

Revelations Rekindle Long-Running Concerns in Indian Trail

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RALEIGH

A former Indian Trail town planner testified under oath in September that in the early 2000s, town leaders ordered him to commit illegal acts in approving developers' plans. The revelation has rekindled long-running concerns about government corruption in the Union County municipality.

For years, town watchdogs and former elected officials have contended that former town manager John Munn, now deceased, improperly received \$400,000 in pay beyond his part-time, \$45,000 annual salary, and that ex-mayor Sandy Moore also received extra compensation to which she was not entitled.

Town Council has routinely denied public records requests related to those issues.

Critics now say former town planner Lee Bailey's sworn testimony corroborates what they have claimed all along — developers pull the strings of town government, and town officials skirt the law to accommodate them.

"The town's agenda is a partnership with these developers. It has been for years," said former mayor John Quinn, who defeated Moore in 2007 and served until 2011.

"This obsession of urbanizing Indian Trail was just curious to me. Somebody had to be benefiting from it because the residents weren't happy" with the rapid growth, rising crime, and lax enforcement of building and planning codes under Munn's 10-year tenure that ended with his firing in December 2005, Quinn said.

Bailey "claims that he was directed by the mayor to engage in ille-

gal activity" to approve development plans, said attorney Steve Smith, who deposed Bailey in September.

Smith represents the Bonterra Village subdivision homeowners association against the developers, R.D. Harrell Company, in a \$1.5 million lawsuit alleging shoddy construction of roads and stormwater systems, substandard repairs, and noncompliance with planning guidelines.

A settlement was reached in October.

"Absolutely not, that's ridiculous," Moore, the former mayor, said of Bailey's allegations. "I have no idea" why he would say that.

"I certainly hope" all development projects during her tenure were done according to code and legal standards, Moore said.

Smith said Bailey, who was dismissed in 2005 by Munn, "was clear in his deposition that none of those [unlawful] activities were related to Bonterra." He was unable to press Bailey about the alleged illegal acts during the deposition, he said, because the plans for Bonterra were approved in 2001 before Bailey started working for the town.

Moreover, Bailey signed a non-disclosure agreement with the town. Indian Trail gave him a partial waiver of that agreement to discuss Bonterra matters only.

"I think it's highly unusual for a planning director to have a confidentiality agreement," Smith said.



"I can't answer that," Moore said when asked about the nondisclosure agreement. "I think that's probably part of personnel records that are part of North Carolina law."

Smith asked Town Council on Sept. 23 for the partial waiver. Some council members unsuccessfully attempted to rescind the entire speech ban "because they didn't see the utility

in continuing to keep these secrets from the public," Smith said.

During the deposition, town attorney Keith Merritt said he represented both Bailey and the town.

"I think that's extremely, extremely unusual" for a town-paid attorney to

be at a deposition in a case in which the town is not a party, Smith said.

"The town was there to protect its own interests. They were not there to protect Lee Bailey's interests, I guarantee you that," Smith said.

When he tried to ask Bailey questions beyond the scope of the confidentiality waiver, Merritt "objected on the basis of privilege, and directed the witness not to respond," Smith said.

Smith said Bailey testified that when he was town planner "he was uncomfortable because certain developers had unusual access to the mayor and to John Munn."

Smith said developers got plan approvals for areas that "would not make monetary sense [unless] they had control over the local politicians who could direct sewer and water to those areas."

As mayor, Quinn had testy relations with the council as he investigated Munn's salary and other town politics. He has tried unsuccessfully to get a local or state law enforcement agency to investigate Indian Trail.

"Why doesn't anybody care?" he asked after Bailey testified about the town's alleged illegal activities. "He said it under oath."

Quinn provided *Carolina Journal* with an audio recording made several years ago in which Bailey made statements similar to those in the deposition.

"I wasn't rubber-stamping all the plans and letting things ride," Bailey said on the recording. While there were threats and attempts by Munn and Moore to bully him, "There's no smoking gun" in which he was threatened with "any bad acts."

Quinn asked if the actions Bailey was asked to perform were criminal in nature.

"Probably," Bailey responded. "But you know, at this point I have no

interest in going back and creating [inaudible]. John's passed away, and Sandy's no longer mayor, so what would it accomplish?"

Jonathon Baer has been attempting for years without success to get information about Munn's salary overpayments and public documents of other town business.

Baer believes there is a "culture of corruption" that leads to "the attitude that the only way to get information or the only way to have any kind of transparency is for the citizens to sue the government, and that is preposterous."

He said Bailey received compensation with the confidentiality agreement.

"When you put two and two together, it looks like hush money," Baer said. Quinn called it a suspicious "golden parachute" laced with several months' pay.

Former councilwoman Mercedes Cass said Munn was fired because "there were a lot of crooked things going on." He threatened to sue council members individually if they withheld payments he said he earned.

No formal contract could be found to show Munn's salary was only \$45,000 for 25 hours of work per week. Council members ultimately declared Munn was owed the hundreds of thousands of dollars, citing accounting errors as the reason the payments didn't appear earlier.

Cass said Moore received overpayments as mayor of \$200 monthly, approved by Munn but not authorized by the council.

Former state representative and senator Fern Shubert briefly succeeded Munn as town manager.

"There was a whole bunch wrong with that picture" involving Munn's pay, she said.

When his attorney threatened council members, "I begged them not to pay him that money" because there was no record of it ever being authorized, Shubert said.

She signed an agreement with the council to be paid the same amount Munn received, she said. The council did not pay her the higher amount when it was discovered how much Munn had paid himself.

Both Shubert and Cass said Munn's pay was the source of heated discussions in closed meetings, records of which remain sealed despite state laws requiring them to be made public.

Smith said when he first started talking to Indian Trail residents, he had an initial impression they were "conspiracy theorists."

"At first blush it sounds kind of fantastic and incredible, but the more you get into it, the more you see what these people are telling you is true, and it's very suspicious," he said. CJ

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