

TOWN OF UNIONVILLE MINUTES OF SPECIAL MEETING

The September 2, 2008 special meeting to consider the Planning Board's appeal of the Land Use Administrator regarding the Baucom Road subdivision between the Town Council and Planning Board was held at 7:30 p.m. in Town Hall, 1102 Unionville Church Road, Monroe, NC. Mayor Simpson, Commissioners Randy Baucom, Ken Brown, Robert Crutch, Edd Little; Planning Board Chairman Gene Price and members Andy Fowler, Jerry Hinson, Phillip Hinson, Jaren Simpson and Ken Trull and alternates Andrew Benton and Larry Helms were present. Town Attorney Ken Helms was also present. Commissioner Jim Baucom was absent.

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

Mayor Simpson called the meeting to order and welcomed everyone present. He then recognized Attorney Ken Helms to address the item of business.

Attorney Helms began by explaining that this is not a public hearing, nor is this a consideration before the Board of Adjustment. Tonight's meeting is to discuss our procedural position and any consequences or ramifications. Mr. Helms gave background on this situation, stating that the Baucom Road subdivision plat was approved and recorded. During the process of constructing residences, an issue arose as to whether driveways must connect Baucom Road or face the interior access and access the private drive onto Fisher Ridge Drive. The Land Use Administrator approved zoning permits, and the Planning Board has appealed her decision. That decision went before the Board of Adjustment on August 18, 2008, but there was not a quorum present. Mr. Helms has discussed this with the developer's attorney, Wes Hinson, and Land Use Administrator Nadine Bennett. The developer has volunteered to the following conditions:

- 1) Install driveways for all five lots through the private driveway on Fisher Ridge Drive.
- 2) Install landscape vegetative screening along Baucom Road and Fisher Ridge Drive to give an aesthetic curb appeal.
- 3) Bring the private driveway to North Carolina Department of Transportation (NCDOT) standards, except the width.
- 4) Name the private road and install mailboxes wherever the Post Office directs them.

These conditions are not legally binding, but will be entered into the record. If the Town accepts this offer, the Planning Board must withdraw the appeal.

Fisher Ridge resident Charlene Sloan stated that in January, 2008, the Land Use Administrator stated that only two lots were allowed on a private driveway; all five are now facing the private driveway. Attorney Ken Helms stated that the issue is between legal access and physical access. The three lots on Baucom Road have legal access to Baucom Road, as they abut the road, and the other two lots have legal access through the private driveway. This complies with our Land Used Ordinance. All five physical accesses would be on the private driveway to Fisher Ridge Drive.

Fisher Ridge resident Jim Rogozinski asked if the private driveway would be wide enough for emergency vehicles. Commissioner Ken Brown stated that the volunteer firemen even have trouble with some roads that meet width requirements.

Planning Board member Jim Walker commented that he is concerned that in ten years the private driveway might fail, and someone will come to the Town to repair the road. Attorney Helms stated that this issue would not come to the Town. The developer stated that the driveway will be 14 feet wide and NCDOT standards require 60 feet of width, including rights-of-way.

Fisher Ridge resident Chuck Tadlock expressed his concern regarding development in this part of the county. He feels that the builder simply threw the houses together, and he's not happy about it.

Vander Lane resident Greg Little questioned NCDOT's comments for driveways to Baucom Road. He hopes that the Town will tighten building codes enough that these types of problems are avoided in the future.

Again, Mr. Wes Hinson stated that the developer voluntarily will put driveways to the private driveway, pave the interior street and grade ditches, provide a landscape vegetative screen along Baucom Road, name the private driveway and have addresses assigned to the newly-named street.

Fisher Ridge resident Charlene Sloan stated that the NCDOT-graded ditch has caused her front yard to flood. Mr. Hinson stated that something must have been done improperly.

Attorney Ken Helms suggested that a motion be made to direct the Planning Board to dismiss the appeal of the zoning administrator's decision. If no motion is made, the Board of Adjustment will hear this matter on September 15, 2008 at 6:30 p.m. Someone asked what would happen if the Planning Board did not agree with Council's direction. Mr. Helms suggested an Executive Session to answer legal questions regarding this matter. Upon motion duly made by Randy Baucom, seconded by Ken Brown, Council unanimously agreed to meet with their attorney and the Planning Board in Executive Session.

Upon motion duly made by Ken Brown, seconded by Randy Baucom, Council unanimously agreed to close Executive Session.

Mayor Simpson asked Mr. Hinson to read the voluntary actions the developer is willing to take. They are:

1. Install driveways through a private drive for all five lots through Fisher Ridge Drive.
2. Install a landscape vegetative screening along Baucom Road and Fisher Ridge Drive to give aesthetic curb appeal.
3. Asphalt the private driveway to the same NCDOT standards as Fisher Ridge Drive except width.
4. Name the private road and install mailboxes for the five lots where directed by the United States Post Office.

Mayor Simpson recognized Planning Board Chairman Gene Price. Commissioner Edd Little recused himself from the meeting, as he owns adjoining property to Fisher Ridge. Upon motion duly made by Planning Board member Ken Trull, seconded by Jerry Hinson, Planning Board unanimously agreed to withdraw the appeal of the subdivision on Baucom Road in the interest of reaching an agreeable solution.

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

Respectfully submitted,

Sonya W. Gaddy
Clerk

Approved as to form:

R. Kenneth Helms, Jr., Town Attorney