



**Town of Indian Trail**  
**Minutes of Regular Council Mtg.**  
**May 26, 2009**  
**Civic Building**  
**6:00 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.

Staff Members: Interim Town Manager Peggy Piontek, Planning Director Shelley DeHart, Town Engineer Scott Kaufhold, Finance Officer Marsha Sutton, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, Senior Planner Katie Reeves, Trena Sims Interim Town Clerk, and Adam McLamb Engineering.

Press: Marty Minchin of the Charlotte Observer

**CALL MEETING TO ORDER**

Mayor Quinn called the meeting to order

**PRESENTATIONS**

State of Hemby Bridge Fire Department - Chief Johnny Blythe

Chief Johnny Blythe presented information regarding Hemby Bridge Fire Department. He explained the services they provide and how the VFD's are managed and a brief history of their department. Hemby Bridge is a fire tax district which was voted in by the people. The fire tax rate is set by and fees are collected by Union County.

The fire tax rate continues to climb due to the revenues going down because of medicare/medicaid and hold harmless sales tax. Also some of their funds go to other fire fee districts that can't meet their budgets. If a proposed bill passes, then in June 2010 there will no longer be a fire fee system for Union County and some adjustments will need to be made by the county government. Chief Blythe pointed out their long range budget which was included in the council packet.

Chief Blythe and Council discussed the financial situation of the fire department and the level of service. The Council would like for the fire departments to address our Public Safety Committee.

Dan Schallenkamp made a motion instruct the Town Manager to work with Chief Blythe and include other fire departments and the Public Safety Committee to get together to discuss the issues affecting Indian Trail.

Council voted unanimously in favor of the motion.

### **PRESENTATIONS**

#### **US Census Bureau - Susan Suarez Webster**

Ms. Suarez Webster presented the information on the upcoming 2010 census. She explained how the process would start with a questionnaire mailed out to each household. She also explained the importance of an accurate census as money is distributed on an annual basis based on the census data. She would like to partner with the Town to get the information in front of as many people as possible. Nationally only 67% of the questionnaires are returned; with a better response there is less follow up time needed. After a brief discussion of how the town can partner with the census bureau the following motion was made.

Dan Schallenkamp made a motion enter into 2010 census partnership agreement form and cooperate in all matters deemed appropriate by the Town Manager. Council voted unanimously in favor of the motion. **(Copy attached hereto and made a part of the minutes.)**

### **ADDITIONS AND DELETIONS**

Dan Schallenkamp made a motion pull 8b Land Development Standards from the agenda until June 9th.

Council voted unanimously in favor of the motion.

Shirley Howe made a motion add discussion of use of recording devices in closed session as 7a. Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

Dan Schallenkamp made a motion approve agenda. Council voted unanimously in favor of the motion.

### **CONSENT AGENDA**

- a. Contract w/Interim Town Manager (**COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES**)
- b. Contingent Acting Town Manager (**COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES**)
- c. Addition of Vivian Lane for Town Maintenance (**COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES**)

Dan Schallenkamp made a motion to approve Consent Agenda.  
Council voted unanimously in favor of the motion.

**OLD BUSINESS**

**ABC Store Referendum for November 2009 Municipal Election**

Councilmember Goodall stated that this matter was postponed from the last meeting to enable others to do more research.

Jeff Goodall made a motion in accordance with NCGS 18b-600 (d) & (e), 18b-601(c) & (d) and 18b 602 (g) & (h) the Town of Indian Trail provide the proper written request in the form of a resolution to be drafted in accordance with state statues by the Town Attorney specifying its intent to the Union County Board of Elections to be received by the UCBOE no later than July 2009 deadline to add the following item to the Town of Indian Trail ballots for the November 3, 2009 municipal elections per NCGS 18B-600(d) and 18B-602(g) ABC Store Election to permit the operation of ABC stores (a)for or (b) against.

Mr. Merritt stated that a pre-chosen board selection for an ABC store is not a prerequisite for the potential vote. The motion for a referendum for mixed drinks must include the verbiage concerning the ABC store; although an ABC store does not need to be operated by the Town approval is needed for it.

Councilmember Schallenkamp questioned if it was Council's intent to approve the creation of an ABC store within the town limits, then how would it be funded?

Councilmember Goodall stated that his motion was for the referendum for an ABC store to give the citizens a vote, the issue of whether or not to have a store can be discussed after the outcome of the election.

Councilmember Howe stated that in her conversations with the ABC director in Raleigh, she learned that if the ABC store passes, the Council will delegate a three person board; the board would then go to ABC for help or to a bank; the ABC backs this. There is no tax money needed to build or rent a facility at this point.

Motion Passed 4 - 1 with Dan Schallenkamp opposing. (**COPY ATTACHED HERETO AND MADE A PART OF THESE MINUTES**)

**DISCUSSION & POSSIBLE ACTION**

## **Use of Recording Devices During Closed Session**

Shirley Howe made a motion to direct the Town Attorney to draw up a resolution to be presented at the next meeting regarding no recording devices in closed session except for devices used by the clerk.

Mayor Quinn asked if there was any statute regarding this issue. Mr. Merritt is not aware of one at this time, but books published on open meetings laws specifically have statements that any recording device other than the clerk's not be allowed. A resolution prohibiting other recording devices in closed session is within Council authority.

Mayor Quinn addressed the availability of closed session recordings; as he was recently denied access. Mr. Merritt, in conversations with David Lawrence, relayed that the closed session minutes belong to the Council as a whole and can only be heard or disclosed by the board as a whole. An individual council member does not technically have the right to those closed session recordings; they can be brought before the board as a whole to be listened to or the Council can authorize individual board members to listen at their discretion.

Mayor Quinn asked what the statutes say in regards to releasing closed session minutes. Mr. Merritt replied that he did not know off hand, but there are some of these minutes that may never be released such as for personnel reasons, but some may be released at Council directive for those provisions where the subject matter is not subject to confidentiality and once the matter in the minutes has been resolved; but he will look to see if there is a specific provision that deals with that.

Councilmember Hullinger suggested that releasing of the closed minutes be put on the agenda for another meeting.  
Council voted unanimously in favor of the motion.

## **NEW BUSINESS**

### **2009-2010 Budget (Public Hearing)**

Mayor Quinn opened up to comments for the public hearing on the budget.

Charles Parker had signed up to speak, but he is no longer in the audience.

Roger Fish, 11001 Magna Lane, is unable to attend tonight, but Mayor Quinn will read his prepared statements. He feels staff should be recognized for the excellent work in developing the budget for 2009-2010. He suggested several ways for the Town to get out the information on the budget to the citizens so they may have a better chance to review the budget before the public hearing.

Mayor Quinn closed the public comments portion of public hearing.

Council members made comments in regards Mr. Fish's comments. There was also discussion of the employee COLA possible increases.

Dan Schallenkamp made a motion if council approves a COLA for employees that those receiving one time salary adjustment not be excluded.

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

Each council member commented on their agreement or disagreement on items in the budget and their appreciation to all those involved in the process.

Jeff Goodall made a motion to approve 2009 -2010 budget as presented with the inclusion of 3% to all employees and keep tax rate at 14.5 cents.

Additional comments were made by council members concerning the budget.

Mayor Quinn requested that a letter be written to the Sheriff from the Council requesting that Sgt. Coble perhaps be promoted to Lieutenant Coble. Councilmember D'Onofrio stated that this could be discussed with Sgt. Coble.

Motion Passed 3 - 2 with John Hullinger, and Dan Schallenkamp opposing. **(COPY OF THE 2009-2010 BUDGET WILL BE ON FILE IN THE FINANCE DEPARTMENT.)**

#### **Land Development Standards**

*This matter was tabled until the June 9, 2009 Council meeting by earlier motion.*

#### **MANAGERS REPORT**

Ms. Piontek briefed Council concerning board applicant interviews. The applicants received thus far are current members who are reapplying. Council can choose not interview those reapplying. After a brief discussion, it was decided to interview the three applicants starting at 6:00 pm right before the June 9th regular Town Council meeting. She reminded Council to bring in their laptops for updating and of the Employee Appreciation luncheon to be held on June 3rd, if they can attend.

Ms. Piontek informed Council that she has received letter from Union County Chamber requesting that we send a letter in support of the Bob Mayberry dealership the Chrysler Corp. After discussion the following motion was made.

Dan Schallenkamp made a motion instruct Town Manager to send letter in support of Bob Mayberry.

Motion Failed 3 - 2 with Gary D'Onofrio, Jeff Goodall, and Shirley Howe opposing.

#### **PLANNING REPORT**

Katie Reeves gave the planning report tonight; she updated Council on the progress of the Farmers Market

## **ENGINEERS REPORT**

Mr. Kaufhold informed Council of the transportation planning efforts over the next five years.

The fiscal year of 2009-2010 Federal Aid projects are: (a) Indian Trail Rd and the Chestnut Connector; (b) Indian Trail Rd/Old Monroe Rd Intersection - provide interim improvements such as add/extend turn lanes, optimize signal timing; (c) Faith Church Rd/Unionville Indian Trail Rd. Intersection - add turn lanes and traffic signal; and (d) Unionville Indian trail Rd/Sardis Church Rd sidewalk and Rogers Rd sidewalk (total 4 miles). The Town Funded Intersection Ranking Project is being worked on and involves collection daily traffic volumes at various locations on 12 major streets. Will recommend both interim low-cost improvements and long term solutions. There are also plans to implement the adopted Pedestrian Master Plan to construct sidewalks.

Last week the NC Division of Water Quality conducted an audit of the Town's stormwater utility last week and there were no violations or compliance issues.

## **COUNCIL COMMENTS**

Mayor Quinn commented on a recent article in a local newspaper. He was voted into office and will be an advocate for taxpayers and he feels it is his right and obligation to speak up when he feels their needs are not being served. Council was elected to serve the public and all citizens have a right to be heard. He regrets getting involved in the recent name calling and will try to remain focused on people's needs in the future. Dissenting viewpoints should be respected. He feels there is a current indifference in Town Hall to citizen concerns about how they want their tax dollars to be spent. The recent citizen survey conducted has expressed a need of better roads, solving traffic issues, better presence and visibility of law enforcement and new parks.

Councilmember D'Onofrio referenced a recent article in the paper regarding the By-Pass. It referenced how if Option 18 were chosen it would put a proposed sports facility in Matthews in jeopardy; but it didn't mention that by choosing Option 2-A, the existing sports facility in Indian Trail would also be in jeopardy. He feels this is a double standard.

Councilmember Schallenkamp requested to find out what fees are associated with the agencies that will be interviewing and find out what their fees are and e-mail this information to Council and let them be informed before the interview process. He commented on Mayor Quinn's statements.

Councilmember Howe briefed Council about the recent by-pass meeting she attended. She recently went to a celebration at Porter Ridge High School for Jessica Gardner having been chosen as North Carolina Teacher of the Year and will be competing for the national title.

Councilmember Goodall thanked staff for the smooth budget process and complimented Council; it's encouraging to move forward. He commented on his dissatisfaction on the recent by-pass decision.

Councilmember Hullinger had no comments.

**CLOSED SESSION - PERSONNEL NCGS143311-a5 &a6**

Dan Schallenkamp made a motion enter into closed session pursuant to NCGS 143-318.11(a)(5) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee and NCGS 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee.  
Council voted unanimously in favor of the motion.

Shirley Howe made a motion enter into open session.  
Council voted unanimously in favor of the motion.

Mayor Quinn stated that Council did not hold discussion under NCGS 143-318.11(a)(6) to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee during the Closed Session.

Dan Schallenkamp made a motion clarify there were discussions under NCGS 143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body during Closed Session.  
Council voted unanimously in favor of the motion.

**ADJOURN**

Jeff Goodall made a motion adjourn.  
Council voted unanimously in favor of the motion.

APPROVED:

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John J. Quinn, Mayor

Attest:

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Trena Sims, Interim Town Clerk