March 5, 2009

The Union County Planning Board met in special session on Thursday, March 5, 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, William McGuirt, Dan Wooten

ABSENT: Christa Boggs, Richard Simpson, Charles Greene

ALSO PRESENT: Richard Black, Roger Horton

ITEM NUMBER ONE
Call to Order

Chairman Allen called the meeting to order at 7:00 p.m.

ITEM NUMBER TWO
Additions and/or Deletions to the Agenda

Motion was made by Robert Allen and seconded by Everette Medlin to change agenda Item number 8 to agenda Item 4A to discuss and consider the Union County Comprehensive Plan. The vote was 8 to 0.

NUMBER THREE
Approval of the Agenda

Motion was made by Everette Medlin and seconded by Dan Wooten to approve the agenda. The vote was 8 to 0.

ITEM NUMBER FOUR
Approval of the February 3, 2009 Minutes

Motion was made by Everette Medlin and seconded by James Howie to approve the February 3, 2009 minutes. The vote was 8 to 0.

ITEM NUMBER FOUR A
Discussion and Consideration of the Union County Comprehensive Plan from the Comp Plan Steering Committee

Mr. Roger Waldon consultant for Clarion Associates presented to the board the Union County Comprehensive Plan and changes to be made to the plan as discussed with the Steering Committee. **(Please see the attached memorandum dated March 11, 2009.)**

Motion was made by Robert Allen and seconded by Don Kerr to accept the Union County Comprehensive Plan with the changes and send to the Board of County Commissioners for a public hearing. The vote was 8 to 0.

ITEM NUMBER FIVE

Clarification of Issues requested by the Union County Planning Board for the Proposed Text Amendments.

Mr. Richard Black discussed with the board the clarification of issues for the proposed text amendments.

Text Amendments – Planning Board and Board of Adjustments

BACKGROUND: On December 15, 2008, the Board of Commissioners initiated text amendments to the Land Use Ordinance to reconstitute the Planning Board and the Board of Adjustment, directed the attorney to prepare the amendments, and have Planning Staff place the amendments on the next Planning Board's agenda. In the amendment to reconstitute the Planning Board and the Board of Adjustment, the major changes are: (1) Reduces the number of regular members of the Planning Board from nine to seven and the Board of Adjustment from seven to five. (2) Changes the appointment of regular members of the Planning Board from residents of each of the county's nine townships to an at large appointment. (3) Removes the prohibition against County Planning Board members serving on a municipal board of adjustment or planning board. (4) Adds completion of a conflict of interest form by all applicants. (5) Prohibits planning board and board of adjustment members from serving on other county boards which influence land use or property value. (6) Allows no more than one person from a position of leadership in a political party to serve on the Planning Board or the Board of Adjustment at a given time. At their regular scheduled meeting on January 6, 2009, the Planning Board was not able to conduct any business due to the lack of a quorum.

At the February 3, 2009 Planning Board meeting, Planning staff presented the text 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 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? A motion was made and passed unanimously to request clarification of these four questions and report back to the Planning Board before the next meeting. The proposed text amendments were placed on the Planning Board's March 5, 2009 agenda for consideration.

The Board of Commissioners, at their February 16, 2009 meeting, requested an update on the Planning Board and the progress of the proposed text amendments. Staff gave an update on the status of the proposed amendments and identified the four questions needing clarification. The Board of Commissioners provided clarification regarding the questions on other advisory boards and positions of leadership in a political party as follows: (1) A citizen could only be a member of one of the following advisory boards: Planning Board, Board of Adjustment, Parks and Recreation Board, Union County Partnership for Progress, Historical Preservation Committee, the Library Board, Agricultural Advisory Board, Public Works Advisory Board, and the Board of Equalization and Review. (2) The positions of political leadership are the Chairman/President and the Vice Chairman/Vice President of any political party, party affiliates, clubs or outside committees.

Regarding the retention of applications and disclosure forms, staff point out that there is a retention and disposition schedule for determining how long those applications and forms are to be kept. The application and disclosure form are both a public record and can be assessed by the public. The disclosure statements of unsuccessful applicants must be kept for two years after the appointment is made to someone else. As to the appointee, the disclosure statement must be retained for one year after his/her term ends.

ITEM NUMBER SIX

Proposed Amendments to the Land Use Ordinance to Reconstitute the Union County Planning Board. **(Tabled from February 3, 2009 meeting)**

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.

Motion was made by Everette Medlin and seconded by Don Kerr to vote against approval of Text Amendment to Reconstitute the Union County Planning Board. The vote was 7 to 1.

ITEM NUMBER SEVEN

Proposed Amendments to the Land Use Ordinance to Reconstitute the Union County Board of Adjustment. **(Tabled from February 3, 2009 meeting)**

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 Don Kerr and seconded by Russell Cox to vote against approval of Text Amendment to Reconstitute the Union County Board of Adjustment. The vote was 7 to 1.

ITEM NUMBER SEVEN

Planning Staff Report (Work in Progress)

Mr. Richard Black discussed with the board about working with the County Manager on presenting the Comprehensive Plan to the Board of County Commissioners. There also possibly could be a work session scheduled before a public hearing.

If there is one scheduled please be encouraged to attend. Also would try to see if Clarion Associates could come back to present the Plan.

ITEM NUMBER EIGHT
Brief Comments

William McGuirt	No Comment
Don Kerr	Has been a pleasure to work with this board. A great job with the Comprehensive Plan. It would be a bad mistake to do away with Townships serving on the board.
Andy Williams	Thanks to the Chairman and Vice Chairman for their leadership. Thank You to staff for all their hard work. This is the best board I have ever served on. We are not a special interest board or a developer friendly board. We have to have township representation. I hope more citizens of Union Count come out to serve on these Boards. Lots of hours went in to this Comp Plan and ask to please let it go thru without changing it.
Russell Cox	Our countries government works as well as it does because of representation of every state. It is crucial to have local government work as it is supposed to.
James Howie	This has been a 6 to 8 month learning curve for me. Appreciate working with staff and the board. Hope that we can continue going forward with a positive board and cooler heads will prevail.
Everette Medlin	It was a pleasure to serve on this board. Enjoyed working on the Steering Committee.
Robert Allen	This is the best board I have ever served on. We did not always agree with one another but always worked it out together. The Comp Plan is a very good plan a lot of work went into this and a lot of people contributed to this plan even the municipalities. Thank You to planning staff and thank you for your patience. Please leave Planning Staff alone and let them do their jobs.
Dan Wooten	No Comment

At this time motion was made by Don Kerr and seconded by Andy Williams to have a special letter sent to Clarion Associates to thank them for all their hard work on the Comprehensive Plan. The vote was unanimous.

ITEM NUMBER NINE
Adjournment

The meeting was adjourned at 7:55 p.m.