

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
November 25, 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**
- 5. COMMITTEE APPOINTMENTS**
 - a. [Public Safety Advisory Committee – Suzanne Schooler](#)
 - b. [Parks, Arts, Recreation & Cultural Committee – Ana Pavletic Franks](#)
- 6. PUBLIC COMMENTS**
- 7. LAW ENFORCEMENT UPDATE**
- 8. CONSENT AGENDA** **action**
 - a. [Approval of November 12, 2014 draft minutes](#)
 - b. [Modified C-4957 A Supplemental Agreement](#)
- 9. PUBLIC HEARINGS** **action**
 - a. Public comments and the potential for Council consideration and approval of the Municipal Complex Master Plan(s), Town Hall/Community Center Architectural Designs
- 10. BUSINESS ITEMS**
 - a.

11. DISCUSSION ITEMS

- a. Discussion of Street Acceptance Policy
- b. Discussion on filling upcoming vacant seat on ABC Board
- c. Discussion on Strategic Planning

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



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: November 25th, 2014

SUBJECT: Public Safety Advisory Committee Appointment

The Public Safety Advisory Committee has 1 open alternate position at this time. The Chair recommended Suzanne Schooler at the last Council meeting for this appointment to serve for the remainder of the seat vacancy 6/30/15.

jaf



TO: Mayor and Town Council
FROM: Joseph A. Fivas, Town Manager
DATE: November 25th, 2014
SUBJECT: PARC Committee Appointment

The PARC Committee has an open position at this time. The Chair has recommended Ana Pavletic Franks for this appointment to serve until 6/30/15.

jaf



To: Mayor and Town Council
From: Roger Fish, Chairman Park, Arts, Recreation, and Cultural Committee
CC: file
Date: November 19, 2014
Re: Application for Committee Appointment

It is with pleasure that I provide this recommendation for the appointment of **Ana Pavletic Franks** to the Park, Arts, Recreation, and Cultural Committee as required by the committee appointment policy. Mrs. Franks' application was forwarded to me on November 18, 2014.

Mrs. Franks is a resident of Indian Trail and lives at 1015 Spanish Moss Road. She and her family moved to Indian Trail in May 2014 from North Miami Beach, a Miami suburban city in Miami-Dade County.

Ana's latest position was Regional Account Executive for the Castle Group, a large property management company in Southwest Florida where she worked in various positions for seven years. She performed similar work for other management companies with an emphasis on marketing and customer relations. She is also fluent in Spanish.

She studied at Broward Community College in Paralegal Studies and at the University of Miami in Theatre Performance.

Ana's talents in marketing, sales, theatre, and Spanish reflect diverse skills and experiences that will make her a valuable member of the committee. I recommend she be appointed as regular member.

Roger Fish, Ed.D.
Committee Chair



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

The following members of the governing body were present:

Mayor: Michael L. Alvarez

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

Absent Members: Christopher King

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, Finance Director Marsha Sutton, and Interim Planning Director Rox Burhans.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and asked VFW Member James Crump to lead in the Pledge of Allegiance. He asked everyone to remain standing and invited VFW member Bill Lane to say a Veterans Prayer in honor of Veterans Day. Mayor Alvarez announced there was a public hearing advertisement which appeared in the October 29, 2014 edition of the Charlotte Observer for CZ2014-003 Hanfield Village. At the

applicants request this item will not be heard tonight and will be rescheduled to a later Town Council meeting. Public hearing notifications will be issued once the meeting date is scheduled. Mayor Alvarez reminded everyone about the upcoming Christmas Parade and the Holiday Hero's donations.

ADDITIONS AND DELETIONS

David Cohn made a motion to approve adding an update from the Public Safety Committee by Sherry Waddell as item 5a

Council voted unanimously in favor of the motion.

Mayor Alvarez announced that Councilman King was not present.

Gary M. Savoie made a motion to approve removing item 10a Street Acceptance Policy.

Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Gary M. Savoie made a motion to approve the agenda as amended.

Council voted unanimously in favor of the motion.

PRESENTATIONS

- a. Presentation and acceptance of annual financial statement for period ending June 30, 2014

Mr. Fivas introduced a representative from Tinsley & Terry Clair Meyer. Ms. Meyer presented the outcome of 3 different audits: the financial statement audit was issued an unmodified opinion which is the highest level of assurance they can give; Internal Controls and Expenditures was issued no findings; and Powell Bill Fund was issued no findings, both the highest they can issue.

David Cohn made a motion to approve and accept the June 30, 2014 Financial Statements as submitted by Tinsley & Terry.

Council voted unanimously in favor of the motion.

- b. Miracle League of Indian Trail Update

David Drehs yielded the floor Andy Matysek

Andy Matysek read the letter of acceptance of Resolution R1014-1 accepting the property at Crooked Creek Park to build the Miracle Field. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

David Cohn introduced Boy Scout Troop 97 stating they are here to earn a merit badge and learn how government works.

PUBLIC COMMENTS

Michael Faulkenberry, 519 Picketts circle, Indian Trail, NC made the following suggestions: have a roll call before each meeting; the water drain & power line covers in the picnic area for Chestnut Park leaves an opportunity to get your foot stuck, the walking trail should have a fence to separate the property from homeowners, the park needs more lighting, lights not working along all purpose fields, speed limit signs are needed, banner advertising Christmas Parade needs to be moved so drivers are not distracted, and the workshop needs to be advertised more.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC stated that since the second meeting in October was cancelled due to a lack of agenda items she asked the status on the Neighborhood Enhancement Program, when is the Public Information Request policy to be revised, has the search started for a new accounting firm, when will Municipal Code be updated, where are the wayfinding signs, what happened to the street sweeping, construction engineering inspection, suggesting we adjust the follow-up system for items introduced on the agenda or by Council to ensure they get done.

Steven Long, 1012 Cranston Crossing, Indian Trail, NC thanked everyone involved and attended the park opening, stating how terrific it was and how proud he is to be living in Indian Trail.

Art Spurr, 4100 Woodcreek Court, Indian Trail, NC thanked the Council for some of the work they do. Mr. Spurr presented, commented and explained a Risk Management Plan from the Bay Area suggesting that Council adopt it.

a. **Update of Public Safety Committee by Sherry Waddell - this item was added as a result of a motion made in Additions and Deletions**

Ms. Waddell informed Council the committee has discussed several items of major concern which they feel should be addressed immediately: lighting in walking trails, playground and use area, parking for those wanting to use the playground area, it needs handicapped accessibility there as well suggesting it be added there, town events should have a safety check list, trip hazards with tent tie downs and electrical cords, vendor displays need to have a check list to set up their displays from danger. Ms. Waddell advised there is a vacant alternate seat available and a second member Robert Tosti only attended 2 meetings this year and they recommend that seat be made available to applicants. The Public Safety Committee will be meeting with the Town survey consultants. December 4th is the Public Safety Committee meeting for the month of December they have invited all other committees to join them, and invited Council as well; they plan to allow the committees to put out any items they are working on enabling them to work on that together.

Mayor requested that we put this on the next agenda. Council had a lengthy discussion pertaining to this. Mr. Fivas stated that if Council wants staff to look at it, give us direction to do so. Mayor Alvarez requested that the Council look into more lights. By consensus Council agreed to direct staff to look at the lighting and the policy and determine if there are resolutions needed.

LAW ENFORCEMENT UPDATE

Lieutenant Coble addressed the park lighting stating that if events are going to be held there should be lights in the towers. He has concerns about the trails but feels no matter how many lights put out there will not prevent people from tripping. Lieutenant Coble provide the statistics for the month of October of the Deputy's, he also provided the arrests of certain individuals for crimes committed.

CONSENT AGENDA

- a. Approval of October 14, 2014 draft minutes
- b. Approval of Board of Adjustment Rules & Procedures changes **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c. Set Public Hearing for November 25, 2014 @ 6:30 pm and possible action for Municipal Complex Master Plan & Architectural Design Options, and Preliminary Design
- d. Set Council Budget/Strategic Planning Workshop dates for December 19th@ 5:30-9:00pm and December 20th 11:30am-4:00pm
- e. Approval of Winter/Spring Chestnut Square Park hours of operation
- f. Approval of Letter of Intent for All American City Award **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

David Cohn 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 Park Sponsorship & Naming Rights Policy

Mr. Fivas advised this sets up as framework of how the town goes about to get sponsorship

David Cohn made a motion to approve a. Council consideration of approval of Park Sponsorship & Naming Rights Policy **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
Council voted unanimously in favor of the motion.

DISCUSSION ITEMS

- a. Discussion of Street Acceptance Policy - *this matter was removed as a result of a motion made in Additions and Deletions.*
- b. Discussion for future resolution for truck weight restrictions on Chestnut Parkway

Mr. Fivas stated this matter was briefly discussed at the last meeting and he is seeking approval to create the ordinance/resolution to prevent tractor trailers from going on the parkway. Informing Council that staff will have that in front of you shortly but we wanted to hear any thoughts or concerns on that issue.

Mr. Drehs expressed concern once there is commercial business located on the parkway and that should come into consideration. Mr. Fivas replied that once the road is completed the policy will need to be change. Mr. Daniels agreed that it should be strong and the consequences should be known if restrictions broken.

STRATEGIC PLANNING DISCUSSION ITEMS

Mr. Fivas stated that since the Council has set a Strategic Planning workshop in December we need to start thinking about making that workshop as productive as possible. We've presented this list for thought and request that if you would like to discuss additional items or not want to discuss something on this list, we would like to know so we can have the information available at that workshop. He requested Council contact him with any thoughts.

a. Pathway for Progress Initiative - town Infrastructure improvements

Mr. Fivas stated we need to have a plan for our Strategic Planning that was scheduled this evening. What we don't want to do is plan the meeting and not have the information available at that time. Mr. Fivas suggested that Council email him with their requests so staff is prepared at the meeting.

b. Municipal Complex Initiative - update on planning process

Mr. Fivas showed the Council and audience some plans and explained what the public's preference was as a result of the 2 public meetings we have held to get the residents input. There is another meeting scheduled for Thursday, November 20th and invited everyone to attend and provide input.

- c. Entertainment District/Old Monroe Road Corridor Plan
- d. Downtown/Chestnut Parkway Corridor Plan
- e. Town Beautification Initiative
- f. Additional Mayor and Council requested topics

MANAGERS REPORT

Mr. Fivas stated that the Park Grand Opening was a tremendous success, from planning to production. He thanked Council for their hard work to make it happen. He reminded everyone that the Christmas Parade is December 7th; it will be similar to last year, after the parade cookies with Santa at Crossing Paths Park. He thanked staff for their hard work on US74 meetings. He addressed some of the comments made during public comments. The Municipal Codes will be addressed within the next 6 months; wayfinding signs will start popping up early to mid December; street sweeping the original contractor did not work out and we're looking for another.

COUNCIL COMMENTS

Mr. Daniels thanked everyone for coming out and asked them to get home safely.

Mr. Cohn had no comments

Mr. Savoie thanked everyone for coming out. He thanked staff for the Trunk or Treat and if you are not at the next meeting please have a safe holiday.

Mayor Alvarez advised there is a pot hole in front of Lilly's; he congratulated the Sun Valley Middle School for winning the cheer leading championship; it concerns him that emails are not answered. Mayor Alvarez commented on the Bullying project advising there will be another workshop on Friday and invited everyone to come out.

Mr. Drehs thanked everyone for their support of the Miracle Field of Indian Trail.

CLOSED SESSION

None

ADJOURN

Gordon B. Daniels 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: November 25, 2014

SUBJECT: C-4957A Supplemental Agreement Revision

General Information:

On September 23, 2014, Council approved receiving \$286,666.00 in Federal Funds for C-4957A, Rogers Road Sidewalk Project. Council also approved a 20% local match of \$71,665.00.

Due to recent legislative changes, NCDOT is no longer required to include e-verify provisions in their municipal agreements. Therefore, the agreement approved by Council, was revised to exclude the e-verify provisions and resent to the Municipality for signatures.

Staff recommends approval of the revised agreement.

Required actions:

Council Approval

Attachment:

Revised NCDOT Supplemental Agreement

NORTH CAROLINA
UNION COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 11/06/2014

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: C-4957 A

AND

WBS ELEMENTS: PE

ROW

TOWN OF INDIAN TRAIL

CON 44057.3.1

OTHER FUNDING:

FEDERAL-AID #: CMS-1008(16)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] \$286,666

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the Town of Indian Trail, hereinafter referred to as the "Municipality."

WITNESSETH:

WHEREAS, the Department and the Municipality on 9/9/2009, entered into a certain Project Agreement for the original scope: To provide approximately 12,000 linear feet of sidewalk located on the north side of Rogers Road to complete the Wesley Chapel-Stouts sidewalk project; programmed under Project C-4957 A; and,

WHEREAS, the Municipality has received an additional allocation of CMAQ funds from the Mecklenburg-Union Metropolitan Planning Organization (MUMPO); and,

WHEREAS, the Municipality has requested additional time to complete the Project;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

FUNDING

The Department's original participation was \$551,976. The Department agrees to reimburse the Municipality an additional \$286,666 of Congestion Mitigation and Air Quality (CMAQ) funds. The Municipality will provide \$71,665 as the non-federal (local) match. Total amounts are reflected in the revised funding table below:

REVISED FUNDING TABLE

Fund Source	Federal Funds Amount	Reimbursement Rate	Non-Federal Match \$	Non-Federal Match Rate
CMAQ	\$838,642	80%	\$209,660	20%
Total Estimated Cost		\$1,048,302		

RESPONSIBILITIES

The Municipality shall complete the Project by September 30, 2015. Completion for this Agreement is defined as completion of all construction activities, acceptance of the project, and submission of a final reimbursement package to the Department.

OTHER PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;

- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

USEFUL LIFE

No longer applicable

RETAINAGE

The Municipality shall not retain any portion of a payment due the contractor.

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of \$838,642 available to the Municipality under this Agreement. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

TITLE VI

The Municipality shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs and activities of any recipient of Federal assistance.

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).

Except as hereinabove provided, the Agreement heretofore executed by the North Carolina Department of Transportation and Town of Indian Trail on 9/9/2009, is ratified and affirmed as therein provided.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the North Carolina Department of Transportation and the Town of Indian Trail by authority duly given.

L.S. ATTEST:

TOWN OF INDIAN TRAIL

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by _____ (Governing Board) of the Town of Indian Trail as attested to by the signature of _____, Clerk of the _____ (Governing Board) on _____ (Date)

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

(SEAL)

(FINANCE OFFICER)

Federal Tax Identification Number

Remittance Address:

Town of Indian Trail

DEPARTMENT OF TRANSPORTATION

BY: _____

(CHIEF ENGINEER)

DATE: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (Date)



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: November 25th, 2014

SUBJECT: Street Acceptance Policy

Town staff will give an update on possible revisions to the Town's Street Acceptance Policy. No action will be requested.

jaf



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: November 25th, 2014

SUBJECT: ABC Board Seat

On March 31st, 2015, the Town Council should have a person nominated for a new three year term. Town staff requests to begin advertizing for this position.



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: November 25th, 2014

SUBJECT: Strategic Planning Process

On December 19th and 20th the Town Council will meet to discuss the 2015/16 budget and future strategic planning. Staff will discuss the process and agenda for this meeting.