

TOWN OF UNIONVILLE
MINUTES OF REGULAR PLANNING BOARD MEETING

The Planning Board of Town of Unionville met on Monday, February 4, 2019, at Town Hall, 1102 Unionville Church Road, Monroe, NC. Chairman Joe Medlin, Board members Jeff Broadaway, Aaron Tarlton, Ken Trull, Craig Rushing, Andy Fowler, Jerry Adams, and Alternates Barry Baucom and Scott Barbee were present.

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

Chairman Medlin called the meeting to order and welcomed all to the meeting at 7:31 p.m. After a motion by Jeff Broadaway, seconded Craig Rushing, the Board unanimously approved the minutes from the December 3, 2018, regular meeting.

Chairman Medlin introduced the first item of business, the election of Chairman and Vice-Chairman for 2019. Aaron Tarlton nominated Ken Trull for chair and was seconded by Jeff Broadaway. Upon a unanimous vote, former Chairman Medlin turned the gavel over to Chairman Trull. At that time, Chairman Trull opened the floor to receive nominations for the Vice Chair. Craig Rushing was nominated by Joe Medlin and seconded by Aaron Tarlton. The Board unanimously agreed.

Chairman Trull then brought forward the recommendations for expiring Planning Board members and alternates. Craig Rushing and Ken Trull will have terms expiring February 2019. Aaron Tarlton's term expires in April 2019. In addition, Alternates Scott Barbee and Barry Baucom will have terms expiring April 2019. Chairman Trull confirmed that everyone listed was eligible for their second term. Aaron will finish his term through April, but they will be moving at some point in the first half of that second term, and in fairness to the Board and the Town, he asked if that would be something that could be tabled until April. Chairman Trull asked Aaron if he was planning to move in May or July. Aaron Tarlton stated that he would be moving about a year from now. Aaron agreed to think about his return and to not make any decisions. Alternates will finish up in April. Chairman Trull asked if the alternates would be willing to remain. Both alternates confirmed that they would be willing to return. Chairman Trull asked if they needed to make a recommendation to Council. Jeff Broadaway made a motion that Craig & Ken renew their terms, as well as Scott & Barry as alternates. The motion was seconded by Craig Rushing and passed unanimously.

The next item on the agenda, Chairman Trull recognized Land Use Administrator Gaddy for the consideration of Subdivision #SUB-18-16, owned by Jeff Simpson, located on Unionville Brief Road. The proposed subdivision will have three lots with easements. Two of the lots will be served by easements with 20 feet of right-of-way. Everything meets the spirit of the ordinance and drainfields are contained on their own parcels. Jeff Broadaway asked if the right-of-way serving Lot 3 was correct on their copy. Land Use Administrator Gaddy stated that it was corrected on the mylar. Chairman Trull asked if there

were any other questions. There being none, Joe Medlin made a motion to approve and Craig Rushing seconded the motion. It passed unanimously.

In other business, Chairman Trull recognized Council in attendance to speak. Mayor Baucom addressed the Board. He wanted to inform the Planning Board about some things that have happened over the past three weeks. Rose Williams, Legal Counsel with NC League of Municipalities, has reached out to the Town. Her job is to defend municipalities when there is action brought by lobbyists in Raleigh. She was in a committee meeting with lobbyists in Raleigh when two lobbyists began to work on a bill to circumvent the sewer easement put into place by the Town. Mayor Baucom stated that Mrs. Williams advised the committee that she had not spoken with Unionville. She requested time to speak with the municipality to see what could be worked out on the local level. Representative Dean Arp met with all the Council members and Mayor Baucom throughout the past week. Representative Arp does not want to get involved, but the big issue this term will be imminent domain. Mayor Baucom advised the Board of several county and municipal examples where they found to have reached outside of their bounds and were not received well by the legislature. In each case, the municipality had been ruled against. Both Arp and Williams have advised the Town to work it out on a local level, rather than being lumped with the other municipalities. Representative Arp advised that it would be a strong possibility that the Town would be overruled in legislation at the state if the Town did not act. Gene Price stated that the Town would stand to lose a lot more than just that one issue if we don't change it.

Chairman Trull advised the Board that Council did vote based on the Planning Board's recommendation for the text amendment at the last Council meeting. Jeff Broadaway stated that clearly something has happened between then and now, since someone chose to get Raleigh involved. He stated that he felt that amendment had been twisted from its initial intent and turned into a money thing. He stated that his concern is that it is the Planning Board's charge to consider the future of the town, and Council is to worry about the current situation. His fear is that folks are worried about this taking a hit on property values, rather than seeing it for the benefit in the community. He stated that we should be explaining to people that they might buy a lot where their neighbor could potentially dig up their yard to repair a drainfield, in order to support the spirit of the amendment. He feels that this is a money issue and there are a few in the community who are afraid that their property values will be hurt. He went on to state that he would respect Council's decision, but hoped Council understands the spirit of the ordinance. Broadaway went on to state that he had some concerns that if Council would reverse an ordinance everytime that something like this happens, and someone runs to Raleigh, what would be the purpose of the Planning Board?

Mayor Baucom advised the Board that it was not his intent to criticize, but to inform the Board of the feedback they have received. Joe Medlin asked Mayor Baucom about what the exposure would be. Mayor Baucom stated that the fear is that they could ultimately write a bill that would take away some of the Town's rights, like franchise rights. Aaron Tarlton stated that it was evident that some people are really upset for this to have happened so quickly. Mayor Baucom confirmed that this is something he hears about regularly. Craig Rushing stated that the amendment was not a knee-jerk

decision by the Board; it would be fair and better for the community. It is like we said, if there was a lot with a repair field on it, is it fair to that person, and we didn't feel like it was. That's what we were getting at. We did what we thought was best for the community in the future. Aaron Tarlton asked what Mrs. Williams recommended. Mayor Baucom stated that she recommended the town settle things before it got to Raleigh. Alternate Scott Barbee spoke out in support of the amendment and encouraged the Board and Council to stick with the amendment. Jeff Broadaway asked what Council's position was at that point. Chairman Trull stated that it would likely be discussed at their next meeting. Mayor Baucom clarified that he was informing the Board of the recent conversations. Chairman Trull asked if the Council was looking for the Board to rescind or revise the amendment. Land Use Administrator Gaddy advised that she did not know what the procedure would be to rescind, as she is waiting on the advice of the attorney.

Jeff Broadaway stated that the Board is looking towards the future and trying to do what is best for the entire community, not just a portion of the town. Gene Price advised the Board that they must choose their battles. After conversations with Representative Arp, he understands that if the Town does not reverse this, it will be reversed for the Town. Many people have already come up with workarounds, like ball and chain lots, just to get around the legislation. Mrs. Williams has advised the Council that the biggest lobbyist group in Raleigh is the Homebuilders Association. They are against this amendment and we risk losing more than we have to gain by keeping the amendment in place. We could lose our right to be Unionville and make decisions in the best interest of the community.

Craig Rushing stated that he was concerned that this decision would set a tone for the next person who did not like an amendment. He felt like reversing the amendment negated the actions of the Planning Board. He asked what Representative Arp's position was on the matter. Mayor Baucom stated that Representative Arp was clear that he did not want to get involved, but he had a good idea of how it would play out if this matter made it to Raleigh. Joe Medlin stated that it sounded as if the Town was at the mercy of the builders and we would have to do what they tell us to do. Aaron Tarlton noted that there were still ways around the legislation, so did it really even matter. Land Use Administrator Gaddy stated that the "ball and chain" workaround may not always be an option. This was a larger parcel and was an option for this particular homeowner. Craig Rushing stated that this is a decision that Council will make from here on out. It does not matter what the Board thinks. Mayor Baucom stated that he respected the Board and wanted to keep the Board informed of what was going on with the amendment. Chairman Trull stated that it was Council's job to agree or disagree. Mayor Baucom stated that he was not before the Board to be critical and respected the Board for all that they do for the Town. Andy Fowler asked that if the amendment is reversed, could the Town be sued for someone's drain field being an issue? Mayor Baucom stated that the county is in charge of that regulation, so it would be a county issue. He advised the Board that Representative Arp and Mrs. Williams gave Council a three-week deadline to act. Chairman Trull asked for any additional questions. Jeff Broadaway stated that he would just ask the representatives to do their job and make sure nothing goes into state law. Protect everybody and look ahead. Personally, in Raleigh, there are 50-60 senators and 100 legislatures; just because it's talked about, doesn't mean it will happen in Raleigh.

There being no other business, and upon motion duly made by Joe Medlin, seconded by Craig Rushing, the Board unanimously adjourned the meeting at 8:12 p.m.

Respectfully submitted,

Melody Braswell
Deputy Clerk