

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David Cohn



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

Indian Trail Town Council Meeting
May 13, 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. INTERVIEW ON LAW ENFORCEMENT ANALYSIS WITH BERKSHIRE ADVISORS, INC**
- 5. PRESENTATIONS**
 - a. Proclamation for Police Week
 - b. Certificate of Recognition for Kiwanis of Monroe
 - c. Union County Drug Court Foundation – *This matter was requested by Mayor Alvarez*
- 6. FY2014-15 BUDGET PRESENTATION**
- 7. PUBLIC COMMENTS**
- 8. LAW ENFORCEMENT UPDATE**
- 9. CONSENT AGENDA** **action**
 - a. Approval of April 22, 2014 draft minutes
 - b. Approval of Resolution for street maintenance
 - c. Approval of amendment to the Capital Project Ordinance for C-4957 B
 - d. Approval of amendment to the Capital Project Ordinance for Chestnut Square Park
 - e. Approval of amendment to the Capital Project Ordinance for Chestnut Parkway Extension.

10. PUBLIC HEARINGS

action

- a. **2014-002 Amendment of UDO Related to Thrift/Consignment Sales:** A request to amend Chapters 520, 7200, 1610 of the Unified Development to enable thrift/consignment sales within the Downtown and Village Centers, and other commercial districts. Applicant: Town of Indian Trail Planning Board
- b. **2014-2015 FISCAL YEAR BUDGET**

11. BUSINESS ITEMS

12. DISCUSSION ITEMS

- a. [Discussion on Economic Development Advisory Committee](#)

13. STRATEGIC PLANNING SESSION

- a. 5 year Transportation Plan
- b. Parks & Recreation Update
- c. Neighborhood Enhancement Program
- d. Municipal Complex Update

14. MANAGERS REPORT

15. COUNCIL COMMENTS

16. CLOSED SESSION

action

17. 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

PROCLAMATION

NATIONAL POLICE WEEK AND PEACE OFFICER'S MEMORIAL DAY

WHEREAS, the Congress and the President of the United States have designated that there be a National Peace Officers Memorial Day, and the week in which Peace Officers Memorial Day falls as Police Week; and

WHEREAS, the members of the law enforcement agencies of North Carolina play an essential role in safeguarding the rights and freedom of the citizens of the State; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their law enforcement officers and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the citizens of Indian Trail recognize and appreciate the contributions made by law enforcement officers at all levels of government.

NOW, THEREFORE, I, Michael L. Alvarez, Mayor of the Town of Indian Trail, North Carolina by virtue of the authority vested in me, do hereby proclaim **May 15, 2014**, as **“PEACE OFFICER'S MEMORIAL DAY,”** and **May 11 – 15, 2014** as **“NATIONAL POLICE WEEK”** in Indian Trail, North Carolina, and that, along with all of our Town Council and residents join in commemorating law enforcement officers, past and present, which by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In so doing, they have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

WITNESS my hand and seal of the Town of Indian Trail this 13th day of May 2014.

Mayor Michael L. Alvarez

Certificate of Recognition

Whereas, the Kiwanis Club is a service organization comprised of caring men and women from all walks of life; and

Whereas, the mission of the Kiwanis Club of Monroe is to serve children of Union County through community projects, scholarships and mentoring; and

Whereas, the Kiwanis Club is involved in a variety of projects that involve fundraising, community service, and assisting children locally and worldwide; and

Whereas, one of the many projects which they annually conduct is the International Kiwanis One Day of Caring held in April; and

Whereas, the Kiwanis of Monroe participated in the International Kiwanis One Day of Caring on April 5th at Chestnut Square Park in Indian Trail. Club members were joined by the Circle K Club from Wingate University to provide painting the new fence around the playground; picked up rocks, debris and trash inside the playground area; cleaned up the area around the outside of the fenced playground and also helped clean up the trails; and

Whereas, Kiwanis members, by example, hope to encourage other civic, faith-based, and school organizations to jump on board and help with this wonderful revitalization program.

Now, Therefore, I, Michael L. Alvarez, by virtue of the authority vested in me as Mayor of the Town of Indian Trail, and on behalf of our Town Council and all our citizens, do hereby extend to the Kiwanis of Monroe and Circle K Club from Wingate University our expression of sincere appreciation;

Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Indian Trail to be affixed this 13th day of May in the year of two thousand and 2014.

Mayor Michael L. Alvarez

Union County Drug Courts





Union County DWI Treatment Court



- Established in October 2010
- Focus on hardcore repeat DWI offenders
- Goals are to increase public safety and decrease recidivism
- Initially funded by a 3 year grant through Bureau of Justice

Eligibility Criteria

- Hardcore repeat DWI offender
- No convictions for violent felonies or trafficking or sale of a controlled substance
- No previous participation in a DWI Court Program
- No substantial mental health problems that prohibit their productive participation in program
- Resident of Union County

Participant Requirements

- **Participants must:**
 - Attend treatment / community support meetings
 - Comply with probation
 - Attend court on a bi-weekly basis
 - Submit to random searches and drug screens

The Cost Incentive

- Nationwide, for every \$1 invested in Drug Court taxpayers **save** up to \$3.36 in avoided criminal justice costs
- The average cost of one year in NC prisons per inmate = \$27,747
- The average cost of one year participation in Union County DWI Treatment Court per participant = \$4,640
- Total possible savings per participant = **\$23,107**

Statistics

- 102 referrals since October 2010 made by client attorneys or sentencing Judge
- 78 admitted to program

17 successful graduates

- ALL gainfully employed
 - 1 enrolled in college level courses
 - 1 gained stable housing for first time
 - 1 regained legal custody of children
- Maximum of active participants at one time is 25



Union County DWI

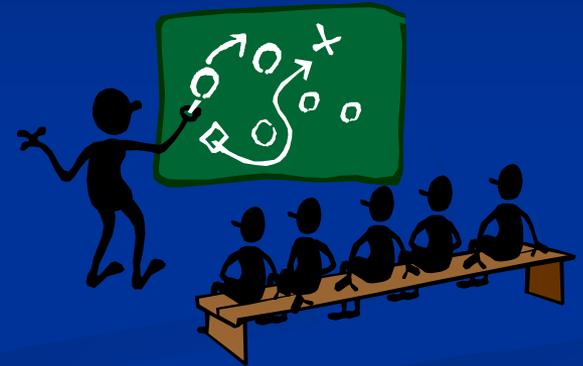
Treatment Court

is a

Team Effort!

Team Members

- Treatment Providers
 - Defense Attorneys
 - District Attorney's Office
 - Jail Services
 - Probation
 - Judges
 - Participants
- All positions are a “time match” or volunteer



Case Reviews



- Participant case reviews take place prior to each court session
- All team members are welcomed to provide information on participant progress or voice concerns
- Team staffings allow for creative sanctions and incentives to be developed

Court Incentives and Sanctions

Incentives

Participants are recognized for progress in the program. Incentives include:

- “A – Team” *
- Transportation Vouchers
- Modification of probation requirements
- Other small rewards as available (gift cards, movie tickets, etc.) *

Sanctions

Participants are held accountable for negative actions. Sanctions include:

- Increased community support meeting attendance
- Increased treatment
- Extended intensive probation
- Jail time

Steps Toward Completion

- Participants must complete 3 phases for a successful completion of the program
- Each phase lasts 120-180 days

Phase I

- Attend substance abuse treatment three times a week for a total of nine hours a week
- Daily contact with Court Coordinator
- Attends community support meetings at least twice a week
- Bi-weekly court reviews
- Obtain a sponsor who will assist and support participant through the recovery process
- A minimum of 30 days drug free to move to next phase

Phase II

- Attend substance abuse treatment twice a week for a total of four hours per week
- Contact Court Coordinator three times per week
- Attend at least three community support meetings per week
- Monthly court reviews
- Noticeable increase in personal accountability by increasing community support and decreasing court and treatment contact

Phase III

- Attend substance abuse treatment aftercare once a week for two hours
- Contact Court Coordinator three times per week
- Attend at least four community support meetings per week
- Monthly court reviews
- Personal accountability continues to increase with decreased treatment and court contacts

A Successful Graduate Has...

- Completed treatment
- Obtained a sponsor
- Up to 360 days of drug and alcohol free time
- Complied with probation
- Worked toward personal goals identified in beginning of the program

A Portrait of a Successful Graduate

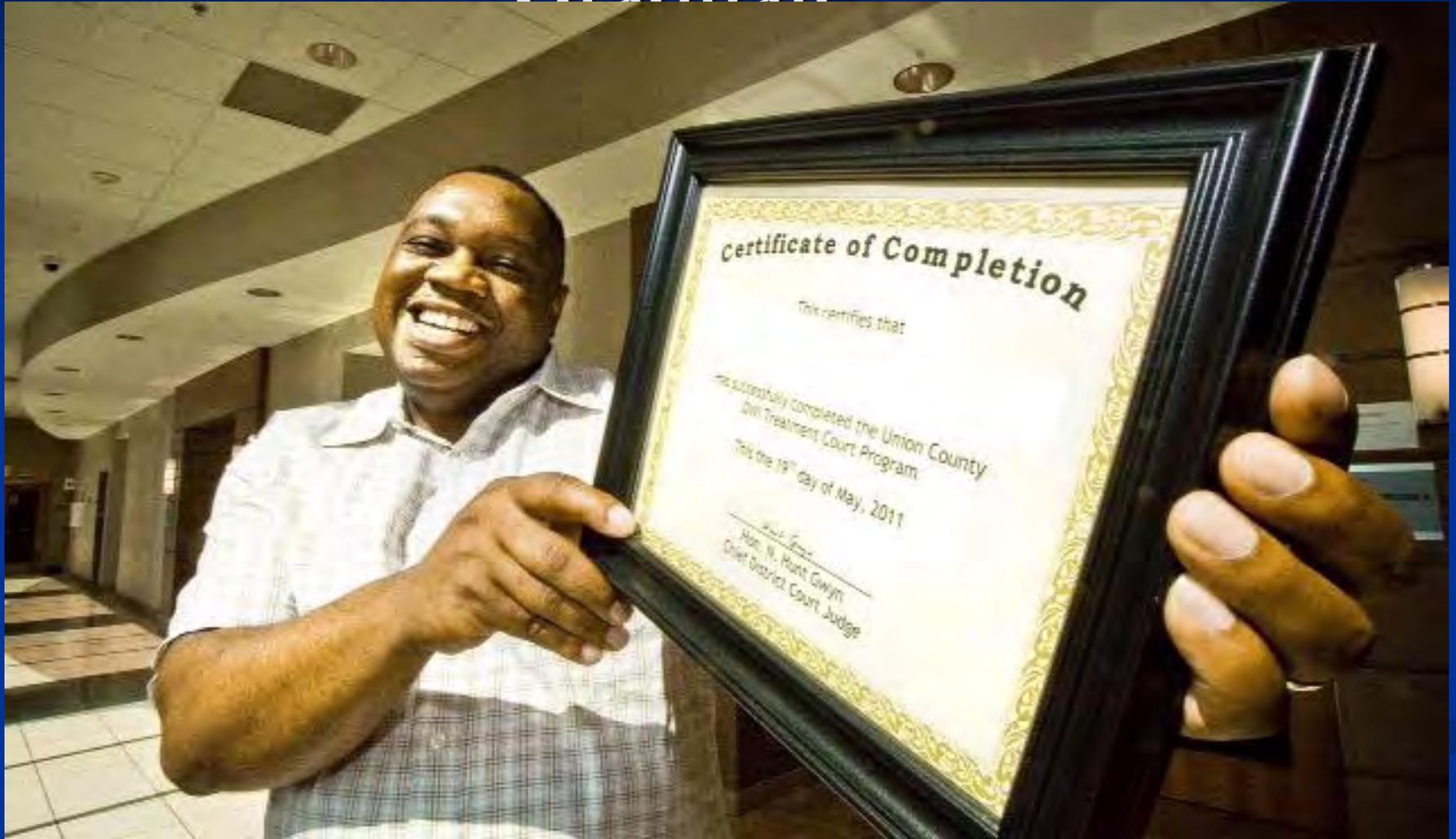


Photo courtesy of Rick Crider

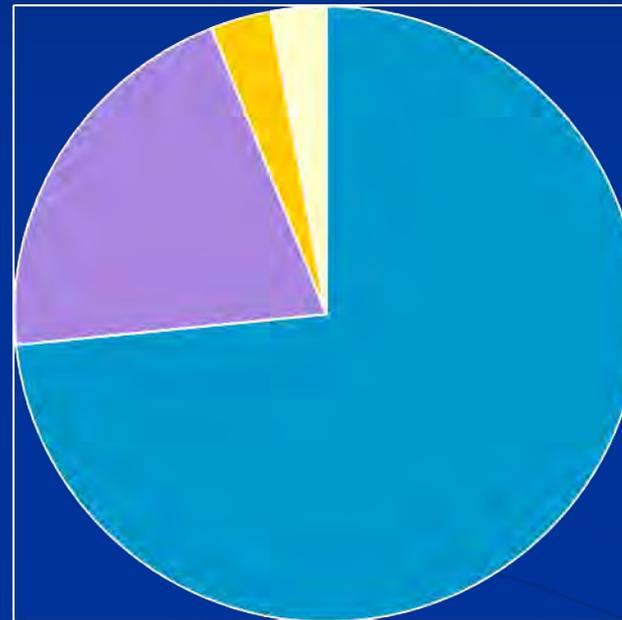
Results in my life...

- “I nearly gave everything up for alcohol. I was just being selfish and today that is not true. Sobriety is for me! Some things are worth more than money.”
- “This program works! It has brought back my family, health, and spirituality.”
- “It is a privilege to be in the DWI Court program. And when thought of in that perspective, it saved my life!
- “I lost both of my parents in one month while in this program. Due to the support of all involved I did not drink or drug. Now to me, that is an accomplishment! Yes, that is me... a success after all!”
- “I have a house, I have a job, I have the love of my family. I have my life back.”

The Scope of the Problem

July 2012 – June 2013

- 538 Total DWI convictions
- 151 Hardcore offenders (Level 1 & 2)
- 23 Referrals
- 21 Eligible



- Total Convictions
- Hardcore Offenders
- Referred
- Eligible



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: May 13, 2014

SUBJECT: FY 2014-2015 Budget Presentation

Town Manager, Joe Fivas, will be presenting the budget and can be found in the library and on the webpage.



Town of Indian Trail
Minutes of Town Council
April 22, 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, David W. Drehs, and Christopher King.

Absent Members: Gary M. Savoie, Finance Director Marsha Sutton.

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, Director of Engineering and Public Works Scott Kaufhold , Jason Tryon, Assistant Director of Parks & Recreation , and Lindsey Edmonds, Communications Coordinator.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and Council Member Drehs led in the pledge. Mayor Alvarez announced upcoming Town events.

ADDITIONS AND DELETIONS

Christopher King made a motion to approve Joint Planning Resolution as item d in Presentations

Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

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

PRESENTATIONS

a. Arbor Day Proclamation

Mayor Alvarez read the Proclamation **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

b. Point Man Union County Outpost

Mr. Art Spurr explained the organization, what they do and who they are. Their purpose is to provide a safe environment for veterans, law enforcement, firefighters & emergency medical technicians to share with one another.

c. Stormwater Advisory Committee Update

Larry Miller, Chairman of the Committee, provided his own history and explained that the Stormwater Advisory Committee's purpose is to review or recommend to Council policies, changes, long range plans and key actions. He stated that in past years a Council Member was a committee member but that has changed and encouraged providing Council with a Stormwater 101 course so they have a complete understanding of the stormwater requirements. They need to invest more time and resources in public involvement. He expressed concern that at least a minimum funding level of 50% of the income be applied to the projects in need, to avoid getting costly penalties.

d. Joint Planning Resolution

Lars Knapp, 655 Powderhorn, requested Council consider the idea of a Joint Government Planning Council, the idea is that a representative from every town meet and discuss their strengths, weakness, growth and schools so that all entities are aware of issues before they become a lawsuit or a major problem. He explained that he created a resolution that is being presented this evening and can be amended as Council sees fit, requesting they motion to approve it. Mr. Knapp plans on going throughout the County to try and initiate more members.

Mayor Alvarez read the Resolution.

Council praised Mr. Knapp for his dedication at such a young age and encouraged him to continue being involved. Mr. Daniels suggested he contact the County Commissioners Chairman as they already have a committee that meet to discuss situations.

PUBLIC COMMENTS

Samantha Towns, 104 Pine Lake Drive, Indian Trail, NC congratulated the Union County Sheriff's Office for their part in the inter-agency and conviction of "The Cuban" back in January, stating that not everything they do is in the Union County Weekly. Ms. Towns stated they risk their lives every day and try to keep it safe to live, work & play in our community.

Cathi Higgins, 3004 Clover Hill Rd., Indian Trail, NC expressed concern that some Council Members have a financial association with Dennis Moser and will be voting on a matter this evening, providing details of contributions made. Ms. Higgins feels they should reclude themselves from voting on the matter.

Shirley Howe, 6205 Clearwater Dr., Indian Trail, NC advised she has previously mentioned the storm drains and street cleaning, and thanked Mr. Miller for his presentation. Ms. Howe expressed concern on matters on the Consent Agenda; specifically the additional \$25,000 for CEI stating that the public should be given an explanation on these funds and why is the contractor not being charged. She stated that at the last meeting it was discussed that May 23rd was the deadline for committee applications and would like an explanation why items 8c-g is for the appointment of committee members before the deadline has approached.

Siroos Shahni, 633 Indian Trail Road, Indian Trail, NC is one of the new owners of Star Burgers and explained some of the changes made by recommendations of patrons. He expressed concern about signage regulations stating that the Ordinance is hurting his business.

Monica Daza, Sharon Road, Indian Trail, NC stated she is impressed with the young man taking an active role in government tonight. She expressed concern over the damage and flooding issues on First Avenue and is requesting the Council come up with support and a resolution to the problem.

PUBLIC COMMENTS FOR FY 2014/2015 BUDGET DEVELOPMENT

Samantha Towns, 104 Pine Lake Drive, Indian Trail, NC recommends getting some sort of fiscal report with regard to where we are at now. Citizens have no idea where we stand financially. She recommends that a policy be set in place in the event that if we have another snow storm there should be a snow removal policy in place.

LAW ENFORCEMENT UPDATE

Lieutenant Chase Coble presented to Council the many activities, classes and tasks conducted by the Deputies in the last month.

CONSENT AGENDA

- a. Approval April 3, 2014 draft minutes
- b. Approval of April 8, 2014 draft minutes
- c. Approval of appointment of Jocelyn Sams as seat #7 on the PARC Committee -

- removed from the Consent Agenda for further discussion*
- d. Approval of appointment of Jeff Sullivan as seat #8 on the PARC Committee -
removed from the Consent Agenda for further discussion
 - e. Approval of appointment of Steven Smith as Alternate seat #10 on the PARC Committee - *removed from the Consent Agenda for further discussion*
 - f. Approval of appoint of Steven Smith as seat #5 of the Public Safety Committee -
removed from the Consent Agenda for further discussion
 - g. Approval of appoint of Calvin Cooke as Alternate seat #2 of the Public Safety Committee - *removed from the Consent Agenda for further discussion*
 - h. Request to amend contract for CEI Services on Union Indian Trail Sidewalk Project
- *removed from the Consent Agenda for further discussion*

Mayor Alvarez requested we pull the names recommended for appointment to committees.

David W. Drehs made a motion to approve removing the names up for appointment.

Mr. Fivas explained the process, that these appointments are for seats open due to members leaving or being removed and the term expirations are not for this year. The application deadline is for terms that expire this year. However Council can take any action they choose. Council had a lengthy discussion on this matter.

Mr. Drehs withdrew his motion.

Christopher King made a motion to approve the Consent Agenda.

Mr. Cohn inquired about the \$25,000 for CEI.

Mr. King Withdrew his motion.

Mr. Cohn requested item 8h be moved to 10a.

Mayor Alvarez requested Council move the committee appointments to be voted on individually.

Mr. Cohn requested removing items 8c-g, committee appointments from the Consent Agenda to item 10 Business as items b-f.

David W. Drehs made a motion to approve the consent agenda as amended
Council voted unanimously in favor of the motion.

PUBLIC HEARINGS

- a. Annexation #140- 2419 Waxhaw-Indian Trail Road

Ms. DeHart stated the subject property located at the northeast corner of Waxhaw- Indian Trail Road and Blanchard Circle, is approximately 11.47 acres in size, and was previously used for single-family residential purposes. The residential structures no longer exist on the property and use has been limited to signage for the Church located on Blanchard Circle (previously known as Hartis Grove Baptist Church). This petition is being processed concurrent with a conditional zoning request. The recording of this annexation, if approved, is contingent upon the approval of the associated Conditional Zoning petition CZ2013-010 titled Blanchard Circle which will be heard by Council immediately following this request.

Mayor opened and closed the public comments portion of the hearing as no one signed up to speak.

Gordon B. Daniels made a motion to approve in accordance with the requirements of NCGS § 160A-31(d), Town Council of Indian Trail finds that the proposed Annexation Ordinance #140 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.

Council voted unanimously in favor of the motion.

Gordon B. Daniels made a motion to approve extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #140 establishing the effective date of the annexation as April 22, 2014 at 11:59 p.m. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD).**

Council voted unanimously in favor of the motion.

CZ2013-010 Blanchard Circle

Ms. DeHart presented this is a request to establish a Conditional Single Family Residential-5 (SF-5-CZ) zoning district to support development of a 29-home neighborhood at a density of 2.5du/acre (approximately), with related improvements. The 11.47 acre subject property is located at the northeast corner of Waxhaw-Indian Trail Road and Blanchard Circle. The neighborhood features two access points, over two-acres of open space consisting of a trail within a wooded area, on-street parking, and 29-single-family residential home sites for brick wrapped dwelling units. The subject property is currently within the unincorporated area of Union County. The property owner, Hartis Grove Baptist Church, is processing a voluntarily annexation petition concurrent with the project.

Ms. DeHart explained to Council the stormwater pattern and issues are currently on private property and the Stormwater Ordinance does not permit the use of stormwater funds to resolve the Satterfield resident's issues. The proposed plan will result in the stormwater pattern going through a public right of way, creating a public stormwater issue, qualifying for a town stormwater project. Staff has conducted discussion with the applicant and proposed an additional condition (#13) to address this issue she read and presented a revised Ordinance to Council. Ms. DeHart advised after a brief meeting this evening with the property owner, he still has some concerns pertaining to unknown additional conditions not included in the revision requesting surety that the matter will be assessed and addressed. After further conversation with the applicant's team, its proposed condition read as follows: The Town Engineer will formulate a plan for stormwater system repairs and the developer shall reimburse the Town of Indian Trail 50% of the cost for

off-site storm water improvements located at 213 Edenshire Ct. within the Satterfield Subdivision. If approved, any cost to address any issues would be shared by the developer and the town.

Ms. DeHart advised this request was heard by the Indian Trail Planning Board on March 18, 2014. The Board discussed, school assignment, storm water drainage, and setbacks. After deliberations, the Planning Board voted to transmit a recommendation to approve (6-1) as presented making the following required findings: The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

Goal - Land Use and Housing - The proposed conditional district provides for quality medium density residential use at an appropriate location providing a transition at an intersection, and at a scale consistent with the citing criteria - SC-5 of the Comprehensive Plan. The project also supports the existing neighborhoods and community by providing a well designed, quality, subdivision at a Town gateway location.

Goal- Mobility and Transportation - The proposed conditional district includes the construction of curb, gutter, and sidewalk enhancing mobility in the area, construction of a roadway improvements (turn-lane and storage) and dedication of right-of-way on adjacent roadways to meet the future transportation needs of our community.

Goal- Infrastructure-The proposed conditional district will expand utilities in the area, underground overhead utilities where feasible, and will evaluate stormwater needs to avoid potential impacts with adjacent properties.

The request for this conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of lot types and housing sizes within the Moore Farm Village, provides expanded housing opportunities for Indian Trail citizens and business owners, includes transportation and utility infrastructure investment, and is in general conformity of the Comprehensive Plan.

Council initiated discussion amongst themselves and staff on this item, the applicant then requested to give his presentation.

John Ross, a representative of Eagle Engineering and the applicant expressed appreciation to the staff and Planning Board. He explained it currently is County zoned and could be developed as an R40 by right. They are proposing a development of 29 quality homes ranging in price from upper \$200,000 to mid \$300,000. Mr. Ross went onto explain the benefits of this development to the town and community and they view it as an opportunity to assist the town in resolving stormwater issues not created by this development.

Mayor Alvarez opened the public comments portion of the hearing.

Greg Vossekuil, 213 Edenshire Court, Indian Trail, NC handed out to Council a copy of his survey and photos of his driveway and settlement on his property. **(COPY CAN BE FOUND IN THE OFFICIAL PACKET)**. He expressed concern of stormwater runoff coming onto his property as there is already damage due to existing conditions and requested that a concrete head wall be included on the pond to avoid a breach, a breach analysis for safety and viability of the pond and his receiving a copy of the plans for the pond and breach analysis. Mr. Vossekuil requested that the approval be delayed until these matters can be reviewed.

He also requested a condition be added that the developer will pay for any failures of this pond from operating as designed and compensate homeowners downstream if property damage occurs.

Cathi Vossekuil, 213 Edenshire Court, Indian Trail, NC expressed she fears for her home and those surrounding them, their property is sinking due to stormwater runoff, explaining that the town has filled 3 sinkholes in the last year as a result of the existing pipe not handling the current runoff and asked how is it expected to handle the additional runoff from the proposed neighborhood. Ms. Vossekuil stated that neither the city nor county will accept ownership of the pipe. She stated they fear the effects of additional runoff and requested the Council delay in approval until a written plan is in place as to who will be responsible if the pond breaches the neighborhood, a breach analysis and a concrete head wall to be included in the plans as well.

Bob Babb, 209 Edenshire Court, Indian Trail, NC expressed concern about the stormwater method being proposed for Blanchard Circle. Mr. Babb described the pond's planned location and area of concern is removal of trees and if handled incorrectly the banks of the pond may fail resulting in catastrophic consequences for his neighborhood, inquiring who will compensate them for water damage if incurred and requested Council delay approval until a plan with appropriate guarantees and safeties are in place to handle any unforeseen consequences.

Peyton Babb, 209 Edenshire Court, Indian Trail, NC expressed concern about the method planned to handle stormwater on Blanchard Circle, requested a delay of approval until there is a plan written into the proposal with appropriate guarantees and signatures to compensate homeowners if damage occurs due to stormwater or a breach in the pond, who will repair the pond if breached, a concrete wall will be incorporated into the development and that a breach analysis be conducted and provided to downstream homeowners before approval is granted.

Michael Craig, 215 Edenshire Court, Indian Trail, NC expressed concern about the stormwater methods proposed, he is requesting consideration of written plan included within the proposal to compensate homeowners if damage occurs and who will repair the pond if breached, a concrete head wall and breach analysis be conducted prior to approval.

Cathi Higgins, 3004 Clover Hill Road, Indian Trail, NC supports Satterfield neighbors request to delay a decision until the drainage issue is resolved. She feels that Mr. Moser and the developer are requesting special exemptions from our towns minimum building standard; 8' side setbacks (10' is required by UDO); building 29 lots adjacent to the 38 existing in Satterfield is not compliant with the Indian Trail Comprehensive Plans future orientation for medium density housing in this rural mixed village; at 13% it exceeds the 12% cap including the flexibility factor for medium density housing; and in her opinion it exceeds the 50 unit cap on the number of lots allowed in this village. Ms. Higgins expressed her earlier stated concerns during public comments.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC stated she agrees with Ms. Higgins and expressed concern over additional damage from stormwater hoping Council will delay approval on matter so the

potential for additional damage to Blanchard Circle retention pond must be addressed to the property owner's satisfaction in writing. Ms. Howe provided some personal experience on stormwater issues stating that a verbal agreement is not satisfactory and she believes the developer should pay for it not the town.

Mayor Alvarez announced that Mr. Savoie is home sick.

John Ross, 2013 Van Buren Avenue, Indian Trail, NC responded to some of the comments: they do and will conduct breach analysis on ponds they design; excessive stormwater now, if the town digs into it he believes the town will not find excessive stormwater but poor construction; he explained the town's plans that are in place (UDO and design guidelines) to provide assurance and security; there is a long term plan (operations and maintenance agreement) in place; as a long term assurance a forever bond is set in place as part of the final acceptance of the town of the project. The comments he has been hearing to delay the approval until the instruments are in place, they are already there as he just explained.

Dennis Moser, 231 Post Office Drive, Indian Trail, NC expressed concern over \$350 by Miss Higgins, and provided a list of contributions he has made County and town wide.

Mr. Cohn called for a Point of Order to stay on topic and not speak directly to Ms. Higgins. Mayor Alvarez called for a Point of Order.

Mr. Moser explained that the drainage problem will not be an issue if he doesn't voluntarily annex into the town, and can ignore all the additional benefits this project is providing the town. The town requested he pay for half and he agreed, it's the town's problem, not his but he wanted to be a good neighbor.

Art Spurr, 4100 Woodcreek, Indian Trail, NC stated he agrees with the homeowners issues, as he's watched what has happened with Crooked Creek with the development on the other side and the stormwater creating issues for his development in Ashcroft. Once the developer leaves the HOA takes over and who's going to take care of the problem. We have funds in stormwater available to repair the issue. He expressed concern about 29 units access of 2 roads, stating we have enough problems with traffic.

Mayor Alvarez closed the Public Comments portion of the hearing.

Gordon B. Daniels made a motion to table CZ2013-010 Blanchard Circle to May 27, 2014 Council meeting.

Mr. Merritt explained the hearing is completed and the public hearing has been closed, this is the deliberation portion of the hearing which can be continued to a later date, but the hearing itself has been conducted.

Council had a lengthy discussion on this matter amongst themselves, staff and Mr. Merritt.

Ms. DeHart advised the Conditional Zoning condition and Annexation condition were running concurrently. Although a decision has been made for the annexation, the applicant's follow thru on the annexation into

our jurisdiction is dependent upon the approval of CZ2013-010. If the matter is continued, the applicant is going to respectfully request that the Council bring back up and reverse the decision on the annexation, if this matter is not approved the applicant does not wish to be annexed into the Town of Indian Trail.

Council took a break
Council returned from break

Mayor Alvarez stated for the record doesn't appreciate the anger or threats being made not to annex when Council is here to represent the public.

Ms. DeHart addressed some of the comments brought up on stormwater: she pointed out there are 15 proposed conditions of approval, 3 of which are specifically related to stormwater which she read into the record: 11. *Stormwater Detention Pond*: The size of the proposed stormwater management facilities identified on the Concept Plan is for illustrative purposes only. The exact size will be determined with the Site Plan submittal. The required stormwater analysis shall include a study of downstream conditions/infrastructure through the Satterfield Development as well as a breach analysis for the proposed pond on the subject property. 12. *Review of Stormwater Plans*: Town Engineering staff and the rezoning applicant's representatives (if needed) will review the proposed grading and drainage plans with property owners of 07117802 and 07117771 unless such a review is declined by the adjacent property owners. The intent of the review is to keep the property owners apprised of the final grading and stormwater design and its relationship to adjacent, downstream properties. 13. *Off-site Stormwater Improvements*: The Town Engineer will formulate a plan for stormwater system repairs and the developer shall reimburse the Town of Indian Trail 50% of the cost for off-site storm water improvements located at 213 Edenshire Ct. within the Satterfield Subdivision. Work to be done in conjunction with initial upstream land disturbing activities associated with new subdivision.

Ms. DeHart went onto explain the purpose of Conditional Zoning.

Mr. Daniels withdrew his first motion.

Gordon B. Daniels made a motion to approve making the required findings as read into the record. Council voted unanimously in favor of the motion.

Gordon B. Daniels made a motion to approve CZ2013-010 with modified conditions Council voted unanimously in favor of the motion.

Mr. King requested permission to be dismissed. Council agreed to the dismissal

BUSINESS ITEMS

These items were removed from the Consent Agenda for further discussion.

- a. Request to amend contract for CEI Services on UIT Sidewalk Project

Mr. Kaufhold explained the amendment to the contract for Construction, Engineering & Inspection (CEI) services is the result of Boggs Construction continued delays in project. Staff has kept track of the number of days; the damages assessed are \$500 per day which will not be assessed until the completion of the project. This is the second time we've had to do this, this is a federally funded project and we must meet these guidelines. Council had a discussion pertaining to the contractor and Federal requirements.

David Cohn made a motion to approve amending the contract for CEI Services on Unionville Indian Trail Sidewalk Project

Council voted unanimously in favor of the motion.

b. Approval of appointment of Jocelyn Sams as seat #7 on the PARC

Gordon B. Daniels made a motion to approve appointing Jocelyn Sams to seat #7 on the PARC Committee. Council voted unanimously in favor of the motion.

c. Approval of appointment of Jeff Sullivan as seat # 8 PARC

David W. Drehs made a motion to approve appointment of Jeff Sullivan as seat #8 PARC Committee Council voted unanimously in favor of the motion.

d. Approval of appointment of Steven Smith as Alternate seat #10 on PARC

David W. Drehs made a motion to approve appointment of Steven Smith as Alternate seat #10 on PARC Committee Council voted unanimously in favor of the motion.

e. Approval of Steven Smith as seat #5 on Public Safety Committee.

Gordon B. Daniels made a motion to approve appointment of Steven Smith as Alternate seat #5 on the Public Safety Committee. Council voted unanimously in favor of the motion.

f. Approval of Calvin Cooke as Alternate seat #2 on the Public Safety Committee.

David Cohn made a motion not approve of Calvin Cooke as Alternate seat #2 on the Public Safety Committee.

Motion Passed 2 - 1 with Gordon B. Daniels opposing.

DISCUSSION ITEMS

a. Discussion on forming an Economic Development Advisory Committee

Mr. Fivas suggested that this matter be delayed due to time. Council agreed.

b. Discussion on Law Enforcement Assessment interviews

Mr. Fivas advised the purpose of this item is for Council to decide the process they would like conducted and how they would like that interview to go. Council had a lengthy discussion amongst themselves, Lieutenant Coble and Mr. Fivas; topics included continuing RFP process for more candidates, length of time to arrive at this point, and suggestions from Lieutenant Coble on questions and information prepared by Council prior to the interviews. Mayor Alvarez recommended that Council work on questions and send them back and forth to each other.

At this point in the meeting, the Town experienced technical difficulty with the audio recording.

STRATEGIC PLANNING SESSION

a. 5-Year Transportation Plan

Mr. Fivas explained due to the late hour, it's up to Council, we can postpone some of these presentations, but he would like to show the video of the Parks & Recreation Presentation, it's only about 5 minutes long. Council agreed to delaying these matters and seeing the video.

b. Parks & Recreation Update

A video of the parks progress was presented to Council.

c. Neighborhood Enhancement Program - tabled

d. Municipal Complex Update - tabled

MANAGERS REPORT

Mr. Fivas discussed upcoming events , and indicated he is working with Union County on a tap fee issue.

COUNCIL COMMENTS

Mayor Alvarez thanked Ms. DeHart and her staff for the Mayor's tree initiative. He would like to the town to consider assisting the small business owners with their signage.

Mr. Daniels asked Lieutenant Coble how the Deputy recovering? He stated there should never have been a dog there, he was upset that he had to do what he had to do and requested that Lieutenant Coble tell him he said hello.

Mr. Cohn had no comments.

CLOSED SESSION

None

ADJOURN

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

APPROVED:

Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Scott J. Kaufhold, P.E., Director of Engineering and Public Works

COUNCIL DATE: May 13, 2014

SUBJECT: Approval of Resolution for Street Maintenance

General Information:

The North Carolina Department of Transportation (NCDOT) has agreed to fund and undertake repairs and resurfacing of roads within Industrial Ventures Business Park, in accordance with NCDOT *Standard Specifications for Roads and Structures*, provided the Town of Indian Trail assumes maintenance responsibilities upon completion. The process will follow the Town's current "Street Acceptance Policy." NCDOT requires a Resolution from the Town stating the terms of the agreement.

Required Actions:

Council Approval of Resolution

Attachment:

Resolution

STATE OF NORTH CAROLINA
TOWN OF INDIAN TRAIL



RESOLUTION #

**RESOLUTION DECLARING THE INTENT OF THE
TOWN OF INDIAN TRAIL TO ASSUME MAINTENANCE OF
ROADS WITHIN INDUSTRIAL VENTURES BUSINESS PARK**

WHEREAS, the Town Council of the Town of Indian Trail is responsible for making decisions for the safety, health and welfare of the citizens of the Town of Indian Trail; and

WHEREAS, the North Carolina Department of Transportation will be undertaking the project of repairing and resurfacing of roads within Industrial Ventures Business Park; and

WHEREAS, these roads will be developed to meet the standards and criteria established by the Division of Highways of the North Carolina Department of Transportation; and

WHEREAS, State law has provided for municipalities to maintain the roads within their corporate boundaries, except for those roads designated by the North Carolina Department of Transportation for retention by the State; and

WHEREAS, upon completion of upgrading the roads within Industrial Ventures Business Park to the aforementioned standards, the Town Council of the Town of Indian Trail will agree to accept maintenance of said roads within Industrial Ventures Business Park; and

NOW, THEREFORE, BE IT RESOLVED THAT the Town Council of the Town of Indian Trail will assume responsibility for the maintenance of the roads within Industrial Ventures Business Park once the subject roads have been repaired and resurfaced in accordance with the *North Carolina Department of Transportation Standard Specifications* as determined by the North Carolina Department of Transportation District Engineer and Indian Trail Director of Engineering and Public Works.

ADOPTED BY THE TOWN COUNCIL OF INDIAN TRAIL this the 13th day of May, 2014.

Michael Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Marsha Sutton, Finance Director
Scott J. Kaufhold, P.E., Director of Engineering and Public Works

COUNCIL DATE: May 13, 2014

SUBJECT: Amended Capital Project Ordinance for Unionville Indian Trail Road Sidewalk

General Information:

At the April 22 meeting, Council approved additional funds to complete CEI work for Unionville Indian Trail Road Sidewalk. Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the adoption of an ordinance is required in order to authorize capital project expenditures.

Required actions:

Council Approval

Attachment:

Amended Capital Project Ordinance for C-4957B Unionville Indian Trail Road Sidewalk

**AN ORDINANCE AMENDING THE CAPITAL PROJECT ORDINANCE FOR
C-4957 B UNIONVILLE INDIAN TRAIL ROAD SIDEWALK IMPROVEMENTS**

WHEREAS, the Town of Indian Trail desires to promote pedestrian activity in the Town and to provide for more connections to facilities throughout the Town; and

WHEREAS, certain grant funding to accomplish this goal is available and has been approved for the Town of Indian Trail,

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Indian Trail, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is the construction of a sidewalk, providing for pedestrian activities, financed by a Federal Grant and Powell Bill Funds, to be commonly known as the C-4957 B Unionville Indian Trail Road Sidewalk Improvements.

SECTION 2. The officers of the Town are hereby directed to proceed with the capital project within the term of the grant documents and budget contained herein.

SECTION 3. The following amounts are appropriated for this project:

| | Current Budget | Revised Budget |
|--|----------------|----------------|
| Construction | \$1,025,942.23 | \$1,025,942.23 |
| Construction Engineering Inspection Services | \$176,672.80 | \$201,672.80 |
| Total Appropriations | \$1,202,615.03 | \$1,227,615.03 |

SECTION 4. The following revenues are anticipated to complete this project:

| | Current Budget | Revised Budget |
|----------------------------------|----------------|----------------|
| Federal Grant | \$509,776.00 | \$509,776.00 |
| 20% Matching Funds (Powell Bill) | \$127,444.00 | \$127,444.00 |
| Powell Bill Fund | \$565,395.03 | \$590,395.03 |
| Total Estimated Revenues | \$1,202,615.03 | \$1,227,615.03 |

SECTION 5. The Finance Director is hereby directed to maintain within the capital project fund sufficient detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations.

SECTION 6. Funds may be advanced from the Powell Bill Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

SECTION 7. The Finance Director is directed to report on the financial status of the project element in Section 3 and as requested by the Town of Indian Trail.

SECTION 8. The Budget Officer is directed to include an analysis of the estimated spending and capital project revenue in the budget for this, and other active capital projects, with the Budget Ordinance.

SECTION 10. Copies of this capital project ordinance shall be made available to the Clerk and the Finance Director for direction in carrying out this project.

ADOPTED BY THE TOWN COUNCIL this the 13th day of May, 2014.

Michael L Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



TO: Mayor and Town Council

FROM: Joe Fivas

CC: Marsha Sutton

COUNCIL DATE: May 13, 2014

SUBJECT: Revision to Chestnut Parkway Extension and Chestnut Square Ordinances

When the Chestnut Project was presented to Council, the original ordinance was simply titled Chestnut Improvements. This encompassed all activity regarding Chestnut Park and Chestnut Parkway Extension. As the project evolved and in order to track cost for the Chestnut Park versus the Chestnut Parkway Extension, it became essential to separate the projects. An ordinance was adopted for each capital project with the Chestnut Improvements Ordinance titled “Chestnut Square at Indian Trail” and the Parkway Extension titled “Chestnut Extension.”

In the current Chestnut Square at Indian Trail Ordinance, Council had approved \$300,000 for the purchase of right-of-way and \$45,000 for the preliminary design, survey, environmental assessment, geotech and detailed design for Chestnut Extension.

Due to the separation of the two projects, we need to move \$345,000 already approved by Council for the Chestnut Extension from the Chestnut Square at Indian Trail Ordinance to the Chestnut Extension Ordinance.

This is simply a bookkeeping entry. There is no new money involved. Upon approval, the Chestnut Square at Indian Trail Ordinance will be reduced by \$345,000 and the Chestnut Extension Ordinance will increase by the same amount.

Attachments:

1. Approved Capital Project Ordinance for Chestnut Square at Indian Trail (11/12/13)
2. Revised Capital Project Ordinance for Chestnut Square at Indian Trail
3. Approved Capital Project Ordinance for Chestnut Extension (2/14/14)
4. Revised Capital Project Ordinance for Chestnut Extension

**AN ORDINANCE AMENDING THE CAPITAL PROJECT ORDINANCE
FOR CHESTNUT SQUARE AT INDIAN TRAIL**

BE IT ORDAINED by Town Council of the Town of Indian Trail, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is a community park.

SECTION 2. The officers of the Town are hereby directed to proceed with the capital project within the term of the bond resolution and budget contained herein.

SECTION 3. Amounts appropriated for this project are hereby amended as follows:

| | Current Budget | Revised Budget |
|--------------|----------------|----------------|
| Construction | \$4,698,863.00 | \$5,159,413.00 |
| Design | \$169,500.00 | \$169,500.00 |
| Right-of-Way | \$300,000.00 | \$300,000.00 |
| Total | \$5,168,363.00 | \$5,628,913.00 |

SECTION 4. Revenues anticipated to complete this project are hereby amended as follows:

| | Current Budget | Revised Budget |
|---------------------------------|----------------|----------------|
| Proceeds from Street Bonds | \$1,045,000.00 | \$1,045,000.00 |
| Powell Bill Fund | \$710,000.00 | \$710,000.00 |
| Stormwater Utility Fund | \$596,500.00 | \$596,500.00 |
| General Fund | \$831,863.00 | \$881,413.00 |
| Capital Reserve Fund | \$200,000.00 | \$611,000.00 |
| Proceeds from Park Bonds | \$1,500,000.00 | \$1,500,000.00 |
| Private Donation | \$25,000.00 | \$25,000.00 |
| Park Fund | \$200,000.00 | \$200,000.00 |
| Transportation Improvement Fund | \$60,000.00 | \$60,000.00 |
| Total | \$5,168,363.00 | \$5,628,913.00 |

SECTION 5. The Finance Director is hereby directed to maintain within the capital project fund sufficient detailed accounting records to satisfy the requirements of an annual independent audit. The terms of the bond resolution also shall be met.

SECTION 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

SECTION 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of the project element in Section 3 and on the total revenues received or claimed.

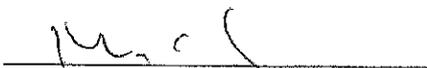
SECTION 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on the capital project in every budget submission made to this Council.

SECTION 9. Any unexpended funds appropriated shall be reserved by the Town Council for use as provided by applicable law or regulation.

SECTION 10. The Finance Director is authorized from time to time to transfer as a loan from the General Fund in an amount necessary to met obligations until such time as funding is received. When Funds are received, repayments to the General Fund may be made.

SECTION 11. Copies of this capital project ordinance shall be made available to the Clerk and the Finance Director for direction in carrying out this project.

**AMENDED BY THE TOWN COUNCIL OF INDIAN TRAIL
this the 12th day of November, 2013.**



Michael Alvarez, Mayor

Attest:



Peggy Piontek, Town Clerk

STATE OF NORTH CAROLINA
TOWN OF INDIAN TRAIL

ORDINANCE #

**AN ORDINANCE AMENDING THE CAPITAL PROJECT ORDINANCE
FOR CHESTNUT SQUARE AT INDIAN TRAIL**

BE IT ORDAINED by Town Council of the Town of Indian Trail, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is a community park.

SECTION 2. The officers of the Town are hereby directed to proceed with the capital project within the term of the bond resolution and budget contained herein.

SECTION 3. Amounts appropriated for this project are hereby amended as follows:

| | Current Budget | Revised Budget |
|--------------|----------------|----------------|
| Construction | \$5,159,413.00 | \$5,159,413.00 |
| Design | \$169,500.00 | \$124,500.00 |
| Right-of-Way | \$300,000.00 | \$0.00 |
| Total | \$5,628,913.00 | \$5,283,913.00 |

SECTION 4. Revenues anticipated to complete this project are hereby amended as follows:

| | Current Budget | Revised Budget |
|---------------------------------|----------------|----------------|
| Proceeds from Street Bonds | \$1,045,000.00 | \$700,000.00 |
| Powell Bill Fund | \$710,000.00 | \$710,000.00 |
| Stormwater Utility Fund | \$596,500.00 | \$596,500.00 |
| General Fund | \$881,413.00 | \$881,413.00 |
| Capital Reserve Fund | \$611,000.00 | \$611,000.00 |
| Proceeds from Park Bonds | \$1,500,000.00 | \$1,500,000.00 |
| Private Donation | \$25,000.00 | \$25,000.00 |
| Park Fund | \$200,000.00 | \$200,000.00 |
| Transportation Improvement Fund | \$60,000.00 | \$60,000.00 |
| Total | \$5,628,913.00 | \$5,283,913.00 |

SECTION 5. The Finance Director is hereby directed to maintain within the capital project fund sufficient detailed accounting records to satisfy the requirements of an annual independent audit. The terms of the bond resolution also shall be met.

SECTION 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

SECTION 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of the project element in Section 3 and on the total revenues received or claimed.

SECTION 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on the capital project in every budget submission made to this Council.

SECTION 9. Any unexpended funds appropriated shall be reserved by the Town Council for use as provided by applicable law or regulation.

SECTION 10. The Finance Director is authorized from time to time to transfer as a loan from the General Fund in an amount necessary to met obligations until such time as funding is received. When Funds are received, repayments to the General Fund may be made.

SECTION 11. Copies of this capital project ordinance shall be made available to the Clerk and the Finance Director for direction in carrying out this project.

**AMENDED BY THE TOWN COUNCIL OF INDIAN TRAIL
this the 13th day of May, 2014.**

Michael Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk

**AN AMENDMENT TO THE CAPITAL PROJECT ORDINANCE
FOR CHESTNUT EXTENSION**

BE IT ORDAINED by Town Council of the Town of Indian Trail, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is the Chestnut Improvements.

SECTION 2. The officers of the Town are hereby directed to proceed with the capital project within the term of the bond resolution and budget contained herein.

SECTION 3. The following amount is appropriated for this project:

| | Current Budget | Revised Budget |
|--------------|-----------------------|-----------------------|
| Construction | <u>\$1,463,313.00</u> | <u>\$1,516,890.00</u> |

SECTION 4. The following revenues are anticipated to complete this project:

| | Current Budget | Revised Budget |
|---------------------------------|-----------------------|-----------------------|
| Proceeds from Street Bonds | \$875,913.00 | \$927,290.00 |
| Transportation Improvement Fund | \$587,400.00 | \$587,400.00 |
| Powell Bill Fund | | <u>\$2,200.00</u> |
| Total | <u>\$1,463,313.00</u> | <u>\$1,516,890.00</u> |

SECTION 5. The Finance Director is hereby directed to maintain within the capital project fund sufficient detailed accounting records to satisfy the requirements of an annual independent audit. The terms of the bond resolution also shall be met.

SECTION 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

SECTION 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of the project element in Section 3 and on the total revenues received or claimed.

SECTION 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on the capital project in every budget submission made to this Council.

SECTION 9. Any unexpended funds appropriated shall be reserved by the Town Council for use as provided by applicable law or regulation.

SECTION 10. The Finance Director is authorized from time to time to transfer as a loan from the General Fund in an amount necessary to met obligations until such time as funding is received. When Funds are received, repayments to the General Fund may be made.

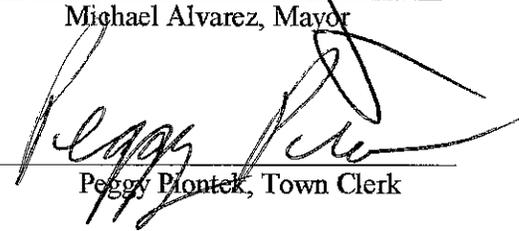
SECTION 11. Copies of this capital project ordinance shall be made available to the Clerk and the Finance Director for direction in carrying out this project.

ADOPTED BY THE TOWN COUNCIL this the 14th day of February, 2014.



Michael Alvarez, Mayor

Attest:



Peggy Piontek, Town Clerk

STATE OF NORTH CAROLINA
TOWN OF INDIAN TRAIL

ORDINANCE #

**AN AMENDMENT TO THE CAPITAL PROJECT ORDINANCE
FOR CHESTNUT EXTENSION**

BE IT ORDAINED by Town Council of the Town of Indian Trail, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

SECTION 1. The project authorized is the Chestnut Improvements.

SECTION 2. The officers of the Town are hereby directed to proceed with the capital project within the term of the bond resolution and budget contained herein.

SECTION 3. The following amount is appropriated for this project:

| | Current Budget | Revised Budget |
|--------------|-----------------------|-----------------------|
| Construction | \$1,516,890.00 | \$1,516,890.00 |
| Design | | \$45,000.00 |
| Right-of-Way | | \$300,000.00 |
| | <u>\$1,516,890.00</u> | <u>\$1,861,890.00</u> |

SECTION 4. The following revenues are anticipated to complete this project:

| | Current Budget | Revised Budget |
|---------------------------------|-----------------------|-----------------------|
| Proceeds from Street Bonds | \$927,290.00 | \$1,272,290.00 |
| Transportation Improvement Fund | \$587,400.00 | \$587,400.00 |
| Powell Bill Fund | \$2,200.00 | \$2,200.00 |
| Total | <u>\$1,516,890.00</u> | <u>\$1,861,890.00</u> |

SECTION 5. The Finance Director is hereby directed to maintain within the capital project fund sufficient detailed accounting records to satisfy the requirements of an annual independent audit. The terms of the bond resolution also shall be met.

SECTION 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

SECTION 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of the project element in Section 3 and on the total revenues received or claimed.

SECTION 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on the capital project in every budget submission made to this Council.

SECTION 9. Any unexpended funds appropriated shall be reserved by the Town Council for use as provided by applicable law or regulation.

SECTION 10. The Finance Director is authorized from time to time to transfer as a loan from the General Fund in an amount necessary to met obligations until such time as funding is received. When Funds are received, repayments to the General Fund may be made.

SECTION 11. Copies of this capital project ordinance shall be made available to the Clerk and the Finance Director for direction in carrying out this project.

ADOPTED BY THE TOWN COUNCIL this the 13th day of May, 2014.

Michael Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



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

PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the May 13, 2014 Town Council Public Hearing

| | | | |
|---|--|--|--|
| Case: ZT 2014-002 Second Hand Thrift/Consignment Sales Ordinance Amendment | | | |
| Reference Name | Second Hand Thrift/Consignment Sales Amendments of Chapters 520, 7200, and 1610 | | |
| Planning Board Meeting Date | April 24, 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 type="checkbox"/> | Robert Rollins <input checked="" type="checkbox"/> |
| | Alan Rosenberg <input checked="" type="checkbox"/> | Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1 | Steven 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 modifications | | |
| Member Making the Motion | Boardmember Cathi Higgins | | |
| Second the Motion | Boardmember Allen Rosenberg | | |
| Vote | All seated members voted in favor of the Motion | | |

Purpose of the Amendment: This is a request to amend Chapters 520, 7200, and 1610 of the Unified Development Ordinance (UDO) to permit Second Hand Thrift/Consignment Sale uses within the Neighborhood Business District and Central Business District zoning classifications as well as the Downtown and Village Center Overlay Districts, subject to conditions to ensure compatibility.

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.*

Background/Analysis

Text Amendment Case No. ZT2014-002 was initiated by the Planning Board on March 20, 2014. At the March meeting, staff informed the Planning Board about two recent thrift store business inquiries within Downtown Indian Trail that were disapproved due to the UDO's classification of these businesses as "Second Hand/Rummage Sale" uses. This use is currently only permitted within the more intense, Regional Business District (RBD) and General Business District (GBD) zoning districts. After receiving preliminary staff research regarding the characteristics of second hand thrift/consignment store uses, the Planning Board initiated ZT2014-002.

ZT2014-002 will enable second hand thrift/consignment sale uses to locate within all Indian Trail commercial zoning districts, including Downtown Indian Trail and the Town's Village Centers such as Sun Valley, Austin Village, and others. The Downtown and the Village Centers are smaller-scale areas of the community that have a heightened priority for compact development with a focus on urban design and attractive aesthetics. The following standards (in summarized form) are proposed to ensure compatibility within these important areas and to minimize impacts to adjacent properties. Please refer to Exhibit A of the Adoption Ordinance for the complete verbiage of ZT2014-002, which includes modification to the commercial and business use table, creating definitions of Thrift/Consignment sale uses (and Antique Shops), and use-specific development standards.

Proposed Thrift/Consignment Store Standards (within Downtown, Village Centers, etc.)

1. Donated items or store merchandise shall be delivered to, processed, and stored within the interior of buildings. No exterior storage shall be permitted; and
2. Outdoor merchandise receiving areas may be established subject to Special Use Permit approval by the Board of Adjustment for the delivery of oversized merchandise or for delivery of merchandise from individuals with physical limitations. *This standard was specifically recommend by the Planning Board at their April 24th meeting*; and
3. Drive thru facilities are prohibited; and
4. Use of exterior donation drop off bins is prohibited; and
5. Use of tractor trailers or shipping containers is prohibited for storage of merchandise.

Planning Board

The Planning Board met on April 24, 2014 to hear the proposed amendment in a public meeting. Questions from the Board focused on clarification of the proposed use-specific standards (summarized above) and how businesses would operate in accordance with these standards. Board members specifically discussed the merits of prohibiting outdoor storage and the use of tractor trailers for storage and processing. In these discussions the need for outdoor facilities to enable large merchandise/donation drop off identified by the Planning Board. Staff affirmed the sensibility of this and indicated their ability to craft this modification to ZT2014-002.

Public Comments were provided by Mayor Michael Alvarez (representing himself as a citizen) expressing his support for the Common Heart charitable organization that operates a thrift store and food bank. Common Heart would like to relocate to Downtown Indian Trail. Public comments were also received by Mr. Keith Adams, Executive Director of Common Heart. Mr. Adams discussed his desire to relocate Common Heart's thrift store in Downtown Indian Trail and his desire to accommodate his storage needs with the use of tractor trailers. The Board received this information and viewed photos from Mr. Adam's existing thrift store. Staff and the Board expressed their support for Common Heart's community service mission, but also shared concerns about the aesthetic impacts of tractor trailers used as storage. It is important to note that since the Planning Board meeting, Common Heart has modified its business/operating model for a potential Downtown location to no longer need tractor trailers for storage and otherwise be in compliance with ZT2014-002, as recommended by the Planning Board.

Public Comments were also provided by Ms. Lorraine Bird who would also like to operate a private consignment boutique within Downtown Indian Trail. Ms. Bird fully supported ZT2014-002 as presented to the Board. The audio from the Planning Board meeting may be heard using the following link: [April 24 2014 Planning Board Meeting](#)

The Planning Board unanimously recommended approval of ZT2014-002 subject to a modification to include the ability for an outdoor merchandise receiving area subject to Special Use Permit approval.

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - **Downtown Revitalization Goal 1:** Because it will enable second hand thrift and consignment store uses to locate within Downtown Indian Trail and contribute to the success of the Downtown economy; and
 - **Land Use Goals 1 and 5:** Because it creates standards for second hand thrift and consignment store uses and antique shop uses to ensure high quality, attractive development and minimize impacts to adjacent properties.
2. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts subject to standards that are intended to ensure compatibility with character of the area and minimize impacts to adjacent properties

Town Council Action: *Receive transmittal report and public testimony and:*

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

Staff Contact

Rox Burhans, AICP

rburhans@planning.indiantrail.org

Attachment 1- Planning Board Report

Attachment 2- Draft Ordinance



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

PLANNING AND NEIGHBORHOOD SERVICES

Zoning Staff Report

| | | |
|--|---|---|
| Case: ZT 2014-002 Amendment of UDO Related to Thrift/Consignment Stores | | |
| Reference Name | Second Hand Thrift/Consignment Sales Amendments of Chapters 520, 7200, and 1610 | |
| Applicant | Town of Indian Trail (Planning Board) | |
| Submittal Date | March 20, 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 Chapters 520, 7200, and 1610 of the Unified Development Ordinance (UDO) to permit Second Hand Thrift/Consignment Sale uses within the Neighborhood Business District and Central Business District zoning classifications as well as the Downtown and Village Center Overlay Districts, subject to conditions to ensure compatibility. These uses are currently only permitted within the more intense Regional Business District (RBD) and General Business District (GBD) commercial zoning classifications.

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/Overview

Text Amendment Case No. ZT2014-002 was initiated by the Planning Board on March 20, 2014. At the March meeting, staff informed the Planning Board about two recent thrift store business inquiries within Downtown Indian Trail that were disapproved due to the UDO's classification of these businesses as "Second Hand/Rummage Sale" uses. This use is currently only permitted within the more intense, RBD and GBD zoning districts.

After researching the operational characteristics of Second hand thrift/consignment store uses and their classification within the zoning ordinances of other communities, staff believes the UDO’s classification of these businesses as a “rummage” type use is dated and an update to the ordinance is warranted to provide a more contemporary treatment of these uses. Staff believes second hand thrift/consignment sale uses can be compatible within the Town’s smaller-scale, more urban environments if appropriate use-specific standards were adopted to ensure compatibility. The Planning Board concurred with staff’s initial assessment and formally initiated ZT2014-002.

The following will provide an overview of the proposed ordinance amendments. For ease of reference, proposed ordinance deletions are noted in black/~~strike through~~ font and proposed ordinance additions are noted in **red, underlined** font.

UDO CHAPTER 520 BUSINESS AND COMMERCIAL ZONING DISTRICTS USE TABLE

The following table identifies the proposed districts the Second Hand Thrift/Consignment Sales Use would be permitted as well as a reference to corresponding use-specific standards described later in this report. A “P” in the table indicates the use is permitted outright within the corresponding district. A reference to a “Use Standard” indicates the specific standards associated with the establishment of that use and the corresponding UDO chapter to locate the standards.

| USE GROUP | Business and Commercial Districts | | | | | | Use Standard |
|--|-----------------------------------|----------|-----|-----|----------|----------|-------------------------|
| Use Category | CBD | NBD | GBD | RBD | O-VCD | O-DD | |
| Second Hand Thrift/Consignment Sales/ Rummage | <u>P</u> | <u>P</u> | P | P | <u>P</u> | <u>P</u> | <u>See Chapter 7200</u> |
| Antique Shops | P | P | P | P | P | P | <u>See Chapter 7200</u> |

UDO CHAPTER 1610 USE GROUPS AND CATEGORIES

The UDO currently does not have a definition for the existing “Second Hand/Rummage Sale” use. The proposed text amendment proposes renaming this use to “Second Hand Thrift/Consignment Sales” in order to utilize more contemporary and recognizable terminology. The following is the proposed definition for the Second Hand Thrift/Consignment Sales use. In light of the similarity between this use and the existing “Antique Shops” use, ZT2014-002 also contemplates creating a definition for this that previously did not exist in the UDO.

Retail Sales

Businesses involved in the sale, lease or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, apparel stores and a host of other stores and shops offering goods and merchandise for sale to the public. The following are specific retail sales use types.

1. **Second Hand Thrift/Consignment Sales:** The retail sale of mostly previously used merchandise to the general public such as clothing, furniture, small appliances, household goods, sporting goods, recreation equipment, or other similar merchandise not considered to be antique. Second Hand Thrift/Consignment Sales uses may operate as for-profit businesses or be associated with a nonprofit charitable organization and are commonly referred to as consignment stores, thrift stores, second hand stores, and vintage stores. This definition

specifically excludes antique shops, pawnshops, flea markets, firearms shops, and other land uses that are more specifically identified within UDO Chapter 520.

2. Antique Shops: The retail sale of mostly previously used merchandise to the general public that is deemed to have collectible value and is at least 50-years of age. This definition specifically excludes Second Hand Thrift/Consignment Sales uses.

UDO CHAPTER 7200 SUPPLEMENTARY USE REGULATIONS

Staff researched thrift and consignment stores to better understand their operational characteristics and why the UDO would currently prohibit them from Downtown Indian Trail, the Village Centers Overlays, and the Town's other less intense commercial districts. Because the underlying business activity associated with thrift and consignment stores is of a retail nature, staff believes these uses are appropriate within the above noted districts if use-specific requirements are adopted to manage any exterior operations.

As requested by the Planning Board during the March 20th introduction of this topic, staff has written the use-specific standards (below) in a manner to also apply to antique shop uses in light of their similarity to thrift/consignment stores. The following will provide an overview of staff's research and the rationale for the proposed use-specific standards.

In understanding consignment and thrift store business models, there are generally two broad categories: stores operating as for-profit private businesses and stores associated with a charitable/non-profit organization. The following will provide a very general overview of these business models to help understand their differences.

- *For-Profit Thrift or Consignment Stores:* These stores generally function very similar to new merchandise retail stores. Examples include Cloths Mentor, Cleo's Closet, Value Village, and other local stores. Merchandise available for sale may be acquired off-site and brought to the store by the proprietor or brought inside the store by the original owner and offered for sale to the proprietor. Any items not purchased by the proprietor are immediately taken away by the original owner. The above noted activities as well as any associated storage and processing of the merchandise is generally conducted inside the building.
- *Non Profit Thrift or Consignment Stores:* The interior of these stores generally function very similar to new merchandise retail stores. Examples include Goodwill stores, Salvation Army stores, Junior League stores, and other local stores. Items available for sale are generally acquired onsite through donations brought in from the community. Depending on the specific operation of the store, these items can be brought directly into the store for donation, items may be dropped off using a drive thru facility, and/or items may be left onsite within or outside of a donation bin or an outdoor area. Under this model it's not uncommon for items to be left outside for extended periods creating an unsightly appearance.

Donated items must also be sorted through to separate the sellable items from the unsellable items. In looking at other charitable thrift stores in the Charlotte area, it appears most accommodate these functions within the interior of the building. This may be attributed to a combination of space planning, local regulations regarding outdoor storage, and shopping center management practices/policies. There may be limited instances with older stores where storage and processing is undertaken in semi-trailers and containers. These units create an

unsightly appearance that is in direct conflict with the Town's vision for Downtown Indian Trail and its Village Center areas where urban design and aesthetics are integral components.

Chapter 7200 Second Hand Thrift/Consignment Sales and Antique Shops

The following regulations shall apply to all Second Hand Thrift/Consignment Sales and Antique Shops uses as defined in UDO Section 1610.080, that are located within the Central Business District, Neighborhood Business District, and within the Downtown and Village Center Overlays.

1. All merchandise or donated goods shall be delivered to, stored, and processed within the interior of the building. The exterior storage of merchandise and donated material shall be prohibited with the exception of outdoor display/sales areas as permitted in UDO Chapter 7180; and
2. The use of exterior donation drop off bins or areas shall be prohibited; and
3. The use of drive thru facilities for merchandise or donated goods drop off shall be prohibited; and
4. The use of tractor trailers, pods, shipping containers, and similar portable storage units for merchandise or donated goods storage or processing shall be prohibited.

While there may be some limited instances where a thrift or consignment store will have to make operational adjustments to comply with these standards, staff believes the vast majority will be able to comply with the proposed use-specific standards and make a valuable contribution to the Indian Trail economy.

Public Feedback

An email was transmitted to the Planning Board on April 8, 2014 from Mr. Keith Adams who is the Executive Director of Common Heart, which operates the Common Things Thrift Store on Business Park Drive in Indian Trail. Mr. Adams indicates Common Things would like to locate within an existing building with Downtown Indian Trail. In the email Mr. Adams expresses his desire to have ZT2014-002 tailored in a manner that would permit the use of semi-trailers as outdoor storage and processing areas. ZT2014-002 and the existing UDO would prohibit this type of storage. Mr. Adams cites the presence of other containers/trailers and outdoor storage areas within Downtown Indian as the rationale for his request.

Please keep in mind that UDO text amendments are applicable town-wide and are not intended to be crafted for site-specific development requests. If ZT2014-002 were to be approved by the Town Council, it would apply to properties in Downtown Indian Trail as well as our Village Centers like Sun Valley, Austin Village, Old Monroe, and others. Site specific zoning requests are typically accommodated using the Conditional Rezoning process and in some limited cases the Special Use Permit process. As the Planning Board is well aware, these processes require development of site-specific plans with conditions of approval that take into account locational factors and specific mitigation measures to ensure compatibility with the surrounding area and minimization of impacts.

Attachment 1 of this report contains the April 8th email described above. Staff has provided additional information below to help clarify some of the points made in the email.

- *Permitted Use:* The proposed UDO amendment would permit non-profit thrift stores like Common Things to locate within Downtown Indian Trail, subject to compliance with the use-specific

requirements. Based on the information presently known, the use of semi-trailers for exterior storage is the only operational aspect that would not be permitted.

- *Storage*: Use of standalone semi-trailers, PODS, shipping containers, and similar structures are not permitted in any commercial district for use as permanent storage for a retail use. ZT2014-002 intentionally duplicates this requirement for ease of reference for business owners and staff.
- *Grandfathering*: The presence of existing outdoor storage and/or semi-trailers within Downtown Indian Trail and elsewhere was undertaken under older ordinances (likely administered by Union County) prior to adoption of the UDO. These businesses are permitted to retain the nonconforming aspects of their site, so long as they do not expand them or reach any other threshold within UDO Division 1400 *Nonconformities* that would require compliance with current standards. This concept is known as “Grandfathering.” This was explained to Mr. Adams during the previous conversation referenced in the email.
- *Storage Building*: One minor error in Mr. Adam’s email is the indication that a storage building would not be permitted under ZT2014-002. A storage building would be permitted to accommodate the storage needs of a thrift store business under this ordinance amendment. It is important to recognize that the building would have to be constructed to UDO standards and some nonconforming site aspects may be required to be brought up to current standards (paved driveways or parking, landscaping, etc.) as part of the building project.

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 goals of the Comprehensive Plan:
 - ***Downtown Revitalization Goal 1***: Because it will enable second hand thrift and consignment store uses to locate within Downtown Indian Trail and contribute to the success of the Downtown economy; and
 - ***Land Use Goals 1 and 5***: Because it creates standards for second hand thrift and consignment store uses and antique shop uses to ensure high quality, attractive development and minimize impacts to adjacent properties.
2. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts subject to standards that are intended to ensure compatibility with character of the area and minimize impacts to adjacent properties.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2014-002 as presented.

Staff Contact

Rox Burhans, AICP

Senior Planner

rburhans@planning.indiantrail.org

Attachment 1: April 8, 2014 Email

Attachment 2: Draft Ordinance

ATTACHMENT ONE

From: [Keith Adams](#)
To: [Cowanjp@aol.com](#); [Bushanpops1@aol.com](#); [Robert.rollins@co.union.nc.us](#); [Kgd430@aol.com](#); [chipperlongnc@gmail.com](#)
Cc: [Shelley_DeHart](#); [Rox_Burhans](#)
Subject: "Second Hand Retail" Text Ammendment
Date: Tuesday, April 08, 2014 3:47:23 PM

Dear Planning Board member,

I am Keith Adams, director of the Indian Trail-based nonprofit Common Heart. I shared with you about our organization at your last special meeting on considering making a text amendment to the zoning to allow for "second-hand retail" in the Downtown CBD zone.

In discussing this with Rox, I discovered that the amendment will be written to require all activities to be done inside the facility. In further discussion, I discovered that this meant that our use of a 28' semi-trailer that is placed on our site for the donations that we have chosen not to sell to the public would not be allowed.

I anticipated that our other storage trailers might not be permitted but I thought that this trailer would be as it is how we sell a bulk amount of donations to a wholesaler. Once the trailer is full, it is removed and one is put in its place to be filled up. I was also told that I would be unable to add a storage building or an extra large trash dumpster -- neither of which I had planned to do, but I was looking for options.

I am writing because the building that we are looking to rent is clearly capable of having a trailer (or several) in the large rear lot. The trailer would be out of sight because of where the building sits on the property. There are other sites in the downtown area that are similar in design and one of them currently has 2 storage trailers and 3 containers in the back lot. There are other lots that have equipment stored in pull-behind trailers that are in back parking lots in the zone as well. (Of course you also have the hardware that has multiple exterior business activities, storage buildings and trailers in use at times for both retail and storage uses).

I don't know if the prohibition on outside activities will be just on the new second-hand retail category or downtown-wide.

I am hopeful that businesses and nonprofits in the new category would not be prohibited from doing things that other categories are permitted to do. I am also hopeful that there can be provisions made for common sense use of my 28' trailer that is used to sell in bulk so we can recycle unwanted materials and buy food for our neighbors in need. I realize that this would have to be written into (or out of) the text amendment.

I realize that this text amendment is being made not specifically for Common Heart, but it does affect our ability to rent a facility that is ideal for us to use for our multiple-use community resource center.

We want to stay in Indian Trail and continue to provide the area with not only our thrift store business, but services not provided by any other organization in western Union County such as our Second Harvest-affiliated food pantries, and our volunteer-driven social service programs including our free income tax and health insurance programs.

Thank you for taking the time to read this email. I appreciate your service to our community.

Sincerely,

Keith Adams

Sent to posted email addresses for planning board members on Town of Indian Trail website, except for Cathy Higgins, Larry Miller, Sidney Sandy, & Cheryl Mimy whose complete email addresses are not available on the site. CC: Rox Burhans & Shelly DeHart.



Keith Adams
Executive Director
Common Heart, Inc
116 Business Park Dr, Suite A
PO Box 2761
Indian Trail, NC 28079
www.TheCommonplace.org
mobile: 704-458-3744

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE #14-

AN ORDINANCE AMENDING CHAPTERS 520 BUSINESS AND COMMERCIAL ZONING DISTRICTS, 7200 SUPPLEMENTARY USE REGULATIONS, AND 1610 USE GROUPS AND CATEGORIES OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO SECOND HAND THRIFT/CONSIGNMENT SALES REQUIREMENTS IN INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town (Planning Board) is the applicant for ZT 2014-002 requesting to amend Chapters 520 Business and Commercial Zoning Districts, 7200 Supplementary Use Regulations, and 1610 Use Groups and Categories to permit second hand thrift and consignment sale businesses within certain business and commercial districts and subject to certain standards; and

WHEREAS, this Zoning Amendment (ZT 2014-002) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on April 24, 2014 in a public meeting; and

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

1. The proposed UDO amendment is consistent with the following goals:
 - ***Downtown Revitalization Goal 1***: because it will enable second hand thrift and consignment store uses to locate within Downtown Indian Trail and contribute to the Downtown economy; and
 - ***Land Use Goals 1 and 5***: because it creates standards for second hand thrift and consignment store and antique store uses to ensure high quality, attractive development and minimize impacts to adjacent properties.
2. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts subject to standards that are intended to ensure compatibility with character of the area and minimize impacts to adjacent properties.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on May 13, 2014, and after receiving the transmittal, public comment, and deliberation, concurred with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BE IT ORDAINED ON MAY13, 2014 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTERS 520, 7200, and 1610 are hereby amended as shown in Exhibit A of this Ordinance;

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

SO ORDAINED THIS MAY 13, 2014.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

Exhibit A

UDO CHAPTER 520

| USE GROUP | Business and Commercial Districts | | | | | | Use Standard |
|--|-----------------------------------|------------|-----|-----|------------|------------|-------------------------|
| Use Category | CBD | NBD | GBD | RBD | O-VCD | O-DD | |
| Second Hand Thrift/Consignment Sales/Rummage | <u>P/S</u> | <u>P/S</u> | P | P | <u>P/S</u> | <u>P/S</u> | <u>See Chapter 7200</u> |
| Antique Shops | <u>P/S</u> | <u>P/S</u> | P | P | <u>P/S</u> | <u>P/S</u> | <u>See Chapter 7200</u> |

UDO CHAPTER 1610.080

Retail Sales

Businesses involved in the sale, lease or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, apparel stores and a host of other stores and shops offering goods and merchandise for sale to the public. The following are specific retail sales use types.

1. Second Hand Thrift/Consignment Sales: The retail sale of mostly previously used merchandise to the general public such as clothing, furniture, small appliances, household goods, sporting goods, recreation equipment, or other similar merchandise not considered to be antique. Second Hand Thrift/Consignment Sales uses may operate as for-profit businesses or be associated with a nonprofit charitable organization and are commonly referred to as consignment stores, thrift stores, second hand stores, and vintage stores. This definition specifically excludes antique shops, pawnshops, flea markets, firearms shops, and other land uses that are more specifically identified within UDO Chapter 520.
2. Antique Shops: The retail sale of mostly previously used merchandise to the general public that is deemed to have collectible value and is at least 50-years of age. This definition specifically excludes Second Hand Thrift/Consignment Sales uses.

UDO Chapter 7200

Chapter 7200 Second Hand Thrift/Consignment Sales and Antique Shops

The following regulations shall apply to all Second Hand Thrift/Consignment Sales and Antique Shops uses as defined in UDO Section 1610.080, that are located within the Central Business District, Neighborhood Business District, and within the Downtown and Village Center Overlays.

1. All merchandise or donated goods shall be delivered to, stored, and processed within the interior of the building with the exception of the establishment of an outdoor merchandise receiving area as described in Section 2 below. The exterior storage of merchandise and donated material shall be prohibited with the exception of outdoor display/sales areas as permitted in UDO Chapter 7180; and
2. Outdoor merchandise receiving areas may be established to accommodate the occasional delivery/donation of oversized merchandise or for the delivery/donation of merchandise from individuals with physical limitations subject to the following requirements:
 - a. A Special Use Permit shall be required for establishment of outdoor merchandise receiving areas; and
 - b. The applicant will need to demonstrate to the Board of Adjustment that the receiving area will only be utilized for the occasional delivery of oversized items or for those

- with limited physical abilities and is not intended to serve as a continuously used drive thru type facility; and
- c. The applicant will need to demonstrate to the Board of Adjustment how delivered merchandise will be immediately received and transferred into the building; and
 - d. Receiving area shall be located to the side or rear (preferred) of the primary building and shall not interfere with the normal circulation of on or off-site traffic; and
 - e. Receiving areas shall be screened from view of adjacent roadways and properties in compliance with UDO 810.080B unless approved otherwise by the Board of Adjustment; and
3. The use of drive thru facilities for merchandise or donated goods drop off shall be prohibited; and
 4. The use of exterior donation drop off bins or areas shall be prohibited; and
 5. The use of tractor trailers, pods, shipping containers, and similar portable storage units for merchandise or donated goods storage or processing shall be prohibited.



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager
Kelly Barnhardt, Community & Economic Development Director

DATE: May 13, 2014

SUBJECT: Formation of the Economic Development Advisory Committee

In order to get further feedback from business leaders and residents on issues related to Economic Development, staff is requesting the Town Council consider forming an Economic Development Advisory Committee (EDAC). If the Town Council is interested in exploring this idea, staff would prepare bylaws with the roles and responsibilities for the Council's consideration at a future meeting.

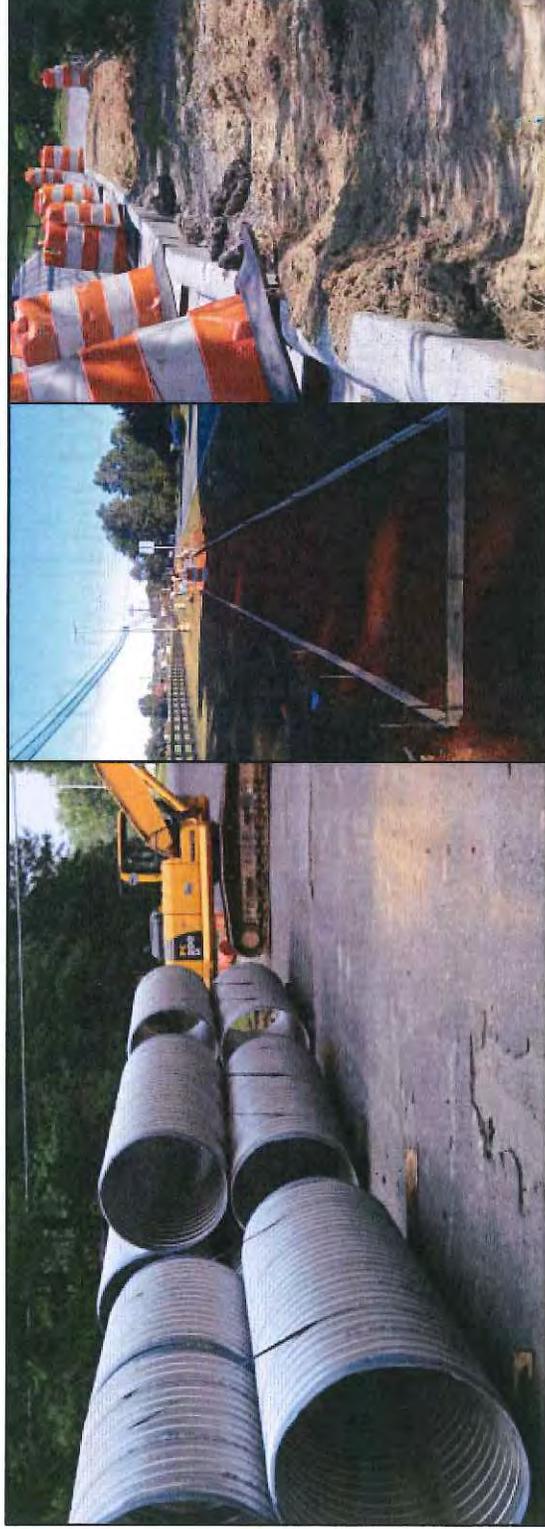


TO: Mayor and Town Council
FROM: Joseph A. Fivas, Town Manager
DATE: May 13, 2014
SUBJECT: Strategic Planning Session

This is a report and follow-up from the Town Council's April 8th Strategic Planning Session. In this review we will discuss the following topics:

- a) 5-Year Transportation Plan
- b) Parks & Recreation Update
- c) Neighborhood Enhancement Program Update
- d) Municipal Complex Update

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**

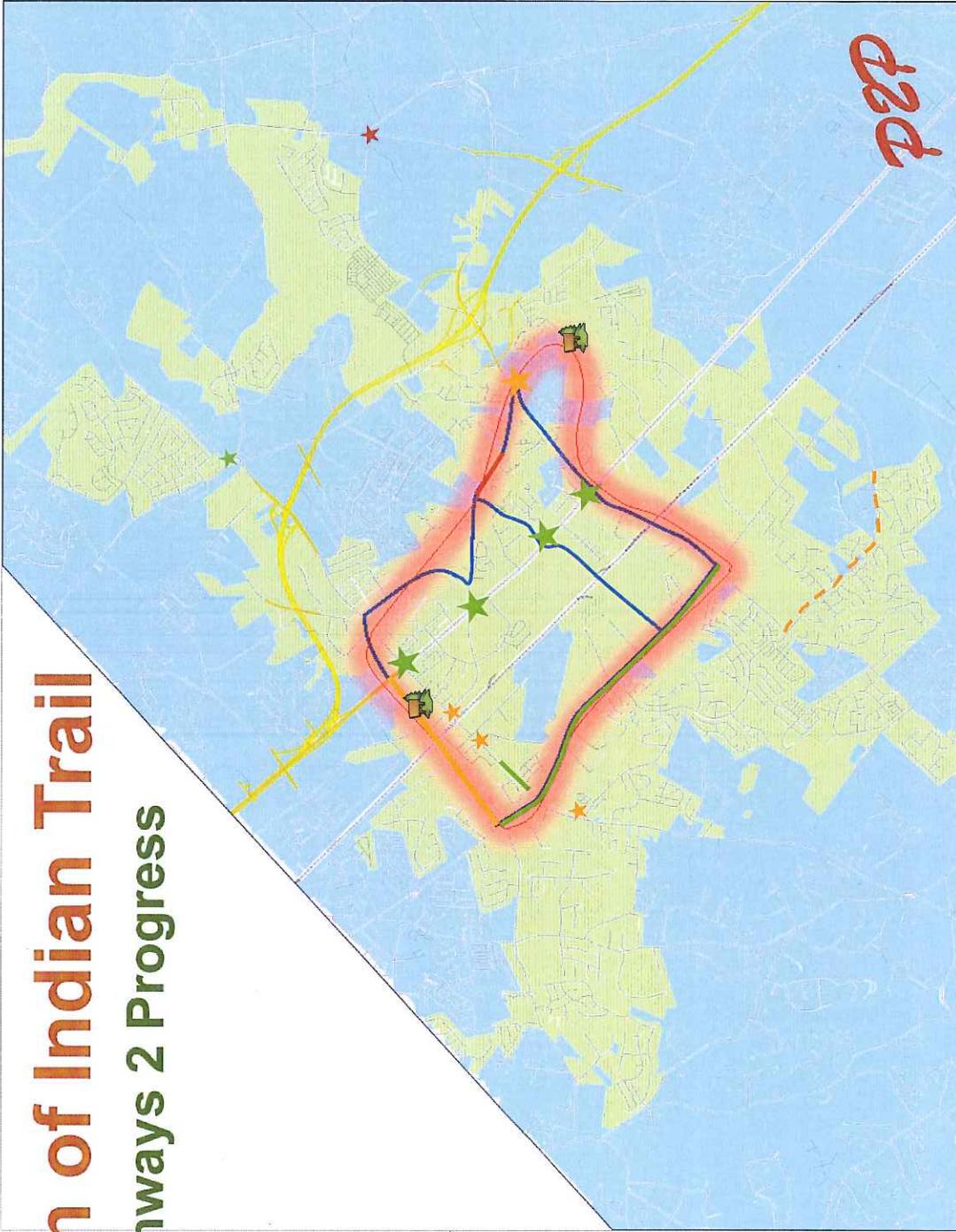
FY 18/19 NCDOT TRANSPORTATION PROJECTS

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