

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
April 8, 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. [Donate Life Proclamation](#)
 - b. [Proclamation for National Poetry Month](#)
 - c. [Proclamation for Child Abuse Prevention Month & Sexual Assault Awareness Month](#)
 - d. [Recognition of Leroy Rushing](#)
5. **PUBLIC COMMENTS**
6. **PUBLIC COMMENTS FOR FY 2014/2015 BUDGET DEVELOPMENT**
7. **CONSENT AGENDA** **action**
 - a. [Approval January 14, 2014 draft minutes](#)
 - b. [Budget Amendments](#)
 - c. [Approval of refund of overpayment of taxes over \\$500](#)
 - d. [Approval of state grant extension for WM Goodyear Co.](#)
8. **PUBLIC HEARINGS** **action**
 - a. **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

- b. 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

9. BUSINESS ITEMS

- a. Consider approval of adding Law Enforcement Update and Town Committee Update after Public Comments- *Item Requested by Mayor Alvarez*

10. DISCUSSION ITEMS

- a. Discussion on Bonterra Streets
- b. Discussion of organization of Committees and Boards

11. STRATEGIC PLANNING SESSION

- a. [Discussion of Law Enforcement Analysis](#)
- b. Presentation on future Business Park & Economic Development – *Melanie O’Connell Underwood*
- c. [Discussion of 5 year Transportation Plan](#)
- d. Presentation on adopted Downtown Master Plan
- e. Discussion on future Municipal Complex
- f. Discussion on improvements to Town website

12. MANAGERS REPORT

13. COUNCIL COMMENTS

14. CLOSED SESSION

action

15. ADJOURN

action

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

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

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

DONATE LIFE PROCLAMATION

WHEREAS, according to the United Network of Organ Sharing (UNOS), more than 120,000 people are waiting for organ transplants nationally, and 3,350 of those people are in North Carolina; and

WHEREAS, an average of 18 people awaiting transplants die each day because there is a severe shortage of organ donors; and

WHEREAS, every 10 minutes, another name is added to the national transplant waiting list and the list is growing faster than the rate of organ donation; and

WHEREAS, providing facts and dispelling myths are key to making an informed decision about becoming a donor and increasing the number of people who sign up as donors; and

WHEREAS, the N. C. Division of Motor Vehicles (NCDMV) plays a critical role with 4.4 million North Carolinians in the State's Donor Registry having registered when they receive their North Carolina's Driver License, making it the seventh largest registry in the country; and

WHEREAS, one organ donor can save the lives of up to eight people and improve more than 50 lives through tissue and cornea donation; and

WHEREAS, North Carolinians are encouraged to get the facts about donation and discuss their wishes with their families and physicians, sign up as donors via the NC DMV by putting a heart on their driver's license or enrolling online at DonateLifeNC.org/register; and

WHEREAS, Carolinas Medical Center's Transplant Center is a leader in providing life-saving transplants with patients cared for by a team of experts including surgeons, nurse coordinators, social workers, infectious disease specialists, nutritionists, immunologists, and pathologists; and

WHEREAS, LifeShare Of The Carolinas is the federally designated organ procurement organization, for Indian Trail to maximize the passing of the heroic gift of life from one human being to another through organ, eye and tissue donation; and

WHEREAS, the Town of Indian Trail joins healthcare professionals, volunteers, educators, government agencies, faith-based and community groups and private organizations in an effort to boost the numbers of organ, tissue, blood, bone, bone marrow, cornea and stem cell donors throughout North Carolina;

NOW, THEREFORE, I, Michael L. Alvarez, Mayor of the Town of Indian Trail, do hereby proclaim April 2014, as "**DONATE LIFE MONTH**" in Indian Trail and commend this observance to our citizens.

Mayor Michael L. Alvarez

NATIONAL POETRY MONTH 2014

WHEREAS, the Academy of American Poets established the month of April as National Poetry Month in 1996; and

WHEREAS, National Poetry Month seeks to highlight the extraordinary legacy and ongoing achievement of American poets; introduce Americans to the pleasures and benefits of reading poetry; bring poets and poetry to the public in immediate and innovative ways; make poetry an important part of our children's education; and

WHEREAS, as National Poetry Month, under the leadership and direction of the Academy of American Poets, is now the largest literary celebration in the world; and

WHEREAS, poetry enhances and enriches the lives of all Americans; and

WHEREAS, poetry, as an essential part of the arts and humanities, affects every aspect of life in America today, including education, the economy, and community pride and development; and

WHEREAS, poetry has produced some of the nation's leading creative artists and has inspired other artists in fields such as music, theatre, film, dance, and the visual arts; and

Now, therefore, I Michael L. Alvarez, Mayor of the Town of Indian Trail, do hereby proclaim April 1 through April 30 as National Poetry Month. I call upon public officials, educators, librarians, and all the people of Indian Trail to observe this month, to celebrate the cultural riches our community has to offer, and to recognize the important role poetry in creating and sustaining this great nation with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of April, in the year 2014.

Mayor Michael L. Alvarez



April 2014
**Child Abuse Prevention Month &
Sexual Assault Awareness Month
Proclamation**

Whereas, preventing child abuse and neglect, and sexual violence is a community problem affecting both the current and future quality of life of our community;

Whereas, Union County Department of Social Services accepted 1,293 reports of child abuse representing over 2851 children in 2013;

Whereas, 731 children, adults and family members impacted by child abuse, sexual assault and victims of other crimes were served through Safe Alliance's Clinical and Victim Advocacy services including The Tree House Children's Advocacy Center during FY2013;

Whereas, 99% of the children served by the Tree House Children's Advocacy Center were sexually abused by a trusted relative or other known person and 30% of the children served were sexually abused by other children in FY2013;

Whereas, 87% of sexual assault victims were under the age of 19; 67% of children served were under the age of 13; 28% were under the age of 5.

Whereas, child abuse and neglect not only cause immediate harm to children, but are also proven to increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior thereby increasing the cost of community support services;

Whereas, all citizens should be protected from sexual and physical violence;

Whereas, Safe Alliance's Victim and Clinical Services programs exists because of partnerships created among social service and healthcare agencies, schools, faith communities, civic organizations, law enforcement agencies, and supportive members of Union County;

Therefore, I do hereby proclaim

April as Child Abuse Prevention Month & Sexual Assault

Awareness Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in efforts to support families, thereby preventing & reporting child abuse and sexual violence thereby strengthening the communities in which we live.

Signature

Date

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 15th day of March, 2014

Mayor Michael Alvarez



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

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 (undeterminable) 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 that the 1st runner up to be the person that the Council appoints after January 31st. So we would do that at the first meeting in February, we would appoint the 1st runner up.

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:

Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



TO: Mayor and Town Council
FROM: Joe Fivas
CC: Marsha Sutton
DATE: April 8, 2014
SUBJECT: Budget Amendments for April 8th Meeting

Please find attached budget amendments processed through March 31, 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: 3/31/14

DEPARTMENT: Various

Account Number	Account Description	(Transfer In / Out)	Amount
10-00-4110-260-000	Supplies	In	100 ⁰⁰
10-00-4110-389-000	Internet Cost	Out	100 ⁰⁰
10-00-4130-395-000	Staff Training	In	400 ⁰⁰
10-00-4130-311-000	Travel Expenses	Out	400 ⁰⁰
10-00-4150-192-003	Comm & Econ Dev. Legal	In	4,000 ⁰⁰
10-00-4150-192-006	Planning - Legal	Out	1,000 ⁰⁰
10-00-4150-192-001	Engineering - Legal	Out	1,000 ⁰⁰
10-00-4150-192-001	Admin - Legal	Out	2,000 ⁰⁰
10-00-4210-499-000	Misc Exp - GIS/IT	In	20 ⁰⁰
10-00-4210-292-000	Software Licenses	Out	20 ⁰⁰
10-00-5000-260-001	First Aid Supplies	In	200 ⁰⁰
10-00-5000-450-000	Ins. & Bonding	Out	200 ⁰⁰
10-20-4570-491-000	Dues & Subscrip.	In	25 ⁰⁰
10-20-4570-511-000	Off. Furn. & Equip.	Out	25 ⁰⁰
10-40-4910-343-000	Copier Printer Usage	In	700 ⁰⁰
10-40-4910-260-000	Office Supplies	Out	700 ⁰⁰

EXPLANATION:
Quarterly Clean up of General Ledger Accounts

REQUESTED BY: _____

FINANCE: Masha H. Sutton

TOWN MANAGER: JM

For Finance Dept Only:

EFFECTIVE DATE: 3/31/14 JOURNAL NO. ASSIGNED: 409

FISCAL YEAR: 2014 ENTERED: msf

PERIOD: 9 DATE: 4/2/14

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

DATE: 3/31/14

DEPARTMENT: Various

Account Number	Account Description	(Transfer In / Out)	Amount
10-40-4910-376-000	Filing Fees	In	50 ⁰⁰
10-40-4910-260-000	Office Supplies	Out	50 ⁰⁰
10-40-4920-315-000	Business Expenses	In	200 ⁰⁰
10-40-4920-311-000	Travel Expense	Out	200 ⁰⁰
10-40-4920-493-009	Family Fun' Day	In	20 ⁰⁰
10-40-4920-493-000	Community Events	Out	20 ⁰⁰
10-80-6130-311-000	Travel Expenses	In	100 ⁰⁰
10-80-6130-397-000	Contract Services	Out	100 ⁰⁰

EXPLANATION:

REQUESTED BY: _____

FINANCE: _____

TOWN MANAGER: _____

For Finance Dept Only:

EFFECTIVE DATE: _____ JOURNAL NO. ASSIGNED: _____

FISCAL YEAR: _____ ENTERED: _____

PERIOD: _____ DATE: _____



TO: Mayor and Town Council
FROM: Joe Fivas
DATE: April 8, 2014
SUBJECT: Tax Refunds greater than \$500

Please find below a list of tax refunds greater than \$500.00

1. Monteith, Howard - \$1200.00 refunded to Leder Masonry as taxes were previously paid by Mortgage Company.

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



TO: Mayor and Town Council
FROM: Kelly D. Barnhardt
DATE: April 2, 2014
SUBJECT: Building Reuse and Restoration Grant “Project Roll”

In November 2011, local business WM Goodyear Co. was awarded a Building Reuse and Restoration grant from the NC Rural Center that allowed them to expand their current business in Indian Trail which was located in Industrial Ventures to another building in Indian Trail located in Tower Industrial park. This grant was for \$128,000 which required the business to create 16 full-time jobs (35 hrs per week with benefits) within a 24 month period from the award date.

Back in October 2013, at the request of WM Goodyear, we asked the Rural Center for a one year extension to this grant which they agreed to. With the State of North Carolina taking over the duties of the Rural Center in November 2013, we are just now getting the finalized amendment paperwork from them. WM Goodyear now has until November 2014 to fulfill their requirements for this grant. In November 2013, WM Goodyear was only four jobs short of fulfilling their requirements.

kdb



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

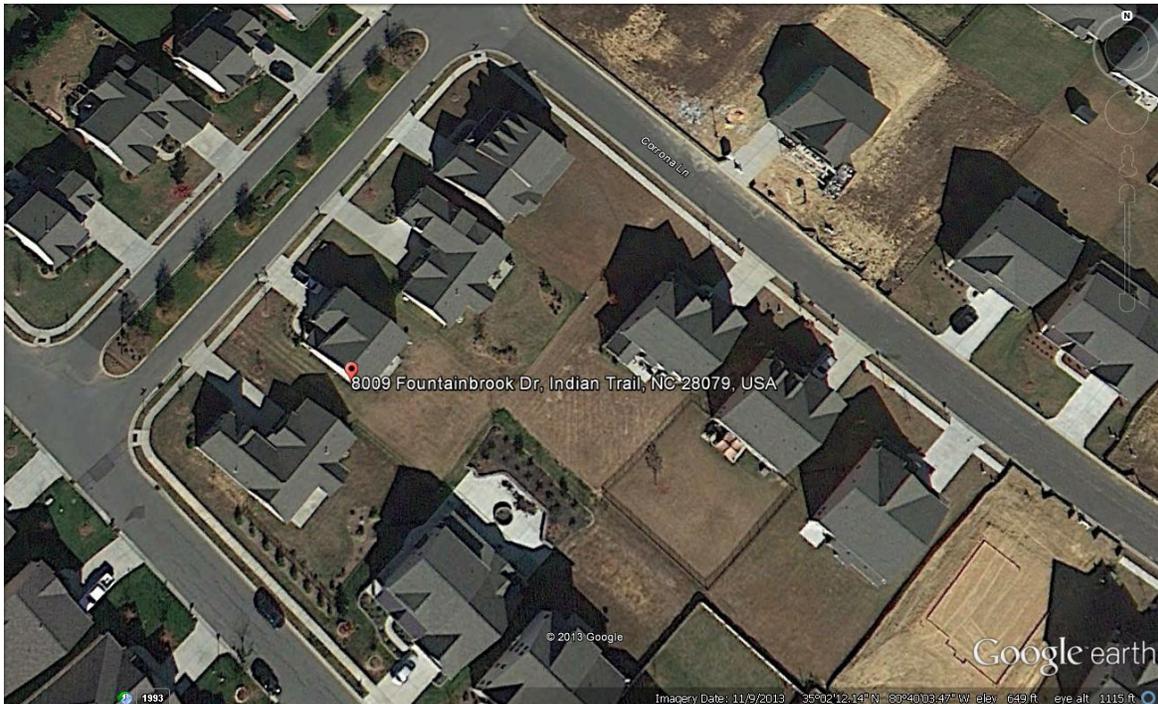
Case: ZM 2014-001 8009 Fountainbrook Rezoning			
Reference Name	Brandon Oaks- The Gardens Lot 2		
Planning Board Meeting Date	February 18, 2014		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input type="checkbox"/>	Vice Chair Larry Miller <input checked="" type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/>	Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1	Steve Long <input type="checkbox"/> Alternate 2
	Sidney Sandy <input type="checkbox"/> Alternate 3- Present not seated		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
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**



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

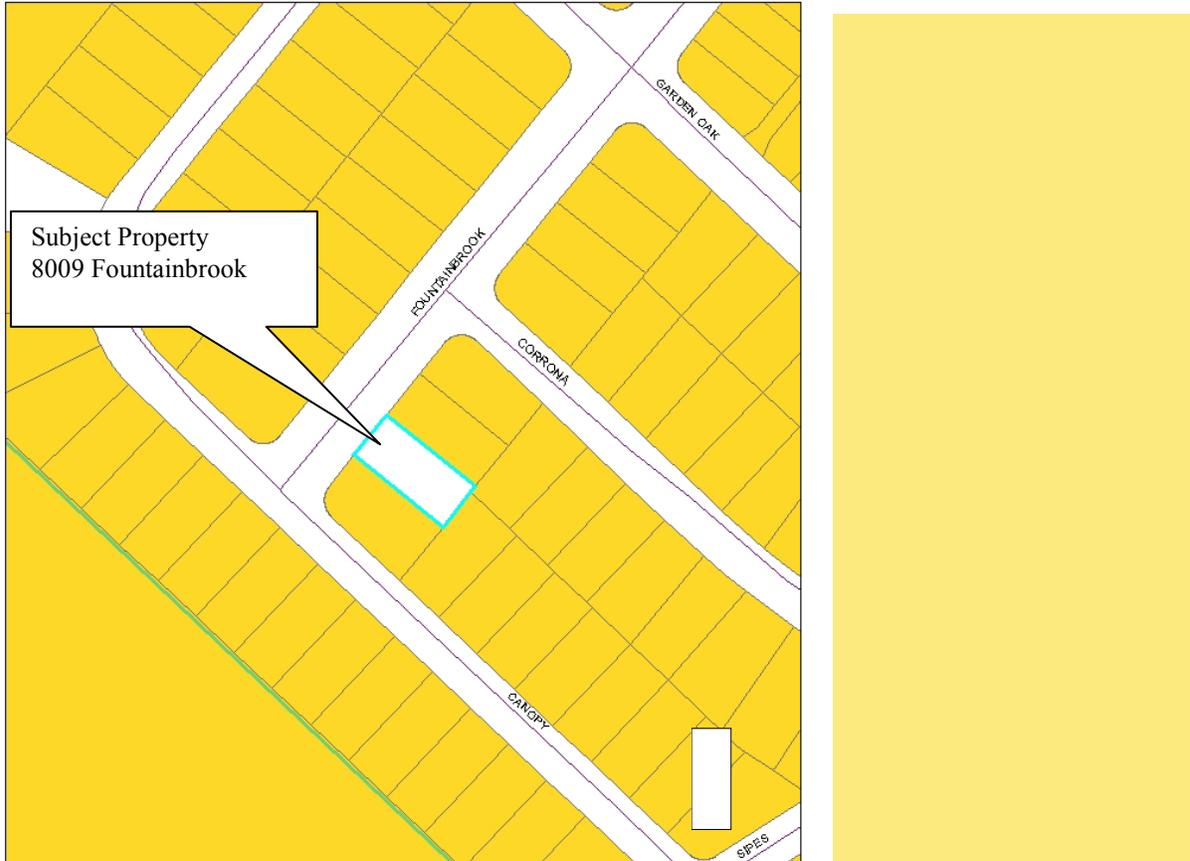
Zoning Information

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**

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 8th day of April, 2014.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

Michael L. Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY



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

PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the 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 <input checked="" type="checkbox"/>	Jan Brown <input type="checkbox"/>	Vice Chair Larry Miller <input checked="" type="checkbox"/>
	Cathi Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	Alan Rosenberg <input type="checkbox"/>	Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1	Steve Long <input checked="" type="checkbox"/> Alternate 2
	Sidney Sandy <input type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval to Town Council with 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



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PLANNING AND NEIGHBORHOOD SERVICES

Zoning Staff Report

Case: ZT 2014-001 Amendment 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

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 8TH DAY OF APRIL, 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 its 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 than 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 *manufactured 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 *freeboard*. 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 its 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,

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 ~~104th~~ 8th day of ~~October~~ ~~December~~ April, 2014



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: April 8, 2014

SUBJECT: Discussion and follow-up from January 11th Council Strategic Planning Session

This is a report and follow-up from the Town Council's January 11th Strategic Planning Session. Council members requested some special topics to reviewed. In this review we will discuss the following topics:

- a) Law Enforcement Analysis- RFP attached
- b) Presentation on Business Park Development/Economic Development from Melanie Underwood
- c) Discussion on 5-year Transportation Plan- plan attached
- d) Presentation on Downtown Master Plan from Shelley DeHart
- e) Discussion on future Municipal Complex
- f) Discussion on improvements to Town website

At a future Council meeting, the Council will discuss Parks & Recreation Master Plan, Parks & Recreation economic development, capital improvement plan, other and related issues. The Town Council will also be asked to develop a future timeline for the development of a 3-year Strategic Plan.

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn



TOWN COUNCIL
Robert W. Allen
Christopher M. King
Darlene T. Luther
David K. Waddell

September 12, 2013

To All Interested Parties

The Town of Indian Trail, NC invites you to submit a proposal to provide an Evaluation of Law Enforcement Services as described herein. All proposals shall be submitted in a sealed envelope or package showing the name and address of the proposer and addressed to:

The Town of Indian Trail
P. O. Box 2430
130 Blythe Drive
Indian Trail, NC 28079
Attn: Peggy Piontek, Town Clerk

1. Questions and all correspondence from Vendors should be emailed to TownClerk@admin.indiantrail.org.
2. Responses to Questions will be provided to all interested parties.
3. All proposals must be submitted no later than 4:00pm on October 11, 2013. Interested parties assume all responsibility for sending an RFP by the due date. Late RFP's will not be considered.

Please note that this Request for Proposal letter does not constitute on the part of the Town of Indian Trail that a contract will be awarded. No costs incurred in the preparation and submission of a proposal will be reimbursed.

The Town looks forward to receiving your response to this Request for Proposal.

Sincerely,

Joe Fivas

Joe Fivas
Town Manager

Cc: Peggy Piontek, Town Clerk



**Town of Indian Trail
P. O. Box 2430
130 Blythe Drive
Indian Trail, NC 28079**

**Notice of
Request for Proposals
For Evaluation of Law Enforcement Services**

Proposal's Due Date: October 11, 2013, 4:00pm

OVERVIEW AND BACKGROUND INFORMATION

The Town of Indian Trail is soliciting proposals from qualified, professional, independent Consultants to conduct an evaluation of the current and future law enforcement needs for the Town of Indian Trail.

Background Information

Indian Trail is a growing community. We have grown from 1,942 residents in 1990 to more than 35,000 residents in 2013. The town is located in Union County just fifteen miles from the center city of Charlotte, the largest city in North Carolina. In January of 2009, The Gadberry Group, a location services firm based in Little Rock, Arkansas, released a report noting the eight most high growth areas in the nation. Indian Trail placed fifth out of the eight cities due to a 95% increase in population from the year 2000 to 2008. Additionally this same report found that the household income increased 38% from \$63,578 to \$87,707. The growth in income levels and net worth data earned Indian Trail a ranking of second place for a high economic stability index.

The Town of Indian Trail contracts with Union County to provide law enforcement services. All other services are provided by the Town as a general purpose government including general administrative services, street maintenance and improvement and parks/recreation.

Scope of Work

The Consultant's scope of work will include a review of relevant historical data, projected population trends, and anticipated staffing levels currently and at least ten years into the future.

- Current and projected staffing and population trends; how many deputies do we need now and in the future?
- If determined we do not have enough deputies for now and/or the future, please develop a schedule as to when additional deputies should be hired.
- If additional deputies need to be hired, please indicate the reason(s).
- Please indicate how the Town should be able to fund the costs for any recommended additional services/costs that would be incurred.
- Please give a recommendation based on a financial analysis, of an approximate time and/or number of deputies that the Town should begin to review and discuss other possible alternative law enforcement service options.

RFP ADMINISTRATION

Submission Deadline

All RFP's are due no later than 4:00 P.M. on October 11, 2013. RFP's must be delivered to the attention of the Town Clerk, Peggy Piontek at:

**The Town of Indian Trail
PO Box 2430
130 Blythe Drive
Indian Trail, NC 28079
Attn: Peggy Piontek, Town Clerk**

Each proposal must be received by the date and time specified. **Any deviation from this requirement will result in your proposal being considered non-responsive, thus eliminating your company from further consideration.**

Interested parties assume all responsibility for sending an RFP by the due date. We encourage you to submit RFP's several days in advance. Late RFP's will not be considered.

Please submit one original paper copy, two (2) duplicate paper copies, and one copy on CD. The original copy should be clearly marked as such. RFP's received prior to the time of the opening will be securely kept, unopened. Upon RFP opening, submitted RFP's will be distributed to the evaluation committee. All materials submitted become the property of the Town of Indian Trail and will not be returned.

Proposal Checklist

Please use the following proposal checklist to ensure you are submitting a complete proposal.

- One original paper copy clearly marked as "original"
- Two duplicate paper copies
- One copy on CD
- Executive Summary
- Company Background and Staff Biographies
- Understanding of Scope of Work and Approach to Evaluation
- Client References and Consultants Previous Experience in Similar Evaluations
- Cost Proposal
- Sample Contract Document
- Non-Collusion Certificate

Schedule

The Town of Indian Trail has carefully considered its needs and devised the following schedule of RFP activities. It is the Town’s intention is to select a vendor by November 1, 2013, and to begin activities as soon as possible thereafter.

Tentative Schedule of RFP Activities:

Activity	Date	Time
RFP released by Town	September 13, 2013	
Responses due and Opened	October 11, 2013	4:00 PM
Town releases short-list of Consultants	October 23, 2013	
Consultant interviews	October 29 or 30, 2013	
Evaluation start date, no later than	November 18, 2013	
Draft Study due	TBD	
Final Study due	TBD	

Evaluation Criteria

Consultants will be selected by a committee based on an evaluation of the technical proposal, price, and other factors. Proposals will be evaluated on the basis of the following criteria:

- Consultant’s professional qualification and availability.
- Understanding of Project’s Scope of Work and appropriateness of work proposed. Consultant’s innovation and ingenuity applied to project.
- Prior experience and familiarity with similar projects, or similar government entities.
- Cost/Fee Proposal

SUBMITTAL REQUIREMENTS

Proposal Format

To facilitate the analysis of responses to this RFP, vendors are required to prepare their RFP's in accordance with the instructions outlined in this section. Vendors who deviate from these instructions may be considered non-responsive and disqualified at the discretion of the Town of Indian Trail.

Vendors shall prepare RFP's as simply as possible and provide a straightforward, concise description of its capabilities to satisfy the requirements of the RFP. Emphasis should be concentrated on accuracy, completeness, and clarity of content.

All parts, pages, figures, and tables shall be numbered and clearly labeled.

Executive Summary

This part of the response to the RFP should be limited to a brief narrative highlighting the vendor's proposal. The summary should contain as little technical jargon as possible and be oriented toward non-technical personnel. Please do not include cost quotations in this section.

Company Background and Staff Biographies

The Town of Indian Trail seeks information about each vendor in order to evaluate the company's stability and ability to support the commitments set forth in response to this RFP. The Town may require a vendor to provide additional support and/or clarify requested information.

The vendor should outline the company's background, including:

- Company's mission or vision statement
- Length of time the company has been in business
- Brief description of the company size and organization
- Percent of business in public sector

Please provide biographies of key staff members, including the company's president, project manager and any staff members who will be involved with the assessment. Include key facts about each person, such as length of employment with the vendor, job responsibilities, previous work experience, and certifications held.

Understanding of Scope of Work and Approach to the Evaluation

Consultant will provide an explanation of their understanding of the tasks believed to be necessary to accomplish the objective as outlined in the Scope of Work.

As well as understanding the Scope of Work, the Consultant needs to discuss the overall approach they propose to complete the evaluation

Client References and Previous Consultant's Experience in Similar Evaluations

Every vendor must provide at least five client references, preferably organizations similar in size and complexity to the Town. Local references are preferred, but not required. ALL references will be contacted should your company be selected to the short-list of vendors.

Consultant also needs to provide a list of similar evaluation performed during the last five (5) years. Please highlight previous clients who could be used as a comparison to the Town's proposed evaluation.

Cost Proposal

Every vendor must document the complete costs for the evaluation. The Town of Indian Trail reserves the right to contact vendors for cost and scope clarification at any time during the selection and negotiation process. Please provide as much detail as possible.

The Town realizes costs are based on some assumptions and pledges to work with all vendors during the negotiation process to arrive at a fair and equitable agreement. Vendors are welcome to provide documentation about any assumptions made during the creation of the pricing

The Town of Indian Trail may award a purchase contract based on initial offers received without discussion of such offers. A vendor's initial offer should, therefore, be based on the most favorable term available from a technical and price standpoint.

Contract Terms and Conditions

The vendor is required to provide a sample copy of a contract document in their submission.

APPENDICES

Proposal Costs

Those submitting RFP's do so entirely at their expense. There is no expressed or implied responsibility on the part of the Town of Indian Trail to reimburse vendors for any expenses incurred for preparing or submitting RFP's, providing additional information when requested by the Town, or participating in any selection interviews.

Withdrawal of Proposals

Proposals may be withdrawn at any time prior to the submission time specified in this RFP, provided notification is received in writing. Proposals cannot be changed or withdrawn after the time designated for receipt.

Rejection of Proposals – Waiver of Informalities or Irregularities

The Town reserves the right to reject any or all proposals, to waive any minor informalities or irregularities contained in any proposal, and to accept any proposal deemed to be in the best interest of the Town.

Proposal Validity Period

Submission of the proposal will signify the vendor's agreement that its proposal and the content thereof are valid for 180 days following the submission deadline and will become part of the contract that is negotiated between the Town and the successful vendor.

Public Records

“Under North Carolina state law, the documents (including but not limited to written, printed, graphic, electronic, photographic or voice mail materials and/or transcriptions, recordings or reproductions thereof) submitted in response to this request for proposals (the “documents”) become a public record upon submission to the Town, subject to mandatory disclosure upon request by any person, unless the documents are exempted from public disclosure by a specific provision of law. If the Town receives a request for inspection or copying of any such documents provided by a vendor in response to this RFP, it will promptly notify the vendor at the address given in response to this RFP that it has received such a request. Such notice will inform the vendor of the date the Town intends to disclose the documents requested and affording the vendor a reasonable opportunity to obtain a court order prohibiting or conditioning the release of the documents. The Town assumes no contractual obligation to enforce any exemption.”

Contract Award and Execution

- The Town reserves the right to make an award without further discussion of the proposal submitted. Therefore, the proposal should be initially submitted on the most favorable terms the vendors can offer. It is understood that the proposal will become a part of the official file on this matter without obligation to the Town.
- The vendor selected as the apparently successful vendor will be expected to enter into a contract with the Town.
- If the selected vendor fails to sign the contract within five (5) business days of delivery of the final contract, the Town may elect to cancel the award and award the contract to the next-highest-ranked vendor.
- No cost chargeable to the proposed contract may be incurred before receipt of a fully executed contract.

Defense, Indemnification, Hold Harmless and Insurance Requirements

In addition to other standard contractual terms the Town will require the selected vendor to comply with the defense, indemnification, hold harmless and insurance requirements as outlined below:

Consultant shall defend, indemnify and hold the Town, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the Town.

The vendor shall procure and maintain, for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors. The cost of such insurance shall be paid by the Contractor. Insurance shall meet or exceed the following unless otherwise approved by the Town.

Insurance Requirements

- Workers' Compensation coverage as required by the State of North Carolina.
- Comprehensive or Commercial General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage.

- Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.

Equal Opportunity Compliance

The Town is an equal opportunity employer and requires all Proposers to comply with policies and regulations concerning equal opportunity.

The Proposer, in the performance of this Agreement, agrees not to discriminate in its employment because of the employee's or applicant's race, religion, national origin, ancestry, sex, sexual preference, age, or physical handicap.

Attachment A: Non-Collusion Certificate

NON-COLLUSION CERTIFICATE

STATE OF)

ss.

COUNTY OF)

The undersigned, being duly sworn, deposes and says that the person, firm, association, co-partnership or corporation herein named, has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in the preparation and submission of a proposal to the Town of Indian Trail for consideration in the award of a contract on the improvement described as follows:

(Name of Firm)

By:

(Authorized Signature)

Title

Sworn to before me this day of , .

Notary Public

CORPORATE SEAL:

5 Yr Transportation Plan



Pathways 2 Progress

FY 14/15 TOWN TRANSPORTATION PLAN

Chestnut Parkway Ph II (Gribble Rd – OMR) **Design/Permit/ROW**

Chestnut Parkway Ph III (Gribble Rd – MIT Rd) **Planning**

Sardis Church Rd/UIT Rd (Intersxn) **Design/ROW**

IT Rd/Gribble Rd (Intersxn) **Design/ROW**

IT Rd/MIT Rd (Intersxn) **Design/ROW**

IT Rd Streetscape (US 74 – OMR) **Design/ROW**

Rogers Rd Sidewalk (WCS Rd – OMR) **Construction**

Sardis Rd Sidewalk (UIT Rd - Brittany Downs) **Construction**

Pavement Condition Survey (Townwide) **Planning**

Annual Street Maintenance (Townwide) **Maint/Const**

Annual Sidewalk Maintenance (Townwide) **Maintenance**

Technology Dr (Assessment District) **Construction**



FY 14/15 NCDOT TRANSPORTATION PROJECTS

Old Monroe Rd (John St – WCS) **20% Design/Permitting**

Old Monroe Rd (John St – WCS) **Partnership/Request Project Advance**

US 74 Intersection Improvements **Design/ROW**

US 74 Intersection Improvements **Streetscape Agreement**

IT Rd Bridge Replacement/Road Widening **Construction**

Idlewild Rd/Mill Grove Rd (Intersxn) **Construction**

FY 14/15 POTENTIAL PRIVATE TRANSPORTATION PROJECTS

UIT Rd Widening (Union Grove Development) **Construction**

OMR Turn Lane (Glen Oaks Apartments) **Construction**

FY 15/16 TOWN TRANSPORTATION PLAN

Chestnut Parkway Ph II (Gribble Rd – OMR) **Construction**

Chestnut Parkway Ph III (Gribble Rd – MIT Rd) **Design/ROW**

Sardis Church Rd/UIT Rd (Intersxn) **Utility Relo/Construction**

IT Rd/Gribble Rd (Intersxn) **Utility Relocation/Construction**

IT Rd/MIT Rd (Intersxn) **Utility Relocation/Construction**

IT Rd Streetscape (US 74 – OMR) **Utility Relocation**

Annual Street Maintenance (Townwide) **Maint/Const**

Annual Sidewalk Maintenance (Townwide) **Maintenance**

FY 15/16 NCDOT TRANSPORTATION PROJECTS

Old Monroe Rd (John St – WCS) **ROW/Utility Relocation**

US 74 Intersection Improvements **Construction**

Monroe Bypass

FY 15/16 POTENTIAL PRIVATE TRANSPORTATION PROJECTS

Poplin Rd/RR Rd Intersxn (Southgate Development) **Construction**

FY 16/17 TOWN TRANSPORTATION PLAN

Chestnut Parkway Ph III (Gribble Rd – MIT Rd) **Construction**

Sardis Church Rd/UIT Rd (Intersxn) **Construction**

IT Rd/Gribble Rd (Intersxn) **Construction**

IT Rd/MIT Rd (Intersxn) **Construction**

IT Rd Streetscape (US 74 – OMR) **Ph I Construction**

IT Rd/Pioneer Ln (Intersxn) **Design/ROW**

WCS/Rogers Rd (Intersxn) **Design/ROW**

Annual Street Maintenance (Townwide) **Maint/Const**

Annual Sidewalk Maintenance (Townwide) **Maintenance**

FY 16/17 NCDOT TRANSPORTATION PROJECTS

Old Monroe Rd (John St – WCS) **Construction**

Monroe Bypass



FY 17/18 TOWN TRANSPORTATION PLAN

Chestnut Parkway Ph III (Gribble Rd – MIT Rd) **Construction**

IT Rd Streetscape (US 74 – OMR) **Ph II Construction**

IT Rd/Pioneer Ln (Intersxn) **Utility Relocation/Construction**

WCS/Rogers Rd (Intersxn) **Construction**

Annual Street Maintenance (Townwide) **Maint/Const**

Annual Sidewalk Maintenance (Townwide) **Maintenance**

FY17/18 NCDOT TRANSPORTATION PROJECTS

Old Monroe Rd (John St – WCS) **Construction**

Monroe Bypass

FY 18/19 TOWN TRANSPORTATION PLAN

IT Rd Streetscape (US 74 – OMR) **Ph III Construction**

Annual Street Maintenance (Townwide) **Maint/Const**

Annual Sidewalk Maintenance (Townwide) **Maintenance**

FY 18/19 NCDOT TRANSPORTATION PROJECTS

Old Monroe Rd (John St – WCS) **Construction**

Monroe Bypass



Town of Indian Trail

Pathways 2 Progress

- Investment District
- Indian Trail Pathway
- Parks
- Town Project or Partnership
- NCDOT Project
- Potential Private Project



1 inch = 2,000 feet

