

**MAYOR**  
Michael L Alvarez

**MAYOR PRO TEM**  
David Cohn



**TOWN COUNCIL**  
Gordon B. Daniels  
David W. Drehs  
Christopher M. King  
Gary M. Savoie

**Town Council Meeting**  
**June 23, 2015**  
**Civic Building**  
**6:30 p.m.**

- 1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ADDITIONS AND DELETIONS**
- 3. MOTION TO APPROVE AGENDA**
- 4. PRESENTATIONS**
- 5. BOARD/COMMITTEE APPOINTMENTS**

**action**

**STORMWATER ADVISORY COMMITTEE APPOINTMENTS: 3 FULL TIME OPENINGS**

- A. JEREMIA MURPHY 7/1/15 - 6/30/18**
- B. JOHN BARNARD 7/1/15 - 6/30/18**
- C. ALAN MOSELEY 7/1/15 - 6/30/18**

**TRANSPORTATION ADVISORY COMMITTEE APPOINTMENTS: 3 FULL TIME OPENINGS**

- A. MIKE KNIGHT 7/1/15 - 6/30/18**
- B. SHAMIR ALLY 7/1/15 - 6/30/18 (MOVING FROM ALT TO FULL SEAT)**
- C. JORGE APONTE 7/1/15 - 6/30/18 (MOVING FROM ALT TO FULL SEAT)**

- 6. PUBLIC COMMENTS**
- 7. LAW ENFORCEMENT UPDATE**
- 8. CONSENT AGENDA**

**action**

- a. Approval of Council Meeting Minutes from June 9<sup>th</sup>, 2015**
- b. Approval of Budget Amendments**

**9. PUBLIC HEARINGS**

**action**

*– Please adhere to the following guidelines:*

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

- a. **ZM2015-002 Mathews-Indian Trail Road:** Proposed rezoning to the Institutional Zoning District for a 14.5 Acre property located on Mathews-Indian Trail Road across from Carolina Courts and Chestnut Square Park.
- b. Public Hearing and Consideration of Approval of Resolution Authorizing the Negotiations of an Installment Loan Financing Contract and Providing for Certain Other Related Matters

**10. BUSINESS ITEMS**

- a. Council Consideration of Approval of Municipal Complex Early Site Package and Capital Project Ordinance
- b. Council Consideration of Approval of Reimbursement Resolution for Capital Expenditures

**11. DISCUSSION ITEMS**

**12. MANAGERS REPORT**

**13. COUNCIL COMMENTS**

**14. CLOSED SESSION**

**action**

**15. ADJOURN**

**action**

To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.

**AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS**

*The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is [townclerk@admin.indiantrail.org](mailto:townclerk@admin.indiantrail.org); the phone number is 704-821-5401*



Town of Indian Trail  
Minutes of Town Council  
June 9, 2015  
Civic Building  
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Gordon B. Daniels, David W. Drehs, Christopher King, and Gary Savoie

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Planning Director Rox Burhans, and Director of Community & Economic Development Kelly Barnhardt

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

Mayor Alvarez called the meeting to order and led the Pledge of Allegiance.

Mayor Alvarez then read the obituary of Peter Wright, a retired Syracuse, New York police officer who passed away on June 1, 2015. He noted that the Union County Sheriff's Office honored Mr. Wright with his final ride. Mayor Alvarez expressed the Council's sympathies to Mr. Wright's wife and daughter and asked everyone in attendance to observe a moment of silence in Mr. Wright's honor as an officer of the law.

Mr. Wright's daughter and wife expressed their appreciation to the Council and to Lieutenant Coble for the honors.

**ADDITIONS AND DELETIONS**

*None*

## **MOTION TO APPROVE AGENDA**

Gary Savoie made a motion to approve the agenda.

Council voted unanimously in favor of the motion.

## **APPROVAL OF FISCAL YEAR 2015-16 BUDGET & BUDGET ORDINANCE**

Gordon Daniels made a motion to approve the Fiscal Year 2015-16 Budget & Budget Ordinance.

Council voted unanimously in favor of the motion.

## **PRESENTATIONS**

*None*

## **PUBLIC COMMENTS**

Mayor Alvarez opened Public Comments.

Severin Jacobson, 3905 Waters Reach Lane, Indian Trail, NC, stated that the 2015-16 budget proposal was an excellent document. He noted that the Town managed to keep the tax rate at \$0.185. He thanked the Town Manager and staff for preparing the budget.

Gary Woolnough, 1002 Horton Ridge Court, commended the Town Manager and staff on Crooked Creek Park, adding that it shows vision and growth. He also stated that the Town should start building a Town Hall this year because not building now will be more costly.

Samantha Townes, 104 Pine Lake Drive, Indian Trail, NC, noted that WJZY Fox News 46 will interview representatives of the Miracle League tomorrow at 7:45 a.m. She encouraged everyone to watch the program.

Roger Fish, 11001 Magna Lane, Indian Trail, NC, stated that he hopes the Town will re-initiate training on crime prevention through environmental design for staff and committee members. He expressed concerns that alarm calls account for 25% of the calls police address. He suggested that the Council or Public Safety Committee look into ways to mitigate alarm calls.

Art Spurr, 4100 Woodcreek Court, Indian Trail, NC, presented a copy of the Parks and Recreation Playground Area Safety Checklist and asked if it has ever been used. He presented photos of a fallen rail at Crooked Creek Park and expressed concern about the safety of park users.

Mayor Alvarez closed Public Comments.

## **LAW ENFORCEMENT UPDATE**

Lieutenant Coble reported that the department recently made arrests for drugs and stolen firearms at Walmart. He encouraged everyone to keep their eyes and ears open when in public places. He also

cautioned against leaving firearms in unlocked vehicles. He presented the department's statistics for the month of May. He noted that he met with the Public Safety Committee last week and discussed revisions to the parking ordinance, crime prevention through environmental design, the golf cart ordinance, and solicitation.

Mr. Cohn inquired about the department's alarm call statistics.

Lieutenant Coble stated that the department will respond when an alarm goes off and sends end of month reports to the Town, which administers fines. He noted that the time spent responding to alarm calls may be less than the time spent on other calls and added that he would be glad to analyze the alarm data. He commended the Council because Indian Trail is one of few towns with an alarm ordinance. Lieutenant Coble indicated that most calls are false alarms. He added that the department is not required by statute to respond to alarm calls, but does so as a level of service.

Mr. Daniels noted that better alarm system education is needed. He added that the department should not stop responding to alarm calls, but needs to look at ways to decrease the number of calls.

Lieutenant Coble added that deputies also directed traffic on NC-74 following a water line break last week.

#### **CONSENT AGENDA**

- a. Approval of May 26, 2015 draft minutes
- b. Approval of Month End May 2015
- c. Approval of Budget Amendments
- d. Approval of Tinsley & Terry Audit Services

Christopher King made a motion to approve the Consent Agenda.

Council voted unanimously in favor of the motion.

#### **PUBLIC HEARINGS**

- a. CZ2014-005 Plyler Road Townhomes: Proposed conditional rezoning to the Multifamily Residential District to support a 35-unit townhome development located on Plyler Road abutting the Cranson Crossing Neighborhood and directly across from the Ridgefield Neighborhood (Parcel 07-084-332). Subject property is approximately 6.5-acres in size. Applicant: Green River Fund, LLC.

Planning Director Rox Burhans distributed a revised ordinance for this item. He provided a project summary, explaining that the request is to rezone a 6.5-acre property from Light Industrial-Conditioned (LI) to a Conditional Multi-Family Residential Zoning District. The intent is to develop a 35-unit, alley-loaded townhome community organized into seven building clusters. The proposed community is organized around a central green space/water quality bioretention area with pockets of open space located throughout the development. Access to the community will be provided by a single, private road providing one-way circulation through the community. A right turn lane along with public sidewalk, curb/gutter, and street trees will also be provided on Plyler Road.

This request was heard by the Indian Trail Planning Board on May 19, 2015. The Board discussed the general site and alley layout, the age-targeted marketing concept, the location of existing school bus stops on Plyler Road, and other topics. A majority of the Board discussion focused on the proposed amount of overflow parking. In spite of the project exceeding the UDO parking requirements with approximately 25 overflow stalls (vs.18-required), there was a general concern that parking issues associated with other Town neighborhoods may occur at this site. The meeting discussion on this topic and others can be heard on Granicus and be reviewed in the attached Draft PB Meeting Minutes (Attachment 3).

Three citizens provided public comments at the Board meeting, one of which was a resident of the adjacent Ridgefield neighborhood (John Killman). The citizens expressed satisfaction with the proposed townhome use and the conceptual development plan. Some concerns were expressed related to the location of existing school bus stops and cut thru traffic on Plyler Road, the need for a Homeowners Association for the Plyler development, and parking concerns. Please refer to Granicus or the attached draft minutes for additional information.

Based on the discussion and deliberations, the Planning Board voted 6 to 1 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:

- Goal - Land Use and Housing – The proposed conditional district provides for a quality residential use at an appropriate location providing a more appropriate transition between land uses than the previous light industrial zoning district would have.
- Goal - Mobility and Transportation – The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of roadway improvements (turn-lane and storage), and dedication of right-of-way on an adjacent roadway to meet the future transportation needs of our community.

The request for this conditional zoning district is a reasonable request and is in the public interest because it converts an area previously zoned light industrial to a more appropriate transitional use between the single-family community, creates a mix of housing sizes within the US 74-West corridor provides expanded housing opportunities for Indian Trail citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

Pat Quinn of Eagle Engineering, 2013A Van Buren Avenue, Indian Trail, representing the developer, noted that a conditional use zoning on the site expired in 2008, so it currently has no zoning. Piedmont Natural Gas has a substation located on a corner of the property. The developer has obtained approval for an encroachment permit. The developer has also talked with the North Carolina Department of Transportation about options to address speeding and cut-through issues on Plyler Road.

Mr. Drehs inquired about the number of bedrooms in each housing unit.

Mr. Quinn explained that the layout of the units has not been defined because a builder has not signed on for the project yet.

Mr. Cohn expressed concern about potential parking problems due to not yet knowing the number of bedrooms each unit will have.

Mr. Quinn indicated that each unit will have three parking spaces.

Mr. Cohn noted that the townhome community's amenities will appeal to individuals under age 55, adding that the units will be occupied by younger residents.

Mayor Alvarez inquired about the width of the roadway.

Mr. Quinn noted explained the road will be a fifteen foot wide one-way lane.

Mr. King stated that the project is a great concept and acknowledged that there is a need for this type of development.

Mayor Alvarez opened the public hearing. Hearing no one, he closed the public hearing.

Christopher King made a motion approve the consistency findings as read into the record by staff.

Council voted unanimously in favor of the motion.

Gordon B. Daniels made a motion approve CZ2014-005 as presented.

Council voted unanimously in favor of the motion.

b. ZT2015-002 Utilities: Housekeeping text amendments to UDO Chapters 520 and 1610 to add minor and major utility uses within the commercial use table and associated changes. Applicant: Town of Indian Trail.

Mr. Burhans noted that Minor and Major Utility uses are not listed in the permitted use table of the Unified Development Ordinances (UDO), so this text amendment will resolve that issue. The amendment will also refine the definition of utilities in the UDO.

The Planning Board heard this item at its May 19, 2015 public meeting. Planning Board Members asked general clarifying questions related to the scope of the proposed amendments. No public comments were provided. The Planning Board voted unanimously to transmit a recommendation to approve to the Town Council. Please see the attached draft minutes for the May 19, 2015 Planning Board meeting (Attachment 3), and link to the audio file in Granicus for additional information.

The following consistency statements were found:

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

Infrastructure Goal #1: Because it will enable the development and expansion of critical utilities with the Business and Commercial Districts to serve Indian Trail and western Union County; and

Economic Development #1 and 3: Because it will enable infrastructure investment in the commercial areas of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community.

2. This UDO ordinance amendment is in the best interest of the public because it helps further develop critical infrastructure within the Indian Trail community to help ensure a safe environment to live and conduct business within.

Mr. Cohn asked what prompted the amendment.

Mr. Burhans explained that staff found that utility uses were not included in the UDO while reviewing the Business and Commercial Use Table after receiving an inquiry from a commercial district user.

Mayor Alvarez opened the public hearing. Seeing that no one had signed up to speak, he closed the public hearing.

David W. Drehs made a motion to approve the consistency finding as read into the record by Mr. Burhans.

Council voted unanimously in favor of the motion.

David W. Drehs made a motion approve ZT2015-002 as presented.

Council voted unanimously in favor of the motion.

**BUSINESS ITEMS**

*None*

**DISCUSSION ITEMS**

*None*

**MANAGERS REPORT**

Mr. Fivas presented to the Council the Centralina Council of Governments Region of Excellence Award, which the Town received in the category of Improving Quality of Life. He added that it is good to receive recognition for the hard work the Council is doing.

**COUNCIL COMMENTS**

Mayor Alvarez stated that he has received a lot of positive feedback on the parks, adding that improving safety issues is a work in progress.

Mr. Cohn thanked everyone for coming. He also noted that the Miracle League Golf Tournament was held last week and acknowledged the hard work of those involved.

Mr. Daniels thanked everyone for coming out tonight. He stated that Chestnut and Crooked Creek Parks are two great looking parks. He added that the Town Manager and staff did a great job this year with the Town's finances.

Mr. Drehs thanked Mayor Alvarez, Mr. Cohn, and others who attended the Miracle League's Golf Tournament. He asked everyone to watch the local Fox station for an interview with representatives from the Miracle League about the need for handicap facilities in the community.

Mr. King stated that it has been a great meeting.

Mr. Savoie thanked everyone for coming out. He noted that schools are letting out and advised everyone to be mindful of children playing in the roads. He added that a college friend of his recently passed away and asked those present to remember what is precious in everyone's lives.

**CLOSED SESSION**

*None*

**ADJOURN**

Christopher King made a motion to adjourn.

Council voted unanimously in favor of the motion.

**APPROVED:**

\_\_\_\_\_  
**Michael L. Alvarez, Mayor**

Attest: \_\_\_\_\_







**TOWN OF INDIAN TRAIL  
BUDGET TO BUDGET AMENDMENT REQUEST**

DATE: 6/18/15

DEPARTMENT: Various

Account Number	Account Description	(Transfer In/ Out)	Amount
10-00-4120-321-000	Telephone	In	2,225 <sup>00</sup>
10-00-4120-325-000	Staff Training	In	100 <sup>00</sup>
10-00-4120-397-000	Contract Services	In	500 <sup>00</sup>
10-00-4120-439-000	Equip Lease Payments	In	2,100 <sup>00</sup>
10-00-4120-499-000	Misc. Exp.	In	100 <sup>00</sup>
10-00-4120-291-000	Advertising	Out	1,200 <sup>00</sup>
10-00-4120-260-000	Supplies	Out	3,825 <sup>00</sup>
10-00-4130-343-000	Printer/Copier Usage	In	200 <sup>00</sup>
10-00-4130-499-000	Misc	In	100 <sup>00</sup>
10-00-4130-311-000	Travel	Out	300 <sup>00</sup>
10-00-5000-122-000	Retirement	In	550 <sup>00</sup>
10-00-5000-397-001	Employee Services	In	600 <sup>00</sup>
10-00-5000-395-001	In-house Training	Out	1,150 <sup>00</sup>

**EXPLANATION:**  
Year End Cleanup

**REQUESTED BY:**

**FINANCE:** Maxine B. Smith

**TOWN MANAGER:** [Signature]

For Finance Dept Only:

EFFECTIVE DATE: 6/1/15 JOURNAL NO. ASSIGNED: 473

FISCAL YEAR: 15 ENTERED: [Signature]

PERIOD: 15 DATE: 6/18/15

**TOWN OF INDIAN TRAIL  
BUDGET TO BUDGET AMENDMENT REQUEST**

DATE: 6/18/15

DEPARTMENT: Various

Account Number	Account Description	(Transfer In / Out)	Amount
10-40-4920-397-000	Contract Services	In	500 <sup>00</sup>
10-40-4920-395-000	Staff Training	Out	500 <sup>00</sup>
10-40-4920-393-000	Printer/Copier Usage	In	700 <sup>00</sup>
10-40-4920-391-000	Advertising	Out	700 <sup>00</sup>
10-80-6130-212-000	Uniforms	In	300 <sup>00</sup>
10-80-6130-329-000	Communications of District	In	300 <sup>00</sup>
10-80-6130-330-001	Park Utilities District	In	14,000 <sup>00</sup>
10-80-6130-330-002	Park Utilities CCP	In	12,000 <sup>00</sup>
10-80-6130-491-000	Dues & Subscriptions	In	200 <sup>00</sup>
10-80-6130-496-003	CP/CCP Projects	Out	20,800 <sup>00</sup>

**EXPLANATION:**  
Year End Cleanup

**REQUESTED BY:** \_\_\_\_\_

**FINANCE:** Marcus D. Hutton

**TOWN MANAGER:** Andy Jones

For Finance Dept Only:  
 EFFECTIVE DATE: 6/18/15 JOURNAL NO. ASSIGNED: 472  
 FISCAL YEAR: 2015 ENTERED: Agaddy  
 PERIOD: 12 DATE: 6/18/15

**TOWN OF INDIAN TRAIL  
BUDGET TO BUDGET AMENDMENT REQUEST**

DATE: 6/18/15

DEPARTMENT: Various

Account Number	Account Description	(Transfer In / Out)	Amount
10-00-4110-121-000	Board Member Salary	Trans In	5.00
10-00-4110-136-000	Workers Compensation	Trans Out	5.00
10-00-5000-181-000	SS + Medicare Contribution	Trans In	60.00
10-00-5000-183-000	Hea Hh Insurance	Trans Out	60.00
10-80-6130-116-000	Part-Time Salaries + Wages	Trans In	11,000.00
10-80-6130-181-000	Social Security + Medicare	Trans In	600.00
10-80-6130-121-000	Salaries	Trans Out	11,600.00
10-00-5000-499-001	Staff Events	Trans In	10.00
10-00-5000-183-000	Hea Hh Insurance	Trans Out	10.00

**EXPLANATION:**  
 Reallocate funds in various departments to cover salaries and social security/medicare expense.

REQUESTED BY: Tracee Karlsson

FINANCE: Marsha D Sutter

TOWN MANAGER: [Signature]

For Finance Dept Only:  
 EFFECTIVE DATE: 6/18/15 JOURNAL NO. ASSIGNED: 473  
 FISCAL YEAR: 2015 ENTERED: [Signature]  
 PERIOD: 12 DATE: 6/18/15















**INDIAN TRAIL**  
 north carolina  
 P.O. Box 2430  
 Indian Trail, North Carolina 28079  
**PLANNING AND NEIGHBORHOOD SERVICES**

**Planning Board Transmittal for the June 23, 2015 Town Council Public Hearing**

<b>Case: ZM 2015-002</b>			
<b>Reference Name</b>	<b>Mathews-Indian Trail Road</b>		
<b>Planning Board Meeting Date</b>	June 16, 2015		
<b>Members Present</b>	Chair Cowan <input type="checkbox"/>	Jan Brown <input type="checkbox"/>	Vice Chair Larry Miller <input type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D'Onofrio <input checked="" type="checkbox"/>	Steve Long <input checked="" type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/>	Jorge Aponte <input checked="" type="checkbox"/> Alternate 1	Shamir Ally <input type="checkbox"/> Alternate 2
	Sidney Sandy <input checked="" type="checkbox"/> Alternate 3		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Motion</b>	Recommend approval to Town Council		
<b>Member Making the Motion</b>	Boardmember Steven Long		
<b>Second the Motion</b>	Boardmember Alan Rosenberg		
<b>Vote</b>	6 to 0		

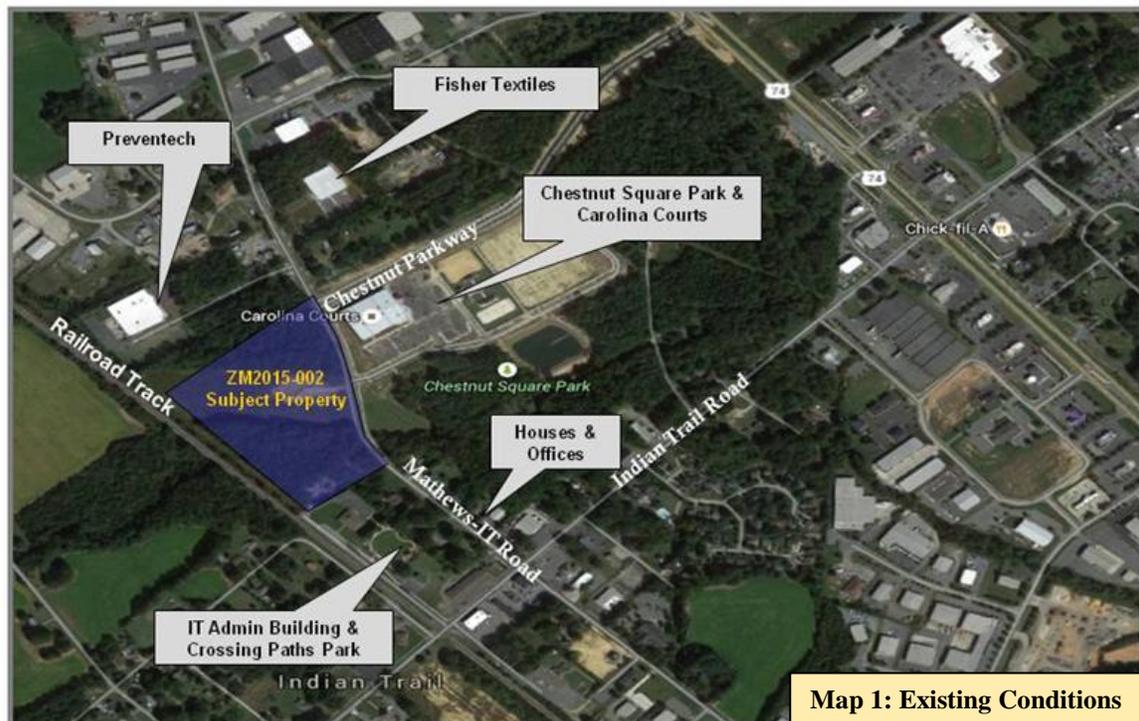
**Purpose of the Amendment:** This is a request to rezone a 14.5 acre portion of Parcel 07105011 located on Mathews-Indian Trail Road from Single-Family Residential-1 (SF-1) to the Institutional (I) District. The property is owned by the Town of Indian Trail and is located directly across from Carolina Courts and the Chestnut Square Park. Town Council has actively discussed potentially developing the property for a Town Hall/Community Center facility as well as using a portion of the site for the future westward extension of the Chestnut Parkway. The Institutional Zoning District is needed to develop the property for its envisioned future use as a Town Hall and/or Community Center facility.

**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*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

## Executive Summary

As previously discussed, this is a request to rezone a 14.5 acre portion of Parcel 07105011 located on Mathews-Indian Trail Road from Single-Family Residential-1 (SF-1) to the Institutional (I) District. The Institutional classification is intended to act as a buffer between residential districts and more intense classifications such as commercial or industrial zoning districts. This classification is also typically used for government agency owned and operated properties as well. The subject property is also located on the northern edge of the Downtown Overlay District, which envisions a mix of commercial, office, and civic uses that are subjected to supplementary design guidelines to help achieve the overall vision for the Downtown. As previously noted, the proposed Institutional District is needed to develop the property for its envisioned future use as a Town Hall and/or Community Center facility (amongst other parks and open space improvements). Map 1 below will provide an existing conditions summary.



## Planning Board Meeting

This request was heard by the Indian Trail Planning Board on June 16, 2015. Following the staff presentation, the Board discussed the potential future Town Hall/Community Center development project, citizen feedback received and attendance at the June 2<sup>nd</sup> rezoning community meeting, permitted uses in the Institutional District, and confirmation that future development of the site would be subjected to the UDO standards. The meeting discussion on this topic and others can be heard on [Granicus](#).

No public comments were provided at the Planning Board meeting.

Based on the discussion and deliberations, the Planning Board voted unanimously to transmit a recommendation to approve 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:

- ***Downtown Revitalization Goals 1 and 4:*** The rezoning of the subject property to the Institutional District will help further the vision for Downtown Indian Trail to become a focal point by establishing a district that will permit compatible civic and open space uses to develop that will attract both Indian Trail citizens and visitors to Downtown.
- ***Parks and Recreation and Open Space Goal 1 and 6:*** The rezoning of the subject property will help facilitate the development that will include trails, open spaces, and other recreational amenities providing attractive, accessible, and safe recreational opportunities within Indian Trail.

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 *Downtown Revitalization and Parks and Recreation and Open Space* and is consistent with the adopted plans within the Town of Indian Trail.

**Town Council Action** - Based on the transmittal, public testimony, and deliberations, the Council may take one of the following actions:

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.*

**Staff Contact:**

Rox Burhans, Planning Director  
704 821-5401  
[rburhans@planning.indiantrail.org](mailto:rburhans@planning.indiantrail.org)

Attachment -1- Planning Board Report  
Attachment- 2 – Draft Ordinance

## **TC Attachment 1-Planning Board Report**



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

## Zoning Map Amendment Staff Report

<b>Case: ZM 2015-002 Mathews-Indian Trail Road</b>		
<b>Reference Name</b>	Mathews-Indian Trail Road	
<b>Request</b>	Proposed Zoning	Institutional
	Proposed Use	Public/Civic Use (anticipated)
<b>Existing Site Characteristics</b>	Existing Zoning	Single Family Residential-1 (SF-1) and Downtown Overlay
	Existing Use	Vacant
	Site Acreage	14.5 acres (approx.)
<b>Applicant</b>	Town of Indian Trail	
<b>Submittal Date</b>	5/1/2015	
<b>Location</b>	Mathews-Indian Trail Road (across from Carolina Courts)	
<b>Tax Map Numbers</b>	07105011 (portion of)	
<b>Plan Consistency</b>	Town of Indian Trail Comp. Plan	Downtown
		Consistent with Request
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval for Institutional Zoning

### Project Summary

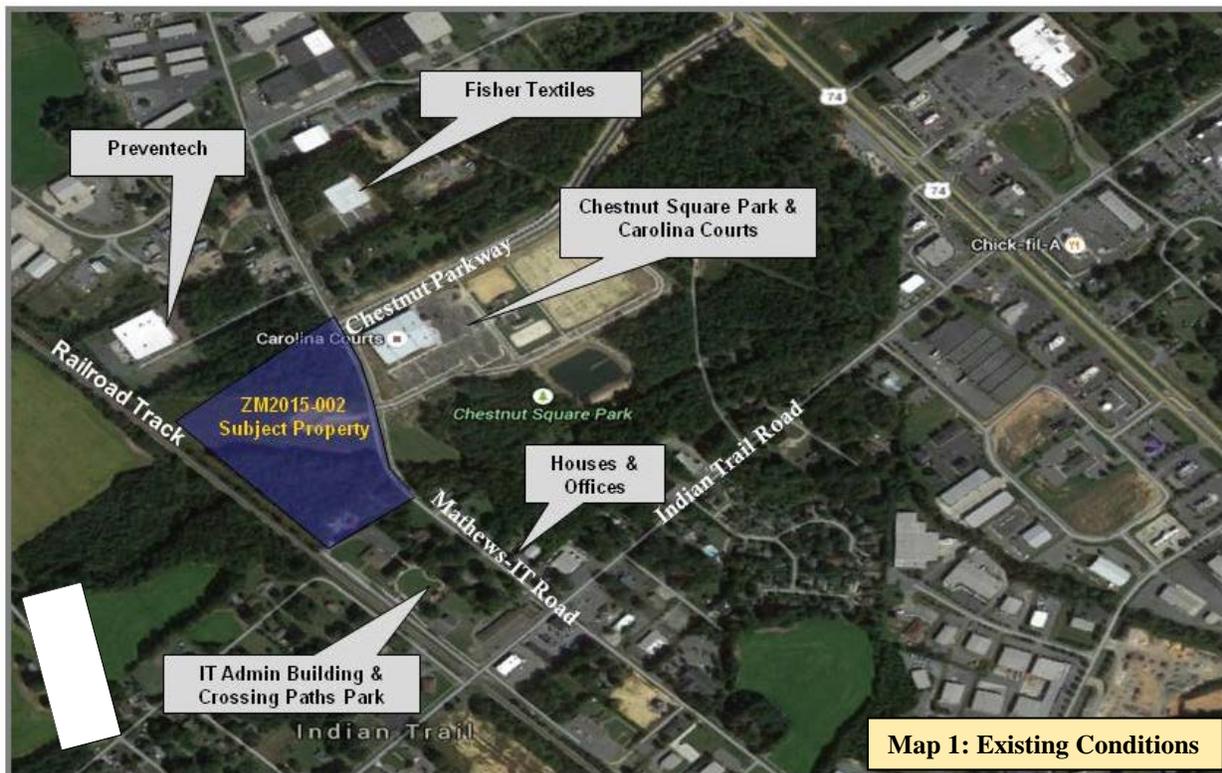
To rezone a 14.5 acre portion of Parcel 07105011 located on Mathews-Indian Trail Road from Single Family Residential-1 (SF-1) to the Institutional (I) District. The property is owned by the Town of Indian Trail and is located directly across from Carolina Courts and the Chestnut Square Park. Town Council has actively discussed potentially developing the property for a Town Hall/Community Center facility as well as using a portion of the site for the future westward extension of the Chestnut Parkway. Any potential future development of the property will be reviewed as part of the Town Site Plan review process and associated outside agency processes. The Institutional zoning district is needed to develop the property for its envisioned future use as a Town Hall and/or Community Center facility.

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

## General Information

The subject property proposed for rezoning comprises approximately 14.5 acres of an overall 43.6-acre parcel. The remaining sections of the parcel that are not part of this rezoning are located on the eastern side of Mathews-Indian Trail Road and are developed with the Chestnut Square Park's passive and active recreational facilities. This eastern portion of the parcel will remain in the SF-1 District. The Carolina Courts facility is located on its own commercially zoned parcel.

As reflected in Map 1 below, the subject property is surrounded by a mix of uses with light industrial located to the north, recreational uses located to the east, a mix of institutional, recreational, residential, and office uses to the south, and the railroad ROW located to the west with rural residential/agricultural uses located beyond.



From a historical perspective, it is interesting to note that aerial photography from the 1960s (Map 2 below) reflects the subject property being used for what appears to be residential and agricultural uses. The photo depicts two structures, which could have been a house and an accessory structure/barn or two barns/houses. These structures are no longer located on the subject property.



Map 2: Historical Aerial Map

## Zoning Information

The subject property is currently zoned Single Family Residential-1, which is a low density residential classification. This application proposes to rezone this property to an Institutional District. This classification is intended to act as a buffer between residential districts and more intense classifications such as commercial or industrial zoning districts. This classification is also typically used for government agency owned and operated properties as well. The subject property is also located on the northern edge of the Downtown Overlay District, which envisions a mix of commercial, office, and civic uses that are subjected to supplementary design guidelines to help achieve the overall vision for the Downtown. As previously noted, the proposed Institutional District is needed to development the facility for its envisioned future use as a Town Hall and/or Community Center facility (amongst other parks and open space improvements).

Map 3 below provides the zoning district information in the project area. The existing zoning in the subject property area is generally consistent with the previously noted existing conditions map. A combination of Light Industrial (LI) and Single Family Residential-1 (SF-1) zoning is located to the north of the property, SF-1 and Regional Business District is located to the east, a combination of Institutional, SF-1, and Central and Neighborhood Business District are located to the south, and a combination of SF-1 and LI to the west (beyond the railroad).

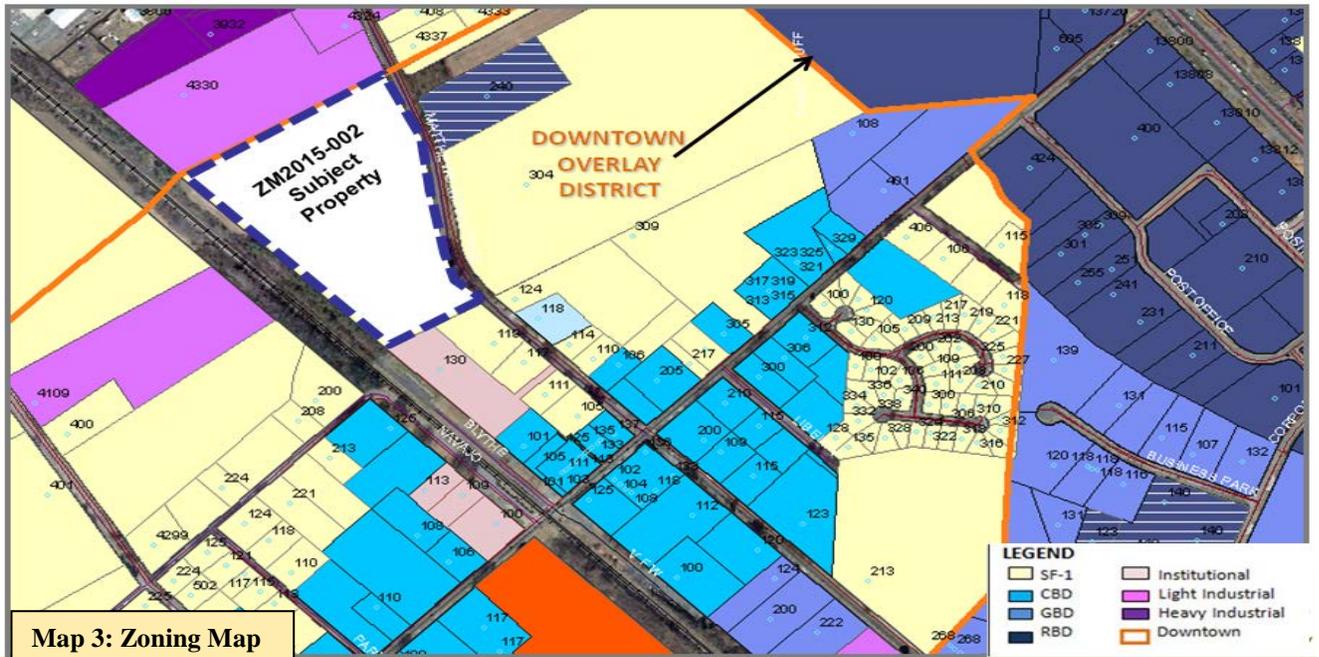


Table 1 below provides a comparison of dimensional requirements between the existing SF-1 and proposed I Districts. The I District has the larger dimensional/separation requirements between the existing zoning classifications.

**TABLE 1: DIMENSIONAL REQUIREMENT COMPARISON**

	<b>Institutional District</b>	<b>Single-Family SF-1</b>
Lot Width	100-ft	100-ft
Front Setback	50-ft	40-ft
Rear Setback	50-ft.	40-ft
Side Yard	20-ft. 25-ft abutting a residential district	15- ft

### Recent Planning Initiatives

The subject property being considered for rezoning was part of the Chestnut Square Park Master Plan developed in 2012 (Map 4 below). The subject property was designated for civic use purposes such as a community center, passive recreational activities, and other similar uses. The plan also integrated the future extension of Chestnut Parkway eventually crossing over the railroad tracks.

The Town Council has been furthering the previous master planning effort with a plan for a potential Town Hall and Community Center facility on the subject property. If constructed, the facility would include a significant amount of community meeting space, a public square/open space, trails, and other passive recreational amenities (in addition to conventional Town office and council chamber meeting space). There would also be space for future development of buildings that could potentially include other civic uses such as a senior center, other state or county office spaces, auditorium, etc.



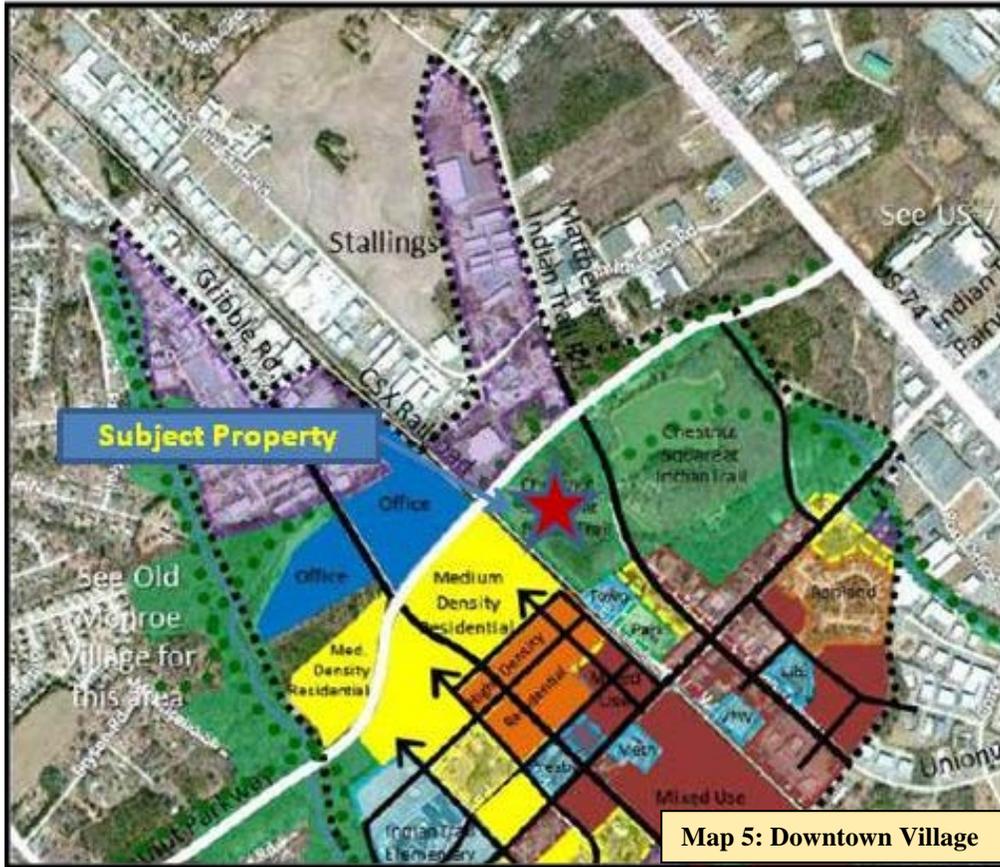
## Community Meeting

Town staff facilitated a community meeting on June 2, 2015 from 5:30 p.m. to 7:30 p.m. at the Indian Trail Civic Building. Five total attendees were present. There were no specific comments provided related to the proposed Institutional Zoning District. Comments that were provided (both positive and negative) related to the potential future development of the site as a Town Hall/Community Center facility, extension of Chestnut Parkway, and other activities occurring in the Downtown area. One attendee completed a comment form and it is included as Attachment 4.

## Plan Consistency

### *Comprehensive Plan*

The subject property is located within the Downtown area of the Indian Trail Comprehensive Plan (Map 5 below). The Downtown Master Plan was adopted in 2006 with considerable citizen feedback and support. It is envisioned that Downtown Indian Trail could be the centerpiece of the Indian Trail and western Union County area. The Downtown Village contemplates an active mix of office, commercial, dense residential and civic/public uses. The Comprehensive Plan update specifically contemplated the future use of the rezoning subject property for civic/public uses. The rezoning of the subject property from Single Family Residential to Institutional District would be consistent with the Downtown area 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:

***Downtown Revitalization Goals 1 and 4:*** The rezoning of the subject property to the Institutional District will help further the vision for Downtown Indian Trail to become a focal point by establishing a district that will permit compatible civic and open space uses to develop that will attract both Indian Trail citizens and visitors to Downtown.

***Parks and Recreation and Open Space Goal 1 and 6*** – The rezoning of the subject property will help facilitate development that will include trails, open spaces, and other recreational amenities providing attractive, accessible, and safe recreational opportunities within Indian Trail.

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 *Downtown Revitalization and Parks and Open Space* 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 petition requesting a rezone to an Institutional Zoning Classification on the subject property.

### **Staff Contact:**

**Rox Burhans, AICP**

704 821-5401

[rburhans@planning.indiantrail.org](mailto:rburhans@planning.indiantrail.org)

### **Attachments:**

Attachment 1- Application

Attachment 2 – Institutional Use Table and SF-1 Use Table

Attachment 3 – Draft Ordinance

Attachment 4- Community Meeting Comment Form

**ATTACHMENT ONE: APPLICATION**

# 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

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ZONING MAP AMENDMENT APPLICATION

Submittal Requirements

- Completed Application
• Notarized signatures of applicant and property owner
• Letter of Intent
• Fees associated with review

General Information

Project Address 304 Mathews-Indian Trail Road
City Indian Trail State: NC Zip 28079
Tax Parcel ID 07-105-011 (14.6 acre portion of) Zoning Designation Existing: SF-1, Proposed: I
Total Acres Approx. 14.6-acres Impervious Area N/A

Project Description Rezone a Town of Indian Trail owned tract adjacent to Chestnut Square Park to the Institutional (I) Zoning District to achieve zoning consistency with other Town facilities and to support the potential future development of a Community Center/Town Hall facility.

Contact Information – Applicant

Name Joseph A. Fivas, Town Manager
Address P.O. Box 2430
City Indian Trail State NC Zip 28079
Phone 704-821-5401 Fax 704-821-9045
Email TownManager@admin.indiantrail.org

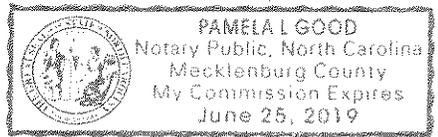
Contact Information – Property Owner

Name See Applicant Information Above
Address
City State Zip
Phone Fax
Email

Applicant's Certification

Signature [Signature] Date 5/11/15
Printed Name/Title Joseph A. Fivas, Town Manager
Signature of Notary Public [Signature] Date 5-11-15

Notary Seal



ZONING MAP AMENDMENT APPLICATION

Property Owner's Certification

Signature See Applicant Certification Above (Same As) Date \_\_\_\_\_

Printed Name/Title \_\_\_\_\_

Signature of Notary Public \_\_\_\_\_ Date \_\_\_\_\_

Notary Seal

TOWN OF INDIAN TRAIL OFFICE USE ONLY

Case Number: ZT 2015-002

Date Received: 5/11/15 Amount of Fee: N/A

Received By: Rox Burhans Receipt #: \_\_\_\_\_

SCHEDULE

1. Submit Application

- The deadline for this application is the first of the month each month.
- Once an application is submitted it will be placed on the Planning Board Agenda for the following month.

2. Planning Board

- Meets the 3<sup>rd</sup> Tuesday of every month.
- Reviews application to ensure it is consistent with the Comprehensive Plan and UDO as well as all other adopted town plans. Transmits recommendation of approval or disapproval to Town Council.

3. Town Council

- Meets 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month.
- Legislative action is to approve, approve with modifications, deny, or send back to the Planning Board for further study.

**ATTACHMENT TWO: USE TABLES**

**F. Parking Standards**

The “parking standards” column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are contained in **Error! Reference source not found.**

**G. Use Table and Standards**

Use Group	Zoning District	Use Standard
<b>Specific Use Type</b>	<b>I District</b>	
Civic and Public Uses		
Convention Facility	Conditional Zoning District	
Government Office	P	
Hospital	Conditional Zoning District	
Laboratory	P	
Library	P	
Museums	P	
Non-profit Agency/Office	P	
Public Parks and Open Spaces	P	
Public Utility, Major	Conditional Zoning District	
Public Utility, Minor	P	
Recreation facilities -- private golf courses and country clubs	S	
Community Service Uses	P	
Child Care Center	P	Complies with state licensing rules
Adult Day Care Center	P	Complies with state licensing rules
Cemetery or Mausoleum	P	
College or University	Conditional Zoning District	
Community Service Center	P	
Convalescent and Nursing Home	P	
Religious Assembly	P	
Schools, Public* or Private	P	See 540.010
Social Service Agencies	P	

**H. Intensity, Dimensional and Design Standards**

All development shall be subject to the Intensity, Dimensional and Design Standards of this Section.

<b>Lot and Building Standards (Institutional Districts)</b>	<b>I District</b>
<b>Lot Size</b>	
Minimum lot area (square feet)	NA

<b>Lot and Building Standards (Institutional Districts)</b>	<b>I District</b>
Minimum lot width (feet)	100
<b>Building Setbacks</b>	
Building setback from front property line	50
Building setback from rear lot line	50
Side setback-not abutting residential district	20
Side setback abutting residential district	25
Maximum permitted building height	100

### **I. Building Size**

Buildings with total floor area of more than 25,000 square feet shall require special use permit unless planned development approval is required.

### **J. Building Design Standards**

New buildings must comply with the Integrity and Design Standards, 1220.040C.

### **K. Signs**

All signs shall comply with the standards the Sign Regulations, **Error! Reference source not found.**

### **L. Lighting**

Outdoor lighting shall comply with the requirements of lighting standards see Chapter 1310.

### **M. Parking and Loading Areas**

Off-street parking and loading area shall be subject to all parking/loading area design, construction and landscaping standards of **Error! Reference source not found.**

### **N. Community Open Space**

Each development within the I, Institutional district shall contribute to the establishment or enhancement of community open spaces providing at least 10% on-site open space.

### **O. Design Standards for Union County Public Schools**

#### **1. Findings**

Union County Public Schools (UCPS) is currently subject to 13 different sets of local land use regulations (12 different municipalities and Union County). Regulations vary from jurisdiction to jurisdiction, making it difficult to build new schools, renovate existing schools or locate mobile units in a consistent, timely and cost effective manner. As a part of the Union County Board of Education's adopted "Building Program Cost Saving Principles", UCPS is endeavoring to establish a standard zoning classification and standardized requirements for school construction regardless of the schools locale in Union County. Such standardization will result in 1) equitable school facilities throughout the county; 2) more efficient permitting of school facilities and 3) cost savings for the benefit of the taxpayers of Union County.

#### **2. Cooperative Planning**

Staffs from UCPS, Union County and all local municipalities have met and have agreed to make recommendations to their elected boards as follows:

- a. UCPS staff will involve local municipal staff early in the site selection process. The local municipal staff will make recommendations regarding target sites or areas within their respective jurisdictions that are suitable for school uses. Pursuant to state statute, final decisions regarding the selection of school sites are made by the Union County Board of Education.

do not detract from the quality of the neighborhood as a place for peaceful, quiet and aesthetically- pleasing residential living. When evaluating an application for the MFR zoning district, emphasis shall be given to the location of the proposed district relative to adjoining developed property to ensure that such district is carefully located and achieves a satisfactory relationship with the surrounding properties.

**510.020 Allowed Uses**

The use table below identifies permitted, special, prohibited and other uses authorized within the zoning districts identified. The uses identified are subject to compliance with all other applicable standards or requirements of this UDO.

**A. Permitted Uses**

Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this UDO.

**B. Special Uses**

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special use procedures of Chapter 360, subject to compliance with all other applicable standards of this UDO.

**C. Planned Developments**

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the Conditional Zoning procedures of Chapter 330 and Chapter 340.

**D. Prohibited Uses**

Uses identified with a “-” are expressly prohibited. Uses that are not listed in the table are also prohibited.

**E. Use Standards**

The use standards column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is “Permitted” or a “Special Use”.

**F. Parking Standards**

The “parking standards” column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are contained in **Error! Reference source not found.**

**G. Residential Districts Use Table**

Use Group	Zoning District							Use Standard
Use Category	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	
Specific Use Type								
<b>Household/Family Living</b>								
Single-Family Detached (Site Built or Modular)	P	P	P	P	P	P	-	
Single-Family (Class A Manufactured Homes)	P	S	P* (O-MHP overlay only)	-	See Section 1310.050 standards			

**Chapter 510. Residential Districts**

**510.020. Allowed Uses**

Use Group	Zoning District							Use Standard
Use Category	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	
Single-Family (Class B Manufactured Home)	P	S	-	-	-	-	-	See Section 1310.050 standards
Single-Family (Class C Manufactured Home)	-	-	-	-	-	-	-	
Single Family (Class D Manufactured Home)	-	-	-	-	-	-	-	
Two-Family Dwelling	S				-	-	P	
Multi-Unit (3 or more units)	-	-	-	-	-	-	P	
Townhouse	-	-	-	-	-	S	P	See Chapter 660
Boarding or Rooming Houses	P	-	-	-	-	-	S	
Accessory Apartments	P	P	P	P	P	P	-	See Chapter 710.070
<b>Group Living</b>								
Family homes, Small	P	P	P	P	P	P	P	
Family homes, Large	S	S	S	S	S	S	S	
Halfway house	S		-	-	-	-	-	
Homes for the handicapped, aged or infirm	S	S	S	S	S	S	S	
Nursing care or skilled care facility	S	S	S	S	S	S	S	
Senior Housing, Independent living	P	S	S	S	S	S	S	
Group Living Not Otherwise Classified	S	S	S	S	S	S	S	
<b>Public and Civic</b>								
Colleges and Universities		-	-	-	-	-	-	
Recreational Buildings, Boy and Girls Clubs	S							
Golf-driving ranges	S		-	-	-	-	-	Accessory to residential subdivision
Skateboard parks, water slides, basketball courts	S	S	S	S	S	S	S	Accessory to residential subdivision
Privately-owned campgrounds	S	-	-	-	-	-	-	
Privately-owned	S	S	S	S	S	S	S	

**Chapter 510. Residential Districts**

510.020. Allowed Uses

Use Group	Zoning District							Use Standard
	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	
recreation facilities such as golf-courses, and country clubs								
Public parks and open spaces	P	P	P	P	P	P	P	
Libraries	S							
Day Care (child/ adult care)								
Family Child Care Home (up to 9 enrollees)	P	P	P	P	P	P	P	Refer to definition 1610.070(B) (1)
Child Care Center	S	S	S	S	S	S	S	Complies with state licensing rules
Adult Day Care Home (up to 6 enrollees)	P	P	P	P	P	P	P	Complies with state licensing rules
Adult Day Care Center	S	S	S	S	S	S	S	Complies with state licensing rules
Hospital	S	-	-	-	-	-	-	
Religious Assembly	P	P	P	P	P	P	P	
School	P	P	P	P	P	P	P	
Utilities, Minor	P	P	P	P	P	P	P	
Utilities, Major	S	S	S	S	S	S	S	
<b>Agricultural and Other</b>								
Agricultural Operations without livestock	P	P	P	P	P	P	P	10 acre minimum except in RSF District
Agricultural Operations with livestock	P	-	-	-	-	-	-	
Animal Foster Care	P	S	S	S	-	-	-	Must meet definition under UDO Section 1610.080K.5
Animal Services -- veterinarian offices, kennels, and boarding facilities	S	-	-	-	-	-	-	
Greenhouse or	P							

Use Group	Zoning District							Use Standard
Use Category	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	
Nursery								
Silver Culture Operations	P			-	-	-	-	
Horseback Riding Stables	P	S		-	-	-	-	
Wireless Communication Facilities								
Co-located on existing building, structure, or tower	P	P	P	P	P	P	P	See Chapter 7160
Free-standing Tower	S	-	-	-	-	-	-	See Chapter 7160

**510.030 Development Types**

Different development options are offered in the R districts as a way of promoting a wide variety of housing options and lifestyle choices. The development options described in this section may be used at the property owner’s election.

**A. Conventional Development**

“Conventional development” is a term used to describe lot-by-lot development on lots that have been lawfully established. It is, in effect, any development that occurs outside of an approved open space development, cluster development or master planned development. Lot and building standards for conventional development can be found in Sec. 510.040 (Table 510.040B).

**B. Open Space Development**

The open space development option allows smaller lots and other flexible lot and building standards in exchange for the provision of common open space that is not typically provided in a conventional development. An open space development shall be reviewed and approved in accordance with Chapter 330 “Conditional Zoning District” and the requirements of DIVISION 1200. Lot and building standards for open space development can be found in Sec. 510.040 (Table 510.040B.) Additional open space development standards are included in the Subdivision Review Chapter.

**C. Cluster Development**

The cluster development option allows even greater flexibility in exchange for the provisions of a greater amount of common open space than required for open space developments. A cluster development shall be reviewed and approved in accordance with Chapter 330 “Conditional Zoning District” and the requirements of DIVISION 1200. Lot and building standards for cluster development can be found in Sec. 510.040 (Table 510.040B). Additional cluster development standards are included in the Subdivision Review Chapter.

**D. Planned Unit Development**

The planned unit development (PUD) option is available to accommodate new mixed-use communities, innovative development proposals or unique site conditions that cannot be readily addressed by other available development options. Planned developments shall be reviewed and approved in accordance with Chapter 330 “Conditional Zoning District”. The flexibility inherent in the planned unit development plan option is intended to be granted only in exchange for development projects that contain amenities, design features and/or

**ATTACHMENT FOUR: COMMENT FORM**





**ZM2015-002 Mathews-Indian Trail Road – Community Meeting**

**June 2, 2015 Comment Sheet**

**Comments:**

The new option 2 plan was NOT part of the original 51 acre park plan.

The Chestnut Parkway is part of the 14 acre rezoned property, thus subtracting from the total amount of acreage.

**TC Attachment 2-Draft Ordinance**

STATE OF NORTH CAROLINA )  
 )  
TOWN OF INDIAN TRAIL )

ORDINANCE # O150623-XYZ

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-105-011 (14.5 acre portion of) LOCATED ON MATHEWS-INDIAN TRAIL ROAD FROM SINGLE-FAMILY RESIDENTIAL-1 TO INSTIUTIONAL IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA**

WHEREAS, the property owner and designated applicant the Town of Indian Trail, petitioned to rezone a 14.5 acre (approximate) portion of tax parcel 07-105-011 from Single Family Residential-1 to the Institutional Zoning District; and

WHEREAS, this Zoning Map amendment (ZM2015-002) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a community meeting was held on June 2, 2015; and

WHEREAS, a public meeting was held by the Planning Board on June 16, 2015 to consider this zoning request; and

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

***Downtown Revitalization Goals 1 and 4:*** The rezoning of the subject property to the Institutional District will help further the vision for Downtown Indian Trail to become a focal point by establishing a district that will permit compatible civic and open space uses to develop that will attract both Indian Trail citizens and visitors to Downtown.

***Parks and Recreation and Open Space Goal 1 and 6:*** The rezoning of the subject property will help facilitate the development that will include trails, open spaces, and other recreational amenities providing attractive, accessible, and safe recreational opportunities within Indian Trail.

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 *Downtown Revitalization and Parks and Open Space* and is consistent with the adopted plans within the Town of Indian Trail.

WHEREAS, after making the draft findings the Planning Board made the motion and unanimously voted to transmit a recommendation to Approve to the Town Council; and

WHEREAS, the Town Council held a public hearing on June 23, 2015 to consider said request and recommendation of Approval from the Planning Board; and

WHEREAS, the Town Council concurred with the Planning Board's consistency findings and hereby endorses said findings; and

**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** – Approves ZM 2015-002 Zoning Petition thereby granting the Zoning Map amendment to establish the Institutional Zoning District on a 14.5 acre (approximate) portion of parcel number 07-105-011. See Attachment 1 for rezoning subject property location map.

**Section 2** – This ordinance shall be effective immediately upon adoption.

**AND IT IS SO ORDAINED** this 23<sup>rd</sup> day of June, 2015.

**TOWN OF INDIAN TRAIL COUNCIL**

Attest:

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Kelly Weston, Interim Town Clerk

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Michael Alvarez, Mayor

APPROVED AS TO FORM:

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TOWN ATTORNEY

**ZM2015-002 Attachment 1  
Location Map**





**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** June 23rd, 2015

**SUBJECT:** Public Hearing and Consideration of Approval of Resolution Authorizing the Negotiations of an Installment Loan Financing Contract

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In March, the Town Council gave direction to Town staff to begin the process of applying for an installment loan. One of the steps in the process is to have a hearing and approval of a resolution to begin negotiations for installment loan financing.

jaf

**RESOLUTION OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**

*WHEREAS*, the Town of Indian Trail, North Carolina (the "*Town*") is a municipal corporation duly created and validly existing under the Constitution, statutes and laws of the State (the "*State*");

*WHEREAS*, the Town has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

*WHEREAS*, the Town Council of the Town (the "*Town Council*") hereby determines that it is in the best interest of the Town to (1) enter into an installment financing contract (the "*Contract*") with a financial institution to be determined (the "*Bank*") in order to pay a portion of the capital costs of constructing, equipping and furnishing a town hall/community center to be located at the corner of Matthews-Indian Trail Road and the new Chestnut Parkway (the "*Project*") and (2) in order to provide security for the Town's obligations under the Contract, grant to the Bank a security interest under a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") on the site of the Project and all improvements thereon;

*WHEREAS*, the Town hereby determines that the Project is essential to the Town's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Project will provide an essential use and will permit the Town to carry out public functions that it is authorized by law to perform; and that entering into the Contract and Deed of Trust is necessary and expedient for the Town by virtue of the findings presented herein;

*WHEREAS*, the Town hereby determines that the Contract allows the Town to purchase the Project and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the Town;

*WHEREAS*, the Town hereby determines that the estimated cost of financing a portion of the Project is an amount not to exceed \$4,750,000 and that such cost of the Project exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the Town in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

*WHEREAS*, although the cost of financing the Project pursuant to the Contract is expected to exceed the cost of financing the Project pursuant to a bond financing for the same undertaking, the Town hereby determines that the cost of financing the Project pursuant to the Contract and Deed of Trust and the obligations of the Town thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of acquiring and constructing the Project; and (3) insufficient revenues are produced by the Project so as to permit a revenue bond financing;

*WHEREAS*, the Town has determined and hereby determines that the estimated cost of financing the Project pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

*WHEREAS*, the Town does not anticipate a future property tax increase to pay installment payments falling due under the Contract;

*WHEREAS*, Parker Poe Adams & Bernstein LLP, as special counsel, will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

*WHEREAS*, no deficiency judgment may be rendered against the Town in any action for its breach of the Contract, and the taxing power of the Town is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

*WHEREAS*, the Town is not in default under any of its debt service obligations;

*WHEREAS*, the Town's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the Town has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

*WHEREAS*, past audit reports of the Town indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the Town has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

*WHEREAS*, a public hearing on the Contract after publication of a notice with respect to such public hearing was held on June 23, 2015 and approval of the LGC with respect to entering the Contract must be received; and

*NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA, AS FOLLOWS:*

Section 1. ***Authorization to Negotiate the Contract.*** That the Town Manager and the Finance Director, with advice from the Town Attorney and Special Counsel, are hereby authorized and directed to solicit proposals from financial institutions to finance a portion of the costs of the Project and to proceed and negotiate on behalf of the Town for the financing a portion of the costs of the Project for a principal amount not to exceed \$4,750,000 under the Contract to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the Town's obligations thereunder, a security interest in the Project.

Section 2. ***Application to LGC.*** That the Finance Director or her designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the Town and its financial condition as may be required by the LGC.

Section 3. ***Financing Team.*** Parker Poe Adams & Bernstein LLP has been retained by the Town to serve as special counsel and Davenport & Company LLC has been retained to serve as financial advisor. The Town Manager and the Finance Director, with advice from the Town Attorney, are hereby

authorized to retain the assistance of other professionals as they deem necessary and desirable to carry out the intention of this Resolution.

Section 4. ***Repealer.*** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 5. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

STATE OF NORTH CAROLINA            )  
  )  
TOWN OF INDIAN TRAIL                )        SS:

I, \_\_\_\_\_, Interim Town Clerk of the Town of Indian Trail, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of a Resolution entitled, **“RESOLUTION OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO”** adopted by the Town Council of the Town of Indian Trail, North Carolina at a meeting held on the 23rd day of June, 2015.

*IN WITNESS WHEREOF*, I have hereunto set my hand and affixed the corporate seal of said Town, this the \_\_\_\_ day of \_\_\_\_\_, 2015.

(SEAL)

\_\_\_\_\_  
Interim Town Clerk  
Town of Indian Trail, North Carolina



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** June 23rd, 2015

**SUBJECT:** Municipal Complex Early Site Package and Capital Project Ordinance

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On May 12<sup>th</sup>, Town staff gave an update to the Town Council that we would have an Early Site Package for your consideration. The Construction Manager @ Risk is working on these documents and staff will provide to the Town Council as early as possible.

jaf



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** June 23rd, 2015

**SUBJECT:** Council Approval of Reimbursement Resolution for Capital Expenditures

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The Town Council has requested Town staff to prepare a process to eventually construct a Municipal Complex. This resolution will allow the Town funds to potentially be reimbursed retroactively with installment loan funds

jaf

**RESOLUTION DECLARING THE INTENT OF THE TOWN OF INDIAN TRAIL TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH A NEW MUNICIPAL COMPLEX FROM THE PROCEEDS OF TAX EXEMPT OBLIGATION TO BE EXECUTED AND DELIVERED DURING FISCAL YEAR 2016.**

*WHEREAS*, the Town Council of the Town of Indian Trail, North Carolina (the "*Town*") hereby finds and determines that it is in the best interests of the Town to construct, equip and furnish a new municipal complex (the "*Project*");

*WHEREAS*, the Town reasonably expects to finance all or a portion of the costs of the Project and reasonably expects to cause to be executed and delivered a tax-exempt installment financing obligation (the "*Obligation*") to finance, or to reimburse itself for, all or a portion of the costs of the Project;

*WHEREAS*, the Town desires to proceed with the Project and will incur capital expenditures (the "*Capital Expenditures*") in connection therewith before the execution and delivery of the Obligation; and

*WHEREAS*, the Town has advanced and will advance moneys from funds currently on hand to pay for the Capital Expenditures and the Town intends, and reasonably expects, to reimburse itself for the Capital Expenditures from a portion of the proceeds of the Obligation to be executed and delivered by the Town;

*NOW, THEREFORE, BE IT RESOLVED* by the Town as follows:

Section 1. ***Official Declaration of Intent.*** The Town presently intends, and reasonably expects, to reimburse itself for the Capital Expenditures incurred and paid by the Town on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligation. The Town reasonably expects to cause the execution and delivery of the Obligation to finance all or a portion of the costs of the Project. The maximum principal amount that the Town expects to reimburse itself from the proceeds of the Obligation for the costs of the Project is not to exceed \$4,750,000.

Section 2. ***Compliance with Regulations.*** This Resolution is a declaration of official intent of the Town under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the Town's intent to reimburse itself for the Capital Expenditures from proceeds of the Obligation.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Director of the Town or her designee, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the Town in determining and itemizing all of the Capital Expenditures incurred and paid by the Town in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligation.

Section 4. ***Effective Date.*** This Resolution shall become effective immediately upon the date of its adoption.

STATE OF NORTH CAROLINA            )  
  )  
COUNTY OF UNION                    )        SS:

I, \_\_\_\_\_, Interim Town Clerk of the Town of Indian Trail, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of a Resolution entitled, **“RESOLUTION DECLARING THE INTENT OF THE TOWN OF INDIAN TRAIL TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH A NEW TOWN HALL FROM THE PROCEEDS OF TAX EXEMPT OBLIGATION TO BE EXECUTED AND DELIVERED DURING FISCAL YEAR 2016”** adopted by the Town Council of the Town of Indian Trail, North Carolina at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2015.

*IN WITNESS WHEREOF*, I have hereunto set my hand and affixed the corporate seal of said Town, this the \_\_\_\_ day of \_\_\_\_\_, 2015.

(SEAL)

\_\_\_\_\_  
Interim Town Clerk  
Town of Indian Trail, North Carolina