MAYOR
Michael L Alvarez

MAYOR PRO TEM
David Cohn

TOWN COUNCIL
Gordon B. Daniels
Christopher M. King
Gary M. Savoie

Indian Trail Town Council Meeting
March 11, 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**

4. **PRESENTATIONS**
   - **a.** Proclamation for Paul Belk
   - **b.** Proclamation for Kelvin Seabrooks
   - **c.** Recognition of Leroy Rushing

5. **PUBLIC COMMENTS**

6. **PUBLIC COMMENTS FOR FY 2014/2015 BUDGET DEVELOPMENT**

7. **CONSENT AGENDA** **action**
   - **a.** Approval January 11, 2014 draft minutes
   - **b.** Approval January 14, 2014 draft minutes
   - **c.** Approval of January 29, 2014 Special Meeting draft minutes
   - **d.** Approval of February 5, 2014 Special Meeting draft minutes
   - **e.** Approval of February 14, 2014 Special Meeting draft minutes
   - **f.** Approval of Budget Amendments
   - **g.** Approval of refund of overpayment of taxes over $500
   - **h.** Annexation # 140
     - A resolution directing the Town Clerk to investigate the sufficiency of the proposed voluntary annexation petition
     - A Certificate of Sufficiency
     - A resolution setting the public hearing date for the annexation to April 27, 2014

i. Approval of release of tax interest
j. Approval of advertisement of delinquent tax accounts
k. Approval of additional signatories on town bank accounts
l. Public Safety Committee request for approval to remove Joseph Carteret
m. Approval of reopening application process for ABC Board
n. Approval of Renewal of Deer Urban Archery Season 2015

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. **ZT2014-001 Flood Damage Reduction Ordinance Amendment:** A request to amend Chapter 1360 of the Unified Development Ordinance per the request of the State. Applicant: Town of Indian Trail

b. **ZM 2014-001 8009 Fountainbrook:** A request to establish Indian Trail zoning on a newly annexed property. The request is to establish SF-4 w/PED-1 Overlay consistent with the adjacent parcels within Brandon Oaks. Applicant: Town of Indian Trail; Location 8009 Fountainbrook, Indian Trail

9. BUSINESS ITEMS

a. Consider approval of adding Law Enforcement Update and Town Committee Update after Public Comments- *Item Requested by Mayor Alvarez*
b. Park Update and Park & Recreation Fee proposal

10. DISCUSSION ITEMS

11. MANAGERS REPORT

12. COUNCIL COMMENTS

13. CLOSED SESSION **action**

14. 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

Proclamation

Whereas, Paul Belk has been a lifelong resident of Union County and hales from a family that has been present in the area since prior to the Revolutionary War; and

Whereas, Paul has been medically retired from the Army National Guard after over 19 years of service to our nation serving as Chaplain Assistance in Iraq as well as other positions; and

Whereas, Paul has been a devoted husband for 22 years and is the father of 3 children Trevor 18, Cameron 13, and Savannah 11; and

Whereas, Paul has been a stroke victim since 2009, has overcome right side paralysis and severe speech impediment and went back to school in 2010; and

Whereas, Paul has shown immense courage by having gone from barely speaking and walking to walking better and his writing capabilities improve through the educational experience; and

Whereas, Paul is the Co-owner of Indian Trail's less Marketing helping local companies the word out about their services and offerings; and

Now Therefore, I Michael Alvarez, Mayor of Indian Trail, along with the Indian Trail Town Council congratulate Paul Belk on his being the recipient of the Help a Hero Scholarship of $5,000. We wish him the best of luck in his future endeavors and thank him for his service.

WITNESS MY HAND and the official Seal of the Town of Indian Trail this 11th day of -ÁÒÃÈ, 2014

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Mayor Michael Alvarez

Proclamation

Whereas, Kelvin J. Seabrooks is a former World Champion boxer at bantamweight, born and raised in Charlotte's Mecklenburg County; and

Whereas, Kelvin has changed the lives of countless young people through his Team Seabrooks program, he continues to work tirelessly with the youth of North Carolina showing them a better path in life by opening a youth and self defense program in Indian Trail; and

Whereas, Kelvin fought and won the United States Boxing Association bantamweight title and the International Boxing Federation bantamweight title; and

Whereas, Kelvin overcame, climbing off the canvas when winning both the USBA and IBF titles; and

Whereas, Kelvin traveled the world representing North Carolina in the boxing ring; and

Whereas, this month with the theme "honoring Champions in our Community" Kelvin will be recognized for his contributions to Indian Trail and North Carolina.

Now Therefore, I, Michael Alvarez, Mayor of Indian Trail, along with the Indian Trail Town Council congratulate Kelvin J. Seabrooks on his success and thank him for his contribution to our youth and community.

WITNESS MY HAND and the official Seal of the Town of Indian Trail this 11th day of -ÁÒÃÈ, 2014

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Mayor Michael Alvarez

Certificate of Recognition

Whereas the Rushing Family of J. Ellis Rushing and Rossie Lillian Simpson lived in Union County in the area of Unionville where John Leroy Rushing was born on November 17, 1927, the 5th of the nine children; and

Whereas John Leroy Rushing graduated from Unionville High School in 1944 and the Coyne Electrical School in Chicago in 1945, served in the US Army of Occupation in Japan in 1946 and was honorably discharged in 1947, and completed his studies at Charlotte College in 1952, with top honors; and

Whereas John Leroy Rushing married Fair Pinion of Indian Trail on September 8, 1951, and later purchased the Pinion farm as a place to live and raise their three children; and

Whereas John Leroy Rushing applied his trade as an electrician working for Robinson Electric in Charlotte and on projects in Fayetteville and Asheville; and

Whereas John Leroy Rushing incorporated both the Rushing Electric Co. and Rushing Construction Co. in 1964 and became a pioneering entrepreneur in residential and commercial building/development from the mid-1950's until his death in 2012; and

Whereas John Leroy Rushing contributed to the development of Indian Trail by preserving its oldest building, relocating his business in 1966, building and opening the first Indian Trail Shopping Center in the heart of the downtown area, bringing the first pharmacy and first bank to the town, the first Food Lion, donating the property and building for Indian Trail VFW Post 2423, building two structures to serve as the post office for Indian Trail, bringing water and sewer to Indian Trail and western Union County, as well as many other residential and commercial projects; and

Whereas John Leroy Rushing served the community on the Indian Trail School Advisory Board, as an elected member of the Union County School Board, as a member of the Board of Directors of American Bank & Trust, United Carolina Bank, Family Savings & Loan, Bank of Union and American Community Bank, as a member of the Sardis Baptist Church where taught Sunday School, served as Church Treasurer and Deacon, Emmanuel Baptist Church where he was on the Deacon Board and Sunday School Teacher. He was also a Mason, a Shriner, and a member of the Woodmen of the World and a past President and member of the Union Anson Home Builders Association.

NOW THEREFORE, I, Mayor Michael Alvarez, along with the Indian Trail Town Council do hereby recognize the 50th anniversary of Rushing Construction Co. being incorporated and the significant contributions of John Leroy Rushing to the growth and development of Indian Trail.

This 11th day of March, 2014

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Mayor Michael Alvarez

Town of Indian Trail
Minutes of Town Council
Strategic Planning Session
January 11, 2014
Civic Building
08:30 A.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Absent Members: David Waddell.

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Town Clerk Peggy Piontek, Finance Director Marsha Sutton, Planning Director Shelley DeHart, Director of Community & Economic Development Kelly Barnhardt, Director Of Engineering and Public Works Scott Kaufhold and Communications Coordinator Lindsey Edmonds.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF JANUARY 2, 2014 SPECIAL MEETING DRAFT MINUTES

Christopher King made a motion to approve January 2, 2014 minutes
Council voted unanimously in favor of the motion.

ACCEPTANCE OF COUNCILMAN WADDELL'S RESIGNATION

Christopher King made a motion to approve Councilman David Waddell's Resignation, effective January 31, 2014.
Council voted unanimously in favor of the motion.

Mayor Alvarez announced that Council Member Waddell was not present for the meeting.

Mr. Fivas provided a brief overview of how the meeting will be conducted requesting any modifications from Council, none were stated.

PUBLIC COMMENTS FOR FY 2014/2015 BUDGET DEVELOPMENT

Shirley Howe, 6205 Clearwater Dr., Indian Trail, NC welcomed the two new Council Members. Ms. Howe commented on roads stating that the older developments need repair, providing specific issues in Beacon Hills. She addressed the quality of work being substandard requesting they be approved for repair in the upcoming budget. Code Enforcement needs additional staff to ensure appropriate enforcement, especially those that do not have an HOA requesting fast tracking Municipal Ordinances by late spring so they can be enforced. Ms. Howe concluded by asking Council to consider the safety needs in our parks by adding additional deputies in the budget.

Samantha Towns, 104 Pine Lake Drive, Monroe, NC addressed movement of funds in budget; she feels the codes used to accomplish this task should be published for the public to prevent criticism from residents. Ms. Towns requested Council address status of the North Carolina League of Municipalities because it was stated in the 2013 Budget highlights that there was pressure for municipalities cuts on State funding and would like information on where Indian Trail stands with regard to this.

Mayor closed public comments.

REVIEW OF BUDGET PROCESS

Mr. Fivas replied to Ms. Towns on the State funding pressures, stating that the legislators did discuss changes that would impact State funding, however they modified their budget in other areas and now are healthier than they were in the past.

Mr. Fivas advised that the Budget Schedule item will be on 1/14 agenda for approval, but reviewed it so Council can modify before it is presented. Mr. Fivas presented an overview on the budget process from incoming revenues to outgoing expenditures, Council's priorities for needs and goals working with residents. He requested that once the budget is delivered on May 5th, at that point it's the Council's

document and if there is something that they would like changed to please let staff know so it can modified to accommodate within the statutory requirements.

STRATEGIC PLANNING SESSION

Mr. Fivas advised this is conveying what we have now and if we are headed in the right direction, if Council wants to go in a different direction, we would like to discuss it today.

Mr. Fivas advised that staff needs Council's input on whether or not to conduct a Phase I study on the property that we have been directed to purchase on Old Monroe Road and Chestnut Lane. The cost to conduct the study is $1,800, although not required for purchase; once we purchase the property we take ownership of any environmental issues if no study is conducted. After a lengthy discussion, by consensus Council agreed that the Phase I study should be conducted.

Bonterra Village - Ms. DeHart provided an update and the history of the Bonterra Subdivision approval process. It was approved and annexed into the town in April 2001 as a mixed use project. Private streets were permitted allowing the lot definition to apply to middle of street. In 2006 the definition was amended but Phases I and II were approved prior to amendment.

Mr. Fivas advised that one of the questions we're getting is what we know about the streets and their condition, Mr. Kaufhold provided that information.

Mr. Kaufhold stated at the Town's request the developer provided over 60 pavement cores for the streets in Phase I and II, to find out how much asphalt and stone was used, nothing below that because it's not typical for as built conditions. We compared that to the Town standards and it was met at 100%, but 50-60% stronger than State requirements on average.

Mr. Fivas stated that we have been asked by the Bonterra HOA if we have any interest in taking over those private streets and making them public. One of the reasons is because there are other Phases of this neighborhood that will be built as public streets and they are trying to figure out the legalities. He stated that both he and Mr. Merritt have spoken with the HOA to determine if there is a legal way to do it. From a staff perspective we advised Bonterra HOA this has been done in the past with another subdivision by putting a tax assessment on their property to repay the funds. Staff informed Bonterra they would have to put a certain amount of money in a fund to repair those roads, when needed, at a later date. Mr. Fivas inquired if this is something Council wants to resolve.

Mr. Merritt advised the legal issue is that the homeowners own the property to middle of road, explaining this is unusual as property is generally owned by developer as fee simple. We need to get the property from residents if we wish to take over the road. One way is to get each property owner to convey that property to the town which would be cumbersome. The other way is that there are documents that the roads are considered to be common areas and that could be conveyed. The HOA would need to review those documents and get the residents to approve it. These are issues the HOA

has to deal with, they need to be in a position to convey the property to town and to date they have not accomplished it. Until that point is reached, there is no acceptance that the town has to consider. At one point they requested the town give a conditional approval that if these challenges are met we would consider taking over the roads. The problem is that the lot lines are in the middle of the roads and each homeowner needs to be dealt with by the HOA to resolve this.

Council had a lengthy discussion and requested it be put on the January 28th agenda for further discussion.

Mr. Merritt requested permission to leave the meeting as his services were no longer required, Council approved his leaving.

Update on current infrastructure projects & 5 year Transportation Plan

Mr. Fivas provided updates on Highway 74 intersections, Chestnut Parkway, Old Monroe Road. **(COPY OF THE POWER POINT CAN BE FOUND IN THE CLERK'S OFFICE)**

Park & Recreation

Ms. Barnhardt presented an overview of the Park and Recreation Plan for 2014-2015, topics included timelines and amenities planned for both Chestnut Square Park and Crooked Creek Park, concluding with the PARTF Grant application timeline, anticipation of sponsorships and donations and advising the master plan is being updated**. (COPY OF THE POWER POINT CAN BE FOUND IN THE CLERK'S OFFICE)**

Mayor Alvarez requested Council approval to leave the meeting for a short period, Council approved. Mayo Alvarez turned the gavel over to Mayor Pro Tem Cohn.

Communication

Ms. Edmonds presented a Communications Plan that will provide a guideline for the strategies and tactics that will be used to achieve the Town's communication goals and objectives. **(COPY OF THE POWER POINT CAN BE FOUND IN THE CLERK'S OFFICE)**

LUNCH

Council took and returned from a brief recess for lunch.

Economic Development

Ms. Barnhardt presented an overview of the 2014-2015 Economic Development Plan, explaining what economic development entails, the goals, objectives and development examples from other jurisdictions. **(COPY OF THE POWER POINT CAN BE FOUND IN THE CLERK'S OFFICE)**

Mayor Alvarez returned to the meeting.

CONTINUATION OF STRATEGIC PLANNING SESSION

Mr. Fivas explained staff's documented plans for the future and requested thoughts/ideas from Council. Requesting an intermediary plan. Council had a lengthy discussion, topics included 3 year strategic plan, understanding our current situation, our strengths and weaknesses, opportunities, threats, where do we want to go, communication, downtown area where it will be and what it should look like, how to get there, timelines, definition of organization mission and values, set goals on quality of services, public safety, quality places, park areas, and Grants.

CLOSED SESSION

None

ADJOURN

David Cohn made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

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Michael L. Alvarez, Mayor

Attest:

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Peggy Piontek, Town Clerk

DRAFT

Town of Indian Trail
Minutes of Town Council
January 14, 2014
Civic Building
06:30 P.M.

DRAFT

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Absent Members: David Waddell

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Planning Director Shelley DeHart, Director of Community & Economic Development Kelly Barnhardt, Finance Director Marsha Sutton, Human Resources Director Carey Warner and Director of Engineering and Public Works Scott Kaufhold .

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and lead in the Pledge of Allegiance. He announced Council Member Waddell was not present.

Mayor Alvarez informed Council that several people signed up for public comments and requested permission to extend public comment period, Council approved.

ADDITIONS AND *DELETIONS*

None

MOTION TO APPROVE AGENDA

Christopher King made a motion to approve the agenda
Council voted unanimously in favor of the motion

PRESENTATIONS

a. Swearing in of Mayor Pro Tem

Town Clerk, Peggy Piontek administered the Oath to Mayor Pro Tempore David Cohn. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

PUBLIC COMMENTS

Samantha Towns 104 Pinelake Drive, Monroe, NC stated that it is time to consider the town's image. She referred to the voting turnout in November and feels that Mr. Drehs should be appointed and recommended the Council follow the law to prevent any lawsuits.

Jonathan Baer requested his comments be recorded as verbatim, Council approved the request. A copy of the documents that Mr. Baer provided to the Clerk upon conclusion of his comments is **ATTACHED HERETO AND MADE A PART OF THE RECORD.**

Steven Long, 1012 Cranston Crossing Place, Indian Trail, NC stated that there are approximately 14 different openings on the town committees and boards. He urged citizens to take an application fill it out to take ownership and get involved. As far as replacing Mr. Waddell's seat, it should be done within the town charter. He referred to time shared with Charlotte Mayor Patrick Cannon, his shared ideals and goals especially with youth, economic growth, public safety and roads are a herald for us to realize ??? and take the plunge. If taxes and my love for this town are sure things.

Cathi Higgins, 3004 Clover Hill Road, Indian Trail, NC, reminded everyone that Mr. Baer did not state his address. Ms. Higgins addressed the appointment of the next council person, thanked Mr. Waddell for his service. Logically if this vacancy had occurred in November David Drehs would be sitting in that

chair right now. Residents voted only 2 months ago, she referred to the 500 voting residents who wanted to put David Drehs on the Council. She continued to express his qualifications.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC advised that she wanted to speak on the upcoming open seat for the Town Council position and explained why she endorsed David Drehs, stating his credentials. Ms. Howe explained her point is that there is a movement to appoint the vacant seat to a female that should not be considered in her opinion. This would provide an open door for a preselected female or male to get a free ride to claim the Council seat and suggested Council not be fooled.

Roger Fish, 1101 Magna Lane, Indian Trail, NC feels the next 2-5 years will be critical in Indian Trail and it will be a wonderful time to be on the Council. He believes it's important that Council maintains their freedom of action on who to choose, but feels there is merit to look at Mr. Drehs, he has done his due diligence, has voter approval, and would be an asset to the Council.

Michael Faulkenberry, 519 Pickett Circle, Indian Trail, NC feels Mr. Drehs is the best choice for Mr. Waddell's seat and provided some background on him. He agrees with Mr. King that we should have holiday lights in Indian Trail. The representation for Alliance of South Charlotte Communities should be put up for discussion and applications taken just like any committee.

Jan Brown, 6727 Long Nook Lane, Indian Trail, NC would like Council to interview several people, requested he be considered and provided his background and credentials.

David Drehs, 3216 Bow Club Trail, Indian Trail, NC stated he appreciated the comments that have been made about him this evening. He listed comparisons between him and Mr. Waddell. He is willing to accomplish any procedures or jump through any hoops Council wants and believes he would be an asset to the Town.

PUBLIC COMMENTS FOR FY 2014/2015 BUDGET DEVELOPMENT

No one had signed up to speak.

CONSENT AGENDA

a. Approval December 10, 2013 draft Minutes
b. Approval of 2014/2015 Budget Schedule **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Christopher King made a motion to approve the Consent Agenda
Council voted unanimously in favor of the motion

PUBLIC HEARINGS

a. Annexation 139 Lot 2 The Gardens

Ms. DeHart provided an explanation of what an annexation is and the process that is involved. Ms. DeHart then stated 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.

Ms. DeHart stated that 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.

Mayor Alvarez opened and closed public comments as no one had signed up to speak.

David Cohn made a motion to approve extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #139, establishing the effective date of this Annexation to January 15, 2014.
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

b. ZT2013-005 Town Committee Reorganization

Mr. Burhans explained the UDO Text Amendment Process. Mr. Burhans stated that 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.
The Planning Board met on December 17, 2013 to hear the proposed amendment in a public meeting, 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.

Mayor Alvarez opened and closed Public comments as no one signed up to speak.

Mayor Alvarez asked Council to reopen public comments for Mr. Fish - Council agreed.

Roger Fish explained the purpose of having a Tree Committee, the history and importance of our trees and ensuring their protection concluding that the PARC Committee agrees with this request.

Mayor Alvarez again closed the public comments portion of the hearing.

David Cohn made a motion to approve the required findings for ZT2013-005 and Comprehensive Plan Consistency Statement as previously read into the record and found in the Draft Ordinance
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

David Cohn made a motion to approve text amendment ZT2013-005
Council voted unanimously in favor of the motion

BUSINESS ITEMS

None

DISCUSSION ITEMS

a. Discussion on process to fill ABC Board position

Mr. Fivas inquired what is the process Council wants to go through to select the individual, providing what has been accomplished in the past. Stating that if there is a change now would be the time to do so. By consensus Council agreed to continue as has been done previously.

b. Discussion on filling vacant Council seat

Mr. Merritt read the statute and advised there is no prescribed method on how the seat is filled. He provided some history on the last 2 vacancies. Ultimately recommending that Council adopts some procedure and follow that. Council had a lengthy discussion on this topic.

David Cohn made a motion to approve the first runner up from the November elections to be the person that the Council appoints after January 31st.
Motion resulted in a tie:
2 in favor -Chris King and David Cohn
2 Opposed – Gordon Daniels and Gary Savoie
Mayor Alvarez broke the tie in favor of the motion, the motion passed.

c. Discussion on PARTF Grant

Mr. Fivas provided an update on the grant advising it will be on the consent agenda on January 28th, if there are any questions it's imperative that Council ask prior to that meeting because if it doesn't get approved on that date we won't get it in on time to meet the January 31st deadline.

d. Discussion on Representative for Alliance for South Charlotte Communities

Mr. Fivas advised that this is another appointee that the Council can choose to represent Indian Trail. He requested what process Council wants to perform to fill that position.

Mr. Savoie stated this is an important position and recommends opening it up, see what applicants we receive to get the best person sitting there. By consensus Council agreed, and doing it within 30 days maximum 60 days was suggested by Mr. Daniels.

MANAGERS REPORT

None

COUNCIL COMMENTS

Mr. King had no comments.

Mr. Daniels stated that in his opinion the process is what it is. This is tough process to pick a person to fill this seat, but it's an appointment and not an election. The election ended and this is a new process, we have to look at it as such. If we try to take one process and fit it into another process he believes is wrong. If we want to get the best possible person and that person is the person we've been discussing this evening that will become evident.

Mr. Cohn said he believes it was done the right way, the residents spoke and that's the way they wanted it done. To comment that's not the clean way to do it is shocking that an election is not the clean way to do it. Five people interviewing each applicant for 10 minutes and deciding who should be picked is not the clean way to do it; it's the least transparent way to do anything. He knows for a fact that emails are sent influencing people. He believes the people choose who they wanted; he thanked Mr. King and Mayor Alvarez for doing the right thing. He's hopeful that we will do the right thing in February. The people made the decision and we can't be any more transparent than that.

Mayor Alvarez stated that budget season is in full gear, urging Council to have a couple of public hearings. We need to review all policies and charters, close loopholes and bring to modern times, making sure policies are in order and transparent. Couple of items that need to be addressed is Public Comments and Law Enforcement. He will be putting an item on the agenda for the upcoming meetings and feels it's important to have the committees report to Council so we know what they're doing and provide them support, law enforcement as well. On the Tree Committee he likes the idea of adding beautification to their agenda.

Mr. Savoie state that his comments were not against Mr. Cohn, it was about creating a policy to have a guideline to go forward with.

CLOSED SESSION

None

ADJOURN

Christopher King made a motion to adjourn
Council voted unanimously in favor of the motion

APPROVED:

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Michael L. Alvarez, Mayor

Attest:

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Peggy Piontek, Town Clerk

DRAFT

Town of Indian Trail
Minutes of Town Council
Special Meeting
January 29, 2014
Civic Building
08:05 P.M.

DRAFT

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Absent Members: David Waddell

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, and Assistant Director of Parks & Recreation Jason Tryon.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF PARTF GRANT APPLICATION

Christopher King made a motion to approve the PARTF Grant application.
Council voted unanimously in favor of the motion. **(COPY CAN BE FOUND IN THE PARK & RECREATION DEPARTMENT)**

Mayor Alvarez announced that Council Member Waddell was absent from the meeting.

3. APPROVAL OF PARK & RECREATION CAPITAL IMPROVEMENT PLAN

Gordon B. Daniels made a motion to approve the Park & Recreation Capital Improvement Plan.
Council voted unanimously in favor of the motion. **(INFORMATION IS ATTACHED TO THE PARTF GRANT, SEE NOTATION ABOVE)**

APPROVAL OF CROOKED CREEK MASTER PLAN

The Town Council on several occasions has affirmed their consent and approval for the Crooked Creek Master Plan document prepared by Woolpert Inc in 2012. The Town had a substantial public involvement process in the summer/fall of 2012. In preparation for the Town's 2014 PARTF grant application, one of the requests is for the Town's governing body to show support for Master Plan for the park detailed in the PARTF application.

Gary M. Savoie made a motion to approve the Crooked Creek Master Plan.
Council voted unanimously in favor of the motion. **(INFORMATION IS ATTACHED TO THE PARTF GRANT, SEE NOTATION ABOVE)**

Mr. Fivas expressed his appreciation for all who came out for this meeting and advised we have had extremely good feedback from the PARTF Consultant.

DRAFT

ADJOURN

Christopher King made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

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Michael L. Alvarez, Mayor

Attest:

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Peggy Piontek, Town Clerk

DRAFT

Town of Indian Trail
Minutes of Town Council
Special Meeting
February 5, 2014
Indian Trail United Methodist Church
7:00 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt and Communications Coordinator Lindsey Edmunds

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

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

Mayor Alvarez requested Council make a motion to move Item 3, Public Comments, to Item 2 to hear them prior to the Resolution rather than after and Item 2 to Item 3.

Chris King made a motion to approve moving Item 3, Public Comments, to Item 2 and Item 2 to Item 3. Council voted unanimously in favor of the motion.

Paul Frost, a resident of Stallings and recently served as Council Member on Stallings Town Council. He stated that he is against redistricting. He has 4 young children, he feels this redistricting is ill timed and not in the best interest of the students. However he acknowledges there is a problem as the schools are in need of a long term solution but redistricting isn't it, it's a quality of life issue and feels the Resolution should seek an end to redistricting.

Terese Biancardi, Indian Trail stated she moved here from Missouri and the first thing they looked at in North Carolina is the schools for her two kids, a Senior and Seventh Grader in Wedding schools. Ms Biancardi stated that the redistricting was a shock for her family, they moved here six years ago and the neighborhood had just been redistricted. This is the third time that her neighborhood will be redistricted in ten years. She is a former teacher and feels it isn't healthy for kids, it's psychologically detrimental to be unsure of their future, friends, schools, etc. Redistricting affects both the children that are staying and leaving, it's a burden for students that participate in sport; their kids would be a greater distance on busier roads; dangerous to make kids ride on school buses longer. Ms. Biancardi urged Council, as a community to pass the resolution that will help stabilize our community and our children and give them a future that is well deserved, while providing an opportunity for the County Commissioners and School Board to look for long term solution.

Christy Gaines from Providence Hill subdivision stated that she has lived here 18 years, has paid a lot of taxes, has never moved. She has 2 kids; one in Weddington High School and one in Weddington Middle School who are very involved. She feels the redistricting has crushed her family because her children will be leaving kids they've gone to school with for ten years. The bullying has already started, this has torn apart the community, and her neighborhood is landlocked by Mecklenburg County. Twenty Three kids that are affected, 3 of which are in high school and feels it's harder when in high school. Ms. Gaines thanked Council for their time, effort and energy in saying no to this redistricting

Lance Simpson is from the Callenwood Development in Indian Trail. He urged the Town Council to join other communities against redistricting. He moved in 2005 for the schools, the kids attend Weddington schools; they love Weddington schools and Union County for the opportunity and growth. The current redistricting has too many questions and provided statistics pertaining to additional miles they will travel and the dangers that presents. He stated that the Board of Education says that overcrowding is an emergency but he disagrees suggesting that they take the time to use money provided by Board of Commissioners to create long term plan to resolve the problem.

David Drehs, Indian Trail supports Council to pass this resolution. His reasons are different, his son graduated from Sun Valley High School, he is a big proponent of democracy and when you get this many citizens being so active is when it's time for the elected officials to reconsider. He is pleased with comments tonight feels there is a big disconnect between the Board of Education and the citizens they are supposed to service. His son went through redistricting twice, he feels the time to do this is when schools open. Mr. Drehs stated that it's time for the Board of Education and County Commissioners to say that the people don't like it and would be a good thing for communities to not redistrict.

DRAFT

Kielly Fundikum, a resident of Indian Trail stated if you are trying to change something, the community is against it, take that step and pay attention to what they're saying. You may disagree with some of the points, other factors but if the people would prefer something else she feels Council should think of a more collaborative solution.

Council Member Daniels presented the Resolution and explained its intent. He stated that the residents requested we do this and feels it's important to hear their request.
Mayor Alvarez read the Resolution for the audience. Council discussed this matter and unanimously approved the passing of the Resolution. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

APPROVED:

_____
Michael L. Alvarez Mayor

Attest:

_____
Peggy Piontek, Town Clerk

DRAFT

Town of Indian Trail
Minutes of Town Council
Special Meeting
February 14, 2014
Civic Building
08:15 A.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Staff Members: Town Manager Joe Fivas and Town Clerk Peggy Piontek

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

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

BUSINESS ITEMS

a. Approval of the DENR Community Waste Reduction and Recycling Grant

Mr. Fivas provided a brief description of this matter for Council.

David Cohn made a motion to approve the DENR Community Waste Reduction and Recycling Grant Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

b. Approval of Union County Water & Sewer Agreement for Crooked Creek Park

Mr. Fivas provided a brief description of this matter for Council.

Mr. King inquired as a matter of public record, how long did this request take from the County. Mr. Fivas replied that the conversations started in April or May of last year.

David Cohn made a motion to approve the Union County Water & Sewer Agreement for Crooked Creek Park
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

c. Approval of Chestnut Parkway Mitigation Fee

Mr. Fivas provided a brief description of this matter for Council.

David Cohn made a motion to approve the Chestnut Parkway Mitigation Fee
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

d. Approval of Chestnut Parkway Surety Requirement

Mr. Fivas provided a brief description of this matter for Council.

David Cohn made a motion to approve the Chestnut Parkway Surety Requirement
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

e. Approval of updated Capital Improvement Project Ordinance for Chestnut Parkway

Mr. Fivas provided a brief description of this matter for Council.

Christopher King made a motion the updated Capital Improvement Project Ordinance for Chestnut Parkway
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

f. Amendment to the Construction, Engineering & Inspection Services for Unionville-Indian Trail Road Sidewalk Project

Mr. Fivas provided a brief description of this matter for Council.

Christopher King made a motion to approve the amendment to the Construction, Engineering & Inspection Services for Unionville-Indian Trail Road Sidewalk Project
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

g. Approval of updated Capital Improvement Project Ordinance for C-4957 Unionville-Indian Trail Road Sidewalk Project

Mr. Fivas provided a brief description of this matter for Council.

Mayor Alvarez requested Mr. Fivas to state the amount for the record. Mr. Fivas replied, if approved, it would be no higher than $15,000.00

Gary Savoie made a motion to approve the updated Capital Improvement Project Ordinance for C-4957 Unionville-Indian Trail Road Sidewalk Project
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

h. Approval of LGC 203

Mr. Fivas provided a brief description of this matter for Council.

Christopher King made a motion to approve LGC 203
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

CLOSED SESSION

None

ADJOURN

Gary Savoie made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

_____
Michael L. Alvarez, Mayor

Attest: _____
Peggy Piontek, Town Clerk

DRAFT

TO: Mayor and Town Council

FROM: Joe Fivas

CC: Marsha Sutton

DATE: January 28, 2014

SUBJECT: Budget Amendments for January 28th Meeting

Please find attached budget amendments processed through January 22, 2014. Please feel free to call, email, come in or ask any questions you may have regarding these matters.

TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST

DATE 11/13/13

DEPARTMENT

Account Number	*(Transfer In / Out) Type*	*Amount*	Account Name ~~Description~~
10-20-4511-397-000	Trans. out	5,000.00	Contract Services
10-20-4511-397-005	Trans. In	5,000.00	Chestnut Parkway Expenditures
		-	-

EXPLANATION:

Reallocate within Transportation Improvement.

REQUESTED BY:

FINANCE: Marsha D. Sutton

TOWN MANAGER:

For Finance Dept Only:

EFFECTIVE DATE: 11/13/13 JOURNAL NO. ASSIGNED: 392

FISCAL YEAR: 2014 ENTERED: JHB

PERIOD: 5 DATE: 11/13/13

TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST

DATE 11/21/13

DEPARTMENT

Account Number	*(Transfer In / Out) Type*	*Amount*	Account Name ~~*Description*~~
10-40-4920-493-000	Transfer out	3650 00	Community Events
10-40-4920-493-002	Transfer In	3650 00	Christmas Event
		-	-

EXPLANATION:

Reallocate funds within Community and Economic Development Department.

REQUESTED BY: Dept. Head

FINANCE: Marsha D Sutton

TOWN MANAGER:

For Finance Dept Only:

EFFECTIVE DATE: 11/21/13 JOURNAL NO. ASSIGNED: 393

FISCAL YEAR: 2014 ENTERED: JKS

PERIOD: 5 DATE: 11/21/13

TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST

DATE 12/2/13

DEPARTMENT

Account Number	*(Transfer In / Out) Type*	*Amount*	Account Name ~~*Description*~~
10-00-8110-599-001	Trans. out	49,550.00	Wayfinding Program
10-00-9840-980-000	Trans. In	49,550.00	Tranf. to Capital Proj Fund
		-	-

EXPLANATION:

Amendment to capital project budget per ordinance # 18th approved by council 11/12/13

REQUESTED BY:

FINANCE: Marsha S Sutton

TOWN MANAGER:

For Finance Dept Only:

EFFECTIVE DATE: 12/2/13 JOURNAL NO. ASSIGNED: 394

FISCAL YEAR: 2014 ENTERED: Michele Moore

PERIOD: 6 DATE: 12/2/13

TOWN OF INDIAN TRAIL
REVENUE TO BUDGET AMENDMENT REQUEST

DATE 12/2/13

DEPARTMENT

Budget Account Number	*Revenue Account Number*	*Amount*	Account Name ~~*Description*~~
41-00-9840-980-000	41-00-3991-991-000	411,000.00	
Transf. to Chestnut	Fund Bal. Approp.		
Square Cap. Proj	Capital Res. Acct.		
		-	-

EXPLANATION:

Amendment to Chestnut Square budget per capital project ordinance #187 approved by council 11/12/13.

REQUESTED BY:

FINANCE: Marsha S. Sutton

TOWN MANAGER:

For Finance Dept Only:

EFFECTIVE DATE: 12-2-13 JOURNAL NO. ASSIGNED: 395

FISCAL YEAR: 2014 ENTERED: MARSH

PERIOD: 6 DATE: 12-3-13

TOWN OF INDIAN TRAIL
REVENUE TO BUDGET AMENDMENT REQUEST

DATE 12/2/13

DEPARTMENT

Budget Account Number	*Revenue Account Number*	*Amount*	Account Name ~~*Description*~~
43-00-8180-599-012		460,550.00	2012 Chestnut Imp. Const.
	43-00-3981-980-000	49,550.00	Transf. from General Fund
	43-00-3983-980-000	411,000.00	Transf from Debt Serv./ Capital Reserve
		-	-

EXPLANATION:

Amend Chestnut Square budget per capital project ordinance # 187 approved by council 11/12/13

REQUESTED BY:

FINANCE: Marsha S Sutton

TOWN MANAGER:

For Finance Dept Only:

EFFECTIVE DATE: 12-2-13 JOURNAL NO. ASSIGNED: 396

FISCAL YEAR: 2014 ENTERED: MAM

PERIOD: 6 DATE: 12-9-13

TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST

12-10-13

DATE 12/10/13

DEPARTMENT

Account Number	*(Transfer In / Out) Type*	*Amount*	Account Name ~~Description~~	
10-00-8110-590-000	In	24,400.00	Land Purchase	
10-00-4120-391-000	Out	5,000.00	Advertising	Admin
10-00-4120-397-000	Out	6,000.00	Contract Services	Admin
10-00-4210-292-000	Out	3,000.00	Software	GIS/IT
10-00-4210-397-001	Out	1,900.00	Projects & Applications	GIS/IT
10-00-5000-185-000	Out	3,000.00	Unemp. Ins.	HR
10-00-5000-450-000	Out	3,000.00	Insurance & Bonding	HR
10-40-4260-212-000	Out	3,000.00	Public Works Uniforms	PW

EXPLANATION:

Transfer of funds to facilitate purchase of property at 4026 Old Monroe Road, .622 Acres

REQUESTED BY:

FINANCE: Marsha S Sutton

TOWN MANAGER:

For Finance Dept Only:

EFFECTIVE DATE: 12-10-13 JOURNAL NO. ASSIGNED: 397

FISCAL YEAR: 2014 ENTERED: MMM

PERIOD: 6 DATE: 12-11-13

TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST

DATE 1/2/14

DEPARTMENT Various

Account Number	*(Transfer In / Out) Type*	*Amount*	Account Name ~~*Description*~~	
10-00-4120-397-000	In	4100.00	Contract Services	Adm
10-00-4120-260-000	Out	4,100.00	Office Supp. & Materials	
10-00-5000-325-000	In	50.00	Postage	
10-00-5000-343-000	In	50.00	Printer/Copier Usage	HR
10-00-5000-185-000	Out	100.00	Unemp. Insurance	
10-20-4510-396-000	In	750.00		Eng.
10-20-4510-397-000	Out	750.00	Contract Services	
10-40-4910-396-000	In	400.00	Filing Fees	Planning
10-40-4910-491-000	Out	400.00	Dues & Subscriptions	
10-40-4920-315-000	In	100.00	Business Expenses	Comm & Econ Devel
10-40-4920-493-009	In	200.00	Event Expenses	
10-40-4920-397-000	Out	300.00	Contract Services	
10-40-4920-493-006	In	410.00	July 4th Parade	
10-40-4920-493-000	Out	410.00	Community Events	

EXPLANATION:
Reallocate funds within Departments

REQUESTED BY:

FINANCE: Marsha H Sutton

TOWN MANAGER:

For Finance Dept Only:

EFFECTIVE DATE: 1-2-14 JOURNAL NO. ASSIGNED: 398

FISCAL YEAR: 2014 ENTERED: MAM

PERIOD: 7 DATE: 1-2-14

TOWN OF INDIAN TRAIL
REVENUE TO BUDGET AMENDMENT REQUEST

DATE 12/30/13

DEPARTMENT

Budget Account Number	*Revenue Account Number*	*Amount*	Account Name ~~Description~~
10-00-4125-353-000		10,954.58	Vehicle Maintenance
	10-00-3839-890-000	10,954.58	Oth. Misc. Revenue
		-	-

EXPLANATION:

Recognize revenue for Insurance Reimbursement.

REQUESTED BY:

FINANCE: Marsha B. Sutton

TOWN MANAGER:

For Finance Dept Only:

EFFECTIVE DATE: 12/30/13 JOURNAL NO. ASSIGNED: 399

FISCAL YEAR: 2014 ENTERED: MAM

PERIOD: 6 DATE: 1-7-14

TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST

DATE 1/7/14

DEPARTMENT

Account Number	*(Transfer In / Out) Type*	*Amount*	Account Name ~~Description~~
15-20-4512-399-002	Trans. Out	19,975.00	Curb and Gutter
15-20-4512-399-000	Trans. In	19,975.00	Maintenance
		-	-

EXPLANATION:

Reallocate funds within Powell Bill

REQUESTED BY: Dept. Head

FINANCE: Marsha S. Sutton

TOWN MANAGER:

For Finance Dept Only:

EFFECTIVE DATE: 1-7-14 JOURNAL NO. ASSIGNED: 400

FISCAL YEAR: 2014 ENTERED: MAM

PERIOD: 7 DATE: 1-7-14

TO: Mayor and Town Council

FROM: Joe Fivas

DATE: January 28, 2014

SUBJECT: Tax Refunds greater than $500

Please find attached copies of tax refunds greater than $500.00

1. Owens, KL - $550.60 refunded to mortgage company as taxes were previously paid by attorney.
2. Sunbelt Rentals - $5637.47 refunded to taxpayer. Union County taxes were incorrectly included in payment.
3. Millendorf, Jack - $552.60 refunded to mortgage company as taxes were previously paid by attorney.
4. Powell, Michael - $557.89 refunded to mortgage company as taxes were previously paid by the mortgage company.
5. Brucia, Flavia - $570.62 $557.89 refunded to mortgage company as taxes were previously paid by the mortgage company.
6. Waste Pro - $1302.60 refunded to taxpayer as they are not the property owner.
7. Casper, David - $1170.94 refunded to taxpayer as taxes were previously paid by attorney.
8. Qin, Wenlong - $546.77 refunded to taxpayer as taxes were previously paid by attorney.
9. Harrell, Dean - $2716.63 refunded to taxpayer as taxes were previously paid by attorney.
10. Old Monroe Development - $581.44 refunded to taxpayer as taxes were previously paid by attorney.
11. Centex Homes - $505.20 refunded to mortgage company as taxes were previously paid by attorney.
12. FS Development - $753.98 refunded to taxpayer as payment was for incorrect parcel.

If you need any clarification on any of these items, please feel free to contact Marsha Sutton at (704) 821-5401.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A--31

WHEREAS, petition requesting a contiguous annexation (Annexation #140) of an area described in said petition (07-117-11A) was received on the11th day of March, 2014, by the Town Council; and

WHEREAS, N.C.G.S. Chapter 160A, Article 4A, Parts 1 and 4 provide that the sufficiency of the petition shall be investigated by the Town Clerk of the Town of Indian Trail, North Carolina before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Indian Trail, North Carolina deems it advisable to proceed in response to this request for annexation;

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

> The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of the investigation.

_____
Michael Alvarez, Mayor

ATTEST:

_____
Peggy Piontek, Town Clerk

Planning& Neighborhood Services
PO Box 2430
Indian Trail, NC 28079
Telephone (704) 825-5401
Fax (704) 821-9045

PETITION TO REQUEST A CONTIGUOUS ANNEXATION

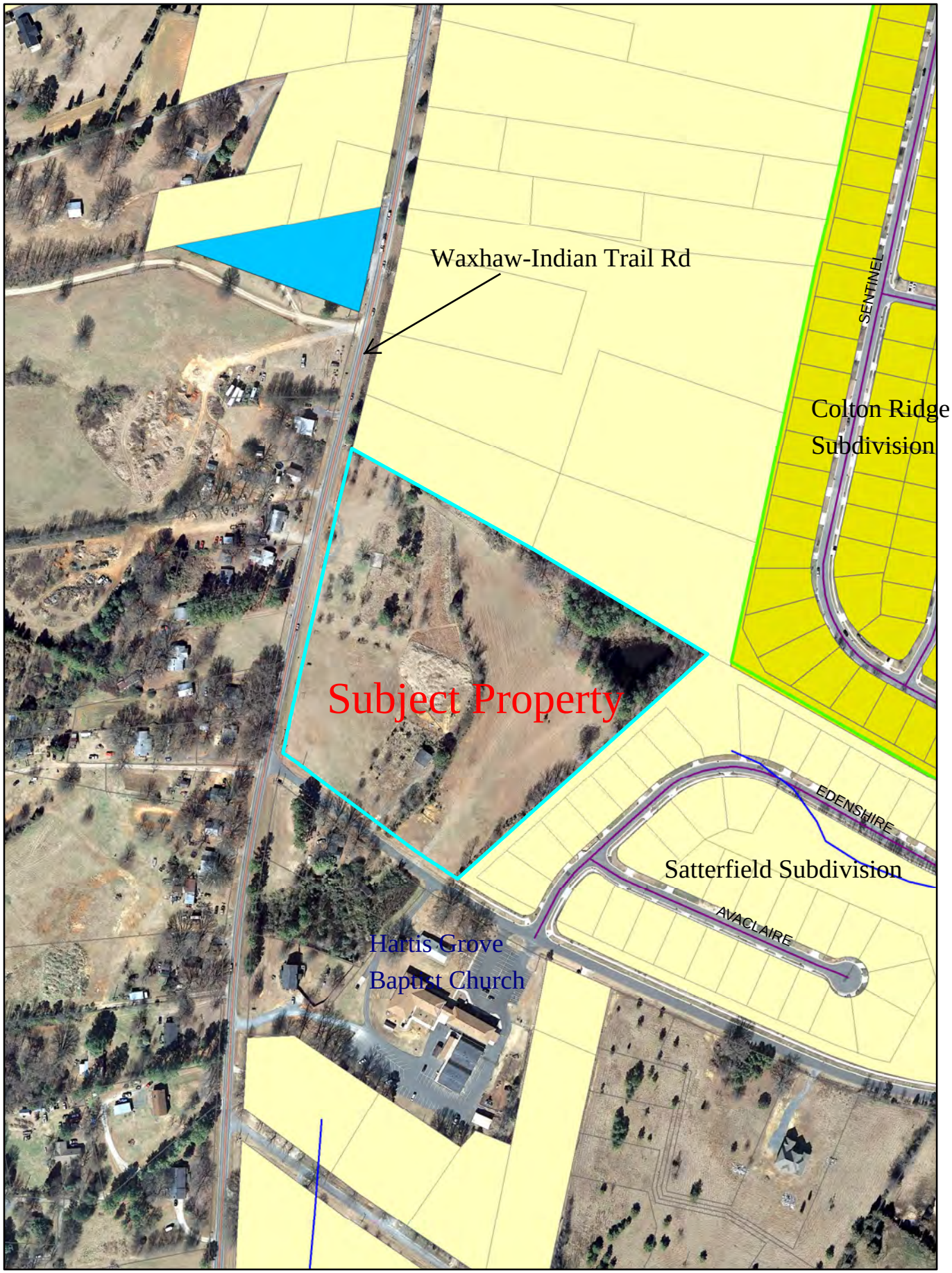
To the Town Council of the Town of Indian Trail, North Carolina:

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 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)

NAME	ADDRESS	SIGNATURE
Hartis Grove Baptist Church of Union County North Carolina	2419 Waxhaw-Indian Trail Road Indian Trail, NC 28079	Eddie Morgan: Chairman of the Deacons



Annexation Petition #140 Area Map

CERTIFICATE OF SUFFICIENCY
ANNEXATION PETITION #140 FOR PARCEL 07-117-11A

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

I, Peggy S. Piontek, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Indian Trail, North Carolina, this the 11th day of March, 2014.

_____
Peggy S. Piontek, Town Clerk

Planning& Neighborhood Services
PO Box 2430
Indian Trail, NC 28079
Telephone (704) 825-5401
Fax (704) 821-9045

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NAME	ADDRESS	SIGNATURE
Hartis Grove Baptist Church of Union County North Carolina	2419 Waxhaw-Indian Trail Road Indian Trail, NC 28079	Eddie Morgan: Chairman of the Deacons

FILED
UNION COUNTY
CRYSTAL CRUMP
REGISTER OF DEEDS

FILED	Dec 21, 2007
AT	05:08 pm
BOOK	04769
START PAGE	0758
END PAGE	0761
INSTRUMENT #	55085
EXCISE TAX	$1,320.00

CDC

Union County 12-21-2007
NORTH CAROLINA
Excise Tax $1,320.00

Excise Tax $1,320.00 Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. **07-117-11A**

Verified by **UNION** County on the _____ day of _____, **2007**

by _____

NCA549086/CHA

Mail after recording to **HARTIS GROVE BAPTIST CHURCH OF UNION COUNTY, NORTH CAROLINA**

4224 BLANCHARD CIRCLE, INDIAN TRAIL, NC 28079

This instrument was prepared by **JARVIS LAW GROUP, PLLC**

Brief description for the Index **METES AND BOUNDS**

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this **21ST** day of **DECEMBER**, **2007**, by and between

GRANTOR	GRANTEE
DIMITRIOS P HONDROS BY HIS ATTORNEY IN FACT KONSTANTINA HONDROS, AND WIFE, **KONSTANTINA HONDROS,** **AND** **DEMETRE KOURAKOS AND WIFE,** **DIMITRA KOURAKOS,** **AND** **ANDRIGOULA FOTINI HONDROS, UNMARRIED,** **AND** **SOFIA J. HONDROS, UNMARRIED,**	**HARTIS GROVE BAPTIST CHURCH OF UNION COUNTY, NORTH CAROLINA** **PROPERTY ADDRESS:** **2419 WAXHAW INDIAN TRAIL ROAD** **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 City of **INDIAN TRAIL**, _____ Township, **UNION** County, North Carolina, and more particularly described as follows:

SEE ATTACHED EXHIBIT B FOR LEGAL DESCRIPTION

Together with and subject to any and all covenants, conditions, restrictions, reservations, easements and rights-of-way of public record.

The property hereinabove described was acquired by Grantor by instrument recorded in BOOK 4761 PAGE 726

A map showing the above described property is recorded in Plat Book N/A page N/A.

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 is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

APPLICABLE ZONING; ANY EASEMENTS AND RIGHTS OF WAY FOR SERVICE LINES, ROADS AND UTILITIES AS MAY BORDER OR CROSS THE PROPERTY, INCLUDING THE SUBDIVISION STREETS AS SHOWN ON RECORDED PLAT; ANY EASEMENTS RESERVED IN THE RESTRICTIVE COVENANTS, INCLUDING HOMEOWNERS ASSOCIATION PROVISIONS; APPLICABLE RESTRICTIVE COVENANTS OF RECORD AND STREET ASSESSMENTS; 2007 REAL PROPERTY TAXES; SUBJECT TO MATTERS THAT COULD BE REVEALED BY AN ACCURATE AND CURRENT PHYSICAL SURVEY AND BOUNDARY SURVEY OF THE PROPERTY.

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.

(Entity Name)

By:

ITS

Konstantina Hondros (SEAL)
KONSTANTINA HONDROS

Andrigoula Fotini Hondros (SEAL)
ANDRIGOULA FOTINI HONDROS

(SEAL)
DEMETRE KOURAKOS

Dimitra Kourakos (SEAL)
DIMITRA KOURAKOS

Sofia Hondros (SEAL)
SOFIA J. HONDROS

Dimitrios P. Hondros by Konstantina Hondros, Attorney in Face
DIMITRIOS P. HONDROS BY KONSTANTINA HONDROS, ATTORNEY IN FACT (SEAL)

USE BLACK INK ONLY

SEAL-STAMP

DEANNA L. HICKS
NOTARY PUBLIC
Gaston County, North Carolina
My Commission Expires 8/20/2011

Use Black Ink

NORTH CAROLINA, Mecklenburg County.

I, a Notary Public of the County and State aforesaid, certify that KONSTANTINA HONDROS, ANDRIGOULA FOTINI HONDROS, DEMETRE KOURAKOS, DIMITRA KOURAKOS, AND SOFIA J. JONDROS personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 21st day of December, 2007.

My commission expires: 8-20-11 Deanna L. Hicks Notary Public

SEE EXHIBIT A FOR ATTORNEY IN FACT NOTARY ACKNOWLEDGEMENT

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 UNION COUNTY

By Deputy/Assistant – Register of Deeds

EXHIBIT A

North Carolina
Mecklenburg County

I, Deanna L. Hicks, a Notary Public for said County and State, do hereby certify that Konstantina Hondros, attorney in fact for Dimitrios P. Hondros personally appeared before me this day, and being duly sworn by me, says that (s)he executed the foregoing and annexed instrument for and in behalf of the said Dimitrios P. Hondros and that the authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Public Registry in the County of Union, State of North Carolina, in Book _____ at Page _____, and that this instrument was executed under and by virtue of the authority given by said instrument granting the power of attorney.

I do further certify that the said Konstantina Hondros acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Dimitrios P. Hondros.

Witness my hand and official seal, this 21st day of December, 2007.

My commission expires:
8-20-11

Deanna L. Hicks
Notary Public

(Seal)

DEANNA L. HICKS
NOTARY PUBLIC
Gaston County, North Carolina
My Commission Expires 8/20/2011

EXHIBIT B

BEGINNING at a PK nail found at the intersection of the centerline of Blanchard Circle (S.R. # 1360) and the centerline of Waxhaw-Indian Trail Road (S.R. # 1008), and from said POINT AND PLACE OF BEGINNING, thence following the centerline of Waxhaw-Indian Trail Road for the following three courses and distances: (1st) North 14-58-37 East 441.36 feet to a point; (2nd) North 15-40-59 East 184.18 feet to a point; and (3rd) North 16-26-45 East 66.87 feet to a point; thence South 58-51-38 East 933.75 feet, passing an axle found at 32.21 feet, to an axles found in the Southwestern line of the now or former James H. Shelby, Jr. and wife Patricia Shelby Property (Deed Book 407, Page 697, Union County Registry); thence South 50-26-15 West 775.50 feet, along the Northwestern line of the now or former 25' Common Area of Satterfield Subdivision (Plat Cabinet I, File 960, Union County Registry), to a point in the centerline of Blanchard Circle, passing an iron set at 744.33 feet; thence along the centerline of Blanchard Circle for the following three courses and distances: (1st) North 53-15-09 West 65.93 feet to a point; (2nd) North 51-15-24 West 102.82 feet to a point; and (3rd) North 50-44-51 West 324.28 feet to the POINT AND PLACE OF BEGINNING, containing 11.47 acres, more or less, as shown on the boundary and physical survey of "11.47 Acres, Intersection of Waxhaw-Indian Trail Road & Blanchard Circle" prepared by Walter Gordon and Associates for Demetre Kourakos et al., dated August 6, 2007, and certified on August 8, 2007 by Walter L. Gordon, N.C.P.L.S. (L-1372).

12-13-13 P02:37 IM

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION # 140 for Parcel #07-117-11A PURSUANT TO G.S. 160A-31

WHEREAS, petition requesting annexation of the areas described herein have been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town of Indian Trail Civic Building at 6:30 P.M. on the 22nd day of April, 2014.

Section 2. The area proposed for annexation is described as follows:

BEGINNING at a PK nail found at the intersection of the centerline of Blanchard Circle (S.R. # 1360) and the centerline of Waxhaw-Indian Trail Road (S.R. # 1008), and from said POINT AND PLACE OF BEGINNING, thence following the centerline of Waxhaw-Indian Trail Road for the following three courses and distances: (1st) North 14-58-37 East 441.36 feet to a point; (2nd) North 15-40-59 East 184.18 feet to a point; and (3rd) North 16-26-45 East 66.87 feet to a point; thence South 58-51-38 East 933.75 feet, passing an axle found at 32.21 feet, to an axles found in the Southwestern line of the now or former James H. Shelby, Jr. and wife Patricia Shelby Property (Deed Book 407, Page 697, Union County Registry); thence South 50-26-15 West 775.50 feet, along the Northwestern line of the now or former 25' Common Area of Satterfield Subdivision (Plat Cabinet I, File 960, Union County Registry), to a point in the centerline of Blanchard Circle, passing an iron set at 744.33 feet; thence along the centerline of Blanchard Circle for the following three courses and distances: (1st) North 53-15-09 West 65.93 feet to a point; (2nd) North 51-15-24 West 102.82 feet to a point; and (3rd) North 50-44-51 West 324.28 feet to the POINT AND PLACE OF BEGINNING, containing 11.47 acres, more or less, as shown on the boundary and physical survey of "11.47 Acres, Intersection of Waxhaw-Indian Trail Road & Blanchard Circle" prepared by Walter Gordon and Associates for Demetre Kourakos et al., dated August 6, 2007, and certified on August 8, 2007 by Walter L. Gordon, N.C.P.L.S. (L-1372).

Section 3. Notice of the public hearing shall be published in a newspaper having general circulation in the Town of Indian Trail, North Carolina, at least ten (10) days prior to the date of the public hearing.

_____
Michael L. Alvarez, Mayor

ATTEST:

_____
Peggy Piontek, Town Clerk

INDIAN TRAIL
north carolina

TO: Mayor and Town Council

FROM: Janice Cook

DATE: March 11, 2014

SUBJECT: Request for Release of Interest

Each year Union County gives the tax bill information to the printer for each municipality. The bills are verified by each town for accuracy. The printer mails the tax bills to the taxpayer for the town.

The mailing address was incorrect on the parcels 07039066 and 07057184 owned by Kimberly Matthews, which resulted in interest being charged to the accounts. Town staff is recommending releasing the interest from the accounts due to clerical error.

The amount of interest to be released is $13.18.

§ 105-381. Taxpayer's remedies.

(a) Statement of Defense. - Any taxpayer asserting a valid defense to the enforcement of the collection of a tax assessed upon his property shall proceed as hereinafter provided.

(1) For the purpose of this subsection, a valid defense shall include the following:

a. A tax imposed through clerical error;

b. An illegal tax;

c. A tax levied for an illegal purpose.

(2) If a tax has not been paid, the taxpayer may make a demand for the release of the tax claim by submitting to the governing body of the taxing unit a written statement of his defense to payment or enforcement of the tax and a request for release of the tax at any time prior to payment of the tax.

(3) If a tax has been paid, the taxpayer, at any time within five years after said tax first became due or within six months from the date of payment of such tax, whichever is the later date, may make a demand for a refund of the tax paid by submitting to the governing body of the taxing unit a written statement of his defense and a request for refund thereof.

(b) Action of Governing Body. - Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct tax liability or notify the taxpayer in writing that no release or refund will be made. The governing body may, by resolution, delegate its authority to determine requests for a release or refund of tax of less than one hundred dollars ($100.00) to the finance officer, manager, or attorney of the taxing unit. A finance officer, manager, or attorney to whom this authority is delegated shall monthly report to the governing body the actions taken by him on requests for release or refund. All actions taken by the governing body or finance officer, manager, or attorney on requests for release or refund shall be recorded in the minutes of the governing body. If a release is granted or refund made, the tax collector shall be credited with the amount released or refunded in his annual settlement.

(c) Suit for Recovery of Property Taxes. -

(1) Request for Release before Payment. - If within 90 days after receiving a taxpayer's request for release of an unpaid tax claim under (a) above, the governing body of the taxing unit has failed to grant the release, has notified the taxpayer that no release will be granted, or has taken no action on the request, the taxpayer shall pay the tax. He may then within three years from the date of payment bring a civil action against the taxing unit for the amount claimed.

(2) Request for Refund. - If within 90 days after receiving a taxpayer's request for refund under (a) above, the governing body has failed to refund the full amount requested by the taxpayer, has notified the taxpayer that no refund will be made, or has taken no action on the request, the taxpayer may bring a civil action against the taxing unit for the amount claimed. Such action may be brought at any time within three years from the expiration of the period in which the governing body is required to act.

(d) Civil Actions. - Civil actions brought pursuant to subsection (c) above shall be brought in the appropriate division of the general court of justice of the county in which the taxing unit is located. If, upon the trial, it is determined that the tax or any part of it was illegal or levied for an illegal purpose, or excessive as the result of a clerical error, judgment shall be rendered therefor with interest thereon at six percent (6%) per annum, plus costs, and the judgment shall be collected as in other civil actions. (1901, c. 558, s. 30; Rev., s. 2855; C. S., s. 7979; 1971, c. 806, s. 1; 1973, c. 564, s. 3; 1977, c. 946, s. 2; 1985, c. 150, s. 1; 1987, c. 127.)

INDIAN TRAIL
north carolina

TO: Mayor and Town Council

FROM: Janice Cook

DATE: March 11, 2014

SUBJECT: Order to Advertise Delinquent Real Estate for 2013

According to G.S. 105-369 upon receipt of the delinquent report, the governing body must order the tax collector to advertise the tax liens.

§ 105-369. Advertisement of tax liens on real property for failure to pay taxes.

(a) Report of Unpaid Taxes That Are Liens on Real Property. - In February of each year, the tax collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property. A county tax collector's report is due the first Monday in February, and a municipal tax collector's report is due the second Monday in February. Upon receipt of the report, the governing body must order the tax collector to advertise the tax liens. For purposes of this section, district taxes collected by county tax collectors shall be regarded as county taxes and district taxes collected by municipal tax collectors shall be regarded as municipal taxes.

(b) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1013.

(b1) Notice to Owner. - After the governing body orders the tax collector to advertise the tax liens, the tax collector must send a notice to the record owner of each affected parcel of property, as determined as of the date the taxes became delinquent. The notice must be sent to the owner's last known address by first-class mail at least 30 days before the date the advertisement is to be published. The notice must state the principal amount of unpaid taxes that are a lien on the parcel to be advertised and inform the owner that the name of the record owner as of the date the taxes became delinquent will appear in a newspaper advertisement of delinquent taxes if the taxes are not paid before the publication date. Failure to mail the notice required by this section to the correct record owner does not affect the validity of the tax lien or of any foreclosure action.

(c) Time and Contents of Advertisement. - A tax collector's failure to comply with this subsection does not affect the validity of the taxes or tax liens. The county tax collector shall advertise county tax liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. The municipal tax collector shall advertise municipal tax liens by posting a notice of the liens at the city or town hall and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. Advertisements of tax liens shall be made during the period March 1 through June 30. The costs of newspaper advertising shall be paid by the taxing unit. If the taxes of two or more taxing units are collected by the same tax collector, the tax liens of each unit shall be advertised separately unless, under the provisions of a special act or contractual agreement between the taxing units, joint advertisement is permitted.

The posted notice and newspaper advertisement shall set forth the following information:

(1) Repealed by Session Laws 2006-106, s. 2, effective for taxes imposed for taxable years beginning on or after July 1, 2006.

(1a) The name of the record owner as of the date the taxes became delinquent for each parcel on which the taxing unit has a lien for unpaid taxes, in alphabetical order.

(1b) After the information required by subdivision (1a) of this subsection for each parcel, a brief description of each parcel of land to which a lien has attached and a statement of the principal amount of the taxes constituting a lien against the parcel.

(2) A statement that the amounts advertised will be increased by interest and costs and that the omission of interest and costs from the amounts advertised will not constitute waiver of the taxing unit's claim for those items.

(3) In the event the list of tax liens has been divided for purposes of advertisement in more than one newspaper, a statement of the names of all newspapers in which advertisements will appear and the dates on which they will be published.

(4) A statement that the taxing unit may foreclose the tax liens and sell the real property subject to the liens in satisfaction of its claim for taxes.

(d) Costs. - Each parcel of real property advertised pursuant to this section shall be assessed an advertising fee to cover the actual cost of the advertisement. Actual advertising costs per parcel shall be determined by the tax collector on any reasonable basis. Advertising costs assessed pursuant to this subsection are taxes.

(e) Payments during Advertising Period. - At any time during the advertisement period, any parcel may be withdrawn from the list by payment of the taxes plus interest that has accrued to the time of payment and a proportionate part of the advertising fee to be determined by the tax collector. Thereafter, the tax collector shall delete that parcel from any subsequent advertisement, but the tax collector is not liable for failure to make the deletion.

(f) Listing and Advertising in Wrong Name. - No tax lien is void because the real property to which the lien attached was listed or advertised in the name of a person other than the person in whose name the property should have been listed for taxation if the property was in other respects correctly described on the abstract or in the advertisement.

(g) Wrongful Advertisement. - Any tax collector or deputy tax collector who willfully advertises any tax lien knowing that the property is not subject to taxation or that the taxes advertised have been paid is guilty of a Class 3 misdemeanor, and shall be required to pay the injured party all damages sustained in consequence. (1939, c. 310, s. 1715; 1955, c. 993; 1971, c. 806, s. 1; 1983, c. 808, s. 1; 1983 (Reg. Sess., 1984), c. 1013; 1993, c. 539, s. 725; 1994, Ex. Sess., c. 24, s. 14(c); 1999-439, s. 1; 2000-140, s. 73; 2006-106, s. 2.)

TO: Mayor and Town Council

FROM: Joe Fivas

CC: Marsha Sutton

DATE: March 11, 2014

SUBJECT: Additional Signatories on Town Bank Accounts

As required by the Local Government Budget and Fiscal Control Act Section 159-24(b) "Except as otherwise provided by law, all checks or drafts on an official depository shall be signed by the finance officer or a properly designated deputy finance officer …"

The Town would like to recommend the following additions to the Deputy Finance Officers designation:

Carey Warner – Human Resources Manager
Shelley DeHart – Director of Planning

TO: Mayor and Town Council

FROM: Joe Fivas

DATE: March 11, 2014

SUBJECT: Request for removal of Public Safety Committee Member

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At the last Public Safety Advisory Committee meeting, the Committee requested that Council approve the removed of Joseph Carteret for lack of attendance.

TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: March 11, 2014

SUBJECT: Extension of Application Process for ABC Board

In January, the Town requested ABC Board applications for the upcoming open Board position. The ABC Board has requested to extend the application process to allow for additional applicants to apply. Staff is recommending extending the application deadline to April 30th, 2014. If approved, staff will reopen our process and accept new applications until April 30th. The Council would then interview the new candidates in May/June.

Town of Indian Trail

Memo

TO: Mayor & Town Council

FROM: Joe Fivas, Town Manager

DATE: **March 11, 2014**

SUBJECT: Renewal of Deer Urban Archery 2015 Season

Indian Trail has participated in the Urban Archery Season for the past several years by Council approval. If approved we will submit the application for processing.

JAF

North Carolina Wildlife Resources Commission

Gordon S. Myers, Executive Director

Deer Urban Archery Season Renewal Form

Name of Municipality_____

County_____

Participation in the 2015 Season (dates are Jan. 10 to Feb. 14) yes no

It is Wildlife Management policy to provide a complete list of participating municipalities to the hunting public in the *Regulations Digest*.

Please indicate a phone number and/or Internet address for listing in the *2014-2015 Inland Fishing, Hunting and Trapping Regulations Digest:*
Phone _____
Internet address _____

Are there any changes to the map submitted with your participation letter? yes no
If yes, please attach new map to this form.

Signature of Municipality Representative_____

Thank you for your interest in the management of our state's wildlife resources. Please complete and return this form to: Division of Wildlife Management, 1722 Mail Service Center, Raleigh, N.C. 27699-1722 by **April 11, 2014**.

David T. Cobb, Ph.D., Chief
Division of Wildlife Management
(919) 707-0050

Mailing Address: Division of Wildlife Management • 1722 Mail Service Center, Raleigh, NC 27699-1722
Phone: (919) 707-0050 • Fax: (919) 707-0067

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

Planning Board Transmittal for the February 11, 2014 Town Council Public Hearing

Case: ZT 2014-001 Flood Damage Reduction Ordinance Amendment			
Reference Name	**General Housekeeping Amendment of Chapter 1360**		
Planning Board Meeting Date	November 19, 2013		
Members Present	Chair Cowan ☒	Jan Brown ☐	Vice Chair Larry Miller ☒
	Cathi Higgins ☒	Kelly D' Onofrio ☐	Robert Rollins ☒
	Alan Rosenberg ☐	Cheryl Mimy ☒ Alternate 1	Steve Long ☒ Alternate 2
	Sidney Sandy ☐ Alternate 3		
Case Found Complete	Yes ☒	No ☐	
Motion	Recommend approval to Town Council with modification		
Member Making the Motion	Chair Patti Cowan		
Second the Motion	Boardmember Chip Long		
Vote	All seated members voted in favor of the Motion		

Purpose of the Amendment: This is a request to amend Chapter 1360 – Flood Damage Reduction Ordinance per the request of the State based on their review of recent amendments.

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 Town Council recently approved a text amendment of Chapter 1360-Flood Damage Reduction Ordinance (ZT2013-003) which provided new references to newly adopted FIS and DFIRM within this Chapter in December 2013. The State has completed its review of our Ordinance and has requested some very small modifications.

Planning Board
The Planning Board met on January 21, 2014 to hear the proposed amendment in a public meeting. The Board had questions regarding an acronym-DFIRM within the proposed amendment. This acronym means – Digital Flood Insurance Rate Map. The Board then made the following findings with a suggested modification to add this acronym to the glossary portion of the ordinance and unanimously voted to transmit a recommendation to approve:

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

   Utilities - because it will update our local regulations consistent with the requirements of the State thus improving regulations with the intent of protecting life and property as it relates to the Special Flood Hazard Areas 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 consistent with the State upholding the Town's Flood Insurance Program for its residents.

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
Shelley DeHart, AICP
srd@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
Fax (704) 821-9045

PLANNING AND NEIGHBORHOOD SERVICES

Zoning Staff Report

Case: ZT 2014-001Amendment of UDO Related to Flood Damage Reduction		
Reference Name	General Housekeeping of Chapter 1360	
Applicant	Town of Indian Trail	
Submittal Date	January 2, 2014	
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 Chapter 1360 – Flood Damage Reduction Ordinance per the request of the State based on their review of recent amendments.

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

Analysis
The Town Council recently approved a text amendment of Chapter 1360-Flood Damage Reduction Ordinance (ZT2013-003) which provided new references to newly adopted FIS and DFIRM within this Chapter in December 2013. The State has completed its review of our Ordinance and has requested some very small modifications.

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 of the Comprehensive Plan:

   Utilities - because it will update our local regulations consistent with the requirements of the State thus improving regulations with the intent of protecting life and property as it relates to the Special Flood Hazard Areas 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 consistent with the State upholding the Town's Flood Insurance Program for its residents.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment as presented to the Town Council.

Staff Contact
Shelley DeHart, AICP
Director of Planning
srd@planning.indiantrail.org

Attachment 1: Draft Ordinance – See TC Attachment 2

TC Attachment 2- Draft Ordinance

DRAFT

STATE OF NORTH CAROLINA)
) **ORDINANCE #**
TOWN OF INDIAN TRAIL)

AN ORDINANCE AMENDING CHAPTER 1360 FLOOD DAMAGE REDUCTION ORDINANCE OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO SPECIAL FLOOD HAZARD AREA REQUIREMENTS IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2014-001 requesting to amend Chapter 1360 – Flood Damage Reduction of the UDO to update language requested by the State within the Chapter; and

WHEREAS, this Zoning Amendment (ZT 2014-001) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on January 21, 2014 in a public meeting; and

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

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

   Utilities - because it will update our local regulations consistent with the requirements of the State thus improving regulations with the intent of protecting life and property as it relates to the Special Flood Hazard Areas 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 consistent with the State upholding the Town's Flood Insurance Program for its residents.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on March 11, 2014, and after receiving the transmittal, public comment, and deliberation, concurs with the required findings and amendment recommendation as transmitted by the Planning Board.

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

Section 1 – UDO CHAPTER 1360 is hereby amended as shown in Exhibit A of this Ordinance;

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

SO ORDAINED THIS 11TH DAY OF March, 2014.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

_____
Peggy Piontek, Town Clerk

Chapter 1360. Flood Damage Reduction Ordinance

1360.010 Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. Consistent with the requirements and standards of the North Carolina General Statutes the Town Council of Indian Trail, North Carolina has adopted the following standards in order to reduce property loss and damage associated with flooding. A complete Table of Contents for this Chapter is provided in Appendix 3 of this UDO.

1360.020 Purpose

A. The Special Flood Hazard Area (SFHA) of the Town is subject to periodic inundation that could result in loss of life and property, hazards to public health and safety, disruption of commerce and governmental services, damage to and disruption of public utilities, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These losses and hazards are caused by the cumulative effect of obstructions in SFHAs, which increase flood heights and velocities, and by the occupancy in flood-prone areas by uses that are vulnerable to floods, or hazardous to other properties, because they are inadequately elevated, flood proofed, or otherwise protected from flood damages. Therefore, the regulations set forth in this section are designed to:

1. restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
2. require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. control the alteration of natural SFHAs, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. prevent or control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

B. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the SFHA will be free from flooding or flood damages. Neither shall this section create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

1360.030 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

1. *Accessory structure* (appurtenant structure) means a structure located on the same parcel of property as the principal Structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory Structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

2. *Addition* (to an existing building) means an extension or increase in the floor area or height of a building or structure.

3. *Appeal* means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

4. *Area of shallow flooding* means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

5. *Areas of Special Flood Hazard* see *special flood hazard area* (SFHA).

6. *Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

7. *Base Flood* means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

8. *Base Flood Elevation (BFE)* means a determination of the water surface elevations of the base flood as published in the *flood insurance study*. When the BFE has not been provided in a *SFHA*, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the *freeboard*, establishes the *regulatory flood protection elevation*.

9. *Buildings* see *structure*.

10. *Chemical storage facility* means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

11. *Development* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

~~11.~~12. *DFIRM* means digital flood insurance rate map

~~12.~~13. *Disposal* means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

~~13.~~14. *Elevated building* means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

~~14.~~15. *Encroachment* means the advance or infringement of uses, fill, excavation, buildings, Structures or development into a SFHA, which may impede or alter the flow capacity of a SFHA. Building renovations contained within the existing building footprint area are not considered an encroachment.

~~15.~~16. *Existing manufactured home park or manufactured home subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

~~16.~~17. *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

a. the overflow of inland or tidal waters; and/or

b. the unusual and rapid accumulation of runoff of surface waters from any source.

~~17.~~18. *Flood boundary and floodway map* (FBFM) means an official map of a community, issued by the Federal Emergency Management Agency, on which the SFHAs and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the *flood insurance rate map* (FIRM).

~~18.~~19. *Flood hazard boundary map* (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the SFHAs have been defined as Zone A.

~~19.~~20. *Flood insurance* means the insurance coverage provided under the National Flood Insurance Program.

~~20.~~21. *Flood Insurance Rate Map (FIRM)* means an official map of a community, issued by the Federal Emergency Management Agency, on which both the SFHAs and the risk premium zones applicable to the community are delineated.

~~21.~~22. *Flood insurance study (FIS)* means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The flood insurance study report includes *flood insurance rate maps* (FIRMs) and *flood boundary and floodway maps* (FBFMs), if published.

~~22.~~23. *Flood prone area* see *floodplain.*

~~23.~~24. *Floodplain* means any land area susceptible to being inundated by water from any source.

~~24.~~25. *Floodplain administrator* is the individual appointed to administer and enforce the floodplain management regulations. For the purposes of this ordinance, *floodplain administrator* is synonymous with *storm water administrator*.

~~25.~~26. *Floodplain development permit* means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

~~26.~~27. *Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the SFHAs, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

~~27.~~28. *Floodplain management regulations* means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

~~28.~~29. *Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to Structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

~~29.~~30. *Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

~~30.~~31. *Flood zone* means a geographical area shown on a *flood hazard boundary map* or *flood insurance rate map* that reflects the severity or type of flooding in the area.

~~31.~~32. *Freeboard* means the height added to the *base flood elevation* (BFE) to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and *floodway* conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The *base flood elevation* plus the *freeboard* establishes the *regulatory flood protection elevation*.

~~32.~~33. *Hazardous waste management facility* means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

~~33.~~34. *Highest adjacent grade (HAG)* means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the *structure*.

~~34.~~35. *Historic structure* means any *structure* that is:

a. listed individually in the National Register of Historic Places (a listing maintained by the US Department Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

b. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

d. certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program". Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

~~35.~~36. *Lowest adjacent grade (LAG)* means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

~~36.~~37. *Lowest floor* means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's *lowest floor* provided that such an enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements of this ordinance.

~~37.~~38. *Manufactured home* means a *structure*, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term m*anufactured home* does not include a *recreational vehicle.*

~~38.~~39. *Manufactured Home Park or Subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~39.~~40. *Market value* means the building value, not including the land value and that of any accessory Structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.

~~40.~~41. *Mean Sea Level* means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the SFHAs, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

~~41.~~42. *New Construction* means *structures* for which the *start of construction* commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such *structures*.

~~42.~~43. *Non-Encroachment Area* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

~~43.~~44. *Post-FIRM* means construction or other development for which the *start of construction* occurred on or after the effective date of the initial *flood insurance rate map*.

~~44.~~45. *Pre-FIRM* means construction or other development for which the *start of construction* occurred before the effective date of the initial *flood insurance rate map*.

~~45.~~46. *Principally Above Ground* means that at least 51% of the actual cash value of the *structure* is above ground.

~~46.~~47. *Public safety and/or nuisance* means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

~~47.~~48. *Recreational vehicle (RV)* means a vehicle, which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection;

c. designed to be self-propelled or permanently towable by a light duty truck; and

d. designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~48.~~49. *Reference level* is the bottom of the lowest horizontal structural member of the *lowest floor* for *structures* within all *SFHAs*. Reference level also defined as the bottom of the lowest horizontal structural member of the lowest floor for structures within all *SFHAs*.

~~49.~~50. *Regulatory flood protection elevation* means the *base flood elevation* plus the f*reeboard*. In *SFHAs* where *base flood elevations* (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In *SFHAs* where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

~~50.~~51. *Remedy a violation* means to bring the *structure* or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the Structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the *structure* or other development.

~~51.~~52. *Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

~~52.~~53. *Salvage yard* means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

~~53.~~54. *Solid waste disposal facility* means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a) (35).

~~54.~~55. *Solid waste disposal site* means, as defined in NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

~~55.~~56. *Special flood hazard area (SFHA)* means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 1360.040B of this ordinance. Riverine SFHAs are shown on new format FIRMs as Zones A, AE, AH, AO, AR, and A99. Older FIRMs may have numbered A Zones (A1-A30).

~~56.~~57. *Start of Construction* includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

~~57.~~58. *Storm Water Administrator* is the individual appointed by the Town Manager to administer and enforce the floodplain management regulations and the Post-Construction Storm Water Ordinance in the Town of Indian Trail.

~~58.~~59. *Structure* means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

~~59.~~60. *Substantial damage* means damage of any origin sustained by a *structure* during any one-year period whereby the cost of restoring the *structure* to it's before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred. See definition of *substantial improvement*.

~~60.~~61. *Substantial improvement* means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a Structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the *structure* before the *start of construction* of the improvement. This term includes *structures* which have incurred *substantial damage*, regardless of the actual repair work performed. The term does not, however, include either:

a. any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. any alteration of a *historic structure* provided that the alteration will not preclude the structure's continued designation as a *historic structure*.

~~61.~~62. *Variance* is a grant of relief from the requirements of this ordinance.

~~62.~~63. *Violation* means the failure of a Structure or other development to be fully compliant with the community's floodplain management regulations. A *structure* or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 1360.100 and Sections 1360.120 is presumed to be in violation until such time as that documentation is provided.

~~63.~~64. *Water surface elevation (WSE)* means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the SFHAs.

~~64.~~65. *Watercourse* means a lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

1360.040 General Provisions

A. Lands to Which this Ordinance Applies

This ordinance shall apply to all SFHAs within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of the Town of Indian Trail and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

B. Basis for Establishing the Special Flood Hazard Areas.

The SFHAs are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated February 19, 2014 for Union County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFRIM panels that do not change flood hazard data within the jurisdictional authority of the Town of Indian Trail are also adopted by reference and declared a part of this ordinance.dated October 16, 2008, which are adopted by reference and declared to be a part of this ordinance.

1360.050 Establishment of Floodplain Development Permit

A floodplain development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within SFHAs determined in accordance with the provisions of Section 1360.040B of this ordinance.

1360.060 Compliance

No structure or land within a Special Flood Hazard Area shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations. It is the property owners' and/or developers' responsibility to ensure all other ordinances are met including but not limited to the Post-Construction Storm Water Ordinance, Erosion and Sedimentation requirements, and Federal Water Pollution Control Act of 1972 ("Clean Water Act").

1360.070 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1360.080 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

A. considered as minimum requirements;

B. liberally construed in favor of the governing body; and

C. deemed neither to limit nor repeal any other powers granted to the Town under State statutes.

1360.090 Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $500.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Indian Trail from taking such other lawful action as is necessary to prevent or remedy any violation.

1360.100 Administration

A. Designation of Storm Water Administrator

The Town Manager designates the Indian Trail Town Engineer as the Storm Water Administrator. The Storm Water Administrator, and his or her designees, is the person with the authority to administer, implement and enforce the provisions of this ordinance. The Storm Water Administrator, and his or her designees, administers the Flood Damage Reduction Ordinance as well as the Post Construction Ordinance.

B. Duties and Responsibilities of the Storm Water Administrator

The Storm Water Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within SFHAs to assure that the requirements of this ordinance have been satisfied.

2. Review all proposed development within SFHAs to assure that all necessary local, state and federal permits have been received.

3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

5. Prevent encroachments into the SFHAs, floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 1360.120A, Section 1360.120A.18, and Section 1360.150 are met.

6. Obtain actual elevation (in relation to mean sea level) of the Reference Level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Section 1360.110D

7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved Structures and utilities have been floodproofed, in accordance with the provisions of Section 1360.110D.

8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 1360.110D.

9. When floodproofing is utilized for a particular Structure, obtain certifications from a registered professional engineer in accordance with the provisions of Section 1360.110D and 1360.120B.2.

10. Where interpretation is needed as to the exact location of boundaries of the SFHAs, Floodways, or Non-Encroachment Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

11. When Base Flood Elevation (BFE) data has not been provided, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with Floodway data or Non-Encroachment Area data available from a Federal, State, or other source, including data developed pursuant to Section 1360.130B.2, in order to administer the provisions of this ordinance.

12. When Base Flood Elevation (BFE) data is provided but no Floodway or Non-Encroachment Area data has been provided in accordance with Section 1360.040B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the base flood elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Storm Water Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Storm Water Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Storm Water Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

17. Revoke floodplain development permits as required. The Storm Water Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

18. Make periodic inspections throughout the SFHAs within the jurisdiction of the community.

19. Follow through with corrective procedures of Section 1360.160.

20. Review, provide input, and make recommendations for variance requests.

21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 1360.040B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Change (LOMC), Letters of Map Revision Based on Fill (LOMR-F), and Letters of Map Revision (LOMR).

1360.110 Floodplain Development Application, Permit and Certification Requirements

A. Any development in a special flood hazard area is required to have a floodplain development permit prior to the actual start of construction.

B. Application for a floodplain development permit shall be made to the Storm Water Administrator prior to any development activities located within SFHAs. The following items shall be presented to Storm Water Administrator to apply for a floodplain development permit:

1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

   a. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed Structures, utility systems,

grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

b. the boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Section 1360.040B, or a statement that the entire lot is within the special flood hazard area;

c. flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 1360.040B;

d. the boundary of the Floodway(s) or Non-Encroachment Area(s) as determined in Section 1360.040B;

e. the Base Flood Elevation (BFE) where provided as set forth in Section 1360.040B;

f. the old and new location of any watercourse that will be altered or relocated as a result of proposed development.

g. the certification of the plot plan by a registered land surveyor or professional engineer.

2. Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:

a. elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

b. elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

c. elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

3. If floodproofing, a floodproofing certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

4. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 1360.120B.4.c when solid foundation perimeter walls are used in Zones A, AO, and AE;

5. Usage details of any enclosed areas below the lowest floor.

6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

7. Certification that all other local, state and federal permits required prior to floodplain development permit issuance have been received.

8. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Section 1360.120B.6 and Section 1360.120B.7 of this ordinance are met.

9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report, on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation. The engineering report will include all applicable calculations, hydrologic and hydraulic models, and must be signed and sealed by a North Carolina registered professional engineer.

C. The Floodplain Development Permit shall include, but not be limited to:

1. A detailed narrative of the development to be permitted under the Floodplain Development Permit.
2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 1360.040B.
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
7. The flood openings requirements, if in Zones A, AO, or AE.
8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

D. Certification Requirements.

1. Elevation Certificates

a. A floor elevation or flood proofing certification must be submitted to the Storm Water Administrator within seven (7) calendar days of establishment of the lowest floor elevation, or flood proofing by whatever construction techniques. It shall be the duty of the permit holder to submit to the Storm Water Administrator a certification of the elevation of the lowest floor, flood proofed elevation, as built, in relation to mean sea level after construction is complete, prior to the issuance of a certificate of occupancy. Said certification shall be prepared by or under the direct supervision of a North Carolina registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a North Carolina professional engineer and certified by same. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Storm Water Administrator shall, in a timely manner, review the floor elevation survey as submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work completed by the permit holder prior to Storm Water Administrator approval, shall be at the permit holder's own risk.

b. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Storm Water Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Storm Water Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

2. Floodproofing Certificate

a. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Storm Water Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer and certified by same. The Storm Water Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

3. If a manufactured home is placed within Zone A, AO, or AE, and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 1360.120B.3.

4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit

5. Certification Exemptions. The following Structures, if located within Zone A, AO, or AE , are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

a. Recreational vehicles meeting requirements of Section 1360.120B.6;

b. Temporary structures meeting requirements of Section 1360.120B.7; and

c. Accessory structures less than 150 square feet meeting requirements of Section 1360.120B.8.

E. Expiration of Floodplain Development Permit

Floodplain Development Permits issued pursuant to this ordinance expire two years after the date of issuance unless: 1) the work has commenced within two (2) years after the date of

issuance, or 2) the issuance of the permit is legally challenged in which case the permit is valid for two (2) years after the challenge has been resolved.

1360.120 Provisions for Flood Hazard Reduction

A. General Standards

In all SFHAs, the following provisions are required:

1. The Town of Indian Trail has prohibited most development in all studied and non-studied SFHAs. No encroachments, including fill, new construction, stormwater detention, substantial improvements and other developments shall be permitted within any portion of SFHAs unless a variance is granted, with the following exceptions:

   a. The development is for roads, greenway trails, boardwalks, pedestrian crossings, agricultural uses, forestry, parks, playground or other park related equipment, fences(min eighty (80) percent of the fence shall be open area), public utilities and facilities such as wastewater utility lines, storm drainage construction and repair with approval by the Storm Water Administrator, gas, electrical, water systems and similar uses that are located and constructed to minimize flood damage.

2. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the Structure.

3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

4. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of new construction as contained in this ordinance.

10. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the SFHAs , provided there is no additional encroachment below the SFHAs , and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted.

12. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

13. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

15. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

16. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

17. When a structure is located in multiple SFHAs or in a special flood hazard area with multiple base flood elevations, the provisions for the more restrictive special flood hazard area and the highest base flood elevation shall apply.

18. For projects granted a variance, a "No-Impact" certification is required from a North Carolina registered professional engineer. "No-Impact" means no increase in flood elevations greater than zero (0.00) feet, no decrease in flood elevations of more than one-tenth (0.10) of a foot, and no increase in floodway or non-encroachment area widths.

B. Specific Standards

The following specific standards apply to projects that have been granted a development variance or meet the criteria as identified in Section 1360.120A. In all SFHAs where base flood elevation (BFE) data has been provided, as set forth in Section 1360.040B, the following provisions, in addition to the provisions of Section 1360.120A, are required:

1. Residential Construction.

New construction and substantial improvement of any residential Structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 1360.03050~~1360.03049~~ of this ordinance. The regulatory flood protection elevation being the base flood elevation plus two (2.0) feet of freeboard.

2. Non-Residential Construction.

New construction and substantial improvement of any commercial, industrial, or other non-residential Structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 1360.03050~~1360.03049~~ of this ordinance. Structures located in A, AE, and AO, and Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the Structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer shall

certify that the standards of this subsection are satisfied. Such certification shall be provided to the Storm Water Administrator along with the operational and maintenance plans.

3. Manufactured Homes.

a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 1360.03050~~1360.03049~~ of this ordinance.

b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

c. All enclosures or skirting below the lowest floor shall meet the requirements of Section 1360.120B.4.

d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Storm Water Administrator and the local Emergency Management coordinator.

4. Elevated Buildings.

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

a. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

b. shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;

c. shall include, in Zones A, AO, and AE, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or meet or exceed the following minimum design criteria:

(1) a minimum of two flood openings on different sides of each enclosed area subject to flooding;

(2) the total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

(3) if a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(4) the bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

(5) flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(6) enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

5. Additions/Improvements.

a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing Structure are:

(1) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(2) A substantial improvement, the existing structure and the addition and/or improvements must comply with the standards for new construction.

b. Additions to post-FIRM structures with no modifications to the existing Structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

(2) A substantial improvement, the existing Structure and the addition and/or improvements must comply with the standards for new construction.

6. Recreational Vehicles.

Recreational vehicles shall either:

a. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

b. Meet all the requirements for new construction.

7. Temporary Non-Residential Structures.

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Storm Water Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Storm Water Administrator for review and written approval:

a. a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

b. the name, address, and phone number of the individual responsible for the removal of the temporary structure;

c. the time frame prior to the event at which a Structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

d. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

e. designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

8. Accessory Structures.

When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

a. accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

b. accessory structures shall not be temperature-controlled;

c. accessory structures shall be designed to have low flood damage potential;

d. accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

e. accessory structures shall be firmly anchored in accordance with the provisions of Section 1360.120A.2;

f. all service facilities such as electrical shall be installed in accordance with the provisions of Section 1360.120A.5; and

g. flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 1360.120B.4.c.

h. an accessory Structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory Structures in accordance with Section 1360.110D.

9. Parking Lots.

All parking areas for new or substantially improved non-single family habitable buildings must be at an elevation such that water depths would be less than six (6.0) inches deep in any parking space during the occurrence of a FEMA base flood.

1360.130 Standards for Floodplains without Established Base Flood Elevations

Within the SFHA designated as Approximate Zone A and established in Section 1360.040B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 1360.120A, shall apply:

A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, or minimum stream buffer requirements, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:

1. When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Section 1360.120A and Section 1360.120A.18.

2. When Floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within Floodway and Non-Encroachment areas shall also comply with the requirements of Section 1360.120A.18 and Section 1360.150.

3. All subdivision, manufactured home park and other development proposals shall provide base flood elevation (BFE) data if development is greater than one (1) acre or has more than ten (10) lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with Section 1360.040B and utilized in implementing this ordinance.

4. When base flood elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in Section 1360.03050~~1360.03049~~. All other applicable provisions of Section 1360.120 shall also apply.

1360.140 Standards for Riverine Floodplains with BFE but without Established Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

A. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community. For projects granted a variance, a "No-Impact certification is required per Section 1360.130A.18

1360.150 Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the SFHAs established in Section 1360.040B. The Floodways and Non-Encroachment Areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:

A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that such Encroachment would not result in any increase in the FEMA Base Flood Elevations during the occurrence of a FEMA Base Flood. Such analysis shall be performed and certified by a North Carolina registered professional engineer and reviewed by the Storm Water Administrator. Any encroachment that would cause a rise in the FEMA Base Flood Elevation or an increase in the FEMA Floodway width during the occurrence of the FEMA Base Flood will require notification of impacted property owners, and a Conditional Letter of Map Revision (CLOMR) from FEMA. If approved and constructed, as-built plans must be submitted by the property owner and

approved by FEMA and a Letter of Map Revision (LOMR) issued before a Certificate of Occupancy will be issued.

B. For projects granted a variance, a "No-Impact" certification is required per Section 1360.130A.18.

C. If Section 1360.120A, Section 1360.120B.1, and Section 1360.150 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

D. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

1. the anchoring and the elevation standards of Section 1360.120B.3; and
2. the no encroachment standard of Section 1360.120A, Section 1360.120B.1, and Section 1360.150A.

1360.160 Corrective Procedures

A. Violations to be corrected: When the Storm Water Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

B. Actions in event of failure to take corrective action: If the owner of a building or property shall fail to take prompt corrective action, the Storm Water Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

1. that the building or property is in violation of the floodplain management regulations;
2. that a hearing will be held before the Storm Water Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
3. that following the hearing, the Storm Water Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

C. Order to take corrective action: If, upon a hearing held pursuant to the notice prescribed above, the Storm Water Administrator shall find that the building or development is in violation of the Flood Damage Reduction Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the Storm Water Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

D. Appeal: Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Storm Water Administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the Storm Water Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

E. Failure to comply with order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment following an appeal, the owner shall be guilty of a misdemeanor and subject to the penalties contained in Section 1360.090.

1360.170 Appeals and Variances

A. Authority of Board of Adjustment.

1. The Board of Adjustment shall hear and decide appeals from any order, decision, determination or interpretation made by the Storm Water Administrator pursuant to or regarding these regulations.
2. The Board of Adjustment shall hear and decide petitions for variances from the requirements of this ordinance.

B. Initiation and Filing of Appeal.

1. An appeal of an order, decision, determination or interpretation made by the Storm Water Administrator, may be initiated by any person aggrieved by any officer, department, board or bureau of the town.
2. A notice of appeal in the form prescribed by the Board of Adjustment must be filed with the Board's Clerk, with a copy to the Storm Water Administrator, within 20 days of the order, decision, determination or interpretation and must be accompanied by a nonrefundable filing fee as established by the Town Council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section and the Board of Adjustment shall have no jurisdiction to hear the appeal.

C. Standards and Hearing Procedure.

1. The Board of Adjustment will conduct the hearing on an appeal of an order, decision, determination or interpretation of these regulations in accordance with its normal hearing procedures.
2. At the conclusion of the hearing, the Board of Adjustment may reverse or modify the order, decision, determination or interpretation under appeal upon finding an error in the application of these regulations on the part of the Storm Water Administrator who rendered the decision, determination or interpretation. In modifying the decision, determination or interpretation, the Board will have all the powers of the officer from whom the appeal is taken.

D. Initiation and Filing of Variance Petition.

1. A petition for Variance may be initiated only by the owner of the affected property, or an agent authorized in writing to act on the owner's behalf.
2. A petition for a Variance from these regulations in the form prescribed by the Board of Adjustment must be filed with the Board's Clerk, with a copy to the Storm Water Administrator, and be accompanied by a nonrefundable filing fee as established by the Town Council.

E. Factors for Consideration and Determination of Completeness

1. In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:
   - **a.** danger that materials allowed to be placed in the special flood hazard area as a result of the variance may be swept onto other lands to the injury of others during a base flood;
   - **b.** danger to life and property due to flooding or erosion damage from a base flood;

c. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage during the base flood;

d. importance of the services provided by the proposed facility to the community;

e. necessity to the facility of a waterfront location, where applicable;

f. availability of alternative locations, not subject to flooding or erosion damage during a base flood, for the proposed use;

g. compatibility of the proposed use with existing and anticipated development;

h. relationship of the proposed use to the Town of Indian Trail and Union County floodplain management guidance documents, Union County Flood Hazard Mitigation Plans, the Union County Greenway Plan, and any other adopted land use plans for that area;

i. safety of access to the property in times of a base flood for ordinary and emergency vehicles;

j. expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters during a base flood expected at the site; and

k. costs of providing governmental services during and after flood events, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.

2. A written report addressing each of the above factors shall be submitted with the application for a Variance.

3. Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

4. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Conditions for Variances.

1. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

2. Variances shall not be issued within any designated floodway or non-encroachment area if the Variance would result in any increase in flood levels during the FEMA base flood discharge unless the requirements of Section 1360.150 are met.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued prior to approval of a floodplain development permit.

G. Standards for Granting Variance.

1. Variances shall only be issued upon:

a. a showing of good and sufficient cause;

b. a determination that failure to grant the variance would result in exceptional hardship; and

c. a determination that the granting of a variance will not result in a change of flood elevations and/or an increase in floodway and non-encroachment widths, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

2. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

H. Notification and Recordkeeping.

1. Any applicant to whom a Variance from the FEMA base flood elevation is granted shall be given written notice specifying the difference between the FEMA base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

2. The Storm Water Administrator shall maintain the records of all appeal actions and report any variances regarding FEMA minimum standards to the Federal Emergency Management Agency and the State of North Carolina upon request.

I. Appeal from Board of Adjustment.

1. Any person aggrieved by the final decision of the Board of Adjustment to grant or deny a Floodplain Development Permit shall have 30 days to file an appeal to Union County Superior Court, as provided in N.C.G.S. 143-215.57 (c).

2. Any party aggrieved by the decision of the Board of Adjustment related to any other order, decision, determination or interpretation of these regulations, including the granting or denial of a variance, shall have 30 days from the receipt of the Board's decision to file a petition for review in the nature of certiorari in Union County Superior Court.

1360.180 Legal Status Provisions.

A. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Regulations.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Reduction Ordinance enacted March 21, 1980 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Reduction Ordinance of the Town of Indian Trail enacted on March 21, 1980, as amended, which are not re-enacted herein, are repealed.

B. Effect Upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Storm Water Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of 6 months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

C. Severability

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

1360.190 Effective Date

This Chapter shall become effective on February 19, 2014 and the Flood Insurance Rate Maps (FIRMs) as compiled and dated February 19, 2014 are hereby adopted and shall serve as the base information for the enforcement of this chapter

.

1360.200 Adoption Certification

This Section of the Indian Trail Unified Development Ordinance represents and a true and correct copy of the Flood Damage Reduction Ordinance as adopted by the Town Council of Indian Trail, North Carolina, on the ~~10~~4 11th day of ~~October~~~~December~~ March, 20~~13~~08~~. 2~~014.

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

Planning Board Transmittal for the March 11, 2014 Town Council Public Hearing

Case: ZM 2014-001 8009 Fountainbrook Rezoning			
Reference Name	**Brandon Oaks- The Gardens Lot 2**		
Planning Board Meeting Date	February 18, 2014		
Members Present	Chair Cowan ☒	Jan Brown ☐	Vice Chair Larry Miller ☒
	Cathi Higgins ☒	Kelly D' Onofrio ☒	Robert Rollins ☒
	Alan Rosenberg ☒	Cheryl Mimy ☒ Alternate 1	Steve Long ☐ Alternate 2
	Sidney Sandy ☐ Alternate 3- Present not seated		
Case Found Complete	Yes ☒ No ☐		
Motion	Recommend approval to Town Council with modification		
Member Making the Motion	Boardmember Higgins		
Second the Motion	Boardmember Mimy		
Vote	All seated members voted in favor of the Motion		

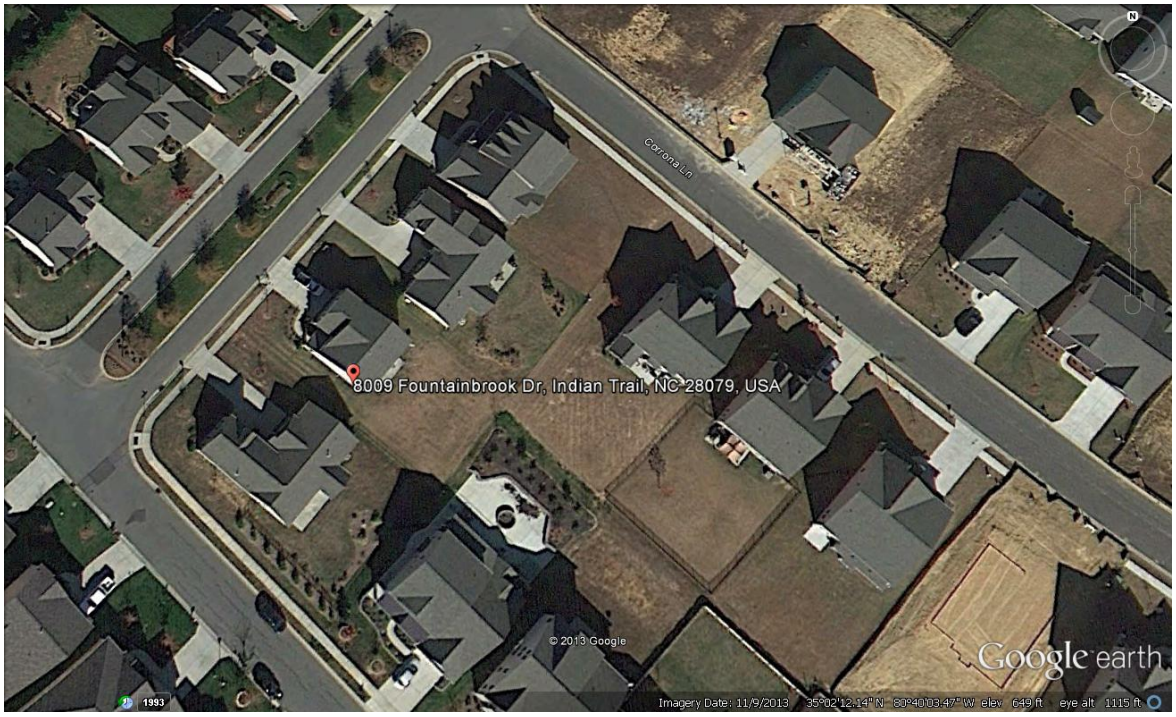
Purpose of the Amendment: To rezone a newly annexed parcel (approx. 0.179 acres) from Union County Residential-20 (R-20) to Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay 1). The proposed zoning classification is consistent with this phase ("The Gardens") in the Brandon Oaks subdivision.

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

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

Executive Summary

This is a housekeeping exercise associated with a recent voluntary annexation (Annexation 139). Pursuant to North Carolina General Statutes, local jurisdictions are required to establish local zoning on properties annexed into their community. This request proposes to reclassify zoning on parcel 07-091-033, 8009 Fountainbrook, from the Union County Residential R-20 to Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay 1). The proposed zoning classification is consistent with this phase ("The Gardens") in the Brandon Oaks subdivision. The subject property is developed with a single-family residential dwelling on a .17 acre parcel.



Planning Board

The Planning Board heard this rezone request on February 18, 2014. There were no questions and no members of the public were signed up to speak to the case. The Planning Board made the following required findings and unanimously voted to transmit a recommendation to approve the rezone request. The proposed rezone petition is consistent with the goals of the Comprehensive Plan in the area of:

> ***Quality of Life:*** the proposed rezoning to SF-4 with a PED Overlay 1 will help to promote a better quality of life for our residents by ensuring the continuation of the unique identity and residential character of the Brandon Oaks community.
>
> ***Land Use and Housing:*** the proposed rezoning to SF-4 with a PED Overlay 1 will help provide a diverse range of housing opportunities in Indian Trail by providing additional medium density housing within an overall planned development community with varying housing sizes and densities.

Planning Board further found 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 *Quality of Life* and *Land Use and Housing* 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.*

Shelley DeHart, AICP
704 821-5401
srd@planning.indiantrail.org

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

TC ATTACHMENT -1
PLANNING BOARD REPORT

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

Zoning Map Amendment Staff Report

Case: ZM 2014-001 8009 Fountainbrook Zoning		
Reference Name	Brandon Oaks- The Gardens Lot 2	
Request	Proposed Zoning	SF-4 with PED Overlay 1
	Proposed Use	Single-Family Residential
Existing Site Characteristics	Existing Zoning	R-20 (Union County) Recently Annexed
	Existing Use	Single-Family Residential
	Site Acreage	0.179 acres (approx.)
Applicant	Town of Indian Trail	
Submittal Date	01/02/2014	
Location	8009 Fountainbrook, Indian Trail	
Tax Map Number	07-091-033	
Plan Consistency	Town of Indian Trail Comp. Plan	Designation- Sun Valley Village Plan
		Consistent with Request
Recommendations & Comments	Planning Staff	Recommends Approval for SF-4 with PED Overlay 1

Project Summary

Request: To rezone a newly annexed parcel (approx. 0.179 acres) from Union County Residential-20 (R-20) to Single-Family Residential-4 (SF-4) with a Pre-Existing Development Overlay (PED Overlay 1). The proposed zoning classification is consistent with this phase ("The Gardens") in the Brandon Oaks subdivision.

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

General Information

The subject property is currently zoned for single-family residential uses (Union County R-20) and the intent of the proposed rezoning is to assign it the closest compatible Town zoning district. The subject property was annexed into the Town of Indian Trail on January 14, 2014 (Annexation #139). State law requires annexed property to undergo a Zoning Map Amendment process to establish Town zoning on the subject property. Figure 1 depicts the subject property developed with a single-family dwelling.

Figure 1: Subject Property

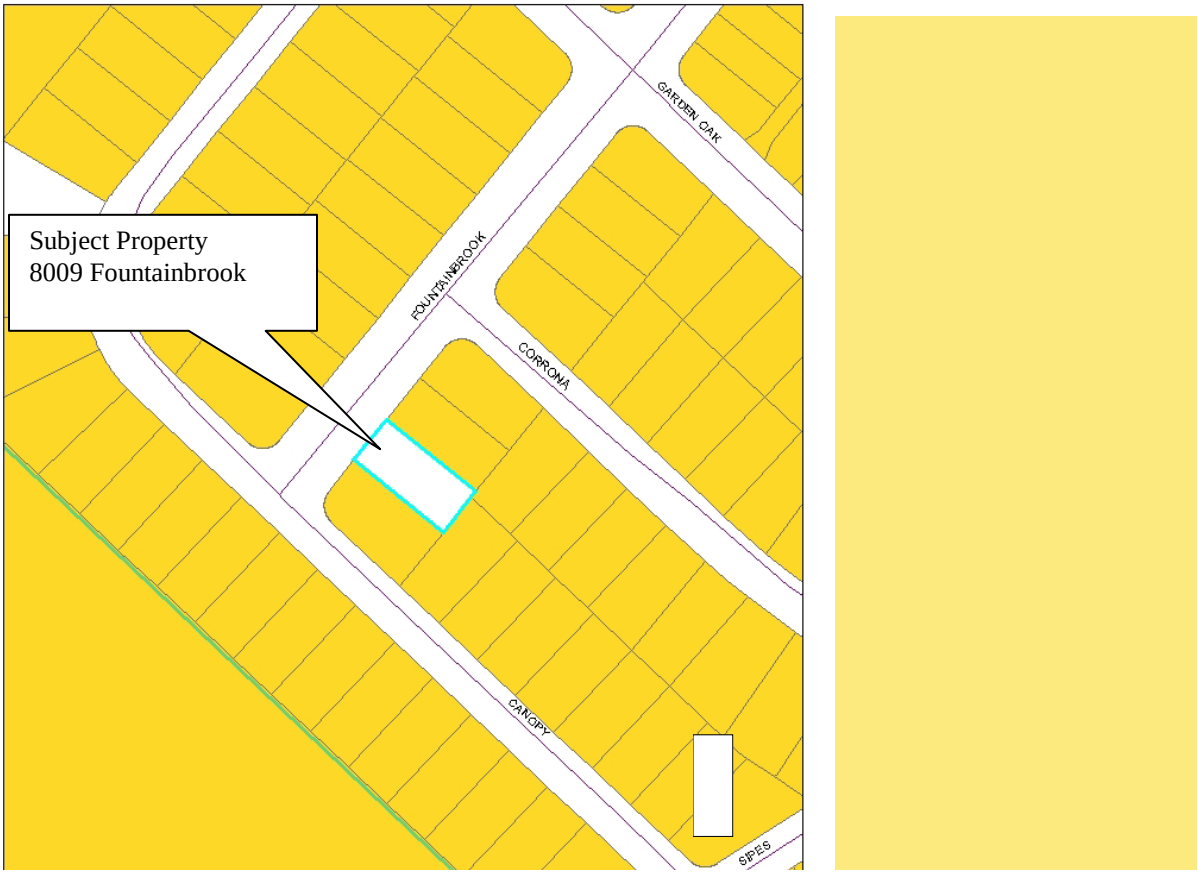
Zoning Information

The subject property is currently zoned Residential-20 (R-20) under Union County zoning. The proposal requests to rezone the subject property to Single-Family Residential-4 (SF-4). The SF-4 district is intended to accommodate a variety of moderate intensity single-family residential development under conventional or planned development controls. Because the subject property was previously platted using Union County Smart Growth development standards, the rezoning proposal also contemplates a Pre-Existing Development Overlay (PED Overlay 1) to account for the previously approved dimensional requirements (setbacks, etc.) that do not correspond to the SF-4 district. Table 1 below provides a snapshot of the differences between these standards. A copy of the applicable Brandon Oaks Phase 9 Final Plat Map reflecting the Union County standards are attached (Attachment 2).

TABLE1: DIMENSIONAL REQUIREMENT COMPARISON

	Town SF-4 District	Union County R-20 District
Lot Width	60-ft	60-ft.
Front Setback	30-ft	20-ft.
Rear Setback	40-ft.	15-ft.
Side Yard	10-ft.	5-ft/10-ft Streetside Min. 10-ft building separation

Adjacent uses and zoning classifications in the subject area is single-family residential (Town SF-2, SF-4, and R-20 in Union County). Existing Town properties within Brandon Oaks are also subject to a PED Overlay 1. Figure 2 below is the official zoning map for the area.



Plan Consistency

Comprehensive Plan

The property is located within the Sun Valley Suburban Mix Village land use area of the Indian Trail Comprehensive Plan. A Suburban Mix Village consists of land uses that promote a neighborhood setting with single-family detached houses as its primary development type. The single-family residential component characterizes this village, with retail development (predominately within village centers) providing convenient access to daily goods and services.

The proposed petition, if approved, will not modify planned land use mix in light of the subject property being previously subdivided and the proposed Town zoning district being the closest compatible district to the existing R-20 zone. The rezone request is consistent with the Comprehensive Plan in the areas of medium density residential.

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 goals of the Comprehensive Plan are satisfied as follows:

> ***Quality of Life:*** **A more sustainable quality of life to the residents of Indian Trail by establishing a greater sense of community and promoting a unique identity within the Town of Indian Trail for all residents.**
>
> The proposed rezoning to SF-4 with a PED Overlay 1 will help to promote a better quality of life for our residents by ensuring the continuation of the unique identity and residential character of the Brandon Oaks community.
>
> ***Land Use and Housing:*** **Provide a diverse range of housing options, including varying densities of single family, multi-family, traditional neighborhood development (TND), and mixed-use communities in order to provide affordable housing opportunities for a wide range of residents.**
>
> The proposed rezoning to SF-4 with a PED Overlay 1 will help provide a diverse range of housing opportunities in Indian Trail by providing additional medium density housing within an overall planned development community with varying housing sizes and densities.

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 *Quality of Life* and *Land Use and Housing* and is consistent with the adopted plans within the Town of Indian Trail.

Recommendation

The Planning Staff believes that the findings can be made to support the petition requesting a rezone to Single-Family Residential-4 with a PED 1 Overlay for the subject property.

Shelley DeHart, AICP
srd@planning.indiantrail.org
704 821-5401 ext 225

TC ATTACHMENT-2
DRAFT ORDINANCE

STATE OF NORTH CAROLINA)
) ORDINANCE #
TOWN OF INDIAN TRAIL)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-091-033 LOCATED AT 8009 FOUNTAINBROOK DR FROM A UNION COUNTY SINGLE-FAMILY RESIDENTIAL DESIGNATION (UC-R-20)TO AN INDIAN TRAIL SINGLE-FAMILY DESIGNATION WITH A PRE-EXISTING OVERLAY (SF-4/PED-1) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the Town of Indian Trail has petition to rezone this newly annexed parcel (Annexation 139- PARCEL-07-091-033) to a suitable single-family zoning designation consistent with adjacent properties within "The Gardens" in the Brandon Oaks subdivision; and

WHEREAS, this Zoning Map Amendment (ZM2014-001) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a public meeting was held by the Planning Board on February 18, 2014 to consider this zoning map amendment; and

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

> ***Quality of Life:*** the proposed rezoning to SF-4 with a PED Overlay 1 will help to promote a better quality of life for our residents by ensuring the continuation of the unique identity and residential character of the Brandon Oaks community.
>
> ***Land Use and Housing:*** the proposed rezoning to SF-4 with a PED Overlay 1 will help provide a diverse range of housing opportunities in Indian Trail by providing additional medium density housing within an overall planned development community with varying housing sizes and densities.

WHEREAS, the Planning Board further found this zoning reclassification 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 *Quality of Life* and *Land Use and Housing* and is consistent with the adopted plans within the Town of Indian Trail.

WHEREAS, after making the draft findings the Planning Board unanimously approved the motion to transmit a recommendation to approve to the Town Council; and

WHEREAS, the Town Council held a public hearing on March 11, 2014 to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council made the required findings as stated above and voted to approve ZM2014-001.

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

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

Section 2 - Approves ZM 2014-001 Zoning Petition thereby granting the Zoning Map amendment to establish a SF-4/ PED-1 Overlay on parcel 07-091-033.

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

AND IT IS SO ORDAINED this 11th day of March, 2014.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

_____

Michael L. Alvarez, Mayor

_____

Peggy Piontek, Town Clerk

APPROVED AS TO FORM:

_____

TOWN ATTORNEY

TO: Mayor and Town Council

FROM: Kelly Barnhardt
Director, Parks & Recreation

Jason Tryon,
Assistant Director, Parks & Recreation

DATE: March 11, 2014

SUBJECT: Park Update & Park Fee Proposal

Staff will update the Mayor and Town Council on the status of our construction on Chestnut Square Park and Crooked Crook Park. Staff will also present a fee schedule for these park facilities. Staff has received many inquiries into the future use of these facilities, and we need to have an identified cost before we can book any events.