

**MAYOR**  
Michael L. Alvarez

**MAYOR PRO TEM**  
David L. Cohn



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

Indian Trail Town Council Meeting  
September 11, 2012  
Civic Building  
6:30 p.m.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ADDITIONS AND DELETIONS** **action**
3. **MOTION TO APPROVE AGENDA** **action**
4. **PRESENTATIONS**
  - a. [Proclamation for September 11<sup>th</sup>](#)
  - b. Sun Valley ROTC Presentation
  - c. Recognition of Town Clerk
5. **PUBLIC COMMENTS**
6. **COMMITTEE APPOINTMENTS**
  - a. Public Safety Committee
  - b. Transportation Committee
  - c. Stormwater Committee
7. **CONSENT AGENDA** **action**
  - a. [Approval of August 8, 2012 Special Meeting Minutes & August 14, 2012 Regular Meeting Minutes](#)
  - b. [Bond Reimbursement Resolution](#)
  - c. [Budget Amendments](#)
  - d. [Memorandum of Agreement for Regional Hazardous Mitigation Plan](#)
8. **PUBLIC HEARINGS** **action**

*– Please adhere to the following guidelines:*

- **Proceed to the podium, and state your name and address clearly;**
- **Be concise; avoid repetition; limit comments to three (3) minutes or less;**
- **Designate a spokesperson for large groups**
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- a. **ZT2012-005 Contractors Office Uses:** request to amend Chapter 520 of the Unified Development Ordinance regarding the ability for Contractors offices to have outdoor operations in the Downtown Overlay District. Applicant: Town of Indian Trail.  
Location: Downtown Overly District
- b. **ZT2012-006 Wholesale Vehicle Sales:** request to amend Chapters 520 and 530 of the Unified Development Ordinance regarding location of wholesale vehicle sales uses (office only). Location: Town-wide; Applicant: Town of Indian Trail

**9. BUSINESS ITEMS**

**10. DISCUSSION ITEMS**

- a. **Pathways 2 Progress Initiative**  
*This matter was tabled from the August 14, 2012 meeting*
- b. **Update on Park Designs**
- c. **Update on Street Projects**
- d. **Update on Sidewalk Projects**
- e. **Naming of Parks**
- f. **Safety and Security concerns by residents, council members and staff – this item was requested by Council Member Allen**

**11. MANAGERS REPORT**

**12. COUNCIL COMMENTS**

**13. CLOSED SESSION**

**action**

**14. ADJOURN**

**action**

**To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.  
AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS**

*The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is [townclerk@admin.indiantrail.org](mailto:townclerk@admin.indiantrail.org); the phone number is 704-821-2541*



**WHEREAS**, in an unprovoked and senseless act of terrorism, four civilian aircraft were hijacked on September 11, 2001, and deliberately crashed in New York, Pennsylvania and Washington, D.C., resulting in a loss of thousands of innocent American lives; and

**WHEREAS**, as the United States recovered from this shocking loss, our nation's spirit was revitalized, resulting in renewed expressions of patriotism; and

**WHEREAS**, inspired by the heroism of ordinary citizens, along with firefighters, rescue and law enforcement personnel and military service members, our nation celebrated unity and strength; and

**WHEREAS**, from the tragedy of September 11<sup>th</sup> we emerged a stronger nation, with renewed spirit of national pride and love of country; and

**WHEREAS**, Americans responded to terror by choosing to challenge evil through good, loving their neighbors as they would like to be loved, contributing to relief efforts, and volunteering their time to aid those in need; and

**WHEREAS**, the threat of terrorism, destruction, and senseless violence must be opposed for any free society to exist; and

**WHEREAS**, our community shared in the nation's collective grief then, and wishes now to commemorate the 11-year anniversary of the September 11<sup>th</sup> tragedies.

**NOW, THEREFORE, THE TOWN COUNCIL OF INDIAN TRAIL** does hereby salute the American citizens everywhere who responded to these tragic events with courage, selfless compassion, determination, and skill, both on September 11, 2001, and in the intervening ten years.

**FURTHERMORE, THE TOWN COUNCIL OF INDIAN TRAIL** urges our citizens to set aside today as a day to remember and reflect, and to rededicate ourselves to honoring the victims of September 11, 2001, by reaffirming our commitment to sustaining patriotism and rededicating ourselves to keeping the United States as the world's shining example of freedom, generosity, and tolerance; but also unyielding resolve against enemies which would threaten our society.

This the 11th day of September, 2012.

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Michael L. Alvarez, Mayor



**Town of Indian Trail**  
**Special Meeting Minutes of Town Council**  
**August 8, 2012**  
**Civic Building**  
**7:00 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Finance Director Marsha Sutton, and Director of Community & Economic Development Kelly Barnhardt.

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

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

**CENTRALINA COUNCIL OF GOVERNMENTS COUNCIL REPRESENTATIVE APPOINTMENT**

Mr. Fivas advised that there was a resignation and staff is looking for a replacement of our Council of Government Representative.

Christopher King nominated Darlene Luther and Council unanimously voted in favor of the nomination.

Darlene Luther nominated Robert Allen as the alternate representative and Council voted unanimously in favor of the nomination.

**DISCUSSION OF SELLING BONDS PROCESS**

Mr. Fivas referred to the previous discussion on the Pathways 2 Progress initiative advising that to enable us to fund those initiatives we need to entertain the discussion of selling bonds. In 2010 the community approved 2 road/street bonds totaling \$17,000,000; staff has had discussion with our bond legal counsel and our financing consultants. We would like to start the Chestnut Parkway and the design elements on Old Monroe Road and Sardis Road along with other various projects a list will be forthcoming. The number for our first sale is approximately \$3,000,000 worth of bonds which presents many complexities. We have been very fortunate to be given the option to have a private sale by the LGC. The difference between the private and public is eliminating the necessity to go to New York and get rated resulting in saving funds by not having to go through that process. There is a possibility that the interest rates are very low, so it could be a good time to borrow. Mr. Fivas inquired if Council is interested in staff putting out an RFP to the private markets, see what rates we will get and then the consultants can advise if the public route will be a lower interest rate. We would like to have the funds and projects moving in October pending Council direction to get our process geared up for that.

Council had a general discussion topics included: shelf life and approximate cost of study, expedition of the project, obtaining designs now in preparation of bond sales, the cost of the process and strategy to minimize those costs, results of feasibility study determining where to start and stop on Old Monroe Road, 80-85% of Right of Way owned by Town, the hope that DOT will expedite their project once they see that we are initiating the widening, the bulk of the funds would be applied towards the first section of Chestnut Parkway.

#### **FINANCING FOR NOVEMBER PARK BOND**

Mr. Fivas reviewed the procedures Council has gone through to this point, but feels it's important for staff and community that we are clear on the intention of payment of the bond should it pass. Mr. Fivas asked Council if they want to pay for it out of the General Fund or keep their options open, stating that it's important for clarity on the question of whether there will be a tax increase or not if it passes.

Christopher King made a motion to approve if passed the \$8,500,000 bond will be paid for out of the Capital Investment Fund therefore no tax increase will occur.

Motion Passed 4 - 1 with David Waddell opposing.

Ms. Sutton pointed out that the usual motion is stated "the debt service payments for the bond will be paid out of the Capital Reserve Fund". If there is funding left over it would be used for roads, sidewalks or whatever. The first priority of the fund is to fund the debt service for the park. Ms. Sutton expressed she is clarifying the intent of the motion for the purpose of eliminating any misunderstandings. Council agreed that they were fully aware and understood that's what they had voted on.

#### **CONSIDER CAROLINA COURTS PROJECT AGREEMENT**

Mr. Fivas advised that we are getting close to having an agreement to move forward and make it happen. To ensure that Council had a clear understanding, Mr. Fivas presented the first draft of the

design for the 51 acre park and explained the framework of the agreement and project responsibilities for Carolina Courts and the Town. This facility could create a synergy resulting in private development on Highway 74 to hopefully include hotel, restaurants, and other business, as well as the benefit of our established businesses in the area and really putting Indian Trail on the map with the high volume and attendance of tournaments held at this facility every year. We are hopeful to have the agreement available to you to vote on next week.

Town obligation: building parking lots, pad ready site with utilities, grading permit with design, grading parking lot, grading Chestnut Parkway hopefully in October with the hopes to have it open in early spring. The town will sell 3 acres for approximately \$5,000 requiring a legal process involved to ensure there are no upset bids, stating that if there is someone out there who can build the same facility and meet the same criteria and timeline that is willing to pay more for the property we are required to take that bid.

Carolina Courts obligations: once our obligations are completed, they will start building. They will provide an opportunity for our citizens to have free use of the facility; we can hold events in there, creating a location for the community to come together all year long since we currently do not have any community center.

If the park bond doesn't pass the funds for the parking lot were budgeted in this budget and will come from the bond discussion we just had. Carolina Courts has the funding for their part.

Mr. King clarified if the bond being put on the ballot for this November has anything to do with the Chestnut Parkway, grading, parking lots or Carolina Courts.

Mr. Fivas replied no, if it fails, you will still have the parkway and parking lots and we will need to determine what to do with the rest of the land.

Mr. King confirmed for the audience that if the bond doesn't pass, Carolina Courts will still move there.

Mr. Merritt clarified the upset bid issue, advising the town is not obligated to sell the property but a municipality has certain requirements that must be met prior to selling the property.

Mr. Fivas explained the lease agreements, stating that it is creating the best deal for both parties to ensure success, so we are considering a Use Agreement that includes not only the sale of property but some type of contribution for 15 years for the residents to have access to the property, the Town having use of the facility for events along with marketing options. Mr. Fivas explained the value of having a facility providing free of charge, 1300 hours a year for the residents use.

Council had a general discussion on the matter, topics included: trees, largest inside area of facility, construction costs and timeline, town marketing and branding, Carolina Courts business model, Carolina Courts commitment regardless of bond outcome in November, parking, food concessions, and allocation of use to other athletic organizations/schools.

**CLOSED SESSION NCGS 143-318.11(a)(3) Consult with attorney to protect the attorney-client privilege and NCGS 143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body.**

*No Closed Session was called at this meeting.*

**POSSIBLE ACTION REGARDING LOCATION OR EXPANSION OF BUSINESS IN THE AREA SERVED BY THIS BODY**

*This matter was not heard.*

**ADJOURN**

Robert Allen 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**  
**Minutes of Town Council**  
**August 14, 2012**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Absent Members: David Waddell. Director of Human Resources Miriam Lowery.

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

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

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

**ADDITIONS AND DELETIONS**

*None*

**MOTION TO APPROVE AGENDA**

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

Mayor Alvarez announced that Council Member Waddell will be absent this evening.

**PRESENTATIONS**

a. Porter Ridge Softball Team

Mayor Alvarez read the Certificate of Recognition and congratulated the team on their accomplishments.

b. Presbyterian Hospital in Matthews update

Representatives from the hospital informed the Council and audience of their accomplishments in the previous year.

c. VFW Presentation

Brian Boze, Commander of Indian Trail VFW Post 2423 thanked Council for their support on the Vietnam Moving Wall and presented to them several statistics and successes of that event.

d. Town of Stallings presentation to support Kilah's Law and present RAD Kids Golf Tournament - this item was requested by Mayor Alvarez

Mayor Pro Tem Reid of the Town of Stallings and Chief Pryler of Stallings Police Department explained the RAD Kids program advising a golf tournament is being held to fund this program.

Jeff Gerber, founder of the Justice for All Coalition, explained the program and the unfortunate incident involving Kilah Davenport expressing how important it is for Kilah's Law to get passed and introduced the family describing their commitment to each other and Kilah. The Resolution in support of Kilah's Law which is on the Consent Agenda was read for the Council and audience.

**CONSENT AGENDA**

- a. Approval of July 10, 12, 19, 2012 minutes
- b. Tax report for yearend 2011 and month end July 2012
- c. Approval of Kilah's Law Resolution **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- d. Annandale Subdivision Street Acceptance, Maps 1 & 2
- e. Approval of Hearing Impaired Policy **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- f. Release of Surety
- g. Budget Amendments
- h. LGC 203 Report

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

**ABC BOARD INTERVIEW AND APPOINTMENT**

a. Robert Laatz

Council asked Mr. Laatz several questions to which Mr. Laatz responded.

Mr. King nominated Gary D’Onofrio for appointment to the ABC Board and the Council unanimously agreed. Council thanked Mr. Brown for his service.

**PLANNING BOARD INTERVIEWS AND APPOINTMENTS**

a. Alan Rosenberg

Council asked Mr. Rosenberg several questions to which Mr. Rosenberg responded.

b. Timothy Rogers

Council asked Mr. Rogers several questions to which he responded.

**BOARD OF ADJUSTMENT INTERVIEWS AND APPOINTMENTS**

a. Tripp Melton

Council asked Mr. Melton several questions to which he responded.

Council took and returned from a brief break.

b. Andrew Morrison

Council asked Mr. Morrison several questions to which he responded

Mr. King nominated Alan Rosenberg for the Alternate Planning Board position, Council unanimously agreed.

Mr. Allen nominated Mr. Rogers as an Alternate for the Board of Adjustment, Council unanimously agreed.

Ms. Luther nominated Mr. Melton for the Regular seat on the Board of Adjustment, Council unanimously agreed.

Mr. Allen nominated Mr. Morrison for the Regular seat on the Board of Adjustment, Council unanimously agreed.

## **PUBLIC COMMENTS**

Jerry Wigen, 10004 Fenwick Drive, Indian Trail, spoke in support of Kilah's Law and commended the Council on the Resolution passed this evening. Mr. Wigen spoke specifically about the safety of people attending the Council meetings advising that there is a potential for violence. He has no objection to undergoing a security check at the door to include a second screening if you leave the building. Many other communities have endured disasters, let's not be one of them.

Sandy Moore, 4900 Pioneer Lane, Indian Trail appreciates the Council Members and Mayor to be involved and passing this resolution reflecting that the Mayor is an encouraging role model and the Council Members for seeing the value of investing in our future. Ms. Moore also expressed concern over the behavior of certain individuals, referencing comments, stalking and the disclosure of Closed Session minutes where personnel matters are concerned. She advised that Council should take action against those that broke the confidentiality of Closed Session and personnel matters. Ms. Moore inquired if the individuals who comment on anti-government and the wrath of God seem cult like in nature have been identified by authorities as possibly being sovereign citizens. Ms. Moore requested that Council consider covering the door and windows of this building with materials that enables a one way view and a metal detector at the door, advising with the bizarre behavior exhibited thus far it's uncertain if it will escalate into something else, suggesting that Council be proactive and not reactive.

Steven Chip Long, 1012 Cranston Crossing, Indian Trail, NC referred to the new sidewalks being installed, road repairs in Beacon Hills, advising that although the challenges for our town are many, infrastructure is number one for all of us. Mr. Long listed the challenges and tasks of the town boards and committees, his pride in the town's upcoming Cultural Arts Center, the 51 acre park stating that there are citizens that are eradicating the negative to accentuate the positive and the present good is uncommonly good and hopefully the past will find its deserving peace. Mr. Long stated there are move ahead goals by move ahead people and not the ones that are wishing to visit the past and rub our noses in things that belong over. Mr. Long said to the Mayor, Council and staff to keep up the good work.

Jan Brown, Longnook Lane, Indian Trail expressed sincere thanks for moving the Town of Indian Trail forward and is happy with the direction they are taking this town. He thanked the Mayor for bringing civility back to the Town Council meetings, although criticized for your editorials; they were truthful which is a welcome pleasure after the upbringing of the past that a small group wishes to pontificate. The previous and present Council are moving Indian Trail forward into the 21st Century and listed some examples.

## **PUBLIC HEARINGS**

- a. MCA 2012-001 Burning of Yard Waste

This matter was posted in the Enquirer Journal on August 3, 2012  
A request to amend the Indian Trail Code of Ordinance establishing Chapter  
93 Open Burning of Yard Debris in the Town of Indian Trail.  
Applicant: Town of Indian Trail; Location: Town wide

Mr. Fivas advised that the Public Safety Committee was tasked with this and unanimously approved the ordinance before you tonight. It's based off of the Stallings Ordinance they worked closely with Fire Departments on how to regulate this ordinance. It's an education program. This is strictly for yard waste.

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

Robert Allen made a motion to approve MCA 2012-001 Burning of Yard Waste **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**  
Council voted unanimously in favor of the motion.

#### **BUSINESS ITEMS**

##### a. Pathways 2 Progress Initiative

Mr. Fivas requested that we put this item on the next agenda in the interest of time.

Robert Allen made a motion to table Pathways 2 Progress Initiative to the next meeting.  
Council voted unanimously in favor of the motion.

##### b. Approval of Old Monroe Feasibility Study

Mr. Fivas advised that staff has had dialogue with NCDOT about starting the process to widen the section from Wesley Chapel Stouts Road going west that our funds will permit. The feasibility study assess what types of right of way we will need, utility relocation, environmental impacts, congestion management, costs and does it conform with the state transportation plans. Although we don't like to do studies it's a good movement forward. This is one of the three roads that will create the Indian Trail Loop.

We are trying to accomplish to get this section of road completed so that when NCDOT begins construction from I485 to Indian Trail Road in 2017 we will have it done and this enables us to design the road to be multi mobile and a great transportation network for the town.

Robert Allen made a motion to approve proceeding with the feasibility study for the widening of Old Monroe Road. **(A COPY OF THE CONTRACT CAN BE FOUND IN THE ENGINEERING OR FINANCE OFFICE)**  
Council voted unanimously in favor of the motion.

##### c. Approval of Chestnut Lane Sidewalk Contract

Mr. Fivas advised that this is the second highest rated sidewalk project in Indian Trail and will connect 5000 residents with one of our key business centers in Austin Village, addressing safety issues.

Christopher King made a motion to approve Chestnut Lane Sidewalk Contract **(A COPY OF THE CONTRACT CAN BE FOUND IN THE ENGINEERING OR FINANCE OFFICE)**

Council voted unanimously in favor of the motion.

d. Approval of Comprehensive Community Plan

Mr. Fivas advised that the Planning Board met with the vendors and unanimously selected this company which will provide a wonderful opportunity for the Council to put their fingerprints and have a dialogue with the community on what the 20 year vision is for Indian Trail. There are a number of events scheduled for the residents to let us know where we need to go and this is the process to engage their opinion in.

Christopher King made a motion to approve the Comprehensive Community Plan **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

e. Approval of Carolina Courts Agreement

Mr. Fivas advised this agreement outlines both parties commitments to the town. This will enable us to start the road that we know we need to develop. Mr. Fivas reviewed some of the highlights of the agreement stating that we hope there will be economic developments assets to follow.

Darlene Luther made a motion to approve the Carolina Courts Agreement **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

Ron Esser from Carolina Courts expressed his appreciation to the Council.

f. Approval of Chestnut Parkway & Land Design Fee Proposal

Mr. Fivas stated that this the second piece of the Carolina Courts approval and shows that we have heard the citizen's complaints about traffic and we take it seriously. This will improve the traffic and quality of life in Indian Trail.

Robert Allen made a motion to approve the Chestnut Parkway and Land Design Fee Proposal **(A COPY OF THE CONTRACT CAN BE FOUND IN THE ENGINEERING OR FINANCE OFFICE)**

Council voted unanimously in favor of the motion.

**DISCUSSION ITEMS**

a. Update on Park Design

Mr. Fivas advised that staff will be meeting with the consultants and would like feedback from the Council on what they are hearing from the residents and what they are feeling.

Ms. Luther stated as we move forward and update she hopes the next version will better display our intention and plans for the parks. If people are going to be making a decision on future parks whether they are for or against it, we need to provide accurate information to them. She would like the plans to be more specific. Mr. Fivas clarified that she would prefer it be more defined so residents can find the amenity that they want.

Mr. Cohn suggested that having a picture of the whole park and then show how small the ball fields are, providing citizens a picture of the park.

Mr. Fivas replied we will make sure that when shown we have a better idea of scale.

Mr. King said having a sub map highlighting different areas of the park, he feels it's important that we highlight other areas of the park that have nothing to do with ball fields. That area is large enough to have something for everyone, he agrees with his colleague's comments and suggests that we do not focus completely on the welcome mat of the park and give every part of the park its own due respect.

Mr. Allen stated that given our current technology, he would like to see the meets and bounds of the property. He likes the idea of having links that provide a visual of what is going to be there. We need to stress very strongly this is a work in progress and we want input.

Mr. Fivas summarized the Council's comments stating that the plan is not clear enough to show the walking trails, biking and off road trails. We will address this with the consultants that there are people who are not interested in playing baseball but are interested in having a fishing pond or walking trails that should be shown more prominently on the plans indicating these are parks for everyone to enjoy.

#### b. Discussion of Park Naming Process

Mr. Fivas inquired if Council wants to start the process of coming up with community names for the parks, as it's difficult to refer to them at the 51 or 147 acre park? Naming the parks might enable the residents to better connect with the ideas and get excited about what might be forthcoming in their neighborhood. Council had a lengthy discussion providing their thoughts and ideas directing staff to proceed with a naming process/contest. Mr. Fivas stated that the Park, Trees and Greenway Committee will be essential in making the decision on the names by filtering suggestions for Council approval. Mr. Cohn expressed he is superstitious and feels that if we name them then we might jinx the referendum passing.

Darlene Luther made a motion to approve directing town staff to work with the Parks, Trees & Greenway Committee to disseminate the information about the contest.

Motion Passed 3 - 1 with David Cohn opposing.

#### c. Discussion of Community Information Signs

Mr. Fivas advised that we had funds allocated for digital signs in the last budget and has been carried over to the 2012/2013 budget. Staff believes there's a cost benefit to consider having a pilot project

and getting some signs that can be controlled from a computer to provide law enforcement information or town information. Mr. Fivas inquired if Council wants us to go and research some of the digital signs and provide them with a presentation for consideration at a future meeting.

Robert Allen made a motion to approve researching digital Community information signs and provide Council with alternatives.

Council voted unanimously in favor of the motion.

### **MANAGERS REPORT**

#### **a. Update of Implementation of Solid Waste Services**

Mr. Fivas advised that staff is working with Waste Pro on getting the residents information on the new solid waste services, reminding everyone that it is a new service, there will be growing pains and when questions arise we will be available to answer those questions. Mr. Fivas requested that Council assist staff in directing residents to call Town Hall with any questions. Mr. Fivas complimented Waste Pro on working through some of the issues. One of the issues that might be forthcoming is the changing of the carts, expressing concern that resident might be calling that their cart has been removed. The new carts will now have our branding on them and staff is requesting Council's assistance reminding the citizens that the new carts are coming and providing them with the hotline number that we will make available.

#### **b. Update on Current Pedestrian Projects**

Mr. Fivas advised Council and the audience that staff is working forward and are very close on getting approvals on Rogers Road and Unionville Indian Trail sidewalks, anticipating the work to being sometime in the fall. The Chestnut and Poplin Road projects are moving forward. Beacon Hills construction started today with the groundbreaking.

The newsletters were mailed out to residents and should be received within the next day or so, it is also available on line.

### **COUNCIL COMMENTS**

Mr. Allen commented that this was a great meeting, we covered a lot of good data and stuff done and he hopes to read about it in the paper. This should be the norm that we get through this stuff and get it done.

Mr. Cohn pointed out a Boy Scout in the audience, Evan Davis, who attended the meeting for the purpose of getting another badge. Mr. Cohn advised this is a fine young man whose goal is to be an Eagle Scout. Mr. Cohn observed him through the meeting and stated that he sat there very mannerly, listened and is a fine young man. He thanked everyone for coming out tonight, it was a long meeting and he appreciates their attendance.

Ms. Luther finds it amusing that Mr. Cohn finds this a long meeting after what has been the last couple of years.

Mr. King had no comments

Mayor Alvarez thanked everyone for coming; we covered a lot of stuff today. He thanked the Council for moving it forward in a constructive manner and looks forward to having the community more involved from this day forward in a positive manner, open up for good debate for things that people are for and against in a more adult productive like manner. He appreciates everyone here and in the town.

**CLOSED SESSION**

*None*

**ADJOURN**

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

APPROVED:

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Michael L. Alvarez

Attest:

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Peggy Piontek, Town Clerk



**TO:** Mayor and Town Council

**FROM:** Joe Fivas

**DATE:** September 5, 2012

**SUBJECT:** Resolution Declaring the Intent of the Town of Indian Trail to Reimburse Itself for Capital Expenditures Incurred in Connection with Street Improvements from the Proceeds of Tax Exempt Obligations to be executed and delivered during Fiscal Years 2013 and 2014

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As part of beginning the process to issue proceeds for the Street Bonds of \$7,000,000 and \$10,000,000, the Town will start the initial phase of various projects and incur cost related to these bond projects. The Town will advance funds currently on hand to pay for these costs and the Town reasonably expects to reimburse itself for these costs from a portion of the proceeds from the issuance of these obligations to be executed and delivered by or on behalf of the Town.

Staff is recommending the Council approve the attached Resolution Declaring the Intent of the Town of Indian Trail to Reimburse Itself for Capital Expenditures Incurred in Connection with Street Improvements from the Proceeds of Tax Exempt Obligations to be executed and delivered during Fiscal Years 2013 and 2014.

**RESOLUTION DECLARING THE INTENT OF THE TOWN OF INDIAN TRAIL TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH STREET IMPROVEMENTS FROM THE PROCEEDS OF TAX EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING FISCAL YEARS 2013 AND 2014.**

*WHEREAS*, the Town Council of the Town of Indian Trail, North Carolina (the “*Town*”) hereby finds and determines that it is in the best interests of the Town to acquire, construct, reconstruct, widen, extend, pave, resurface, grade, improve or beautify streets, roads and intersections in the Town and widen Old Monroe Road in the Town from two lanes to four lanes all as authorized by a referendum approved by a majority of voters in the Town on November 8, 2011 (the “*Project*”);

*WHEREAS*, the Town reasonably expects to receive the proceeds of the sale of tax-exempt obligations (the “*Obligations*”) during fiscal year 2013 and fiscal year 2014 to finance a portion of the Project;

*WHEREAS*, the Town desires to proceed with the Project and will incur capital expenditures (the “*Capital Expenditures*”) in connection therewith before the issuance of the Obligations; and

*WHEREAS*, the Town has advanced and will advance moneys from funds currently on hand to pay for the Capital Expenditures and the Town intends, and reasonably expects, to reimburse itself for the Capital Expenditures from a portion of the proceeds of the sale of the Obligations to be executed and delivered by or on behalf of the Town;

*NOW, THEREFORE, BE IT RESOLVED* by the Town as follows:

Section 1. ***Official Declaration of Intent.*** The Town presently intends, and reasonably expects, to reimburse itself for the Capital Expenditures incurred and paid by the Town on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The Town reasonably expects to cause the execution and delivery of the Obligations to finance all or a portion of the costs of the Project. The maximum principal amount that the Town expects to reimburse itself from the proceeds of the Obligations for the costs of the Project is \$17,000,000.

Section 2. ***Compliance with Regulations.*** This Resolution is a declaration of official intent of the Town under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the Town’s intent to reimburse itself for the Capital Expenditures from proceeds of the Obligations.

Section 3. ***Itemization of Capital Expenditures.*** The Finance Director of the Town or her designee, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the Town in determining and itemizing all of the Capital Expenditures incurred and paid by the Town in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. ***Effective Date.*** This Resolution shall become effective immediately upon the date of its adoption.

STATE OF NORTH CAROLINA            )  
  )  
COUNTY OF UNION                    )            SS:

I, *Peggy Piontek*, Town Clerk of the Town of Indian Trail, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of a Resolution entitled, “**RESOLUTION DECLARING THE INTENT OF THE TOWN OF INDIAN TRAIL TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH STREET IMPROVEMENTS FROM THE PROCEEDS OF TAX EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING FISCAL YEAR 2013 AND 2014**” adopted by the Town Council of the Town of Indian Trail, North Carolina at a regular meeting held on the 11th day of September, 2012.

*IN WITNESS WHEREOF*, I have hereunto set my hand and affixed the corporate seal of said Town, this the \_\_\_\_ day of September, 2012.

(SEAL)

\_\_\_\_\_  
Town Clerk  
Town of Indian Trail, North Carolina



**TO:** Mayor and Town Council  
**FROM:** Joe Fivas  
**CC:** Marsha Sutton, Jennifer Smith  
**DATE:** September 04, 2012  
**SUBJECT:** Budget Amendments for September 11<sup>th</sup> Meeting

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1. Reallocate funds within Transportation to establish new account.
2. Reallocate funds for various events.
3. Reallocate funds within Administration Department.
4. Reallocate funds within Transportation Department.
5. Reallocate funds within Public Works Department.
6. Reallocate funds between Planning and Code Enforcement.
7. Reallocate funds within Events.
8. Reallocate funds for New Park closing cost.
9. Reallocate funds for Town newsletter.
10. Recognize revenue from pass through grant for NC Rural EDC Grant.
11. Reallocate funds within Administration Department.
12. Recognize additional revenue from pass through grant for NC Rural EDC Grant.
13. Reallocate funds within Stormwater Department.

14. Reallocate funds within Comm Econ. Development for postage.
15. Reallocate funds within Tax Department.
16. Reallocate funds to establish account dedicated to fuel cost.
17. Reallocate funds for monthly security monitoring cost.
18. Reallocate funds within Administration Department.

If Council has any questions, please contact the Finance Director at 704-821-5401.

Union County Emergency Management was contacted by North Carolina State Emergency Management officials soliciting interest in the regionalization of our Multi-Jurisdiction Hazard Mitigation Plan and allowing the state to apply for a federal grant on behalf of 35 western counties including Union County in NC which would fund writing the regional plans. If awarded this grant, Union County would be grouped with Stanly and Cabarrus Counties to create a regional Hazard Mitigation Plan. This would replace the existing Multi-Jurisdiction Hazard Mitigation Plan that we now have.

Our current Multi-Jurisdiction Hazard Mitigation Plan (HMP) just been updated, has been reviewed by the NC Emergency Management Hazard Mitigation Planning Section and is pending review by the Federal Emergency Management Agency (FEMA) Hazard Mitigation Planning Section. Once the FEMA review is complete our HMP plan will be presented to the Union County Board of Commissioners for adoption, along with all other municipal jurisdictions. We expect the FEMA review to be completed within the next 45 days. Once the updated plan is adopted by all jurisdictions it will be in effect for five years.

One primary advantage to regionalization of the HMP is that it may take up to two years to finalize the grant process, secure a contractor, write the regional plan, send it through the review process and have it adopted. The additional time will be added on to our five year cycle for next HMP update.

The Union County Board of Commissioners approved this MOA on October 17, 2011.

**Memorandum of Agreement for the Development of a Regional Hazard  
Mitigation Plan  
For  
Cabarrus, Stanly, & Union Counties**

As a result of the Disaster Mitigation Act of 2000 and NC Senate Bill 300 each local government including counties, cities, towns, and villages are required to have an approved Hazard Mitigation Plan. The types of plans throughout North Carolina vary from multi-jurisdictional plans, town plans, city plans, some village plans and several regional plans. North Carolina has approximately 130 hazard mitigation plans that must be updated every five years.

Cabarrus, Stanly, & Union Counties and their incorporated jurisdictions propose to develop a regional hazard mitigation plan. This plan would incorporate 3 multi-jurisdictional hazard mitigation plans into 1 regional plan. The participating jurisdictions are as follows:

**Cabarrus County**

- City of Concord (County Seat)
- Town of Harrisburg
- Town of Midland
- Town of Mt. Pleasant

**Stanly County**

- City of Albemarle (County Seat)
- Town of Badin
- Town of Locust
- Town of Misenheimer
- Town of New London
- Town of Norwood
- Town of Oakboro
- Town of Red Cross
- Town of Richfield
- Town of Stanfield

**Union County**

- Town of Fairview
- Town of Hemby Bridge
- Town of Indian Trail
- Village of Lake Park
- Town of Marshville
- Village of Marvin
- Town of Mineral Springs
- City of Monroe (County Seat)
- Town of Stallings
- Town of Unionville
- Town of Waxhaw
- Town of Weddington
- Village of Wesley Chapel
- Town of Wingate

## GEOGRAPHICAL DESCRIPTION/AREA /BRANCH/POPULATION

Cabarrus, Stanly, & Union Counties are within NC Emergency Management Areas 11 and 13 which each consist of 7 counties. These are 2 of the 5 areas within the Western Branch section of NCEM.

Union County borders the state of South Carolina and all counties surround the City of Charlotte located in nearby Mecklenburg County. However, all three counties have major urban nodes of their own. While both Cabarrus and Union Counties are highly developed counties with high populations, Stanly County is far less urbanized.

Despite differences in population, the geographic and demographic makeup of all areas in the region is very similar. Hazard mitigation planning development evolves from the same types of risks and hazards within each of their boundaries.

According to the US Census Bureau in 2009, the populations are as follows:

Cabarrus County	172,223
Stanly County	59,794
Union County	198,645

While Cabarrus and Union County have a higher relative population which can be attributed to their proximity to Charlotte, it should be noted that these counties share more in common with one another than with Charlotte.

# PROPOSAL

- WHAT:** Regional hazard mitigation plan. North Carolina project for regionalization of hazard mitigation plans.
- WHO:** Cabarrus, Stanly, & Union Counties
- HOW:** Emergency management local coordinators jointly hire a consultant/company to combine each of their multi-jurisdictional plans into a regional plan.
- WHEN:** Regional plan completed and approved by December 2014.
- GOAL:** Acquire grant monies to proceed with regionalization of 3 hazard mitigation plans.
- LEAD:** Cabarrus County would serve as the lead for the project. The grant monies would be sub-granted to all counties with Cabarrus serving as the lead county and point of contact for invoice submittal and cost report reimbursement from the State of NC to the contractor. The grant would be managed by Cabarrus County for all involved parties. Reimbursement method would be utilized. No up-front monies would be issued to Cabarrus County or any other county. Actual costs incurred will be all that will be eligible for reimbursement.
- SCOPE:** Scope of work to be determined by the 3 counties involved with input and guidance from NC Emergency Management staff.

**AGREEMENT TO PARTICIPATE IN REGIONAL HAZARD MITIGATION PLAN  
FOR  
CABARRUS, STANLY, & UNION COUNTIES**

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Union County

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Village of Marvin

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Town of Fairview

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Town of Mineral Springs

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Town of Hemby Bridge

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City of Monroe

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Town of Indian Trail

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Town of Stallings

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Village of Lake Park

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Town of Unionville

---

Town of Marshville

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Town of Waxhaw

---

Town of Weddington

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Town of Wingate

---

Village of Wesley Chapel

From: "Ramsey, Tiawana" <tramsey@ncem.org>

To: "Speer, Neal" <nealspeer@co.union.nc.us>

cc:

bcc:

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Date: Wednesday, July 27, 2011 05:59PM

Subject: HAZARD MITIGATION PLAN REGIONALIZATION INITIATIVE

In an attempt to further the regionalization of the hazard mitigation plans throughout the Western Branch, Mike Cook and I have submitted a request to apply for a grant to complete the remaining 8 regional plans.

Attached please find a Memorandum of Agreement that was prepared for each of the regional plans that we will be submitting under the WB Regionalization Initiative. Obviously feel free to make any edits that you think would improve these MOAs or let me know and I can make the changes. Each county and municipality needs to sign the signature page included at the end of the attachment. **The only thing that must be added by each county and/or municipality is the specific name and title of each community representative who is signing the MOA.** By signing the MOA each county and/or municipality is agreeing to participate in a regional plan should funding be granted to move forward. The document is set up in a fairly straightforward way so that this info can be inserted into the line below the signature line without affecting the document formatting. In any case, I figured it might take a while to get all these signatures collected so I wanted to get you this documentation as soon as I could.

We will have a conference call on Tuesday, August 2, 10 am at (919) 212-5747 to explain the project and to answer any questions that you may have. Let me know if there are any issues with this or if there's anything I can do to help.

Tiawana Ramsey

Area 12 Coordinator

NC Division of Emergency Management

828-230-8184 - Cell

828-466-5555 - Office



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 September 11, 2012 Town Council Public Hearing**

<b>Case: ZT 2012-005 Amendment of UDO Related to Contractors Office Uses</b>			
<b>Reference Name</b>	<b>Contractors Office Use</b>		
<b>Planning Board Meeting Date</b>	August 21, 2012		
<b>Members Present</b>	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/>
	Vice-Chair Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Robert Rollins <input type="checkbox"/>
	Sidney Sandy <input checked="" type="checkbox"/>	Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1	Steve Long <input type="checkbox"/> Alternate 2
	Alan Rosenberg <input type="checkbox"/> Alternate 3		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Motion</b>	Recommend approval to Town Council with draft findings		
<b>Member Making the Motion</b>	Boardmember Miller		
<b>Second the Motion</b>	Boardmember Sandy		
<b>Vote</b>	All seated members voted in favor of the Motion		

**Purpose of the Amendment:** A request to amend Chapter 520 of the Unified Development Ordinance (UDO), which specifies allowed uses within business and commercial zoning districts. The proposed amendment will allow Contractor Office uses with a base zoning of General Business District (GBD) or Regional Business District (RBD) to be permitted to have outdoor operations within the Downtown Overlay District (O-DD), subject to Special Use Permit (SUP) approval. Contractor Offices are currently permitted within the O-DD, however, there is no process to enable some form of outdoor operations.

**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.*

## Executive Summary

The proposed amendments will modify the UDO by enabling Contractor Office uses to have outdoor operations within the Downtown Overlay District (O-DD). These uses are currently allowed within the O-DD, however, there is no provision for any outdoor operations. The amendments specifically contemplate the following:

- Outdoor operations associated with Contractor Office uses are only permitted on properties with a base zoning district of GBD or RBD. These are intense commercial districts located in the outlying areas of the Downtown Overlay District; and
- Requests for outdoor operations associated with Contractor Office uses will require a Special Use Permit approval by the Board of Adjustments in a public hearing.

## Planning Board

This proposed amendment was heard by the Planning Board on August 21, 2012 and after a general discussion the Board motioned to make the findings and transmit a unanimous recommendation to approve. The Board also requested that staff make an editorial change to the numbering of the findings, which has been completed. The draft findings for Council consideration are noted below:

1. The proposed UDO amendment is consistent with the following goals:
  - 1.3.2 of the Comprehensive Plan – *Land Use*; the proposed UDO ordinance amendment will promote an expanded tax base by providing greater opportunities for Building Contracting/Construction Office uses within downtown Indian Trail in a manner that avoids potential land use conflicts with neighboring properties.
  - 1.3.4 of the Comprehensive Plan-*Downtown Revitalization*; the proposed UDO ordinance amendment will help increase the viability of downtown properties by providing an opportunity for Building Contracting/Construction Office uses to have outdoor operations at appropriate locations.
2. This UDO ordinance amendment is in the best interest of the public because it creates regulations establishing the appropriate location and procedural review for outdoor operations associated with Building Contracting/Construction Office uses within the Downtown Overlay District.

## Staff Contact

Rox Burhans, AICP

[rburhans@planning.indiantrail.org](mailto:rburhans@planning.indiantrail.org)

Attachment 1- Planning Board Report

Attachment 2- Draft Ordinance

**TC ATTACHMENT 1 – PLANNING BOARD REPORT**



Town of  
**INDIAN TRAIL**  
north carolina

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PLANNING AND NEIGHBORHOOD SERVICES

## Zoning Staff Report

<b>Case: ZT 2012-005 Amendment of UDO Related to Contractors Offices</b>		
<b>Reference Name</b>	Contractors Office Use	
<b>Applicant</b>	Town of Indian Trail	
<b>Submittal Date</b>	08/01/2012	
<b>Location</b>	Downtown Overlay District (O-DD)	
<b>Tax Map Number</b>	N/A	
<b>Plan Consistency</b>	Town of Indian Trail Comprehensive Plan	Consistent With Request
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval of Proposed Text Amendment.

### Project Summary

A request to amend Chapter 520 of the Unified Development Ordinance (UDO), which specifies allowed uses within business and commercial zoning districts. The proposed amendment will allow Contractor Office uses with a base zoning of General Business District (GBD) or Regional Business District (RBD) to be permitted to have outdoor operations within the Downtown Overlay District (O-DD), subject to Special Use Permit (SUP) approval. Contractor Offices are currently permitted within the O-DD, however, there is no process to enable some form of outdoor operations.

Within the context of this amendment, it is important to recall that older downtowns such as Indian Trail once served as the center of all commerce within the community. It is not unusual for downtowns to have a present-day inventory of buildings or properties that are well suited for outdoor type operations. The structure of the proposed amendment limits contractor outdoor operations to the GBD and RBD base districts, while also requiring an SUP approval. This will help ensure these uses are located in appropriate areas and in a form and scale that is acceptable and visually unobtrusive.

Areas of Analysis:

- 1. The Comprehensive Plan-** The proposed text amendment is consistent with goals of the Comprehensive Plan; *Land Use and Downtown Revitalization*.
- 2. Staff Recommendation-** Staff recommends based on the guidance of the adopted plans that the text amendment be supported by recommending its approval to the Town Council

## Analysis

The purpose of the amendment is to allow Building Contracting/Construction Office uses with a base zoning district of GBD or RBD within the O-DD to have outdoor operations, subject to SUP approval. The following amendment to UDO Chapter 520 is required to implement this.

USE GROUP	Business and Commercial Districts						Use Standard
	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Use Category							
Specific Use Type							
<b>Construction Sales and Service</b>							
Building Material Sales	-	-	P	P	P*	P*	*See Size Limits Sec. 520.030B
Contractor/Construction Storage Yard	-	-	-	S	-	-	
Tool Equipment Sales or Rental	-	-	-	S	-	-	
Building Contracting/Construction Office	P	P	P/S	P/S	P	P/S	SUP is for any outdoor operations

## 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:
  - 1.3.2 of the Comprehensive Plan – *Land Use*; the proposed UDO ordinance amendment will promote an expanded tax base by providing greater opportunities for Building Contracting/Construction Office uses within downtown Indian Trail in a manner that avoids potential land use conflicts with neighboring properties.
  - 1.3.4 of the Comprehensive Plan–*Downtown Revitalization*; the proposed UDO ordinance amendment will help increase the viability of downtown properties by providing an opportunity for Building Contracting/Construction Office uses to have outdoor operations at appropriate locations; and
2. This UDO ordinance amendment is in the best interest of the public because it creates regulations establishing the appropriate location and procedural review for outdoor operations associated with Building Contracting/Construction Office uses within the Downtown Overlay District.

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

## Staff Contact

Rox Burhans, AICP

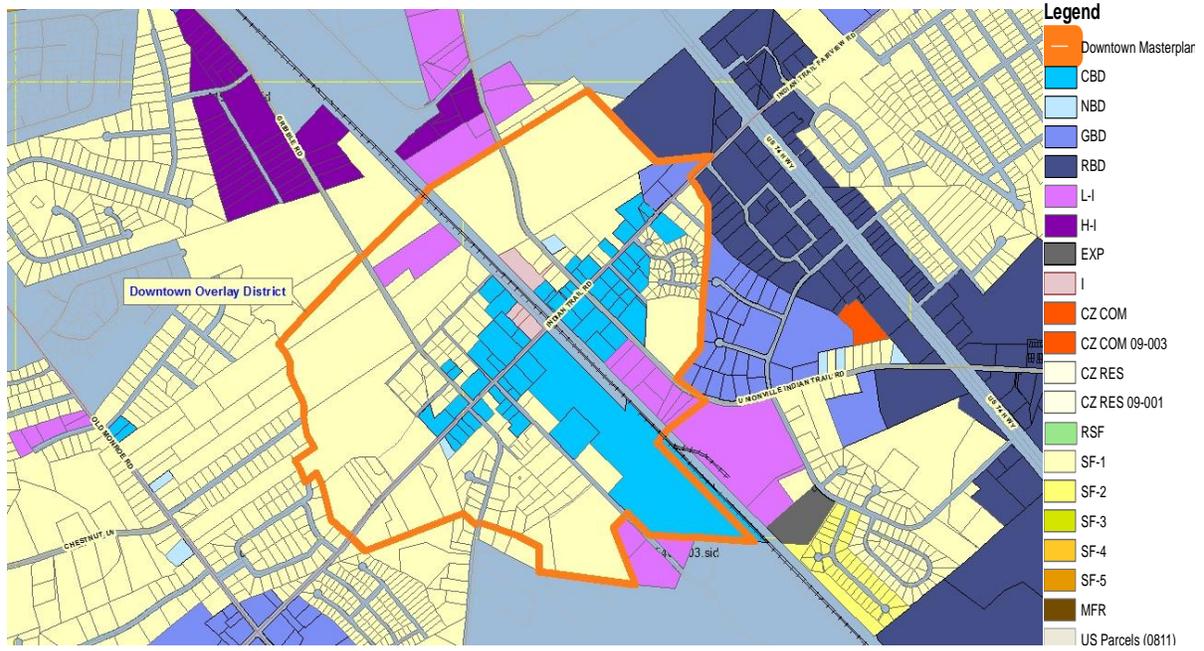
Senior Planner

[rburhans@planning.indiantrail.org](mailto:rburhans@planning.indiantrail.org)

Attachment 1-Downtown Overlay District Map

# **PB ATTACHMENT 1**

# Downtown Overlay District



**TC ATTACHMENT 2- DRAFT ORDINANCE**



NOW THEREFORE, BE IT ORDAINED ON SEPTEMBER 11, 2012 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1 – Section 520.020 (G) is amended as follows:**

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
<b>Construction Sales and Service</b>							
Building Material Sales	-	-	P	P	P*	P*	*See Size Limits Sec. 520.030B
Contractor/Construction Storage Yard	-	-	-	S	-	-	
Tool Equipment Sales or Rental	-	-	-	S	-	-	
Building Contracting/Construction Office	P	P	P/S	P/S	P	<u>P/S</u>	SUP is for any outdoor operations

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

SO ORDAINED THIS 11th DAY OF SEPTEMBER, 2012.

THE TOWN COUNCIL OF INDIAN TRAIL

By \_\_\_\_\_  
 Honorable Michael L. Alvarez, Mayor

Attest:

\_\_\_\_\_  
 Peggy Piontek, Town Clerk



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 September 11, 2012 Town Council Public Hearing**

<b>Case: ZT 2012-006 Amendment of UDO Related to Wholesale Vehicle Sales</b>			
<b>Reference Name</b>	<b>Wholesale Vehicle Sales Use</b>		
<b>Planning Board Meeting Date</b>	August 21, 2012		
<b>Members Present</b>	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/>
	Vice-Chair Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input checked="" type="checkbox"/>	Robert Rollins <input type="checkbox"/>
	Sidney Sandy <input checked="" type="checkbox"/>	Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1	Steve Long <input type="checkbox"/> Alternate 2
	Alan Rosenberg <input type="checkbox"/> Alternate 3		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Motion</b>	Recommend approval to Town Council with draft findings		
<b>Member Making the Motion</b>	Boardmember Sandy		
<b>Second the Motion</b>	Boardmember Mimy		
<b>Vote</b>	All seated members voted in favor of the Motion		

**Purpose of the Amendment:** A request to amend Chapters 520 and 530 of the Unified Development Ordinance (UDO), which specifies allowed uses within business and commercial and industrial zoning districts. The proposed amendments will allow Wholesale Heavy and Light Equipment Sales/Rental uses (i.e. vehicle sales uses) outright within all commercial zoning districts. Wholesale Vehicle Sales uses only permit office/administrative type activities with no allowance for onsite storage, sales, or repair activities. The proposed amendments also contemplate a minor housekeeping change to ensure vehicle sales lot standards apply in the industrial districts.

**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.

## **Executive Summary**

The proposed amendments will modify the UDO by enabling Wholesale Vehicle Sales uses to locate in all commercial zoning districts. As defined by the UDO, Wholesale Vehicle Sales are limited to office and administrative activities only. These uses typically contemplate business-to-business distributorships and similar businesses. There is no allowance for onsite vehicle storage, sales, or repair activities. The proposed amendments are intended to treat Wholesale Vehicle Sales uses consistently with conventional office uses by allowing them in all business and commercial districts.

## **Planning Board**

This proposed amendment was heard by the Planning Board on August 21, 2012 and after a general discussion the Board motioned to make the findings and transmit a unanimous recommendation to approve. The draft findings for Council consideration are noted below:

1. The proposed UDO amendment is consistent with the following goal:
  - 1.3.2 of the Comprehensive Plan – *Land Use*; the proposed UDO ordinance amendments will help promote a greater mix of land uses by enabling Wholesale Heavy and Light Equipment Sales/Rental uses to locate in all business and commercial zoning districts. The proposed amendments will also expand the tax base by increasing the number of potential locations these uses may locate within Indian Trail.
2. This UDO ordinance amendment is in the best interest of the public because it establishes regulations ensuring Wholesale Heavy and Light Equipment Sales/Rental uses are permitted in the appropriate Indian Trail zoning districts. The amendments also correct an error within the UDO that will ensure the vehicle sales lot standards apply in the industrial zoning districts.

## **Staff Contact**

Rox Burhans, AICP

[rburhans@planning.indiantrail.org](mailto:rburhans@planning.indiantrail.org)

Attachment 1- Planning Board Report

Attachment 2- Draft Ordinance

**TC ATTACHMENT 1 – PLANNING BOARD REPORT**



Town of  
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north carolina

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PLANNING AND NEIGHBORHOOD SERVICES

## Zoning Staff Report

<b>Case: ZT 2012-006 Amendment of UDO Related to Wholesale Vehicle Sales</b>		
<b>Reference Name</b>	Wholesale Vehicle Sales Use	
<b>Applicant</b>	Town of Indian Trail	
<b>Submittal Date</b>	08/01/2012	
<b>Location</b>	Townwide	
<b>Tax Map Number</b>	N/A	
<b>Plan Consistency</b>	Town of Indian Trail Comprehensive Plan	Consistent With Request
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval of Proposed Text Amendment.

### Project Summary

A request to amend Chapters 520 and 530 of the Unified Development Ordinance (UDO), which specifies allowed uses within business and commercial and industrial zoning districts. The proposed amendments will allow wholesale Heavy and Light Equipment Sales/Rental uses (i.e. vehicle sales uses) outright within all commercial zoning districts. As reflected in UDO Chapter 1610 Use Groups and Categories (enclosed), wholesale vehicle sales uses only permit office/administrative type activities with no allowance for onsite storage, sales, or repair activities. This use type typically contemplates business-to-business distributorships and similar establishments. The UDO currently only permits these uses within the General Business District (GBD) and Regional Business District (RBD) commercial districts.

The proposed amendments also contemplate a housekeeping change to ensure the development standards (enclosed) associated with Heavy Equipment Sales/Rental (retail) are applicable in the industrial districts.

### Areas of Analysis:

- 1. The Comprehensive Plan-** The proposed text amendment is consistent with the goal of the Comprehensive Plan; *Land Use*.
- 2. Staff Recommendation-** Staff recommends based on the guidance of the adopted plans that the text amendment be supported by recommending its approval to the Town Council

## Analysis

The purpose of the amendment is to allow heavy and light wholesale vehicle sales uses to be permitted in all business and commercial zoning districts. As defined by the UDO, this use is limited to office/administrative activities only and therefore should be treated similarly to the office use category. Professional/administrative office uses are permitted in all commercial zoning districts. More conventional retail vehicle sales uses with onsite vehicle sales, storage, and/or repair activities would continue to be limited to the GBD and/or RBD zoning districts.

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Specific Use Type							
<b>Vehicle Sales and Service</b>							
Auto Supply and Service	-	-	P	P	-	-	
Car Wash	-	-	P	P	-	-	
Heavy Equipment Sales/Rental (Retail)	-	-	-	P/S*	-	-	*See Chapter 7150
Heavy Equipment Sales/Rental (Wholesale)	<u>P*</u>	<u>P*</u>	<u>P*</u>	P*	<u>P*</u>	<u>P*</u>	*See Chapter 7150
Light Equipment Sales/Rental (Retail)	-	-	P/S*	P/S*	-	-	*See Chapter 7150
Light Equipment Sales/Rental (Wholesale)	<u>P*</u>	<u>P*</u>	P*	P*	<u>P*</u>	<u>P*</u>	*See Chapter 7150

A second component to the proposed UDO amendments is to make a minor housekeeping change to Chapter 530 Industrial Zoning Districts. This change is to incorporate a Use Standard reference to ensure that retail Heavy Equipment Sales/Rental uses in the industrial zoning districts comply with the Vehicle Sales Lot use regulations (UDO Chapter 7150, enclosed). These regulations were adopted in November of 2011 (ZT2011-003) and provide minimum site acreage requirements and guidance in the design of vehicle display areas. The citations were mistakenly not included in the industrial districts when the standards were adopted.

Use Group	Zoning Districts		Use Standard
	LI	HI	
(Not including firearms shooting ranges)			
Outdoor	S	S	
Indoor	P	-	
Vehicles Sales, Storage and Service			

Heavy Equipment Sales and Rental * <u>(retail and wholesale)</u>	P	P	<u>*See Chapter 7150</u>
Motor Vehicle Repair Shop including commercial vehicles	P	P	
RV or Boat Storage	S	S	
Vehicle Storage and Towing	S	S	

**Required Consistency Findings**

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

1. The proposed UDO amendment is consistent with the following goal:
  - 1.3.2 of the Comprehensive Plan – *Land Use*; the proposed UDO ordinance amendments will help promote a greater mix of land uses by enabling wholesale heavy and light equipment sales/rental uses to locate in all business and commercial zoning districts. The proposed amendments will also expand the tax base by increasing the number of potential locations these uses may locate within Indian Trail.
2. This UDO ordinance amendment is in the best interest of the public because it establishes regulations ensuring wholesale heavy and light equipment sales/rental uses are permitted in the appropriate Indian Trail zoning districts. The amendments also correct an error within the UDO that will ensure the vehicle sales lot standards apply in the industrial zoning districts.

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

**Staff Contact**

Rox Burhans, AICP  
 Senior Planner  
[rburhans@planning.indiantrail.org](mailto:rburhans@planning.indiantrail.org)

# **PB ATTACHMENT 1**

## UDO CHAPTER 1610: USE GROUPS AND CATEGORIES

### 1. Heavy Equipment Sales/Rentals

- a. Retail – Involves sales and /or rental directly from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.
- b. Wholesale – Involves sales and/or rental not conducted directly from the premises of heavy construction equipment, trucks or aircraft, involving no incidental on-site maintenance, outdoor display and/or storage involved with the use. Typical uses include business-to-business distributorships and other similar wholesaling uses.

### 2. Light Equipment Sales and Rentals

- a. Retail – Involves sales and /or rental directly from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.
- b. Wholesale – Involves sales and/or rental not conducted directly from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, with no incidental on-site maintenance, outdoor display and/or storage involved with the use. Typical uses include business-to-business distributorships and other similar wholesaling uses.

## UDO CHAPTER 7150: VEHICLE SALES LOTS

The intent of this section is to provide standards to address the unique characteristics of this particular business type of new and used vehicle sales lots within the Town of Indian Trail and to establish minimum criteria for all future sales lots.

**7150.010** The minimum lot size shall be 2 acres in size, and subject to the following Table:

Table 7-1: Retail and Wholesale Vehicle Sales Uses:

Type of Vehicle Sales Use	Use Regulation/Permitted
Retail Sales- Stand-Alone Sales Lot	Permitted By-Right, per UDO Section 520.020 (G)
Retail Sales - Multi-Tenant Structure	Special Use Permit (SUP), per UDO Section 520.020 (G) and Chapter 360
Wholesale Sales – Office Only (No Vehicle Display or Storage)	Exempted from this Chapter; allowed where permitted in UDO Section 520.020(G)

**7150.020** All required parking spaces and display areas within general traffic circulation areas shall be paved and striped in accordance with the Town of Indian Trail UDO and no cars shall be displayed within a public right-of-way or within access driveways.

**7150.030** Wheel stops, curbs or bollards are required along the exterior parking spaces of the display area to prohibit parking within landscaped areas, unless otherwise expressly permitted in this Chapter.

- 7150.040** All lighting shall be directed toward the interior of the site to reduce light pollution and no outdoor intercom will be permitted for use when a car dealership abuts a residential zoning district.
- 7150.050** A special street frontage vehicle display area may be permitted and can encroach into the required landscaping area located adjacent to a public right-of-way, subject to the following requirements:
- A.** A maximum of 65% of the linear road frontage may be used for vehicle display. (Example: 100-feet of linear frontage shall not exceed 65-linear feet of street frontage display.) For any increases beyond the maximum 65% up to a total 85% vehicle display area, a Special Use Permit (SUP) will be required, subject to UDO Chapter 360, and the following two requirements:
    - i.** The vehicle sales lots requesting the additional display area must be adjacent to another vehicle sales lot in the Town; and
    - ii.** The adjacent vehicle sales lot must conform to the Town's UDO.
  - B.** The parking display space shall be paved with a suitable material (gravel, stone, asphalt, or cement) and equipped with a wheel stop, bollard, or curb to prevent overhang into the public right-of-way, sidewalk, or adjacent landscaped areas. Such a display space shall conform to the Town's minimum parking space dimensions requirements provided in UDO Section 1070.020.
  - C.** A minimum of five (5) feet of landscape area is required between property line at right-of-way and special street frontage display area.
  - D.** All street frontage vehicle display areas proposed shall be approved through the site plan review process. Flexibility in the placement location and orientation of the display space is permitted subject to approval of the Planning Director.

**TC ATTACHMENT 2- DRAFT ORDINANCE**

STATE OF NORTH CAROLINA)  
TOWN OF INDIAN TRAIL )

ORDINANCE #

**AN ORDINANCE AMENDING CHAPTERS 520 AND 530 BUSINESS AND COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO HEAVY AND LIGHT EQUIPMENT SALES/RENTAL USES IN INDIAN TRAIL, NORTH CAROLINA**

**WHEREAS**, the Town is the applicant for ZT 2012-006 requesting to amend sections of Chapters 520 and 530-Business and Commercial and Industrial Zoning Districts of the UDO to allow Wholesale Heavy and Light Equipment Sales/Rental uses in all commercial zoning districts and to provide the correct use standard reference in the industrial districts; and

**WHEREAS**, this Zoning Amendment (ZT 2012-006) was duly noticed in compliance with North Carolina General Statutes; and

**WHEREAS**, the amendment was heard by Planning Board on August 21, 2012 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:
  - 1.3.2 of the Comprehensive Plan – *Land Use*; the proposed UDO ordinance amendments will help promote a greater mix of land uses by enabling Wholesale Heavy and Light Equipment Sales/Rental uses to locate in all business and commercial zoning districts. The proposed amendments will also expand the tax base by increasing the number of potential locations these uses may locate within Indian Trail.
- 2. This UDO ordinance amendment is in the best interest of the public because it establishes regulations ensuring Wholesale Heavy and Light Equipment Sales/Rental uses are permitted in the appropriate Indian Trail zoning districts. The amendments also correct an error within the UDO that will ensure the vehicle sales lot standards are applicable in the industrial zoning districts.

**WHEREAS**, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on September 11, 2012 and after receiving the transmittal, public comment, and deliberation, concur with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BE IT ORDAINED ON SEPTEMBER 11, 2012 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1 – Section 520.020 (G) is amended as follows:**

USE GROUP	Business and Commercial Districts						Use Standard
	Use Category	CBD	NBD	GBD	RBD	O-VCD	
Specific Use Type							
<b>Vehicle Sales and Service</b>							
Auto Supply and Service	-	-	P	P	-	-	
Car Wash	-	-	P	P	-	-	
Heavy Equipment Sales/Rental (Retail)	-	-	-	P/S*	-	-	*See Chapter 7150
Heavy Equipment Sales/Rental (Wholesale)	<u>P*</u>	<u>P*</u>	<u>P*</u>	P*	<u>P*</u>	<u>P*</u>	*See Chapter 7150
Light Equipment Sales/Rental (Retail)	-	-	P/S*	P/S*	-	-	*See Chapter 7150
Light Equipment Sales/Rental (Wholesale)	<u>P*</u>	<u>P*</u>	P*	P*	<u>P*</u>	<u>P*</u>	*See Chapter 7150

**Section 2- Section 530.020(G) is amended as follows:**

Use Group	Zoning Districts		Use Standard
	LI	HI	
(Not including firearms shooting ranges)			
Outdoor	S	S	
Indoor	P	-	
Vehicles Sales, Storage and Service			
Heavy Equipment Sales and Rental <u>*</u> (retail and wholesale)	P	P	<u>*See Chapter 7150</u>
Motor Vehicle Repair Shop including commercial vehicles	P	P	
RV or Boat Storage	S	S	
Vehicle Storage and Towing	S	S	

**Section 3-** This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 11th DAY OF SEPTEMBER, 2012.

THE TOWN COUNCIL OF INDIAN TRAIL

By \_\_\_\_\_  
Honorable Michael L. Alvarez, Mayor

Attest:

\_\_\_\_\_  
Peggy Piontek, Town Clerk



**TO:** Mayor and Town Council

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

**DATE:** September 11, 2012

**SUBJECT:** Pathways 2 Progress Initiative

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In July, the Town Council heard a preliminary concept called the 'Pathways 2 Progress' Initiative (P2P). The P2P is a multi-dimensional community investment strategy that focuses on traffic congestion, local job creation, quality of life amenities, and future Town investments. Staff will give a power point presentation and expand on our previous discussion.

jaf



**TO:** Mayor and Town Council

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

**DATE:** September 11, 2012

**SUBJECT:** Update on Park Design

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This will be an update on the Town's Park Design's. Staff will give a time line for project completion, give an update on a new concept of a nature area, and answer any Council questions.

jaf



**TO:** Mayor and Town Council

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

**DATE:** September 11, 2012

**SUBJECT:** Update on Current & Future Street Projects

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Town staff will give an update on all current and future street and road projects.

jaf



**TO:** Mayor and Town Council

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

**DATE:** September 11, 2012

**SUBJECT:** Update on Current & Future Sidewalk Projects

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Town staff will give an update on all current and future sidewalk and trail projects.

jaf



**TO:** Mayor and Town Council

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

**DATE:** September 11, 2012

**SUBJECT:** Naming of Town Parks

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At the last meeting in August, the Town Council discussed the process of naming of our future park properties. After further discussion with staff, looking at staff workloads, and discussing with individual Council members, staff would recommend holding off on this initiative until after January 1<sup>st</sup> 2013. If the Town Council would like us to continue this project, we would like to get a clear direction from Council on this issue.

jaf