



Town of Indian Trail
Minutes of Town Council
February 12, 2013
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Community & Economic Development Kelly Barnhardt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Tax Collector Janice Cook, Director of Engineering and Public Works Scott Kaufhold, Director of Human Resources Miriam Lowery, Senior Planner Rox Burhans, and Public Information Officer/Events Coordinator Rebecca Carter.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and invited Eagle Scout Paul Sharman to lead the Pledge of Allegiance.

ADDITIONS AND DELETIONS

David Waddell made a motion to approve an addition to the agenda of a discussion on doing a law enforcement study as item 9d.

Motion Failed 3 - 2 with Robert Allen, Darlene Luther, and Christopher King opposing.

MOTION TO APPROVE AGENDA

Christopher King made a motion to approve the agenda.

Motion Passed 4 - 1 with David Waddell opposing.

PRESENTATIONS

a. Certificate of Recognition for Eagle Scout Paul Sharman

Mayor Alvarez introduced Eagle Scout Paul Sharman, read the Certificate of Recognition and congratulated him on his accomplishments.

PUBLIC COMMENTS

John Quinn, currently resides in Mint Hill, NC, addressed his time in public office explaining he became aware that there was a small group of individuals who wanted to start a police department. He stated that no evidence was produced to explain its benefit to the town, more than the contract with the Union County Sheriff's Office (USCO). He referred to a study conducted in 2008 by a local University verifying that Indian Trail had a tremendous value and is receiving exemplary service from the Sheriff's Office. The Public Safety Committee did an independent study concluding the same thing and recommended adding a significant number of officers as the Town was understaffed and was one of the fastest growing towns in the United States. Mr. Quinn stated there was a petition signed by 850 people stating to keep the Sheriff's Office which was a better value and were willing to forgo the branding which was one of the main issues he had heard from the individuals who wanted a police department. This was not a big deal, what is a big deal is that the people get quality service, lower response times while paying as little as possible to obtain this. In January 2010 Council directed Joe Fivas to conduct a report determining the costs associated to start a police department to be completed and presented by the end of July 2010. Mr. Quinn stated that report never materialized. Mr. Quinn advised that every Council Member that has sat in office has requested an independent unbiased study which has never been done. Mr. Waddell tonight had suggested discussing the study but was voted down. It is his understanding that

the Town is now starting to prepare for a police department, his conclusion comes from a campaign of misinformation against the UCSO deputies and in particular Lieutenant Coble. Mr. Quinn handed out to Council, requesting it be part of the record, an article stating new cities benefit from public safety outsourcing.

Art Spurr, 4100 Woodcreek Court, Indian Trail, NC stated he is member of the Public Safety Committee advising they were given a draft of the proposed leash ordinance and rejected it, recommending it not be approved as it does not address who will enforce it. He advised that safety is the most important thing in this town and we have the finest law enforcement he's ever seen. They are dedicated to this town and the Sheriff is as well, providing any service the town needs. He is constitutional law enforcement in this County, as such has the assets to do whatever is needed to protect this town. Mr. Spurr stated that the contract with the Sheriff's office should be a long term contract, not made up of petty little things. The Sheriff has to contract with other communities and just because we're bigger than Monroe we shouldn't make that contract change, make minor changes but not, from what he's hearing, absolutely ridiculous requests of the Sherriff. He respects and stands by the UCSO and agrees we should have a study and is appalled at the Town Council by turning down Mr. Waddell's request to discuss creating a study.

Michael Faulkenberry, 519 Pickett Circle, Indian Trail, NC addressed the breaking and entering situation in Brandon Oaks describing the amount of officers and canines present totaling 25 at the crime scene. He advised that 7 of them were Indian Trail contract deputies and the remaining 18 were not. During this event the town was covered by a deputy designated to patrol Lake Park, explaining the events that deputy covered in Indian Trail during that time span. Mr. Faulkenberry explained that these figures do not represent the detectives involved for search warrants and follow up interviews. Cost of contract service \$1,500,000.00, legal liability to the Town \$0, operational headache for the Town \$0, all benefits from contracting with the UCSO priceless. In addition, Mr. Faulkenberry stated as a result of his research from MUMPO, it appears that the Town Council Representative has only attended 2 meetings in 2012, with no appearance by the Alternate Representative. Mr. Faulkenberry inquired, if we're all for transparent government and improving the highways of Indian Trail, why is this Representative not attending these meetings?

Amanda Faulkenberry, 519 Picketts Circle, Indian Trail, NC has been a resident for 20 years and has always been serviced by UCSO, finding them kind, courteous, professional and some of the finest she has ever know. She has sat through many meetings listening to discussions about the contract and other Council ideas. She finds it disturbing and feels these are nickel and dime issues. Her biggest concern is solid, visible coverage and she sees them throughout the community. Please don't tangle over this contract, citing the amount spent on a 4 lane road

that goes nowhere and the current purchase of park land, stating that she never heard if those purchases were the best deal for the Town. She requested that Council not argue over the biggest bang for the buck on a contract that has served us well. She agrees to tweaking it, but requested that Council not louse it up.

Richard Straser, 3501 Elkway, Indian Trail, NC representing the Deerstyne subdivision advising there are 4 new homes currently under construction with a total of 20 homes expected upon completion. Mr. Straser feels this will increase traffic on Pioneer Lane substantially, and described the current flow of construction vehicles using the road. He expressed his neighborhood has great concerns about the entrance to Pioneer Lane advising he and his wife have encountered dangerous situations trying to enter from Indian Trail Road. Mr. Straser explained that it's impossible to see other vehicles coming up from Pioneer Lane. When exiting Pioneer it narrows to 18' when you are coming down the hill and it is a rare exception that a vehicle is not in the middle of the road as opposed to the right edge, advising a dangerous situation when encountering a dump truck, school bus or pedestrians. He respectfully requested that Pioneer Lane, at the narrows, be widened to join the rest of Pioneer Lane 37', properly striped, outfitted with signs including the existing sign. For a no outlet road it has become a highway for the Colton Ridge, Deerstyne, Wadsworth neighborhoods as well as the original homes at the rear. All this traffic is being funneled towards the dangerous and overly narrowed stretch of roadbed where visibility is hampered by a crescent hill by blind spots in both directions.

CONSENT AGENDA

- a. Approval January 17 & 22, 2013 draft Minutes
- b. Approval of Month End Tax Report for January 2013 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c. Approval of the revised 2013 Council Meeting Schedule **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- d. Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- e. Tax refunds over \$500 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- f. Advertisement of delinquent real estate taxes for 2012 tax year
- g. Municipal Speed Limit Ordinance for Highway 74
(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)

Robert Allen made a motion to approve the Consent Agenda.
Council voted unanimously in favor of the motion.

PUBLIC HEARINGS

NONE

BUSINESS ITEMS

a. Animal Control Ordinance

Mr. Fivas explained that the Ordinance before Council is the result of direction from them to create something similar to that of Lake Park which Mr. Merritt has done. Mr. Fivas advised that it had been emailed to Council and explained some of the requirements, fines, fees and enforcement of this ordinance.

Mr. Waddell asked how will it be enforced.

Mr. Fivas explained that it's currently structured that the Union County Sheriff's Office would essentially have to do that. It's not their obligation to enforce as written. We have had conversations with the Sheriff and Lieutenant Coble who are willing to work with us on it but have concerns associated with doing that enforcement. This is the same ordinance that they have in Lake Park, Union County Sheriff's Office has a contract with Lake Park and they perform some level of enforcement there. It could be enforced and there's a methodology in Lake Park on how it could be enforced. There is a potential for some challenges that might need to be dealt with. A draft has been sent to Union County but we have not received any comments from them to date.

Mr. Cohn inquired when it will begin to take effect. Mr. Fivas responded that is Council's choice but his recommendation is to delay it for a short period of time enabling staff to get the information out to the residents prior to its implementation. Mr. Cohn stated this is something we need to do and it's his opinion to do it today, as there are people out there who need this.

Ms. Luther supports this ordinance and explained her concerns for the ordinance previously presented to Council by the Public Safety Committee. Ms. Luther emphasized that the previous ordinance was a good one, similar to other communities, but Council did not feel that it fit the needs and desires of the residents of Indian Trail as a result of Public Comments they received at the last meeting. This is a simple ordinance requiring your dog be on a leash, contained in your yard and comes with a civil citation with fines for first, second and third offenses. Currently Union County Deputies have and do enforce the ordinance in Lake Park, so we feel it's not unreasonable to request the same service. In addition our Code Enforcement staff can write a citation if necessary because all dogs need to be tagged. If, for whatever reason, we find the enforcement is not at a level it should be it doesn't mean that we can't change it. It's amendable, a good beginning, putting in place a leash law for Indian Trail providing a feeling a safety for our residents.

Darlene Luther made a motion to approve the Animal Control Ordinance, as written effective April 1, 2013.

Motion Passed 4 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Mr. Fivas advised the most important thing in adopting this ordinance is the public outreach which we can achieve with the newsletter explaining what it is and what it is not. Staff would encourage any recommendations to assist us in getting this information out.

Ms. Luther advised that Union County has an Animal Control Ordinance which has been adopted by Indian Trail and is effective. It encompasses things like barking and dangerous dogs, and the necessity of rabies shots which is in effect for our community.

b. Approval of Woolpert Agreement

Mr. Fivas advised this agreement is to get the Project Manager (Woolpert) for the tentatively named Sardis Park started and creates a time frame. They have been working on a number of tasks, they anticipate coming back to us March 12th with schematics of what the first phase will look like, hopefully starting as early as May and the second phase hopefully late summer early fall. We will have to go through the schematic process which Council will have to approve, then they will create design and construction documents then it will go out to bid. It's the initial start of a very big project. Mr. Fivas introduced Andrew Pack; lead Project Manager on this project.

Andrew Pack explained the process and how they will approach the project.

Mr. King stated that according to the schedule handed out the start of construction of Phase I will begin in mid May, wrap up in mid July, and the start of construction in phase II in November. Mr. King then inquired when the completion of Phase II would be. Mr. Pack replied it all depends on the scope of the project, time lines with permitting and utilities as well.

Mr. Cohn advised he stopped at Martha Rivers Park and he liked the design.

Ms. Luther stated she would like to see walking/biking trails through the woods, spectacular playground, Dog Park, and Frisbee golf.

Christopher King made a motion to approve the general scope for phase I. Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

DISCUSSION ITEMS

a. Review of application process and questions for ABC Board

Mr. Fivas advised that there is a seat opening on the ABC Board on March 1st. Staff has advertised in many different venues and wanted to be sure of the process that Council would like to have conducted. You have 3 applications and if you want more applicants we can extend the time and will readvertise. Mr. Fivas wanted to be sure Council felt the applications before them would be among their choice for the position. This term expires March 1st, however the person currently appointed will stay until a replacement is in place. He inquired when Council would like to conduct the interviews, at a special meeting, 30 minutes earlier at the next scheduled meeting or at the top of the agenda of the next Council meeting. By consensus Council directed to conduct the interviews at the top of the agenda for the next meeting. Mr. Fivas stated that we have supplied questions in your packet, however if you would prefer to ask your own questions, we request that you ask those same questions to all applicants, consistency is very important.

b. Resident concerns about Pioneer Lane - this item was requested by Mayor Alvarez

Mayor Alvarez advised he has had several comments from citizens who live in the area with concerns about their safety. In the nature of transparency and clear communication he felt it a good time to add it as a discussion item at this meeting so the residents' concerns can be addressed by staff and Council.

Mr. Fivas stated that previous to this coming up as an issue we brought this area to the Council's attention that we had concerns this was an area to address. This item was ranked as the third priority project to have a turn lane on Waxhaw Indian Trail Road. The other issue is there are several neighborhoods there, when they built the street, a 34' foot road going into an 18' road. We propose doing some stripping with reflective paint, a sign advising road narrows for safety. Any of the other construction issues will come in line when we get the intersection project put together. There has been some discussion that there needs to be a turn lane at Deerstyne, we have been investigating this but no conclusion has been made. It will be a fairly major project to cut down the hill and widen the road. We will get there but in the interim we need to do some minor modification to help with the safety of the road and work with the Town Engineer to come up with a plan to do the entire intersection at the same time.

Mayor Alvarez asked if we can provide a time frame for residents. Mr. Fivas stated that stripping will begin as soon as the weather permits, the construction project we're hopeful to get NCDOT to assist in funding of widening Waxhaw Indian Trail Road and funding from

Deerstyne to assist. Council has voted this is the 3rd level of priority, if you choose to change that, we will be happy to accommodate that.

Mr. Waddell suggested perhaps the use of some of the \$7,000,000 road bond can be used for that?

Mayor Alvarez stated that if citizens have any issues contact him and advised there is no harm in them writing NCDOT to take a look at your neighborhoods.

c. Public Access to all Town Ordinances - this item was requested by Council Member Waddell

Mr. Waddell stated that there is a need to update the ordinances, rather than simply update the ordinances he would like them digitized and have them on line and have an index to enable people to navigate through them easily.

Mr. Fivas advised they are in the libraries and available on line. He believes Mr. Waddell is referring to a different type of system, a searchable system and there is technology available for that. There is a cost associated with that; he agrees there is work to be done on our overall Municipal Code as well.

Mr. Waddell inquired when we plan on updating them. Mr. Fivas replied we have been fairly busy in the last year on a number of different topics, but if Council wants to make it a priority and redo the entire Municipal Code we can do that. It's a significant undertaking of working through all the different codes, bringing them to the various committees and getting revisions.

Mr. Allen stated he agrees with Mr. Waddell that we should digitize it then update it. Mr. Fivas explained the very extensive and expensive process involved, stating that it would be both economical and practical to do it all at the same time. He agrees they need to be redone it's just a matter of time and resources. Council had a discussion to clarify what was wanted. In summary they would like the Municipal Code put on line, digitized, having a search engine that would include the UDO as well. Mr. Fivas explained staff would need to get costs and including the UDO could feasibly increase the cost by 300%. He suggested we approach it through the budget process and if it is approved we can start the project in July. Mr. King said it will not be a cheap project.

MANAGERS REPORT

Mr. Fivas stated on the parks issues, if anyone wants to go on a tour, talk and see some things, we will have a lot of decisions to make within the next 30 days. Woolpert can only work as fast as they receive decisions from us. The more we can do now will expedite the process.

Mr. Fivas informed everyone that CSX will be doing repairs on the Wesley Chapel Stouts Road crossing and it will be closed for at least a week. We have no control over that, we wanted to make people aware of it.

Mr. Fivas advised that our event season is coming up.

COUNCIL COMMENTS

Mr. Allen explained the reason why he didn't support the motion to discuss a study for the Sheriff's Department is because we are in negotiations for a new contract; the cost is becoming one of our largest budget items. To discuss the cost of having a police department negates the opportunity to discuss negotiations with the UCSO. I would like to see our relationship continue but we need to take responsibility for the taxpayer's money.

Mr. King had no comments.

Mr. Waddell stated that for years it has been discussed to define a level of service, an adequate provision for law enforcement for the town from a professional standpoint, whether or not to have a police department, he would love to continue the contract with the UCSO. It's become apparent to him that we might be painting ourselves in a corner as the Sheriff has advised he will not change the contract. Here we are negotiating a contract with the Sheriff who wants to offer a uniform contract so we go through the motions of negotiating changes to the contract. It looks like sabotage to me and he hopes he's wrong. If you truly want to make it work we need to be a little more understanding that we contract for service, the County provides the services along with the equipment, we don't pay for the equipment, and the County does. For us to ask for that equipment, there's no contract been written like that; to act on this negotiation looks like a dog and pony show, he just doesn't know what's going on here and that's why he wanted us to take a good look at costing to put a police department together because we might be heading that way if we continue to make unreasonable demands of the Sheriff's office.

Ms. Luther stated we came up with a contract with the UCSO, as for unreasonable demands she believes if most people looked at the contract they would find it's extremely reasonable. This is not about the performance of deputies, staff levels or if we're going to add more, this is just about the basics and fundamentals of the contract. The contract we have now was written in 1996, the amendments only addressed the increase of deputies or cost. That was back when we had about 2,000 people and the contract is about 3 pages long. In any contract you spell out expectations on either side, you have clarity which is what you should expect from any business, any government any entity whatsoever to have a well thought out agreed upon contract. It creates obligations for each side. We pulled contracts from all around the country

and what we have come up with is extremely typical for locations being serviced by the Sheriff's Department. To say it's unreasonable or that we want a police department is not true, we're trying to bring the level of this contract to 2013. She is not saying that anyone needs to agree or disagree whether we should have the Sheriff's Office; I'm simply stating that we have brought the expectation of the contract to what you would see anywhere. It is her understanding from Lieutenant Coble that the Sheriff wants the same contract for every municipality; well every municipality doesn't have the same needs. This is what you should want from your local government, a well thought out contract. In all fairness to the Council up here, it's not a political ploy we're addressing the needs that we have. If any of you have any questions or concerns about what's going on, please call me, I'll answer the phone, I'll meet you for coffee and I'll tell you exactly what I think, please don't assume the information you read on anonymously written websites as fact.

Mayor Alvarez stated Ms. Luther will answer the phone and have coffee with you and will tell you the truth. As for the Sheriff's contract, it is a service contract and any service you have your leasing the equipment, they keep the equipment. The advantage to a service contract is they are completely liable. What concerns me is that it is with the Sheriff's Department but doesn't indicate anything about the Sheriff himself who is the law enforcement expert in that organization. With the parks coming and the growth the ability to have more law enforcement officials on the streets which has been brought up a lot and is a concern of mine. If the residents show up requesting a police department, then we are obligated to do so. I have not seen that yet, I completely support the Sheriff's Department and the service they provide. What I don't like is the slander out there it must stop, business is business.

Mayor Alvarez thanked Council for their help to get Kilah's Law out there. He's happy to report it has been sponsored in both the House and Senate and within a few weeks we will have a new law increasing the sentencing guidelines for those that permanently debilitate and disable a child by abuse. Indian Trail deserves a pat on the back for getting this started. Mayor Alvarez stated he is very proud of the Town and the Council as a whole.

Mr. Cohn said pertaining to the Sheriff's Department he hears a lot from both sides and believes everyone on this Council is here for the right reason. We're looking out for the citizens of Indian Trail; we're trying to save them money and believe we feel that the Sheriff's Department is the best we can ever have. I don't see the point in the name calling, it seems any time you don't agree with someone you're corrupt, but that's not the case. You can have separate opinions, different ways of thinking without being corrupt. This is very hard, we're all thinking about what to do and not to do, it's a tough thing and I believe it'll work out. Mr. Cohn stated he believes somehow, someday it'll work out and hopes the Sheriff's Department will work it out with us and make this something that will go on for years and years. Maybe we can

write a contract for 5, 6, 7 years or whatever it takes, but we need some compromise on both sides then we will have a good contract. As far as the distrust, he believes both sides are working as hard as they can work for Indian Trail. We're all on the same team; we here to make sure the citizens of Indian Trail are protected the best way they can be protected with their tax dollars. He requested that it not get personal with people.

CLOSED SESSION

None

ADJOURN

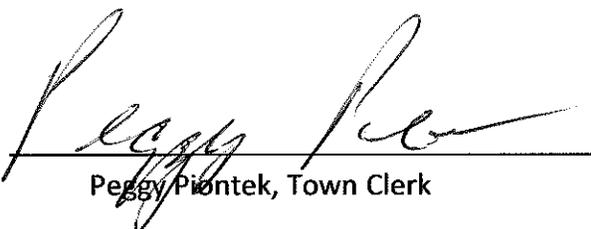
Christopher King made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:



Michael L. Alvarez, Mayor

Attest:



Peggy Piontek, Town Clerk



TO: Mayor and Town Council

FROM: Janice Cook, Tax Collector

DATE: February 12, 2013

SUBJECT: Month end January 2013

According to G.S. 105-370 (7), it is the duty of the tax collector to submit to the governing body at each of its regular meetings a report of the amount he has collected on each year's taxes with which he is charged, the amount remaining uncollected, and the steps he is taking to encourage or enforce payment of uncollected taxes.

Final notices were mailed on 2/4/2013.

Description	Count	Principal			Future	Penalty	Total
		Arrears/Other	Fiscal 2012	Fiscal 2013			
Billing	30647	0.00	6,961,698.68	0.00	0.00		6,961,698.68
Payments	27086	47,705.03-	0.00	6,599,453.59-	0.00	1,117.64-	6,648,276.26-
Reversals	11	7,750.53	3,001.83	0.00	0.00	0.00	10,752.36
Adjustments	2125	0.00	1,780.03-	0.00	0.00	38.27-	1,818.30-
Apply Over	34	0.00	35.37-	0.00	0.00	0.00	35.37-
Ref Overpay	131	39,283.87	0.00	0.00	0.00	0.00	39,283.87
Penalty	2704					7,212.56	7,212.56
Totals	<u>62738</u>	<u>670.63-</u>	<u>6,962,885.11</u>	<u>6,599,453.59-</u>	<u>0.00</u>	<u>6,056.65</u>	<u>368,817.54</u>



2013 Council Meeting Schedule

All meetings start at 6:30 pm

Month	Dates			
January	8	&	22	
February	12	&	26	
March	12	&	26	
April	9	&	23	
May	14	&	28	
June	11	&	25	
July	9	&	23	tentative
August	**13	&	20	tentative
September	10	&	24	
October	8	&	22	
November	12	&	26	
December	10			

** This date reflects the 2nd Tuesday of the Month original scheduled state 8/6 as date



TO: Mayor and Town Council
FROM: Joe Fivas
CC: Marsha Sutton, Jennifer Smith
DATE: February 12, 2013
SUBJECT: Budget Amendments for February 12 Meeting

1. Establish Chestnut Project as approved by Council.
2. Reallocate funds within the Human Resources Department.
3. Reallocate funds within the Administrative Department.
4. Reallocate funds within the Planning Department.
5. Reallocate funds for the Chestnut Project as approved by Council.
6. Reallocate funds for Debt Service Payment.
7. Reallocate funds within the Economic Development and Comm Services Department.

If Council has any questions, or would like to see any of the budget amendments, please contact the Finance Director at 704-821-5401.



TO: Mayor and Town Council
FROM: Joe Fivas
DATE: February 12, 2013
SUBJECT: Tax Refunds greater than \$500

Please find attached copies of tax refunds greater than \$500.00

1. Paul Avelluto - \$663.73 refunded to taxpayer. Taxpayer included Union County taxes with payment in error.
2. Michael Castrillon - \$564.66 refunded to taxpayer as taxes were previously paid by the mortgage company.
3. D A McGinnis - \$1784.03 refunded to taxpayer as taxes were already previously paid by a relative.

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

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

Concurring State Ordinance Number: 1065770

Division: 10 County: UNION

Municipality: INDIAN TRAIL

Type: Municipal Speed Zones

Road: US 74

Car: 55 MPH

Truck: 55 MPH

Description: (Andrew Jackson Hwy) From a point .25 mile northwest of SR 1008 (Indian Trail Road) southeastward to a point 450 feet southeast of SR 1551(Helmsville Road).

Municipal Certification

I, Peggy Pionteck, Clerk of Indian Trail, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 15th day of February 2013, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

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

In witness whereof, I have hereunto set my hand and the municipal seal this 14th day of February, 2013.

Peggy Pionteck
(signature)



(municipal seal)

Department of Transportation Approval

Division: J. Scott Cole Title: DTE Date: 11/26/12
Region: [Signature] Title: RTU Date: 11/21/12

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

Concurring State Ordinance Number: 1065771

Division: 10 County: UNION

Municipality: INDIAN TRAIL

Type: Municipal Speed Zones

Road: US 74

Car: 55 MPH

Truck: 55 MPH

Description: (Andrew Jackson Hwy) From a point 100 feet northwest of SR 2394 (Gray Fox Road) southwestward to a point .14 mile southeast of SR 2356 (Chamber Drive).

Municipal Certification

I, Peggy Prontek, Clerk of INDIAN TRAIL, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 12th day of February, 2013, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

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

In witness whereof, I have hereunto set my hand and the municipal seal this 14th day of February, 2013.



(municipal seal)

(signature)

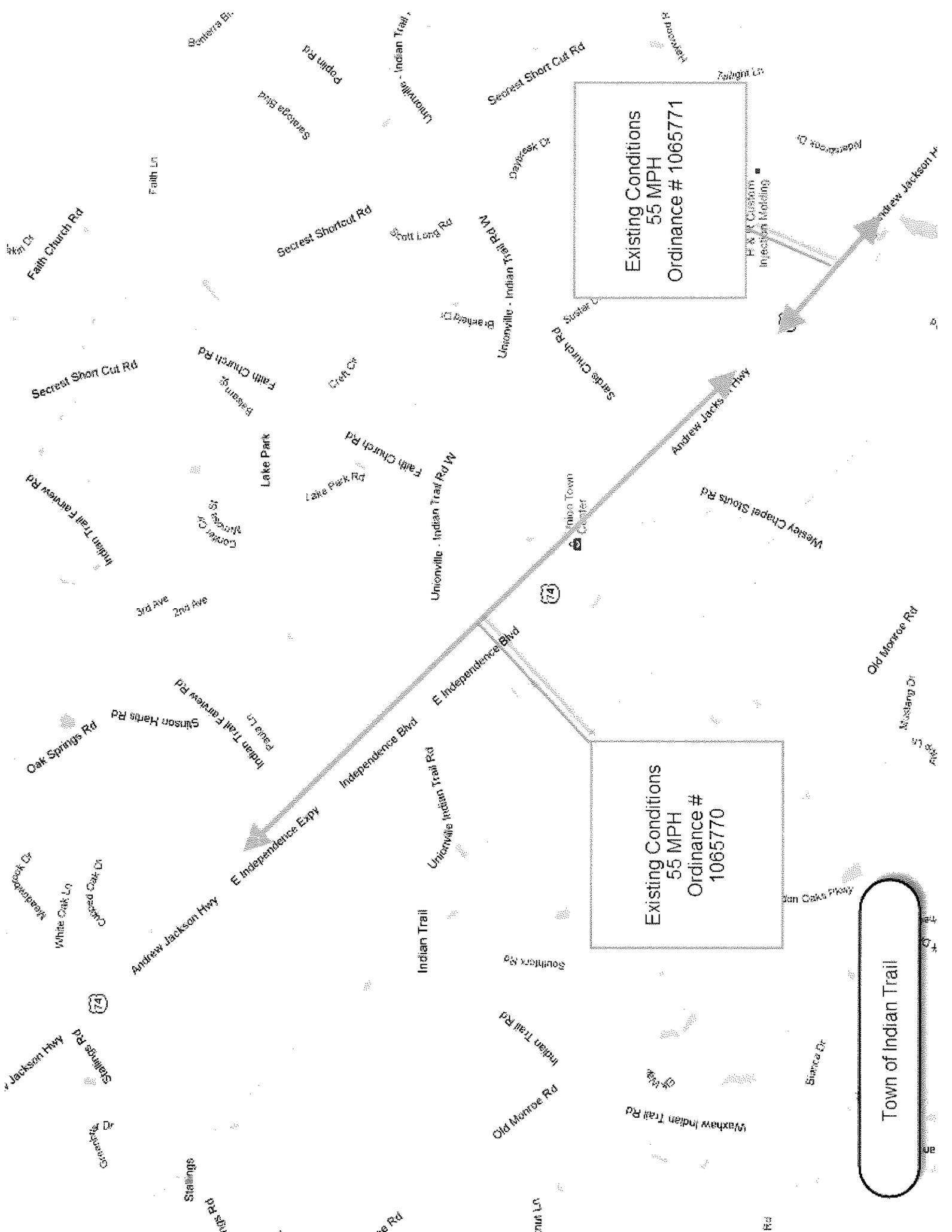
Department of Transportation Approval

Division: South Coh
Region: John Jones

Title: DTE
Title: RTE

Date: 11/2/12

Date: 10/23/12



Existing Conditions
55 MPH
Ordinance # 1065771

Existing Conditions
55 MPH
Ordinance # 1065770

Town of Indian Trail

STATE OF NORTH CAROLINA)

ORDINANCE #MCA2013-1

TOWN OF INDIAN TRAIL)

Town of Indian Trail Animal Control Ordinance

§92.01 GENERAL PROVISIONS

A. Purpose. Pursuant to the authority granted by the North Carolina General Assembly, this animal control ordinance is enacted and adopted to provide for the health, safety and welfare of the citizens of Indian Trail by regulating, restricting or prohibiting, if necessary, dogs, cats and other animals; by protecting the public from unvaccinated, diseased, stray, roaming, dangerous, wild or exotic animals; by making unlawful acts of animals that interfere with the enjoyment of property or the peace and safety of the community; by protecting animals from abuse or conditions harmful to their well-being; and by carrying out any other lawful duties authorized by the laws of the State of North Carolina and other applicable ordinances.

It is hereby found by enactment of this ordinance by the Indian Trail Town Council that animals kept or allowed to be in violation of any of the provisions of this ordinance are detrimental to the health, safety and welfare of the citizens of Indian Trail and jeopardize the peace, safety and dignity of Indian Trail.

Nothing in this Ordinance shall be construed to prevent any law enforcement officer contracted for service by the Town of Indian Trail or any other law enforcement officer exercising proper jurisdiction or authority from enforcing any of the provisions of this Ordinance or from exercising their authority as law enforcement officers.

The Town of Indian Trail further authorizes, acknowledges and confirms the previous authority granted to Union County by adoption of its regulatory ordinances to include the Union County Animal Control Ordinance which covers in various respects and details offenses pertaining to the following subjects:

1. Female Dogs and Cats at Large.
2. Animal Waste.
3. Dangerous Dogs.
4. Public Nuisance Animals.
5. Seizure and Impoundment

- 6. Rabies Control
- 7. Cruelty to Animals.
- 8. Wild Animals and Exotic Pets.

The Union County Animal Control Ordinance also addresses the requirements for rabies immunizations, the procedures for seizure and impoundment of animals, and the penalties for violation of the County Ordinance. Nothing in the enactment and adoption of this ordinance shall be construed to limit the authority of Union County, the Union County Sheriff's Department or the Office of Union County Animal Control to enforce the provisions of the Union County Animal Control Ordinance. Furthermore, the Town of Indian Trail continues to request and require the enforcement of the county animal control ordinance by the authorities referred to herein above.

B. Jurisdiction. This Ordinance shall be applicable within the corporate limits of the Town of Indian Trail, North Carolina.

§92.02 RESTRICTIONS AND PROHIBITED ACTS

- A. Identification. All dogs which are allowed outside the owner's primary residence shall be required to wear identification. The identification may be in the form of a current rabies immunization tag, a pet registration service tag, or a commercially available tag or collar which identifies either the owner's current address or phone number.
- B. Dogs and Cats as Nuisances. It shall be unlawful for any person to own, keep, possess or maintain a dog or cat in a manner so as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of a dog or cat are hereby declared to be a public nuisance and are therefore unlawful:
 - 1. Allowing or permitting the dog or cat to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables; or
 - 2. Failing to remove feces deposited by any dog or cat on property other than the owner's by any dog or cat of which the person has ownership, possession, charge, control or custody; or

3. Maintaining a vicious dog or cat as described by the laws of the State of North Carolina or Union County; or
 4. Staking or tying any animal where it can get upon public sidewalks or streets in the town; or
 5. Maintaining dogs or cats in an environment of unsanitary conditions which results in offensive odors or is dangerous to the dogs or cats or to the public health, welfare or safety; or
 6. Maintaining his or her property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the dogs or cats on the property; or
 7. Allowing or permitting the dog or cat to bark, whine or howl in an excessive or continuous fashion or make noise in a manner or at the times so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises; or
 8. Maintaining a dog or cat that is diseased and dangerous to the public
 9. Maintaining a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles; or
 10. Failing to confine a female dog while in heat in a building or secure enclosure in a manner that she will not be in contact with another dog or attract other animals; provided, this section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of an animal which is being bred.
- C. Restraint of Dogs. It shall be unlawful for any person owning or having possession, charge, custody or control of any dogs to allow his or her animal to run at large within the corporate limits of the Town. Dogs which are not in a properly secured private property or vehicle shall be restrained by a leash, secure enclosure, fence, invisible fence or similar effective device unless said dogs are on the owner's property and are under the continuous supervision and control of the owner or members of the owner's family.

§92.03 FEES, ENFORCEMENT AND FINES

- A. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to civil penalties as set forth below. If the offender fails to remedy the

violation and pay any civil penalty within ten (10) days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten (10) days), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue from the date of the first notice of violation.

- B. This Ordinance may also be enforced by any appropriate equitable action authorized by law, including any method set forth within this Ordinance or by injunctive relief, whether or not there is an adequate remedy at law.
- C. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation. Any person violating the restrictions, and prohibited acts of Section 92.02 of this ordinance shall be subject to the issuance of a civil citation and civil penalties according to the following schedule:
 - 1. First Offense: \$25
 - 2. Second Offense: \$50
 - 3. Third and continuing offenses; \$100
- D. Any, all, or any combination of the foregoing penalties and remedies within this entire Ordinance may be used to enforce this Ordinance.
- E. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

§92.04 ALTERNATE REMEDIES FOR ENFORCEMENT.

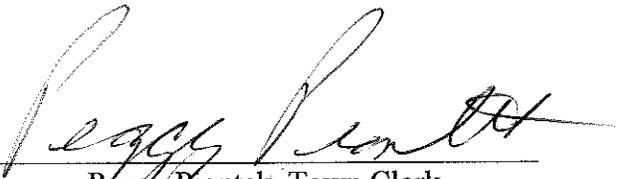
In addition to the foregoing provisions, any provision of this or any other ordinance of the Town of Indian Trail may be enforced by any one or more of the remedies authorized by G.S.

160A-175, excluding misdemeanor charges as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

This Ordinance shall be effective April 1, 2013.

Adopted this the 12th day of February, 2013.

Approved: 
Michael L. Alvarez, Mayor

Attest: 
Peggy Piontek, Town Clerk

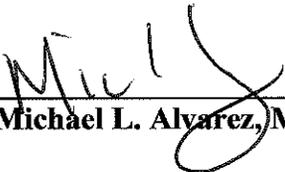
Approved as to form:

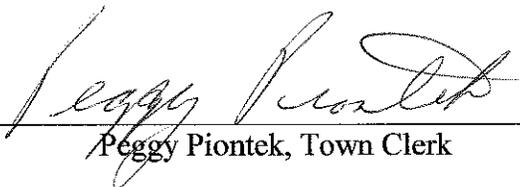

Keith Merritt, Town Attorney

160A-175, excluding misdemeanor charges as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

This Ordinance shall be effective upon its adoption by the Town of Indian Trail.

Adopted this the 12th day of February, 2013.

Approved: 
Michael L. Alvarez, Mayor

Attest: 
Peggy Piontek, Town Clerk

Approved as to form:


Keith Merritt, Town Attorney

Professional Service Agreement Addendum # 1 between Woolpert North Carolina, PLLC and Town of Indian Trail, North Carolina

Section 1. General

THIS ADDENDUM, made and entered into this ____ day of _____, 2013, by and between Woolpert North Carolina, PLLC, whose address is 8731 Red Oak Boulevard, Suite 101, Charlotte, NC 28217-3975 (hereinafter referred to as "Woolpert") and the "Client" identified herein, provides for Additional Services under the Professional Service Agreement dated May 26, 201~~2~~³, such Additional Services described under Section 2 of this Addendum.

- Client: Town of Indian Trail, NC
- Project Number: #072537
- Project Title: Sardis Community Park Improvements Design, or the "Project"
- Addendum Title: Task Order No. 1- Sardis Community Park Improvements

Section 2. General Description of Additional Professional Services

Additional Services to be provided by Woolpert are identified below and, if attached, are more fully described in Attachment A to this Addendum, which is incorporated by this reference:

- Sardis Community Park Improvements for Sardis Community Park Improvements

Section 3. Compensation to Be Paid to Woolpert

Compensation to be paid to Woolpert for providing the requested Additional Services shall be as follows:

- In accordance with Attachment B to this Addendum, which is incorporated by this reference

Section 4. Schedule for Additional Services

- In accordance with Attachment B to this Addendum, which is incorporated by this reference

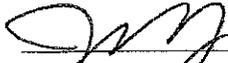
Woolpert will commence Additional Services upon receipt of a fully executed copy of this Addendum.

IN WITNESS WHEREOF, this Addendum, which is subject to the terms and conditions of Sections 1 through 4, Attachment(s), and the aforementioned Agreement, is accepted as of the date first written above.

Town of Indian Trail, NC

Woolpert North Carolina, PLLC

Signed:



Signed:

Typed Name: Joseph A. Fias

Typed Name: Kenneth L. Bullock, RLA, ASLA

Title: Town Administrator

Title: Vice President

Date: Feb 12, 2013

Date:

Address: 100 Navajo Trail
Indian Trail, NC 28079

Address: 8731 Red Oak Blvd. Suite 101
Charlotte, NC 28217

ATTACHMENT A: SCOPE OF SERVICES

Woolpert Contact

Andrew R. Pack, RLA, ASLA
Senior Associate
Project Manager
(704) 526-3102
andrew.pack@woolpert.com

Services

General

The following scope of services in the first task order for developing construction documents for the project currently known as the Sardis Community Park Improvements by the Town of Indian Trail, North Carolina. This scope includes the work as required for the fine tuning of the Programming, start of the Schematic Development Documents, and site due diligence for grading/ storm water management, utility infrastructure and permitting review. Woolpert will work closely with a representative of the Town during the planning of this project. In addition, the design team will coordinate with Carolina Wetland Services on their findings of the wetlands delineation on the park property.

Woolpert will provide a separate scope of services under a separate task order that will include the completion of the construction documents that will include but not limited to Design Development, Construction Document preparation, Bidding and Construction Administration / Periodic Inspection services, geo technical, surveying and other services warranted or required.

Woolpert Team will project manage two projects at the park concurrently, the initial phase one (*anticipated to be built in spring/summer 2013*), and the phase two (*anticipated to be bid by October 2013*). The two phases will focus on the area's A and B as identified on the current master plan as prepared by Woolpert.

I. CONSTRUCTION DOCUMENTS

Task 1 - Project Start-Up Meeting, Programming / Schematic Design

A. **Start-up Meeting:** Woolpert will have a start-up meeting with the "Project Team/ Committee" that will include representatives from the Owner (Town of Indian Trail) and others that have an interest in the proposed Park Improvements project. The meeting will cover the following information:

- **Project Issues / Challenges.** The Team shall brainstorm potential issues and challenges with the project. In addition, the Team will review the current Site Concept Plan and discuss any potential changes to the layout, etc. that may need to be incorporated into the construction documents, and discuss the design responsibilities of the "Project Team".
- Discuss the initial phase 1 components and phase 2 park components and program elements

-
- Project Schedule (*discussion of anticipated bidding for both , construction, etc.*)
 - Project Construction Budget
 - Discussion of project goals / outcomes for the project
 - Review next task order of planning and design including geotechnical, surveying, etc..
 - The "Project Team" will identify expectations from all parties as it relates to the project.
 - Identification of any Town Standards to be incorporated into the design.

B. Programming Assistance: Woolpert will assist with the review of the proposed programming of the project at the start-up meeting tied to the intent of the design of the area and the review of the current conceptual plan for the area. This review will look at the effectiveness of the current. In addition, Woolpert will assist and coordinate a "park tour" of several parks in the regional. This is anticipated to occur the 1st of February 2013.

C. Schematic Design: After the start-up meeting, park tours and initial programming, Woolpert will prepare a schematic site plan for the project. Woolpert will prepare an Opinion of Probable Construction Cost associated with the proposed Schematic Design plans (*cost will be in 2013 dollars*). This includes all associated costs with the project – construction, contingencies, design fees, material testing, permits, soft costs, etc. At this point, any add alternates will be identified and/or re-defined. In the event the add alternates exceed this project budget at any stage of the design process, Woolpert and the Owner shall review as a scope change to the contract and negotiate any scope/fee adjustments. The summary of this Task is as follows:

- **Schematic Site Plan Preparation:** Woolpert's project landscape architect will coordinate with the programming of the site at the start-up meeting. Woolpert will prepare the initial horizontal layout of the phase one site plan, complete with all dimensions and layout criteria as necessary for the review of the plan with the Owner.
- **Schematic Building Plans & Programming:** Woolpert's project architect will lead with a programming exercise at this start-up meeting to further outline the programming requirements for the proposed buildings for phase one and phase two.
- **Schematic Site Grading Plan / Storm Water Management / Site Sustainability Practices:** Woolpert will review the project development and proposed built upon area. Low Impact Development (LID) techniques will be reviewed for alternative storm water control practices and to review the best management practices (BMP's.) for potential onsite detention. Coordination with NCDENR will also be conducted to review any agency requirements. The Consultant's design team will review and provide suggestions for site suitability practices to be used on the project. A preliminary grading plan will also be prepared for the project area, to review the overall extent of the site grading as it relates to the project area and storm water management.
- **Schematic Site Utility Plan:** Woolpert will meet with Union County Public Works Department to review the requirements/ standards/ plan review process for providing new water and sanitary sewer service for the project. Woolpert's Engineer will review and provide suggestions for best options on a site schematic Utility plan for the entire park concept.
- An Opinion of Probable Cost will be developed to fix the project to the current budget.
- Woolpert will next meet with the Owner to review the detailed Schematic Design Development layout, the preliminary grading plan and the costs. Based upon this meeting,

Woolpert will be given direction from the Owner to move into the design development phase prior to final construction document preparation. All directives will be provided by the Owner in written form to Woolpert.

- Woolpert will present the findings and give an update to Town Council. It is anticipated this will occur on March 12, 2013

Deliverables for Task 1:

- Start-up meeting minutes (*project meeting no. 1*)
- Schematic Design meeting minutes (*project meeting no. 2*)
- Park Tours Summary
- Three (3) Copies of the Conceptual Plans in full scale
- Three (3) Copies of the Schematic Site Plan in full scale
- Three (3) Copies of the Schematic Building Plans in full scale
- Three (3) Copies of the Schematic Site Grading Plan in full scale
- Three (3) Copies of the Schematic Site Utility Plan in full scale
- Three (3) Copies of the Opinion of Probable Cost

II. TIME FRAME & SCHEDULE

Woolpert shall perform the services as outlined in this proposal as expeditiously as is consistent with professional skill and care and the orderly progress of the project. This schedule will be further discussed, reviewed and redefined at the start-up meeting and throughout each phase of the project as necessary. It is anticipated from the notice to proceed; Woolpert will complete this initial first task order in (1) one month:

<u>Task</u>	<u>Project Timeline</u>
• Award of Consultant Contract (Notice to Proceed).....	February 13, 2013
Project Start-Up Meeting, Programming / Schematic Design (1 month) February 2013	
• Start Up Project Team Meeting	TBD
- Review Proposed Programming Proposed Improvements	
- Goals/ Outcomes For the Project	
- Discuss Funding & Phasing	
- Site Information Gathering	
- Discuss Existing Concept Plan	
- Field Reconnaissance / Team Site Visit	
- Geotech Borings/ Surveying (TBD)	
- Architectural Concept for the Proposed Buildings	
- Site Schematic Plans	
- Prepare Probable Cost Estimates	
• Project Team Meeting no. 2	TBD
• Town Council Meeting	March 12, 2013

ATTACHMENT B: COMPENSATION Lump Sum Summary

I. Basic Design Services/ Fees:

Design Services / Fees:

Schematic Design / Programming \$ 45,500.00

II. Other Services / Fees:

Reimbursable Expenses \$ 1,000.00

Total for Task 1 \$ 46,500.00

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

Marsko A. Sutter

2/12/13

Woolpert Use Only Reviewed As To Form: _____ Date: _____
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TOWN OF INDIAN TRAIL
 PO Box 2430
 100 Navajo Trail
 Indian Trail, NC 28079
 (704)821-5401

Purchase Order
 THIS NUMBER MUST APPEAR ON ALL INVOICES,
 PACKING LISTS, CORRESPONDENCE, ETC
 NO. 3-000806

SHIP TO

VENDOR Vendor #: WOOLP020
 Woolpert North Carolina, LLC
 8731 Red Oak Blvd., Ste 101
 Charlotte, NC 28217-3975
 Phone #: (704) 526-3102 Fax #:

ORDER DATE: 02/12/13
 REQUISITION NO: R3-00145
 DELIVERY DATE:
 STATE CONTRACT:
 F.O.B. TERMS: Destination
 VENDOR ACCT NUM:

PAYMENT RECORD
 CHECK NO.
 DATE PAID

NOTICE: TAX ID: 56-1108235

QUANTITY	DESCRIPTION	ACCOUNT NO	UNIT PRICE	TOTAL
1.00	Agreement for 140 ac park	3-10-80-6130-496-001	46,500.0000	46,500.00
			TOTAL	46,500.00

		<p>APPROVAL TO PURCHASE This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act. <i>Maura D. Sutor</i> Finance Director <i>[Signature]</i> Town Manager</p>
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