

TOWN OF UNIONVILLE MINUTES OF REGULAR MEETING

The Town Council of the Town of Unionville held its regular meeting on Monday, August 20, 2018 at 7:30 p.m. in Town Hall, 1102 Unionville Church Road, Monroe, NC. Mayor Baucom, Commissioners Edd Little, Andrew Benton, Gene Price, Jaren Simpson were present. Town Attorney Ken Helms was also present. Commissioner Ken Brown was absent.

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

Mayor Baucom welcomed everyone and called the meeting to order. He offered the floor for any public comments.

At that time, resident Russell "Rusty" Rushing came forward to speak regarding a concern. He stated that all of the construction on Sikes Mill Road has caused there to be several loads of stumps and debris each day, and it is being dumped past his home on a private road across from Piedmont High School. When he stopped one of the drivers, he stated that the driver had a signed paper from Danny Rushing that they were to dump the debris on his property to fill in a pond. Mr. Rushing provided pictures for the Council to review. There is a small pond, but none of the debris is going into the pond. He stated that the debris is piling up with there being about 10 loads per day being dumped. He stated that it is creating a health concern and there are children living on both sides of the road. There are issues with drainage, fire hazards, and as the pictures show, an illegal mobile home, camper trailer, and a mosquito problem. He stated that there is a stagnant pond about 30 feet wide that has some stumps and is full of mosquitoes. There is no water going into or out of the pond. He told Council they would have to see it to believe it. He stated that there are also pictures with wires running down outside, there are buildings with no permits, and wires running between shacks. He went on to state that there is also wood that would never burn when they tried to burn it in the past. He shared that he had lodged a formal complaint with the Town, but was not sure what his next step should be.

The next person to speak was resident Arlie Rushing. Mr. Rushing confirmed all that Rusty Rushing stated was true. He also provided some pictures that he had taken. He stated that his concern was the Right of Way (ROW) going to his house. There are rocks piled in the road ROW up to 30 feet. He has a court recorded ROW. Mayor Baucom stated that on the agenda for the night was a discussion about a contract for code enforcement and it will be discussed.

Attorney Ken Helms confirmed that there are several different issues at hand with this situation. One is regarding a private easement, which the Town of Unionville has no authority to enforce. He stated that the process for dealing with code enforcement issues begins with filing a complaint with the Town to get the investigation started. He went on to state that in regards to the environmental issues, the Town of Unionville does not have jurisdiction over those, but he recommended that the men submit those concerns to the NC Department of Environmental and Natural Resources. He stated that it sounded like there were issues with building code guidelines as well. In regards to building code issues, we also have no jurisdiction over that area, rather the county would have jurisdiction over that.

Land Use Administrator Gaddy stated that our code reads that if the structure was existing in 2003 when the Town resumed zoning, it was not required to be changed. Once a property owner comes forward for permits, then the Town will require it to conform to the Town's code. Attorney Helms clarified that the county does regulate building code violations. He stated that as much as the Town can, and within our ordinance, we will follow that procedure outlined in the ordinance. Mr. Arlie Rushing asked in regards to having dumped items covering more than one acre of land being in violation of the Land Use Ordinance. Land Use Administrator Gaddy confirmed that it would have to be investigated as a violation and confirmed. She stated that the Council has shown interest in someone supporting the Town with Code Enforcement. Once that has been determined, we will be able to have a clear direction. She went on to state that the only written complaint to date has been the first complaint lodged by Mr. Rusty Rushing, which included the excessive amount of dumping, but not illegal buildings. She encouraged both men to submit their complete complaints in writing to the Town so it can be investigated. She also asked them to leave their pictures with her so they can be shared with our Code Enforcement. She confirmed that the complaints are all at the same address. Attorney Ken Helms then explained that the process would start with a complaint, a determination will be made, it could eventually end up with a court order. Mr. Rusty Rushing expressed appreciation for the Town's time. Commissioner Benton asked for confirmation of the address. Mr. Rusty Rushing stated that he believed it to 3041 Sikes Mill Road. Mr. Rushing stated that he would invite anyone to look at it, and stated that on the internet it is called a compound.

There being no other public comments, Mayor Baucom then opened consideration for the minutes for the July 16, 2018, Annexation and Zoning Public Hearing and the Regular meeting. The minutes were unanimously approved.

Mayor Baucom recognized Finance Officer Darrell Baucom, who reviewed the Financial Report, a copy of which is appended to these minutes. Mr. Baucom stated that he has a balance sheet prepared that shows the Certificate of Deposit yield at 2% and the Money Market account at 1.2%, which are really good rates. In profit loss, budget versus actual expense, he noted that it only shows one and a half months. In addition, ad valorem taxes are late getting out, so we have not recovered anything there yet. Our income is a little below budget by about \$4,600. In looking down on the expense, we are also under budget by about \$13,000, with legal fees being below budget, insurance, maintenance, and payroll. He went on to the activity since the last meeting. There were quite a few bills paid in the past month. Some of the larger bills include Interlocal Risk Management for insurance, NC League of Municipalities for dues, School of Government for \$821, and a donation to Union County. There are no unusual pending bills to be paid. Upon a motion duly made by Edd Little, seconded by Gene Price, Council unanimously approved the payment of all pending bills.

Mayor Baucom then recognized Dr. Jonathan Tyson, Piedmont High School principal, to address a concern about the parking lot on Love Mill Road. This time last year, the school was short on parking and there were not a lot of options. While there were concerns initially, Dr. Tyson stated that the parking lot run by the Laney family has been a positive agreement. The school is still short on parking, while it is not as bad as it was last year, enrollment is spiking and there are not enough spaces for new juniors or any sophomores to park at the school. At this point, they will have to park at the car wash. Dr. Tyson stated that his purpose in coming forward is to get support from a safety aspect by making the property a right-turn-only between the hours of 3 and 4 p.m. He stated that they have about 500 cars coming onto the campus from Love Mill Road to pick up, drop off, or student drivers exiting

campus. In addition, there are about 50 cars in Mr. Laney's lot. The majority of the cars leaving campus or the Laney lot go towards the roundabout to access other roads or one of the local convenience stores after school. Those 50 cars compounded with the already overcrowding, creates a traffic issue, requiring that traffic stops, and it also leads up to the roundabout getting backed up as well. While Dr. Tyson stated that he was not sure of what the process should be for Council to make the request to the Department of Transportation for appropriate signage to make that a right-turn-only, but he does feel that it would be best for the school and the safety of all involved if this were to be enforced. He stated that Mr. Laney was also in agreement with this idea. Mayor Baucom asked if the rule would be enforced by the traffic officer. Dr. Tyson stated that it would be tough with 1400 students at dismissal, which is the most chaotic time of day. He stated that Officer Ken Baucom currently directs traffic there and has his hands full. He stated that they really need signage and to train the kids of the new dismissal process. He felt that the students would like to be compliant if they knew they would have to ride the school bus again if they were caught disobeying the new traffic pattern. Dr. Tyson said that he would not have the authority to revoke their parking privileges if the student were out of compliance, but that would have to be done by Mr. Laney. Mayor Baucom asked if that stipulation could be a term of the parking permit. Mr. Laney stated that students have been warned that if they are caught turning left they will lose parking privileges for two weeks after the first infraction and lose all parking privileges after the second time they are caught. He stated that all of the kids have agreed to the right-turn-only at this moment, but there is still the risk that someone will disobey the law. Mr. Laney stated that he would be there monitoring the situation on Monday morning and Monday afternoon. Barbara Laney stated that the parents will likely be in agreement with them as well because it will have their child's safety as the main concern. Mayor Baucom asked that as far as the signage went, if that would be something that we would request from the NCDOT. Attorney Ken Helms stated that the lot can make any rules they would like and hang any sign they would like since it is private property. The Town issued a Special Use Permit for it to be used as a parking lot, and there was never any discussion regarding this being a right-turn-only and was not a condition applied to the permit at the time it was issued. He also stated that the Town does not have the authority to dictate what can happen on Love Mill Road, since that is under the control of the NCDOT. He stated that the Town could ask the DOT to consider that, but it is a long process and this sounds like something that needs to happen soon. Dr. Tyson stated that any time is better than never. He went on to ask that since this was not initially a condition of the original permit, could it be modified to now include the right-turn-only as a condition for the permit. Attorney Helms stated that it could be modified, but we would have to start that process and it would require that the Laney's agree. He stated that the Town could adopt a resolution asking the DOT to do something, knowing that they may or may not do it. Dr. Tyson thanked Council for their time and consideration regarding this topic. Upon a motion made by Andrew Benton, seconded by Gene Price, Council agreed to drafting and submitting a resolution to NCDOT that would require the Laney parking lot to become a right-turn-only zone in an effort to alleviate congestion at the roundabout, and request a sign for right-turn-only. The motion passed unanimously.

Mayor Baucom then moved to the consideration of the Letters of Credit for the Oaks at Camden. Land Use Administrator Sonya Gaddy stated that their Letter of Credit has been revised. The original letter we received was for \$50,718, but our engineer advised that the amount would not be enough to put down the remaining 3 inches of surface on the roadways that would be required in the north phase of the development. She stated that the engineer's recommendation was for \$102,169. She stated that they have kept the \$50,718 letter and added an additional letter in the amount of \$51,451,

which together meets the \$102,169. It is now up to Council to approve the Letters of Credit. Upon a motion made by Edd Little, seconded by Jaren Simpson, Council unanimously agreed to accept the Letters of Credit for Oaks at Camden North Phase.

Mayor Baucom moved to the next order of business, the Town's contract with N-Focus. Sonya told Council they were being presented with the new N-Focus contract. N-Focus is the group that backs up our zoning and planning, and could also support us with code enforcement. The only difference is that code enforcement is added to Section A-2, and compensation is under Item #9. The Code Enforcement Officer would be compensated at \$125 per hour, to be billed monthly in quarter-hour increments. Sonya advised Council that this was what she had been asked to investigate last month. Mayor Baucom stated that he understood that many of the code enforcement officers are retired law enforcement. He asked Council how they felt about having them go out rather than Sonya. Edd Little stated that he felt that it was a good idea to keep Sonya's safety in mind. Mayor Baucom stated that while it may cost the Town, Sonya needs to be in the office, rather than worrying about code enforcement issues. Sonya stated that she would still continue to field calls and accept the complaints, and she would then forward it on to the code enforcement officer. He is planning to come on the 29th of August to review our ordinance and she also has two complaints for his review to determine whether or not the properties are out of compliance. Mayor Baucom stated that he felt it would make life a lot easier for everyone if we had a separate entity working to enforce. Someone asked what the scope of the code enforcement officer's responsibility and authority would be. Mayor Baucom advised that the code enforcement officer would only respond to formal written complaints received by the town and would not be nit-picking. Andrew Benton asked if these code enforcement officers were employees of N-Focus, or if they were contracted. Sonya confirmed that they were employees of N-Focus and they would then contract with us, just like Nadine Bennett is an employee of theirs, but we correspond with her via phone or email. Upon a motion made by Andrew Benton, seconded by Edd Little, Council unanimously approved the amended contract with N-Focus.

Mayor Baucom then recognized Jasun Williams with the Community Events Foundation. Mr. Williams thanked Council for the opportunity to speak. He is the president of the non-profit organization, Community Events Foundation. He wanted to share their upcoming event to be held in Monroe called the Taste the World International Food Festival, which will be on October 13th. He is coming to Council seeking support and providing information. The event will focus on offering cultural foods from across the United States in one spot. The event will be held at the Monroe Plaza Shopping Center at 1600 Skyway Drive, in the same parking lot as Compare Foods. Supporters of the event include City of Monroe, WFAE, and some additional media stations. Mr. Williams shared a flyer for the event and stated that they were in need of financial support. One specific need that they had was to secure a portable stage, which they would accept in lieu of financial support. There will be no charge for the event. Some of the activities include food trucks, a kids' corner, cultural dances DJ, and so on. The day will be fun and family-friendly, and will take place from 11 a.m. until 5 p.m. Mayor Baucom asked how long the event had been held. Mr. Williams stated that this was the first annual event for Monroe, but they plan to host it annually. The City of Monroe and Town of Waxhaw are excited about it. He stated that all donations were welcomed and appreciated.

Mayor Baucom then brought up the gift basket donation for the Union County Heritage Festival. Sonya stated that this is something we have done in the past by putting together several gift certificates from local businesses, totaling \$350 this year, and donating it to the festival. Sonya stated

that she would be willing to put it together if they wanted to move forward with that. Upon a motion made by Edd Little, seconded by Andrew Benton, Council unanimously approved moving forward with the gift basket donation of \$350.

Mayor Baucom then introduced the Constitution Week resolution and proclamation. This is something that we have also done in the past. September 17-23 is Constitution Week and we have once again been asked to adopt the proclamation. Upon a motion made by Edd Little, seconded by Andrew Benton, Council unanimously agreed to adopt the proclamation and observe Constitution Week in the Town.

Mayor Baucom invited General Gary Wilfong to address Council on the construction progress. Joining General Wilfong from the Samuel F. Keziah Post #535 were Jim Rowe, Arlie Rushing, Mac Rushing, and Wendy Griffin. General Wilfong stated that over the last two years, the post has been working on constructing their building on Highway 601 on the land donated from the Keziah Family, in honor of Sam Keziah, the father of Frank and Angeline Keziah. This post is unique in that it started with three veterans meeting at Bethlehem Presbyterian Church in April of 2009. They added eight additional member that May and began meeting at the Country Grill. A temporary charter was granted in July 2009, and they received their current charter in 2013. The Keziahs have donated two acres of land that will be the home of the post. Currently, the post is home to 150 veteran members, a Ladies Auxilary (wives or widows of veterans) with 30-50 members, Sons of the American Legion (father or grandfather served) with 50 members, Legion Riders, and Legion Cruisers. This is the second post in North Carolina to have a Classic Cruisers event. The post also has two members trained as counselors for members suffering with Post Traumatic Stress Disorder. The post supports and American Legion baseball team, Boy Scout Troop 316, Cub Scout Troop 316, and Junior Marksman Troop 316. Their vision for this post is optimistic, with plans for a 7,800 square foot building. Most buildings from other posts are leftover military buildings and are much smaller; however, the post was looking beyond being just a meeting place for the American Legion members. There will be 4,000 square feet of the building for events like meetings, wedding receptions, or even emergency shelter. He stated that there is typically a negative connotation with veteran organizations, however, the deed with the Keziahs specifies that there will be no alcoholic beverages served at this location. General Wilfong stated that this was done for several reasons. This has opened the door for several ordained ministers to join who would not have been able to join otherwise. Many of the members are now involved in funerals and ceremonies in the area that provide military honors. Currently, the active duty military cannot handle all of the military funerals, so the post is able to assist them in making sure that these veterans are appropriately honored.

The post hopes to complete the new building sooner rather than later, with several World War II veterans hoping to get a chance to see it. In addition, the classroom facilities would be available for local groups to utilize them. The main office for veterans does plan to have a remote site in the new building to serve our local vets. Our members like John Brewer, Post Commander of the State of NC and Al Wile, Scoutmaster of the State of NC, have set the bar high and have helped to bring our numbers from 11 to 150 members. In addition to \$6.50 per year dues, the post hosts golf tournaments, fish fries, a chicken dinner, and the ball team has a barbeque. To date, they have raised \$120,000 in donations and fund raising, and are now down to \$45,000 in the budget. The group plans to continue to raise funds until the building is complete. They know that plumbing and fixtures will cost an estimated \$20,000 and the kitchen will be twice that much. They are accepting bids for the heating and

air as well. Fortunately, they have had the architectural and engineering plans donated to the group. In addition, they are hoping to get a discount on their fixtures. They have had 55,000 bricks donated, but are now looking for local masons to donate their labor in the first of September to lay the brick. Mayor Baucom inquired about donations the group has received. General Wilfong stated that they planned to build the \$1.1 million facility for \$.30 on the dollar, and they were currently meeting that goal. They were now in need of additional donations. They are talking to manufacturers and hoping to continue to keep pace with the donations. It will take real money to make it happen, too. He stated that their Golf tournament typically brings in around \$20,000, and they were hoping for the best. Their next step is to have insulation sprayed on the building in hopes that the brick will begin being laid on September 8th. Mayor Baucom asked if there would be space available to rent for the public. General Wilfong confirmed that the classrooms, commercial kitchen and bathrooms, as well as a 4,000 square-foot meeting room would be available to rent, on the condition that no alcohol is served. He feels that this will be a facility Unionville will be proud of when it is completed.

General Wilfong stated that many of the Vietnam veterans were not warmly welcomed back home like their WWII predecessors. These folks came home physically and mentally wounded. PTSD counselors will be available to help and have already intervened in one suicide situation. Two people from the post, Dennis Helms and Roger Keziah, were trained in Texas to counsel sufferers of PTSD.

The post is grateful for Unionville's support, and this is a great area for an American Legion post. Mayor Baucom stated that the facility will be nice to have in the community and it is also a good way to honor veterans. If not for their service, we would not be here. He stated that the Town should support the post considering the benefit it will be to have the facility in the community. Upon a motion made by Edd Little, seconded by Jaren Simpson, Council unanimously agreed to donate \$60,000 to the American Legion Post #535 upon the condition that the Town receive naming rights to the community meeting room. General Wilfong stated that the Post would have to vote to accept the donation, and they were very appreciative for the gift. This donation gives them hope that the WWII veterans will be able to see the finished building. General Wilfong did not accept the check, but stated they would meet with the post on September 7th. He invited the Mayor and Council to attend a check presentation, which would likely be held in October.

At that time, Ken Brown joined Council.

Mayor Baucom then recognized Land Use Administrator Gaddy regarding the annexation # 21 – Olive Branch Road and Helms Pond Road. Due to the age of the original petition, there was concern about whether or not the property owners still wanted to be annexed. After hearing back from most of the current owners, we now have a better idea of who wants to stay in the annexation and who wishes to be cut out of the annexation. There was no response from Lot 25, which is now owned by Offerpad, so it was left out. The decision was made to re-advertise a new public hearing for 6:45 p.m. on September 17, 2018, contingent upon receiving all necessary information from the surveyor prior to the meeting.

Mayor Baucom then called for other business. He stated that due to some current events, he felt it was incumbent upon the Town to get a security camera set up for Sonya so she is not having to go to the door. He stated there was also a grant, which Sonya confirmed, that will cover 50% of the costs. She asked if the Town wanted just cameras, or monitoring and a security system. Council advised that

it would be best to get security monitoring and cameras. Clerk Sonya Gaddy was advised to get three quotes from the area.

Clerk Sonya Gaddy brought forward an advertising opportunity from WIXE to advertise at local football games. Council was not in favor since it would be hard to be fair in this case.

Clerk Sonya Gaddy reminded the Council of the required Ethics Webinar that should be completed by October 31, 2018.

Commissioner Ken Brown apologized for his lateness as he had another meeting he had to attend.

Commissioner Andrew Benton asked if there had been any follow up about the wall at Unionville Elementary School. Deputy Clerk Braswell stated that she would follow up with Dr. VonCannon and try to get a response as soon as possible.

There being no other business, Mayor Baucom adjourned the meeting.

Respectfully Submitted,

Melody Braswell
Deputy Clerk

Approved as to form:

R. Kenneth Helms, Jr., Town Attorney