

**Town of Indian Trail**  
**Minutes of Town Council**  
**January 13, 2009**  
**Civic Building**  
**7:00 P.M.**

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Gary D'Onofrio, Jeff Goodall, Shirley Howe, John Hullinger, and Dan Schallenkamp.

Absent Members: Town Manager Ed Humphries, Administrative Assistant Vicky Watts, Senior Planner Katie Reeves, Planning Technician Hillary Pace, Trena Sims, Deputy Town Clerk, Junior Planner Jonathon Edwards, Associate Planner Jason Mann, and Junior Planner Craig Thomas.

Staff Members: Town Attorney Keith Merritt, Town Clerk Peggy Piontek, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Finance Officer Marsha Sutton, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, and Adam McLamb Engineering.

Press/Media: Shirley Bossbach of the County Edge, and Marty Mitchen of the Charlotte Observer.

**CALL MEETING TO ORDER**

Mayor Quinn called the meeting to order.

**PRESENTATIONS**

**Town Survey**

Mr. Friday advised his report would be a short synopsis of his detailed report. He informed Council how he randomly collected the data. He informed Council that he had a 31% return, 308 were returned as bad addresses. He has 95% confidence that the results are within +/- 3% of voters true responses; 25% of businesses with renewed privilege licenses were selected. Of 300 surveys sent only 80 were returned. Mr. Friday provided the statistics for Council.

Conclusions:

Response rate was exceptional

Residents are relatively neutral in perceptions except decisions on development and use

of taxes.

Ambivalent on more deputies or town police but want something.

Split on new projects - usually base on age/length of residence.

Major point of agreement: Improve roads.

Mr. Merritt announced on January 22nd, the Community Leaders Forum will be held at 6:30 pm at the Hartis Grove Baptist Church, where in all probability there will be 3 or more Council Members at that event. It is not anticipated that they will be voting on anything, but we wanted announce that they might be there in order to assure that we comply with the Open Meetings Law.

Mayor Quinn announced this is by invitation primarily to our HOA Boards but feels it would be interesting information to anyone who is interested in listening.

### **ADDITIONS AND DELETIONS**

Shirley Howe made a motion to approve add 6d Resolution in support of Carolina Thread Trail, 7b for Events Committee presentation by the Town clerk, 8e a request for budget adjustment for up fit of the Blythe Building and 9a under new business Council discussion to prepare for joint meeting with County Commissioners on January 27, 2009.

Council voted unanimously in favor of the motion.

Dan Schallenkamp made a motion deleting 7a appointment of MUMPO delegates, 8b discussion of realignment of Council seats, 8c discuss briefing for meeting agendas with earlier Council input and 8d prebrief for Mayor prior to town events.

Mayor Quinn inquired why Mr. Schallenkamp is deleting these items. Mr. Schallenkamp replied there is no supporting documentation in our Council packet regarding these items, advising that he sent Mayor Quinn an email respectfully asking for any information he might have on these items and got no response from the Mayor. Mayor Quinn advised he never received that email. It was determined that Mr. Schallenkamp had used the wrong email address.

Mayor Quinn commented that these are discussion items; no documentation is required for 8b, c or d, which would be consistent to discuss 8a of late hour meetings which had no documentation from Mr. Hullinger and inquired if Mr. Schallenkamp is deleting that as well. Mr. Schallenkamp replied he sent the same email to Mr. Hullinger and he replied in full detail as an outline of what he is going to speak about and all of us were copied on it. Mayor Quinn advised the documentation for 7a (MUMPO Delegate situation) was supplied to Council.

Mr. Schallenkamp called for a vote on his motion.

Motion Passed 4 - 1 with John Hullinger opposing.

Mayor Quinn advised that he would like to comment on item 8a that has been deleted.

Dan Schallenkamp made a motion stick to the agenda that we have before us.

Mayor Quinn said the MUMPO Delegate as of now is the Mayor of Indian Trail. The Resolution that was passed two weeks ago is not going to be recognized. Council Member Howe called for a Point of Order that Mr. Schallenkamp has asked that we stick to the agenda as it now stands.

Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

Dan Schallenkamp made a motion to approve agenda as modified

Motion Passed 4 - 1 with John Hullinger opposing.

### **PUBLIC COMMENTS**

Kathy Broom, 4103 Runaway Circle, Indian Trail, NC discussed the CUD 2005-004 for Mario Andolina that was recently approved by both the Planning Board and the Town Council. Her first concern addressed the comment by a Council member as to how many jobs Mr. Andolina provides in Indian Trail, she feels this was an inappropriate question, as one may think that a decision approval was based upon the fact that Mr. Andolina employs 60 people, which should not be a factor as it could be construed as favoritism. She had concerns that the applicant was not in compliance, as a Planning Board Member and a citizen. The applicant has not been in compliance, she called staff and they issued a stop work order. She requested that staff be directed to have applicant remove all materials and storage bins from this site and the town enforce a fine for every day the applicant has not been in compliance since the day of approval. Mayor Quinn asked Ms. DeHart if this matter is being addressed. Ms. DeHart yes it is an active Code Enforcement Case and we are working with the applicant to keep him in compliance.

### **CONSENT AGENDA**

- a. Tax Report - Month End Tax Report for December 2008.
- b. Resolution for Heavy Equipment gross receipts tax in lieu of property tax (**Copy attached hereto and made a part of these minutes.**)
- c. Approval of minutes for September 23, 30, November 12 & 25, and December 9, 2008.
- d. Resolution in support of Carolina Thread Trail (**Copy attached hereto and made a part of these minutes.**)

*This item was added as a result of a motion made in item 3.*

Ms. Howe made a correction on September 30th minutes, page 1, 4 lines up from the bottom should read 2.25 acres, not 20,072.25 acres.

Dan Schallenkamp made a motion to approve consent agenda, 6a, 6b, 6c (with correction), and added item 6d Resolution in Support of the Carolina Thread Trail.

Council voted unanimously in favor of the motion.

**OLD BUSINESS**

a. Appointment of MUMPO *Delegates*

*This item was deleted as a result of a motion made in item 3*

b. Events Committee

Town Clerk, Peggy Piontek presented to Council the history of the discussion about creating this committee, advising them they had originally suggested it be a member of 9. She informed them that with the organizations and staff involved, there are 2 openings for citizen involvement and we have received 6 applications. She requested Council consider increasing the size of the committee to 13 in order to accommodate all 6 applicants. Council was in favor of expanding the committee.

There was general discussion pertaining to this subject, topics included: take all volunteers, ability to create subcommittees for several different events and tasks, making all volunteers regular members and not have alternates.

Dan Schallenkamp made a motion to approve expanding the Events Committee to 13 members and to approve the persons whose applications have been submitted to the town, plus a representative of the Historical Society.

Council voted unanimously in favor of the motion.

**DISCUSSION & POSSIBLE ACTION**

a. Address the issue of the late hour meetings and discuss a soft and hard cut off time

Mr. Hullinger presented that the late night meetings are a conflict. He suggested possibilities such as each presenter provide the time needed for their item, soft cut off time of 10:00 pm where any business that does not absolutely have to be handled in that meeting, table it and hard cut off time of 11:00 pm where all discussions are ended and so is the meeting. Council needs to stay on topic, allow the people talking to have the floor without interruption, email questions in advance to staff ahead of time so the answers can be given prior to the meeting, be prepared to pull your own items should the meeting go late. He opened this up for discussion amongst Council.

Mr. D'Onofrio thanked Mr. Hullinger and asked for staff comments: Ms. Dehart replied that Planning would support putting the time needed for an item on the agenda and their willingness to table it if it's running past that time. All Department Heads agreed with Ms. DeHart.

Ms. Howe suggested adjusting the agenda if the meeting is running late and we have matters that have been advertised and it appears we might not get to them, to move them up on the agenda.

Mayor suggested reports in the beginning of the meeting.  
Ms. DeHart advised they are the easy part of the meeting.

Mr. Schallenkamp suggested that every Council Member should get an opportunity to speak, so if one has already spoken on a matter they need to hold any other comments until all have spoken at least once. Suggesting that Mayor Quinn insure that anyone who desires to speak does so before acknowledging a Council Member for the second time, if there is a third request perhaps that not be granted 100% of the time.

Mr. Goodall agreed with Mr. Hullinger and expressed his appreciation for his bringing it back up. He believes the soft and hard cut off time is a good idea. He believes we need better facilitation. All Council Members should get an opportunity to at least speak once before anyone speaks a second time in order to listen and get everyone's opinion before going back to the first individual.

Mr. Merritt advised that any member can make a motion to call the vote if you feel the debate has gone on long enough.

Mr. Schallenkamp read rule number 16 from their Rules of Procedure: "the maker of the motion is entitled to speak first....."  
General conversation pursued in connection with this matter with the suggestion that these rules should be reviewed and revised at an upcoming meeting.

Jeff Goodall made a motion to approve adding approximate times on the agenda for the item, pick a 10:00 pm soft cut off time and 11:00 pm hard cut off time.

Ms. Howe asked Mr. Merritt if the debate time is strictly for the five Council Members if the Mayor would like to join in he needs to ask permission from the Council and if he is in a debate he will have to pass the gavel. Mr. Merritt read rule 9 from the Rules of Procedure which pertained to Ms. Howe's questions. Conversation continued amongst all Council Members and Mr. Merritt.

Ms. Howe inquired if closed session is included. Mr. Hullinger suggested it be included which is why he suggested a soft cut off time.

Mr. Goodall referred to Ms. Howe's comment on who participates in the debate. He feels the Mayor should not debate unless he is voting on the matter. Mayor Quinn inquired if Council has any objection to his asking a question about the subject matter at hand. Mr. Merritt advised that the Rules of Procedure as adopted, Rule 9 which addresses when the presiding officer is in active debate is not clear. Mr. Goodall advised that he is a facilitator and has no vote. Mayor Quinn feels it would be a travesty for the citizens of

our town that an elected official wouldn't be able to represent the citizens in a free country.

There was a lengthy discussion about the Rules of Procedure and the procedures for changing them.

Mr. Goodall withdrew his motion

Mr. Hullinger requested that if there is time at the January 27th meeting if we could add the Rules of procedure, if not to have it on the February 10th meeting.

b. Discuss realignment of Council Seats

*This item was removed as a result of a motion made in item 3*

c. Discuss briefing for meeting agendas with earlier Council input

*This item was removed as a result of a motion made in item 3*

d. Prebrief for Mayor prior to town events

*This item was removed as a result of a motion made in item 3*

e. Blythe Building Up fit

Ms. DeHart presented to Council the reasons why the budget amendment needs to be increased, topics included: computer upgrading (server 3600), safety improvements lighting in back, security locks on back doors with key punch entry, up fitted the front doors to glass (\$3200). With all the proposed changes staff is respectfully requesting \$10,400

Ms. Howe inquired about the \$3,400 increase. Did the Town Manager sit down with our IT company to discuss what the up fits required would be.

Ms. DeHart recommended that we invite Vitaliy to give Council an update on the computer system.

Mr. D'Onofrio advised that he is having problems with his lap top. Why we didn't discuss the need for a server, why the conference table is too large. He is dismayed over the items that seem to have been forgotten.

Mr. Schallenkamp advised the answer is right here this is a 6 year old server that staff is having problems whether they are here or there. The fact that we've had this server for six years is a testament towards saving money.

Ms. DeHart advised that the additional funds were for the \$7,000.00 for computers, glass doors were not anticipated, and a two way window was added so the Code Enforcement officers could see the women at the desk.

Dan Schallenkamp made a motion \$7,000 for the Blythe Building up fit.

Motion Passed 3 - 2 with Gary D'Onofrio, and Jeff Goodall opposing.

## **NEW BUSINESS**

None at this time

## **MANAGERS REPORT**

### **9a**

Ms. Howe read the items on the letter from the County Commissioners. She suggested that we get some input from Ms. DeHart on ideas to present to the Commissioners for Economic Development.

Ms. DeHart suggested we make attempts to secure water and sewer in exchange for some contractual secured allocation in the future. Also seeking other ways to seek funds for transportation, perhaps a sales tax.

Mayor Quinn advised that he has been in touch with Mr. Oppenshaw. Mr. Oppenshaw and the Mayor will be working on the agenda in the next week. He suggests items that Council would like to have brought up to email him and he will ask to have those items on the agenda. He wants to put the Public Safety issue on the agenda. They are anticipating us bringing that up

Ms. Howe advised this is a one time shot and expressed that Public safety would take longer than 45 minutes.

Ms. Howe confirmed that this is a discussion amongst Boards and no input from the public is required.

Mayor Quinn suggested we discuss things they can actually do things about. He has Sgt. Coble getting figures and inquired if Council has any issue with him presenting to County Commissioners.

Mr. Hullinger suggested that the meeting not solely concentrate on that subject.

Mr. Goodall suggested we address the four items they requested as succinctly as possible and move on. He wanted to make it a point of record that Highway 74 is not just an Indian Trail road; it goes through many other towns.

Mr. Schallenkamp suggested sketching out exactly what we are going to speak to them about. He suggested water & sewer to be under Economic Development, Roads our #1 item, which should be led with County tax dollars funding a County staff member to be responsible for coordinating county wide roads. #2 Satellite Sheriff's Office, He feels Council should see the numbers Sgt. Coble is preparing. The County has a trash drop off point on Wesley Chapel which abuts Sun Valley High

School and it has no landscaping around it, he feels that should be done. There is not an acre of County Park anywhere there is population.

Mr. D'Onofrio advised using the survey as a road map. Parks and Greenways is a suggestion of his as well. We've made steps as a town to give the residents a park.

Mr. Goodall agreed with Mr. Schallenkamp, advising a County staff member for roads is a good idea.

Ms. Howe requested the Mayor stop asking for donations until we find out what the Sheriff's Department is contributing.

Mayor Quinn advised the letter would be a follow up thanking for the conversation with the Mayor and we'll be back in touch once we determine what our needs will be. He was envisioning a letter with more details as to exactly what we will need.

Mayor Quinn advised he is contacting companies that we're looking to have a Sheriff's office in Indian Trail. He's telling them there are three components, one is the up fitting costs, the second is the inventory costs which is the outfitting of the office for equipment including a fiber optic lines, the third component is the ongoing costs, rent heat, maintaining that line. What he's telling the folks is the two areas we're hoping to get corporate sponsorship for is either the up fitting costs or the outfitting of the office for equipment.

The Town Manager is to create a letter thanking them for their offer and we will get in touch when we have more details.

Mr. Schallenkamp advised his work has merit, but it's the cart in front of the horse. He would strongly suggest that you don't make any new phone calls, keep relations going with the ones he's already spoken to. Until Council directs him to make calls he would prefer they not be made. He is concerned how we pick and choose which businesses we solicit, suggesting putting an ad in the paper.

Mayor Quinn agreed. He feels there are folks who would like to participate. He's contacted Sue Myricks office and received encouragement from them. There's a developer possibly offering store fronts

Mr. Schallenkamp advised we have not decided whether we are going forward or not. Perhaps we shouldn't bring it up at all.

Ms. Howe reiterated she appreciates his enthusiasm, but he did not get Council's approval. Making the comment that she does not want the sheriff's office was totally uncalled for.

Mr. D'Onofrio agreed with Mr. Schallenkamp and what is the perception of the individuals who didn't participate will they not get the same protection for not

participating. He also expressed concern over the perception of business owners feeling this is a service already covered in their taxes.

Mayor Quinn said that's fine, if you want to do it, I'd love to see how you're going to get it done. We could raise taxes to fifty-one cents and start our own police department next month, go for it.

Mr. Schallenkamp, in an effort to bring things back on track, suggested each Council Member should take one of the items on the listed in the letter, speak for eight minutes.

Prioritizing top three issues for Indian Trail: roads/intersections #1 Council agreed.

Satellite Sheriff's Office #2 Council agreed.

Parks #3 Council agreed.

Economic Development (including water & sewer) #4 Council agreed.

Mr. Schallenkamp advised he will discuss County staff member to organize our road issues. He suggested Mr. Hullinger discuss satellite Sheriffs Office, Mr. Goodall will discuss Economic Development, Ms. Howe will discuss roads and intersections and Mr. D'Onofrio will discuss Parks.

### **PLANNING REPORT**

Ms. DeHart advised she will just join in with the Engineering Report.

### **ENGINEERS REPORT**

Mr. Kaufhold presented a report for a second access road for the Blythe Building. He explained the proposal and provided a map with three alternatives and pictures for Council. A driveway is an alternative but you can't use Powell Bill Funds and must come up with another funding source.

Conversation continued topics included: Farmers Market location, gazebo, driveways, impacts on the community, Powell Bill schedules and approximate amount in the fund, cost of right of way and asphalt, safer environment for staff, amount of visits to the Planning Department per day.

Mr. D'Onofrio inquired how many staff will be in that building. Mr. Kaufhold advised that it'll be approximately 18. Mr. D'Onofrio advised that he is not in favor of this, using the survey he would rather see the Powell Bill Funds used on a more visible road, not just for staff. When the building was purchased the Citizens for Progress inquired if a traffic study had been done.

Dan Schallenkamp made a motion to approve Mr. Kaufhold take this to the Transportation Committee for discussion and recommendation.

Motion Passed 3 - 2 with Gary D'Onofrio, and John Hullinger opposing.

## COUNCIL COMMENTS

Mr. D'Onofrio inquired if we had money for a sign for town hall.

Ms. DeHart advised yes we had \$30,000 for the sign.

The survey stated that the citizens don't know about the events and he feels that is important.

Ms. DeHart advised that the Town Manager has not given us authorization to pursue that.

Ms. Howe commented on the grand opening of Carolina Courts, thanked the Planning staff for manning the tables, she believes it's a beautiful building.

She would like some workshops scheduled on the Town Hall.

Go Steelers.

Mr. Hullinger inquired when the newsletter will go out. Ms. DeHart advised that it's planned to go out the end of January beginning of February

Mr. Goodall commented that the Branding should be installed. He inquired about the new website. Ms. Piontek advised Mr. Fawcett feels it will go live around the end of January beginning of February.

He commented on the sports recreation

He discussed Crossing Paths as an event.

He feels we're on the right track for the meetings. He's concerned about the Mayor going to Representative Myrick about Indian Trail issues without discussing it with Council. He appreciates his passion about the Satellite Sheriff's office and feels much of what the Mayor is doing sounds like a Town Managers role. We pay him a nice salary and he's confident Mr. Humphries would be willing to perform any tasks the Council asks him to. He has some concerns about the legal aspects of the process the Mayor has been doing.

Mr. Schallenkamp apologized for his mistake on the email to Mayor Quinn. He doesn't recall getting a bounced email back and apologized for his statement that Mayor Quinn did not reply to his emails is regrettable. The action he will take will be to discuss with our Computer systems expert to see why he didn't get a bounced email back.

Mayor Quinn advised his passion is not for a sheriff's office it's for the people of Indian Trail to get what they need. He accepted Mr. Schallenkamp's apology and hopes it will prevent him from stifling matters he feels should be discussed in open session.

He addressed the problems in Stallings with their Council having problems with their Mayor's representation and their attempt to try and get her off the Board. They did not want her to serve. Mayor Quinn played a recording from a Council meeting in Stallings where a Council Member stated it was his understanding that Ms. Howe said that the Mayor of Indian Trail did not appoint the delegate to MUMPO, the Board did. Mayor Quinn recited the rules of MUMPO. Mayor Quinn then played a conversation he recorded of Mr. Schallenkamp as he was driving, explaining why he brought forth the Resolution stating who our MUMPO delegates are going forward for 2009. He said he

would like to ask Mr. Hullinger to be the representative and Mr. Goodall as the alternate. Mayor Quinn played a recording of the meeting when Mr. Schallenkamp made a motion to adopt the Resolution stating who our MUMPO delegates will be for 2009, after confirming with them that they agreed. Mayor Quinn commented that was in direct opposition to MUMPO rules and that a Resolution is the action of the Town Council, not the Mayor. Mayor Quinn played another recording of the same Indian Trail Town Council meeting where Mr. Schallenkamp explains that a document like this will help clarify who our representative is and confirm they have no uncertainties. Mayor Quinn said unless Mr. Schallenkamp is looking to subvert the rules of the organization, this should not be a concern. He quoted a letter from the Stallings attorney which states that they Mayor or a Council Member he/she chooses will be the delegate. He contacted David Lawrence at the School of Government and he agreed with the attorney. He inquired why was this an issue. He has no problem endorsing/appointing the individuals on our Council who want to serve in MUMPO. It brings up an issue that he does not believe anyone should serve on MUMPO if they don't agree with the MUMPO rules. He will not sign the Resolution as it is in direct violation. He has been advised he is the MUMPO delegate until such time as an appointment is made, which unfortunately doesn't involve you and you don't like the idea, I get to make.

Ms. Howe said that Mr. Graham (Stallings Council Member recorded by Mayor) stated "it was his understanding". She advised Council that the actual reference Mr. Graham was discussing was our previous Mayor. This was not her statement it was made by somebody else. Ms. Howe read a statement that stated Mayor Quinn was never at a MUMPO meeting so it would make no sense that she would say that. It appeared logical for the Council to appoint Mr. Schallenkamp to MUMPO as he was the Chairman of the Transportation Committee. Any time she is questioned about a procedure for our town she will always answer to the best of her ability. She feels this whole thing has been blown out of proportion and she takes offense to the comments of Mayor Quinn that pertained to her and Mr. Schallenkamp. The Council runs the show here and the Mayor is the facilitator, if you would stop getting into these arguments and challenge everything that everyone says and interrupting everyone when they're talking she believes the meeting will run very smooth if everyone understands their position.

Mr. Schallenkamp advised Mayor Quinn he's entitled to his opinions, but a couple of times you have spoken and in email you have put words in my mouth that I did not say. You made assertions that I am unsupportive of MUMPO, of their processes, something to the effect I want to subvert the MUMPO process. These are your assertions they are not my statements, do not reflect my views. I've asked you before if you wanted to serve on MUMPO and if you had any objection to Mr. Hullinger and Mr. Goodall. Your response was no, and I believe you said to me that you didn't have an interest in it. In my opinion you're making a mountain out of a mole hill. At most you're disagreeing to the mechanism by which you as the Mayor appoints somebody with your refusal to sign a Resolution that was voted unanimously on by Council is an interesting separate issue. You do not have veto power. Again do not put words in my mouth and do not attempt to know what I am thinking. If you say it into that microphone, someone might actually believe it.

Mayor Quinn clarified the following:

Ms. Howe I mentioned this situation to you that Mr. Graham believes you had no confidence in the Mayor, you said you would listen to it and he asked her to get back to him and you never did.

Mr. Schallenkamp, you and I did have the conversation you alluded to asking me if I wanted to be a MUMPO rep. You did not tell me at that time you were going to step down, but you challenged me as to why I believe the Mayor is supposed to be the MUMPO delegate. He said the stated reasons for bringing the resolution was two things: 1) The Mayor of Stallings had the ability to appoint delegates to her town; what does that have to do with Indian Trail other than I'm a Mayor and I also have that right by the way. 2) That MUMPO might ask us to verify that the delegates were actually appointed by the Mayor. Why would that be a concern? They had the conversation, it wasn't an issue, he sent an email out stating he'll go along with whatever the Council wants, it's fine with him, but send a letter off I'll sign it we're done. You choose to bring it with something that is irrelevant, that resolution is not recognized by the MUMPO organization.

**CLOSED SESSION**

*There were no matters to discuss*

**ADJOURN**

Gary D'Onofrio made a motion to adjourn

Council voted unanimously in favor of the motion.

APPROVED:

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John J. Quinn, Mayor

Attest:

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Peggy Piontek, Town Clerk