

**TOWN OF UNIONVILLE
MINUTES OF REGULAR MEETING**

The Town Council of the Town of Unionville met at 7:30 p.m. on Monday, September 17, 2018 at Unionville Town Hall, 1102 Unionville Church Road, Monroe, NC. Mayor Baucom and Commissioners Andrew Benton, Ken Brown, Edd Little, Jaren Simpson and Gene Price were present. Town Attorney Ken Helms was also present. Town Clerk Sonya Gaddy was absent.

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

Mayor Baucom called the meeting to order at 7:33 p.m. and welcomed everyone present.

During public comments, Pauline Sharon addressed the Council. She comes to the meetings to get to know information about Unionville, but also because Dollar General has been contacting property owners around her and are wanting to put a Dollar General beside her property. She does not desire to have a Dollar General in her vicinity. Mayor Baucom stated that he knew that about six months ago, they were meeting with property owners at the Country Grill. Ms. Sharon confirmed that they held a meeting and had maps to show the outline of the drawings. She stated that at that point they already had determined where they want the store placed on the property. She stated that after the meeting they never heard anything from them. She stated that she does know that they have contacted Land Use Administrator Sonya Gaddy for re-zoning paperwork. She knows that they plan to have the main drive on Highway 601. They want the back side of the store to be beside her driveway. The store dumpsters will be 8 feet from the property line in the back. She stated that they offered to put a privacy fence along her property line. Ms. Sharon stated that she does not want anything to slip past her. Mayor Baucom stated that she was welcome to come join in the meetings. He also confirmed that any considerations for re-zoning would have to be posted and advertised prior to any changes being made. Attorney Ken Helms stated that there will be an agenda and notices shared in advance.

Upon motion duly made by Edd Little, seconded by Andrew Baucom, Council unanimously approved the minutes of the August 6, 2018 Joint Work Session with Planning Board and the August 20, 2018 regular meeting.

Mayor Baucom recognized Budget and Finance Officer Darrell Baucom, who reviewed the financial report, a copy of which is appended to these minutes. Mr. Baucom reported that the Certificate of Deposit at Pinnacle bank has \$2.5 million. He noted that the cash balance is down due to the \$60,000 donation made to American Legion. In addition, we just collected about \$56,000 from franchise taxes. Currently, we are under budget by \$18,000 in ad valorem taxes. As a whole, the Town is under budget by about \$12,000 due to changes in legal fees, maintenance and insurance, and repairs. He stated that there were no unusual bills to be paid for this month. After some discussion confirming that Sonya's accident would be covered by Worker's Compensation, upon a motion duly made by Ken Brown, seconded by Gene Price, Council unanimously approved payment of pending bills.

Mayor Baucom then opened the floor for the consideration of Annexation #21. Sonya brought Mayor Baucom up to speed on that. Carroll Rushing had not gotten all of the metes and bounds recorded on the plat. He advised her that Unionville is the only municipality in the county that allowed for the doughnut holes. Darrell Baucom indicated that these gaps end up costing the town money. Mayor Baucom stated that he was just under the impression that we could eliminate a lot of problems by not allowing these gaps in the future. Attorney Ken Helms stated that we could change the ordinance to say that we do not allow those. The Town would have to take into consideration that one property owner would prevent others from voluntarily coming into the town. Mayor Baucom stated that every time that we pay for the lots to be surveyed, it costs the town more money. Attorney Helms stated that he did not think we could change the ordinance for this annexation. Mayor Baucom asked for clarification that it would still be up to Council's discretion. Attorney Helms confirmed that Mayor Baucom was correct, but went on to state that this situation is unusual. He stated that we have had a doughnut hole from time to time, but this particular scenario has several, but it is ultimately up to the Council. He stated that he did not know how to communicate to these people, and he would hate for them to continue spending money. Ken Brown stated that he did not think we should punish those that have already been here several times. Mayor Baucom asked the other Councilmen what they thought on the topic. Gene Price stated that he felt that it was better to be all in or all out, especially considering that we are the only municipality that allows it. Attorney Helms stated that it would be up to Council's discretion, but somebody is paying Carroll Rushing to do this work. Mayor Baucom stated that we probably do not need to cut them off midstream, but it would be prudent to put policy in place after this annexation had been completed. Andrew Benton stated that he would hate to be denied entry into town because of one neighbor. He stated that he thought it would be good to develop a future policy. Mayor Baucom stated that we could pursue considering an all or nothing procedure. Jaren Simpson made a motion to have Planning Board discuss and consider an all-or-nothing annexation text amendment. Ken Brown seconded the motion and it passed unanimously.

Attorney Helms went on to say that this annexation has been unusual and noted that they've been working on it for years. Part of the problem that has created was that the owners have changed hands. He advised Council that they should probably also look into having a timeframe for a petition so we can avoid running into these problems. He stated that he would research what other municipalities are doing as far as a time limit and report that back to Council. Mayor Baucom asked if the time limit should be imposed at the same time that the ordinance is changed. Attorney Helms stated that there needs to be some sort of time limit and that these things should be done within a set amount of time. There were several properties sold and the new owners didn't know what was going on, which contributed to the creation of the doughnut holes. Mayor Baucom stated that he thought we needed to impose a time limit on annexation applications. He asked for Council's opinion. Ken Brown asked Attorney Helms to research it. Attorney Helms stated that he would into it and report back to you. Ken Brown made a motion to direct Attorney Helms to research other municipalities and their time limits on annexations. The motion was seconded by Gene Price and passed unanimously.

Mayor Baucom then called on Deputy Clerk Melody Braswell for an update on the historical markers. Deputy Clerk Braswell stated that she had asked Dr. VonCannon, but had no

update at this time. She will let Council know as soon as she does hear an update on the wall and the school's plan for the wall.

Mayor Baucom then opened the floor for the consideration of Town Hall lawn maintenance and Christmas lights installation. Mayor Baucom stated that Scott Barbee had submitted his letter of resignation. Mayor Baucom asked Attorney Helms if we needed at least 3 estimates. Attorney Helms asked why not just post the position in the paper. He stated that there were a lot of folks in the area who do landscaping and we could put it out to bid. We could probably get 3 bids/estimates. He asked how much the current landscaping fees were. Darrell Baucom stated that it was \$55 per mowing at the Community Center; \$220/month for the Town Hall; plus Christmas light installation, leaf removal, and so on. Gene Price asked if there was a formal job description. Mayor Baucom asked Deputy Clerk Braswell to write the job description. He stated that it would be October meeting at the earliest, maybe November, before someone was in place. Mayor Baucom asked Council what they would like to do in the meantime. Attorney Helms stated that they would wait on the three proposals, and until then the town should contract with someone until we secure a permanent solution. Darrell Baucom stated that A to Z Farms has a good reputation and that Performance Landscaping does Fairview. Ken Brown made a motion to secure temporary lawn care until we contracted with a new vendor. Edd Little seconded the motion and it passed unanimously.

Gene Price noted that there was a potential conflict of interest with the past landscaping contractor who also served on the Planning Board. Ken Brown stated that the Town did research that prior to accepting him onto Planning Board. Attorney Helms stated that it was up to the discretion of Council. He stated that it did not have to be a policy, but could be taken into consideration when making a decision. Ken Brown stated that he didn't know that anything needed to be formally changed, but these things should be taken into account when they make a selection. Attorney Helms stated that he would always be on the side of not having an appearance of a conflict of interest. If things that are permissible at the same time they could still have that appearance. A policy would be on the side that Council does not show partiality. This would even go to recusal of Council, if there is a direct interest in the situation. He stated that he could not imagine that there would be any prohibition against a policy that someone cannot serve on any of these boards if they are employed by the town or have a contractual relationship with the town. He advised the Council that if they wanted to do that that they would need to come back with a resolution and put that on the agenda next month. Ken Brown clarified that he would not be put in jeopardy because of his position with the fire department. Attorney Helms stated that that direct pecuniary interest is a pretty high bar. He stated that he did not think it reached a point that he could recuse himself from a vote. Attorney Helms stated that he could come back with a resolution after reviewing other municipalities and have something for next month.

In other business, Ken Brown updated Council on how the fire department did during Hurricane Florence. He stated that they had paid staff during the week when they are weak on manpower. He said that they went to 24-hour staffing Friday night until Monday morning. Quite a few volunteers backed up the paid staff and there were several water rescues. The team was proactive at finding trees and clearing roads as soon as possible. Ken Brown stated that he personally helped with trees out in the area as well. They marked territories that water went over roads and were impassable. He stated that they had manpower and were there and ready to face

what came down to them. EddLittle thanked the Volunteer Fire Department for their service to the community. Ken Brown stated that there was a situation when water came in and surrounded an elderly couple who were stranded in their home. He stated that Miami City assisted the town as well. He went on to say that he thought it would be a nice gesture to send a thank you note from the Town for their assistance. Mayor Baucom asked Council about their thoughts on providing an appreciation dinner to the fire department. EddLittle stated that he thought it would be a great idea. Edd Little made a motion to serve a meal to the fire department and Jaren Simpson seconded the motion. It passed unanimously. Ken will get Mayor Baucom a number of people and he will line it up. They will plan on a Thursday evening around 7:30.

There being no other business, Mayor Baucom declared the meeting adjourned at 8:06 p.m.

Respectfully submitted,

Approved as to form:

Melody Braswell
Deputy Clerk

R. Kenneth Helms, Jr., Town Attorney