

**TOWN OF UNIONVILLE
MINUTES OF REGULAR MEETING**

The March 17, 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 Commissioners Randy Baucom, Jim Baucom, Ken Brown and Edd Little were present. Commissioner Robert Crouch was absent. Attorney Ken Helms was also present.

Everyone stood and recited the Pledge of Allegiance to the United States flag, after which Mayor Simpson led the prayer of invocation.

Mayor Simpson welcomed everyone to the meeting and called the meeting to order. He also asked everyone to remember Robert Crouch's family, whose brother recently passed away.

Upon motion duly made by Edd Little, seconded by Ken Brown, Council unanimously approved the minutes of the February 18, 2008 regular meeting.

Mayor Simpson recognized Town Attorney Tom Griffin. Mr. Griffin reported that this should be his last report regarding the litigation with Griffin Farm and Landfill. He reported that three years ago, the Town decided not to issue a franchise to Griffin Farm and Landfill to operate a solid waste landfill. Griffin Farm and Landfill sued the Town for violating their constitutional rights, stating that they had a vested right to operate a solid waste landfill, and asking the court to determine that the Town's franchise ordinance was void, and asking the court to amend the ordinance to take away the Town's right to allow industrial solid waste landfills in the Town. The trial was scheduled for a week from today, however, last Tuesday, the Town won the lawsuit. The Town had asked the court to issue a decision based solely on the facts as we agreed to them with Mr. Griffin and his attorneys. We revised our Land Use Ordinance, disallowing industrial solid waste and requiring anyone who wishes to operate a landfill in the Town to obtain a franchise first, even if they have zoning. The court approved a summary judgment, which means that all claims are dismissed; there will be no trial. Griffin Farm and Landfill has zoning for a C&D LCID landfill currently, but not industrial solid waste. The court upheld our right to grant a franchise, stating that our franchise ordinance was constitutional. Griffin Farm and Landfill has thirty days to appeal this decision. The court has issued another order asking for the Town's position on Mr. Richard Griffin's request for declaratory judgment requesting what rights Griffin Farm and Landfill has. Mr. Tom Griffin would like to discuss this in Executive Session. Upon motion duly made by Edd Little, seconded by Ken Brown, Council unanimously agreed to enter into Executive Session to discuss this issue with their attorney. Upon motion duly made by Ken Brown, seconded by Edd Little, Council unanimously agreed to close Executive Session.

Mayor Simpson recognized Mr. Bill Duston regarding land use issues. Mr. Duston reported that he met with Mayor Simpson and Clerk Sonya Gaddy regarding the contract status. Due to an unanticipated increase in activity, Centralina Council of Governments is requesting an increase in the contract. They are willing to shoulder some of the responsibility, and ask for an increase of \$10,000. Also, Planning Board asked that Council approve funds to investigate several items that would change land use regulations. The cost of these items is estimated at \$2754. Upon motion duly made by Ken Brown, seconded by Edd Little, Council unanimously approved these expenses. Mayor Pro-Tem Randy Baucom made inquiry as to whether Council and Planning Board might be able to meet together regarding these issues. Mr. Duston stated that Mayor Simpson and Chairman Gene Price would need to call for a special meeting unless it's on a regular meeting night of either board. Mr. Duston also reminded the Council that Planning Board will meet Tuesday, April 1, 2008 due to a scheduling conflict with Nadine Bennett.

Mr. Duston then addressed the issue of placing RA-40 zoning on parcel numbers 09-140-012C and 09-140-012D, reporting that Planning Board recommends RA-40. Upon motion duly made by Ken Brown, seconded by Jim Baucom, Council unanimously approved RA-40 zoning on these parcels.

Mayor Simpson recognized Budget & Finance Officer Darrell Baucom, who reviewed the financial reports, a copy of which is appended to these minutes. Mr. Baucom reported that the Town is favorable in franchise income, which is the primary activity item; legal and zoning fees are also favorable to budget. Upon motion duly made by

Edd Little, seconded by Jim Baucom, Council unanimously approved payment of pending bills. Commissioner Ken Brown asked Mr. Baucom to give Council a report of legal fees spent over the duration of the Griffin Farm and Landfill lawsuit.

Mayor Simpson recognized Neal Speer, Union County Fire Marshal. Mr. Speer brought a resolution for inclusion in the Bakers Fire and Rescue Service District, a copy of which is appended to these minutes. Mr. Speer explained that G.S. 153.A.302 requires that consent is obtained from other municipalities in a fire district prior to a board considering enactment of the fire service district. Union County Commissioner Parker Mills also addressed the Council, requesting that Mayor Simpson come to a meeting with landowners and farmers regarding the problem facing numerous departments. Currently, a fee system is in place, but it has run its course. Of eighteen fire departments, ten are maxed out, charging \$50 per structure; five are on a tax system and two are at their limit. Town of Unionville currently charges \$36.44 per structure. By adopting the resolution, this will allow the Bakers Volunteer Fire Department to be completely self-sufficient with no financial burdens. Commissioner Randy Baucom made inquiry as to Unionville residents paying a fire fee. Commissioner Mills reported that some Unionville residents are paying the Bakers rate of \$36.96 per structure; while most Unionville residents are paying the Unionville rate of \$36.44 per structure. If the resolution is passed, residents will be taxed at \$.034/\$100 valuation. Unionville's fire fee currently generates \$118,414 annually, with a budget of \$251,324. Commissioner Mills commended the Unionville VFD for putting in \$91,600 from other sources. Mayor Simpson made inquiry as to the management with the fire service district. Commissioner Mills reported that the Board would act the same as it has in the past; it would be completely autonomous. Mayor Simpson made inquiry as to the accuracy of the map Mr. Speer provided. Mr. Speer will check the map and confirm the accuracy of district lines. Commissioner Ken Brown pointed out that this tax would affect the sales tax receipts, and also requested a copy of this year's budget and valuations. Commissioner Mills will provide that including the new valuation figures as soon as they are available. Commissioner Edd Little made inquiry as to properties in the farm-deferred program being hit harder than individuals. Mayor Simpson made inquiry as to a transfer of ownership of farm-deferred property being required to pay the fire tax for each of the three recapture years. Commissioner Mills will advise as to the answer to that question. Upon motion duly made by Randy Baucom, seconded by Jim Baucom, Council unanimously agreed to table any decision until they have a chance to review this information further. In another matter, Commissioner Randy Baucom made inquiry to Neal Speer regarding capping enrollment at Sun Valley Middle School due to overcrowding. Mr. Speer reported that he does not put a cap on school capacity. He established an occupancy load in their cafeteria, and they have since complied. He further stated that he only has the authority to establish occupancy loads on the gyms and cafeterias of schools, and the authority to enforce the fire code and certain aspects of the building code by reference.

Mayor Simpson recognized Stan Hojnacki, Union County Literacy Council. Mr. Hojnacki is past president of the Literacy Council. He reported that the Literacy Council teaches people how to teach people to read through volunteer tutoring, who bring people to a fifth-grade reading level. The 2000 census indicates that 25 percent of the population has not graduated from high school. Their budget is spent on a staff of three full-time and a couple part-time positions, books, computers and programs, and offices in downtown Monroe. Their budget is \$235,000 per year; most of their funds are from grants and fund-raising efforts; approximately \$85,000 is spent on staff. They are asking for \$320 from Town of Unionville, which allows the Town to have a team in the Spelling Bee, if so desired. Upon motion duly made by Randy Baucom, seconded by Ken Brown, Council unanimously agreed to table this decision until the review of the 2007-2008 fiscal year.

Upon motion duly made by Edd Little, seconded by Ken Brown, Council unanimously approved Clerk Sonya Gaddy to make the decision regarding upgrading the Town's website internet provider for an extra \$24 per year.

Upon motion duly made by Ken Brown, seconded by Randy Baucom, Council unanimously approved the purchase of a Sentry two-drawer fire safe for \$449.99 plus tax.

Unionville resident Kathy Oropesa declined the opportunity to address Council.

In other business, Bakers Volunteer Fire Chief Mike Helms addressed Council, stating that his fire department went through the ISO process two years ago in which the Department of Insurance requested they contact Town of Unionville regarding the fact that the Town is divided into two separate fire districts—Unionville and Bakers. The consensus of the Council was for a letter to be written to that effect. The Unionville VFD will work with the Bakers VFD and the Union County Fire Marshall to determine what else is required.

There being no other business, and upon motion duly made by Edd Little, seconded by Ken Brown, Council unanimously approved adjournment of the meeting.

Respectfully submitted,

Sonya W. Gaddy
Clerk

Approved as to form:

R. Kenneth Helms, Jr., Town Attorney