

**TOWN OF UNIONVILLE
MINUTES OF PUBLIC HEARING**

The Town Council of the Town of Unionville held a public hearing on Monday, September 18, 2017 at 7:00 p.m. in Town Hall, 1102 Unionville Church Road, Monroe, NC. The purpose of the public hearing was to hear sworn testimony regarding Rezoning ZC#17-02 from RA-40 to CUD-B-2 for a parking lot, an application submitted by owners Donald C. and Barbara Laney for parcel number 08099014, located at 3102 Love Mill Road, Monroe, NC.

Mayor Simpson and all Commissioners were present. Town Attorney Ken Helms was also present.

Mayor Simpson welcomed everyone and called the public hearing to order. He then administered the oaths to Sonya Gaddy, Barbara Laney, Danny Morgan, Cindy Tyson, Eric and Tracey Baucom, Regina Price, Jeff Broadaway and Mark Mitchell.

Mayor Simpson recognized Land Use Administrator Sonya Gaddy, who reminded Council that this hearing is being conducted in a quasi-judicial manner, which means that if anyone has had ex parte communication, it should be revealed at this time. There was none revealed. The Council's decision should be based solely on testimony received tonight.

Mrs. Gaddy explained that she had received a signed, written complaint from Cindy Tyson on August 12th, that a parking lot was being operated at the old car wash. Upon inspection of the ordinance, she determined that this was not allowed in RA-40 zoning, and sent Mr. and Mrs. Laney a letter, allowing 30 days to comply. The Laney's asked what they would need to do to comply and continue operating the parking lot, and Mrs. Gaddy stated that the only zoning which allows a parking lot is business zoning; therefore, the Laney's completed a rezoning application for a conditional use permit in B-2 zoning for a parking lot. This zoning will go with the property, and can only be changed with another rezoning. This is a two-step process; first they would consider the conditional use district and then consider the conditional use permit for a parking lot. Also, a parking lot will be the only use for this property, if approved. Because they are seeking compliance, they have been allowed to continue to operate. She drew Council's attention to the conversations she has had with Piedmont High School principal Dr. Jonathan Tyson and Union County Public Schools Security Director Don Novac and Safety Director Jarrod McCraw, which was included in their packet. Mr. McCraw's son parks at the Laney lot. She also shared emails with Council from Union County Public Schools and NC Department of Transportation, denying requests for a sidewalk from the parking lot to the Traffic Crossing Guard at Piedmont School Road and Sikes Mill Road, as requested by the Town's Planning Board. She gave a brief overview of a letter from adjoining property owners, Chase and Abigail Coble in support of the parking lot, but suggesting the "Safe Routes to School" program. This decision must be made in a quasi-judicial manner, which means Council considers only evidence given under oath tonight. Although this property is not identified as future commercial on the Town's map, staff recommends approval, along with the eight conditions listed on the Staff Report. She reminded Council that any decision they make tonight must be accompanied by the four findings-of-fact and the statement of reasonableness.

Applicant Barbara Laney addressed Council. She stated that they had heard that there was a need for parking at the high school, so they opened up more spots this year. Last year they let 18 people park on the concrete area, as the property was wet in certain areas. They did not realize they were non-compliant until they got the letter from Town of Unionville. They are asking for a rezoning in conjunction with the overcrowded parking lots at Piedmont High School. There are currently 50 students parking in their lot. They have done several things to ensure the students' safety—identified additional parking spaces and added eight loads of rock and two night lights for after-hours parking. Also, they have opened up the entrance to 43 feet wide and lowered the eight-foot fence. Some of the students have 7:00 classes, so they are asking that the hours begin at 7:00 a.m. Last week the Planning Board talked about 7:00 a.m. – 6:00 p.m. times for parking and they will rope off the lot when it's closed. Some students have after-school sports which keep them at school past 6:30, so they are asking for the hours to be modified to 7:00 a.m. until 7:00 p.m. They have rules and regulations they require the students to sign. They contacted Union County Public Schools and NC Department of Transportation asking for sidewalks to be installed to the school crossing guard, but were turned down. They will consider putting down a rock sidewalk themselves. They realize they can't control the students but they are asking them and their parents to have students walk in the pathway. They are trying to make it safe, and are requesting that you approve the rezoning.

Mr. Danny Morgan and his wife, Tammy, have partnered with Chuck and Barbara to operate the fifty-spot parking lot to help the Piedmont High School students. He didn't realize they were non-compliant. He lives in New Salem and is Barbara's brother. They widened the driveway from 27 feet to 43 feet, since these are younger drivers. They have rocked the parking lot. He realizes we can't control the kids, as he has a 21-year-old and 17-year-old senior at Piedmont. His daughter parked there last year and it kept him from figuring out how to pick her up. Most kids don't want to ride the bus after they get their license. They took out liability insurance in case something happens. They put up a sign at the edge of the property asking students to walk facing traffic to and from school. It was brought to his attention that Ms. Tyson doesn't want students walking on her property and her signs show they should stay off her grass. It would be a mistake for them to walk with traffic; they don't need cars sneaking up on them. Ken Baucom will help them cross safely at Piedmont School Road. He's sorry they didn't comply at the beginning, but they failed to check the ordinances. The kids appreciate the parking lot. More kids will be getting their license this year and have no spots at the school. Four of their clients have received a spot at the school, so they gave their spot to someone else and refunded the original clients' money. They also record tag numbers of who should park in their lot.

Ms. Cindy Tyson addressed Council. She stated that she never said she didn't want students walking on her yard. She knows there's a right-of-way and they can walk on it. A water line was installed this summer and a mess was made, so she's trying to get a patch of grass to grow and it's uneven and rocky. She doesn't want anyone to fall and get hurt. Also, she has a white fence to keep people off of a fire ant mound she's treating. She did say that last year there were several students that made a path across her yard. Her concerns are that there's no safe place for kids to walk. If they are on her side of the road, they have a right-of-way and can walk

beside the woods and across the dump site. On the opposite side, it gets narrower at the ditch at Roger Melton's property. She sees kids walking in the road and the edge of the road and it's an accident waiting to happen. The other thing is that now they are supposed to walk facing traffic. This morning, a young lady was walking on her side of the road and Ms. Tyson told her she was walking on the wrong side of the road, and she responded "yeah". The other problem is that now as the school year progresses more students with licenses and cars and when they fill up all 50 spaces, half have two to three people in the cars. Think about the number of students walking up and down the road. Cars are driving in the center of the road and across the center line to avoid students on the grass. It is a potential accident. Tractor-trailers and dump trucks go up and down the road—it doesn't seem to be safe. She is here representing her landlord, Denise Collins from Melbourne, Florida, who intended to send a letter but she got the letter from Unionville the day before she had to evacuate for the hurricane. She just got back in her home but has no power and mountains of damage from Hurricane Irma, so she couldn't send a letter. She doesn't want to see the parking lot continue. She is concerned that students will be getting hurt, and damage to her property. You never know what will happen next. Another concern is that there have been three students from Union County killed in car accidents and it's not a good start to the school year. She doesn't want to see that in Unionville. The issue should be dealt with by Union County Public School Board of Education and commissioners. It's their property that needs spaces and the Commissioners should give the money for more parking spaces.

Mr. Eric Baucom's daughter goes to Piedmont High School and had to ride one and a half hours on the school bus. He lives on 742 in Marshville. They don't want her on the school bus that long. They must sign a contract that the parent is responsible. The teenagers are able to drive a 3,000 pound car; they should be capable to walk a few yards down the road. He doesn't care what the neighbor has to say about his daughter's safety. He talked to the principal one and one half hours on the phone, and he said the same thing Mrs. Gaddy said. There are 87 students on the waiting list to get parking permits at Piedmont High School. Eighty-seven don't have a ride except for the bus, and ours is a 1.5-hour ride. We have a Marshville address, but our daughter has to go to school here. He appreciates the Laney's; they are helping parents hugely. The complainant has no say-so. The woman who owns the home doesn't care enough to be here to speak for herself. People stick their noses where they shouldn't—that's his opinion.

Mrs. Regina Price said her son has a parking spot at the car wash. He plays football, and over half of the juniors who play football didn't get a parking space and have no spot to park. They don't know when they'll get done—4:00, 5:00, 7:00. To make arrangements to get to school to pick up a student, you need to be able to drive for after-school practices and games. There is no place left at the school; they have been told that every place that was suggested for parking, there were 100 reasons why parking can't go there. These kids need to drive to school. We managed to get them to school in the past; why can't they now? Things change, and they need to stay longer, not knowing when they will come home and they need to be able to drive. The kids and parents signed a contract. They walk all the way down to the traffic cop and he lets them cross as soon as they come up. Crossing the road is the biggest concern and they have taken care of that. You put them in the car and let them drive down the road, so you should be able to trust them to walk and do the right thing. She understands there is a safety issue in

everything you do. Nothing is ever without safety risk. She appreciates what they've done; it's safe and functional and easy for parents for the kids to park there. They made the entrance wider and lowered the height of the fence. Please consider this; it is definitely needed and doesn't look like they are not gonna get more spaces at the school.

Mr. Jeff Broadaway stated that he serves on the Planning Board. They went through a lot of these safety issues and various aspects last week. He doesn't have any kids, but he went to Piedmont. After thinking about it, there are two things he's concerned about. From the government aspect, is it government's place to parent kids? If safety is a concern—and it's a valid concern--is Love Mill Road any safer than those crossing Sikes Mill Road on the other side? He is not advocating either way or the other. Kids cross Sikes Mill Road and there is no additional signage. He just wanted to bring that to their attention.

Mayor Simpson stated that the public hearing will continue, and the regular 7:30 p.m. meeting will begin five minutes after the public hearing is completed.

Mr. Mark Mitchell owns the property adjacent to (next door to) the car wash, where he is rehabilitating a home. He is a residential estate sales agent in North Carolina. He asked what the highest and best use of the land is. Town of Unionville does not allow you to build anything on this less-than-one-acre property. If it is not allowed, it is obsolete and an eyesore. His daughter will be getting her license soon but won't use the lot, as she lives next door. For safety sake, he agrees to have a walkway and address accordingly. With eighty-seven students with no parking on campus, the Laneys are fulfilling over half of that. Town of Unionville will have issues if they take it away from the Laneys. His only concern is to put in some sort of a walkway. It is the highest and best use of the land, as he can't build on the property, and it is appealing.

There being no one else to comment, Mayor Simpson declared the public hearing closed.

Respectfully submitted,

Sonya W. Gaddy
Land Use Administrator

Approved as to form:

R. Kenneth Helms, Jr., Town Attorney