

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
June 12, 2012
Civic Building
6:30 p.m.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**
2. **ADDITIONS AND DELETIONS** **action**
3. **MOTION TO APPROVE AGENDA** **action**
4. **PRESENTATIONS**
5. **PUBLIC COMMENTS**
6. **CONSENT AGENDA** **action**
 - a. [Approval of May 22, 2012 minutes](#)
 - b. [Tax Report for month end May 2012](#)
 - c. [Budget Amendments](#)
 - d. [Approval of Special Meeting on July 12, 2012 at 7:30 pm for Park Design](#)
7. **PUBLIC HEARINGS - NONE** **action**
8. **BUSINESS ITEMS**
 - a. [Recommendation for financing for Installment Loan](#)
 - b. [Council Resolution to file application for approval of a Financing Agreement with the Local Government Commission.](#)
 - c. [Introduction of the Bond Order](#)
 - d. [Resolution to establish a Public Hearing for June 26th](#)
 - e. [Consider approval of new Environmental Services provider](#)
 - f. [Fiscal Year 2012/2013 Town of Indian Trail Budget](#)

9. DISCUSSION ITEMS - *NONE*

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**



Town of Indian Trail
Minutes of Town Council
May 22, 2012
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 Becky Cheney, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Director of Community and Economic Development, Kelly Barnhardt, Tax Collector Janice Cook, Town Engineer Scott Kaufhold, and Human Resources Miriam Lowery.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and invited Eagle Scout John Michael Milton to lead the Pledge of Allegiance.

ADDITIONS AND DELETIONS

None

MOTION TO APPROVE AGENDA

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

PRESENTATIONS

a. Eagle Scout John Michael Milton

Mayor Alvarez read the Certificate of Recognition and congratulated John Michael Milton on his achievements.

John Michael Milton described his Eagle Scout Project and James M. Stewart Award, thanked the Mayor and Council for the presentation and his parents for their encouragement and support.

PUBLIC COMMENTS

Due to the number of citizens signed up to speak during public comments, Mayor Alvarez requested a motion from Council to extend the public comments portion of the meeting to accommodate the speakers.

Robert Allen made a motion to approve extending the Public Comments portion of the meeting.
Council voted unanimously in favor of the motion.

Stephen Long, 1012 Cranston Crossing Place, Indian Trail, NC advised he attended an meeting for the Indian Trail Arts & Historical Society (ITAHS) and was delighted to hear that there are plans to turn the current Town Hall into a Cultural Arts Center, wanting to applaud those plans and to be a part of it.

Severin Jacobsen, 3905 Waters Reach Lane, Indian Trail, NC commented on the success of the July 4th Parade. He would like to see a Marching Band participate.

Regina Dickerson, 5807 Rocky River Road N, Indian Trail, NC expressed difficulties with her neighbors pertaining to noise and riding 4 wheelers and feels there are reforms needed on the Noise Ordinance not only at night but during the day as well.

Cathi Higgins, 3004 Clover Hill Road, Indian Trail, NC spoke of the inaugural Public Safety Committee meeting as a representative advising they adopted Rules of Procedure and Bylaws, meeting schedules, and provided a summary of their discussions on public safety matters that are of concern to them. Ms. Higgins described and acknowledged the Committees responsibilities and requested that Council provide a prioritized list with specific projects with timelines for them to research, comment on and recommend.

Michael Faulkenberry, 519 Pickett Circle, Indian Trail, NC suggested that Council and staff be aware of what they say on Granicus as it can be used against them, providing an example of what he was referring to.

Samantha Towns, 104 Pine Lake Dr., Indian Trail, NC commended the staff for the excellent budget, Town Council for coming together and moving the town forward.

David Collins, 4616 Hartis Grove Church Road, Indian Trail thanked the Council for their support of the Indian Trail Arts and Historical Society. He explained some upcoming plans the Society has for the town.

Jerry Wigen, 10004 Fenwick Dr. Indian Trail, NC described some of the other reasons he has gotten up to speak. He informed the Council that the Mayor is doing a great job and the Council is fantastic. He spoke highly of Mr. Fivas and staff advising the town is moving forward because of all of them.

CONSENT AGENDA

- a. Approval of May 8, 2012 minutes
- b. Approval of Revised Rural Center Grant Agreement **(Copy attached hereto and made a part of these minutes)**
- c. Infrastructure Rural Center Grant Agreement **(Copy attached hereto and made a part of these minutes)**
- d. Auditors Contract Renewal **(Copy on file with Finance Officer and is attached hereto by reference)**
- e. Resolution Directing the Publication of the Notice of Intent to Apply to the Local Government Commission for Approval of Bonds. **(Copy attached hereto and made a part of these minutes)**
- f. Resolution Authorizing the Finance Director to Apply to the Local Government Commission (LGC) for approval of the Town's proposed General Obligation Bond financing and to submit such application to the LGC. **(Copy attached hereto and made a part of these minutes)**
- g. Resolution setting forth the Certain Statements of Facts concerning certain Bond issues. **(Copy attached hereto and made a part of these minutes)**

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

PUBLIC HEARINGS

- a. **Annexation Ordinance 131 for portion of Phase 9 Brandon Oaks Subdivision.**

Planning Director Shelley DeHart reviewed the previous steps taken for this annexation and advised this is a voluntary annexation requested by the property owners to be included into the corporate limits of Indian Trail. The two properties representing a total of approximately .36 acres are located within the Brandon Oaks Subdivision.

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

Robert Allen made a motion to approve The Town Council of Indian Trail finds that, pursuant to the requirements of NCGS 160A-31(d), that the proposed Annexation Ordinance #131 petition offered by the applicant does in fact meet all requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and matter and hereby adopts Annexation Ordinance #131 effective date on June 1, 2012.

Motion Passed 4 - 1 with David Waddell opposing. **(Copy attached hereto and made a part of these minutes)**

b. Fiscal Year 2012/2013 Town of Indian Trail Budget - This item was advertised in the Enquirer Journal on Wednesday, May 9, 2012

Mr. Fivas advised a lengthy presentation was conducted at the last meeting and that staff is available to answer any questions from the community.

Mayor Alvarez opened the public comments portion of the hearing.

Michael Faulkenberry, 519 Picketts Circle, Indian Trail, NC recommended that Council consider all of Indian Trail when reviewing the budget, suggesting it is their obligation to go to the residents to get each and everyone's input on the budget. He agreed with an idea that suggested having Town Hall type meetings.

Amanda Faulkenberry, 519 Picketts Circle, Indian Trail, NC recommended that the proposed Cultural Arts Center should be combined with a Council Chambers, Parks and Recs proposed \$330,000 for Community Park Development and is looking for a detailed plan and further definition for those funds, Crossing Paths Park is about a year old and she pointed out some issues that concern her and should be addressed, are the future park plans part of the \$330,000 or in addition to, she inquired if we do not received the proposed Grant applied for will the budget be adjusted for the two additional law enforcement officers? She recommends adding 2-3 officers every year in our budget.

Jim White, 1815 Greentree Lane, Indian Trail, NC directed Council's attention to the \$30 fee for solid waste service, advising he expressed concern that it will increase each and every year. He referred to the tax chart on page 16 of the budget that continues to watch for an improved ratio of residential verses business tax income and encouraged Council to do all they can do to increase business tax base in Indian Trail, a 60/40 split would be an outstanding goal. He suggested that the tax charts located on pages 20 and 21 of the budget should be on the homepage of the website as they scream volumes about the way this town is governed, managed and the way the staff performs.

Mayor Alvarez closed the public comments portion of the hearing.

Chris King stated that he agrees with all the comments and feels the budget is just too tight. Mr. King suggested a 4 cent tax increase and eliminating the \$30 environmental fee.

Ms. Luther stated that there is no answer that will please everyone. As a result of the last two citizen surveys, it's obvious that the residents have certain desires for investments in Capital Improvements. We cannot keep the tax rate as is and provide the improvements that are desired. Ms. Luther stated that if taxes were doubled we would still be less than half of any other town in the entire State with similar populations. In the end we need to decide what's best for Indian Trail and she would support Mr. King's comments on a 4 cent tax increase.

Mr. Waddell read an email he received from a citizen stating that he is pleased with the Town Government, requesting more timely action on road improvements to key intersections, cautioning the expansion of government size and expense given our current economy with the possible exception of law enforcement and do not approve the solid waste fee.

Mayor Alvarez reviewed comments made reminding everyone they all cost money. He advised that Council must look at themselves as residents. Mayor Alvarez cautioned on a tax increase, he believes people will be for it but they need to see their money working for them. How are you improving the desirability of our community which results in increased value of your property, quality of life, creating desirability for people and businesses to move here? Mayor Alvarez addressed the residents that they need to be involved in their town, give back to the community as that is a quality of life issue as well.

Mr. Allen stated that we have proven over the last several years how frugal a town can operate, we're larger than Monroe and our staff is about 10% of theirs. We have been operating on a shoe string budget all this time, it is an investment, the parks, greenways, intersection improvements for public safety are enhancements that will draw private sector money to our area. He would like to see that 40% commercial tax base as well, stating he supports a 4 cent tax increase.

David Cohn agreed with everything that has been said but would like to see what the 4 cents is for. He is for all of the suggestions and improvements mentioned, but feels we should sit down and talk about what we will use it for.

Dave Waddell expressed concern over the tax increase when the Bonds already approved are applied, as well as the upcoming park bond, along with the additional debt the Town has and will incur. He reminded everyone of the revaluation of the County and what additional increase that might bring to property taxes, suggesting caution on raising our taxes. He does not support the 4 cents tax increase.

Mr. Allen reminded everyone that costs are going up and expressed concern that our dependence on outside sources of revenue not generated from town which he believes is inevitable.

Mr. King stated that a 4 cent tax hike is an incentive. He suggested part of the 4 cents will be allocated to pay for the bonds we get into for our capital investment.

BUSINESS ITEMS

None

DISCUSSION ITEMS

a. **Budget Workshop**

Mr. Fivas advised that some communities create Debt Reduction and Capital Reserve Fund, creating a certain level of funds that, if not used, will roll over every year for Capital Improvements and Debt Reduction. This would provide a funding source for a bond, essentially requesting authorization from the public for a specific project with the funding already in place.

Mr. Fivas addressed some of the questions asked during the public comment portion of the Budget Public Hearing:

Discussing with residents on what's happening, he is in agreement with that which is why additional resources were applied towards Community Development aspect of our organization. We are planning to have staff and Council get out there regularly to discuss some of the issues discussed this evening.

He agrees this building has limitations from a staff perspective and we thought about making the proposed Cultural Arts Center into Council Chamber but it's square footage is not much more than this building and it we would incur a significant amount of up fit expense.

Community Park Development, we have some serious projects under consideration, these funds provide us with the flexibility for initial projects before the actual facility, such as access roads etc.

We are aware of the water damage on the roof of Crossing Paths Park Amphitheatre. There is a bond for it, both the company that built it and the installer are working on a resolution to the problem.

A budget is designed to weave and flow with the organizations needs, so it is Mr. Fivas's recommendation to wait and see what happens with the grant for law enforcement and then Council can make a decision.

Mr. Fivas advised that the County thinks all sewer and water restrictions will be released within a few months. Very soon there will be an opportunity for the community and Council to have input on a new Comprehensive Plan.

Mr. Fivas asked for direction on how to move to a place on the budget so it can be adopted. Some of the options are: Keep the \$30 solid waste fee with a potential 4 cent tax increase; not change anything; increase the tax rate by 4 cents and keep the funds in a debt reduction improvement fund.

By consensus Council directed the Mr. Fivas to increase the tax rate by 4 cents, drop the \$30 sold waste fee. Mr. Fivas clarified that the budget would basically have no changes and the Capital Improvement Plan would show the tax increase and we would allocate those funds, providing resources for improvements.

b. Discussion of Public Safety Committee Agenda Items

Mr. Fivas advised he attended the meeting stating it would be helpful if the Council would articulate some of the projects you want the committee to address. There was a lengthy discussion amongst Council, Mr. Fivas and the Committee members that were present. In conclusion, by consensus, Council requested the committee to start with a Burn Ordinance and then a leash law providing suggestions within 90 days.

MANAGERS REPORT

Mr. Fivas reminded everyone about music night on June 1st. June 2nd will be Family Fun Day, there are 75-85 registered vendors.

Sun Valley road improvements are moving along DOT has more questions and information, trying to sort out cost.

We're working on an agreement with a company to come in and do a design on potential parks. If the Bond goes forward, we would like to have the design in hand to show the public what they are voting on. We intend to have a stakeholder process, community engagement to get information on what does and doesn't work. We want to have designs in hand by August.

COUNCIL COMMENTS

Darlene Luther reminded everyone about the Memorial Day celebration at the VFW on Monday.

Chris King had no comment.

David Cohn thanked everyone who came out to the fund raiser on Saturday. It was a great day they raised \$5200 and almost \$20,000 for the family in total. He got to ride with Lieutenant Coble it was interesting.

Dave Waddell stated he believes we don't have to raise taxes.

He was cruising thru Beacon Hills area today to see if guys were working on storm drains and got to meet our Public Works Supervisor Mike Wright. They are good guys and professional.

Mayor reminded everyone about Family Fun Day, thanked everyone for coming, and thanked all volunteers on the committees. He appreciates each and every one of you very much, your contribution

helps him and his family. The VFW Moving Wall will be here. He thanked Mr. Allen and Ms. Luther for the extra fund raising for the VFW. We do have a good team working in public works. We have a good team sitting right here.

Robert Allen reminded everyone about the VFW Moving Wall and shouted out to Navy ROTC group in Sun Valley, Commander Russell and BJ McKay had a bunch of kids out at the VFW helping to make the walk along the wall.

CLOSED SESSION

Robert Allen made a motion to enter closed session NCGS 143-318.11(a)(3) Consult with Attorney to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action.
Council voted unanimously in favor of the motion.

Robert Allen made a motion to approve coming out of Closed Session.
Council voted unanimously in favor of the motion.

ADJOURN

Robert Allen made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

Michael L. Alvarez

Attest:

Peggy Piontek, Town Clerk



TO: Mayor and Town Council

FROM: Janice Cook, Tax Collector

DATE: June 12, 2012

SUBJECT: Tax report for May 2012

Attached is the report for the activity in the month of May.

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
Property Tax Continued								
SW2		7,912.81	0.00	0.00	0.00	0.00	0.00	7,912.81
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,912.81
SW3		31,564.10	0.00	0.00	0.00	0.00	0.00	31,564.10
	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31,564.10
Property Tax-Total		299,978.55	0.00	0.00	0.00	0.00	0.00	299,978.55
	0.00	0.00	0.00	0.00	0.00	0.00	38,889.89	338,868.44

NOTE: Prior Year/Period Principal and Penalty ARE included on this report.

Prop/Parcel Range: First	to Last	Add: N	Payment: Y
Range of Years: First to Last	Range of Prds: 1 to 12	Change: N	Reversal: N
Range of Cycles: First to Last	Range of Deduct Codes: First to Last	Billing: N	Bal Adjustment: N
Range of Pay Codes: First to Last	Range of Bal Adjust Codes: First to Last	Deduct: N	Penalty: Y
Range of Bill Codes: First to Last	App'l Overpay: N Rev App'l Overpay: N	Refund Overpay: N	Cancel Overpay: N
Range of Dates: 05/01/12 to 06/01/12			

Type	Code	Description	Count	Principal	Penalty	Total
<u>Total for Overpayments/Deposits</u>						
Payment	T01	REAL PROPERTY TAX	4	12.38-	0.00	12.38-
			4	12.38-	0.00	12.38-
<u>Total for Year 2000</u>						
Penalty			6	0.00	0.79	0.79
			6	0.00	0.79	0.79
<u>Total for Year 2001</u>						
Penalty			45	0.00	6.85	6.85
			45	0.00	6.85	6.85
<u>Total for Year 2002</u>						
Penalty			97	0.00	13.48	13.48
			97	0.00	13.48	13.48
<u>Total for Year 2003</u>						
Penalty			94	0.00	16.00	16.00
			94	0.00	16.00	16.00
<u>Total for Year 2004</u>						
Penalty			95	0.00	15.75	15.75
			95	0.00	15.75	15.75
<u>Total for Year 2005</u>						
Penalty			89	0.00	15.63	15.63
Payment	T01	REAL PROPERTY TAX	1	0.00	12.58-	12.58-
Payment	T02	PERSONAL PROPERTY	1	20.85-	0.00	20.85-
			91	20.85-	3.05	17.80-
<u>Total for Year 2006</u>						
Penalty			147	0.00	75.04	75.04
			147	0.00	75.04	75.04
<u>Total for Year 2007</u>						
Penalty			173	0.00	56.25	56.25
			173	0.00	56.25	56.25
<u>Total for Year 2008</u>						
Penalty			229	0.00	101.05	101.05
Payment	T01	REAL PROPERTY TAX	1	47.25-	11.90-	59.15-
			230	47.25-	89.15	41.90
<u>Total for Year 2009</u>						
Penalty			356	0.00	315.81	315.81
Payment	T01	REAL PROPERTY TAX	13	1,591.06-	401.06-	1,992.12-
Payment	T02	PERSONAL PROPERTY	1	36.25-	0.00	36.25-
Payment	T03	LATE LIST FEE	1	3.63-	0.00	3.63-
Payment	T04	ADVERTISING FEE	10	18.58-	0.00	18.58-
Payment	T05	STORMWATER TIER 1	2	27.30-	0.00	27.30-
Payment	T06	STORMWATER TIER 2	2	101.76-	0.00	101.76-
			385	1,778.58-	85.25-	1,863.83-
<u>Total for Year 2010</u>						
Penalty			461	0.00	385.44	385.44
Payment	T01	REAL PROPERTY TAX	28	4,675.48-	707.19-	5,382.67-
Payment	T02	PERSONAL PROPERTY	1	11.74-	0.00	11.74-

Type	Code	Description	Count	Principal	Penalty	Total
<u>Total for Year 2010 Continued</u>						
Payment	T04	ADVERTISING FEE	17	41.53-	0.00	41.53-
Payment	T05	STORMWATER TIER 1	1	35.70-	0.00	35.70-
Payment	T06	STORMWATER TIER 2	2	101.76-	0.00	101.76-
Payment	T07	STMWT COMMERCIAL	5	1,147.42-	0.00	1,147.42-
			<u>515</u>	<u>6,013.63-</u>	<u>321.75-</u>	<u>6,335.38-</u>
<u>Total for Year 2011</u>						
Penalty			719	0.00	775.84	775.84
Payment	T01	REAL PROPERTY TAX	77	8,067.59-	514.32-	8,581.91-
Payment	T02	PERSONAL PROPERTY	8	714.61-	0.00	714.61-
Payment	T03	LATE LIST FEE	7	59.25-	0.00	59.25-
Payment	T04	ADVERTISING FEE	49	214.10-	0.00	214.10-
Payment	T05	STORMWATER TIER 1	19	684.77-	0.00	684.77-
Payment	T06	STORMWATER TIER 2	13	569.77-	0.00	569.77-
Payment	T07	STMWT COMMERCIAL	6	525.84-	0.00	525.84-
			<u>898</u>	<u>10,835.93-</u>	<u>261.52</u>	<u>10,574.41-</u>
<u>Total for All</u>						
Penalty			2511	0.00	1,777.93	1,777.93
Payment	T01	REAL PROPERTY TAX	4	12.38-	0.00	12.38-
Payment	T01	REAL PROPERTY TAX	120	14,381.38-	1,647.05-	16,028.43-
Payment	T02	PERSONAL PROPERTY	11	783.45-	0.00	783.45-
Payment	T03	LATE LIST FEE	8	62.88-	0.00	62.88-
Payment	T04	ADVERTISING FEE	76	274.21-	0.00	274.21-
Payment	T05	STORMWATER TIER 1	22	747.77-	0.00	747.77-
Payment	T06	STORMWATER TIER 2	17	773.29-	0.00	773.29-
Payment	T07	STMWT COMMERCIAL	11	1,673.26-	0.00	1,673.26-
			<u>2780</u>	<u>18,708.62-</u>	<u>130.88</u>	<u>18,577.74-</u>

Description	Count	Principal			Future	Penalty	Total
		Arrears/Other	Fiscal 2011	Fiscal 2012			
Payments	269	1,859.06-	6,013.63-	10,835.93-	0.00	1,647.05-	20,355.67-
Penalty	<u>2511</u>					<u>1,777.93</u>	<u>1,777.93</u>
Totals	<u>2780</u>	<u>1,859.06-</u>	<u>6,013.63-</u>	<u>10,835.93-</u>	<u>0.00</u>	<u>130.88</u>	<u>18,577.74-</u>

Type	Accounts Service	Penalty Charge	Prev Prin Bal Total Billed	Minimum Excess	Adjust Min Adjust Exc	Bal Adj Prin Adj Penalty	Pay Prin Tr Overpay	Pay Penalty Penalty Bal	Prin Balance Total Balance
Property Tax Continued									
	SW2		7,139.52	0.00	0.00	0.00	0.00	0.00	7,139.52
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,139.52
	SW3		29,890.84	0.00	0.00	0.00	0.00	0.00	29,890.84
		0.00	0.00	0.00	0.00	0.00	0.00	0.00	29,890.84
	Property Tax-Total		281,282.31	0.00	0.00	0.00	0.00	0.00	281,282.31
		0.00	0.00	0.00	0.00	0.00	0.00	39,020.77	320,303.08

NOTE: Prior Year/Period Principal and Penalty ARE included on this report.

List of Budget Amendments submitted to Council June 12, 2012

1. Reallocate funds within the Administration department.
2. Reallocate funds within the Finance department.
3. Reallocate funds within Governing Body.
4. Recognize revenue received.
5. Transfer funds from Administration department to Finance department.
6. Reallocate funds within the Public Works department.
7. Reallocate funds within Stormwater department.
8. Reallocate funds within Planning department.
9. Reallocate funds within Community and Economic Development department.
10. Reallocate funds within Code Enforcement.
11. Reallocate funds within GIS / IT department.

If Council has any questions, or would like to see any of the budget amendments, please contact the Finance Director at 704-821-5401.



TO: Mayor and Town Council

FROM: Peggy Piontek

DATE: June 12, 2012

SUBJECT: Request for Special Meeting on July 12, 2012

Staff is respectfully requesting approval to schedule a Special Meeting for the Town Council on Thursday, July 12, 2012 at 7:30 pm. We will publish this meeting on the bulletin boards and send the agenda to the sunshine list upon approval of Council. The purpose of this meeting is to discuss designs for future parks.

MAYOR
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June 5, 2012

To: Mayor and Town Council

From: Joseph A. Fivas, Town Manager
Marsha G. Sutton, Finance Director

RE: Recommendation of Financial Institution Services for Land Purchase
145+/- acres property Oakwood Lane

The Town emailed an RFP to local banks and banks requesting the RFP after the published notice regarding our desire to enter into an installment loan financing agreement for the purchase of land for 145+/- acres property on Oakwood Lane.

After much analysis and a discussion with our Financial Advisors, Davenport & Company, the Town Manager along with Staff would like to recommend BB&T as the financial institution to handle this process based on the following:

- Rate – Current nontaxable rate is 2.19%.
- Term – We would recommend a 10 year term. The 10 year versus 15 year proposal would save the Town more than \$140,000 dollars over the life of the loan.
- Payment Schedule – BB&T uses a declining payment schedule (flat principal plus interest). This allows for a quicker reduction in the principal balance versus a level payment where the interest is taken first and the remaining is applied to principal.

The Town will need to appropriate the necessary funds for the repayment of this installment loan during the annual budgeting process each year.

We have worked with BB&T and their staff on numerous occasions and find the quality of customer service and experience in this area excellent and look forward to our continued banking relationship.

Staff is asking that the attached resolution be approved, denied or modified by the Council.

STATE OF NORTH CAROLINA

RESOLUTION #

TOWN OF INDIAN TRAIL

RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Town of Indian Trail (“Town”) has previously determined to undertake a project for the purchase of land (the “Project”), and the Finance Director has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the project, through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated May 29, 2012. The amount financed shall not exceed \$1,250,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.19%, and the financing term shall not exceed ten, 10, years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.
3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments of this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b) (3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund or any other Town fund related to the project, for project cost may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this _____ day of _____, 2012

APPROVED: _____
Michael L. Alvarez, Mayor

Attest: _____
Peggy Piontek, Town Clerk

Official Town Seal

Approved as to form:

Keith Merritt, Town Attorney

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn



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

TO: Mayor and Town Council

FROM: Joe Fivas, Town Manager

Cc: Marsha Sutton, Finance Director

DATE: June 7, 2012

SUBJECT: Bond Order & Resolution Setting Date of Public Hearing

In business items 8c and 8d, you will find a bond order process timeline, a bond order and a resolution setting the date for a public hearing regarding the bond referendum and possible adoption of the bond order. Per Scott Leo, our bond attorney, the bond items will need to be handled as follows:

- 1) Introduce the bond order: a council member should simply make a motion to introduce the bond order and the Mayor/Mayor Pro Tem can recognize that the bond order has been introduced (this is all that is required - a vote on adopting the bond order will occur after the public hearing on June 26)
- 2) Adopt the Resolution setting the public hearing date for the bond order as June 26, 2012.

Recommendation

Staff recommends the Town Council introduce the bond order and adopt the Resolution setting the public hearing date as June 26, 2012.

**TOWN OF INDIAN TRAIL
SCHEDULE FOR GENERAL OBLIGATION BOND REFERENDUM
NOVEMBER 2012**

- 5/22/12 Council adopts Resolution directing publication of notice of intent to apply to the Local Government Commission (the “LGC”); Resolution authorizing the Finance Officer to apply to the LGC; and Resolution making certain findings of fact
- 5/25/12 Publish Notice of Intent in *The Enquirer-Journal* [have to wait 10 days after publication of Notice of Intent before applying to the LGC]
- 6/04/12 File Application with LGC and prepare Sworn Statement of Debt [receive letter from LGC confirming receipt of Application which must occur before the Bond Order is introduced]
- 6/12/12 Introduce the Bond Order at the Council Meeting; Council adopts the Resolution setting a public hearing on the Bond Order on 6/26/12
- 6/15/12 File Sworn Statement of Debt with the Town Clerk [before public hearing]
- 6/15/12 Publish Notice of Public Hearing on the Bond Order in *The Enquirer-Journal* [at least 6 days before public hearing]
- 6/26/12 Council holds public hearing on adoption of the Bond Order; Council adopts (1) the Bond Order at the conclusion of the public hearing and (2) the Resolution setting a Special Bond Referendum
- 6/27/12 Town Clerk delivers certified copy of the Resolution setting a Special Bond Referendum to the County Board of Elections
- 6/27/12 Town files “pre-clearance” notice with US Department of Justice [can be done electronically at http://www.justice.gov/crt/voting/sec_5/evs/submission.php]
- 6/29/12 Town publishes Bond Order as adopted in *The Enquirer-Journal*
- by 9/28/12 Publish first Notice of Special Bond Referendum in *The Enquirer-Journal* [Not less than fourteen days before last day to register to vote for Bond Referendum]
- by 10/05/12 Publish second Notice of Special Bond Referendum in *The Enquirer-Journal* [Not less than seven days before last day to register to vote for Bond Referendum]
- 11/06/12 Referendum
- After
11/06/12 Adoption of Certificate of Canvass by the County Board of Elections
- Council adopts Resolution Certifying and Declaring Results of Special Bond Referendum
- Publish Statement of Result in *The Enquirer-Journal*

**Prepared by:
Scott Leo, Esq.
Partner
Parker Poe Adams & Bernstein LLP**

Council Member _____ introduced the following Bond Order, copies of which have been made available to the Town Council:

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$8,500,000
GENERAL OBLIGATION PARKS AND RECREATION BONDS
OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA**

WHEREAS, the Town desires to raise \$8,500,000 of bonds to pay the costs of providing for the acquisition, construction, renovation, improvement and equipping of parks and recreation facilities for a park located at 304 Matthews-Indian Trail Road and another community park to be designated by the Town, including the acquisition of land, rights-of-way and easements related thereto, if necessary; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Parks and Recreation Bonds hereinafter described as required by the Local Government Bond Act, and the Town Clerk has notified the Town Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the Town Council (the "*Town Council*") of the Town of Indian Trail, North Carolina, as follows:

Section 1. In order to raise the money required for the parks and recreation facilities described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Parks and Recreation Bonds of the Town are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Parks and Recreation Bonds authorized by this order shall be \$8,500,000.

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Parks and Recreation Bonds when due shall be annually levied and collected.

Section 3. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the Town at a referendum scheduled for November 6, 2012.

STATE OF NORTH CAROLINA)
)
COUNTY OF UNION) SS:

I, *Peggy Piontek*, Town Clerk of the Town of Indian Trail, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of a Resolution entitled, “**RESOLUTION OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA REGARDING A BOND ORDER AUTHORIZING THE ISSUANCE OF \$8,500,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS, SETTING A PUBLIC HEARING THEREON AND DIRECTING PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING**” adopted by the Town Council of the Town of Indian Trail, North Carolina at a meeting held on the 12th day of June, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town, this the 12th day of June, 2012.

(SEAL)

Town Clerk
Town of Indian Trail, North Carolina

STATE OF NORTH CAROLINA

RESOLUTION #

TOWN OF INDIAN TRAIL

RESOLUTION OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA REGARDING A BOND ORDER AUTHORIZING THE ISSUANCE OF \$8,500,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS, SETTING A PUBLIC HEARING THEREON AND DIRECTING PUBLICATION OF A NOTICE OF SAID PUBLIC HEARING

WHEREAS, a bond order entitled:

“BOND ORDER AUTHORIZING THE ISSUANCE OF \$8,500,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA”

have been introduced at a meeting of the Town Council (the “*Town Council*”) of the Town of Indian Trail, North Carolina this 12th day of June, 2012; and

WHEREAS, the Town Council desires to provide for the holding of a public hearing thereon on June 26, 2012 and the submission of a statement of debt in connection therewith as required by The Local Government Bond Act.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA that the public hearing on said bond order shall be held on the 26th day of June, 2012 at 6:30 p.m., or a soon thereafter as practicable, at the Indian Trail Civic Building, 100 Navajo Trail, Indian Trail, North Carolina 28079.

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to cause a copy of said bond order to be published with a notice of such hearing in the form prescribed by law in the *The Enquirer-Journal* on or before the 20th day of June, 2012.

BE IT FURTHER RESOLVED that the Finance Director of the Town is hereby directed to file prior to publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the net debt of the Town, the assessed value of property subject to taxation by the Town and the percentage that net debt of the Town bears to the assessed value of property subject to taxation.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

READ, APPROVED AND ADOPTED this the 12th day of June, 2012.

Town Clerk

Mayor

APPROVED AS TO FORM:

Town Attorney

NOTICE OF PUBLIC HEARING
BOND ORDER AUTHORIZING THE ISSUANCE OF \$8,500,000
GENERAL OBLIGATION PARKS AND RECREATION BONDS
OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA

WHEREAS, the Town desires to raise \$8,500,000 of bonds to pay the costs of providing for the acquisition, construction, renovation, improvement and equipping of parks and recreation facilities for a park located at 304 Matthews-Indian Trail Road and another community park to be designated by the Town, including the acquisition of land, rights-of-way and easements related thereto, if necessary; and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Parks and Recreation Bonds hereinafter described as required by the Local Government Bond Act, and the Town Clerk has notified the Town Council that the application has been accepted for submission to the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the Town Council (the "*Town Council*") of the Town of Indian Trail, North Carolina, as follows:

Section 1. In order to raise the money required for the parks and recreation facilities described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Parks and Recreation Bonds of the Town are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Parks and Recreation Bonds authorized by this order shall be \$8,500,000.

Section 2. A tax sufficient to pay the principal of and interest on said General Obligation Parks and Recreation Bonds when due shall be annually levied and collected.

Section 3. A sworn statement of the Town's debt has been filed with the Town Clerk and is open to public inspection.

Section 4. This bond order shall take effect when approved by the voters of the Town at a referendum scheduled for November 6, 2012.

The foregoing bond order has been introduced and a sworn statement of debt has been filed under the Local Government Bond Act showing the appraised value of the Town of Indian Trail, North Carolina to be \$ _____ and the net debt thereof, including the proposed bonds, to be \$ _____. A tax will be levied to pay the principal of and interest on the bonds if they are issued. Anyone who wishes to be heard on the questions of the validity of the bond order and the advisability of issuing the bonds may appear at a public hearing or an adjournment thereof to be held on June 26, 2012 at 6:30 p.m., or as soon thereafter as practicable, at the Indian Trail Civic Building, 100 Navajo Trail, Indian Trail, North Carolina 28079.

/s/ Peggy Piontek

Peggy Piontek, Town Clerk

Town of Indian Trail, North Carolina



PO Box 2430

Indian Trail, NC 28079

PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Memo

To: Mayor and Town Council
From: Shelley DeHart, AICP
CC: Joseph Fivas, Town Manager
Date: 6/7/2012
Re: Environmental Service Provider

The Town issued a Request for Proposal (RFP) for Municipal Solid Waste, Yard Debris, Recyclables and Bulk Item Collections on February 8, 2012. Our overall goal is to establish a long term relationship with a service provider dedicated to:

- *Meeting the curbside collection and disposal needs of the Town and its residents;*
- *Delivering high quality service at competitive pricing;*
- *Maintaining a high level commitment to quality customer service;*
- *Supporting a community wide "Green Initiative" with a strong education component encouraging our residents to decrease the amount of solid waste sent to landfills and increase waste reduction and recycling practices.*

Town Staff is finalizing the discussions with qualified bidders that will result in a service provider recommendation to Council at the upcoming meeting. Staff will update Council and our website upon completion of this process. A PowerPoint detailing the recommended level of service and the recommended provider will be presented at the Council meeting.

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn



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

June 7, 2012

To: Mayor and Town Council

From: Joseph A. Fivas, Town Manager

RE: Budget Discussion

The June 12th Budget work session will be a continuation of the May 8th and 22nd discussions regarding the FY2012-2013 budget. The new budget is on the website, www.indiantrail.org. Town Manager and Staff will be available to discuss all changes and questions in detail at the upcoming Council Meeting.