

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
April 23, 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. [Proclamation for Donate Life Month](#)

5. PUBLIC COMMENTS

6. CONSENT AGENDA

- a. [Approval of April 9, 2013 draft minutes](#)
- b. [Woolpert Capital Project Ordinance](#)
- c. [Budget Amendments](#)

7. PUBLIC HEARINGS

None

action

8. BUSINESS ITEMS

- a. [Council consideration of approval of Chestnut Change Order](#)
- b. [Council consideration of approval of Chestnut Corridor Right-of Way Agreement](#)
- c. [Council consideration of approval of design and permitting for Chestnut Extension to US-74](#)
- d. [Council consideration of Amendment to Capital Project Ordinance for Chestnut Park](#)
- e. [Council consideration of changing the permanent name of Sardis Park to](#)

Crooked Creek Park of Indian Trail – *requested by Council Member King*

- f. **Council consideration of supporting a Resolution supporting local government authority –**
requested by Council member Luther

9. DISCUSSION ITEMS

- a. **Council discussion and update on Wayfinding designs**

10. BUDGET ITEMS

- a. Law Enforcement Needs Assessment - *requested by Mayor Alvarez*
- b. Addition of Law Enforcement Deputies - *requested by Mayor Alvarez*
- c. Discussion of Community Center/ Municipal Center - *requested by Council Member Luther*
- d. Discussion and update on video/audio options for Town Council meetings
- e. Discussion and update on searchable UDO and Town Ordinances
- f. Discussion and update on website improvements

11. MANAGERS REPORT

12. COUNCIL COMMENTS

13. CLOSED SESSION

action

14. ADJOURN

action

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

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

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

Donate Life Month Proclamation 2013

Whereas, more than 117,000 individuals in the United States currently need life-saving organ transplants and more than 3,500 of those people are North Carolinians; and

Whereas, an average of 18 people die each day awaiting an organ transplant that does not come in time, and

Whereas, every 10 minutes, another name is added to the national transplant waiting list; and

Whereas, providing facts about donation and dispelling misinformation and myths are key to increasing the number of people who sign up as donors; and

Whereas, April is observed as National Donate Life Month with unwavering support from the nation's donation and transplantation community; and

Whereas, LifeShare Of The Carolinas, the organ procurement organization that serves Indian Trail is a part of that community and has its own programs to highlight the importance of donating to save the lives of others; and

Whereas, one organ donor can save the lives of up to eight people and improve many more lives through cornea donation and tissue donation; and

Whereas residents of Indian Trail have been touched by donation as recipients of life-saving transplants and as members of donor families who have literally given others a second chance at life; and

Whereas, the citizens of Indian Trail are encouraged to get the facts about donation, discuss their wishes with their family and to sign up as donors via the NC DMV or online at www.donatelifenc.org.

NOW, BE IT RESOLVED, we the members of the Indian Trail Town Council, do hereby proclaim the month of April, 2013 as National Donate Life Month and commend this observance to our citizens.

Adopted this 23rd day of April, 2013

Mayor Michael L. Alvarez



Town of Indian Trail
Minutes of Town Council

April 9, 2013

Civic Building

6:30 P.M.

The following members of the governing body were present:

Mayor Pro Tem: David Cohn

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

Absent Members: Michael L. Alvarez.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, 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, Director of Human Resources Miriam Lowery, Senior Planner Rox Burhans, and Public Information Officer/Events Coordinator Rebecca Carter.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Cohn called the meeting to order and announced that Mayor Alvarez was not in attendance.

PRESENTATIONS

- a. National Autism Awareness Month Proclamation

Mayor Pro Tem Cohn read the Proclamation.

b. Proclamation for Lieutenant Chase Coble

Mayor Pro Tem Cohn read the Proclamation, presented it to Lieutenant Coble and stated that Indian Trail is fortunate to have such a dedicated individual.

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.

PUBLIC COMMENTS

Art Spurr, 4100 Wood Creek Court, Indian Trail, NC agreed with the Proclamation for Lieutenant Coble and thanked the Council for continuing the contract with Union County Sheriff's Office. He requested, as a member of the Public Safety Committee, that the Council have an independent study for law enforcement. Mr. Spurr suggested making a part of the 150 acre park for someone to live there in a recreational vehicle 24/7 for security purposes and a possible source of additional revenue.

Jim Houston, 2009 Blue Range Road, Indian Trail, C as Vice Chair of the Public Safety Committee stated they are preparing their report for Council on accomplishments in the past year and they will be providing recommendations for the new year. Mr. Houston advised that one of the things they will be recommending is hiring 3 more deputies for Indian Trail Sheriff's Department and is hoping it will be considered in the budget conversations.

Samantha Towns, 104 Pine Lake Drive, Indian Trail commented she feels the Council are elected and in her opinion their philosophy is they do what they want to do, don't care what the citizens think and will not apologize. Ms. Towns stated that a few citizens that attended the meeting for contract negotiations wanted to thank David Waddell for standing up maintain his promise to maintain the Sheriff's Office. Ms. Towns presented a certificate to Mr. Waddell and David Cohn for maintaining their office and standing up for the Sheriff's Office, along with one for Lieutenant Coble and thanked him for his service.

Elizabeth Cook, 5003 Old Charlotte Highway, advised that May 12-18 is National Police Week a time to honor those officers who lost their lives in the line of duty. Ms. Cook provided some statistics and advised that the Monroe Union Paternal Order of Police Lodge 19 will host the Union County Police Week candlelight ceremony in the Judicial Center on Friday May 17 @ 8 pm and invited all to attend. Ms. Cook recited the loss of lives in Union County in the line of duty.

CONSENT AGENDA

- a. Approval of March 21, 2013 draft minutes
- b. Approval of March 26, 2013 draft minutes
- c. Monroe Bypass Resolution **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**
- d. Month End Tax Report for March **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**
- e. Budget Amendments **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**
- f. Capital Project Ordinance for C-4957 B Unionville Indian Trail Road Sidewalk Improvements **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

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

PUBLIC HEARINGS

None

BUSINESS ITEMS

- a. Council consideration of approval of Site Solutions Scope Agreement

Mr. Fivas explained that Council approved Site Solutions as the Project Manager for Chestnut Park, and the agreement before you will identify their role in turning our vision for the park into reality. This Agreement is for Phase I improvements which are identified in detail while working with Council on design and preference of architecture. The tentative timeline is for construction to begin around June 17th and conclude by September 1st. The cost for Site Solutions to act as Project Manager from permitting to construction management is \$124,500. Mr. Fivas explained the financial and logistical reasons for changes in the site layout.

Council had a lengthy discussion with Mr. Fivas and Derrick Williams, Site Solutions Representative, topics included: timeline for other amenities such as walking trails, Dog Park, play ground, Boy Scouts and other volunteer group's assistance, multipurpose fields, backstops for baseball and safety study for needs lighting and security.

Christopher King made a motion to approve item 8a Site Solutions Scope Agreement. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

Motion Passed 4 - 1 with David Waddell opposing.

- b. Council consideration of approval of Chestnut Park

Mr. Fivas reminded Council that Phase I is already commencing and this is three separate projects rolled into one bidding opportunity to assist in cost and efficiency: First phase of Chestnut Connector, Pad for Carolina Courts is complete and other phase of beginning the park. We now need to discuss Phase II of the development which will consist of building, part of Shady Bluff Road, parking lot for the park and a new road that will connect to Matthews Indian Trail Road. Mr. Fivas went onto explain that Council has a couple of options to consider for direction to staff. Option one would be to approve the change order to allow the developer to continue on this project and amend their scope of work; advising the advantage would be they are already on the site, no confusion of several contractors running into each other, errors with coordination, project continues with no time lost on bid process (minimum of 60 days) or risk of higher bids. The disadvantage could be that we might get lower bids but staff time spent on the process and construction time lost is something to take into consideration.

Mr. King inquired if NCDOT would permit a left turn out of the park. Mr. Fivas explained that this will be Town road, so that would be Council's decision. Mr. Waddell inquired where the funding would come from. Mr. Fivas explained when the Capital Improvement Ordinance is approved then Council will decide on the allocation of funds. Some could come from road bonds, Powell Bill funds, and road improvement funds. Once we determine the cost, staff will provide you with recommendations and suggestions for your consideration. Mr. Fivas explained that staff had concerns about parking so we added additional parking spaces resulting in the increase to approximately \$1,200,000.00 - \$1,300,000.00 which would also include the continued widening of Matthews Indian Trail Road. By consensus Council agreed to this.

c. Council consideration of approval of Woolpert Scope Agreement

Mr. Fivas explained at the point where Council has seen preliminary draft design and are now ready to put together a comprehensive scope to completing this project. Mr. Fivas provided an extensive explanation of the many areas Woolpert would handle in this agreement, obtaining Council's approval on all of it as the project progresses, ultimately handling the responsibility of construction management on the project for a cost of \$450,000.00. Mr. Fivas introduced Mr. Pack from Woolpert and Council had a lengthy discussion on playgrounds, working with topography and surface in Dog Park.

Christopher King made a motion to approve of the Woolpert Scope Agreement
Motion Passed 4 - 1 with David Waddell opposing.

Mr. Fivas requested the motion be amended the the approval of the Woolpert Scope Agreement is contingent upon the actual selling of our bonds.

Christopher King made a motion to amend the previous motion for the Woolpert Scope Agreement subject to the availability of bond financing. **(COPY ATTACHED HEREWITH AND MADE A PART OF THE RECORD)**

Motion Passed 4 - 1 with David Waddell opposing.

- d. Second Reading: CZ2012-001: Younts Miniature Golf: A request to establish a Conditional General Business District (CZ-GBD) zoning classification to support development of a 36-hole miniature golf course. Existing Zoning: Single-Family Residential-1 (SF-1). Location: Younts Road; Applicant: Scott Merritt

Mr. Burhans presented to Council that a public hearing for this matter was held on March 12th, at the conclusion the Council approved the first reading and according to North Carolina General Statutes a second reading of the associated draft ordinance is required for Council to approve. At the request of the applicant the Council approved a deferral of the second reading at the March 26th meeting until tonight's meeting to provide the applicant with additional time to research roadway infrastructure design challenges with staff and NCDOT. The key issue centered on the design of an existing drainage pipe under Younts Road that was not functional as originally designed resulting in the following modified condition of approval: *Frontage Improvements*: The subject property's Younts Road frontage shall be improved with curb, gutter, 6-ft. wide sidewalk, street trees, and any additional improvements required by the Town and/or NCDOT. Alternative stormwater drainage designs for the Younts Road frontage improvements may be permitted to address existing drainage challenges associated with Younts Road, subject to approval by the Town of Indian Trail and NCDOT.

Mr. Burhans read the required findings into the record:

Goal 1.3.2 Land Use - The proposed conditional district will provide expanded recreational opportunities and a gathering place for Town residents, visitors, as well as current and future workers within the Old Hickory Business Park Corridor. The rezoning is subject to conditions to help avoid creating any land use impacts to neighboring properties. The proposed conditional rezoning will also help create a more balanced tax base by helping facilitate development of a commercial use on an otherwise undeveloped property in a manner that is consistent with the Comprehensive Plan. The conditional rezoning will also result in the retention of an existing grove of trees that will be an amenity to the site, while helping preserve the Indian Trail community forest.

The request for this conditional zoning district is a reasonable request and is in the public interest because it helps create a mix of uses within the Old Hickory Business Park Corridor and includes elements that benefit the general public in the area tree preservation.

Darlene Luther made a motion to approve this second reading of the ordinance for Conditional Zoning Map Amendment 2012-001.

Council voted unanimously in favor of the motion.

Darlene Luther made a motion to approve making the required findings as read into the record and found in the draft ordinance.

Council voted unanimously in favor of the motion.

- e. Abolishment of Tree Ordinances - this matter was requested by Council Member Waddell

Mr. Waddell thoroughly review Division 800 of the Indian Trail Unified Development Ordinance as it pertains to the Tree Ordinance Requirements, requesting that Council consider revising some of it but removing most of it as he feels it infringes on the rights of people to be able to own and dispose of private property freely. Mr. Waddell provided a detailed explanation as it pertains to residents and developers alike, assuring Council he feels most will do all they can to enhance and improve the appearance and value of their properties without our involvement.

Mr. Merritt informed Mr. Waddell that for the type of change he is proposing, this is not something that can come before the Council immediately. He explained that it would have to go back through the Planning Board requiring Public Hearings a process that would be much longer before it would get to the Town Council for approval of any changes to the Unified Development Ordinance.

DISCUSSION ITEMS

a. Council discussion for creation of Indian Trail Citizen Academy

Mr. Fivas advised he is insuring that Council feels this has value for the community. The goal is to educate residents about the inner workings of Council/staff. Hopefully obtaining additional committee members in the future, getting more knowledge and participation in the future as well. Mr. Fivas explained that there will be six stages, UDO purpose and why we have it, transportation, financial planning, public safety, have an opportunity to have dialogue with residents. Citizens Academies are common in many communities. Mr. Fivas explained this would be a low cost project, funds needed for binders, printing, basic materials, graduation certificates, and plaques for some examples. Council could approve the nominees or it could be on a first come first serve basis, or if you sign up you make a commitment that you will apply to serve on at committee for at least one year. By consensus Council requested staff to come up with a plan and bring it back to them for consideration.

MANAGERS REPORT

Mr. Fivas recognized the staff for doing incredible work - doing the 2 park projects, chestnut parkway; sidewalks are amazing accomplishments for the community. He advised that many of you don't see behind the scenes of staff working thru lunches and 8 am to 9 pm, he is grateful for the amount of time and energy the staff puts in. These are the faces people you see at the meetings, but there are many more that are not seen or recognized that put in hard work and dedication to the Town.

Mr. Fivas reminded everyone that next Saturday is Community Planting Day at Crossing Paths Park from 9:00 am until noon and it's a good opportunity to socialize and get some work done; on April 20th we will hold our Arbor Day event with Stallings and on the 27th we will have our 3rd annual clean up day at Food Lion, bring any item you want to get rid of it's a good opportunity for your spring cleaning.

COUNCIL COMMENTS

Mr. Waddell stated he appreciates Mr. Spurr's comments on needs assessment and agrees. He would love to see us find an adequate level of service for our community. Have someone professional come in and advise us of the level of service that would be best for our community. He appreciates Mr. Houston from the Public Safety Committee and thanked Ms. Towns for the documents. He would like to support Ms. Cook's efforts for Police week, maybe some blue lights in the Cultural Arts Center. Mr. Waddell stated on the Consent Agenda there was a Monroe Bypass Resolution, he forgot it was in there and does not support it, there's more to that story than has been presented and suggests everyone look into it. He would like to see the park going out for bid rather than a change order. Mr. Mayor, Ms. Luther and Mr. Allen he believes you owe some people an apology he believes the citizens, sheriffs and deputies went thru a lot, he's asking that you apologize or resign.

Mr. Allen stated an apology won't be coming except to deputies if they were offended. As for an independent study he believes it's an exercise in futility, it has been attempted before and it was less than enthusiastically received by the UCSO. He believes they are more than capable of dictating what they want us to get. We'll just keep moving forward on the big projects.

Mr. King had no comments.

Ms. Luther feels Mr. Waddell's request is ridiculous, what disturbs her is for some reason not everyone is allowed to have a different opinion. This whole thing started with everyone on the same side of this issue, all of us wanted to continue with the Sheriff's Office, where we differed is what should be put in the contract. It was a difference of opinion; some of us changed our minds others stood fast because we truly believed we could get a better contract that would better serve the residents of Indian Trail. Some residents agree and some disagreed but in the end we, just like they are entitled to our opinion and the fact that not everyone comes to the same conclusion is not a bad thing. With that being said she feels she owes no apology and will echo that if any deputies took it personally as to their personal service that's a completely different issue, although we never said that. We always stated it was not about the deputies, it's about getting a better contract for our residents.

Mr. Cohn asked Council to think about needs assessment and he agrees with Mr. Waddell, until we do it there are so many questions that need to be answered? I'm willing to listen, we all get together let's find someone who's going to do a fair job and get it done, figure out what we need for a sheriff's department and get it done. Who knows what they will recommend and is asking the Council to please consider it so we don't have to go through this over and over again.

As far as the town staff goes you guys are great, we get the credit for doing a lot of things, you do all the work. Thank you for what you do, you make us look good because of your professionalism.

Congratulations to Chase and thanks to Samantha for the plaque.

CLOSED SESSION

None

ADJOURN

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

APPROVED:

Michael L. Alvarez

Attest:

Peggy Piontek, Town Clerk

DRAFT



TO: Mayor and Town Council
FROM: Kelly Barnhardt
DATE: April 18, 2013
SUBJECT: Capital Project Ordinance for Scope Agreement

Council approved the Scope Agreement provided by Woolpert at the last Council meeting on April 9, 2013.

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. Staff recommends adoption of this ordinance.

Required Actions:

Council Adoption of Ordinance

Attachment:

Capital Ordinance for Crooked Creek / Sardis Park

KB

CAPITAL PROJECT ORDINANCE FOR CROOKED CREEK / SARDIS PARK

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. The following amount is appropriated for this project:

Design Services	<u>\$451,174.00</u>
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SECTION 4. The following revenues are anticipated to complete this project:

Proceeds from General Obligation Park Bonds	<u>\$451,174.00</u>
Total Funding	<u>\$451,174.00</u>

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

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

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

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

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

SECTION 10. The Finance Director is authorized from time to time to transfer as a loan from the General Fund 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.

ADOPTED BY THE TOWN COUNCIL this the 23rd day of April, 2013.



TO: Mayor and Town Council
FROM: Joe Fivas
CC: Marsha Sutton
DATE: April 23, 2013
SUBJECT: Budget Amendments for April 23rd Meeting

Please find attached budget amendments processed for the month of March. Please feel free to call, email, come in or ask any questions you may have regarding these matters.

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

Page 1 of 2

DATE 3/21/13

DEPARTMENT

Account Number	(Transfer In / Out) Type	Amount	Description
3-10-80-6130-496-003	Transfer In	150,000.00	Reallocate funds for Chestnut Project
3-10-00-4120-321-000	Trans. out	4,000.00	
3-10-00-4120-397-000	Trans. out	6,000.00	
3-10-00-4120-511-000	Trans. out	3,500.00	
3-10-00-4130-397-000	Trans. out	3,000.00	
3-10-00-4150-192-001		10,000.00	
3-10-00-4210-292-000		4,000.00	
3-10-00-4210-397-000		3,000.00	
3-10-00-4210-397-001		3,000.00	
3-10-00-4210-510-000		4,000.00	
3-10-00-4210-511-000		5,000.00	
3-10-00-5000-185-000		10,000.00	
3-10-00-8110-520-002		21,000.00	
3-10-40-4920-493-000		15,000.00	
3-10-40-4260-394-000		4,000.00	
3-10-40-4260-397-000		5,000.00	
3-10-40-4260-551-000		8,000.00	
3-10-00-4210-121-000	Trans out	14,349.00	
		-	-

EXPLANATION:

Reallocate funds for the usage fee associated with the agreement with partners in hoops, LLC.

REQUESTED BY: 

FINANCE: 

TOWN MANAGER: _____

For Finance Dept Only:

EFFECTIVE DATE: 3/21/13 JOURNAL NO. ASSIGNED: 312

FISCAL YEAR: 2013 ENTERED: JKS

PERIOD: 9 DATE: 4/18/13

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

Page 2 of 2

DATE

3/21/13

DEPARTMENT

Account Number	(Transfer In / Out) Type	Amount	Description
3-10-00-4210-181-000	Trans. out	201.00	Reallocate Funds for chst. Proj
3-10-00-4210-182-000	}	450.00	}
3-10-00-4210-183-000		1500.00	
3-10-40-4920-391-000		3000.00	
3-10-40-4920-397-000		9,000.00	
3-10-40-4260-397-001		8,000.00	
3-10-40-4260-551-000	Trans. out	2,000.00	" "
3-10-00-4140-341-000	" "	2,000.00	" "
3-10-00-4140-397-000	" "	1,000.00	
		-	-

EXPLANATION:

REQUESTED BY: _____

FINANCE: _____

TOWN MANAGER: _____

For Finance Dept Only:

EFFECTIVE DATE: _____ JOURNAL NO. ASSIGNED: _____

FISCAL YEAR: _____ ENTERED: _____

PERIOD: _____ DATE: _____



Town of Indian Trail

Memo

TO: Mayor and Town Council

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

DATE: April 17, 2013

COUNCIL DATE: April 23, 2013

SUBJECT: Change Order for Chestnut Park Improvements, 520-2012-001

General Information:

On April 9, Council directed staff to proceed with a change order for Chestnut Park Phase II. Quantities are currently being finalized. The recommended change order will be provided to Council following review by staff.

Required Actions:

Council Approval



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: April 23rd, 2013

SUBJECT: Chestnut Corridor Right-of-Way Agreement


Town staff was given direction by the Town Council to proceed with securing Right-of-Way for the Chestnut Connector. Town staff has an Agreement for Council's consideration. The Town Attorney is doing a final review of this Agreement, and we will provide this Agreement when the final review is completed.



Town of Indian Trail

Memo

TO: Mayor and Town Council

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

DATE: April 17, 2013

COUNCIL DATE: April 23, 2013

SUBJECT: Proposed Design Fee for Chestnut Parkway Extension to US 74

General Information:

The development of design plans for the Chestnut Parkway extension from the northern edge of the Chestnut Park to US 74 will require professional engineering services. The scope of work includes surveying and environmental services, defining final alignment for Chestnut Parkway, identifying improvements to US 74, and completing a final horizontal and vertical design. The proposed fee for this work is \$45,000.

Staff recommends Council approve funding and scope of work by Barnard Engineering.

Required Actions:

Council Approval

Attachments:

Barnard Engineering Proposal

BARNARD ENGINEERING, P.C.

Civil • Environmental • Geotechnical



April 17, 2013

Mr. Scott Kaufhold
Town Engineer
Town of Indian Trail
130 Blythe Drive
Indian Trail NC 28079

Re: Proposal for Engineering Services
Chestnut Parkway Extension
Indian Trail, N.C.
Barnard Engineering, P.C. Proposal No. 13-02-02C

Dear Mr. Kaufhold,

Barnard Engineering, P.C. is pleased to present this proposal to provide Engineering Services for the extension of Chestnut Parkway from Chestnut Park to US Highway 74. The project consists of defining a final alignment for Chestnut Parkway, identifying improvements to US Highway 74, and completing a final horizontal and vertical design. Surveying and environmental services are also included. Design aspects include grading, water quality, detention, erosion control and utility extensions within the right of way.

The following sections present our proposed scope of work, estimated schedule and fees, and terms and conditions for our professional services.

SCOPE OF WORK

The Scope of Services to be provided is summarized as Preliminary Design, Design Survey and Environmental Assessment, Roadway Design, and Water Quality and detention Design. The detailed scope of work for the Project will consist of the following tasks:

Task 1: Preliminary Design

Barnard Engineering will work with the Town to develop potential alignments with the associated intersection details at US Highway 74. These alignments will incorporate the preliminary work completed by HNTB, the work completed for the park project and preliminary alignments for other roadways in the areas. We will utilize Union County GIS information to develop the preliminary alignments and horizontal intersection layouts of the required improvements on US Highway 74. The preliminary design will identify relative elevations and preliminary grading and preliminary water quality / detention facilities.

1534 Saratoga Blvd.
Indian Trail, NC 28079
www.barnardengineeringpc.com

(704) 421-3067

Task 2: Design Survey, Environmental Assessment

Task 2A – Design Survey:

As part of the planning and preliminary design, Barnard Engineering will contract with Lawrence Associates of Monroe, NC to provide the following:

1. Boundary survey for parcels 07-105-005 90 and 07-105-006G
2. Ground run topographic survey of areas where aerial is obscured,
3. Existing Utility Survey,
4. Wetlands and stream location
5. Topographic survey of US Highway 74, 100 feet east and west of the proposed intersection.

Task 2B: Environmental Survey:

Barnard Engineering, will contract with Carolina Wetlands Services to assess the parcels with a potential to be impacted by this project. CWS will conduct a field assessment and will flag wetlands and/or jurisdictional waters. They will further prepare a report and will meet with UASCOE if required. They will also assist in obtaining a Nationwide Permit assuming less than 300-feet of stream impact and/or ½ acre of wetlands. In the event more impact is required, an individual permit will be required and additional fees will be negotiated.

Please note, the Corps will consider this and the park as one project and will consider the impacts cumulatively. Therefore any impacts from Shady Bluff will need to be addressed with this permit.

Task 2C: Geotechnical Evaluation:

Barnard Engineering will subcontract with a geotechnical engineering company to perform a geotechnical evaluation of the selected alignment. This investigation will consist of approximately 6 to 8 borings advanced to approximately 10 feet within road right of ways. Soil samples will be collected for laboratory testing to develop information for use in the pavement design.

Task 3: Detailed Design

Task 3A – Chestnut Parkway

Once a final alignment has been selected, a final design will be completed for the Chestnut Parkway extension. The parkway extension will utilize the agreed upon roadway cross section from the Park project with a minimized right of way. The intersection and improvements to Highway 74 will be under the jurisdiction of NCDOT and will be submitted with a driveway connection application.

This Task will develop a detailed horizontal and vertical design of the extension which will be detailed on a plan and profile sheets as required. Storm drainage and erosion control design will be incorporated into the design. Water quality and detention for the linear project will also be detailed. Erosion control will be submitted to NCDENR for review and approval.

This task does not include a Traffic Study or signalization. In the event further improvements are required, Barnard Engineering will negotiate with the Town for an increase in this Task cost to incorporate the additional work.

SCHEDULE AND FEES

Barnard Engineering, P.C. will initiate coordination of the defined scope of services upon receipt of your signed authorization. We will provide professional services listed herein in a timely and professional manner and endeavor to meet your project schedule.

Fees for providing the scope of services defined above are as follows:

Task 1	Preliminary Design	\$ 7,000.00
Task 2	Survey, Environmental Assessment, Geotechnical Investigation	\$ 23,000.00
Task 3	Detailed Design	\$ 14,000.00
Task 4	Reimbursable Expenses	\$ 1,000.00
	Project Total	\$ 45,000.00

Reimbursable expenses including plotting, printing, shipping/delivery and mileage, etc. will be billed in accordance with Task 4 above. The Project Total above will not be exceeded without the prior written approval of the Town.

Mr. Scott Kaufhold, P.E.

April 17, 2013

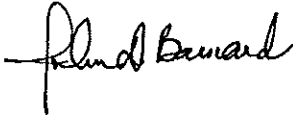
Page 4 of 5

We have attempted to provide a comprehensive design proposal based upon our conversations and the conceptual layouts supplied to us. In the event the scope of work changes or you would like to discuss this further, please contact us.

We appreciate this opportunity to serve the Town of Indian Trail and look forward to working with you on a successful project. If you have any questions, please call.

Sincerely,

Barnard Engineering, P.C.



John D. Barnard, P. E.

Principal

Attachment: Authorization to Proceed and Approval of Terms and Conditions
General Conditions

AUTHORIZATION TO PROCEED AND APPROVAL OF TERMS AND CONDITIONS –

Proposal for Engineering Services
Chestnut Parkway Extension and Access
Indian Trail, N.C.

Barnard Engineering, P.C. Proposal No. 13-02-02C

Signature

Date

Typed/Printed Name and Title*

Company*

* Individual with authority and company responsible for payment for Barnard Engineering, P.C. services.

Barnard Engineering, P.C.

GENERAL CONDITIONS

1.0 BILLING

- 1.1 Invoices will be issued every four weeks, payable upon receipt, unless otherwise agreed.
- 1.2 Interest of 1 ½% per month (but not exceeding the maximum rate allowable by law) will be payable on any amounts not paid within 30 days, payment thereafter to be applied first to accrued interest and then to the principal unpaid amount. Any attorneys' fees or other costs incurred in collecting any delinquent amount shall be paid by the Client.
- 1.3 In the event that the Client requests termination of the work prior to completion of a report, Barnard Engineering, P.C. reserves the right to complete such analyses and records as are necessary to place its files in order and, where considered by it necessary to protect its professional reputation, to complete a report on the work performed to date. A termination charge to cover the cost thereof in an amount not to exceed 30% of all charges incurred up to the date of the stoppage of the work may, at the discretion of Barnard Engineering, P.C., be made.
- 1.4 Direct Bill charges including reproduction, shipping, postage, telephone charges, etc. will be billed in addition to the project fees in accordance with the Schedule of Fees.

2.0 WARRANTY AND LIABILITY


- 2.1 Barnard Engineering, P.C. warrants that its services are performed, within the limits prescribed by its Clients, in a manner consistent with that level of care and skill ordinarily exercised by members of the same profession currently practicing in the same locality under similar conditions. No other warranty or representation, either expressed or implied, is included in its proposals, contracts or reports.
- 2.2 *Barnard Engineering, P.C. has neither created nor contributed to the existence of any hazardous, radioactive, toxic or otherwise dangerous substance or condition at the site, and its compensation hereunder is in no way commensurate with the potential risk of injury or loss that may be caused by exposure to such substances or conditions. Accordingly, notwithstanding any other provision herein, the liability of Barnard Engineering, P.C., its employees, subcontractors and agents for any injury or loss arising from any such pre-existing or client generated dangerous substance or condition at or near the project site, shall not exceed \$1,000.*
- 2.3 Barnard Engineering, P.C., its employees, subcontractors and agents shall not be liable for indirect or consequential damages, including without limitation loss of use and loss of profits.
- 2.4 In addition to the limitations provided in 2.2 and 2.3, and notwithstanding any other provision herein, the liability of Barnard Engineering, P.C., its employees, subcontractors and agents shall be limited to injury or loss to the extent caused by the negligence of Barnard Engineering, P.C., its subcontractors and/or agents hereunder, and the liability of Barnard Engineering, P.C. for injury or loss arising from (1) professional errors or omissions and/or (2) environmental impairment or pollution shall not exceed \$5,000 or our fee, whichever is greater.
- 2.5 The liability of Barnard Engineering, P.C., its employees, subcontractors and agents for any other claim(s) of any kind shall not exceed \$100,000.
- 2.6 Increased liability limits may be negotiated upon the Client's written request, prior to commencement of services and agreements to pay an additional fee.
- 2.7 The Client agrees to indemnify and hold harmless Barnard Engineering, P.C., its employees, subcontractors and agents against and from any claim, liability, attorneys' fees or other defense costs incurred because of (i) injury or loss caused by the actions or omissions of the Client, its employees or its other agents, contractors or subcontractors, or (ii) any third party claim arising from the performance of services hereunder by Barnard Engineering, P.C., its agents or subcontractors, to the extent the liability and costs exceed the relevant amount of Barnard Engineering, P.C.'s liability specified in sections 2.2 through 2.6 above and does not result solely from the negligence or willful misconduct of Barnard Engineering, P.C., its agents or subcontractors.
- 2.8 In the event the Client makes a claim against Barnard Engineering, P.C., at law or otherwise, for any alleged error, omission or other act arising out of the performance of its professional services, and to the extent the Client fails to prove such claim, then the Client shall pay all costs, including attorneys' fees, incurred by Barnard Engineering, P.C. in defending itself against the claim.



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: April 16, 2013

COUNCIL DATE: April 23, 2013

SUBJECT: Capital Project Ordinance for Chestnut Improvements

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.

An amended Capital Ordinance will be provided to Council pending staff review of the change order for Chestnut Park Phase II.

Required actions:

Council Approval of Amended Ordinance

STATE OF NORTH CAROLINA))
TOWN OF INDIAN TRAIL))

RESOLUTION #R

RESOLUTION SUPPORTING LOCAL GOVERNMENT AUTHORITY

Whereas, the State of North Carolina has a rich history and desire for a democratic government that began when the citizens of Mecklenburg drew up the Mecklenburg Declaration of Independence in 1775 and the Mecklenburg Resolves, that provided by-laws and regulations to govern the county, were signed a full year before the American Declaration of Independence was formalized on July 4, 1776;

Whereas, since that time the cities and counties of North Carolina have worked in harmony with the leaders of the state government in North Carolina in order to produce a model that is recognized nationally for its sound governing methods;

Whereas, a pattern of governance in the state over the last 250 years has resulted in a division of responsibilities for the cities, counties and the state of North Carolina systems that has yielded success for the citizens of North Carolina;

Whereas, the function of the state of North Carolina, has primarily been financing education and highways; the function of counties and cities of North Carolina have been the responsibility for services that directly touch citizens such as police and fire protection and water and sewer service;

Whereas, this system of government has resulted in a flexible governmental structure with sound finance principles, and minor areas of duplication;

Whereas, the elected Boards of Matthews, Mint Hill and Indian Trail still adhere to these roles and responsibilities;

Whereas, during the last several years the legislators of the General Assembly, have begun to erode the responsibilities of city and county governments by passing legislation stripping or limiting the authority of local government;

Be it resolved that the governmental unit of Indian Trail is opposed to any measures that would further limit the degradation of the rights of local government as are needed to provide services and protection to their residents and their property.

Adopted this, the 9th day of April 2013

Mayor Michael L. Alvarez

Town Clerk Peggy Piontek



TO: Mayor and Town Council
FROM: Kelly Barnhardt
DATE: April 18, 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 designs and findings at our April 23rd Council Meeting and he will be available for questions after the presentation.

KB