

**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 12, 2015**  
**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. [Police Week Proclamation](#)
- b. [Donate Life Proclamation](#)

**5. PUBLIC COMMENTS**

**6. LAW ENFORCEMENT UPDATE**

**7. CONSENT AGENDA**

**action**

- a. [Approval of April 14, 2015 draft minutes](#)
- b. [Approval of Month End Tax Report April 2015](#)
- c. [Approval of Budget Amendments](#)
- d. [Approval of Amendment to the Crooked Creek Park Capital Project Ordinance](#)
- e. [Approval of Alley, Williams, Carmen & King Agreement and the related Capital Project Ordinance](#)
- f. [Approval of Department of Public Works purchase of Mini Asphalt Paver](#)
- g. [Approval of Auditors based on RFP process](#)

**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. Budget Presentation and Public Hearing for Fiscal Year 2015/2016 Budget

**9. BUSINESS ITEMS**

*None*

**10. DISCUSSION ITEMS**

*None*

**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**  
**National Police Week and**  
**Peace Officer's Memorial Day**  
**Indian Trail, North Carolina**

**WHEREAS**, the Congress and the President of the United States have designated that there be a national Law Enforcement Officers Week; and

**WHEREAS**, the members of the law enforcement agencies of North Carolina play an essential role in safeguarding the rights and freedom of the citizens of the State; and

**WHEREAS**, it is important that all citizens know and understand the problems, duties and responsibilities of their law enforcement offices and agencies, and that members of those agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

**WHEREAS**, the citizens of Indian Trail recognize and appreciate the contributions made by law enforcement officers at all levels of government;

**NOW, THEREFORE**, I, Mayor Michael L. Alvarez and the Indian Trail Town Council, call upon all citizens to observe **May 15, 2015**, as "**PEACE OFFICER'S MEMORIAL DAY**" and **May 11-17, 2015** as "**NATIONAL POLICE WEEK**" in Indian Trail, North Carolina, and that all of our people join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In so doing, they have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Proclaimed this 12th day of May, 2015.

**TOWN OF INDIAN TRAIL**

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**Michael L. Alvarez, Mayor**



**PROCLAMATION**

**NATIONAL DONATE LIFE MONTH**

- WHEREAS, LifeShare Of The Carolinas is focused on saving lives by increasing participation in the North Carolina organ, eye and tissue donor registry, and
- WHEREAS, April is observed as National Donate Life Month with unwavering support from the nation's donation and transplantation community; and
- WHEREAS, LifeShare Of The Carolinas, the organ procurement organization that serves Indian Trail, is a part of that community and has its own programs to highlight the importance of donating to save the lives of others, and
- WHEREAS, Over 3,100 North Carolina residents and 123,000 people nationwide are in need of life-saving transplants, and
- WHEREAS, Residents of Indian Trail have been touched by donation as residents of life-saving transplants and as members of donor families who have literally given others a second chance at life, and
- WHEREAS, It is an honor and privilege to have some of those residents in attendance at the Town Council Meeting of Indian Trail.

NOW, BE IT BE RESOLVED, we the members of the Indian Trail Town Council do hereby proclaim the month of April, 2015 to be

**NATIONAL DONATE LIFE MONTH**

In Indian Trail and urge our residents to give serious thought to the importance of eye, organ and tissue donation and if so desired, to join the North Carolina Organ Donor Registry and further, to notify their family members that they have done so.

Adopted this the 14 day of April, 2015.

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Mayor Michael Alvarez



**Town of Indian Trail**  
**Minutes of Town Council**  
**April 14, 2015**  
**Civic Building**  
**6:30 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, Christopher King, and Gary M. Savoie.

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

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

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance.

**ADDITIONS AND DELETIONS**

Christopher King made a motion to approve adding Gordon Daniels request of discussion item 11a Granicus Council voted unanimously in favor of the motion.

Christopher King made a motion to approve David Cohn's request of having a discussion item 11b Law Enforcement Study update.  
Council voted unanimously in favor of the motion.

**MOTION TO APPROVE AGENDA**

Gordon Daniels made a motion to approve the amended agenda.  
Council voted unanimously in favor of the motion.

**PRESENTATIONS**

- a. Arbor Day Proclamation

Mayor Alvarez read the Arbor Day Proclamation

- b. Donate Life Proclamation

Mayor Alvarez read the Donate Life Proclamation.

**PUBLIC COMMENTS**

Tai Huynh, 4110 Edgeview Dr., Indian Trail, NC invited everyone to attend the fundraising event Relay for Life on April 17, 2015.

Coy Gillenvator expressed concerns and asked Council for assistance with the traffic issues in his neighborhood.

**PUBLIC COMMENTS FOR FY 2015/2016 BUDGET DEVELOPMENT**

Mayor Alvarez opened and closed the Public Comments as no one had signed up to speak.

**LAW ENFORCEMENT UPDATE**

Lieutenant Coble informed Council that staff has been in training. They have added more bicycle patrol officers; he provided the months statistics for his department. He advised that the Governor's Highway Safety is not offering the Grant to Indian Trail this year, suggesting we reapply in January.

**CONSENT AGENDA**

- a. Approval of March 24, 2015 draft minutes
- b. Approval of Month End Tax Report March 2015 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- c. Approval of 2016 Archery Season Application **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

- d. Approval of Addition to EDAC Committee Ex-Officio Members (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)
- e. Approval of Town Match for CRTPO Grant for Corridor Study
- f. Approval of Town Match for CRTPO Grant for Traffic Counts
- g. Approval of Agreement Bid and Budget Amendment to construct a fence for Crooked Creek Dog Park (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)
- h. Approval of Change Order, Capital Project Ordinance and Budget Amendment for Crooked Creek Park Project (**COPY ATTACHED HERETO AND MADE A PART OF THE RECORD**)

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

### **PUBLIC HEARINGS**

- a. CZ-2014-002 The Shoppes at Hanfield Village: Proposed 90,000 sq. ft. shopping center located near the intersection of Old Charlotte Highway and Wesley Chapel-Stouts Road (across from Sun Valley H.S.).

Planning Director Rox Burhans stated this is a request to establish a Conditional General Business zoning district on a 22-acre site to support development of a 90,000-sq. ft. (approx.) commercial shopping center. The subject property fronts Old Charlotte Highway and Wesley Chapel-Stouts Road and is located across from the Sun Valley Commons Shopping Center and Sun Valley High School. The site is largely undeveloped, but does include approx. 10 existing homes located mostly along its respective road frontages. The subject property is currently zoned Single Family Residential-1 (SF-1) and is located with a Village Center Overlay (VC-O). A rezoning is needed to facilitate redevelopment of the site; however, the VC-O designation will remain unchanged. The proposed development is organized into a combination of 4-defined building clusters, a 3-acre future development area located along Wesley Chapel-Stouts Road, and 3-outparcels located along Old Charlotte Highway. This item was originally heard at the March 24, 2015 Town Council meeting and was continued to this meeting.

The Planning Board voted 6 to 1 to transmit a recommendation to approve as conditioned to the Town Council. The single dissenting vote was related to a concern regarding the project's impact to existing roads. The Board made the following required findings. The project as conditioned is consistent with the goals of the Comprehensive Plan are satisfied as follows:

Goal –Land Use and Housing #5- The proposed conditional district proposes appropriate commercial land use(s) at a location identified within the Sun Valley Village Plan as mixed use that will help facilitate creation of an envisioned shopping and entertainment district within the area. The plan also provides for appropriate buffering from surrounding residential uses and will incorporate vehicular cross access to minimize any impacts to adjacent properties.

Goal- Infrastructure and Mobility/Transportation #2 – The proposed conditional district includes the construction of curb, gutter, sidewalk, street crossings, and related improvements enhancing multi-modal mobility in the area and construction of roadway improvements (turn-lanes and related improvements) in compliance with Town and NCDOT standards.

Goal- Economic Development #1-The proposed conditional district will expand commercial land uses within the Town supporting a more balanced tax base, while providing more employment opportunities for citizens.

The Board also found the request for this conditional zoning district is a reasonable request and is in the public interest because it promotes the goals of the adopted Comprehensive Plan in the areas of land use, mobility and transportation, economic development, and infrastructure.

Arista Development representative Bill Prentiss thanked staff and the Town Manger for all their assistance and cooperation in getting this project going. He provided some background on his company.

John Ross, Eagle Engineering, 2013 A Van Buren Avenue, Indian Trail, NC explained the many steps taken to ensure the project is both environmentally and traffic safe. He advised that the economic development question was raised by the Planning Board to which he provided anticipated statistics.

Andrew Eagle, Traffic Consultant reviewed the recommendations for improvements of the intersection.

Mayor Alvarez opened Public Comments portion of the hearing

Mr. Bill Prentiss had nothing more to add.

John Ross nothing more to add

Jeremy Fisher and Andrew Eagle had nothing more to add

Mayor Alvarez closed the Public comments Portion of the hearing.

Christopher King made a motion to approve adopting the required consistency findings as read into the record by staff.

Council voted unanimously in favor of the motion.

Christopher King made a motion to approve CZ2014-002 as presented. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

- b. ZT-2015-001 Breweries, Distilleries and Wineries: Proposed zoning text amendment to allow breweries, distilleries and wineries to locate within Central Business Districts, General Business Districts, Regional Business Districts and Industrial Districts by right and subject to specific restrictions where applicable.

Senior Planner Gretchen Coperine explained what a Brewery, Distillery & Winery is, provided a project summary advising the request is to add them as we do not currently have them listed within the UDO. She provided some statistics on locations in North Carolina and examples of existing breweries.

Ms. Coperine stated this is a request to amend Chapters 520, 530, 1610 and create new Chapter 7210 of the Unified Development Ordinance (UDO) to allow breweries, distilleries and wineries to locate within Central Business Districts, General Business Districts, Regional Business Districts, Industrial Districts, and applicable Village Center Overlay and Downtown Overlay Districts by right and subject to specific restrictions where applicable.

The Planning Board heard this item at its March 17, 2015 public meeting. Planning Board Members asked questions regarding any negative environmental impacts created by the brewing process, whether the proposed amendment limits the number of businesses, tax rates for distilled spirits, and whether any public outreach had been conducted to date. The Planning Board voted unanimously to transmit a recommendation to approve to the Town Council.

The following consistency statements were found:

1 The proposed UDO amendment is consistent with the following goals:

Downtown Revitalization Goal #1: As it enables breweries, distilleries and wineries to locate within Downtown Indian Trail by right with special requirements and contribute to the success and revitalization of the Downtown economy; and

Economic Development Goal #1: As it allows breweries, distilleries and wineries by right with special requirements supporting a more balanced tax base within our community. Allowing these new uses creates a diverse local economy and helps the Town of Indian Trail capture a percentage of the \$33.9 billion dollars generated by the industry in the U.S. The amendment aims to create vibrant communities and encourage local dollars to be reinvested in the local community; and

Land Use Goals # 1, 3 and 5: As it promotes integrated land development with varying uses and minimizes land-use incompatibility and conflicts by imposing specific use standards. Brewery, distillery and winery uses are ideal in many circumstances for adaptive reuse of older or underutilized warehouse or industrial buildings.

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 specific standards thereby minimizing any land use conflicts and incompatibility. The uses are optimal for existing underutilized warehouse structures and encourage community redevelopment. Lastly, the amendment also promotes diverse mixed-use land development and aims to create vibrant communities by fostering local reinvestment, particularly within the downtown and village center overlay districts.

Mayor Alvarez opened and closed the Public Comments portion of the hearing as no one had signed up to speak.

David W. Drehs made a motion to approve the required consistency findings as read into the record by staff Council voted unanimously in favor of the motion.

David Cohn made a motion to approve ZT2015-001 as presented **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

Council voted unanimously in favor of the motion.

**BUSINESS ITEMS**

None

**DISCUSSION ITEMS**

- a. Granicus - This items was added as a result of a motion made in Additions and Deletions.

Mr. Daniels stated that we need better ways to promote Granicus in the town, suggesting that staff consider putting it in newsletter or letting residents know when paying tax bills.

Mr. Cohn informed Mr. Fivas of sound issues on Granicus. When you fast forward two recordings are heard at once. Mr. Fivas stated that staff has addressed that issue and it has been corrected.

- b. Law Enforcement Study This items was added as a result of a motion made in Additions and Deletions.

Mr. Cohn stated in an attempt to put closure on the report, he would like to send the recommendations to PERF and have them revise the study to include those figures provided by Lieutenant Coble. Mr. Savoie stated that Council directed staff to have PERF include all comments made by Lieutenant Coble in the report and PERF indicated that they are included in the report.

**MANAGERS REPORT**

Mr. Fivas stated that the trash and recycle drop off day on Saturday was well received. Kudos to Susan Didier for organizing it and Waste Pro. Part of our spring events, Earth Day Arbor Day will be held on April 25<sup>th</sup> at Crossing Paths Park. We are eminently going to finalize the ribbon cutting on Chestnut Parkway, we are waiting on Union County to get ok on GIS standpoint so public safety can find it. We will send email on day and time. He thanked Rox Burhans and Gretchen Coperine for a great job presenting the information on complex issues this evening. Mr. Fivas advised this is the busiest week for him and staff working on budget suggesting that we cancel the April 28th meeting as we have no pertinent business. By consensus Council agreed.

**COUNCIL COMMENTS**

Mr. Cohn thanked staff for their hard work, stating they did a good job. He advised that he is very sorry to see Peggy Piontek leave, she's a great employee who will be missed because of the great job she did. He wished her all the luck in the world; from the bottom of his heart the Town will miss her. It's another member of the list of good people who are leaving this town and is sorry to see her go. Mr. Cohn invited everyone to the golf tournament for Miracle League, being held on June 6th it's a great cause and he is hopeful we can raise a lot of money for it and have a good time at the same time. Mr. Cohn commented on the loss of Jim Houston, member of the Public Safety Committee, who was a great human being who worked hard for our town and will be sorely missed.

Mayor Alvarez echoed Mr. Cohn comments about Peggy Piontek, it's been an honor and privilege to work with you. You are way above par. It was a good meeting and he stated that he appreciates Cohn's passion for town as he goes way above and beyond. Mayor Alvarez commented on the campaign of the last 3 years as Chairman of the Charter Union Academy and stated that we finally received a hearing in Raleigh that Union Preparatory Academy at Indian Trail has been approved from k-6. They are scheduled to open in August 2016 and will provide an exceptional, innovative education with plans to grow k-8 and then k-12. It's estimated there will be 1100 students once k-8 opens to help alleviate the pressure on the public school system here in Union County offering a value add and school choice for public education.

Mr. Daniels stated that's great news on charter school it will add value to city. Follow up on email Council received from Johnny Blythe providing dates of importance: County has work session on citywide fire tax funding on April 20th @ 5:00 pm and at their 7:00 pm meeting. Mr. Daniels stated he met with Richard Helms who's going to put through a motion to have the County people to place a hold on their procedure for a citywide fire tax funding. Mr. Daniels stated that when he saw that Peggy last night he was wondering what you were doing there and now he knows. He thanked her for her hard work but he knows where to find her, wished her luck in her new home and thanked her for her years in Indian Trail. He thanked everyone for coming out.

Mr. Drehs thanked Shirley Howe for going through paperwork, she came to him with concerns, they met with the Town Manager to get answers and he feels it's a much better town when citizens keep their eyes open and bring what they perceive a problem to one of us and letting us work through it, it makes us a much better town. He thanked Peggy for her service, echoed Mr. Cohn on the golf outing and congratulated Mayor Alvarez on the Charter School

Mr. Savoie thanked everyone for coming out tonight, great news on the Charter School and is looking forward to it. He thanked Peggy for all she's done for this town and wished her the best in whatever she does. He thanked staff for all their hard work, especially Gretchen and Rox for their presentations that were very well done. He went out on the trash and recycling and was amazed to see the organization and the staff working there on a Saturday and expressed his appreciation.

Mr. King commented he was surprised to hear about Peggy's leaving and commented that she was the one who swore him in. He said she will be missed, she's done a great job and he is still in shock and wished her the best.

**CLOSED SESSION**

*None*

**ADJOURN**

Mr. Fivas advised that we will do something more formal for Peggy coming up.

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

## Town of Indian Trail

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# Memo

**TO:** Mayor and Town Council  
**FROM:** Joe Fivas  
**CC:** Marsha Sutton, Alicia Massey  
**DATE:** May 12, 2015  
**SUBJECT:** Month End April 2015



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According to GS 105-350(7) it is the duty of the tax collector to submit to the governing body at each of its regular meetings a report of the amount he/she has collected on each year's taxes with which he is charged, the amount remaining uncollected, and the steps he/she is taking to encourage or enforce payment of uncollected taxes.

Attached is the month end report for April 2015 collections. The tax department is using all collection remedies as provided by general statute to collect delinquent taxes including but not limited to garnishments, attachments and NC Debt Setoff.

Description	Count	Principal			Future	Penalty	Total
		Arrears/Other	Fiscal 2014	Fiscal 2015			
Billing	31816	0.00	0.00	7,293,631.83	0.00		7,293,631.83
Payments	29437	19,324.25-	0.00	7,183,805.16-	0.00	8,329.68-	7,211,459.09-
Reversals	22	0.00	0.00	2,824.58	0.00	45.69	2,870.27
Adjustments	1924	0.00	0.00	2,342.27-	0.00	823.70-	3,165.97-
Apply Over	0	0.00	0.00	0.00	0.00	0.00	0.00
Rev Appl Ovr	0	0.00	0.00	0.00	0.00	0.00	0.00
Penalty	4596					12,063.24	12,063.24
Totals	<u>67795</u>	<u>19,324.25-</u>	<u>0.00</u>	<u>110,308.98</u>	<u>0.00</u>	<u>2,955.55</u>	<u>93,940.28</u>



**TO:** Mayor and Town Council  
**FROM:** Joe Fivas  
**CC:** Marsha Sutton  
**DATE:** May 12, 2015  
**SUBJECT:** Budget Amendments for May 12<sup>th</sup> Meeting

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Please find attached budget amendments processed through April 30, 2015. Please feel free to call, email, come in or ask any questions you may have regarding these matters.

C 3/10/15

# TOWN OF INDIAN TRAIL BUDGET TO BUDGET AMENDMENT REQUEST

DATE: 3/3/15

DEPARTMENT: Admin

Account Number	Account Description	(Transfer In / Out)	Amount
10-80-6130-496-003	Chestnut Sq/Crooked Crk Hojs	In	259,777 <sup>00</sup>
10-00-4120-397-000	Contract Services	Out	10,000 <sup>00</sup>
10-00-4130-510-000	IT Hardware > \$5,000	Out	5,000 <sup>00</sup>
10-40-4260-397-000	Contract Services	Out	5,000 <sup>00</sup>
10-40-4260-397-001	Community Forestry	Out	10,000 <sup>00</sup>
10-40-4910-397-000	Contract Services	Out	10,000 <sup>00</sup>
10-40-4920-493-000	Community Events	Out	5,000 <sup>00</sup>
10-40-8130-550-000	Equipd Maint. Yard	Out	30,000 <sup>00</sup>
10-80-4912-397-005	PARTF Parks & Rec Fund	Out	184,777 <sup>00</sup>

**EXPLANATION:**  
Reallocate funds for Parks.

**REQUESTED BY:**

FINANCE: Masha B Sultan

TOWN MANAGER: Andy Fingas

For Finance Dept Only:

EFFECTIVE DATE: 3/3/15 JOURNAL NO. ASSIGNED: 448

FISCAL YEAR: 2015 ENTERED: agaddy

PERIOD: 9 DATE: 3/12/15

**TOWN OF INDIAN TRAIL  
BUDGET TO BUDGET AMENDMENT REQUEST**

C 4/14/15

DATE: 4/15/15

DEPARTMENT: \_\_\_\_\_

Account Number	Account Description	(Transfer In / Out)	Amount
10-00-4120-397-000	Contract Services	Out	5,000 <sup>00</sup>
10-00-4130-292-000	Software < 5,000	Out	4,000 <sup>00</sup>
10-00-4150-192-006	Legal-Planning	Out	2,000 <sup>00</sup>
10-20-4570-321-600	Telephone	Out	500 <sup>00</sup>
10-20-4570-397-600	Contract Services	Out	1,000 <sup>00</sup>
10-40-4260-354-000	Grounds Maint.	Out	2,000 <sup>00</sup>
10-40-4260-359-000	Maint & Repairs	Out	2,000 <sup>00</sup>
10-40-4260-391-000	Advertising	Out	1,000 <sup>00</sup>
10-40-4260-397-000	Contract Services	Out	2,000 <sup>00</sup>
10-40-4910-321-000	Telephone	Out	2,000 <sup>00</sup>
10-40-4910-397-000	Contract Services	Out	2,000 <sup>00</sup>
10-40-4920-493-000	Community Events	Out	6,500 <sup>00</sup>
10-80-6130-375-000	Public Outreach	Out	5,000 <sup>00</sup>
10-00-9840-980-000	Transfer to Cap. Proj.	In	35,000 <sup>00</sup>

**EXPLANATION:**

Transfer of funds from the general fund to Crooked Creek Capital project as approved at the 4/14/15 Council meeting

**REQUESTED BY:**

FINANCE: Marsha S. Sutton

**TOWN MANAGER:**

[Signature]

**For Finance Dept Only:**

EFFECTIVE DATE: 4/15/15 JOURNAL NO. ASSIGNED: 449  
 FISCAL YEAR: 2015 ENTERED: 4/22/15  
 PERIOD: 10 DATE: @

Page 1 of 2

**TOWN OF INDIAN TRAIL  
BUDGET TO BUDGET AMENDMENT REQUEST**

4/14/15

DATE: 4/15/15

DEPARTMENT: \_\_\_\_\_

Account Number	Account Description	(Transfer In/ Out)	Amount
10-00-4120-391-000	Advertising	Out	3,000 <sup>00</sup>
10-00-4120-395-000	Staff Train & Educ	Out	2,000 <sup>00</sup>
10-00-4120-397-000	Contract Services	Out	7,000 <sup>00</sup>
10-00-4120-511-000	Off Furn & Equip	Out	1,000 <sup>00</sup>
10-00-4125-353-000	Vehicle Maint	Out	2,000 <sup>00</sup>
10-00-4130-510-000	IT Hardware > \$5,000	Out	1,000 <sup>00</sup>
10-00-4150-192-003	Legal - Comm & Econ Dev	Out	1,000 <sup>00</sup>
10-00-4150-192-006	Legal - Planning	Out	7,500 <sup>00</sup>
10-20-4570-397-000	Contract Services	Out	1,000 <sup>00</sup>
10-40-4260-240-000	Const & Repairs	Out	1,000 <sup>00</sup>
10-40-4260-354-000	Grounds Maint	Out	4,000 <sup>00</sup>
10-40-4260-397-000	Community Forestry	Out	7,000 <sup>00</sup>
10-40-4260-551-000	Tools & Equip	Out	1,000 <sup>00</sup>
10-40-4910-397-000	Contract Serv.	Out	2,900 <sup>00</sup>
10-40-4920-493-000	Community Events	Out	10,000 <sup>00</sup>
10-80-6140-351-000	Bldg Maint/Upgrades	Out	2,000 <sup>00</sup>

EXPLANATION: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_  
 FINANCE: \_\_\_\_\_  
 TOWN MANAGER: \_\_\_\_\_

For Finance Dept Only:  
 EFFECTIVE DATE: \_\_\_\_\_ JOURNAL NO. ASSIGNED: \_\_\_\_\_  
 FISCAL YEAR: \_\_\_\_\_ ENTERED: \_\_\_\_\_  
 PERIOD: \_\_\_\_\_ DATE: \_\_\_\_\_











## Town of Indian Trail

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### Memo

TO: Mayor and Town Council

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

COUNCIL DATE: May 12, 2015

SUBJECT: Amendment to the Capital Project Ordinance for Crooked Creek Park

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#### **General Information:**

Council approved Change Orders for Crooked Creek Park, Phase 1A on March 10, 2015 (Change Order 1) and March 24, 2015 (Change Order 2). Pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the adoption of an ordinance is required in order to authorize capital project expenditures.

#### **Required actions:**

Council Adoption of the Amended Ordinance

#### **Attachment:**

Amended Capital Project Ordinance for Crooked Creek Park  
(W. M. Warr Cos 1 & 2)

STATE OF NORTH CAROLINA  
TOWN OF INDIAN TRAIL

ORDINANCE #

**AN ORDINANCE AMENDING THE CAPITAL PROJECT ORDINANCE  
FOR CROOKED CREEK PARK AT INDIAN TRAIL**

**BE IT ORDAINED** by Town Council of the Town of Indian Trail, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**SECTION 1.** The project authorized is a community park.

**SECTION 2.** The officers of the Town are hereby directed to proceed with the capital project within the term of the bond resolution and budget contained herein.

**SECTION 3.** Amounts appropriated for this project are hereby amended as follows:

	<b>Current Budget</b>	<b>Amended Budget</b>
Design	\$451,174.00	\$451,174.00
Construction	\$5,546,100.00	\$5,634,500.00
Engineering Services	\$2,500.00	\$2,500.00
Total	<u>\$5,999,774.00</u>	<u>\$6,088,174.00</u>

**SECTION 4.** Revenues anticipated to complete this project are hereby amended as follows:

	<b>Current Budget</b>	<b>Amended Budget</b>
Proceeds from Park Bonds	\$4,500,000.00	\$4,500,000.00
Powell Bill Fund	\$222,500.00	\$222,500.00
Transportation Improvement Fund	\$220,000.00	\$220,000.00
Stormwater Utility Fund	\$228,591.00	\$228,591.00
Street Bonds	\$220,000.00	\$220,000.00
Capital Reserve Fund	\$568,683.00	\$568,683.00
General Fund	\$40,000.00	\$128,400.00
Total	<u>\$5,999,774.00</u>	<u>\$6,088,174.00</u>

**SECTION 5.** The Finance Director is hereby directed to maintain within the capital project fund sufficient detailed accounting records to satisfy the requirements of an annual independent audit. The terms of the bond resolution also shall be met.

**SECTION 6.** Funds may be advanced from the General Fund for the purpose of making payments as due.

**SECTION 7.** The Finance Director is directed to report, on a quarterly basis, on the financial status of the project element in Section 3 and on the total revenues received or claimed.

**SECTION 8.** The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on the capital project in every budget submission made to this Council.

**SECTION 9.** Any unexpended funds appropriated shall be reserved by the Town Council for use as provided by applicable law or regulation.

**SECTION 10.** The Finance Director is authorized from time to time to transfer as a loan from the General Fund in an amount necessary to met obligations until such time as funding is received. When Funds are received, repayments to the General Fund may be made.

**SECTION 11.** Copies of this capital project ordinance shall be made available to the Clerk and the Finance Director for direction in carrying out this project.

**AMENDED BY THE TOWN COUNCIL OF INDIAN TRAIL  
this the 12th day of May, 2015.**

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**Michael Alvarez, Mayor**

Attest:



## Town of Indian Trail

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### Memo

TO: Mayor and Town Council

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

COUNCIL DATE: May 12, 2015

SUBJECT: Approval of Alley, Williams, Carmen, & King Agreement

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#### **General Information:**

The Unionville Indian Trail Road Sidewalk project is a federally funded project requiring the oversight of NCDOT approved Construction Engineering & Inspection (CEI) services. The Town has contracted with Ally Williams Carmen & King to provide CEI services to satisfy federal requirements. The continued delays by the contractor Boggs Construction, has resulted in the need for additional funds to continue the required CEI oversight and project completion.

Staff is requesting an additional \$10,000 in Powell Bill funds to complete the CEI work.

#### **Required Actions:**

Council Approval

#### **Attachment:**

Agreement



**alley, williams, carmen & king, inc.**  
 ENGINEERS AND ARCHITECTS  
 120 south main street / p.o. box 1248  
 Kannapolis, north carolina 28082-1248  
 (704)938-1515 - fax (704)938-6810

PROJECT NO. 13502A  
MEMORANDUM OF AGREEMENT

This \_\_\_\_\_ day of April, 2015, we, ALLEY, WILLIAMS, CARMEN, & KING, INC., hereinafter called AWCK, and The Town of Indian Trail agree that AWCK perform professional services as set forth below for a Project called Unionville Indian Trail Sidewalk Project Litigation.

A. Project Data: Project consists of consultation services related to pending litigation and negotiation with Boggs Paving, Inc. in regards to the Unionville Indian Trail Sidewalk Project C-4957B.

Scope of Services:

1. Provide consultation services as requested by the Town of Indian Trail related to pending litigation and negotiation for the above mentioned project.

Cost:

The fee for item 1 is estimated as follows:

Estimated Consultant Fee \$ 10,000.00

Item 1 listed above in the Scope of Services will be provided on a per Hour Basis in accordance with the attached Hourly Charge Rate Schedule.

B. The Town of Indian Trail agrees as follows:

1. Compensate AWCK for the services in accordance with the attached Hourly Charge Rate Schedule for item A1; plus reimbursable expenses.
2. Payments for services and reimbursables shall be made monthly upon receipt of a statement from AWCK.
3. Payment shall be made to AWCK within 15 days of the date of invoice.
4. Fee not to exceed \$10,000 without prior authorization.
5. Billing instructions: TO: Town of Indian Trail  
 ADDRESS: 130 Blythe Drive  
Indian Trail, NC 28079

C. Both Parties agree that the above data is of a preliminary nature, and should there be material changes in the Project, the provisions and the compensation will be amended accordingly.

ALLEY, WILLIAMS, CARMEN, & KING, INC.

Town of Indian Trail

BY: *Jeffery D. Moody*  
 Jeffery D. Moody, PE, Principal

BY: \_\_\_\_\_  
 Joe Fivas, Town Manager

Attachment: AWCK 2015 Hourly Charge Rate Schedule



## HOURLY CHARGE RATE SCHEDULE – JULY 1, 2014

This information is confidential and is intended for use by the recipient only.

1.	Engineers:			
a.	EI – Engineering Intern	\$ 70.00	-	\$ 90.00/Hr.
b.	Registered Professional Engineer	90.00	-	125.00/Hr.
c.	Associate/Registered Professional Engineer	105.00	-	140.00/Hr.
d.	Principal/Registered Professional Engineer	175.00	-	185.00/Hr.
2.	Architects:			
a.	Architects in Training	\$ 70.00	-	\$ 90.00/Hr.
b.	Registered Architect	80.00	-	120.00/Hr.
c.	Associate/Registered Architect	135.00	-	145.00/Hr.
d.	Principal/Registered Architect	165.00	-	175.00/Hr.
3.	Surveyors:			
a.	Surveyor in Training	\$ 60.00	-	\$ 80.00/Hr.
b.	Registered Land Surveyor	80.00	-	90.00/Hr.
c.	Associate/Registered Land Surveyor	85.00	-	105.00/Hr.
4.	Technical Staff:			
a.	Project Manager	\$ 75.00	-	\$115.00/Hr.
b.	CADD Designer/Technician	60.00	-	90.00/Hr.
5.	Survey Parties:			
a.	2-Man Party	\$140.00	-	\$155.00/Hr.
6.	Construction Observer	\$ 75.00	-	\$ 95.00/Hr.
		\$ 50.00	-	\$ 60.00/Hr.
7.	Clerical			
8.	Other:			

- a. Employees' overtime (when authorized in advance): 1.50 times Hourly Charge Rate.
- b. Professional Consultants: 1.10 times the amount billed to AWCK, Inc.
- c. Printing and Mailing: 1.10 times the amount billed to AWCK, Inc.
- d. Mileage: Travel to job site No Charge, but time is included from our office to job site and return.
- e. Overnight or extended travel: 1.10 times the amount billed to AWCK, Inc.
- f. The above rates are subject to adjustment in accordance with normal salary and rate review practices each year.
- g. Where ranges of hourly charge rates are listed, the rate charged will be the actual charge rate associated with the individual performing the services.
- h. Payment will be made monthly based on invoices submitted by Alley, Williams, Carmen & King, Inc.



## Town of Indian Trail

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### Memo

TO: Mayor and Town Council

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

COUNCIL DATE: May 12, 2015

SUBJECT: DPW Equipment Purchase Approval – Mini Asphalt Paver

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#### **Background Information:**

A Pavijet Model MG7 Mini Paver is a portable and specialized piece of equipment used to complete asphalt patching from 7.87” to 6’ 8” wide. This work is currently being completed by the Public Works Department staff by “hand” using shovels and hand leveling devices. By utilizing the Pavijet Model MG7 Mini Paver, the quality of the patches will improve and the time and staffing it takes to complete these projects will decrease making the patching process more efficient. The unit will be an attachment for the Town’s existing Track Skid Steer and can be removed when the Pavijet is not being used.

The Hitek Equipment Company is the only U.S. supplier of this equipment and will need to be identified as a sole source vendor for this purchase. A combination of Powell Bill and Stormwater Utility funds, available in the current approved budget, would be used to purchase the equipment.

Staff recommends identifying Hitek Equipment Company as a sole source vendor and purchasing the Pavijet MG7 Mini Paver at a cost of \$53,383.00.

#### **Required Actions:**

Council Approval

#### **Attachment:**

Hitek Pavijet Specifications



PROPOSAL for Town of Indian Trail

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Serving  
your Future

### Pavijet - Making Paving Simple

Paving



For over fifty years, Mr. Malavasi of MG Road Construction Machinery has been developing equipment for the construction industry. In 2005, one of their longtime customers came to them with a request. They wanted a simple paving machine that was inexpensive to transport, could pave narrow paths and could work with their existing equipment.

Mr. Malavasi's answer was the MG6, a remarkable piece of equipment that could mount to skid loader or mini excavator. The premise of the machine was simplicity; it required little maintenance since it relied on the power systems of the skid loader or excavator, could be used with only a few men, could fit into tight places, and had a very small footprint so transportation was not an issue. **The MG6 is simple to use, maintain and transport!**

The MG6 is a center line paver so when a more versatile system was needed, the MG7 was introduced allowing the operators to pave to the side.



### Outperforms Other Mini Pavers

#### Performance



The Pavijet can pave up to 82' (25m) per minute, making it one of the fastest mini pavers on the market.



What a three man crew can do in a day will only take the Pavijet 30 minutes.



The MG6 can pave between trees.



The MG6 has a minimum paving width of 15.75" (0.4m) and can go as wide as 90.55" (2.3m).  
The MG7 has a minimum paving width of 7.87" (0.2m) and can go as wide as 74.80" (1.9m). No other machine can match this range. In fact, most only go as low as 36".

The MG7 can work around curbing.



### Multiple Cost Savings

Money



The Pavijet saves you and your customers in many ways:

- *Labor* – Small crew means big savings.
- *Material* - You can now pave a smaller area, so you use less! Also, you can use the one machine to lay many different types of materials.
- *Transport cost* – Less equipment to move around and the Pavijet takes up very little space.
- *Injuries* – Less back breaking work so less workers' compensation claims.
- *Low Maintenance* – Just keep the machine clean, change the remote's batteries once in a while and you should be trouble-free.
- *Flexible* – The Pavijet can work around obstacles and can pave a very narrow path to a very wide one with a flick of a switch.
- *Durable* – The Pavijet is made with heavy gauge steel and operates using hydraulics.

Proposal for Town of Indian Trail, NC April 28, 2015

### Pricing

**Features Included**

One Pavijet Mini Paver Model MG7 with the following features:

- Connects to a skid/wheel loader or similar machine
- Direction of movement: Forward
- Paving width from 7.87" to 74.8" (0.20 to 1.90m)
- Paving thickness from 1.96" to 9.84" (5 to 25cm)
- Hopper capacity 1.83 cubic yards (1.4 cubic meters) / 3.75 tons asphalt
- No. 1 cable control 78.74" (2m)
- No. 1 radio remote control
- No. 1 battery pack 20 Ah
- No. 1 gas bottle 11 lbs. (5 kg) for screed heating + No. 1 pressure reducer
- No. 1 hand pump for washing
- All controls are hydraulic
- Possibility of material loading directly from the truck to the front of hopper
- Overall dimensions (closed): Height 63" (1.60m) Length 39.37" (1.00m) Width 74.8" (1.90m)
- Weight 1,568 lbs.(711 kg)
- Vibrating screed 60 Hz / 12 Volt
- Automatic self leveling depth system
- Automatic system to stop the flow of material
- Requires a 10 lb. propane tank (customer must supply)

Total Equipment Price :	\$	44,800
Training Fee	\$	2,500
<i>(If customer does not have Hitek provide training, the warranty is void.)</i>		
Discount	\$	(2,500)
Total Equipment Discounted Price:	\$	44,800
ESTIMATED Freight:	\$	800
Options: Spare Parts (see attached list)	\$	4,957
Secondary Automatic Grade/Pitch Control	\$	2,826

\*All prices are subject to change, depending on the exchange rate at the time of order.  
Prices are FOB Kenosha, WI and do not include any taxes, if applicable.

**Warranty** 1 Year excluding electrical parts (refer to Statement of Warranty)

**Payment Terms** 50% with order, 50% upon shipment

### Customer Responsibilities

- Check packing list to ensure all parts, extensions, etc. are there.
- Crate disposal.
- Provide a 10 lb. propane tank.
- Have all operators and maintenance mechanics read manual.
- Have all operators view training video.
- Inspect machine, hoses, welds, hydraulic seals, fittings and connections before use.
- Adjust hydraulic settings before being put into operation.
- Have cleaning agent on hand to use after each use.

## Terms and Conditions of Sale

- General** Seller's Quotation contains the complete terms and conditions of agreement between buyer and seller. There are no agreements between Buyer and Seller other than those stated herein.
- Prices** Seller's prices are CIF U.S. port of entry for imported equipment or FOB point of shipment for all other products, unless otherwise specified.
- Taxes** The price quoted does not include any excise, local, state or any taxes unless otherwise specified.
- Delivery** Shipping and delivery dates are approximate. Seller shall not be liable for delays or failure of delivery due to strikes or labor trouble, accidents, fire, acts of God, action by governmental authority, changes requested by buyer and any other causes beyond seller's control.
- Cancellation** On all cancelled orders buyer shall compensate seller for its performance, commitments and damages as follows: Buyer shall pay all engineering, labor and material costs used or committed by seller and/or manufacturer plus 10% of the full purchase price. However in no event shall the full amount exceed the purchase price.
- Leins** Upon payment in full, Seller agrees to deliver the goods free and clear of all liens, rights of conditional vendors, encumbrances and claims of laborers or materialmen.
- Regulatory Compliance** Seller makes no warranty regarding the occupational safety and health act standards or other government requirements. Seller shall cooperate with buyer to meet them, but seller may charge buyer the reasonable value thereof. Buyer shall be solely responsible for compliance with all Federal, State or local laws, regulations or ordinances.
- Surveys, Permits and Regulations** Buyer shall procure and pay for all permits and/or inspections required by any governmental authority for any part of the work involved in installing the equipment.
- Inurement** This Contract shall bind and inure to the benefits of the respective successors and assigns of Buyer and Seller and, if Seller is a natural person, his heirs, legatees and personal representatives.

## Statement of Warranty

### One-Year Limited Warranty

Hitek Equipment, Inc., hereinafter referred to as HITEK, warrants new PAVIJET MINI PAVERS at the time of delivery to the original purchaser, to be free from defects in material and workmanship when properly set up and operated in accordance with the recommendations set forth by HITEK.

HITEK'S liability for any defect with respect to accepted goods shall be limited to repairing the goods at a HITEK designated location or at an authorized dealer location, or replacing them as HITEK shall elect. HITEK'S obligation shall terminate twelve (12) months after the delivery of the goods to original purchaser, unless a shorter period is provided elsewhere in this document or if the machine is sold as is where is. This warranty shall not apply to any machine or attachment which shall have been repaired or altered outside the HITEK factory or authorized HITEK dealership or in any way so as in HITEK'S judgment, to affect its stability or reliability, nor which has been subject to misuse, negligence or accident beyond the Company recommended machine rated capacity.

### Warranty Claim

To submit a warranty claim, a return authorization from HITEK must be obtained. The failed part may then be returned. Tampering with the failed part may void the warranty. This warranty does not include freight or delivery charges incurred when returning machinery for servicing. Dealer mileage, service calls, and pickup/delivery charges are the customers' responsibility.

### Exclusions of Warranty

Except as otherwise expressly stated herein HITEK makes no representation or warranty of any kind, expressed or implied, AND MAKES NO WARRANTY OF MERCHANTABILITY IN RESPECT TO ITS MACHINERY AND/OR ATTACHMENTS ARE FIT FOR ANY PARTICULAR PURPOSE. HITEK shall not be liable for incidental or consequential damages for any breach or warranty, including but not limited to inconvenience, rental of replacement equipment, loss of profits or other commercial loss. Upon purchase, the buyer assumes all liability for all personal injury and property resulting from the handling, possession, or use of the goods by the buyer.

No agent, employee, or representative of HITEK has any authority to bind HITEK to any affirmation, representation or warranty concerning its machinery and/or attachments except as specifically set forth herein.

This warranty does not cover abuse, modifications by others, or leaking hoses due to improper routing, abrasion, or pinching.

In addition thereto, this warranty shall be null and void if the (1) machine is used in a manner contrary to instructions or after malfunction is noticed, (2) Purchaser does not honor terms of payment, (3) machine is not maintained properly, (4) machine is modified or altered without the agreement of HITEK, or (5) customer does not have Hitek provide training.

HITEK'S failure to enforce any of the limitations set forth in this warranty statement shall not be deemed a waiver of the limitations contained herein.

This warranty policy supersedes any previous documents.

No claims for warranty shall be considered unless warranty registration is sent to HITEK within 30 days of purchase!

### Pavijet Spare Parts List



TABLE NO. 11 MG7		
NO.	QTY.	DESCRIPTION
1	1	CONTROL BOX
2	1	BATTERY 12V - 18AH
3	1	ELECTRO-VALVE
4	1	EMERGENCY BUTTON
5	1	PACK 4 ELECTRO-VALVE
6	1	TRANSFORMER 12-220V
7	1	VIBRATOR
8	1	CABLES KIT



**TO:** Mayor and Town Council

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

**DATE:** May 12th, 2015

**SUBJECT:** Auditor Selection

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Town staff is in the process of completing a Request for Proposal (RFP) process to select an auditor for Fiscal Year 15/16. Town staff will conclude the process on the week of May 4<sup>th</sup>, and provide the necessary information for review before the next Council meeting.

jaf