



P.O. Box 2430  
Indian Trail, North Carolina 28079  
Telephone 704-821-5401  
**PLANNING DEPARTMENT**  
**BOARD MINUTES**  
**Tuesday, January 18, 2022**  
**6:00 P.M.**

### **DETERMINATION OF QUORUM**

A quorum was present. Meeting was called to order by Chairperson Fielding.

### **CALL TO ORDER**

The following members of the governing body were present:

Board Members:	Chairperson Meg Fielding, Cynthia Wiley, Travis Daye, and Larry Dukes
Applicants:	UDO Amendment
Staff Members:	Brandi Deese, Director and Laurie Gable, Board Secretary
Absent:	Vicechair Joseph Lytch, Natonya Walton and Chris McGuire

### **APPROVAL OF MINUTES OF PREVIOUS MEETING**

*Motion* to approve November 16, 2021, minutes was made by Member Wiley. Motion passed unanimously.

### **NEW BUSINESS**

#### **ZT 2022-0002 MISDEMEANOR LANGUAGE REVISIONS**

*Director, Brandi Deese gave an overview. See staff Report here for November 16, 2021:*

[https://www.indiantrail.org/AgendaCenter/ViewFile/Agenda/\\_11162021-575](https://www.indiantrail.org/AgendaCenter/ViewFile/Agenda/_11162021-575)

*Ms. Deese presented to the board.*

## **Board Q & A**

*Chairperson Fielding*– Opened the floor to board questions. Questions and comments are as follows:

**Member Wiley** asked if this changes the type of category of offense, does it still classify as a misdemeanor?

*Director, Brandi Deese explained it does not, we are decriminalizing it. The dollar amounts are increasing, and we will be able to enforce it on the back end (i.e.) liens to the property, garnish wages or garnish income tax refunds.*

**Chairperson Fielding** asked if this is what we are seeing across the state?

*Director, Brandi Deese concurred this has been a discussion across the state. Since the state is now mandating it, there are a lot of municipalities who went ahead and made this change as well.*

**Board Member Dukes** asked if the Unified Development Ordinance is a state document that all municipalities follow?

*Director, Brandi Deese explained that towns and municipalities have their own Unified Development Ordinances which is specific to each town. There are certain items that the state regulates through state statute that would make those regulations the same.*

**Chairperson Fielding** asked if we think decriminalizing it will get more compliance?

*Director, Brandi Deese stated not necessarily, she believes for nuisances, weeds, and grass, specifically for chronic violators since the tiered penalty will get their attention a lot faster since the fines will add up quicker.*

**Chairperson Fielding** asked if this applies to businesses or individuals?

*Director, Brandi Deese explained this applies to everybody. Any of the code section, even Engineering's storm water department.*

**Chairperson Fielding** asked how does this work if there is a Homeowners Association?

*Director, Brandi Deese explained HOA's have limited resources regarding how much they can fight or pay an attorney to defend them. We work closely with the homeowner's associations, however, when it comes down to it, the town can be more successful being we have a Code Enforcement Officer to help enforce and a Tax Collector who can set liens if need be.*

**Board Member Dukes** asked how does the ordinance work in conjunction with the homeowner's association? Does this ordinance go along with it, is it in addition to that or does it override it?

*Director, Brandi Deese explained they are different and stand alone. There may be violations of the code that are not a violation of the covenants and restrictions, they kind of operate separate. For those violations that would be an HOA violation and a town violation the dual attack may help to get their attention quicker. If it is*

*just an HOA's CC&R something that is in the convenance and restrictions something that is not related to the town, it is a civil matter, you would have to sue your neighbor for it.*

**Board Member Daye** asked if this is a major issue in the Indian Trail Community?

*Director, Brandi Deese explained the biggest issue for us is the grass and weeds nuisance. We have chronic violators.*

**Board Member Wiley** made the motion to approve as presented by staff. All in favor, motion carried unanimously.

*Chairperson Fielding asked if anyone has any questions or concerns questions regarding the 2022 calendar of meeting dates.*

**Board Member Dukes** made a motion to approve the Planning Board calendar for 2022. All in favor, motion carried unanimously.

## **ADJOURNMENT**

*Declaration to adjourn was made by Chairperson Fielding.*

Chairperson:

Meg Fielding

Date: 1/18/22

Secretary:

Laurie Gable