

**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**  
**September 9, 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 Constitution Week](#)
  - b. [Certificate of Recognition for Sun Valley High School Girls Softball Team](#)
  - c. [Proclamation for 9/11 Day of Service and Remembrance](#)
  - d. Presentation on local Charter School application
- 5. PUBLIC COMMENTS**
- 6. LAW ENFORCEMENT UPDATE**
- 7. CONSENT AGENDA** **action**
  - a. [Approval of August 12, 2014 draft minutes](#)
  - b. [Approval of Waste Pro Time Extension Request](#)
- 8. PUBLIC HEARINGS** **action**

*None*
- 9. BUSINESS ITEMS**
  - a. [Approval of Special Town Council Meeting on September 16, 2014](#)
- 10. DISCUSSION ITEMS**
  - a. [Discussion of Old Monroe Road widening project](#)

**b. Discussion and update of Chestnut Square Park and Crooked Creek Park**

**11. MANAGERS REPORT**

**12. COUNCIL COMMENTS**

**13. CLOSED SESSION**

**action**

**14. ADJOURN**

**action**

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

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

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

# Proclamation

*WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and*

*WHEREAS: September 17, 2014, marks the two hundred twenty-seventh anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and*

*WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and*

*WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,*

*NOW, THEREFORE I, Michael L. Alvarez by virtue of the authority vested in me as Mayor of the Town of Indian Trail do hereby proclaim the week of September 17 through 23 as*

## **CONSTITUTION WEEK**

*and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Indian Trail to be affixed this 9th day of September of the year of our Lord two thousand fourteen.*

*Approved:*

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*Mayor Michael L. Alvarez*

Attest \_\_\_\_\_  
*Town Clerk Peggy Piontek*

# Certificate of Recognition

*WHEREAS, the Town of Indian Trail desires to commend and recognize those participants and programs that promote positive development of young people; and*

*WHEREAS, accomplishments have been many this season for the Sun Valley High School Ladies Softball Team "Lady Spartans" with the first Softball Conference Championship since 1998 and the second Softball State Championship since 1997; and*

*WHEREAS, the Lady Spartans record was 26-5; batted .422 for the season and held opponents to 2 runs per game; and*

*WHEREAS, Brittany Pickett was the State 3A Tournament MVP and the team presently has 4 college bound softball players with a 5<sup>th</sup> being senior Hailey Hanrahan from last year's squad; and*

*WHEREAS, the Lady Spartans team spirit and winning determination is recognized along with the dedication of Coaches Rob Enloe, Dave Collins, Amy Howell, as well as Manager Taylor Christensen, Athletic Director Chris Batchelor and Athletic Trainer Lorenzo Morales; and*

*NOW, THEREFORE, I, Mayor Michael L. Alvarez along with the Town Council of the Town of Indian Trail, hereby acknowledge the talents, skills, teamwork, sportsmanship and successes of the Sun Valley High School Softball Team and extend this expression of pride in their accomplishments; and I urge all citizens to join with me in recognizing the work and dedication of these outstanding athletes, this 9<sup>th</sup> day of September, 2014.*

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*Mayor Michael L. Alvarez*

# Proclamation for 9/11 National Day of Service and Remembrance

**WHEREAS**, in an unprovoked and senseless act of terrorism, four civilian aircrafts were hijacked on September 11, 2001, and crashed in New York City, Pennsylvania and the Pentagon, resulting in a momentous loss of innocent U.S. lives of all heritages; **and**

**WHEREAS**, while we still continue to recover from the loss of innocent lives, the spirit of the U.S. has been revitalized, giving way to expressions of patriotism; **and**

**WHEREAS**, inspired by the heroism of our nation's public service personnel, military service members and countless volunteers, our nation found unity and strength; **and**

**WHEREAS**, from the tragedy of September 11 emerged a stronger nation, renewed by the spirit of national pride, and a true love of country; **and**

**WHEREAS**, Americans also have fought back against terror by choosing to overcome evil with good by loving their neighbors as they would like to be loved, contributing to relief efforts, and volunteering their time to aid those in need.

**NOW, THEREFORE, BE IT RESOLVED**, that I, Michael L. Alvarez, by virtue of the authority vested in me as Mayor of the Town of Indian Trail, do hereby proclaim September 11, 2014, as

## **9/11 NATIONAL DAY OF SERVICE AND REMEMBRANCE**

in the Town of Indian Trail and urge our citizens to recognize the heroism of firefighters, rescue and law enforcement personnel, military service members and the many volunteers who responded to these tragic events with courage, selfless compassion, determination and skill; and to remember the victims and innocent lives lost as a result of the tragic events on September 11, 2001.

This the 9<sup>th</sup> day of September, 2014.

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**Mayor Michael L. Alvarez**



**Town of Indian Trail**  
**Minutes of Town Council**  
**August 12, 2014**  
**Civic Building**  
**06:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Absent Members: David Cohn

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Engineering and Public Works Scott Kaufhold , Director of Community & Economic Development Kelly Barnhardt, Jason Tryon, Assistant Director of Parks & Recreation , and Lindsey Edmonds, Communications Coordinator.

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

Mayor Alvarez called the meeting to order and asked the Sun Valley ROTC to lead the Pledge of Allegiance. Mayor Alvarez announced that Mayor Pro Tem Cohn is not in attendance.

**ADDITIONS AND DELETIONS**

David W. Drehs made a motion to approve adding the Corporate Resolution for Chestnut Parkway Water Line Surety as item 9c.

Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

Christopher King made a motion to approve the agenda as modified.

Council voted unanimously in favor of the motion.

### **PRESENTATIONS**

a. Presentation of Plaques for July 4th Parade entries

Representatives from NY Life Insurance Company, Gotro Chiropractic and Indian Trail Arts and Historical Society presented the Plaques to the Float Contest winners.

1. Most Patriotic- Ross Haigler Group at Keller Realtors
  2. Most Creative- Lake Park Lights/Union County Christmas Bureau
  3. Best Youth- Mason Killough/Killough Farms
  4. Best Overall- Extreme Ice Center
- b. Certificate of Appreciation for Kiwanis Action Club

Mayor Alvarez presented the Certificate of Appreciation to Steve McIlwain, Fran Piontek & Jared Vinanski.  
**(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

### **PUBLIC COMMENTS**

Art Spurr, 4100 Woodcreek Ct, Indian Trail, NC, expressed concern for the small businesses in Indian Trail and the sign ordinances that they are required to adhere to. He advised that the sign ordinances need to be reviewed and revised to accommodate and assist in their success.

Commander Russell, JROTC advised that Indian Trail has been selected to represent North Carolina in Hawaii at the Peal Harbor Memorial Parade. He provided some examples of the many competitions and their achievements. He explained the total cost of the trip is approximately \$45,000 and requested the Town provide some financial support.

Lars Knapp, 655 Powder Horn, Indian Trail, NC explained his interest in Indian Trail politics stating it began with the school redistricting. He reviewed the comments he made at past meetings and asked several questions pertaining to the Municipal Complex. Mr. Knapp handed out those questions to Council and a copy can be found in the official packet.

Amanda Faulkenberry, 519 Picketts Circle, Indian Trail, NC explained the Power of Truth and Understanding. She presented a talking stick and explained its purpose and history and directions of use. She encouraged the Council to use this tool.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail requested that Council take their time when having the work session on the Community Center. He referred to a request he placed for a traffic study on Indian Trail Road and provided suggestions for other locations as he feels the Indian Trail Road location is not a wise idea.

Gordon Daniels, 1020 Wood Kirk Lane, Indian Trail, NC thanked the Council for their hard work & diligence. Mr. Daniels referred to the matters Council worked on in June and July. He shared with the public the process Council takes in making decisions, specifically the Plyler Road Community. He addressed the school overcrowding, explained the benefits of the apartments and requested the citizens be patient and provide the Council time to show their abilities.

Gary Evans, 4800 Mossy Cup, Indian Trail, NC stated that the Council has a lackadaisical approach on financing for the projects they approve. He addressed the Town Hall project, stating the citizens have not been provided any information on this project. He stated that he feels there is no transparency, suggesting they get control of the expenses and feels things are changing too quickly which might result in the raising of taxes.

#### **LAW ENFORCEMENT UPDATE**

Lieutenant Coble provided some of the highlights of the deputy's tasks since the last meeting. Lieutenant Coble addressed recent robberies they are working on solving; Union County Sheriff's Office and the Marshals teamed up to pursue individuals of violent crimes resulting in several arrests. They attended National Night Out in four Indian Trail communities, and encouraged people to get involved. The Indian Trail Bureau conducted a school supply drive; they filled 63 book bags and a large box of supplies for Indian Trail Schools. He provided the statistics for July.

#### **CONSENT AGENDA**

- a. Approval of July 22, 2014 draft minutes
- b. Approval of Water Line Bill of Sale for Chestnut Extension (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)

Gary M. Savoie made a motion to approve the Consent Agenda  
Council voted unanimously in favor of the motion.

#### **PUBLIC HEARINGS**

*None*

#### **BUSINESS ITEMS**

- a. Council consideration of approval of Law Enforcement Assessment Agreement

**Mr. Fivas explained the Law Enforcement Assessment Contract** stating that there are a couple of issues that need to be modified: W-9's needed, E verify statements are required in North Carolina, in Section 15, the laws are governed by the state of North Carolina that we cannot indemnify so we need to add a sentence on indemnification. After some discussion amongst Council, they stated they would like more time to review the document.

Christopher King made a motion to table the Law Enforcement Assessment Agreement until the next meeting.

Council voted unanimously in favor of the motion.

b. Council consideration of approval of the 2014 Asphalt Paving Contract

Mr. Fivas explained that the primary reason for this contract is to move forward on the speed tables that Council had already approved. There are three bids and staff recommends the low bid for \$175,835 from Troll Contracting LLC.

David W. Drehs made a motion to approve the bid for Troll Contracting LLC on the 2014 Asphalt Paving Contract.

Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

c. Corporate Resolution for Chestnut Parkway Water Line Extension Surety Resolution - this item was added as a result of a motion made in Additions & Deletions

Mr. Fivas explained this is a sister document to the Bill of Sale already approved in the Consent Agenda that BB&T informed us is needed, essentially it's administrative in nature.

Gary M. Savoie made a motion to approve Corporate Resolution for Chestnut Parkway Water Line Extension Surety Resolution.

Council voted unanimously in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

**DISCUSSION ITEMS**

a. Discussion on priorities for Economic Development Advisory Committee

Mr. Fivas explained that the Council appointed the members of the Committee and it would be helpful if the Council provided some direction to them on their tasks. Mr. Fivas explained the additional three members, which are those that sit on the Alliance for South Charlotte Communities.

Mr. Savoie recommended - technology park feasibility study and with the anticipated upgrade on our major arteries he feels they will attract additional business as well. He would like to see short and long term goals.

Mr. Drehs recommended - they review the Economic Development Plan.

Mr. King recommended - a lot of focus on new downtown across the street it will be a wealth of opportunity for small local businesses and have a solid mission statement.

Mr. Daniels recommended - the Downtown project is imperative to get rolling which will create job development.

Mayor Alvarez recommended - he would like them to discuss strengthen existing business owners and how to make Indian Trail a more business friendly community

Mr. Fivas clarified that staff will focus on small business retention, downtown and technology parks. He recommended a Saturday morning meeting with the Committee to have an Economic Development 101 course, reviewing the Economic Development Plan, Downtown Plan and Comprehensive Plan and invited Council to attend.

b. Discussion of establishing a work session for Town Hall and Town Square Project

Mr. Fivas stated the Council has spent three months working on where we are today, offer of property, architect that has been approved and feels we should have a discussion on all of this information so we can put it all together. There are a lot of really good questions that need to be addressed. After a brief discussion, it was recommended Saturday, September 6th. Council was in agreement and will check their calendars and get back to him.

**MANAGERS REPORT**

Mr. Fivas stated the Engineering and Public works Department is doing an incredible job on project managing these projects. He thanked Kelly Barnhardt and Jason Tryon for the parks, getting the programs up and going, stating that next year every weekend until the 1st of November is booked. Mr. Fivas acknowledged the Finance Dept continues to do a great job, our current Bond Rating is AA, and the rating agency is very impressed with us. If we continue on this path we could get an AAA rating next year. The Planning Department had some of these projects that have come before us; they were not easy projects and should get a lot of credit, including Code Enforcement and solid waste. He expressed his appreciation to Lindsey Edmonds our Communications person who has brought us to a new level.

**COUNCIL COMMENTS**

Mr. Daniels thanked everyone for coming out tonight.

Mr. Savoie thanked everyone for coming out tonight; he hopes the rest of the summer is good for them and thanked the staff for their hard and diligent work.

Mr. Drehs thanked Jason Tryon and Adam McLamb for accompanying him to Malden to look at a handicapped accessible park; it is in the planning phase they will meet every month and invited those interested to get in touch with us.

Mayor Alvarez thanked Lieutenant Coble for assisting in National night out and Mr. Faulkenberry for his assistance, the kids learned what the Sheriff's do and how to be safe. He feels the Public Safety Committee should coordinate one in our parks next year. The kids are back to school; slow down to protect the children. He thanked the ROTC for coming tonight.

Mr. King liked what he heard about Sun Valley High School ROTC and is sure the Council can assist in helping them.

**CLOSED SESSION**

*None*

**ADJOURN**

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

**APPROVED:**

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**Michael L. Alvarez, Mayor**

Attest: \_\_\_\_\_  
Peggy Piontek, Town Clerk

# Town of Indian Trail

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## Memo



**TO:** Mayor and Town Council

**FROM:** Shelley DeHart, AICP  
Director of Planning

**DATE:** August 29, 2014

**SUBJECT:** Waste Pro Time Extension Request

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Pursuant to the Town's Solid Waste Disposal contract, executed on August 1, 2012, the Town's solid waste provider, Waste Pro, is required to establish a new facility in the Town's jurisdictional boundary within a 12-month period from the execution of the contract. Failure to establish a facility within the designated time period – by August 1, 2013- would invoke a penalty of \$1000 per month. The contract provides the provider the opportunity to submit a time extension request to the Council for their consideration. The Town Council granted a time extension for a one year period (to 8/1/2014) allowing our provider time to identify, purchase, and be fully operational on an Indian Trail site.

Our provider has submitted a request for an additional time extension (8/1/2015) to continue their efforts for an Indian Trail site. Waste Pro has:

1. Identified and purchased a property; and
2. Completed the annexation of said property into the Town's corporate limits; and
3. Obtain approval by the Town Council on July 8, 2014 for operation of an Indian Trail facility through the Conditional Zoning process.

Waste Pro is currently working with a local engineering firm on construction plans to develop their site which will be located on Valley Parkway. They also respectfully request that the \$1000 per month penalty be waived during this time extension period if granted. Mr. tenHaaf or Jennifer Herring will be at the meeting to answer questions.

**Council Action:** Consider time extension request and penalty waiver.



Town of Indian Trail  
Joseph Fivas, Town Manager  
PO Box 2430  
130 Blythe Dr.  
Indian Trail, NC 28079

July 16, 2014

Reference: Section 2 – Contract Term and Commencement Subsection 2.5 letter (f)

Waste Pro is requesting an additional (1) one year extension regarding an operations center located within the Town limits to accommodate closing and build out.

After several attempts at acquiring a suitable location within Indian Trail's municipal boundaries Waste Pro was able to locate property adjoining Indian Trail within Union County and filled for voluntary annexation into Indian Trail. The annexation of the property was approved by Town Council July 2014.

Waste Pro has invested over ten thousand dollars in the project to include earnest money, engineering fees, annexation fees and environmental testing fees. Waste Pro has completed their due diligence and anticipates closing by late August 2014.

The build out of the project will take 6 – 9 months before the certificate of occupancy can be issued and the property available for use.

Waste Pro looks forward to its continued partnership with Indian Trail and is happy to be a part of the community.

Sincerely,

*Jennifer Herring*

Waste Pro of North Carolina  
Division Manager  
Charlotte, NC  
704-886-4472  
[jherring@wasteprousa.com](mailto:jherring@wasteprousa.com)



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** September 9th, 2014

**SUBJECT:** Special Council Meeting

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NCDOT has requested a meeting on September 16<sup>th</sup> at 5:30pm. Staff would suggest scheduling a Special Council Meeting on September 16<sup>th</sup> at 5:30pm at the Indian Trail Civic Building to have this discussion with NCDOT, and then to address any other business items which need approval from the Town Council. Staff does not foresee any business additional items for the September 23<sup>rd</sup> Council Meeting. We would suggest also cancelling the September 23<sup>rd</sup> regular Council meeting if no business items are needed.

jaf



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** September 9th, 2014

**SUBJECT:** Old Monroe Road Widening Project

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On September 16<sup>th</sup>, 2014, the North Carolina Department of Transportation (NCDOT) has requested a meeting to discuss the Town's final tentative approval of the cross section and intersection alignments for Old Monroe Road. Staff has met with NCDOT and our CRTPO rep to get more information on these topics. Town staff is developing a working document for Council to review on September 9<sup>th</sup>. This discussion will hopefully expedite the discussion on September 16<sup>th</sup>.

jaf



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** September 9th, 2014

**SUBJECT:** Park Update

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Staff will present a construction update on Chestnut Square Park and Crooked Creek Park.

jaf