Town of Indian Trail

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

PLANNING AND DEVELOPMENT DEPARTMENT
BOARD OF ADJUSTMENT MINUTES
October 29, 2015
06:30 P.M.

Call to Order
Roll Call
The following members of the governing body were present:

Board Members:	Daniel Takah, Shirley Howe, Christopher Chopelas, and Patrick O'Connor.
Members Present but not Voting:	None.
Absent:	Tripp Melton, Dr. Shamir Ally, Tim Rogers and Keith Merritt- Town Attorney.
Staff Members:	Kevin Icard-Senior Planner, and Pam Good-Board Secretary

During roll call, it was brought to the board's attention that member Tim Rogers had recently resigned his position on the board. Motion to approve Member Roger's resignation by Chair Takah, seconded by Member Howe. Vote to accept resignation was unanimous.
Staff Icard told the remaining board members that Staff would research the process for replacing Member Roger's vacant seat and inform the board of steps to be taken.

Approval of Minutes - August 27, 2015 (no Sept mtg)
Motion to accept minutes as written by Member Howe, seconded by Member Chopelas. Vote to approve was unanimous.

Public Hearings- none

Other Business-
Sr. Planner Kevin Icard presented a training time for the board members reviewing basic elements and procedures of Board of Adjustment hearings and asked the board to engage in dialogue and questions they may have. He began with a PowerPoint of what a basic agenda entails. Staff Icard also spoke about Rules and Procedures and responsibilities of a Chair as well as Board Members:

Chair person is following the script

- Keeps the meeting on tract
- Following administrative process
- Making sure Board, Staff and Applicant are heard
- Examining evidence and questioning the facts
- Keeping the peace
- Summary of Evidence

Board Members

- Listening & Gathering Facts
- Discussing the case & facts among the group

A question was asked by Member Howe about whose responsibility it is to present a petition when it is brought to a meeting.

Staff Icard replied that all board members can ask questions regarding such evidence ensuring that it is valid and factual as well as having the option of needing to further review the information brought forth.

Member Chopelas mentioned that when the applicant brings evidence, they must surrender it to the board. A copy must be kept in the office packet file and added to the record.

Staff Icard reminded the board that they can reject the document that applicants may bring as potential evidence. Various members discussed a past case with an example of a petition. Staff Icard stated that the board doesn't have to vote the same as petition, but should make a decision on the facts that are presented.

Member Howe suggested that if such a situation arises again, with a petition or other documents that have not previously been viewed, that the board rely on the Town's Attorney for direction and advice.

Chair Takah mentioned that other communities, the applicants present the case themselves rather than the Staff presenting. Staff Icard reminded the board that the Staff presentation must be impartial.

Staff Icard also spoke about Deliberation and Decision and walked the members through the process as well as reminding them to take their time when entering this phase of the process.

Deliberation
- Time to talk it out
- Look back at the facts
- Take your time
- It's OK to write down facts that you plan to use

Decision
- Collect your thoughts
- Discuss each Finding of Fact on the worksheet.
- You can add to a motion

Member Howe asked if Staff could provide a document explaining the process for folks who are attending. Staff Icard reminded board members that they should ask the person presenting if they have evidence to back up statements versus what would be considered hearsay.

The second portion of the training session was presented in the form of a Jeopardy question and answer game complete with prizes.

Adjournment Motion to adjourn by Member Howe, seconded by Member O'Connor. Meeting adjourned at 7:40pm.

Chairman: Daniel Takah

Date: Feb 25 - 2016

Secretary: Pamela J Good