

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn



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

Indian Trail Town Council Meeting
August 13, 2013
Civic Building
6:30 p.m.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ADDITIONS AND DELETIONS**
3. **MOTION TO APPROVE AGENDA**
4. **PRESENTATIONS**
 - a. Pulmonary Hypertension Proclamation
5. **PUBLIC COMMENTS**
6. **CONSENT AGENDA**
 - a. Approval of draft minutes for July 9, 2013
 - b. Appointment of Frances Knight as Regular Member to Public Safety Committee
 - c. Appointment of Joseph Carteret as Alternate to the Public Safety Committee
 - d. Appointment of additional applicants to the Citizens Academy
 - e. 2012 Tax Settlement
 - f. Amendment of solid waste contract to include storm debris removal services
 - g. Council consideration and approval of Blythe Grading Change Order and amendment to Chestnut Square Capital Project Ordinance
 - h. Mathews-Indian Trail street closing for construction
 - i. Budget Amendments
 - j. Bi-annual report of LGC 203
 - k. Ordinance Amending the Budget Ordinance for Capital Reserve Transfer to Debt Service General Fund
 - l. Council consideration and approval of Crooked Creek Park sign

7. PUBLIC HEARINGS

action

- a. **CZ2013-005 Bonterra Lot Addition:** A request to reclassify a 1.01 acre parcel from the SF-1 single-family residential zoning district (approximately 2 dwelling units to the acre) to the SF-5 single-family residential zoning district with the PED-1 Overlay subject to Bonterra Village Special Use Permit 2001-005. The intent of this rezoning is to incorporate this 1.01 acre parcel into the approved Bonterra Village Planned Unit Development. Applicant: John Ross of Eagle Engineering. Location: 4416 Faith Church Road; 07042045A

8. BUSINESS ITEMS

- a. Council consideration and approval of Crooked Creek Park Phase 1 and Capital Project Ordinance
- b. Council consideration and approval of extending the new facility deadline for Waste Pro
- c. Council consideration of authorizing a Facebook page for the Public Safety Committee
This item was requested by Council Member Waddell

9. DISCUSSION ITEMS

- a. Discussion of Wayfinding Sign Program
- b. Discussion of Economic Development Incentive Policy

10. MANAGERS REPORT

11. COUNCIL COMMENTS

12. CLOSED SESSION

action

13. ADJOURN

action

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

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

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

TOWN OF INDIAN TRAIL

**A Proclamation
By The Honorable
MICHAEL L. ALVAREZ
August 13, 2013**

WHEREAS: the health of our community's people is the foundation for a caring and productive society, and our future rests with our ability to adequately treat, and ultimately find cures for, individuals who are afflicted with a variety of illnesses including pulmonary hypertension

WHEREAS: pulmonary hypertension (PH) is a rare disorder causing intolerable blood pressure levels in the arteries between the lungs and heart

WHEREAS: in 2001, there were 3,000 PH patients receiving treatment from 100 PH treating-physicians. In just five years, those numbers had grown to an estimated 30,000 patients and 3,000 treating physicians

WHEREAS: there are at least as many undiagnosed as diagnosed patients

WHEREAS: without treatment, PH patients live an average of 2.8 years past diagnosis; with early diagnosis and effective treatment, the disorder can be managed for twenty years or more

WHEREAS: education can help with early diagnosis and funding for research can help find a cure

WHEREAS: the Pulmonary Hypertension Association is a nonprofit organization that seeks ways to prevent and cure pulmonary hypertension, and to provide hope for the PH community through support, education, advocacy and awareness

NOW THEREFORE, I, Michael L. Alvarez, Mayor of the Town of Indian Trail, do hereby proclaim November 2013 to be

PULMONARY HYPERTENSION AWARENESS MONTH

and urge all the citizens of the State or Commonwealth to recognize the seriousness of this disease and the meritorious work of the Pulmonary Hypertension Association to find a cure.

Michael L. Alvarez, Mayor



Town of Indian Trail
Minutes of Town Council
July 9, 2013
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: Robert Allen, David Cohn, Christopher King, Darlene Luther, and David Waddell.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney George Sistrunk, Director of Community & Economic Development Kelly Barnhardt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Tax Collector Janice Cook, Director of Engineering and Public Works Scott Kaufhold.

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

David Waddell made a motion to approve Preventative Technologies Water Line Upgrade as item 9a and move other items down accordingly.
Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

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

PRESENTATIONS

None

COMMITTEE APPOINTMENTS

Park Tree & Greenway Committee:

Christopher King made a motion to approve Roger Fish as a Regular Member.
Council voted unanimously in favor of the motion.

Christopher King made a motion to approve Chip Long as a Regular Member.
Motion Passed 4 - 1 with David Waddell opposing.

Robert Allen made a motion to approve Brian Olin as a Regular Member.
Motion Passed 4 - 1 with David Waddell opposing.

David Waddell made a motion to approve Marco Cevallos as an Alternate Member.
Council had a short discussion about Mr. Cevallos not receiving a recommendation from the Chair.
Motion Failed 3 - 2 with Robert Allen, Darlene Luther, and Christopher King opposing.

Robert Allen made a motion to approve Robert Tosti as an Alternate Member.
Motion Passed 4 - 1 with David Waddell opposing.

Public Safety Committee:

Christopher King made a motion waive the rules accepting Mr. Dreh's application although late.
Motion Passed 4 - 1 with Darlene Luther opposing.

David Waddell made a motion to approve recusing himself from voting as he has a family member applying for a position on the Public Safety Committee.
Council voted unanimously in favor of the motion.

David Cohn made a motion to approve Sherry Waddell as a Regular Member.

Council voted unanimously in favor of the motion.

David Cohn made a motion to approve David Drehs Regular Member.
Motion Passed 4 - 1 with Darlene Luther opposing.

Darlene Luther made a motion to approve Chip Long as a Regular Member.
Council voted unanimously in favor of the motion.

David Cohn made a motion to approve Frances Knight as an Alternate Member.
Motion Passed 3 - 1 with Darlene Luther opposing.

Robert Allen made a motion to approve Robert Tosti as an Alternate Member.
Council voted unanimously in favor of the motion.

Transportation Advisory Committee:

Darlene Luther made a motion to approve Chip Long, Michelle Simmons and Dan Jenka as Regular Members.
Motion Passed 4 - 1 with David Waddell opposing.

Stormwater Advisory Committee:

Robert Allen made a motion to approve Chip Long, Jeremy Murphy, John Barnard and Alan Mosley as Regular Members.
Motion Passed 4 - 1 with David Waddell opposing.

Citizen Academy:

Christopher King made a motion to approve, subject to being a business owner or resident of Indian Trail, Scott Lee, Judett Black, Joseph McCallister, Richard Miller, Chip Long, Rose Ma, Mark Helotie, Gerald Morse, Sheryl Morse, David Hoshour, Louis Ma, Barclay Brontley, Carlos Santiago, Maureen Williamson, Frances Knight, Jordn Burrell, Allan Kaufman, Nydia Morales, Rima Bouajram and David Spencer as members of the Citizen Academy.

Council voted unanimously in favor of the motion.

PUBLIC COMMENTS

Chip Long, 1012 Cranston Crossing Place, Indian Trail, NC informed everyone there will be a blood drive on August 1st and invited all to sign up and donate.

Roger Fish - congratulated manager, staff & council on the parade. He commented on the donation of the old school bell as grand marshal and provided a brief history on the bell.

CONSENT AGENDA

- a. Approval of draft minutes for June 11, 2013
- b. Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- c. Tax Report for Month End June 2013 **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- d. 2012-2013 Powell Bill Map **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- e. Approval of Playground purchase **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**
- f. TND Land Development **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

Christopher King made a motion to approve the Consent Agenda.
Motion Passed 4 - 1 with David Waddell opposing.

PUBLIC HEARINGS

None

BUSINESS ITEMS

- a. Preventative Technologies Water Line Upgrade - this item was added as a result of a motion made under Additions and Deletions

Mr. Fivas explained that Preventative Technologies requested the Town upgrade the water line construction plans from a 6 inch pipe to an 8 inch pipe, agreeing to pay all the costs associated with this upgrade. The Town Attorney has prepared an Agreement and an amendment to the current Capital Project Ordinance for Council's consideration and approval.

Christopher King made a motion to approve the Agreement and the amended Capital Project Ordinance.

Motion Passed 4 - 1 with David Waddell opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES)**

- b. Council consideration for approval of Municipal Code

Mr. Fivas explained that our current Code of Ordinances is outdated. He advised that a proposal has been submitted for Council consideration and approval for the updates and should Council wish to have it available on line staff will provide the additional costing involved once the Codes have been updated.

Christopher King made a motion to approve item 9b Council consideration for approval of Municipal Code.

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

- c. Discuss conducting a forensic audit for the last seven years - this item was requested by Council Member Waddell

Mr. Waddell read a statement explaining why he requested this item. Council and the Town Manager had a lengthy discussion on this subject. **(COPY ATTACHED HERETO AND MADE A PART OF THE MINUTES).**

David Waddell made a motion to approve moving forward with the process before we determine what to do next in regards to conducting a forensic audit

Motion Failed 4 - 1 with Robert Allen, Darlene Luther, Christopher King, and David Cohn opposing.

- d. Council consideration for approval of Permit for use at public exhibition under § 14-413

Mr. Fivas explained that the Union County Fire Marshall requires Council approval of a Temporary Use Permit issued to Banshee Productions for pyrotechnics to be used in filming on July 30th & 31st at the Hanson Brick facility.

Robert Allen made a motion to approve the Temporary Use Permit for use at public exhibition under § 14-413

Council voted unanimously in favor of the motion.

DISCUSSION ITEMS

- a. Law Enforcement Assessment

Mr. Fivas advised that he is looking for direction from the Council on how to proceed with this approved budget item starting with when Council would like to start this process.

Christopher King made a motion to approve beginning Law Enforcement Assessment process immediately.

Council voted unanimously in favor of the motion.

Mr. Fivas requested clarification of how Council wants the process to move forward: should the RFP be prepared by staff, Council or contract with a firm?

Robert Allen made a motion to approve staff coming up with a shell of an RFP providing key take away items, enabling Council to fill in the blanks so their scope is being executed.

Motion Passed 4 - 1 with David Waddell opposing.

Mr. Fivas advised once the RFP is Council approved, staff will send it out across the country; get bids, after Council review bids how do you want to move forward? Council can interview the firms and decide which firm to hire, staff can narrow it down or the Public Safety Committee can narrow it down.

Robert Allen made a motion to approve review responding firms on RFP and Council is decision makers. Council voted unanimously in favor of the motion.

Mr. Fivas advised the next element would be to put together an agreement on scope of work and inquired Council's preference on who will write the agreement.

Christopher King made a motion to approve holding a special meeting with the Public Safety Committee to discuss the scope of work on the agreement for the Law Enforcement Assessment. Council voted unanimously in favor of the motion.

b. Old Monroe Road widening update

Mr. Fivas explained that we have two options on this project: NCDOT wants to explore the option of partnering with us so they can do it all as one project; or we can simply apply the funds from the bond approved by the residents and widen the section we had discussed. Council had a lengthy discussion on this, with Mr. Fivas suggesting that he and the Town Engineer set up a meeting with the NCDOT people in Raleigh then come back to Council with the results of that conversation.

c. Comprehensive Plan update

Ms. DeHart explained the steps staff has taken to date to get input from the community, along with the steps taken with the firm handling the Plan. Ms. DeHart advised the future workshops and community involvement that is scheduled inviting Council to attend as well.

d. Entertainment District

Mr. Fivas explained this pertains to an entertainment and shopping district, advising that there was conversation during the budget process of developing an overlay district or trying to facilitate those districts in an area and inquired if council wanted to move forward or wait. Council had some discussion on this with Mr. Fivas suggesting that staff provide Council with some ideas on what the steps are and how, if feasible, it can be incorporated into the Comprehensive Plan.

e. US-74 Beautification - this matter was requested by Council Member Luther

Ms. Luther referred to the new roses and lily's that are located on Highway 74 as you enter and leave Matthews and suggested that Council consider doing the same thing in Indian Trail. It enables the drivers to be aware that they have entered into a new area that takes pride in its presentation.

Mr. Fivas advised there is a process for this, we can design a plan for Council to review, modify and/or approve then we can submit to NCDOT for approval.

Robert Allen made a motion to approve staff creating and submitting a plan to Council for their input. Council voted unanimously in favor of the motion.

f. Videotaping Council Meetings - this matter was requested by Council Member Luther

Mr. Fivas advised he provided several options on the memo submitted for this matter and Council had a discussion on the pros and cons of videoing the Council meetings.

Robert Allen made a motion to approve Option 3
Motion Passed 3 - 2 with Christopher King, and David Cohn opposing. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD).**

MANAGERS REPORT

None

COUNCIL COMMENTS

None

CLOSED SESSION

Christopher King made a motion NCGS 143-318 11 (a)4 to discuss matters relating to the location or expansion of business in the area served by this body
NCGS 143-318 11(a)6 to consider the qualifications, competence, performance, condition of public officer or employee or prospective public officer or employee - to hear or investigate a complaint charge or grievance by or against a public officer or employee.

Council voted unanimously in favor of the motion.

Christopher King made a motion to approve going back into Open Session
Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve amend the extension of severance employment agreement for the Town Manager, Joe Fivas from 9 months to 16 months.

Motion Passed 3 - 2 with David Cohn, and David Waddell opposing. **(COPY CAN BE FOUND IN THE FINANCE DIRECTOR'S OFFICE)**

ADJOURN

Christopher King made a motion to adjourn
Motion Passed 4 - 1 with David Cohn opposing.

APPROVED:

Michael L. Alvarez, Mayor

DRAFT

Attest:

Peggy Piontek, Town Clerk

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Peggy Piontek, Town Clerk

DATE: August 13, 2013

SUBJECT: Public Safety Committee Regular
Member Appointment



The Public Safety Committee currently has one open regular member position available. At their last meeting they voted to recommend moving Frances Knight from the alternate position to the regular member position.

The Council will be appointing Frances Knight as a regular member with the approval of this item.

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Peggy Piontek, Town Clerk

DATE: August 13, 2013

SUBJECT: Public Safety Committee Appointment
Joseph Carteret as an Alternate Member



At their last meeting the Public Safety Committee voted to recommend appointing Joseph Carteret as an alternate member.

The Council will be appointing Joseph Carteret as an alternate member with the approval of this item.

Town of Indian Trail

Memo

TO: Mayor and Town Council
FROM: Peggy Piontek, Town Clerk
DATE: August 13, 2013
SUBJECT: Citizen Academy Appointments



The Town received 5 additional applications for the Citizens Academy before the July 18th deadline and is comfortable with appointing them to the Academy with Council approval of this item.



TO: Mayor and Town Council

FROM: Janice Cook, Tax Collector

DATE: August 13, 2013

SUBJECT: Tax Settlement for year 2012

According to G.S. 105-373, it is the duty of the tax collector to submit to the governing body a report showing the current fiscal year unpaid taxes. The report also shows the amount of revenue collected and any adjustments due to releases and discoveries.

Included is the amount collected on each year's taxes with which he is charged along with any adjustments.

Pages 1-4 Current year activity

Pages 5-8 Current and all delinquent years combined

Type	Accounts	Prev Prin Bal	Minimum	Adjust Min	Bal Adj Prin	Pay Prin	Pay Penalty	Prin Balance
Service	Penalty Charge	Total Billed	Excess	Adjust Exc	Adj Penalty	Tr Overpay	Penalty Bal	Total Balance
XXX Continued								
PP		0.00	140.13	0.00	0.00	0.00	0.00	140.13
	0.00	140.13	0.00	0.00	0.00	0.00	0.00	140.13
Property Tax-Total		0.00	154.15	0.00	0.00	0.00	0.00	154.15
	8.05	154.15	0.00	0.00	0.00	0.00	8.05	162.20
A11 17977								
Property Tax		0.00	5,548,493.51	51,134.30	407.96-	5,484,283.76-	8,181.63-	114,923.95
	13,534.42	5,599,627.81	0.00	0.00	1,504.85	12.14-	6,857.64	121,781.59
ADV		0.00	0.00	942.00	16.56-	328.06-	0.00	597.38
	0.00	942.00	0.00	0.00	0.00	0.00	0.00	597.38
DEF		0.00	0.00	6,329.67	0.00	4,984.69-	0.00	1,344.98
	0.00	6,329.67	0.00	0.00	0.00	0.00	0.00	1,344.98
INT		0.00	0.00	476.27	87.16-	334.76-	0.00	54.35
	0.00	476.27	0.00	0.00	0.00	0.00	0.00	54.35
LCU		0.00	0.00	4,856.73	0.00	2,682.80-	0.00	2,173.93
	0.00	4,856.73	0.00	0.00	0.00	0.00	0.00	2,173.93
LL		0.00	4,514.39	466.32	54.78-	3,618.63-	0.00	1,307.06
	0.00	4,980.71	0.00	0.00	0.00	0.24-	0.00	1,307.06
NSF		0.00	0.00	30.00	0.00	30.00-	0.00	0.00
	0.00	30.00	0.00	0.00	0.00	0.00	0.00	0.00
PP		0.00	253,957.21	2,269.90	1,419.27-	240,522.86-	0.00	14,284.98
	0.00	256,227.11	0.00	0.00	0.00	0.00	0.00	14,284.98
SW1		0.00	394,171.92	7,391.52	32.07-	396,534.53-	0.00	4,996.84
	0.00	401,563.44	0.00	0.00	0.00	0.00	0.00	4,996.84
SW2		0.00	105,372.48	0.00	4.77-	102,855.73-	0.00	2,511.98
	0.00	105,372.48	0.00	0.00	0.00	0.00	0.00	2,511.98
SW3		0.00	537,409.28	0.00	2.81-	523,413.00-	0.00	13,993.47
	0.00	537,409.28	0.00	0.00	0.00	0.00	0.00	13,993.47
UTL		0.00	0.00	80,260.59	0.00	80,260.02-	0.00	0.57
	0.00	80,260.59	0.00	0.00	0.00	0.00	0.00	0.57
Property Tax-Total		0.00	6,843,918.79	154,157.30	2,025.38-	6,839,848.84-	8,181.63-	156,189.49
	13,534.42	6,998,076.09	0.00	0.00	1,504.85	12.38-	6,857.64	163,047.13

Year/Prd Range: 2012/ 1 to 2012/ 4		Balance as of 06/30/12	Principal	0.00	
			Penalty	0.00	
			Total Previous Balance		0.00
Calculated Charges	Minimum	Excess	Total		
LL LATE LIST FEE	4,514.39	0.00	4,514.39		
PP PERSONAL PROPERTY TX	253,957.21	0.00	253,957.21		
RP REAL PROPERTY TAX	5,548,493.51	0.00	5,548,493.51		
SW1 STORMWATER TIER 1	394,171.92	0.00	394,171.92		
SW2 STORMWATER TIER 2	105,372.48	0.00	105,372.48		
SW3 STORMWAT COMMERCIAL	537,409.28	0.00	537,409.28		
Total Calculated Charges				6,843,918.79	
Billing Adjustments and Final Bills	Minimum	Excess	Total		
ADV ADVERTISING FEE	942.00	0.00	942.00		
DEF FARM DEFERRED	6,329.67	0.00	6,329.67		
DLL DISCOVERY LATE LIST	812.00	0.00	812.00		
DPP DISCOVERY PERS PROP	3,874.08	0.00	3,874.08		
DRP DISCOVERY REAL PROP	3,803.50	0.00	3,803.50		
INT INTEREST	476.27	0.00	476.27		
LCU LIEN CLEAN UP CHARGE	4,856.73	0.00	4,856.73		
NSF RETURN CHECK FEE	30.00	0.00	30.00		
RLI RELEASE LATE LIST	345.68-	0.00	345.68-		
RP REAL PROPERTY TAX	83,789.43	0.00	83,789.43		
RPP RELEASE PERS PROP TX	3,824.65-	0.00	3,824.65-		
RRP RELEASE REAL PROP TX	36,458.63-	0.00	36,458.63-		
SPP SUPPLEM PERS PROP TX	2,220.47	0.00	2,220.47		
SW1 STORMWATER TIER 1	7,391.52	0.00	7,391.52		
UTL UTILITY CHARGE	80,260.59	0.00	80,260.59		
Total Billing Adjustments and Final Bills				154,157.30	
Total Billed					6,998,076.09
Total Penalty Charged					13,534.42
Collections	Principal	Penalty	Total		
T01 REAL PROPERTY TAX	5,484,564.64	8,186.45	5,492,751.09		
T02 PERSONAL PROPERTY	240,522.86	0.00	240,522.86		
T03 LATE LIST FEE	3,618.63	0.00	3,618.63		
T04 ADVERTISING FEE	328.93	0.00	328.93		
T05 STORMWATER TIER 1	396,534.53	0.00	396,534.53		
T06 STORMWATER TIER 2	102,869.16	0.00	102,869.16		
T07 STMMT COMMERCIAL	523,413.00	0.00	523,413.00		
T08 UTILITY CHARGE	80,260.02	0.00	80,260.02		
T09 LIEN CLEAN UP CHARGE	2,682.80	0.00	2,682.80		
T19 RETURN CHECK FEE	30.00	0.00	30.00		
T20 Farm Deferred	4,984.69	0.00	4,984.69		
T21 Farm Deferred Int	334.76	0.00	334.76		
Total Collections					(6,848,330.47)
NSF Reversals	Principal	Penalty	Total		
T01 REAL PROPERTY TAX	280.88	4.82	285.70		
T04 ADVERTISING FEE	0.87	0.00	0.87		
T06 STORMWATER TIER 2	13.43	0.00	13.43		
Total NSF Reversals					300.00

Balance Adjustments	Principal	Penalty	Total	
003 WRITE OFF SMALL BAL	1,938.22-	41.85-	1,980.07-	
004 REMOVE PENALTY	0.00	84.87-	84.87-	
005 PENALTY CORRECTION	87.43-	1,631.57	1,544.14	
006 WRITE OFF OVERAGE	0.01	0.00	<u>0.01</u>	
Total Accrued Revenue/write Off Balance Adjustments				520.79-
Transfer Overpayment Balance Adjustments				
Property Tax 001 TRANSFER CREDIT	0.01-	0.00	0.01-	
INT 001 TRANSFER CREDIT	0.27	0.00	0.27	
Property Tax Total			<u>0.26</u>	
Total Transfer Overpay Balance Adjustments				<u>0.26</u>
Total Balance Adjustments				520.53-
Transfer Overpayments				
Property Tax	12.14-			
LL	<u>0.24-</u>			
Total Transfer Overpayments				12.38-
Balance as of 06/30/13				
Credit Balance			1.67-	
Debit Balance			<u>163,048.80</u>	
Total Balance				<u><u>163,047.13</u></u>

NOTE: Prior Year/Period Principal and Penalty ARE NOT included on this report.

Type	Accounts	Prev Prin Bal	Minimum	Adjust Min	Bal Adj Prin	Pay Prin	Pay Penalty	Prin Balance
Service	Penalty Charge	Total Billed	Excess	Adjust Exc	Adj Penalty	Tr Overpay	Penalty Bal	Total Balance
XXX Continued								
PP		52,801.23	140.13	358.83-	0.11-	677.07-	0.00	51,905.35
	0.00	218.70-	0.00	0.00	0.00	0.00	0.00	51,905.35
SW2		1,329.75	0.00	0.00	0.00	84.00-	0.00	1,245.75
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,245.75
Property Tax-Total		57,175.96	154.15	394.72-	0.12-	911.77-	320.05-	56,023.50
	4,390.63	240.57-	0.00	0.00	76.30-	0.00	24,857.43	80,880.93
All 17977								
Property Tax		134,454.34	5,548,493.51	50,925.30	408.54-	5,545,661.12-	20,020.97-	187,791.35
	29,223.98	5,599,418.81	0.00	0.00	1,237.22	12.14-	50,350.19	238,141.54
ADV		3,800.05	0.00	940.00	18.56-	2,681.02-	0.00	2,040.47
	0.00	940.00	0.00	0.00	0.00	0.00	0.00	2,040.47
DEF		0.00	0.00	6,329.67	0.00	4,984.69-	0.00	1,344.98
	0.00	6,329.67	0.00	0.00	0.00	0.00	0.00	1,344.98
INT		0.00	0.00	476.27	87.16-	334.76-	0.00	54.35
	0.00	476.27	0.00	0.00	0.00	0.00	0.00	54.35
LCU		0.00	0.00	4,856.73	0.00	2,682.80-	0.00	2,173.93
	0.00	4,856.73	0.00	0.00	0.00	0.00	0.00	2,173.93
LL		4,326.71	4,514.39	348.07	54.81-	3,828.39-	0.00	5,305.73
	0.00	4,862.46	0.00	0.00	0.00	0.24-	0.00	5,305.73
NSF		0.00	0.00	30.00	0.00	30.00-	0.00	0.00
	0.00	30.00	0.00	0.00	0.00	0.00	0.00	0.00
PP		76,929.39	253,957.21	1,087.66	1,419.90-	243,372.99-	0.00	87,181.37
	0.00	255,044.87	0.00	0.00	0.00	0.00	0.00	87,181.37
SW1		9,792.52	394,171.92	7,391.52	37.33-	400,888.33-	0.00	10,430.30
	0.00	401,563.44	0.00	0.00	0.00	0.00	0.00	10,430.30
SW2		7,002.55	105,372.48	0.00	4.77-	105,184.27-	0.00	7,185.99
	0.00	105,372.48	0.00	0.00	0.00	0.00	0.00	7,185.99
SW3		23,851.89	537,409.28	0.00	2.80-	533,134.15-	0.00	28,124.22
	0.00	537,409.28	0.00	0.00	0.00	0.00	0.00	28,124.22
UTL		0.00	0.00	80,260.59	0.00	80,260.02-	0.00	0.57
	0.00	80,260.59	0.00	0.00	0.00	0.00	0.00	0.57
Property Tax-Total		260,157.45	6,843,918.79	152,645.81	2,033.87-	6,923,042.54-	20,020.97-	331,633.26
	29,223.98	6,996,564.60	0.00	0.00	1,237.22	12.38-	50,350.19	381,983.45

Year/Prd Range: 2000/ 1 to 2012/ 4	Balance as of 06/30/12	Principal	260,157.45	
		Penalty	<u>39,909.96</u>	
		Total Previous Balance		300,067.41

Calculated Charges	Minimum	Excess	Total	
LL LATE LIST FEE	4,514.39	0.00	4,514.39	
PP PERSONAL PROPERTY TX	253,957.21	0.00	253,957.21	
RP REAL PROPERTY TAX	5,548,493.51	0.00	5,548,493.51	
SW1 STORMWATER TIER 1	394,171.92	0.00	394,171.92	
SW2 STORMWATER TIER 2	105,372.48	0.00	105,372.48	
SW3 STORMWAT COMMERCIAL	537,409.28	0.00	<u>537,409.28</u>	
Total Calculated Charges				6,843,918.79

Billing Adjustments and Final Bills	Minimum	Excess	Total	
ADV ADVERTISING FEE	940.00	0.00	940.00	
DEF FARM DEFERRED	6,329.67	0.00	6,329.67	
DLL DISCOVERY LATE LIST	812.00	0.00	812.00	
DPP DISCOVERY PERS PROP	3,874.08	0.00	3,874.08	
DRP DISCOVERY REAL PROP	3,803.50	0.00	3,803.50	
INT INTEREST	476.27	0.00	476.27	
LCU LIEN CLEAN UP CHARGE	4,856.73	0.00	4,856.73	
NSF RETURN CHECK FEE	30.00	0.00	30.00	
RLL RELEASE LATE LIST	463.93-	0.00	463.93-	
RP REAL PROPERTY TAX	83,580.43	0.00	83,580.43	
RPP RELEASE PERS PROP TX	5,006.89-	0.00	5,006.89-	
RRP RELEASE REAL PROP TX	36,458.63-	0.00	36,458.63-	
SPP SUPPLEM PERS PROP TX	2,220.47	0.00	2,220.47	
SW1 STORMWATER TIER 1	7,391.52	0.00	7,391.52	
UTL UTILITY CHARGE	80,260.59	0.00	<u>80,260.59</u>	
Total Billing Adjustments and Final Bills				<u>152,645.81</u>
Total Billed				6,996,564.60

Total Penalty Charged 29,223.98

Collections	Principal	Penalty	Total	
T01 REAL PROPERTY TAX	5,545,942.00	20,025.79	5,565,967.79	
T02 PERSONAL PROPERTY	243,372.99	0.00	243,372.99	
T03 LATE LIST FEE	3,828.39	0.00	3,828.39	
T04 ADVERTISING FEE	2,681.89	0.00	2,681.89	
T05 STORMWATER TIER 1	400,888.33	0.00	400,888.33	
T06 STORMWATER TIER 2	105,197.70	0.00	105,197.70	
T07 STWMT COMMERCIAL	533,134.15	0.00	533,134.15	
T08 UTILITY CHARGE	80,260.02	0.00	80,260.02	
T09 LIEN CLEAN UP CHARGE	2,682.80	0.00	2,682.80	
T19 RETURN CHECK FEE	30.00	0.00	30.00	
T20 Farm Deferred	4,984.69	0.00	4,984.69	
T21 Farm Deferred Int	334.76	0.00	<u>334.76</u>	
Total Collections				(6,943,363.51)

NSF Reversals	Principal	Penalty	Total	
T01 REAL PROPERTY TAX	280.88	4.82	285.70	
T04 ADVERTISING FEE	0.87	0.00	0.87	
T06 STORMWATER TIER 2	13.43	0.00	<u>13.43</u>	
Total NSF Reversals				300.00

Balance Adjustments	Principal	Penalty	Total	
003 WRITE OFF SMALL BAL	1,939.29-	49.64-	1,988.93-	
004 REMOVE PENALTY	0.00	344.71-	344.71-	
005 PENALTY CORRECTION	94.59-	1,631.57	1,536.98	
006 WRITE OFF OVERAGE	0.01	0.00	<u>0.01</u>	
Total Accrued Revenue/write Off Balance Adjustments				796.65-
 Transfer Overpayment Balance Adjustments				
Property Tax 001 TRANSFER CREDIT	7.15	0.00	7.15	
ADV 001 TRANSFER CREDIT	2.00-	0.00	2.00-	
INT 001 TRANSFER CREDIT	0.27	0.00	0.27	
PP 001 TRANSFER CREDIT	0.27-	0.00	0.27-	
SW1 001 TRANSFER CREDIT	5.16-	0.00	5.16-	
SW3 001 TRANSFER CREDIT	0.01	0.00	0.01	
Property Tax Total			<u>0.00</u>	
Total Transfer Overpay Balance Adjustments				<u>0.00</u>
Total Balance Adjustments				796.65-
 Transfer Overpayments				
Property Tax	12.14-			
LL	<u>0.24-</u>			
Total Transfer Overpayments				12.38-
 Balance as of 06/30/13				
Credit Balance			1.67-	
Debit Balance			<u>381,985.12</u>	
Total Balance				<u><u>381,983.45</u></u>

NOTE: Prior Year/Period Principal and Penalty ARE NOT included on this report.

TOWN of INDIAN TRAIL			
2012 SETTLEMENT of TAXES AND STORMWATER	TAXES	STORMWATER	TOTAL
Initial 2012 Property Tax Assessed by Union County	\$5,802,450.72		\$5,802,450.72
Initial 2012 Stormwater Billed Per Engineering Dept		\$1,036,953.68	\$1,036,953.68
Plus discoveries of taxes per UC	\$7,677.58		\$7,677.58
Plus discoveries of stormwater by ENGINEER Dept		\$4,630.32	\$4,630.32
Plus supplemental per Union County	\$2,220.47		\$2,220.47
Plus State Utilities Tax / Department of Revenue	\$80,260.59		\$80,260.59
TOTAL ASSESSED CHARGE	\$5,892,609.36	\$1,041,584.00	\$6,934,193.36
Plus rollbacks per Union County	\$6,809.03		\$6,809.03
Plus NSF check fees	\$30.00		\$30.00
Plus missed parcels (Brookhaven)	\$53,507.00	\$2,761.20	\$56,268.20
TOTAL BILLED	\$5,952,955.39	\$1,044,345.20	\$6,997,300.59
Plus Adjustments BER DECISION/APPEAL/Plus interest	\$30,282.43		\$30,282.43
Plus Liens/Clean-up Property	\$4,856.73		\$4,856.73
Plus Advertisement of Delinquent Property	\$942.00		\$942.00
Plus Interest	\$13,534.42		\$13,534.42
Plus Late List Penalty	\$4,514.39		\$4,514.39
Plus Late List Penalty on Discoveries	\$812.00		\$812.00
TOTAL CHARGE FOR 2012 INCLUDING PENALTIES	\$6,007,897.36	\$1,044,345.20	\$7,052,242.56
Less Releases per Union County	(\$40,283.28)		(\$40,283.28)
Less Release Late List per Union County	(\$345.68)		(\$345.68)
Less Write-offs under \$5.00	(\$1,820.20)		(\$1,820.20)
Less Balance Adjustments Down	(\$133.65)	(\$26.22)	(\$159.87)
Less Balance Adjustments Down	\$1,544.14		\$1,544.14
Less Balance Adj Down Interest on Releases	(\$86.28)		(\$86.28)
Less Transfer Credit	\$0.26		\$0.26
Less Releases per Engineering Department			
Less Adjust Down per Engineering Department			
REVENUE TO BE COLLECTED	\$5,966,772.67	\$1,044,318.98	\$7,011,091.65
REVENUE COLLECTED FOR 2012	(\$5,828,416.15)	(\$1,022,887.49)	(\$6,851,303.64)
REVERSALS	\$3,231.03	\$70.80	\$3,301.83
TRANSFER	(\$41.04)		(\$41.04)
REVENUE UNCOLLECTED ON JUNE 30, 2013	\$141,546.51	\$21,502.29	\$163,048.80
	141,544.84	21,502.29	163,047.13
TOWN of INDIAN TRAIL			(1.67)
Tax Collector			
Janice Cook			
ORIGINAL TAX CHARGE	\$5,802,310.59		\$5,802,310.59
ORIGINAL STORMWATER CHARGE		\$1,036,953.68	\$1,036,953.68
PLUS LATE LIST PNLTY	\$4,500.37		\$4,500.37
ORIGINAL CHARGE/EDMUNDS 8/20/12	\$5,806,810.96	\$1,036,953.68	\$6,843,764.64

Town of Indian Trail

Memo

TO: Mayor and Town Council

FROM: Shelley DeHart, AICP
Director of Planning

DATE: July 30, 2013

SUBJECT: Emergency Storm Debris Plan



This is a request to amend the town's existing Solid Waste Contract with a supplemental emergency storm debris removal contract. This amendment provides storm debris removal resulting from a natural disaster for the Town above the normal solid and yard waste removal under our existing contract. The Town Manager will have the authority to execute the emergency storm debris removal contract with the issuance of a notice to proceed to the contractor. The contractor will commence storm debris removal within 24 hrs of the notice to proceed.

Requested Council Action: Approve the amendment of the Solid Waste and Recyclables Collection and Disposal contract to include the supplemental Emergency Storm Debris Removal Plan.



*Amendment of the Solid Waste & Recyclables Collection and Disposal Contract
Contract for Storm Debris Management Services*

THIS CONTRACT is made this the 13th day of, August 2013, by and between Waste Pro of North Carolina, Inc. (herein referred to as “Contractor”) and the Town of Indian Trail a political subdivision of the State of North Carolina (herein referred to as “Town”).

RECITALS

WHEREAS, it is foreseen that it may be in the public interest to provide for the expedient removal of storm debris within the corporate limits of the Town plus recovery Technical Assistance to the appointed and elected officials resulting from a future storm or manmade event; and

WHEREAS, the Town has in the past suffered the full force and effects of major storms and the resulting destruction brought upon Town by such storms or manmade disasters; and

WHEREAS, the Public Health and Safety of all the citizens will be at serious risk; and

WHEREAS, the immediate economical recovery of the Town and its citizens is a major concern and the primary priority for recovery; and

WHEREAS, the availability of experienced prime storm debris contractors may be severely limited; and

WHEREAS, Contractor has the experience, equipment, manpower, permits and licenses to perform all storm related debris services; and

WHEREAS, the Town and the Contractor have agreed to the Scope of Services, prices, terms and conditions as set out in this Contract; and

NOW THEREFORE, in consideration of the promises contained herein and acknowledge by both parties, the parties do agree as follows:

1.0 SERVICES

1.0.1 Scope of Contracted Services:

The Contractor shall provide all expertise, personnel, tools, materials, equipment, transportation, supervision and all other services and facilities of any nature necessary to execute, complete and deliver the timely removal and lawful disposal of all *eligible storm-generated debris (herein referred to as “debris”)*, specified within this Contract. These contracted services shall provide for removal and disposal of debris placed at the edge of right-of-way or on a Town designated

site as may be directed by the Town. The Contractor will only be compensated for those materials collected that are over the normal generation of solid waste and yard waste.

1.1.0 Geographic Assignment:

The geographic boundary for work by the Contractor's crews shall be directed by the Town and will be limited to properties located within the Town's legal boundaries.

1.2.0 Multiple, Scheduled Passes:

The Contractor shall make scheduled passes at the direction of the Town and/or unscheduled passes of each area impacted by the storm event. The Town shall direct the interval timing of all passes. Sufficient time shall be permitted between subsequent passes to accommodate reasonable recovery and additional debris placement at the ROW by the citizens and the Town.

1.2.1 Operation of Equipment:

The Contractor shall operate all trucks, trailers and all other equipment in compliance with any/all applicable federal, state and local rules and regulations. Equipment shall be in good working condition. No equipment shall be allowed behind the curb or outside of the public ROW unless otherwise directed by the Town.

1.2.2 Security of Debris During Hauling:

The Contractor shall be responsible for the security of debris on/in each vehicle or piece of equipment utilized to haul debris. Prior to leaving the loading site(s), the Contractor shall ensure that each load is secure and trimmed so that no debris extends horizontally beyond the bed of the equipment in any direction. All loose debris shall be reasonably compacted and secured during transport. As required, the Contractor will survey the primary routes used by the Contractor and recover fallen or blown debris from the roadway(s).

1.2.3 Traffic Control:

The Contractor shall mitigate impact on local traffic conditions to all extents possible.

1.2.4 Work Days/Hours:

The Contractor may conduct debris removal operations from sunup to sundown, seven days per week as directed by the Town. Adjustments to work days and/or work hours shall be as directed by the Town following consultation and notification to the Contractor.

1.2.5 Work Safety:

The Contractor shall provide and enforce a safe work environment as prescribed in the Occupational Safety and Health Act of 1970, as amended. The Contractor shall ensure that its subcontracts contain a similar safety provision.

1.2.6 Inspection and Testing:

All debris shall be subject to adequate inspection by the Town or any public authority in accordance with generally accepted standards to ensure compliance with the Contract and applicable federal, state and local laws. The Town will, at all times, have access to all work areas. In addition, authorized representatives and agents of the Government shall be permitted to inspect all work, materials, invoices and other relevant records and documentation.

1.2.7 Accountable Debris Load Tickets:

The Town shall accept the serialized copy of the Contractor's debris load ticket(s) as the certified, original source documents to account for the measurement and accumulation of the volume of debris delivered and processed at the reduction and/or disposal site(s). The ticketing system will also be used in the event of additional debris handling for volume reduction and/or the possible requirement for a debris transfer station(s). These tickets shall be used as the basis of any electronic generated billing and/or report(s). They should include the following

- Date
- Preprinted Number
- Hauler's name
- Truck number
- Truck capacity in cubic yards
- Load percentage full, as assigned the Town
- Load amount in tons
- Debris classification as burnable, non-burnable, mixed other
- Point of origin for debris collected and time loaded
- Dumpsite location and time dumped

1.2.8 Reports:

The Contractor shall submit periodic, written reports to the Town as requested or required, detailing the progress of debris removal and disposal. These reports may include, but not limited to:

- **Daily Reports:**
The daily reports may detail the location where passes for debris removal were conducted, the quantity of debris (by type) removed and disposed and the total number of personnel crews engaged in debris management operations. The Contractor will also report damages to private property caused by the debris operation or damage claims made by citizens and such other information as may be required to completely describe the daily conduct of the Contractor's operations.
- **Weekly Summaries:**
A summary of all information contained in the daily reports as set out in Daily Report of this Contract or in a format required by the Town.
- **Report(s) Delivery:**
The scheduling, point of delivery and receiving personnel for the debris operations report(s) will be directed by the Town in consultation with the Contractor.
- **Final Project Closeout:**
Upon final inspection and/or closeout of the project by the Town, the Contractor shall prepare and submit a detailed description of all debris management activities to include, but not limited to the total volume, by type of debris hauled, reduced and/or disposed, plus the total cost of the project invoiced to the Town. If requested, any other additional information as may be necessary to adequately document the conduct of the debris management operations for the Town and/or Government.

Additional Supporting Documentation:

The Contractor shall submit sufficient reports and/or documentation for debris loading, hauling,

disposal, and load capacity measurements as may be required by the Town and/or Government to support requests for debris project reimbursement from external funding sources.

1.3.0 Right-of-Entry (ROE) Removal (if implemented by the Town):

The Contractor may be requested to remove ROE debris from private property with due diligence, as directed by the Town. If needed, copies of complete “Right of Entry” forms, where they are required by State or local law for private property, shall be furnished to the Contractor by the Town.

2.0 PERFORMANCE OF SERVICES

2.1 Description of Service:

The Contractor agrees to perform the contracted services in a professional and workmanlike manner and in compliance with all applicable laws, ordinances, rules, regulations and permits. Only the highest quality workmanship will be acceptable. Services, equipment and workmanship not conforming to the Contract documents or meeting the approval of the Town may be rejected. Replacements and/or rework, as required, will be accomplished at no additional cost to the Town.

2.2 Cost of Services:

The Contractor shall bear the costs of performing all contracted services hereunder, as directed by the Town, including but not limited to that which is set out in Section 1.0, plus applicable permit and license fees and all maintenance costs required to maintain its vehicles and other equipment in a condition and manner adequate to accomplish and sustain all contracted services as set out in this Contract. The Contract price is hereby established at \$150 per hour for a two-manned truck plus the cost of disposal (tipping fees).

2.3 Matters Related to Performance:

2.3.1 Subcontractor(s):

At any time the Company decides to use a subcontractor for emergency storm debris removal services, the Company shall submit information about the subcontractor sufficient for the Town to determine compliance with all of the requirements of this Agreement as stipulated herein. Written approval of the Town Manager is required before the use of a subcontractor. The Contractor shall be responsible for the acts or omissions of its subcontractors to the same extent the Contractor is responsible for the acts and omissions of its employees. Nothing contained in this Contract shall create any contractual relationship between any subcontractor and the Town. Notwithstanding, the Contractor will be expected to use fully qualified and properly equipped local firms, including Minority/Women Business Enterprises, to maximum extent practicable.

2.3.2 Indemnification:

The Contractor agrees to indemnify, hold harmless and defend the Town from and against any and all liabilities, suits, actions, legal proceedings, claims demands, damages, costs and expenses (including attorney’s fees) rising out of any act or omission of the Contractor, its agents, subcontractors or employees in the performance of this Contract.

2.3.3 Insurance(s):

The Contractor agrees to keep all Insurances in full force and effective during the term of this Contract as required in Section 11– Insurance and Performance Surety- of the executed Solid Waste & Recyclable Collection Contract dated August 1, 2012. The Contractor must also name the Town, as additional insured, while working within the boundaries of the Town.

3.0 STANDARDS OF PERFORMANCE

3.1 Contractor Representative:

The Contractor shall have a knowledgeable and responsible Representative report to the Town's designated Contract Representative within 24 hours following the execution of this Contract. The Contractor Representative shall have the authority to implement all actions required to begin the performance of contracted services as set out in this Contract and the Contractor's General Operations Plan.

3.2 Mobilization:

Time is of the essence for the Emergency Storm Debris removal contract. When the written Notice to Proceed has been received by the Contractor, he/she will make all necessary arrangements to mobilize within 24 hours after notice to proceed is issued.

3.3 Time to Complete:

The Contractor shall complete all directed work as set out in Section 1.0 of this Contract. A completion date will be determined once the extent of damage has been determined and a time frame will be put in place to be followed.

3.4 Completion of Work:

The Contractor shall be responsible for removal of all debris up to the point where remaining debris can only be described as storm litter and additional collection can only be accomplished within the normal solid waste service operations.

3.5 Extensions:

In as much as this is a "time is of the essence" based Contract; the commencement of contracted services will be as set out in Section 3.2. If the completion of this Contract is delayed by actions of the Town, then and in such event the time of completion of this Contract shall be extended for such additional time within which to complete the performance of the Contract as is required by such delay. This Contract may be extended by mutual consent of both the Town and the Contractor for reasons of additional time, additional services and/or additional areas of work.

3.6 Term of Contract:

The term of the Contract shall commence on August 13, 2013 and terminate on July 31, 2017 unless this agreement is terminated earlier by the Town Council as specified in Section 2.1 of the Solid Waste & Recyclable Collection and Disposal Contract dated August 1, 2012.

3.7 Contract Default and Termination:

Default and termination of this agreement shall follow procedures specified in Section 14 of the Solid Waste & Recyclable Collection and Disposal Contract dated August 1, 2012.

4.0 GENERAL RESPONSIBILITIES

4.1 Other Agreements:

The Town may be required to enter into agreements with Federal and/or State agencies for disaster relief. The Contractor shall be bound by the terms and conditions of such agreements. If such terms and conditions are enacted the Town and Contractor shall renegotiate this contract.

4.2 Town Obligations:

The Town shall furnish all information and documents necessary for the commencement of contracted services, to include a valid written "Notice To Proceed". A representative will be designated by the Town to be the primary point of contact for inspecting the work and answering any on site questions prior to and after activation of this Contract via a written "Notice To Proceed". The Town is responsible for issuing all Public Service Announcements (PSA) to advise citizens and agencies of the available debris services. The Contractor may assist the Town with the development of debris-based PSA(s), if requested.

4.3 Conduct of Work:

The Contractor shall be responsible for planning and conducting all operations in a satisfactory workmanship manner. The Contractor shall exhibit respect for the citizens and their individual private properties. All operations shall be conducted under the review of the Town.

4.4 Supervision:

The Contractor will supervise and/or direct all contracted services. The Contractor is solely responsible for the means, methods, techniques, safety program and procedures. The Contractor will employ and maintain on the work site a qualified supervisor who shall have full authority to act on behalf of the Contractor and all communications given to the supervisor by the Town Authorized Representative shall be as binding as if given to the Contractor.

4.5 Damages:

The Contractor shall be responsible for conducting operations in such a manner as to cause the minimum damage possible to existing public, private and commercial property and/or infrastructure. Contractor shall also be responsible for any damages due to the negligence of its employees and subcontractors.

4.6 Other Contractor(s):

The Contractor shall acknowledge the presence of other contractors involved in disaster response and recovery activities by the federal, state and local government and of any private utility, and shall not interfere with their work.

4.7 Ownership of Debris:

The Contractor shall not assert or claim any property rights to emergency storm debris placed for collection under this agreement.

5.0 GENERAL TERMS AND CONDITIONS

The Contractor shall, to every extent possible, give priority to utilizing resources within the

Town. Debris Contract local preferences will include, but not limited to, procurement of services, supplies and equipment, plus awarding service subcontracts and employment to the local work force.

5.1.0 Other Agencies:

The term “Government” as used in this Contract refers to those governmental agencies, which may have a regulatory or funding interest in this Contract.

5.2.0 – Contract Price:

The Town shall pay the Contractor a contract service price of \$150 per hour, per two-manned truck plus the cost of disposal (tipping fees).

5.2.1 Billing Cycle:

The Contractor shall invoice the Town on a 30 day basis reflecting the close of business on the last working day of the billing period. Serialized debris reporting tickets and disposal site verification of the actual tonnage for each load of debris will support all invoices.

5.2.2 Payment Responsibility:

The Town agrees to accept the Contractor’s invoice(s) and supporting documentation as set out in this Contract and process said invoices for payment within 10 business days. The Town will advise the Contractor within five (5) working days of receiving any debris service invoice that requires additional information for approval to process for payment.

5.2.3 Tipping Fees:

All Tipping Fees paid by the Contractor will be reimbursed at cost to the Contractor by the Town upon submittal of receipts in the billing period as stated as set out in Sections 5.2.3 and 5.2.4 above These fees should not be reflected in the unit price(s) of this contract.

5.2.4 Ineligible Work:

The Contractor will not be paid for the removal, transportation, storage, reduction and/or disposal of any material or stumps as may be determined by the Town and/or Government as ineligible debris.

5.2.5 Price/Service Negotiations:

Unknown and/or unforeseen events or conditions may require an adjustment to the stated prices of this Contract. Any amendments, extensions or changes to the scope of contracted services or prices are subject to full negotiation(s) between the Town and the Contractor and subject to the review of the Government. Any amendments, extensions or changes to the scope of this contracted agreed upon shall, be put in writing, signed by both parties and dated before it becomes effective.

5.2.6 Specialized Services:

The Contractor may invoice the Town for costs incurred to mobilize and demobilize specialized equipment required to perform services in addition to those specified under Section 1.0 of this Contract. Additional specialized services will only be performed if/when directed by the Town. The rate for specialized mobilization and demobilization shall be fair and reasonable as determined by the Town and Contractor. Said rate shall be presented in writing for approval prior to mobilization of specialized services.

6.0 MISCELLANEOUS

6.1 Notices:

Any legal notice between the parties should be provided to the other at the below address. The parties may change the notice address/designee in writing to the other party.

As to the Town of Indian Trail:

Designee: Joseph A. Fivas, Town Manager
Address: PO Box 2430
130 Blythe Dr
Indian Trail, NC 28079
Phone: (704) 821-5401
Fax: (704) 821-9045
Email: townmanager@admin.indiantrail.org

As to Waste Pro of North Carolina, Inc.

Designee: Robert TenHaaf
Address: 150 Manor Ave SW
Concord, North Carolina 28025
Phone: (704) 792-0800
Fax: (704) 792-0810
Email: btenhaaf@wasteprousa.com

6.2 Applicable Law:

The laws of the State of North Carolina shall govern this Contract.

6.3 Entire Contract:

This Contract (including any schedules or exhibits attached hereto) constitutes the entire Contract and understanding between the parties with respect to the matters contained herein. This Contract supersedes any prior contracts and/or understandings relating to the subject matter hereof. This Contract may be modified, amended or extended by a written instrument executed by both parties.

6.4 Waiver:

In the event one of the parties waives a default by the other, such a waiver shall not be construed or deemed to be a continuing waiver of any subsequent breach or default of the other provisions of this Contract, by either party.

6.5 Severability:

If any provision of this Contract is deemed or becomes invalid, illegal or unenforceable under the applicable laws or regulations of any jurisdiction, such provision will be deemed amended to the extent necessary to conform to applicable laws or regulations. If it cannot be so amended without materially altering the intention of the parties, it will be stricken and the remainder of this Contract will remain in full force and effect.

IN WITNESS WHEREOF, this Contract has been executed in duplicate original on the day and in the year first above mentioned. The execution by the Town shall be made pursuant to the authority granted to the Mayor by the Town's elected Board. The Town's Municipal corporate seal shall be affixed by the Mayor and attested by the Town Clerk; and Waste Pro of North Carolina, Inc, as Company has set their hand herein below.

WASTE PRO OF NORTH CAROLINA, INC:

TOWN OF INDIAN TRAIL:

BY: _____

BY: _____

Title: _____

Title: _____

Federal ID # _____

ATTEST:

Peggy Piontek, Town Clerk

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

Town Finance Director

Date



Town of Indian Trail

Memo

TO: Mayor and Town Council

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

DATE: August 6, 2013

COUNCIL DATE: August 13, 2013

SUBJECT: Change Order for Chestnut Park Improvements, 520-2012-001
Chestnut Square at Indian Trail Additional Grading

Background Information:

The final design for Chestnut Square at Indian Trail has recently been completed by Site Solutions, Inc. The project includes multi-use fields, tennis courts, sand volleyball courts, lighting, and restrooms. In order to construct the proposed facilities, additional grading work beyond the scope of the original contract is required. Considering the proposed building elevations are now established and the current contractor, Blythe Development Company, has earthmoving equipment on the site, Staff recommends approval of Change Order No. 3 in the amount of \$45,000.00.

Required Actions:

Council Approval



Town of Indian Trail

Memo

TO: Mayor and Town Council

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

DATE: August 6, 2013

COUNCIL DATE: August 13, 2013

SUBJECT: Amended Capital Project Ordinance for Chestnut Square at Indian Trail

General Information:

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 Approval of Amended Ordinance

Attachment:

Ordinance

STATE OF NORTH CAROLINA
TOWN OF INDIAN TRAIL

ORDINANCE #

**AN ORDINANCE AMENDING THE CAPITAL PROJECT ORDINANCE
FOR CHESTNUT SQUARE 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:

	Current Budget	Revised Budget
Construction	\$2,815,000.00	\$2,860,000.00
Design	\$169,500.00	\$169,500.00
Right-of-Way	\$300,000.00	\$300,000.00
Total	\$3,284,500.00	\$3,329,500.00

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

	Current Budget	Revised Budget
Proceeds from Street Bonds	\$1,045,000.00	\$1,045,000.00
Powell Bill Fund	\$650,000.00	\$650,000.00
Stormwater Utility Fund	\$536,500.00	\$536,500.00
General Fund	\$753,000.00	\$753,000.00
Capital Reserve Fund	\$200,000.00	\$200,000.00
Proceeds from Park Bonds	\$100,000.00	\$145,000.00
Total	\$3,284,500.00	\$3,329,500.00

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 13th day of August, 2013.

Michael Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



TO: Mayor and Town Council

FROM: Scott Kaufhold, Town Engineer

DATE: August 13, 2013

SUBJECT: Matthews-Indian Trail Street Closing

In September, Blythe Development will begin the widening of Matthews-Indian Trail Road. In order to expedite this street work we will be closing down this section of street at times to allow for a more efficient process to complete this work. The Town will post street closing notices and detour signs along this street before any construction begins. We will also communicate to the public that these streets will be closed for certain periods of time. The construction should take approximately three weeks.

Staff Recommendation: Allow the temporary closing of Matthews-Indian Trail Road for widening of this street.



TO: Mayor and Town Council
FROM: Joe Fivas
CC: Marsha Sutton
DATE: August 13, 2013
SUBJECT: Budget Amendments for August 13th Meeting

Please find attached budget amendments processed for the month of June 2013. Also, there is one amendment for July relating to the Ordinance Amending the Budget Ordinance. Please feel free to call, email, come in or ask any questions you may have regarding these matters.

**BUDGET AMENDMENT 349 IS THE ORIGINAL ADOPTED BUDGET LOAD AND IS 25
PAGES LONG. PLEASE LET FINANCE DIRECTOR KNOW IF YOU WANT A COPY OF
THIS AMENDMENT.**



TO: Mayor and Town Council

FROM: Joe Fivas

CC: Marsha Sutton

DATE: August 13, 2013

SUBJECT: LGC-203EZ Report of Deposits and Investments

As required by the Town's Cash Management Policy, attached is a copy of the LGC-203 report submitted to the LGC (Local Government Commission) during the month of July for the period ending June 30, 2013.

This report is a semi-annual report of all cash and investments held by the Town. The LGC reviews these reports to determine:

- All funds are in authorized depositories and properly collateralized/secured
- All investments are permitted by General Statute
- The average maturity of investments are appropriate for the Town

This report is submitted to you for informational purposes and no action is required.

State of North Carolina
LOCAL GOVERNMENT COMMISSION
 325 North Salisbury Street, Raleigh, North Carolina 27603-1385
REPORT OF DEPOSITS AND INVESTMENTS
 (As required by G.S. 159-33 and G.S. 115C-446)

Report Period
 As of: JUNE 30 2013
(June 30 or December 31, and Year)

LGC Use Only		
Unit Code	Unit Type	Rec'd Date
191	A	

Name of Unit ** INDIAN TRAIL
 ** Note - Discretely Presented Component Units must submit separate LGC-203 reports
 Legal Name of Unit: Town of Indian Trail

CERTIFICATION

This is to certify that the data contained in this report is accurate to the best of my knowledge and belief.

Name of Official (Type or print your name)	Unit Mailing Address - Street	Telephone Number, including area code
<u>Marsha G Sutton</u>	<u>P. O. Box 2430</u>	Number <u>704-821-5401</u>
Title (i.e. Finance Officer, Treasurer, etc)	Unit - City, State & Zip Code	Extension _____
<u>Finance Director</u>	<u>Indian Trail, NC, 28079</u>	Email Address _____
		<u>financedirector@admin.indiantrail.org</u>
		Signature of Official (only if mailing or faxing) _____

I. Cash on hand	<u>Amount</u>	
Petty cash funds and change funds	\$ 850	
Undeposited receipts		
		Total Cash on Hand
		\$ 850

II. Dedicated Method Financial Institutions	** If you have additional deposits in Dedicated Banks (non-pooling), you must use the LGC-203 Standard Form		
	<u>C.D.s</u>	Interest Bearing Checking Accounts	
FINISTAR - attach statement or leave blank if NA			
CDARS - attach statement or leave blank if NA			
			Total Dedicated Deposits
			\$
Totals for Finistar and CDARS	\$	\$	\$

III. Pooling Method Financial Institutions	** LIST ONLY BANKS INCLUDED ON POOLING BANK MEMO			
<u>One line per Bank</u> - please provide totals for each Bank	Demand Deposits <small>(Non-interest bearing)</small>	Time Deposits Regular Savings	C.D.s	Interest Bearing Checking Accounts
(1) <u>Branch Banking & Trust</u>		\$ 278,360		\$ 1,724,769
(2) <u>First Citizens Bank & Trust Company</u>	\$ 144,328		\$ 132,712	
(3) <u>Park Sterling Bank</u>			\$ 1,496,081	
(4) <u>Yadkin Valley Bank</u>			\$ 213,541	
(5) _____				
FINISTAR (attach statement or leave blank if NA)				
Totals for All Pooling Banks	\$ 144,328	\$ 2,120,694	\$ 1,724,769	Total Pooling Deposits \$ 3,989,791

IV. Investments NCCMT	<u>Amount</u>	
North Carolina Capital Management Trust Cash Portfolio	\$ 8,996,096	
North Carolina Capital Management Trust Term Portfolio	\$ 15,396,486	

V. Summary: Please recheck totals.		
(1) Total Cash on hand (TOTAL FROM SECTION I)	\$ 850	
(2) Total Dedicated Method (TOTAL FROM SECTION II)	\$	
(3) Total Pooling Method (TOTAL FROM SECTION III)	\$ 3,989,791	
(4) Total cash (lines 1, 2 & 3 combined)	\$ 3,990,641	
(5) NCCMT (TOTAL FROM SECTION IV)	\$ 24,392,582	
(6) Total cash and investments (lines 4 plus 5)	\$ 28,383,223	
(7) Please enter (subtract) Unexpended bond and/or note proceeds	\$	
(8) Net cash and investments (line 6 minus 7)	\$ 28,383,223	



TO: Mayor and Town Council

FROM: Joe Fivas

CC: Marsha Sutton

DATE: August 13, 2013

SUBJECT: Ordinance Amending the Budget Ordinance

Attached, please find an Ordinance Amending the FY2013-2014 Budget Ordinance allowing funds to be transferred from the Capital Reserve/Debt Service Fund to the General Fund in order to pay the debt service payments reflected in the budget.



**Ordinance Amending the Budget Ordinance
For Capital Reserve and Debt Service Fund and for the
Debt Service General Fund**

Ordinance #

Be it ordained by the Town Council of Indian Trail, North Carolina that the following amendments are made to the General Fund Budget Ordinance for the fiscal year ending June 30, 2014 and the Capital Reserve and Debt Service Fund.

SECTION 1: That the budget ordinance involved the allocation of Capital Reserve and Debt Service Funds, and that this ordinance is in compliance with all State laws and regulations, Town policies and procedures.

SECTION 2: That the revenues and appropriations in the Capital Reserve and Debt Service Fund be amended as follows:

Capital Reserve Fund

<u>Revenues</u>	<u>Increase</u>	<u>Decrease</u>
Reserved Fund Balance		\$727,463
<u>Appropriations</u>	<u>Increase</u>	<u>Decrease</u>
Transfer to General Fund – Series 2012	\$168,500	
Transfer to General Fund-Series 2013	\$558,963	

SECTION 3: That the General Fund budget ordinance for the Fiscal Year 2013-2014 be hereby amended as follows:

General Fund

<u>Revenues</u>	<u>Increase</u>	<u>Decrease</u>
Transfer from Capital Reserve Fund-Series 2012	\$168,500	
Transfer from Capital Reserve Fund-Series 2013	\$558,963	
<u>Appropriations</u>	<u>Increase</u>	<u>Decrease</u>
10-60-9100-710-012 Principal	\$104,000	
10-60-9100-710-013 Principal	\$405,000	
10-60-9100-720-012 Interest	\$64,500	
10-60-9100-720-013 Interest	\$153,963	

SECTION 4: The accounting records and documents pertaining to this budget amendment are to be maintained by the Finance Department in such a manner as to provide all information required to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

Adopted this the 13th day of August, 2013

APPROVED: _____

Michael L. Alvarez, Mayor

Attest: _____

Peggy Piontek, Town Clerk



TO: Mayor and Town Council
FROM: Kelly Barnhardt
DATE: July 30, 2013
SUBJECT: Entryway Sign – Crooked Creek Park at Indian Trail

Attached to this memo is a selection for the Entryway sign that includes the Town's branding.

This sign will be on your right as you are approaching the entryway to the park and before the roundabout.

Staff recommends approval of this sign.

Kelly Barnhardt
Director of Community & Economic Development





INDIAN TRAIL
north carolina
P.O. Box 2430
Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Planning Board Transmittal for the August 13, 2013 Town Council Meeting

Case: CZ 2013-005			
Reference Name	Bonterra Lot Addition		
Planning Board Meeting Date	July 16, 2013		
Members Present	Chair Cowan <input checked="" type="checkbox"/>	Jan Brown <input type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/>
	Vice-Chair Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input type="checkbox"/>	Robert Rollins <input type="checkbox"/>
	Sidney Sandy <input checked="" type="checkbox"/>	Cheryl Mimy <input type="checkbox"/> Alternate 1 (Present non-voting)	Steve Long <input checked="" type="checkbox"/> Alternate 2
	Alan Rosenberg <input checked="" type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval to Town Council as Conditioned		
Member Making the Motion	Boardmember Sandy		
Second the Motion	Boardmember Long		
Vote	Unanimous Recommendation to Approve		

Request: This is a request to reclassify a 1.01 acre parcel from a low single-family residential zoning district (SF-1) to a moderate to high density single-family residential zoning district (SF-5) with a conditional zoning district - Pre-existing Development -1 Planned Unit Development (PED-1/SF-5) SUP2001-005-CZ) Overlay. The intent of this request is to expand the existing conditional zoning overlay associated with Bonterra Village onto this parcel in order to incorporate it within the development. The subject property is located adjacent to the future entrance of Bonterra Village at Faith Church Road as approved in 2001 by the Indian Trail Town Council.

Town Council Action: Receive transmittal report and public testimony and:

1. Concur with the findings and transmittal of the Planning Board to approve; or
2. Concur with the findings and approve as modified by Council; or
3. Do not make the findings and disapprove the amendment.

Executive Summary

The applicant filed this Conditional Zoning District request to reclassify (rezone) the subject property's zoning from a low density single-family residential classification (SF-1) to a moderate to high single-family residential (SF-5) classification **and** apply the Pre-existing planned unit development zoning overlay associated with the Bonterra Village development (PED -1 SUP2001-005 CZ). Although this request only involves the rezoning of a single- 1.01 acre parcel, the applicant is required to process this request through the Conditional Zoning process because the request is to extend the existing conditional zoning district, known as the Bonterra Village Planned Unit Development, onto the subject property. For the complete analysis, please refer Attachment 1 – Planning Board Report.

Planning Board

This project was heard by the Planning Board at its July 16th, 2013 public meeting. The Planning Board questioned the status of traffic study and whether the study took into account future conditions. The status of the traffic study is they (NCDOT) concur with the recommendations of the study and will be issuing a formal letter of approval to the applicant next week. The applicant, John Ross, addressed the traffic study question stating that NCDOT does take into account future projections.

After receiving the report, and public comments, and deliberations, the Board motioned to make the findings and transmit a recommendation to approve as conditioned. The Draft Conditions are:

1. The development of this property shall be in compliance with the theme and conditions of the approved Planned Unit Development known as Bonterra Village approved by the Town as Special Use Permit 2001-005 recorded at the Union County Register of Deeds BK 1866 PG 350-353.
2. The Bonterra Village Faith Church Road entrance area shall be designed and submitted for approval at the site plan review stage of phase 5 or 6 whichever comes first.
3. The developer or responsible party shall construct recommended roadway improvements as identified in the Traffic Impact Study prepared by DRMP dated June 2013 upon approval of NCDOT. Said improvements shall be installed at the time the Faith Church Road entrance into the development is constructed for use.
4. The applicant or responsible party shall obtain all permits required for development with the Town and outside agencies in compliance with applicable regulations.
5. The final approval document (*if approved by Town Council*), shall be recorded at the Union County Register of Deeds.
6. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

The draft findings made were:

- *Goal 1.3.1 Quality of Life: This proposal supports this goal of providing a diverse range of housing options at varying densities; and*
- *Goal 1.3.2 Land Use: The property is proposed to be incorporated within Bonterra Village, a planned unit development, and will be subject to all conditions of the approved development alleviating the potential for land use conflicts. Additionally, its inclusion into the village will enhance the Faith Church Road entrance area by reducing an existing sight distance issue for the existing development.*

The request for this conditional zoning district (PED-1/SF-5 – SUP2001-005-CZ) is a reasonable request and is in the public interest because supports the goal of the adopted Comprehensive Plan and includes elements that benefit the general public in the area transportation infrastructure investment and housing type choice.

Town Council Action

Receive the Planning Board Transmittal recommending approval, public comment, and after deliberations, make one of the following motions:

1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

Staff Contact

Shelley DeHart, AICP
srd@planning.indiantrail.org
(704) 821-5401

Attachment 1- Planning Board Report (minus the draft ordinance)

Attachment 2- Draft Ordinance

TC ATTACHMENT 1 – PLANNING BOARD REPORT



P.O. Box 2430

Indian Trail, North Carolina 28079

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Conditional Zoning Staff Report

Case: CZ 2013-005			
Reference Name	Bonterra Village Lot Addition		
Request	Proposed Zoning	Moderate to High Single-family Residential (SF-5) and a Conditional Zoning-PED -1 Overlay District (PED-1 SUP2001-005-CZ)	
	Proposed Uses	Single-Family Residential and Subdivision Entryway	
Existing Site Characteristics	Existing Zoning	Single-Family Residential-1 Single -family	
	Existing Use	Single-Family Residential	
	Site Acreage	1.01 acres	
Applicant	John Ross, P. E. of Eagle Engineering 704 882-4222		
Submittal Date	June 7, 2013		
Location	4416 Faith Church Road, Indian Trail		
Tax Map Number(s)	07042045A		
Plan Consistency	Comprehensive Plan	Designation	North Fork Village – Suburban Mix Village
		Consistent with Request	Yes
Recommendations & Comments	Planning Staff	Recommends approval of a Conditional Zoning District	

Project Summary

This is a request to reclassify a 1.01 acre parcel from a low single-family residential zoning district (SF-1) to a moderate to high density single-family residential zoning district (SF-5) with a conditional zoning district - Pre-existing Development -1 Planned Unit Development (PED-1/SF-5) SUP2001-005-CZ) Overlay. The intent of this request is to expand the existing conditional zoning overlay associated with Bonterra Village onto this parcel in order to incorporate it within the development. The subject property is located adjacent to the future entrance of Bonterra Village at Faith Church Road as approved in 2001 by the Indian Trail Town Council.

Recommendation

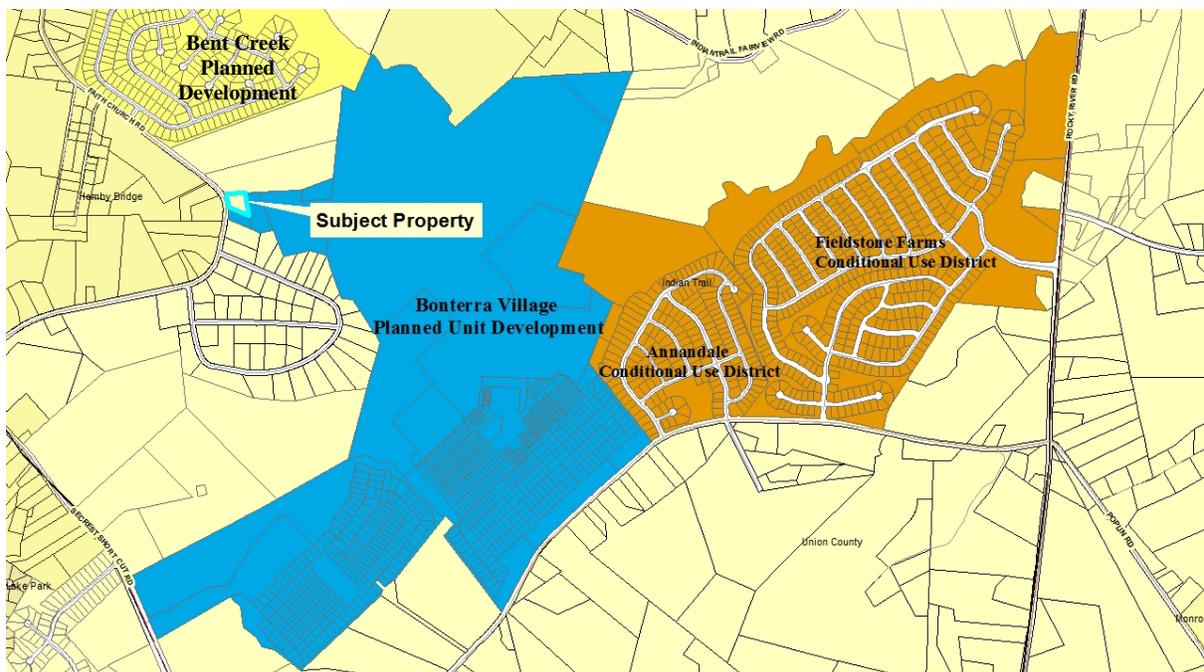
Staff is of the opinion the necessary findings can be made to support this Conditional Zoning request.

Analysis

This request is to reclassify (rezone) the subject property's zoning from a low density single-family residential classification (SF-1) to a moderate to high single-family residential (SF-5) classification **and** apply the Pre-existing planned unit development zoning overlay associated with the Bonterra Village development (PED -1 SUP2001-005 CZ). Although this request only involves the rezoning of a single- 1.01 acre parcel, the applicant is required to process this request through the Conditional Zoning process because the request is to extend the existing conditional zoning district, known as the Bonterra Village Planned Unit Development, onto the subject property.

Background

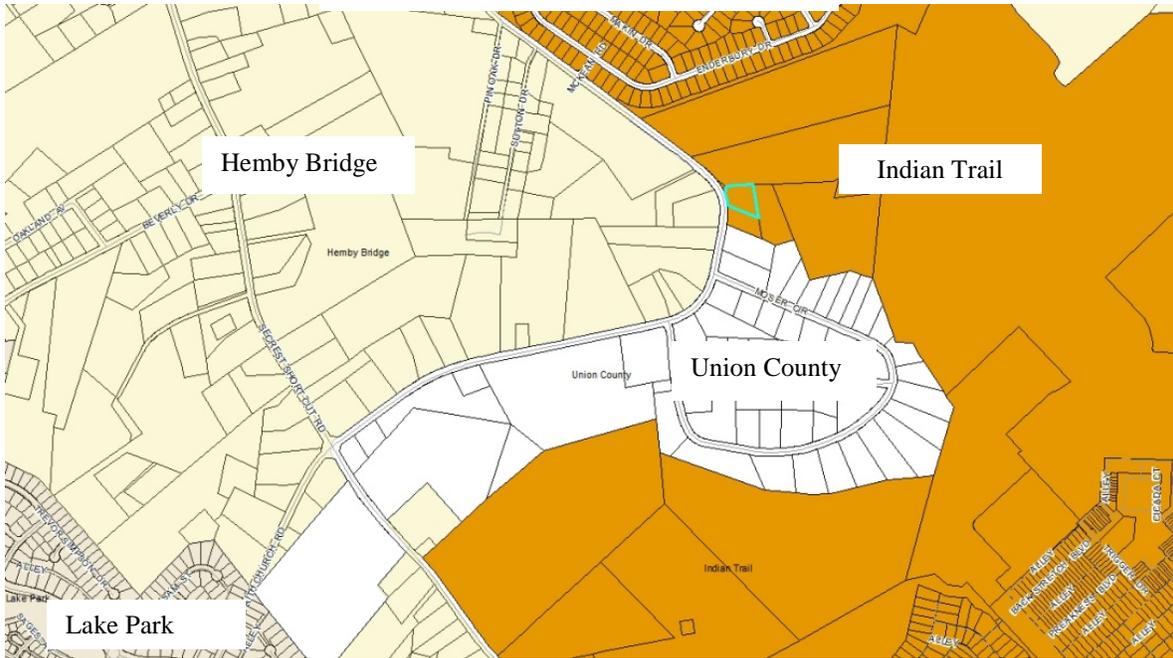
The subject property is located on Faith Church Road, is 1.01 acre in size, and consists of an existing unoccupied dilapidated house. The subject property was annexed into the town on April 10, 2001 and zoned as R-20 on June 12, 2001. The location map below identifies the subject property and other planned developments in the area.



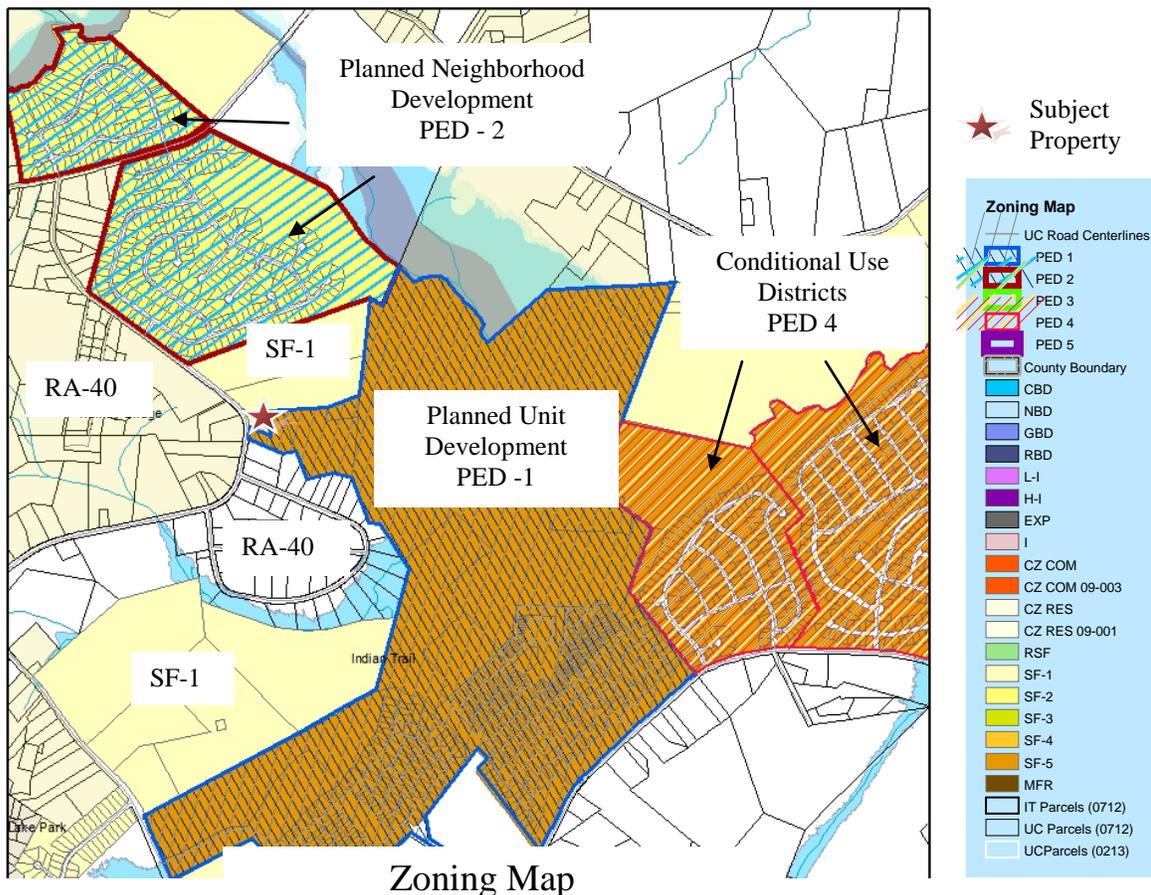
Location Characteristics and Surrounding Zoning

The subject property is located within an area that is characterized by residential use with varying densities within multiple municipalities. The map above illustrates that the subject property shares two property lines with the approved Bonterra Village planned unit development which was approved with an overall density of 3.1 dwelling units to the acre and varying lot sizes. Parcels located within the jurisdiction of Hemby Bridge, and the unincorporated areas of Union County, are rural in nature ranging in size from half acre lots to over 20 acres in size. Parcels located within Indian Trail are primarily located within planned subdivisions such as Bonterra or Bent Creek and are closer to quarter-acre size. However there are other parcels located outside of planned developments, and in our jurisdiction, that are 20+ acres in size. The following map represents the jurisdictional location of the subject property.

Jurisdictional Location



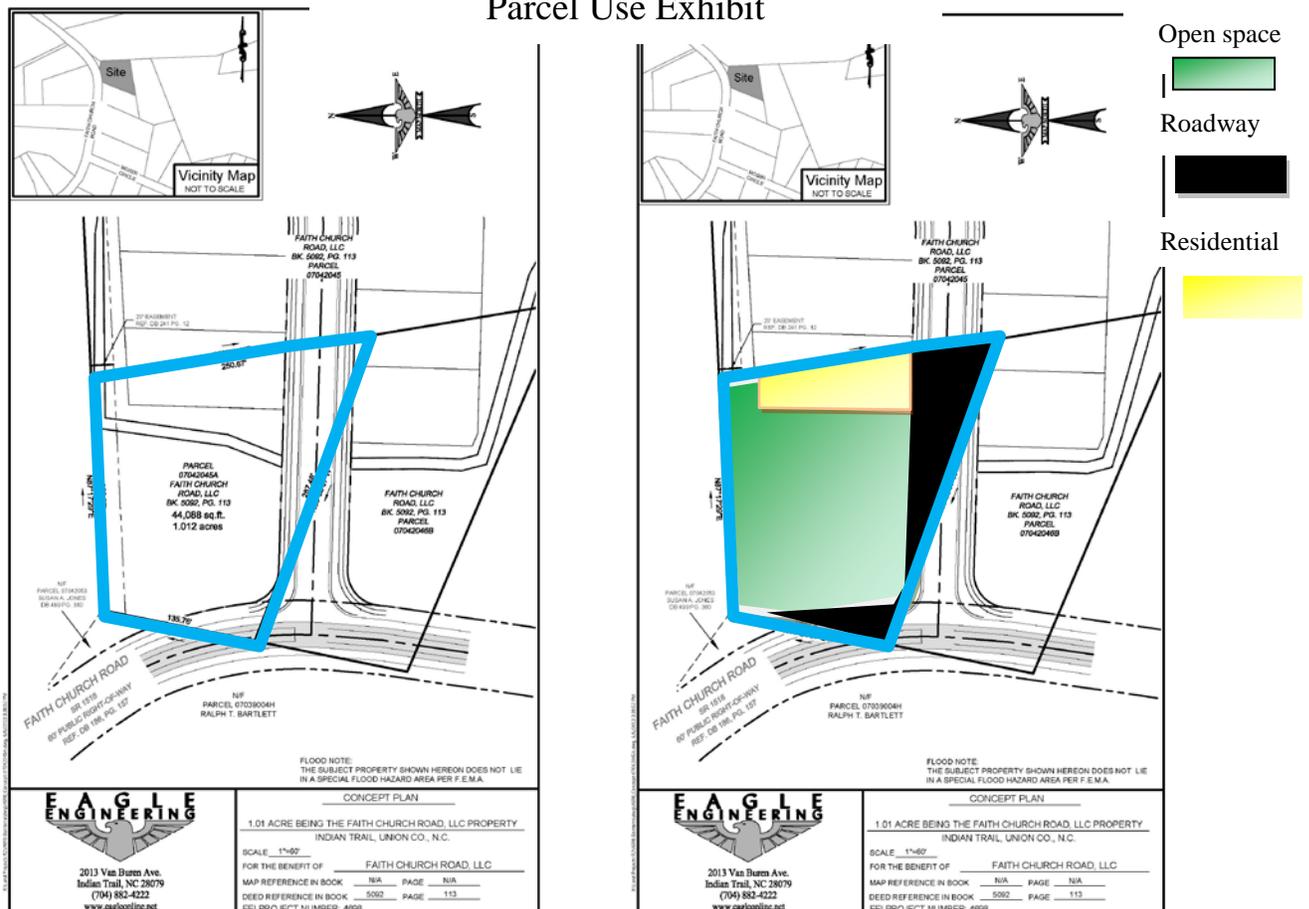
Zoning varies from planned medium to high density residential developments to RA-40 which represents low density residential and compatible agribusiness uses.



Concept Plan

As previously stated, this request is to reclassify the subject property's zoning to allow for its incorporation into the Bonterra Village development (PED -1 SUP2001-005 CZ) as approved by the Indian Trail Town Council. The exhibit below shows the subject property is proposed to be incorporated at the development's Faith Church Road entrance area. The majority of this property will be used as an open space area which will serve as trail access, open space, and entry feature area of Bonterra Village. The remaining portion of the parcel will be incorporated within the planned entrance road and part of a residential lot. The entrance road into the development will be shifted from its original alignment onto a portion of the subject property, (towards the curve on Faith Church Road), to help address an existing sight distance issue associated with original road alignment at Faith Church Road. The design details for the access road, subdivision entry area, and improvements on Faith Church Road will be submitted with the site review plans for phase 5 and 6 of Bonterra Village. All development features must be consistent with the theme and style of Bonterra Village as approved by the Town Council in Special Use Permit 2001-005.

Parcel Use Exhibit



Community Meetings

The applicant held two community meetings as required by UDO Section 330.020. The purpose of the meetings is to solicit comments and concerns from surrounding property owners. Notices for the community meetings consisted of advertising in the newspaper, sending first class mailed notices to the owners of surrounding properties and Homeowners Associations within 500 feet of the project site. The first community meeting was held at the Indian Trail Civic Building on July 2nd, 2013 from 5:00 p.m. to 7:00 p.m. The second community meeting was held on July 9, 2013 at the Bonterra Clubhouse from 10:00 a.m. to noon. The following will provide a brief summary of the Town required community meetings.

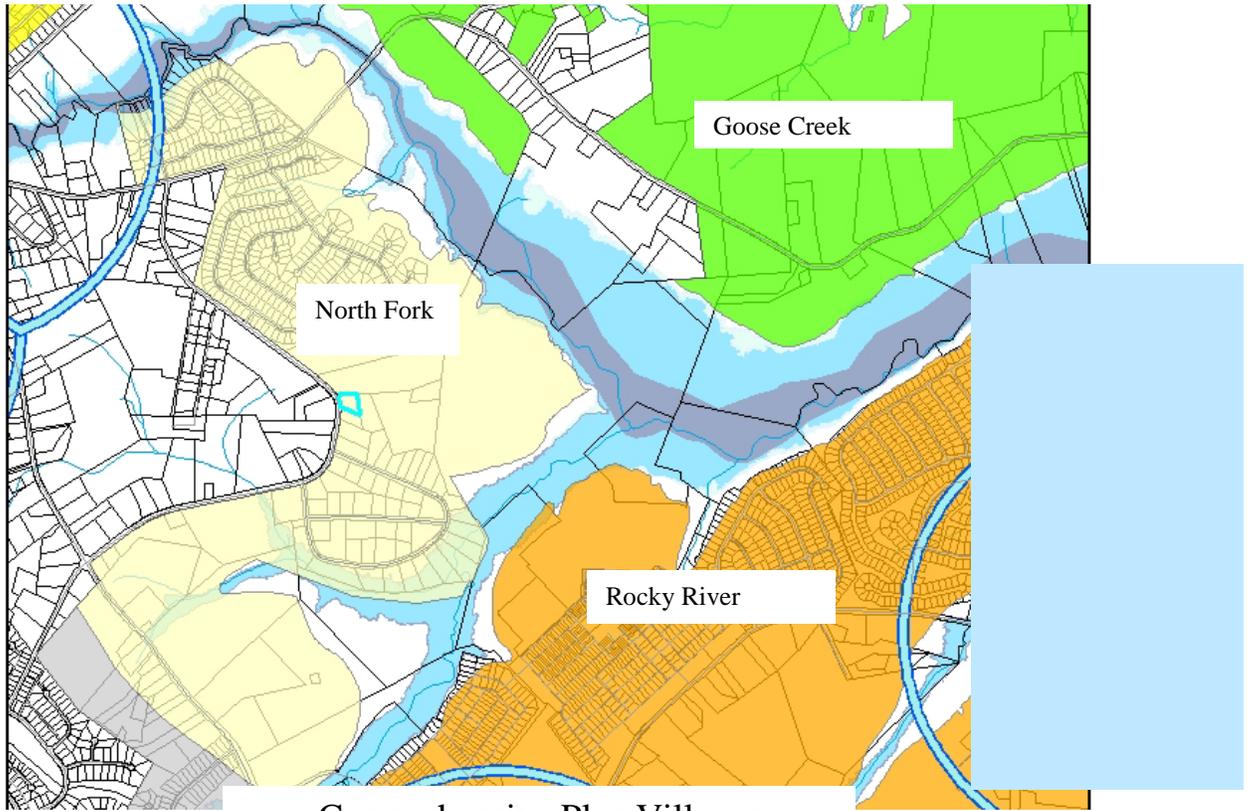
- *July 2nd Meeting:* This meeting was attended by 5-members of the public, the applicant's team, and staff. General questions were raised about:
 - Bonterra Village as a whole including the number of lots within the development, open space, trail type, lot sizes, and timing of anticipated construction of the Faith Church Road entrance.
 - The alignment of the development's access road as it relates to a home, located across from entrance, and possible headlights shining into their home. It was determined the driveway alignment will be located north of their home.
 - Faith Church roadway improvements and concerns regarding a potential sight-distance issue with the original access road alignment. A draft Traffic Impact Study has been prepared showing requirements for turn lanes at the development's entrance and due to the inclusion of the subject property, the access road is proposed to be shifted.
 - For complete minutes (questions and answers) see attachment 2- of the report.

- *July 9th Meeting:* There were no attendees other than the applicant's team and town staff.

Since the community meetings, the applicant has prepared an exhibit of the planned Faith Church Road entrance as it relates to the property across the street. Please see attachment 3- of this report. The applicant has also completed the final traffic study prepared by DRMP which is under review by NCDOT. This final document recommends improvements at the access road location (turn-lanes) and turn-lane improvements at the intersection of Indian Trail Fairview Road and Faith Church Road.

Comprehensive Plan

The Indian Trail Comprehensive Plan organizes the Town into a series of interconnected villages which not only helps create a well managed growth and community development pattern, but also provides meaningful identify for Indian Trail residents. The subject property is located within North Fork Suburban Mix Village of the Comprehensive Plan. This Village is intended to consist of land uses that promote a neighborhood setting with single-family detached houses as its primary development type however other types of housing types are also supported within the village. Commercial uses within a village are also intended to be located within the village center to help meet the daily needs of village resident. The map on the following page delineates the North Fork village and adjacent villages.



Comprehensive Plan Villages

The table below identifies the mix of uses planned as well as the current base of uses within the North Fork Suburban Mix Village. The proposal will remove the 1.01-acre lot out of the low density category and place it into the medium density category resulting in a minimal effect to the current land use base.

Suburban Mix Village Land Uses						
Corridor	Land Use	Sq. Feet	Acres	Current Base	Percent Base	Flex
North Fork	Low Density Res.		114.27	21.45%	7%	+ 2
	*Med. Density Res.	8,616,387.31	197.81	37.13%	60%	5
	High Density Res.	3,063,691.84	70.33	13.20%	8%	+/- 2
	Multi-Family Res.				3%	+/- 1
	Parks/Open Space/Agriculture/Forest	1,213,422.58	27.86	5.23%	6%	
	Institutional				7%	+ 2
	Retail				2%	
	Office				2%	
	Boulevards/Thoroughfares	1,246,011.26	28.60	5.37%	5%	
	TND	4,090,798.67	93.91	17.63%		
Total:				78.55%	100%	
	Sq. Feet	Acres				
Total Town:	12,893,501.72	295.99				
Total Village:	23,207,665.57	532.78				

Draft Conditions

Conditions of approval have been developed in order to ensure the proposed rezoning is consistent with the Comprehensive Plan and the existing Conditional Zoning for the Bonterra Village Planned Unit Development. The applicant has agreed to comply with the conditions noted below.

1. The development of this property shall be in compliance with the theme and conditions of the approved Planned Unit Development known as Bonterra Village approved by the Town as Special Use Permit 2001-005 recorded at the Union County Register of Deeds BK 1866 PG 350-353.
2. The Bonterra Village Faith Church Road entrance area shall be designed and submitted for approval at the site plan review stage of phase 5 or 6 whichever comes first.
3. The developer or responsible party shall construct recommended roadway improvements as identified in the Traffic Impact Study prepared by DRMP dated June 2013 upon approval of NCDOT. Said improvements shall be installed at the time the Faith Church Road entrance into the development is constructed for use.
4. The applicant or responsible party shall obtain all permits required for development with the Town and outside agencies in compliance with applicable regulations.
5. The final approval document (*if approved by Town Council*), shall be recorded at the Union County Register of Deeds.
6. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Comments from Outside Agencies

- *North Carolina Department of Transportation (NCDOT)*: NCDOT is reviewing the Traffic Impact Study.
- *Union County Public Works (UCPW)*: No Comment.
- *Union County Public Schools (UCPS)*: No comments received at the time of report preparation.
- *Union County Fire Marshall (UCFM)*: The plans will be routed to UCFM Office during the site plan review stage of the development.

Action Required

The Planning Board must adopt a statement of consistency and reasonableness prior to making a motion for recommendation. The finding must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the goals of the Comprehensive Plan are satisfied as follows:

Staff is of the opinion that the proposal is consistent with the following goals of the Comprehensive Plan:

- *Goal 1.3.1 Quality of Life: This proposal supports this goal of providing a diverse range of housing options at varying densities; and*

- *Goal 1.3.2 Land Use: The property is proposed to be incorporated within Bonterra Village, a planned unit development, and will be subject to all conditions of the approved development alleviating the potential for land use conflicts. Additionally, its inclusion into the village will enhance the Faith Church Road entrance area by reducing an existing sight distance issue for the existing development.*

The request for this conditional zoning district (PED-1/SF-5 – SUP2001-005-CZ) is a reasonable request and is in the public interest because supports the goal of the adopted Comprehensive Plan and includes elements that benefit the general public in the area transportation infrastructure investment and housing type choice.

Recommendation

Staff is of the opinion that the findings can be made to support a conditional zoning district for the subject property. The proposed conditional rezone is consistent with the Town's Comprehensive Plan.

Attachment 1 – Application w/Aerial of Site

Attachment 2 – Community Meeting Minutes

Attachment 3 – Entrance Exhibit

Attachment 4 – Conceptual Site Plan

Attachment 5 – Draft Ordinance – (Removed for TC Packet)

Staff Contact

Shelley DeHart, AICP

704 821-5401

srd@planning.indiantrail.org

PB Attachment 1- Application & Aerial Map

CONDITIONAL ZONING APPLICATION



Submittal Requirements

- Completed Application
Notarized signatures of applicant and property owner
Letter of Intent
8 copies of Concept Plan
Boundary Survey
List, address labels, and digital copy of all adjoining property owners
Traffic Impact Analysis, if necessary
Statement of Appraisal, if necessary
Fees associated with review

General Information

Project Address 4416 Faith Church Road
City Indian Trail State NC Zip 28079
Tax Parcel ID 07042045A Zoning Designation SF-1
Total Acres 1.01 Impervious Area 900 SF
Project Description 1.01 Acre parcel; Bk 5092/Pg 113

Contact Information - Applicant

Name John H. Ross/ Eagle Engineering, Inc.
Address 2013-A Van Buren Avenue
City Indian Trail State NC Zip 28079
Phone 704-882-4222 Fax 866-775-0329
Email jross@eagleonline.net

Contact Information - Property Owner

Name
Address Please see attached.
City State Zip
Phone Fax

CONDITIONAL ZONING APPLICATION



Email _____

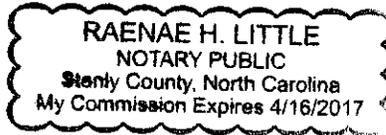
Applicant's Certification

Signature [Signature] Date 5/31/13

Printed Name/Title JOHN H. ROSS / PRESIDENT

Signature of Notary Public [Signature] Date 5-31-13

Notary Seal



Property Owner's Certification

Signature _____ Date _____

Printed Name/Title Please see attached.

Signature of Notary Public _____ Date _____

Notary Seal

TOWN OF INDIAN TRAIL OFFICE USE ONLY

CASE NUMBER: CR 2013-005

DATE RECEIVED: 6/7/2013

AMOUNT OF FEE: \$800

RECEIVED BY: _____

RECEIPT #: R000457

Local Contact Information – Property Owner

Walton North Carolina, LLC & WUSF 2 Bonterra, LLC
Jennifer Rabon
11535 Carmel Commons Blvd. Suite 102
Charlotte, NC 28226
Ph: 704.879.2481
Email: jrabon@walton.com

Property Owner’s Certification

WALTON NORTH CAROLINA, LLC,
a North Carolina limited liability company

By: Walton International Group, Inc.,
a Nevada corporation,
its Manager

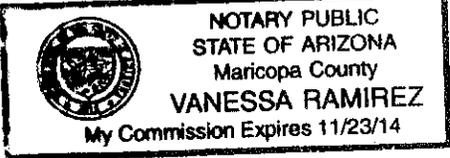
By: Wayne G. Souza

Name: WAYNE G. SOUZA
AUTHORIZED SIGNATORY

Title: _____

Signature of Notary Public: [Signature]

Date: 5/29/13

Notary Seal: 

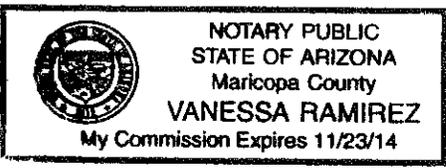
By: [Signature]

Name: Matt Keister
Treasurer

Title: _____

Signature of Notary Public: [Signature]

Date: 5/29/13

Notary Seal: 

WUSF 2 BONTERRA, LLC, a North Carolina limited liability company

By: Walton U.S. Land Fund 2, LP, a Delaware limited partnership, its Manager

By: WUSF 2 GP, LLC, a Delaware limited liability company, its General Partner

By: Walton Land Management (USA), Inc., a Delaware corporation, its Manager

By: Wayne G. Souza

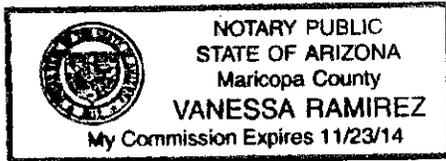
Name: WAYNE G. SOUZA
AUTHORIZED SIGNATORY

Title: _____

Signature of Notary Public: [Signature]

Date: 5/29/13

Notary Seal:



By: [Signature]

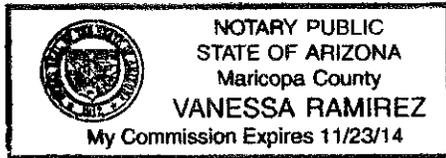
Name: Matt Keister
Treasurer

Title: _____

Signature of Notary Public: [Signature]

Date: 5/29/13

Notary Seal:





June 4, 2013

Ms. Shelley DeHart
Director of Planning
Town of Indian Trail
130 Blythe Drive
Indian Trail, NC 28079

Re: Letter of Intent
Rezoning into Bonterra Village PED-1
1.01 Acre Parcel - PID No. 07 042 045A
Indian Trail, North Carolina

Dear Ms. DeHart:

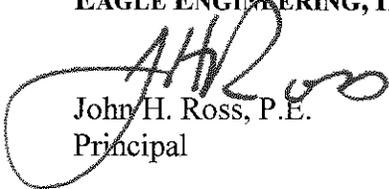
On behalf of our client, Walton Development and Management, it is our intent and our formal request to rezone the subject 1.01 acre parcel into the existing Bonterra Village PED-1 zoning district. The parcel was previously annexed into the Town of Indian Trail and is currently zoned as SF-1.

It is intended that the parcel will be incorporated into the remaining phases of Bonterra Village and will be developed in a manner that is consistent with the "Traditional Neighborhood Development" (TND) standards that have been established in the existing phases. The parcel is located at our proposed entrance from Faith Church Road and will generally be utilized in the development of future entrance features and open space.

Included herein is a complete application package in support of this request. Should you have any questions or require additional information, please feel free to call at your convenience.

Sincerely,

EAGLE ENGINEERING, INC.


John H. Ross, P.E.
Principal

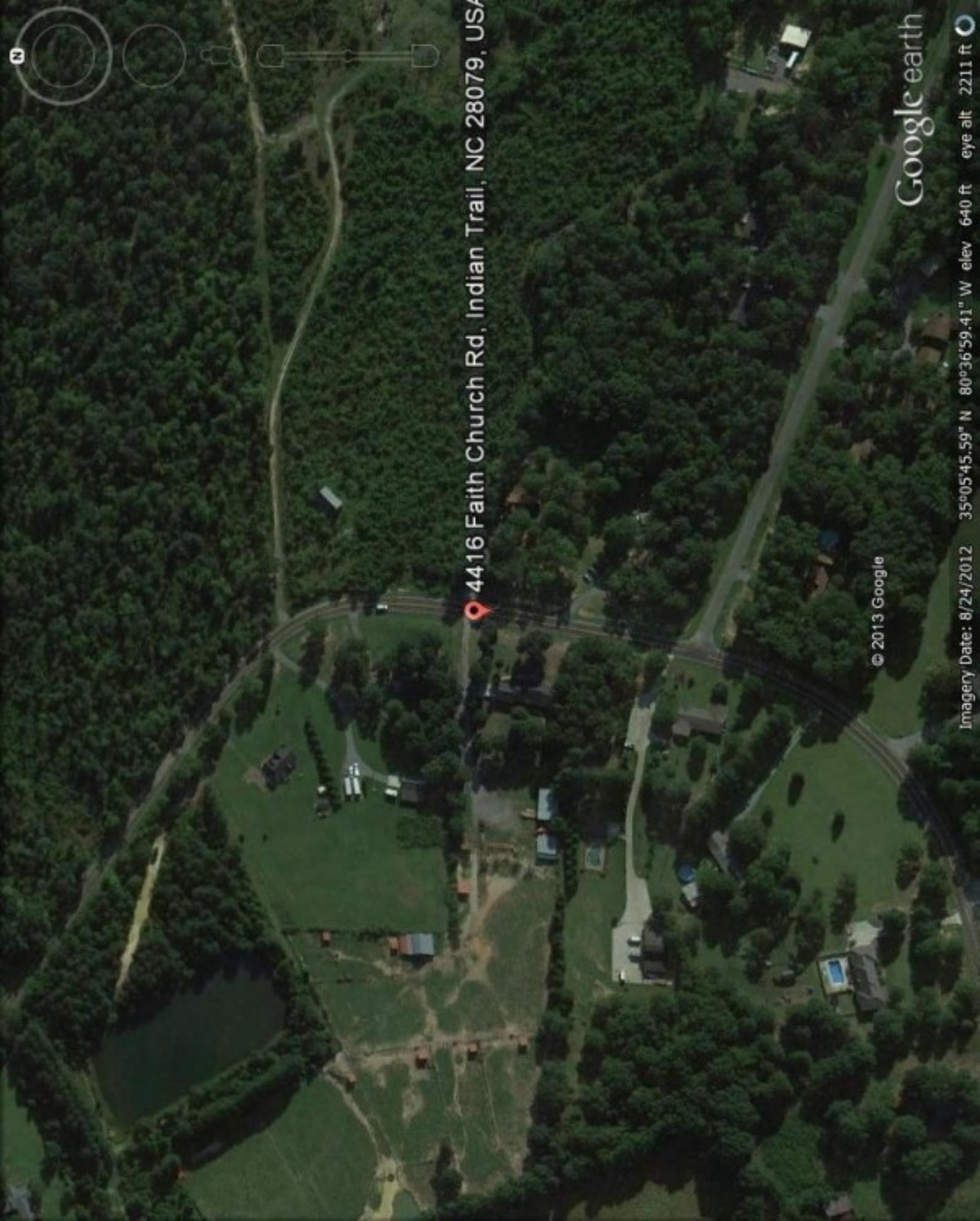
Attachments

cc: Walton\Rabon; file 4698

Atlanta
PO Box 551
Alpharetta, GA 30004
Ph 678 339 0640
Fax 678 339 0534

www.eagleonline.net

Charlotte
2013-A Van Buren Avenue
Indian Trail, NC 28079
Ph 704 882 4222
Fax 704 882 4232



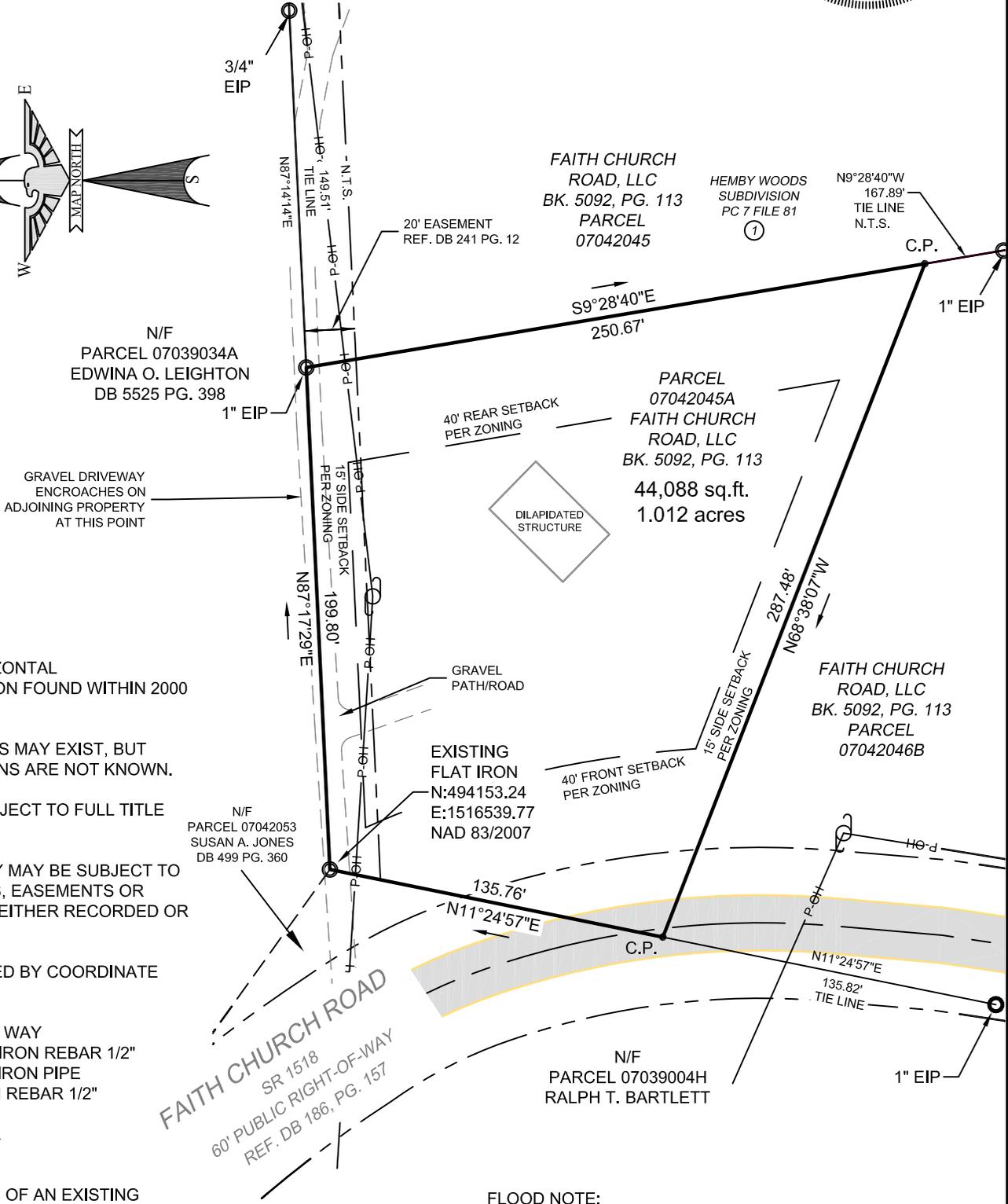
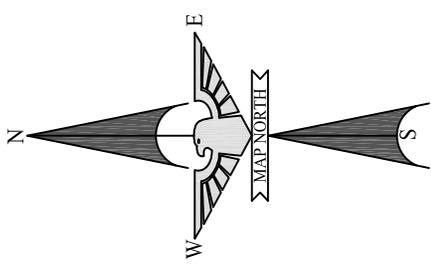
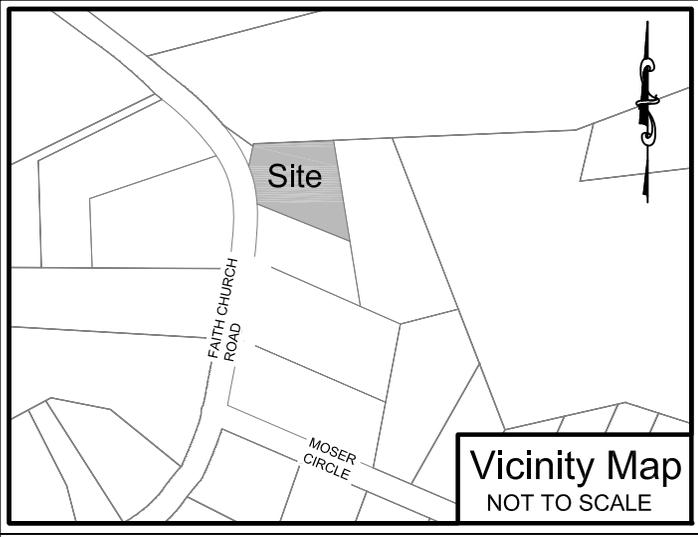
4416 Faith Church Rd, Indian Trail, NC 28079, USA

© 2013 Google

Google earth

Imagery Date: 8/24/2012 35°05'45.59" N 80°36'59.41" W elev 640 ft eye alt 2211 ft

THIS IS TO CERTIFY THAT ON THE 5TH DAY OF JUNE, 2013 AN ACTUAL SURVEY WAS MADE UNDER MY SUPERVISION OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE BOUNDARY LINES AND IMPROVEMENTS, IF ANY, ARE SHOWN HEREON, EXCEPT AS NOTED. THIS PLAT MEETS THE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA BOARD RULE .1600 (21 NCAC 56) AND THE ERROR OF CLOSURE FOR THIS PARCEL DOES NOT EXCEED ONE (1) FOOT PER 10,000 LINEAR FEET OF PERIMETER SURVEYED NOR 20 SECONDS TIMES THE SQUARE ROOT OF THE NUMBER OF ANGLES TURNED.



NOTES:

NO USGS HORIZONTAL MONUMENTATION FOUND WITHIN 2000 FEET OF SITE.

OTHER UTILITIES MAY EXIST, BUT THEIR LOCATIONS ARE NOT KNOWN.

PROPERTY SUBJECT TO FULL TITLE SEARCH.

THIS PROPERTY MAY BE SUBJECT TO RIGHT OF WAYS, EASEMENTS OR RESTRICTIONS EITHER RECORDED OR IMPLIED.

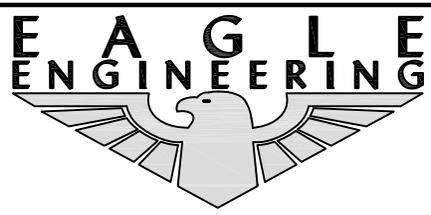
AREA COMPUTED BY COORDINATE GEOMETRY.

R/W = RIGHT OF WAY
EIR = EXISTING IRON REBAR 1/2"
EIP = EXISTING IRON PIPE
NIR = NEW IRON REBAR 1/2"

TAX# 07042045A
ZONING = SF-1

THIS SURVEY IS OF AN EXISTING PARCEL OF LAND.

FLOOD NOTE:
THE SUBJECT PROPERTY SHOWN HEREON DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A.



2013 Van Buren Ave.
Indian Trail, NC 28079
(704) 882-4222
www.eagleonline.net

BOUNDARY SURVEY

1.01 ACRE BEING THE FAITH CHURCH ROAD, LLC PROPERTY
INDIAN TRAIL, UNION CO., N.C.

SCALE 1"=60'

FOR THE BENEFIT OF FAITH CHURCH ROAD, LLC

MAP REFERENCE IN BOOK N/A PAGE N/A

DEED REFERENCE IN BOOK 5092 PAGE 113

EEL PROJECT NUMBER: 4698

PB Attachment 2 -Community Meeting Minutes



MEETING MINUTES

BONTERRA- Town Meeting at Indian Trail Civil Building July 2, 2013

RE: Rezoning of 1 Acre Parcel at Faith Church Road

Q: How many units are proposed?

A: Approximately +700 lots more are allowed by right, current remaining plan is for 582 units.

Q: How many units total will Bonterra have?

A: Less than overall permitted by current plan, exact number not yet determined.

Q: Homeowner across from entrance at Faith Church Road discussed alignment of entrance, entering/exiting. Concerned about headlights shining in his windows at night. Traffic on Faith Church Road is also a concern.

A: Proposed driveway alignment will be north of their homes. Generally supportive of development.

Q: Will anything be installed to help attenuate noise from acceleration of vehicles? Wall/Fence/Landscaping?

A: Landscaping will be installed, until landscaping matures may not be effective.

Q: Will there be turn lanes?

A: Yes. Draft TIA is showing a requirement for symmetrical taper.

Q: What's the timing anticipated for construction of entrance and grading at Faith Church side?

A: 2-5 years

Q: Asked about trail, what it's used for?

A: Passive recreational trail- Horses, walking, bikes. Nothing motorized.

Q: What size are lots?

A: 50', 65', 70' in Phase III, Higher phases are 65'.

Q: Could deeper lots be shifted to south side entrance to assist with pushing entrance away from ex. D/W across Faith Church Road.

A: Can easily be looked at, might be possible.

Atlanta
PO Box 551
Alpharetta, GA 30009
Ph 704.893.1255
Fax 866.775.0329

www.eagleonline.net

Charlotte
2013A Van Buren Avenue
Indian Trail, NC 28079
Ph 704.882.4222
Fax 866.775.0329



Q: How many acres is the COS near boy scout camp?

A: Based on 20 acres HOA parcel +/- 35 acres.

Q: How will COS be used/prepared?

A: Will be left natural/wooded with perimeter trail.

Q: What will trail look like?

A: Earthen

Q: Can trail be gated off?

A: No because it provides access to utility R.O.W.

Q: What's the normal process for considering comments or concern:

A: Developer to have dialogue, keep and provide minutes to Town. Developer can work to address as they can at public meetings (Town Council/Planning Board) to consider whether developer has made adequate attempts to address comments.

Q: Is there a survey showing Faith Church Road?

A: Some of it, there will be more collected for widening plan.

Q: Homeowner was asked if they knew why this parcel wasn't originally included?

A: The property was annexed (involuntarily) and previous owner was against the development of Bonterra. After economy downturn, eventually sold to Bonterra.



MEETING MINUTES

BONTERRA VILLAGE - Public Meeting at Bonterra Clubhouse July 9,
2013

RE: Rezoning of 1 Acre Parcel at Faith Church Road

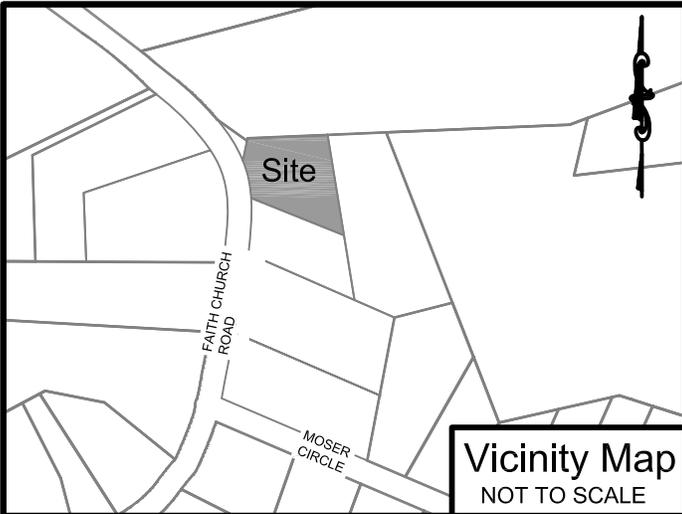
No residents/citizens attended.

Atlanta
PO Box 551
Alpharetta, GA 30009
Ph 704.893.1255
Fax 866.775.0329

www.eagleonline.net

Charlotte
2013A Van Buren Avenue
Indian Trail, NC 28079
Ph 704.882.4222
Fax 866.775.0329

Attachment 3- Entrance Exhibit



WUSF 2
 BONTERRA, LLC
 BK. 5854, PG. 484
 PARCEL
 07042045



Vicinity Map
 NOT TO SCALE

20' EASEMENT
 REF. DB 241 PG. 12

N87°17'29"E
 199.80'

PARCEL
 07042045A
 WUSF 2
 BONTERRA, LLC
 BK. 5854, PG. 484
 44,088 sq.ft.
 1.012 acres

287.48'
 N68°38'07"W

WUSF 2
 BONTERRA, LLC
 BK. 5854, PG. 484
 PARCEL
 07042046B

N/F
 PARCEL 07042053
 SUSAN A. JONES
 DB 499 PG. 360

135.76'
 N11°24'57"E

FAITH CHURCH ROAD
 SR 15'18
 60' PUBLIC RIGHT-OF-WAY
 REF. DB 186, PG. 157

N/F
 PARCEL 07039004H
 RALPH T. BARTLETT

PROPOSED CENTERLINE
 APPROX. 34.7' OFFSET
 FROM CORNER OF EX. HOUSE

EXISTING HOUSE
 (APPROXIMATE LOCATION
 PER UNION COUNTY GIS)

34.7'

FLOOD NOTE:
 THE SUBJECT PROPERTY SHOWN HEREON DOES NOT LIE
 IN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A.



2013 Van Buren Ave.
 Indian Trail, NC 28079
 (704) 882-4222
 www.eagleonline.net

DRIVEWAY LOCATION EXHIBIT

1.01 ACRE BEING THE WUSF 2 BONTERRA, LLC PROPERTY
 INDIAN TRAIL, UNION CO., N.C.

SCALE 1"=60'

FOR THE BENEFIT OF WUSF 2 BONTERRA, LLC

MAP REFERENCE IN BOOK N/A PAGE N/A

DEED REFERENCE IN BOOK 4854 PAGE 484

EEL PROJECT NUMBER: 4698

X:\land\Projects\2014\698-Bonterra\dwg\1698-Faith-Church-Road-Exhibit.dwg, 7/10/2014 3:47:03 PM, Adobe PDF

Attachment 4- Conceptual Site Plan

LEGEND

	R20 SF LOT (67 ft wide)
	R8 SF LOT (67 ft wide)
	R6 SF LOT (50 ft wide)
	TOWNHOME (25 ft wide)
	AMENITY
	ROAD / STREET / ALLEY
	OPEN SPACE
	FLOOD PLAIN
	WATER COURSE
	WILDERNESS / EQUESTRIAN TRAIL



BONTERRA VILLAGE - Concept Plan

Indian Trail, NC

This site plan is conceptual in nature and subject to change without notice.



Walton
Investing on Solid Ground®

0 100' 200'
Feet
400'
Month, Year

TC ATTACHMENT – DRAFT ORDINANCE

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE # DRAFT

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF INDIAN TRAIL REZONING PARCEL 07-042-045A FROM SF-1 SINGLE FAMILY TO CZ-PED-1/SF-5 SINGLE FAMILY FOR APPROVED SUP 2001-005 (CONDITIONAL ZONING PRE-EXISTING DEVELOPMENT- FOR BONTERRA VILLAGE DISTRICT) IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, the applicant John Ross of Eagle Engineering on behalf of the property owners Walton North Carolina, LLC petitioned to rezone tax parcel 07-042-045A (4416 Faith Church Road) from SF-1 Single Family classification to a Conditional Zoning District of PED-1 Overlay and SF-5 Single Family for the purpose of including the 1.01 acre parcel into the Planned Unit Development Bonterra Village; and

WHEREAS, this Conditional Zoning Amendment (CZ2013-005) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, two community meetings were held on July 2nd & 9th, 2013; and

WHEREAS, a public meeting was held by the Planning Board on July 16, 2013 to consider this conditional zoning request; and

WHEREAS, the Planning Board after hearing the case and public comments found the proposed map amendment is consistent with the following goals of the Comprehensive Plan:

- Goal 1.3.1 Quality of Life: This proposal supports this goal of providing a diverse range of housing options at varying densities; and
- Goal 1.3.2 Land Use: The property is proposed to be incorporated within Bonterra Village, a planned unit development, and will be subject to all conditions of the approved development alleviating the potential for land use conflicts. Additionally, its inclusion into the village will enhance the Faith Church Road entrance area by reducing an existing sight distance issue for the existing development.

WHEREAS, the request for this conditional zoning district (PED-1/SF-5 – SUP2001-005-CZ) is a reasonable request and is in the public interest because it supports the goals of the adopted Comprehensive Plan and includes elements that benefit the general public in the area transportation infrastructure investment and housing type choice.

WHEREAS, after making the draft findings the Planning Board [REDACTED] the motion to transmit a recommendation to [REDACTED] as conditioned to the Town Council; and

WHEREAS, the Town Council held a public hearing on [REDACTED] to consider said request and recommendation of approval from the Planning Board; and

WHEREAS, the Town Council concurred with the Planning Board's consistency findings and hereby endorses said findings; and

NOW, THEREFORE, IT SHALL BE ORDAINED by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 – Approves CZ 2013-005 Conditional Zoning Petition thereby granting the Zoning Map amendment to establish Conditional Zoning District of PED-1 Overlay and SF-5 Single Family for the purpose of including the 1.01 acre parcel into the Planned Unit Development Bonterra Village a subject to the following conditions:

1. The development of this property shall be in compliance with the theme and conditions of the approved Planned Unit Development known as Bonterra Village approved by the Town as Special Use Permit 2001-005 recorded at the Union County Register of Deeds BK 1866 PG 350-353.
2. The Bonterra Village Faith Church Road entrance area shall be designed and submitted for approval at the site plan review stage of phase 5 or 6 whichever comes first.
3. The developer or responsible party shall construct recommended roadway improvements as identified in the Traffic Impact Study prepared by DRMP dated June 2013 upon approval of NCDOT. Said improvements shall be installed at the time the Faith Church Road entrance into the development is constructed for use.
4. The applicant or responsible party shall obtain all permits required for development with the Town and outside agencies in compliance with applicable regulations.
5. The final approval document (*if approved by Town Council*), shall be recorded at the Union County Register of Deeds.
6. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to meet the terms of the district.

Section 2 – This ordinance shall be effective immediately upon adoption.

AND IT IS SO ORDAINED this [redacted] day of August, 2013.

TOWN OF INDIAN TRAIL COUNCIL

Attest:

Peggy Piontek, Town Clerk

Michael Alvarez, Mayor

APPROVED AS TO FORM:

TOWN ATTORNEY



TO: Mayor and Town Council

FROM: Scott Kaufhold, Town Engineer

DATE: August 13, 2013

SUBJECT: Crooked Creek Park Phase 1 Entrance Construction Bid

The Town will receive competitive bids to build the entrance into Crooked Creek Park at Indian Trail on Aug 8th. Staff will need approximately two days to tabulate the bid results. Once the bid results are tabulated, then the Town will post the final bid results and send to Council. The Council will be considering this item at the August 13th meeting.

This project will only entail limited street work on Oakwood Lane, a round-a-bout in the park, a water line for park water service, park entrance sign, limited landscaping for buffers, sidewalk, and a protective fence along this corridor.

Town of Indian Trail

Memo



TO: Mayor and Town Council

FROM: Shelley DeHart, AICP
Director of Planning

DATE: July 30, 2013

SUBJECT: Waste Pro Time Extension Request

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 applicant has submitted the request for a time extension to continue their efforts to find the right location to meet their operational needs. They have included a listing of properties they have explored to date for your review. Per a phone conversation with Bob ten Haaf, Regional Vice President for Waste Pro, they are specifically requesting a 12-month extension (08/01/2014) to identify, purchase, and be fully operational on an Indian Trail site. They also respectfully request that the \$1000 per month penalty be waived during this time extension period if granted.

Mr. tenHaaf will be at the meeting to answer questions.



7/19/13

Dear Joe Fivas,

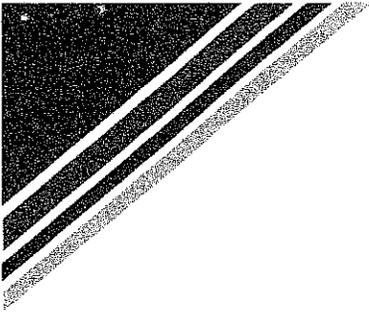
In accordance with section 2.5F of our contract, Waste Pro is kindly requesting an extension in the allowed time for opening an office within the town's limits.

As you know we have been working diligently on identifying property that is suitable for our needs but have been unsuccessful. Moser Group has prepared a detail list of properties that will be forwarded to you soon.

Waste Pro is definitely committed to opening a facility in Indian Trail and will keep you informed as this process continues. We appreciate doing business with you and look forward to partnering with the town in the next venture.

Sincerely,

Bob Ten Haaf
Regional Vice President
Waste Pro of the Carolinas, Georgia
btenhaaf@wasteprousa.com



THE MOSER GROUP, INC.
COMMERCIAL REAL ESTATE

7/15/2013

To: Jennifer Herring / Waste Pro

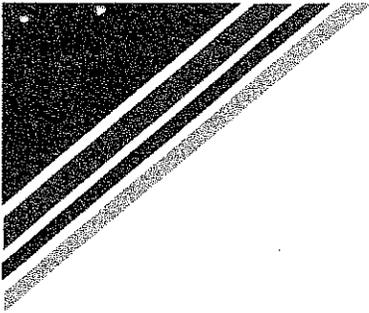
From: Van Southard / The Moser Group, Inc.

Subject: New Location for Waste Pro in Indian Trail.

Jennifer,

We are certainly enjoying working with you and Waste Pro on your new facility in Indian Trail and wanted to provide an overview on some of the properties we have explored.

1. Goodyear building on Grey Fox Rd.
 - a. Would require additional adjoining land that is under contract and scheduled to close.
2. SuJo Building on Grey Fox
 - a. Access to building was not feasible
3. Sprioflow building on Grey Fox Rd.
 - a. Building layout did not work
4. Genwove building
 - a. Currently under contract and not available
5. 28 acres on Hayes Road for new construction.
 - a. Would have to be annexed



THE MOSER GROUP, INC.
COMMERCIAL REAL ESTATE

- b. Water and Sewer not currently available
- 6. "Batting Cage Building" on Van Buren
 - a. Not enough adjoining vacant land
- 7. Vacant Land on Wesley Chapel and Orr Road

Our prime focus at this time is a building and 7 acres of land on Eaton in Old Hickory and we are working towards an LOI for both sellers. We look forward to helping you in the negotiations with both sellers' on the Eaton properties.

Best regards,

Van Southard CCIM, MBA



TO: Mayor and Town Council

FROM: Kelly Barnhardt

DATE: August 13, 2013

SUBJECT: Town of Indian Trail Wayfinding and Gateway Signage Program

The Town of Indian Trail currently has no formal wayfinding program that effectively invites, informs and directs residents and visitors to locations and attractions throughout the Town. The development of a Town-wide wayfinding program will provide guidance and implementation plans for directional and informational signage throughout the Town bringing uniformity and cohesiveness to Town destinations, branding the Town's image and creating a unique Town identity.

Council approved an agreement with Buzz Bizzell of Bizzell Design Group to come up with a Wayfinding and Gateway signage program for Indian Trail. Mr. Bizzell will present his latest designs; including a location map for the signs at our August 13th Council Meeting and he will be available for questions after the presentation. He will be looking for direction on how to proceed.

KB



TO: Mayor and Town Council

FROM: Kelly Barnhardt

DATE: August 13, 2013

SUBJECT: Town of Indian Trail Incentive Policy for Economic Development

Staff has been investigating options for an Economic Development Incentive Policy. We've met with some other communities regarding their incentive policies to get ideas. Staff will need direction on whether to proceed with more research on this topic or wait until another time.

KB