

**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  
November 12, 2014  
Civic Building  
6:30 p.m.**

- 1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ADDITIONS AND DELETIONS** **action**
- 3. MOTION TO APPROVE AGENDA**
- 4. PRESENTATIONS**
  - a. [Presentation and acceptance of annual financial statement for period ending June 30, 2014](#)
  - b. [Miracle League of Indian Trail Update – this items was requested by Councilman Drehs](#)
- 5. PUBLIC COMMENTS**
- 6. LAW ENFORCEMENT UPDATE**
- 7. CONSENT AGENDA** **action**
  - a. [Approval of October 14, 2014 draft minutes](#)
  - b. [Approval of Board of Adjustment Rules & Procedures changes](#)
  - c. [Set Public Hearing for November 25, 2014 @ 6:30 pm and possible action for Municipal Complex Master Plan & Architectural Design Options, and Preliminary Design](#)
  - d. [Set Council Budget/Strategic Planning Workshop dates for December 19<sup>th</sup>@ 5:30-9:00pm and December 20<sup>th</sup> 11:30am-4:00pm](#)
  - e. [Approval of Winter/Spring Chestnut Square Park hours of operation](#)
  - f. [Approval of Letter of Intent for All American City Award](#)
- 8. PUBLIC HEARINGS** **action**

*None*

**9. BUSINESS ITEMS**

- a. Council consideration of approval of Park Sponsorship & Naming Rights Policy

**10. DISCUSSION ITEMS**

- a. Discussion of Street Acceptance Policy
- b. Discussion for future resolution for truck weight restrictions on Chestnut Parkway

**11. STRATEGIC PLANNING DISCUSSION ITEMS**

- a. Pathway for Progress Initiative – town Infrastructure improvements
- b. Municipal Complex Initiative – update on planning process
- c. Entertainment District/Old Monroe Road Corridor Plan
- d. Downtown/Chestnut Parkway Corridor Plan
- e. Town Beautification Initiative
- f. Additional Mayor and Council requested topics

**12. MANAGERS REPORT**

**13. COUNCIL COMMENTS**

**14. CLOSED SESSION**

**action**

**15. ADJOURN**

**action**

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

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

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



**TO:** Mayor and Town Council

**FROM:** Joe Fivas

**DATE:** November 12, 2014

**SUBJECT:** Motion to Accept June 30, 2014 Audit

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After the auditor's presentation of the June 30, 2014 financial statements, the Council will need to make a motion to accept the financial statements. Sample motion below:

Motion to accept the June 30, 2014 Annual Financial Report as submitted by Tinsely & Terry, Certified Public Accountants.



**Town of Indian Trail**  
**Minutes of Town Council**  
**October 14, 2014**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Absent Members: Director of Community & Economic Development Kelly Barnhardt, and Jason Tryon, Assistant Director of Parks & Recreation.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Engineering and Public Works Scott Kaufhold , Finance Director Marsha Sutton, Interim Planning Director Rox Burhans, and Communications Coordinator Lindsey Edmonds .

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

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

## **ADDITIONS AND DELETIONS**

Gordon B. Daniels made a motion to approve adding Transportation Improvement Fund as item 11c Council voted unanimously in favor of the motion.

## **MOTION TO APPROVE AGENDA**

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

## **PRESENTATIONS**

### a. Proclamation for Domestic Violence Awareness Month

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

### b. Proclamation for Breast Cancer Awareness Month

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

### c. Miracle Field Presentation

Mr. Drehs introduced the Mayor Dennis Raines of Mauldin, South Carolina.

Mayor Raines provided his history of being involved with the Miracle Field Organization and presented a Power Point giving some background on the members of the baseball team. Mayor Raines explained how the league has grown in the last 10 years. Mr. Drehs asked Mayor Raines several questions about the organization in his community and the response he has received from the residents and local businesses.

Mr. Drehs explained how and why he got involved with the Miracle Field Organization, providing a presentation showing the various fields and playgrounds. Mr. Drehs presented to the audience statistics on the number of fields and how many of them are located in North Carolina. Mr. Drehs explained that he is looking for a location to put this field, his preference being within the Crooked Creek Park, but will accept anywhere in Union County that can accommodate their needs. Mr. Drehs explained that they are looking to make land available, and requested Council authorize staff to work with them. He stated that when he originally brought this matter up in August, he misspoke when he said no tax dollars would be used. What he meant was they would get donations to build the fields and playground, but he is aware that tax dollars were spent on purchasing the land for Crooked Creek Park if provided and for staff salaries if they assist us.

## **COUNCIL CONSIDERATION OF APPROVAL OF SUPPORTING MIRACLE FIELD PROJECT**

Mayor Alvarez read the Resolution to support the Miracle League of Indian Trail. Upon conclusion of the reading Ms. Barbara Rushing stated that if Council approved the Resolution and if the Miracle Field is built in Indian Trail, her family would donate \$200,000 towards the building of the field.

David Cohn made a motion to approve the Resolution for Miracle League.  
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

**PUBLIC COMMENTS**

Mayor Alvarez recognized James Krum a WWII Veteran who was sitting in the audience.

Two Cadets from Sun Valley JROTC thanked Mayor Alvarez and Indian Trail for the support and donations to assist them in getting to Hawaii. They advised there is a spaghetti dinner fundraiser and invited everyone to attend to enjoy the food and support them, located at the VFW from 4 pm until the food is gone. They have been invited to Hawaii to attend the 70th Pearl Harbor Day Parade from December 4-9.

Carlton Aldridge, 2033 Fripp Lane, Indian Trail, NC expressed his concerns about the safety of the Old Monroe Road when it is widened that it will bottleneck in front of Sun Valley High School and suggested extending it 2/10 of a mile past the intersection.

Todd Elder & Gary Knighton, 2103 Hunters Terrace Drive, Indian Trail, NC representatives of Arbour Glen Homeowners Association expressed concerns about speeding throughout the community, requesting permission for them to place the rubber temporary traffic control devices in their neighborhood.

Scott McGillivray, 4001 Lady's Secret Dive, Indian Trail, NC is President of the Porter Ridge Athletic Association (PRAA), stated that he is proud to be living in Indian Trail now as a result of the additional parks and the attempt to have a Miracle Field. The PRAA is comprised of volunteers; they are landlocked as they play on school property. The fee structure for the parks is fantastic, the problem is it is put together when you are collecting at the front gate, creating a problem for when they are on the fields for practice. He requested that we take another look at the fee structure because they cannot afford to play there.

**LAW ENFORCEMENT UPDATE**

Lieutenant Coble presented some statistics for the month of September and some of the highlights of training and activities by the UCSO, an IRS scam that is currently being conducted in Union County, and response calls and arrests made by the Deputy's.

**CONSENT AGENDA**

- a. Approval of September 9, 2014 draft minutes
- b. Approval of September 16, 2014 draft minutes
- c. Approval of September 23, 2014 draft minutes
- d. Approval of Board/Committee Expense Policy **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- e. Approval of Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

f. Approval of ROTC Funding Request

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

**PUBLIC HEARINGS**

*None*

**BUSINESS ITEMS**

a. Consideration of approval of Creech & Associates Agreement for Architectural Services

Mr. Fivas explained that there are several public meetings scheduled for the Town Hall/Community Center; this agreement is for Creech & Associates to come up with a master plan and design of what it would look like. It's limited to \$195, 000.00, with a sunset date of December 31, 2014; it also provides Council with the ability to terminate the agreement if you decide not to go forward.

Christopher King made a motion to approve Business item 10a approval of Creech & Associates Agreement for Architectural Services **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**  
Council voted unanimously in favor of the motion.

Mr. Fivas informed Council that we will need a motion to approve the Budget Amendment for this agreement.

Gary M. Savoie made a motion to approve budget amendment.  
Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Mr. Fivas presented a design of two possible ideas for the Town Hall/ Community Center stating that he is not looking for any comments, this is what is being presented to the public.

b. Consideration of approval of Resolution requesting NCDOT to make Wesley Chapel Stouts Road a full movement intersection

Mr. Savoie explained there was to be a business development across the Sun Valley High School, but because of the Michigan Left a major grocery store would pull out of the deal if not a full movement intersection resulting in the loss of jobs and tax revenue for the town. He met with NCDOT and they agreed to the full movement intersection, and are requesting Council's approval of this Resolution and to have staff create a letter to NCDOT stating same. There was discussion amongst Council pertaining to the future plans to move Sun Valley High School away from Old Monroe Road. Mr. Savoie read the Resolution.

Gary M. Savoie made a motion to approve the Resolution to support a full movement intersection of Wesley Chapel Stouts Road.

Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Gary M. Savoie made a motion to approve having staff send final letter directing NCDOT on the movements on Old Monroe Road.

Council voted unanimously in favor of the motion.

c. Consideration of 2014 Asphalt Patching Contract - Award Recommendation

Mr. Fivas explained that the contractor that was awarded the bid was not able to provide the bonding documents that were necessary. Mr. Kaufhold and legal counsel went to the next lowest bidder and they dropped their bid down to the previous price that was approved by Council. If awarded they will begin construction within the next few days.

David W. Drehs made a motion to approve the 2014 Asphalt Patching Contract

Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

**DISCUSSION ITEMS**

a. Discussion on Chestnut Parkway & Blythe Extension options

Mr. Fivas provided a brief update on Phase I of Chestnut Parkway, pending weather it will be completed by the end of the month. Everything in the contract has gone well and free of any issues. This travel way will be opened and we anticipate having a ribbon cutting for it. We are looking at our options of restricting tractor trailer trucks on this road. Staff feels the Blythe Drive extension would assist in reducing traffic issues.

Future phases of Chestnut Parkway, we are looking at the alignment of Chestnut Parkway from Gribble Road to Old Monroe Road. Mr. Savoie has been diligently working with NCDOT on section C which is Gribble Road to Mathews Indian Trail Road overpass. Mr. Fivas explained this project was not ranking very high, but with Mr. Savoie and our staff working with NCDOT they put this project on their list of projects to work for. Since then, it has scored well in the competitive process and we are optimistic that the overpass could be funded sometime in the near future.

b. Discussion on establishing a Budget and Strategic Development Workshop

Mr. Fivas explained there are many issues going on in the town resulting in the need for discussion. He suggests doing this workshop earlier, in December, so that if we need another meeting in January we can have one. By consensus Council agreed to have one in December.

c. Transportation Improvement Fund- this item was added as a result of a motion made in Additions & Deletions

Mr. Daniels stated he spent some time with the Finance Director reviewing budget items and suggested to Council that they remove the two cents from the Transportation Fund and put it in the Capital Reserve Fund with a specific line item for Transportation. He also suggested that Council might consider putting one cent for transportation and one cent for law enforcement. Council had a lengthy discussion on this topic.

Mr. Fivas clarified that staff will put together a presentation and documents for Council so they have a clear understanding of the two funds.

#### **MANAGERS REPORT**

*None*

#### **COUNCIL COMMENTS**

Mr. Cohn had no comments.

Mr. Daniels commented on the EDAC meeting, he attended and urged others to attend. No member made any comments about Indian Trail revenue base. He thanked everyone for coming and get home safely.

Mr. King had no comments

Mr. Drehs thanked everyone for coming out and listening to the Miracle Field presentation.

Mayor Alvarez invited everyone to the spaghetti dinner for the SVJROTC; advised that SPCC and he has expanded on the Bully Project which will appear in tomorrow's paper, will kick off on October 29th and invited Council to join and assist; requested Council to consider the local athletic associations by making it accessible or less expensive for them to use the fields; he thanked Mr. Daniels for asking for the ROTC donation; he asked Councils approval to have staff put together a thank you to Mayor Raines for coming here tonight; he recommended that a social media ethics policy be considered by Council; he requested that Council not talk at each other and to treat each other with respect.

Mr. Savoie thanked everyone for coming out, he thanked David Drehs and volunteers for Miracle League, he thanked staff for doing a good job.

#### **CLOSED SESSION**

*None*

#### **ADJOURN**

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

**APPROVED:**

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

Attest: \_\_\_\_\_  
Peggy Piontek, Town Clerk

DRAFT



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

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

## MEMO

To: Town Council  
From: Kevin P. Icard, AICP, CZO, Senior Planner  
Date: November 4, 2014  
Re: Consent Agenda Item – BOA Rules and Procedures

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The Board of Adjustment has updated their Rules and Procedures due to the recent changes to the state's laws regarding how the Board of Adjustment operates (Session Law 2013-126). These items were to clarify some ambiguity in how the board should make decisions and procedural topics. Most recently, changes have already been incorporated into the UDO (ZT2013-004). Some of the changes to the Rules and Procedures include the following:

- Updating language regarding conflicts of interest,
- No longer making interpretations (responsibility of the Planning Director),
- Voting procedures 4/5's vote vs. majority,
- Meeting time was changed to 6:30

The Board of Adjustment voted and approved changes at their September 25<sup>th</sup> meeting.

**Action Item: The Board of Adjustment is requesting that the Town Council approve the updated Rules and Procedures.**

**RULES OF PROCEDURE  
ZONING BOARD OF ADJUSTMENT**

**TOWN OF INDIAN TRAIL, NORTH CAROLINA**

**I. GENERAL RULES**

The Zoning Board of Adjustment (hereinafter referred to as the “Board”) shall be governed by the terms of Chapter 160A, Article 19, Part 3 of the General Statutes of North Carolina and by the Town of Indian Trail Unified Development Ordinance (UDO). All members of the Board shall thoroughly familiarize themselves with these laws. The Board, being a public body, shall at all times conduct meetings in conformity with the NC Open Meetings Law statutes (Chapter 143, Article 33C of the General Statutes of North Carolina).

**II. OFFICERS AND DUTIES**

**A. APPOINTMENTS**

The Board of Adjustment shall consist of five (5) regular members and three (3) alternate members appointed by the Town Council. Persons may be appointed to the same position for successive terms. The alternate members of the Board shall be requested to attend all regular and special meetings and shall be able to cast a vote when a regular member of the Board is absent or if any Board member has a conflict of interest.

The alternate members shall be assigned numbers “1”, “2”, and “3” by the Chair. The following system shall be employed for seating alternate members, as needed for establishing a quorum:

Member “1” shall first be asked to serve. If he is absent or has a conflict of interest, Member “2” shall be asked to serve. If Member “2” is also absent or has a conflict of interest, Member “3” shall be asked to serve. If Member “1” does serve, Member “2” will be first asked to serve at the next meeting, and then Member “3” will be first asked to serve at the next meeting thereafter.

At the regular Board meeting held in the month of June, the Board shall elect a Chair and Vice-Chair from their membership. All regular and alternate members shall be allowed to vote. Office-holders, however, shall be limited to regular members. Terms of office shall be one year. Persons may be reelected to the same office for successive terms. In addition, the Board shall review, amend, and certify as adopted these same rules of procedure as needed.

**B. DUTIES**

The Chair shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Board. The Vice-Chair shall serve as acting Chair in the absence of the Chair, and at such times he shall have the same powers and duties as the Chair.

**C. SECRETARY**

The Town Council shall arrange to have secretarial duties performed for the Board. Said person(s) (hereafter referred to as the “Secretary”), subject to the direction of the Chair, shall take minutes and keep all records. The Secretary shall conduct all correspondence of the Board, arrange for all public notices required to be given, notify members of pending meetings and their agenda, notify parties to cases before the Board of its decision on such cases, and generally supervise the clerical work of the Board. The Secretary shall keep in a permanent volume the minutes of every meeting of the Board. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of the members of the Board upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote. If the Secretary is appointed from outside the membership of the Board, he shall not be eligible to vote upon any matter. The minutes of the Board of Adjustment shall be kept by the Secretary for the public at the Town Hall in both audio and written format, and shall serve as the official records of the Board.

**III. RULES OF CONDUCT FOR MEMBERS**

**A. Removal**

Members of the Board may be removed by the Town Council for cause, including violation of the rules stated below herein.

**B. Attendance**

In order for the Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any regular member is absent for three (3) consecutive regular meetings within any twelve-month period, such member may be removed by the Town Council and a replacement made for the unexpired portion of the term. Alternate members may be removed by the Town Council for repeated failure to attend or participate in meetings when requested to do so. The Board of Adjustment may make a recommendation to the Town Council regarding removal of a member for duly cited causes. Such a request must be in writing, and signed by the Chair of the Board of Adjustment.

**C. Conflicts of Interest**

A member of any Board exercising quasi-judicial functions pursuant to this UDO shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons’ constitutional rights to as impartial decision maker. Impermissible violations of due process include, but are not limited to the following;

1. Undisclosed ex parte communications; or
2. A close familial, business, or other associational relationship with an affected person; or
3. A financial interest in the outcome of the matter; or

- 4. A member having a fixed opinion prior to hearing the matter that is not susceptible to change.

If a Board member determines that he may have a conflict of interest on a particular issue, he shall fully disclose the nature of such conflict and ask to be excused from any deliberations or voting on the issue related to such conflict. The remaining regular members, by majority vote, shall determine whether such conflict exists and whether said member may be excused from further deliberations on said matter. If a member is excused, he shall either: 1) be seated in the audience and not participate in any further discussion on said matter, or 2) he shall leave the meeting room during all deliberations pertaining to such matter, whichever option the Chair decides is the most expedient and practical for the matter at hand. In no instance may a member be excused from voting merely due to an unwillingness to vote on the issue at hand, and when no conflict of interest is found to exist.

A challenge to the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Board. Such a challenge may be an appeal for a review of the findings of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Board shall be supported by competent evidence and shall be submitted at a properly convened meeting of the Board. The Board shall hear all evidence and, by majority vote of the remaining regular members, shall make the final determination as to the existence of a conflict of interest.

In the event a Board member is found to have a conflict of interest and is excused from voting by the Board, he shall be replaced by an alternate member for that business associated with the specific conflict of interest.

**D. Discussion of Board Cases**

Board members shall refrain from discussing upcoming matters of business with any parties, including other Board members, prior to the meeting at which such items are to be publicly discussed; provided however, that members may receive and/or seek general technical information pertaining to the case from the Secretary, Town Manager, Town Attorney or Zoning Administrator prior to the Board meeting at which the case is to be heard. The Board also has the discretion to call forth any witnesses for a particular case by subpoena power, if necessary.

**IV. MEETINGS**

**A. Regular Meetings**

Regular meetings of the Board shall be held on the fourth Thursday of each month at 6:30 P.M. at the *Civic Building*; provided that meetings may be held at any other conveniently located place in the Indian Trail area if directed by the Chair in advance of the meeting. Each member (including the alternate members) shall be notified of each meeting by the Secretary.

**B. Special Meetings**

Special meetings of the Board may be called at any time by the Chair provided that there is at least forty-eight (48) hours written notice of the time and place of a special meeting given and posted publicly, by the Board's Secretary, to each member of the Board including the alternate members.

**C. Cancellation of Meetings**

Whenever there are no appeals, special use permit, applications for variances, or other business for the Board, or whenever so many regular and alternate members notify the Secretary of their inability to attend that a quorum will not be available, the Chair may dispense with a regular meeting by having the Secretary give written or oral notice to all members prior to the time set for the meeting.

**D. Voting**

The Board shall not pass upon an appeal, special use permit, or application for a variance when there are less than four (4) voting members present. Any less than 4 voting Board members results in a lack of quorum, which suspends any action that can be taken. No more than five (5) regular and alternate members may vote on any matter for which a public hearing was held. Unless as otherwise necessitate a public hearing shall include all regular and alternate members in attendance. The Chair shall be able to vote on any matter, including making and seconding a motion. A newly appointed Board member may vote on an application or appeal if they have listened to the audio recordings, read all of the evidence and information, and have become familiar with the facts of the case.

**E. Conduct of Meetings**

All meetings shall be open to the public. The order of business at all meetings shall be as follows:

1. Call to Order
2. Roll Call; Determination of Quorum
3. Approval of Minutes of Previous Meetings
4. Hearing of Cases
5. Other Business
6. Adjourn

**F. Continuation of Meetings**

1. If a continuance is requested at a public hearing on any matter by an applicant or by the Board, the Board shall follow the procedure for granting a continuance as stated in Indian Trail UDO Section 310.070.
2. If a continuance is granted by the Board, the Chair shall announce the date, time and location for the continued case to be heard at the next regularly scheduled Board meeting. No additional notice is required in such a situation.
3. If a special meeting is called for in a continuance situation, such meetings shall follow the procedures in these rules of procedure, the UDO, and NC General Statutes for special meetings.

**V. PUBLIC HEARINGS**

**A. Types of Matters to Be Heard by the Board**

The Board shall hear the following matters:

1. Appeals;
2. Special Use Permits (SUP's);
3. Variances; and
4. Any other matters, as required by the UDO.

**B. Procedure for Filing Matters to Be Heard by the Board**

1. **Appeals:** No appeal shall be heard by the Board unless a completed application is filed within thirty (30) days after the interested party or parties received notice of the order, requirement, decision, or determination by the Zoning Administrator. All such applications shall be filed with the Zoning Administrator.
2. **Discretionary Decisions:** An applicant may also bring, in a timely and complete fashion, the following for review and decision by the Board:
  - a. Special Use Permits (SUP's).
  - b. Variances.
  - c. Any other matters, as required by the UDO.

**C. Fees**

A fee, in accordance with a fee schedule adopted by the Town Council, shall accompany all applications to be heard by the Board. This fee shall be exempted for an application initiated by the Zoning Administrator. No application shall be considered complete unless accompanied by the fee as herein prescribed.

**D. Public Hearing Mandate**

A public hearing conducted by the Board shall be required to:

1. Decide all appeals; and
2. Grant or deny any variance and/or SUP w/ reasonable and appropriate conditions as are mutually agreed between the applicant and the Board; and

3. Hear and decide all other matters referred to the Board, or upon which they are required to approve or disapprove.

**E. Public Hearing Date**

After receipt of a completed application for an appeal, SUP, variance, or other related matter under the jurisdiction of the Board, the Board shall hear the case at a regular or special meeting within forty-five (45) days from the date of submittal of the complete application, provided that a quorum of the Board can be established.

**F. Conduct of Hearing**

All Board public hearings shall be conducted in a quasi-judicial manner. Any party to a case may appear in person, by agent, or by attorney at the hearing. The order of business for public hearings shall be as follows:

1. The Chair, or such person as he shall direct, shall give a preliminary statement of the case, along with explaining all procedures and processes for the public hearing.
2. All persons giving testimony shall be sworn in or affirmed by the Chair or any member acting as Chair and/or the Secretary to the Board, including all witnesses that have standing under the rules of evidence and in the case itself for either side (i.e., expert testimony regarding appraisals, etc.). Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.
3. Staff will provide an overview of the case; providing the necessary documentation and evidence for the Board to make a reasonable and appropriate decision.
4. The applicant shall present the argument in support of his application, and shall be allowed as much time as is reasonably necessary by the Board to present their case.
5. Persons opposed to granting the application shall present the argument against the application.
6. Other persons in favor of granting the application shall present the argument for the application.
7. Both sides will be permitted to present cross-examinations and rebuttals to opposing testimony.
8. The Chair does have the discretion to exercise reasonable time limits for those offering testimony and/or evidence at a public hearing, but doing so must not frustrate any rights for an applicant or witness to be heard.

9. The Chair, or their designee, shall summarize the evidence which has been presented (i.e., allowing additions by either side of the case as may be deemed practicable by the Board), giving parties the opportunity to make objections or corrections.
10. For any witnesses for or against a particular case, only competent and material evidence can be offered.
11. For all SUP's, variances, and other discretionary decisions, the applicant shall also indicate, for the record, if they accept all of the conditions made for the permit at issue. If there are new conditions offered during the meeting by the Board, the applicant shall be given time to respond to any new conditions made.
12. Board members may ask or seek additional input, clarification, etc. from persons eligible to give evidence who are seated in the audience on any piece of evidence presented. Cross-examination and rebuttals may also be made only on any such new evidence presented. Once all of the evidence, public testimony, and general questions have been fully heard, the Chair shall close the period for public discussion. The Board then shall publicly discuss the case without further input from the public.
13. The Board may render a decision on the matter at the public hearing or, if it so chooses, continue the public hearing to a publicly stated date, time, and location, as indicated by a motion of the Board to do so.
14. The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed.

## **G. Decisions**

### **1. Form**

Written notice of the decision in a case shall be sent by personal delivery, electronic mail, or by first class mail to the owner of property that is the subject of the decision and to the party who sought the decision, if different from the owner and to all aggrieved parties who have filed a written request for such notice with the Secretary or the Chair when the hearing is held, within five (5) working days after the case is decided. The

final decision of the Board shall be filed in Town Hall. The final decision shown in the record of the case shall be entered in the minutes of the Board. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board.

## 2. Voting Procedures at Hearings

- a. The concurring vote of four-fifths (4/5's) of the Board (i.e., at least four (4) voting members) shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternative available to take the place of such members. This applies to all public hearings heard by the Board.
- b. Voting on any issue shall be done by a show of hands or by voice, as directed by the Chair, along with their respective reasoning for their decision. In addition, each Board member shall indicate by written decision, for the record, as to their vote and reasoning for their decision.
- c. An Abstention shall be counted as a "yes" vote.
- d. For voting procedural purposes, the following shall control:
  - i. **Absences, Vacant Seats, and/or Recusals:** If there is a vacant seat on the Board, or recusal for any reason by a Board member, then that person shall not be considered a "member of the Board" for voting calculation purposes. This rule for vacancies and recusals shall not apply in voting calculations when there is a Board member absent (NCGS § 160A-388(e)).

- H. Any aggrieved party has thirty (30) days to appeal the Board's decision to the local Superior Court by proceedings in the form of certiorari. All records of any case subject to appeal to the Superior Court shall be preserved by the Board's Secretary, thereby allowing full access to any case records for those wishing to appeal.

**DRAFT**

**RULES OF PROCEDURE CERTIFICATION**

**These Rules of Procedure Governing the Town of Indian Trail Zoning Board of Adjustment are hereby reviewed, amended, and certified as adopted on this day, \_\_\_\_\_, 20\_\_\_\_, by the Board as valid rules of procedure.**

**Signed By:**

\_\_\_\_\_  
**Chair, Indian Trail Board of Adjustment**

**Witnessed By:**

\_\_\_\_\_  
**Secretary, Indian Trail Board of Adjustment**



**TO:** Mayor and Town Council

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

**DATE:** November 12th, 2014

**SUBJECT:** Establish Public Hearing for Town Council Meeting on November 25, 2014

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With the approval of this agenda item, Town staff will set a Public Hearing at the November 25<sup>th</sup>, 2014 Town Council meeting for hearing of public comments and the potential for Council consideration and approval of the Municipal Complex Master Plan(s), Town Hall/Community Center Architectural Design(s), and the Preliminary Internal Design(s). These project items can be found on our website after the approval of the Public Hearing. In September, Creech Associates indicated to the Town Council they would complete this section of work before Thanksgiving, and the Council members were agreeable to this timeframe.

jaf



**TO:** Mayor and Town Council

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

**DATE:** November 12th, 2014

**SUBJECT:** Establish Budget/Strategic Planning Session

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With the approval of this agenda item, Town staff will set a Town Council Budget/Strategic Planning Session for Friday, December 19<sup>th</sup> at 5:30pm to 9pm, and Saturday, December 20<sup>th</sup> at 11:30am to 4pm.

jaf



**TO:** Mayor and Town Council

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

**DATE:** November 12th, 2014

**SUBJECT:** Winter/Spring Chestnut Square Park Hours of Operation

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With the approval of this agenda item, Town staff will set the following Hours of Operation for Chestnut Square Park from December 19<sup>th</sup> through March 16<sup>th</sup>, 2014:

**Playground/Walking Trails:** Open at Dawn and Close at Dusk 7 days a week

**Square Area:** Open at Dawn and Close at Dusk 7 days a week

**Athletic Fields:** Closed (Maintenance)

**Chestnut Square Restrooms:** Closed (Winterized)

With the approval of this agenda item, Town staff will set the following Hours of Operation for Chestnut Square Park from March 16<sup>th</sup>, 2014 through June 30<sup>th</sup>, 2014:

**Playground/Walking Trails:** Open at Dawn and Close at Dusk 7 days a week

**Square Area:** Open at 5:30am and Close at 10pm

**Athletic Fields:** Closed (Maintenance)

**Chestnut Square Restrooms:** Open 7 days a week from morning to early evening

jaf



**TO:** Mayor and Town Council

**FROM:** Lindsey Edmonds

**DATE:** November 7, 2014

**SUBJECT:** All-America City Application

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The National Civic League recognizes ten communities each year for outstanding civic accomplishments. The award program was founded in 1949, and to win, each community must demonstrate innovation, inclusiveness, civic engagement, and cross sector collaboration by describing successful efforts to address pressing local challenges. To apply, applicants must submit a letter of intent and an application.

Town Staff recommend that Town Council approve the attached Letter of Intent and have the Communications Coordinator begin working on the application.



**2015 All-America City Award**  
**Letter of Intent to Apply**

All-America City Awards  
National Civic League  
6000 E. Evans Ave  
Suite 3-012  
Denver, CO 80222

Dear National Civic League staff:

I am writing on behalf of the Town of Indian Trail, in the state of North Carolina, to inform you of our intent to apply for the 2015 All-America City Awards, which has a spotlight on engaging and supporting vulnerable boys and young men.

We believe we are an excellent candidate for the All-America City Award because the Town has a history of using its resources to make an impact in the community. Since 1990, the Town has experienced a tremendous amount of growth and has seen its residential population grow from 1,942 in 1990 to 11,905 in 2000 and nearly 37,000 in 2014. This extreme growth has allowed Town Council and Staff to actively engage residents in the community's economic development. The Town's two new parks were created after a 2012 Park Bond after the majority of our residents voted for it. The parks provide an exciting assortment of outdoor activities to our residents, including walking paths, playgrounds, fitness classes, environmental education classes and a healthy environment to enjoy the outdoors. The Town also has a strong private-public relationship with Carolina Courts, a local indoor athletics facility. We are proud that our Town's youth – especially our boys and young men – can count on this facility, which we brought to Indian Trail, to be a safe place to build camaraderie and play sports, such as basketball.

For these and many more reasons, we know we are a great candidate for this esteemed award and are thrilled at the opportunity to apply in March. We understand the application deadline is March 10, 2015.

Our community contact person will be:  
Lindsey Edmonds  
Town of Indian Trail  
Communications Coordinator  
(704) 821-2542  
LEdmonds@admin.indiantrail.org

Sincerely,

Michael Alvarez  
Town of Indian Trail  
Mayor



**TO:** Mayor and Town Council

**FROM:** Jason Tryon, Assistant Parks & Recreation Director

**DATE:** November 12th, 2014

**SUBJECT:** Park Sponsorship & Naming Rights Policy

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Staff has drafted a policy for the Town to follow pertaining to Park Sponsorship & Naming Rights. Once adopted the Town will begin to work on Sponsorship opportunities within our park system.

**Staff Recommendation:** Staff recommends the approval of the presented draft Policy.

# **Town of Indian Trail Parks & Recreation Sponsorship and Naming Procedure**

The Town of Indian Trail Parks & Recreation Department has designed a sponsorship program that will enhance the Town's ability to deliver parks and recreation services as long as the services and products of those businesses are consistent with and appropriate to the mission of the business or group. This policy seeks to provide a benefit to everyone in our community, without diminishing the public image of Indian Trail Parks & Recreation facilities and programs.

The purpose of this procedure is to establish guidelines and a methodology for sponsorship of park facilities within the Town of Indian Trail Parks and Recreation Department. A sound naming policy adds meaning, significance and uniformity to the process because it serves to minimize conflicts by providing a forum for open and meaningful discussions regarding the naming of public park facilities.

## **I. Procedure**

A. An organization, person or group wishing to sponsor a park item/ facility or to rename an existing park facility will complete a sponsorship application and submit it to the Town Manager; or their designee. As a minimum, the written request will contain the following:

1. A concise description of the physical location of the park item or park facility;
2. The proposed name for the facility; and
3. Specific justification for the proposed name, meaning
  - a. Suitability;
  - b. History or biography of the organization, group or individual to be honored; and
  - c. If it is proposed to name a park or park facility after an individual, the application must specifically address that person's character, reputation or standing within the community and their level of contribution to Parks & Recreation or the community as a whole.

B. Sponsorship Criteria. At a minimum, the following criteria when evaluating a corporate sponsorship proposal shall be taken into consideration in determining compatibility for a sponsorship; in all cases, the Park, Arts, Recreation and Cultural (PARC) Committee of Indian Trail will have the ability to accept or reject a proposal:

1. The compatibility of the corporation's products, customers and promotional goals with the Town of Indian Trail's Parks & Recreation mission;
2. The corporation's past record of involvement in community and County projects;
3. The reputation and image of the potential sponsor;
4. The actual value in cash, or in-kind goods or services, of the proposal in relation to the benefit to the corporation;
5. Community support for, or opposition to, the proposal;
6. The operating and maintenance costs associated with the proposal;
7. The corporation's record of responsible environmental stewardship.

**C.** Process of selling sponsorship. The following process will be followed in bringing sponsorships to Indian Trail.

1. The cost of each Sponsorship Package will be based on the value of the exposure and the amount of benefits that are received by the potential sponsor for each sponsorship.
2. All details involved with a Sponsorship Package will be approved by the Park, Arts, Recreation and Cultural (PARC) Committee.
3. All billing for the sponsorship fees will be processed through the Indian Trail Parks & Recreation Department and the Finance & Business administration department.

## **II.** Guidelines

- A.** Sponsorship offers from the Town of Indian Trail shall clearly outline the forms of support sought and offered and the recognition to be given by the Town. Acceptance of a sponsorship offer by the Town shall result in the creation of a sponsorship agreement that will detail the following information, at a minimum:
1. Activities, products and services of potential sponsor;
  2. Benefits to be given to the proposed sponsor by the Town of Indian Trail;
  3. Duration of the proposed sponsorship agreement;
  4. Conditions of the sponsorship agreement;
  5. Documents, logos and information needed by the Town of Indian Trail;
- and

6. The annual cost of the agreement and payment options available to the Town.
- B. Sponsorship from an organization that is engaged in any of the following activities, or has a mission of supporting any of the following subject matters, or that, in the sole discretion and judgment of the authorized representative of the Town is deemed to be unsuitable for and contrary to community standards or appropriateness for government publications, shall be prohibited on any Town property or in Town publications:
1. Promotion of the sale or consumption of alcoholic beverages or promotion of establishments that are licensed for and primarily sell alcoholic beverages. Restaurants or other food services establishments and hotels or other places of lodging may be authorized when the commercial message or advertisement promotes only the food services or lodging;
  2. Promotion of the sale or consumption of tobacco products or depiction of the use of tobacco products;
  3. Commentary, advocacy or promotion of issues, candidates, campaigns or organizations of a social, political, religious or rhetorical nature;
  4. Promotion of gambling, or promotion of establishments providing such services or activities of a related or similar nature;
  5. Depiction in any form of profanity, obscenity or lewdness, or characterizations which suggest, depict or promote any such element or sexually-oriented products, activities or materials;
  6. Promotion in any form of illegal drugs, illegal drug use, illegal drug paraphernalia, or characterizations which suggest or depict the promotion or glorification of any such products, activities or materials;
  7. Promotion of the use or sale of firearms, explosives or other weapons, or the depiction, suggestion or glorification of violence or acts of a violent nature.

### **III. Administration**

- A. The Town Manager; or their designee, will make an initial review of the proposal for a park facility. As a minimum, the staff will:
1. Review the sponsorship proposal to confirm/determine whether the Sponsor meets the adopted restrictions, standards and guidelines set forth in this policy.

2. If standards and guidelines appear to be met, the Town Manager; or their designee shall seek final review and consideration of the proposal with the Park, Arts, Recreation and Cultural (PARC) Committee.
- B. The Town Manager will have the ability to execute any and all sponsorships with the parks.
  - C. The Park, Arts, Recreation and Cultural (PARC) Committee will review and approve sponsorship values for sponsorship naming rights and activities.
  - D. Any naming right granted for facilities over a five year time period shall be approved by the Town Council.
  - E. The Park, Arts, Recreation and Cultural (PARC) Committee shall approve the naming rights for smaller park furniture type amenities such as benches, tables, bike rack, etc.

**ADOPTED THIS 12<sup>TH</sup> DAY OF NOVEMBER 2014**

**APPROVED:**

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**Michael L. Alvarez, Mayor**

Attest:

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**Peggy Piontek, Town Clerk**



**TO:** Mayor and Town Council

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

**DATE:** November 12th, 2014

**SUBJECT:** Street Acceptance Policy

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Town staff will give an update on possible revisions to the Town's Street Acceptance Policy. No action will be requested.

jaf



**TO:** Mayor and Town Council

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

**DATE:** November 12th, 2014

**SUBJECT:** Truck & Weight Restrictions on Chestnut Parkway

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Town staff will give an update on options to restrict truck traffic on Chestnut Parkway. No formal action will be requested.

jaf



**TO:** Mayor and Town Council

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

**DATE:** November 12, 2014

**SUBJECT:** Budget & Strategic Planning Discussion

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The Mayor and Town Council will soon begin to discuss the Fiscal Year 2015/16 budget. We hope to have a Budget/Strategic Planning Session scheduled this winter. Staff is requesting direction from Council on what topics you would like staff to research to assist the Council in discussing the FY 2015/16 budget.

Staff has suggested a few topic areas for your consideration.

- a) Pathway for Progress Initiative
- b) Municipal Complex Initiative and Update
- c) Entertainment District/Old Monroe Road Corridor Plan
- d) Downtown/Chestnut Parkway Corridor Plan
- e) Town Beautification Initiative
- f) Additional Mayor and Council Topic Areas?

