



**Town of Indian Trail**  
**Minutes of Town Council**  
**November 23, 2010**  
**Civic Building**  
**6:00 P.M.**

The following members of the governing body were present:

Mayor: John J. Quinn

Council Members: Robert Allen, Gary D'Onofrio, Jeffrey Goodall, John Hullinger, and Darlene Luther.

Staff Members: Town Manager Joe Fivas, Town Attorney Keith Merritt, Town Clerk Peggy Piontek, Finance Director Marsha Sutton, Town Engineer Scott Kaufhold, Tax Collector Janice Cook, Assistant to Town Manager Miriam Lowery, and Senior Planner Katie Reeves.

Press/Media: Marty Mitchen of the Charlotte Observer, and Jason deBruyn of the Enquirer Journal.

**CALL MEETING TO ORDER**

Mayor Quinn called the meeting to order.

**PRESENTATIONS**

a. Lions Club

Mr. Fivas introduced Robin McGrath and the rest of the Lions Club Representatives.

Robin McGrath, John Hemby and Ira Bostic represented the Lions Club. Ms. McGrath explained that the Club has been serving the community for 40 years, explaining that they try to enrich the lives of the visually impaired by sponsoring events for them. The Lions Club tries to do their best to meet the needs of the community. The

Representatives, on behalf of the Lions Club donated \$10,000 towards the playground at Crossing Paths Park which will fondly named Lion's Den.

Mayor Quinn announced that Town Hall would be closed for Thanksgiving, the Christmas Parade and the Christmas Tree Lighting.

Mr. Fivas thanked the Lions Club for their generosity and explained the financial donation is very important, but above all we are privileged to have the Lions Club as a part of the legacy and the park to show we are united in working towards a great cause for children, families and all Indian Trail residents.

Jeff Goodall thanked the Lions Club for their generous donation and expressed gratitude on behalf of the citizens for what the Lions Club does every day for the community as well as their support for this great new park.

### **ADDITIONS AND DELETIONS**

Darlene Luther made a motion to approve adding as item 8d MUMPO meeting update from Mayor Quinn. Council voted unanimously in favor of the motion.

### **MOTION TO APPROVE AGENDA**

Gary D'Onofrio made a motion to approve the agenda. Council voted unanimously in favor of the motion.

### **PUBLIC COMMENTS**

Larry Vickory, 1400 Chestnut Lane, Indian Trail wanted to discuss sewer and water. He advised that several pieces of his property are affected by not having water and sewer. He feels that we must work together to get water and sewer allocation for everyone's benefit. He expressed concern that the local businesses and restaurants are suffering because there are no construction workers around to eat and purchase items from these establishments. He informed the Council that it's extremely important for small developers and thanked them for having it as part of their meeting.

Shirley Howe, 6205 Clearwater Drive, Indian Trail, NC expressed her concern over a recent negative article in the Sunday paper. She feels that every approach this Council has made to move forward, advising they have done a great job, is shot down by negative articles like this one, time after time after time. She pointed out that a resolution was passed by the previous Council that if a member of the Board puts an article in the paper it must be stated that it is their opinion only and not that of the Council of Indian Trail, advising this must be enforced, as it has the appearance of this being represented by the entire Council. Ms. Howe stated that she wished we could move forward and bury most of this stuff but it seems impossible. She told Mayor Quinn to imagine if all this negativity were turned into a positive approach it would be great.

## **CONSENT AGENDA**

### a. November 9, 2010 minutes

Gary D'Onofrio made a motion to approve the Consent Agenda.  
Council voted unanimously in favor of the motion.

## **BUSINESS ITEMS**

### a. Bank Services Recommendation

Mr. Fivas provided the history of why this is before the Council. Staff is continually trying to ensure that we are getting the best services at the lowest cost. He advised this was a difficult task, explained the process and thanked Marsha Sutton, Jennifer Smith and Ruth Roberts for their hard work, along with other staff members who assisted. He advised that staff recommends that BB&T to provide us with core banking services.

Jeffrey Goodall made a motion to approve the recommendation of the Town Manager and staff for BB&T to provide our banking services.  
Council voted unanimously in favor of the motion.

### b. Business fee moratorium extension

Mr. Goodall provided the history and purpose of this matter, explaining this matter was originally approved in January and will expire in January 2011. He recommends renewing it and put out for discussion on whether it should be renewed for a year or indefinitely. It is his opinion that this might be able to assist new company in its success. He proposed to extend this fee exemption moratorium on all of our business fees for new businesses until January 1, 2012.

Mr. D'Onofrio advised he would agree to extend for an additional year to encourage some of the positive momentum we have with businesses of the area, it sets us apart. There are still a lot of people hurting out there.

Mr. Fivas provided Council with information of how this affected the Town. The amount of charges waived was: Privilege License \$7,205.00, Planning \$12,309.00 and Engineering was \$3,500.00 totaling \$23,014.00. Although it's difficult to do any type of analysis during a recession, since it started 218 new businesses came in since the program started, in the prior year we had 223. Mr. Fivas advised that it is easier to evaluate the loss of revenue and other nuances closer to the budget discussions and suggested that the expiration date should concur with our fiscal year end, so we can discuss what we want to do as far as business incentives. Council had a lengthy discussion about the positive and negative results of this matter and the length of time this might be extended to.

Darlene Luther made a motion to approve to adopt the Business Fee Moratorium resolution extending the date to June 30, 2012.

Motion Passed 4 - 1 with John Hullinger opposing.

c. Meeting time schedule

Mr. Goodall opened for discussion the suggestion of consistency with both month meetings. He proposed Council consider changing both meetings to 6:30 pm.

Jeffrey Goodall made a motion to approve all Council meetings to start at 6:30 pm, effective January 1, 2011.

Mr. Fivas clarified that Mr. Goodall was referring to Council's regularly scheduled meetings; Mr. Goodall confirmed he was correct.

Council voted unanimously in favor of the motion.

Council took and returned from a short break.

**DISCUSSION ITEMS**

a. Discussion of Sewer and Water allocation

Ed Goscicki provided an overview of the water and sewer issues facing the county. Mr. Goscicki explained where our water originates, Federal guidelines that must be adhered to, negotiations that are in the process to increase our supply, the projected rate of growth, options that are being considered for the Eastern and Western part of the County, alternatives and projected schedules. He summarized what is being done to resolve the water issues:

Water Priorities in 2010 to provide greater certainty for long-term solutions: Finalize water allocation policy parameters, approved concept plan for eastern water supply, moving forward aggressively with eastern water supply, start integrated water and wastewater master plan, maintain schedule of the CRWTP expansion project, completed contract negotiations with Anson County, begin construction of short-term Anson capacity increase.

Mr. Goscicki the addressed the County's challenges pertaining to wastewater by explaining the four major drainage areas, current needs and shortages and projected needs for anticipated growth. Waste Water priorities in 2010 to provide greater certainty for long term solutions are: proceed with the permitting and conceptual design for a possible 12 Mile Creek waste water treatment plant expansion, continue negotiations with the City of Monroe for additional wastewater treatment plant capacity, resolve the best solutions for meeting long term wastewater service needs in crooked creek basin.

Mr. Goscicki provided Council with a list of every Indian Trail water and sewer project out there (678,000 sewer gallons) and feels that many of these projects will not be forthcoming, leaving significant unutilized water and sew capacity in Indian Trail. Mr. Goscicki acknowledges that there are a number of good projects that can not be accommodated because of capacity already allocated. They have reviewed the list of projects with commitments and audited it realizing that a number of them have fallen off the list because of criteria built-in that they are now unable to meet. With the projects that will fall off the list and having better utilization of the CMUD contract, they estimate freeing up, in addition to everything on their allocation list and those that they

were unable to allocate to but will now, additional 270,000 gallons of sewer capacity they will be able to allocate. This is a short term approach that will take care of the new projects that the Board of County Commissioners determine are worthwhile. The better news is the status of the 12 Mile Creek waste water treatment plant; he believes 18 months from now the sewer allocation policy will no longer be necessary.

Council had a lengthy discussion with Mr. Goscicki and requested that the County forward information to our Town Manager and Economic Development Coordinator when they receive an inquiry from a prospective business looking to come to the area. Mr. Goscicki assured Council they would do that.

b. Citizen Survey - internet option

Mr. Fivas explained this is a follow up to our previous meeting, advising that staff was directed to research the matter, did as instructed and did not find any systems out there that guarantee that the survey could not be answered by people outside the Town or the number of times individuals would answer the survey. Mr. Goodall thanked Mr. Fivas and staff for researching this matter and is convinced this would not be worth pursuing, he agrees completely. Council agreed.

c. Citizen Survey - review survey topics and issues

Mr. Fivas explained the process as suggested by the consultant and opened the matter for Council to discuss amongst them and staff the issues they feel would assist them in making future decisions. Mr. Fivas passed out a list of issues and questions he received from Council to generate discussion. Mr. Fivas assured Council that the final product will be presented to them for approval before being sent out.

Mayor Quinn provided the history of when a survey was first brought up, his reservations and input. He advised it was originally initiated to determine if Union County Sheriff's Office was doing a good job. He referred to the study done by UNCC two years ago and its conclusion, advising that he believes the Town Council rejected that study. He then read from a news report done in January 2010 referring to directives for the incoming Town Manager suggested by Mr. D'Onofrio and approved by Council. Mayor Quinn asked why another study was not performed on this subject as suggested in the directive. He went onto read the rest of the directives and asked the Council why none of this was ever done if they wanted the best data possible to make an important decision for public safety. Mayor Quinn provided his interpretation of possible questions advising it's all in the way you ask the question and he's very suspicious of this whole thing, considering the "politicking" that took place at the aforementioned January meeting and, in his opinion, not one of the directives was ever followed through with. He asked the Council Members Allen, D'Onofrio, Goodall and Luther to share why this never came into play and why these deadlines were not met.

Mr. D'Onofrio replied that Lieutenant Coble has furnished Council with sufficient data which was handed out at the last meeting. Historical data has been provided as well so we're able to establish a trend line. Mr. D'Onofrio advised Council decided it was fiscally responsible to address all the needs. The Citizen interactive survey has been worked on by Lieutenant Coble and Mr. Fivas for some time and is simply more involved than

originally thought and explained. A lengthy conversation pursued and Councilman D'Onofrio called for a Point of Order, requested Mayor Quinn pass the gavel to get the meeting back on track.

Ms. Luther advised that a professional company will be creating the questions and conducting a quality survey. She looks forward to the results and is not afraid of them whether it's a police department or USCO, she will embrace the residents wishes. It is her opinion that this Council has worked very hard to listen to the residents and act on their requests providing recent actions taken: ABC Store, 2 parks, a movie theatre.

Council and Mr. Fivas discussed some issues that should be included in the survey in an effort to determine where the taxpayer dollars should be spent, topics included: transportation, roads (condition, maintenance, should we take over more of them, or just mobility and traffic), what do the citizens want us to do about roads and what are they willing to contribute to get it done, timeline for draft questions, benchmarking, beautification, street lights, banners, town centers, what type of jobs and businesses they want here, seasonal decorations, what kind of events, would they support bond referendums to accomplish some of these goals, widening Old Monroe Road, intersection improvements and localizing responses. Mr. Fivas advised that there are two restrictions the survey is that there needs to be a certain number of benchmark questions to ensure that we can benchmark ourselves and the other is that it can only be seven pages long.

Jeffrey Goodall made a motion follow the agenda.  
Council voted unanimously in favor of the motion.

d. MUMPO meeting update

Mayor Quinn stated that Mrs. Luther volunteered him to provide a MUMPO briefing and advised he is unprepared accommodate. He would be more than happy to do it any time if she would give him advance notice.

Ms. Luther replied we discussed this matter for approximately one hour on Wednesday, at that time she advised she would be placing it on as an addition tonight to discuss a safety net if either the Chestnut Connector or the Old Monroe Road didn't work out with Stallings and we couldn't wait to find out resulting the funds disappearing. She reiterated he was advised it would be on tonight's agenda if he chooses not to discuss it that's fine, but please do not imply I just sprung this on you. It is important for the Council to be fully informed with what's going on, what position you might or might not have taken and allow Council to give direction if necessary.

Mayor Quinn confirmed they had the discussion but did not remember her stating that she wanted him to present an update this evening. He will be happy to provide that information at the next meeting.

**MANAGER'S REPORT**

Mr. Fivas asked Council if they wanted to cancel 2nd meeting in December, Council agreed. He thanked Rebecca Jones and the Boy Scouts who spent a couple hours on Saturday decorating Town Hall. He

would provided clarification on Mayor Quinn's comment about fee increase on sheds advising that it has not increased it remains at \$25. Mr. Fivas informed Council that Katie Drye has been offered and accepted a wonderful employment opportunity for the State and will be moving onto Raleigh to fulfill it. Today is her last day, he commented on what an asset she has been to the Town and advised she will be missed, although we all wish her the best of luck.

Ms. Drye thanked Mr. Fivas, Council and staff for the great experience of working here and said she would always have a piece of Indian Trail with her.

Mr. Fivas reminded everyone about the Christmas Parade on Sunday, the Town Christmas tree lighting on December 9th. He said the LGC will be meeting on December 7th and at that meeting will determine if they approve our financing the large park.

Mr. Goodall inquired if the Town has received the permit for the Amphitheatre. Mr. Fivas replied we received it today.

#### **PLANNING REPORT**

Ms. Drye advised that on December 1st, Indian Trail will be hosting an inter-jurisdictional meeting for the Carolina Thread Trail in the Civic Building at 10:30 am, to review draft reports of what the steering committee has put forth on trail routes with other Counties map as well to determine if we can match them up.

#### **ENGINEERS REPORT**

Mr. Kaufhold advised that the Town held a ribbon cutting for the Potter Road sidewalk and the Engineering Department is reviewing the draft 2010 Stormwater Permit from the State, trying to determine what impact that will have on our Stormwater Program. Staff is confident that work will increase in that area pertaining to water quality issue for this next round.

#### **COUNCIL COMMENTS**

Mayor Quinn addressed Ms. Howe's public comments from the last meeting. He feels it's bizarre that the town would facilitate Ms. Howe's public records request and how much that cost in staff time. He feels staff gets paid a salary, whether they cut grass, pull files, run to the store or anything else. To imply that it costs the Town money in staff time is outrageous, nobody worked overtime or was paid by the hour outside of their regular salary, just like they don't get paid that way to attend Town meetings or any other thing they do as part of their job. The Town staff facilitates requests for information as part of their job, there is no cost involved. As for Mr. Merritt reviewing 80,000 emails at a cost of \$2,600, he made a call to the School of Government and according to them emails are public record, plain and simple. The only confidentiality to the regular public would be if personnel was discussed, which he's never seen any private personnel issued discussed over the Town public email, property purchases, never seen that either, or attorney/client discussions with regard to legal matters. In all of that these were all emails that I requested that have been seen by Council Members,

elected officials, like me that I have every right to see, just like every email that I send out to anybody. Even if it touches on one of the confidentiality subjects, they have a right to see them as well. The only people that might not have a right to see them would be the general public, but as an elected official, elected as part of this body I have a right to see anything. So what Mr. Merritt was doing reviewing for confidentiality, I don't know, it just doesn't fly. Our former Mayor is here as well and this issue was an issue for her as well. She was cut out of emails when Mrs. Howe and Mr. Schallenkamp took control of the Council and I don't agree with that, I think people should share information. I think information should be continually shared but former Mayor Moore's resolution to that matter was to engage the internet provider for the Town to intercept the emails in real time and set up an account at her house at the cost of \$1,200 and the Council never asked to have it paid back. This is the epitome of hypocrisy and to imply that any costs were run up I would refute.

Mr. Goodall commented on the great things in Indian Trail and thanked Mr. Fivas and staff for all the work that they've done. He informed residents that a new Sun Valley Stone Theatre complex with 14 state of the art movie screens will soon be coming providing a great convenience and a long overdue entertainment venue for our citizens, we have recently completed sidewalks on Potter Road right next to our great new Austin Village which is another village center that will blossom over the next couple of years, the grand opening of ABC Store and thanked the ABC Board for their record time accomplishments in getting that project completed, 2 new parks one we're in the process of purchase (51 acres) and we're in the process of getting to the completion of our events park Crossing Paths Park, we are receiving many positive comments from citizen thanking us, communications have improved in Indian Trail the website has been upgraded and we now on Facebook, all this is about making Indian Trail a destination, he prefers to refer to it as end of trail. He wished everyone a great Thanksgiving and hopes to see them at the Christmas Parade on Sunday.

Ms. Luther thanked the Mayor Pro Tem for those encouraging words, championing our town about the awesome things and the achievement of this Council has done. I only wish our Mayor was out there doing the same thing. All she's heard is why our parks are not good, why they are not in a good location, who's in what scandal and who's in what scheme and what article is he going to write next. Mr. Mayor she would really love to see him use that same energy in a positive way. This is what you're supposed to be doing, thank you Mayor Pro Tem, Mr. Mayor this is what you're supposed to be doing.

Mr. D'Onofrio advised that over the last six weeks he has seen the best Family Fun Day to date in Indian Trail, the dedication of the Town's first park, the decision to purchase the Town's second park, the sidewalk ribbon cutting on Potter Road, the grand opening of the ABC Store, an announcement of a large Economic Development Project in Indian Trail with the movie theatre in Sun Valley and this weekend there's the Christmas Parade. He cannot think of the six or seven week period where it has been that enjoyable and I am as proud of what has happened since I've been on the Council. I don't do it alone, there are other Council Members, and I thank all of them, the previous Council Members, some who are here tonight, our former Mayor who first encouraged me to run for Council. He thanked Mr. Fivas for all he and his staff have done, it's a wonderful job. He wished everyone a good Thanksgiving.

Mr. Allen gave kudos to Mayor Pro Tem. He went onto provide a description of the upcoming theatre description that there's nothing like it in the metro area, he provide some of the state of the art systems that

will be in the theatre, 2800 leather seats, 20 inch riser. Mr. Allen discussed the new ABC store advising the gentleman that built it out who has done 350 other stated we're in the top 3; you should be wowed when you walk in giving credit to a group of people who worked hard to accomplish this. Mr. Stone, founder of Stone Theatres stated that if it weren't for Liquor by the Drink passing enabling sit down restaurants to come in as well he would not have considered locating in Indian Trail. Two parks is amazing, business friendly is being returned to him with a buzz that he has never heard since he's been in Indian Trail they want to come here because we make things happen. There is a sense of community utilizing facebook is generating a buzz. Then we have our wet blanket, who he refers to as Mayor FCC (fraud, corruption & conspiracy). Council must counteract every single thing. Enough of it, we have five people up here, five votes, we don't have to go for a referendum, If we want a police department all we have to do is vote for it and it's done. Council just wants to better the life of Indian Trail residents. They haven't indicated they have a need for that, what are we bringing what they want so beat the drum, be Joan of Arc it didn't end well for her.

Mr. Hullinger wished everyone a happy Thanksgiving, we truly do have a lot to be thankful for, it's important to remember that and we extend a hand out to help someone up. Particularly this time of year when there are going to be parents that will not know where Christmas toys will come from for their kids or where meals will come from and if you've ever been on either side of that you know how important it is. Share the good cheer with them.

**CLOSED SESSION**

There were no matters to be discussed.

**ADJOURN**

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

APPROVED:

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John J. Quinn, Mayor

Attest: \_\_\_\_\_  
Peggy Piontek, Town Clerk