Lancaster County Natural Gas Authority, York County Natural Gas Authority, Patriots Energy Group, Greer Commission of Public Works, Newberry Housing Authority, Rock Hill Housing Authority, Catawba Regional Council of Governments and City of Columbia, SC (collectively, the "Local Government Clients"). Spencer & Spencer, P.A. provides a full range of services for our Local Government Clients, including the following: (i) preparation of ordinances and other agenda items as well as attendance at council meetings; (ii) review and response to Freedom of Information Act requests; (iii) advice regarding zoning and land use matters, including attendance at Zoning Board of Appeals meetings upon request; (iv) advise and assist on environmental law issues including negotiations with DHEC and negotiation of voluntary cleanup contracts; (v) representation and advice on all water, sewer and electric utility matters such as right-of-way acquisitions and service agreements; (vi) annexation issues; (vii) preparation of employment agreements and provide opinions on employment matters; (viii) preparation and negotiation of agreements between our Local Government Clients and third parties; (ix) advice and litigation regarding the use of eminent domain; (x) preparation of right-of-way agreements as well as negotiation and preparation of all documents related to the purchase and/or sale of properties; (xi) preparation and negotiation of land development agreements; (xii) representation for bond financing related matters; (xiii) preparation of documents and matters related to enforcement of building codes, including the international property maintenance code; (xiv) preparation, assistance and continual updates to our Local Government Clients who codify ordinances; (xv) a full range of litigation services for any litigation matters that may arise; and (xvi) provide general advice, opinions and representation for daily matters which may arise.

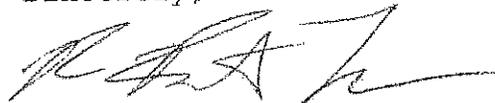
Individually, I have many years of experience in local government and municipal law. Specifically, I frequently handle preparation of ordinances as well as attendance at council meetings; review and response to Freedom of Information Act requests; advice regarding zoning and land use matters, including attendance at Zoning Board of Appeals meetings upon request; advise and assist on environmental law issues including

negotiations with DHEC and negotiation of voluntary cleanup contracts; representation and advice on all water, sewer and electric utility matters such as right-of-way acquisitions and service agreements; annexation issues; preparation of employment agreements and provide opinions on employment matters; preparation and negotiation of agreements between our Local Government Clients and third parties; preparation of right-of-way agreements as well as negotiation and preparation of all documents related to the purchase and/or sale of properties; preparation and negotiation of land development agreements; preparation of documents and matters related to enforcement of building codes, including the international property maintenance code; preparation, assistance and continual updates to our Local Government Clients who codify ordinances; and provide general advice, opinions and representation on daily matters which may arise. In addition to the foregoing, enclosed you will find both my individual resume as well as a detailed list of this firm's qualifications.

Our firm's typical fee arrangements are based upon hourly billing. My hourly rate is currently \$200 per hour and increases no more often than once a year. I would be happy to discuss specific fee details further with you upon request.

I appreciate the opportunity to apply and look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Brent Thompkins", with a long horizontal flourish extending to the right.

R. Brent Thompkins

Enclosures

R. BRENT THOMPKINS, ESQUIRE
SPENCER & SPENCER, P.A.
226 E. MAIN STREET, SUITE 200
P.O. BOX 790
ROCK HILL, SC 29731
803-327-7191 • rbt@spencerfirm.com

LEGAL EXPERIENCE

SPENCER & SPENCER, P.A., Rock Hill, SC
Shareholder
August 2008-Present

- Counsel government clients in their day to day operations.
- Draft agreements, opinions and ordinances on behalf of government clients
- Draft, negotiate and handle utility related agreements on behalf of government clients
- Regularly handle commercial and residential real estate transactions
- Assist clients in the setup and operations of their entities
- Assist clients in the purchase and sale of entities

EDUCATION

UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW, Columbia, SC
Juris Doctor, Cum Laude, May 2008

- South Carolina Law Review, Associate Student Works Editor and Member
- CALL Award, Trusts and Estates
- Class Rank: 37 out of 214
- Final GPA: 3.535

UNIVERSITY OF SOUTH CAROLINA, Columbia, SC
Bachelor of Science in Finance and Management, Cum Laude, May 2005

BAR ADMISSIONS

State of South Carolina, 2008
State of North Carolina, 2009

PROFESSIONAL AND CIVIC MEMBERSHIPS

Government Law Section, SC Bar – Former Council Member
Municipal Association of South Carolina – Member
South Carolina Bar – Member
North Carolina Bar – Member
North Carolina Bar Association - Member
York County Bar- Member
Kiwanis Club of Rock Hill – Past President
Family Promise of York County – Board Member
Westminster Presbyterian Church – Deacon and Member

QUALIFICATIONS

SPENCER & SPENCER, P.A. c/o R. Brent Thompkins, Esquire

Each attorney at Spencer & Spencer, P.A. has extensive experience in local government law. Our firm will provide the full range of municipal legal services which I have outlined below. I have listed out the general services provided by our firm as well as those individual matters I handle on a regular basis.

Spencer & Spencer, P.A. Qualifications

1. Preparation of ordinances and other agenda items: This firm regularly handles preparation of ordinances, agreements, executive session items and other agenda items necessary for the applicable council meeting. This includes communication and coordination with staff regarding the provisions of such ordinances and agenda items as well as the timing.
2. Attendance at Council Meetings: This firm attends regularly scheduled meetings for a number of our local government clients. This includes presentation of specific agenda items where requested, opining on rules of order, attorney-client privileged advice in executive session and ensuring full execution of ordinances and/or agreements.
3. Review and response to Freedom of Information Act requests: Frequently, our government clients request our assistance in responding to Freedom of Information Act requests. This includes coordination with the proper department, review of the responsive documents and provision of a response to the person or entity requesting such information within a timely manner.
4. Advice regarding zoning and land use matters, including attendance at Zoning Board of Appeals meetings upon request: This firm frequently advises our government clients on zoning and land use matters. This ranges from daily requests for interpretation of a zoning ordinance and its application to a specific circumstance to revisions of zoning ordinances. In addition, for matters where staff feels appropriate, this firm will attend Zoning Board of Appeals meetings in order to be immediately available for questions or executive sessions for attorney-client privileged communications should the need arise.
5. Advise and assist on environmental law issues including negotiations with DHEC and negotiation of voluntary cleanup contracts: Some of our government clients regularly purchase property. Prior to purchasing any property, we encourage our government clients to obtain Phase 1 Environmental Assessments in order to determine if there are environmental issues for consideration. In a number of instances, our clients have deemed it necessary to enter into voluntary cleanup contracts with DHEC in order to protect the client from federal and state environmental law liabilities. This firm advises our clients on such matters and assists in negotiations and agreements with DHEC.
6. Representation and advice on all water, sewer and electric utility matters such as right-of-way acquisitions and service agreements: Several of our local government clients operate utility systems. Our representation in regards to such utilities is full service. We frequently handle the preparation, negotiation and recording of right-of-way agreements. In addition, we advise our

clients on service agreements, acquisition of property for related facilities and other utility related matters.

7. Annexation issues: We prepare service agreements and restrictive covenants obligating third parties to annex. In addition, we handle the preparation of ordinances related thereto in conjunction with staff. Finally, in the event it is necessary, our firm has litigated matters forcing property owners to annex in compliance with their agreements.
8. Employment matters: We regularly advise our government clients on employment matters, including litigation resulting therefrom. In addition, we prepare employment agreements for high level management.
9. Preparation and negotiation of agreements between our Local Government Clients and third parties: Our firm regularly prepares agreements on behalf of our local government clients. These agreements can range in scope from service agreements to long term wholesale water and sewer agreements.
10. Eminent Domain: Although it is not a desired method, occasionally our local government clients are forced to utilize eminent domain to further the public interest. We provide advice as well as litigation related thereto should the need arise.
11. Preparation of right-of-way agreements and other real property matters: We prepare right-of-way agreements for our clients as the need arises. In addition, a number of our attorneys practice real estate law. As a result, we have handled numerous purchases and sales of real property on behalf of our local government clients as the need has arisen.
12. Preparation and negotiation of land development agreements: We assist our local government clients in the preparation of long term land development agreements for developments which will build out over a long period of time.
13. Representation for bond financing related matters: We assist our clients in bond related financing on a regular basis.
14. Litigation Services: Our firm provides full service litigation for our local government clients. We handle eminent domain, annexation, contract disputes, employment matters and any other issues that may arise.
15. Preparation of documents and matters related to enforcement of building codes: We regularly advise our municipal clients on matters of interpretation and enforcement of building codes, including the international property maintenance code. This also includes preparation of documents related thereto.
16. Ordinance Codification: Our municipal clients require continual update and revisions to their applicable code of ordinances. Our services include preparation, assistance and continual updates to the code of ordinances as well as revisions to the code by ordinance where applicable.
17. Provide general advice and opinions: In representing local government clients, matters arise frequently on a day to day basis. We have the ability and expertise to handle these unknown issues as well.

R. Brent Thompkins Qualifications

I have worked extensively for our firm's local government clients for many years. I currently provide and will be able to provide the Town of Indian Trail the services outlined under 1-13 and 15-17. Although I only handle transactional matters, we have several attorneys in our office who strictly handle litigation matters. Those attorneys will be able to handle any and all litigation matters which may arise should the Town of Indian Trail choose our firm to represent it.

Town of Indian Trail

Memo

TO: Mayor and Town Council
FROM: Scott J. Kaufhold, P.E., Town Manager
DATE: November 15, 2016
SUBJECT: Interlocal Municipal Agreement



General Information:

As discussed by Council, consideration to approve the Interlocal Municipal Agreement with the Monroe-Union County Economic Development (MUCED) program for the purpose of engaging in retail marketing and development activities in Indian Trail. Funding was approved in the 2016/2017 budget.

Attachment:

Interlocal Agreement

**NORTH CAROLINA
UNION COUNTY**

THIS INTERLOCAL AGREEMENT entered into this the ____ day of _____, 2016, by and between **the Municipalities of INDIAN TRAIL, STALLINGS, WAXHAW, and WINGATE**, municipal corporations chartered under the laws of the State of North Carolina (hereafter "Retail Partners"), and the **CITY OF MONROE**, a municipal corporation chartered under the laws of the State of North Carolina (hereafter "City").

WHEREAS, local governments including municipalities are authorized by North Carolina General Statutes Sections 160A-460 *et seq.* and 153A-445 to enter into Interlocal Agreements; and

WHEREAS, City employs staff and is currently involved in demonstrated successful county-wide economic development activities, under a joint agreement with Union County, which include business recruitment and retention throughout the county which over the past four years have resulted in significantly increasing the tax base and employment in Union County; and

WHEREAS, it would be mutually beneficial for the Retail Partners and City to join with Monroe-Union County Economic Development program and engage in retail marketing and development activities for the partner communities while at the same time continuing the successful county-wide economic development program.

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein and other good and valuable consideration, the Parties agree to create a joint retail initiative under the following terms and conditions:

1. Except as otherwise provided in this Agreement, City shall conduct all retail marketing and development activities within the parties corporate limits, including recruitment, marketing, land development and research activities. The level and nature of participation by the 5 partner municipalities in Union County shall be developed in accordance with Section 6. However, nothing herein shall prohibit the participating municipality from engaging in recruitment, marketing, land development and research activities on their own so long as said activities do not conflict with the Retail Plan set forth in Section 6 below.
2. A 5-member Retail Advisory Board shall be appointed to advise the Parties concerning the retail initiative's policies, incentives, recruitment and retention practices. The Advisory Board shall be composed of one voting member appointed each participating municipality. Voting members shall serve for terms of three years. All voting members' terms shall begin on July 1 and expire on June 30 of the last year of the member's term, provided that each member shall serve until his or her successor is appointed. A member can serve no more than two consecutive three-year terms.

The Retail Advisory Board shall select a Chairperson from its membership on an annual basis at the first meeting following June 30. The Chairperson shall be selected by a majority vote of the voting members of the Advisory Board. The Chairman will serve until June 30 of the year following his/her election..

3. During the Initial Term of this Agreement, as defined in Section 7, the contributions of the Parties are as follows:
- City of Monroe - \$50,000 annually
 - Town of Indian Trail - \$50,000 annually
 - Town of Stallings - \$10,000 annually
 - Town of Waxhaw - in-kind resources until 2018, then \$15,000 annually
 - Town of Wingate - \$5,000 annually, plus other in-kind resources

These contributions are to solely finance the joint retail initiative administered by City, provided that such payments shall exclude the cost of any incentives paid by the Parties. The Retail Partners shall provide its funding to City payable upon receipt of invoice on the first day of each fiscal year beginning on July 1, 2016.

City shall receive, budget, and appropriate the expenditure of funds to carry out the program pursuant to the Local Government Budget and Fiscal Control Act. City shall maintain accurate and detailed financial records, in accordance with generally accepted accounting principles, consistently applied, for all expenditures or costs related to the joint retail initiative. Retail Partners have the right to inspect, examine and make copies of all financial books, records and accounts of City related to the retail initiative during normal business hours and may audit financial records upon reasonable notice. City shall direct its officers to provide Retail Partners with any specific information, documents or other records that Retail Partners may reasonably request regarding the financial and business affairs of City related to economic development as soon as available, but not later than five (5) business days from request.

In addition, in the event it is determined that City has expended less than the amount contributed by all the Parties on the joint retail initiative during the Initial Term, then City shall refund to Retail Partners an amount equal to the proportion of each parties contribution of any such surplus within thirty (30) days of expiration of each year of the agreement or at the expiration or termination of this Agreement, unless otherwise agreed to in writing by all the parties to this Agreement. City's duties pursuant to this Section 3 shall survive expiration or termination of this Agreement.

4. It is anticipated that City will employ at a minimum one dedicated employee to conduct and carry out the retail initiative. The participating municipalities shall

agree as to the compensation paid to the employee dedicated to this retail initiative. All employees will be employees of the City of Monroe in all respects and will be covered by all City employee policies, salary schedules, benefits, and insurance including workers compensation.

5. The current City Executive Director of Economic Development shall continue to serve as Executive Director of Monroe-Union County Economic Development, while also overseeing the Retail Initiative as established by this Agreement and shall be the chief administrative staff member for purposes of carrying out the program.
6. During the first six (6) months of this Agreement, City shall work with the Retail Partners to create the retail development plan (the "Retail Plan"). The Parties shall collaborate to determine (i) the individual needs of each community, (ii) the type of retail uses each seeks to encourage, and (iii) such other matters as deemed appropriate. These desires shall be incorporated into the Retail Plan. The parties shall finalize and adopt the Retail Plan as an amendment to this Agreement not later than _____, and adoption of such amendment shall be deemed a material term of this Agreement. City's duties pursuant to this Agreement shall thereafter include those duties assigned in the Retail Plan.

Should the parties be unable to execute a Retail Plan as required by this agreement within the first six (6) months of this Agreement, any party to this Agreement may provide notice of and terminate this Agreement and said terminating party shall be entitled to a return of their payment, subtracting therefrom their proportional share of any expenses incurred by the parties up to the date of such termination. Said payment shall be made within thirty (30) days of the termination of the Agreement.

In addition to services otherwise provided by City pursuant to this Agreement, including those services required in the Retail Plan, City shall also provide the following reports to the Retail Partners.

- A. Reports to the Municipal Managers and Retail Advisory Board, Including:
 - Number of business inquiries,
 - Number of calls on commercial developers and retail real estate brokers, and
 - Status reports on current projects.
 - Expense reconciliation
- B. Annual Reports to Parties Governing Bodies, Including:
 - New jobs that can be attributed to the retail initiative,

- Approximate wages paid from jobs created that can be attributed to the retail initiative,
 - Dollar amount of investment created that can be attributed to the retail initiative,
 - New commercial tax base that can be attributed to the retail initiative, and
 - Retail space (Square footage) occupied that can be attributed to the retail initiative.
 - Expense reconciliation.
7. This Agreement shall become effective as of _____, and end on June 30, 2021 (the “Initial Term”). Other than as discussed above in Section 6, the parties shall not terminate this Agreement during the Initial Term, except for cause. Cause shall include, but is not limited to, the inability of this agreement to generate economic development within the municipalities for the first three years of the Initial term. During the Initial Term, the parties shall evaluate the Retail Initiative and at the end of the Initial Term, the parties may amend the terms of this Agreement in writing. At the end of the Initial Term, this Agreement shall automatically renew and continue on an annual basis under the same terms and conditions as amended, provided that a party may terminate its involvement in the Agreement and the Retail Initiative, with or without cause, by providing written notice to all other parties to the Agreement no later than ninety (90) prior to July 1, 2021. The parties may also jointly terminate this Agreement, with or without cause, upon expiration of the Initial Term by the parties jointly giving ninety (90) days written notice to all the parties to this Agreement prior to July 1, 2021. If the Agreement automatically renews, a party may terminate its involvement in the Agreement and the Retail Initiative, with or without cause, effective June 30 of any renewal year by providing written notice to the other parties to the Agreement upon ninety (90) days written notice to all of the other parties prior to July 1 of any year thereafter.
8. City agrees that neither City nor the Retail Advisory Board shall have any authority to bind the Retail Partners to the payment or provision of any incentives. In the event City or the Advisory Board deem a project worthy of receipt of incentives from Retail Partner, City shall provide its Executive Director of Economic Development to discuss the project with the appropriate governing body in open and closed sessions as necessary, and in sufficient detail as to enable the governing body to make an informed decision regarding the provision of incentives. However, nothing herein shall be deemed to compel the Retail Partner to pay or offer any provisions for incentives.
9. This Agreement contains the entire understanding between the parties. No other agreement, statement, or promise made by either Party, orally or in writing, which is not contained in this Agreement shall be valid or binding.

10. This Agreement may be amended upon adoption of written amendments executed in writing on behalf of each respective governing body.
11. This Agreement shall be considered for all purposes as prepared through the joint efforts of all parties and shall not be construed against any one party as a result of preparation, submission, or drafting hereof.
12. The provisions hereof are severable, and should any provision be determined to be invalid, unlawful or otherwise null and void by any court of competent jurisdiction, the other provisions shall remain in full force and effect and shall not thereby be affected unless such ruling shall make further performance hereunder impossible or impose an unconscionable burden upon one of the parties. The parties shall endeavor in good faith to replace the invalid, illegal or unenforceable provisions with valid provisions the economic effect of which comes as close as practicable to that of the invalid, illegal or unenforceable provisions.
13. In in the performance of their duties pursuant to this Agreement, City and Retail Partners shall comply with all laws, rules, regulations, ordinances, codes, standards, and orders of any and all governmental bodies, agencies, authorities, and courts having jurisdiction.
14. Each party hereby represents and warrants each to the other the existence of all capacity, authority, resolutions, and actions necessary to execute and enter into this Agreement.
15. Each party hereby agrees that the State of North Carolina has jurisdiction over the subject matter of this Agreement and personal jurisdiction over the parties.

IN WITNESS WHEREOF the parties hereto acting under the authority of their respective governing bodies, have caused this Agreement to be duly executed in duplicate counterparts, each of which shall constitute an original, this the day and year first above written.

ATTEST:

TOWN OF INDIAN TRAIL

City Clerk

Mayor

ATTEST:

TOWN OF STALLINGS

City Clerk

Mayor

ATTEST:

TOWN OF WAXHAW

City Clerk

Mayor

ATTEST:

TOWN OF WINGATE

City Clerk

Mayor

ATTEST:

CITY OF MONROE

City Clerk

Mayor

This Instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Town of Indian Trail Finance Officer

Date

Town of Stallings Finance Officer

Date

Town of Waxhaw Finance Officer

Date

Town of Wingate Finance Officer

Date

City of Monroe Finance Officer

Date

Town of Indian Trail

Memo

TO: Mayor and Town Council
FROM: Kelley Southward, Town Clerk
DATE: November 15, 2016



SUBJECT: New Business Items a & b: appointments to the TAC & PARC

I have received one application for the TAC and two applications for the PARC. There are currently 2 vacancies on each Committee. So, if both applicants are appointed to the PARC all 5 seats will be filled. The staff liaisons are agreeable to the applicants (neither committee has been meeting nor has a Chairman at this time).

The three applications are attached.



**APPLICATION TO SERVE ON TOWN BOARDS OR COMMITTEES
TOWN OF INDIAN TRAIL**

Name of Committee:

- Economic Development Advisory Committee
- Planning Board
- Board of Adjustment
- Stormwater Advisory Committee
- Transportation Advisory Committee
- Parks, Arts, Recreation & Cultural Committee
- Public Safety Committee

NAME: DR. CHARLES R. PETTIT, SR.

ADDRESS: 6722 FIRST AVENUE

PHONE: (Home) 704 628 6082 (Office) 864-978-8849 (Fax) _____

Email: RANDY@chippettit.com Education: DOCTOR OF MINISTRY

Do you have any conflicts with night meetings? No

How long have you lived in Union County? 15 MONTHS

Name of City and/or County Boards/Committees/Commissions currently serving on:

Business and Civic Experience:

ENGINEER WITH S.C. DOT

DEVELOPMENT TRAINER - LIFE INSURANCE OF VA

CURRICULUM STUDY COMMITTEE - SPTBG. SCHOOL DIST. # 2

MINISTER FOR 36 YEARS

Areas of expertise and interest/skills:

ENGINEER US SC DOT FOR 10 YEARS
ADVANCED STUDIES IN CONFLICT MANAGEMENT & RESOLUTION

Please explain your interest in serving on the above named committee:

Specific as well as professional experience in 2
states and 5 cities allowed me to see a need for
accountability in local government

Is there any possible conflict of interest as defined in the North Carolina State Statute G.S. 160A- 381 (d)* that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Indian Trail Town Committee?

Yes: _____ No: NO (If yes, explain conflict)

I certify that the facts contained in this application are true and correct to the best of my knowledge.

Date: October 11, 2016 Signature: Dr. Charles R. Rector, Jr.

***GS 160A381(d)** A City council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of appointed boards providing advice to the city council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.



**APPLICATION TO SERVE ON TOWN BOARDS OR COMMITTEES
TOWN OF INDIAN TRAIL**

Name of Committee:

- Economic Development Advisory Committee
- Planning Board
- Board of Adjustment
- Stormwater Advisory Committee
- Transportation Advisory Committee
- Parks, Arts, Recreation & Cultural Committee
- Public Safety Committee

NAME: Alexander M. Sayre

ADDRESS: 128 Keowee Circle, Indian Trail, NC

PHONE: (Home) 336-964-0506 (Office) 704-622-2294 (Fax) _____

Email: amsayre56@gmail.com Education: BA Environmental Studies / Geography

Do you have any conflicts with night meetings? No

How long have you lived in Union County? ~2 years

Name of City and/or County Boards/Committees/Commissions currently serving on:

Business and Civic Experience:

Environmental consultant for ECS Carolina LLP

Areas of expertise and interest/skills:

General environmental knowledge, graphic design, asbestos/mold testing and abatement
assisted in trail building in Greensboro Volunteered for approximately 3 months at
Hagan Stone Park w/ general park maintenance.

Please explain your interest in serving on the above named committee:

I have always had an interest in local parks and greenways and introducing nature to the
public. I have worked in Indian trail for a little over two years and would like to
get involved with the community in this respect.

Is there any possible conflict of interest as defined in the North Carolina State Statute G.S. 160A-381 (d)*
that would create problems or prevent you from fairly and impartially discharging your duties as an
appointee of the Indian Trail Town Committee?

Yes: _____ No: (If yes, explain conflict)

I certify that the facts contained in this application are true and correct to the best of
my knowledge.

Date: 1/25/2016 Signature: Oliver Joyce

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amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and
readily identifiable financial impact on the member. Members of appointed boards providing advice to the city
council shall not vote on recommendations regarding any zoning map or text amendment where the
outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily
identifiable financial impact on the member.

11/15 agenda meeting



APPLICATION TO SERVE ON TOWN BOARDS OR COMMITTEES
TOWN OF INDIAN TRAIL

Name of Committee:

- Economic Development Advisory Committee
- Planning Board
- Board of Adjustment
- Stormwater Advisory Committee
- Transportation Advisory Committee
- Parks, Arts, Recreation & Cultural Committee
- Public Safety Committee

NAME: Stephen Dotson

ADDRESS: 1001 Woodmore Lane Indian Trail NC 28079

PHONE: (Home) (704) 941-1526 (Office) (704) 553-6365 (Fax) _____

Email: steve.dotson@carolina.rr.com Education: BA Math/Business The Citadel

Do you have any conflicts with night meetings? no

How long have you lived in Union County? 10 years

Name of City and/or County Boards/Committees/Commissions currently serving on:
none

Business and Civic Experience:

I am Financial Advisor with Wells Fargo Advisors. I help my clients feel confident & secure about retirement, education & their financial future.

Areas of expertise and interest/skills:

Business development, budgeting, financial planning
I care about the amenities of Indian Trail, NC.

Please explain your interest in serving on the above named committee:

I care about making Indian Trail, NC a desirable
location for families & businesses.

Is there any possible conflict of interest as defined in the North Carolina State Statute G.S. 160A-381 (d)* that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Indian Trail Town Committee?

Yes: _____ No: (If yes, explain conflict)

I certify that the facts contained in this application are true and correct to the best of my knowledge.

Date: 10/11/16 Signature: 

*GS 160A381(d) A City council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of appointed boards providing advice to the city council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

MAYOR
Michael L Alvarez

MAYOR PRO TEM
David L. Cohn

TOWN MANAGER
Scott Kaufhold



TOWN COUNCIL
Gordon B. Daniels
Gary M. Savoie
Mark A. Wireman
Amy R. Stanton

TOWN CLERK
Kelley Southward

Dated 11/8/2016

To: Mayor & Town Council Members

From: Finance Director Wojtowicz

A handwritten signature in black ink, appearing to read "Wojtowicz", is written over the printed name of the Finance Director.

Subject- *Budget Modification- to allow for acquisition of vehicle for Building & Grounds*

Please find attached a request for a budget modification that would allow our Building and Grounds department to purchase a used vehicle (a 2014 cargo van). This request comes before you based on our current Budget ordinance Section 7, letter c that limits my authority to transfer between departments up to \$5,000.

These monies come from excess funds accumulated when we purchased two new vehicles (Code Enforcement F- 150 pick-up; and Parks & Recreation F-150 pick -up) off of North Carolina State contract.

I will be in attendance at the Town Council meeting of 11/15 if you should have any questions.

Thank you, Jim

c.c. Town Manager Kaufhold
Town Clerk Southward

[Print This Page](#)



CrossRoads Chrysler Jeep Dodge Ram
Phone Number: 1-877-593-8400
4510 Whitehill Blvd.
Prince George, VA 23875
Website: www.crossroadscjd.com

2014 NISSAN NV200 S CARGO VAN



Price: \$12,995

Summary

Engine: 2.0L 4-Cylinder 16V
Transmission: Automatic
Drivetrain: FWD
Mileage: 36,236
Exterior Color: Fresh Powder
Interior Color: Gray
Interior Upholstery: Vinyl
Stock #: 16564A
VIN #: 3N6CM0KN5EK693087

Installed Options

[F02] BACK DOOR GLASS PACKAGE -inc: back door glass w/privacy, Interior Rear View Mirror, Back Door Glass Defroster

Town of Indian Trail

Memo

TO: Mayor and Town Council
FROM: Patrick Sadek, Director of Engineering & Public Works
DATE: November 9, 2016
SUBJECT: Draft On-Street Parking Ordinance



Included in your agenda packets please find a complete DRAFT of the On-Street Parking Ordinance for Council's review. Please note that we are calling this a complete DRAFT because the first draft was shared with all applicable town departments, advisory committees, the Planning Board, the Interim Town Attorney and the Union County Sheriff's Office (UCSO was intricate in assisting us to draft the document). All feedback received was considered and many suggestions have been incorporated to the document before Council this evening.

Additionally, the document will be shared with the HOAs of Crismark and Meriwether subdivisions on the evening of November 9th. Valid input will be incorporated as part of the ordinance and such will be provided to Council.

We request that Council review the ordinance carefully. PLEASE NOTE that there will be some additional steps to finalize the last section which pertains to the administrative process for collection of violation fees; which will be elaborated on during the November 15th Council Meeting. Mr. Kaufhold and Mr. Sadek are available to answer any questions prior to the meeting as well as at the meeting.

Moving forward, we would ask that Council receive the DRAFT Ordinance on November 15th. Then, at the December 13th meeting if Council has any changes they modify the ordinance and schedule the public hearing for the first Town Council Meeting in January. After the public hearing is held, Council could then approve the On-Street Parking Ordinance at the same meeting in January or table until a later date.

Chapter 71: Parking Regulations

Section

- 71.00 Definitions
- 71.01 Stopping, Standing or Parking Prohibited in certain Places and for certain purposes
- 71.02 Parking Not to Obstruct Traffic
- 71.03 Parking Prohibited For Certain Purposes
- 71.04 Standing for Loading Only.
- 71.05 Certain vehicles to be parked only for loading and unloading.
- 71.06 Notice of Traffic Violation
- 71.07 Civil Penalty for Violation
- 71.08 Enforcement
- 71.09 Towing of Vehicles in Violation
- 71.10 Vehicles Blocking Streets
- 71.11 Violations
- 71.12 Residential Parking Permit Zones
- 71.13 Administration and Authority

70.00 Definitions

ADA: American with Disabilities Act. the ADA provides guidelines for the design of facilities to accommodate the needs of those persons with impaired mobility.

Aisle: Circulation area for motor vehicles within a town parking facility, typically between rows of parking.

Authorized: Official; by authority of the Town Council or Town Manager, or by authority of the State Highway Commission.

Authorized Emergency Vehicles: Vehicles of the Fire Department, Police Department, ambulances and rescue squad vehicles or any other such vehicle recognized by the state as an emergency vehicle.

Code Enforcement Officer: A Town employee that is authorized to ensure parking code compliance.

Driver Operator: A person in actual physical control of a vehicle which is in motion or which has the engine running. The terms Operator and Driver and their cognates are synonymous.

Intersection: The area embraced within the prolongation of the lateral curblines or, in none, then the lateral edge of roadway lines of two or more highways, which join one another at any angle whether or not one such highway crosses the other. Where a highway includes two roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate Intersection. In the event that such also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highway shall be regarded as a separate Intersection.

Motor Vehicle: Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. § 20-4.01(27).

Official Traffic-Control Devices: All signs, signals, markings and devices not inconsistent with this traffic code, placed or erected by authority of the Town Council for the purpose of regulating, warning or guiding traffic or for the purpose of prohibiting or regulating the parking of vehicles.

Official Traffic Signal: Any device not inconsistent with this chapter, whether manually, electrically or mechanically operated, placed or erected by authority of the Town Council, by which traffic is alternately directed to stop and to proceed.

On-Street Parking: where parking spaces are adjacent to the motor-vehicle traveled way.

Park: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Pedestrian: Any person afoot.

Law Enforcement Officer: Every officer of the town Police Department or any officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations.

Private Road or Driveway: Every road or driveway not open to the use of the public as a matter of right for the purposes of vehicular travel.

Railroad: A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Railroad Train: A steam, diesel or other engine, or an electric or other motor, with or without cars coupled thereto, operated upon rails.

Resident or Residential District: The territory contiguous to a highway and not comprising a business district, when seventy-five percent (75%) of the frontage on such highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or dwellings and buildings in use for business.

Right-Of-Way: The privilege of the immediate use of the road.

Roadway: The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the even a highway includes two or more separate roadways, the term Roadway, as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

Safety Zone: Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a Safety Zone.

Sidewalk: The portion of a street between the curb lines, on the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Standing: Any stopping of a vehicle, whether occupied or not.

Stop or Stopping when Prohibited: Any stopping of a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer or traffic-control sign or signal.

Store: To put aside, or accumulate, to use when needed.

Street Highway: The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms Highway and Street, and their cognates, are synonymous.

Traffic: Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purpose of travel.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

71.01 Stopping, Standing or Parking Prohibited in certain Places and for certain purposes

A. It shall be unlawful for any person to stop, park, or leave standing any motor vehicle (passenger vehicle, tractor trailer, motor homes, detached trailer, commercial vehicles, etc.) whether attended or unattended, on any part or portion of the right-of-way of said roadways, except in the case of an emergency, at designated parking areas due to vehicle being disabled for not more than twenty-four (24) hours, and as directed by a law enforcement officer, a code enforcement officer or an official traffic control device in any of the following places:

- 1) On streets where speeds are greater than 30 miles per hour (mph) and volumes are greater than 15,000 average vehicles per day;
- 2) Within an intersection, on any of its auxiliary lanes, and/or within thirty (30) feet thereof;
- 3) Within a fire lane and restrictive features of the curb area (e.g. fire hydrant);
- 4) Within the approach to or within the circular portion of a Cul-de-sac;
- 5) Within fifteen (15) feet of any mailbox or postal cluster box;
- 6) On a sidewalk (in whole or partially), including space between a sidewalk and a public street, except where part of the sidewalk is within a driveway and the driveway cannot house a full length of a car; This provision shall not be applicable to non-motorized bicycles;
- 7) In residential areas where street width is twenty-four (24) feet or less, twenty-eight (28) feet or less with on-street parking in one way, except where street width is thirty (30) feet or more.
- 8) On any public roadway if it is interfering with the regular flow of traffic or otherwise constitutes a hazard;

- 9) In residential areas and other areas where parking spaces are not marked on the pavement and not designated as parking zones. At areas where on-street parking is not prohibited, all vehicles shall be parked parallel to the curb edge of the pavement and as far as the right of the centerline as possible, leaving at least sixteen (16) feet of clear unobstructed roadway for the safe passage of other vehicles;
- 10) Within twenty (20) feet of the driveway entrance to any fire station;
- 11) On a street in front of a public or private driveway, unless otherwise authorized by the owner of the property if said driveway is a private driveway;
- 12) On or within twenty (20) feet of a marked crosswalk;
- 13) On top of an official traffic control devices (e.g. lane marking, shared roadway and bicycle travel lane marking);
- 14) Within a landscaped, marked, or concrete median openings;
- 15) Residential and commercial districts access lanes (e.g. entrances and exits);
- 16) Blocking entrances to trails, ADA ramps, regulatory signs, and one-way circulation aisles inside public parks;
- 17) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or an official traffic signal located at the side of a street or roadway;
- 18) On any street or town property during public festivals or events, upon designation by the Town Manager and the erection of official "No parking" signs/markings upon said street and Town property;
- 19) In any area or between any points where official "NO PARKING" signs have been erected or adjacent to any curb line where that street curb line, pursuant to town authority, been painted with "NO PARKING" or yellow;
- 20) On a street or on any public property owned or leased by the Town in violation of an official traffic control device when such official traffic control device gives notice of restrictions or prohibitions on parking;
- 21) In a space designated with a sign for 'Disabled/Veteran' persons or when the vehicle does not display the distinguishing registration plate, windshield placard, or disabled/veteran registration plate or placard issued pursuant to G.S. 20-37.6 or G.S. 20-79.4;
- 22) Within fifteen (15) feet of a traffic calming device (speed hump);
- 23) On any street that tapers in width;
- 24) In a marked off parking space in a manner that its overall dimensions are not entirely within the parking space as marked off;
- 25) In any metered space without making proper payment thereof;