

**MAYOR**  
Michael L. Alvarez

**MAYOR PRO TEM**  
David L. Cohn



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

Indian Trail Town Council Meeting  
February 12, 2013  
Civic Building  
6:30 p.m.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ADDITIONS AND DELETIONS** **action**
3. **MOTION TO APPROVE AGENDA** **action**
4. **PRESENTATIONS**
  - a. [Certificate of Recognition for Eagle Scout Paul Sharman](#)
5. **PUBLIC COMMENTS**
6. **CONSENT AGENDA** **action**
  - a. [Approval January 17 & 22, 2013 draft Minutes](#)
  - b. [Approval of Month End Tax Report for January 2013](#)
  - c. [Approval of the revised 2013 Council Meeting Schedule](#)
  - d. [Budget Amendments](#)
  - e. [Tax refunds over \\$500](#)
  - f. [Advertisement of delinquent real estate taxes for 2012 tax year](#)
  - g. [Municipal Speed Limit Ordinance for Highway 74](#)
7. **PUBLIC HEARINGS** **action**

*NONE*
8. **BUSINESS ITEMS**
  - a. [Animal Control Ordinance](#)

b. [Approval of Woolpert Agreement](#)

**9. DISCUSSION ITEMS**

- a. [Review of application process and questions for ABC Board](#)
- b. Resident concerns about Pioneer Lane – *this item was requested by Mayor Alvarez*
- c. Public Access to all Town Ordinances – *this item was requested by Council Member Waddell*

**10. MANAGERS REPORT**

**11. COUNCIL COMMENTS**

**12. CLOSED SESSION**

**action**

**13. ADJOURN**

**action**

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

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

# CERTIFICATE OF RECOGNITION

## IN RECOGNITION OF PAUL CONRAD SHARMAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

**WHEREAS**, The Boy Scouts of America was founded on February 8th, 1910, and has been at the forefront of instilling timeless values in our youth; and

**WHEREAS**, The Boy Scouts of America is committed to helping millions of youth succeed by providing the support, friendship, and mentoring necessary for character building, citizenship training, and personal fitness; and

**WHEREAS**, **Paul Conrad Sharman** has shown incredible strength and courage by overcoming physical obstacles along with the required challenges with tenacity to become a Scout; and

**WHEREAS**, **Paul** has been very active in the Boy Scouts and holds the title of Senior Patrol Leader for Troop 276, having also held the titles of Troop Instructor, Patrol Leader, Assistant Patrol Leader and Quarter Master. Paul returned to Pack 97 to give back by being Den Chief for them, he is in the Order of the Arrow and has attained the rank of Brotherhood. He is the current Lodge secretary, attended the National Youth Leadership Training and will be attending the National Jamboree this summer. Paul has completed 33 merit badges and completed the God and Life program through Scouts.

**WHEREAS**, **Paul** recently completed an Eagle project to refurbish the outdoor sanctuary at Spirit of Joy Lutheran Church which included 270 man hours and fund raising to pay for this project; and

**WHEREAS**, **Paul** is very active with his church's youth, loves to golf and made the Varsity Golf team at Central Academy for Technology and Arts High School; and

**WHEREAS**, **Paul** has achieved the coveted rank of Eagle Scout, the highest and most distinguished award earned by a Boy Scout, which reflects determination, dedication and leadership; and

**NOW THEREFORE**, I, Michael L. Alvarez, the Mayor of the Town of Indian Trail along with the Indian Trail Town Council recognize **PAUL CONRAD SHARMAN** for his exceptional commitment and hard work in achieving the rank of Eagle Scout. We honor you for your abilities, achievements and citizenship and wish you continued success in all your life's endeavors.

**BY:** \_\_\_\_\_  
**Michael L. Alvarez, Mayor**



**Town of Indian Trail**  
**Minutes of Town Council Special Meeting**  
**January 17, 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, Darlene Luther, and David Waddell.

Absent Members: Christopher King, Town Clerk Peggy Piontek.

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Planning Management Analyst Helen Boich, and Finance Director Marsha Sutton.

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

Mayor Alvarez called the meeting to order, led in the Pledge of Allegiance, and announced that Councilman King is not in attendance.

**MOTION TO APPROVE AGENDA**

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

## **BUSINESS ITEMS**

### a. Capital Project Ordinance for Chestnut Parkway Improvement

Town Manager Joe Fivas informed Council that when a municipality does a Capital Improvement Project, there needs to be a corresponding Ordinance explaining the allocation of the funds. Mr. Fivas explained that should this Ordinance be approved, construction would begin early next week.

Robert Allen made a motion to approve Capital Project Ordinance for Chestnut Parkway Improvement.

Motion Passed 3 - 1 with David Waddell opposing.

Mayor Alvarez announced that he has a commitment for the town and requested he be excused. Council approved his leaving and Mayor Alvarez passed over the gavel to Mayor Pro Tem Cohn who continued to officiate the meeting.

## **DISCUSSION ITEMS**

### a. Review of Animal Enforcement Ordinance

Mr. Fivas provided the history of this ordinance advising that Council requested this item be put on the agenda for further review and comments from them. Council had a lengthy discussion on this matter deciding to remove old ordinance, acknowledge current county ordinance and use Lake Park Ordinance as the new one, excluding requiring cats to have collars.

Mr. Merritt confirmed Council's intent is to draft the Lake Park Ordinance and bring it back for review or adoption. Basically the Lake Park Ordinance, minus the livestock and requirement of cats having a collar part, make a generic reference to the County Ordinance as it may be amended in the future to ensure that should it change those changes would be automatically adopted as well.

Robert Allen made a motion to approve instructing staff to come back with a proposal for the February 12, 2013 meeting.

Council had another lengthy discussion reviewing the Lake Park Ordinance.

Mr. Allen called to question on his motion.

Council voted unanimously in favor of the motion.

Mr. Merritt requested permission to leave the meeting, Council approved his being excused.

b. Discussion of law enforcement agreement options

Mr. Fivas advised as we enter into the negotiating process with the County on Law Enforcement, there are questions that staff needs direction on.

Does the Council want the current agreement with the County for law enforcement services modified? By consensus Council said yes.

Question #1: Enforcement of Ordinances - does the town council want to potentially modify the current agreement to clarify the ordinance enforcement. Mr. Fivas clarified that by consensus we would spell out each ordinance that we are doing but to have a catchall to any other customarily ones isn't going as far as saying everything.

Question #2: Data Collection and Reporting - does the Town Council want to potentially modify the current agreement to clarify data collection & reporting? By consensus Council approved this idea.

Does Council want monthly, quarterly, or annual reports - by consensus Council wants monthly reports.

Does the Council want to specifically articulate reporting requirements? Mr. Allen wants to articulate specific requirements to set a standard. Ms. Luther would like it to include how many calls for service are being filled outside of our jurisdiction. Lieutenant Coble informed Council that the best ball park number they can provide is 4.11% of the time. A discussion pursued between Ms. Luther and Lieutenant Coble on this matter.

Question #3: Cost and Allocation - does the Town Council want to potentially modify the current cost allocation method prepared by Union County to determine the per cost of deputies? By consensus Council agreed this should be done. Mr. Fivas clarified the Council would like staff to pose the question so the finance people on both sides can determine if this can be done.

Question #4: Equipment and Capital assets - does Council want to potentially modify the current process of how equipment and capital assets are handled in the current agreement? By consensus Council agreed this should be done. There was a lengthy discussion amongst

Council and Mr. Fivas. Mr. Fivas explained that within a business agreement, there is usually a termination agreement to handle matters including equipment when the business agreement is ending. This enables both entities to have a clear understanding of expectation on both sides, eliminating any disagreements. Mr. Fivas stated that Council might want to consider keeping this status quo but add the termination agreement to the next agreement, as it becomes an extremely difficult task to keep track of these things. Mr. Fivas further clarified that Council would like him to look into the issue of transferring the retired vehicles to the town upon completion of their cycle.

**ADJOURN**

Robert Allen made a motion to adjourn  
Council voted unanimously in favor of the motion.

**DRAFT**

**APPROVED:**

\_\_\_\_\_  
**Michael L. Alvarez, Mayor**

Attest:

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



**Town of Indian Trail**  
**Minutes of Town Council**  
**January 22, 2013**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Christopher King, and David Waddell.

Absent Members: Robert Allen and Darlene Luther.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Finance Director Marsha Sutton, Director of Engineering and Public Works Scott Kaufhold , and Public Information Officer/Events Coordinator Rebecca Carter.

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

Mayor Alvarez led the Pledge of Allegiance and made an announcement that Council Member Luther out due to family issues and Council Member Allen is home with the flu, neither would be in attendance this evening.

### **ADDITIONS AND DELETIONS**

Christopher King made a motion to approve removing items 9a and 9b from agenda  
Council voted unanimously in favor of the motion.

David Cohn made a motion to approve adding Mr. Arp for a quick introduction during meeting.  
Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

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

### **PRESENTATIONS**

- a. State Representative Dean Arp

*This item was added as a result of a motion made by Council Member Cohn*

State Representative Dean Arp from District 69 introduced himself to Council and the audience, informed them of the many committees he has been appointed to; advised that he has asked NCDOT to brief him on the status of all road projects; invited all to contact him with any issues or concerns and inquired if there were any questions.

### **PUBLIC COMMENTS**

Carlton Aldrich, 2033 Fripp Lane, Indian Trail, NC addressed the issue of districting. He has no issues on this matter, but assumes districting would be based upon comparable levels of population. What happens as population of town changes, would there be redistricting? There is districting and members at large. If considered, placing on a referendum for voters, it should only be put on referendum during a Presidential election year, as there is a significantly larger voter turnout.

### **CONSENT AGENDA**

- a. Approval January 4 & 8, 2013 draft minutes
- b. Budget Amendments

- c. Tax refunds over \$500

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

## **PUBLIC HEARINGS**

*None*

## **BUSINESS ITEMS**

- a. Approve Project Manager for Sardis' Park Project

Mr. Fivas explained that we will be discussing the Project Manager for the Sardis Park only. He gave an update on the park process conducted by staff and Council. Staff is recommending to Council the firm of Woolpert, Inc. Mr. Fivas presented photos of several parks designed by Woolpert. Mr. Fivas introduced Roger Daner and Greg Harner, representatives from Woolpert, Inc. They provided a brief history of themselves and the company; Council asked them a couple of questions pertaining to specialties, tying the park into the community needs and communication with residents.

Christopher King made a motion to approve business item 8a, Woolpert Inc. as Project Manager for Sardis Park.  
Council voted unanimously in favor of the motion.

Mr. Fivas reviewed the process advising we can plan out the whole park or do it a section at a time. If we're ok conceptually with the design are we ok to do phase I, the road, Dog Park, and playground. Mr. Fivas inquired do we want to do the overall design or in phases. By consensus Council agreed that we should do something as quickly as possible so the citizens can see their tax dollars at work, enjoy the results and doing it in phases will enable us to tweak as we go.

## **DISCUSSION ITEMS**

- a. Review of Sardis Park Project  
*This matter was deleted from the agenda as a result of a motion made by Council Member King under additions and deletions.*
- b. Review of the Chestnut Project  
*This matter was deleted from the agenda as a result of a motion made by Council Member King under additions and deletions.*
- c. Discuss districting the Town to provide more balanced representation

of the Residents as a whole - this matter was requested by Council Member Waddell

Mr. Waddell stated this matter was brought up when they ran for office and was asking Council what they are now thinking about it and if it's something we want to look into. He believes there is some interest out there, he has researched it somewhat and believes Mr. Aldrich made some very good points during public comments this evening.

Mr. King stated he doesn't have a problem with this as there is always the opportunity for 2011 to happen again. He has some concern about what's going on in Stallings about districting. He feels it should be put up for referendum; he would support this, not for this year because we have a lot of projects in place. We have had employees leave, putting it on the referendum in November would not give it justice, it's too important not to be sure we get the citizens out to vote for it. He feels all members should be present to vote on it. He would support it but not this year.

Mr. Cohn advised he ran on districting, he was in favor of it at the time. There is concern for the perception of the town if the majority of Council comes from the same location. He agrees with Mr. King, it should not be done this year; it should be done during a Presidential election year. His idea is to split it up into 2 districts, two from each side of 74 and one at large would be perfect. It makes it difficult when everyone doesn't run at the same time.

Mayor Alvarez inquired on the process and the addition of another Council Member possible.

Mr. Merritt, for Council's benefit provided some information as it pertains to the process, advising that the charter would need amending, approval from Department of Justice, it is a complicated process requiring a boatload of information to provide them.

Council had a lengthy discussion on this matter, topics included: number of districts, when referendum should be on ballot, revising council elections to Presidential election year, should all members' terms be changed to be voted on all at once and presenting this question to the citizens on the next public survey conducted.

## **MANAGERS REPORT**

*None*

## **COUNCIL COMMENTS**

Council Members Cohn and King had no comments.

Mayor Alvarez - sent his thoughts to Ms. Luther who's visiting her brother in hospital, she's a trooper only missing 2 meetings during her term and sent get well thoughts to Mr. Allen. This week the US Power Olympic ice skating teams from Korea, Russia and two teams from the USA at Extreme Ice Center for their National Championship. He informed everyone it is free and encouraged all to come out and support your team and be Ambassadors to the rest of the world. Meet these extraordinary athletes, who are paralyzed, it's very inspirational. He provided the schedule for the events.

Mr. Waddell stated he was happy for a productive meeting. He advised the food pantry in Monroe looking for food donations, lost freezers and refrigerators; they need assistance, suggesting all should check out today's EJ. He encouraged everyone to support local food banks as well. Mr. Waddell acknowledged this week is Dr. Martin Luther King's birthday, suggesting to go on you tube and listen to his speeches.

### **CLOSED SESSION**

*None*

### **ADJOURN**

Christopher King made a motion to adjourn  
Motion Passed 2 - 1 with David Waddell opposing.

**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				Penalty	Total
		Arrears/Other	Fiscal 2012	Fiscal 2013	Future		
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	62738	670.63-	6,962,885.11	6,599,453.59-	0.00	6,056.65	368,817.54

## Town of Indian Trail

---

# Memo

**TO:** Town Council  
**FROM:** Peggy Piontek  
**DATE:** February 12, 2013  
**SUBJECT:** Revised 2013 Town Council Meeting Schedule



---

Approval of the revised meeting scheduled is requested to correct the date of the August Town Council Meeting.



2013 Council Meeting Schedule  
 All meetings start at 6:30 pm

<i>Month</i>	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 2<sup>nd</sup> 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.

## Town of Indian Trail

---

# Memo

**TO:** Town Council  
**FROM:** Joe Fivas  
**DATE:** February 12, 2013  
**SUBJECT:** MSLO Highway 74

---



NCDOT is cleaning up their ordinance system to reflect the current posted speed limit, there has been no change in the speed limit.



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

DECEMBER 3, 2012

EUGENE A. CONTI, JR.  
SECRETARY

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

Dear Ms. Johnson:

Attached are Municipal Speed Limit Ordinances for enacting speed limit zones on US 74 in Indian Trail. Current speed limits have not been altered. Our office is cleaning up our ordinance system to reflect the current posted speed limits in the field.

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

If you have any questions or concerns, please contact Mr. Sean Epperson at 704-983-4400.

Sincerely,

A handwritten signature in cursive that reads "Louis L. Mitchell" with the initials "LLM" written below the name.

Louis L. Mitchell, PE  
Division Engineer

LLM/lhj

Cc: John Underwood, District Engineer  
File

Attachment

**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, \_\_\_\_\_, Clerk of \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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: \_\_\_\_\_

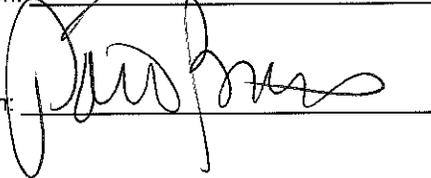
In witness whereof, I have hereunto set my hand and the municipal seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(signature)

(municipal seal)

---

**Department of Transportation Approval**

Division:		Title: <u>DTE</u>	Date: <u>11/26/12</u>
Region:		Title: <u>RTW</u>	Date: <u>11/21/12</u>

**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, \_\_\_\_\_, Clerk of \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(signature)

(municipal seal)

---

**Department of Transportation Approval**

Division: South Coh

Title: DTE

Date: 11/2/12

Region: John Jones

Title: RTE

Date: 10/23/12



## Town of Indian Trail

---

# Memo



**TO:** Town Council  
**FROM:** Joe Fivas  
**DATE:** February 12, 2013  
**SUBJECT:** Animal Control Ordinance

---

At the last meeting Council gave direction to revise the Animal Control Ordinance. The Town Attorney has made those revisions as directed and staff submits for Council approval.

STATE OF NORTH CAROLINA )  
TOWN OF INDIAN TRAIL )

ORDINANCE #MCA2013-1

## 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 upon its adoption by the Town of Indian Trail.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

DRAFT



**TO:** Mayor and Town Council  
**FROM:** Kelly Barnhardt  
**DATE:** February 7, 2013  
**SUBJECT:** Woolpert Agreement

---

Woolpert was chosen at the last Council meeting on January 22, 2012 to be the project manager of the 140+ acre park in Indian Trail. We are currently working through the entire scope which will be an evolving process due to different development phases. This agreement sets the ground work for moving forward with Woolpert on their due diligence and scope of work for the beginning of phase one.

Kelly Barnhardt  
Director of Community & Economic Development

## Town of Indian Trail

---

# Memo

**TO:** Town Council

**FROM:** Joe Fivas

**DATE:** February 12, 2013

**SUBJECT:** ABC Board Application Process



---

There is a seat coming available on March 1<sup>st</sup>. The Chairman, Kenneth Porter's term is up and he has informed us he does not wish to reapply. Staff is looking for direction pertaining to interviews and questions.



## **ABC Board Applicant Questions**

1. Why should you be chosen to serve on this board?

---

---

---

2. What SKILL SETS AND DIRECT EXPERIENCE do you have in any of the following four broad areas?

a) Retail

---

---

---

b) Finance/Accounting/Banking

---

---

---

c) Legal

---

---

---

d) Real Estate

---

---

---

3. Provide one specific example of when you accomplished a complex goal in advance of established timelines either by yourself or by working with colleagues. Explain the specific steps you took to make this happen.

---

---

---

4. There is no doubt that integrity and leadership are qualities expected in each appointed ABC boardmember. With that being said, what 3 different professional backgrounds do you think would make for a well-rounded combination of skills-sets that would be a "recipe for success" in the creation and oversight of an ABC store?

---

---

---

5. What specific skills and experience do you have that will help to achieve this well-rounded board?

---

---

---

6. Our goal is to have an ABC store up and running by early fall, in order to capitalize on the dramatic increase in business that the holiday season generates. Do you have the time to give to this process (which will likely require much more time during its formation than it might after it is established)?

---

---

---

Notes:

---

---

---

---

---

---

---

---



# Town of INDIAN TRAIL north carolina

---

## **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](http://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, first consideration for regular membership should be given to alternate members who have served more than twelve (12) months.

### **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 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.
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.