

**TOWN OF UNIONVILLE
MINUTES OF REGULAR MEETING**

The regular September 15, 2008 meeting of the Town of Unionville was held at 7:30 p.m. in Town Hall, 1102 Unionville Church Road, Monroe, NC. Mayor Simpson and Commissioners Randy Baucom, Jim Baucom, Robert Crouch and Edd Little were present. Attorneys Tom Griffin and Ken Helms were present. Commissioner Ken Brown was absent.

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

Mayor Simpson called the meeting to order and welcomed everyone.

There being no corrections to the minutes of the August 18, 2008 regular meeting and executive session, Mayor Simpson declared them approved as reviewed.

Mayor Simpson recognized Budget and Finance Officer Darrell Baucom for the financial report, a copy of which is appended to these minutes. Mr. Baucom highlighted the Balance Sheet and Income Statement, stating there has not been much activity this month; contributions are below budget and legal fees are above budget. Upon motion duly made by Randy Baucom, seconded by Jim Baucom, Council unanimously agreed to pay pending bills.

Mayor Simpson recognized Jon Adams, of Hamilton, Moon and Stephens, representing Griffin Farm and Landfill. Mr. Adams thanked the Council for the opportunity to speak to them tonight. Mr. Adams reported that Mr. Griffin had to stop receiving waste due to new monitoring regulations which went into effect July 1, 2008. The landfill owners must provide letter of credit or assurity bonds that can pay to monitor the landfill for thirty years after close; therefore, Mr. Griffin needs a \$3 million financial commitment to continue his operation, and must expand to adjoining parcels. First, he would have to have a long-term franchise with the town of twenty years. Prior to putting forth a formal request, Mr. Adams wanted to speak with the Board to hear their thoughts, since previously the Town agreed to a five-year franchise, and would consider expanding to five more years. Mr. Adams stated that Griffin Farm and Landfill has been a good corporate citizen, as it has been well-maintained and well run. He also stated that since Mr. Griffin has not been receiving waste, intake at the county landfill increased such that a twelve- to fourteen-years of useful life of the landfill is now predicted for only three years before it is full. He asked that the Council consider these factors in making a determination as to whether it would be interested in granting a 20-year franchise at the outset.

Town Attorney Tom Griffin stated that this is a matter within Town of Unionville's discretion. Mr. Adams is asking the Town to change its franchise ordinance, which says we will consider a franchise every five years to twenty years, although it may not be that simple. The Town must think about what the landfill might look like in 20 years, along with other factors. The town chose the five-year franchise time period because North Carolina Department of Environmental Resources currently issues a five-year permit. Commissioner Randy Baucom made inquiry as to

buffer zones. Tom Griffin stated that nothing would allow us to know buffer zones, although everything in the proposed agreement is negotiable, and that we could not know what the landfill might look like at the end of twenty years. Mr. Baucom also inquired about industrial solid waste and municipal solid waste. Mr. Griffin stated that this request is to extend the franchise for what is currently being accepted only, which is C&D and LCID. A municipal solid waste landfill is a different kind of landfill from what is allowed in Unionville, and there has been no proposal to change our ordinance that way. Mayor Simpson made inquiry as to legislative regulations on the horizon that would change the intake of the landfill of this classification. Mr. Griffin and Mr. Adams are not aware of any legislation. Mr. Baucom also inquired if the new regulations require a liner. Mr. Tom Griffin stated that the new regulations require additional monitoring and assurance, but not a liner. Mayor Simpson made inquiry as to the reason for a longer commitment. Mr. Adams stated that Griffin Farm and Landfill will have to put up financial assurance of \$3 million, therefore, they need assurance they can stay open twenty years and expand to additional tracts. Once they expand, they must put up an additional \$4 million, therefore, Mr. Griffin feels he needs to know if he can stay in business to justify expenditures. Tom Griffin asked if it could be done on a year-to-year basis; Mr. Adams said no. Commissioner Edd Little inquired about the projections on the height of the landfill; Mr. Adams stated 250 feet; Richard Griffin estimated a 300-foot tall flat top. Wayne Sullivan stated if it were 1,000 feet wide and 500 feet horizontal, it would be 150 feet tall. Mr. Adams again asked if the Town would be interested in a twenty-year franchise instead of a five-year franchise and stated that the current franchise expires in February, 2009, thus the rush. Mr. Griffin stated that the Council seems to be concerned that it is not a clean issue; there are other concerns to consider. Commissioner Randy Baucom asked what type franchise the state issues. Mr. Tom Griffin stated that the state grants a five-year franchise. Upon motion duly made by Randy Baucom, seconded by Jim Baucom, Council unanimously agreed to enter into Executive Session to consult with their attorney regarding this decision. Upon motion duly made by Jim Baucom, seconded by Randy Baucom, Council unanimously agreed to close Executive Session.

Mr. Tom Griffin outlined the options for Council. Mr. Griffin stated that tonight the Council can 1) table this decision until a later time, 2) set a special meeting for some short time in the future for further discussion, or 3) make a motion tonight regarding 20-year franchises for landfills, 4) vote a straight yes, 5) vote a straight no, or 6) request additional informaton. However, if the Town decides tonight to amend the ordinance, Tom Griffin would draft language and it would be read twice at two consecutive Council meetings prior to adoption. Commissioner Randy Baucom inquired about elevation

drawings; Mr. Adams doesn't have those. Mayor Simpson inquired as to whether Mr. Adams would allow a five-year review if the twenty-year franchise is granted, and violations would be reason to go into further review; Mr. Adams said no; he would want oversight to rest with the state. Upon motion duly made by Edd Little, seconded by Robert Croutch, Council voted 3-1 to continue with five-year franchises, as it currently reads in the Town's Ordinance.

Mr. Adams stated that Mr. Griffin may come back with one more proposal, and thanked the Council for hearing them tonight.

The next item of business was to appoint five Parks and Recreation Committee members and set terms for all nine members. Attorney Helms recommended appointing three members each to three-year, two-year and one-year terms. Upon motion duly made by Jim Baucom, seconded by Randy Baucom, Council unanimously appointed Eric Purser, Matthew Hinson and Michele Sarno to one-year terms. Upon motion duly made by Robert Croutch, seconded by Jim Baucom, Council unanimously appointed John Fagala, Steven Williams and Kevin Little to two-year terms. Upon nominations by Robert Croutch, Edd Little and Randy Baucom, Council unanimously appointed Darrell Baucom, Shannon Braswell and Scott Barbee to three-year terms. Andrew Benton was nominated for a two-year term, but asked that his name be removed.

In Land Use issues, Planning Board Chairman Gene Price reported that the Planning Board will hear issues regarding the Oropesa rezoning and text amendments at their October 6, 2008 meeting and will make recommendations at that time. They are requesting that the Council set public hearings for these items. Mayor Simpson set a public hearing for 6:30 p.m. October 20, 2008 to hear comments regarding text amendment changes. Mayor Simpson set a public hearing for 7:00 p.m. October 20, 2008 to hear comments regarding a rezoning on property at the corner of Lawyers Road and Unionville-Brief Road.

The next item of business was to appoint alternates and set terms for Board of Adjustment. Planning Board recommends Andrew Benton and Jaren Simpson. Upon motion duly made by Edd Little, seconded by Robert Croutch, Council unanimously appointed Andrew Benton and Jaren Simpson as alternates to the Board of Adjustment.

Clerk Sonya Gaddy reminded Council of the annual Christmas tree lighting on Sunday, December 7, 2008 beginning at 5:00 p.m. Upon motion duly made by Robert Croutch, seconded by Jim Baucom, Council unanimously approved the purchase of 300 C-7 bulbs and wiring, one 3-foot star and support pole, totaling \$996.63 plus freight.

Mayor Simpson referred to the letter regarding theft prevention programs. Attorney Helms has advised that this would not pertain to Town of Unionville.

Mayor Simpson reminded everyone that November 6, 2008 will be the last day for the library in Town Hall.

There being no other business, Mayor Simpson declared the meeting adjourned.

Respectfully submitted,

Approved as to form:

Sonya W. Gaddy
Clerk

R. Kenneth Helms, Jr., Town Attorney