

## **TOWN OF UNIONVILLE MINUTES OF PUBLIC HEARING**

The June 16, 2008 public hearing to hear comments regarding the change to the text of the Unionville Land Use Ordinance to allow Union County to enforce the county's Adequate Public Facilities Ordinance (APFO) within the municipal limits of Unionville was held at 7:00 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.

Mayor Simpson called the public hearing to order.

Clerk Sonya Gaddy read into record a letter from Steve Nash, who was unable to be present. A copy of same is appended to these minutes.

Resident Dennis Helms addressed the Council. He stated that he is a local fellow and is against Unionville adopting the APFO. He would like for Unionville to at least wait until these situations in court are decided on for one thing. What the local builders and developers have been doing in this county has not created the problem we're in now with the infrastructure with water, sewer and schools. The problem is in the western end of the county. His understanding—correct him if he's wrong—is that the Planning Board was not in support of this. His request if you wouldn't mind waiting until these legal situations are settled, he would appreciate it. If adopted, you would be subtracting property values for those who live in Town of Unionville. If someone owns a fifty-acre property and the wife gets sick and they need to sell, if the APFO is in place and if it's worth \$18,000 per acre, a developer cannot pay it tomorrow like he can today if the APFO is in place. There are two different scenarios: if the developer agrees to pay the \$18,000, it must be passed down the line to the people who eventually buy the house. It will be added at the end; the developer can't absorb it. If at a later point the ruling is upheld, he would like to see—the county's APFO has five lots or less—what he'd like to see is thirty lots or so. That gives local people developing property some wiggle room in their developing. He thinks Unionville wants to keep track builders out. They won't turn their heads for thirty lots—they want 100-200-300 lots. A 200-lot subdivision does create problems for the schools. What local guys are doing now doesn't really impact schools. We pay our local taxes for our children to go to school. He asked again at least wait until July or August to vote. He referenced Steve Nash's letter, and stated that Mr. Nash is past president of the Home Builders Association and is in contact with attorneys representing these lawsuits.

Resident Tommy Duncan lives at 5424 Concord Highway. He, like Dennis, is opposed to the APFO. He would like to see Council postpone or table this until after a decision is made by the courts. He has a problem with a five-house limit, the same as Dennis. If you're a farmer and you have a few cows, what if you were told you could only sell five cows this year. What would you do with all the hay? That's the position the small homebuilder is put in. Maybe the Board can relate to that better. Thirty is a reasonable amount. We're not tract builders; we're just trying to make a living, keep working. There is a man who owns a cabinet shop in Indian Trail, who, because of the APFO, is having to go to Sumter, SC to build now and take Union County residents to travel that distance with gas prices the way they are to keep his people working. Please table it until after the courts have made their decision.

Resident Andy Rushing lives in the community. He is opposed to the APFO not because he is a builder. He hasn't developed any property in the city limits and doesn't have any plans to. He is in the construction industry and he's selfish with our community. Our community has leadership that has control, and can keep control without participating in big deals with the county. You can control what happens here without falling under these guidelines. He would hate to see funds hypothetically collected and see it go to the other side of the county and spur what's happening now. That would really upset him. It would penalize us and benefit them. Unionville has control to handle it. He views it as a trap to get us all in there so they can get funds and do what they want to with it. It sounds greedy, but he prefers this community. Y'all have control; you don't have to submit to someone else. It's like the U.S. Army answering to the United Nations. He doesn't agree with that. They've got people in control, and y'all are in control of this community and are very capable. He's pleased with what you've done in the past. Please consider what's been said tonight; it's pretty accurate.

Resident Dennis Helms asked Council if they understood that the way the APFO is written, if you have 100 acres to develop, the APFO will only allow you to develop and sell ten lots per year. That's part of the APFO. The way it's set up now, a bank is not gonna go with a 100-lot subdivision and agree to drag it out for ten years at ten lots per year. He meant to mention that before.

Resident Greg Little lives at 4828 Vander Lane. He is in favor of the APFO. He agrees with a lot of the things said tonight, but he feels we must do something to slow this down. He has a five-acre tract in pasture, with a five-year increase of 284 percent with a note from the county saying that no perk site is on the property. He came to most of the Planning Board meetings the last 6-8 months. He has seen 200-300 housing sites approved. Unionville has 1200-1500 houses, 5,000 residents; with 15-20% growth rate in less than a year. That's out of control and we must do something to slow it down. He says it is great to have increased value if we want to sell, but everyone doesn't want to sell. Those who don't want to sell shouldn't subsidize all new schools with huge increases. He is a firm believer that those who are users should pay. We wouldn't have to build new schools if we didn't build new houses. Let's make those new builders responsible at least for part of those funds. The APFO will not pay for new schools, and he doesn't agree with everything, but he feels it is a step in the right direction, and we must do something to start to control it. The Planning Board's hands are tied if a developer comes in here with plans if they meet the minimum requirements, the Planning Board must approve, and that's what we've seen a lot of.

Upon motion duly made by Ken Brown, seconded by Edd Little, Council unanimously closed the public hearing.

Respectfully submitted,

Sonya W. Gaddy  
Clerk

Approved as to form:

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R. Kenneth Helms, Jr., Attorney