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TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: Mayor Alvarez Department: Council

Contact Phone # (704) 821-5401 Date Submitted 12-29-2015

Date of Town Council Meeting to consider this item: Jan 12, 2016

Please indicate how much time you expect this matter to take: 15 mins

Description (give short summary of topic, this is how item appears on the Agenda.)

Presentation by Leverage Resources regarding Community Involvement Survey

Who will attend Council meeting able to respond to questions? Give name & title:

Mayor Alvarez has arranged for a representative of Leverage Resources to be present

Where does this item need to appear? Check all that apply:

<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Schedule Public Hearing**	<input type="checkbox"/> Discussion
<input checked="" type="checkbox"/> Presentation/Recognition	<input type="checkbox"/> Closed Session	<input type="checkbox"/> Work session
<input type="checkbox"/> New Business	<input type="checkbox"/> Old Business	

*Board, commission, or group requesting joint meeting: _____

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes _____ No (Attach recommendation.)

What action is requested of the Council? None at this time

What action is requested of the Manager? None at this time

Are Town funds required? Yes / No \$ _____ Funding Source N/A at this time

**** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper ****

7a



**TOWN OF INDIAN TRAIL
TOWN COUNCIL REGULAR MEETING
Tuesday, November 10, 2015
6:30 PM-Civic Building**

MINUTES

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, David W. Drehs, and Gary M. Savoie were all present at the start of the meeting; a quorum was present. Gordon Daniels arrived at 6:50 PM and his arrival point is noted in the body of these Minutes.

Absent Members: Christopher King.

Staff Members: Town Manager Joe Fivas, Town Clerk Kelley Southward, Town Attorney Keith Merritt, Director of Planning & Neighborhood Services Rox Burhans, Director of Community & Economic Development Kelly Barnhardt, Director of Engineering Scott Kaufhold, Senior Planner Gretchen Coperine, and Community Engagement Coordinator Julia Zweifel.

- 1. CALL TO ORDER/PLEDGE:** Mayor Alvarez called the meeting to order at 6:30 PM and led everyone in the Pledge of Allegiance to the Flag.
- 2. AGENDA ADDITIONS & DELETIONS:** *Councilman Drehs moved to add Council consideration of approval of a Veteran's Day Proclamation to Item #4-Presentations of the agenda; the motion carried unanimously.*

3. **APPROVAL OF AGENDA:** *Councilman Savoie moved to approve the agenda, as amended and the motion carried unanimously.*

4. **PRESENTATIONS:**

After Mayor Alvarez read the proposed Veteran's Day Proclamation he presented it to Mr. Chuck Deny whose father, Garland Deny, recently passed away. Mr. Garland Deny spent his life helping Veterans. Councilman Drehs, a Veteran, made a brief comment about Veteran's Day. He urged people to appreciate our veterans and have a nice holiday that celebrates these brave men and women of our armed forces.

5. **PUBLIC COMMENTS:**

- Ms. Samantha Towns of 104 Pine Lake Drive was the first speaker to address Council. Her comments pertained to item "c" of the Consent Agenda; the proposed Budget Amendments before Council this evening. She noted that there was only one meeting held each month this past summer and she felt there was not much public discussion of monetary/budget items. Item "c" of tonight's consent agenda includes almost \$5 million of budget transfers; some of the effective dates go back as far as June. Ms. Towns requested an explanation of the budget transfers. She asked that the consent agenda item be postponed until the public can be provided more information.
- Mr. Chuck Deny of 2301 Genesis Drive, Monroe addressed Council next. He thanked all those who served in our military for their service. He noted that the Town of Indian Trail had adopted a Proclamation in 2008 regarding support for a Veteran's Stamp; a project that his father had been working on for a long time. Mr. Deny relayed that folks can visit www.stampoutptsd.com for more information on the stamp, which was his father's initiative. Proceeds from the proposed Veteran's Stamp would go toward helping those veterans's that suffer from PTSD. The idea is similar to the Breast Cancer Awareness stamp.
- Council Member Elect Mark Wireman of 2001 Sedgewick Road addressed Council next. He thanked the people of Indian Trail for voting for him; he looks forward to serving as a member of Council and working with his fellow Council members and Town staff.
- Cathi Higgins of 3004 Clover Hill Road congratulated Mayor Alvarez and Councilman Cohn on their re-elections and Mr. Wireman and Mrs. Stanton on winning their elections. She thanked Councilman Drehs and Councilman King for their service. She also thanked Councilman Savoie and Councilman Daniels for their service and is hopeful the next term will be good for everyone.

6. **LAW ENFORCEMENT UPDATE:**

Lt. Coble reported that there were 1,028 911 calls for service in Indian Trail in October; 1,401 self-initiated activities, 249 criminal reports were filed and 133 motor vehicle accidents were reported. The average call response time for October was 11 minutes, 1 second. He was part of a meeting with Town staff and NC DOT representatives last week where NC DOT said that they would address issues at three out of four intersections noted last month as having issues. Halloween patrols went well; there were 11 alcohol related driving offences on Halloween. Lt. Coble highlighted several

incidents from October including an issue of fraud at the Indian Trail Pharmacy. Councilman Drehs requested a status report of the town-initiated/proposed amendment to the service agreement for three new deputies. Lt. Coble was under the impression that everything had been approved at the County level and the agreement was with the County and Town Managers; Mr. Fivas said he has not seen the document. Lt. Coble said that it was likely with the County Manager and the Town should soon be in receipt of the amended agreement. Councilman Drehs noted that there are a lot of people/departments involved in hiring new deputies and he is hopeful that Council will continue to stay on top of ensuring the proposed amendments get approved and all the paperwork gets completed.

7. CONSENT AGENDA:

- a. Approval of the October 13, 2015 Regular Meeting draft minutes
- b. Approval of the October 19, 2015 Special Meeting draft minutes (Open Session)
- c. Approval of Budget Amendments (**removed from Consent Agenda and moved to Business Items—see below**)
- d. Approval of Tax Month End Report—October 2015
- e. Approval of Tax Refunds in Excess of \$500.00
- f. Approval of Parks Annual Operating Hours
- g. Approval of NCDOT Speed Limit Changes
- h. Approval of Additional Signatories on Town Bank Accounts
- i. Approval of Parks & Recreation Organizational Chart

Councilman Cohn felt that Ms. Towns had brought up a valid point regarding the Budget Amendments included as item “c” of the Consent Agenda. Councilman Cohn said he’d like the transfers explained as well. Councilman Cohn requested that Consent Agenda, Item “c”-Approval of Budget Amendments be removed from the Consent Agenda to Business Items, Item “c” so that there could be some discussion before action is considered. *Councilman Drehs moved that Consent Agenda Item c-Approval of Budget Amendments be moved to Business Items, Item c; and that the remainder of the Consent Agenda be approved, as presented; the motion carried unanimously.*

At this point, Councilman Daniels arrived and took his seat with Council at the dais; it was approximately 6:50 PM.

8. PUBLIC HEARINGS:

- a. **CZ2015-004 Austin Village: Proposed Zoning Map Amendment to Residential Zoning District SF-5-Conditioned to support development of approximately 51 single-family residential homes targeted towards senior housing on an approximate 14-acre site. Site is located on the north side of Chestnut Lane, west of Potter Road (portion of Parcel #07147130). Council consideration to approve Ordinance #0151110-222.**

Senior Planner Gretchen Coperine gave a detailed presentation of the proposed Zoning Map Amendment (**supporting documentation and reports attached hereto and made a part of these minutes**). Ms. Coperine noted that the Planning Board

(PB) reviewed this matter during their October 20th Meeting and prepared consistency statements; she read the following consistency findings from the PB for the record:

- *Land Use and Housing Goals #1, 2 and 5:* The proposed project promotes compatibility of land uses between neighboring properties and residential properties within surrounding municipalities, increases the diversity of housing options within Indian Trail, and proposes high quality design to promote attractive land development; and
- *Mobility and Transportation Goal #3:* The proposed development incorporates pedestrian amenities by providing pedestrian connectivity to the neighboring future commercial site, the Harris Teeter and other retail uses across Chestnut Lane as well as provides a multi-modal travel path along Chestnut Lane which connects throughout the community.

The request for this conditional zoning district (SF-5 within a Village Center Overlay District) is a reasonable request and is in the public interest because supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the areas of transportation, land use and housing.

Upon conclusion of the presentation, Mayor Alvarez opened the Public Hearing and there were several speakers.

- Mr. Eric Sowers of 6309 Highview Rd., Matthews, NC addressed Council as a representative for the developer. Mr. Sowers noted that there are approximately 78 million baby boomers at or approaching retirement. The single family homes proposed for Austin Village will be marketed to attract this demographic. Upon query from Mr. Daniels, Mr. Sowers said that the retirement age demographic is targeted but such is certainly not a requirement. Anyone is welcome there but the proposed lot and home sizes are desirable to this particular demographic. This demographic is also desirable to the area in that usually with this demographic there is no impact to schools, they don't typically travel during rush hour times and they desire the amenities found within a walking distance to the proposed neighborhood. To further clarify, Mr. Sowers does not believe the presence of children of any age would disqualify someone from living in the neighborhood. However, HOA covenants/restrictions will likely prohibit play equipment such as swings, slides, basketball goals and the like.
- Larry Vickery of 1400 Chestnut Lane, Indian Trail, NC was next to address Council. Mr. Vickery owns the subject property. Mr. Vickery said that he is very proud of this portion of the project; he first brought Austin Village to the Town in 2000. Mr. Vickery said that 52% of homebuyers in the US are classified as "seniors". These are folks that don't need a large home anymore and don't want big yards. The proposed 51 single family lot subdivision before Council this evening is perfect for meeting such needs/desires. It will create a huge tax base for the Town while having a low impact on traffic and schools. He believes the homes will sell for about \$350,000. In the mid

1940's Camp Sutton used this piece of property to train soldiers. When the war was over a brass knocker was cast for Austin and it still hangs there on the front door of the white house on the corner of the property. Mr. Daniels felt that the residential neighborhood would be a job-saver in the Austin Village business area.

- Abe Bush of 1212 Saint John's Ave, Matthews, NC addressed Council. Mr. Bush said he means no disrespect to Mr. Vickery but he is concerned that the proposed residential neighborhood will generate more traffic in the area, which is already very congested. Mr. Bush kindly opposed the project based upon the issues of density and traffic. However, he does prefer the proposed neighborhood to a big box store.

At this point Mayor Alvarez closed the public comments portion of the Public Hearing but did invite members from the development team to speak and answer any questions that Council may have.

- Councilman Daniels asked that if the project is approved, when would they expect to break ground. Mr. Brian Smith, Civil Engineer for the project came forth to address this question. Mr. Smith said that the permitting process would take 3-4 months. If the project is approved this evening they would break ground after the first of the New Year.
- Mayor Alvarez asked Ms. Coperine what uses are permitted on the property as it is currently zoned. Ms. Coperine noted that there is approximately 255,000 square feet that could currently be used for commercial purposes that include retail space, office space and live-work space. The proposed rezoning would change this 255,000 square feet from those commercial uses to the 51 single family homes. The proposed rezoning would be a huge reduction on land use impacts and the residuals such as traffic.
- Mr. Vickery was recognized again. He noted that when a previous phase of Austin Village was developed he spent \$1.6 million to make improvements to the intersection at Chestnut Lane and Potter Road. He noted that 255,000 square feet of retail space is the equivalent of 5 big box stores. The proposed rezoning to allow the 51 single family homes will generate a lot less traffic than what could currently be permitted. The proposed project is the highest and best use for the property.

Mayor Alvarez Closed the Public Hearing.

Councilman Drehs moved to approve the consistency findings from the Planning Board, as presented by Ms. Coperine and the motion carried by way of a unanimous vote.

Councilman Daniels moved to approve Ordinance #0151110-222/CZ2015-004 Austin Village Zoning Map Amendment to Residential Zoning District SF-5-Conditioned, as presented; the motion carried unanimously.

9. BUSINESS ITEMS

a. Council consideration of approval of Chestnut Square Park Irrigation/Well Upfit Contract.

Upon query, Mr. Fivas noted that the wells for the irrigation at Chestnut Square Park are already dug. This contract is to have the equipment, such as the pumps, installed so that the wells are functional and the Town can stop paying a County Utility (water) fee just to water the grass on the fields. *Councilman Savoie moved to award the Irrigation/Well Upfit Contract for Chestnut Square Park to James E. Harris Construction Company Inc for the bid amount of \$111,621.40 and the motion carried by a unanimous vote of Council.*

b. Council consideration of Stormwater Outfall Inventory & Dry Weather Screening Contract.

The Town was issued a second cycle National Pollutant Discharge Elimination System (NPDES), Phase II, Municipal Separate Storm Sewer System (MS4) Permit on December 1, 2011; Permit # NCS000453 expires on November 30, 2016. Stormwater Outfall Inventory & Dry Weather Screening is a requirement of the Part II, Section D.2., subparts (b),(c),(d) & (e) of the NPDES MS4 permit. Under the town's Master Service Agreement with Woolpert, Inc., staff recommends issuing a Task Order in the amount of \$185,460.00 to fulfill this requirement. *Councilman Savoie moved to approve the Stormwater Outfall Inventory & Dry Weather Screening Contract, as presented; the motion carried by way of a unanimous vote.*

c. Council consideration of Budget Amendments (as removed from the Consent Agenda to this item).

Councilman Cohn inquired about the budget amendments related to the municipal complex/capital project ordinance. In particular, he asked about three of the budget amendments in the approximate of amounts of \$3.5 million, \$1.4 million and \$50,000. Mr. Fivas noted that the amendments were mechanics to carry out action previously approved by Council in June and to carry out directives of the Municipal Complex Capital Project Ordinance approved by Council in August. Basically, the amendments are simply moving funds from one fund or line item to another so that the funds can be used for the purposes approved by Council.

Councilman Cohn noted that amendment for \$50,000 was transferring this amount from the Powell Bill Fund to the Municipal Complex. Mr. Fivas noted that this was included in the Capital Project Ordinance for the Municipal Complex to be used for Powell Bill approved expenses associated with the project. Councilman Cohn said that residents have contacted him and provided him with pictures of roads that are in disrepair. He opined that Powell Bill funds should've been used to fix streets before being used for the Municipal Complex project.

Councilman Savoie moved to approve the Budget Amendments of item 9c, as presented and the motion carried unanimously.

10. DISCUSSION ITEMS:

There were no discussion items forthcoming.

11. MANAGER'S REPORT:

Mr. Fivas had no report.

12. COUNCIL COMMENTS:

- Councilman Cohn thanked everyone for coming out this evening for all those who voted in last week's municipal election. He felt that by the results of the election the people made a clear statement that they want a voice in Town Hall. During the campaign he met a lot of great people and overwhelming folks he spoke to were concerned about having a voice a town hall and developer money. Things got ugly at times during the campaign, which he felt was unfortunate that such would be the case in Indian Trail. In the end, the people spoke loud and clear and he looks forward to working with Council and making this a better Town. Council has to listen to what the people say; his ear is opened.
- Mayor Alvarez asked that everyone keep Mrs. Vickery in their thoughts and prayers. He also thanked all the Veterans for their service and reminded everyone that South Piedmont Community College will host a free breakfast for Veterans tomorrow and they will also have folks on hand to assist Veterans with filing various types of paperwork. Mayor Alvarez agreed with Councilman Cohn's remarks and added that he is both humbled and honored to serve another four years as the Mayor of Indian Trail. He congratulated Councilman Elect Wireman who was in the audience.
- Councilman Daniels said that he agrees with Councilman Cohn about the roads being an important issue. He added that he believes most residents know if they live on town road, state road or private road and they understand that the town is limited in what they can do for those who live on private and state roads. He thanked everyone in attendance for taking the time to come out this evening
- Councilman Savoie also thanked everyone for attending this evening as well as all those who ran for Council. He congratulated the election winners and said he looks forward to serving with them. He thanked Ms. Coperine for her wonderful presentation this evening and everyone on staff for all of their hard work. He wished everyone a happy Veteran's Day.
- Councilman Drehs said that roads are a very thorny issue and highlighted a particular situation on 1st Avenue. He said that folks on 1st and 2nd Avenue can get some assistance from the Town even though those are not municipal streets but it won't be easy. Again, streets are a very thorny issue but one that he believes is worth tackling. Councilman Drehs thanked everyone for the time he was given to serve on Council.

13. CLOSED SESSION

Councilman Drehs moved that Council enter Closed Session pursuant N.C.G.S. 143-318.11(a)(3) to consult with the Attorney, to protect the attorney-client privilege to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action to consider and give instructions concerning a judicial action titled Boggs Paving Company vs. The Town of Indian Trail and pursuant to N.C.G.S 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee or to hear or investigate a complaint, charge, or grievance by or against a public officer or employee; the motion carried unanimously and Council entered Closed Session.

Upon completion of Closed Session, Councilman Cohn moved that Council (re)enter Regular Session of the Meeting; the motion carried unanimously.

Councilman Daniels moved to suspend the agenda rules for the purpose of amending the agenda; the motion carried by a unanimous vote.

Councilman Savoie moved to add three additional items of business to the agenda: 1) Council consideration of a modification to the Town Manager's Employment Agreement; 2) Consider a Budget Amendment with respect to a transfer of funds; and 3) Appointment of an Interim Town Manager; the motion to add the three business items to the agenda carried by a vote of three (3) to one (1) with Councilman Cohn voting in the opposition.

14. BUSINESS ITEMS:

a. Council Consideration of a modification to the Town Manager's Employment Agreement.

Mr. Merritt noted that during Closed Session Mr. Fivas presented council with a modification to his current Employment Agreement. The main modification is that the term of his employment would end November 30, 2015 at 5PM. If the term is not extended (by Council action) the modified Agreement includes payments to be made to Mr. Fivas. Councilman Daniels moved to approve Mr. Fivas' modified Employment Agreement as discussed in Closed Session subject to pre-audit approval; the motion carried by a vote of three (3) to one (1) with Councilman Cohn voting in the opposition.

b. Council consideration of a Budget Amendment with respect to a transfer of funds.

Based upon Mr. Fivas' modified Employment Agreement the Finance Department had prepared a Budget Amendment to transfer the funds to be able to make a payment(s) to Mr. Fivas in accordance with the modified Agreement. The Budget Amendment is a transfer of funds within the Administrative Department to move \$29,000 into the Salaries & Wages (10-00-4120-121-000) line item; the Budget Amendment is dated 11/10/2015 and attached hereto and made a part of these minutes. Councilman Savoie moved to approve the Budget Amendment that

transfers funds within the Administration Department to make the payments to Mr. Fivas in accordance with his modified Employment Agreement; the motion carried unanimously.

c. Appointment of an Interim Town Manager.

Councilman Daniels moved that Town Clerk Kelley Southward be appointed Interim Town Manager effective at 5:00 PM on November 30, 2015 until such time as the new Council sees fit; the motion carried unanimously.

Mr. Fivas was given the floor; he read a statement thanking his family, the Town of Indian Trail, Council and staff for the opportunity to serve the community for the past five and a half years.

15. ADJOURNMENT:

Councilman Savoie moved to adjourn; the motion carried by a vote of three (3) to one (1) with Councilman Drehs opposing.

(SEAL)

Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

7b

Town of Indian Trail

Memo

TO: Mayor and Town Council
FROM: Alicia Massey
CC: Tracee Karlsson
DATE: January 12, 2016
SUBJECT: Large Refunds of Overpaid Taxes



Please see the below list of tax refund(s) for overpayment of taxes greater than \$500.00

1. George Athans - \$1,655.24 refunded to property owner, paid for parcel twice
2. WB Village LP - \$859.46 refunded, previously paid by an attorney
3. WB Village LP - \$1,846.23 refunded, previously paid by title company
4. James Belviso - \$504.24 refunded to escrow holder, previously paid by attorney
5. Ashley Kuly - \$525.33 refunded to escrow holder, previously paid by attorney
6. James Brown - \$517.75 refunded to escrow holder, previously paid by attorney
7. Brian Kennedy - \$508.50 refunded to escrow holder, previously paid by attorney
8. Mark Hinson - \$1,173.76 refunded to escrow holder, previously paid by attorney
9. Daniel Sutton - \$522.00 refunded to escrow holder, previously paid by attorney
10. Julie Battista - \$523.00 refunded to escrow holder, previously paid by attorney
11. Robert Rowan - \$565.29 refunded to escrow holder, previously paid by attorney
12. Bonterra Builders LLC - \$749.81 refunded to escrow holder, previously paid by ck 1113
13. Eric Scallin - \$524.96 refunded to escrow holder, previously paid by attorney
14. Joe Massengill - \$733.16 refunded to escrow holder, previously paid by title company
15. Douglas Carbone - \$617.28 refunded to escrow holder, previously paid by attorney

If you need any clarification on any of these items, please feel free to contact Alicia Massey at (704) 821-5401.

7c



TO: Mayor and Town Council
FROM: Tracee S. Karlsson
CC: Scott J. Kaufhold
DATE: November 10, 2015
SUBJECT: Budget Amendments for November 10th Meeting

Please find attached budget amendments processed through December 31, 2015.

Please feel free to call, email, come in or ask any questions you may have regarding these matters.

7d



Town of Indian Trail

Memo

TO: Mayor and Town Council

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

COUNCIL DATE: December 12, 2015

SUBJECT: Revised Powell Bill Map Approval

General Information:

Council approved the 2014-2015 Powell Bill Map on July 14, 2015. The revised map reflects minor changes made by the NCDOT. None of the changes affect Town maintained roads.

Required Action:

Approval of Powell Bill Map Amendment

8a

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: Gretchen Coperine

Department: Planning & Neighborhood Services

Contact Phone # (704) 821-5401

Date Submitted 12/17/2015

Date of Town Council Meeting to consider this item: 1/12/2016
(Meetings are generally 2nd & 4th Tuesday of each month starting at 6:30 pm)

Please indicate how much time you expect this matter to take: 10-15 minutes

Description (give short summary of topic, this is how item appears on the Agenda.)

- ZT2015-003 Heritage Trees: Request to amend the definition of Heritage Trees and amend the Heritage Tree Protection provisions of the UDO: Chapter 1640.260, Chapter 830.040(E) and Chapter 880.040(A). This is a town-wide amendment. The Applicant is the Town of Indian Trail.

Where does this item need to appear? Check all that apply:

<input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Schedule Public Hearing**	<input type="checkbox"/> Discussion Items
<input type="checkbox"/> Presentation/Recognition	<input type="checkbox"/> Closed Session	<input type="checkbox"/> Work session
<input type="checkbox"/> Business Item	<input type="checkbox"/> Continued Item	

*Board, commission, or group requesting joint meeting:

Who will attend Council meeting able to respond to questions? Give name & title:

Gretchen Coperine Sr. Planner

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes No (Attach recommendation.)

What action is requested of the Council? Approve as presented.

What action is requested of the Manager? None

Are Town funds required? Yes / No \$ Funding Source

PLEASE PROVIDE: Ten (10) copies of all attachments for Council's Agenda to the Clerk no later than 5:00 pm the Tuesday before for above referenced meeting.

**** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper ****



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

Planning Board Transmittal for the January 12, 2016 Town Council Public Hearing

Case: ZT2015-003 Amendment to UDO Chapters 1640.260, 830.040(E) and 880.040(A)			
Reference Name	Heritage Trees, Chapters 1640.260, 830.040(E) and 880.040(A) of the Unified Development Ordinance		
Planning Board Meeting Date	August 18, 2015		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Vice Chair Larry Miller <input type="checkbox"/>
	Cathi Higgins <input type="checkbox"/>	Sidney Sandy <input checked="" type="checkbox"/>	Steven Long <input checked="" type="checkbox"/>
	Alan Rosenberg <input checked="" type="checkbox"/>	Jorge Aponte <input type="checkbox"/> Alternate 1	Dr. Shamir Ally <input type="checkbox"/> Alternate 2
	Vacant <input type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval		
Member Making the Motion	Board Member Steven Long		
Second the Motion	Board Member Alan Rosenberg		
Vote	5-0		

Purpose of the Amendment: A request to amend Chapters 1640.260, 830.040(E) and 880.040(A) of the Unified Development Ordinance (UDO) to amend the definition of Heritage Trees, amend the requirements of the Heritage Tree Protection provision and provide mitigation alternatives when strict adherence to the UDO is not feasible.

Town Council Action: Receive Planning Board Recommendation and public comments 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.

Analysis

Since adoption of the Heritage Tree ordinance, staff and the Indian Trail Tree Board has observed certain non-residential sites have not been able to meet the required Heritage Tree Protection provision of the UDO. These sites have several characteristics in common: they are undeveloped, fully wooded sites; they have non-residential uses/zoning intended to locate within them; and they are typically a small site (i.e., between approximately 1 and 8 acres, on average). In order to develop sites that are not able to meet the Heritage Tree requirements of the UDO, a developer must propose a mitigation plan to be considered by the Tree Board and approved ultimately by the Planning Director. This process can add several weeks to the permit review process and creates uncertainty for the development community when considering locations to invest in.

Currently, the UDO defines Heritage Trees as any tree with a diameter of 12” or greater. The current UDO requires Heritage Trees to be protected and any removal to be mitigated or otherwise exempt only when certain criteria is met. The proposed amendment aims to change the definition of what is a Heritage Tree as well as provide additional options and/or direction for alternative mitigation strategies when strict adherence to the UDO is infeasible. The text amendment aims to provide standards which are more reasonable to comply with while maintaining suitable preservation of Indian Trail’s community forest.

Planning Board

The Planning Board heard this item at its August 18, 2015 public meeting. Planning Board Members asked questions regarding specific species not being considered as heritage trees, and how specific development sites would be affected by the proposed change. The Planning Board voted unanimously to transmit a recommendation to approve to the Town Council. Please see the attached minutes for the August 18, 2015 Planning Board meeting, and link to the audio file in [Granicus](#).

On December 15, 2015, Planning Board revisited the amendment to include an additional option for mitigation. Please see the attached draft minutes for the December Planning Board meeting, and link to the audio file also in [Granicus](#).

The following consistency statements were found:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - ***Open Space and Natural Environment Goal #5:*** Because it will enable responsible growth and development while preserving and protecting the natural environment and features.
2. This UDO ordinance amendment is in the best interest of the public because it helps further responsible land development while maximizing the community forest environment.

Staff Contact

Gretchen Coperine

gcoperine@planning.indiantrail.org

Attachment 1- Planning Board Report

Attachment 2- Draft Ordinance

Attachment 3 – Planning Board Minutes of August 18, 2015 and Draft Minutes of December 15, 2015

TC ATTACHMENT 1- PLANNING BOARD REPORT



P.O. Box 2430

Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Zoning Staff Report

Case: ZT 2015-003 Heritage Tree Protection		
Reference Name	Amendment of UDO Chapters 1640.260, 830.040(E) and 880.040(A)	
Applicant	Town of Indian Trail	
Submittal Date	July 21, 2015	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend Chapters 1640.260, 830.040(E) and 880.040(A) of the Unified Development Ordinance (UDO) to amend the definition of Heritage trees, amend the requirements of the Heritage Tree Protection provision within the UDO, as well as provide for mitigation alternatives when strict adherence to the UDO is not feasible.

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.

Background

UDO Chapter 1640.260 defines any tree with a diameter of 12 inches or greater as a Heritage Tree. UDO Chapter 830.040(E) requires any Heritage tree to be protected, and any removal of Heritage trees is subject to 1) Being removed only when certain criteria is met and 2) Planting of additional trees mitigating the removal of the Heritage Tree(s).

UDO Chapter 880.040(A) provides for alternative landscape plans to be approved where strict adherence to the UDO is not feasible.

Analysis/Overview

Since adoption of the Heritage Tree ordinance, staff and the Indian Trail Tree Board has observed certain non-residential sites have not been able to meet the required Heritage Tree Protection provision of the UDO. These sites have several characteristics in common: they are undeveloped, fully wooded sites; they have non-residential uses/zoning intended to locate within them; and they are typically a small site (i.e., between approximately 1 and 8 acres, on average). In order to develop sites that are not able to meet the Heritage Tree requirements of the UDO, a developer must propose a mitigation plan to

be considered by the Tree Board and approved ultimately by the Planning Director. This process can add several weeks to the permit review process and creates uncertainty for the development community when considering locations to invest in.

The intent of this text amendment is to amend the definition of what is a Heritage Tree as well as provide additional options and/or direction for alternative mitigation strategies when strict adherence to the UDO is infeasible. The text amendment aims to provide standards which are more reasonable to comply with while maintaining suitable preservation of Indian Trail's community forest.

Based on staff's findings, we offer the following modifications for the Board's consideration. For ease of reference, proposed changes are written below as they would appear in the UDO if approved. Attachment 2 references the underlined version of the text changes.

UDO Section 1640.260 Definitions

Heritage Tree

- A) A **deciduous** tree that is 14 inches in diameter or larger measured at 4.5 feet above grade (i.e., diameter at breast height). Deciduous trees include but are not limited to oak, hickory, elm, crepe myrtle, etc.
- B) An **evergreen** tree that is 18 inches in diameter or larger measured at 4.5 feet above grade (i.e., diameter at breast height). Evergreen trees include but are not limited to pines, cedars, etc.
- C) Specific tree species that shall not be considered Heritage Trees, regardless of the diameter size, are as follows: Bradford Pear, Magnolia, Mimosa, Mulberry, Silver Maple, and Sweet Gum.

UDO Section 830.040(E) Heritage Tree Protection

E. Heritage Tree Protection

1. Applicability

To the maximum extent feasible, heritage trees located on any site subject to tree preservation requirements of this Chapter must be preserved. Where a project saves heritage trees and is subject to the canopy tree requirements of this Chapter, 150 percent of the heritage tree canopy area shall count toward the required canopy tree requirements. Anyone who removes a heritage tree without plan approval, except as noted below in the emergency subsection of Section 2, *Exemptions*, is subject to one or more of the civil penalties in Section 880.050A. Standards for plans representing the removal of heritage trees shall meet the requirements listed in Section (3), *Heritage Tree Removal*, below.

2. Exemptions

This Chapter shall not apply to the removal of heritage trees under the following circumstances.

a. Diseased, Dying or Dead Trees and Dangerous Trees

Diseased, dying or dead trees or trees causing a probable safety hazard to buildings, utilities, and/or pedestrian or vehicular travel paths may be removed with written approval from the Planning Director, unless deemed an emergency, as described in subsection (2) below. The removal request shall include the number, location, species, and diameter of the trees to be removed along with the condition of the tree and reason for the proposed removal. The Planning Director shall review all heritage tree removal proposals and consider the following:

- 1. The condition of the tree or trees with respect to their health, danger of falling, proximity to existing structures or utilities, and their location near pedestrian or vehicular travel paths and the probability of implementing tree maintenance techniques as an alternative to heritage tree(s) removal.

2. The emergency removal of trees that pose an immediate public health and safety hazard, as determined by a Town, County, and/or State emergency services professional, may be removed without first obtaining written approval from the Planning Director. Written documentation of the removed tree(s) shall be provided to the Planning Director and include the tree species, diameter, location and a description or photographic evidence of the emergency condition.

b. **Trees Within ROW and Utility Easements**

All reasonable efforts shall be made to minimize the removal of heritage trees located within public Right-of-Way (ROW) and within public utility easements. Heritage trees located within existing public ROW or within existing public utility easements or heritage trees located in future public ROW or utility easements being dedicated as part of an active land development permit are exempt from this chapter once it has been demonstrated to the Town that all reasonable efforts to minimize removal have been implemented. For purposes of this exemption, public ROW shall consist of ROW associated with public roads, sidewalks, and trails/greenways. Public utility easements shall consist of easements associated with water, sewer, electric, natural gas and other infrastructure.

3. Heritage Tree Removal

Plans associated with an active land development application that represent the removal of heritage trees will be granted only where:

- a. The tree(s) is located within the portion of the site where buildings or related improvements are permitted. The applicant should demonstrate that there is no other reasonable location for the building or improvement and that preservation would unreasonably restrict use of the property.
- b. Removal is necessary to allow construction of a road or drive that is essential for access to the site.
- c. Where removal of healthy heritage trees is approved as part of an approved site plan, subdivision plat or tree removal approval, new trees will be planted according to the Mitigation Planting standards in Section (4), *Mitigation Planting*, below (also refer to Chapter 870, Tree Planting Standards).

4. Mitigation Planting

The Mitigation Planting standards below are a cumulative caliper inches approach to tree mitigation and replanting. For example, for every caliper inch of heritage tree(s) removed, a percentage of those caliper inches must be replaced with a tree or trees equal to that total percentage of caliper inches. Each replacement tree shall be at least 2.5" caliper at the time of replanting. See below for the respective percentages to be replaced based on the type of development.

Where removal of healthy Heritage trees is approved as part of an approved site plan or subdivision plat, new trees shall be planted according to the following in addition to Chapter 870, Tree Replanting Standard:

a. *Single-Family Residential Use Replanting Ratio* - replacement for residential development, excluding single-family lots not developed as part of a subdivision, shall be at a 50% ratio.

(e.g., 18" caliper tree X 50% = 9" caliper replacement tree or trees equivalent to that cumulative caliper)

b. *Non-Single Family Residential Use Replanting Ratio* – replacement for all non-single family development shall be at a 25% ratio.

(18" caliper tree X 25% = 4.5" caliper replacement tree or trees equivalent to that cumulative caliper)

5. Alternative Mitigation Options

In the event the project site does not have sufficient area or is otherwise unsuitable to accommodate the required heritage tree mitigation planting described in subsection (4), *Mitigation Planting*, above, one or more of the alternative mitigation measures listed in this section may be proposed.

Alternative Mitigation Plans shall include the number, location, species, and diameter of the trees to be removed, and the number, species and diameter of trees with which they are being replaced. The review shall evaluate the appropriateness of the Alternative Mitigation Plan by considering the individual development site, the development intensity along with the surrounding uses and any other relevant site features. The plans shall be reviewed by Tree Board and a recommendation made to the Planning Director, who makes the final decision. Approved Alternative Mitigation Plans shall be integrated into the associated site plan application unless otherwise approved as part of a Conditional Zoning Permit and may include one or more of the following:

- a. *In-Lieu-Fees* - Where the Planning Director in consultation with the Tree Board determines that on-site replanting is not feasible and/or appropriate, the Director may require that a payment not to exceed the cost of replanting replacement trees be made to a tree planting fund. Funds will be used for tree planting and maintenance of planted trees on public sites within the Town of Indian Trail such as parks, schools, municipal facilities, and similar locations. Replacement value shall be determined utilizing a professional source and by the Town. Fee Recovery as stated in Section (6), *Fee Recovery*, below may also apply.
- b. *Alternative Planting Plan* - The developer shall submit a heritage tree alternative mitigation plan.
 1. Such plan must include a scope of work to be reviewed by the Planning Department.
 2. The scope of work shall include, at a minimum, the number, location and specifications of the trees to be removed as well as alternative mitigation or conservation measures through which trees or tree areas will be saved or replaced.
 3. Fee Recovery as stated in Section (6), *Fee Recovery*, below may apply.
- c. *Off-site Planting* - An alternative site(s) may be identified for additional tree planting. Off-site plantings may include parks, schools or other public facilities located in the Town of Indian Trail to the satisfaction of the Planning Director.
- d. *Other method(s)* may be considered as deemed appropriate by Planning Director.

6. Fee Recovery

The Town may retain the services of a consultant to evaluate technical submittals by the applicant and seek an independent judgment on the appropriateness of the heritage tree alternative mitigation plan. The Planning Director shall be responsible for selecting the technical expert hired for the review of the proposed mitigation plan. The Town may seek financial reimbursement for the actual cost of any technical review undertaken.

The technical expert must make investigations consistent with all the terms and conditions of this ordinance. The fees charged for the technical expert's review will be customary fees for plan review and for the evaluation/preparation of a technical report. Charges for such consulting services will be fixed in advanced of the processing of applications and will be incorporated into the overall site plan/subdivision/conditional zoning application fee.

UDO Section 880.040(A) Modifications, Denials, Inspections and Emergencies

A. Modifications

Alternate tree protection/planting plans, plant material, planting standards or reforestation may be used where it would be unreasonable or impractical to strictly apply the tree protection/planting requirements. Such situations may be the result of streams, natural rock formations, topography, or other physical conditions; utility easements, a unified development design or unusual site conditions. An alternate plan may be approved as part of a Conditional Zoning or when:

Required Consistency Findings

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

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
 - ***Open Space and Natural Environment Goal #5:*** Because it will enable responsible growth and development while preserving and protecting the natural environment and features.
2. This UDO ordinance amendment is in the best interest of the public because it helps further responsible land development while maximizing the community forest environment.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2015-003 as presented.

Staff Contact

Gretchen Coperine

704-821-5401

gcoperine@planning.indiantrail.org

Attachment 1: Draft Ordinance

Attachment 2: Strikethrough/Underline Version

ATTACHMENT 2 – STRIKETHROUGH/UNDERLINE VERSION

UDO Section 1640.260 Definitions

Heritage Tree

- A) ~~Any~~ A deciduous tree that is ~~12 inches~~ 14 inches in diameter or larger measured at 4.5 feet above grade (i.e., diameter at breast height). Deciduous trees include but are not limited to oak, hickory, elm, crepe myrtle, etc.
- B) An evergreen tree that is 18 inches in diameter or larger measured at 4.5 feet above grade (i.e., diameter at breast height). Evergreen trees include but are not limited to pines, cedars, etc.
- C) Specific tree species that shall not be considered Heritage Trees, regardless of the diameter size, are as follows: Bradford Pear, Magnolia, Mimosa, Mulberry, Silver Maple, and Sweet Gum.

UDO Section 830.040(E) Heritage Tree Protection

E. Heritage Tree Protection

1. Applicability

To the maximum extent feasible, heritage trees located on any site subject to tree preservation requirements of this Chapter must be preserved. Where a project saves heritage trees and is subject to the canopy tree requirements of this Chapter, 150 percent of the heritage tree canopy area shall count toward the required canopy tree requirements. ~~A person proposing to remove a heritage tree must identify the proposed tree removal on a site plan or major subdivision plan submitted for approval to the Town of Indian Trail unless such removal is authorized in Section 830.040E.~~ Anyone who removes a heritage tree without plan approval, except as noted below in the emergency subsection of Section 2, *Exemptions*, is subject to one or more of the civil penalties in Section 880.050A. Standard for plans representing the removal of heritage trees shall meet the requirements listed in Section (3), *Heritage Tree Removal*, below. ~~will be granted only where:~~

- ~~1a. The tree is located within that portion of the lot where buildings or improvements are permitted. The applicant should demonstrate that there is no other reasonable location for the building or improvement and that preservation would unreasonably restrict use of the property.~~
- 2. The tree is diseased, dying or dead or causes a safety hazard to nearby buildings or pedestrian or vehicular traffic.
- 3. The tree is causing significant structural damage to a building or other structure that reasonable maintenance cannot prevent.
- 4. The tree is dropping debris or sap that is significantly affecting vehicles in a parking lot.

~~5 Removal is necessary to allow construction of a road or drive that is essential for access to the site.~~

~~6 A joint agreement regarding the replacement of any removed heritage trees has been made by the Planning Director, developer and design team during project approval process.~~

~~7. Where removal of healthy heritage trees is approved as part of an approved site plan, subdivision plat or tree removal permit, new trees will be planted according to the following (Also refer to Chapter 870, Tree Planting Standards):~~

Tree Removed	Tree Replaced
12" caliper to less than 18" tree	Three 2.5" caliper trees
18" caliper to 24" tree	Four 2.5" caliper trees
24"+ caliper tree	Five 2.5" caliper trees

2. Exemptions

This Chapter shall not apply to the removal of heritage trees under the following circumstances.

a. Diseased, Dying or Dead Trees and Dangerous Trees

Diseased, dying or dead trees or trees causing a probable safety hazard to buildings, utilities, and/or pedestrian or vehicular travel paths may be removed with written approval from the Planning Director, unless deemed an emergency, as described in subsection (2) below. The removal request shall include the number, location, species, and diameter of the trees to be removed along with the condition of the tree and reason for the proposed removal. The Planning Director shall review all heritage tree removal proposals and consider the following:

1. The condition of the tree or trees with respect to their health, danger of falling, proximity to existing structures or utilities, and their location near pedestrian or vehicular travel paths and the probability of implementing tree maintenance techniques as an alternative to heritage tree(s) removal.

2. The emergency removal of trees that pose an immediate public health and safety hazard, as determined by a Town, County, and/or State emergency services professional, may be removed without first obtaining written approval from the Planning Director. Written documentation of the removed tree(s) shall be provided to the Planning Director and include the tree species, diameter, location and a description or photographic evidence of the emergency condition.

b. Trees Within ROW and Utility Easements

All reasonable efforts shall be made to minimize the removal of heritage trees located within public Right-of-Way (ROW) and within public utility easements. Heritage trees located within existing public ROW or within existing public utility easements or heritage trees located in future public ROW or utility easements being dedicated as part of an active land development permit are exempt from this chapter once it has been demonstrated to the Town that all reasonable efforts to minimize removal have been implemented. For purposes of this exemption, public ROW shall consist of ROW associated with public roads, sidewalks, and trails/greenways. Public utility easements

shall consist of easements associated with water, sewer, electric, natural gas and other infrastructure.

3. Heritage Tree Removal

Plans associated with an active land development application that represent the removal of heritage trees will be granted only where:

- a. The tree(s) is located within the portion of the site where buildings or related improvements are permitted. The applicant should demonstrate that there is no other reasonable location for the building or improvement and that preservation would unreasonably restrict use of the property.
- b. Removal is necessary to allow construction of a road or drive that is essential for access to the site.
- c. Where removal of healthy heritage trees is approved as part of an approved site plan, subdivision plat or tree removal approval, new trees will be planted according to the Mitigation Planting standards in Section (4), *Mitigation Planting*, below (also refer to Chapter 870, Tree Planting Standards).

4. Mitigation Planting

The Mitigation Planting standards below are a cumulative caliper inches approach to tree mitigation and replanting. For example, for every caliper inch of heritage tree(s) removed, a percentage of those caliper inches must be replaced with a tree or trees equal to that total percentage of caliper inches. Each replacement tree shall be at least 2.5" caliper at the time of replanting. See below for the respective percentages to be replaced based on the type of development.

Where removal of healthy Heritage trees is approved as part of an approved site plan or subdivision plat, new trees shall be planted according to the following in addition to Chapter 870, Tree Replanting Standard:

- a. *Single-Family Residential Use Replanting Ratio* - replacement for residential development, excluding single-family lots not developed as part of a subdivision, shall be at a 50% ratio.
(e.g., 18" caliper tree X 50% = 9" caliper replacement tree or trees equivalent to that cumulative caliper)
- b. *Non-Single Family Residential Use Replanting Ratio* – replacement for all non-single family development shall be at a 25% ratio.
(18" caliper tree X 25% = 4.5" caliper replacement tree or trees equivalent to that cumulative caliper)
- c. *Canopy Retention Option:* In instances where site or other constraints prohibit planting the required number of Heritage mitigation trees described in sections (4)(a) and (b) above, any acreage exceeding the tree canopy retention acreage requirements specified in UDO Section 830.040(B) may be utilized to satisfy a portion of the Heritage tree mitigation requirements.

Any additional tree canopy acreage used to meet the Heritage tree mitigation requirements shall be comprised of retained existing tree canopy versus newly planted trees/canopy. Qualifying trees within the additional tree canopy area used to meet the Heritage tree mitigation requirement must be a minimum of 15 feet in height. Each Heritage mitigation tree shall equate to 900 sq. ft. of additional canopy retention area. See below for a sample calculation:

<u>Site Area</u>	<u>Canopy Required</u>	<u>Canopy Provided</u>	<u>Surplus Canopy (trees over 15' in height)</u>	<u>Canopy Credit Formula</u>	<u>Heritage Tree Mitigation Equivalent</u>
45,000 sf	4,500 sf	9,000 sf	4,500 sf	4,500sf/900sf	5

¹ In the example above, a total of 5 trees may be credited toward the Heritage Tree replanting rate.

² A combination of the two methods described above may also be applied.

5. Alternative Mitigation Options

In the event the project site does not have sufficient area or is otherwise unsuitable to accommodate the required heritage tree mitigation planting described in subsection (4), *Mitigation Planting*, above, one or more of the alternative mitigation measures listed in this section may be proposed.

Alternative Mitigation Plans shall include the number, location, species, and diameter of the trees to be removed, and the number, species and diameter of trees with which they are being replaced. The review shall evaluate the appropriateness of the Alternative Mitigation Plan by considering the individual development site, the development intensity along with the surrounding uses and any other relevant site features. The plans shall be reviewed by Tree Board and a recommendation made to the Planning Director, who makes the final decision. Approved Alternative Mitigation Plans shall be integrated into the associated site plan application unless otherwise approved as part of a Conditional Zoning Permit and may include one or more of the following:

- a. *In-Lieu-Fees* - Where the Planning Director in consultation with the Tree Board determines that on-site replanting is not feasible and/or appropriate, the Director may require that a payment not to exceed the cost of replanting replacement trees be made to a tree planting fund. Funds will be used for tree planting and maintenance of planted trees on public sites within the Town of Indian Trail such as parks, schools, municipal facilities, and similar locations. Replacement value shall be determined utilizing a professional source and by the Town. Fee Recovery as stated in Section (6), *Fee Recovery*, below may also apply.
- b. *Alternative Planting Plan* - The developer shall submit a heritage tree alternative mitigation plan.
 1. Such plan must include a scope of work to be reviewed by the Planning Department.
 2. The scope of work shall include, at a minimum, the number, location and specifications of the trees to be removed as well as alternative mitigation

or conservation measures through which trees or tree areas will be saved or replaced.

3. Fee Recovery stated in Section (6), *Fee Recovery*, below may also apply.
- c. *Off-site Planting* - An alternative site(s) may be identified for additional tree planting. Off-site plantings may include parks, schools or other public facilities located in the Town of Indian Trail to the satisfaction of the Planning Director.
- d. *Other method(s)* may be considered as deemed appropriate by Planning Director.

6. Fee Recovery

The Town may retain the services of a consultant to evaluate technical submittals by the applicant and seek an independent judgment on the appropriateness of the heritage tree alternative mitigation plan. The Planning Director shall be responsible for selecting the technical expert hired for the review of the proposed mitigation plan. The Town may seek financial reimbursement for the actual cost of any technical review undertaken.

The technical expert must make investigations consistent with all the terms and conditions of this ordinance. The fees charged for the technical expert's review will be customary fees for plan review and for the evaluation/preparation of a technical report. Charges for such consulting services will be fixed in advanced of the processing of applications and will be incorporated into the overall site plan/subdivision/conditional zoning application fee.

UDO Section 880.040(A) Modifications, Denials, Inspections and Emergencies

A. Modifications

Alternate tree protection/planting plans, plant material, planting standards or reforestation may be used where it would be unreasonable or impractical to strictly apply the tree protection/planting requirements. Such situations may be the result of streams, natural rock formations, topography, or other physical conditions; utility easements, a unified development design or unusual site conditions. An alternate plan may be approved as part of a Conditional Zoning or when:

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL)

ORDINANCE #

0160112-231

AN ORDINANCE AMENDING CHAPTERS 1640.260, TREE AND LANDSCAPING DEFINITIONS AND CHAPTER 830.040(E), HERITAGE TREE PROTECTION, AND CHAPTER 880.040(A), MODIFICATION, DENIALS, INSPECTIONS AND EMERGENCIES, OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO HERITAGE TREES, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2015-003 requesting to amend Chapters 1640.260, Tree and Landscaping Definitions, Chapter 830.040(E), Heritage Tree Protection, and Chapter 880.040(A), Modifications, Denials, Inspections and Emergencies, amending the definition of a Heritage Tree; and providing and amending the requirements of the Heritage Tree Protection provision; and

WHEREAS, this Zoning Amendment (ZT 2015-003) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on August 18, 2015 and December 15, 2015 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 of the Comprehensive Plan:
 - *Open Space and Natural Environment Goal #5*: Because it will enable responsible growth and development while preserving and protecting the natural environment and features.
2. This UDO ordinance amendment is in the best interest of the public because it helps further responsible land development while maximizing the community forest environment.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on January 12, 2016, and after receiving the transmittal, public comment, and deliberation, agreed with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTER 1640.260, UDO Chapter 830.040(E) and UDO Chapter 880.040(A) is hereby Approved as shown in Exhibit A of this Ordinance;

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

SO ORDAINED THIS 12th DAY OF January, 2016. THE TOWN COUNCIL OF INDIAN TRAIL

By _

Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

ZT2015-003 EXHIBIT A

UDO Section 1640.260 Definitions

Heritage Tree

- A) A **deciduous** tree that is 14 inches in diameter or larger measured at 4.5 feet above grade (i.e., diameter at breast height). Deciduous trees include but are not limited to oak, hickory, elm, crepe myrtle, etc.
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- C) Specific tree species that shall not be considered Heritage Trees, regardless of the diameter size, are as follows: Bradford Pear, Magnolia, Mimosa, Mulberry, Silver Maple, and Sweet Gum.

UDO Section 830.040(E) Heritage Tree Protection

E. Heritage Tree Protection

1. Applicability

To the maximum extent feasible, heritage trees located on any site subject to tree preservation requirements of this Chapter must be preserved. Where a project saves heritage trees and is subject to the canopy tree requirements of this Chapter, 150 percent of the heritage tree canopy area shall count toward the required canopy tree requirements. Anyone who removes a heritage tree without plan approval, except as noted below in the emergency subsection of Section 2, *Exemptions*, is subject to one or more of the civil penalties in Section 880.050A. Standards for plans representing the removal of heritage trees shall meet the requirements listed in Section (3), Heritage Tree Removal, below.

2. Exemptions

This Chapter shall not apply to the removal of heritage trees under the following circumstances.

a. Diseased, Dying or Dead Trees and Dangerous Trees

Diseased, dying or dead trees or trees causing a probable safety hazard to buildings, utilities, and/or pedestrian or vehicular travel paths may be removed with written approval from the Planning Director, unless deemed an emergency, as described in subsection (2) below. The removal request shall include the number, location, species, and diameter of the trees to be removed along with the condition of the tree and reason for the proposed removal. The Planning Director shall review all heritage tree removal proposals and consider the following:

1. The condition of the tree or trees with respect to their health, danger of falling, proximity to existing structures or utilities, and their location near pedestrian or vehicular travel paths and the probability of implementing tree maintenance techniques as an alternative to heritage tree(s) removal.

2. The emergency removal of trees that pose an immediate public health and safety hazard, as determined by a Town, County, and/or State emergency services professional, may be removed without first obtaining written approval from the Planning Director. Written documentation of the removed tree(s) shall be provided to the Planning Director and include the tree species, diameter, location and a description or photographic evidence of the emergency condition.

b. Trees Within ROW and Utility Easements

All reasonable efforts shall be made to minimize the removal of heritage trees located within public Right-of-Way (ROW) and within public utility easements. Heritage trees located within existing public ROW or within existing public utility easements or heritage trees located in future public ROW or utility easements being dedicated as part of an active land development permit are exempt from this chapter once it has been demonstrated to the Town that all reasonable efforts to minimize removal have been implemented. For purposes of this exemption, public ROW shall consist of ROW associated with public roads, sidewalks, and trails/greenways. Public utility easements shall consist of easements associated with water, sewer, electric, natural gas and other infrastructure.

3. Heritage Tree Removal

Plans associated with an active land development application that represent the removal of heritage trees will be granted only where:

- a. The tree(s) is located within the portion of the site where buildings or related improvements are permitted. The applicant should demonstrate that there is no other reasonable location for the building or improvement and that preservation would unreasonably restrict use of the property.
- b. Removal is necessary to allow construction of a road or drive that is essential for access to the site.
- c. Where removal of healthy heritage trees is approved as part of an approved site plan, subdivision plat or tree removal approval, new trees will be planted according to the Mitigation Planting standards in Section (4), *Mitigation Planting*, below (also refer to Chapter 870, Tree Planting Standards).

4. Mitigation Planting

The Mitigation Planting standards below are a cumulative caliper inches approach to tree mitigation and replanting. For example, for every caliper inch of heritage tree(s) removed, a percentage of those caliper inches must be replaced with a tree or trees equal to that total percentage of caliper inches. Each replacement tree shall be at least 2.5" caliper at the time of replanting. See below for the respective percentages to be replaced based on the type of development.

Where removal of healthy Heritage trees is approved as part of an approved site plan or subdivision plat, new trees shall be planted according to the following in addition to Chapter 870, Tree Replanting Standard:

- a. *Single-Family Residential Use Replanting Ratio* - replacement for residential development, excluding single-family lots not developed as part of a subdivision, shall be at a 50% ratio.
(e.g., 18" caliper tree X 50% = 9" caliper replacement tree or trees equivalent to that cumulative caliper)
- b. *Non-Single Family Residential Use Replanting Ratio* – replacement for all non-single family development shall be at a 25% ratio.
(18" caliper tree X 25% = 4.5" caliper replacement tree or trees equivalent to that cumulative caliper)
- c. *Canopy Retention Option*: In instances where site or other constraints prohibit planting the required number of Heritage mitigation trees described in sections (4)(a) and (b) above, any acreage exceeding the tree canopy retention acreage requirements specified in UDO Section 830.040(B) may be utilized to satisfy a portion of the Heritage tree mitigation requirements.

Any additional tree canopy acreage used to meet the Heritage tree mitigation requirements shall be comprised of retained existing tree canopy versus newly planted trees/canopy. Qualifying trees within the additional tree canopy area used to meet the Heritage tree mitigation requirement must be a minimum of 15 feet in height. Each Heritage mitigation tree shall equate to 900 sq. ft. of additional canopy retention area. See below for a sample calculation:

Site Area	Canopy Required	Canopy Provided	Surplus Canopy (trees over 15' in height)	Canopy Credit Formula	Heritage Tree Mitigation Equivalent
45,000 sf	4,500 sf	9,000 sf	4,500 sf	4,500sf/900sf	5

1 In the example above, a total of 5 trees may be credited toward the Heritage Tree replanting rate.

2 A combination of the two methods described above may also be applied.

5. Alternative Mitigation Options

In the event the project site does not have sufficient area or is otherwise unsuitable to accommodate the required heritage tree mitigation planting described in subsection (4), *Mitigation Planting*, above, one or more of the alternative mitigation measures listed in this section may be proposed.

Alternative Mitigation Plans shall include the number, location, species, and diameter of the trees to be removed, and the number, species and diameter of trees with which they are being replaced. The review shall evaluate the appropriateness of the Alternative Mitigation Plan by considering the individual development site, the development intensity along with the surrounding uses and any other relevant site features. The plans shall be reviewed by Tree Board and a recommendation made to the Planning Director, who makes the final decision. Approved Alternative Mitigation Plans shall be integrated into the associated site plan application unless otherwise approved as part of a Conditional Zoning Permit and may include one or more of the following:

- a. *In-Lieu-Fees* - Where the Planning Director in consultation with the Tree Board determines that on-site replanting is not feasible and/or appropriate, the Director may require that a payment not to exceed the cost of replanting replacement trees be made to a tree planting fund. Funds will be used for tree planting and maintenance of planted trees on public sites within the Town of Indian Trail such as parks, schools, municipal facilities, and similar locations. Replacement value shall be determined utilizing a professional source and by the Town. Fee Recovery as stated in Section (6), *Fee Recovery*, below may also apply.
- b. *Alternative Planting Plan* - The developer shall submit a heritage tree alternative mitigation plan.
 4. Such plan must include a scope of work to be reviewed by the Planning Department.
 5. The scope of work shall include, at a minimum, the number, location and specifications of the trees to be removed as well as alternative mitigation or conservation measures through which trees or tree areas will be saved or replaced.
 6. Fee Recovery as stated in Section (6), *Fee Recovery*, below may apply.

- c. *Off-site Planting* - An alternative site(s) may be identified for additional tree planting. Off-site plantings may include parks, schools or other public facilities located in the Town of Indian Trail to the satisfaction of the Planning Director.
- d. *Other method(s)* may be considered as deemed appropriate by Planning Director.

6. Fee Recovery

The Town may retain the services of a consultant to evaluate technical submittals by the applicant and seek an independent judgment on the appropriateness of the heritage tree alternative mitigation plan. The Planning Director shall be responsible for selecting the technical expert hired for the review of the proposed mitigation plan. The Town may seek financial reimbursement for the actual cost of any technical review undertaken.

The technical expert must make investigations consistent with all the terms and conditions of this ordinance. The fees charged for the technical expert's review will be customary fees for plan review and for the evaluation/preparation of a technical report. Charges for such consulting services will be fixed in advanced of the processing of applications and will be incorporated into the overall site plan/subdivision/conditional zoning application fee.

UDO Section 880.040(A) Modifications, Denials, Inspections and Emergencies

A. Modifications

Alternate tree protection/planting plans, plant material, planting standards or reforestation may be used where it would be unreasonable or impractical to strictly apply the tree protection/planting requirements. Such situations may be the result of streams, natural rock formations, topography, or other physical conditions; utility easements, a unified development design or unusual site conditions. An alternate plan may be approved as part of a Conditional Zoning or when:

Town of Indian Trail



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

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT PLANNING BOARD MINUTES August 18, 2015 06:30 P.M.

CALL TO ORDER –Chair Cowan called the meeting to order.

ROLL CALL

The following members of the governing body were present:

Board Members: Patricia Cowan, Jan Brown, Alan Rosenberg, Steve Long, and Sidney Sandy.

Members Present but None.

not Voting:

Absent: Larry Miller, Cathi Higgins, Dr Shamir Ally and Jorge Aponte

Staff Members: Rox Burhans-Planning Director, Kevin Icard-Senior Planner, Gretchen Coperine-Senior Planner, Lindze Small-Planner/GIS Technician, and Pam Good-Board Secretary

SWEARING IN OF NEW MEMBERS

Sydney Sandy was sworn in from alternate member position to regular seat of the Planning Board. Jan Brown was sworn in as a reappointment to his regular seat of the Planning Board. Cathi Higgins has been reappointed and will be sworn in next month. Chair Cowan made note that an alternate seat is open.

APPOINTMENT OF CHAIR AND VICE CHAIR.

Motion by Member Brown to re-appoint Patricia Cowan as Chair and Larry Miller to be re-appointed as Vice-Chair. Seconded by Member Long. The vote was unanimous.

APPROVAL OF MINUTES - July 21, 2015

Motion to approve as written by Member Rosenberg. Seconded by Member Brown. Vote to approve was unanimous.

PUBLIC ITEMS- ZT2015-003 Heritage Tree Protection which is a request to amend Chapters 1640.260, 830.040(E) and 880.040(A) of the Unified Development Ordinance (UDO) to amend the definition of Heritage trees, amend the requirements of the Heritage Tree Protection provision within the UDO, as well as provide for mitigation alternatives when strict adherence to the UDO is not feasible.

Staff Gretchen Coperine gave the presentation and background regarding ZT2015-003.

UDO Chapter 1640.260 defines any tree with a diameter of 12 inches or greater as a Heritage Tree. UDO Chapter 830.040(E) requires any Heritage tree to be protected, and any removal of Heritage trees is subject to 1) Being removed only when certain criteria is met and 2) Planting of additional trees mitigating the removal of the Heritage Tree(s) removed.

The request was to amend the Heritage Tree definition as well as the protection and mitigation criteria as outlined in the Town's ordinance.

Staff Coperine presented the Board with their feedback from the previous month's Tree Board meeting held July 21, 2015

•Board Feedback

- Board wanted to see smaller caliper for deciduous trees and 18" for evergreen trees
- List of species that are never considered Heritage Trees
- Finalize text amendment language

Analysis/Overview Since adoption of the Heritage Tree ordinance, Staff and the Indian Trail Tree Board has observed certain non-residential sites have not been able to meet the required Heritage Tree Protection provision of the UDO. These sites have several characteristics in common: they are undeveloped, fully wooded sites; they have non-residential uses/zoning intended to locate within them; and they are typically a small site (i.e., between approximately 1 and 8 acres, on average). In order to develop sites that are not able to meet the Heritage Tree requirements of the UDO, a developer must propose a mitigation plan to be considered by the Tree Board and approved ultimately by the Planning Director. This process can add several weeks to the permit review process and creates uncertainty for the development community when considering locations to invest in. The intent of this text amendment is to amend the definition of what is a Heritage Tree as well as provide additional options and/or direction for alternative mitigation strategies when strict adherence to the UDO is infeasible. The text amendment is to provide standards which are more reasonable to comply with while maintaining suitable preservation of Indian Trail's community forest.

Amended Sections:

- UDO 1640.260 Definitions Defines any tree 12" or greater in diameter as Heritage Tree
- UDO 830.040(E) Heritage Tree Protection Sets standards for removal and protection of Heritage Trees
- UDO 880.040(A) Modifications Provides alternative landscape plan option when strict adherence to the UDO is not feasible

Staff Coperine presented the board with current standards as well as proposed changes.

Staff Coperine then read the required Consistency Findings into the record

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
Open Space and Natural Environment Goal #5: Because it will enable responsible growth and development while preserving and protecting the natural environment and features.
2. UDO ordinance amendment is in the best interest of the public because it helps further responsible land development while maximizing the community forest environment.

Staff recommended that the Planning Board consider the required consistency findings and recommends adoption of this UDO Text Amendment ZT2015-003 as presented.

Board Questions:

Member Rosenberg asked Staff Coperine to clarify the Alternative Landscape Plan. Staff Coperine explained it in further detail. Member Rosenberg also inquired what was unique about the Zaxby's site. Staff Coperine answered that the majority of the trees were Oak trees with diameters from 12-25 inches. Most sites typically have Pine trees.

Member Long asked about the reasoning of not using Magnolia as Heritage Trees. Staff Coperine answered because of the nature of that tree, it is considered a nuisance.

Member Rosenberg commented that the number of leaves the Magnolia drops becomes a nuisance; it is messy.

Opened and closed public comment portion of the meeting

Member Rosenberg asked about the Caliber Collision site. Staff Coperine answered that buffers would not be affected by this amendment. Director Burhans recalled that the problem with that site of overplanting was with the density of plantings of the trees. Director Burhans answered that the text amendment in the ordinance will allow other options if replanting on the same site doesn't make sense. Chair Cowan suggested that the Caliber Collision case study for future years, visually tracking them as well as documenting them.

Member Long made a motion that ZT2015-003, as read into record, be approved. Seconded by Member Rosenberg. Vote to approve was unanimous.

PLANNING REPORT

The report was presented by Director Burhans. He reported that Staff has been busy in analyzing the new state statutes. There also are updates from the Supreme Court, particularly related to signs. He spoke specifically about the Gilbert case in which the Supreme Court which made a ruling that may significantly change the way we regulate signs in every local government. Text amendments will be coming before the board because of this change. Also, plans for Town Hall continue. Town Council will only be having one meeting in September, October and November.

Member Rosenberg asked about the Old Charlotte Highway's excavating. Director Burhans explained that during the real estate transaction, it was discovered that the dirt on the site was unsuitable. Unsuitable soil was then excavated and replaced with suitable soil.

With regards to other active projects, Director Burhans mentioned that Popeye's has begun construction and that the Union Grove project is going well. Phase 4 has permitting requirements to fulfill. Town Council did approve the Bonterra expansion (future phases).

Member Sandy asked about the SECU (State Employees Credit Union) project on Wesley Chapel Rd outside Holly Park. Director Burhans replied that they purchased 4.5 acres and are taking actions at their own pace.

ADJOURN

Member Long made the motion to adjourn. Member Sandy seconded the motion. The vote was unanimous. The meeting was adjourned at 7:50pm.

Chairman:

Secretary:

Town of Indian Trail



P.O. Box 2430

Indian Trail, North Carolina 28079

Telephone 704-821-5401

Fax 704-821-9045

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

PLANNING BOARD MINUTES

December 15, 2015

06:30 P.M.

CALL TO ORDER

ROLL CALL

The following members of the governing body were present:

Board Members: Larry Miller, Patricia Cowan, Jan Brown, Cathi Higgins, Alan Rosenberg, and Jorge Aponte.

Members Present None.

but not Voting:

Absent: Steve Long, Sidney Sandy and Dr Shamir Ally.

Staff Members: Rox Burhans-Planning Director, Gretchen Coperine- Senior Planner, Kevin Icard-Senior Planner, Lindze Small-Planner/GIS Technician, and Pam Good- Board Secretary

APPROVAL OF MINUTES- October 20, 2015

Motion to approve by Member Rosenberg, seconded by Member Brown. Vote to approve as written was unanimous.

PUBLIC ITEMS- none.

DISCUSSION ITEMS:

Staff Coperine presented the Heritage tree. Gave background why the need to re-visit this issue, explaining staff received a project which would need an alternative landscape plan even with the proposed Heritage Tree language and wanted to ensure staff captured the Board's intent correctly. The Heritage Tree item has not been heard by Town Council yet. She gave a brief background on the sections that would be amended and presented a power point of current PB recommendation Recommending changes to replanting ratio. Points for reconsideration –would the Board consider 24 inches for all species; would the Board consider additional language to provide a credit to surplus canopy provided on site?

Staff Coperine presented examples of current projects of existing mitigation and recommendation for new requirements.

Member Miller asked if there are legal problems with re-visiting something the board has already voted on. Staff Burhans replied that there are no legal issues or conflicts to come back before the board because of the Planning Board's role as an advisory group to offer recommendations to the Town Council.

Member Brown asked if it would be simpler for staff if all species were considered at 24 inches. Staff Coperine answered yes and many communities that were researched had this guideline.

Member Rosenberg asked how many different communities did staff survey. Staff Coperine read the list for

the board.

The City of Charlotte uses a canopy requirement versus a Heritage tree provision.

Staff Burhans gave a more detailed explanation for the proposed 24 inch diameter requirement across the board. Staff Coperine stated that if the Board didn't feel comfortable recommending a 24 inch diameter, they could still choose to recommend the canopy credit language. Staff Coperine presented the board with options of possible next steps.

Chair Cowan opened the board for discussion.

Member Rosenberg stated that he was comfortable with the canopy language; he was not sure if he was comfortable with 24 inches for Heritage trees.

Member Higgins spoke about Indian Trail being a larger population in comparison with other towns staff had surveyed and may not have the same requirements.

Member Brown indicated that he would like to keep the original recommendation regarding Heritage Tree sizes considered on August 18, 2015.

Staff Coperine read the following recommendation regarding the canopy retention option (UDO Section 830.040(E) Mitigation Planting into the record.

Canopy Retention Option: In instances where site or other constraints prohibit planting the required number of Heritage mitigation trees described in sections (4)(a) and (b) above, acreage exceeding the tree canopy retention acreage requirements specified in UDO Section 830.040(B) may be utilized to satisfy a portion of the Heritage tree mitigation requirements. Any additional tree canopy acreage used to meet the Heritage tree mitigation requirements shall be comprised of retained existing tree canopy versus newly planted trees/canopy. Each Heritage mitigation tree shall equate to 900 sq. ft. of additional canopy retention area. She also explained about the table as well as the footnotes.

Member Rosenberg asked for a definition of a canopy. Staff Coperine defined it as anything that exists and is being protected. More detailed explanation followed by Staff Burhans.

Member Rosenberg suggested having a qualifier for what is considered a canopy.

The decision was to include trees over 15 foot minimum in height to be considered a canopy.

A motion was made by Member Rosenberg to recommend changes to the ordinance amendment to include language canopy for mitigation purposes. Member Brown seconded. The vote was unanimous in favor.

PLANNING REPORT

Motion to approve the 2016 calendar by Chair Cowan with the exception of the December meeting and re-examine the December 20th meeting time. Member Higgins seconded the motion. The vote to approve was unanimous.

Staff Burhans gave a report regarding:

-The bridge replacement on Indian Trail Rd. Staff Burhans stated NCDOT has been contacted but that he hadn't heard back yet. The bid is going out Jan 19th. The project should get underway in the spring of 2016. Once Staff gets further information, they will get it to the public through multiple venues.

-New Council took office December 8th with two new members, Mark Wireman and Amy Stanton.

-Council approved a golf cart ordinance beginning March 2016.

-Council asked staff to look into a school impact assessment when new development occurs.

Member Miller requested that future projects have Town Council members attend Planning Board meetings to hear projects to receive same information at the same time.

Chair Cowan asked where would the information be coming from for impact statements from the schools. Staff Burhans didn't have details but is collecting info and asking other communities, and also use industry statistics.

Other updated:

- The Town Manager has resigned. Scott Kaufhold has been named as Interim Town manager.
- Associate Planner Donna Cook is leaving the town for employment in the private industry.
- Projects to work on next year:
 - 1)UDO update; last updated in 2008
 - 2)re-adopt the zoning map

Member Miller asked if Indian Trail has pockets of parcels that are not zoned. Staff Burhans replied annexation in the Indian Trail municipality is voluntary. Discussion followed about how to entice potential residents to annex into Indian Trail.

Chair Cowan gave an update to a development of approximately 40 acres on Mill Grove Rd.

ADJOURN

Motion to adjourn Member Brown, seconded by Member Miller. The vote was unanimous in favor. Adjourned at 7:50pm.

Chairman:

Date:

Secretary:

STATE OF NORTH CAROLINA)

TOWN OF INDIAN TRAIL) **ORDINANCE # 0160112-231**

AN ORDINANCE AMENDING CHAPTERS 1640.260, TREE AND LANDSCAPING DEFINITIONS AND CHAPTER 830.040(E), HERITAGE TREE PROTECTION, AND CHAPTER 880.040(A), MODIFICATION, DENIALS, INSPECTIONS AND EMERGENCIES, OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) RELATED TO HERITAGE TREES, NORTH CAROLINA

WHEREAS, the Town is the applicant for ZT 2015-003 requesting to amend Chapters 1640.260, Tree and Landscaping Definitions, Chapter 830.040(E), Heritage Tree Protection, and Chapter 880.040(A), Modifications, Denials, Inspections and Emergencies, amending the definition of a Heritage Tree; and providing and amending the requirements of the Heritage Tree Protection provision; and

WHEREAS, this Zoning Amendment (ZT 2015-003) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, the amendment was heard by Planning Board on August 18, 2015 and December 15, 2015 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 of the Comprehensive Plan:
 - ***Open Space and Natural Environment Goal #5:*** Because it will enable responsible growth and development while preserving and protecting the natural environment and features.
2. This UDO ordinance amendment is in the best interest of the public because it helps further responsible land development while maximizing the community forest environment.

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on January 12, 2016, and after receiving the transmittal, public comment, and deliberation, agreed with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTER 1640.260, UDO Chapter 830.040(E) and UDO Chapter 880.040(A) is hereby Approved as shown in Exhibit A of this Ordinance;

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

SO ORDAINED THIS 12th DAY OF January, 2016. THE TOWN COUNCIL OF INDIAN TRAIL

By

Honorable Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY

ZT2015-003 EXHIBIT A

UDO Section 1640.260 Definitions

Heritage Tree

- A) A **deciduous** tree that is 14 inches in diameter or larger measured at 4.5 feet above grade (i.e., diameter at breast height). Deciduous trees include but are not limited to oak, hickory, elm, crepe myrtle, etc.
- B) An **evergreen** tree that is 18 inches in diameter or larger measured at 4.5 feet above grade (i.e., diameter at breast height). Evergreen trees include but are not limited to pines, cedars, etc.
- C) Specific tree species that shall not be considered Heritage Trees, regardless of the diameter size, are as follows: Bradford Pear, Magnolia, Mimosa, Mulberry, Silver Maple, and Sweet Gum.

UDO Section 830.040(E) Heritage Tree Protection

E. Heritage Tree Protection

1. Applicability

To the maximum extent feasible, heritage trees located on any site subject to tree preservation requirements of this Chapter must be preserved. Where a project saves heritage trees and is subject to the canopy tree requirements of this Chapter, 150 percent of the heritage tree canopy area shall count toward the required canopy tree requirements. Anyone who removes a heritage tree without plan approval, except as noted below in the emergency subsection of Section 2, *Exemptions*, is subject to one or more of the civil penalties in Section 880.050A. Standards for plans representing the removal of heritage trees shall meet the requirements listed in Section (3), Heritage Tree Removal, below.

2. Exemptions

This Chapter shall not apply to the removal of heritage trees under the following circumstances.

a. Diseased, Dying or Dead Trees and Dangerous Trees

Diseased, dying or dead trees or trees causing a probable safety hazard to buildings, utilities, and/or pedestrian or vehicular travel paths may be removed with written approval from the Planning Director, unless deemed an emergency, as described in subsection (2) below. The removal request shall include the number, location, species, and diameter of the trees to be removed along with the condition of the tree and reason for the proposed removal. The Planning Director shall review all heritage tree removal proposals and consider the following:

- 1. The condition of the tree or trees with respect to their health, danger of falling, proximity to existing structures or utilities, and their location near pedestrian or vehicular travel paths and the probability of implementing tree maintenance techniques as an alternative to heritage tree(s) removal.
- 2. The emergency removal of trees that pose an immediate public health and safety hazard, as determined by a Town, County, and/or State emergency services professional, may be removed without first obtaining written approval from the Planning Director. Written documentation of the removed tree(s) shall be provided to the Planning Director and include the tree species, diameter, location and a description or photographic evidence of the emergency condition.

b. **Trees Within ROW and Utility Easements**

All reasonable efforts shall be made to minimize the removal of heritage trees located within public Right-of-Way (ROW) and within public utility easements. Heritage trees located within existing public ROW or within existing public utility easements or heritage trees located in future public ROW or utility easements being dedicated as part of an active land development permit are exempt from this chapter once it has been demonstrated to the Town that all reasonable efforts to minimize removal have been implemented. For purposes of this exemption, public ROW shall consist of ROW associated with public roads, sidewalks, and trails/greenways. Public utility easements shall consist of easements associated with water, sewer, electric, natural gas and other infrastructure.

3. Heritage Tree Removal

Plans associated with an active land development application that represent the removal of heritage trees will be granted only where:

- a. The tree(s) is located within the portion of the site where buildings or related improvements are permitted. The applicant should demonstrate that there is no other reasonable location for the building or improvement and that preservation would unreasonably restrict use of the property.
- b. Removal is necessary to allow construction of a road or drive that is essential for access to the site.
- c. Where removal of healthy heritage trees is approved as part of an approved site plan, subdivision plat or tree removal approval, new trees will be planted according to the Mitigation Planting standards in Section (4), *Mitigation Planting*, below (also refer to Chapter 870, Tree Planting Standards).

4. Mitigation Planting

The Mitigation Planting standards below are a cumulative caliper inches approach to tree mitigation and replanting. For example, for every caliper inch of heritage tree(s) removed, a percentage of those caliper inches must be replaced with a tree or trees equal to that total percentage of caliper inches. Each replacement tree shall be at least 2.5" caliper at the time of replanting. See below for the respective percentages to be replaced based on the type of development.

Where removal of healthy Heritage trees is approved as part of an approved site plan or subdivision plat, new trees shall be planted according to the following in addition to Chapter 870, Tree Replanting Standard:

- a. *Single-Family Residential Use Replanting Ratio* - replacement for residential development, excluding single-family lots not developed as part of a subdivision, shall be at a 50% ratio.
(e.g., 18" caliper tree X 50% = 9" caliper replacement tree or trees equivalent to that cumulative caliper)
- b. *Non-Single Family Residential Use Replanting Ratio* – replacement for all non-single family development shall be at a 25% ratio.
(18" caliper tree X 25% = 4.5" caliper replacement tree or trees equivalent to that cumulative caliper)
- c. *Canopy Retention Option*: In instances where site or other constraints prohibit planting the required number of Heritage mitigation trees described in sections (4)(a) and (b) above, any acreage exceeding the tree canopy retention acreage requirements specified in UDO Section 830.040(B) may be utilized to satisfy a portion of the Heritage tree mitigation requirements.

Any additional tree canopy acreage used to meet the Heritage tree mitigation requirements shall be comprised of retained existing tree canopy versus newly planted trees/canopy. Qualifying trees within the additional tree canopy area used to meet the Heritage tree mitigation requirement must be a minimum of 15 feet in height. Each Heritage mitigation tree shall equate to 900 sq. ft. of additional canopy retention area. See below for a sample calculation:

Site Area	Canopy Required	Canopy Provided	Surplus Canopy (trees over 15' in height)	Canopy Credit Formula	Heritage Tree Mitigation Equivalent
45,000 sf	4,500 sf	9,000 sf	4,500 sf	4,500sf/900sf	5

1 In the example above, a total of 5 trees may be credited toward the Heritage Tree replanting rate.

2 A combination of the two methods described above may also be applied.

5. Alternative Mitigation Options

In the event the project site does not have sufficient area or is otherwise unsuitable to accommodate the required heritage tree mitigation planting described in subsection (4), *Mitigation Planting*, above, one or more of the alternative mitigation measures listed in this section may be proposed.

Alternative Mitigation Plans shall include the number, location, species, and diameter of the trees to be removed, and the number, species and diameter of trees with which they are being replaced. The review shall evaluate the appropriateness of the Alternative Mitigation Plan by considering the individual development site, the development intensity along with the surrounding uses and any other relevant site features. The plans shall be reviewed by Tree Board and a recommendation made to the Planning Director, who makes the final decision. Approved Alternative Mitigation Plans shall be integrated into the associated site plan application unless otherwise approved as part of a Conditional Zoning Permit and may include one or more of the following:

- a. *In-Lieu-Fees* - Where the Planning Director in consultation with the Tree Board determines that on-site replanting is not feasible and/or appropriate, the Director may require that a payment not to exceed the cost of replanting replacement trees be made to a tree planting fund. Funds will be used for tree planting and maintenance of planted trees on public sites within the Town of Indian Trail such as parks, schools, municipal facilities, and similar locations. Replacement value shall be determined utilizing a professional source and by the Town. Fee Recovery as stated in Section (6), *Fee Recovery*, below may also apply.
- b. *Alternative Planting Plan* - The developer shall submit a heritage tree alternative mitigation plan.
 1. Such plan must include a scope of work to be reviewed by the Planning Department.
 2. The scope of work shall include, at a minimum, the number, location and specifications of the trees to be removed as well as alternative mitigation or conservation measures through which trees or tree areas will be saved or replaced.
 3. Fee Recovery as stated in Section (6), *Fee Recovery*, below may apply.

End 8a

- c. *Off-site Planting* - An alternative site(s) may be identified for additional tree planting. Off-site plantings may include parks, schools or other public facilities located in the Town of Indian Trail to the satisfaction of the Planning Director.
- d. *Other method(s)* may be considered as deemed appropriate by Planning Director.

6. Fee Recovery

The Town may retain the services of a consultant to evaluate technical submittals by the applicant and seek an independent judgment on the appropriateness of the heritage tree alternative mitigation plan. The Planning Director shall be responsible for selecting the technical expert hired for the review of the proposed mitigation plan. The Town may seek financial reimbursement for the actual cost of any technical review undertaken.

The technical expert must make investigations consistent with all the terms and conditions of this ordinance. The fees charged for the technical expert's review will be customary fees for plan review and for the evaluation/preparation of a technical report. Charges for such consulting services will be fixed in advanced of the processing of applications and will be incorporated into the overall site plan/subdivision/conditional zoning application fee.

UDO Section 880.040(A) Modifications, Denials, Inspections and Emergencies

A. Modifications

Alternate tree protection/planting plans, plant material, planting standards or reforestation may be used where it would be unreasonable or impractical to strictly apply the tree protection/planting requirements. Such situations may be the result of streams, natural rock formations, topography, or other physical conditions; utility easements, a unified development design or unusual site conditions. An alternate plan may be approved as part of a Conditional Zoning or when:

9a



July 21, 2015

Sheriff's Office
3344 Presson Road
Monroe, NC 28112

Dear Sheriff Cathey:

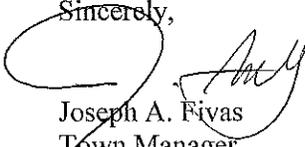
RE: FORMAL LETTER

The Indian Trail Town Council has approved our Fiscal Year 2015-16 budget. This year's budget includes the following staffing for a total of 24 UCSO contract positions with variable starting times:

- 1) 16 UCSO Deputies positions already contracted plus 3 additional
 - One of the UCSO Deputies may start anytime after October 1st, 2015
 - One of the UCSO Deputies may start anytime after January 1st, 2016
 - One of the UCSO Deputies may start at anytime as determined by Sheriff Cathey
- 2) 2 UCSO Sergeant positions
- 3) 1 UCSO Lieutenant position
- 4) Currently, we have two (2) GHSP Grant Deputies funded until September 30th, 2015. On October 1st, the Town's budget reflects that these two Deputy positions as a obligation of the Town of Indian Trail. These two Deputy positions should be added to our contract with the County on October 1, 2015.

The Town appreciates the partnership with the Sheriff's office. We would appreciate any assistance in processing this request. Please let me know if you have any additional questions.

Sincerely,


Joseph A. Fivas
Town Manager



Joseph Fivas

From: Joseph Fivas
Sent: Tuesday, July 14, 2015 4:20 PM
To: 'Edwin Cathey'; Cindy Coto
Cc: Jeffrey Yates; Chase Coble
Subject: RE: Indian Trail Budget- UCSO Deputies

The Town appreciates any assistance you can give us on this matter. Thank you.

-----Original Message-----

From: Edwin Cathey [<mailto:EddieCathey@unioncountync.gov>]
Sent: Tuesday, July 14, 2015 3:43 PM
To: Joseph Fivas; Cindy Coto
Cc: Jeffrey Yates; Chase Coble
Subject: RE: Indian Trail Budget- UCSO Deputies

The town is the hiring entity, therefore the town of Indian Trail after making a decision to fund 90% of an officer that they wish to hire then they need to inform me as well as the Manager of their intentions. That was completed in the past by letter of request. I don't think there is a required way but certainly a request to fund and hire personnel and equipment should have a formal paper trail. The approval by the board of county commissioners must be voted on because it carries a 10% cost to all tax payers of the county. You are right the contract will then need to be amended after it is approved by legal. In March I was at the town council meeting and told you as well as the council that we were nearing conclusion of the county budget process and it was time to notify me as well as the county as to what Indian Trail was planning as far as adding officers. I have heard nothing. I needed to know in order to add your request to my budget for the upcoming year. I also explained that if plans were not put in place and budgeted for it would delay everything. The county budget is now completed and we are operating under it. Now I get emails about what you want. It certainly will delay the process. In the future Joe if you will just contact me, Dottie Thomas, or the Manager with your requests prior to budget completion it will make the process much easier and timely. It is now the middle of July and no plans to even have it on an agenda. We will do our best. If in the future it would be easier for you to contact me or Lt Coble we will be glad to meet with you and try to assist.

Eddie Cathey

-----Original Message-----

From: Joseph Fivas [<mailto:TownManager@admin.indiantrail.org>]
Sent: Tuesday, July 14, 2015 7:57 AM
To: Cindy Coto
Cc: Jeffrey Yates; Edwin Cathey
Subject: Re: Indian Trail Budget- UCSO Deputies

Thanks for the email. The Town is requesting the following:

- 1) Add 1 Deputy position whenever the County activates the position;
- 2) Add 1 Deputy position no earlier than October 1, 2015;
- 3) Add 1 Deputy position no earlier than January 1, 2016
- 4) the Town will also need to transfer our current 2 County Grant Deputies to the Town's current contract on October 1st, 2015.

In the past, the Town did not have to send a letter of request, the County would send the Town an Amendment to our current contract, then the Town would approve, which would activate the hiring of these Deputy positions. Please let me know if you need any additional information. We are glad to provide any information necessary.

> On Jul 14, 2015, at 7:30 AM, Cindy Coto <cindy.coto@unioncountync.gov> wrote:

>

> Joe,

>

> When I spoke to the Sheriff I was under the impression there were three positions being added, please clarify. Also based upon when this information was presented to me it has not been included in the budget. I will have to work with the Sheriff and Administrative Services to determine how best to proceed.

>

> Cindy

>

> Cynthia A. Coto, ICMA-CM

> Union County Manager

> Central Administration

> 500 North Main Street #932

> Monroe, North Carolina 28112

> 704-283-3636

> 704-283-3793 Fax

> cindy.coto@unioncountync.gov (Please note new email address)

> www.unioncountync.gov

>

>

>

> E-Mail Correspondence to and from this sender may be subject to the North Carolina Public Records law and may be disclosed to third parties. If you are not the intended recipient of this e-mail, please contact the sender immediately.

>

> -----Original Message-----

> From: Joseph Fivas [<mailto:TownManager@admin.indiantrail.org>]

> Sent: Monday, July 13, 2015 11:27 AM

> To: Cindy Coto

> Subject: FW: Indian Trail Budget- UCSO Deputies

>

> Please let me know if the County needs any additional information regarding this memo.

>

> -----Original Message-----

> From: Joseph Fivas

> Sent: Friday, June 26, 2015 1:08 PM

> To: Cindy Coto

> Subject: Indian Trail Budget- UCSO Deputies

>

>

> Per our discussion earlier this week.

>

> Joseph A. Fivas

> Town Manager

> Town of Indian Trail

> P: 704-821-5401

> C: 704-550-7650

>

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> PRIVACY WARNING: For auditing purposes, a copy of this message has been saved in a permanent database.

UNION COUNTY

ADMINISTRATIVE SERVICES PROCUREMENT DIVISION



500 North Main Street, Suite 709, Monroe, NC 28112

Phone: (704)283-3813 • Fax: (704)225-0664

November 6, 2015

Mr. Joe Fivas
Town of Indian Trail
130 Blythe Drive
Indian Trail, NC 28079

Dear Mr. Fivas:

Enclosed, please find three (3) originals of the Amendment to the Agreement dated May 1, 2013, by and between Union County and the Town of Indian Trail which have been executed by the County Manager and Sheriff on behalf of Union County.

All originals should be signed by the Town Manager where indicated, attested and the town seal affixed. Also, please have all originals pre-audited by the Town Finance Director. Once all originals have been signed, sealed, attested and pre-audited, please return two fully executed originals to me for our files. The remaining original should be retained for your files.

Should you have any questions, please contact Trina Horne, Contract Specialist at 704-292-2562 or email thorne@unioncountync.gov.

Sincerely,

Cheryl Wright
Division Director
Union County Administrative Services
Procurement Division

Enclosures

STATE OF NORTH CAROLINA

AMENDMENT

UNION COUNTY

This Amendment, made and entered into as of the 29 day of October, 2015, by and among Union County, North Carolina (hereinafter referred to as "County") and the Town of Indian Trail (hereinafter referred to as "Town") and Eddie Cathey, Sheriff of Union County (hereinafter referred to as "Sheriff") shall modify as indicated that agreement among the parties dated May 1, 2013, hereinafter referred to as the "Agreement."

WITNESSETH:

WHEREAS, the Town currently contracts with the County and Sheriff Eddie Cathey to provide law enforcement services within the Town limits of Indian Trail; and

WHEREAS, pursuant to the terms of the Agreement, the Sheriff provides to the Town two Traffic Deputies (as such term is defined in the Agreement), whose positions were funded, at least in part, through grant funding received by the County through the North Carolina Governor's Highway Safety Program ("Grant Funds"), which Grant Funds are no longer available for the Traffic Deputies; and

WHEREAS, the Town desires to increase the number of deputies providing law enforcement services within the Town limits of Indian Trail and to maintain the Traffic Deputy positions; and

WHEREAS, the County and the Sheriff are willing to provide additional deputies and funding in accordance with the terms of this Amendment, set forth herein.

NOW, THEREFORE, in consideration of the parties' continuing obligations under the Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto do each contract and agree with each other as follows:

1. The parties shall add three (3) new Deputy Sheriff positions ("New Deputy Sheriffs") to the terms of the Agreement. Therefore, modify the first sentence of Section 1 of the Agreement as follows:

The Sheriff agrees to station twenty-two (22) ~~nineteen (19)~~ Deputy Sheriffs (19+6 deputies, 2 deputy sheriffs with the rank of Sergeant, and 1 deputy sheriff with the rank of Lieutenant) within the municipal limits of the Town of Indian Trail.

The sentence shall now read:

The Sheriff agrees to station twenty-two (22) Deputy Sheriffs (19 deputies, 2 deputy sheriffs with the rank of Sergeant, and 1 deputy sheriff with the rank of Lieutenant) within the municipal limits of the Town of Indian Trail.

2. Delete the third sentence of Section 1 of the Agreement in its entirety.
3. Effective October 1, 2015, modify the first sentence of subsection A of Section 9 of the Agreement as follows:

This subsection A applies to all costs of the County for providing services pursuant to this Agreement, ~~except for those costs related to providing Traffic Deputies, as defined herein.~~

The sentence shall now read:

This subsection A applies to all costs of the County for providing services pursuant to this Agreement.

- 4. Effective October 1, 2015, delete subsection B of Section 9 of the Agreement in its entirety.
- 5. Except as otherwise set forth herein, this Amendment shall become effective according to the following schedule: (i) as to the first New Deputy Sheriff, this Amendment shall be effective as of July 1, 2015; (ii) as to the second New Deputy Sheriff, this Amendment shall be effective as of October 1, 2015; and (iii) as to the third New Deputy Sheriff, this Amendment shall be effective as of January 1, 2016. All other provisions of the Amendment not otherwise specified herein or elsewhere in this Amendment shall be effective as of the day and year first above written.
- 6. Except as herein amended, the terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this Amendment to be duly executed, this the day and year first above written.

ATTEST:

UNION COUNTY

By: Lynn D. West
Lynn West, Clerk to the Board

By: Michelle Yaucoate for
Cynthia A. Coto, County Manager

ATTEST:

TOWN OF INDIAN TRAIL

By: _____
Town Clerk Kelley Southward

By: _____
Mayor Michael L. Alvarez

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

Town Finance Director Marsha Sutton

WITNESS:

SHERIFF OF UNION COUNTY

By: Rolix Hunter

By: Eddie Cathey
Sheriff Eddie Cathey

Approved as to Legal Form CM

9/b



Town of Indian Trail

Memo

TO: Mayor and Town Council

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

COUNCIL DATE: December 12, 2015

SUBJECT: Materials Testing and Special Inspection Services for the Town Hall Project

General Information:

Materials Testing and Special Inspection Services is a requirement for the Town Hall construction project. This professional services contract should have been included in the award of the original construction project. This is a housekeeping item.

Staff recommends PSI, Inc. in the amount of \$62,679.00.

Required Action:

Approval of the PSI Contract



November 11, 2015

Mr. Scott Kaufhold, P.E.
Director of Engineering and Public Works
Town of Indian Trail
130 Blythe Drive
Indian Trail, North Carolina 28079

Email: sjk@engineering.indiantrail.org

Subject: Proposal for Construction Materials Testing
and Special Inspection Services
Indian Trail Town Hall
West side of Matthews-Indian Trail Rd
Indian Trail, North Carolina 28079
(GPS Coordinates 35.081459, -80.671194)
PSI Proposal No. 0459-162655

Dear Mr. Kaufhold,

Professional Service Industries, Inc. (PSI) is pleased to submit this proposal to provide construction materials testing and special inspection services during construction of the above referenced project. Presented below is a review of furnished project information, along with our proposed scope of services, schedule and fee information.

The following document(s) and information provided to PSI by the Town of Indian Trail was utilized for preparation for this proposal.

- Geotechnical Report prepared by Boyle Consulting Engineers, dated 06/11/15.
- Civil Plans prepared by Woolpert, dated 06/19/15.
- Structural Plans prepared by Stewart Engineer, dated 07/14/15.
- Architectural Plans prepared by Creech & Associates, dated 06/19/2015.
- Draft Schedule prepared by Edifice General Contractors, dated 10/15/15.

Based on the documents provided to us, PSI understands that this project will generally consist of the construction of an approximate 19,000 square foot two-story structural steel framed building with associated parking and drive areas. The building will be supported by shallow foundations. The project will also include designated green space and a dry storm water detention area. Based on the referenced civil plans, up to 3 feet of new structural fill will be required to reach design grades. A statement of special inspections is provided on sheet G1.01 of the referenced architectural drawings. The referenced project schedule indicates an overall project duration of one year, from September 14, 2015 to September 14, 2016.

The referenced geotechnical report by Boyle Consulting Engineers indicates that lower consistency residual soils that generally consisted of elastic silt and alluvial soils were encountered during exploration of the site. The report recommends undercutting of these soils for support of building foundations. As such, some undercutting and ground improvement should be anticipated.

PSI understands that our services will be on an on-call basis, scheduled by you or your designated representative. We have enclosed the associated Schedule of Fees and our General Conditions. The attached General Conditions are an integral part of this proposal and incorporated herein. If this proposal is acceptable, please sign the attached Confirmation of Authorization as consent to proceed, and return one copy of this proposal to our office. PSI will start the project after receipt of a signed copy of the Confirmation of Authorization.

PSI's area inspectors are certified with one or more of the following organizations: International Code Council (ICC), National Institute for Certification in Engineering Technologies (NICET), American Concrete Institute (ACI), North Carolina Department of Transportation (NCDOT), and American Welding Society (AWS). PSI's business is helping clients to acquire, develop, construct and maintain their projects. In addition to the specific services detailed in this proposal related to construction materials inspection and testing, PSI can assist you with geotechnical engineering, environmental engineering, industrial hygiene services, facilities and roof consulting, specialty engineering & testing services, engineered wood products, and/or mechanical/product testing. If at any time you are interested in more information about any of these other services, just ask. We believe in and work to reinforce the value and meaning of "One Company, One Call."

SCOPE OF WORK and SCHEDULE ASSUMPTIONS

PSI proposes to provide a construction quality assurance program to include testing and inspection of the following items to evaluate conformance to the project plans and specifications as scheduled by the contractor. Testing will be performed in general accordance with the applicable ASTM and/or industry standards, unless noted otherwise. Special Inspections will be performed in general accordance with Chapter 17 of the 2012 North Carolina Building Code. PSI can provide personnel and equipment at your request for the following services:

1. Earthworks Observations and Testing
2. Foundation Bearing Material Evaluation
3. Reinforced Concrete Observations and Testing
4. Structural Steel Field Connection Observations
5. Sprayed-on Fireproofing Evaluations
6. Detention Basin Construction Observations (for Final Phase only)
7. Aggregate Base Course Evaluations and Testing
8. Asphalt Testing

Earthworks Observations and Testing (IBC 1704.7)

Subgrade Evaluations - Our services can consist of an evaluation of the subgrade soils prior to proceeding with placement of structural fill in the building and parking/drive areas of the site, placement of stone base course for slab-on-grade within the building areas and aggregate base course in concrete pavement areas.

These services can be performed to identify possible near-surface soil conditions that may cause future building and/or pavement distress. The evaluations may consist of proofrolling observations, test pit observations, probing, and/or hand auger borings with Dynamic Cone Penetrometer testing. These services also include monitoring undercutting of the subgrade soils if necessary.

Engineered Fill Testing - Our services consist of randomly performing field density tests to estimate the compaction of fill placed in the proposed building and parking/drive areas, utility trenches, and fill placed as site wall backfill. We are proposing to provide these services on a full-time basis during mass grading and on a part-time basis during backfilling of utility trenches and site walls.

Density testing will be performed by one or more of the following methods: drive tube method (ASTM D2937), sand cone method (ASTM D1556), or nuclear density gauge method (ASTM D6938). In addition, we will perform Standard Proctor (ASTM D698) moisture-density relationships, Atterberg Limits (ASTM D4318), and Grain Size Analysis (ASTM D422) laboratory testing on the different materials used as fill.

Foundation Bearing Material Evaluation (IBC 1704.7)

Our services consist of a visual observation of the near-surface bearing materials for the building foundations supplemented with hand auger borings and Dynamic Cone Penetrometer (DCP) testing to evaluate the suitability of the near-surface bearing materials within the foundation excavations for consistency with the project geotechnical report and conformance with the design bearing pressure. Foundation bearing materials for shallow foundations will be evaluated in the foundation excavations by a qualified PSI Special Inspector. Results of the DCP tests will be reviewed by a Professional Engineer and compared to the design bearing capacity requirements. Foundations will also be probed between DCP test locations to evaluate consistency of the bearing materials and the excavations will be visually checked for cleanliness and dryness. A PSI Geotechnical Engineer may be consulted to provide recommendations for any areas which do not meet the design allowable bearing requirements.

Reinforced Concrete Observations and Testing (IBC 1704.4)

Our services during reinforced concrete construction can consist of the following:

- Observation and documentation of reinforcing steel placement (in foundations, foundation pedestals, slabs, and cast-in-place concrete walls) for general layout, number, spacing, size, grade, support, cleanliness, lap splices, and cover, prior to concrete placement;
- Collecting Certified Mill Test Reports (from the general contractor) for reinforcing steel;
- Collecting (from the general contractor) and verifying use of approved concrete mix designs for evaluating compliance (in regard to usage) with the project plans and specifications. This service does not include reviewing the concrete mix design(s) to verify compliance with the project documents;
- Observation of bolts to be installed in concrete prior to and during placement of concrete (where allowable loads have been increased).
- Sampling fresh concrete and testing for slump, air content, unit weight, and temperature, and preparing 4"x8" laboratory-cured concrete specimens (cylinders) for concrete placed for foundations; foundation pedestals; slabs; and cast-in-place concrete walls. Please note that no concrete sampling frequency has been provided. For the purposes of our proposal and cost estimate, we are assuming a frequency of 1 set of 5 cylinders for every 100 cubic yards of concrete placed or fractions thereof.
- The specimens will be tested for compressive strength at the following ages: One (1) at 7 days, three (3) at 28 days, and one (1) held in reserve unless otherwise directed. Please note that for light-weight concrete, 3 additional cylinders will be prepared to verify unit weight;
- Continuous observation of concrete placement for proper application techniques; and
- Periodic observation for maintenance of specified curing temperature and techniques as scheduled.

Structural Steel Field Connection Evaluations (IBC 1704.3)

Our services during structural steel erection can consist of the following:

- Collecting (from the general contractor, provided by the fabricator) material and welder certifications, and Certified Mill Test Reports for structural steel, as applicable;
- Collecting (from the general contractor, provided by the fabricator) a Certificate of Compliance at the completion of the fabrication of structural steel (for steel fabricators that are AISC "approved"). Please note that if the structural steel fabricator is not an "approved" fabricator, shop inspections will be required. However, shop inspections are excluded from our proposal and cost estimate at this time.
- Periodic observations of high strength bolts, nuts, washers, structural steel members, to verify that the materials used are as specified in the project documents;
- Periodic or continuous evaluations of welding for structural steel connections (depending on type of weld);
- Periodic evaluations of high strength bolting (Note: Slip-critical connections require continuous observations per IBC); Periodic observations of steel frame joint details and metal decking to verify compliance with approved construction documents.

Sprayed-On Fireproofing Evaluations (IBC 1704.12)

Our services during sprayed-on fireproofing application consist of the following:

- Collecting (from the general contractor) submittals relevant to fireproofing installation. This service does not include reviewing the submittals to verify compliance with the project documents;
- Observing the substrate conditions of the structural steel members prior to the application of fireproofing material to document that deleterious substances are removed and that the members are prepared in accordance with the approved design and manufacturer's instructions;
- Verifying that the substrate meets the minimum ambient temperature before and after application as specified by the manufacturer's instructions and that ventilation is provided during and after the application of fireproofing material; and
- Performing thickness measurements, density testing, and bond strength testing of the fireproofing material applied to structural members at the frequency specified below.
 - Thickness Measurements, Density Testing, Bond Strength testing

Detention Basin Construction Observations (IBC 1704.15)

Our services during construction of the Final Phase of the site detention basin can include the following:

- General observations of berm height and slopes;
- Periodic observations during installation of the sand filter and underdrain system to verify compliance with the project documents;
- Periodic observations of basin inflow, outflow, and overflow paths (within the basin); and
- Periodic observations of outlet piping and structures.

Aggregate Base Course (ABC) Evaluations and Testing

Our services can consist of performing nuclear density tests (ASTM D6938) to measure the compaction of the ABC placed in pavement areas for conformance with the project specifications and observing proofrolling of the ABC to help identify unstable areas that could cause future pavement distress prior to placement of asphalt or pavement. In addition, Proctor moisture-density relationships can be performed on the ABC and used for comparison with our nuclear density tests.

Asphalt Field Density Testing

Our services can consist of performing density testing by nuclear method on the asphalt intermediate and surface courses to estimate the density of the material as it is being placed. Our nuclear density test results will be compared to the maximum specific gravity or target density provided by the paving contractor at the time of testing.

Please note that nuclear density testing performed on asphalt is a measure of the relative density of the material. In order to establish a correlated target density and convert the nuclear test results to an actual density, a control strip should be constructed and tested similar to that outlined in NCDOT's HMA/QMS Manual. During testing of a control strip, coring and specific gravity testing of the asphalt is required. Coring of the asphalt is a destructive test method and therefore will only be performed if specifically requested by our Client.

Our services do not include testing of control strips that are part of the contractors' quality control process. Quality control during placement of the asphalt is the contractors' responsibility.

Exclusions:

- Off-site Improvements
- Environmental Assessments
- Geotechnical Explorations
- Scopes of work not included in this proposal
- Hardscape Testing and Inspection
- Concrete and Asphalt Coring
- Concrete Batch Plant Inspections
- Asphalt Laboratory Testing
- GPR/Pachometer Inspection of Concrete
- Meeting attendance requested by the owner/contractor outside of routine project meetings
- Chief/Regional engineer consulting outside what is shown on price breakdown
- Temporary Shoring Installation Observations and Testing
- Segmental Retaining Wall Inspections
- Testing of non-reinforced concrete
- Detention Basin Inspections during the Initial and Intermediate Phases

LIMITATIONS

PSI's presence at a job site and performance of quality assurance testing shall not be construed as relieving the contractor from his responsibility to comply with the plans and specifications. Quality control testing is conducted on a representative sample of the construction materials and work performed. PSI representatives do not have the authority to supervise the work nor to direct contractor personnel.

The terms "certify," "verify", and any other derivative of these terms mean to render a professional opinion. It does not and should not be construed to comprise a guarantee or warranty that certain conditions exist; nor does a certification by PSI or any of its personnel or subcontractors relieve any other party from such other party's requirement to abide by plans and specifications, and to honor all express or customary guarantees and warranties associated with its work. The terms "inspection" and "monitor" imply that the service performed by PSI will involve the observation of construction, which service shall include, as necessary, various tests and interpretation of test results. In no event will PSI or any of its personnel or subcontractors be responsible for accepting or rejecting the work performed by a contractor. PSI shall provide reports of its observation to specified parties. Only the owner or the owner's designated representative(s) shall have the authority to reject or accept work. Under no circumstance shall PSI nor any of its employees or agents have any responsibility for the means, methods, techniques, operations, or sequencing of construction, or any safety programs attendant thereto. Only the contractor shall be responsible for site safety.

The services proposed herein are conventional in nature and do not include any special services that may lessen the risk of conditions that can contribute to moisture, mold or other microbial contaminate amplification in buildings. You may be aware that mold is abundant throughout nature and is comprised of a wide variety of microscopic fungi. Due to its nature, the potential for mold infestations cannot be completely eliminated. However, PSI offers a wide array of professional Moisture, Waterproofing, Roofing and Indoor Air Quality/Mold Consulting services that can help minimize the likelihood of future occurrences. PSI is interested in discussing these service options with you to suit your specific needs and project objectives. If requested, PSI will submit a proposal for these additional services under a separate cover for your review and authorization.

CLOSURE

We appreciate this opportunity to provide limited construction materials testing services and are looking forward to being an integral team member on this project. If you have any questions or require additional information, please contact us at (704) 598-2234.

Respectfully submitted,
PROFESSIONAL SERVICE INDUSTRIES, INC.



Adam R. Graham, P.E.
Project Engineer
Construction Services



Martin O. Hovland, P.E.
Department Manager / Principal Consultant
Construction Services

Attachments: Cost Estimate and Assumptions
 Schedule of Services & Fees
 Confirmation of Authorization
 Distribution List
 General Conditions

Cost Estimate

The actual cost of our services is dependent on the construction schedule, material quantities for the project, and the quality of construction (workmanship) of the contractor(s). Therefore, we propose to provide our services on a unit cost basis; based upon the actual work performed and the unit fees shown in the attached Schedule of Fees and General Conditions, which is an integral part of this estimate, and incorporated herein by reference. Invoices are submitted monthly for the portion of work completed. The following estimate is offered:

Total Estimated Budget.....\$62,379.00

See attached Cost Estimate

NOTE: Actual time estimates may differ from those in the proposal due to unforeseen site conditions, contractor delays, engineer redesigns, and/or cancellations due to inclement weather.

Assumptions

The following assumptions have been made during preparation of this proposal and cost estimate:

1. Work hours at the site will be Monday through Friday, 8 hours per day, and no weekend work or overtime will be required, other than noted on the attached cost estimate.
2. The contractor will provide an initial curing environment for concrete cylinders (reference ACI 301).
3. Re-testing and re-inspections will not be required.
4. Assumptions indicated on the attached cost estimate.
5. Safe Access (ladders, scissor lifts, properly constructed scaffolds, trench boxes, traffic control, etc.) will be provided by the contractor in order for PSI personnel to safely perform the testing and observations outlined in this proposal.

Cost Estimate and Assumptions
Indian Trail Town Hall
Indian Trail, North Carolina
PSI - Charlotte Proposal No. 0459-162655

	TESTING FREQUENCIES	EST. QTY.	UNIT RATE	TOTAL FEES
I. Earthworks Observations/Testing				
<<Assumes 20 days at 10 hours per day for site grading and installation of stormwater and utility pipes, and 10 trips at 10 hours for undercut monitoring and backfill testing.				
Special Inspector		per hour 240 @	\$52.00	\$12,480.00
Special Inspector OT		per hour 60 @	\$78.00	\$4,680.00
Field Density Gauge Equipment Charge		per day 30 @	\$25.00	\$750.00
Transportation Charges		per trip 30 @	\$40.00	\$1,200.00
Laboratory Services				
Standard Proctor (ASTM D698)		per sample 5 @	\$125.00	\$625.00
Atterberg Limits Determination (ASTM D4318)		per sample 5 @	\$75.00	\$375.00
Grain Size Analysis (ASTM D422)		per sample 5 @	\$50.00	\$250.00
Professional Services				
Project Manager, Professional Engineer Project coordination, data review, report generation		per hour 25 @	\$80.00	\$2,000.00
Principal Engineer		per hour 6 @	\$130.00	\$780.00
Estimated Subtotal for Earthworks Observation/Testing				\$23,140.00
II. Foundation Bearing Material Evaluations				
<<Assumes 8 trips at 8 hours and 4 trips at 8 hours for undercut and backfill monitoring.				
Special Inspector		per hour 96 @	\$52.00	\$4,992.00
Transportation Charges		per trip 12 @	\$40.00	\$480.00
Professional Services				
Project Manager, Professional Engineer Project coordination, data review, report generation		per hour 6 @	\$80.00	\$480.00
Principal Engineer		per hour 4 @	\$130.00	\$520.00
Estimated Subtotal for Foundation Bearing Material Evaluations				\$6,472.00
III. Reinforced Concrete Observations/Testing				
<<Assumes 6 footing pours at 6 hours; 1 slab-on-grade pour, 1 trip at 10 hours; 2 slab-on-metal deck pour at 8 hours (2nd tech); 2 cast-in-place retaining wall pour at 6 hours; 6 misc. placements at 6 hours and 4 trips at 4 hours for cylinder pickups. For the purpose of this cost estimate, we are assuming 1 set of 5 concrete cylinders for every 100 cubic yards of concrete placed or portions thereof (note that no concrete sampling frequency has been provided).				
Special Inspector		per hour 74 @	\$52.00	\$3,848.00
Special Inspector		per hour 2 @	\$78.00	\$156.00
Senior Engineering Technician		per hour 52 @	\$46.00	\$2,392.00
Engineering Technician (Cylinder Pickups)		per hour 8 @	\$36.00	\$288.00
Compressive Strength Testing (Sets of 5, 4"x8" cylinders: 7 Day(x1), 28 Day(x3), Reserve (x1))		per cylinder 105 @	\$16.00	\$1,675.00
Transportation Charges		per trip 24 @	\$40.00	\$960.00
Professional Services				
Project Manager, Professional Engineer Project coordination, data review, report generation		per hour 15 @	\$80.00	\$1,200.00
Principal Engineer		per hour 2 @	\$130.00	\$260.00
Estimated Subtotal for Reinforced Concrete Observation/Testing				\$10,679.00

IV. Structural Steel Field Connection Observations

<<Assumes 12 trips at 10 hours and no welds greater than 5/8", full-penetration welds, or slip-critical connections that would require continuous observation.

Structural Steel Inspector (CWI)	per hour	96 @	\$75.00	\$7,200.00
Structural Steel Inspector (CWI) OT	per hour	24 @	\$112.50	\$2,700.00
Transportation Charges	per trip	12 @	\$40.00	\$480.00

Professional Services

Project Manager, Professional Engineer	per hour	6 @	\$80.00	\$480.00
<i>Project coordination, data review, report generation</i>				
Principal Engineer	per hour	2 @	\$130.00	\$260.00

Estimated Subtotal for Structural Steel Field Connection Observations \$11,120.00

V. Sprayed-on Fireproofing Evaluations

<<Assumes 4 trips at 8 hours

Special Inspector	per hour	32 @	\$75.00	\$2,400.00
Special Inspector OT	per hour	0 @	\$112.50	\$0.00
Transportation Charges	per trip	10 @	\$40.00	\$400.00
Adhesion/Cohesion Testing	each	12 @	\$25.00	\$300.00
SFRM Density Testing	each	12 @	\$25.00	\$300.00

Professional Services

Project Manager, Professional Engineer	per hour	8 @	\$80.00	\$640.00
<i>(Project coordination, data review, report generation)</i>				
Principal Engineer	per hour	0 @	\$130.00	\$0.00

Estimated Subtotal for Sprayed-on Fireproofing Evaluations \$4,040.00

VI. Detention Basin Construction Observations

<<Assumes 2 trips at 6 hours

Special Inspector	per hour	12 @	\$52.00	\$624.00
Transportation Charges	per trip	2 @	\$40.00	\$80.00

Professional Services

Project Manager, Professional Engineer	per hour	2 @	\$80.00	\$160.00
<i>Project coordination, data review, report generation</i>				
Principal Engineer	per hour	0 @	\$130.00	\$0.00

Estimated Subtotal for Detention Basin Construction Observations \$864.00

VII. ABC Evaluations and Testing, and Asphalt Testing

<<Assumes 4 trips at 8 hours for ABC Evaluations and Testing, and 2 trips at 10 hours for asphalt testing.

Senior Engineering Technician	per hour	48 @	\$46.00	\$2,208.00
Senior Engineering Technician OT	per hour	4 @	\$69.00	\$276.00
Transportation Charges	per trip	6 @	\$40.00	\$240.00

Professional Services

Project Manager, Professional Engineer	per hour	5 @	\$80.00	\$400.00
<i>Project coordination, data review, report generation</i>				
Principal Engineer	per hour	1 @	\$130.00	\$130.00

Estimated Subtotal for ABC Evaluations and Testing, and Asphalt Testing \$3,254.00

VIII. Project Management & Special Inspections Final Letter

<<Assumes 8 project meetings at 4 hours each and 1 Final Letter for Special Inspections

Project Manager, Professional Engineer	Project Meeting Attendance	32 @	\$80.00	\$2,560.00
Project Manager, Professional Engineer	Final Letter, Per Permit #	1 @	\$250.00	\$250.00
Project Meetings and Special Inspections Final Letter				<u>\$2,810.00</u>

Total Cost Estimate \$62,379.00

**PROFESSIONAL SERVICE INDUSTRIES, INC.
 CONSTRUCTION MATERIALS TESTING/INSPECTION DEPARTMENT
 NORTH CAROLINA
 SCHEDULE OF SERVICES & FEES
 EFFECTIVE JANUARY 1, 2015**

Field Testing Services

Special Inspector	Per Hour	\$ 52.00
Structural Steel / SFRM Inspector.....	Per Hour	75.00
Senior Engineering Technician.....	Per Hour	46.00
Engineering Technician	Per Hour	36.00
Transportation charge.....	Per Trip	40.00

Engineering Services

<i>Services for contract administration laboratory and field engineering and consultation.</i>		
Principal Consultant/Senior Engineer (PE)	Per Hour	\$ 130.00
Project Engineer (PE) / Geologist.....	Per Hour	105.00
Project Manager.....	Per Hour	80.00
Final Letter, Per Permit #.....	Per Letter	\$ 250.00

Laboratory Testing Services

<i>Laboratory testing of concrete test specimens made in accordance with ASTM procedures and project specifications.</i>		
Cylinders made (ASTM C31) by PSI technicians	Each	\$ 15.00
Cylinders made by others	Each	25.00
Mortar Cubes (ASTM C109).....	Each	12.00
Grout Prisms (ASTM C1019).....	Each	15.00
Concrete Masonry Units (ASTM C140).....	Each	95.00
Moisture density relationship of soils.		
Standard Proctor (ASTM D698)	Each	\$ 125.00
Modified Proctor (ASTM D1557)	Each	140.00
Grain Size Analysis, Mechanical (ASTM D6913).....	Each	50.00
Atterberg Limits Determination (ASTM D4318).....	Each	75.00

Equipment Charges

SFRM Density Test	Per Day	\$ 25.00
SFRM Adhesion/Cohesion (Bond) Test.....	Per Day	25.00
Density Gauge/Nuclear.....	Per Day	25.00

Remarks

1. Unit prices are in effect for 12 months from the date of this proposal and are subject to change without notice thereafter. Services not listed on this fee schedule may be quoted upon request.
2. Overtime rates will be applicable for services performed in excess of 8 hours per day Monday through Friday, before 8:00 AM or after 5:00 PM, and for all hours worked on Saturdays, Sundays and holidays. The overtime rate will be 1.5 times the applicable hourly rate.
3. All rates are billed on a portal to portal basis.
4. Rates involving mileage (including transportation, mobilization, and trip charges) are subject to change based upon increases in the national average gasoline price. Transportation and per diem will be charged at the applicable rate.
5. A minimum charge of 4 hours applies to field testing and observation services.
6. Scheduling or cancellation of field testing and observation services is required no less than the working day prior to the date the services are to be performed. Services cancelled without advance notice will be assessed a minimum 4 hour charge.
7. Please contact our office 24 hours in advance to schedule field testing services. A minimum surcharge fee of 50% applies to all field services rendered on the same day as services were requested.
8. For construction materials testing and observation services, a project management/engineering review charge to schedule and supervise personnel and evaluate and review reports will be billed at a minimum of 0.5 hours per report issued. Concrete compression testing will be charged 0.5 hour of review time for a set of cylinders.
9. Cylinder pick-ups will be scheduled to coincide with on-site work whenever possible; otherwise, the minimum billing increment for cylinder pickups is 2 hours (for 2 or less hours of work).
10. The minimum billing increment for time is 4 hours (for 4 or less hours of work) for field work (other than cylinder pickups). The minimum billing increment thereafter (for each site visit, after the first 4 hours spent on site) will be 1 hour for field work.
11. A project set-up charge of a minimum of two hours of project management applies to all projects.
12. Invoices will be submitted once a month for services performed during the prior month.
13. Payment will be due within 30 days of receipt of invoice. Interest will be added to delinquent accounts at the rate of 1 1/2 percent for each month of delinquency.
14. **WE CANNOT GUARANTEE SERVICE** unless we are notified by 3:00 PM on the day before we are needed at your project.
15. A "Rush" fee of 2 times the applicable rate may apply to relevant laboratory test requests.

Confirmation of Authorization

Please proceed according to the terms of this proposal. Services are provided under the terms of the PSI General Conditions, a copy of which is enclosed. This proposal shall remain in effect for 90 days following date of issuance. Our terms are net 30 days after invoicing.

To ensure timely inspection scheduling please complete, authorize and fax this document to (704) 598-2236 attention: Martin Hovland or scan and email the document to martin.hovland@psiusa.com.

Please check if you would like reports emailed to you in pdf format: YES NO

Name (Print) _____
Date

Authorized Signature

Title (If Applicable)

P.O. Number (if desired on invoice)

Designated Scheduling Party

*Note: It is assumed that the contractor is the designated scheduling party unless otherwise noted.

Mailing Address Billing Address (if different from mailing)

Phone Number _____ Fax Number _____

Project Contact Name and Phone Number _____

Job Site Phone and Site Address (Directions, if no address) _____

Report Distribution List

Project No.: 0459729

Project Name: Indian Trail Town Hall

Please complete the form below so that we have a list of all the parties that are to receive our reports for your project. Return this list as soon as possible to avoid delay in the distribution of reports for the project. Thank you.

Please Note; Reports will be distributed automatically by email unless otherwise requested

COMPANY NAME	CONTACT ADDRESS	NAME,	PHONE/FAX	EMAIL
CLIENT (Reports will be distributed automatically)				
BUILDING OFFICIAL* (Reports will be distributed automatically unless otherwise requested)				
OWNER*				
CONTRACTOR*				
ARCHITECT*				
ENGINEER*				
OTHER				

Note 1: If this form is not returned, only one copy of PSI reports is sent to our client. It is assumed that our client will distribute PSI reports to the required parties. For every occurrence that a party is added to the distribution list after the confirmation of authorization has been received, at our option PSI will charge a minimum fee of \$50.00 for report redistribution.

Note 2: It is assumed that the contractor is the designated scheduling party unless otherwise specified.

Note 3: Reports may not be reproduced, except in full, without written permission of PSI.

**Required by Building Department Jurisdictions*

End 9b

Indian Trail Town Hall
Town of Indian Trail
PSI Proposal No. 0459-162655

Professional Service Industries, Inc.
Engineering • Consulting • Testing
November 11, 2015

GENERAL CONDITIONS

1. **PARTIES AND SCOPE OF WORK:** Professional Service Industries Inc. ("PSI") shall include said company or its particular division, subsidiary or affiliate performing the work. "Work" means the specific service to be performed by PSI as set forth in PSI's proposal, Client's acceptance thereof and these General Conditions. Additional work ordered by Client shall also be subject to these General Conditions. "Client" refers to the person or business entity ordering the work to be done by PSI. If Client is ordering the work on behalf of another, Client represents and warrants that it is the duly authorized agent of said party for the purpose of ordering and directing said work. Unless otherwise stated in writing, Client assumes sole responsibility for determining whether the quantity and the nature of the work ordered by the client is adequate and sufficient for Client's intended purpose. Client shall communicate these General Conditions to each and every third party to whom Client transmits any part of PSI's work. PSI shall have no duty or obligation to any third party greater than that set forth in PSI's proposal. Client's acceptance thereof and these General Conditions. The ordering of work from PSI, or the reliance on any of PSI's work, shall constitute acceptance of the terms of PSI's proposal and these General Conditions, regardless of the terms of any subsequently issued document.
2. **TESTS AND INSPECTIONS:** Client shall cause all tests and inspections of the site, materials and work performed by PSI or others to be timely and properly performed in accordance with the plans, specifications and contract documents and PSI's recommendations. No claims for loss, damage or injury shall be brought against PSI by Client or any third party unless all tests and inspections have been so performed and unless PSI's recommendations have been followed. Client agrees to indemnify, defend and hold PSI, its officers, employees and agents harmless from any and all claims, suits, losses, costs and expenses, including, but not limited to, court costs and reasonable attorney's fees in the event that all such tests and inspections are not so performed or PSI's recommendations are not so followed.
3. **PREVAILING WAGES:** This proposal specifically excludes compliance with any project labor agreement, labor agreement, or other union or apprenticeship requirements. In addition, unless explicitly agreed to in the body of this proposal, this proposal specifically excludes compliance with any state or federal prevailing wage law or associated requirements, including the Davis Bacon Act. Due to the professional nature of its services PSI is generally exempt from the Davis Bacon Act and other prevailing wage schemes. It is agreed that no applicable prevailing wage classification or wage rate has been provided to PSI, and that all wages and cost estimates contained herein are based solely upon standard, non-prevailing wage rates. Should it later be determined by the Owner or any applicable agency that in fact prevailing wage applies, then it is agreed that the contract value of this agreement shall be equitably adjusted to account for such changed circumstance. These exclusions shall survive the completion of the project and shall be merged into any subsequently executed document between the parties, regardless of the terms of such agreement. Client will reimburse, defend, indemnify and hold harmless PSI from and against any liability resulting from a subsequent determination that prevailing wage regulations cover the Project, including all costs, fines and attorney's fees.
4. **SCHEDULING OF WORK:** The services set forth in PSI's proposal and Client's acceptance will be accomplished by PSI personnel at the prices quoted. If PSI is required to delay commencement of the work or if, upon embarking upon its work, PSI is required to stop or interrupt the progress of its work as a result of changes in the scope of the work requested by Client, to fulfill the requirements of third parties, interruptions in the progress of construction, or other causes beyond the direct reasonable control of PSI, additional charges will be applicable and payable by Client.
5. **ACCESS TO SITE:** Client will arrange and provide such access to the site and work as is necessary for PSI to perform the work. PSI shall take reasonable measures and precautions to minimize damage to the site and any improvements located thereon as the result of its work or the use of its equipment.
6. **CLIENT'S DUTY TO NOTIFY ENGINEER:** Client warrants that it has advised PSI of any known or suspected hazardous materials, utility lines and pollutants at any site at which PSI is to do work, and unless PSI has assumed in writing the responsibility of locating subsurface objects, structures, lines or conduits, Client agrees to defend, indemnify and save PSI harmless from all claims, suits, losses, costs and expenses, including reasonable attorney's fees as a result of personal injury, death or property damage occurring with respect to PSI's performance of its work and resulting to or caused by contact with subsurface or latent objects, structures, lines or conduits where the actual or potential presence and location thereof were not revealed to PSI by Client.
7. **RESPONSIBILITY:** PSI's work shall not include determining, supervising or implementing the means, methods, techniques, sequences or procedures of construction. PSI shall not be responsible for evaluating, reporting or affecting job conditions concerning health, safety or welfare. PSI's work or failure to perform same shall not in any way excuse any contractor, subcontractor or supplier from performance of its work in accordance with the contract documents. Client agrees that it shall require subrogation to be waived against PSI and for PSI to be added as an Additional Insured on all policies of insurance, including any policies required of Client's contractors or subcontractors, covering any construction or development activities to be performed on the project site. PSI has no right or duty to stop the contractor's work.
8. **SAMPLE DISPOSAL:** Test specimens will be disposed immediately upon completion of the test. All drilling samples will be disposed sixty (60) days after submission of PSI's report.
9. **PAYMENT:** The quantities and fees provided in this proposal are PSI's estimate based on information provided by Client and PSI's experience on similar projects. The actual total amount due to PSI shall be based on the actual final quantities provided by PSI at the unit rates provided herein. Where Client directs or requests additional work beyond the contract price it will be deemed a change order and PSI will be paid according to the fee schedule. Client shall be invoiced once each month for work performed during the preceding period. Client agrees to pay each invoice within thirty (30) days of its receipt. Client further agrees to pay interest on all amounts invoiced and not paid or objected to for valid cause in writing within said thirty (30) day period at the rate of eighteen (18) percent per annum (or the maximum interest rate permitted under applicable law), until paid. Client agrees to pay PSI's cost of collection of all amounts due and unpaid after thirty (30) days, including court costs and reasonable attorney's fees. PSI shall not be bound by any provision or agreement requiring or providing for arbitration of disputes or controversies arising out of this agreement, any provision wherein PSI waives any rights to a mechanics' lien, or any provision conditioning PSI's right to receive payment for its work upon payment to Client by any third party. These General Conditions and notices, where required, that PSI shall file a lien whenever necessary to collect past due amounts. Failure to make payment within 30 days of invoice shall constitute a release of PSI from any and all claims which Client may have, whether in tort, contract or otherwise, and whether known or unknown at the time.
10. **ALLOCATION OF RISK:** CLIENT AGREES THAT PSI'S SERVICES WILL NOT SUBJECT PSI'S INDIVIDUAL EMPLOYEES, OFFICERS OR DIRECTORS TO ANY PERSONAL LIABILITY, AND THAT NOTWITHSTANDING ANY OTHER PROVISION OF THIS AGREEMENT, CLIENT AGREES THAT ITS SOLE AND EXCLUSIVE REMEDY SHALL BE TO DIRECTOR ASSERT ANY CLAIM, DEMAND, OR SUIT ONLY AGAINST PSI. STATEMENTS MADE IN PSI REPORTS ARE OPINIONS BASED UPON ENGINEERING JUDGMENT AND ARE NOT TO BE CONSTRUED AS REPRESENTATIONS OF FACT. SHOULD PSI OR ANY OF ITS EMPLOYEES BE FOUND TO HAVE BEEN NEGLIGENT IN THE PERFORMANCE OF ITS WORK, OR TO HAVE MADE AND BREACHED ANY EXPRESS OR IMPLIED WARRANTY, REPRESENTATION OR CONTRACT, CLIENT, ALL PARTIES CLAIMING THROUGH CLIENT AND ALL PARTIES CLAIMING TO HAVE IN ANY WAY RELIED UPON PSI'S WORK AGREE THAT THE MAXIMUM AGGREGATE AMOUNT OF THE LIABILITY OF PSI, ITS OFFICERS, EMPLOYEES AND AGENTS SHALL BE LIMITED TO \$25,000.00 OR THE TOTAL AMOUNT OF THE FEE PAID TO PSI FOR ITS WORK PERFORMED ON THE PROJECT, WHICHEVER AMOUNT IS GREATER. IN THE EVENT CLIENT IS UNWILLING OR UNABLE TO LIMIT PSI'S LIABILITY IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN THIS PARAGRAPH, CLIENT MAY, UPON WRITTEN REQUEST OF CLIENT RECEIVED WITHIN FIVE DAYS OF CLIENT'S ACCEPTANCE HEREOF, INCREASE THE LIMIT OF PSI'S LIABILITY TO \$50,000.00 OR THE AMOUNT OF PSI'S FEE PAID TO PSI FOR ITS WORK ON THE PROJECT, WHICHEVER IS THE GREATER, BY AGREEING TO PAY PSA SUM EQUIVALENT TO AN ADDITIONAL AMOUNT OF 5% OF THE TOTAL FEE TO BE CHARGED FOR PSI'S SERVICES. THIS CHARGE IS NOT TO BE CONSTRUED AS BEING A CHARGE FOR INSURANCE OF ANY TYPE, BUT IS INCREASED CONSIDERATION FOR THE GREATER LIABILITY INVOLVED. IN ANY EVENT, ATTORNEY'S FEES EXPENDED BY PSI IN CONNECTION WITH ANY CLAIM SHALL REDUCE THE AMOUNT AVAILABLE, AND ONLY ONE SUCH AMOUNT WILL APPLY TO ANY PROJECT. NO ACTION OR CLAIM, WHETHER IN TORT, CONTRACT, OR OTHERWISE, MAY BE BROUGHT AGAINST PSI ARISING FROM OR RELATED TO PSI'S WORK, MORE THAN TWO YEARS AFTER THE CESSATION OF PSI'S WORK HEREUNDER, REGARDLESS OF THE DATE OF DISCOVERY OF SUCH CLAIM.
11. **INDEMNITY:** Subject to the above limitations, PSI agrees not to defend but to indemnify and hold Client harmless from and against any and all claims, suits, costs and expenses including reasonable attorney's fees and court costs to the extent arising out of PSI's negligence as finally determined by a court of law. Client shall provide the same protection to the extent of its negligence in the event that Client or Client's principal shall bring any suit, cause of action, claim or counterclaim against PSI, the Client and the party initiating such action shall pay to PSI the costs and expenses incurred by PSI to investigate, answer and defend it, including reasonable attorney's and witness fees and court costs to the extent that PSI shall prevail in such suit.
12. **TERMINATION:** This Agreement may be terminated by either party upon seven days' prior written notice. In the event of termination, PSI shall be compensated by Client for all services performed up to and including the termination date, including reimbursable expenses.
13. **EMPLOYEES/WITNESS FEES:** PSI's employees shall not be retained as expert witnesses except by separate, written agreement. Client agrees to pay PSI's legal expenses, administrative costs and fees pursuant to PSI's then current fee schedule for PSI to respond to any subpoena. For a period of one year after the completion of any work performed under this agreement, Client agrees not to solicit, recruit, or hire any PSI employee or person who has been employed by PSI within the previous twelve months. In the event Client desires to hire such an individual, Client agrees that it shall seek the written consent of PSI, and shall pay PSI an amount equal to one-half of the employee's annualized salary, without PSI waiving other remedies it may have.
14. **FIDUCIARY:** PSI is not a financial advisor, does not provide financial advice or analysis of any kind, and nothing in our reports can create a fiduciary relationship between PSI and any other party.
15. **CHOICE OF LAW AND EXCLUSIVE VENUE:** All claims or disputes arising or relating to this agreement shall be governed by, construed, and enforced in accordance with the laws of Illinois. The exclusive venue for all actions or proceedings arising in connection with this agreement shall be either the Circuit Court in DuPage County, Illinois, or the Federal Court for the Northern District of Illinois.
16. **PROVISIONS SEVERABLE:** The parties have entered into this agreement in good faith, and it is the specific intent of the parties that the terms of these General Conditions be enforced as written. In the event any of the provisions of these General Conditions should be found to be unenforceable, it shall be stricken and the remaining provisions shall be enforceable.
17. **ENTIRE AGREEMENT:** This agreement constitutes the entire understanding of the parties, and there are no representations, warranties or undertakings made other than as set forth herein. This agreement may be amended, modified or terminated only in writing, signed by each of the parties hereto.

9c

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: Amy R. Stanton Department: Council

Contact Phone # (704)821-5401 Date Submitted 1/5/15

Date of Town Council Meeting to consider this item: 1/12/15

Please indicate how much time you expect this matter to take: 15 mins
Description (give short summary of topic, this is how item appears on the Agenda.)

Parking Ordinance in the Town of Indian Trail. (Making it a civil Penalty.)

Who will attend Council meeting able to respond to questions? Give name & title:

Lt. Chase Coble

Where does this item need to appear? Check all that apply:

<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Schedule Public Hearing**	<input type="checkbox"/> Discussion
<input type="checkbox"/> Presentation/Recognition	<input type="checkbox"/> Closed Session	<input type="checkbox"/> Work session
<input checked="" type="checkbox"/> New Business	<input type="checkbox"/> Old Business	

*Board, commission, or group requesting joint meeting: _____

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes _____ No (Attach recommendation.)

What action is requested of the Council? Direct staff to work with Lt. Chase Coble to draft a parking ordinance for the Town of Indian Trail.

What action is requested of the Manager? Direct staff to Coordinate with Sherriff office.

Are Town funds required? No \$ _____ Funding Source _____

** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper **



TO: Mayor Alvarez and Town Council Members

FROM: Kelley Southward, Town Clerk

DATE: January 7, 2016

SUBJECT: January 12, 2016 Council Meeting Item 9c Parking Ordinance/General Code Review

Sometime in either late 2013 or early 2014, the Town contracted with American Legal Publishing Inc. (ALP) to complete a recodification of the Town's (General) Code of Ordinance. This particular Code of Ordinances is a different and separate document from the Unified Development Ordinance (UDO). The UDO is the Town's zoning code; which addresses land use within the Town. The General Code contains our ordinances (i.e. local laws) that govern all other matters (including some land use matters—mostly adopted by reference to other codes) such as the following: Town Charter, Public Works, Administration, Traffic/Parking, Abandoned Vehicles, Animals, Fire Prevention, Alarm Systems, Parks and Recreation, Nuisances, Taxicabs, Solicitations, Offenses Against Public Peace and Safety, and the Housing Code just to name a few (for a complete list of topics included see the Table of Contents for the Code of Ordinances, which is attached).

The recodification does several things. First, after the Town sent them a copy of the Code of Ordinances with all amendments that have been made over the years, ALP reviewed all the ordinances to make sure there were no inconsistencies within our General Code. Second, they made sure that all the provisions included are compliant with current NC State and Federal Laws. Third, they provided sample ordinances and/or drafted language to be considered for new ordinances that the Town felt needed to be added to the Code. Finally, they incorporated all amendments that have been approved over the years into the normal text body. Once they produced a clean DRAFT of the revised Code of Ordinances they sent it back to the Town in the fall of 2014 for an in-depth staff review. Staff has been reviewing and revising what has been provided and has a deadline of February 19, 2016 to return their comments and revisions of the DRAFT to ALP. Once ALP receives the staff revisions they will produce a new clean copy that they will return to the Town for presentation to Council.

One section of the Code of Ordinance that will be revised is the Parking Ordinance. Parking violations will be made a civil offence with a minim civil penalty (around \$20) that can be paid at Town all. Currently, parking violations are an offence which a ticket issues that requires a court appearance and costs in excess of \$200. ALP should return the revised Code of Ordinances to the Town around mid-April/May 2016 after receiving it on February 19th.

INDIAN TRAIL, NORTH CAROLINA

CODE OF ORDINANCES

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CHARTER

Chapter

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10. Rules of Construction; General Penalty

TITLE III: ADMINISTRATION

30. General Town Policies

31. Finance; Funds

TITLE V: PUBLIC WORKS

50. Solid Waste

TITLE VII: TRAFFIC CODE

- 70. General Provisions
- 71. Traffic Rules
- 72. Parking Regulations
- 73. Traffic Schedules
- 74. Parking Schedules

TITLE IX: GENERAL REGULATIONS

- 90. Abandoned Vehicles
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- 92. Fire Prevention
- 93. Alarm Systems
- 94. Parks and Recreation
- 95. Nuisances
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- 97. Civil Emergencies
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- 99. Parades
- 100. Streets and Sidewalks

TITLE XI: BUSINESS REGULATIONS

- 110.Privilege License Taxes
- 111.Taxicabs
- 112.Cable Television System
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- 115.Yard Sales
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- 117.Adult Businesses
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TITLE XIII: GENERAL OFFENSES

- 130.Offenses Against Public Peace and Safety
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TITLE XV: LAND USAGE

- 150.Building Code; Housing Regulations
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} gets adopted by reference

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- I. Annexations
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PARALLEL REFERENCES

References to North Carolina General Statutes

References to Prior Code

References to Resolutions

References to Ordinances

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9d

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: Mark Wireman Department: Council

Contact Phone # (704) 989-9213 Date Submitted 1/5/16

Date of Town Council Meeting to consider this item: 1/12/16

Please indicate how much time you expect this matter to take: 15 min
Description (give short summary of topic, this is how item appears on the Agenda.)

Direct Town Staff to estimate the cost to complete the paving of Sardis Drive, from Aldi to Sun Valley Pl.

Who will attend Council meeting able to respond to questions? Give name & title:
Town Manager, Economic Development, and Engineering

Where does this item need to appear? Check all that apply:

<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Schedule Public Hearing**	<input type="checkbox"/> Discussion
<input type="checkbox"/> Presentation/Recognition	<input type="checkbox"/> Closed Session	<input type="checkbox"/> Work session
<input checked="" type="checkbox"/> New Business	<input type="checkbox"/> Old Business	

*Board, commission, or group requesting joint meeting

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes _____ No X (Attach recommendation.)

What action is requested of the Council? Approve the item. This has been an area that has experienced repeated garbage dumping consuming time and resources of both Town and Law Enforcement staff time. Additionally this is hurting current and future businesses as it is difficult to bring customer traffic into the Business complex. This will also help ease some of the traffic issues that has resulted in numerous accidents since the development of QT and Aldi by allowing another entry and exit point for consumer traffic from

74. _____

What action is requested of the Manager? Direct Staff and Engineering to determine costs and the Economic Development Director to determine whether this is a positive or negative impact from a Business development perspective as a show of ROI (Return on Investment).

**Are Town funds required? Yes \$ _Cost to be determined by Engineering _Funding Source _Road
Fund or Powell Bill Fund _____**

***** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper *****

9e

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: Mark Wireman Department: Council

Contact Phone # (704) 989-9213 Date Submitted 1/5/16

Date of Town Council Meeting to consider this item: 1/12/16

Please indicate how much time you expect this matter to take: 15 min
Description (give short summary of topic, this is how item appears on the Agenda.)

Formation of an Economic Advisory Committee

Who will attend Council meeting able to respond to questions? Give name & title:
Town Manager and Economic Development Department Head

Where does this item need to appear? Check all that apply:
 Consent Agenda Schedule Public Hearing** Discussion
 Presentation/Recognition Closed Session Work session
 New Business Old Business
*Board, commission, or group requesting joint meeting.

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes _____ No X (Attach recommendation.)

What action is requested of the Council? Approve the formation of EAC with the initial Goals to determine impact of no Economic Development for the past 5 years due to Economic Department given direct to focus solely on the Parks and put together an recommended plan of next steps for branding, marketing, identify issues with current UDO including Sign Ordinance, and creative ways to draw high paying jobs to Indian Trail.

What action is requested of the Manager? Direct Staff and Coordinate task to draft EAC By-Laws and notify Residents of EAC requesting applications to join

Are Town funds required? Yes / No \$ _____ Funding Source _____

**** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper ****

9f



TO: Mayor Alvarez and Town Council Members
FROM: Kelley Southward, Town Clerk
DATE: January 7, 2016
SUBJECT: January 12, 2016 Council Meeting Item 9f-promote Alternate Board of Adjustment Member to a Regular Member Seat

As per Section II-H of the Board/Committee Member Appointment Policy (revised/approved 6/24/14) "...if an Alternate has been seated for at least twelve (12) months and if the Board/Committee Chair recommends that an Alternate be promoted to a full position, the Council shall make this appointment."

A Regular Member Seat (seat #5) has been made vacant since the member who was serving in that seat has moved out of city limits. Two of three Alternate members have applied for the Regular Member seat: Dr. Shamir Ally and Mr. Patrick O'Connor. Both gentlemen were appointed as Alternate members to this important Board on July 22, 2014; so they both meet the 12-month requirement. Board of Adjustment (BOA) Chairman, Daniel Takah, has relayed that both gentleman have satisfactory attendance and performance and he would be happy for either of them to be promoted to the Regular Member seat. Basically, all things about these applicants seem to be equal and the appointment is up to Council.

One point to note is that last month Council directed staff to draft an amendment to the appointment policy that no one person shall serve on more than two Boards/Committees and to contact anyone currently serving on more than two to obtain their preference in which Boards/Committees to remain. Dr. Ally was one resident serving on more than two Boards/Committees and noted that if he is promoted to the Regular Member Seat of the BOA he would remain on the Board of Adjustment. However, if he is not appointed to the Regular Member Seat he would give up his Alternate Seat on the BOA. Dependant on which gentleman Council chooses to appoint to the Regular Seat this promotion will either cause one Alternate vacancy or two Alternate vacancies of the BOA.

Attached, please find the June 24, 2014 edition of the Appointment Policy as well as the applications from Dr. Ally and Mr. O'Connor.



Current
Policy Adopted
6/24/2014

APPOINTMENT POLICY

SECTION I: SCOPE:

This Policy serves to provide procedures for the acceptance of names, interview process, selection, and appointment of citizens interested in serving on Boards and Committees which are appointed by the Town Council. This Policy is in place to assist the Town Council in making informed choices for Boards/Committees.

SECTION II: GENERAL:

- A. **RESIDENCY:** No person shall be eligible to apply for board/committee seats unless he/she is a property owner or resident of the Town, with the exception of the Business Owner's Advisory Committee and the ABC Board. Ex Officio members are exempt from the residency requirement.
- B. **PUBLIC NOTICE OF OPENINGS:** There will be a public notice of board/committee seats which are being appointed posted in at least two (2) public places, and inserted in the local newspaper before April 1st (Boards & Committees) of each year. This notice will include both vacant and expiring positions.
- C. **SUBMISSION OF CANDIDACY IN WRITING:** Interested citizens must submit their candidacy by filing a Committee Appointment Application with the Town Clerk no later than May 1st (Boards & Committees) in order to be considered. The application is available at the Town Clerk's Office or at www.indiantrail.org. Current members seeking reappointment and Alternates who desire to be appointed as regular members must also apply in writing.
- D. **DATE OF APPOINTMENT:** Appointments will be made at a Council meeting before July 1st for Boards & Committees.
- E. **RE-ADVERTISING:** If all positions are not filled at that time, the

6/24/14 Policy

Town Clerk may re-advertise for citizens to fill the empty positions.

- F. EMPTY POSITIONS: If empty positions still remain, these positions may be filled by the Town Council at any time during the year, following the procedures as outlined in A - C above. The time frames shall allow for a minimum of two weeks posting for filing.
- G. UNEXPIRED TERMS: If the Board/Committee intends to make appointments to fill unexpired terms, created by vacancies, as expeditiously as possible. The Board/Committee recognizes that the urgency of filling such vacancies may vary depending upon the circumstances of the vacancy. The Board/Committee shall make every effort to make appointments during the month for which they are due. In an effort to expedite the filling of an early vacated seat, the Town Council may consider any applications currently on-file at the Clerk's Office for appointment without following procedure A - C above only after announcing the vacancies at a Council meeting and advertising said vacancies on the Town Website not less than a two week period.

- H. PROMOTION OF ALTERNATE MEMBERS: Alternate members are appointed to Boards/Committees to serve if a regular member is unable to take his/her seat. Alternate positions are an excellent method of allowing a citizen to become familiar with the requirements of the Board/Committee, and to gauge his/her ability to assume regular membership. It also gives the Town Council an opportunity to assess the citizen's qualifications to serve as a regular member. Whenever feasible, **if an Alternate has been seated for at least (12) months, and if the Board/Committee Chair recommends that an Alternate be promoted to a full position, the Council shall make this appointment.**

SECTION III: APPOINTMENT PROCEDURE:

- A. BOARD MEMBER APPOINTMENT (Planning Board, Board of Adjustment and ABC Board):
1. All applicants interested in serving on a Board will need to have the recommendation or non-recommendation from the Board Chair upon their review of applicant's information. It is also recommended that they attend at least one Committee meeting before being considered by the Town Council.
 2. New Board applicants shall be interviewed by the Town Council. Reapplying members will only be interviewed upon request of Town Council.
- B. COMMITTEE MEMBER APPOINTMENT:
3. Any citizen interested in serving on a Committee must be interviewed by the Committee Chair and/or the Staff Liaison the first time he/she applies for the Committee. It is also recommended that they attend at least one Committee meeting before being considered by the Town

6/24/14 Policy

Council.

4. The application will be submitted to the Town Council for review. The Town Council will be provided contact information for the applicant. The Town Council members may contact the applicant if they have any questions for the applicant. The applicant's application will be placed on the agenda for appointment.
5. Once placed on the agenda, the applicant will need to be nominated by a member of Town Council for consideration and a recorded vote will be taken for each nomination.

C. FACTORS FOR CONSIDERATION:

1. CURRENT MEMBERS - It is expected that regular members who are performing satisfactorily be reappointed. In determining performance, the Chair and Staff Liaison may consider the following, both for regular members seeking reappointment and alternates seeking regular appointment:

- a. Attendance: It is expected that the members understand the commitment required and attend meetings. Members which have more than three (3) unexcused absences should not be considered for reappointment. Members which have more than 20% or six (6) excused absences (whichever is less) should not be considered for reappointment as regular members. Extenuating circumstances may be considered.
- b. Effort: Members who have not become knowledgeable about their duties, or who have failed to comply with State law or Town ordinances should not be considered for reappointment.
- c. Attitude: While differences of opinion are anticipated and encouraged, and members must be allowed full voice, members are expected to be civil, and observe recognized rules of order and procedures. Members who are quarrelsome, disruptive, use their authority inappropriately, either on the Committee, or with other Town officials should not be considered for reappointment.

2. NEW MEMBERS - Criteria Considered

- a. Service on other Board/Committee: Candidates who have served on other Committees and performed well.
- b. Background: Education, experience, business, professional, or occupation which qualifies him/her for serving on the Committee.

- c. Commitment: Effort should be taken to verify that the candidate is aware of the time commitment and any other factors in the appointment.
- d. Potential Conflict of Interest: Candidates should be queried concerning possible conflicts between the appointment sought and business or other possible conflicts.

D. NOTIFICATION OF ACCEPTED MEMBERS: Candidates who have been appointed should be notified by the Town Clerk within two business days.

E. NOTIFICATION OF REJECTED MEMBERS/CITIZENS: Candidates who have been rejected should be notified in writing within two business days by the Town Clerk.

F. SWEARING IN: Candidates who have been appointed must be sworn in by a Notary Public at the next scheduled Board/Committee meeting.

SECTION IV: AMENDMENT PROCEDURE:

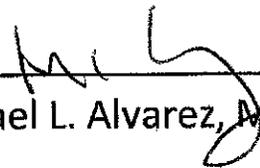
This Policy may, from time to time, be amended by a majority vote of the Town Council at a regularly scheduled Council meeting.

SECTION V: EFFECTIVE DATE:

This Policy shall take effect immediately following a majority vote of the Town Council at a regularly scheduled Council meeting.

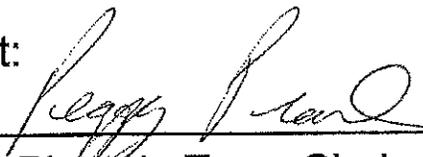
ADOPTED JUNE 24, 2014

Approved:



Michael L. Alvarez, Mayor

Attest:



Peggy Piontek, Town Clerk



**APPLICATION TO SERVE ON TOWN BOARDS OR COMMITTEES
TOWN OF INDIAN TRAIL**

Name of Committee:

- Planning Board
- Board of Adjustment
- Stormwater Advisory Committee
- Transportation Advisory Committee
- Parks, Tree, and Greenway Committee
- Public Safety Committee

*BOA Alternate
↑ Since
July 2014*



Dr. Shamir Andrew Ally, PhD, MBA
1008 Nutgrove Lane
Indian Trail, NC 28079-5394
USA



Dr. Shamir Andrew Ally, PhD, MBA
1008 Nutgrove Lane
Indian Trail, NC 28079-5394
USA

NAME: DR. SHAMIR ANDREW ALLY, PH.D. MBA.
 ADDRESS: 1008 NUTGROVE LN, INDIAN TRAIL, NC 28079-5394
 PHONE: (Home) 484.347.0422 (Office) 484.347.0422 (Fax) M: 484.347.0422
 : shamirally@outlook.com Education: PH.D., MBA, FAIA (UK), DTM

Do you have any conflicts with night meetings? NO

How long have you lived in Union County? MAY 20, 2014

Name of City and/or County Boards/Committees/Commissions currently serving on: PLANNING;
BOARD OF ADJUSTMENT; TRANSPORTATION; AND
PARKS, TREE & GREENWAY.

Business and Civic Experience: 27 YEARS USA BUSINESS; 25 YEARS GRADUATE
& UNDERGRADUATE TEACHING, BACHELORS, MBA, PH.D., & E.D.S.

Areas of expertise and interest/skills: MANAGEMENT - LEADERSHIP - ACCOUNTING -
FINANCE - ENTREPRENEURSHIP - GOVERNMENT -
COLLEGES & UNIVERSITIES - BUSINESS -
SERVANT LEADERSHIP and COMMUNITY
SERVICES THROUGH LIONS INTERNATIONALS
AS A PAST DISTRICT GOVERNOR.

Please explain your interest in serving on the above named committee:

- (A) WILL BE ABLE TO ADD VALUE ON "BOA" AS A PERMANENT SEAT MEMBER WITH GLOBAL EXPERIENCES IN GOVERNMENT, BUSINESSES & EDUCATION.
- (B) WILL CONTINUE TO DO THE RESEARCH, LISTEN & ASK QUESTIONS TO ENABLE FAIR & FRANK DECISIONS.
- (C) WILL SERVE WITHOUT FEAR OR FAVOR

Is there any possible conflict of interest as defined in the North Carolina State Statute G.S. 160A-381 (d)* that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Indian Trail Town Committee?

Yes: _____ No: (If yes, explain conflict)

I certify that the facts contained in this application are true and correct to the best of my knowledge.

Date: NOV 4, 2015 Signature: 



Dr. Shamir Andrew Ally, PhD, MBA
1008 Nutgrove Lane
Indian Trail, NC 28079-5394
USA

*GS 160A381(d) A City council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of appointed boards providing advice to the city council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Dr. Shamir A. Ally's GLOBAL experiences are in International Accounting, Managerial Accounting, Finance, Taxation, Management, Strategic Management, Manufacturing, Entrepreneurship, Small & Medium Size Enterprises, Servant Leadership, Not-For-Profit University, Education and Government, in the following (15) **Industries & Services** > Electronics, Apparel, Printing & Packaging, Insurance, Financing, Lotteries, Pharmaceuticals, Sugar, Rice, Spices, Gold, Diamonds, Accounting, Auditing & Consulting Services, and Universities.

Visited 72 Countries on 5 Continents, 44 of US & 50 States, and 11 USA Presidents' Libraries & Museums. (5 Republicans, 5 Democrats, 1 Federalist, FOUNDED President George Washington)

17 March 1994, Washington, DC, Republican Senatorial Inner Circle, "Medal of Freedom", from President George Herbert Walker Bush.

1996 Campaign Adviser from NY, to Republican Senator Bob Dole's USA's Presidential Campaign.

1999-12 USA Presidential Campaign - for Senator & then for Senator Obama.

1984-85 Lions International, District 20-K2 Governor, for Long Island, New York, USA.



**APPLICATION TO SERVE ON TOWN BOARDS OR COMMITTEES
TOWN OF INDIAN TRAIL**

Name of Committee:

- Planning Board
- Board of Adjustment
- Stormwater Advisory Committee
- Transportation Advisory Committee
- Parks, Tree, and Greenway Committee
- Public Safety Committee

NAME: PATRICK O'CONNOR

→ BOA Alternate since July 2014

ADDRESS: 201 Allen Way Rd

PHONE: (Home) 704 882 0894 (Office) — (Fax) —

Email: pat@connor20.com Education: 12

Do you have any conflicts with night meetings? NO

How long have you lived in Union County? 35y

Name of City and/or County Boards/Committees/Commissions currently serving on:

Alternate #3 BOA Indian Trail

Business and Civic Experience: owner/operator of a business
since 1999 - 2nd year on BOA

Areas of expertise and interest/skills: Business development
This is my 2nd term serving on BOA

End 9f

Please explain your interest in serving on the above named committee:

TO keep up with the development in our city

Is there any possible conflict of interest as defined in the North Carolina State Statute G.S. 160A-381 (d)* that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Indian Trail Town Committee?

Yes: _____ No: (If yes, explain conflict)

I certify that the facts contained in this application are true and correct to the best of my knowledge.

Date: 11/4/15 Signature: [Handwritten Signature]

*GS 160A381(d) A City council member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of appointed boards providing advice to the city council shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

9h

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: Amy R. Stanton **Department:** Council

Contact Phone # (704) 821-5401 **Date Submitted** 1/5/15

Date of Town Council Meeting to consider this item: 1/12/15

Please indicate how much time you expect this matter to take: 15 mins
Description (give short summary of topic, this is how item appears on the Agenda.)

Closed Session Meeting Mins as discussed on 12/8/15

Who will attend Council meeting able to respond to questions? Give name & title:

Keith Merritt and Scott Kafhold

Where does this item need to appear? Check all that apply:

<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Schedule Public Hearing**	<input type="checkbox"/> Discussion
<input type="checkbox"/> Presentation/Recognition	<input type="checkbox"/> Closed Session	<input type="checkbox"/> Work session
<input type="checkbox"/> New Business	<input checked="" type="checkbox"/> Old Business	

***Board, commission, or group requesting joint meeting:** _____

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes _____ No (Attach recommendation.)

What action is requested of the Council? Directing staff to review closed session minutes to determine if any documents contain information that should not be disclosed in accordance with the State Statues. If any meeting minute documents do contain sensitive or questionable information, then the document must be reviewed by the Town Attorney. To have the Town Attorney review all of the closed Session minutes is an unnecessary financial burden that can be avoided as the Town Staff is competent, with guidance and direction by the Town Manager and Town Clerk, to review and release Closed Session Minutes as agreed upon During 12/8/15 Council meeting.

What action is requested of the Manager? Guide the staff.

Are Town funds required? No



TO: Mayor Alvarez and Town Council Members

FROM: Kelley Southward, Town Clerk

DATE: January 7, 2016

SUBJECT: January 12, 2016 Council Meeting Item 9i-Council consideration to approve the amended Board/Committee Appointment Policy as prepared by staff upon direction made by Council on 12/8/2015. And, if the amendment is approved action by Council to adjust Board/Committee membership to be compliant with the amended policy.

PART 1: Included in the Council’s packet is the proposed amendment to the Appointment Policy; add a new section for “Limitation” which has been added to Section II as subsection I.

PART 2: Staff was directed by Council on 12/8/15 to contact any member serving on more than 2 Boards and Committees to notify them of this change and ask them to provide their preferred Boards/Committees to remaining serving. Currently, there are two members who fit this category of serving on more than two Boards/Committees: Dr. Shamir Ally and Mr. Jorge Aponte.

Dr. Ally currently serves on the following:

- 1. Parks, Art, Recreation and Culture Committee (alternate member)
- 2. Transportation Advisory Committee
- 3. Board of Adjustment (currently alternate member)
- 4. Planning/Tree Board (alternate member)

Dr. Ally has indicated he would like to remain on the Transportation Advisory Committee and if appointed to the Regular Member Seat of the Board of Adjustment then he’d prefer to remain on that Board but if he is not selected for that promotion they he would like to continue serving on the Planning/Tree Board as an Alternate.

Mr. Aponte currently serves on the following:

- 1. Parks, Art, Recreation and Culture Committee
- 2. Transportation Advisory Committee
- 3. Planning/Tree Board (alternate member)

Mr. Aponte has indicated he would like to remain on the Transportation Advisory Committee and the Planning/Tree Board as an Alternate member.



APPOINTMENT POLICY

SECTION I: SCOPE:

This Policy serves to provide procedures for the acceptance of names, interview process, selection, and appointment of citizens interested in serving on Boards and Committees which are appointed by the Town Council. This Policy is in place to assist the Town Council in making informed choices for Boards/Committees.

SECTION II: GENERAL:

- A. RESIDENCY: No person shall be eligible to apply for board/committee seats unless he/she is a property owner or resident of the Town, with the exception of the Business Owner's Advisory Committee and the ABC Board. Ex Officio members are exempt from the residency requirement.
- B. PUBLIC NOTICE OF OPENINGS: There will be a public notice of board/committee seats which are being appointed posted in at least two (2) public places, and inserted in the local newspaper before April 1st (Boards & Committees) of each year. This notice will include both vacant and expiring positions.
- C. SUBMISSION OF CANDIDACY IN WRITING: Interested citizens must submit their candidacy by filing a Committee Appointment Application with the Town Clerk no later than May 1st (Boards & Committees) in order to be considered. The application is available at the Town Clerk's Office or at www.indiantrail.org. Current members seeking reappointment and Alternates who desire to be appointed as regular members must also apply in writing.
- D. DATE OF APPOINTMENT: Appointments will be made at a Council meeting before July 1st for Boards & Committees.
- E. RE-ADVERTISING: If all positions are not filled at that time, the Town Clerk may re-advertise for citizens to fill the empty positions.

- F. EMPTY POSITIONS: If empty positions still remain, these positions may be filled by the Town Council at any time during the year, following the procedures as outlined in A - C above. The time frames shall allow for a minimum of two weeks posting for filing.
- G. UNEXPIRED TERMS: If the Board/Committee intends to make appointments to fill unexpired terms, created by vacancies, as expeditiously as possible. The Board/Committee recognizes that the urgency of filling such vacancies may vary depending upon the circumstances of the vacancy. The Board/Committee shall make every effort to make appointments during the month for which they are due. In an effort to expedite the filling of an early vacated seat, the Town Council may consider any applications currently on-file at the Clerk's Office for appointment without following procedure A - C above only after announcing the vacancies at a Council meeting and advertising said vacancies on the Town Website not less than a two week period.
- H. PROMOTION OF ALTERNATE MEMBERS: Alternate members are appointed to Boards/Committees to serve if a regular member is unable to take his/her seat. Alternate positions are an excellent method of allowing a citizen to become familiar with the requirements of the Board/Committee, and to gauge his/her ability to assume regular membership. It also gives the Town Council an opportunity to assess the citizen's qualifications to serve as a regular member. Whenever feasible, **if an Alternate has been seated for at least twelve (12) months, and if the Board/Committee Chair recommends that an Alternate be promoted to a full position, the Council shall make this appointment. (revised 6-24-2014)**
- I. LIMITATION: **It is Council's goal to engage as many citizens as possible. If any one person could serve on every Board/Committee it would limit the opportunity for other citizens to serve. Therefore, no one person shall be appointed to serve on more than two (2) Boards and/or Committees at the same time (i.e. a citizen may only serve on one Board and one Committee at one time; or on two Boards at one time; or on two Committees at one time). The only exception to this is that because the Planning Board's membership also sites as the Tree Advisory Board (per ordinance) these members may be appointed to one additional Board or Committee if properly applied for and appointed by Council as prescribed herein. (revised 12-08-2015/1-12-2016)**

SECTION III: APPOINTMENT PROCEDURE:

- A. BOARD MEMBER APPOINTMENT (Planning Board, Board of Adjustment and ABC Board):
1. All applicants interested in serving on a Board will need to have the recommendation or non-recommendation from the Board Chair upon

their review of applicant's information. It is also recommended that they attend at least one Committee meeting before being considered by the Town Council.

2. New Board applicants shall be interviewed by the Town Council. Reapplying members will only be interviewed upon request of Town Council.

B. COMMITTEE MEMBER APPOINTMENT:

3. Any citizen interested in serving on a Committee must be interviewed by the Committee Chair and/or the Staff Liaison the first time he/she applies for the Committee. It is also recommended that they attend at least one Committee meeting before being considered by the Town Council. **(revised 6-24-2014)**
4. The application will be submitted to the Town Council for review. The Town Council will be provided contact information for the applicant. The Town Council members may contact the applicant if they have any questions for the applicant. The applicant's application will be placed on the agenda for appointment.
5. Once placed on the agenda, the applicant will need to be nominated by a member of Town Council for consideration and a recorded vote will be taken for each nomination.

C. FACTORS FOR CONSIDERATION:

1. **CURRENT MEMBERS** - It is expected that regular members who are performing satisfactorily be reappointed. In determining performance, the Chair and Staff Liaison may consider the following, both for regular members seeking reappointment and alternates seeking regular appointment:
 - a. Attendance: It is expected that the members understand the commitment required and attend meetings. Members which have more than three (3) unexcused absences should not be considered for reappointment. Members which have more than 20% or six (6) excused absences (whichever is less) should not be considered for reappointment as regular members. Extenuating circumstances may be considered.
 - b. Effort: Members who have not become knowledgeable about their duties, or who have failed to comply with State law or Town ordinances should not be considered for reappointment.
 - c. Attitude: While differences of opinion are anticipated and encouraged, and members must be allowed full voice, members are expected to be civil, and observe recognized rules of order and procedures. Members who are quarrelsome,

disruptive, use their authority inappropriately, either on the Committee, or with other Town officials should not be considered for reappointment.

2. NEW MEMBERS - Criteria Considered

- a. Service on other Board/Committee: Candidates who have served on other Committees and performed well.
 - b. Background: Education, experience, business, professional, or occupation which qualifies him/her for serving on the Committee.
 - c. Commitment: Effort should be taken to verify that the candidate is aware of the time commitment and any other factors in the appointment.
 - d. Potential Conflict of Interest: Candidates should be queried concerning possible conflicts between the appointment sought and business or other possible conflicts.
- D. NOTIFICATION OF ACCEPTED MEMBERS: Candidates who have been appointed should be notified by the Town Clerk within two business days.
- E. NOTIFICATION OF REJECTED MEMBERS/CITIZENS: Candidates who have been rejected should be notified in writing within two business days by the Town Clerk.
- F. SWEARING IN: Candidates who have been appointed must be sworn in by a Notary Public at the next scheduled Board/Committee meeting.

SECTION IV: AMENDMENT PROCEDURE:

This Policy may, from time to time, be amended by a majority vote of the Town Council at a regularly scheduled Council meeting.

SECTION V: EFFECTIVE DATE:

This Policy shall take effect immediately following a majority vote of the Town Council at a regularly scheduled Council meeting.

REVISION ADOPTED JANUARY 12, 2016

(SEAL)

Michael L. Alvarez, Mayor

Attest:

Kelley Southward, Town Clerk

Kelley Southward

From: Dr Shamir A. Ally [shamirally@outlook.com]
Sent: Monday, December 21, 2015 7:04 PM
To: Kelley Southward
Subject: Indian Trail Boards & Committees

Hello TC Kelley,
Greetings
All noted

Re 2 Boards/Committees

1. To remain on : **Transportation Advisory Committee**
2. The Board of Adjustment Regular Member seat vacancy, **IF, Council do not APPROVE ME for this vacancy, then my 2nd Choice will be for the Planning/Tree Board (alternate member).**

Served initially on 6 Boards/Committees, then to 5...**2 in 2016 will be OK.**

Blessed Holidays to Council, You, Staff, Families & Teams

Shamir

From: Kelley Southward [mailto:KSouthward@admin.indiantrail.org]
Sent: Monday, December 21, 2015 5:01 PM
To: shamirally@verizon.net; shamirally@outlook.com
Subject: Indian Trail Boards & Committees

Hello Dr. Ally,
I hope this correspondence finds you well.

I need to relay to you an action taken by Council on December 8th regarding changes to the Town's Board/Committee Appointment Policy.

In an effort to give all interested parties the opportunity to serve, **Council took action to amend the language of the policy to limit the number of Town Boards and/or Committees that any one person can serve on to two.** However, I believe the Planning Board and Tree Board will count as one since the UDO states that the membership of the PB is to serve as the TB.

During the meeting of December 8th, upon this action I was charged to identify any person currently serving on more than 2 Boards/Committees and ask them to relay what 2 Boards/Committees they would prefer to remain a member of.

To that end, I know **that you've applied for the Board of Adjustment Regular Member seat vacancy** and I see that you are currently serving on the following:

1. Parks, Art, Recreation and Culture Committee (alternate member)
2. **Transportation Advisory Committee**
3. Board of Adjustment (currently alternate member)

4. Planning/Tree Board (alternate member)

Could you please relay to me what 2 Boards and/or Committees you would prefer to remain serving on (i.e. 2 in total—one board and one committee; or two boards; or two committees)?

Of course, Council will have the final decision but they have requested that I ask for your preference.

Thank you for being an active member of the community and for your service to the Town.

I hope that you have a wonderful and safe holiday season.

Kelley Southward, CMC

Town Clerk

Town of Indian Trail

P.O. Box 2430

Indian Trail, NC 28079

ksouthward@admin.indiantrail.org

(p) 704.821.5401 ext. 230

(f) 704.821.3689



PRIVACY WARNING: For auditing purposes, a copy of this message has been saved in a permanent database.

Kelley Southward

From: Jorge Aponte [jorge@cajaholdings.com]
Sent: Monday, December 21, 2015 7:36 PM
To: Kelley Southward
Cc: Jorge Aponte
Subject: RE: Indian Trail Boards & Committees

Hi Kelley,

- Transportation Advisory Committee
- Planning/Tree Board (alternate member)

Thanks,

Jorge Aponte MBA
Director of Operations
SBE/MWBE/HUB Certified
Office 704-951-4126
Fax 704-665-5707



www.cajaholdings.com

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From: Kelley Southward [mailto:KSouthward@admin.indiantrail.org]
Sent: Monday, December 21, 2015 5:04 PM
To: Jorge Aponte
Subject: Indian Trail Boards & Committees

End 99

Hello Mr. Aponte,

I hope this correspondence finds you well. I need to relay to you an action taken by Council on December 8th regarding changes to the Town's Board/Committee Appointment Policy. In an effort to give all interested parties the opportunity to serve, Council took action to amend the language of the policy to limit the number of Town Boards and/or Committees that any one person can serve on to two. However, I believe the Planning Board and Tree Board will count as one since the UDO states that the membership of the PB is to serve as the TB. During the meeting of December 8th, upon this action I was charged to identify any person currently serving on more than 2 Boards/Committees and ask them to relay what 2 Boards/Committees they would prefer to remain a member of.

To that end, I see that you are currently serving on the following:

- Parks, Art, Recreation and Culture Committee
- Transportation Advisory Committee
- Planning/Tree Board (alternate member)

Could you please relay to me what 2 Boards and/or Committees you would prefer to remain serving on (i.e. 2 in total— one board and one committee; or two boards; or two committees)? Of course, Council will have the final decision but they have requested that I ask for your preference.

Thank you for being an active member of the community and for your service to the Town.

I hope that you have a wonderful and safe holiday season.

Kelley Southward, CMC

Town Clerk

Town of Indian Trail

P.O. Box 2430

Indian Trail, NC 28079

ksouthward@admin.indiantrail.org

(p) 704.821.5401 ext. 230

(f) 704.821.3689



PRIVACY WARNING: For auditing purposes, a copy of this message has been saved in a permanent database.

10a

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: Councilman Cohn Department: Council

Contact Phone # (704) 821-5401 Date Submitted 1-5-2016

Date of Town Council Meeting to consider this item: Jan 12, 2016

Please indicate how much time you expect this matter to take: 10 mins

Description (give short summary of topic, this is how item appears on the Agenda.)

 Discussion of Town Stormwater Issues

Who will attend Council meeting able to respond to questions? Give name & title:

 Councilman Cohn

Where does this item need to appear? Check all that apply:

- | | | |
|---|--|--|
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Schedule Public Hearing** | <input checked="" type="checkbox"/> Discussion |
| <input type="checkbox"/> Presentation/Recognition | <input type="checkbox"/> Closed Session | <input type="checkbox"/> Work session |
| <input type="checkbox"/> New Business | <input type="checkbox"/> Old Business | |

*Board, commission, or group requesting joint meeting: _____

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes _____ No (Attach recommendation.)

What action is requested of the Council? None at this time

What action is requested of the Manager? None at this time

Are Town funds required? Yes / No \$ _____ Funding Source N/A at this time

**** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper ****

10c

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: Councilman Cohn Department: Council

Contact Phone # (704) 821-5401 Date Submitted 1-5-2016

Date of Town Council Meeting to consider this item: Jan 12, 2016

Please indicate how much time you expect this matter to take: 15 mins

Description (give short summary of topic, this is how item appears on the Agenda.)

 Discussion: provide assistance and support to Porter's Ridge Athletic Association in their search for athletic fields/facilities

Who will attend Council meeting able to respond to questions? Give name & title:

 Councilman Cohn

Where does this item need to appear? Check all that apply:

- | | | |
|---|--|--|
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Schedule Public Hearing** | <input checked="" type="checkbox"/> Discussion |
| <input type="checkbox"/> Presentation/Recognition | <input type="checkbox"/> Closed Session | <input type="checkbox"/> Work session |
| <input type="checkbox"/> New Business | <input type="checkbox"/> Old Business | |

*Board, commission, or group requesting joint meeting: _____

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes _____ No (Attach recommendation.)

What action is requested of the Council? None at this time

What action is requested of the Manager? None at this time

Are Town funds required? Yes / No \$ _____ Funding Source N/A at this time

**** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper ****