

**AGENDA**  
**UNION COUNTY BOARD OF COMMISSIONERS**  
**Regular Meeting**  
**Monday, January 4, 2010**  
**7:00 P.M.**  
**Board Room, First Floor**  
**Union County Government Center**  
**500 North Main Street**  
**Monroe, North Carolina**

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[www.co.union.nc.us](http://www.co.union.nc.us)

**Closed Session - 6:15 p.m.**

1. **Opening of Meeting**
  - a. Invocation
  - b. Pledge of Allegiance
  - c. Special Recognition
2. **Community Benefit Organization Presentation by the Veterans Council of Union County** (\*Estimated Time: 5 Minutes)
3. **Informal Comments** (\*Estimated Time: 10 Minutes)  
**ACTION REQUESTED:** No action required
4. **Additions, Deletions and/or Adoption of Agenda** (\*Estimated Time: 5 Minutes)  
**ACTION REQUESTED:** Adoption of Agenda
5. **Consent Agenda** (\*Estimated Time: 10 Minutes)  
**ACTION REQUESTED:** Approve items listed on Consent Agenda

**Old Business:**

6. **Request from Chris Azar for Appeal to the Board of Commissioners on Decision Regarding Sewer Allocation** (\*Estimated Time: 5 Minutes)  
**ACTION REQUESTED BY CHRIS AZAR:** Consider appeal/re-evaluate the "September" (actually July) deadline for sewer allocation plan submittal for Parcel 07 069 124
7. **Appointments of Commissioners to Boards and Committees** (\*Estimated Time: 10 Minutes) (from December 14, 2009, Meeting)  
**ACTION REQUESTED:** Consider appointments
8. **Resolution Supporting the Construction of an Overhead Bridge at the Intersection of Landsford Road on Highway 601 South** (\*Estimated Time: 10 Minutes) (from December 14, 2009, Meeting)  
**ACTION REQUESTED:** Adoption of resolution

**New Business:**

9. **DOC Property, Monroe Prison Camp** (\*Estimated Time: 10 Minutes)  
**ACTION REQUESTED:** Authorize the Chair to provide a letter of support and interest, contingent upon review and approval of legal staff
  
10. **Adoption of Board of Commissioners' Calendar of Meetings for 2010** (\*Estimated Time: 10 Minutes)  
**ACTION REQUESTED:** Adopt calendar of meetings
  
11. **2010 Union County Athletic Council (UCAC) Grant Recommendations from the Parks and Recreation Advisory Committee** (\*Estimated Time: 15 Minutes)  
**ACTION REQUESTED:** Award 2010 UCAC Grants as recommended by the Parks and Recreation Advisory Committee (with contingencies as noted) and authorize the County Manager to approve agreements with the athletic associations pending legal review. Approve the balance of \$34,362.07 for applications by Associations for ADA projects later in the fiscal year
  
12. **Application for Environmental Protection Agency (EPA) Grant for Up to \$1,961,300 for the Union County East-Side Wastewater Collection System Improvements Project** (\*Estimated Time: 15 Minutes)  
**ACTION REQUESTED:** Direct staff to send a letter to the U.S. Environmental Protection Agency indicating the County's intent to apply for up to \$1,961,300 in grant funds for the Union County East-Side Wastewater Collection System Improvements Project, and to further direct staff to complete and submit related application documents for the grant
  
13. **Announcement of Vacancies on Boards and Committees** (\*Estimated Time: 10 Minutes)
  - a. Adult Care Home Advisory Committee (3 Vacancies)
  - b. Board of Equalization and Review (2 Vacancies as of February 2010)
  - c. Nursing Home Advisory Committee (3 Vacancies)
  - d. Region F Aging Advisory Committee (1 Vacancy)
  - e. Juvenile Crime Prevention Council:
    1. Substance Abuse Professional
  - f. Union County Industrial Facilities and Pollution Control Authority (2 Vacancies for Unexpired Terms Ending May 2014)
  - g. Parks and Recreation Advisory Committee (5 Vacancies as of February 2010)
  - h. Union County Home and Community Care Block Grant Advisory Committee
  - i. Health Board (Two Citizen Representatives)**ACTION REQUESTED:** Announce vacancies

14. **Appointments to Vacancies on Boards and Committees** (\*Estimated Time: 5 Minutes)
  - a. Health Board (Vacancy for Physician Representative)
  - b. Parks and Recreation Advisory Committee (Vacancy for Unexpired Term ending February 2011 due to a resignation).
  - c. Nursing Home Advisory Committee**ACTION REQUESTED:** Consider appointments
15. **County Manager's Comments**
16. **Commissioners' Comments**

**CONSENT AGENDA**  
**January 4, 2010**

1. **Minutes**  
**ACTION REQUESTED:** Approval of minutes
2. **Energy Efficiency and Conservation Block Grant**  
**ACTION REQUESTED:** Adopt Capital Project Ordinance Amendment #129
3. **Transfer of Real Estate Parcels to Union County Board of Education**  
**ACTION REQUESTED:** Authorize County Manager to approve and execute all transfer documents conveying fee simple interest in various real estate parcels to Union County Board of Education
4. **Contract to Audit Accounts**  
**ACTION REQUESTED:** Authorize Chairwoman to Execute Contract to Audit Accounts for FY 2010 with Potter & Company, PA.
5. **Tax Administrator**
  - a. Departmental Monthly Report for November 2009  
**ACTION REQUESTED:** Approve report
6. **HVAC Replacement Units at Sheriff's Office/Jail**  
**ACTION REQUESTED:** Accept bids, award bid to low bidder, and authorize Manager to approve contract with low bidder pending legal review
7. **Budget Amendment #29 for Sheriff's Office State Criminal Alien Assistance Program Funds**  
**ACTION REQUESTED:** Approve Budget Amendment #29
8. **Report of the Effects of the Insurance Services Office Residential Class Reduction - Inspections Department**  
**ACTION REQUESTED:** Accept as information



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## OFFICE OF THE COMMISSIONERS AND MANAGER

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500 N. Main St., Room 921 • Monroe, NC 28112 • Phone (704) 283-3810 • Fax (704) 282-0121

### PUBLIC NOTICE

**NOTICE IS HEREBY GIVEN** that the Union County Board of Commissioners will hold a special meeting on Monday, January 4, 2010, at 6:15 p.m. in the Conference Room, First Floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina, for the purpose of going into closed session to consult with an attorney in order to preserve the attorney-client privilege in accordance with G.S. 143-318.11(a)(3).

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Kim Rogers, Chairwoman  
Union County Board of Commissioners

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: 4 January 2010**

**Action Agenda Item No.** 2  
(Central Admin. use only)

**SUBJECT:** Presentation by the Veterans Council of Union County

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**DEPARTMENT:** Central Administration      **PUBLIC HEARING:** No

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**ATTACHMENT(S):**  
Veterans Council Fact Sheet

**INFORMATION CONTACT:**  
Matthew Delk, Assistant Manager

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**TELEPHONE NUMBERS:**  
704-283-3656

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**DEPARTMENT'S RECOMMENDED ACTION:** Receive presentation from Mr. John Brewer of the Veterans Council of Union County about the Council, and it's purpose and missions to assist Union County Veterans.

**BACKGROUND:** The Veterans Council of Union County formed four years ago to represent and pool the support of 15 Veterans groups in Union County. The Council represents chapters of local veterans organizations such as the American Legion, the Veterans of Foreign Wars, and the Marine Corps League.

The missions of the Council include programs that assist Veterans and their families. Union County has relied on the Council to assist in transporting Veterans to Veterans Administration Medical facilities, as well as supporting military funerals and the Annual Veterans event. The Council is comprised of volunteers, and subsists on fundraising and the support of the public.

Please see the attached Fact Sheet, which details the Purpose, Mission, and Status of the Veterans Council.

**FINANCIAL IMPACT:** none

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation:**



## **Purpose**

The purpose of the Council shall be to foster a spirit of brotherhood, cooperation, and for the consolidation of resources for the benefit of all Veterans residing in the County of Union. It shall perpetuate the memory of our deceased veterans and members of the Armed Forces and to comfort their survivors. Provide assistance to disabled and needy veterans and members of the U. S. Armed Forces and their Dependants and the widows and orphans of deceased veterans. Provide care and assistance to hospitalized veterans or members of the U.S. Armed Forces. Promote the social welfare of the community, patriotism and uphold and support the Constitution of the United States of America.

## **Mission**

The Veterans Council of Union County formed to provide a means for the 13 separate Veterans Organizations in Union County to work more closely together. By combining resources we will be able to better fulfill those portions of individual charters that similarly state:

.....shall perpetuate the memory of our deceased veterans and members of the Armed Forces and to comfort their survivors. Provide assistance to disabled and needy veterans and members of the U. S. Armed Forces and their Dependants and the widows and orphans of deceased veterans. Provide care and assistance to hospitalized veterans or members of the U.S. Armed Forces. Promote the social welfare of the community, patriotism and uphold and support the Constitution of the United States of America.....

The Council works with the Post to ensure military funerals are provided for every Veteran that desires one. We will provide assistance to all Veterans, Veterans Widows and their families. Additionally, we will provide assistance to our Soldiers engaged in current hostilities and their families. Assistance will be provided in the form of monetary, transportation, and physical labor. If a Post does not have the resources to accomplish a task the Council will muster the resources to assist them.

The Council will engage in fund raising activities to support assistance efforts. Each year the Council will provide a County wide Veterans Day program to honor all Veterans and engage the community in our activities.

## **Status**

The Veterans Council of Union County consist of 15 separate Veterans Organizations in Union County which are individually chartered and currently have 501(c) status. The Council has applied for similar status, 501(c)(4), and is awaiting a response from the IRS. Organizations are: American Legion Post 27, 121, 208, 212, 431, 440, 446, 458, 535 Veterans of Foreign Wars Post 2423, 5464, 9751, Marine Corps League Detachment 914, Disabled American Veterans Chapter 95 and Carolina Piedmont Base of Submarine Veterans.



**AGENDA ITEM**

# 6  
MEETING DATE 1-14-10

Chris Azar  
5523 Orr Road  
Monroe, N. C. 28110  
Tel: (704) 283-3031 Fax: (704) 289-2438  
Cell: (704) 408-3971

December 17, 2009

To: Union County Commissioners  
Monroe, N.C. 28110

Re: Sewer Allocation for Parcel # 07 069 124

To All Union County Commissioners,

This letter is to appeal / re-evaluate the September deadline for sewer allocation plan submittal for the above referenced parcel of land. (deadline extension)  
To be placed on the agenda for the January 4<sup>th</sup> meeting.

A brief summary of the situation is as follows:

This parcel of land was rezoned to multi-family for 80 townhouse units. Originally the land was Light Industrial. At the request of the Town of Indian Trail, I rezoned it for townhouses to better fit in with the community setting. The moratorium on water and sewer took place after this rezoning. When the list for sewer allocations took place, I was given in writing, an allocation for sewer. The allocation was for seven lots. (percentage of the 80 lots )

Evidently, water and sewer plans were to be submitted and approved for this minor subdivision by September, 2009. From my experience, requests and notices in regards to projects are given in writing or the town staff will call me that a deadline or requirement is coming up. However, in this case, the only notice given was on the county's website. Nothing in writing. I didn't visit the website and knew nothing about the deadline.

My allocation for the seven lots was taken away. I assume that it was given to someone else or is still available. Based on the N.C. D.E.N. R. that oversees the utilities, they would accommodate the seven lots based on my permit approval as long as the county would. After many months of discussion, meetings and clarification, I was granted sewer allocation for only one lot. I tried to resolve the situation through meetings with the Town Manager and staff, Public Works Director and staff, Town of Indian Trail staff. I spoke with most of the commissioners and found them supportive of the situation. However, the end result was only for the one lot sewer allocation. I also want to add that the Town Manager, Director of Public Works and all people involved were very courteous and helpful in trying to resolve this matter. But I understand that they can't change the deadline for plan submittals and they are only trying to abide by the rules. By having only one lot allocation, I was advised that I could only submit plans for one townhouse. I already have the water and sewer infra-structure installed for the 80

Page Two

townhouses. I need the plans reviewed in order to proceed with any further work on the land. I would like my original seven lot allocation so that I can submit my entire plans showing the allocations for the subdivision.

I am requesting that the situation be re-evaluated by the commissioners. I would like for other applicants who were granted sewer allocations and then had their allocations taken away because of the deadline as well as myself be given a time extension for the plans submittal. I don't want my situation to be a precedent for others.

Being granted seven lots out of eighty lots was a huge cut in sewer allocation. But going down to one lot is a considerable difference.

I was advised that the deadline was September, 2009 for plan submittal. I had the plans completed but wasn't aware of the deadline since it was only on the website. There isn't a grace period.. I would like for it to be reconsidered or voted on to allow for an extension of time on the plan submittals. Allowing a deadline to fits the time frame of the commissioners. A time extension that is reasonable but allows a grace period for those who missed the deadline due to mistake.

I am requesting this review of the situation because I have worked for many years on this property and tried my best to accommodate the Town of Indian Trail and Union County. Rules and requirements have changed drastically but I have still tried to accommodate the new situations. I don't want any special consideration, I just want what is fair to the property owner. I would rather try to resolve this through the appropriate people than going through the legal system. Documentation on this situation is available at your request. I would like to be on the agenda for the January 4<sup>th</sup> meeting. If you have any questions or need clarification, please call me.

Your assistance is greatly appreciated.

Sincerely,  
Chris Azar

(704) 283-3031 office  
(704) 408-3971 cell



## UNION COUNTY PUBLIC WORKS

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# Memo

**To:** Al Greene  
County Manager

**From:** Mike Garbark, PE  
Assistant Director - Engineering

**CC:** Ed Goscicki, PE  
Public Works Director

**Date:** December 23, 2009

**Subject:** UCPW Response to 12/17/09 Chris Azar Letter

This Memorandum is in response to the December 17, 2009 letter from Chris Azar to the Union County Commissioners regarding sewer allocation for the Orr Road @ Bridgeway Drive subdivision listed in the Sewer Allocation Policy. His letter requests a variance from the Sewer Allocation Policy and requests Union County Public Works (UCPW) to review plans for an 80 townhouse development. Two material errors come to light while reviewing the request:

- Mr. Azar claims the infrastructure to serve the proposed development is in place.
- Mr. Azar asserts we did not provide written notice communicating Sewer Allocation Policy's deadline to receive flow permit applications for 3<sup>rd</sup> Priority Projects.

Regarding the infrastructure to serve the Orr Road @ Bridgeway Dive residential project, the proposed site for Mr. Azar's 80 townhouse development is Parcel 07-069-124. An 8" Sewer Trunk extends through this parcel and terminates on adjacent Parcel 07-069-124-A. This particular sewer trunk was permitted on October 28, 2002 by NCDWQ to serve two businesses with a total sewer discharge of 250 gpd. Sewer infrastructure required to serve 80 future townhomes is not in place and would need to be reviewed and approved by UCPW before any construction could commence.

The Sewer Allocation Policy was adopted by the Union County Commissioners on September 17, 2007. Section 8.4 reads, "Failure of the owner or developer of any Third Priority Project to submit a Flow Permit Application within one (1) year from Effective Date will result in the loss of any Capacity at the Treatment Facilities reserved in favor of the Project pursuant to Sections 8.2 and 8.3." The 'Effective Date' was September 17, 2007 generating the flow permit application

deadline of September 17, 2008. On July 21, 2008 the Union County Commissioners extended the flow permit application deadline to July 31, 2009. There has never been a 'September 2009' deadline as stated in Mr. Azar's letter.

UCPW has sent (4) letters regarding Mr. Azar's project listed in the Sewer Allocation Policy. These letters were sent by Certified Mail through the US Post Office. The letters, their date and their subject are listed below:

- Initial letter informing Mr. Azar that the Residential Subdivision at Orr Road and Bridgeway Drive has been included in the Sewer Allocation Policy for 80 lots – Sent 10-26-07
- Letter informing Mr. Azar that his residential project could permit sewer for 7 of his proposed 80 lots and that UCPW would accept plans for review as of letter date – Sent 1-25-08
- Letter to Mr. Azar describing required submitting criteria regarding all 3<sup>rd</sup> Priority Residential Projects listed in the Sewer Allocation Policy – Sent 2-12-08
- Letter alerting Mr. Azar that pursuant to the July 21, 2008 Board of County Commissioners Meeting the flow permit submission deadline was extended from September 17, 2008 to July 31, 2009 – Sent 7-23-08.

UCPW acknowledges that the initial three (3) letters did not specifically mention the flow permit application deadline but did reference the Sewer Allocation Policy multiple times. The proposed 80 lot residential project at Bridgeway and Orr Road was not initially included in the Sewer Allocation Policy but included through a written appeal by Mr. Azar to the Public Works Director. The letter sent by UCPW to Mr. Azar dated July 23, 2008 specifically established the Sewer Allocation Policy's flow permit deadline of July 31, 2009. This letter was sent to all 3<sup>rd</sup> Priority Project owners alerting them of the date change. A certified mail receipt regarding Mr. Azar's letter indicates the letter was sent by the USPC on July 24, 2008.



## UNION COUNTY PUBLIC WORKS

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*Matthew Delk, Interim Director*

July 23, 2008

Chris Azar-VSD Inc.  
5523 Orr Road  
Monroe, NC 28110

RE: Plan Submittal Criteria for **Residential – Priority 3** projects under Union County's Policy for Allocating Wastewater Treatment Capacity.

Project: Chris Azar-Orr Road & Bridgeway Drive

Service Area: Crooked Creek

Dear Mr. Azar:

Pursuant to the July 21, 2008 Union County Commissioners Board Meeting, the flow permit submission deadline has been moved from September 17, 2008 to July 31, 2009. Failure to submit a Flow Permit Application to Union County Public Works by this date and meeting the terms and conditions applicable in the Union County Wastewater Allocation Policy will result in forfeiture of sewer capacity for above mentioned project.

If you have any questions don't hesitate to call me for updates at 704-296-4239.

Sincerely,

N Michael Garbark, PE  
Assistant Director

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name, and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Chris Azar VSP  
5523 Orr Rd.  
Monroe, NC 28110

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signature *Chris Azar*  Agent  Address
- B. Received by *Chris Azar*  Date of Delivery *7-20*
- D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:  No

3. Service Type  Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

2. Article Number  
(Transfer from service label)

7005 3110 0000 2759 1681

PS Form 3811, February 2004

Domestic Return Receipt

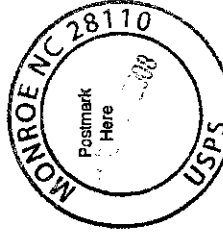
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	



Sent To *Chris Azar - VSP*  
Street, Apt. No.,  
or PO Box No. *5523 Orr Rd.*  
City, State, ZIP+4 *Monroe, NC 28110*

PS Form 3800, June 2002 See Reverse for Instructions

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Commissioner Appointees

	<u>2009 Appointments</u>	<u>2010 Appointments</u>
1. Agricultural Advisory Board	Commissioner Baucom	_____
2. Catawba River Water Supply Project Governing Board*	Commissioner Kuehler Commissioner Mills	_____ _____
3. Centralina Council of Governments	Chairman Openshaw Alternate: All Commissioners	_____ Alternate: All Commissioners
4. Centralina Economic Development Commission, Inc. Board of Directors	Chairman Openshaw	_____
5. Commissioner Governance Advisory Committee	Commissioner Kuehler	_____
6. Criminal Justice Partnership Program Advisory Board	Commissioner Mills	_____
7. Farmer's Market Committee	Commissioner Baucom	_____
8. Fire Commission	Commissioner Kuehler	_____
9. Health Board	Commissioner Baucom	_____
10. Home and Community Care Block Grant Advisory Committee*	Commissioner Baucom	_____
11. Indigent Health Care Committee*	Commissioner Baucom	_____
12. Job Ready Partnership Council	Commissioner Mills	_____
13. Juvenile Crime Prevention Council	Commissioner Mills	_____
14. Library Board of Trustees	Commissioner Kuehler	_____
15. Local Emergency Planning Committee	Commissioner Kuehler	_____

# 7  
 AGENDA ITEM  
 MEETING DATE 1-4-10

16.	Mecklenburg-Union Metropolitan Planning Organization	Commissioner Kuehler Alternate: Vice Chair Rogers	_____ _____
17.	Parks and Recreation Advisory Board	Chairman Openshaw	_____
18.	Partnership for Children, Inc. Board of Directors (now Union Smart Start)	Vice Chair Rogers	_____
19.	Piedmont Area Mental Health, Developmental Disabilities & Substance Abuse Board	Commissioner Mills	_____
20.	Rocky River Rural Planning Organization Transportation Advisory Committee	Commissioner Baucom Alternate: Chairman Openshaw	_____ _____
21.	Transportation Advisory Board**	Chairman Openshaw	_____
22.	CMC-Union Board of Directors***	Vice Chair Rogers Commissioner Kuehler	_____ _____
23.	CMC-Union Community Trustee Council	Vice Chair Rogers	_____
24.	Yadkin Pee Dee Board of Directors	Chairman Openshaw	_____
25.	School Liaison	Vice Chair Rogers	_____

\*Need not include a Commissioner.

\*This board is for the Transit System and is made up primarily of contracting agencies and participants of the system. (Annette Sullivan)

\*\*Need not be Commissioner appointees. The Board has traditionally appointed Commissioners.



**VOTING OBLIGATIONS OF COUNTY COMMISSIONERS APPOINTED TO SERVE ON LOCAL BOARDS**

<b>Name of Board/Committee/Council</b>	<b>Authority to Establish Board/Committee/Council</b>	<b>Authority for Members to Include a County Commissioner</b>	<b>Commissioner's Voting Status</b>
1. Agricultural Advisory Board	G.S. § 106-739	Per County Ordinance, members are appointed by BOCC and shall include a County Commissioner	Appointed as a Nonvoting Member
2. Catawba River Water Supply Project Governing Board	G.S. § 153A-278 & G.S. §§ 160A-460 to 464	Per Agreement, members need <u>not</u> include a County Commissioner	Voting Member (inferred from Agreement)
3. Centralina Council of Governments	G.S. § 160A-470	Per Bylaws, a County Commissioner shall represent the County	Voting Member (per Bylaws)
4. Centralina Economic Development Commission, Inc. Board of Directors	Created by Centralina Council of Governments	Per Bylaws, members shall include a County Commissioner	Voting Member (inferred from Bylaws)
5. Commissioner Governance Advisory Committee		Per Guidelines, members shall include a County Commissioner to serve as Chairperson	Appointed as a Nonvoting Member
6. Criminal Justice Partnership Program Advisory Board	G.S. § 143B-273.10	Per statute, members shall include a County Commissioner	Voting Member (per Bylaws)
7. Farmer's Market Committee	G.S. § 153A-76	Per BOCC motion, members are appointed by the BOCC and shall include a County Commissioner	May be appointed as a Nonvoting Member
8. Fire Commission	G.S. § 153A-233	Per BOCC Resolution, members shall include a County Commissioner appointed by the BOCC	May be appointed as a Nonvoting Member
9. Health Board	G.S. § 130A-35	Per statute, members are appointed by the BOCC and shall include a County Commissioner	Voting Member (inferred from statutory membership)
10. Home and Community Care Block Grant Advisory Committee	G.S. § 143B-181.1 & 10A NCAC 5G.0201	Per NCAC rule, members are appointed by the BOCC and need <u>not</u> include a County Commissioner	May be appointed as a Nonvoting Member
11. Indigent Health Care Committee	G.S. § 153A-255	BOCC Agenda indicates members need <u>not</u> include a Commissioner but that BOCC may appoint a Commissioner	May be appointed as a Nonvoting Member
12. Job Ready Partnership Council	20 U.S.C. § 6101, et seq.	Per Bylaws, members shall include a County Commissioner	Voting Member (inferred from Bylaws)

13. Juvenile Crime Prevention Council	G.S. § 143B-544	Per statute, members shall include a County Commissioner	Voting Member (inferred from Bylaws)
14. Library Board of Trustees	G.S. § 153A-265	Per Bylaws, members shall include a County Commissioner	Voting Member (per Bylaws)
15. Local Emergency Planning Committee	Exec. Order No. 43 (4/7/87) & 42 U.S.C. § 11001	Per statute, members shall include a County Commissioner	Voting Member (per Bylaws)
16. Mecklenburg-Union Metropolitan Planning Organization	G.S. § 136-200.1 & 23 U.S.C. § 134	Per statute, members shall include a County Commissioner	Voting Member (per Bylaws)
17. Parks and Recreation Advisory Board	G.S. § 153A-444 & G.S. § 160A-350 et seq.	Per Resolution, members shall include a County Commissioner	Voting Member (per Resolution, but BOC may modify Resolution)
18. Partnership for Children, Inc. Board of Directors (now Union Smart Start)	G.S. § 143B-168.12.	Per Bylaws, members shall include a County Commissioner	Voting Member (inferred from Bylaws)
19. Piedmont Area Mental Health, Developmental Disabilities, & Substance Abuse Board	G.S. § 122C-118.1	Per statute, members shall include a County Commissioner	Voting Member (inferred from Bylaws)
20. Rocky River Rural Planning Organization Transportation Advisory Committee	G.S. § 136-211	Per statute, members shall include a County Commissioner	Voting Member (inferred from MOU)
21. Transportation Advisory Board	G.S. 153A-76	Minutes indicate that membership may be determined by a Grant Agreement and includes a County Commissioner	Uncertain
22. CMC-Union Board of Directors	G.S. § 153A-249 & G.S. §§ 131E-5, et seq.	Per revised Lease, Board appoints two members, need not be Commissioners	Voting Member(s), if appointed (inferred from Bylaws)
23. CMC-Union Community Trustee Council	G.S. § 153A-249 & G.S. §§ 131E-5, et seq.	Per Lease Agreement, members shall include a County Commissioner	Voting Member (stated in Lease)
24. Yadkin Pee Dee Board of Directors		Per Bylaws, members shall include a County Commissioner	Voting Member (inferred from Bylaws)

**RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONSTRUCT A BRIDGE AT LANDSFORD ROAD OVER US 601 SOUTH**

**WHEREAS**, the North Carolina Department of Transportation has widened US 601 from a two-lane roadway to a four-lane divided highway with safety enhancements that include the closing of certain intersections or limiting access to others through the use of directional cross-overs and median U-Turns, and

**WHEREAS**, the currently constructed intersection at Landsford Road and US 601 South is an at-grade intersection that does not allow for a through movement across US 601 but rather directs motorists traveling on Landsford Road to turn onto US 601, travel approximately one-fourth mile to the end of the median, make a U-Turn onto US 601, and then turn back onto Landsford Road, and

**WHEREAS**, this type of movement results in numerous traffic risks and inconvenience for those motorists who utilize this intersection the most, and

**WHEREAS**, this intersection is vital to the agricultural community with Pilgrim's Pride averaging 58 trips per week on Landsford Road, Circle S Ranch averaging 8,300 crossings annually, Frank Howey Family Farms averaging over 2,500 crossings annually, and Cox Brothers Farms averaging over 7,200 crossings annually, and

**WHEREAS**, this intersection is also used by the Lanes Creek Fire Department, Union County Public Schools, and the Union County Sheriff's Office and Union EMS during emergency situations, and

**WHEREAS**, a safer and more functional way to move traffic from one side of Landsford Road to the other is to construct a bridge at Landsford Road over US 601 South,

**NOW, THEREFORE, BE IT RESOLVED**, that the Union County Board of Commissioners request the North Carolina Department of Transportation to plan for and fund the construction of a bridge at Landsford Road over US 601 South.

Adopted the \_\_\_\_ day of January, 2010.

ATTEST:

\_\_\_\_\_  
Lynn G. West, Clerk to the Board

\_\_\_\_\_  
Kim Rogers, Chairwoman

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

Meeting Date: 01/04/10

Action Agenda Item No. 9  
(Central Admin. use only)

**SUBJECT:** NC Dept. of Corrections Property

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**DEPARTMENT:** Sheriff's Office

**PUBLIC HEARING:** No

**ATTACHMENT(S):**

- (1) Letter from Sheriff Cathey dated Oct. 12, 2009 to Alvin Keller, Jr., Secretary of Corrections for the NC Dept. of Corrections requesting the facility and property.
- (2) Acknowledgment letter from NC Dept. of Corrections dated Nov. 12, 2009 to Sheriff Cathey.

**INFORMATION CONTACT:**

Captain Steve Simpson

**TELEPHONE NUMBERS:**

704-283-3578 - Office

704-400-4584 - Mobile

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**DEPARTMENT'S RECOMMENDED ACTION:** Support request from the Sheriff to acquire the state prison property located on Sutherland Ave in Monroe, NC

**BACKGROUND:** In October 2009 the State of North Carolina closed the minimum custody Prison Camp located at 200 N. Sutherland Ave. Due to the continued increase of our inmate population in the Union County Jail, the Sheriff's Office is interested in acquiring this property. We have notified the North Carolina Secretary of Prisons and shared our desire to obtain this property from the state. It is our hope that the Union County Board of Commissioners will endorse our efforts to obtain this property.

**FINANCIAL IMPACT:** Very minimal or potentially \$0.00 depending on the State of North Carolina.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Eddie Cathey

*Sheriff of Union County*

3344 Presson Road  
Monroe, N.C. 28112



Ben D. Bellay, Jr.  
Chief Deputy

Telephone (704) 283-3789  
Fax (704) 283-3614

October 12, 2009

Mr. Alvin W. Keller, Jr.  
Secretary of Correction  
N.C. Department of Correction  
4201 Mail Service Center  
Raleigh, NC 27699-4202

Re: Union Correctional Center

Dear Secretary Keller:

All of us are aware of the difficult financial situation faced by our state government over the past year. I have seen the impact of recent legislative decisions on your agency as well as mine. One of the difficult issues facing the Department of Correction has been the decision to close the Union Correctional Center, along with several other similar facilities in the state. According to what I have learned, the facility is no longer cost-efficient to operate as a stand-alone facility in the state prison system.

Obviously, the unit's design is oriented toward inmate confinement, with ancillary facilities equipped to support incarceration. The facility sits on a 52-acre tract within the city limits of Monroe, and has been a part of Monroe's history since the 1930s. The unit was one of 61 field unit prisons renovated or built during the late 1930's to house inmates who worked building roads. The prison's original housing dormitory remained in use throughout the next 80 years. The site has a vocational education building, dormitories and a dining hall, along with guard towers and an administration building.

In Union County, we have seen a steadily increasing demand for local confinement space, and our jail facility, which was built in 1994, has remained "classification full" for the past year. Union County is in dire financial straits with regard to debt service, so it is extremely unlikely that we will be able to expand our own inmate housing capacity for some years to come. We have plans for a 400-bcd expansion, but no capability to construct the facility at this time.

I am aware of several similar facilities that were formerly state-owned, and transferred to local counties for use as confinement facilities. Alamance County and Rockingham County are examples that come to mind. Alamance has created an impressive satellite jail facility, which we believe could serve as a template for a satellite facility here in Union County. We have toured the Union County unit with our own county facilities staff, as well as with an inspector for the Jail and Detention Section of the Division of Health Service Regulation. The facility would lend itself well for conversion to a satellite jail, as well as provide room to expand office space for state agencies, such as the Division of Community Corrections.

Mr. Alvin W. Keller, Jr.

October 12, 2009

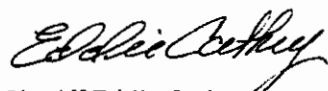
Page Two

In light of this possibility, I would like to respectfully request that you consider transferring the Union County unit to the County of Union for the purpose of converting the facility to a satellite jail. We are interested in all of the area within the perimeter of the current facility, as well as a portion of the 52-acre tract for future facility expansion and development. The remainder of the tract would remain for use by the state as deemed appropriate. We are in process of developing detailed cost estimates associated with the necessary retrofit to state jail standards, but preliminary estimates indicate that the entire facility could be converted within our county's financial capability.

I would sincerely appreciate the opportunity to discuss this proposal in more detail at your convenience, should you deem it viable. Details surrounding the actual acquisition of the property are beyond my control to negotiate, but I would respectfully submit that the transfer of ownership (or a long-term lease agreement) could be made within currently established statutory processes. Likewise, I am happy to share our vision for this facility with you or your staff in more detail if you would be kind enough to offer us the opportunity.

Thank you in advance for your consideration of this request, and please do not hesitate to contact me if I may be of further assistance in this or any other matter.

Kindest Regards,



Sheriff Eddie Cathey



## North Carolina Department of Correction

214 West Jones Street • 4201 MSC • Raleigh, NC 27699-4201

Beverly Eaves Perdue  
Governor

Alvin W. Keller, Jr.  
Secretary

November 12, 2009

Mr. Eddie Cathey  
Sheriff of Union County  
3344 Presson Road  
Monroe, North Carolina 28112

RE: Union Correctional Center

Dear Sheriff Cathey:

Thank you for your letter of October 12, 2009 to Secretary Keller expressing your interest in the County acquiring property associated with the recently closed Union Correctional Center. I have been asked by Secretary Keller to provide you with some information about process for disposition of closed prison facilities.

As you know, the 2009 General Assembly mandated the closure of Union Correctional Center effective October 1, 2009. In accordance with the legislative mandate, we have removed all inmates from the facility and are in the process of taking the necessary actions to secure the facility for closure.

Section 19.4 of Session Law 2009-451 requires the Department to consult with local, state and federal officials about the possibility of converting closed prisons to other uses. The special provision also requires the Department to study the feasibility of establishing probation revocation centers at closed prison facilities and report its findings to the Chairs of the Appropriations Subcommittees on Justice and Public Safety by February 1, 2010.

With those mandates in mind, I am happy to work with you to provide the information you will need for your development of a proposal to establish a satellite jail on this site. Please be advised, however, that the Department is required to consult with the Joint Legislative Commission on Governmental Operations and the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee prior to any transfer, lease or other use of a closed prison facility. Also, any disposition of the facility must be in accordance with state guidelines. It therefore may be advisable to contact the State Property Office within the NC Department of Administration for more information about the requirements for disposition of state property.

I look forward to working with the Union County Sheriff Department regarding its potential use of the Union Correctional Center. Please feel free to contact me at your convenience to facilitate this process. My contact information is email address: [swn01@doc.state.nc.us](mailto:swn01@doc.state.nc.us) and telephone number (919) 716-3691.

Sincerely,

William N. Stovall, PE  
Director of Engineering

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: 12/14/09**

**Action Agenda Item No. 11**  
(Central Admin. use only)

**SUBJECT:** 2010 U.C.A.C. Grant Recommendations from the Parks and Recreation  
Advisory Committee

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**DEPARTMENT:** Parks and Recreation      **PUBLIC HEARING:** No

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**ATTACHMENT(S):**  
Overview of 2010 UCAC Grant  
Requests

**INFORMATION CONTACT:**  
Wanda Smith

Award Recommendation of 2010  
UCAC Grants

**TELEPHONE NUMBERS:**  
704-843-3919

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**DEPARTMENT'S RECOMMENDED ACTION:** Award 2010 UCAC Grants as recommended by the Parks and Recreation Advisory Committee (with contingencies as noted), Approve the balance of \$34,362.07 for applications by Associations for ADA projects, and Authorize the County Manager to execute contracts pending review by Legal.

**BACKGROUND:** Grant Funds in the amount of \$157,500 are available in the Parks and Recreation budget to Athletic Associations for assistance in providing recreation facilities to families in Union County.

Grant Applications have been received and reviewed by staff and by the Parks and Recreation Advisory Committee. Recommendations are available (with contingencies) from the Advisory Committee for consideration by the BOCC. An overview of each application was provided by Staff with comments and contingencies to the Advisory Committee who then endorsed, changed, or added contingencies to be submitted to the BOCC for consideration. The Advisory Committee recommended that all applications be approved with contingencies as noted, with the exception of Porter Ridge Athletic Association. The Advisory Committee asked that this association revisit the items on their application to ensure that all code requirements for restrooms have been met and approved by all applicable county/city departments. That accessible issues (walkways, viewing areas, parking, restrooms, etc.) and safety items are considered and placed on the top of the requested "project elements" for the Grant project.

A total of \$83,755.43 in grant funds are recommended by the Parks and Recreation Advisory Committee. A total of \$39,382.50 in grant funds is recommended to be held in the Parks and Recreation budget for Porter Ridge Athletic Association to resubmit a new application packet no



later than January 15, 2010 for consideration by the Advisory Committee and recommendation to the BOCC. With the award of these amounts, and holding of funds for the Porter Ridge project, a balance of \$34,362.07 is available for ADA projects.

The Advisory Committee felt strongly that each Association should complete an ADA audit of all their facilities and submit an application requesting funding from Parks and Recreation. ADA regulations are available through the Americans with Disabilities Act Guidelines at 1-800-514-0301.

It is important that Parks and Recreation remain on schedule and provide funding to the Athletic Associations in a timely manner so that the Associations can complete their projects in the spring of this coming year.

**FINANCIAL IMPACT:** Funds are available in the current budget 10-561372-5699 to cover these expenditures.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

\_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_

**AWARD RECOMMENDATION OF 2010 UCAC GRANTS**  
(By Parks and Recreation Advisory Committee)

Indian Trail Athletic Association	\$32,641.14 with contingencies
Marshville Recreation Association	\$ -0- (no application)
Piedmont Recreation Association	\$ 9,000.00 with contingencies
Porter Ridge Athletic Association	Resubmit new application no later than 1/15/2010 (Hold \$39,382.50)
Prospect Athletic & Recreation Assoc.	\$ 7,629.31 with contingencies
South Union Athletic Association	\$ 5,390.79 with contingencies
Waxhaw Athletic Association	\$12,115.38 with contingencies
Weddington-Wesley Chapel Ath. Assoc.	\$16,978.81 with contingencies
<u>Wingate Athletic Association</u>	<u>\$ -0- (no application)</u>
TOTAL TO BE AWARDED (with contingencies)	\$83,755.43
<u>Amt. to be held (Porter Ridge)</u>	<u>\$39,382.50</u>
SUB-TOTAL	\$123,137.93
<u>AMOUNT AVAILABLE FOR AWARD</u>	<u>\$157,500.00</u>
REMAINING BALANCE	\$ 34,362.07 *
	=====

\*Request Board Approval to allow the remaining \$34,362.07, or any additional unused funds above this amount, to remain in Parks and Recreation budget and be authorized for new ADA projects or improvements/upgrades of existing facilities to meet ADA standards.

Athletic Associations may apply for grant amounts, for this purpose, to be matched at the same % basis as previously approved by the Board of Commissioners. This will require an additional application packet to be completed, with a deadline of forty-five (45) calendar days after approval by the BOCC of the above noted award recommendations from the Parks and Recreation Advisory Committee.

This will allow all Park and Recreation budgeted Grant funds to be properly allocated this fiscal year.

## **Overview for FY-2010 UCAC Grant Requests**

Staff has reviewed seven (7) application requests for the FY-2010 UCAC Grant Cycle. Special considerations were given to associations with incomplete packets due to the “*special dates/time frame*” for this grant time cycle. The Staff would like to provide the following concerns to the Advisory Committee in their consideration for forwarding their recommendation for approval/disapproval to the Board of County Commissioners:

(1) That Americans with Disabilities Act (ADA) Guidelines must be met during the construction of recreational facilities. Associations should call 1-800-514-0301 for information on compliance with ADA Guidelines which are required by law.

(2) That any required building permits, grading permits, etc. be obtained prior to beginning any projects.

(3) That required letters from schools meeting the requirements of the application guidelines be obtained as required. The verbiage reads:

“Capital projects must be on real property owned by the Athletic Association, by a Municipality, or by a School. A Municipality or a School must provide written consent of the full project, and accept responsibility, ownership, and liability for project improvements.”

(4) That the certification by the President of the Association for recreational use for 25-years be followed as per the application guidelines be obtained. The verbiage reads:

“I hereby certify that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years.” (This certification is signed by the Association’s President.)

(5) That required copies of certificate or accord of insurance be obtained as required for attachment with the application packet.

“Each Athletic Association shall maintain general liability insurance in an amount not less than \$300,000 combined single limit for bodily injury and property damage. In the event the project, which is the subject of the grant, involves construction of a building, the Athletic Association shall maintain Builder’s Risk insurance for the full replacement value of the structure. Copy of certificates or accord of insurance must be attached to application.”

(6) That upon approval of the Grant Request, that updated quotes be obtained by the association for all construction of fences, fields, etc. to ensure that tax dollars are expended with good stewardship requirements. This will allow the best price be obtained by “qualified vendors”.

[REDACTED]

After all grants requests are considered for approval, that any remaining funds be “ear-marked” for athletic associational use for completing ADA Compliance Projects on a “matching percentage dollar” basis. This would require an additional application packet be completed with pictures of the project area(s) to demonstrate/indicate the ADA concern. If approved, the deadline for the application would be 45 calendar days after review/approval by the Board of County Commissioners at a regularly scheduled meeting. This will allow funds to be properly allocated this fiscal year.

“Grants are also available for modifications to comply with ADA (Americans with Disabilities Act) requirements on Park projects which already exist.”

“Each Athletic Association must allow any resident of Union County to participate in any program or use any facility that involves County Grant money without regard to sex, race, religion, color, national origin, or age. The administration of programs, facilities, and land areas shall be the responsibility of the Athletic Association.”

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**2010 UCAC Grant Request Updates**

For  
**Indian Trail Athletic Association**

**FY-2010 Grant Request Overview**

**Name of Project:** Irrigation, Fencing, Playground Equipment, Power Rake, Batting Cages, and Parking Lot for Edna Love Park

**Project Narrative:** Irrigation for Athletic Fields:

Indian Trail Athletic Association intends to install irrigation on the soccer fields for micro/macro U11-U14. This project will allow year round irrigation to help sustain the athletic fields, and to ensure the playing fields can be maintained at a high level of safety.

Fencing:

ITAA will install and replace fencing and poles around park on all baseball and softball fields that are damaged or unsafe.

Playground Equipment:

ITAA will install new playground equipment for all children of ITAA. We will install a barrier around the area with mulch and then landscape for the playground.

Power Rack:

ITAA will purchase a new power rake for the tractor.

Parking Lot:

ITAA will purchase new fill dirt and rock to extend the parking lot next to the rookie baseball field. New rock for the current driveway will be installed to help with drainage and dust.

Batting Cages:

ITAA will install concrete floors, with indoor/outdoor carpet, in existing batting cages.

**Grant Type:**

- Acquisition Only       Development       New Construction  
 Renovation       Acquisition and Development

Are Safety Items Included in the Grant request?       Yes (Explain)       No

Explanation:

**Site is located on:**

- Land owned by Municipality       Land owned by Athletic Association  
 Land owned by School       Other (Explain)

**Note:**

Certification that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years. (See *Questions 2 of Application: Certification by Athletic Association.*)

**Association's Required Match: \$ 32,641.14**

**County's Requested Match: \$ 32,641.14**

**Does the application indicate that the required Association's Matching Funds are available for the requested matching County Funds?  Yes  No (explain below)**

Comment:

Is the Association indicating an overmatch of funds?  Yes  No

**Staff Comments / Recommendation:**

Staff reviewed packet and found that all items were complete. As you read the Project Narrative, it stated some safety concerns but in the application packet question # 18, they stated that there were none. The association drilled a well under last year's grant. The packet includes three quotes for the power rake. The highest quote was chosen which indicates 2010 prices. (The other two quotes indicate 2009 prices.) The Association wanted to make sure that they were able to purchase the equipment within the awarded price range. The park is adding their first playground equipment to their facility. It is extremely important that all new and existing development meet ADA Guidelines (which is required by law).

**Recommendation:**

Staff recommends that the application be approved with the following contingencies:

(1) That all three quotes for the power rake be updated when a contract with the county is executed, and that the vendor with the equipment that meets the required specifications and the best price for the equipment, be selected as the final vendor. The association will have these quotes reviewed by P&R Staff prior to purchase.

(2) That the association ensures that the final playground accepted for purchase meet ADA Guidelines upon installation. (This should be included on the association's signed agreement to the vendor for installation.)

(3) That any new development or upgrades meet ADA Guidelines to achieve compliance with the law.

Note: Call 1-800-514-0301 for information on compliance with ADA Guidelines.

**Advisory Committee's Comments / Recommendation:**

The Parks and Recreation Advisory Committee reviewed this packet and asked that a fourth recommendation be added as follows:

" If additional funds become available for ADA projects, that approved asphalt parking spots be put in for better accessibility for wheelchairs in the new parking area."

Andy Williams made a motion to accept the grant as written with all staff and advisory recommendations as noted. Irvin Brewbaker seconded the motion. The motion passed unanimously.

**2010 UCAC Grant Request Updates**  
For  
**Marshville Recreation Association**

**FY-2010 Grant Request Overview**

**Name of Project:** DID NOT COMPLETE APPLICATION PACKET OR ATTEND  
REQUIRED UCAC MEETINGS.

**Project Narrative:**

**Grant Type:**

- Acquisition Only       Development       New Construction  
 Renovation       Acquisition and Development

Are Safety Items Included in the Grant request?       Yes (Explain)       No

Explanation:

**Site is located on:**

- Land owned by Municipality       Land owned by Athletic Association  
 Land owned by School       Other (Explain)

**Note:**

Certification that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years. *(See Questions 2 of Application: Certification by Athletic Association.)*

**Association's Required Match: \$**

**County's Requested Match: \$**

**Does the application indicate that the required Association's Matching Funds are available for the requested matching County Funds?**       Yes       No (explain below)

Comment:

Is the Association indicating an overmatch of funds?       Yes      No

**Staff Comments / Recommendation:**

**Advisory Committee's Comments / Recommendation:**

**2010 UCAC Grant Request Updates**  
For  
**Piedmont Recreation Association**  
**FY-2010 Grant Request Overview**

**Name of Project:** Mowing Equipment Purchase

**Project Narrative:** Piedmont Recreation Association would use grant funding to purchase mowing equipment that is essential to grounds keeping of our park. This equipment would benefit all sports at our facility.

**Grant Type:**

- Acquisition Only       Development       New Construction  
 Renovation       Acquisition and Development

Are Safety Items Included in the Grant request?       Yes (Explain)       No  
Explanation:

**Site is located on:**

- Land owned by Municipality       Land owned by Athletic Association  
 Land owned by School       Other (Explain)

**Note:**

Certification that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years. *(See Questions 2 of Application: Certification by Athletic Association.)*

**Association's Required Match: \$ 0**

**County's Requested Match: \$ 13,144.00**

**Does the application indicate that the required Association's Matching Funds are available for the requested matching County Funds?**       Yes       No (explain below)

Comment: Recreation Association would use grant funding to purchase much needed essential mowing equipment to be used by volunteers to help with the grounds keeping of our facility. The Association reported that they have well over 100 acres and only have one piece of equipment (that is not quite dependable) for sharing.

Is the Association indicating an overmatch of funds?       Yes      No

**Staff Comments / Recommendation:**

Staff has been made aware that the Association does not have the funds available to meet their match monies at this time. The Association would be able to receive \$ 6,798.79 if they were able to meet their match. Staff would like to point out the safety concerns about not keeping play fields properly maintained (mowed) (ants, holes, snakes, etc.). They have approximately 40 total acres of land and an estimated 30 acres of playing fields and playgrounds. It has been



explained the reasons for their lack of "capital improvement monies" in their previous remarks to the Advisory Committee (September 16, 2009).

For safety reasons, Staff would recommend that the County allocate funds to the Association for purchase a 60 inch, zero-turn lawn mower with a "two-year parts and labor" warranty at a retail price not to exceed \$9,000 (taxes not included) under the following contingencies:

(1) To ensure a proper life of the lawn mower, the Association develop a plan to determine areas that must be mowed for the safety of individuals using the park and use this mower to service only those areas. Other areas will be mowed by other equipment or be left unmowed to save funds and reduce funding shortages. This lawn mower will not be used to drag fields, areate fields, or as a means of transportation.

(2) If possible, to extend the life of the equipment, assign the use of this mower to a team, consisting of a maximum of 4 people, that are trained on the proper use and required maintenance of the equipment. One of these people should serve as the primary custodian to maintain service records. This would include required daily inspections (check-offs) of the equipment to ensure it is properly serviced.

(3) Ensure that an annual amount of \$500 (minimum) be budgeted by the Association each January 1<sup>st</sup> for the next five years for the proper maintenance of the equipment. (Oil, oil filters, grease, blades, tires, etc.) The warranty will cover parts and labor for two years for repairs that are not customer related. Only normal maintenance materials should be required to properly maintain the equipment during this period.

(4) That the FY-2011 UCAC Grant dollars that the Association would be eligible for be reduced by the actual dollar-amount above the FY-2010 eligible amount (\$6798.69).

(5) That the Association not be eligible for a variance of the guidelines for a 5-Year period (until the 2015 UCAC Grant Cycle). (To Staff's knowledge, this is the first variance that this Association has requested.)

(6) That the following required items be obtained for the application packet: (a) Copy of certificate or accord of insurance.

**Advisory Committee's Comments / Recommendation:**

The Parks and Recreation Advisory Committee reviewed this packet and requested that Staff recommendation #2 above be amended and a 7<sup>th</sup> recommendation be added as follows:

\* That the verbiage of the last sentence of Staff recommendation #2 listed above be changed to read:

"This would include a "pre-use check list" of the equipment to ensure it is properly serviced."

\* (Contingency #7) : If additional funds become available for ADA projects, that approved ADA trails be constructed to the lower soccer fields.

Andy Williams made a motion to approve the grant as written with all contingencies listed above. Irvin Brewbaker seconded the motion. The motion passed unanimously.

**2010 UCAC Grant Request Updates**  
For  
**Porter Ridge Athletic Association**

**FY-2010 Grant Request Overview**

**Name of Project:** Hemby Bridge Complex Renovations

**Project Narrative:** Due to the age of the fields at PRAA's Hemby Bridge athletic complex, many renovations are needed to bring this property to a more presentable and safe condition for the Union County residents to enjoy. It is PRAA's goal that once these renovations are completed the park will be a much more pleasant environment for the Union County residents to enjoy. We propose renovating the parking lot area so it is more defined and safe, renovations of the current concession stand areas that will enable us to offer better service, walkways through the property, resurfacing the batting cage areas, grading and installing a stone drive access road, and renovations to the front ballfield by removing the dangerous infield grass including leveling the field and replacing the old dugouts. We feel these renovations will dramatically improve the overall condition of the complex and make it a more enjoyable, presentable, and safe park for the residents of Union County to enjoy.

**Grant Type:**

- Acquisition Only                       Development                       New Construction  
 Renovation                                       Acquisition and Development

Are Safety Items Included in the Grant request?     Yes (Explain)     No

Explanation:

**Site is located on:**

- Land owned by Municipality                       Land owned by Athletic Association  
 Land owned by School                                       Other (Explain)

**Note:**

Certification that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years. *(See Questions 2 of Application: Certification by Athletic Association.)*

**Association's Required Match: \$ 39,382.50**

**County's Requested Match:        \$ 39,382.50**

**Does the application indicate that the required Association's Matching Funds are available for the requested matching County Funds?     Yes                       No (explain below)**

**Comments:**

Through many years of use, the front baseball field has become unlevel and the grass infield is uneven. PRAA will totally renovate this field by removing the grass and building a retaining wall. This will allow the infield to be leveled and new dirt installed. This will make this field

much easier to maintain for all players who use the field. The existing dugouts show signs of rotten material and roofing. We will remove the bad sections of fencing, replacing with new fencing, and rebuild the dugouts with new framing and new roofing materials. PRAA also proposes installing walkways throughout the property to make it easier for people to walk from the parking lots to various field locations. At various times, parking is chaotic at the complex because the areas are not well defined. We will be constructing a more defined entrance that will help navigate the parking and visitors to the complex.

Is the Association indicating an overmatch of funds?       Yes      No

**Staff Comments / Recommendation:**

Staff has made a review of the application request. This request is on school property. There are monies sought in the request for walkways on the property, and the President of the Association indicated that it would be 956 linear feet of walk path. A site review indicated that this project may be in need of ADA Compliance issues (walkways to all fields, toilets, parking, picnic tables, concessions, and ball field viewing areas.) Areas on the "Harris Teeter Field" have areas that are unlevel and needs rework. The renovation of the concession stand is slated to remove the restrooms to make it larger.

**Concerns:** The making of the walkways ADA compliant is noteworthy and needs to be addressed for access to all fields and amenities. This item should receive "priority funding". The removal of the bathrooms from the concession stand may not be allowed by code requirements and sanitation needs. Our understanding is that Porta-Jons are for temporary use only. The letter from the school does not meet the requirements of the application (responsibility/liability). There is a concern on the limit of the agreement that has been made with the school by the association.

**Recommendation:**

Staff recommends that funding for the Renovation to Hembry Bridge Complex Renovations be considered with the following contingencies:

(1) That the association revisit the items on the application to ensure that all code requirements for rest rooms, accessibility issues (walkways, viewing areas, parking, restrooms, etc.), and safety items are considered and placed on the top of the requested "project elements" for the Grant project.

(2) All other items be placed on the "Cost Estimates and Project Elements" form in descending order of priority until reaching the maximum requested county match/association match obligations (\$39,382.50 was requested).

(3) That a letter meeting all requirements of the application be obtained from the principle of Hembry Bridge Elementary School.

(4) With approval from the BOCC of the above contingencies, that the association be required to resubmit a new application packet no later than January 15, 2010 for reconsideration by the Advisory Committee. The Advisory Committee will at that point review the packet for completeness and resubmit to the BOCC for their final approval. (Process should allow funds to be allocated by Feb. 15, 2009 with a contract issued for execution at that time.)

Note: Call 1-800-514-0301 for information on compliance with ADA Guidelines.

**Advisory Committee's Comments / Recommendation:**

The Parks and Recreation Advisory Committee reviewed this packet and asked that the first recommendation be changed to read as follows:

(1) That the association revisit the items on the application to ensure that all code requirements for rest rooms have been met and approved by all applicable county departments. That accessibility issues (walkways, viewing areas, parking, restrooms, etc.) and safety items are considered and placed on the top of the requested "project elements" for the Grant projects.

Nick Peth made a motion to recommend approval and send the grant to the BOCC with all listed contingencies.

Andy Williams seconded the motion.

The motion passed unanimously.

**2010 UCAC Grant Request Updates**  
For  
**Prospect Athletic & Recreation Association**

**FY-2010 Grant Request Overview**

**Name of Project:** Continuation of Field #5 Project (Phase 3) and Facility Improvement Project.

**Project Narrative:** Project A consists of adding one infield light pole and lights along with adding lights to an already existing pole for illumination of Field #5 infield only. This is to include materials and installation by a qualified contractor.

Project B consists of purchasing four dugout benches. Two will be for the new Field #5 and two for Field #1 for replacement of old wood planks on blocks. It will also include purchasing equipment to include line markers, field rakes, and picnic tables for the grounds.

Project C consists of the purchase of safety equipment for players to include catcher chest protectors, shin guards, face mask helmets (one set for each team, approx 16 of each), and batter's helmets (one for each team). It also requests two L-screens to be used in already existing batting cages for protection of pitchers from hit balls.

**Grant Type:**

- Acquisition Only                       Development                       New Construction  
 Renovation                               Acquisition and Development

Are Safety Items Included in the Grant request?     Yes (Explain)     No

Explanation:

**Site is located on:**

- Land owned by Municipality                       Land owned by Athletic Association  
 Land owned by School                               Other (Explain)

**Note:**

Certification that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years. *(See Questions 2 of Application: Certification by Athletic Association.)*

**Association's Required Match: \$ 3,051.72**

**County's Requested Match:     \$ 7,629.31**

**Does the application indicate that the required Association's Matching Funds are available for the requested matching County Funds?**     Yes                       No (explain below)

Comment:

Is the Association indicating an overmatch of funds?                       Yes                      No

**Staff Comments / Recommendation:**

Staff reviewed the Cost Estimates and Project Elements Sheet provided. The items marked field rakes and line markers are not allowed for purchase according to the guidelines. The picnic table shown is not "wheelchair accessible". This project is on school property.

Staff recommendation:

(1) Field Rakes and Line Markers be removed from grant items authorized for purchase. These are not considered capital purchase items and show a total cost of \$1,074.87.

(2) That picnic tables be authorized for purchase as long as they meet ADA Guidelines for accessibility and are stated as such in the product's specifications.

(3) That the total project request of up to \$10,681.03 be authorized to assist in covering any increases in purchasing of "Accessible Picnic Tables" and to ensure that an accessible trail is developed to get to the "required number" of picnic tables on the facility as per ADA Guidelines.

(4) That President of Organization must have application notarized as required.

(5) That a proper letter from the school meeting the requirements of the application be provided to staff to file with the original grant packet.

(6) That a copy of the certificate or accord of insurance be obtained as required for attached with the original application.

Special Note: Call 1-800-514-0301 for information on compliance with ADA Guidelines.

**Advisory Committee's Comments / Recommendation:**

The Parks and Recreation Advisory Committee reviewed the staff comments and discussed the grant request with all of the contingencies listed above.

Kelley Blalock made a motion to approve the grant as written based on all contingencies.

Lyncoya Simpson seconded the motion.

The motion passed unanimously.

**2010 UCAC Grant Request Updates**  
For  
**South Union Athletic Association**

**FY-2010 Grant Request Overview**

**Name of Project:** Gym Lobby Renovation

**Project Narrative:** The first part of our project will be to replace the basketball backboards and rims in our gym with new Spalding equipment. The second part is to enlarge the entrance to the lobby by removing the front entrance and extending outwards 6'X14' and reusing the existing doors for entry and exit. Concrete footings will be dug and poured as well as a new section of concrete floor. Additional lighting as well as drywall will be installed and finished on the interior with siding used to finish the exterior.

**Grant Type:**

- Acquisition Only                       Development                       New Construction  
 Renovation                               Acquisition and Development

Are Safety Items Included in the Grant request?     Yes (Explain)     No

Explanation:

**Site is located on:**

- Land owned by Municipality                       Land owned by Athletic Association  
 Land owned by School                               Other (Explain)

**Note:**

Certification that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years. *(See Questions 2 of Application: Certification by Athletic Association.)*

**Association's Required Match: \$ 2,156.32**

**County's Requested Match:     \$ 5,390.79**

**Does the application indicate that the required Association's Matching Funds are available for the requested matching County Funds?**     Yes                       No (explain below)

Comment:

Is the Association indicating an overmatch of funds?                       Yes                      No

**Staff Comments / Recommendation:**

The association states the purpose of the new goals is to give the player a better chance of making more shots to go into the goals. The gym lobby will make it much easier for SUAA staff, fans, and players to enter and exit the gym during basketball events.

**Staff recommendation:**

Staff recommends approval of the grant request with the following contingencies:

- (1) That required construction permits be obtained for construction of the new entrance.
- (2) That the new construction meets ADA Guidelines.
- (3) That the signature on the application be properly "sealed".

**Note:**

Call 1-800-514-0301 for information on compliance with ADA Guidelines.

**Advisory Committee's Comments / Recommendation:**

The Parks and Recreation Advisory Committee reviewed the Staff comments and discussed the grant request with all of the contingencies listed above.

Andy Williams made a motion to approve the grant as written based on all contingencies.

Irvin Brewbaker seconded the motion.

The motion passed unanimously.



**2010 UCAC Grant Request Updates  
For  
Waxhaw**

**FY-2010 Grant Request Overview**

**Name of Project:** Field Renovation at Kensington Elementary

**Project Narrative:** The Waxhaw Athletic Association (WAA) proposes to renovate a section of Kensington Elementary School property, thereby creating three athletic fields. This piece of school property is located next to Waxhaw's new Harvey Clay Nesbit Memorial Park where the WAA plays most soccer games and will play baseball and softball games starting in Spring 2010. The proposed fields will round out the current compliment of athletic fields located at the park and will include a much needed U12 and older size soccer field and two t-ball fields.

**Grant Type:**

- Acquisition Only                       Development                       New Construction  
 Renovation                               Acquisition and Development

Are Safety Items Included in the Grant request?     Yes (Explain)     No  
Explanation:

**Site is located on:**

- Land owned by Municipality                       Land owned by Athletic Association  
 Land owned by School                               Other (Explain)

**Note:**

Certification that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years. *(See Questions 2 of Application: Certification by Athletic Association.)*

**Association's Required Match: \$ 8,991.62**

**County's Requested Match: \$ 12,115.38**

**Does the application indicate that the required Association's Matching Funds are available for the requested matching County Funds?**     Yes                       No (explain below)

Comment:

Is the Association indicating an overmatch of funds?                       Yes                      No

**Staff Comments / Recommendation:**

This request is being placed on school property and we are unsure of the School-Use agreements at this point (commitment of use time-frame). Also, we believe it would be in the best interest of the County to ensure that the installation of any fields include any required infrastructure code requirements be met at the time of building the fields. These may include ADA requirements, restroom requirements, etc.

**Staff Recommendation:**

To approve this grant request upon meeting the following contingencies:

- (1) That the property receives a 25-year agreement for use.
- (2) That the President's signature on the application be "sealed" as required.
- (3) That an approved copy of certificate or accord of insurance be obtained for attachment with the application.
- (4) That any required permits (grading, construction, etc.) be obtained for the construction of the fields and any code required infrastructure be met.
- (5) That ADA Guidelines be met as part of the project.

Note: Call 1-800-514-0301 for information on compliance with ADA Guidelines.

**Advisory Committee's Comments / Recommendation:**

The Parks and Recreation Advisory Committee reviewed the Staff comments and discussed the grant request with all of the contingencies listed above.

Nick Peth made a motion to approve the grant as written based on all contingencies.

Kelley Blalock seconded the motion.

The motion passed unanimously.

**2010 UCAC Grant Request Updates**  
For  
**Weddington-Wesley Chapel Athletic Association**

**FY-2010 Grant Request Overview**

**Name of Project:** Facility Improvements

**Project Narrative:** Weddington Wesley Chapel Athletic Association would like to respectfully request match funding from the Parks and Recreation Committee for three specific projects listed below as 1a, 1b, and 1c.

**1a. Challenger Baseball Dugout Improvement**

WCWAA Challenger Sports Program (Challenger Sports) is a youth athletic program for special needs youth residing in Union County, North Carolina and surrounding metro areas. The program provides athletic opportunities for physically and/or mentally handicapped youth from age five through 22, or the completion of high school.

Challenger Sports at WCWAA began in 2007 by offering Little League Challenger Division baseball. The inaugural season of the WCWAA Little League Challenger Division was in September 2007. The fall 2007 season boasted 28 special needs players with disabilities ranging from severe physical and mental to high functioning autism disabilities. The community so completely embraced the program that over 65 volunteer buddies registered to assist the players on the field. The 5<sup>th</sup> season of WCWAA Challenger Division opened October 4, 2009 with 52 registered handicapped youth, playing on six teams with two skill level divisions. The Challenger youth enjoy wearing the same uniforms, playing on the same fields, and enjoying the same game that so many other youth play every spring and fall. The difference is that Challenger children have never been able to play before now.

As mentioned above, the Challenger baseball division has two skill level divisions. The majority of the players are in the lesser skilled division, or modified T-ball division. This division has historically been the skill level where the wheelchair bound players also play. All T-ball division games are played on the WCWAA T-ball Field #2. As the program has grown, so has the need to accommodate the increase in wheelchair bound players. In the spring of 2009 wheelchair ramps were added to the dugouts on the T-ball Field #2 which significantly improved access to the dugout and improved safety conditions for the wheelchair players.

The continued growth of the program and increasing registration of wheelchair bound players now dictates additional modifications be made to the dugouts. The dugouts being utilized by the Challenger Division are inadequate to meet the accessibility and sports program needs of the handicapped population it serves. The dugouts were built to accommodate children without disabilities ages 5-7, and can reasonably and safely accommodate 12-14 players at that age range. The current structure of the dugouts is not adequate to safely accommodate even one wheelchair bound player without preventing the doorway of the dugout from being blocked by the wheelchair. A wheelchair can not be turned around inside the current dugout structure, and access by more than one wheelchair is impossible.

Representatives of WCWAA Challenger Division have developed a plan to modify the existing dugouts to accommodate multiple wheelchairs by increasing the depth of each dugout. The proposed modification will require that the current dugouts be expanded by removing 15 feet of fence along the back of each dugout and extending the concrete slab within that 15 foot area by 7 ft. The new area of the dugout would then be fenced on both sides and along the back creating a fenced extension of approx. 105 sq feet. The extended dugout area will allow multiple

wheelchairs to be brought into the dugout, turned around as needed, and prevent the dugout doorways from being blocked. The extension also continues to provide a fenced dugout for the safety of all the players.

**1b. Hwy 84 Safety Netting**

This project is aimed at addressing a significant safety concern along the park parameter and HWY-84. Several years ago HWY-84 underwent a road widening project to create turn lanes into Optomist Park and Southbrook Church. As a result, the ditch line between HWY-84 and Optomist Park was shifted to accommodate the additional road width, which disturbed the soil surrounding the current baseball field foul ball barrier net poles to the extent that it is now creating an unstable structure. The intent of the project is to remove the existing poles and netting, and install new poles and higher netting (25') along the fence line of the Little League Majors baseball field in the Optomist Park complex. With this enhancement, 100% of the foul balls hit along the first base line will be contained in the field of play and will not enter HWY-84.

**1c. Babe Ruth Practice Facility Fencing**

This request for grant match funding is to fence in a practice area for the use of our Babe Ruth baseball program. With dramatic growth in our youth (ages 13-16) baseball program we have had on-going challenges each spring and fall season with practice field availability. With the 5-6 teams we have in the spring program it is difficult to schedule practice and home games without significant conflicts most nights of the week. The desired solution is to develop a practice area adjacent to our game field that will create practice capacity for our growing baseball program. In addition, this practice field will need to be fenced in because it backs up to bleachers where parents and fans would be sitting during games. This fenced in facility will have a full infield, a pitchers mound and home plate, and a batting cage on the front end. This proposed approach is our only alternative to supporting the growing needs of the Babe Ruth baseball program without acquiring more land and developing a second field.

**Grant Type:**

- Acquisition Only                       Development                       New Construction  
 Renovation                                       Acquisition and Development

Are Safety Items Included in the Grant request?       Yes (Explain)       No

Explanation:

**Site is located on:**

- Land owned by Municipality                       Land owned by Athletic Association  
 Land owned by School                                       Other (Explain) Land owned by Weddington  
Optomist Club, and leased by WCWAA

**Note:**

Certification that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years. (See Questions 2 of Application: Certification by Athletic Association.)

**Association's Required Match: \$ 16,978.81**

**County's Requested Match: \$ 16,978.81**

**Does the application indicate that the required Association's Matching Funds are available for the requested matching County Funds?  Yes  No (explain below)**

Comment:

Is the Association indicating an overmatch of funds?  Yes  No

**Staff Comments / Recommendation:**

Staff believes that all three of these projects are in the best interest of the citizens of Union County and should be funded. Although the application states that there are no safety concerns the narrative listed several concerns. (See Project Narrative.) Staff applauds the project to meet those with special challenges! Staff would suggest that the association complete an entire "athletic complex audit" to determine if other areas require possible upgrades to meet ADA Guidelines (examples: restrooms, port-a-jons, concession areas, walk-paths, parking, etc.).

Recommendation:

This grant request should be funded based on the following contingencies:

(1) That any infrastructure updates, to include fields and spectator areas, meet ADA Guidelines.

(2) That a copy of certificate or accord of insurance be obtained for attachment with the original application packet.

(3) That any permits that are required for construction, grading, etc. be obtained prior to beginning the project.

(4) That the Association provides a current or updated copy of the 25-Year Lease with Weddington Optimist Club prior to executing a signed contract. This was a contingency item for the BOCC's approval of WCWAA's FY-2009 Grant Request.

Note: Call 1-800-514-0301 for information on compliance with ADA Guidelines.

**Advisory Committee's Comments / Recommendation:**

The Parks and Recreation Advisory Committee reviewed the Staff comments and discussed the grant request with all of the contingencies listed above.

Irvin Brewbaker made a motion to approve the grant as written based on all contingencies.

Lyncoya Simpson seconded the motion.

The motion passed unanimously.

**2010 UCAC Grant Request Updates**  
For  
**Wingate Athletic Association**  
**FY-2010 Grant Request Overview**

**Name of Project:** DID NOT COMPLETE APPLICATION PACKETS AND DID NOT ATTEND REQUIRED MEETINGS.

**Project Narrative:**

**Grant Type:**

- Acquisition Only       Development       New Construction  
 Renovation       Acquisition and Development

Are Safety Items Included in the Grant request?       Yes (Explain)       No

Explanation:

**Site is located on:**

- Land owned by Municipality       Land owned by Athletic Association  
 Land owned by School       Other (Explain)

**Note:**

Certification that property acquired with Union County Grant assistance will be dedicated in perpetuity to public recreation uses and/or any development will be maintained and managed for public recreation use for a minimum of 25 years. *(See Questions 2 of Application: Certification by Athletic Association.)*

**Association's Required Match: \$**

**County's Requested Match: \$**

**Does the application indicate that the required Association's Matching Funds are available for the requested matching County Funds?**       Yes       No (explain below)

Comment:

Is the Association indicating an overmatch of funds?       Yes      No

**Staff Comments / Recommendation:**

**Advisory Committee's Comments / Recommendation:**

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: 4 January 2010**

**Action Agenda Item No.** 12  
(Central Admin. use only)

**SUBJECT:** Application for EPA Grant for up to \$1,961,300 for the Union County East-Side Wastewater Collection System Improvements Project

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**DEPARTMENT:** Public Works

**PUBLIC HEARING:** No

**ATTACHMENT(S):**

1. Federal Budget Excerpt, FY 2001
2. Federal Budget Excerpt, FY 2002
3. Draft Letter to EPA

**INFORMATION CONTACT:**

Ed Goscicki, Public Works Director  
Matthew Delk, Asst. County Manager

**TELEPHONE NUMBERS:**

(Goscicki) 704-296-4212  
(Delk) 704-283-3656

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**DEPARTMENT'S RECOMMENDED ACTION:** Direct Staff to send a letter to the U.S. Environmental Protection Agency indicating our intent to apply for up to \$1,961,300 in grant funds for the Union County East-Side Wastewater Collection System Improvements Project. Further direct staff to complete and submit related application documents for the grant.

**BACKGROUND:** In 2001, the Environmental Protection Agency received an appropriation of \$1,306,600 in the State and Tribal Assistance Grants Account in the 2001 Consolidated Appropriations Act. The funds were designated for Union County to use for "extension and construction of water infrastructure". In 2002, the EPA received \$675,000 in the same account, designated for Union County "water infrastructure improvements". After accounting for an EPA set-aside for administrative purposes, Union County had a total of \$1,961,300 available through the combined appropriations for a qualifying project. Based on the language in both appropriations and EPA regulations, a broad definition of water, wastewater, and stormwater projects qualify for the funds as long as Union County meets all other requirements, including a 45% cash match requirement based on the total project cost.

Projects to construct 107,000 feet of drinking water lines and 21,500 feet of sewer lines in the Rocky River watershed ("Rocky River watershed projects") were included in an application to EPA for both appropriations. These projects included 9 separate public works projects that, at the original time of application in 2003, 2 were complete, 3 were under construction, 2 were already bid out, and 2 were being designed. The status of these projects at the time of the original application is significant in that the projects were constructed using State and local

procurement requirements.

In October of 2006, the grant award for the Rocky River watershed projects was withdrawn by the EPA because the projects were not compliant with the National Environmental Policy Act (NEPA) review process, and the grant award had expired. In July 2007, Region 4 of the EPA issued a Finding of No Significant Impact (FONSI), which brought the projects back into compliance with NEPA.

In 2008, Public Works contacted the EPA to find out the status of this grant. Given the FONSI, Public Works hoped that the County could accept the appropriated funds as reimbursement for the completed Rocky River watershed projects. After initiating paperwork to receive the funds, staff determined that we were unable to sign required Federal documents, because the completed projects were constructed according to State requirements and did not meet the Federal procurement and administrative stipulations contained in the documents. Furthermore, it was not clear as to potential consequences for the County if we signed forms accepting the funds where we did not comply with stated terms. Those terms included, for example, compliance with the EPA's Program for Utilization of Small, Minority and Women's Business Enterprises and the requirement that certain provisions pertaining to the Contract Work Hours and Safety Standards Act be included in construction contracts in excess of \$2,000. Much of this compliance must be met through a stringent procurement process.

After discussing the matter with the EPA Project Administrator, we proposed using the funds for a new application for projects that were not yet bid. By going this route, staff can ensure that federal procurement requirements are met. Staff proposes using the funds for a new project, the Union County East-Side Wastewater Collection System Improvements Project. This project includes the upgrade of pump stations and forcemains necessary to utilize the County's contracted capacity in the City of Monroe Wastewater Treatment Plant of 2.65 Million Gallons/Day average daily flow and to mitigate sanitary sewer overflows. Preliminary engineering for the project indicates that a new 16 in and 24 in forcemain and pump station improvements are required to achieve a firm capacity of 7.1 MGD and an average daily flow of 2.84 MGD. Currently, the County is finalizing design aspects of this project, and should begin construction of the project in 2010. This project was included in the Public Works Capital Improvement Plan approved by the Board in November 2009. The project cost estimate is approximately \$8 million.

The EPA Project Administrator advised that the County staff should submit a letter stating that we would no longer pursue the 2003 project application, and that we will substitute a new project for both the 2001 and 2002 appropriations. The County will then begin preparing a new application for the 2010 project, and will ensure that procurement processes are compliant with Federal EPA requirements. The Board will also have to approve various documents and policies related to the grant. For example, the Board will have to consider approval of a bid protest procedure that staff will develop.

Since the United States Congress approved both appropriations, only Congress has the authority to remove the appropriation, and there is no stated time limit for how long the funds will be held for Union County. However, the EPA Project Administrator advised that Congressional Officials will identify the funds as unused, and may rescind the appropriation if the County does not apply for a qualifying project and use the funds. The EPA also could use "set aside" and rescission authority to reduce the amount of funds. Currently, staff estimates that the amount of funds available is \$1,961,300.



During the development of the project application, Union County must complete a Notice and Comment process where affected jurisdictions may provide written comments concerning the proposed project. This process will require a minimum of 60 days, and must be completed prior to the submittal of the project application to the EPA. The affected jurisdictions include Monroe, Wingate, and Marshville.

Please find attached excerpts from the Federal 2001 and 2002 budgets appropriating the funds. Please also find attached the letter that staff proposes sending to the EPA Project Official referencing our plans for the funds. If the Board approves this recommended action, staff will proceed to send the letter to EPA, and will start developing the project application documents along with the project engineers. Staff will also begin working on procurement documents specific to Federal requirements, and will begin the Notice and Comment process as soon as possible.

**FINANCIAL IMPACT:** Current Federal appropriations for this project total \$1,961,300.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_

02/26/01

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS  
(STAG ACCOUNT) INCLUDED IN EPA'S FY 2001 APPROPRIATIONS ACT AS AMENDED  
BY THE FY 2001 CONSOLIDATED APPROPRIATIONS ACT**

East Casey County Water District, KY	483,900	water and wastewater infrastructure improvements
Lawrence County, KY	967,800	water and wastewater infrastructure improvements
Logan/Todd, KY Regional Water Commission	2,903,600	water system improvements
Madison County, KY	483,900	sewer infrastructure improvements
Madisonville, KY	387,100	sewer system improvements
Mercer County, KY	96,800	drinking water system enhancements
Northern KY Area Development District	967,900	expansion of the Carrollton Regional Wastewater Treatment Plant
Pike County, KY	967,800	water and wastewater infrastructure improvements
Scott County, KY	193,600	construction of a water tower
DeSoto County, MS	2,903,600	comprehensive water and wastewater management project
Jackson, MS	967,900	water system infrastructure improvements
Jefferson County, MS	2,903,600	water and sewer infrastructure needs
Pearl, MS, City of	967,900	wastewater collection rehabilitation
Picayune, MS, City of	1,451,800	water and wastewater infrastructure improvements
Tupelo, MS	1,258,200	water infrastructure needs
West Rankin Metropolitan Sewer Authority, MS	967,900	develop alternative water and wastewater systems for Rankin County, MS
NC Rural Economic Development Center	1,935,700	water and wastewater treatment planning
Henderson County, NC	1,451,800	sewer line connections and improvements
Rosman, NC	967,900	facility repairs to the current wastewater treatment facility and engineering plans for a new facility
Rutherford County, NC	483,900	repairs to water and sewer lines in Lake Lure, Spindale and Chimney Rock
Stanly County, NC	629,200	water and wastewater infrastructure improvements
Union County, NC	1,306,600	extension and construction of water infrastructure
Branchville, SC	483,900	water distribution system
Florence, SC, City of	967,800	water and wastewater infrastructure

**SPECIAL WATER AND WASTEWATER INFRASTRUCTURE PROJECTS (STAG ACCOUNT)  
INCLUDED IN EPA'S FY 2002 APPROPRIATIONS ACT**

04/03/02

Line Item #	Earmark Designation	Earmark Amount	3% Set-Aside	Grant Amount	Budget Code	Description
<u>Kentucky</u>						
127	Bluegrass PRIDE of KY	485,000	14,500	470,500	QDX	For cleanup of Bluegrass Rivers and Streams
126	Daviess County	1,000,000	30,000	970,000	QET	For drainage improvements
130	Hodgenville, City of	600,000	18,000	582,000	QDM	For modernization of the sewer system
129	Irvine, City of	200,000	6,000	194,000	QEL	For the Irvine Sewer Rehabilitation in Estill County
128	Lawrenceburg, City of	300,000	9,000	291,000	QDC	For water and wastewater infrastructure improvements
134	London, City of	1,400,000	42,000	1,358,000	QC6	For wastewater infrastructure improvements
131	Mount Washington, City of	400,000	12,000	388,000	QDP	For extension of water and wastewater infrastructure for an industrial park
135	Ohio County	485,000	14,500	470,500	QC8	For the Regional Wastewater project
132	Owenson, City of	250,000	7,500	242,500	QD4	For extension of sanitary wastewater collection systems
133	Somerset, City of	3,600,000	108,000	3,492,000	AWJ	For wastewater infrastructure improvements
<u>Mississippi</u>						
177	Columbus, City of	900,000	27,000	873,000	QDN	For wastewater treatment infrastructure improvements
178	Jackson, City of	485,000	14,500	470,500	AWR	For water and wastewater infrastructure improvements
175	Jefferson County	4,000,000	120,000	3,880,000	A2E	For a water and sewer improvements project
176	Ocean Springs, City of	3,000,000	90,000	2,910,000	QEE	For wastewater improvements
179	Picayune, City of	585,000	17,500	567,500	AXR	For water and wastewater infrastructure improvements
180	Tupelo, City of	900,000	27,000	873,000	QEJ	For wastewater improvements
<u>North Carolina</u>						
190	Burnsville, Town of	500,000	15,000	485,000	QDE	For wastewater infrastructure improvements
189	Cherokee County	1,300,000	39,000	1,261,000	QD7	For the interconnection of the water distribution systems of the Towns of Andrews and Murphy
185	Henderson	1,485,000	44,500	1,440,500	A5K	For the second phase rehabilitation and expansion of the water treatment facilities of the Kerr Lake Regional Water System
186	Mooresville, Town of, Water Treatment Plant	485,000	14,500	470,500	QDW	For infrastructure improvements
188	Pittsboro, Town of	1,000,000	30,000	970,000	QDD	For a water reuse pumping station
187	Union, County of	675,000	20,300	654,700	A5H	For water infrastructure improvements
<u>South Carolina</u>						
284	Berkeley County	485,000	14,500	470,500	API	For a water extension project to Cross Community Schools
283	Charleston County	1,000,000	30,000	970,000	OEQ	For a Gravity Wastewater Collection System in the Snowden and 6-Mile Communities
285	Florence, City of	900,000	27,000	873,000	QEB	For the Pee Dee River surface water facility
286	Greenville Water System	2,000,000	60,000	1,940,000	QEI	For infrastructure needs related to high levels of uranium in the water supply
281	Laurens	1,000,000	30,000	970,000	QDU	For water and sewer commission
282	Laurens County Water and Sewer Commission	900,000	27,000	873,000	QC9	For relocation of water lines as part of the SC Route 72 corridor multilane widening project
280	West Georgetown	2,000,000	60,000	1,940,000	QC4	For regional wastewater treatment system



## OFFICE OF THE COMMISSIONERS AND MANAGER

500 N. Main St., Room 921 • Monroe, NC 28112 • Phone (704)283-3810 • Fax (704)282-0121

January 5, 2010

Arthur Buff, Project Officer  
U.S. Environmental Protection Agency  
61 Forsyth Street  
Atlanta, Georgia 30303-8960

Dear Mr. Buff,

Thank you for your work and discussions with us regarding two congressional appropriations from 2001 and 2002, totaling \$1,981,600 for Union County.

According to our records, EPA awarded grant agreement XP-95437909-0 to Union County on 08/17/2009. Pursuant to this award, the amount of \$1,961,300 was to be reimbursed to the County for projects that constructed 107,000 feet of drinking water lines and 21,500 feet of sewer lines in the Rocky River watershed. We are unable to certify the terms of that grant agreement.

As we discussed with you, in lieu of using the two congressional appropriations for the aforementioned projects Union County would like to substitute a new project, and apply for a new grant from EPA to fund a different project for reimbursement. The Union County East-Side Wastewater Collection System Improvements Project includes an upgrade of pump stations and forcemains necessary to utilize the County's contracted capacity in the City of Monroe Wastewater Treatment Plant of 2.65 million gallons/day average daily flow and to mitigate sanitary sewer overflows. The project estimates the need for a new 16-inch and 24-inch forcemain and pump station improvements to achieve a firm capacity of 7.1 MGD and an average daily flow of 2.84 MGD. Currently, we are finalizing design aspects of this project, and we should be ready to begin construction of the project in 2010. We plan on submitting a new grant application for this project as promptly as possible.

Please feel free to call me directly at 704-283-3656, or Public Works Director Ed Goscicki at 704-296-4212 if you have any comments or concerns regarding this request. In addition, please contact us if you believe this approach may jeopardize the County's ability to receive the full amount of the 2001 and 2002 appropriations.

Thank you for your advice and assistance.

Sincerely,

Matthew Delk  
Assistant County Manager

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: January 4, 2010**

**Action Agenda Item No. 5/2**  
(Central Admin. use only)

**SUBJECT:** Energy Efficiency and Conservation Block Grant

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**DEPARTMENT:** Finance

**PUBLIC HEARING:** No

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**ATTACHMENT(S):**  
Capital Project Ordinance Amendment  
Number 129

**INFORMATION CONTACT:**  
Kai Nelson

Assistance Agreement

**TELEPHONE NUMBERS:**  
704.292.2522

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**DEPARTMENT'S RECOMMENDED ACTION:** Adopt Capital Project Ordinance Amendment #129

**BACKGROUND:** At the Commission's October 19, 2009 meeting, the Board authorized the County Manager to execute various assistance agreements and grant documents with the US Department of Energy (DOE) for the Energy Efficiency and Conservation Block Grant.

At a previous meeting of the Commission on September 21, the Board approved a Strategy Plan required by DOE that outlined the use of the grant funds.

DOE has allocated \$751,800 to Union County and the projects outlined in the Strategy Plan. DOE is releasing those funds as incremental aspects of the program are approved.

**FINANCIAL IMPACT:** \$751,800 in federal American Recovery and Reinvestment Act funds with no local match requirement.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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\_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_

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**CAPITAL PROJECT ORDINANCE AMENDMENT**

BUDGET General CPO Fund  
 FISCAL YEAR FY 2009-2010

REQUESTED BY Kai Nelson  
 DATE January 4, 2010

**PROJECT SOURCES**

**PROJECT USES**

Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
Federal Grant	-	751,800	751,800	EECBG projects	-	751,800	751,800
	-	751,800	751,800		-	751,800	751,800

EXPLANATION: Appropriate grant proceeds from the US Dept. of Energy for Energy Efficiency and Conservation block grant to improve County and UCPS buildings energy efficiency

DATE: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_  
 Bd of Comm/County Manager  
 Lynn West/Clerk to the Board

**FOR FINANCE POSTING PURPOSES ONLY**

**PROJECT SOURCES**

**PROJECT USES**

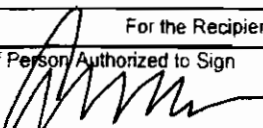

Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
Federal Grant 40442620-4387-PR044	-	751,800	751,800	EECBG projects 40542620-5580-PR044	-	751,800	751,800
	-	751,800	751,800		-	751,800	751,800

Prepared By JLL  
 Posted By \_\_\_\_\_  
 Date \_\_\_\_\_

Number CPO - 129

NOT SPECIFIED /OTHER

**ASSISTANCE AGREEMENT**

1. Award No. DE-SC0001314	2. Modification No. 001	3. Effective Date 09/18/2009	4. CFDA No. 81.128	
5. Awarded To UNION, COUNTY OF 500 N MAIN ST, SUITE 901 MONROE NC 281124730		6. Sponsoring Office EERE (FORS) U.S. Department of Energy Office of Energy Efficiency & Renewable Forrestal Building 1000 Independence Avenue, SW Washington DC 20585		7. Period of Performance 08/14/2009 through 08/13/2012
8. Type of Agreement <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other	9. Authority Energy Independence and Security Act (EISA) of 2007		10. Purchase Request or Funding Document No. 09SC006654	
11. Remittance Address UNION, COUNTY OF 500 N MAIN ST, SUITE 901 MONROE NC 281124730		12. Total Amount Govt. Share: \$751,800.00 Cost Share : \$0.00 Total : \$751,800.00	13. Funds Obligated This action: -\$705,430.00 Total : \$46,370.00	
14. Principal Investigator	15. Program Manager Martha J. Kass Phone: 865-576-0717		16. Administrator Oak Ridge U.S. Department of Energy P.O. Box 2001 Oak Ridge TN 37831	
17. Submit Payment Requests To OR for Oak Ridge/OSTI U.S. Department of Energy Oak Ridge Office Oak Ridge Financial Service Center P.O. Box 6017 Oak Ridge TN 37831		18. Paying Office		19. Submit Reports To
20. Accounting and Appropriation Data Block Grants				
21. Research Title and/or Description of Project UNION COUNTY, NC				
22. Signature of Person Authorized to Sign 		25. Signature of Grants/Agreements Officer 		
23. Name and Title Alfred W. Greene, County Manager	24. Date Signed 11/19/09	26. Name of Officer JUDITH S. WILSON		27. Date Signed 09/18/2009



**CONTINUATION SHEET**

REFERENCE NO. OF DOCUMENT BEING CONTINUED  
DE-SC0001314/001

PAGE OF  
2 | 2

NAME OF OFFEROR OR CONTRACTOR  
UNION, COUNTY OF

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>DUNS Number: 079051637                      ASAP: Yes Extent Competed: NOT AVAIL FOR COMP                      LIST OF CHANGES:                      Obligated Amount for this Modification:                      -\$705,430.00                      New Total Obligated Amount for this Award:                      \$46,370.00                      Incremental Funded Amount changed: from                      \$751,800.00 to \$46,370.00</p> <p>The purpose of this amendment is to rescind funding in excess of the Energy Efficiency and Conservation Strategy amount for which you applied and were approved. Upon submission and acceptance of your project activities, the remainder of your funding will be applied through an additional amendment to this grant.</p> <p>You are reminded that the proposal for your project activities must be submitted through FedConnect in the message center for your award no later than 120 days after the effective date of your award. All other terms and conditions of this agreement remain unchanged.                      Delivery Location Code: 00522                      Oak Ridge Office                      U.S. Department of Energy                      Oak Ridge Office                      230 Warehouse Road                      Oak Ridge TN 37830</p> <p>Payment:                      OR for Oak Ridge/OSTI                      U.S. Department of Energy                      Oak Ridge Financial Service Center                      P.O. Box 6017                      Oak Ridge TN 37831</p> <p>Fund: 05796 Appr Year: 2009 Allottee: 30 Report                      Entity: 471999 Object Class: 41000 Program:                      1005115 Project: 2004350 WFO: 0000000 Local Use:                      0000000 TAS Agency: 89 TAS Account: 0331</p>				

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: January 4, 2010**

**Action Agenda Item No. 5/3**  
(Central Admin. use only)

**SUBJECT:** Transfer of Real Estate Parcels to UC Board of Education

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**DEPARTMENT:** Finance

**PUBLIC HEARING:** No

**ATTACHMENT(S):**  
General Warranty Deeds

**INFORMATION CONTACT:**  
Kai Nelson

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**TELEPHONE NUMBERS:**  
704.292.2522

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**DEPARTMENT'S RECOMMENDED ACTION:** Authorize County Manager to approve North Carolina General Warranty Deed conveying fee simple interest in various real estate parcels to Union County Board of Education

**BACKGROUND:** School Boards are not eligible for a refund of State sales and use taxes. Counties are eligible to claim those refunds. In order to reduce the County's costs in connection with school capital construction projects, UCPS and the County entered into an Agency Agreement in 2006, subsequently modified in 2007, whereby title to real estate involving UCPS construction projects are transferred to the County and construction contracts and payments are made by UCPS as agent for the County. Under this arrangement, the County is able to claim the refunds and upon receipt, credits those refunds to the school capital improvement program and/or debt service payments. For the most recent year, the County was able to credit UCPS with almost \$1.2 million in State sales and use taxes.

The attached General Warranty Deed reflects the completion of several new school construction and renovation projects for which the County has received and/or submitted a claim for reimbursement. The projects are Forest Hills HS, Monroe HS, Wolfe School, New Town ES, Rocky River ES, Wesley Chapel ES and Marvin ES. Additionally, the property acquired at the intersection of Cox/Weddington-Matthews Road is being deeded to UC BOE although no construction at the site has occurred.

The transfer of real estate parcels occurs to both entities. In this particular case, these transfers represent the County transferring the properties back to UCPS. In other cases, UCPS transfers the properties to the County in advance of the construction so that the County can claim the refund. After the claim has been filed, the properties are transferred back.

**FINANCIAL IMPACT: NA**

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

\_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

\_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_

\_\_\_\_\_

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# LETTER OF TRANSMITTAL

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**TO:** Kai Nelson  
Union County

**DATE:** November 4, 2009

**RE:** Land Transfers

**WE ARE SENDING YOU:**

- Attached  
 Under separate cover via

**VIA:**

- US Mail                       Overnight  
 Courier                               Hand Delivery

ITEMS TO BE TRANSMITTED	
1	NC General Warranty Deed and map attachments

These items are transmitted as checked below:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> for approval            | <input type="checkbox"/> no exceptions taken | <input type="checkbox"/> resubmit ___ copies for approval   |
| <input checked="" type="checkbox"/> for your use | <input type="checkbox"/> exceptions as noted | <input type="checkbox"/> submit ___ copies for distribution |
| <input type="checkbox"/> as requested            | <input type="checkbox"/> revise and resubmit | <input type="checkbox"/> return ___ corrected prints        |
| <input type="checkbox"/> for review and comment  |  | <input type="checkbox"/> other                              |

**REMARKS:**

Land transfers from Union County to the Union County Board of Education – Forest Hills HS, Monroe HS, Wolfe School, New Town ES, Rocky River ES, Wesley Chapel ES, Marvin ES

---

COPIES TO:

SIGNED:

*Don Hughes*

Don Hughes, AIA  
Executive Director of Facilities  
Union County Public Schools

Excise Tax \$0.00

Recording Time, Book and Page

Tax Parcel Nos. Forest Hills HS (02-214-018), Monroe HS (09-194-029, 09-194-054), Wolfe School (09-277-026), New Town ES (06-075-007), Rocky River ES (09-348-013), Wesley Chapel ES (06-024-016), Marvin ES (06-225-013A), ES N (06-123-016)

Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_ 2009  
by

Mail after recording to: **Grantee**

This instrument was prepared by **Richard Schwartz, Schwartz and Shaw, PLLC**

Brief Description for the index

Forest Hills HS, Monroe HS, Wolfe School, New  
Town ES, Rocky River ES, Wesley Chapel ES,  
Marvin ES, ES N

## NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this \_\_\_\_ day of November 2009 by and between

GRANTOR

GRANTEE

**Union County**

**Union County Board of Education  
C/O Donald S. Hughes  
Exec. Director of Facilities  
116 N. Main St.  
Monroe, NC 28112**

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g., corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Union County, North Carolina and more particularly described as follows:

**See Exhibit A attached hereto and incorporated herein by reference.**

The property hereinabove described was acquired by Grantor by instrument recorded in See Exhibit A  
A map showing the above described property is recorded in N/A.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

- Real estate taxes for 2009 and subsequent years.
- All other valid and enforceable easements and restrictions of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board, the day and year first above written.

Union County (SEAL)

By: \_\_\_\_\_ (SEAL)  
Its: \_\_\_\_\_

NORTH CAROLINA, UNION COUNTY

Seal-Stamp

NORTH CAROLINA, \_\_\_\_\_ County.

I, \_\_\_\_\_, \_\_\_\_\_ (Official title of officer taking acknowledgment), certify that \_\_\_\_\_ personally came before me this day and acknowledged that he (or she) is \_\_\_\_\_ (Title of official) of Union County, and that he/she, as \_\_\_\_\_ (Title of official), being authorized to do so, executed the foregoing on behalf of the Union County.

Use Black Ink

Witness my hand and official stamp or seal, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of officer taking acknowledgment)

(Official seal, if officer taking acknowledgment has one.)

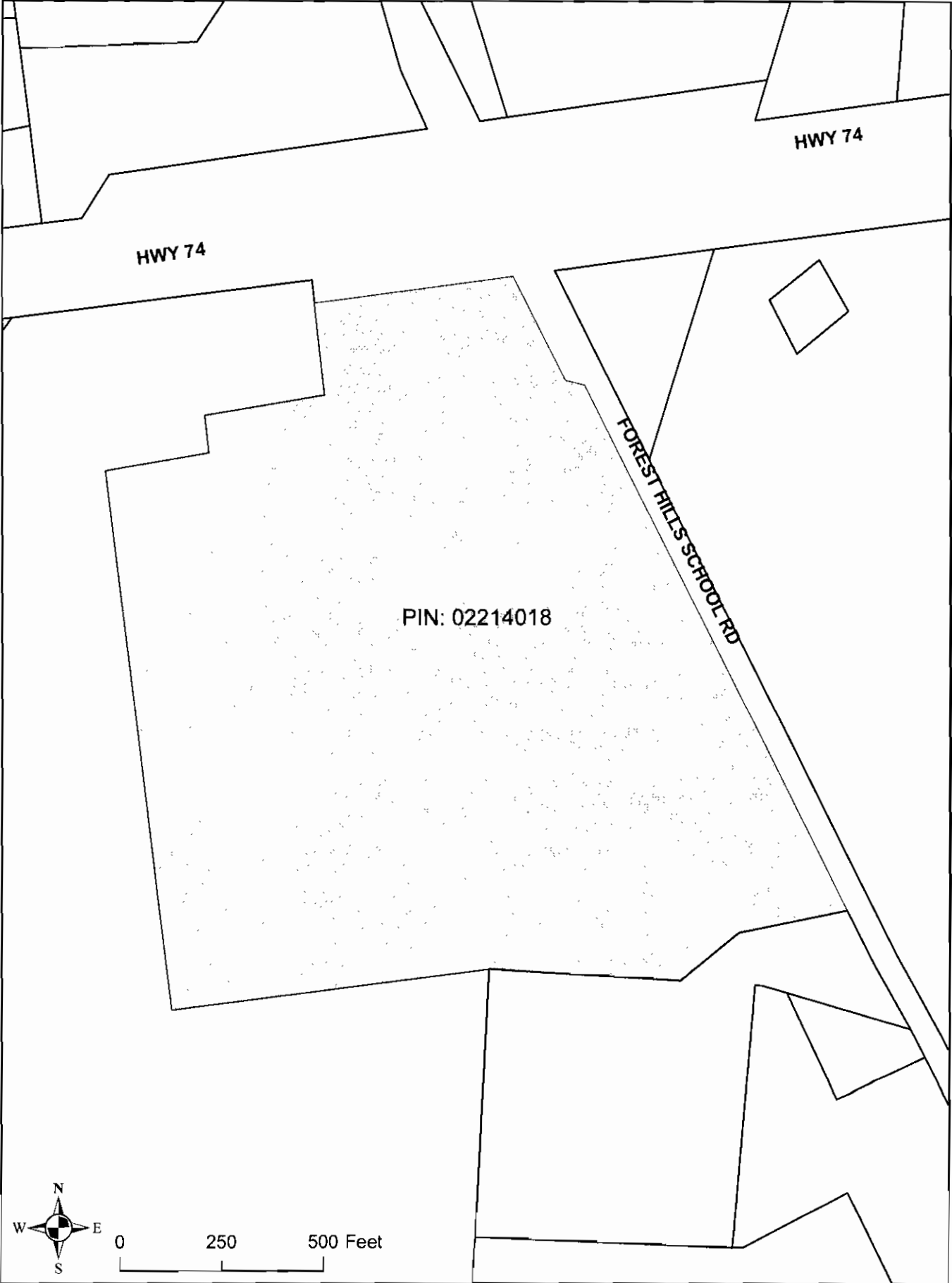
My Commission expires: \_\_\_\_\_ Notary Public

**EXHIBIT A**  
**[Legal Description]**

**The following properties located in Union County:**

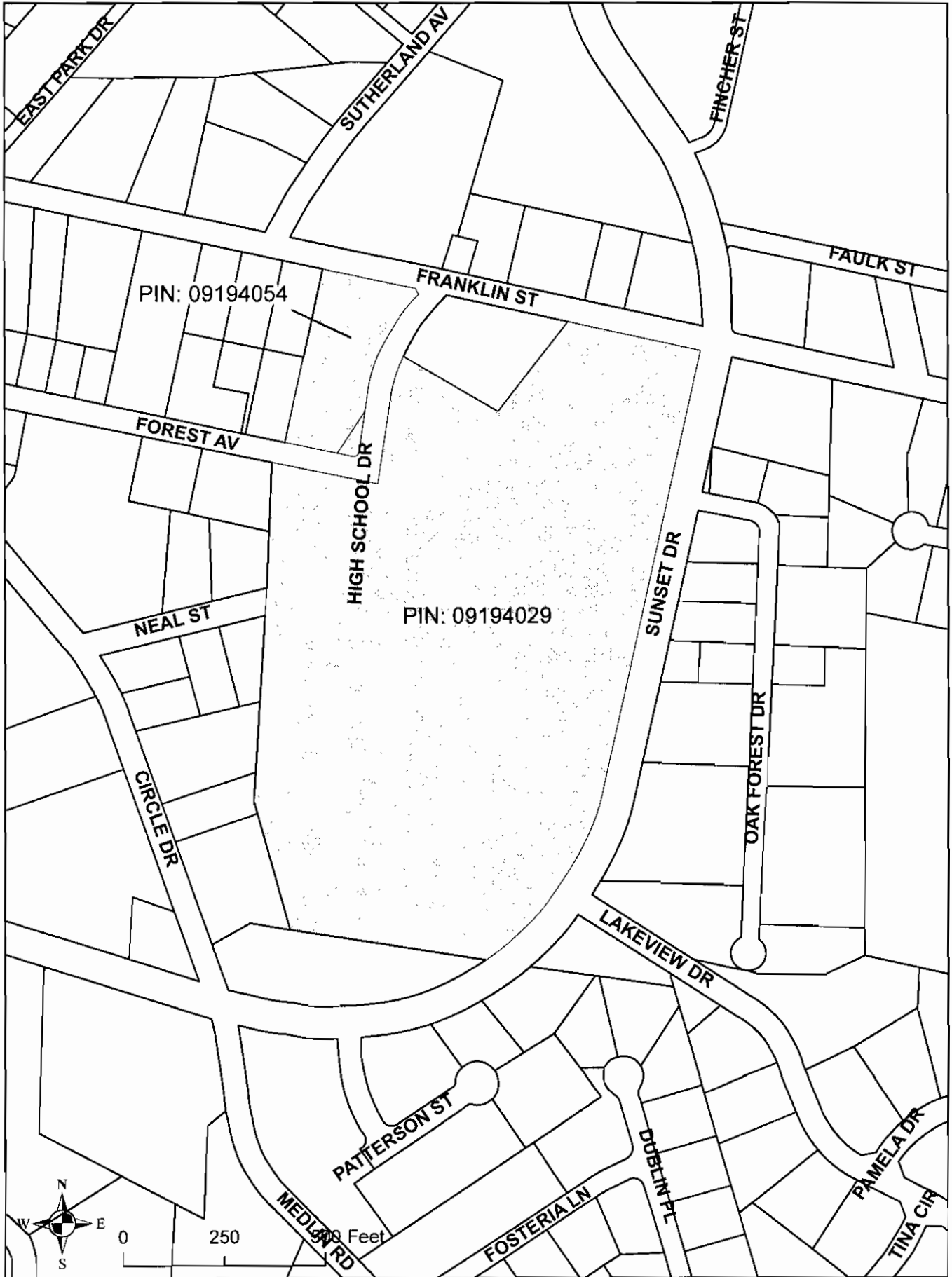
<b>Site</b>	<b>Address</b>	<b>Id#</b>	<b>Acreage</b>
Forest Hills High School	100 Forest Hills School Road S Marshville, NC 28103	02-214-018	54.38
Monroe High School	1 High School Drive Monroe, NC 28112	09-194-029, 09-194-054	29.02 1.79
Wolfe School	722 Brewer Drive Monroe, NC 28112	09-277-026	67.937
New Town Elem. School	1100 Waxhaw-Indian Trail Rd Waxhaw, NC 28173	06-075-007	32.537
Rocky River Elem. School	500 N. Rocky River Rd Monroe, NC 28110	09-348-013	32.3
Wesley Chapel Elem. School	110 Potter Road S. Monroe, NC 28110	06-024-016	16.279
Marvin Elem. School	9700 Marvin School Road Marvin, NC 28173	06-225-013A	21.277
ES "N"/Cox Rd. property	5733 Matthews Weddington Road Matthews, NC 28105	06-123-016	35.38

# Forest Hills High School

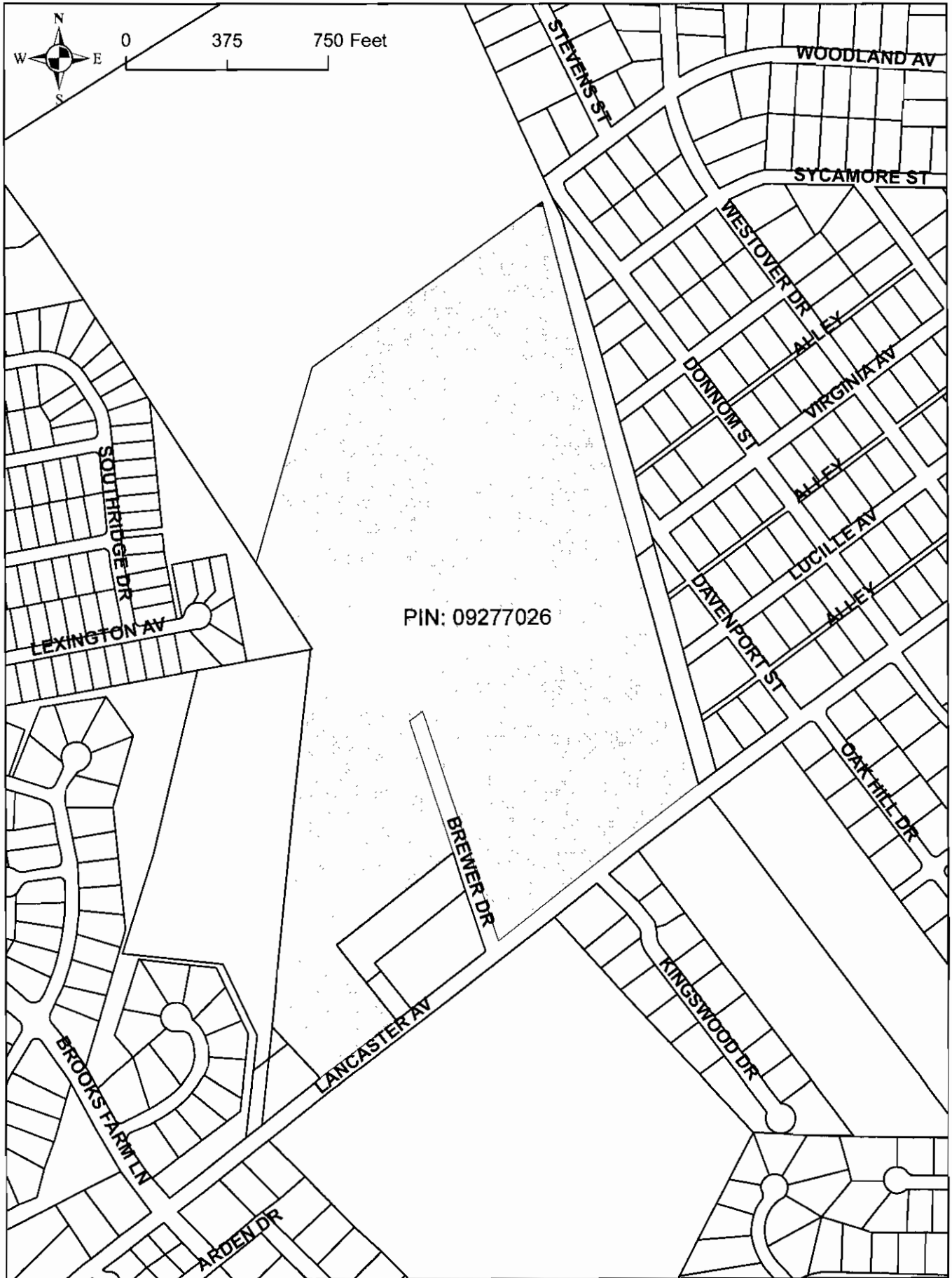




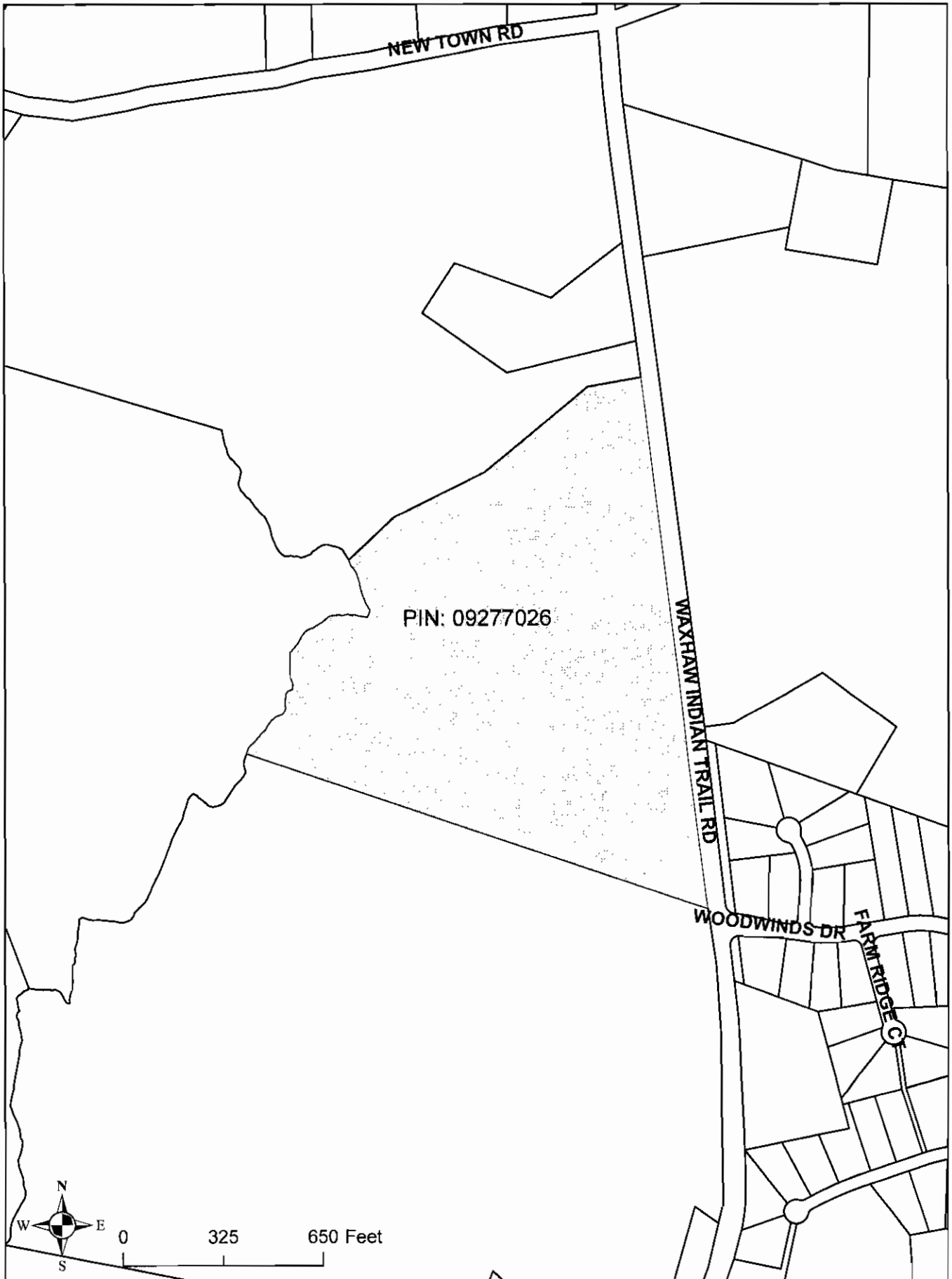
# Monroe High School



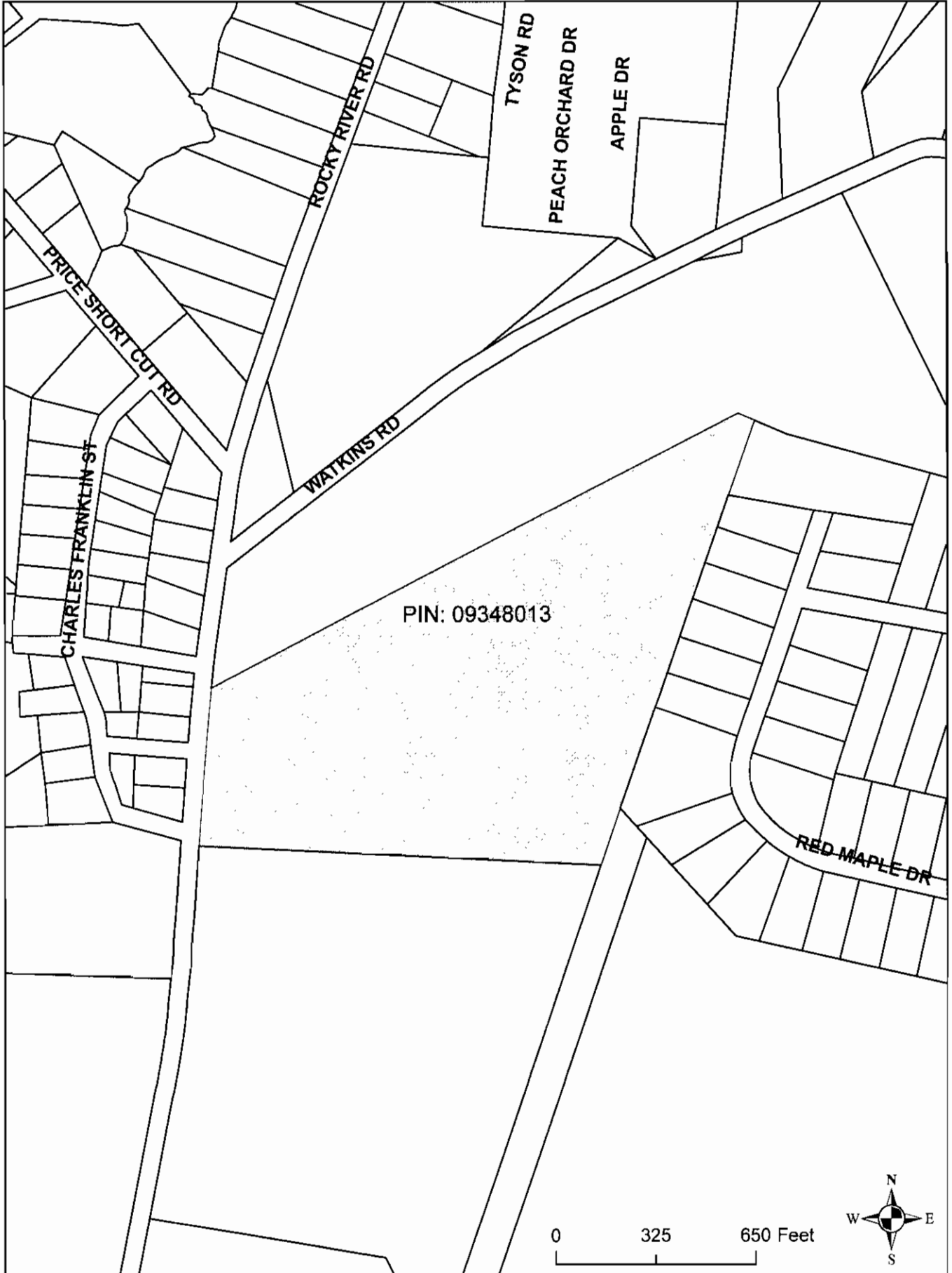
# Wolfe School



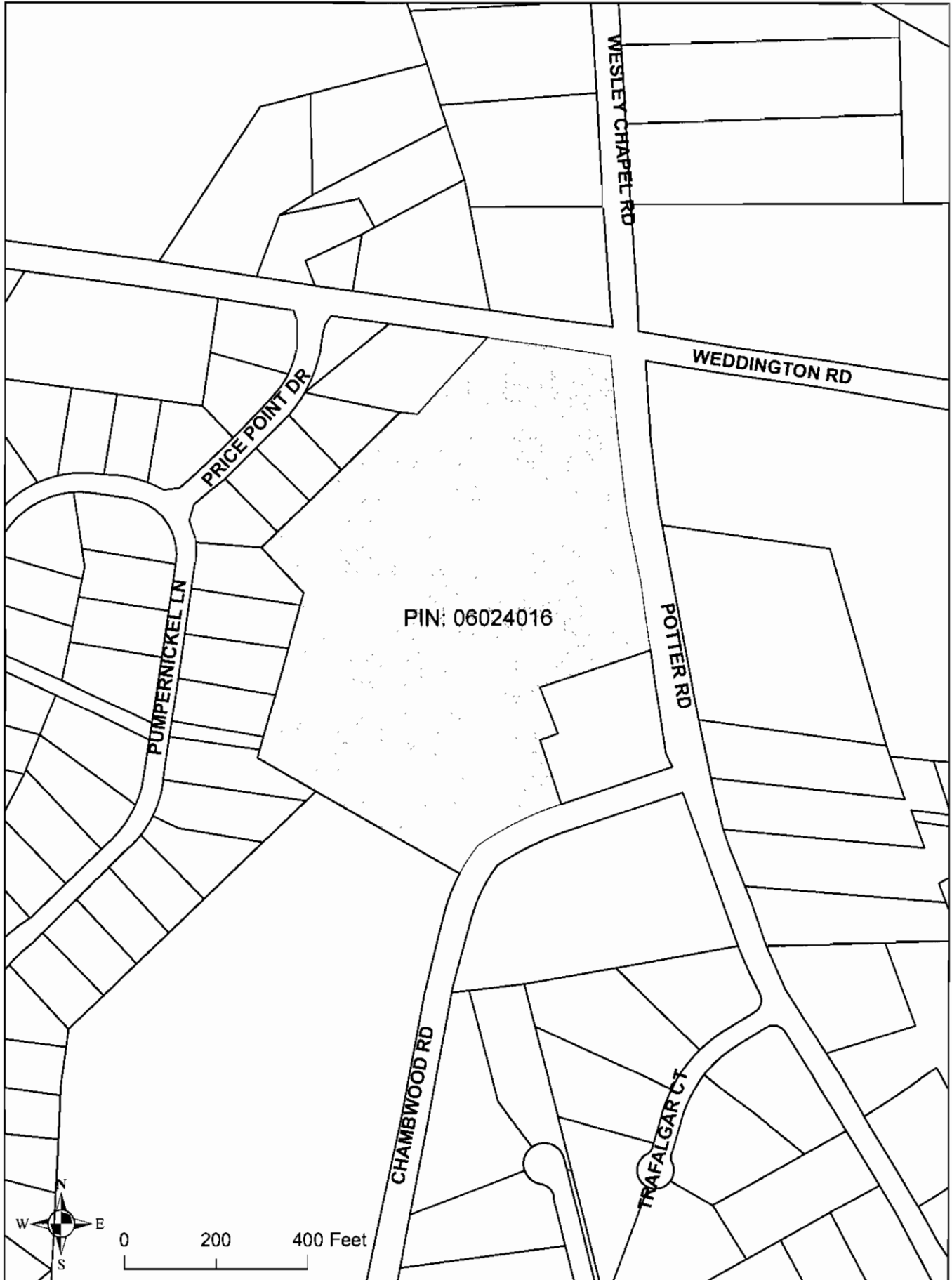
# New Town Elementary School



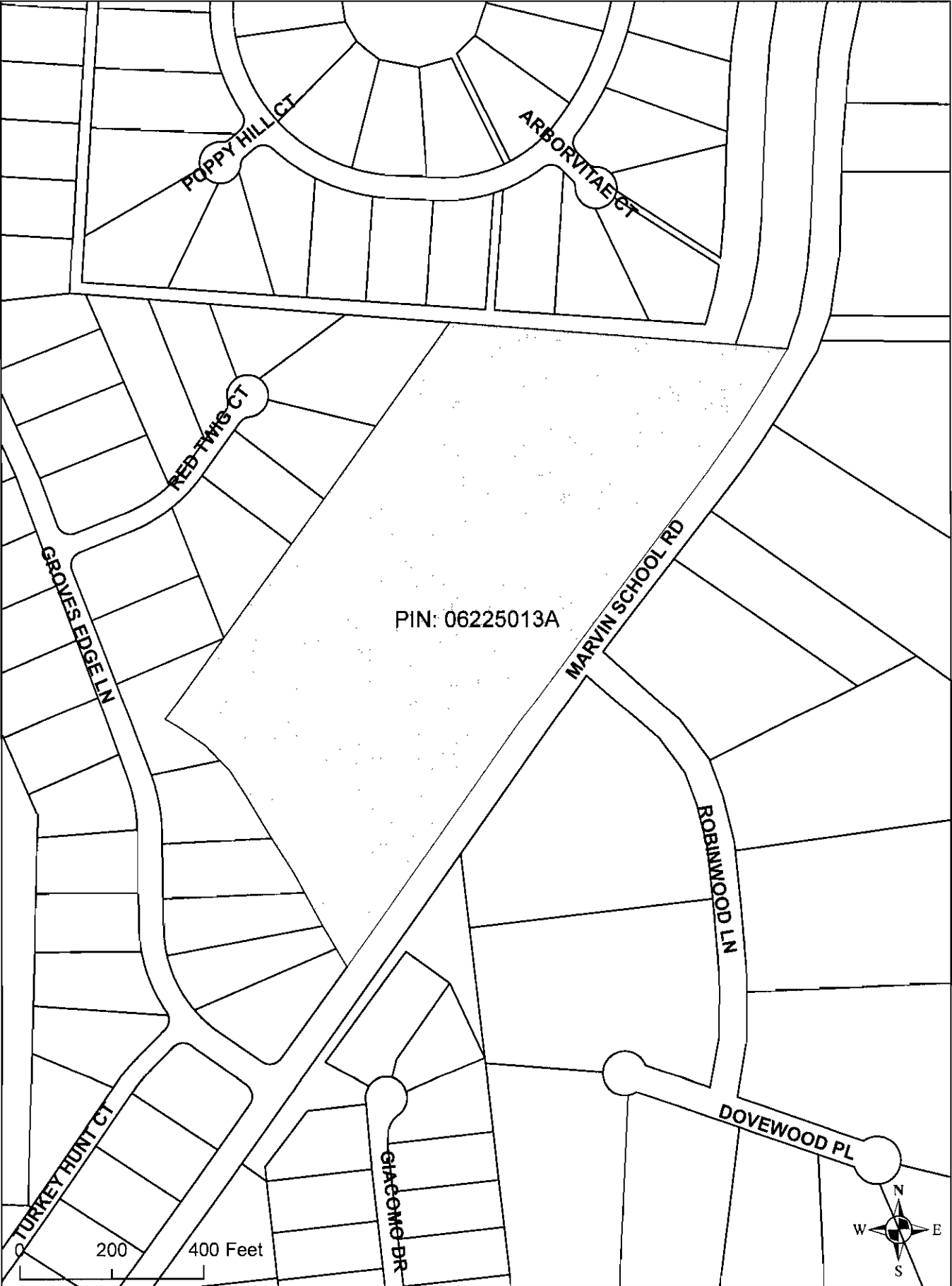
# Rocky River Elementary School



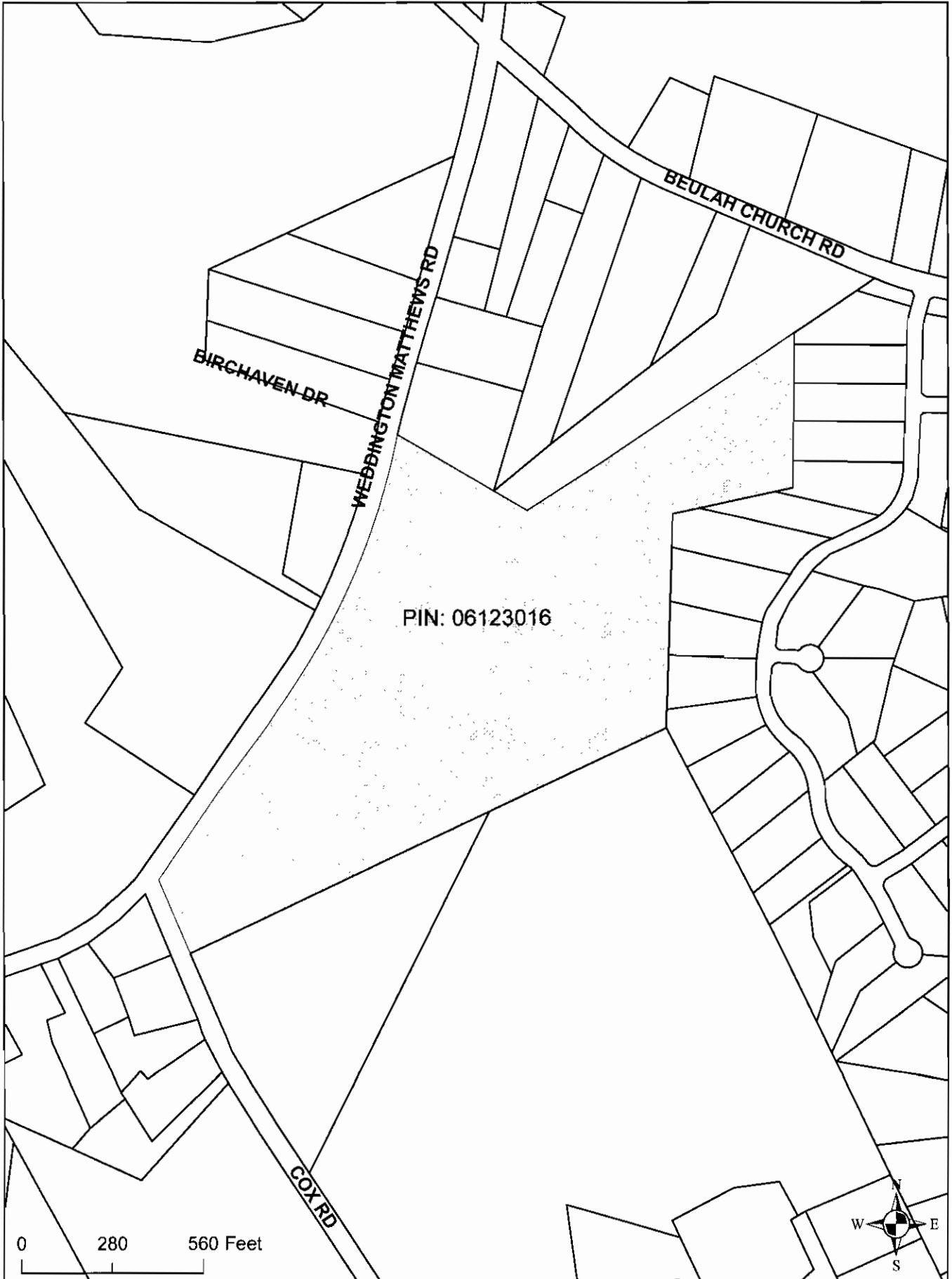
# Wesley Chapel Elementary School



# Marvin Elementary School



# ES 'N' / Cox Rd. Property



**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: January 4, 2010**

**Action Agenda Item No.** 5/4  
(Central Admin. use only)

**SUBJECT:** Contract to Audit Accounts

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**DEPARTMENT:** Finance

**PUBLIC HEARING:** No

**ATTACHMENT(S):**  
Contract to Audit Accounts

**INFORMATION CONTACT:**  
Kai Nelson

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**TELEPHONE NUMBERS:**  
704.292.2522

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**DEPARTMENT'S RECOMMENDED ACTION:** Authorize Chairwoman to Execute Contract to Audit Accounts for FY2010 with Potter & Company, PA

**BACKGROUND:** In October 2005, the BOCC accepted County Finance's proposal to apply the Government Finance Officer Association's (GFOA) "best practice" recommendations regarding auditing services. GFOA's best practice recommends that auditing services be periodically rotated (at least every 5 years) to ensure audit independence is maximized. The County staff's recommendation and Commission approval followed the completion by Dixon & Hughes of the FY2005 audit; and 10+ years by Dixon & Hughes of having completed the County's annual independent audit.

As a result of the Commission's action, the County released a Request for Qualifications to external independent audit firms approved by the Local Government Commission (LGC) to do this type of specialized audit work. The Commission approved a contract to audit with Cherry, Bekaert & Holland (CB&H) for the FY2006 audit. CB&H conducted the audit for a single year and then requested replacement due to the unexpected complexity of the audit and the fee arrangement that they had quoted.

Following yet another RFQ process, Potter & Company was selected by the Commission to provide the County's auditing services for the period FY2007 through FY2011, subject to the LGC's annual requirement to contract.

The attached LGC contract to audit accounts for the fiscal year ending June 30, 2010, represents Potter's fourth year of the engagement. The contract price of \$78,750 is unchanged from FY2009. In 2006, respondents to the County's RFQ were asked to submit their 5 year fee



proposal. For FY2010, Potter & Co. had quoted \$82,700. The principals in the firm acknowledge the financial constraints the County is opportunity under and have agreed to keep their 2010 fee at the 2009 levels.

**FINANCIAL IMPACT:** \$78,750, a portion of which will be expensed in FY2010 with the balance in FY2011.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_

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CONTRACT TO AUDIT ACCOUNTS

of Union County  
Governmental Unit

On this 16th day of December, 2009, Potter & Company, P.A.  
Auditor

114 North Church Street, Monroe, North Carolina 28112  
Mailing Address

\_\_\_\_\_, hereinafter referred to as

the Auditor, and Board of Commissioners of Union County, hereinafter referred  
Governing Board Governmental Unit  
to as the Governmental Unit, agree as follows:

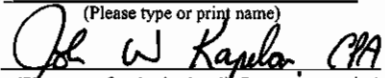
1. The Auditor shall audit all statements and disclosures required by generally accepted accounting principles and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit for the period beginning July 1, 2009, and ending June 30, 2010. The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion will be rendered in relation to (as applicable) the governmental activities, the business-type activities, the aggregate discretely presented component units, each major governmental and enterprise fund, and the aggregate remaining fund information (nonmajor government and enterprise funds, the internal service fund type, and the fiduciary fund types).
2. At a minimum, the Auditor shall conduct his/her audit and render his/her report in accordance with generally accepted auditing standards. The Auditor shall perform the audit in accordance with Government Auditing Standards if required by the State Single Audit Implementation Act, as codified in G.S. 159-34. If required by OMB Circular A-133 and the State Single Audit Implementation Act, the auditor shall perform a Single Audit. This audit and all associated workpapers may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the LGC. If the audit and/or workpapers are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners.
3. *This contract contemplates an unqualified opinion being rendered.* If financial statements are not prepared in accordance with generally accepted accounting principles (GAAP), or the statements fail to include all disclosures required by GAAP, explain that departure from GAAP in the space below:
4. *This contract contemplates an unqualified opinion being rendered.* The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. *Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.* The audit will have no scope limitations except:
5. If this audit engagement is subject to the standards for audit as defined in Government Auditing Standards, July 2007 revisions, issued by the Comptroller General of the United States, then the Auditor warrants by accepting this engagement that he has met the requirements for a peer review and continuing education as specified in Government Auditing Standards. The Auditor agrees to provide a copy of their most recent peer review report to the Governmental Unit and the Secretary of the Local Government Commission prior to the execution of the audit contract. (See Item 21.)
6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted by October 31, 2010.
7. It is agreed that generally accepted auditing standards include a review of the Governmental Unit's system of internal control and accounting as same relates to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor will make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his findings, together with his recommendations for improvement. That written report must include all matters defined as "significant deficiencies and material weaknesses" in AU 325 of the AICPA Professional Standards. The Auditor shall file a copy of that report with the Secretary of the Local Government Commission.
8. All local government and public authority contracts for annual or special audits, bookkeeping or other assistance necessary to prepare the Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina require the approval of the Secretary of the Local Government Commission. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit until the invoice has been approved by the Secretary of the Local Government Commission. (This also includes any progress billings.) [G.S. 159-34 and 115C-447] All invoices should be submitted in triplicate to the Secretary of the Local Government Commission. The original and one copy will be returned to the Auditor. Approval is not required on contracts and invoices for system improvements and similar services of a non-auditing nature.
9. In consideration of the satisfactory performance of the provisions of this agreement, the Governmental Unit shall pay to the Auditor, upon approval by the Secretary of the Local Government Commission, the following fee which includes any cost the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (Federal and State grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts:  
  
Year-end bookkeeping assistance - [For audits subject to Government Auditing Standards, this is limited to bookkeeping services permitted by revised Independence Standards] n/a  
  
Audit - \$78,750  
  
Preparation of the financial statements - n/a
10. After completing his audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, at least, Management's Discussion and Analysis, the financial statements of the governmental unit and all of its component units and notes thereto prepared in accordance with generally accepted accounting principles, combining and supplementary information requested by the client or required for full disclosure under the law, and the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board as soon as practical after the close of the accounting period.

11. **The Auditor shall file** with the Local Government Commission two copies of the report of audit, including one copy of the Federal Data Collection Form, if a federal single audit is conducted. In addition, if the North Carolina Office of the State Auditor designates certain programs to be audited as major programs, a turnaround document and a representation letter addressed to the State Auditor shall be submitted to the Local Government Commission. Two copies of the report of audit should be submitted if the audit is performed only under the provisions of the State Single Audit Implementation Act or a financial audit is required to be performed in accordance with Government Auditing Standards. Three copies of the audit should be submitted for Councils of Governments. Two copies of the audit should be submitted for tax levying Municipalities. Otherwise, one copy shall be submitted. Copies of the report shall be filed with the Local Government Commission when (or prior to) submitting the invoice for the services rendered. All copies of the report submitted **must be bound**. The report of audit, as filed with the Secretary of the Local Government Commission, becomes a matter of public record for inspection and review in the offices of the Secretary by any interested parties. Any subsequent revisions to these reports must be sent to the Secretary of the Local Government Commission. These audited financial statements are used in the preparation of Official Statements for debt offerings (the auditors' opinion is not included), by municipal bond rating services, to fulfill secondary market disclosure requirements of the Securities and Exchange Commission, and other lawful purposes of the government, without subsequent consent of the auditor.
12. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the Local Government Commission, this agreement may be varied or changed to include the increased time and/or compensation as may be agreed upon by the Governing Board and the Auditor.
13. If an approved contract needs to be varied or changed for any reason, the change must be reduced to writing, signed by both parties, preaudited if necessary, and submitted to the Secretary of the Local Government Commission for approval. No change shall be effective unless approved by the Secretary of the Local Government Commission, the Governing Board, and the Auditor.
14. Item 15 may be completed by referencing the engagement letter and attaching a copy of the engagement letter to the contract to incorporate the engagement letter into the contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract will control. Engagement letter terms are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 21 of this contract. Engagement letters containing indemnification clauses will not be approved by the Local Government Commission.
15. There are no special provisions except:  

n/a
16. A separate contract should not be made for each division to be audited or report to be submitted. A separate contract must be executed for each component unit which is a local government and for which a separate audit report is issued.
17. The contract should be executed and submitted in triplicate to the Secretary of the Local Government Commission. The mailing address is 325 North Salisbury Street, Raleigh, North Carolina 27603-1385. The physical address is 4505 Fair Meadow Lane, Suite 102, Raleigh, North Carolina 27607-6449.
18. Upon approval, the original contract will be returned to the Governmental Unit, a copy will be forwarded to the Auditor, and a copy retained by the Secretary of the Local Government Commission. The audit should not be started before the contract is approved.
19. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the Local Government Commission.
20. If this audit engagement is not subject to Government Auditing Standards, then Item 5 shall be listed as a deleted provision in Item 22. An explanation must be given for deleting this provision.
21. All of the above paragraphs are understood and shall apply to this agreement, except the following numbered paragraphs shall be deleted: (See Item 16.)

Firm Potter & Company, P.A.

By John W. Kapelar, CPA

(Please type or print name)  
  
 (Signature of authorized audit firm representative)

Date 12-16-09

Approved by the Secretary of the Local Government Commission as provided in Article 3, Chapter 159 of the General Statutes or Article 31, Part 3, Chapter 115C of the General Statutes.

\_\_\_\_\_  
 For the Secretary, Local Government Commission  
 \_\_\_\_\_  
 (Signature)  
 Date \_\_\_\_\_

By \_\_\_\_\_  
 (Please type or print name and title)

\_\_\_\_\_  
 (Signature of Mayor/Chairperson of governing board)

Date \_\_\_\_\_

By    
 (Chair of Audit Committee- please type or print name)

   
 (Signature of Audit Committee Chairperson)

Date    
 (If unit has no audit committee, this section should be marked "N/A.")

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

**Kai Nelson**  
 Governmental Unit Finance Officer (Please type or print name)

\_\_\_\_\_  
 (Signature)


Date \_\_\_\_\_  
 (Preaudit Certificate must be dated.)



**UNION COUNTY**  
**Office of the Tax Administrator#**  
**Collections Division**  
**500 N. Main St. Ste 119**  
**P.O. Box 38**  
**Monroe, NC 28111-0038**

AGENDA ITEM 5/5a  
MEETING DATE 1-4-10  
704-283-3848  
704-283-3897 Fax

TO: Lynn West  
Clerk to the Board

FROM: John Petoskey   
Tax Administrator

DATE: December 15, 2009

SUBJECT: Departmental Monthly Report

The collector's monthly/year to date collections report for the month ending November 30, 2009 is attached for your information and review.

Should you desire additional information, I will do so at your request.

Attachment

JP/PH

**NOVEMBER 2009  
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

<b>NOVEMBER 30, 2009 REGULAR TAX</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>
BEGINNING CHARGE	147,410,712.70	143,617,944.02	116,287,946.86	96,271,664.86
DISCOVERIES	47,814.77			
FARM DEFERMENTS	2,190.25	3,024.00	1,798.12	1,608.98
RELEASES	(22,113.13)	(212.42)		
<b>TOTAL CHARGE</b>	<b>147,438,604.59</b>	<b>143,620,755.60</b>	<b>116,289,744.98</b>	<b>96,273,273.84</b>
BEGINNING COLLECTIONS	16,195,897.30	140,796,708.94	115,539,491.84	95,829,566.68
COLLECTIONS	58,585,356.85	102,468.22	17,134.07	7,146.23
<b>TOTAL COLLECTIONS</b>	<b>74,781,254.15</b>	<b>140,899,177.16</b>	<b>115,556,625.91</b>	<b>95,836,712.91</b>
BALANCE OUTSTANDING	72,657,350.44	2,721,578.44	733,119.07	436,560.93
<b>PERCENTAGE OF REGULAR</b>	<b>50.72%</b>	<b>98.11%</b>	<b>99.37%</b>	<b>99.55%</b>
<b>NOVEMBER 30, 2009 MOTOR VEHICLE</b>				
BEGINNING CHARGE	4,904,614.21	11,733,083.04	12,061,886.62	10,333,779.79
6TH MOTOR VEHICLE BILLING	1,067,861.33			
ASSESSOR RELEASE	(4,861.88)	(558.47)	(81.51)	
ASSESSOR REFUND	(351.56)	(404.46)	(373.92)	(257.43)
COLLECTOR RELEASE	(6,088.70)	(520.05)		
COLLECTOR REFUND	(1,281.09)	(455.80)		
REIMBURSEMENTS	2,038.98	1,180.81	301.92	
ADJUSTMENTS	20.49	2.33		
<b>TOTAL CHARGE</b>	<b>5,961,951.78</b>	<b>11,732,327.40</b>	<b>12,061,733.11</b>	<b>10,333,522.36</b>
BEGINNING COLLECTIONS	3,246,880.48	11,218,246.78	11,908,793.90	10,240,965.81
COLLECTIONS	750,838.40	47,351.36	2,299.07	488.91
<b>TOTAL COLLECTIONS</b>	<b>3,997,718.88</b>	<b>11,265,598.14</b>	<b>11,911,092.97</b>	<b>10,241,454.72</b>
BALANCE OUTSTANDING	1,964,232.90	466,729.26	150,640.14	92,067.64
<b>PERCENTAGE OF MOTOR VEHICLE</b>	<b>67.05%</b>	<b>96.02%</b>	<b>98.75%</b>	<b>99.11%</b>
<b>OVERALL CHARGED</b>	<b>153,400,556.37</b>	<b>155,353,083.00</b>	<b>128,351,478.09</b>	<b>106,606,796.20</b>
<b>OVERALL COLLECTED</b>	<b>78,778,973.03</b>	<b>152,164,775.30</b>	<b>127,467,718.88</b>	<b>106,078,167.63</b>
<b>OVERALL PERCENTAGE</b>	<b>51.36%</b>	<b>97.95%</b>	<b>99.31%</b>	<b>99.50%</b>

**NOVEMBER 2009  
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

<b>NOVEMBER 30, 2009 REGULAR TAX</b>	<b>2005</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>
BEGINNING CHARGE	86,248,443.74	75,936,883.58	60,651,659.92	51,673,900.40
DISCOVERIES				
FARM DEFERMENTS				
RELEASES				
<b>TOTAL CHARGE</b>	<b>86,248,443.74</b>	<b>75,936,883.58</b>	<b>60,651,659.92</b>	<b>51,673,900.40</b>
BEGINNING COLLECTIONS	85,996,547.82	75,767,196.21	60,531,967.51	51,587,250.18
COLLECTIONS	986.59	985.07	69.83	6.43
<b>TOTAL COLLECTIONS</b>	<b>85,997,534.41</b>	<b>75,768,181.28</b>	<b>60,532,037.34</b>	<b>51,587,256.61</b>
BALANCE OUTSTANDING	250,909.33	168,702.30	119,622.58	86,643.79
<b>PERCENTAGE OF REGULAR</b>	<b>99.71%</b>	<b>99.78%</b>	<b>99.80%</b>	<b>99.83%</b>
<b>NOVEMBER 30, 2009 MOTOR VEHICLE</b>				
BEGINNING CHARGE	-	-	-	-
6TH MOTOR VEHICLE BILLING	-	-	-	-
ASSESSOR RELEASE	-	-	-	-
ASSESSOR REFUND	-	-	-	-
COLLECTOR RELEASE	-	-	-	-
COLLECTOR REFUND	-	-	-	-
REIMBURSEMENTS	-	-	-	-
ADJUSTMENTS	-	-	-	-
<b>TOTAL CHARGE</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
BEGINNING COLLECTIONS	-	-	-	-
COLLECTIONS	-	-	-	-
<b>TOTAL COLLECTIONS</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
BALANCE OUTSTANDING	-	-	-	-
<b>PERCENTAGE OF MOTOR VEHICLE</b>				
<b>OVERALL CHARGED</b>	<b>86,248,443.74</b>	<b>75,936,883.58</b>	<b>60,651,659.92</b>	<b>51,673,900.40</b>
<b>OVERALL COLLECTED</b>	<b>85,997,534.41</b>	<b>75,768,181.28</b>	<b>60,532,037.34</b>	<b>51,587,256.61</b>
<b>OVERALL PERCENTAGE</b>	<b>99.71%</b>	<b>99.78%</b>	<b>99.80%</b>	<b>99.83%</b>

**NOVEMBER 2009  
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

<b>NOVEMBER 30, 2009 REGULAR TAX</b>	<b>2001</b>	<b>2000</b>	<b>1999</b>
BEGINNING CHARGE	48,122,649.67	43,552,864.81	40,736,778.57
DISCOVERIES			
FARM DEFERMENTS			
RELEASES			
<b>TOTAL CHARGE</b>	<b>48,122,649.67</b>	<b>43,552,864.81</b>	<b>40,736,778.57</b>
BEGINNING COLLECTIONS	48,059,051.58	43,509,231.40	40,698,278.13
COLLECTIONS	7.27	4.65	
<b>TOTAL COLLECTIONS</b>	<b>48,059,058.85</b>	<b>43,509,236.05</b>	<b>40,698,278.13</b>
BALANCE OUTSTANDING	63,590.82	43,628.76	38,500.44
<b>PERCENTAGE OF REGULAR</b>	<b>99.87%</b>	<b>99.90%</b>	<b>99.91%</b>
<b>NOVEMBER 30, 2009 MOTOR VEHICLE</b>			
BEGINNING CHARGE	-	-	-
6TH MOTOR VEHICLE BILLING	-	-	-
ASSESSOR RELEASE	-	-	-
ASSESSOR REFUND	-	-	-
COLLECTOR RELEASE	-	-	-
COLLECTOR REFUND	-	-	-
REIMBURSEMENTS	-	-	-
ADJUSTMENTS	-	-	-
<b>TOTAL CHARGE</b>	<b>-</b>	<b>-</b>	<b>-</b>
BEGINNING COLLECTIONS	-	-	-
COLLECTIONS	-	-	-
<b>TOTAL COLLECTIONS</b>	<b>-</b>	<b>-</b>	<b>-</b>
BALANCE OUTSTANDING	-	-	-
<b>PERCENTAGE OF MOTOR VEHICLE</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>OVERALL CHARGED</b>	<b>48,122,649.67</b>	<b>43,552,864.81</b>	<b>40,736,778.57</b>
<b>OVERALL COLLECTED</b>	<b>48,059,058.85</b>	<b>43,509,236.05</b>	<b>40,698,278.13</b>
<b>OVERALL PERCENTAGE</b>	<b>99.87%</b>	<b>99.90%</b>	<b>99.91%</b>

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: 11/30/09**

**Action Agenda Item No. 5/6**  
(Central Admin. use only)

**SUBJECT:** HVAC Replacement Units

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**DEPARTMENT:** Sheriff's Office

**PUBLIC HEARING:** No

**ATTACHMENT(S):**  
Low bid quote from Love Plumbing & Air Conditioning to replace HVAC units 8,10,11,12,13 on Sheriff's Jail facility roof.

**INFORMATION CONTACT:**  
Captain Steve Simpson

**TELEPHONE NUMBERS:**  
704-283-3578 - Office  
704-400-4584 - Mobile

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**DEPARTMENT'S RECOMMENDED ACTION:** Accept low bid to replace HVAC roof units.

**BACKGROUND:** The Union County Sheriff's Office/Jail was constructed and occupied in March 1994. In the 2008-2009 fiscal budget the Sheriff's Office replaced five (5) HVAC units because they had reached the end of their life cycle. In the current fiscal budget five (5) additional units were approved. The units that were the "worst of the worst" meaning they have required the most maintenance over the past year were identified and scheduled for replacement as they too have reached the end of their life cycle. These units were put out to bid and the low bidder was Love Plumbing & Air Conditioning with a low bid of \$38,611.00. Units to be replaced are unit numbers 8,10,11,12,13.

**FINANCIAL IMPACT:** \$38,611.00 approved in the current 2009-2010 fiscal budget.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

**Finance Dept. Comments if applicable:** \_\_\_\_\_

**Manager Recommendation:** \_\_\_\_\_

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**HVAC Replacement Units  
Sheriff's Dept.**

<b>Vendor</b>	<b>Total</b>
Love Plumbing	\$ 38,611.00
Colonial Webb Contractors	\$ 39,000.00
HF Mechanical	\$ 41,741.00
Trane	\$ 44,877.00

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: 01/04/2010**

**Action Agenda Item No.** 517  
(Central Admin. use only)

**SUBJECT:** Budget Amendment - SCAAP Funding

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**DEPARTMENT:** Sheriff's Office

**PUBLIC HEARING:** No

**ATTACHMENT(S):**  
Budget Ordinance Amendment # 29

**INFORMATION CONTACT:**  
Sheriff Eddie Cathey

**TELEPHONE NUMBERS:**

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**DEPARTMENT'S RECOMMENDED ACTION:** Adopt budget ordinance amendment #29.

**BACKGROUND:** This program is administered by the Bureau of Justice in conjunction with the Immigration and Naturalization Service. It is a reimbursement program that provides Federal assistance to States and localities for costs incurred by housing undocumented criminal aliens accused of and/or convicted of State and local crimes and who have been held for a minimum of 72 hours. Once each year, application is made to receive funds based on the number of inmates housed during the previous year. Funds received must be used for specific correctional purposes. Funds requested will be used to purchase an electronic keybox (\$10,000), tasers (\$5,000) and professional development (\$2,000).

**FINANCIAL IMPACT:** These funds are 100% federal funds. No county funding is required.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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\_\_\_\_\_

**Finance Dept. Comments if applicable:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Manager Recommendation:**



AGENDA ITEM

# 5/8  
MEETING DATE 1-4-10

Report of the  
Effects of the Insurance Services Office Residential Class Reduction

December 17, 2009

Prepared by

John D. Reavis  
Director  
Union County Inspections Department

This department was recently the subject of an Insurance Services Office, Inc (hereafter referred to as ISO) Building Code Effectiveness Grading Schedule Classification Study. The result of the study is an improvement from PL Class 5 to PL Class 4 for Commercial Construction, and a reduction from PL Class 6 to PL Class 99 for residential construction. The improvement in the commercial construction is the result of a reduced workload in the commercial area (due mostly to the recent economic downturn). The reduction for residential construction is because the department does not currently perform mandatory residential plan review and a policy change by ISO that requires residential plan review. The department does carry out inspections of residential one and two family homes, inspections of commercial residential occupancies and inspections of other commercial occupancies. All commercial occupancies are required by the N. C. General Statutes to have plan reviews.

ISO has given the county a limited period to review the residential plan review policy before the implementation of the classification changes. This review has considered the ramifications of this reduction, and the history, benefits, and problems of residential review by the county.

As stated earlier, the department currently does not require residential plan review. This is allowed by section 106.2.3 Review and approval of the "N. C. Administrative Code and Policies". The county has, in the past, required residential plan review. However, it was determined that these reviews were not beneficial for a variety of reasons.

The problems encountered in the department's earlier attempt at residential plan review were many and varied. These included such things as limited storage space for plans, increased risk to employees and citizens caused by the need to have access to reviewed sets of plans, delays in permit issuance caused by the need to review plans prior to issuing permits, inspection delays caused by the increased workload, contractors not following the submitted plans and a need to increase staffing levels to accommodate the workload increase. Another problem that would be faced is the increased level of cost and frustration faced by the contractors, as code requirements are very specific about plans, and how those plans are drawn, the information required on the plans, and when a permit is issued.

In order to determine the ramifications of this classification change, I have contacted and sent a follow up letter to the N. C. Department of Insurance (hereafter referred to as NCDI) to ask what if any rate changes will be allowed by NCDI. In addition, I asked Mr. Wes Baker to check with local insurance providers. Mr. Baker was told that any changes would be up to the insurance underwriters, and that the local providers would have limited, or no control, over those decisions.

The Letter to NCDOT was answered by Barry N. Gupton, PE of Engineering and Codes (Code Services Section), and Chief Code Consultant/Supervisor Building Code Council. The answer indicated that the cost of Homeowners Insurance would not be adversely affected by the change in the Union County Inspections Department's ISO rating. Mr. Gupton did however indicate that it was possible that flood insurance could be affected.

This department and Ms. Amy Helms, P.E. of Union County Public Works Stormwater Division began an investigation as to the possible consequences to flood insurance. As I am sure you are aware, flood insurance is funded through the federal government under the National Flood Insurance Program (hereafter referred to as NFIP). This program is administered by the Federal Emergency Management Agency (hereafter referred to as FEMA). The NFIP determines the cost of flood insurance based on criteria determined internally. There is a service provided by the NFIP that rates the various communities throughout the nation. This service is called the Community Rating System (hereafter referred to as CRS) and is a voluntary service that can be utilized by local governments. The CRS is used by the NFIP to rate communities and, depending on participation, reduce the cost of flood insurance to the homeowner. One of the criteria used by the CRS is the ISO rating of the Inspections Department of the local community. Currently, Union County does not participate in the CRS program and, as this is the case, the ISO rating for the Union County Inspections Department's would not cause an increase in the cost of flood insurance.

Of the nearby counties, Mecklenburg, Gaston, and Lincoln require residential plan review. Cabarrus, Stanley, Anson, and Iredell do not perform residential plans review. Rowan requires plans residential plan review if the project is over 7,000 (seven thousand) square feet. Wake County and Guilford County require residential plan review. Buncombe County does not require residential plan review even though Asheville (a part of Buncombe) does have the requirement.

In conclusion, as neither the cost of homeowners insurance nor flood insurance will be adversely affected by the ISO rating of this department due to a legally allowed lack of residential plan review and the costs of operating the department would rise if such a review process were instituted, it does not seem practicable to institute a residential plan review requirement. If, however, the county ever decides to become a participant in the CRS this conclusion would need to be reconsidered. This department will, of course, abide by the decisions of the Union County Manager and the Union County Board of Commissioners.



*Engineering*

*Wayne Goodwin | Commissioner of Insurance*

*Tim Bradley | Assistant State Fire Marshal*

November 23, 2009

John Reavis, Director  
Union County Inspections Department  
500 North Main Street, Room 28  
Monroe, NC 28112

**RE: ISO BCEGS  
GS153A-357(a) and GS 160A-417(a)  
2009 NC Administrative Code, Section 106.2.3 Plan Review**

Mr. Reavis:

This letter is in response to your request to Wayne Goodwin, Commissioner of Insurance. The 10/15/09 letter from ISO to your County Manager was also considered.

In your letter you ask about how a reduced BCEGS grade (higher number) will affect County citizens' property insurance. I don't believe that there is any immediate or direct correlation between this grade and basic homeowners' insurance rates. The Protection Classes for homeowner's insurance are based on the building construction and fire response time. However, a reduced BCEGS grade will affect the CRS grade and increase the price that the community pays for flood insurance.

You note in your letter that part of the grade reduction is due to your lack of Residential plan review. GS153A-357(a) and GS 160A-417(a) in part says that *"Nothing in this section shall require a county to review and approve residential building plans submitted to the county pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the county may review and approve such residential building plans as it deems necessary."* These Statutes are the basis for the Administrative Code Section 106.2.3. The local governing body has the authority to review Residential plans and many jurisdictions exercise that authority.

Please call if you have comments or questions.

Sincerely,

Barry Gupton, PE  
Chief Code Consultant

cc: File  
Wayne Goodwin, Commissioner of Insurance  
Chris Noles, PE, NCDOI  
A.C. Daniels, NCDOI  
Pam Allen, NCDOI