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
January 27, 2015
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. Christmas Parade winners presentation
     - Best Youth- Sun Valley Marching Band and Sun Valley NJROTC
     - Best Decorated- Indian Trail United Methodist Church
     - Most Festive- Belk Auction Stage Coach
   - b. Economic Development Advisory Committee Update
   - c. Don Moye, County Emergency Management Update
   - d. Gary Sides Union County Board of Education Introduction-*requested by Mayor Alvarez*
   - e. Town Services Update

5. **PUBLIC COMMENTS**

6. **LAW ENFORCEMENT UPDATE**

7. **CONSENT AGENDA** **action**
   - a. Approval of January 10, 2015 draft minutes
   - b. Approval of December 9, 2014 draft minutes
   - c. Approval of revised October 14, 2014 minutes
   - d. Approval of MSLO for Cranston Crossing Place and Rhode Island Court
   - e. Approval of December 2014 Tax Report
   - f. Approval of returned check fee
   - g. Approval of Budget Amendments

h. Approval of tax refunds over $500.00
i. Approval of A-C4957B Supplemental Agreement
j. Approval of modifications to Wayfinding Program
k. Approval of Union County Emergency Operations Plan Update
l. Approval of Cash Management Policy

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***

a. **ZT2014-004 Chapter 1710 of the Unified Development Ordinance**
A request to amend Chapter 1710 of the UDO to reflect improvements made to the Town's street tree list as well as other minor changes.
Applicant: Town of Indian Trail

9. **BUSINESS ITEMS**
a. Council consideration of RFP for Concessions at Crooked Creek Park
b. Council consideration of approval of PARTF Grant Application
c. Council consideration of Construction Manager @ Risk Agreements

10. **DISCUSSION ITEMS**

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; the phone number is 704-821-5401

Town of Indian Trail
Minutes of Town Council
January 27, 2015
Civic Building
06:30 P.M.

The following members of the governing body were present:

Mayor:	Michael L. Alvarez
Council Members:	David Cohn, Gordon B. Daniels, David W. Drehs and Gary M. Savoie.
Absent Members:	Christopher King
Staff Members:	Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Community & Economic Development Kelly Barnhardt, Director of Engineering and Public Works Scott Kaufhold , Interim Planning Director Rox Burhans, Planner Lindzey Small, Assistant Director of Parks & Recreation Jason Tryon, and Communications Coordinator Lindsey Edmonds.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and asked Councilman Daniels to lead in the Pledge of Allegiance.

ADDITIONS AND DELETIONS

Gordon B. Daniels made a motion to approve moving item 7a draft minutes for January 10, 2015 to item 10a for further discussion.
Council voted unanimously in favor of the motion.

David W. Drehs made a motion to approve deleting item 9c Construction Manager @ Risk Agreement.
Council voted unanimously in favor of the motion.

David W. Drehs made a motion to approve moving item 7g Budget Amendments to 10b for further discussion.
Council voted unanimously in favor of the motion.

Mr. Savoie entered the meeting

MOTION TO APPROVE AGENDA

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

PRESENTATIONS

a. Christmas Parade winners presentation * Best Youth- Sun Valley Marching Band and Sun Valley NJROTC * Best Decorated- Indian Trail United Methodist Church * Most Festive- Belk Auction Stage Coach

Mr. Donald Moore, President of the Indian Trail Arts & Historical Society stated it was the best parade we have had to date, congratulating Ms. Didier for such a fine job. He presented the awards to the organizations listed above.

b. Economic Development Advisory Committee Update

Maureen Mulhall, Chairperson for EDAC, Trip Melton Vice Chair, read to Council their mission statement and explained the projects they are working on. They invited the Council to attend a meeting and provided the meeting day and time information, stating they are excited to be a part of this committee.

c. Don Moye, County Emergency Management Update

Mr. Moye presented an overview of the updated Union County Emergency Management Program, advising that it was created for clarification of resources and responses during a disaster. Council asked several questions at the conclusion of Mr. Moye's presentation.

Mr. Merritt entered the meeting.

d. Gary Sides Union County Board of Education Introduction

Mayor Alvarez introduced Mr. Sides. Mr. Sides explained the areas his district consists of, he provided some background on him and his family. Mr. Sides touched on top issues for the school board. Council had a brief discussion with Mr. Sides on several issues.

e. Town Services Update

Mr. Fivas asked to defer to next meeting due to technological issues.

Mr. Daniels requested that the Town provide name tags for the Boards and Committees, Mr. Fivas stated staff would take care of it.

PUBLIC COMMENTS

Dr. Shamir Ally, 1008 Nut Grove Lane, Indian Trail, NC stated that he has completed one year in the town and provided a SWOT analysis (Strength, Weakness, Opportunities and Threats) for the Town. He stated that the New Town Hall reeks of success, acknowledging that everyone is not in favor of spending the money; he commended the Mayor, Council and staff for their hard work under the current conditions. He publicly thanked Joe and his team for doing such a great job with limited resources. Dr. Ally stated he has spoken to residents throughout the community who like the low taxes "best" traffic "worst". He commented on the wonderful website and newsletter. A copy of Dr. Ally's suggestions can be found in the official packet.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC stated the length of time passed since last Public Comments due to the manipulation of the Council majority, referring to an occurrence last year when meetings were boycotted by certain Council Members because they didn't get their way. She stated they took an oath to faithfully discharge their duties which include attending Council meetings. Ms. Howe referred to the two hour Closed Session in the middle of the meeting on December 9th, stating Council was abandoning the very people they were elected to represent and Council should be apologizing to them, not the Town Manager or Finance Director. She stated the Closed Session provided the Town Manager time to insult the current and past employees; and

asked how they believe there is no morale problem. The Manager successfully exonerated himself to the Council majority who expressed confidence in him. He made sure there was a trial with bias evidence, violating HIPPA Laws by exposing private information of employees. Ms. Howe stated that the Finance Director threatened to quit because she was exposed as a bully by several staff members and Council confirmed that is acceptable behavior by comments in the newspaper. She concluded by suggesting that Council ask themselves if they would be upset if one of their children worked under those conditions.

Samantha Townes, 104 Pine Lake Drive, Indian Trail, NC addressed the article in the newspaper on the treatment of employees, stating that bullying should not be done or tolerated. The article referred to comments that the staff did nothing but barbeque and play hockey inquiring how did all of the houses get built before all of you arrived. She stated that all of the staff works hard, not just one person making the rest of the staff feel like they were nothing. She feels the staff deserves an apology.

Curtis Nolan, 1416 Hartis Lane, Matthews, NC stated he is representing three other individuals who are opening a new business in Indian Trail of a Craft Beer establishment while offering performing arts presentations as well . He described it as a coffee shop that serves beer. They have identified Indian Trail as an ideal regional location to offer a wide variety of locally crafted beer, as none currently exist. Mr. Nolan provided some statistics on breweries in the state and region, also touching on the local retail availability of crafted beers and performing arts. He stated they are looking at real estate in Indian Trail and are hoping to get local support, since they are not serving food on site.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail, NC registered a formal complaint that he has been interrupted by the Town Manager at committee meetings, as he does not attend them to be disrespected or interrupted. It's not about someone being a Yankee but about his being a professional. He stated he is saddened to state that two ethics code violations have taken place according to the Indian Trail Ethics Policy, Cannon 6 line item b (which he read) indicating that Mr. Drehs voting on the Miracle Field land exchange was one of the violations because it benefits his pending 501C3 organization; Mr. Drehs is also the Chairman of the organization which Mr. Faulkenberry feels makes it a business dealing. He referred to the same policy, line item c (which he read) stating Mr. Drehs should have abstained from voting on the Resolution because he paid the $500 fee to the Miracle League Organization to establish the Miracle Field League of Indian Trail which shows it is a personal financial interest; also Mr. Drehs was advised that he would have a conflict of interest if he continued to go on that path and he choose to ignore those warnings. Mr. Faulkenberry stated that he supported Mr. Drehs getting his seat and is now holding him accountable to do the job properly and correctly. He referred to NCGS 14-234 Public Officers or

employees benefiting from public contracts. Mr. Faulkenberry stated he is a friend of Mr. Drehs and asked him to please not jeopardize this project due to bad advice or emotions, suggesting he either resign as Council or Chairman of the Miracle Field.

William Hardman, Mineral Spring, NC advised the Council if Mr. Sides is going to act as a liaison, they inquire exactly how he's going to bridge the gap between the Board of County Commissioners and Union County Public Schools. It's his feeling that the settlement won't take place in February or March but if it does great. However he's not getting the answer that he is looking for to that question.

LAW ENFORCEMENT UPDATE

Lieutenant Coble advised that car break-ins are happening all over town suggesting locking the doors. He advised they have been working on the Governor's Highway Safety Grant. Law Enforcement study has been given the most current statistics. They are working on a parking campaign; they have decals that will be placed on cars at the beginning. A parking ticket is $213. He summarized the yearly report he handed out to the Council. A Copy can be found in the Official Packet in the Clerk's Office.

CONSENT AGENDA

a. Approval of January 10, 2015 draft minutes - *this matter was moved to Discussion pursuant to a motion made by Councilman Daniels under Additions and Deletions*
b. Approval of December 9, 2014 draft minutes
c. Approval of revised October 14, 2014 minutes
d. Approval of MSLO for Cranston Crossing Place and Rhode Island Court **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
e. Approval of December 2014 Tax Report **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
f. Approval of returned check fee
g. Approval of Budget Amendments - *this matter was moved to Discussion pursuant to a request made by Mayor Alvarez and a motion made by Councilman Drehs under Additions and Deletions*
h. Approval of tax refunds over $500.00
i. Approval of A-C4957B Supplemental Agreement **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
j. Approval of modifications to Wayfinding Program
k. Approval of Union County Emergency Operations Plan Update **(A COPY CAN**

BE FOUND IN THE TOWN MANAGERS OFFICE)

l. Approval of Cash Management Policy **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

David W. Drehs made a motion to approve the Consent Agenda.
Council voted unanimously in favor of the motion

PUBLIC HEARINGS

a. ZT2014-004 Chapter 1710 of the Unified Development Ordinance A request to amend Chapter 1710 of the UDO to reflect improvements made to the Town's street tree list as well as other minor changes. Applicant: Town of Indian Trail

Planner Lindzey Small advised the impetus for this request is to establish a standard for planting bed sizes of street trees, respective to their mature height and canopy spread. The proposed modifications also incorporated additional native tree species within the approved tree list and removed inappropriate street trees. The amendment is proposed to Chapter 1710 of the UDO: Trees and Shrubs. The proposed amendment includes: 1) An update of the existing street tree list 2) A series of proposed planting bed standards to encourage mature tree growth and 3) General housekeeping changes.

The Planning Board heard this item at its November 18, 2014 public meeting. Questions were asked of the document, including information about specific trees, as well as the presence of native plant species. The Planning Board voted unanimously to transmit a recommendation to approve to the Town Council. The following consistency statements were found:

1) The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan: **Natural Environment Goal 4:** This Amendment provides for more variety in the tree selection process and encourages tress to grow to mature height and spread. **Infrastructure Goal 2:** This Amendment helps minimize infrastructure damage to town roads through the use of planting bed spaces to support mature growth.

2) This UDO amendment is in the best interest of the public because it allows more variety of trees and shrub species and ensures an appropriately sized planting bed space is provided based on the anticipated mature growth of the planted street tree.

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

David Cohn made a motion to accept the findings as read into the record.

Council voted unanimously in favor of the motion

David Cohn made a motion to approve ZT2014-004 Chapter 1710 of the Unified Development Ordinance as presented.
Council voted unanimously in favor of the motion.

BUSINESS ITEMS

a. Council consideration of RFP for Concessions at Crooked Creek Park

Jason Tryon explained the process that staff conducted for the RFP, stating that staff recommends Homerun Concession as they will give us a higher percentage of the sales.

Gary M. Savoie made a motion to approve Homerun Concessions to execute the concession agreement with the town at Crooked Creek Park.
Council voted unanimously in favor of the motion

b. Council consideration of approval of PARTF Grant Application

Jason Tryon explained that this application was explained during the January 10th meeting, requesting that we move forward with adopting the Crooked Creek Park Capital Improvement Plan and the PARTF Grant application.

David W. Drehs made a motion to approve the Capital Improvement Plan for Crooked Creek Park.
Council voted unanimously in favor of the motion.

David Cohn made a motion to approve PARTF Grant Application
Council voted unanimously in favor of the motion.

c. Council consideration of Construction Manager @ Risk Agreements ***this item was removed from the agenda as a result of a motion made by Councilman Drehs under Additions and Deletions.***

DISCUSSION ITEMS

Approval of January 10, 2015 draft minutes - *this matter was moved to Discussion pursuant to a motion made by Councilman Daniels under Additions and Deletions*

Mr. Daniels requested the January 10th meeting minutes be done verbatim, as the presentation included extensive information that would be helpful to have in writing. Council had a brief discussion on this matter.

Gordon B. Daniels made a motion to approve making the January 10, 2015 minutes verbatim.
Motion Failed 3 - 1 with David Cohn, David W. Drehs, and Gary M. Savoie opposing.

David Cohn made a motion to approve the January 10, 2015 minutes as presented with the power points attached.
Motion passed 3-1 with Gordon Daniels opposing.

b. Approval of Budget Amendments - *this matter was moved to Discussion pursuant to a request made by Mayor Alvarez and a motion made by Councilman Drehs under Additions and Deletions*

Mayor Alvarez stated that he has received inquiries from residents on this topic and wanted to provide them with the answers.

- He inquired where the Town Hall $125,000 architecture project money is coming from and going to. Mr. Fivas replied the Council approved the Creech & Associates agreement and what is being shown here is coming out of the Town Hall Fund and being transferred to the Debt Service and Capital Reserve Fund because you can't spend money from the Town Hall Fund it has to be transferred.

- What is being resurfaced with the $200,000 from the Powell bill Fund and why not the Road Bond Maintenance Fund or Park Bond depending on what's being resurfaced? Mr. Kaufhold replied the $200,000 was used for a patching contract. It was advertised, we took the low bid but they were unable to come up with the bond requirements, so staff went to the next lowest bidder. There were a couple of locations planned but due to the unit costs being higher we were only able to do the primary location of Brandon Oaks Parkway at the roundabout.

- Why doesn't the 5 year PARTF Grant budget include operating and maintenance cost and what are the operating and maintenance cost estimates? Mr. Fivas replied what you are approving tonight is the Capital Improvement budget and obviously we don't have the operating and maintenance costs. Should we receive the Grant, we will have some time for this discussion from Council to officially recognize ad receive the grant the question can be answered.

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

MANAGERS REPORT

Mr. Fivas stated there were several members of the 2015 Citizen Academy present and asked them to introduce themselves. He invited the Council to join them for the classes.

COUNCIL COMMENTS

Mr. Cohn had no comments.

M. Drehs thanked all the committee members who attended the appreciation reception. Mr. Drehs stated he feels a slight obligation to address a couple of issues from Public Comments: the Miracle League of Indian Trail is a nonprofit; the $500 came out of his own checking account. He wrote it to the organization; he does not believe there is a conflict to serve on a town board and serving on the committee. Before voting on the land he checked with the School Of Government and Town Attorney if he should vote and was told to vote. Nobody is making any money from it and we're putting every penny in for those kids.

Mayor Alvarez thanked staff for answering the questions. Just to clarify he is not against any project and is all for moving forward but if the citizens have questions he will get the answer to them to the best of his ability. It is his obligation for the oath he took. He commented on Bob Sapen passing, stating that this County has lost an unconditional person who gave everywhere he went. Please keep his family in your prayers.

Mr. Daniels stated the Chairman of EDAC said their mission statement is not only to retain but attract new business. He commented on an article in the Observer reminding everyone that we live in Indian Trail and love Indian Trail, but as Public Officials who have concerns or don't think we will be attracting businesses it offends him. He commented on Frayda Bluestein of School Of Government and he would like to see 2015 be the town we can be and stop sniping at each other. If a citizen asked a question they are due an answer. He made a promise in 2015 that he will calm down and reach out more, he extended phone calls to discuss our concerns and he's still waiting for a call back. He was touched by the Mayor of Weddington who called each and every council member about the Providence Fire Department. He has done that and is waiting for his phone to ring.

Mr. Fivas stated he was remiss in not mentioning the other Citizens Academy Member Mr. Fish.

Mr. Savoie thanked everyone for coming out; thanked Mr. Fivas and staff for the hard work they do for this town. He would like to hear positive public comments.

Mr. Cohn stated that not necessarily every comment up here may be negative to you or someone else; it depends on their point of view. If they want to come up here and speak their mind he doesn't look at it as a negative comment. One of the things that strikes me, I know we're talking about a Town Hall I'm all for it, I don't think it's negative unless the people vote on it and he feels they should be able to vote on it. What's more disturbing is that when running they didn't support a Town Hall but once elected they are for it, it tells him that they said what they needed to say to get elected.

CLOSED SESSION

None

ADJOURN

Gary M. Savoie made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

DECEMBER 9, 2014

Ms. Peggy Piontek
Town of Indian Trail
PO Box 2430
Indian Trail, NC 28079

Dear Ms. Piontek:

Attached is a Municipal Speed Limit Ordinance enacting a speed zone on Cranston Crossing Place (SR 3323) between Plyler Road (SR 1373) and 0.27 miles southeast of Plyer Road in Indian Trail. Also attached is a Municipal Speed Limit Ordinance enacting a speed zone on Rhode Island Ct (SR 3324) between Cranston Crossing Place (SR 3323) and 0.03 miles southwest of Cranston Crossing Place in Indian Trail.

If you are in agreement please have the ordinances executed by the proper city officials and returned to this office for further handling. PLEASE DO NOT ALTER OR ADD TO THIS ORDINANCE.

If you have any questions or concerns, please contact Mohamed Elnagheeb at 704-983-4419.

Sincerely,

Louis L Mitchell GnG

Louis L. Mitchell, PE
Division Engineer

LLM/lhj
Cc: Sean Epperson, PE

Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1068732

Division: 10 **County:** UNION **Municipality:** INDIAN TRAIL

Type: Municipal Speed Zones

Road: SR 3324 **Car:** 25 MPH **Truck:** 25 MPH

Description: Subdivisionwide - between SR 3323 (Cranston Crossing Place) and 0.03 miles southwest of SR 3323 (Cranston Crossing Subdivsion)

Municipal Certification

I, Peggy Piontek, Clerk of Town of Indian Trail, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 27th day of January, 2015, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this 27th day of January, 2015.

Peggy Piontek
(signature)

(municipal seal)

Department of Transportation Approval

Division: [signature] Title: PTE Date: 12/5/14

Region: [signature] Title: RTE Date: 12/5/14

Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1068731

Division: 10 **County:** UNION **Municipality:** INDIAN TRAIL

Type: Municipal Speed Zones

Road: SR 3323 **Car:** 25 MPH **Truck:** 25 MPH

Description: Subdivisionwide - Between SR 1373 (Plyler Road) and 0.27 miles southeast of SR 1373 (Cranston Crossing Subdivision).

Municipal Certification

I, Peggy Piontek, Clerk of Town of Indian Trail, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 27th day of January 2015, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this 27th day of January, 2015.

Peggy Piontek
(signature)

(municipal seal)

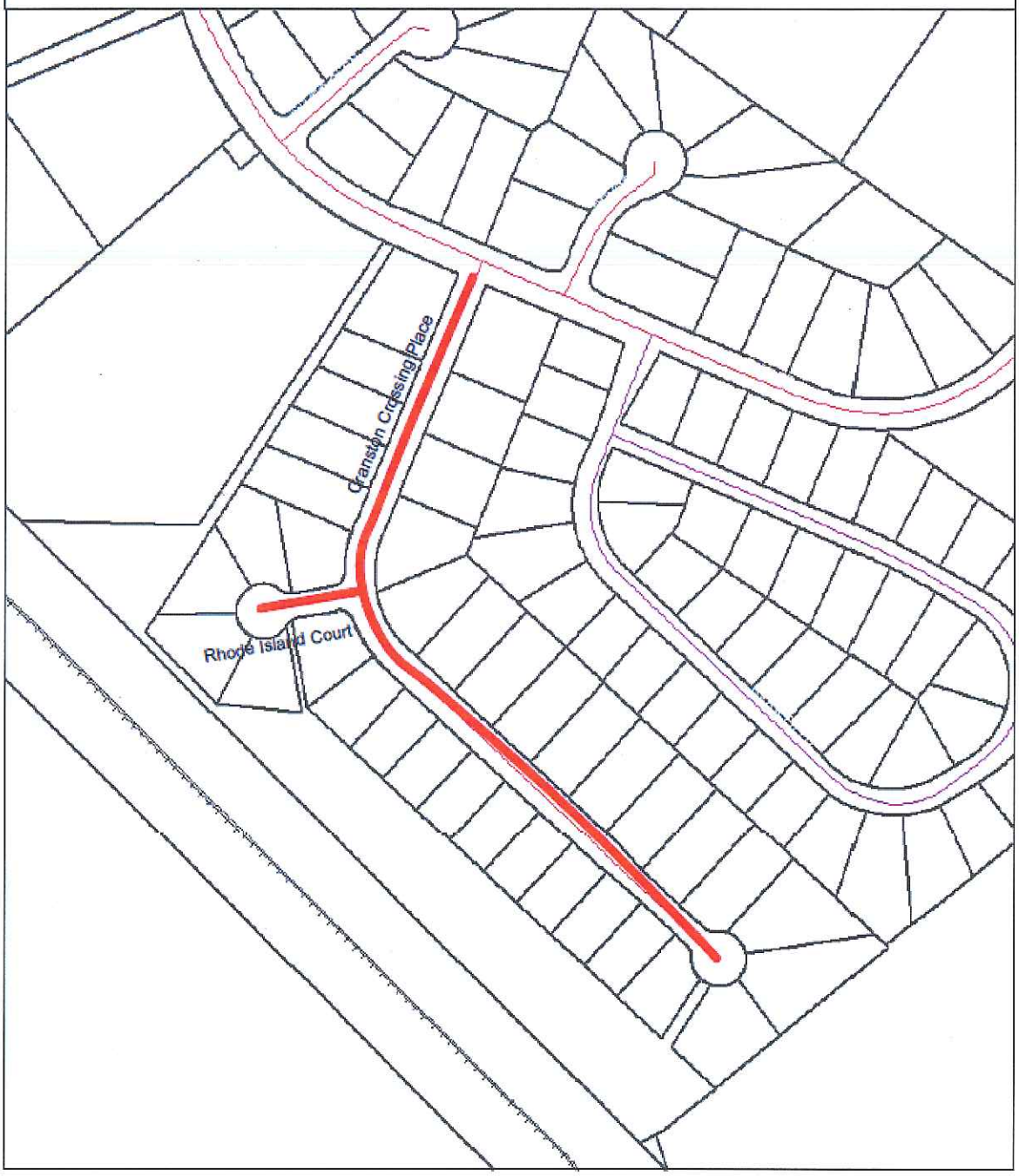
Department of Transportation Approval

Division: _____ Title: DTE Date: 12/5/14

Region: _____ Title: RTE Date: 12/5/14

Cranston Crossing

MSLO



PO Box 2430 . 130 Blythe Drive . Indian Trail . North Carolina . 28079 . (704) 821-1314 . Fax (704) 821-1381

Description	Count	Principal				Penalty	Total
		Arrears/Other	Fiscal 2014	Fiscal 2015	Future		
Billing	31390	0.00	7,291,017.74	0.00	0.00		7,291,017.74
Payments	25277	16,412.78-	0.00	6,241,877.13-	0.00	0.00	6,258,289.91-
Reversals	6	0.00	1,375.26	0.00	0.00	0.00	1,375.26
Adjustments	1555	0.00	1,908.51-	0.00	0.00	0.00	1,908.51-
Apply Over	0	0.00	0.00	0.00	0.00	0.00	0.00
Rev Appl Ovr	0	0.00	0.00	0.00	0.00	0.00	0.00
Penalty	0					0.00	0.00
Totals	58228	16,412.78-	7,290,484.49	6,241,877.13-	0.00	0.00	1,032,194.58

NORTH CAROLINA

UNION COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 11/6/2014

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

TIP #: C-4957 B

AND

WBS ELEMENTS: PE 44057.1.2

ROW _____

TOWN OF INDIAN TRAIL

CON 44057.3.2

OTHER FUNDING:

FEDERAL-AID #: CMS-1008(17)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] $0

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Indian Trail, hereinafter referred to as the "Municipality."

W I T N E S S E T H:

WHEREAS, the Department and the Municipality on 9/9/2009, entered into a certain Project Agreement for the original scope: To provide pedestrian linkage for residents of several subdivisions to Sardis Elementary School, this project includes approximately 8750 linear feet of sidewalk located on the south side of Unionville-Indian Trail Road and approximately 2250 linear feet of sidewalk located on the north side of Sardis Road, programmed under Project C-4957 B; and,

WHEREAS, the Department has agreed to allow additional time to complete the Project; and,

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

RESPONSIBILITIES

The Municipality shall complete the Project within three years of authorization of construction funds, or by November 14, 2015.

TITLE VI

The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs and activities of any recipient of Federal assistance.

Except as hereinabove provided, the Agreement heretofore executed by the North Carolina Department of Transportation and Town of Indian Trail on 9/9/2009, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the North Carolina Department of Transportation and the Town of Indian Trail by authority duly given.

L.S. ATTEST:

BY: _____

TITLE: Town Clerk

DATE: January 27, 2015

TOWN OF INDIAN TRAIL

BY: _____

TITLE: Mayor

DATE: January 27, 2015

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by Town Council (Governing Board) of the Town of Indian Trail as attested to by the signature of Peggy Piontek, Clerk of the Town Council of Indian Trail (Governing Board) on January 27, 2015 (Date)

(SEAL)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____

(FINANCE OFFICER)

Federal Tax Identification Number

56-1108235

Remittance Address:

Town of Indian Trail

PO Box 2430, 130 Blythe Dr.

Indian Trail, NC 28079

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)