

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David Cohn



TOWN COUNCIL
Gordon B. Daniels
Christopher M. King
Gary M. Savoie
David K. Waddell

Indian Trail Town Council Meeting
January 14, 2014
Civic Building
6:30 p.m.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ADDITIONS AND DELETIONS** **action**
3. **MOTION TO APPROVE AGENDA** **action**
4. **PRESENTATIONS**
 - a. [Swearing in of Mayor Pro Tem](#)
5. **PUBLIC COMMENTS**
6. **PUBLIC COMMENTS FOR FY 2014/2015 BUDGET DEVELOPMENT**
7. **CONSENT AGENDA** **action**
 - a. [Approval December 10, 2013 draft Minutes](#)
 - b. [Approval of 2014/2015 Budget Schedule](#)
8. **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. **Annexation 139 Lot 2 The Gardens:** Request for a public hearing for a voluntary annexation for lot 2 in The Gardens at Brandon Oaks. Applicant: Abang O. Ogar – Property Owner; Location 8009 Fountain Brook, Brandon Oak, Parcel ID 07-091-033
- b. **ZT2013-005 Town Committee Reorganization:** Minor text amendments to Unified Development Ordinance Chapters 220, 810, 880, 1160, and 1640 to implement recent Town Committee reorganization

9. BUSINESS ITEMS

10. DISCUSSION ITEMS

- a. Discussion on process to fill ABC Board position
- b. Discussion on filling vacant Council seat
- c. Discussion on PARTF Grant
- d. Discussion on Representative for Alliance for South Charlotte Communities

10. MANAGERS REPORT

11. COUNCIL COMMENTS

12. CLOSED SESSION

action

13. 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; the phone number is 704-821-2541



STATE OF NORTH CAROLINA

COUNTY OF UNION

TOWN OF INDIAN TRAIL

OATH OF OFFICE

“I, *David Cohn*, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith and that I will faithfully discharge the duties of my office as Mayor Pro Tempore, so help me God”

David Cohn
Mayor Pro Tempore

Peggy Piontek, Town Clerk
Official Administering Oath

Date: December 10, 2013



Town of Indian Trail
Minutes of Town Council
December 10, 2013
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Engineering and Public Works Scott Kaufhold, Planning Director Shelley DeHart, Director of Community & Economic Development Kelly Barnhardt, Tax Collector Janice Cook.

CALL MEETING TO ORDER & PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

a) Presentation of Chestnut Square Park Dedication Plaque

Mr. Fivas presented the dedication plaque, advised that the park is still being constructed and invited Council to make any comments. Council Members expressed their appreciation to staff and their pride in being a part of it.

ADDITIONS AND DELETIONS

David Waddell made a motion to approve adding Consideration of approval of Purchase of Property located at 4026 Old Monroe Road as item 8c.

Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Christopher King made a motion to approve the agenda.

Motion Passed 4 - 1 with David Waddell opposing.

PUBLIC COMMENTS

Mayor Alvarez read an email he received from a resident.

CONSENT AGENDA

- a) Approval of the November 26, 2013 draft minutes
- b) Approval of Arbor Day Proclamation **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c) Annexation # 139
Rescind Resolution #R131126-2
Adopt Resolution # R131210-1 setting the Public Hearing for January 14, 2014
(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)

Robert Allen made a motion to approve the Consent Agenda.

Motion Passed 4 - 1 with David Waddell opposing.

PUBLIC HEARINGS

- a) ZT 2013-004 Changes to Board of Adjustment Requirements

Ms. DeHart presented that the proposed changes are based on the need for the Town's UDO to be updated to maintain compliance with recent State law. The changes will help clarify some ambiguity in how the board should make decisions and procedural topics. Staff has reviewed the Session Law and reviews by legal and planning peers regarding how to incorporate these changes into the UDO. The Indian Trail Town Attorney has also reviewed the proposed UDO amendments. The Planning Board met on November 19, 2013 to hear the proposed amendment in a public meeting. The Board had no questions or concerns regarding the amendment. The Board then made the following findings and unanimously voted to transmit a recommendation to approve:

1. The proposed UDO amendment is consistent with the following statement: Goal #3 Land Use (from recently updated Comprehensive Plan) Promote high quality development through efficient and predictable land development process.

2. This UDO ordinance amendment is in the best interest of the public because it makes important changes to provide a predictable process when dealing with existing and future development in Indian Trail. With outdated, awkward and confusing language being removed the changes help to modernize all ordinances across the state so that all board of adjustments are following a standardized and up-to-date process.

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

Robert Allen made a motion to approve the required findings for ZT 2013-004 as previously read into the record and found in the draft Ordinance.

Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve text amendment ZT 2013-004. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

b.)ZT2013-003 Flood Damage Reduction Ordinance

Ms. DeHart presented that this request is a simple housekeeping exercise to reference newly adopted FIS and DFIRM within this Chapter. The amendment is required by the State so the Town can retain its flood insurance program. The Planning Board met on November 19, 2013 to hear the proposed amendment in a public meeting. The Board had no questions or concerns regarding the amendment. The Board then made the following findings and unanimously voted to transmit a recommendation to approve:

1. The proposed UDO amendment is consistent with the following goal: 1.3.5 of the Comprehensive Plan- Utilities; because it will update mapping references keeping regulations current to help protect life and property as it relates to the Special Flood Hazard Areas and stormwater requirements promoting best management practices within the Town.
2. This UDO ordinance amendment is in the best interest of the public because it maintains current regulations within the Unified Development Ordinance intended to protect the public and enhances customer service by providing clear and concise regulations within the Town.

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

Robert Allen made a motion the required findings for ZT2013-003 as previously read into the record and found in the draft Ordinance.

Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve text amendment ZT2013-003 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

BUSINESS

- a) Council consideration of approval of bylaws and membership into the Alliance for South Charlotte Communities - requested by Council Member Luther

Ms. Luther provided the history of this matter, explaining the purpose is to retain and attract new investment and strong employment in the communities south of Charlotte, to highlight our region to bring more economic development here. Ms. Luther recommended approving the bylaws and the \$4,000 start up costs to be used for legal costs, administrative costs, start-up costs and general meeting costs.

Council had a brief discussion on this matter.

Darlene Luther made a motion to approve adopting the bylaws and accept membership into the Alliance for South Charlotte Communities **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
Motion Passed 4 - 1 with David Waddell opposing.

- b) Leash Law violation reporting process - requested by Council Member Luther

Ms. Luther stated there's been some confusion about how it will be enforced, from adoption until now no policy or process has been implemented. Lt. Coble has made it clear that they are enforcing this law. Ms. Luther explained the process that Lt. Coble expressed in an email and believes we need to do a better job of letting people know what to do when this matter comes about.

Mr. Fivas stated the best way to address it is to come up with a frequently asked questions sheet and circulate it throughout the community thru HOA's, our website and newsletter.

- c) Consideration of approval of Purchase of Property located at 4026 Old Monroe Road - *this matter was added as a result of a motion made in Additions and Deletions by Council Member Waddell.*

Mr. Fivas explained that this parcel is approximately 2/3 of an acre; we own the parcel (approximately 1 acre) adjacent to this one. Staff was directed to negotiate a purchase price (\$24,900.00) below the asking price (\$29,900.00) and now presents this matter for Council consideration and possible approval.

Robert Allen made a motion to approve the purchase of 4026 Old Monroe Road for the purchase price of \$24,900.00. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
Motion Passed 4 - 1 with David Waddell opposing.

Robert Allen made a motion to approve budget amendment attached to the purchase **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
Motion Passed 4 - 1 with David Waddell opposing.

Mr. Fivas clarified that this is just a purchase agreement; staff still has to go through our due diligence process and explained what that consists of.

PRESENTATION TO OUTGOING COUNCIL MEMBERS

Mr. Fivas expressed appreciation to Council Members Luther and Allen for their service, reviewed some of the matters to which they were a part of then presented each of them with a small token of appreciation from the residents, staff and fellow Council Members.

Ms. Luther explained when and why she got into politics. Ms. Luther explained there was a group of individuals that got together to make a difference by providing parks, road improvements, an ABC store and liquor by the drink which ultimately will enhance economic development and the community. Ms. Luther went through many of the accomplishments achieved within the last 6 years, she feels that Indian Trail is a blank slate with incredible possibilities, but the ground work had to be laid. These last 4-6 years have been very difficult because people do not like change, but most of the residents, according to the polling and surveys want and approve the direction we're going in, but there are always some that are unhappy and that's ok. You have to be willing to uphold the promises and platform you ran on, she feels that she was true to her campaign promises, recommending the new members do the same. She is happy that Mr. Daniels and Mr. Savoie are taking their seat, as they too are excited about the future of Indian Trail.

Mr. Allen explained his political history, stating that his whole push for his entire term was for economic development and there's no reason for Indian Trail to be a bedroom community of Charlotte. When you make bold moves you get a lot of loud criticism and if you can't take it stay out of the kitchen. His campaign platform was bold, but his motivating factor was the demise of the downtown project planned for across the street. Many of the things planned for that project have happened elsewhere and stimulated those economies and he didn't want to see that happen again. He went into it knowing he would be stepping on toes but knowing that he would look back and be proud. His advice to Mr. Daniels and Savoie is to endeavor to persevere, just stay the course, you know what needs to be done there are some very bold moves that are going to be very necessary for the future so get ready because it's coming.

COUNCIL COMMENTS

Mayor Alvarez stated that both Ms. Luther and Mr. Allen progressed this town forward in leaps and bounds, taking the bullets for what had to be done to bring amenities and economic development to our town. He stated that the residents appreciate the theatre and that both of them have been true to themselves and have had the towns best interests at heart, he wished them both the best.

Mr. Waddell stated that politics aren't as important as the heart. He told Council Members Allen and Luther that he has not had to wonder where they stood; they have been consistent, if anything's

respectable that is. He appreciates their honesty with themselves and although we have had our disagreements he has never had to wonder where they stood, they have been consistent. He shared a prayer with them #624 through 26 and that was the message he wanted them to leave with.

Mr. Cohn expressed his sentiments are much like Mr. Waddell's. He admires them for standing their ground, we've gone at each other pretty strong he still walked out of the room knowing where they stood and respected them for that. He may not have agreed on everything but there were many things they did agree on, it's hard to stand your ground. He thanked them for their service to the town, best of luck and hopes they come back and help the Council out. He asked for God's blessing on them and wished them the best of luck.

Mr. King thanked them for their service for four years. He stated he is going to miss Mr. Allen's pushing of motions to get us out the door. He told Ms. Luther his nickname for her is "one last thing". He is going to miss them both, we went just about the same way on voting, it's been a pleasure, and he considers them friends. He knows they have gone through a lot while serving and wished them both the best of luck.

Mr. Allen thanked everyone, things get heated and happen and he believes it's hard when you get behind something to make it happen. No one gets into this for their own glory; they are in here to serve the community. If you can keep that in your head you're representing 37,000 people, not just 8-10 who are screaming at you. Remember there's a bigger game that you will have to work on, it's bittersweet, but he has enjoyed serving with them.

Ms. Luther agreed with all that Mr. Allen said. She stated that she ran because she wanted to create change in the four years and pass the baton onto others. For everyone that is coming out to say goodbye to them and to welcome in the new members she very happy that they came, it means a lot to all of them, it's been fun and she can't wait until tomorrow where she won't be blamed for things.

RECESS

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Gordon Daniels, Christopher King, Gary Savoie and David Waddell.

OATH OF OFFICE

Council Member Elect Gordon B. Daniels was sworn into office by Mayor Michael Alvarez **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council Member Elect Gary M. Savoie was sworn into office by Town Clerk Peggy Piontek **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

APPOINTMENTS

a) Mayor Pro Tem

Mr. King nominated Mr. Cohn as Mayor Pro Tem, Council voted unanimously in favor of the nomination.

b) Charlotte Regional Transportation Planning Organization Representative and Alternate

Mr. King nominated Mayor Alvarez - Mr. Daniels nominated Gary Savoie. Mayor Alvarez deferred the Representative nomination to Mr. Savoie and stated he would be happy to accept the Alternate position, Council voted unanimously in favor of the nomination.

c) Council of Governments Representative

Mr. Cohn nominated Mr. King, council voted unanimously in favor of the nomination.

d) Council of Governments Alternate

Mr. Cohn nominated Mr. Daniels, Council voted unanimously in favor of the nomination.

e) Alliance for South Charlotte Communities Representative

Mr. Waddell nominated Mr. Daniels, Council voted unanimously in favor of the nomination.

DISCUSSION

a) Discuss the formation of a Civility Policy for Elected Officials - requested by Council Member Daniels

Mr. Daniels expressed that we are all Council Brothers that should have each other's back. He's open to anyone questioning him when he makes a decision but feels they should show likeness and courtesy towards each other. To keep our situations in house and not air it to the public, it will go a long way to this being a great and effective Council for the next 2-4 years.

Gordon Daniels made a motion to approve having staff draw up a draft civility report that can be modified by Council.

Motion Passed 3 - 2 with Christopher King, and David Waddell opposing.

COUNCIL COMMENTS

Mr. King - congratulated new members, welcomed them aboard and advised there's no turning back now. The honeymoon will be short, there's a lot to do, decisions to make. If he can assist in any way to

get them up to speed, feel free to contact him. He looks forward to serving with them for the next 2 years.

Mr. Waddell congratulated Mr. Savoie and Mr. Daniels on their successful campaign. If they need any help, he will be happy to assist. He explained to Mr. Daniels why he voted against the Civility Policy, stating that if we followed the Council Code of Ethics alone it would remove the necessity to have any further action. He encouraged the families of the new members, they will need your support and for you to listen. It has been wonderful to have the support of a loving wife. You are the other half of the team and we appreciate you too.

Mr. Daniels stated that this has been a day that he has looked forward to and wished it could be longer. He advised Mr. Cohn that Mr. Allen and Ms. Luther left wisdom in their seats. He thanked everyone who came out in support of his and Mr. Savoie's swearing in.

Mayor Alvarez welcomed Mr. Daniels and Mr. Savoie, congratulated them and advised he looks forward to working with them. This is our final meeting for 2013, wished everyone a happy holiday season, to be safe and think of those less fortunate than them, if you have the means please share. No days a guarantee, every day is a gift, each person sitting next to you, like them dislike them, agree or disagree they too are a true gift. Without each other we have nothing, that's my message for the season to remember why we're here. He wished everyone a Blessed Holiday with their families and for those that can't be with their families that are serving this nation, for children that are starving may they have a meal, those that don't have may they have something and remember how good we all have it. God Bless you all.

Mr. Cohn congratulated the new members, we will work well together, there's no I in team, there's no U either. He's looking forward to working with both of them, won't agree to everything but will to a lot. He wished everyone a Merry Christmas and hoped they have a good holiday and may God bless them.

Mr. Savoie thanked his family for the love and support during this campaign season and especially as he embarks on a new chapter in his life. He thanked all of those that supported him and worked very hard on his campaign, you are the reason why I am sitting here. To the Council and staff he looks forward to working with them and making a better Indian Trail. To all the residents for the opportunity they have given me to do the best for them and this Town. Thank you.

CLOSED SESSION

None

ADJOURN

Christopher King made a motion to adjourn
Motion Passed 4 - 1 with David Waddell opposing.

APPROVED:

Michael L. Alvarez, Mayor

Attest: _____

Peggy Piontek, Town Clerk

DRAFT



PROPOSED FISCAL YEAR 2014-2015 BUDGET SCHEDULE

New Budget Procedure: During the budget process, a 30 Minute Public Comment Section will be established for residents to express their comments or concerns regarding the budget. This will be part of each regular meeting where there is no budget Public Hearing scheduled. The 30 minute budget section will be in addition to the normal general public comments section and all general public comment procedures will be followed, such as 3 minutes per speaker, to address Council as a whole, etc.

January 11, 2014 Initial Strategic Planning Session 9:00am to 3:00pm including Public Comments section regarding upcoming budget initiatives or areas of concern/interest.

January TBD If Council request, an additional Strategic Planning Session and/or Public Comments work session may be held.

January 14, 2014 Regular Meeting - 30 minute Public Comment section regarding budget related topics.

January 28, 2014 Regular Meeting - 30 minute Public Comment section regarding budget related topics.



**PROPOSED
FISCAL YEAR 2014-2015
BUDGET SCHEDULE CONTINUED**

February TBD Individual meetings with Council members as they request of Town Manager and/or additional Public Comments work session may be held.

February 11, 2014 Regular Meeting - 30 minute Public Comment section regarding budget related topics.

February 25, 2014 Regular Meeting - 30 minute Public Comment section regarding budget related topics.

March 3, 2014 Staff will receive information as to estimating budget.

March 11, 2014 Regular Meeting - 30 minute Public Comment section regarding budget related topics.

March 25, 2014 Regular Meeting - 30 minute Public Comment section regarding budget related topics.

April 3, 2014 Information from Dept. Managers to Town Manager.

April 7 – 18, 2014 Review of budget information with Town Manager and Dept. Managers.



**PROPOSED
FISCAL YEAR 2014-2015
BUDGET SCHEDULE CONTINUED**

April 8, 2014 Regular Meeting - 30 minute Public Comment section regarding budget related topics.

April 22 2014 Regular Meeting - 30 minute Public Comment section regarding budget related topics.

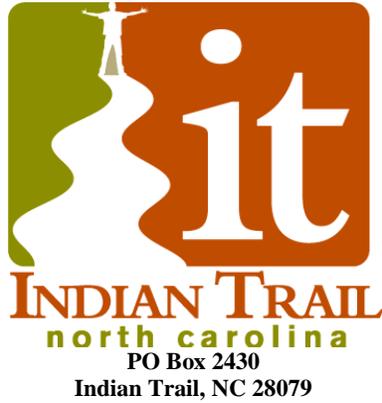
May 5, 2014 Send proposed budget to Mayor and Council (draft).

May 7, 2014 Proposed budget ready for public review on website, at Library, and at Town Hall by appt with the Town Clerk, 704-821-5401 (draft).

May 13, 2014 Regular Meeting – Budget Workshop with Mayor and Council. **Public Hearing #1 – Time 6:30pm – Location: Civic Building, 100 Navajo Trail, Indian Trail, NC**

May 27, 2014 Regular Meeting – **Public Hearing #2 - Time: 6:30pm – Location: Civic Building, 100 Navajo Trail, Indian Trail, NC**

June 10, 2014 Regular Meeting – Budget Adopted **6:30pm**



PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Case: Annexation #139 Lot 2 Block 23 The Gardens at Brandon Oaks	
Reference Name	Lot 2 Brandon Oaks Annexation
Applicant	Abang Odok Ogar- Property Owner
Submittal Date	10/10/2013
Location	8009 Fountainbrook Dr., Indian Trail, NC
Tax Map Number	07-091-033

Summary

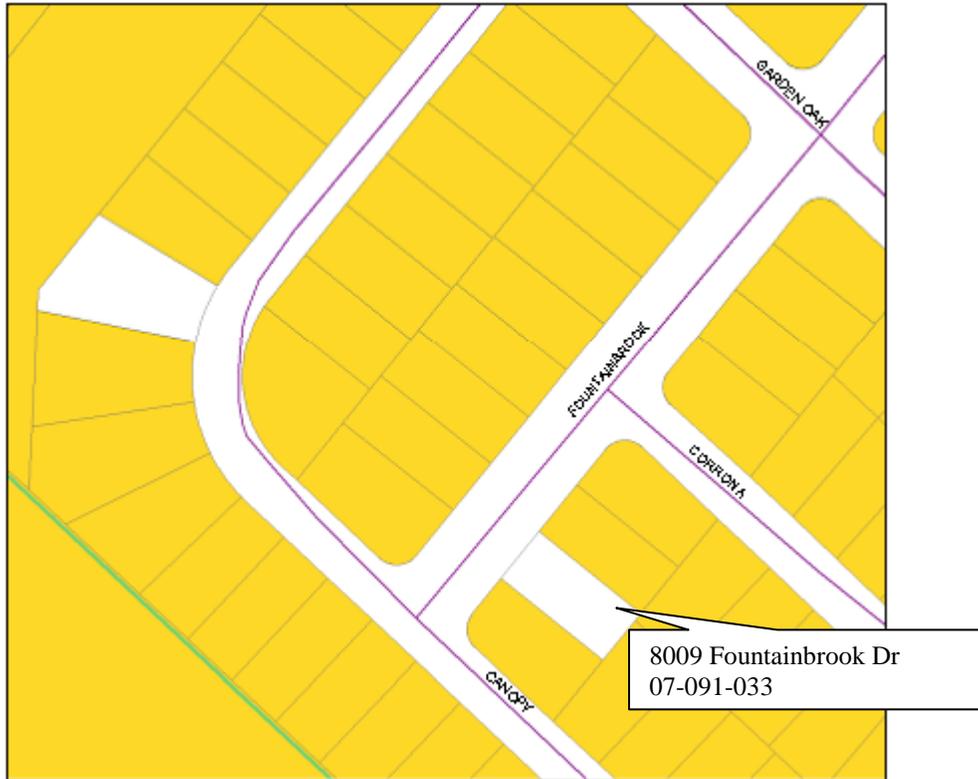
This is a request to voluntarily annex one developed .179 acre property (07-091-033) into the Town of Indian Trail. The Council took the following actions at its November 26th and December 10, 2013 public meeting initiating the annexation process:

1. Adopted a resolution directing the Town Clerk to Investigate the Sufficiency of the Voluntary Annexation Petition; and
2. Certified the Sufficiency of the Annexation Petition; and
3. Adopted a resolution setting the public hearing to January 14, 2014.

Background and Analysis

The subject property is located within “The Gardens at Brandon Oaks” within the unincorporated area of Union County. The subject property is developed with a single-family residential home. The parcel is approximately .179 acres in size, and is zoned Union County Residential-20 (R-20). This property is one of the two last remaining unincorporated county properties located within the Brandon Oaks Subdivision.

LOCATION MAP



The following consistency finding, pursuant to NCGS § 160A-31(d) regarding voluntary annexations in North Carolina, must be made for the annexation to be valid:

The Town Council of Indian Trail finds that, pursuant to the requirements of NCGS § 160A-31(d), that the proposed Annexation Ordinance #139 petition offered by the applicants does in fact meet all requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and manner.

Staff Recommendation -Staff recommends to the Town Council the following actions:

- 1.) Receive this staff report and public testimony on this annexation.
- 2.) Make the required finding in accordance with NCGS § 160A-31(d) reading into the record the statement above; and
- 3.) Make a motion to approve/disapprove extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #139 establishing the effective date of the annexation as January 15, 2014.

Staff Contact

Shelley DeHart, AICP

704 821-5401

rburhans@planning.indiantrail.org

Attachment One: Proposed Annexation Ordinance #139 w/Legal Description

Attachment Two: Petition Application for Proposed Voluntary Annexation w/Maps

TC ATTACHMENT ONE

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF
INDIAN TRAIL, NORTH CAROLINA**

**ANNEXATION ORDINANCE #139- Voluntary annexation for one .179 acre parcel (more
or less) located at 8009 Fountainbrook – Union County and identified as Tax Parcel
Number 07-07091-033 Owned by Abang Odok Ogar**

WHEREAS, the Town Council has been petitioned pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of annexation was held at the Town Civic Building at 6:30 PM on the 14th day of January, 2014, after due notice by Charlotte Observer – Union County Section; and

WHEREAS, the Town Council finds that the petition meets the requirements of G.S. 160A-31(d);

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Indian Trail, North Carolina that:

Section 1. By Virtue of the authority granted pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1, the following described territory is hereby annexed and made part of the Town of Indian Trail, North Carolina as of the 14th day of January, 2014:

TAX PARCEL NO: 07-091-033: Being all of Lot 2 Block 23 of Brandon Oaks Phase 9 Map 6 as recorded in the Union County Register of Deeds Office in Plat Cabinet L File 39. 0.179 Acres Annexation

Commencing at a pipe found at the southeast corner of Lot 47 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161, thence N57-24-02E 301.70' to a point, the southwest corner of Lot 52 Block 20 of Brandon Oaks Phase 9 Map 5 as recorded in the Union County Register of Deeds Office in Plat Cabinet K File 161 thence N48-24-30W 693.28' to a point, the southwest corner of Lot 2 Block 23 of Brandon Oaks Phase 9 Map 6 and the **Point of Beginning**.

Thence from said **Point of Beginning**, with the western line of Lot 2 Block 23 of Brandon Oaks Phase 9 Map 6 as recorded in the Union County Register of Deeds Office in Plat Cabinet L File 39 N51-01-13W 130.00' to a point, the northwest corner of Lot 2 Block 23 on the right-of-way of Fountainbrook Drive; Thence with the right-of-way of Fountainbrook Drive N38-58-47E 60.00' to a point, the northeast corner of Lot 2 Block 23 on the right-of-way of Fountainbrook Drive; thence with the eastern line of Lot 2 Block 23 S51-01-13E 130.00' to a point, the southeast corner of Lot 2 Block 23; Thence With the southern line of Lot 2 Block 23 S38-58-47W 60.00' to a point, the **Point of Beginning**.

Being all of Lot 2 Block 23 of Brandon Oaks Phase 9 Map 6 as recorded in the Union County Register of Deeds Office in Plat Cabinet L File 39. 0.179 Acres as shown on the Annexation Exhibit of Brandon Oaks a Portion of Phase 9 by Yarbrough-Williams & Houle Inc, dated 11-25-2013.

- Section 2. Upon and after the 15th day of January, 2014, at 12:01 a.m., the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Indian Trail, North Carolina and shall be entitled to the same privileges and benefits as other parts of the Town of Indian Trail, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.
- Section 3. The Mayor of the Town of Indian Trail, North Carolina shall cause to be recorded in the office of the Register of Deeds of Union County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Board of Elections, as required by G.S. 163-288.1.
- Section 4. The Attorney of the Town of Indian Trail, North Carolina shall submit in the Office of the United States Attorney General, in accordance with Section 5 of the Voting Rights Act of 1965, codified as 42 U.S.C. 1973c, documents and materials required for review pursuant to federal law.

Adopted this 14th day of January, 2014.

TOWN OF INDIAN TRAIL

BY: _____
Michael L. Alvarez, Mayor

ATTEST:

Peggy Piontek, Town Clerk

APPROVED AS TO FORM:

Keith J. Merritt, Town Attorney

TC ATTACHMENT TWO



PETITION REQUESTING A VOLUNTARY ANNEXATION

Date: 10/10/17

To the Town Council of the Town of Indian Trail, North Carolina:

- 1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Indian Trail, North Carolina.
2. The area to be annexed is CONTIGUOUS NON-CONTIGUOUS (CIRCLE ONE) to the primary limits of the Town of Indian Trail, North Carolina and the boundaries of such territory are as follows:

SEE ATTACHED DESCRIPTION OF BOUNDARIES

(Copy of Deed or other source containing legal description of properties requesting annexation)

- 3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Indian Trail, North Carolina (and in relation to the primary corporate limits of another municipality if substantial question of whether the area is closer to another municipality than to the Town of Indian Trail, North Carolina.)

Table with 3 columns: NAME, ADDRESS (PRINT OR TYPE), SIGNATURE. Row 1: Akung D. Dgar, 8009 Fountain brook, [Signature]. Rows 2-5 are blank.

FILED
UNION COUNTY, NC
CRYSTAL CRUMP
REGISTER OF DEEDS

FILED Oct 31, 2011
AT 09:28 am
BOOK 05620
START PAGE 0200
END PAGE 0201
INSTRUMENT # 27108
EXCISE TAX \$340.00
MKH

Excise Tax \$ 340.00

Tax Lot No. Parcel Identifier No. 07-091-033

Verified by _____ County on the _____ day of _____, 19____
by _____

Mail after recording to GRANTEE
This instrument was prepared by McMILLAN & TERRY, P.A./jo
Brief description for the index

Lot 2, Block 23, THE GARDENS AT BRANDON OAKS

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made October 31, 2011, by and between

GRANTOR

D.R. Horton, Inc.

(a Delaware corporation)

5402 Casper Drive
Charlotte, NC 28214

GRANTEE

ABANG ODOK OGAR (married)

8009 Fountainbrook Drive
Indian Trail, NC 28079

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the township of County, City of Indian Trail, Union County, North Carolina and more particularly described as follows:

BEING all of Lot 2 in Block 23 of THE GARDENS AT BRANDON OAKS, Phase 9, Map 6, as shown on a plat thereof recorded in Plat Cabinet L at File 39 in the Office of the Register of Deeds for Union County, North Carolina, to which reference is hereby made.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of the Grantor(s).

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5219, Page 886.

A map showing the above described property is recorded in Plat Book L, page 39.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

All such valid and enforceable easements, restrictions and rights of way of record and the lien of ad valorem taxes for the current year which the grantee herein assumes and agrees to pay.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

D.R. Horton, Inc.

By: Paul R. Kwiatkowski
PAUL R. KWIATKOWSKI, ASSISTANT VICE PRESIDENT

SEAL-STAMP

NORTH CAROLINA, Mecklenburg County.
I, a Notary Public of Union County, North Carolina, certify that PAUL R. KWIATKOWSKI, ASSISTANT VICE PRESIDENT, either being personally known to me or proven by satisfactory evidence (said evidence being a driver's license) personally came before me this day and acknowledged that he is ASSISTANT VICE PRESIDENT of D.R. Horton, Inc., a Delaware corporation, and that he, as Assistant Vice President, being authorized to do so, voluntarily executed the foregoing on behalf of said corporation for the purposes therein stated.

Witness my hand and official stamp or seal, this 31st day of October, 2011.

My commission expires: 3/8/15
Teresa A. Hendrix
TERESA A. HENDRIX, Notary Public



The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof _____ REGISTER OF DEEDS FOR _____ COUNTY
By _____ Deputy/Assistant - Register of Deeds



INDIAN TRAIL
north carolina

P.O. Box 2430

Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the January 14, 2014 Town Council Public Hearing

Case: ZT 2013-005 Town Committee Reorganization Ordinance Amendment			
Reference Name	Town Committee Reorganization		
Planning Board Meeting Date	December 17, 2013		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Vice Chair Larry Miller <input checked="" type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/>	Cheryl Mimy <input type="checkbox"/> Alternate 1	Steve Long <input type="checkbox"/> Alternate 2
	Sidney Sandy <input type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval to Town Council with draft findings		
Member Making the Motion	Boardmember Rollins		
Second the Motion	Boardmember Higgins		
Vote	All seated members voted in favor of the Motion		

Purpose of the Amendment: This is a request to amend several sections of the Unified Development Ordinance (UDO) to help implement the recent Town Council decision to repurpose the Parks, Tree, and Greenway Committee into the Parks, Arts, Recreating, and Culture Advisory Committee. The repurposing action created the need for a standalone Tree Advisory Committee. Town staff has proposed having members of the Planning Board staff the new Tree Advisory Committee.

Town Council Action: *Receive 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

The proposed UDO amendments are needed to implement the above noted Town committee reorganization and create a standalone Tree Advisory Committee that would be staffed by the Planning Board. Amendments are proposed to the following chapters of the UDO: Chapter 220 *Planning Board*, Chapter 810 *Buffer Yards, Parking Lots and Street Frontages*, Chapter 880 *Tree Preservation/Protection Administration and Procedures*, Chapter 1160 *Park, Recreation, and Open Space Dedication or Fee in Lieu*, and Chapter 1640 *Tree and Landscaping Definitions*.

Planning Board

The Planning Board met on December 17, 2013 to hear the proposed amendment in a public meeting. The Board generally expressed excitement about serving on the Tree Advisory Committee, recognizing how their qualifications and experience would transfer over to the committee. Logistical questions were asked regarding the timing and format of committee meetings and the structure of the committee. The Board requested tree related training to prepare them to provide recommendations on Alternative Tree Protection and Planting Plans. The Board then made the following findings and unanimously voted to transmit a recommendation to approve:

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

2.3.3 of the Comprehensive Plan- *Parks and Recreation, Open Space, and Natural Environment* because it will help facilitate creation of the Tree Advisory Committee, which will be focused on providing advisory services to help protect the Indian Trail tree canopy and natural environment. The proposed amendments will also help ensure guidance related to parks, art, recreation, and cultural enrichment is provided by the PARC Committee, whose mission and expertise is tailored to these areas.
2. This UDO ordinance amendment is in the best interest of the public because it helps facilitate the creation of focused, advisory committees that will ensure that Town Council, staff, and citizens are provided with meaningful and informed guidance.

Town Council Action: *Receive 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.*

Staff Contact

Rox Burhans, AICP

rburhans@planning.indiantrail.org

Attachment 1- Planning Board Report

Attachment 2- Draft Ordinance (including Exhibit A-text amendments)

TC ATTACHMENT ONE



P.O. Box 2430
 Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES

Zoning Staff Report

Case: ZT 2013-005 Amendment of UDO Related to Town Committee Reorganization		
Reference Name	Tree Advisory Committee: UDO Chapters 220, 810, 880, 1160, & 1640	
Applicant	Town of Indian Trail	
Submittal Date	December 2013	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Request
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend several sections of the Unified Development Ordinance (UDO) to help implement the recent Town Council decision to repurpose the Parks, Tree, and Greenway Committee into the Parks, Arts, Recreating, and Culture Advisory Committee. The repurposing action also included creation of a standalone Tree Advisory Committee that will be staffed by members of the Planning Board.

Amendments are proposed for the following chapters of the UDO: Chapter 220 *Planning Board*, Chapter 810 *Buffer Yards, Parking Lots and Street Frontages*, Chapter 880 *Tree Preservation/Protection Administration and Procedures*, Chapter 1160 *Park, Recreation, and Open Space Dedication or Fee in Lieu*, and Chapter 1640 *Tree and Landscaping Definitions*.

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

Overview

The Town of Indian Trail’s population has experienced continued growth to reach its current level of approximately 35,000 persons. In response to this growth and the desires of most citizens, the Town Council has made significant investment in the number of recreational and

cultural facilities within the community. In December of 2010, *Crossing Paths Park* opened as the Town's first park and serves as the official outdoor events facility within Indian Trail. In October of 2012, the former Town Hall building was converted into the *Indian Trail Cultural Arts Center*, providing a venue for the display of art and cultural enrichment. The Town has also recently broken ground on two major park facilities: *Chestnut Square at Indian Trail* (52-acres) and *Crooked Creek Park at Indian Trail* (140 acres). These parks will provide extensive active and passive recreation opportunities as well as facilities for organized sports such as soccer, baseball/softball, lacrosse, tennis, and others.

The expansion of Indian Trail's arts, cultural, and recreational offerings necessitated repurposing the previous Parks, Tree, and Greenway Committee into the Parks, Arts, Recreating, and Culture (PARC) Advisory Committee in November of 2013. Tree advisory functions will be provided by a newly reorganized, standalone Tree Advisory Committee. Having a tree focused committee is required as part of the Town's designation as a *Tree City USA* community. The Tree Advisory Committee would be responsible for providing the Town Council and staff with guidance on tree preservation and protection initiatives as well as providing recommendations to the Planning Director in the review of Alternative Tree Protection and Landscape Plans. The scope of ZT 2013-005 contemplates the minor UDO amendments needed to help implement the above noted committee reorganizations (Attachment 1).

In considering staffing for the Tree Advisory Committee, the Planning Board is in a unique position to be able to offer its expertise to this committee. The Planning Board's familiarity with the various aspects of the UDO, its background in land development, and its experience in balancing both long range and more immediate issues would make the Planning Board well suited for serving on/staffing the Tree Advisory Committee. The logistical aspects of the Planning Board already having a standard, monthly meeting would also help streamline the day-to-day aspects of the committee. For these reasons, staff is recommending (as part of ZT2013-005) that members of the Planning Board also serve on the Tree Advisory Committee, subject to Planning Board feedback and Town Council approval.

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 goal:

2.3.3 of the Comprehensive Plan- *Parks and Recreation, Open Space, and Natural Environment* because it will help facilitate creation of the Tree Advisory Committee, which will be focused on providing advisory services to help protect the Indian Trail tree canopy and natural environment. The proposed amendments will also help ensure guidance related to parks, art, recreation, and cultural enrichment is provided by the PARC Committee, whose mission and expertise is tailored to these areas.

2. This UDO ordinance amendment is in the best interest of the public because it helps facilitate the creation of focused, advisory committees that will ensure that Town Council, staff, and citizens are provided with meaningful and informed guidance.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of UDO Text Amendment ZT2013-005 as presented to the Planning Board.

Staff Contact

Rox Burhans, AICP

Senior Planner

rburhans@planning.indiantrail.org

Attachment 1: Draft UDO Amendments

Attachment 2: Draft Ordinance

TC ATTACHMENT TWO

NOW THEREFORE, BE IT ORDAINED ON JANUARY 14, 2014 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTER 220, CHAPTER 810, CHAPTER 880, Chapter 1160, and Chapter 1640 are hereby amended as shown in Exhibit A of this Ordinance;

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

SO ORDAINED THIS JANUARY 14, 2014.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk

EXHIBIT A:
ZT2013-005 TOWN COMMITTEE REORGANIZATION UDO AMENDMENTS

Chapter 220. Planning Board

220.030 Powers and Duties of the Planning Board

The Planning Board will have the following powers and duties:

A. Tree Advisory Committee

Members of the Planning Board will serve as the Tree Advisory Committee.

Chapter 810. Buffer Yards, Parking Lots and Street Frontages

810.090 Alternative Buffers and Screening

In lieu of compliance with the 15-foot, 25 foot or 50-foot buffer standards of this section, an applicant may submit an alternative landscape and buffer plan to the ~~Parks, Tree and Greenway Committee~~ Tree Advisory Committee for review. Upon review of the alternate plan, the Committee may recommend that the Director of Planning and Development approve the alternative buffering and screening upon finding that the proposal will afford a degree of buffering and screening, in terms of height, separation, and opacity that is equivalent to or exceeding that provided by the applicable 15, 25, or 50-foot and greater buffer standards of this section. The Planning Director may not take final action approving an alternative plan until a recommendation from the committee is received or until forty-five (45) days have passed since the proposal was heard by the committee, whichever is first.

Chapter 880. Administration and Procedures

880.010 Responsibilities and Enforcement

- A.** The Planning Director or designee shall have the power and authority to administer and enforce this ordinance. The Planning Director or designee may serve notice to any person in violation of this ordinance and/or institute legal proceedings as may be required, and the Town Attorney is hereby authorized to institute appropriate proceedings to that end.
- B.** ~~Park, Greenway and Tree~~ Advisory Committee will have the power and authority to the following:
1. Review and propose revisions to the tree preservation standards.
 2. Review alternative methods of compliance with the tree planting and tree protection requirements and make recommendations to the Planning Department.
 3. Provide community outreach and public education.
 4. Participate in the Town's Arbor Day Event.

880.040 Modifications, Denials, Inspections and Emergencies

A. Modifications

Alternate tree protection/planting plans, plant materials, planting standards or reforestation may be used where it would be unreasonable or impractical to strictly apply the tree protection/planting requirements. Such situations may be the result of streams, natural rock formations, topography, or other physical conditions; utility easements, a unified development design, or unusual site conditions. An alternate plan may be approved when:

1. The ~~Park, Tree and Greenway Committee~~ Tree Advisory Committee makes a recommendation to planning staff regarding all alternate tree protection/planting plans, plant materials, planting standards or reforestations.

Chapter 1160. Park, Recreation, and Open Space Dedication or Fees in Lieu

1160.020 Payments of Fees in Lieu of Land Dedication

The payment of fees, in lieu of the dedication of land under Section above, may occur at the request of the applicant or developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee in lieu, will be made by the Town Council (for Conditional Zoning Districts) after having received a recommendation from the Planning Board and the Town's ~~Park, Greenway, and Tree Committee~~ Parks, Arts, Recreating, and Culture Advisory Committee and having evaluated the proposed dedication and the relationship such dedication would have with the Town's overall recreational needs

Chapter 1640. Tree and Landscaping Definitions

1640.360 ~~Park, Greenway, and Tree Committee~~ Parks, Arts, Recreating, and Culture Advisory Committee

A council-appointed committee that consist of ~~7~~ 9 members assisting in the planning, development and management of all future ~~public parks, recreation,~~ and greenway ~~systems~~ and tree related matters

1640.490 Tree Advisory Committee

A council-appointed committee that consist of 7 members from the Town of Indian Trail Planning Board assisting in the planning and management of the Indian Trail community forest and the administration of the Tree Preservation and Protection and Landscaping ordinances.

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: January 14, 2014

SUBJECT: Process to fill ABC Board Position



Staff will explain how this has been accomplished in the past and request direction on how Council would like the process to be conducted this year.

Town of Indian Trail

Memo

TO: Mayor and Town Council
FROM: Joe Fivas, Town Manager
DATE: January 14, 2014
SUBJECT: PARTF Grant Update



Staff will provide an update of status of PARTF Grant process.

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

DATE: January 14, 2014

SUBJECT: Representative for Alliance for South
Charlotte Communities



Staff is requesting direction on how Council would like the process to be conducted.