

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David Cohn



TOWN COUNCIL
Gordon B. Daniels
David W. Drehs
Christopher M. King
Gary M. Savoie

Indian Trail Town Council Meeting
May 27, 2014
Civic Building
6:30 p.m.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ADDITIONS AND DELETIONS** **action**
3. **MOTION TO APPROVE AGENDA**
4. **PRESENTATIONS**
 - a. [Proclamation for Purple Hearts](#)
 - b. [Certificate of Recognition for Eagle Scout Josh Boyer](#)
5. **PUBLIC COMMENTS**
6. **LAW ENFORCEMENT UPDATE**
7. **CONSENT AGENDA** **action**
 - a. [Approval of May 13, 2014 Town Council Special Meeting draft minutes](#)
 - b. [Approval of May 13, 2014 Town Council draft minutes](#)
 - c. [Approval of May 19, 2014 Town Council Special Meeting draft minutes](#)
 - d. [Approval of Resolution authorizing Sole Source Provider](#)
 - e. [Approval of Crossing Path Park Rules](#)
 - f. [Approval of Planning Board request for Endorsement of a letter of opposition of Senate Bill 139 from Council](#)
8. **PUBLIC HEARINGS** **action**

– Please adhere to the following guidelines:

 - ***Proceed to the podium, and state your name and address clearly;***
 - ***Be concise; avoid repetition; limit comments to three (3) minutes or less;***

- **Designate a spokesperson for large groups**

- a. 2014-2015 Fiscal Year Budget

9. BUSINESS ITEMS

- a. Approval of Tinsley & Terry Audit Contract & Rep. Letter

10. DISCUSSION ITEMS

- a. Discussion of questions for next meetings with Law Enforcement analyses.
- b. Discussion of Citizens Academy
- c. Council consider of donating \$1,000 to Union County Drug Court – *this matter was requested by Mayor Alvarez*
- d. Discussion on Board and Committee appointments

11. STRATEGIC PLANNING SESSION

- a. Update on Municipal Complex and Town Center
- b. Update on Parks & Recreation

12. MANAGERS REPORT

13. COUNCIL COMMENTS

14. CLOSED SESSION

action

15. ADJOURN

action

To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.

AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS

The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is townclerk@admin.indiantrail.org; the phone number is 704-821-5401

Proclamation

WHEREAS, The Purple Heart is the oldest military decoration still in present use and was initially created by George Washington in 1782, as the “Badge of Military Merit”; and

WHEREAS, The Purple Heart is awarded to members of the armed forces of the U.S. who are wounded by an instrument of war in the hands of the enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action and it is specifically a combat decoration; and

WHEREAS, the Town of Indian Trail recognizes the mission of the Military Order of the Purple Heart is to foster an environment of goodwill and camaraderie among combat wounded veterans, promote patriotism, support necessary legislative initiatives, and most importantly, provide service to all veterans and their families; and

WHEREAS, there have been former Indian Trail residents who made the ultimate sacrifice in giving their lives in the cause of freedom, and the numerous combat-wounded veterans who currently reside within the Town of Indian Trail, and in Union County and as Purple Heart awardees who contribute to their community in countless ways, and

NOW, THEREFORE BE IT PROCLAIMED that, I, Michael Alvarez, Mayor of the Town of Indian Trail, North Carolina, on behalf of the Indian Trail Town Council, do hereby bestow honor and gratitude upon the Military Order of the Purple Heart, Chapter 634 and we proudly support the recognition of the Town of Indian Trail as a *“Purple Heart City in the State of North Carolina”*.

ADOPTED this 25th day of March, 2014

Michael L. Alvarez, Mayor

Attest: _____
Peggy Piontek, Town Clerk

CERTIFICATE OF RECOGNITION

IN RECOGNITION OF JOSH BOYER 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, Josh Boyer has been very active in the Boy Scouts and has recently completed an Eagle project management by organizing and managing the construction of a raised garden for the Mill Grove United Methodist church pre-school; and

WHEREAS, Josh Boyer 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

WHEREAS, Josh Boyer has been accepted into Western Carolina University in Cullowhee NC; and

NOW THEREFORE, I, Michael L. Alvarez, the Mayor of the Town of Indian Trail along with the Indian Trail Town Council recognize Josh Boyer 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
Civic Building
May 13, 2014
5:30 pm

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Gordon B. Daniels, David W. Drehs, Christopher King and Gary M. Savoie

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, and Town Attorney Keith Merritt

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order. Councilman Daniels led in the Pledge of Allegiance. Mayor Alvarez announced that Councilman Drehs was not present.

INTERVIEW ON LAW ENFORCEMENT ANALYSIS WITH POLICE EXECUTIVE RESEARCH FORUM

Councilman Drehs entered the meeting.

Tom Wilson and Jason Cheney representatives from the Police Executive Research Forum (PERF) provided some background information on the company and staff. They are a nonprofit organization established in 1976, the conduct research on both the staff & technical side of law enforcement, management services branch. They

provided Council with an overview of how they conduct the analysis. In conclusion they bring a lot to the table, staff have 30+ years experience, they run reports through a very intense review process, provide a draft for Council review and modifications, ultimately providing a report with their recommendations.

Each Councilman asked questions of Mr. Wilson and had a lengthy conversation, topics included: experience with municipalities, how many of their recommendations have been followed, what differentiates them from others, size of their organization, amount of experience with contracting police departments, will they determine the number amount of staff required for our town, number of veterans in their organization, how many years does the study take us out, implementation of civilian participation decreasing the cost to the town, review of improvement of administration and clerical work, will study include analysis of cost of contracting with sheriffs verses our own police department and will the names and titles of people interviewed be revealed.

CLOSED SESSION

None

ADJOURN

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

APPROVED:

Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



Town of Indian Trail
Minutes of Town Council
May 13, 2014
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Gordon Daniels, David Drehs, Christopher King and Gary Savoie

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, Director of Engineering and Public Works Scott Kaufhold, Communications Coordinator Lindsey Edmonds, Assistant Director of Parks & Recreation Jason Tryon, Senior Planner Rox Burhans, Tax Collector Janice Cook, and Assistant Finance Director Jennifer Smith.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order. Deputy Rushing led the Pledge of Allegiance.

ADDITIONS AND DELETIONS

Mr. Fivas explained that the representative for Berkshire Advisors was detained in an airport and will not be able to attend tonight's meeting. He also explained that the people for the presentations were advised to come later because of the anticipated interview, recommending that we should move the public hearings (items 10 a & b) to the item 4 and move item 6 to 11a.

Gary Savoie made a motion to approve moving agenda item #6 to 11a.
Council voted unanimously in favor of the motion.

Gary Savoie made a motion to approve moving agenda items 10 a & b to item #4
Council voted unanimously in favor of the motion.

Gary Savoie made a motion to approve deleting the original item #4 interview on law enforcement analysis with Berkshire Advisors, Inc.
Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Gary Savoie made a motion to approve the agenda as amended.
Council voted unanimously in favor of the motion.

Mayor Alvarez stated: Join us for a movie under the stars when we kick our Sunset Series continues on Friday, May 16, when we watch the movie *Despicable Me 2* in Crossing Paths Park! The movie will begin at dusk, and the bounce house will open at 7 p.m. The Indian Trail Cultural Arts Center recently announced its summer camp schedule! Look for more information on the Town's website and the Cultural Arts Center Facebook page.

INTERVIEW ON LAW ENFORCEMENT ANALYSIS WITH BERKSHIRE ADVISORS, INC

This matter was deleted as a result of a motion made in additions/deletions

PUBLIC HEARINGS

These items were moved up as a result of a motion made in additions/deletions.

- a. 2014-002 Amendment of UDO Related to Thrift/Consignment Sales

Senior Planner Rox Burhans stated this is a request to amend Chapters 520, 7200, and 1610 of the Unified Development Ordinance (UDO) to permit Second Hand Thrift/Consignment Sale uses within the Neighborhood Business District and Central Business District zoning classifications as well as the Downtown and Village Center Overlay Districts, subject to conditions to ensure compatibility.

Background/Analysis

Text Amendment Case No. ZT2014-002 was initiated by the Planning Board on March 20, 2014. At the March meeting, staff informed the Planning Board about two recent thrift store business inquiries within Downtown Indian Trail that were disapproved due to the UDO's classification of these businesses as "Second Hand/Rummage Sale" uses. This use is currently only permitted within the more intense, Regional Business District (RBD) and General Business District (GBD) zoning districts. After receiving preliminary staff research regarding the characteristics of second hand thrift/consignment store uses, the Planning Board initiated ZT2014-002.

ZT2014-002 will enable second hand thrift/consignment sale uses to locate within all Indian Trail commercial zoning districts, including Downtown Indian Trail and the Town's Village Centers such as Sun Valley, Austin Village, and others. The Downtown and the Village Centers are smaller-scale areas of the community that have a heightened priority for compact development with a focus on urban design and attractive aesthetics. The following standards (in summarized form) are proposed to ensure compatibility within these important areas and to minimize impacts to adjacent properties.

Proposed Thrift/Consignment Store Standards (within Downtown, Village Centers, etc.)

1. Donated items or store merchandise shall be delivered to, processed, and stored within the interior of buildings. No exterior storage shall be permitted;
2. Outdoor merchandise receiving areas may be established subject to Special Use Permit approval by the Board of Adjustment for the delivery of oversized merchandise or for delivery of merchandise from individuals with physical limitations. *This standard was specifically recommended by the Planning Board at their April 24th meeting;*
3. Drive thru facilities is prohibited;
4. Use of exterior donation drop off bins is prohibited;
5. Use of tractor trailers or shipping containers is prohibited for storage of merchandise.

The Planning Board unanimously recommended approval of ZT2014-002 subject to a modification to include the ability for an outdoor merchandise receiving area subject to Special Use Permit approval and made the following findings:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
Downtown Revitalization Goal 1: Because it will enable second hand thrift and consignment store uses to locate within Downtown Indian Trail and contribute to the success of the Downtown economy; and

Land Use Goals 1 and 5: Because it creates standards for second hand thrift and consignment store uses and antique shop uses to ensure high quality, attractive development and minimize impacts to adjacent properties.

2. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts subject to standards that are intended to ensure compatibility with character of the area and minimize impacts to adjacent properties

Mayor Alvarez stated, for full disclosure, he attended the Planning Board meeting as a resident and spoke in favor of Common Heart and currently he owns a consignment shop.

Mayor Alvarez opened the Public Comments portion of the hearing.

Keith Adams, 607 Greenbrook Parkway, Weddington, NC the Executive Director of Common Heart stated he appreciates the ability he's had to operate and provide services in Indian Trail, they are looking to move into this area and would love for this Zoning Amendment to be approved. He believes it would increase economic things in the Town.

Mayor Alvarez closed the Public Comments portion of the hearing.

David Drehs made a motion to approve Comprehensive Plan consistency statement and the findings as read into the record.

Council voted unanimously in favor of the motion.

David Drehs made a motion to approve ZT2014-002 as presented. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Council voted unanimously in favor of the motion.

b. 2014-2015 FISCAL YEAR BUDGET

Mr. Fivas provided a brief overview of the budget process conducted, stating that the draft has been made available to residents and this is the first opportunity for public comments on the draft. There will be a second opportunity at our next meeting as well.

Mayor Alvarez opened the Public Comments portion of the hearing.

Amanda Faulkenberry, 519 Picketts Circle, Indian Trail, NC advised that the funds set for law enforcement is not enough, asking for a minimum for 2 deputies and 2 detectives. The 2 additional parks coming up will require additional law enforcement and detective work.

Mayor Alvarez closed the Public Comments portion of the hearing.

Mr. Drehs thanked the staff for making him feel welcome, explaining a tour he received of the Town facilities, recommending that the rest of the Council do the same if time permits, as it enabled him to understand the budget better.

PRESENTATIONS

These matters were moved as a result of a motion made in additions/deletions

a. Proclamation for Police Week

Mayor Alvarez read and presented the Proclamation to Deputy Rushing. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

b. Certificate of Recognition for Kiwanis of Monroe

Mayor Alvarez read and presented the Certificate of Recognition to Caleb Barnhardt from the Kiwanis Club and Brantley Aycock from Circle K.

Mr. Fivas expressed his appreciation to both organizations and provided a brief description of the work done. Both gentlemen expressed their appreciation for this recognition and provided a brief overview of the organizations they represent. Mayor Alvarez explained the Kiwanis Club's Terrific Kid program and expressed his appreciation for all they do. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

PUBLIC COMMENTS

Amanda Faulkenberry, 519 Pickett Circle, Indian Trail, NC had a presentation showing pictures to Crossing Paths Park on Saturday May 3rd. They were pictures of trash throughout the park stating that is what greeted anyone who drove by or wanted to go into the park, it's a disgrace. They picked up all the trash and emptied the overflow. At 1pm Mr. Fivas showed up to assist. She does not understand why no arrangements were made. On Sunday the trash cans were still full.

Lars Napp, 655 Powder Horn spoke on the Plyler Road project currently being proposed stating he's not in favor of it and discussed its impact on schools. He discussed overcrowding in classes referring to the removal of caps of students permitted in classrooms, urging all Council go into the 2009 Facilities report.

Ruth Koss, 6729 First Avenue, Indian Trail, NC reviewed the public comments she made last month advising it's time for action. She stated she has not received any reports or contact about the stormwater issues in her neighborhood. She requested a forensic audit of the stormwater service STAT.

Greg Vossekuil, 213 Edenshire Court, Indian Trail, NC stated that he was at the last meeting requesting assistance pertaining to his damaged driveway. There is an agreement to get it repaired and requested it get done as soon as possible, as he has concerns over its safety currently.

Michael Faulkenberry 519 Picketts Circle, Indian Trail requested that everyone wear a blue ribbon on Wednesday, May 14th acknowledging those law enforcement officers that have lost their lives and held a moment of silence.

Stephanie Jones, 2008 Helleri Drive, Indian Trail, NC addressed the parking ordinance, providing issues currently in her neighborhood. She has done her research and stated that you should park on the correct side of the road not the opposite. She has spoken to officers and they do not understand how it's written. She understands the town is working on new ordinances but feels the current one should be enforced.

Tim Wilkins, 6607 First Avenue, Indian Trail, NC explained flooding concerns that existed in his neighborhood in New Jersey and now his current neighborhood on First Avenue, stating that his neighbors put out sand bags to prevent water coming into their homes. He researched the developer who claims not to have any responsibility. The Town recommended they annex into Indian Trail, and he wants to get some resolution to this matter.

Mayor Alvarez closed the Public Comments portion of the meeting.

- c. Union County Drug Court Foundation - *This matter was moved as a result of a motion made in additions/deletions.*

Judge Gwin explained he runs a program called the DWI Treatment Program. It was designed to prevent repeat chronic DWI offenders off the road. Judge Gwin provided an overview of the program and gave examples of its success. **(A COPY OF THE POWERE POINT CAN BE FOUND IN THE OFFICIAL PACKET IN THE CLERK'S OFFICE).**

Nathan Campbell - resident of Union County and a graduate of DWI Treatment Court in 2005, stated that the opportunity this gives to individuals like himself saves lives. It saved his. He is a family man who has been given a second chance.

Stella Brown stated they are here to ask for assistance to get the word out and if at all possible any funding for the community.

Mr. Merritt asked some questions and then stated this has proven to be an incredibly effective program, 3 years ago it was defunded, there are some counties that have kept them and self funded, they are well worth the money invested in them. They change the behavior of the person and should be supported any way they can be

Mayor Alvarez stated that he admires Judge Gwin for the hard work and great results in this court, explaining how heartwarming the graduation is and also how hard the Judge is on those that do not follow the rules. Several Council Members made positive comments on this item.

LAW ENFORCEMENT UPDATE

None

CONSENT AGENDA

- a. Approval of April 22, 2014 draft minutes
- b. Approval of Resolution for street maintenance **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- c. Approval of amendment to the Capital Project Ordinance for C-4957 B **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- d. Approval of amendment to the Capital Project Ordinance for Chestnut Square Park **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- e. Approval of amendment to the Capital Project Ordinance for Chestnut Parkway Extension **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Gary Savoie made a motion to approve the Consent Agenda.

Mr. Cohn wanted to be sure everyone is looking into the Consent Agenda. Requesting that more information be provided on these items. Mr. Cohn inquired if Council can get hard copies of what this is for. Mr. Fivas explained the items on the Consent Agenda.

Council voted unanimously in favor of the motion.

BUSINESS ITEMS

FY2014-15 BUDGET PRESENTATION - This item was moved as a result of a motion made in additions/deletions.

Mr. Fivas presented the highlights of the budget, informing Council of the process to create it, where we were 6 years ago, where we are now and where we're headed and how the budget fits into our current plans and future. Mr. Fivas informed Council of the five threats to our community - lack of future infrastructure development, lack of future economic development, building quality of life programs, growth and appearance & beautification. Mr. Fivas provided information on the following topics: transportation, investment district, lack of future plans for Economical Development, Parks & Recreation, growth management, beautification and appearance, population growth, tax classification, organizational chart, debt services ratio, intergovernmental dependency ratio, town revenues, expense summary, Human Resources, Finance and Business Administration, Law Enforcement, Planning and Neighborhood Services, Engineering and Public Works then asked if Council had any questions. None were asked. **(A COPY OF THE POWER POINT CAN BE FOUND IN THE OFFICIAL PACKET IN THE CLERK'S OFFICE)**

DISCUSSION ITEMS

a. Discussion on Economic Development Advisory Committee

Mr. Fivas advised that several communities have this. It allows certain business owners to provide opinions on how to bring in large corporations, etc. He inquired if Council would like staff to provide them with a draft, Council agreed.

STRATEGIC PLANNING SESSION

a. 5 year Transportation Plan

Mr. Fivas presented Council with a draft process to get public input on transportation issues. He advised that we will have to push back the dates somewhat, due to presenting it later than anticipated when created. Mr. Fivas explained we will hold community meetings in the Civic Building, one for North and one for South side of Indian Trail. Then we can hold a Public Hearing and with those comments and we will put together a plan. Mr. Fivas inquired if Council wants public input, is this enough or does Council want more. Council agreed with the plan.

b. Parks & Recreation Update

Mr. Fivas advised this will be approximately a one hour conversation so he recommends doing it at the next meeting. Council agreed.

c. Neighborhood Enhancement Program

Ms. DeHart presented a brief snapshot on staff's research of Neighborhood Enhancement Programs advising they can be small or large and the budgets that go along with that; but must be customized

to the community for which it's implemented. The purpose is to empower neighborhood leaders to partner with their community residents and the town. It presents opportunities for residents to address their tough issues, which comes down to the enhancement of a quality of life in a neighborhood translating to stabilization of property values. What staff would like to do is continue developing this program, we will bring back to you a menu and look for Council's guidance in picking the right program for Indian Trail.

d. Municipal Complex Update

Mr. Fivas stated that Council directed staff to research options and availability for locations for a Municipal Complex. The challenge is where those facilities should be. Mr. Fivas handed out a letter he received from Mr. Carlton Tyson, from Typar Commercial Real Estate, advising they would donate 2 acres across the street for this purpose. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Council had a discussion on this matter and by consensus requested Mr. Fivas confirm Council is interested. They need to get a clear definition of what the property owner wants on this property and the size of the property being donated.

MANAGERS REPORT

Mr. Fivas invited everyone to several upcoming events in the Town. He stated he is looking forward to the presentation on Parks & Recreation. Mr. Fivas thanked staff for their hard work. He advised we are planning the stormwater 101 class for when the agenda's get a little lighter. Mr. Fivas reminded everyone to make sure you wear your ribbon on May 14th.

COUNCIL COMMENTS

Mr. Cohn complemented staff for doing such a great job, such few people you do such great work, in spite of having to work long hours you still come in here and smile. Tomorrow night Porter Ridge is in playoffs. He provided their stats.

Mr. King had no comments.

Mr. Drehs thanked staff for the great tour, Memorial Day is Monday the 26th, and he does a service at his church at 8:30 and 11:00 a.m. and explained the ceremony. He invited everyone on the 25th to the Spirit of Joy Lutheran Church.

Mr. Daniels thanked everyone for coming out on December 10th he was very happy to be sworn into this Council but on April 22nd he was down because a gentleman who applied for the Public Safety Committee was turned down. At that time, Mr. Daniels asked to table it and it did not happen, due process was not conducted, an arrest record was pulled off the internet. According to Union County there is no arrest record. He believes it was wrong, and is asking Council to reconsider; this is the 2nd time that a person has had an arrest record used against him. We need to be sure that the individual is truly a criminal and not just an arrest record.

Mayor Alvarez thanked Mr. Fivas and staff for tonight, reminded everyone about the movie; he thanked the Faulkenberrys for cleaning the park. Mayor Alvarez reminded everyone that it's Law Enforcement Appreciation Week, if you're out and about in line for food pick up the tab for one of them if you can, thank them and let them know they are appreciated. Kids will be out on the street, schools closing, please be careful.

Mr. Savoie thanked staff for hard work and diligence; he thanked the Faulkenberrys for cleaning up the park, in fair disclosure it looked like that because about 700 people attended the movie night that lasted until 11 pm. He thanked staff for pulling that off and the great accolades we heard about that.

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



DRAFT



Town of Indian Trail
Minutes of Town Council
Special Meeting
May 19, 2014
Civic Building
6:30 p.m.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Gordon Daniels, David Drehs, and Gary Savoie.

Absent Members: Christopher King,

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, and Town Attorney Keith Merritt.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Cohn called the meeting to order and led in the Pledge of Allegiance. He announced that Mayor Alvarez and Councilman King would be late.

INTERVIEW ON LAW ENFORCEMENT ANALYSIS WITH BERKSHIRE ADVISORS

Mayor Pro Tem Cohn introduced himself and suggested that Mr. Wilson provide some background information on his organization and the process by which they conduct the analysis. Mayor Alvarez entered the meeting.

Mr. Mike Walker introduced himself and went over the document supplied to Council that outlines their experience, study team, project scope, approach and work plan. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Each Councilman asked questions of Mr. Walker, topics included: how they differ in industry, size and turnover of staff, study experience especially with contracted officers, is number of officers judged on population, evaluate number of officers needed and study of cost of police department vs. sheriff's officers, use of today's technology to reduce actual personnel, number of veterans on staff, evaluation of use of civilians, number of staff needed driven by needs and time of day, is equipment considered when comparing cost of contracted vs. private.

Council concluded the interview and decided to create the questions at the next meeting and then they can ask those questions of each vendor at a different meeting possibly with the assistance of Lieutenant Coble. They requested this matter be put on the next agenda.

Councilman King did not attend the meeting.

CLOSED SESSION

None

ADJOURN

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

APPROVED:

Michael L. Alvarez, Mayor

Attest: _____
Peggy Piontek, Town Clerk



Town of Indian Trail

Memo

TO: Mayor and Town Council

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

COUNCIL DATE: May 27, 2014

SUBJECT: Approval of Resolution for Purchase of Playground Equipment from Sole Source Provider

General Information:

G.S. 143-129 requires a Resolution from the Town approving an exception to the competitive bidding process based on a sole source provider for the purchase of playground equipment at Crooked Creek Park.

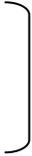
Required Actions:

Council Approval of Resolution

Attachment:

Resolution

STATE OF NORTH CAROLINA
TOWN OF INDIAN TRAIL



RESOLUTION #

**RESOLUTION AUTHORIZING PURCHASE OF PLAYGROUND
EQUIPMENT FROM SOLE SOURCE PROVIDER**

WHEREAS, the Town of Indian Trail desires to continue the playground equipment theme established at Chestnut Square Park into Crooked Creek Park playground equipment purchase; and

WHEREAS, GameTime, a division of PlayCore, Inc., is the sole source provider of the playground equipment purchased for Chestnut Square Park, and

WHEREAS, it has been determined it would be in the best interest of the Town to allow an exception to the competitive bidding process based on a sole source provider; and

WHEREAS, G.S. 143-129 requires the governing board of a political subdivision of the State approve a sole source purchase; and

NOW, THEREFORE, BE IT RESOLVED THAT the Town Council of the Town of Indian Trail approves GameTime, a division of PlayCore, Inc., as the sole source provider of the specialty playground equipment to be installed in Crooked Creek Park and authorizes the Town to purchase the same without securing competitive bids in compliance with G.S. 143-129.

ADOPTED BY TOWN COUNCIL, this the 27th day of May, 2014.

Michael Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



TO: Mayor and Town Council

FROM: Jason Tryon, Assistant Parks & Recreation Director

DATE: May 22, 2014

SUBJECT: Crossing Paths Park rules

At the May 7th PARC meeting the Committee recommended new rules for Crossing Paths Park that would allow the ability for visitors to bring restrained dogs to the park. Staff also recommends that no dogs would be allowed to be in the park during town events. The current park ordinance states “Pets- It shall be unlawful for any pets to run at large or be held or restrained by a leash in any park or trail way except where otherwise posted. Where pets are permitted by public park posting they must be restrained by a leash of not more than six (6) feet in length or otherwise authorized. This section shall not apply to dogs used by law enforcement authorities or other service animals.”

If approved by Council, staff will repost park rules at Crossing Paths Park with updated rules allowing restrained dogs in the park but not during Town events.

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Planning Board
Via Planning Director

DATE: May 22, 2014

SUBJECT: HB150/SB 139



The Planning Board is seeking the Council's endorsement of the attached letter opposing Senate Bill 139. This Bill proposes to bar local governments from adopting and implementing design controls on single-family homes including townhomes and duplexes. This ban would include local restrictions on building materials (exterior wall cladding), exterior nonstructural architecture ornamentation, and location or architectural styling of windows and doors.

It is our opinion that the loss of this local authority inhibits the ability to protect the character of established neighborhoods, provide compatibility of new development and predictability for potential home buyers.

Requested Town Council Action: Endorsement of the Letter of Opposition

Attachment-1- Senate Bill 139
Attachment-2- Draft Planning Board Letter

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S

1

SENATE BILL 139*

Short Title: Zoning/Design & Aesthetic Controls. (Public)

Sponsors: Senators Clodfelter, Gunn, Tarte (Primary Sponsors); Clark, Daniel, Hise, Hunt, Jenkins, McLaurin, and Walters.

Referred to: Commerce.

February 27, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY WHEN A COUNTY OR MUNICIPALITY MAY ENACT ZONING
3 ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS.

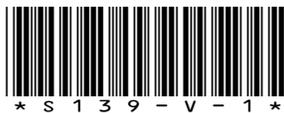
4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 160A-381 is amended by adding a new subsection to read:

6 "(g) Regulations relating to building design elements adopted under Parts 2 and 3 of
7 Article 19 of this Chapter, or adopted pursuant to any recommendation made under
8 G.S. 160A-452(6)c., may not be applied to any structures subject to regulation under the North
9 Carolina Residential Code for One- and Two-Family Dwellings except under the following
10 circumstances:

- 11 (1) Structures located in areas designated as local historic districts pursuant to
12 Part 3C of Chapter 160A of the General Statutes.
13 (2) Structures located in areas listed on the National Registry of Historic Places.
14 (3) Structures located in individually designated local, State, or national historic
15 landmarks.
16 (4) The regulations are directly and substantially related to the requirements of
17 applicable safety codes adopted under G.S. 143-138.
18 (5) Where applied to manufactured or modular housing, in a manner consistent
19 with G.S. 160A-383.1 and federal law.
20 (6) Where such regulations are adopted as a condition of participation in the
21 National Flood Insurance Program.

22 Regulations prohibited by this section may not be applied in any zoning district, special use
23 district, conditional use district, or conditional district unless specifically consented to by the
24 owners of all of the property to which they may be applied, nor may any such regulations be
25 applied indirectly as part of the review pursuant to G.S. 160A-383 of any proposed zoning
26 amendment for consistency with an adopted comprehensive plan or other applicable officially
27 adopted plan. For the purposes of this subsection, the phrase "building design elements" means
28 exterior building color; type or style of exterior cladding material; style or materials of roof
29 structures or porches; exterior nonstructural architectural ornamentation; location or
30 architectural styling of windows and doors, including garage doors; the number and types of
31 rooms; and the interior layout of rooms. The phrase does not include any of the following: (i)
32 the height, bulk, orientation, or location of a structure on a zoning lot; (ii) the use of buffering
33 or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect
34 the privacy of neighbors; (iii) features related to accessory buildings and parking and loading
35 areas; and (iv) off-premises and on-premises signs."



1 **SECTION 2.** G.S. 153A-340 is amended by adding a new subsection to read:

2 "(k) Regulations relating to building design elements adopted under Parts 2 and 3 of
3 Article 18 of this Chapter, or adopted pursuant to any recommendation made under
4 G.S. 160A-452(6)c., may not be applied to any structures subject to regulation under the North
5 Carolina Residential Code for One- and Two-Family Dwellings except under the following
6 circumstances:

7 (1) Structures located in areas designated as local historic districts pursuant to
8 Part 3C of Chapter 160A of the General Statutes.

9 (2) Structures located in areas listed on the National Registry of Historic Places.

10 (3) Structures located in individually designated local, State, or national historic
11 landmarks.

12 (4) The regulations are directly and substantially related to the requirements of
13 applicable safety codes adopted under G.S. 143-138.

14 (5) Where applied to manufactured or modular housing, in a manner consistent
15 with G.S. 153A-341.1 and federal law.

16 (6) Where such regulations are adopted as a condition of participation in the
17 National Flood Insurance Program.

18 Regulations prohibited by this section may not be applied in any zoning district, special use
19 district, conditional use district, or conditional district unless specifically consented to by the
20 owners of all of the property to which they may be applied, nor may any such regulations be
21 applied indirectly as part of the review pursuant to G.S. 153A-341 of any proposed zoning
22 amendment for consistency with an adopted comprehensive plan or other applicable officially
23 adopted plan. For the purposes of this subsection, the phrase "building design elements" means
24 exterior building color; type or style of exterior cladding material; style or materials of roof
25 structures or porches; exterior nonstructural architectural ornamentation; location or
26 architectural styling of windows and doors, including garage doors; the number and types of
27 rooms; and the interior layout of rooms. The phrase does not include any of the following: (i)
28 the height, bulk, orientation, or location of a structure on a zoning lot; (ii) the use of buffering
29 or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect
30 the privacy of neighbors; (iii) features related to accessory buildings and parking and loading
31 areas; and (iv) off-premises and on-premises signs."

32 **SECTION 3.** This act is effective when it becomes law and applies to development
33 approvals granted on or after that date.

**PLANNING BOARD
CHAIR**
Patti Cowan

VICE CHAIR
Larry Miller



PLANNING BOARD
Jan Brown
Cathi Higgins
Robert Rollins
Kelly D Onofrio
Alan Rosenberg
Cheryl Mimy
Steve Long
Sidney Sandy

INDIAN TRAIL PLANNING BOARD
PO Box 2430
Indian Trail, NC 28079

May 20, 2014

The Honorable XXXX
NC Senate
16 W. Jones Street, Room 2013
Raleigh, NC 27601-2808

RE: HB 150/SB 139 Zoning/Design & Aesthetic Controls

Dear Senator XXXX:

We, the members of the Indian Trail Planning Board, oppose HB 150/SB 139 Zoning/Design and Aesthetic Controls. We believe our Town's authority to regulate design standards protects the character of established neighborhoods, provides compatibility of new development and predictability for potential home buyers. Standards are in place now that promote quality within our town and any builder that wishes to expand here are aware of our standards. Control of these issues need to stay in the hands of local departments and committees.

It inhibits the use of lesser quality building materials in order to protect the health, safety and general welfare of our Indian Trail residents. Taking away those safeguards could reduce residential growth, property values and property tax revenue making us more dependent on State funds.

Please help us maintain our Town's fiscal responsibility, quality of life and unique identity.

We urge you to oppose this bill. Thank you.

Respectfully,

Patti Cowan
Planning Board Chairman



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: May 27th, 2014

SUBJECT: Fiscal Year 2014/15 Budget Hearing

The public is invited to give comments on the Fiscal Year 2014-2015 Town budget. The budget can be found at the Union West Library, or on the Town of Indian Trail webpage.

jaf



TO: Mayor and Town Council

FROM: Joe Fivas

DATE: May 27, 2014

SUBJECT: Annual Approval of Audit Contract and Rep Letter

With the end of the year approaching it is time again to prepare for our end of year financial audit by our auditors, Tinsley and Terry. The Local Government Commission (LGC) approval is required for all contracts and invoices for audit services in the state of North Carolina, including special audits and agreed-upon procedures for local governments. As part of their approval process the LGC requires the following:

- Approval of the audit contract and rep letter by the governing board; and,
- The Mayor's signature indicating approval on the contract and rep letter.

Staff is recommending the Council approve the attached contract for services.

TINSLEY & TERRY, CPAs, P.A.

CERTIFIED PUBLIC ACCOUNTANTS

May 13, 2014

To Town Council and Members of Management of
Town of Indian Trail
PO Box 2430
Indian Trail, NC 28079

We are pleased to confirm our understanding of the services we are to provide the Town of Indian Trail for the year ended June 30, 2014. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the Town of Indian Trail as of and for the year ended June 30, 2014. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Indian Trail's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Indian Trail's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1) Management's Discussion and Analysis.

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Indian Trail's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- 1) Schedule of Expenditures of Federal and State Awards.
- 2) Schedule of Ad Valorem Tax Receivable
- 3) Analysis of Current Tax Levy
- 4) Combining and Individual Fund Financial Statements
- 5) Budgetary Schedules

Audit Objectives

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and

material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* and the State Single Audit Implementation Act.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The OMB Circular A-133 report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; the provisions of OMB Circular A-133 and the State Single Audit Implementation Act, and will include tests of accounting records, a determination of major programs in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to Town Council and members of management of the Town of Indian Trail. We will make reference to Potter & Company's audit of the Town of Indian Trail Alcoholic Beverage Control Board in our report on your financial statements. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

Management Responsibilities

Management is responsible for the financial statements, schedule of expenditures of federal and state awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying all federal and state awards received and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal state awards (including notes and noncash assistance received) in accordance with the requirements of OMB Circular A-133 and the State Single Audit Implementation Act. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal and state awards, and related notes. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal and state awards, related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of expenditures of federal and state awards, and related notes and that you have reviewed and approved the financial statements, schedule of expenditures of federal and state awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating Marsha Sutton, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Management is responsible for (a) establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (b) following laws and regulations; (c) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (d) ensuring that management is reliable and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all

information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse that we report. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review on August 4, 2014.

You are responsible for preparation of the schedule of expenditures of federal and state awards (including notes and noncash assistance received) in conformity with OMB Circular A-133 and the State Single Audit Implementation Act. You agree to include our report on the schedule of expenditures of federal and state awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and state awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal and state awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal and state awards in accordance with OMB Circular A-133 and the State Single Audit Implementation Act; (2) you believe the schedule of expenditures of federal and state awards, including its form and content, is fairly presented in accordance with OMB Circular A-133 and the State Single Audit Implementation Act; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal and state awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal and state awards; federal and state award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133 and the State Single Audit Implementation Act, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal and state award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Indian Trail's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures

will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the Town of Indian Trail's major programs. The purpose of these procedures will be to express an opinion on the Town of Indian Trail's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

You agree that any dispute that may arise regarding the meaning, performance or enforcement of this engagement will, prior to resorting to litigation, be submitted to mediation, and that the parties will engage in the mediation process in good faith once a written request to mediate has been given by any party to the Mecklenburg, according to its mediation rules, and any ensuing litigation shall be conducted within said county, according to North Carolina law. The results of any such mediation shall be binding only upon agreement of each party to be bound. The costs of any mediation proceeding shall be shared equally by the participating parties.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal and state awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

We will provide copies of our reports to the Local Government Commission; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Tinsley & Terry, CPAs, P.A. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the North Carolina Department of Transportation or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Tinsley & Terry, CPAs, P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of seven years after the report release date or for any additional period requested by the North Carolina Department of Transportation. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately August 11, 2014 and to issue our reports no later than October 31, 2014. Clare Meyer, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$18,500. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered upon completion and are payable on presentation. We reserve the right to suspend services if payment to our firm is not up to date. The above fee is based on anticipated cooperation from your personnel

and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the Town of Indian Trail and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Tinsley & Terry, CPAs, P.A.
Tinsley & Terry, CPAs, P.A.

RESPONSE:

This letter correctly sets forth the understanding of the Town of Indian Trail.

Signature: _____
Title: _____
Date: _____

Signature: _____
Title: _____
Date: _____



System Review Report

August 22, 2012

To the Shareholders

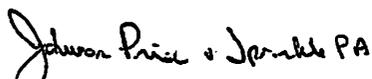
Tinsley & Terry, CPA's, P.A.

and the Peer Review Committee of the North Carolina Association of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Tinsley & Terry, CPA's, P.A. (the firm) in effect for the year ended April 30, 2012. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting auditing practice of Tinsley & Terry, CPA's, P.A. in effect for the year ended April 30, 2012, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Tinsley & Terry, CPA's, P.A. has received a peer review rating of *pass*.


Johnson Price Sprinkle PA

Johnson Price Sprinkle PA

79 Woodfin Place, Suite 300 • Asheville, NC 28801 • 828.254.2374 • Fax 252.9994 • www.jpspa.com

An Independent Member of the BDO Seidman Alliance.

CONTRACT TO AUDIT ACCOUNTS

Of TOWN OF INDIAN TRAIL, NORTH CAROLINA
Governmental Unit and Discretely Presented Component Unit (DPCU) if applicable

On this 13th day of MAY, 2014,

Auditor: TINSLEY & TERRY, CPAs, P.A. Auditor Mailing Address: 18809 W. CATAWBA AVE., STE 201
CORNELIUS, NORTH CAROLINA 28031 Hereinafter referred to as The Auditor

and TOWN COUNCIL (Governing Board (s)) of TOWN OF INDIAN TRAIL

: hereinafter referred to as the Governmental Unit (s), agree as follows:

Governmental Unit (s)

1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles (GAAP) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit (s) for the period beginning JULY 1, 2013, and ending JUNE 30, 2014. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate DPCU's, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types).

2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with Government Auditing Standards if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 Audits of States, Local Governments, and Non-Profit Organizations and the State Single Audit Implementation Act, the Auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC CPA Board).

County and Multi-County Health Departments: The Office of State Auditor will designate certain programs that have eligibility requirements to be considered major programs in accordance with OMB Circular A-133 for the State of North Carolina. The LGC will notify the auditor and the County and Multi-Health Department of these programs. A County or a Multi-County Health Department may be selected to audit any of these programs as major.

3. If an entity is determined to be a component of another government as defined by the group audit standards - the entity's auditor will make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unqualified opinion being rendered. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in Government Auditing Standards, 2011 revisions, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he has met the requirements for a peer review and continuing education as specified in Government Auditing Standards. The Auditor agrees to provide a copy of their most recent peer review report regardless of the date of the prior peer review report to the Governmental Unit and the Secretary of the LGC prior to the execution of the audit contract (See Item 22). If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to Government Accounting Standards or if financial statements are not prepared in accordance with GAAP and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment..

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to the State and Local Government Finance Division (SLGFD) within four months of fiscal year end. Audit report is due on: OCTOBER 31, 2014. If it becomes necessary to amend this due date or the audit fee, an amended contract along with a written explanation of the delay must be submitted to the Secretary of the LGC for approval.

Contract to Audit Accounts (cont.)

TOWN OF INDIAN TRAIL, NORTH CAROLINA

Name of Governmental Unit and Discretely Presented Component Unit's (DPCU) if applicable

7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's systems of internal control and accounting as same relates to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.
8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the LGC. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices for Audit work must be submitted by email in PDF format to the Secretary of the LGC for approval. The invoices must be sent to: lgc.invoice@nctreasurer.com. Subject line should read "Invoice – [Unit Name]. The PDF invoice marked 'approved' with approval date will be returned by email to the Auditor to present to the Governmental Unit for payment. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the LGC, the following fee, which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts:

Year-end bookkeeping assistance – [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] _____

Audit \$15,250

Preparation of the annual financial statements \$3,250

Prior to submission of the completed audited financial report, applicable compliance reports and amended contract (if required) the Auditor may submit invoices for approval for services rendered, not to exceed 75% of the total of the stated fees above. If the current contracted fee is not fixed in total, invoices for services rendered may be approved for up to 75% of the prior year audit fee. The 75% cap for interim invoice approval for this audit contract is \$ 13,875 **** NA if no interim billing**

10. If the Governmental Unit has outstanding revenue bonds, the Auditor shall include documentation either in the notes to the audited financial statements or as a separate report submitted to the SLGFD along with the audit report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor should be aware that any other bond compliance statements or additional reports required in the authorizing bond documents need to be submitted to the SLGFD simultaneously with the Governmental Unit's audited financial statements unless otherwise specified in the bond documents.
11. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include but not be limited to the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the client or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.
12. If the audit firm is required by the NC CPA Board or the Secretary of the LGC to have a pre-issuance review of their audit work, there must be a statement added to the engagement letter specifying the pre-issuance review including a statement that the Governmental Unit will not be billed for the pre-issuance review. The pre-issuance review must be performed prior to the completed audit being submitted to the LGC. The pre-issuance report must accompany the audit report upon submission to the LGC.
13. The Auditor shall electronically submit the report of audit to the LGC when (or prior to) submitting the invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the SLGFD by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the LGC. These audited financial statements are used in the preparation of official statements for debt offerings (the Auditors' opinion is not included) by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and other lawful purposes of the Governmental Unit without subsequent consent of the

Contract to Audit Accounts (cont.) TOWN OF INDIAN TRAIL, NORTH CAROLINA

Name of Governmental Unit and Discretely Presented Component Unit's (DPCU) if applicable

Auditor. If it is determined by the LGC that corrections need to be made to the Governmental Unit's financial statements, they should be provided within three days of notification unless, another time frame is agreed to by the LGC.

If the OSA designates certain programs to be audited as major programs, as discussed in item #2, a turnaround document and a representation letter addressed to the OSA shall be submitted to the LGC.

The LGC's process for submitting contracts, audit reports and Invoices is subject to change. Auditors should use the submission process in effect at the time of submission. The most current instructions will be found on our website: <https://www.nctreasurer.com/slg/Pages/Audit-Forms-and-Resources.aspx>

14. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor
15. If an approved contract needs to be varied or changed for any reason, the change must be made in writing, signed and dated by all parties and pre-audited if the change includes a change in audit fee. This document and a written explanation of the change must be submitted by email in PDF format to the Secretary of the LGC for approval. The portal address to upload your amended contract and letter of explanation documents is <http://nctreasurer.slgfd.leapfile.net> No change shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.
16. Whenever the Auditor uses an engagement letter with the Governmental Unit, Item #17 is to be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item #23 of this contract. Engagement letters containing indemnification clauses will not be approved by the LGC.
17. Special provisions should be limited. Please list any special provisions in an attachment. SEE ENGAGEMENT LETTER ATTACHED.
18. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not issued and the DPCU is included in the primary government audit, the DPCU must be named along with the parent government on this audit contract. Signatures from the DPCU Board chairman and finance officer also must be included on this contract.
19. The contract must be executed, pre-audited, physically signed by all parties including Governmental Unit and Auditor signatures and submitted in PDF format to the Secretary of the LGC. The current portal address to upload your contractual documents is <http://nctreasurer.slgfd.leapfile.net> Electronic signatures are not accepted at this time. Included with this contract are instructions to submit contracts and invoices for approval as of April, 2014. These instructions are subject to change. Please check the NC Treasurer's web site at www.nctreasurer.com for the most recent instructions.
20. The contract is not valid until it is approved by the LGC Secretary. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
21. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.
22. Municipal & County Contracts: The Auditor acknowledges that any private employer transacting business in this State who employs 25 or more employees in this State must, when hiring an employee to work in the United States, use E Verify to verify the work authorization of the employee in accordance with N.C.G.S. §64 26(a). The Auditor acknowledges further that any such private employer and its subcontractors must comply with all of the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (North Carolina's E-verify law), and that such private employer has a duty under the law to ensure compliance by its subcontractors. The Auditor further acknowledges that this contract is of the type governed by S.L. 2013-418, which makes it unlawful for a local government to enter into certain types of contracts unless the contractor and its subcontractors comply with North Carolina's E-verify law, and that failure to comply with such law could render this contract void. The Auditor hereby covenants, warrants and represents for itself and its subcontractors that with respect to this contract the Auditor and its subcontractors shall comply with the provisions of North Carolina's E-verify law and that failure to comply with such law shall be deemed a breach of this contract and may render this contract void.
23. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted: (See Item 16 for clarification).

Contract to Audit Accounts (cont.) TOWN OF INDIAN TRAIL, NORTH CAROLINA

Name of Governmental Unit and Discretely Presented Component Unit's (DPCU) if applicable

Communication regarding audit contract requests for modification or official approvals will be sent to the email addresses provided in the spaces below.

Audit Firm Signature:

TINSLEY & TERRY, CPAs, P.A.
Name of Audit Firm

By CLARE H MEYER, CPA

Authorized Audit firm representative name: Type or print

Clare H Meyer CPA
Signature of authorized audit firm representative

CLAREM@BELLSOUTH.NET

Email Address of Audit Firm:

Date

Governmental Unit Signatures:

By MICHAEL ALVAREZ, MAYOR

Mayor / Chairperson: Type or print name and title

Signature of Mayor/Chairperson of governing board

Date

By NA

DPCU Chairperson: Type or print name and title

Signature of Chairperson of DPCU if applicable

Date

Unit Signatures (continued):

By NA
Chair of Audit Committee - Type or print name

Signature of Audit Committee Chairperson **

Date NA

** If Governmental Unit has no audit committee, this section should be marked "N/A."

PRE-AUDIT CERTIFICATE: Required by G.S. 159-28 (a)
This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act. Additionally, the following date is the date this audit contract was approved by the governing body.

By MARSHA SUTTON, FINANCE DIRECTOR

Governmental Unit Finance Officer: Type or print name

Finance Officer Signature

financedirector@admin.indiantrail.org

Email Address of Finance Officer

Date

(Pre-audit Certificate must be dated.)

Date Governing Body Approved Audit Contract - G.S. 159-34(a)

Board Approval Date - Primary Government

Board Approval Date - DPCU



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: May 27th, 2014

SUBJECT: Law Enforcement Analysis

The Town Council has interviewed two consultants to perform a Law Enforcement Analysis. The Town Council will discuss the next steps in their selection process.

jaf



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: May 27th, 2014

SUBJECT: Citizen Academy 2014

Staff is recommending to the Town Council to have the first of two Citizen Academy's for FY 2104-15 this summer. Staff would like to discuss the participation and update the Council on this initiative.



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: May 27th, 2014

SUBJECT: Board & Committee Appointment

Staff is requesting Council direction on the process preferred for appointments to Town Boards and Committees



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: May 27th, 2014

SUBJECT: Strategic Planning Session

Staff will give an update on Municipal Complex questions from the Town Council, and an update on our Parks and Recreation programming.



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: May 27th, 2014

SUBJECT: Strategic Planning Session

Staff will give an update on Municipal Complex questions from the Town Council, and an update on our Parks and Recreation programming.