

TOWN OF UNIONVILLE MINUTES OF REGULAR MEETING

The April 21, 2008 regular meeting of the Town of Unionville was held at 7:30 p.m. at Town Hall, 1102 Unionville Church Road, Monroe, NC. Mayor Simpson and all Commissioners were present. Town Attorney Ken Helms was also present.

Everyone stood and recited the Pledge of Allegiance to the United States flag, after which Commissioner Robert Croutch led the prayer of invocation.

Mayor Simpson welcomed everyone, and called the meeting to order.

Upon motion duly made by Edd Little, seconded by Jim Baucom, Council unanimously approved the minutes of the March 17, 2008 public hearing and regular meeting.

Mayor Simpson recognized Budget & Finance Officer Darrell Baucom, who reviewed the financial report, a copy of which is appended to these minutes. Mr. Baucom reported that he will transfer funds to the Money Market account soon, and that the Town is favorable to budget on property taxes and zoning fees, and is unfavorable on investment income and contributions. He mentioned the report of legal fees spent regarding the Griffin Farm and Landfill lawsuit, which was requested last month. Upon motion duly made by Edd Little, seconded by Jim Baucom, Council unanimously approved payment of pending bills.

Mayor Simpson suspended a report from Town Attorney Tom Griffin, due to his late arrival.

Mayor Simpson recognized Lee Jensen, acting Union County Planning Director, for a brief presentation regarding Union County's Adequate Public Facilities Ordinance (APFO). Mr. Jensen reported that the Town Land Use Administrator Nadine Bennett asked him to address Council regarding questions they might have. Mr. Jensen reported that, should the Town adopt the APFO, and it hasn't yet, first the Land Use Administrator would review a new subdivision sketch plan, which is the current procedure. If the APFO were adopted, at this time, the County would review the subdivision plan and determine adequacy. The county takes into consideration the impact on local schools—Unionville Elementary, Piedmont Middle, and Piedmont High schools, using a formula spreadsheet to determine capacity. The county would then write a report to the Land Use Administrator. The Land Use Administrator would include any APFO requirements in the Planning Board's review packet for their consideration. If approved, the builder must comply with any requirements set forth by the APFO. Should a school be at capacity, the developer has three options. He can delay the subdivision to a later date, or pay a mitigation payment and develop now, or a combination of the two—delay some and pay a mitigation fee for some of the houses. Any fees would be collected when Planning

Board approves the plat. These fees would go directly to the county finance department to be used in the district at the time of approval. Mr. Jensen reported that a few Union County towns have adopted the APFO, but none have had a subdivision to come through completely yet, and only five have come through the county. Currently, the lawsuit brought by Union County Landowners Association against the county is still in the discovery stage. Mayor Simpson made inquiry as to which subdivisions are subject to the APFO. Mr. Jensen reported that subdivisions five lots or less, retirement (55 and older) subdivisions, and commercial property are all exempt. All other subdivisions are subject to the APFO. Mayor Pro-Tem Randy Baucom made inquiry as to treating all areas of the county the same. Mr. Jensen stated that Union County Public Schools (UCPS) provides enrollment numbers for each county school, and adds a weighted average ability permit, showing the trend of building permits. Commissioner Edd Little inquired as to fairness when school boundary lines are changed. Mr. Jensen stated that the county relies on the Union County Commissioners to approve the schools' Capital Improvement Plan (CIP). Commissioner Randy Baucom made inquiry as to capacity for a new school. Mr. Jensen stated that the schools' CIP projects for five years. If, for instance, there are 804 seats available in a new school, all 804 may be used the first year. Mr. Jensen sends information to the school system for their tabulations on growth. Commissioner Edd Little made inquiry as to mobile units. Mr. Jensen reported that mobile units are not considered in the school's planning capacity level. Commissioner Edd Little gave the scenario that two 75-lot subdivision were submitted simultaneously and the school capacity is 75, and asked which one would get approval. Mr. Jensen stated that if this were to happen, both subdivisions would be approved, as the 75 houses would not all be built in the same year. Attorney Ken Helms stated that the first step is to adopt a Memorandum of Understanding, which states that the Town is considering and studying the APFO. Upon motion duly made by Edd Little, seconded by Ken Brown, Council unanimously requested that Planning Board consider the APFO and Memorandum of Understanding and bring a recommendation to the Council.

Mayor Simpson recognized Attorney Tom Griffin, who reported that Griffin Farm and Landfill has appealed the lawsuit decision. They are asking that Judge Conrad's decision be reviewed and overturned. This process will take six months to one year for the entire process. Upon motion duly made by Ken Brown, seconded by Jim Baucom, Council unanimously agreed to enter into Executive Session to discuss the legal aspects of the appeal with their Attorney Tom Griffin. Upon motion duly made by Edd Little, seconded by Ken Brown, Council unanimously adjourned Executive Session.

In other Land Use business, Council gave consideration to the appointment of three Planning Board members—Ken Austin, Milton Baucom and Elbert Griffin—whose terms are expiring May, 2008. Planning Board recommends Tommy Duncan, alternate Jaren Simpson and alternate Ken Trull as members. Commissioner Edd Little also nominated Andy Fowler. Attorney Ken Helms advised Council that the votes may not be secret ballot. By a show of hands, Andy Fowler received 5 votes, Jaren Simpson received 5 votes, Ken Trull received 4 votes and Tommy Duncan received one vote.

Thus, Andy Fowler, Jaren Simpson and Ken Trull are the new Planning Board members. Planning Board recommends Andy Fowler and Elton Braswell as alternates. Commissioner Ken Brown nominated Andrew Benton and Commissioner Robert Croutch nominated Larry Helms. Upon motion duly made by Robert Croutch, seconded by Ken Brown, Council unanimously approved Andrew Benton and Larry Helms as Planning Board alternates.

In other business, Mayor Simpson set a public hearing regarding a text amendment allowing 100-bed nursing homes in Town of Unionville for Monday, May 19, 2008 at 7:15 p.m. in Town Hall.

The next item of business was to consider voluntary annexations submitted by Mohamed and Katherine Eldin and Elaine R. Smith. Upon motion duly made by Ken Brown, seconded by Robert Croutch, Council unanimously approved the resolution directing the clerk to investigate these annexations. Budget and Finance Officer Darrell Baucom stated that the cost to the Town is approximately \$250 per annexation, and suggested that they consider setting a fee to offset this cost. The consensus of the Council is for Planning Board to consider this fee, along with the Fee Schedule study they are doing. Planning Board Chairman Gene Price, who was in the audience, confirmed that the Planning Board will discuss this at their May 5, 2008 meeting.

Mayor Simpson recognized Elizabeth Cooke, with Monroe Union Lodge #19—Fraternal Order of Police. Mrs. Cooke stated that their lodge wishes to place a Law Enforcement Memorial near the Union County Judicial Center, commemorating Union County's two officers who have fallen in the line of duty, John Pearce in 1888 and R. Edgar Williams in 1917. A 2.5-foot-tall eternal-flame blue fiber optic candle will sit atop a black granite base over 3.5 feet tall. A brick sidewalk will surround the memorial. Bricks will be sold to help offset the cost of the memorial. The projected cost of this memorial is \$30,000. The lodge is asking each municipality for donations of \$2,500 each. Donations totaling \$13,750 have been received from seven municipalities. A replica of this monument will be on display during the Police Week Ceremony on May 16, 2008. Upon motion duly made by Randy Baucom, seconded by Jim Baucom, Council unanimously agreed to consider this contribution during their budget process.

Council reviewed three requests for contributions from Unionville Elementary School Odyssey of the Mind (\$1,000), Council on Aging in Union County (\$1,000) and Turning Point of Union County (\$500). Unionville Elementary School Assistant Principal Jackie Weaver addressed Council, asking for a donation of \$1,000 for the Odyssey of the Mind team, who placed first in the state competition and will travel to College Park, Maryland May 31-June 3, 2008 for the world competition. Odyssey of the Mind is an international educational program, which requires students to use creative problem-solving skills to solve long-term and spontaneous problems. This year, Unionville had four teams, three of which placed first or second in the state. Unionville's is the only team in Union County to win first place in the state competition. The school

will have other fund-raisers to raise the \$15,000 for travel to the world competition. Barbecue funds support instruction, and wrapping paper funds support educational materials. Upon motion duly made by Ken Brown, seconded by Jim Baucom, Council unanimously agreed to match last year's donation of \$1,000, due to time constraints.

In other business, Sidney Sandy introduced himself to Council and the audience, stating that he is running for House District 68, asking for everyone's vote on May 6, 2008.

In other business, Commissioner Robert Crutch expressed his appreciation for the gift the Town sent during his family's bereavement.

Upon motion duly made by Ken Brown, seconded by Jim Baucom, Council unanimously adjourned the meeting.

Respectfully submitted,

Sonya W. Gaddy
Clerk

Approved as to form:

R. Kenneth Helms, Jr., Town Attorney

Thomas N. Griffin, III, Town Attorney