

February 3, 2009

The Union County Planning Board met in regular session on Tuesday, February 3, 2009, at 7:00 p.m. in the Union County Board of Commissioner's Board Room, located on the First Floor of the Union County Government Center, 500 North Main Street, Monroe, NC, 28112, with Chairman Robert Allen, presiding.

PRESENT: Andy Williams, Russell Cox, Everette Medlin, James Howie, Robert Allen, Don Kerr, Christa Boggs, William McGuirt and Charles Greene

ABSENT: Richard Simpson, Dan Wooten

ALSO PRESENT: Richard Black, Roger Horton

ITEM NUMBER ONE

Call to Order

Chairman Allen called the meeting to order at 7:00 p.m. Chairman Allen read the oath of office.

ITEM NUMBER TWO

Additions and/or Deletions to the Agenda

Motion was made by Robert Allen and seconded by Everette Medlin to add Item 6B to the agenda to discuss changing the Planning Board meeting for March 2, 2009 to March 5, 2009 at 7:00 p.m.

The vote was 9 to 0.

NUMBER THREE

Approval of the Agenda

Motion was made by Everette Medlin and seconded by Don Kerr to approve the agenda.

The vote was 9 to 0.

ITEM NUMBER FOUR

Approval of the November 4, 2008 Minutes

Motion was made by Everette Medlin and seconded by James Howie. The vote was 9 to 0.

ITEM NUMBER FIVE

Proposed Amendments to the Land Use Ordinance to Reconstitute the Union County Planning Board.

Mr. Richard Black discussed with the board the proposed amendments.

TEXT AMENDMENT: UNION COUNTY LAND USE ORDINANCE

SECTION 1

AMEND subsections (a) and (e) of Section 21, Appointment and Terms of Planning Board Members, as follows:

- (a) There shall be a planning board consisting of ~~nine~~ seven regular members and two alternates, all appointed at large by the board of commissioners. All members, whether regular or alternate members, must reside within the county and no more than two members shall reside within the same municipality. ~~One regular member shall be a resident of each of the county's nine townships, and the alternate members may reside anywhere in the county. Any person serving on a municipal board of adjustment or planning board shall be ineligible to serve as a member of the Union County planning board.~~
- (e) If a regular or alternate planning board member ~~moves outside the township he or she represents~~ or if an alternate member moves outside the county, that shall constitute a resignation from the planning board.

Subsections (a) and (e) of Section 21 of the Land Use Ordinance thus read as rewritten:

- (a) There shall be a planning board consisting of seven regular members and two alternates, all appointed at large by the board of commissioners. All members, whether regular or alternate members, must reside within the county and no more than two members shall reside within the same municipality.
- (e) If a regular or alternate planning board member moves outside the county, that shall constitute a resignation from the planning board.

SECTION 2

AMEND subsection (a) of Section 23, Quorum and Voting, as follows:

- (a) A quorum for the planning board shall consist of ~~five~~ four members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.

Subsection (a) of Section 23 of the Land Use Ordinance thus reads as rewritten:

- (a) A quorum for the planning board shall consist of four members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.

SECTION 3

AMEND Section 27 as follows:

- (a) Upon adoption by the board of commissioners on ~~April 2, 2007,~~ _____ of an amendment revising Section 21 of the Land Use Ordinance to ~~increase~~ decrease membership on the planning board from ~~seven~~ nine to ~~nine~~ seven regular members appointed at large ~~and to provide for geographical representation by township~~, the terms of sitting planning board members, both regular and alternate, shall expire at the time of such adoption and all positions shall be deemed vacant. Notwithstanding Section 21(b) of the Land Use Ordinance, such members shall not continue to serve until their successors have been appointed. In order to achieve staggered terms upon filling these vacancies, the board of commissioners shall appoint new members as follows: (i) three regular members ~~and one~~

~~alternate~~ for a term of three years; (ii) ~~three~~ two regular members and one alternate for a term of two years; and (iii) ~~three~~ two regular members and one alternate for a term of one year. During the first meeting of these newly appointed members at which a quorum is present, the planning board shall elect one of its regular members to serve as chairman and preside over the board meetings and one regular member to serve as vice chairman. Prior to the election of a chairman at such first meeting, the Planning Division Director shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve until new officers are elected the following calendar year pursuant to Section 24 (a).

Newly designated subsection (a) of Section 27 of the Land Use Ordinance thus reads as rewritten:

- (a) Upon adoption by the board of commissioners on _____ of an amendment revising Section 21 of the Land Use Ordinance to decrease membership on the planning board from nine to seven regular members appointed at large, the terms of sitting planning board members, both regular and alternate, shall expire at the time of such adoption and all positions shall be deemed vacant. Notwithstanding Section 21(b) of the Land Use Ordinance, such members shall not continue to serve until their successors have been appointed. In order to achieve staggered terms upon filling these vacancies, the board of commissioners shall appoint new members as follows: (i) three regular members for a term of three years; (ii) two regular members and one alternate for a term of two years; and (iii) two regular members and one alternate for a term of one year. During the first meeting of these newly appointed members at which a quorum is present, the planning board shall elect one of its regular members to serve as chairman and preside over the board meetings and one regular member to serve as vice chairman. Prior to the election of a chairman at such first meeting, the Planning Division Director shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve until new officers are elected the following calendar year pursuant to Section 24 (a).

SECTION 4

ADD new subsections (b), (c), (d), and (e) to Section 27 to read as follows:

- (b) Regular and alternate members of the planning board shall only be considered for appointment after submitting a completed county service application and conflict of interest disclosure form to the Clerk to the Board of Commissioners. Failure to fully disclose any required information or falsification of information on the application or disclosure form shall constitute good cause for removal pursuant to Section 21(d).
- (c) While a geographic representation of members on the planning board is desirable, the planning board is appointed at large to allow for the selection of the best talents, ideas, and experience in the county.
- (d) Regular and alternate members of the planning board may not serve on any other Union County advisory board during their term.
- (e) Due to the non-partisan nature of the planning board, no more than one person from a position of leadership in a political party, including politically affiliated committees and organizations, shall be allowed to serve on the planning board at a given time.

The Planning Board had four issues or questions about the proposed amendments. Most of the discussion centered around four questions: (1) What happens to disclosure forms of applicants not selected to serve on a board? (2) What are the other Union County advisory boards that members of the Planning Board or the Board of Adjustment can not serve on during their term?

(3) How is a position of leadership in a political party defined? and (4) How is the term “dependent children” in the disclosure form defined?

Motion was made by William McGuirt and seconded by Don Kerr to send back the proposed amendments to the Union County Board of Commissioners to clarify the four issues and report back to the Planning Board before the next scheduled meeting. The vote was 9 to 0.

ITEM NUMBER SIX

Proposed Amendments to the Land Use Ordinance to Reconstitute the Union County Board of Adjustment.

Mr. Richard Black discussed with the board the proposed amendments.

TEXT AMENDMENT: UNION COUNTY LAND USE ORDINANCE

SECTION 5

ADD a new Section 35 to read as follows:

Upon adoption by the board of commissioners of an amendment to repeal in its entirety subsection (a) of Section 29, Appointment and Terms of Board of Adjustment, the board of adjustment in existence at the time of such adoption shall be immediately abolished.

SECTION 6

REPEAL in its entirety subsection (a) of Section 29, Appointment and Terms of Board of Adjustment, such that the board of adjustment established therein is abolished.

SECTION 7

ADOPT a new subsection (a) of Section 29 to read as follows:

There is hereby established a board of adjustment consisting of five regular members and two alternates, all appointed by the board of commissioners. All regular members and alternates shall reside within the county.

SECTION 8

AMEND subsections (b) and (e) of Section 29 to read as follows:

- (b) Board of adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. In order to achieve staggered terms upon initial appointment following ~~adoption of this ordinance, establishment of the board of adjustment,~~ (i) ~~three~~ two regular members shall be appointed for a term of three years; (ii) two regular members and one alternate shall be appointed for a term of two years; and (iii) ~~two~~ one regular ~~members~~ member and one alternate shall be appointed for a term of one year.
- (e) If a regular or alternate member moves outside the county, that shall constitute a resignation from the board, ~~effective upon the date a replacement is appointed.~~

Subsections (b) and (e) of Section 29 of the Land Use Ordinance thus read as rewritten:

- (b) Board of adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. In order to achieve staggered terms upon initial appointment following establishment of the board of adjustment, (i) two regular members shall be appointed for a term of three years; (ii) two regular members and one alternate shall be appointed for a term of two years; and (iii) one regular member and one alternate shall be appointed for a term of one year.
- (e) If a regular or alternate member moves outside the county, that shall constitute a resignation from the board.

SECTION 9

ADD new subsections (h), (i), (j), and (k) to Section 29 to read as follows:

- (h) Regular and alternate members of the board of adjustment shall only be considered for appointment after submitting a completed county service application and conflict of interest disclosure form to the Clerk to the Board of Commissioners. Failure to fully disclose any required information or falsification of information on the application or disclosure form shall constitute good cause for removal pursuant to Section 29(d).
- (i) While a geographic representation of members on the board of adjustment is desirable, the board of adjustment is appointed at large to allow for the selection of the best talents, ideas, and experience in the county.
- (j) Regular and alternate members of the board of adjustment may not serve on any other Union County advisory board during their term.
- (k) Due to the non-partisan nature of the board of adjustment, no more than one person from a position of leadership in a political party, including politically affiliated committees and organizations, shall be allowed to serve on the board of adjustment at a given time.

SECTION 10

AMEND subsection (a) of Section 31, Quorum, as follows:

- (a) A quorum for the board of adjustment shall consist of ~~four~~ three members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.

Subsection (a) of Section 31 of the Land Use Ordinance thus reads as rewritten:

- (a) A quorum for the board of adjustment shall consist of three members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.

SECTION 11

AMEND subsection (a) of Section 33, Board of Adjustment Officers, as follows:

- (a) Each year during the first meeting at which newly appointed members are seated, the board of adjustment shall elect one of its members to serve as a chairman and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities until new officers are elected the following year. Vacancies in these offices may be filled for the unexpired terms only.

At the first meeting of the board of adjustment following the effective date of this ordinance or following abolition and re-establishment of the board of adjustment pursuant to Sections 35 and 29, respectively, the board of adjustment shall hold elections for the offices of chairman and vice-chairman. Prior to the election of a chairman at such first meeting, the board of adjustment's attorney shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve as chairman and vice-chairman until new officers are elected the following calendar year.

Subsection (a) of Section 33 of the Land Use Ordinance thus reads as rewritten:

- (a) Each year during the first meeting at which newly appointed members are seated, the board of adjustment shall elect one of its members to serve as a chairman and preside over the board's meetings and one member to serve as vice-chairman. The persons so designated shall serve in these capacities until new officers are elected the following year. Vacancies in these offices may be filled for the unexpired terms only.

At the first meeting of the board of adjustment following the effective date of this ordinance or following abolition and re-establishment of the board of adjustment pursuant to Sections 35 and 29, respectively, the board of adjustment shall hold elections for the offices of chairman and vice-chairman. Prior to the election of a chairman at such first meeting, the board of adjustment's attorney shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve as chairman and vice-chairman until new officers are elected the following calendar year.

SECTION 12

Except as herein amended, the provisions of the Union County Land Use Ordinance shall remain in full force and effect.

Approved following public hearing, this the _____ day of _____, 2009.

Motion was made by William McGuirt and seconded by James Howie to send back the amendments to the Union County Board of Commissioners to get clarification on the same issues and report back to the Planning Board before the next scheduled meeting. The vote was 9 to 0.

ITEM NUMBER SIX B

Motion was made by Robert Allen and seconded by Everette Medlin to change the meeting date for the next scheduled Planning Board meeting from March 3, 2009 to March 5, 2009 at 7:00 p.m. to follow the Land Use Plan steering committee meeting at 5:00 p.m.

ITEM NUMBER SEVEN

Planning Staff Report (Work in Progress)

Richard Black discussed with the board about the upcoming Land Use Plan meeting on March 5, 2009 and that they would be given information to look over before this meeting by February 26, 2009.

Also, Mr. Black pointed out that the Union County Land Use Ordinance had been updated and was on the Union County website under Planning Department.

ITEM NUMBER EIGHT

Brief Comments

- | | |
|-----------------|--|
| Charles Greene | Enjoyed serving on the board but would not be back. |
| William McGuirt | News from MUMPO about the bypass being a toll road and that Union County would not be receiving money for any new road projects |
| Don Kerr | No Comment |
| Christa Boggs | Honored to be a member of the Planning Board. The Planning Board is just an advisory board the decisions are made by The Board of County Commissioners. The boards change Everytime there are new Commissioners. |
| Andy Williams | Did not think the number of members should change from 9 to 7. More people should volunteer and serve on these boards. |
| Russell Cox | Agreed with what Christa and Everette said. Does not like having to abolish these boards. You cannot have one area of the county controlling everything that goes on. |
| James Howie | Have been on this board since the fall and it is a three year term and I expect to fill my three year term. Questions the move form 9 to 7. Finds it disturbing why this board is being targeted. |
| Everette Medlin | Does not understand why these boards are going to be abolished. We volunteer our time to serve on these boards. Township Representation gives us the opportunity to draw from every area of the county. We are not a developer friendly board. Wants to encourage all county residents to come and speak on March 2 nd about township representation. |
| Robert Allen | Do not agree with abolishing these boards. We have worked for two years on the Land Use Plan and worked together with all the towns to get their input. The game never changes this very thing happened two years ago. How long are we going to lay down and take this. |

ITEM NUMBER NINE

Adjournment

The meeting was adjourned at 8:15 p.m.

