

AGENDA
UNION COUNTY BOARD OF COMMISSIONERS
Regular Meeting
Monday, April 6, 2009
7:00 P.M.
Board Room, First Floor
Union County Government Center
500 North Main Street
Monroe, North Carolina

www.co.union.nc.us

6:00 P.M. - Closed Session

1. **Opening of Meeting**
 - a. Invocation
 - b. Pledge of Allegiance
2. **Informal Comments**
3. **Additions, Deletions and/or Adoption of Agenda**
ACTION REQUESTED: Adoption of Agenda
4. **Consent Agenda**
ACTION REQUESTED: Approve items listed on the Consent Agenda
5. **Public Information Officer's Comments**
6. **Communications Department** (*Estimated Time: 5 Minutes)
 - a. Proclamation Recognizing the Week of April 12-18, 2009, as Public Safety Telecommunicator Week
ACTION REQUESTED: Adopt proclamation
7. **Child Abuse Prevention Month Proclamation - April 2009** (*Estimated Time: 5 Minutes)
ACTION REQUESTED: Adopt proclamation
8. **Police Week Proclamation 2009**
ACTION REQUESTED: Adopt Proclamation Declaring May 10-16, 2009 as Police Week

Old Business:

9. **Weddington Interlocal Agreement** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Approve interlocal agreement and authorize County Manager to make minor modifications following review by Town officials

10. **Fire Study RFP** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Approve the Fire Study RFP and amend the document, replacing the phrase "adequate fire protection" where it appears in the document with "fire protection needs"
11. **Amendments to Water Conservation Ordinance** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Adopt Amended and Restated Water Conservation Ordinance
12. **Resolution in Support of CONNECT, a Visioning Project Led by the Centralina and Catawba Regional Councils of Government and the Charlotte Regional Partnership for the Greater Charlotte Bi-State Region** (*Estimated Time: 10 Minutes)
(from February 2, 2009, Agenda)
ACTION REQUESTED: Consider adoption of resolution in support of the CONNECT Project
13. **Award of Bids** (*Estimated Time: 10 Minutes)
 - a. Oak Brook Water Main Extension (Advanced Development Concepts, LLC - \$164,641.72) (Self-Help Project)
ACTION REQUESTED: Award construction bid to the lowest responsible bidder, authorize the County Manager to approve the agreement and adopt Capital Project Ordinance Amendment #115
 - b. Wellington Woods I (Contract A) and Polk Mountain (Contract B) (Dawn Development Co. - Total Bid \$284,667.97) (Self-Help Project)
ACTION REQUESTED: Authorize staff to enter into negotiations with the lowest responsible bidder making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available for the project
14. **Resolution to Adopt Legislative Positions for the 2009-2010 Session of the North Carolina General Assembly** (*Estimated Time: 5 Minutes)(from March 16, 2009, Agenda)
ACTION REQUESTED: Approve the attached Resolution, with such changes that may be agreed to by the Commission, and direct staff to distribute copies to Union County municipalities, the Governor's Office, and to the Union County Legislative Delegation.
15. **Board of Equalization and Review Meetings** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Reconsideration of televising the Board of Equalization and Review meetings
16. **Discussion of Report from Fernsler and Levy** (*Estimated Time: 15 Minutes)
ACTION REQUESTED: Staff recommends that the Commission agree to employ a qualified local government facilitator to conduct a session or sessions among the BOCC and with staff with the goal of bringing about a better understanding as to how we can all work together to accomplish the work of the citizens. If such a session achieves an acceptable measure of success staff would recommend that we be authorized to negotiate with Fernsler and Levy to assist with the three recommendations outlined above.

New Business:

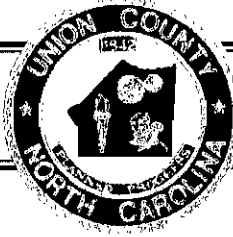
17. **Union County Aging Strategic Plan** (*Estimated Time: 15 Minutes)
ACTION REQUESTED: Receive report
18. **Consideration of Model North Carolina Marriage Amendment Resolution**
(*Estimated Time: 5 Minutes)
ACTION REQUESTED: Adopt resolution
19. **Disposal of Surplus Well Lot Located Near Broad Street in Waxhaw, NC**
(*Estimated Time: 10 Minutes)
 - a. Adopt Resolution Authorizing Upset Bid Process
ACTION REQUESTED: Adopt Resolution
 - b. Request by Initial Bidder for Consent to Rezone Property
ACTION REQUESTED: Consent to rezoning of property
20. **Communications Tower Bids** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Award bid to the lowest responsible, responsive bidder, South Carolina Tel-Con in the amount of \$2,091,760.00 and authorize the County Manager to approve the contract documents subject to Legal approval.
21. **Establishment of FY 2010 Budget Calendar** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Establishment of budget calendar
22. **Discussion of Litter in Union County** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Direction to staff on how to increase fines
23. **Discussion on Featuring a Community Benefit Organization at Each Regular Board Meeting** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Direct Staff to Include on the Agenda of Each Regular Board Meeting an Item Entitled "Featured Community Benefit Organization" and Further Direct that the Clerk to the Board Invite a Representative of the Named Non-Profit Organization to Attend the Board Meeting to Describe the Public Services Offered by that Organization
24. **Discussion of Voting Rights Act in Light of Recent Supreme Court Decision**
ACTION REQUESTED: Direct County Attorney to contact the appropriate legal and governmental people/agencies to ascertain how, when, etc. the State Legislature plans to comply with this ruling

25. **Announcement of Vacancies on Boards and Committees** (*Estimated Time: 5 Minutes)
- a. Juvenile Crime Prevention Council (JCPC): 1) Substance Abuse Professional; and 2) 4 Commissioner Appointees
 - b. Union County Home and Community Care Block Grant Advisory Committee (2 Vacancies)
 - c. Adult Care Home Community Advisory Committee (1 Vacancy)
 - d. Nursing Home Advisory Committee (2 Vacancies)
 - e. Planning Board (Vacancies for 7 Regular Members and 2 Alternates)
 - f. Board of Adjustment (Vacancies for 5 Regular Members and 2 Alternates)
- ACTION REQUESTED:** Announce vacancies
26. **Appointments to Boards and Committees** (*Estimated Time: 5 Minutes)
- a. Juvenile Crime Prevention Council (JCPC) - (District Attorney or Designee)
 - b. Parks and Recreation Advisory Board (1 Vacancy)
- ACTION REQUESTED:** Consider appointments
27. **Manager's Comments**
28. **Commissioners' Comments**

CONSENT AGENDA
Monday, April 6, 2009

1. **Minutes**
ACTION REQUESTED: Approve minutes
2. **Drayton Hall Homeowners Association Agreement** (from March 16, 2009, Agenda)
ACTION REQUESTED: Authorize County Manager to approve agreement
3. **County Attorney Engagement Agreement**
ACTION REQUESTED: Approve County Attorney Engagement Agreement and authorize Chairman to sign
4. **Waiver of Late Listing Penalty** (Dale Jarrett Ford)
ACTION REQUESTED:
5. **Tax Administrator**
 - a. Departmental Monthly Report for February 2009
ACTION REQUESTED: Approve report
 - b. Refunds for March 2009 in the Grand Total of \$7,442.12
ACTION REQUESTED: Approve refunds
 - c. Releases for March 2009 in the Grand Total of \$37,111.79
ACTION REQUESTED: Approve releases
6. **Criminal Justice Partnership Program Grant Application**
ACTION REQUESTED: Approve staff submittal of the grant application
7. **Revision to Union County Personnel Resolution, Article VI, Section 6.6 and 6.7**
ACTION REQUESTED: Approve the proposed revision to Union County Personnel Resolution, Article VI, Section 6.6 and 6.7
8. **Appointments by the Board of Commissioners to the Governance Advisory Board and the Transportation Advisory Board**
ACTION REQUESTED: By approval on the Consent Agenda, staff recommends that each Commissioner bring forward as soon as possible recommendations regarding two members to serve on the Governance Advisory Committee and one member to serve on the Transportation Advisory Committee
9. **Health Department - Susan G. Komen Grant Funding**
ACTION REQUESTED: Authorize Public Health Director to accept continuation funding for breast cancer project

10. **Repeal of Selected Environmental Health Fees** (from March 16, 2009, Agenda)
ACTION REQUESTED: Repeal the following fees adopted by the Board at the March 16, 2009, meeting:
- 1) Food Service Fee if Remodeling/Construction is Started Before Plans Have Been Submitted and Approved (penalty fee) - \$400
 - 2) Food Service Fee if More than Two Site Inspections are Required for Approval of Construction of a Food Service Establishment (penalty fee) - \$100 Additional Site Visit Fee
 - 3) Event Coordinator Application Fee (all special events with Temporary food vendors) - \$200
 - 4) Mobile Food Unit/Pushcart Sticker Fee - \$150 Yearly Sticker Fee
11. **Contracts/Purchase Orders Over \$20,000**
- a. Memorandum of Understanding between Mecklenburg County Health Department and Union County Health Department to Define the Responsibilities of the Cities Readiness Initiative (CRI) Team (Payment Terms: N/A)
 - b. Renewal Agreement with Simplex Grinnell LP in Connection with the Law Enforcement/Jail Facility's Fire Alarm, Intercom, and Doorlocking Systems
- ACTION REQUESTED:** Authorize Manager to approve Contracts a-b pending legal review



OFFICE OF THE COMMISSIONERS AND MANAGER

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, April 6, 2009, at 6:00 p.m. in the Commissioners' Conference Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina, to go 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).

Lanny Openshaw

Lanny Openshaw, Chairman
Union County Board of Commissioners

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 6, 2009

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

SUBJECT: National Public Safety Telecommunicator Week

DEPARTMENT: Communications

PUBLIC HEARING: No

ATTACHMENT(S):

INFORMATION CONTACT:

Gary J. Thomas

TELEPHONE NUMBERS:

704-283-3550

DEPARTMENT'S RECOMMENDED ACTION: Request Board of County Commissioners to adopt proclamation recognizing National Public Safety Telecommunicator Week during April 12 - 18, 2009

BACKGROUND: Each year, the second full week of April is dedicated to the men and women who serve as public safety telecommunicators. It was first conceived by Patricia Anderson of the Contra Costa County (Calif.) Sheriff's Office in 1981 and was observed only at that agency for three years. Members of the Virginia and North Carolina chapters of the Association of Public-Safety Communications Officials (APCO) became involved in the mid-1980s. By the early 1990s, the national APCO organization convinced Congress of the need for a formal proclamation. Rep. Edward J. Markey (D-Mass.) introduced what became H.J. Res. 284 to create "National Public Safety Telecommunicator Week."

FINANCIAL IMPACT: None

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

PROCLAMATION

FOR

PUBLIC SAFETY
TELECOMMUNICATOR WEEK 2009

WHEREAS, each day many citizens in Union County dial 9-1-1 for help in emergencies ranging from house fires, vehicle accidents, medical emergencies, domestic violence, and severe weather conditions; and

WHEREAS, the men and women who answer these calls for help, gathering vital information to dispatch the appropriate equipment and personnel, can make the difference between life and death for persons in need; and

WHEREAS, our county's 9-1-1 telecommunicators are more than a calm reassuring voice on the other end of the telephone, they are knowledgeable and well-trained individuals who work closely with Law Enforcement, Fire, and EMS personnel, as well as with other agencies whose operations affect the health and safety of our citizens; and

WHEREAS, emergencies can strike at any time causing citizens to rely on the vigilance and preparedness of these dedicated individuals 24 hours a day, 365 days a year.

WHEREAS, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners does hereby proclaim the week of April 12 – 18, 2009, as "Public Safety Telecommunicators Week" in honor of all the emergency telecommunicators who help protect our health and safety.

Adopted this 6th day of April 2009.

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman



April is Child Abuse and Sexual Assault Awareness Month!
Caskey, Pamela to:

03/23/2009 06:26 PM

April is Child Abuse and Sexual Assault Awareness Month!

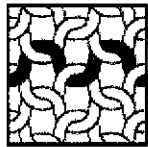
Child Abuse is a growing concern in our community. Please help us in create awareness about Child Abuse and Sexual Assault in Union County by wearing blue ribbons and completing a proclamation for Child Abuse Prevention Month and Sexual Assault Awareness Month. Thank you for your support!

Sincerely,

Pamela B. Caskey, South Region Director

Pamela B. Caskey

South Region Director
United Family Services, Inc.
604 Lancaster Avenue
Monroe, NC 28112
Office: 704-226-1352
Direct: 704-290-0150
Fax: 704-282-9362
www.unitedfamilyservices.org



United
Family
Services

United Family Services is a nonprofit, United Way member. Founded in 1909, the mission of United Family Services is to inspire individuals, families and communities to find solutions that create a better future. United Family Services offers programs such as Consumer Credit Counseling & Housing Services, Counseling & Education, Employee Assistance, Rape Crisis, Child Abuse Prevention and The Tree House Children's Advocacy Center. Together, we help build strong families with strong futures.



United Family Services Proclamation Ltr.doc Press Release - 2009 Blue Ribbon Campaign.doc



2009 Blue Ribbon Campaign Order Form.doc

April 2009

Child Abuse Prevention Month Proclamation

Whereas, preventing child abuse and neglect is a community problem affecting both the current and future quality of life of a community;

Whereas, Union County Department of Social Services accepted 1,969 reports of child abuse representing over 4,295 children in 2008; 36.9% of these children were under 5 years old;

Whereas, Of the 575 victims and family members were served at United Family Services' Rape Crisis and the Tree House Children's Advocacy Center during 2008, over 78% of the children served were under the age of 18;

Whereas, 36% of the children served by the Tree House Children's Advocacy Center were sexually abused by other children;

Whereas, child abuse and neglect not only cause immediate harm to children, but are also proven to increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior;

Whereas, all citizens should become involved in supporting families to provide safe, nurturing environments for their children giving them the opportunity to grow up to be caring, contributing members of the community;

Whereas, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

Therefore, the Union County Board of Commissioners does hereby proclaim

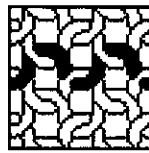
April as Child Abuse Prevention Month and calls upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Adopted this 6th day of April, 2009

Attest:

By: Lynn G. West, Clerk for the Board

Lanny Openshaw, Chairman



United
Family
Services

FOR IMMEDIATE RELEASE

Date: March 16, 2009
Contact: Nicole Blevins, CHES, RHEd 704.290.0162
Community Education Specialist
Expires 04/30/09

**Blue Ribbon Campaign
Calls Awareness to the Problem of Child Abuse**

MONROE, NC – April is Child Abuse Prevention Month and Sexual Assault Awareness Month. During the month of April, concerned citizens nationwide will wear blue ribbons to symbolize their support of child abuse prevention efforts. More than 300,000 North Carolinians will take part in the Blue Ribbon Campaign each year by wearing or displaying a blue ribbon. Here's why:

- One in four girls and one in six boys will be sexually abused before they reach the age of 18.
- 9 out of 10 children never tell about their abuse.
- 25 children in NC died as a result of child abuse in 2007.
- Union County Department of Social Services accepted 1,969 reports of child abuse representing over 4,295 children in 2008; 36.9% of these children were under 5 years old.
- Of the 575 victims and family members were served at United Family Services' Rape Crisis and The Tree House Children's Advocacy Center during 2008, over 78% of the children served were under the age of 18
- 36% of the children served by the Tree House Children's Advocacy Center were sexually abused by other children.

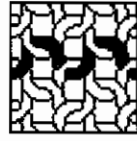
The symbol of the blue ribbon began in 1989 when Bonnie Finney of Norfolk, Virginia, started a personal crusade against child abuse when her 3 year old grandson was killed by his abusive parents. His body was found in a toolbox at the bottom of a lake. In her grief, Bonnie tied a symbolic blue ribbon to the antenna of her van to increase public awareness about child abuse.

"We need to raise the public's awareness of these distressing occurrences," says Pam Caskey, South Region Director of United Family Services, "and encourage everyone to become involved in the prevention of child abuse. One small, but public way of showing support is the wearing of a blue ribbon during April." Protecting children from maltreatment is a job for adults. Let's start doing our job.

The Blue Ribbon Campaign is funded by United Family Services and Union Smart Start. To get your blue ribbons, or if you would like more information about United Family Services' Child Abuse Prevention and Rape Prevention Services, including safety programs, educational classes, volunteering and professional training, call 704.290.0162. You can also visit www.preventchildabusenc.org.

###

United Family Services is a nonprofit United Way member that inspires individuals, families and communities to find solutions that create a better future. Programs offered by United Family Services in Union County are Consumer Credit Counseling & Housing Services, Parent Education, Employee Assistance, Counseling, Rape Crisis, Child Abuse Prevention, and The Tree House Children's Advocacy Center. For more information, call 704.226.1352 or visit www.unitedfamilyservices.org.



Blue Ribbon Campaign
April is Child Abuse Prevention
& Sexual Violence Awareness Month

During April, citizens nationwide wear blue ribbons to symbolize their support for child abuse prevention efforts. When someone asks about the ribbon, give them the facts:

- 1 in 4 girls and 1 in 6 boys will be sexually abused before age 18.
- 9 out of 10 children never tell.
- 25 children in NC died as a result of child abuse in 2007.
- Union County Department of Social Services accepted 1,969 reports of child abuse representing over 4,295 children in 2008; 36.9% of these children were under 5 years old.
- 575 victims and family members were served at United Family Services' Rape Crisis and The Tree House Children's Advocacy Center during 2008; over 78% of the children served were under the age of 18
- 36% of the children served were sexually abused by other children.

Bonnie Finney started a personal crusade against child abuse in 1989 when her 3 year old grandson was killed by his abusive parents. In her grief, Bonnie tied a symbolic blue ribbon to the antenna of her van to increase public awareness about child abuse. Now, millions of people wear blue ribbons each year during April. Everyone has a job of protecting children from maltreatment. "The blue ribbon serves as a constant reminder to protect our children.

Please wear a ribbon, put one on your car and give one to your friends," says Finney.

Yes, we would like to support the Blue Ribbon Campaign!

We would like to order _____ ribbons.

Organization: _____
 Contact: _____
 Address: _____
 City: _____
 State, Zip: _____
 Home Phone: _____
 Work Phone: _____
 Fax: _____
 Email: _____

I would like to make a financial contribution in support of United Family Services' Child Abuse Prevention / Tree House Children's Advocacy Center

Please accept my gift of:
 \$25 \$50 \$100 \$500

Or my personal contribution of: \$ _____

Please send information about United Family Services:

- | | |
|---|---|
| <input type="checkbox"/> Children's Personal Safety Program (Pre-K - 12) | <input type="checkbox"/> Parenting Education & Support |
| <input type="checkbox"/> Tree House Children's Advocacy Center | <input type="checkbox"/> Violence Prevention Programs |
| <input type="checkbox"/> Keeping Children Safe Workshop | <input type="checkbox"/> Professional Training on Child Abuse & Neglect |
| <input type="checkbox"/> Darkness to Light's <i>Stewards of Children</i> ™ Training | |



Mail or Fax to:
 United Family Services ♦ 604 Lancaster Avenue ♦ Monroe, NC 28112
 Phone: 704-226-1352 ♦ Fax: 704-282-9362 ♦ www.unitedfamilyservices.org

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 6, 2009

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

SUBJECT: Weddington Interlocal Agreement

DEPARTMENT: Legal

PUBLIC HEARING: No

ATTACHMENT(S):
Draft Interlocal Agreement

INFORMATION CONTACT:
Ligon Bundy
Jeff Crook
Amy Helms

TELEPHONE NUMBERS:
704-289-2519
704-383-3673

DEPARTMENT'S RECOMMENDED ACTION: Approve interlocal agreement and authorize County Manager to make minor modifications following review by Town officials

BACKGROUND: Please see recitals ("Whereas" clauses) of draft interlocal for background. Current activity regarding this matter has been precipitated by a letter from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, Office of Geospatial and Technology Management in response to an inquiry by Mayor Anderson of Weddington. State officials have recently indicated their opinion that the Town and County are jointly responsible for correcting the violation at Optimist Park. Although neither party concedes the jurisdictional dispute over who has authority for enforcement action, both Union County and the Town of Weddington understand the necessity to proceed jointly at the present time in an effort to resolve this matter.

Commissioner Kuehler, Ligon Bundy, and Jeff Crook met with Weddington officials and the Town Attorney in an effort to move this matter forward. The interlocal agreement is an effort to comply with the State directive to submit a plan for remediation of the violation prior to April 11. Weddington officials have not yet had an opportunity to respond to this draft, prepared by Ligon Bundy. Thus, it is recommended that the Board approve the agreement, authorizing the County Manager to make minor modifications.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

**STATE OF NORTH CAROLINA
COUNTY OF UNION**

**INTERLOCAL AGREEMENT BETWEEN
UNION COUNTY, NORTH CAROLINA
AND THE TOWN OF WEDDINGTON**

THIS INTERLOCAL AGREEMENT (this “Agreement”) is entered into this the _____ day of _____, 2009, by and between **UNION COUNTY, NORTH CAROLINA**, a body corporate and politic and a political subdivision of the State of North Carolina (the “County”), and **THE TOWN OF WEDDINGTON, NORTH CAROLINA**, a body corporate and politic and a political subdivision of the State of North Carolina (the “Town”) (collectively, the “Parties”).

WITNESSETH:

WHEREAS, on November 5, 2001, the Wesley Chapel-Weddington Athletic Association (“WCWAA”) was granted a Special Use Permit by the County for the development and construction of a Youth Athletic Complex consisting of lighted ball fields (soccer, baseball and softball), concession stands, parking, community center, practice fields, and ancillary facilities; (collectively the “Facilities”) on property owned by WCWAA (the “Property”); and

WHEREAS, WCWAA committed to construct the Facilities, including the practice fields, in compliance with Article IV, Section 49 and other applicable requirements of the Union County Land Use Ordinance; and

WHEREAS, in 2001, the Property was located in an unincorporated area of the County; and

WHEREAS, between 2001 and 2004, the Facilities were built upon the Property, and

WHEREAS, beginning in December 2004, the County began to investigate whether WCWAA had violated the Union County Land Use Ordinance by the construction of a portion of the Facilities in the floodway of a creek that borders the Property, and

WHEREAS, the County and WCWAA, and WCWAA’s engineer, have held several meetings and discussions regarding the resolution of the Notice of Violation and said discussions have been ongoing since 2005; and

WHEREAS, on July 7, 2005, the County issued a Notice of Violation to WCWAA indicating that an inspection of the Facilities located on the Property, revealed a violation of Section 254 of the Union County Land Use Ordinance (the “Violation”); and

WHEREAS, during the grant of the Special Use Permit in 2001, and during the issuance of the Notice of Violation in 2005 and during the negotiation on the resolution of the alleged violation, the Property was located in an unincorporated area of the County; and

WHEREAS, the Town involuntarily annexed certain property located in an unincorporated area of Union County on November 30, 2007 and said area included the Property and the Facilities; and

WHEREAS, the County contends that pursuant to North Carolina General Statute §160A-360(f), and as a result of the Town’s involuntary annexation of the Property and Facilities, the County no longer has statutory authority to continue enforcement of the Violation, and that the Town now has such authority; and

WHEREAS, the Town contends that because the Violation occurred during the time that the Property and Facilities were subject to regulation by the County, the County has the obligation to continue enforcement of the Violation, and

WHEREAS, the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, Office of Geospatial and Technology Management (the “State”) has issued a letter dated September 11, 2008, stating that the County no longer has enforcement authority over the Violation and that the Town has such authority, and has subsequently issued another letter dated March 11, 2009, stating that the Town and the County are jointly responsible for correcting the Violation, and

WHEREAS, although the Town and the County disagree as to who has jurisdiction over correcting the violation, it is clear to both that at least one of them has jurisdiction, and, without resolving the question of which governmental entity has jurisdiction, the Town and County desire to work together in order to correct the violation, and

WHEREAS, it is the intent of the Parties to require WCWAA to do the following in order to correct the Violation, at the expense of WCWAA: (1) to provide a final flood study and model that (a) assesses the impacts of pre- versus post- development within the floodplain and floodway and provided there is a rise in base flood elevations, (b) includes a mitigation plan for the increases in base flood elevations caused by development in the floodplain which extended beyond the floodway boundary, the implementation of which will ultimately result in a no-rise certification (the “Mitigation Plan”), (2) to implement the Mitigation Plan within a reasonable and expeditious timeframe depending on the type and amount of mitigation required, and (3) to fulfill any other actions as directed by the Federal Emergency Management Agency (the “FEMA”), including but not limited to satisfying 44 CFR 65.3 and 65.7, and

WHEREAS, North Carolina General Statute §160A-460, *et seq.* authorizes the County and the Town to enter into agreements with each other to execute an undertaking.

NOW, THEREFORE, pursuant to authority contained in North Carolina General Statute §160A-460, *et seq.* and the foregoing agreement and mutual covenants and benefits contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree and covenant as follows:

1. The County and Town agree to jointly work together to correct and enforce the Violation.
2. The Town Attorney shall communicate to WCWAA the Parties’ requirement that it submit the final flood study and model including a Mitigation Plan that is acceptable to the Town, the County, and the State, and to implement the Mitigation Plan upon approval by the State.

3. The County's engineer has been working with WCWAA's engineer and with the State for several years concerning this matter, and the County's engineer is therefore more familiar with this matter than the engineer that has been engaged by the Town. The Parties therefore agree that the County's engineer should be the primary contact person with WCWAA's engineer and the State concerning this matter.

4. In an effort to have all parties in agreement with regards to the hydrologic and hydraulic inputs in the final flood study and model, the County's engineer may, prior to WCWAA's engineer submitting the final flood study and model, call a meeting with all engineers, including the State, to discuss and agree to the hydrologic and hydraulic inputs to use in the model.

5. The Mitigation Plan that is submitted to the State for review shall be submitted by the County's engineer on behalf of the Parties, after it has been reviewed by both the County's engineer and the Town's engineer.

6. The Town's engineer shall be available as a resource to assist the County's engineer concerning all technical matters related to the Violation and the Mitigation Plan, including, but not limited to, technical review of proposals, plans, and models. The County shall be solely responsible for the expense of the County's engineer, and the Town shall be solely responsible for the expense of the Town's engineer.

7. In the event that the Parties agree to engage the services of non-staff consultants other than the Town's engineer to further assist the Parties, the Parties shall each pay one-half of the cost of such consultant.

8. The County and the Town agree that all costs associated with this Interlocal Agreement that are not jointly agreed to by the Parties shall be borne by the individual Parties, and that neither the Town nor the County shall have responsibility for any legal costs or *ex parte* costs incurred by the other.

9. This Agreement reflects the key understanding of the Parties and constitutes the entire agreement with respect to their respective rights and obligations in connection with the subject matter hereof, superseding all prior negotiations, representations, contracts, agreements, promises, understandings and statements concerning that subject matter.

10. This Agreement may be modified only by written instrument duly executed by both Parties.

7. The provisions hereof are severable, and should any provision be determined to be invalid, unlawful or otherwise null and void by any court of competent jurisdiction, the other provisions shall remain in full force and effect and shall not thereby be affected unless such ruling shall make further performance hereunder impossible or impose an unconscionable burden upon one of the Parties.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first above written.

UNION COUNTY, NORTH CAROLINA

By: _____
Chairman, Union County Board of Commissioners

ATTEST:

By: _____
Clerk of the Union County Board of Commissioners

TOWN OF WEDDINGTON, NORTH CAROLINA

By: _____
Nancy Anderson, Mayor

ATTEST:

By: _____
Amy McCollum, Town Clerk

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 06, 2009

Action Agenda Item No. 10
(Central Admin. use only)

SUBJECT: Fire Study RFP

DEPARTMENT: Fire Marshal's Office **PUBLIC HEARING:** No

ATTACHMENT(S):
Fire Study RFP

INFORMATION CONTACT:
Neal Speer

TELEPHONE NUMBERS:

704-296-4296
704-226-5582

DEPARTMENT'S RECOMMENDED ACTION: Approve the Fire Study RFP and amend the document, replacing the phrase "adequate fire protection" where it appears in the document with "fire protection needs".

BACKGROUND: On February 2, 2009 the Union County Board of Commissioners directed staff to develop an RFP for consulting services to conduct a fire study for Union County. The purpose of the study, among other things, would be to:

1. Define "adequate fire protection" for the County as a whole and for each of the 18 volunteer fire departments
2. Make recommendations regarding funding for fire protection services
3. Make recommendations as to changes to the various fire district lines that might be warranted to accomplish the adequate fire protection definition and goals.

An RFP committee was created with members of the Union County Fire Chief's Association including Johnny Blythe, Don Gaddy, Chris Griffin, Joshua Dye, Robert Sweatt, and Charlie Porter; along with Dawn Hinkel and Neal Speer representing county staff. Commissioner Kuehler also asked that Rick Denton serve on the committee to represent the Union County Fire Commission. The committee met four times; on February 17th and 24th, and on March 4th and 9th and reached consensus to recommend the draft RFP go to the Fire Chief's Association, then to present to the Fire Commission. Staff was directed to accomplish the development of the RFP and review by the Fire Chief's Association and the Fire Commission in sufficient time to have the final recommendation on the Board of Commissioners agenda for April 6th.

The Fire Chief's Association met on March 12th, 2009 to consider the draft RFP. After discussion the Chief's Association recommended the RFP be approved, contingent upon amending language regarding "adequate fire protection" to reflect "fire protection needs" throughout the document. The concern expressed by the Chief's Association was that the wording "adequate fire protection" gave a connotation of an absolute minimum level of service instead of determining the fire protection needs of the community.

On March 19th, 2009 the Union County Fire Commission met to consider the RFP. Neal Speer, representing Union County staff gave an overview of the process that was involved in developing the RFP. Johnny Blythe, representing the Union County Fire Chief's Association, discussed the concern of the Chief's Association with the use of the phrase "adequate fire protection". After some discussion, the Fire Commission recommended sending the RFP to the Board of Commissioners for approval and also recommended replacing the phrase "adequate fire protection" where it appears in the document with "fire protection needs".

This study will define what the fire protection needs are for all areas of Union County. In addition the study will:

Analyze the administration and organization of fire suppression forces Perform evaluations of apparatus and inventory equipment and mobile water supply apparatus

Evaluate water sources and identify additional water source needs

Recommend future station locations and size

Determine adequate personnel requirements

Provide budget analysis and financing options for the fire service

Discuss and make recommendations regarding insurance and ISO ratings, mutual aid availability

Review standard operating practices and procedures

Analyze population distribution and future growth trends

Conduct a risk analysis of target and special hazards

Evaluate training programs of fire fighters, pump operators, and officers, and determine an adequate cost for operational and administrative costs.

The consultant will solicit input from each municipal governing board as to their concept of the fire protection needs within their individual town, as well as input from the public through forums conducted within communities. The consultant will also meet with members of each volunteer fire department, their chiefs and board of directors.

A formal presentation of the final report along with a detailed explanation of the findings and recommendations will be made to the Union County Board of Commissioners, Union County Fire Chiefs Association and the Union County Fire Commission. The final report shall include prioritized recommendations that Union County may implement or phase in over a period of time that will include cost estimates for each phase.

FINANCIAL IMPACT: Will be determined by the bids submitted.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable:

Manager Recommendation:

County of Union, North Carolina Fire Protection Study Request for Proposals

I. PURPOSE

The County of Union, North Carolina is seeking proposals from professional consultants to conduct a study of fire protection capabilities, to perform an in depth analysis of the strengths and weaknesses of the fire departments that provide emergency services including fire suppression, rescue, medical response, and hazardous materials response, and develop a comprehensive Fire Protection Master Plan for the county.

The Union County Board of Commissioners has directed staff to write this Request for Proposals (RFP) for a fire study that will determine the following objectives: define adequate fire protection for the County as a whole and for each of the 18 volunteer fire departments; recommend how fire protection should be funded; recommend what, if any changes to the various fire district lines should be made to accomplish the adequate fire protection definition and goals.

This study will define what is adequate fire protection for all areas of Union County, analyze the administration and organization of fire suppression forces, including evaluations of apparatus, equipment inventory and mobile water supply apparatus, identification and evaluation of water sources, future station locations and size recommendations, personnel requirements, budget analysis and financing options for the fire service, insurance and ISO ratings, mutual aid availability, review of standard operating practices and procedures, analysis of population distribution and future growth trends, conduct a risk analysis of target and special hazards, evaluate training programs of fire fighters, pump operators, and officers, determine an adequate cost for operation, and administrative costs.

II. GENERAL BACKGROUND

Fire protection in Union County is provided by nineteen fire departments. The City of Monroe Fire Department which is a fully paid municipal department is primarily responsible for protecting property inside the City of Monroe, while providing and receiving mutual and automatic aid with the volunteer departments. There are two fire departments, Hemby Bridge and Stallings, which are funded through the creation of Rural Fire Protection Districts as set out in North Carolina General Statute 69-25. Currently three departments, Wesley Chapel, Waxhaw and Mineral

Springs are funded through the creation of County Service District as described in Chapter 153A, Article 16, of the N.C. General Statutes. The remaining 13 departments are funded by a fire fee collection system that was created by special legislation of the North Carolina General Assembly in the 1991 Session, Chapter 883 that allows Union County to collect up to \$50.00 per household for fire protection funding. In addition, each department that is funded by the fire fee receives a county subsidy. The eighteen county fire departments are made up primarily of volunteer personnel however; several departments have added part-time personnel to their staffing to supplement their daytime manpower response. The departments protect a diverse population that range from heavily populated residential developments to commercial/industrial areas to sparsely populated rural agricultural areas.

Union County is located in south central piedmont, North Carolina. The county covers approximately 643 square miles. It is the fastest growing county in the state, and has consistently been ranked as one of the faster growing counties nationally since 2000. In recent years, its population has reached 184,675. As the population has increased, many needed improvements in training and equipment have been made. These improvements have been accomplished by the efforts of, and in response to the needs of the individual departments with very little overall planning. As a result of rapid growth in the county, some of the fire departments are critically short of funds, while others are being well funded. Most of the improvements that have been made are in reaction to specific needs rather than in accordance with long range planning that takes into consideration the needs of all of the residents and property owners of Union County. By approaching fire protection piece-meal, some areas may not be adequately protected, while there may be duplication or overlapping of services in other areas.

National standards have been established by the National Fire Protection Association (NFPA) which has an impact on all fire departments, both paid and volunteer. In particular, NFPA 1500 deals with fire department occupational safety and health concerns, NFPA 1001 Firefighter Professional Qualifications, NFPA 1002 Fire Apparatus Driver/Operator Professional Qualifications, NFPA 1201 Standard for Providing Emergency Services to the Public, NFPA 1901 Standard for Automotive Fire Apparatus, NFPA 1911 Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Automotive Fire Apparatus, and NFPA 1720 which is the standard for the organization and deployment of fire suppression operations, emergency medical operations, and special operations to the public by volunteer fire departments. The North Carolina Department of Insurance, Office of State Fire Marshal (NC DOI OSFM), through the North Carolina State Fire and Rescue Commission has established voluntary minimum professional qualifications for all levels of fire and rescue service personnel. Add the duties and training that is required to maintain medical responder certification, with these and other training standards it places a heavy burden on the volunteer fire service. Although the NFPA and NC DOI OSFM firefighter certification standards have not been adopted by Union County as a whole, many departments do require firefighter certification,

as they are certainly consensus standards and should be strived to be met when practical.

The equipment that is needed to satisfy the legal obligations such as a minimum of Insurance Services Office (ISO) rating of 9S per NC DOI OSFM and Union County contract agreement, is expensive, and the current combination of fire fee, and tax district system that is used in Union County has created significant disproportion between the fire departments that are in the more populated areas and those who operate in the primarily rural areas. Departments in the less populated areas have increased their fire fee amount to \$50.00 and still struggle to properly fund their needs. Changing demographics of the population have created situations where fewer personnel are available to respond to emergency calls during weekdays. Several departments have hired part-time, day-time personnel to fill the gap, but funding for those positions is difficult to obtain. The demands that are being placed on the individual members of the volunteer fire departments for certification and training to meet various standards and response to calls for service place a significant burden on an individual's time, not unexpectedly, with the additional demands that are made on people's time, recruiting additional volunteers is getting more difficult.

III. SCOPE OF THE PROJECT

This study will include, but not be limited to the following tasks:

- A. Define and determine an adequate level of fire protection for Union County.

- B. Conduct an analysis of the administration and organization of fire suppression forces and make recommendations for improvement.

- C. Conduct an analysis of insurance (ISO) ratings and make recommendations for improvement.

- D. Conduct an analysis of each fire station's location in relation to insurance district and response district boundaries including coverage maps.

E. Conduct an evaluation of fire apparatus to include, but not limited to the following:

1. Inspect all apparatus on site; review pump test records, evaluate age and condition, compare pump capacity with the needs of the area, and projected replacement dates.

2. Evaluate all mobile water supply apparatus by making on site flow and operational tests. Assign gallons per minute (GPM) rating based on the ability of each one to haul water over a distance of up to five miles. Determine the amount of usable water, and make recommendations for improvement or replacement of tankers.

3. Make recommendations, along with documentation of the need, for additional apparatus with suggested specifications where needed.

4. Prepare an apparatus replacement schedule to be included in the final report by comparing both the apparatus recommendations of NC DOI OSFM, NFPA 1901, and NFPA 1911. Prepare a recommended long range capital budget to provide for replacement of apparatus in a timely manner, along with suggested methods of funding.

F. Compare the inventory of equipment that is available on all apparatus with NC DOI OSFM requirements and make recommendations on priorities and schedule for eliminating deficiencies.

G. Prepare tanker coverage maps showing GPM capabilities in each portion of the area based on the water supply points that have been identified and the capabilities of tankers that were established when they were evaluated. One map should show the existing flow capability and a second showing the expected flow capability after all recommended improvements have been made.

H. Prepare water supply coverage maps based on the distance around each hydrant system and water supply point that the tankers can travel as estimated on the tanker coverage maps. One map should show existing capability, another showing the proposed improvements.

I. Perform a risk analysis on specific target hazards and problem areas that have

been identified by the fire department with fire flow needs and specific methods of satisfying them. This analysis should include detailed fire flow capabilities in areas that have to depend on mobile water supply to meet the needs of the risk.

J. Define the personnel requirements in order to provide adequate protection considering the use of all volunteer, combination, or paid personnel. Determine the adequacy of personnel in each fire department including a review of the number of alarms, average response to each of them, and the total number of active members in the department. Make recommendations for providing additional personnel where it is needed.

K. Review standard operating practices and response to alarms, and make recommendations for improvements where they are needed.

L. Review training records and determine the number of firefighters that have been certified by the state, participation in formal training programs and local training programs, and whether the individual records contain sufficient detail to meet the legal requirements and NC DOI OSFM standards.

M. Evaluate the overall training program for firefighters and officers with special emphasis on mutual aid and inter-company training activities and make recommendations for improvement.

N. Provide recommendations for training of officers, pump operators, and firefighters that would enable them to develop the skills that will be needed to implement this long range plan and improve the ISO rating of the rural departments.

O. Conduct an analysis and determine the operating cost for each department.

P. Conduct an analysis and determine the cost of training the personnel of each department.

Q. Conduct an analysis and determine the administrative cost for each department.

R. Determine the cost of adequate fire protection for each fire district and for Union County collectively as defined in paragraph "A" of this section.

S. Conduct an analysis and determine the current and future financial needs of each department including and five year and ten year capital improvement plan.

T. Recommend funding options that are available to Union County.

IV. SPECIFIC CONCERNS TO BE ADDRESSED IN THE STUDY

A number of specific concerns have been identified that will have to be dealt with in this study, along with questions that need to be answered and decisions that will have to be made to provide an adequate level of fire protection to all of the citizens and taxpayers, now and in the future.

A. Include the City of Monroe Fire Department in this study from a service and response viewpoint only. Their evaluation should be limited to the giving and receiving of automatic and mutual aid.

B. Some of the volunteer fire departments are having difficulty in raising the money to purchase apparatus and equipment to meet their responsibilities.

C. Some volunteer departments are located in areas with limited population and potential for financial support, but with fire protection responsibilities that require a minimum of apparatus, equipment and personnel.

D. Rapid growth in industrial, commercial, and residential areas is placing demands on the emergency services that they may not be presently equipped to meet.

E. Rapidly escalating costs of apparatus, equipment, and operating expenses are making it difficult for fire departments to maintain their present capabilities, much less purchase the additional apparatus and equipment that is needed.

G. Volunteer Fire Departments frequently find it difficult to fund purchases of new apparatus. Additional funding sources will be required if the fire departments are to be expected to cope with the problems that they face.

H. Water supply to provide the needed fire flow may be inadequate in many parts of the county.

1. Public water systems distribution lines may not be large enough to provide the needed fire flow in many locations.

2. Fire hydrant location and distribution may not be adequate.

3. Large buildings are being constructed in areas where no public water supply is available.

4. Static water sources throughout much of the county have not been identified and improved as needed.

I. With the utilization of the E-911 system, it has brought a certain amount of standardization to the fire service; there is very little coordination between departments in establishing standard response and standard operating procedures. Union County has adopted the National Incident Management System and therefore Incident Command however, fire-ground organization with ICS has not been fully developed.

J. Due to the rating system used by the NC DOI OSFM, insurance rates vary widely throughout the county from a protection class 5 to 9E in the insurance districts and to class 10 in the unprotected areas.

K. Offer criteria for determining fire insurance and response district lines and recommend if, and/or how district lines should change in the future.

L. The consultant should include input from each municipal town board as to their concept of adequate fire service within their individual town.

M. The consultant should include input from the public by capturing comments from forums conducted within communities including members of the volunteer fire department and individuals who have had close contact with the volunteer fire service in the county as well as from community members:

1. Invite persons who have had experiences with the fire departments to attend meetings and solicit comments regarding their experiences and their expectations for service.
2. Invite community members to attend and make comments as to their expectation for service.
3. Invite members of the volunteer fire department to make comments.

N. The consultant shall meet with and consider input from each fire department chief and its board of directors.

V. INFORMATION AND DATA

The Union County Fire Marshal's Office and/or each individual fire department will provide the following:

A. A list of fire stations and a map showing the location of each of them, outlining each fire insurance district and response district.

B. An inventory of the apparatus that is housed in each station, along with information on the age and condition.

C. An inventory of the equipment that is carried on each piece of apparatus or available in each station.

D. Budget information on each fire department including the amount and source of funding and expenditures in general categories.

E. Information on personnel available in each department, status of training, and average response to alarms.

F. ISO ratings for each department and a copy of the results of the latest ISO evaluation where it is available.

G. Scale maps showing all roads, water lines, and hydrant coverage will be provided by Union County's GIS Department. Potential static or alternate sources of water for filling tankers that have been identified will be provided by each fire department.

H. Data on population distribution, growth trends and projections, and expected property valuations for various areas.

I. Locations and descriptions of target hazards or special problems that are to be evaluated.

VI. REQUIRED RESPONSE TO THE RFP

A work plan for this project should be provided which includes the following:

A. A description of the approach that will be taken.

B. Cost of the study and comprehensive plan.

C. A time line depicting activities with expected completion dates for each portion of the project.

D. A list of the individuals that will be assigned to the project including a resume for each one listing related experience in similar projects.

E. A sample of a previous study in a similar environment.

VII. DELIVERABLES

The deliverables from this project will include as a minimum:

A. Forty copies of a final report to be delivered within six months after awarding the contract.

B. Forty copies of an executive summary of the findings and recommendations that is included in the final report.

C. A formal presentation of the final report along with a detailed explanation of the findings and recommendations to the Fire Chiefs, Union County Fire Commission, Union County Board of Commissioners and/or other officials at a time and place to be agreed upon.

D. The final report shall include prioritized recommendations that Union County may implement or phase in over a period of time that will include cost estimates for each phase.

VIII. RESPONSE EVALUATION

Prospective bidders will be evaluated, and the bid will be awarded based on the following criteria:

A. Response to requirements of this RFP.

B. Previous experience in fire protection planning in a similar environment.

C. Expertise and experience of individuals assigned to this project.

D. Cost of the project.

E. Projected completion date and history of the firm in completing similar projects in a timely manner.

F. References.

G. Review of deliverables from similar projects developed for other jurisdictions.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 6, 2009

Action Agenda Item No. 11

(Central Admin. use only)

SUBJECT: Amendments to Water Conservation Ordinance

DEPARTMENT: Public Works/Legal **PUBLIC HEARING:** No

ATTACHMENT(S):

(i) Revised Water Conservation Ordinance showing changes

(ii) Clean copy of Revised Water Conservation Ordinance

INFORMATION CONTACT:

Jeff Crook
Matthew Delk
Scott Huneycutt

TELEPHONE NUMBERS:

704-283-3673
704-283-3656
704-296-4211

DEPARTMENT'S RECOMMENDED ACTION: Adopt Amended and Restated Water Conservation Ordinance

BACKGROUND: As Union County remains in a Stage II Mandatory Water Shortage Condition, the Water Conservation Ordinance continues to undergo modification. Proposed amendments to the Ordinance are summarized as follows:

1. Article VII, Section I(d). When the Ordinance was drafted, it was contemplated that a designated water shortage condition would be in effect for a limited period of time. Thus, violations by customers were accumulated for the period of time that the Ordinance was continuously in effect and for one year thereafter. Because of the duration of the current continuous water shortage conditions and the likelihood of extension for an indefinite period of time, it is recommended that the Board relax this requirement such that penalties will be accumulated on a calendar year basis. For example, a customer having two violations in 2007 would be subject to a \$500 civil penalty for a third violation occurring in 2009 under the current Ordinance. If the Ordinance is amended as proposed, the violation in 2009 would constitute the first violation of the calendar year, thus subject to a written warning and no monetary penalty.

2. Article VII, Section I(i). Case law in North Carolina supports the proposition that continuation of water service is not an entitlement, and thus not a property right protected by 14th Amendment due process requirements. Even so, the current Ordinance provides an opportunity for appeal of UCPW's determination to terminate water service following a fourth violation. The

proposed amendment would go one step further and allow appeal of violations resulting in civil penalties prior to the County's right to terminate service. This provides another level of review for those who believe the determination of violation to be in error.

3. Article X. The Water Allocation Policy adopted by the Board on October 20, 2009, directed staff to develop a plan for irrigating newly installed lawns, sod, and landscape material. The new Article X enables UCPW to issue variances for new lawns or landscaping installed incident to new construction. The customer must apply for the variance within 90 days of issuance of a certificate of occupancy and pay a nominal fee (< \$20). Upon issuance of the variance, the customer may water the new lawn/landscaping for 45 days. Variances terminate upon the earlier occurrence of expiration of the 45 days or declaration of a Stage IV Mandatory Water Shortage Condition. The County Manager may also direct that no new variances be issued if it is determined that further issuance will likely result in increased demand that will equal or exceed the treatment and/or transmission capacity of the water system.

4. Article XI. Irrigation systems utilizing County water should be properly maintained to maximize efficiency and prevent waste. This new Article allows operation of irrigation systems when otherwise prohibited if being serviced by a professional irrigation contractor. UCPW can register such contractors and provide them with signage designed to indicate that service is being provided. To safeguard against abuse, the sign must be posted at the entrance to the property during such time, and only such time, as maintenance is being provided; the contractor must remain on-site at all times that the system is operated; and UCPW can verify both that the contractor is legitimate and that the maintenance is necessary. Violation by a contractor results in a civil penalty of \$500 and loss of the opportunity afforded pursuant to the new Article to operate systems for maintenance when such use would otherwise be prohibited.

5. There are also a number of technical modifications.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

WATER CONSERVATION ORDINANCE

AN ORDINANCE PROVIDING FOR CONSERVATION OF WATER AND RESTRICTIONS ON THE USE OF WATER DURING A WATER SHORTAGE OR IMPENDING WATER SHORTAGE

BE IT ORDAINED by the Union County Board of Commissioners that water conservation is deemed to be necessary when water demand by customers connected to the Union County water system reaches the point where continued or increased demand will equal or exceed the treatment and/or transmission capacity of the system or portions thereof. When water demand results in the condition whereby customers cannot be supplied with adequate water to protect their health, safety, or property, then the demand must be substantially curtailed to relieve the water shortage. The restrictions imposed pursuant to this Ordinance shall apply only to potable water supplied through the Union County water system, and not to reuse or reclaimed water. In addition to the water conservation measures set out herein, Union County may also establish a rate structure that increases the cost for potable water commensurate with the escalation of water shortage conditions.

Article I

Declaration of Water Shortage

Section I: Applicability of Ordinance

In the event (i) it appears there is a sustained demand of 80% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage I Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain water use restrictions by Union County, then in either such event the Director of the Union County Public Works Department, hereinafter referred to as the "Director," may recommend to the County Manager that water conservation measures be implemented, and the County Manager, following consultation with the Board of Commissioners, may declare a Stage I Water Shortage Condition. The County Manager, following consultation with the Board of Commissioners, may, with or without the recommendation of the Director, declare that a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition exists and require mandatory conservation measures upon occurrence of any conditions precedent for declaring such Condition, as hereinafter set forth. In declaring any Water Shortage Condition pursuant to this Ordinance, the County Manager may limit the applicability of the requirements of this Ordinance to certain sections of the County, whether by township or other description. For purposes of this Ordinance, the phrase "following consultation with the Board of Commissioners" shall mean consultation during a regular or special meeting of the Board of Commissioners when possible, but where delay would endanger the public health, safety, or welfare, as determined by the County Manager, such consultation

may be made by the County Manager with members of the Board of Commissioners on an individual basis outside the confines of a formal meeting. The County Manager shall report the declaration of a Water Shortage Condition to the Board at its next regular meeting.

The declaration of a Water Shortage Condition becomes effective immediately upon issuance by the County Manager, unless otherwise stated in such declaration. Upon declaration of any stage of Water Shortage Condition, the County Manager shall issue press releases to local television, radio and/or print media to inform the public of the voluntary and/or mandatory water use restrictions. Upon declaration of a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition, the County Manager shall also cause notice of such restrictions to be either inserted into customers' water bills or separately mailed to customers as soon as reasonably practicable.

Article II
Stage I Water Shortage Condition

Section I

In the event a Stage I Water Shortage Condition is declared, the following guidelines shall apply:

- a. An extensive publicity campaign will be initiated using public media to inform the public of an impending or existing water shortage.
- b. Conservation measures will be encouraged and recommended.
- c. Transport of water outside of Union County will be limited.

Section II

In the event a Stage I Water Shortage Condition is declared, the public shall be encouraged to adhere to the following voluntary conservation measures:

- a. Limit car washing to the minimum.
- b. Limit lawn and garden watering to that which is necessary for plants to survive.
- c. Do not wash down outside areas such as sidewalks, patios, parking lots, service bays or aprons, etc.
- d. Do not leave faucets running while shaving or rinsing dishes.
- e. Water shrubbery to the minimum required, reusing household water when

possible.

- f. Limit use of clothes washers and dish washers and when used, operate fully loaded.
- g. Use of showers for bathing, rather than bathtub, and limit showers to no more than four (4) minutes.
- h. Limit flushing of toilets by multiple usage.
- i. The use of disposable and biodegradable dishes is encouraged.
- j. The use of flow-restrictive and water-saving devices is encouraged.
- k. Limit hours of operation of water-cooled air conditioners.
- l. All residents, businesses, and institutions are requested to temporarily delay new landscape work until the water shortage has ended.
- m. Use only hoses with spring-activated nozzles when watering lawns and gardens.

Section III

The following mandatory water conservation restriction shall apply during a Stage I Water Shortage Condition in addition to the voluntary conservation measures encouraged in Article II, Section II above.

In the event the County Manager issues a declaration of a Stage I Water Shortage Condition, it shall be unlawful for any person, firm or corporation to transport water outside of Union County, where such water has been drawn by tanker truck from a hydrant of the Union County water system; provided, however, that transport outside of Union County shall be allowed for emergency fire protection and for bona fide farm purposes. As used in this Ordinance, the use of water for "bona fide farm purposes" shall include use for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Article III

Stage II Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage II Mandatory Water

Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system in a manner inconsistent with the declaration until such time as the declaration of a Stage II Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage II Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage I Water Shortage Condition declaration is ineffective in adequately reducing demand; (ii) maintenance of the system (whether preventive or breakdown maintenance, or due to an event of force majeure) requires a reduction in demand; (iii) mandatory restrictions are required to comply with any permit for the system issued by applicable state or federal authorities; (iv) sustained water demand exceeds 90% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (v) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 2 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then upon occurrence of any such event the County Manager may issue a declaration that a Stage II Mandatory Water Shortage Condition exists. Such declaration may prohibit any one or more of the types of water uses regulated under a Stage I, Stage III, or Stage IV Water Shortage Condition, provided that the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address. After consultation with the Board, the County Manager may also take such other measures as deemed necessary to give effect to the intent of this Ordinance.

Article IV

Stage III Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage III Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of a Stage III Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage III Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply

capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage II Mandatory Water Shortage Condition is in effect and the system demand for water continues to exceed capacity of the water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 3 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Watauga Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage III Mandatory Water Shortage Condition may be declared. In addition to any voluntary and mandatory guidelines already in effect, it shall be unlawful to use water supplied by the Union County water system in the following manner:

- a. To water lawns; provided that shrubbery, trees, flowers and vegetable gardens may be watered by hand or by drip irrigation;
- b. To conduct residential vehicle washing;
- c. To wash public buildings, sidewalks, and streets, except as required for safety and/or to maintain regulatory compliance;
- d. To use water for dust control during construction;
- e. To conduct flushing or hydrant testing programs, except to maintain water quality or other special circumstances approved by the Director in advance;
- f. To fill new swimming pools; and
- g. To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.

Notwithstanding the prohibitions on use stated above, the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may allow one or more such uses ~~one (1) on a limited basis not more frequently than two (2) days~~ per week if (i) stated in the original declaration of a Stage III Mandatory Water Shortage Condition, or in any amendment thereto; and (ii) consistent with the Stage 3 Low Inflow Condition declared by Duke Energy Carolinas, LLC, when such Condition is in effect. When allowing one or more such uses one (1) day or two (2) days per week, the County Manager may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address.

Article V
Stage IV Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage IV Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a water shortage condition, consideration shall be given, as applicable, to water storage levels and available sources of supply, available usable storage on hand, draw-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage III Mandatory Water Shortage Condition is in effect and demand for water continues to exceed capacity of the water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 4 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage IV Mandatory Water Shortage Condition may be declared. In addition to the restrictions for Stage I, Stage II, and Stage III Water Shortage Conditions, the following restrictions shall also apply:

- a. Fire protection shall be maintained by drafting of ponds, rivers, etc..., wherever possible.
- b. The use of throw-away utensils and plates is encouraged and recommended at all eating establishments.
- c. It shall be unlawful to use water supplied by the Union County water system in the following manner:
 - (i) To induce water into any pool;
 - (ii) To use water outside a structure for any use other than an emergency involving a fire;
 - (iii) To operate an evaporative air conditioner which recycles water except during operating hours of business; and

- (iv) To use water for road construction practices, i.e. compaction and washing.

Article VI

Section I: Lifting of Restrictions Imposed During a Water Shortage

- a. Water Shortage Conditions will expire when the County Manager, after consultation with the Board of Commissioners and upon recommendation of the Director, deems that the condition which caused the water shortage condition has abated.
- b. The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

Article VII

Section I: Enforcement

- a. Compliance with the provisions of this Ordinance shall be enforced by personnel of the Union County Public Works Department, hereinafter referred to as "UCPW," independent contractors engaged by UCPW for such purpose, and such other personnel as designated by the County Manager.
- b. The use of water from the Union County water system by a customer in violation of any mandatory water conservation control imposed pursuant to this Ordinance is unlawful. For purposes of this Ordinance, the term "customer" shall mean any person or entity in whose name UCPW maintains an account for water use. Further, the refusal or failure of a customer or other person acting on the customer's behalf to cease immediately a violation of a water conservation control, after being directed to do so by a person authorized to enforce the provisions of this Ordinance, is unlawful. Each customer is responsible for any use of water that passes through the service connection associated with the customer's account or otherwise passes through the customer's private water system.
- c. Any customer who violates or permits the violation of any mandatory water conservation control imposed pursuant to this Ordinance shall be subject to civil penalties as follows: (i) a warning for the first ~~offense~~violation; (ii) a civil penalty in the amount of one hundred dollars (\$100) for the second ~~offense~~violation; (iii) a civil penalty in the amount of five hundred dollars (\$500) for the third and fourth ~~offenses~~violations; and (iv) a civil penalty in the amount of one thousand dollars (\$1,000) for the fifth and each subsequent ~~offense~~violation. Each day that a violation of a mandatory water conservation control occurs or continues to occur after delivery of notice pursuant to subsection (g) below shall be considered to be a separate and distinct ~~offense~~violation.

- d. Violations shall be accumulated by customers so long as this Ordinance, in any of its stages, is continuously in effect and until no stage of this Ordinance has been in effect for a period of one (1) calendar year on a calendar year basis for purposes of accrual of civil penalties. For example, a second violation by a customer during a calendar year shall result in a civil penalty of one hundred dollars (\$100), but the next subsequent violation, if incurred by that same customer during the following calendar year, shall result in a warning for first violation. Notwithstanding the foregoing, the customer shall remain liable for payment of all civil penalties regardless of when accrued. Violations of any mandatory water conservation control of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein a calendar year, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.
- e. Each civil penalty associated with a second or third violation and assessed against a customer pursuant to this Ordinance shall be added to the customer's water bill and shall be paid in the same manner as the payment of water bills. A customer's partial payment of a water bill shall be applied first to satisfaction of the civil penalties. Failure to pay all or any portion of a water bill, including any civil penalty assessed pursuant to this Ordinance, by the due date indicated on the bill may result in the termination of water service.
- Each civil penalty associated with a fourth or subsequent violation and assessed against a customer pursuant to this Ordinance shall be added to the customer's water bill, but shall be payable within ten (10) calendar days of delivery of notice of violation. Failure to pay all or any portion of a civil penalty assessed pursuant to this Ordinance by the tenth day following delivery of the notice of violation shall result in termination of water service, unless such action is stayed pending appeal.
- f. The violation of any water conservation control or provision of this Ordinance may be enforced by all remedies authorized by law for noncompliance with county ordinances, including without limitation the assessment of a civil penalty and action for injunction, order of abatement or other equitable relief; provided, however, that no violation of any water conservation control or provision of this Ordinance shall be a basis for imposing any criminal remedy. The Board of Commissioners may release billing information, as such term is defined in N.C.G.S. 132-1.1(c), of customers who violate, or have violated, the provisions of this Ordinance, when the Board in its sole discretion and acting pursuant to N.C.G.S. 132-1.1(c)(2), determines that the release of such billing information during times of mandatory water conservation is necessary to assist Union County to maintain the integrity and quality of services it provides.
- g. UCPW shall send notice of violation first, second, and third violations to the customer by regular U.S. mail at the customer's billing address on file with UCPW. Such notice shall

be deemed to have been delivered three days from the date mailed. In the event of a fourth or subsequent ~~offense~~violation, UCPW shall send notice of intent to terminate water service by regular U.S. mail and by certified mail, return receipt requested, to the customer's billing address on file with UCPW. Such notice shall be deemed to have been delivered on the earlier of (i) three days from the date of mailing by regular U.S. mail, or (ii) the date indicated on the return receipt.

h. The notice of violation shall specify the following:

- (i) The nature of the violation and the date and time it occurred;
- (ii) The method by which payment of any civil penalty may be paid, including a statement indicating that it will be included on the customer's next water bill;
- (iii) A warning that additional or continued violations may result in increased penalties, including termination of water service;
- (iv) A warning that failure to pay a water bill, including any civil penalty assessed pursuant to this Ordinance, may result in termination of water service;
- (v) The telephone number at UCPW where the customer may direct any questions or comments; and
- (vi) ~~In the event of notice of intent to terminate water service for violation of this Ordinance in accordance with Article VIII, information about how to appeal a pending termination.~~Information indicating the manner in which the customer may appeal a violation pursuant to Article VII, Section 1(i) or appeal a pending termination pursuant to Article VIII.

i. A customer who receives a notice of violation for a first, second, or third violation may appeal the violation by written notice to UCPW indicating through supporting documentation the factual basis for the customer's position that either (i) the violation was issued in error, or (ii) the customer had no opportunity to prevent the violation. The appeal must be delivered to UCPW at the specified address within fifteen (15) calendar days of delivery of the notice of violation. The Director or his/her designee shall conduct such review of the appeal as may be necessary to determine whether the documentation provided by the customer supports the customer's assertion that the violation was issued in error or the customer had no opportunity to prevent the violation. The Director or his/her designee shall respond in writing within twenty (20) business days of receipt of the appeal.

Article VIII

Section I: Discontinuance of Service

In addition to the payment of any civil penalty assessed pursuant to Article VII of this Ordinance, a customer shall be subject to termination or restriction of water service following four (4) or more violations of any water conservation controls imposed pursuant to this

Ordinance. Water service will not be restored at such service connection until the customer pays all the customer's outstanding obligations, including, without limitation, all charges for water service, all civil penalties and other fees charged in accordance with the provisions of this Ordinance, and the current disconnect processing fee. In the event water service is terminated a second time for violations pertaining to use of water obtained by the customer through an irrigation meter, service to such irrigation meter shall remain terminated ~~until no stage of this Ordinance has been in effect for a period~~ for the remainder of ~~one (1) the~~ calendar year.

A customer who receives a notice of violation for a fourth or subsequent violation indicating that the customer's water service is subject to termination pursuant to this Article may appeal the pending termination by filing a written notice of appeal with the Director or his or her designee. The notice of appeal must be delivered to the Director or his/her designee within ~~five ten (510) business calendar~~ days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within ~~thirteen (310) business~~ days of receipt of the notice of appeal, or by such other date as mutually agreed upon by the Director, or his/her designee, and the customer.

Article IX

The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems. By January 1, 2008, all irrigation systems equipped with a timer shall be equipped with rain sensors as approved by UCPW. Rain sensors shall be activated to prevent the system from operating after one fourth (1/4) inch of rain has fallen.

Article X

UCPW is authorized to issue variances in accordance with this Article permitting any customer satisfying the requirements of this Article to use water for a purpose that would otherwise be prohibited by water conservation controls then in effect. During any period that declaration of a Stage II or Stage III Water Shortage Condition is in effect, UCPW may issue variances provided that each of the following conditions is satisfied: (i) the customer applies for a variance using forms provided by UCPW; (ii) the customer pays a variance registration fee in such amount as determined by the Director, not to exceed twenty-five dollars (\$25.00); (iii) the application pertains to a new lawn and/or landscape installed incident to new construction; (iv) the customer applies for a variance either before issuance of a certificate of occupancy or within ninety (90) days after issuance of a certificate of occupancy relative to this new construction; and (v) the customer submits with the application such supporting documentation as required by UCPW to substantiate that these conditions have been satisfied.

Upon receipt of a variance from UCPW, the customer may be permitted to water such newly installed lawn and/or landscape for a period not to exceed forty-five (45) days from the date of issuance of the variance. During the period that the variance is in effect, the customer

shall post signage provided by UCPW to signify the customer's temporary exempt status from water conservation controls otherwise in effect. The customer shall post such sign within two (2) feet of the driveway entrance. In any variance issued pursuant to this Article, UCPW may impose such conditions and restrictions as are appropriate to require that water used from the Union County water system be minimized to the extent practical. Variances issued pursuant to this Article shall terminate upon the earlier occurrence of the following: (i) forty-five (45) days from the date of issuance; or (ii) declaration by the County Manager pursuant to Article V, Section I, of a Stage IV Mandatory Water Shortage Condition. In addition, the County Manager may direct that UCPW cease issuance of new variances in the event it is determined that further issuance will likely result in increased demand that will equal or exceed the treatment and/or transmission capacity of the system or portions thereof.

Any customer receiving a variance pursuant to this Article who violates the terms thereof shall be subject to a civil penalty pursuant to Article VII, Section 1(c), and to revocation of the variance. Any person who has violated the term of any variance issued pursuant to this Article or any mandatory water conservation control imposed pursuant to this Ordinance may be denied a variance, notwithstanding any provision of this Article to the contrary.

Article XI

Union County recognizes that irrigation systems utilizing water from the Union County water system should be properly maintained in order to maximize efficiency and prevent waste. During the period that a Stage II or Stage III Mandatory Water Shortage Condition is in effect, irrigation systems may be operated on such days and at such times as would otherwise be prohibited, provided that all of the following requirements are satisfied.

- a. Such operation must be incident to bona fide maintenance and/or repair of an existing irrigation system performed by a professional irrigation contractor in the business of performing such work. UCPW may require registration of such contractors, and may require on a given project that the contractor establish, to the satisfaction of UCPW, the need for such maintenance or repair.
- b. The irrigation contractor shall post signage provided by UCPW at the drive entrance to the property during such time, and only such time, that maintenance and/or repair services are being provided. Such signs shall be at all times the property of UCPW, and UCPW may charge a reasonable fee for provision of signs. The irrigation contractor shall not transfer, loan, or otherwise allow use of UCPW signs by anyone other than employees of the irrigation contractor and shall immediately report any lost or stolen signs to UCPW.
- c. The irrigation contractor shall remain on-site at all times while the irrigation system is in operation for maintenance and/or repair.

Any irrigation contractor who violates the requirements of this Article shall be subject to a civil penalty in the amount of five hundred dollars (\$500) and shall forfeit the opportunity afforded pursuant to this Article to provide maintenance and/or repair of irrigation systems during dates and times that watering is prohibited by a Stage II or Stage III Mandatory Water Shortage Condition declaration. In the event an irrigation contractor fails to comply with these requirements, UCPW shall send notice of violation indicating imposition of the civil penalty and demanding return of the UCPW signs assigned to him. Such notice shall be sent by certified mail, return receipt requested, to the contractor's billing address on file with UCPW. An irrigation contractor who receives a notice of violation may appeal such decision by filing a written notice of appeal with the Director or his or her designee. The notice of appeal must be delivered to the Director or his/her designee within ten (10) calendar days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within ten (10) business days of receipt of the notice of appeal, or by such other date as mutually agreed upon by the Director, or his/her designee, and the contractor.

Article XII

Section I: Severability

If any section, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause or provision so adjudged, and the remainder of this Ordinance may be declared valid once effective.

Article XIXIII

Section I: Effective Date

This Ordinance originally became effective on July 13, 1992. It was subsequently amended and restated effective on the following dates: (i) August 5, 2002; (ii) June 4, 2007; (iii) October 15, 2007; (iv) November 5, 2007; ~~and (v) April 7, 2008–2008; and May 5, 2008.~~ In addition, the Ordinance was amended without restatement on January 20, 2009.

This ~~sixth~~seventh amendment and restatement of this Ordinance shall become effective ~~upon adoption by the Board of Commissioners on May 5, 2008~~6, 2009 (the "Effective Date"). The Ordinance is restated in this manner solely to facilitate review by the reader by obviating the need to integrate multiple documents. Any declaration of a Water Shortage Condition made prior to the Effective Date and not rescinded shall remain in full force and effect. Though amended, this Ordinance shall be deemed to be continuously in effect such that enforcement of violations committed prior to the Effective Date shall continue unaffected. Pursuant to Article VII, Section 1(d), the first violation by a customer committed on or after January 1, 2009, shall be deemed the first violation of the calendar year for purposes of accrual of civil penalties; provided, however, that the customer shall remain liable for payment of all civil penalties assessed but unpaid.

Document comparison done by DeltaView on Wednesday, April 01, 2009 12:16:16 PM

Input:	
Document 1	file://C:/Documents and Settings/crook/My Documents/Documents/Central Administration/Ordinances/Water Conservation/2008 Amendments/Final - UC Legal Draft6 (appvd. by BOC on 5.5.08).doc
Document 2	file://C:/Documents and Settings/crook/My Documents/Documents/Central Administration/Ordinances/Water Conservation/2009/UC Legal (Sent to BOC 4.6.09).doc
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	41
Deletions	25
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	66

WATER CONSERVATION ORDINANCE

AN ORDINANCE PROVIDING FOR CONSERVATION OF WATER AND RESTRICTIONS ON THE USE OF WATER DURING A WATER SHORTAGE OR IMPENDING WATER SHORTAGE

BE IT ORDAINED by the Union County Board of Commissioners that water conservation is deemed to be necessary when water demand by customers connected to the Union County water system reaches the point where continued or increased demand will equal or exceed the treatment and/or transmission capacity of the system or portions thereof. When water demand results in the condition whereby customers cannot be supplied with adequate water to protect their health, safety, or property, then the demand must be substantially curtailed to relieve the water shortage. The restrictions imposed pursuant to this Ordinance shall apply only to potable water supplied through the Union County water system, and not to reuse or reclaimed water. In addition to the water conservation measures set out herein, Union County may also establish a rate structure that increases the cost for potable water commensurate with the escalation of water shortage conditions.

Article I

Declaration of Water Shortage

Section I: Applicability of Ordinance

In the event (i) it appears there is a sustained demand of 80% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 1 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain water use restrictions by Union County, then in either such event the Director of the Union County Public Works Department, hereinafter referred to as the "Director," may recommend to the County Manager that water conservation measures be implemented, and the County Manager, following consultation with the Board of Commissioners, may declare a Stage I Water Shortage Condition. The County Manager, following consultation with the Board of Commissioners, may, with or without the recommendation of the Director, declare that a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition exists and require mandatory conservation measures upon occurrence of any conditions precedent for declaring such Condition, as hereinafter set forth. In declaring any Water Shortage Condition pursuant to this Ordinance, the County Manager may limit the applicability of the requirements of this Ordinance to certain sections of the County, whether by township or other description. For purposes of this Ordinance, the phrase "following consultation with the Board of Commissioners" shall mean consultation during a regular or special meeting of the Board of Commissioners when possible, but where delay would endanger the public health, safety, or welfare, as determined by the County Manager, such consultation

may be made by the County Manager with members of the Board of Commissioners on an individual basis outside the confines of a formal meeting. The County Manager shall report the declaration of a Water Shortage Condition to the Board at its next regular meeting.

The declaration of a Water Shortage Condition becomes effective immediately upon issuance by the County Manager, unless otherwise stated in such declaration. Upon declaration of any stage of Water Shortage Condition, the County Manager shall issue press releases to local television, radio and/or print media to inform the public of the voluntary and/or mandatory water use restrictions. Upon declaration of a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition, the County Manager shall also cause notice of such restrictions to be either inserted into customers' water bills or separately mailed to customers as soon as reasonably practicable.

Article II
Stage I Water Shortage Condition

Section I

In the event a Stage I Water Shortage Condition is declared, the following guidelines shall apply:

- a. An extensive publicity campaign will be initiated using public media to inform the public of an impending or existing water shortage.
- b. Conservation measures will be encouraged and recommended.
- c. Transport of water outside of Union County will be limited.

Section II

In the event a Stage I Water Shortage Condition is declared, the public shall be encouraged to adhere to the following voluntary conservation measures:

- a. Limit car washing to the minimum.
- b. Limit lawn and garden watering to that which is necessary for plants to survive.
- c. Do not wash down outside areas such as sidewalks, patios, parking lots, service bays or aprons, etc.
- d. Do not leave faucets running while shaving or rinsing dishes.
- e. Water shrubbery to the minimum required, reusing household water when

possible.

- f. Limit use of clothes washers and dish washers and when used, operate fully loaded.
- g. Use of showers for bathing, rather than bathtub, and limit showers to no more than four (4) minutes.
- h. Limit flushing of toilets by multiple usage.
- i. The use of disposable and biodegradable dishes is encouraged.
- j. The use of flow-restrictive and water-saving devices is encouraged.
- k. Limit hours of operation of water-cooled air conditioners.
- l. All residents, businesses, and institutions are requested to temporarily delay new landscape work until the water shortage has ended.
- m. Use only hoses with spring-activated nozzles when watering lawns and gardens.

Section III

The following mandatory water conservation restriction shall apply during a Stage I Water Shortage Condition in addition to the voluntary conservation measures encouraged in Article II, Section II above.

In the event the County Manager issues a declaration of a Stage I Water Shortage Condition, it shall be unlawful for any person, firm or corporation to transport water outside of Union County, where such water has been drawn by tanker truck from a hydrant of the Union County water system; provided, however, that transport outside of Union County shall be allowed for emergency fire protection and for bona fide farm purposes. As used in this Ordinance, the use of water for “bona fide farm purposes” shall include use for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Article III Stage II Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage II Mandatory Water

Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system in a manner inconsistent with the declaration until such time as the declaration of a Stage II Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage II Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage I Water Shortage Condition declaration is ineffective in adequately reducing demand; (ii) maintenance of the system (whether preventive or breakdown maintenance, or due to an event of force majeure) requires a reduction in demand; (iii) mandatory restrictions are required to comply with any permit for the system issued by applicable state or federal authorities; (iv) sustained water demand exceeds 90% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (v) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 2 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then upon occurrence of any such event the County Manager may issue a declaration that a Stage II Mandatory Water Shortage Condition exists. Such declaration may prohibit any one or more of the types of water uses regulated under a Stage I, Stage III, or Stage IV Water Shortage Condition, provided that the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address. After consultation with the Board, the County Manager may also take such other measures as deemed necessary to give effect to the intent of this Ordinance.

Article IV

Stage III Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage III Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of a Stage III Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage III Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply

capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage II Mandatory Water Shortage Condition is in effect and the system demand for water continues to exceed capacity of the water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 3 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage III Mandatory Water Shortage Condition may be declared. In addition to any voluntary and mandatory guidelines already in effect, it shall be unlawful to use water supplied by the Union County water system in the following manner:

- a. To water lawns; provided that shrubbery, trees, flowers and vegetable gardens may be watered by hand or by drip irrigation;
- b. To conduct residential vehicle washing;
- c. To wash public buildings, sidewalks, and streets, except as required for safety and/or to maintain regulatory compliance;
- d. To use water for dust control during construction;
- e. To conduct flushing or hydrant testing programs, except to maintain water quality or other special circumstances approved by the Director in advance;
- f. To fill new swimming pools; and
- g. To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.

Notwithstanding the prohibitions on use stated above, the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may allow one or more such uses on a limited basis not more frequently than two (2) days per week if (i) stated in the original declaration of a Stage III Mandatory Water Shortage Condition, or in any amendment thereto; and (ii) consistent with the Stage 3 Low Inflow Condition declared by Duke Energy Carolinas, LLC, when such Condition is in effect. When allowing one or more such uses one (1) day or two (2) days per week, the County Manager may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address.

Article V
Stage IV Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage IV Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a water shortage condition, consideration shall be given, as applicable, to water storage levels and available sources of supply, available usable storage on hand, draw-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage III Mandatory Water Shortage Condition is in effect and demand for water continues to exceed capacity of the water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 4 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage IV Mandatory Water Shortage Condition may be declared. In addition to the restrictions for Stage I, Stage II, and Stage III Water Shortage Conditions, the following restrictions shall also apply:

- a. Fire protection shall be maintained by drafting of ponds, rivers, etc..., wherever possible.
- b. The use of throw-away utensils and plates is encouraged and recommended at all eating establishments.
- c. It shall be unlawful to use water supplied by the Union County water system in the following manner:
 - (i) To induce water into any pool;
 - (ii) To use water outside a structure for any use other than an emergency involving a fire;
 - (iii) To operate an evaporative air conditioner which recycles water except during operating hours of business; and

- (iv) To use water for road construction practices, i.e. compaction and washing.

Article VI

Section I: Lifting of Restrictions Imposed During a Water Shortage

- a. Water Shortage Conditions will expire when the County Manager, after consultation with the Board of Commissioners and upon recommendation of the Director, deems that the condition which caused the water shortage condition has abated.
- b. The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

Article VII

Section I: Enforcement

- a. Compliance with the provisions of this Ordinance shall be enforced by personnel of the Union County Public Works Department, hereinafter referred to as "UCPW," independent contractors engaged by UCPW for such purpose, and such other personnel as designated by the County Manager.
- b. The use of water from the Union County water system by a customer in violation of any mandatory water conservation control imposed pursuant to this Ordinance is unlawful. For purposes of this Ordinance, the term "customer" shall mean any person or entity in whose name UCPW maintains an account for water use. Further, the refusal or failure of a customer or other person acting on the customer's behalf to cease immediately a violation of a water conservation control, after being directed to do so by a person authorized to enforce the provisions of this Ordinance, is unlawful. Each customer is responsible for any use of water that passes through the service connection associated with the customer's account or otherwise passes through the customer's private water system.
- c. Any customer who violates or permits the violation of any mandatory water conservation control imposed pursuant to this Ordinance shall be subject to civil penalties as follows: (i) a warning for the first violation; (ii) a civil penalty in the amount of one hundred dollars (\$100) for the second violation; (iii) a civil penalty in the amount of five hundred dollars (\$500) for the third and fourth violations; and (iv) a civil penalty in the amount of one thousand dollars (\$1,000) for the fifth and each subsequent violation. Each day that a violation of a mandatory water conservation control occurs or continues to occur after delivery of notice pursuant to subsection (g) below shall be considered to be a separate and distinct violation.

- d. Violations shall be accumulated by customers on a calendar year basis for purposes of accrual of civil penalties. For example, a second violation by a customer during a calendar year shall result in a civil penalty of one hundred dollars (\$100), but the next subsequent violation, if incurred by that same customer during the following calendar year, shall result in a warning for first violation. Notwithstanding the foregoing, the customer shall remain liable for payment of all civil penalties regardless of when accrued. Violations of any mandatory water conservation control of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during a calendar year, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.
- e. Each civil penalty associated with a second or third violation and assessed against a customer pursuant to this Ordinance shall be added to the customer's water bill and shall be paid in the same manner as the payment of water bills. A customer's partial payment of a water bill shall be applied first to satisfaction of the civil penalties. Failure to pay all or any portion of a water bill, including any civil penalty assessed pursuant to this Ordinance, by the due date indicated on the bill may result in the termination of water service.

Each civil penalty associated with a fourth or subsequent violation and assessed against a customer pursuant to this Ordinance shall be added to the customer's water bill, but shall be payable within ten (10) calendar days of delivery of notice of violation. Failure to pay all or any portion of a civil penalty assessed pursuant to this Ordinance by the tenth day following delivery of the notice of violation shall result in termination of water service, unless such action is stayed pending appeal.

- f. The violation of any water conservation control or provision of this Ordinance may be enforced by all remedies authorized by law for noncompliance with county ordinances, including without limitation the assessment of a civil penalty and action for injunction, order of abatement or other equitable relief; provided, however, that no violation of any water conservation control or provision of this Ordinance shall be a basis for imposing any criminal remedy. The Board of Commissioners may release billing information, as such term is defined in N.C.G.S. 132-1.1(c), of customers who violate, or have violated, the provisions of this Ordinance, when the Board in its sole discretion and acting pursuant to N.C.G.S. 132-1.1(c)(2), determines that the release of such billing information during times of mandatory water conservation is necessary to assist Union County to maintain the integrity and quality of services it provides.
- g. UCPW shall send notice of first, second, and third violations to the customer by regular U.S. mail at the customer's billing address on file with UCPW. Such notice shall be deemed to have been delivered three days from the date mailed. In the event of a fourth or subsequent violation, UCPW shall send notice of intent to terminate water service by

regular U.S. mail and by certified mail, return receipt requested, to the customer's billing address on file with UCPW. Such notice shall be deemed to have been delivered on the earlier of (i) three days from the date of mailing by regular U.S. mail, or (ii) the date indicated on the return receipt.

- h. The notice of violation shall specify the following:
 - (i) The nature of the violation and the date and time it occurred;
 - (ii) The method by which payment of any civil penalty may be paid, including a statement indicating that it will be included on the customer's next water bill;
 - (iii) A warning that additional or continued violations may result in increased penalties, including termination of water service;
 - (iv) A warning that failure to pay a water bill, including any civil penalty assessed pursuant to this Ordinance, may result in termination of water service;
 - (v) The telephone number at UCPW where the customer may direct any questions or comments; and
 - (vi) Information indicating the manner in which the customer may appeal a violation pursuant to Article VII, Section 1(i) or appeal a pending termination pursuant to Article VIII.

- i. A customer who receives a notice of violation for a first, second, or third violation may appeal the violation by written notice to UCPW indicating through supporting documentation the factual basis for the customer's position that either (i) the violation was issued in error, or (ii) the customer had no opportunity to prevent the violation. The appeal must be delivered to UCPW at the specified address within fifteen (15) calendar days of delivery of the notice of violation. The Director or his/her designee shall conduct such review of the appeal as may be necessary to determine whether the documentation provided by the customer supports the customer's assertion that the violation was issued in error or the customer had no opportunity to prevent the violation. The Director or his/her designee shall respond in writing within twenty (20) business days of receipt of the appeal.

Article VIII

Section I: Discontinuance of Service

In addition to the payment of any civil penalty assessed pursuant to Article VII of this Ordinance, a customer shall be subject to termination or restriction of water service following four (4) or more violations of any water conservation controls imposed pursuant to this Ordinance. Water service will not be restored at such service connection until the customer pays all the customer's outstanding obligations, including, without limitation, all charges for water service, all civil penalties and other fees charged in accordance with the provisions of this Ordinance, and the current disconnect processing fee. In the event water service is terminated a

second time for violations pertaining to use of water obtained by the customer through an irrigation meter, service to such irrigation meter shall remain terminated for the remainder of the calendar year.

A customer who receives a notice of violation for a fourth or subsequent violation indicating that the customer's water service is subject to termination pursuant to this Article may appeal the pending termination by filing a written notice of appeal with the Director or his or her designee. The notice of appeal must be delivered to the Director or his/her designee within ten (10) calendar days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within ten (10) business days of receipt of the notice of appeal, or by such other date as mutually agreed upon by the Director, or his/her designee, and the customer.

Article IX

The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems. By January 1, 2008, all irrigation systems equipped with a timer shall be equipped with rain sensors as approved by UCPW. Rain sensors shall be activated to prevent the system from operating after one fourth (1/4) inch of rain has fallen.

Article X

UCPW is authorized to issue variances in accordance with this Article permitting any customer satisfying the requirements of this Article to use water for a purpose that would otherwise be prohibited by water conservation controls then in effect. During any period that declaration of a Stage II or Stage III Water Shortage Condition is in effect, UCPW may issue variances provided that each of the following conditions is satisfied: (i) the customer applies for a variance using forms provided by UCPW; (ii) the customer pays a variance registration fee in such amount as determined by the Director, not to exceed twenty-five dollars (\$25.00); (iii) the application pertains to a new lawn and/or landscape installed incident to new construction; (iv) the customer applies for a variance either before issuance of a certificate of occupancy or within ninety (90) days after issuance of a certificate of occupancy relative to this new construction; and (v) the customer submits with the application such supporting documentation as required by UCPW to substantiate that these conditions have been satisfied.

Upon receipt of a variance from UCPW, the customer may be permitted to water such newly installed lawn and/or landscape for a period not to exceed forty-five (45) days from the date of issuance of the variance. During the period that the variance is in effect, the customer shall post signage provided by UCPW to signify the customer's temporary exempt status from water conservation controls otherwise in effect. The customer shall post such sign within two (2) feet of the driveway entrance. In any variance issued pursuant to this Article, UCPW may impose such conditions and restrictions as are appropriate to require that water used from the

Union County water system be minimized to the extent practical. Variances issued pursuant to this Article shall terminate upon the earlier occurrence of the following: (i) forty-five (45) days from the date of issuance; or (ii) declaration by the County Manager pursuant to Article V, Section I, of a Stage IV Mandatory Water Shortage Condition. In addition, the County Manager may direct that UCPW cease issuance of new variances in the event it is determined that further issuance will likely result in increased demand that will equal or exceed the treatment and/or transmission capacity of the system or portions thereof.

Any customer receiving a variance pursuant to this Article who violates the terms thereof shall be subject to a civil penalty pursuant to Article VII, Section 1(c), and to revocation of the variance. Any person who has violated the term of any variance issued pursuant to this Article or any mandatory water conservation control imposed pursuant to this Ordinance may be denied a variance, notwithstanding any provision of this Article to the contrary.

Article XI

Union County recognizes that irrigation systems utilizing water from the Union County water system should be properly maintained in order to maximize efficiency and prevent waste. During the period that a Stage II or Stage III Mandatory Water Shortage Condition is in effect, irrigation systems may be operated on such days and at such times as would otherwise be prohibited, provided that all of the following requirements are satisfied.

- a. Such operation must be incident to bona fide maintenance and/or repair of an existing irrigation system performed by a professional irrigation contractor in the business of performing such work. UCPW may require registration of such contractors, and may require on a given project that the contractor establish, to the satisfaction of UCPW, the need for such maintenance or repair.
- b. The irrigation contractor shall post signage provided by UCPW at the drive entrance to the property during such time, and only such time, that maintenance and/or repair services are being provided. Such signs shall be at all times the property of UCPW, and UCPW may charge a reasonable fee for provision of signs. The irrigation contractor shall not transfer, loan, or otherwise allow use of UCPW signs by anyone other than employees of the irrigation contractor and shall immediately report any lost or stolen signs to UCPW.
- c. The irrigation contractor shall remain on-site at all times while the irrigation system is in operation for maintenance and/or repair.

Any irrigation contractor who violates the requirements of this Article shall be subject to a civil penalty in the amount of five hundred dollars (\$500) and shall forfeit the opportunity afforded pursuant to this Article to provide maintenance and/or repair of irrigation systems during dates and times that watering is prohibited by a Stage II or Stage III Mandatory Water

Shortage Condition declaration. In the event an irrigation contractor fails to comply with these requirements, UCPW shall send notice of violation indicating imposition of the civil penalty and demanding return of the UCPW signs assigned to him. Such notice shall be sent by certified mail, return receipt requested, to the contractor's billing address on file with UCPW. An irrigation contractor who receives a notice of violation may appeal such decision by filing a written notice of appeal with the Director or his or her designee. The notice of appeal must be delivered to the Director or his/her designee within ten (10) calendar days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within ten (10) business days of receipt of the notice of appeal, or by such other date as mutually agreed upon by the Director, or his/her designee, and the contractor.

Article XII

Section I: Severability

If any section, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause or provision so adjudged, and the remainder of this Ordinance may be declared valid once effective.

Article XIII

Section I: Effective Date

This Ordinance originally became effective on July 13, 1992. It was subsequently amended and restated effective on the following dates: (i) August 5, 2002; (ii) June 4, 2007; (iii) October 15, 2007; (iv) November 5, 2007; (v) April 7, 2008; and May 5, 2008. In addition, the Ordinance was amended without restatement on January 20, 2009.

This seventh amendment and restatement of this Ordinance shall become effective on May 6, 2009 (the "Effective Date"). The Ordinance is restated in this manner solely to facilitate review by the reader by obviating the need to integrate multiple documents. Any declaration of a Water Shortage Condition made prior to the Effective Date and not rescinded shall remain in full force and effect. Though amended, this Ordinance shall be deemed to be continuously in effect such that enforcement of violations committed prior to the Effective Date shall continue unaffected. Pursuant to Article VII, Section 1(d), the first violation by a customer committed on or after January 1, 2009, shall be deemed the first violation of the calendar year for purposes of accrual of civil penalties; provided, however, that the customer shall remain liable for payment of all civil penalties assessed but unpaid.



AGENDA ITEM

12
MEETING DATE 4/6/09

for our future

RESOLUTION
To ADOPT/ENDORSE/SUPPORT
The CONNECT Regional Vision and Action Agenda

WHEREAS, the Greater Charlotte Bi-State Region includes 17 counties, 12 in North Carolina and 5 in South Carolina, with a population of 2.4 million which is expected to double by 2030; and

WHEREAS, such major growth benefits economic development and job creation, the management of which is best conducted collaboratively in order to position the region for global competitiveness; and

WHEREAS, such major growth also challenges air quality, water resources, transportation, utility infrastructure and land consumption, all of which are matters of regional concern; and

WHEREAS, the Region has articulated an explicit desire to collaborate on issues of area wide impact; and

WHEREAS, to proactively address growth and quality of life, Centralina and Catawba Regional Councils of Government and the Charlotte Regional Partnership have successfully initiated the CONNECT regional vision process for the Greater Charlotte Bi-state Region; and

WHEREAS, the CONNECT Regional Vision and its prioritized Action Agenda represent the first consensus broad-based policy direction for this bi-State area, enabling future collaboration, widespread policy coordination and a stronger voice for consensus on regional interests; and

WHEREAS, the County of Union agrees that it is both within its desire and in its best interest to support collaborative approaches to sustainable growth, healthy environment, strong economy, high-quality education, and enhanced social engagement;

NOW THEREFORE, BE IT RESOLVED, that the County of Union hereby adopts (endorses/supports) the CONNECT Values, Vision, and Action Agenda as a guide for

the future growth of the region, and agrees to consider the Values/Vision and associated policy options as a guide in their own decision-making about community growth;

AND BE IT FURTHER RESOLVED that the County of Union pledges to undertake the following actions in support of CONNECT:

1. Participation:

- a. Appoint a CONNECT Liaison to be the primary point of contact between the jurisdiction and the CONNECT team;
- b. Participate actively in appropriate cabinets, work groups, and other decision-making bodies as requested, and in the update of CONNECT action plans;
- c. Participate actively in CONNECT workshops and educational offerings about growth and best practices, to enhance the level of public discussion;

2. Communication/Collaboration:

- a. Share copies of plans, policies, initiatives, and successes with the Regional Clearinghouse [to be created];
- b. Notify its neighbors of upcoming plan changes, border matters, major developments, or other issues which may impact them, in a timely manner, through www.cogsconnect.org;

3. Engagement

- a. Assess its current policies, programs, and decision directions in light of the CONNECT vision and values, to provide a baseline from which to work;
- b. Adopt those aspects of the CONNECT Action Agenda that are locally appropriate, and engage with CONNECT staff and peer jurisdictions to collaboratively implement those Actions;
- c. Provide letters of support for grant applications and other fund-raising efforts by the Councils of Government to implement CONNECT
- d. Support development of stable funding sources, including both public and private commitments, to provide for CONNECT Action Agenda implementation and leveraging of grant funds;
- e. Engage local media and citizens in discussions of how multiple community goals can be best achieved through regional collaboration.

Adopted this _____ day of _____, 2008

Chairman/Mayor

Clerk

CONNECT



- A visioning project led by the Centralina and Catawba Regional Councils of Government and the Charlotte Regional Partnership for the Greater Charlotte Bi-State Region
- It **CONNECTS** our member governments, the private sector, the non-profit sector and all stakeholders with an interest in the region's future

Why CONNECT?

Framework for our future

- Our communities are "growing together" so that our jurisdictional boundaries now connect and are less visible to the region's residents.
- Our region is adding over 1.5 million people—virtually doubling the region's population by 2030.
- This kind of growth brings benefits and challenges to us all (traffic, infrastructure issues, loss of green space, how to keep downtowns going)
- To address these problems most effectively, we need to work together collaboratively and doing so requires that we know what we have in common and what we must go to. We need "common ground".
- **CONNECT is... a process for establishing our common ground and building a vision that can provide the basis for collaborative action, mutual support and achievement of community and regional goals**

What to Remember:

- CONNECT has NEVER had this kind of inclusive, multi-functional, common vision before (other metro areas—Denver, Seattle, etc.—do)
- CONNECT's content is relevant and NOT top-down—it's based on locally-adopted public utility, comprehensive, and transportation plans and locally-adopted visions.
- CONNECT is not blue-sky—it's designed to be actionable
- CONNECT is a work in progress that depends on the local participation of elected officials, business managers and professional staff, Chambers of Commerce and EDCs, interested citizens and the public at large
- CONNECT is based on finding and working out our mutual "wins"

What if You:

- Represent your organization in discussing how you can be part of "living the regional vision"
- Actively participate on one or more of the Regional Cabinets or working groups
- Know how CONNECT can support **your efforts and interests** for economic development, community prosperity and quality of life
- Embrace the shared nature of our future and use CONNECT to help your discussion benefit your community

Our Goal — a regional vision which can be implemented on both local and regional levels in the Greater Charlotte Bi-State Region.

For more information: www.cogsconnect.org

CONNECT GAME PLAN

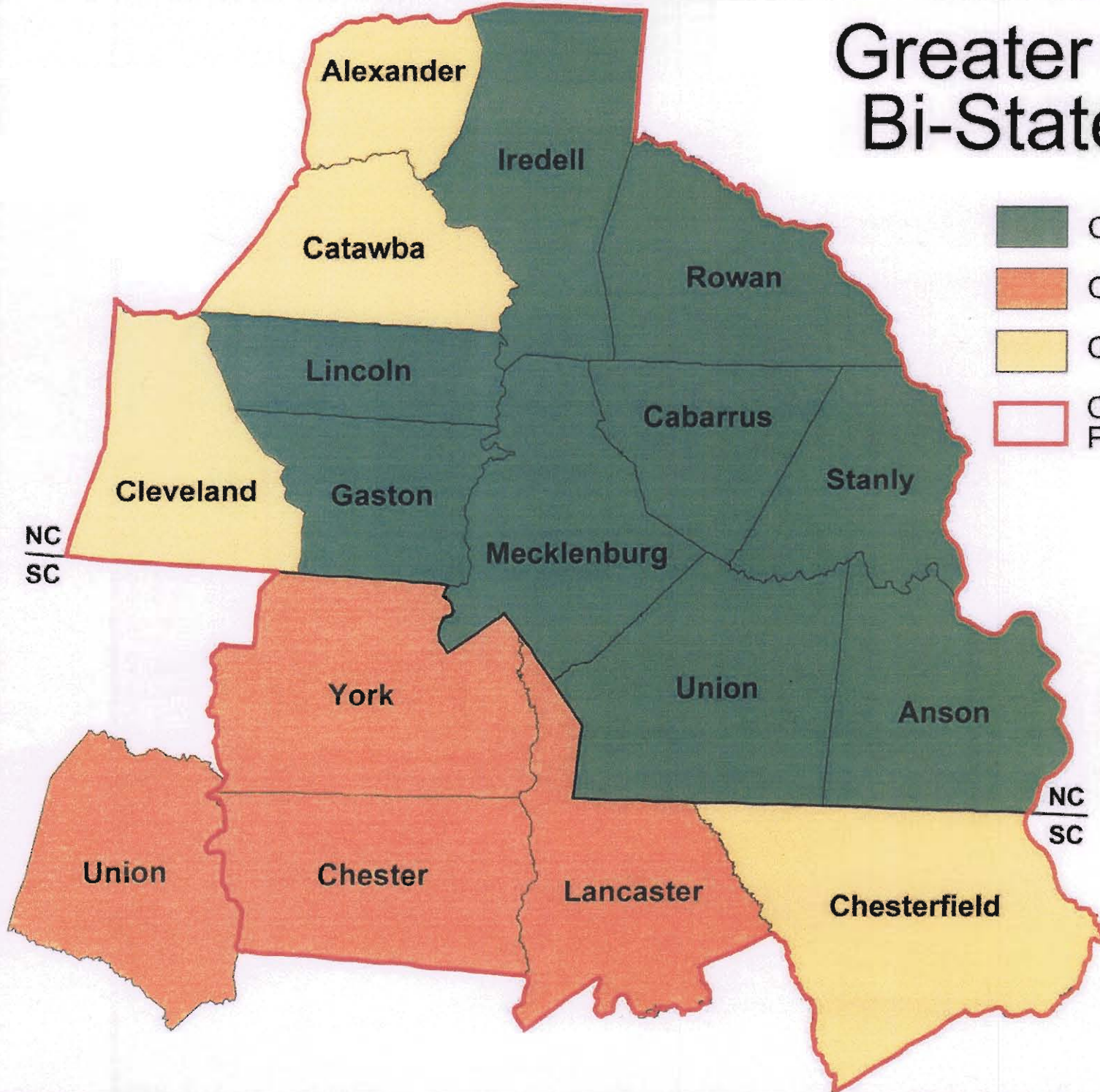
Task	Time Frame
Meetings with a sampling of local government managers for "ground truthing" and testing relevance	September-November 2007
Executive Committee reviews remaining Core Values	October 2007
Meetings with regional Chamber executives/ leadership to seek their engagement in upcoming meetings	October –November 2007
Schedule and plan Urban, Suburban, and Rural Focus Group Workshops to further refine issues/ approaches relevant to these areas	October-December, 2007
Hold Focus Group Workshops	January 2008
Refine vision based on Focus Group input	February 2008
Present refined vision to COG Board for input	February 2008
Plan and hold Regional Meetings to receive additional input on the values, vision, policies AND to identify potential regional and local roles in implementation	December 2007-March 2008
Prepare Final Draft Regional Vision (incorporating Values, Policies, and Sample Practices) incorporating Regional Meeting inputs	March-April, 2008
Centralina and Catawba Regional Board Endorsement	May 2008
Endorsed vision provided to local governments for consideration/action (with presentation to meeting or work session)	Spring –Summer 2008
Regional Action Plan developed and implemented	Ongoing




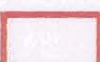
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
September, 2007



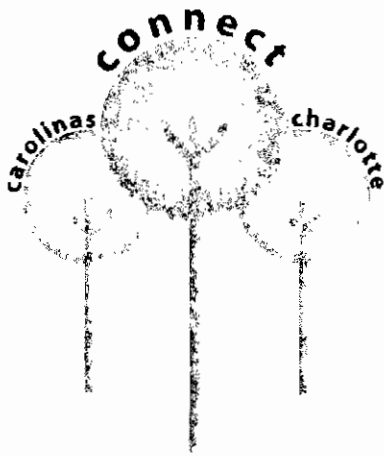
network for our future

Greater Charlotte Bi-State Region



-  Centralina COG
-  Catawba Regional COG
-  Other Regional Counties
-  Charlotte Regional Partnership





framework for our future

CONNECT:

The Core Values

Every regional vision, to be holistic, must address more than simply how the region grows. That is because when people start to talk about what makes a region desirable to live in, what creates that "quality of life" they seek, MANY different elements enter into their conversation.

The CONNECT vision's six "Core Values" were selected by the Regional Vision Task Force from over 40 common values and themes found in this region's adopted public policies and plans. The six "Core Values" are those that the Task Force felt were most important in terms of shaping a region that would provide a high quality of life and desirable place to live for most people, in the long term.

The "Core Values" are broad statements, because they condense a host of "specifics." Because they are broad, they allow room for both growing and shifting emphasis over time. In a nutshell, they say that our region values growth without sacrificing those things that build community, collaborative approaches to problem-solving, a strong economy, the environment, good education, and inclusion and diversity.

Vision Statements are built on each core value as reflected in the source documents, along with a partial set of policies and practices that can lead to realization of the vision and core value. These policies and practices provide examples of how local governments, regions, and the private and not-for-profit sectors can ACT to realize the vision, and can tie values to their decision-making. This values-to-vision-to-action approach is critical to CONNECT implementation.

Not every policy or practice will be applicable to every jurisdiction or business, but many will be applicable to all. CONNECT uses a combination of relevant local "menu" choices, coupled with REGIONAL actions, to implement the vision. Additional information on best practices and a number of resources for implementing policies that support the CONNECT vision can be found in the "Resources" section of the CONNECT website: www.cogsconnect.org.

CONNECT Governance for Action Agenda Implementation

Background:

The CONNECT core values and the priority policies generated a number of potential action items during the "Implementation Discussions" at CONNECT meetings in January. In defining the action items for the priority policies, participants in the January meetings included a number of common elements or "homework" to move virtually every priority policy forward:

- **Shared Knowledge:** Local governments and key stakeholders in each policy area need to know what the "current status" is, which means someone needs to collect, catalogue, and maintain adopted plans and policies, initiatives, anticipated developments, successes and the impacts of actions.
- **Best Practices:** Anyone engaged in policy implementation needs to know what works, which means someone needs to gather and report on how to achieve the desired policy directions, on national, state, regional and local best practices, and which actions deliver the most "bang for the buck."
- **Communication:** There must be regular mechanisms for information exchange, collaborative planning and problem-solving, which means there must be website development and regular meetings of relevant parties.
- **Regional Framework:** While menu-driven approaches are good, there should be some elements of every policy that we do as a region, which means there must be decision-making and implementing bodies.
- **Accountability:** Plans, goals etc. must be explicit enough to permit evaluation. There must be built-in evaluation, regular follow-up and reporting, to make focused peer pressure a viable tool for enforcement in a voluntary environment.

Our local governments and stakeholders have requested that CONNECT have some type of "governance structure" for implementation of its Action Agenda. Furthermore, the value of "Increased Regional Collaboration" can best be realized through the manner in which CONNECT is implemented. The following description ensures that CONNECT is organized to be implemented collaboratively, with accountability, engagement, results, and value added, both for the region as a whole and for individual communities.

A. Centralina and Catawba Regional COGs and the Charlotte Regional Partnership

1. Role and Charge

Centralina and Catawba Regional COG, through an Interlocal Agreement, formalize collaboration to establish CONNECT as their major regional initiative and to establish CONNECT governance and implementation. The COGs through a Memorandum of Understanding with Charlotte Regional Partnership establish CONNECT as the means through which the Partnership embraces its requirement to

establish a vision for economic development and factors which affect it. Centralina COG will provide management direction and fiscal services for CONNECT.

Status: Approved and signed in April, 2008

2. Development of collaborative, inclusive governance structure designed to reduce "silo-ing and increase accountability.

Status: Approved in April/May, 2008, appointments being made in June/July, 2008

3. Recruitment of Partnering Organizations

Status: Partnering organizations recruited to date include: a number of Chambers of Commerce throughout the region, the Urban Institute at UNC Charlotte, the Lee Institute, and the Urban Land Institute. Additional partners will be recruited through Summer 2008.

B. CONNECT Council

1. Role and Charge

The CONNECT Council appointed by the COG Boards will be the primary policy body and guide operational and implementation activities of the CONNECT Implementation Team and values-based Cabinets. Its charge is to:

- a. Ensure that CONNECT is implemented in accordance with the consensus Action Agenda developed January-March, 2008.
- b. Identify policy recommendations that should be made to the public, private, and not-for-profit sectors in order to achieve CONNECT's core values and implement the adopted Action Agenda. Only CONNECT Council recommendations regarding public policy will be referred to the COG Boards for discussion/action, so that the COG Boards rather than the CONNECT Council serve as advocates for any public policy.
- c. Provide visible public support to regional initiatives in keeping with the CONNECT vision, such as the Carolina Thread Trail, Clean Air Works! etc.
- d. Upon recommendation of the Implementation Team and CONNECT Cabinets, or as generated by the Council, identify emerging regional issues or trends that warrant collaborative regional discussion and potential Action Agenda development.

2. Composition/Membership

The CONNECT Council will be made up of representatives from specific organizations rather than individuals. Membership on the CONNECT Council will be limited to institutions that actively contribute to the development and implementation of the shared regional vision and Action Agenda. Changes to the Membership (including the limit on the number of organizations) will be determined by consensus. The CONNECT Council includes:

- 7 – Centralina COG Board Representatives*
- 3 – Catawba Regional COG Board Representatives*
- 2 – Charlotte Regional Partnership Board Representatives appointed by the Partnership
- 2 – Chambers of Commerce ((1 SC; 1 NC) (rotating))
- 1 – Foundation for the Carolinas (invited)
- 1 – Urban Institute (invited)
- 1 – Lee Institute
- 1 – Environmental Organization (rotating)

Ex-Officio

- 1 – Centralina COG Executive Director
- 1 – Catawba Regional COG Executive Director
- 1 – Charlotte Regional Partnership President and CEO

*Appointed by the respective COG.

Members are being requested to serve a two-year initial term with possibility of one term reappointment.

4. Meetings

The CONNECT Council will meet five times in FY 2008-2009, including one time for orientation, and will meet quarterly in FY 2009-2010. Meetings will be held in the Charlotte area in a mutually convenient location and time.

C. CONNECT Implementation Team

1. Role and Charge

The CONNECT Implementation Team has operational and implementation responsibility for CONNECT. Its charge is:

- a. To ensure active CONNECT implementation.
- b. To ensure that values/policies/action plans are being addressed.
- c. To provide linkage to Cabinets to ensure that the Cabinets are functioning and to review Cabinet recommendations for cross-discipline effect prior to their going forward to the CONNECT Council. [Note: This is its "no silos" function.]
- d. The CONNECT Implementation Team is NOT a filter or censor between the Cabinets and the CONNECT Council, but rather serves an enabling and mentoring function.

2. Composition/Membership

Unlike the policy-level CONNECT Council, the Implementation Team is composed of senior-level staff from throughout the region. Membership includes:

- 6 – North Carolina county/municipal managers (or chief assistants)*
- 2 – South Carolina county/municipal managers (or chief assistants)*
- 1 – Centralina COG Executive Director (or designee)*
- 1 – Catawba Regional COG Executive Director (or designee)*

- 1 – Charlotte Regional Partnership President and CEO (or designee)
- 1 – CONNECT Initiative Manager
- 3to 5 – CONNECT Cabinet representatives (additions to be added as each Cabinets forms)

* Members are appointed by the respective COG Chairman.

Members are requested to serve a two-year term, and may be reappointed for one additional term.

3. Meetings

The CONNECT Implementation Team will meet five times in FY 2008-2009, including one time for orientation, and will meet quarterly in FY 2009-2010. Meetings will be held in the Charlotte area in a mutually convenient location and time.

D. CONNECT Cabinets

1. Role and Charge

Each CONNECT Cabinet is the lead entity charged with the collaborative implementation of the consensus Action Agenda for a particular value. Implementation may occur either directly by the Cabinet or through agreements and collaborations with other implementers (including local governments). Furthermore, each Cabinet is expected to take ownership of its particular value and to consider and recommend next steps for future Action Agenda items, to determine the extent to which policy changes may be needed, to seek funding for its initiatives, etc. Each CONNECT Cabinet will be provided staff through the COGs unless otherwise noted. One of the Co-Chairs of each Cabinet will be expected to participate in the CONNECT Implementation Team to ensure that actions are consistent with other CONNECT initiatives, and to prevent silo-ing. Cabinets recommend Action Agenda items and proposed changes in policy to the CONNECT Council. Cabinet Chairmen are appointed by the Chairmen of the respective COG, with one Co-Chairman of each cabinet from each state.

Cabinets to be Appointed Initially:

- Regional Environmental Cabinet
- Regional Sustainable Growth Cabinet
- Regional Economic Development Cabinet

Cabinets to be formed in Fall/Winter 2008:

- Regional Social Equity and Engagement Cabinet
- Regional Education Cabinet

Value 1: Sustainable Growth

Sustainable, well-managed growth that maintains quality of life, protects open space and environmental quality, retains the natural character of the region, and maximizes the efficiency of infrastructure investments.

**Discussion Outline
1 of 6 Core Values**
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
November, 2007



framework for our future

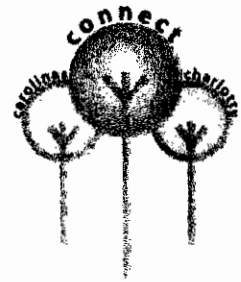
Value 1: Sustainable Growth

Vision:

The region includes a compatible mix of rural, suburban and urban development. Our cities and towns are vibrant, vital, attractive places to live. Our residents see metro and mid-sized cities and smaller towns and villages, each with its own identifiable personality, but each with a clear, recognizable “edge” that distinguishes it from the surrounding geography. Each of these population centers would include an “alive” downtown, and a mix of housing choices appropriate to the character of the community.

Suburban development supports mixed-use patterns, provides accessible open space, provide for an efficient, connective transportation system, and includes “town centers” where appropriate. At the same time, rural areas would be clearly rural, or would transition into villages, with important environmental features preserved. Infrastructure and other public investments are wisely made for orderly expansion and maximum cost-effectiveness.

Discussion Outline
1 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
November, 2007



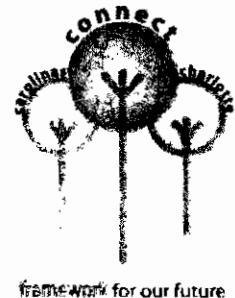
framework for our future

Value 1: Sustainable Growth

Policies:

- Support the vitality of existing cities and towns, retaining and growing healthy town and neighborhood centers that provide jobs, civic life and economic opportunity.
- Promote compact, mixed-use and walkable development, and that allows for reduced single-occupant vehicle utilization without detriment to public convenience or economy.
- For more exurban development, support the creation of new town centers, or development designed with an efficient infrastructure network to support current and future needs within the area and possible infill.
- Direct growth to areas already served by water and sewer, or to which water and sewer are to be provided in the near future.
- Encourage development where transportation facilities exist or are planned, mandating development patterns that clearly provide for a fully-functional hierarchical transportation network.
- Support coordinated planning across technical and policy disciplines of land use, transportation, utilities (including service expansions), school and other public facility locations, etc., to ensure that projects support the communities' visions and values.
- Support the preservation of environmentally-sensitive or ecologically-valuable open space, such as riparian buffers, especially-valued viewsheds, and support land conservation, and fairly compensate property owners for land left undeveloped.
- Support both tree planting and preservation in the development process.

Discussion Outline
1 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
November, 2007



Value 1: Sustainable Growth

A Sampling of Practices:

- Limit water/sewer extensions
- Provide incentives for infill development
- Promote brownfields redevelopment and reuse of older buildings
- Zone for mixed commercial/residential areas
- Encourage (in urban areas) density supportive of walking, biking, or transit (rail and bus)
- Encourage (in suburban areas) design supportive of walking, biking or bus usage
- Limit block lengths and require connectivity except where it is not topographically feasible
- Require clustered commercial development
- Adopt a tree ordinance that includes preservation and supports canopy restoration
- Create a countywide and/or municipal; planning roundtable to ensure that development is coordinated with public works, transportation, facilities, etc.
- Promote voluntary land conservation through conservation easements and farmland districts
- Provide adequate funding for transit
- Work to maintain the viability of rural lifestyles
- Require meaningful open space set-asides in new development (clustering) or allow fees-in-lieu for the purchase of off-site open space
- Create a connected network of pocket parks
- Adopt appropriate stream buffers and use their borders for trails/greenways/ bike paths
- Lobby for Transfer of Development Rights (TDR) authorization in North Carolina and promote their effective use in South Carolina
- Require environmental and traffic review of any new development in any greenfields area
- For developing rural areas, encourage the development of new towns or villages rather than strip-generated rural sprawl, through land use planning and zoning
- Adopt land use plans and transportation plans jointly by city/county so that urban service boundaries are respected, and so that development will not leapfrog into areas intended for more rural character.
- Adopt stormwater management practices
- Ensure that solid waste and recycling programs operate efficiently, effectively, and work to reduce waste to the maximum extent possible.

Discussion Outline
1 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
November, 2007



framework for our future

Value 2: Increased Collaboration

Increased collaboration among jurisdictions on issues that transcend boundaries, including growth management, transportation, and environmental concerns, in a manner that recognizes both regional and local needs.

Discussion Outline
2 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
November, 2007



framework for our future

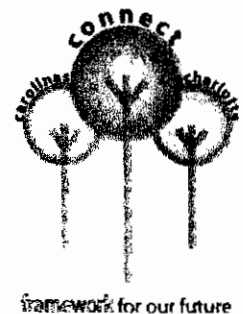
Value 2: Increased Collaboration

Vision:

The region and its communities communicate regularly and systematically on issues that transcend boundaries. This includes communities and organizations whose participation and active engagement is important to reach consensus on how those issues should be addressed, and those involved in implementation. The level of civic education and engagement of large segments of the public has been elevated.

New and current elected officials are oriented to the regional context of their decisions, as well as to local issues. Political and business leadership relate to an electorate/ consumer population who are aware of the issues and the ways other communities have dealt with them, and who will support decisions that take the longer view. Reciprocity—that the region is only as strong as its least prosperous communities, and that long-term sustainability depends on a balance of jobs and housing in each of the region's counties—is an important and broadly-endorsed concept in this collaborative region.

Discussion Outline
2 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
November, 2007



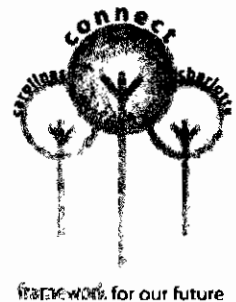
Value 2: Increased Collaboration

Policies:

- Support regular regional issue-based discussion, collaboration, and planning before the topics become "ISSUES."
- Support the norm of notification of adjacent communities regarding matters which might impact them.
- Support the increased use of multi-jurisdictional land use policies, overlays, etc. to ensure that development matters are mutually-agreed upon among potentially affected parties.
- Ensure the orientation of new elected officials (as well as current officials) to the regional context of their decision-making and their role as regional as well as local leaders.
- Support and encourage civic education.
- Support the balanced growth of employment and housing in counties, cities and towns throughout the region, so that no county unintentionally becomes a "bedroom community."
- Respect the value of land NOT undergoing development, so that those communities that provide significant portions of regional open space are not placed in financial strain because of it.

Discussion Outline 2 of 6 Core Values

Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
November, 2007



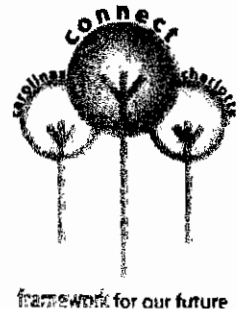
Value 2: Increased Collaboration

A Sampling of Practices:

- Create a Regional Roundtable to promote discussion of regional issues and solutions among elected officials
- Ensure that the frequency and topics of existing Regional Planners' Meetings are sufficient to address regional needs in the entire CONNECT area
- Host an annual "How Do We Grow?" workshops dealing with a range of issues and open to all stakeholders in regional growth and sustainability
- When possible, adopt and promote a regional position on growth and sustainability matters at the local, state, and federal levels
- Provide regional orientation to newly-elected and seasoned elected officials, to provide a regional context and to inform them of best practices for addressing regional issues
- Create and through a multijurisdictional interlocal agreement ensure the use of a regional "Development Notification" list serve
- Hold integrated planning roundtables such as Gaston County's G-CAMP in each county
- Expand the number of corridor studies and planning to promote the adoption of corridor overlays across multiple jurisdictions
- Adopt Long-Range Transportation Plans at not only the MPO/RPO but also the jurisdictional level
- Work with current civic education organizations and the media to encourage civic dialogue about regional and local "good government" and sustainability
- In cooperation with regional partners and economic developers, work with communities to determine an appropriate employment/ housing and work toward it with business development and recruitment
- Promote with legislative bodies the ability to do TDRs
- Promote voluntary conservation through easements through collaboration with land trusts
- Investigate collaborative, multi-jurisdictional land purchases to ensure regional open space
- Promote sustainable and profitable agriculture

Discussion Outline 2 of 6 Core Values

Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
November, 2007



Value 3: Diverse Economy

**A strong, diverse
economy that
supports a
wide variety of
businesses.**

**Discussion Outline
3 of 6 Core Values**
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007



Framework for our future

Value 3: Diverse Economy

Vision:

The region's economic growth strategy includes not only growing industry clusters through recruitment, expansion and local entrepreneurship. It also encourages the growth of other small businesses. Regional industry is not so dependent on a single industry cluster that a downturn in that industry impacts the entire regional economy. The region is known for a creative economy as well as for excellence in technology and other disciplines. As with Value 2, reciprocity is an important component of the economy, in that employment opportunities should be available at multiple centers throughout the region, putting jobs and housing in closer proximity. Finally, employment opportunities are available for the full spectrum of the region's workers.

Discussion Outline Draft
3 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007



Centralina Council of Governments
for our future

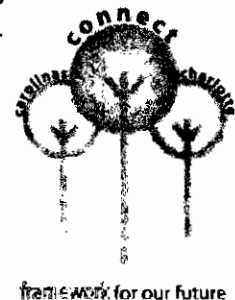
Value 3: Diverse Economy

Policies:

- Support the development of both regional and local approaches towards job creation, expansion and retention, including regional promotion and recruitment of both industries and workers of all ages.
- Provide for safe and reliable transportation infrastructure to move workers and freight in support of both local and regional economic development
- Ensure adequate water resources for both industrial/commercial use and for the needs of the growing workforce
- Support approaches that value collaboration over competition in business/industry recruitment, so that every part of the region has the opportunity for economic prosperity
- Support advanced manufacturing applications to regional industries
- Foster entrepreneurship and “growing” support or spin-off industries from an area’s existing industry base, or from natural assets.
- Provide for the appropriate location of business and industry within communities throughout the region, which serve to attract those businesses and industries most compatible with the community.
- Support the vitality of the central business districts, and provide for the appropriate integration of jobs and housing in sustainable mixed-use settings.
- Promote workforce/affordable housing and housing choice across the region to create decent housing for a diverse workforce, in proximity to job locations.
- Support improvements in basic skills in K-12 to build an educated workforce for a knowledge-based economy, as well as to prepare for the diverse jobs needed to serve the region’s population.

Discussion Outline 3 of 6 Core Values

Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007



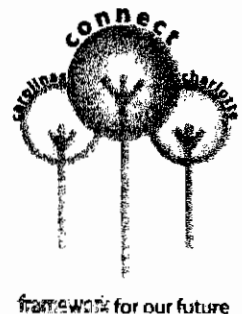
Value 3: Diverse Economy

A Sampling of Practices:

- Support early literacy/numeracy programs to ensure that future generations have adequate skills as building blocks for later job readiness
- Study and target development of amenities desired by the emerging intellectual/creative/entrepreneurial workforce to attract and retain that talent
- Expand worker training programs appropriate to current/emerging industry clusters to meet the region's needs now and in the future
- Create a regionwide network for workforce training broadly accessible to workers and businesses
- Develop and support specific transportation policies and projects designed to move workers and freight efficiently and effectively
- Provide adequate water resources and support commercial water conservation practices to ensure sufficient water supplies for economic growth
- Adopt collaborative practices regarding business/industrial recruitment and exercise self-discipline in intra-regional business recruitment
- Incorporate "on demand" economic development opportunities
- Work with local and regional chambers and economic development commissions to identify opportunities for synergy within and across jurisdictional boundaries (e.g., shared "green" industrial parks, proximate location of industries in a cluster, etc.)
- Support local economic development strategies based on local visions and assets through regional promotion and investment. Consider a matrix approach to assist communities in identifying businesses that are a good fit.
- Promote downtown redevelopment and work with communities and state and federal agencies to attract businesses (and residents) to downtowns and town-center type developments
- Sponsor natural resource and energy conservation programs in industrial and business support activities for both environmental and fiscal reasons
- Promote successful business support models and provide technical assistance through universities and colleges, community colleges and peer-to-peer mentoring
- Assist each community with defining its desired and necessary balance of jobs/housing for sustainability and with strategies to reach that balance
- Support housing in proximity to jobs and vice-versa, including creating multiple regional employment/housing centers in outlying communities
- Create plans for economic reversals as well as growth
- Measure income generation and distribution to gauge success

Discussion Outline 3 of 6 Core Values

Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007



Value 4: Environment

A safe and healthy environment with good air quality and water resources.

Discussion Outline
4 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007



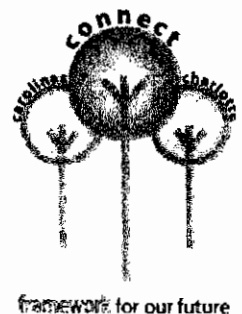
framework for our future

Value 4: Environment

Vision:

Individual, community, and regional actions improve air and water quality, preserve biodiversity, and preserve habitat, wildlife corridors, and ecologically-sensitive landscapes. Residents of the region love and support protecting open space, rural character, views of the surrounding foothills, and the trees for which the area is noted. These characteristics contribute to a healthy environment and are conserved as well as valued. Residents can enjoy the region, whether in their own homes and yards, their workplaces, their towns, or the countryside, free from fear of violence or other crime.

Discussion Outline
4 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007



Value 4: Environment

Policies:

- Foster effective long-term comprehensive planning based on sound growth principles at local, regional, and state levels.
- Support compact, mixed use, walkable development in areas already served by public infrastructure for water, sewer, and transportation, or where such facilities are already planned.
- Promote a multi-modal, fully-functional hierarchical transportation network.
- Promote increased regional collaboration on environmental and growth issues.
- Promote innovative measures and techniques to address current or potential air quality, water quantity and quality, and safety impacts of growth.
- Support natural resource conservation in addition to measures designed to mitigate natural resource use.
- Support the preservation of environmentally-sensitive or ecologically-valuable open space, with fair compensation for private property owners for land left undeveloped.
- Ensure clean and adequate water resources to support public, economic, and environmental needs.
- Adopt a watershed perspective on water resource planning.
- Support locally-based and regional, voluntary AND mandatory initiatives to conserve water, energy and other resources.
- Use design practices that effectively utilize energy
- Improve social welfare and enable public employees to live in or close to communities they serve.
- Conserve, rehabilitate, and/or redevelop existing urban areas to ensure neighborhood stability and prevent disinvestment.
- Support cross-discipline collaboration among agencies to address the safety needs of communities.

Discussion Outline 4 of 6 Core Values

Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007



FRAMEWORK for our future

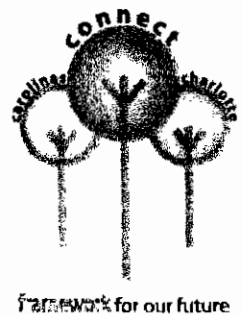
Value 4: Environment

A Sampling of Practices:

- Zone for more compact and mixed-use development and support transportation improvements that decrease reliance on single-occupant vehicles
- Include consideration of environmental components in the small area planning process (e.g., soils, topography, tree cover, perennial and intermittent streams and other waterbodies, biodiversity and endangered species, etc.)
- Retrofit construction and other diesel vehicles with devices that decrease emissions (ozone precursors, fine particle, greenhouse gas and other)
- Promote green building practices and waste reduction (solid, water, energy)
- Consider water reuse strategies and initiatives in other areas of the country for use in this region
- Engage in active natural resource conservation and decreasing our environmental “footprint” as well as mitigating natural resource use
- Promote brownfields redevelopment, adaptive reuse, and infill development
- Engage in active public education regarding environmental issues the additional fiscal and health benefits of sound environmental practices
- With land conservation groups and state agencies, identify and preserve strategic open spaces and habitats
- Reduce single-occupant vehicle use and engine idling
- Implement best management practices such as low impact development, stream buffers, and landscaped and shared parking strategies to protect water quality and provide multiple environmental benefits
- Increase public education regarding environment/health/safety linkages
- Participate in programs such as “problem-oriented policing” and “Crime Prevention through Environmental Design”
- Work with economic development partners to promote re-investment in deteriorating neighborhoods
- Include workforce/affordable housing in new and redevelopment areas to ensure that persons in the public safety and health care professions can afford to live there and thus strengthen the community
- Provide adequate emergency services, including mental health and drug prevention programs

Discussion Outline 4 of 6 Core Values

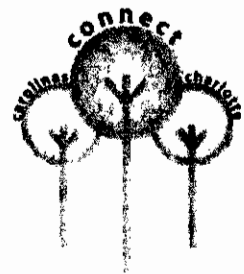
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007



Value 5: Education

High quality educational opportunities that are available to all residents.

Discussion Outline
5 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
January, 2008



Let's work for our future

Value 5: Education

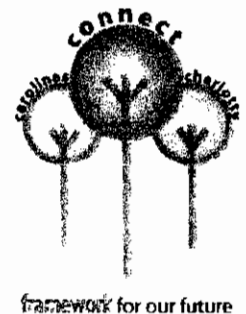
Vision:

High quality, affordable, and extensive educational opportunities for all residents are an essential part of a vibrant, flourishing region. In today's complex and global world, education provides the necessary tools for economic and civic health. Elected leaders understand the need for a collaborative public policy approach to education and actively seek opportunities to leverage their common interests at local, regional, and state levels. Citizens and education professionals work across traditional local boundaries because our collective success is dependent on the quality of education throughout the entire region. Best practices are extensively shared across all levels.

The region includes an extensive network of public, private, and post-secondary education offerings, along with numerous opportunities for lifelong learners, who have completed their formal education. Solid PreK-12 public education is offered in all the region's school districts, and parents and teachers communicate effectively to promote regular attendance and learning. Secondary education in our region connects residents with their interests and aspirations, by offering a wide range of degrees, certifications and trainings. Information about offerings can be found easily and are affordable to all. Lifelong learning with exciting, rewarding and plentiful choices available including ongoing professional/vocational education, is valued and encouraged in non-educational institutions.

This unwavering commitment to educational opportunity and achievement is a hallmark of our region.

Discussion Outline
5 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
January, 2008



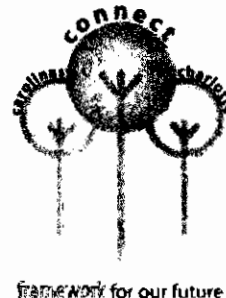
Value 5: Education

Policies:

- Advocate for additional local, state and federal funding in order to provide resources, facilities, etc—to meet the increasing demand.
- Explore creative funding solutions to address school capacity needs.
- Create unified political and civic leadership across the region that advocates for early childhood education funding.
- Promote and enforce good student attendance through parental involvement and other appropriate means.
- Collaborate with local government to offer incentives for teacher recruitment, retention and satisfaction, such as affordable housing near schools, tax breaks, park and recreation passes.
- Increase active and ongoing involvement from community stakeholders, such as business, institutional, community leaders and parents in lobbying at the local, state, and federal levels for educational funding needs.
- Develop policies that allow dual enrollment to occur—*i.e.*, being able to gain credits at high school and college simultaneously.
- Consider the creative uses of distance learning.
- Create easy access for adult learners to audit courses at institutions of higher learning.
- Advocate for equitable funding policies within North and South Carolina which will enable academic institutions to fairly compete for in-state students and advocate for tuition policies that may be applied across state lines.
- Use regional resources and connections to leverage global learning connections—international education, exchange programs, etc.
- Encourage more need-based financial aid programs that will enable residents from all backgrounds to afford high quality educational opportunities.
- Ensure that students from diverse language backgrounds receive thorough grounding in the English language regardless of their age/level in school.
- Promote strong reading, math, and problem-solving skills for all students whether college- or trade-bound.
- Promote high-quality skilled workforce training beginning with interest/skills exploration in middle school for those students who seek it.
- Provide adequate support for programs and institutions that provide skilled workforce training (for new, displaced and incumbent workers).
- Consider school site options/school construction options that support the region's environmental sustainability goals and/or provide ready access to civic/business locations.

Discussion Outline 5 of 6 Core Values

Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
January, 2008



Value 5: Education

A Sampling of Practices:

- Create a networking/sharing collaborative of education institutions in the region including PreK-12 schools, private and charter schools, universities, colleges, vocational schools and other institutions of continuing education.
- Expand regional professional development opportunities to teachers.
- Expand current resource sharing programs among teachers so that they cross county and state lines and use master teachers to mentor new teachers.
- Support programs that improve teacher recruitment, retention and professional development, and that reduce reliance on substitute teachers to cover core classes.
- Convene a regional task force charged to create an action plan to improve high school dropout rates (*sample action item: identify best practices in curriculum and instruction*)
- Create community partnerships with individual schools, particularly low-performing schools, to assist with motivating, mentoring, supplies, tutoring, etc.
- Link the region's PTAs (being sure to include all socio-economic groups) in order to encourage sharing of ideas for strong parental involvement and fund-raising.
- Create opportunities for school board members from throughout the region to meet and discuss common issues and solutions.
- Provide training to school board members about state and federal issues that impact education, and add a regional orientation module to provide a regional context to their deliberations.
- Create a public awareness initiative, focusing on elementary through secondary school parents and students, reinforcing the value of a higher education in today's global economy and promoting regular attendance.
- Create a unified message from all school districts concerning the importance of a high school diploma as a minimum.
- Develop a comprehensive website that contains information about all regional higher education options, including degree, certification, and in-service programs.
- Foster public and political awareness of current and future job opportunities within the region (such as motor sports, biotech, logistics), and what educational preparation is needed for these jobs.
- Utilize current regional business networks, partnerships and associations to encourage the creation of targeted programs at PreK-12 districts and secondary education institutions that prepare students for occupations that support the regional economy.
- Build on the success of the current Southwest Alliance (a collaborative of school districts, agencies, government institutions and other organizations) and create additional regional networks tailored for each group—teachers, central office staff and school house leaders.
- Support and expand the variety of re-training opportunities for currently employed workers whose skills are still "20th century."

Discussion Outline 5 of 6 Core Values

Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
January, 2008

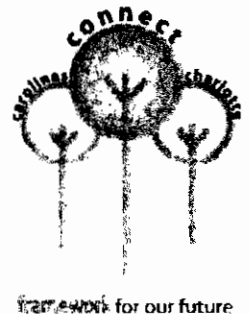


framework for our future

Value 6: Social Equity

Enhanced social equity through community leadership and cooperative volunteerism.

**Discussion Outline
6 of 6 Core Values**
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007

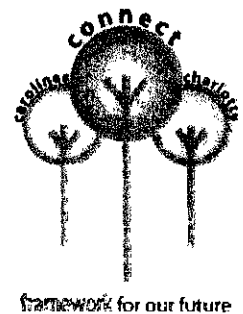


Value 6: Social Equity

Vision:

The region is marked by a culture of community caring and trust, and programs develop attitudes and practices of community engagement and leadership across all levels of society. Problem-solving is marked by inclusion, open communication and collaboration. The region continues its reputation for outstanding volunteerism, whether in fund-raising or for corporate, group or individual outreach. The goal of social equity is the inclusion and empowerment of all persons to reach their full potential and in doing so, to help prepare our region for the future.

Discussion Outline
6 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007

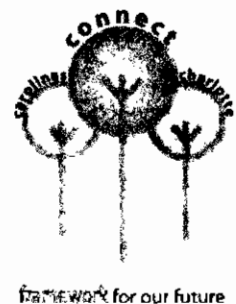


Value 6: Social Equity

Policies:

- Support the development of community leadership at all social and economic levels, involving both local governments and the civic/private sectors.
- Engage in deliberate communication with and involvement of the public
- Promote full integration of newcomers to the region into the region's civic life, community structure, and culture/heritage
- Encourage and facilitate volunteerism by a wide range of persons at all socio-economic levels, ethnic/racial backgrounds, and ages.
- Foster civic education and engagement (including voting) across racial, ethnic, age, economic, and other lines.
- Promote the education of citizens regarding their rights in dealing with "the systems" of government and business, and promote respect for those rights by those who work within those systems.
- Foster values of community and engagement through design of the built environment.
- Increase meaningful commitment, as local government leadership, to transparency in government operations and decision-making, so that citizens throughout the community may have a sense that their input counts in matters of public discourse.
- Plan for increases in the median age of the region's population.
- Support the development of amenities for all age groups and persons of diverse cultural and ethnic backgrounds
- Promote equitable access to public resources by all segments of the community.
- Develop programs to effectively address dropout prevention

Discussion Outline
6 of 6 Core Values
Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007



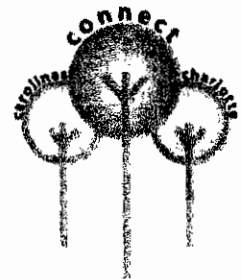
Value 6: Social Equity

A Sampling of Practices:

- Publicize the existing opportunities for civic education more broadly and ensure the inclusion of a diverse population, recognizing that this may require using different approaches with different segments of the population
- Provide public information in formats and translations needed to ensure that Latino, Asian, and other immigrant groups are reached with information that allows them to become part of the community, while increasing the number of ESL programs for adults and children
- Routinely engage populations viewed as “service recipients” in identification of service design and evaluation
- Routinely hold public meetings, information sessions, etc. in communities impacted by issues
- Provide adequate transportation and internet-access resources to ensure that access is not an obstacle to civic participation and engagement
- Continue or increase support for programs such as Cities in Schools, mentoring programs, etc.
- Engage children and youth in opportunities for outreach and volunteerism
- Encourage programs such as corporate gift matching
- “Grow” the giving/volunteering community through incentive and example
- Allow employees professional development credit or “time off” for community engagement or outreach work
- Include plans for public gathering places in new development and areas being redeveloped: pocket parks, dog-walking areas, “village greens,” etc.
- Include senior-, child-, and disabled-friendly design in public buildings and spaces (wider sidewalks, benches, trees, etc.)
- Plan for, incentivize, and/or consider mandating transitional and workforce/affordable housing in new and redeveloped areas
- Reinforce civic participation and values of social equity through regular conversations among the public, private, not-for-profit, and faith communities
- Use “plain language” or the vernacular of the community in information and explanations to the public
- Promote customer service as an orientation for all employees, public and private
- Use customer-friendly websites with critical and/or controversial information readily accessible
- Expand customer-access programs such as 311 to the region

Discussion Outline 6 of 6 Core Values

Centralina Council of Governments
in collaboration with
Catawba Regional Council of Governments
Updated November, 2007



Partners for our future

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 3-16-09

Action Agenda Item No. 13a

(Central Admin. use only)

SUBJECT: Oak Brook Water Main Extension

DEPARTMENT: Public Works

PUBLIC HEARING: Choose one....

ATTACHMENT(S):

Engineers Bid Report
Bid Tabulation

INFORMATION CONTACT:

Scott Huneycutt

TELEPHONE NUMBERS:

Capital Project Ordinance Amendment
#115

704-296-4211

DEPARTMENT'S RECOMMENDED ACTION: Award construction bid to the lowest responsible bidder, authorize the County Manager to approve the agreement and adopt Capital Project Ordinance Amendment #115

BACKGROUND: The project was approved as a Self-Help Project by the Board of County Commissioners on January 22, 2007. The Oak Brook Subdivision is located along Waxhaw Marvin Road near the intersection of Crane Road. The project consists of approximately 6,000 lf of waterline, valves, hydrants and appurtenances. The project will serve approximately 47 new customers within the Oak Brook Subdivision.

The self-help program offers financial assistance for the extension of water and/or sewer infrastructure to existing County residents. The County's maximum contribution per customer to extend infrastructure is \$4,220 - with the ratepayers (through utility funds) providing \$2,220 and the taxpayers (through the General Fund) providing \$2,000. The customer is responsible for the balance of the costs of extending the utilities and all customary fees charged by Public Works to connect to the system. Most often this is limited to the capacity fees and any minor new customer connection application fees. If customers are required to contribute to the cost of extending the utilities (because the cost is greater than \$4,220 per customer), the customer is required to contractually commit to paying for their share of the project. Customers are permitted to finance their contributions over 60 months @ 5% APR.

FINANCIAL IMPACT: Advanced Development Concepts, LLC was the low bidder in the amount of \$164,641.72. Total project costs are estimated at \$193,586 and include AES expenses. The County's contribution (both utility and General Fund) are available in the project ordinance and require appropriation.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:



AGENDA ITEM

MEETING DATE 4/6/09

Jordan, Jones & Goulding

9101 Southern Pine Boulevard, Suite 160

Charlotte, North Carolina 28273

T: 704.527.4106 • F: 704.527.4108 • www.jig.com

February 23, 2009

Mr. Scott Huneycutt, Interim Director
Union County Public Works Department
500 N. Main Street
Suite 500
Monroe, NC 28112-4730

RE: Recommendation of Award
Oak Brook Water Main Subdivision
Water Main Extension

Dear Mr. Mr. Huneycutt:

As you are aware, bids were received on February 12, 2009 for the referenced project. Advanced Development Concepts, LLC was the apparent low bidder in the amount of \$164,641.72.

We have completed our review of the remaining bid documents and find them in order. We have also checked their references and other pertinent information with positive results. A tabulation of the bids is attached for your use.

As a result of this investigation, we recommend Advanced Development Concepts, LLC as the successful, responsive and responsible low bidder for the project.

If you concur with our recommendation, please advise us and we will notify the contractor of award and will transmit the conformed documents to them for execution and attachment of bonds and insurance.

If you have any questions, please do not hesitate to call me.

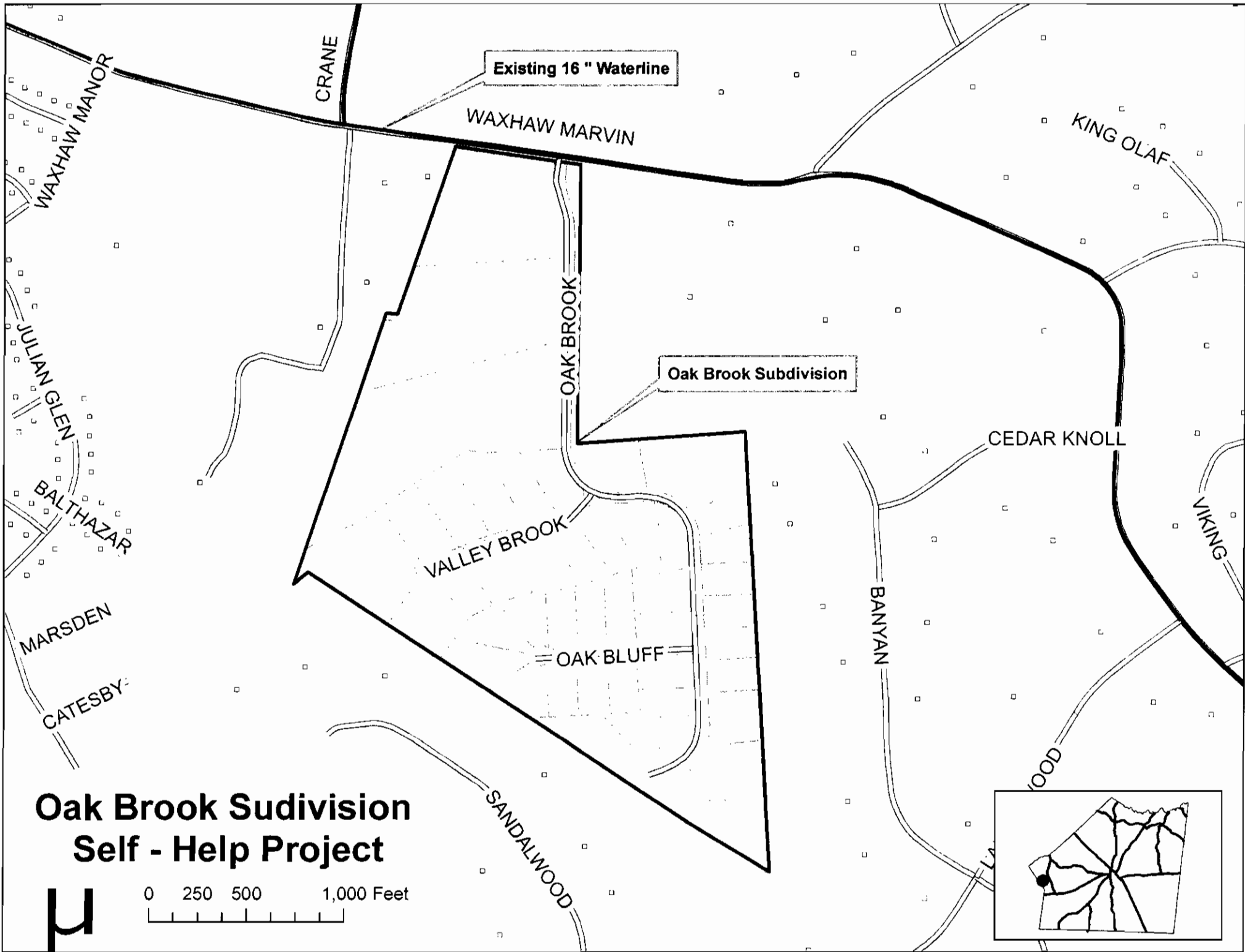
Sincerely,

JORDAN, JONES & GOULDING

Bert Becton, P.E.
Project Manager

Enclosures

cc: Wayne Price, JIG



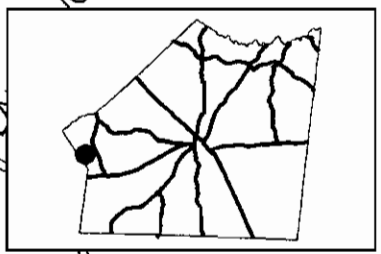
Existing 16" Waterline

Oak Brook Subdivision

Oak Brook Suidivision Self - Help Project



0 250 500 1,000 Feet





I certify that this is a true tabulation of bids received on this project.

Matthew A. Shoemith 2-25-09
 Matthew Shoemith Date
 NC PE No. 027670

***** BID TABULATION *****

OAK BROOK SUBDIVISION
 WATER MAIN EXTENSION
 Union County Public Works Department
 Union County, North Carolina

BID: February 12, 2009 2:00 P.M.



Bidder	Bid Total	Bid Bond Amount	Surety Company
Advanced Development Concepts, LLC Mathews, NC	\$164,641.72	5% of Bid Amount	The Hanover Insurance Company
B Star Construction, Inc. Pineville, NC	\$172,114.00	5% of Bid Amount	Great American Insurance Company
Davis Grading, Inc. Shelby, NC	\$173,487.38 *	5% of Bid Amount	The Cincinnati Insurance Company
Siteworks, LLC Charlotte, NC	\$178,139.79 *	5% of Bid Amount	The Cincinnati Insurance Company
RDR Incorporated Locust, NC	\$184,801.50	5% of Bid Amount	Ohio Farmers Insurance Company
Defflinger, Inc. Monroe, NC	\$198,580.00	5% of Bid Amount	Travelers Casualty and Surety Company of America
Loftis Construction Corp. Charlotte, NC	\$201,343.52	5% of Bid Amount	Companion Property and Casualty Insurance Company
C & W Utilities, Inc. Shelby, NC	\$208,758.76	5% of Bid Amount	The Cincinnati Insurance Company
State Utility Contractors, Inc. Monroe, NC	\$211,422.40	5% of Bid Amount	Hartford Accident and Indemnity Company
Classic City Mechanical, Inc. Winterville, GA	\$216,525.00	5% of Bid Amount	Developers Surety and Indemnity Company
Concord Builders, Inc. Concord, NC	\$225,294.00 *	5% of Bid Amount	Fidelity and Deposit Company of Maryland
CMI Contracting, Inc. Monroe, NC	\$238,465.00	5% of Bid Amount	The Guarantee Company of North America
Dawn Development Co., Inc. Monroe, NC	\$248,229.00	5% of Bid Amount	Employers Mutual Casualty Company
R. H. Price, Inc. Mathews, NC	\$248,526.00	5% of Bid Amount	Western Surety Company
Site Performance Construction, Inc. Charlotte, NC	\$285,003.14 *	5% of Bid Amount	Hartford Fire Insurance Company
RF Shinn Contractor Concord, NC	\$290,433.00	5% of Bid Amount	Hartford Casualty Insurance Company
MV Momentum Construction, LLC Charlotte, NC	\$332,719.25 *	5% of Bid Amount	First National Insurance Company of America
Propst Construction Co., Inc. Concord, NC	\$354,614.00	5% of Bid Amount	Travelers Casualty and Surety Company of America
Triangle Grading & Paving, Inc. Burlington, NC	\$377,034.00 *	5% of Bid Amount	Safeco Insurance Company of America
B.R.S., Inc. Richfield, NC	\$410,467.30	5% of Bid Amount	Travelers Casualty and Surety Company of America

*indicates math error corrected

02/17/2009

OAK BROOK SUBDIVISION WATER MAIN EXTENSION Union County Public Works Department				Advanced Development Concepts, LLC		8 Star Construction, Inc.		Davis Grading, Inc.	
Item No.	Description	Estimated		Matthews, NC		Pineville, NC		Shelby, NC	
		Qty.	Unit	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
A	Mobilization (not to exceed 3% of total)	LS	1	\$4,650.00	\$4,650.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
B	16"x 8" tapping sleeve & valve, complete w/box Jumper Connection (Detail #25)	LS	1	\$6,431.47	\$6,431.47	\$7,000.00	\$7,000.00	\$6,600.00	\$6,600.00
C	8-inch PVC, C-900 SDR 14 (200 psi)	LF	2,870	\$10.79	\$30,967.30	\$13.00	\$37,310.00	\$11.50	\$33,005.00
	8-inch Ductile Iron Pipe, CI 350, RJ	LF	108	\$25.69	\$2,774.52	\$27.00	\$2,916.00	\$24.63	\$2,660.04
	8-inch Ductile Iron Pipe, CI 350	LF	36	\$21.76	\$783.36	\$17.00	\$612.00	\$20.00	\$720.00
	6-inch PVC, C-900 SDR 14 (200 psi)	LF	1,824	\$8.50	\$13,604.00	\$8.00	\$12,992.00	\$9.34	\$15,166.16
	6-inch Ductile Iron Pipe, CI 350, RJ	LF	576	\$20.88	\$12,026.88	\$21.00	\$12,096.00	\$19.43	\$11,191.68
	6-inch Ductile Iron Pipe, CI 350	LF	18	\$19.19	\$345.42	\$16.00	\$288.00	\$17.50	\$315.00
	2-inch PVC, SDR 21	LF	1,050	\$5.47	\$5,743.50	\$10.00	\$10,500.00	\$6.63	\$6,961.50
	Chlorination Tap	EA	1	\$398.89	\$398.89	\$250.00	\$250.00	\$100.00	\$100.00
D	12-inch Steel Casing Pipe, Bored	LF	100	\$59.28	\$5,928.00	\$75.00	\$7,500.00	\$110.00	\$11,000.00
E	8-inch Gate Valve, complete w/box & ring	EA	2	\$866.55	\$1,733.10	\$1,100.00	\$2,200.00	\$875.00	\$1,750.00
	6-inch Gate Valve, complete w/box & ring	EA	3	\$591.78	\$1,775.34	\$800.00	\$2,400.00	\$617.00	\$1,851.00
	6"x2" reducer, 2-inch Gate Valve, complete w/box	EA	3	\$471.61	\$1,414.83	\$750.00	\$2,250.00	\$520.00	\$1,560.00
F	Fire Hydrant, Complete	EA	7	\$2,373.49	\$16,614.43	\$2,400.00	\$16,800.00	\$2,685.00	\$18,795.00
G	Not Used								
H	2-inch Blow-off & Valve Assembly, w/boxes & rings	EA	3	\$461.75	\$1,385.25	\$550.00	\$1,650.00	\$860.00	\$2,580.00
I	Not Used								
J	Pavement Replacement (NCDOT Maintained Rds)	LF	20	\$50.00	\$1,000.00	\$30.00	\$600.00	\$300.00	\$6,000.00
K	8" and 8" Driveway Undercrossing (Free bores)	LF	340	\$30.50	\$10,370.00	\$25.00	\$8,500.00	\$18.00	\$6,120.00
	2" Driveway Undercrossing (Free Bores)	LF	140	\$13.04	\$1,825.60	\$15.00	\$2,100.00	\$13.00	\$1,820.00
L	Driveway Replacement - Gravel (1-Drive)	LF	20	\$25.00	\$500.00	\$15.00	\$300.00	\$5.00	\$100.00
	Driveway Replacement - Asphalt	LF	20	\$35.00	\$700.00	\$30.00	\$600.00	\$20.00	\$400.00
	Driveway Replacement - Concrete	LF	20	\$45.00	\$900.00	\$45.00	\$900.00	\$20.00	\$400.00
M	Subgrade Stabilization Stone	Ton	1	\$50.00	\$50.00	\$100.00	\$100.00	\$35.00	\$35.00
N	Check Dams - Stone Check Dam (2 per detail)	EA	47	\$76.68	\$3,603.96	\$55.00	\$2,585.00	\$100.00	\$4,700.00
	Check Dams - Stone Outlet (1 per detail)	EA	1	\$410.53	\$410.53	\$55.00	\$55.00	\$100.00	\$100.00
	Check Dams - Rock Sill Screen (1 per detail)	EA	1	\$410.53	\$410.53	\$55.00	\$55.00	\$100.00	\$100.00
O	Rip Rep	SY	8	\$50.82	\$406.56	\$25.00	\$200.00	\$40.00	\$320.00
P	Silt Fencing	LF	1,800	\$1.48	\$2,664.00	\$2.00	\$3,600.00	\$1.65	\$2,970.00
Q	Stormwater Requirements	LS	1	\$4,644.00	\$4,644.00	\$500.00	\$500.00	\$500.00	\$500.00
R	Service Connections (Number of Taps)	EA	47	\$542.77	\$25,510.19	\$600.00	\$28,200.00	\$605.00	\$28,435.00
S	Service Lines (3/4" Long Services Bored)	LF	200	\$12.00	\$2,400.00	\$10.00	\$2,000.00	\$12.00	\$2,400.00
T	Traffic Control	LS	1	\$1,385.00	\$1,385.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00
U	Not Used								
V	Sod-Landscaping Lawn Repair	SY	1	\$75.00	\$75.00	\$55.00	\$55.00	\$30.00	\$30.00
**Items match Measurement & Payment Section, (PART 1.4)									
BID TOTAL, ITEMS A THROUGH V, INCLUSIVE, THE AMOUNT OF					\$164,641.72		\$172,114.00		\$173,487.38

*indicates math error corrected

OAK BROOK SUBDIVISION WATER MAIN EXTENSION Union County Public Works Department				Siteworks, LLC		RDR Incorporated		Dellinger, Inc.	
				Charlotte, NC		Locust, NC		Monroe, NC	
Item No.	Description	Estimated		Unit	Extended	Unit	Extended	Unit	Extended
		Qty.	Unit	Price	Price	Price	Price	Price	Price
A	Mobilization (not to exceed 3% of total)	LS	1	\$5,344.67	\$5,344.67	\$3,000.00	\$3,000.00	\$5,500.00	\$5,500.00
B	18"x 8" lapping sleeve & valve, complete w/box Jumper Connection (Detail #25)	LS	1	\$6,389.42	\$6,389.42	\$8,000.00	\$8,000.00	\$5,000.00	\$5,000.00
C	8-inch PVC, C-900 SDR 14 (200 psi)	LF	2,870	\$9.46	\$27,150.20	\$12.50	\$35,875.00	\$14.00	\$40,180.00
	8-inch Ductile Iron Pipe, CI 350, RJ	LF	108	\$30.45	\$3,288.60	\$26.00	\$2,808.00	\$28.00	\$3,024.00
	8-inch Ductile Iron Pipe, CI 350	LF	38	\$18.70	\$673.20	\$21.00	\$756.00	\$23.00	\$828.00
	6-inch PVC, C-900 SDR 14 (200 psi)	LF	1,624	\$7.05	\$11,449.20	\$10.25	\$16,646.00	\$13.00	\$21,112.00
	6-inch Ductile Iron Pipe, CI 350, RJ	LF	578	\$19.45	\$11,203.20	\$22.75	\$13,104.00	\$24.00	\$13,824.00
	6-inch Ductile Iron Pipe, CI 350	LF	18	\$19.04	\$342.72	\$20.00	\$360.00	\$21.00	\$378.00
	2-inch PVC, SDR 21	LF	1,050	\$3.95	\$4,147.50	\$6.75	\$7,087.50	\$9.00	\$9,450.00
	Chlorination Tap	EA	1	\$224.07	\$224.07	\$200.00	\$200.00	\$500.00	\$500.00
D	12-inch Steel Casing Pipe, Bored	LF	100	\$136.24	\$13,624.00	\$135.00	\$13,500.00	\$130.00	\$13,000.00
E	8-inch Gate Valve, complete w/box & ring	EA	2	\$924.07	\$1,848.14	\$880.00	\$1,760.00	\$950.00	\$1,900.00
	6-inch Gate Valve, complete w/box & ring	EA	3	\$649.07	\$1,947.21	\$600.00	\$1,800.00	\$750.00	\$2,250.00
	6"x2" reducer, 2-inch Gate Valve, complete w/box	EA	3	\$509.07	\$1,527.21	\$475.00	\$1,425.00	\$650.00	\$1,950.00
F	Fire Hydrant, Complete	EA	7	\$2,590.87	\$18,136.09	\$2,700.00	\$18,900.00	\$2,750.00	\$19,250.00
G	Not Used								
H	2-inch Blow-off & Valve Assembly, w/boxes & rings	EA	3	\$923.14	\$2,769.42	\$600.00	\$1,800.00	\$950.00	\$2,850.00
I	Not Used								
J	Pavement Replacement (NCDOT Maintained Rds)	LF	20	\$48.61	\$972.20	\$25.00	\$500.00	\$50.00	\$1,000.00
K	6" and 8" Driveway Undercrossing (Free bores)	LF	340	\$40.37	\$13,725.60	\$35.00	\$11,900.00	\$20.00	\$6,800.00
	2" Driveway Undercrossing (Free Bores)	LF	140	\$11.87	\$1,661.80	\$20.00	\$2,800.00	\$12.00	\$1,680.00
L	Driveway Replacement - Gravel (1-Drive)	LF	20	\$12.60	\$252.00	\$5.00	\$100.00	\$16.00	\$320.00
	Driveway Replacement - Asphalt	LF	20	\$19.16	\$383.20	\$20.00	\$400.00	\$35.00	\$700.00
	Driveway Replacement - Concrete	LF	20	\$19.91	\$398.20	\$60.00	\$1,200.00	\$45.00	\$900.00
M	Subgrade Stabilization Stone	Ton	1	\$56.02	\$56.02	\$30.00	\$30.00	\$23.00	\$23.00
N	Check Dams - Stone Check Dam (2 per detail)	EA	47	\$104.56	\$4,914.32 *	\$50.00	\$2,350.00	\$100.00	\$4,700.00
	Check Dams - Stone Outlet (1 per detail)	EA	1	\$184.07	\$184.07	\$50.00	\$50.00	\$200.00	\$200.00
	Check Dams - Rock Silt Screen (1 per detail)	EA	1	\$199.07	\$199.07	\$50.00	\$50.00	\$200.00	\$200.00
O	Rip Rap	SY	8	\$40.51	\$324.08	\$50.00	\$400.00	\$55.00	\$440.00
P	Silt Fencing	LF	1,800	\$1.50	\$2,700.00	\$0.50	\$900.00	\$2.25	\$4,050.00
Q	Stormwater Requirements	LS	1	\$2,872.21	\$2,872.21	\$500.00	\$500.00	\$500.00	\$500.00
R	Service Connections (Number of Taps)	EA	47	\$478.08	\$22,469.76	\$700.00	\$32,900.00	\$700.00	\$32,900.00
S	Service Lines (3/4" Long Services Bored)	LF	200	\$54.35	\$10,870.00	\$10.00	\$2,000.00	\$12.00	\$2,400.00
T	Traffic Control	LS	1	\$4,614.07	\$4,614.07	\$500.00	\$500.00	\$500.00	\$500.00
U	Not Used								
V	Sod-Landscaping Lawn Repair	SY	1	\$15.00	\$15.00	\$200.00	\$200.00	\$21.00	\$21.00
**Items match Measurement & Payment Section, (PART 1.4)									
BID TOTAL, ITEMS A THROUGH V, INCLUSIVE, THE AMOUNT OF					\$178,139.79 *		\$184,801.50		\$198,580.00

*indicates math error corrected

OAK BROOK SUBDIVISION WATER MAIN EXTENSION Union County Public Works Department				Loftis Construction Corp. Charlotte, NC		C & W Utilities, Inc. Shelby, NC		State Utility Contractors, Inc. Monroe, NC	
Item No.	Description	Estimated Qty.	Unit	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
A	Mobilization (not to exceed 3% of total)	LS	1	\$5,864.37	\$5,864.37	\$6,000.00	\$6,000.00	\$6,200.00	\$6,200.00
B	16"x 8" tapping sleeve & valve, complete w/box Jumper Connection (Detail #25)	LS	1	\$7,234.60	\$7,234.60	\$4,800.00	\$4,800.00	\$7,500.00	\$7,500.00
C	8-inch PVC, C-900 SDR 14 (200 psi)	LF	2,870	\$13.50	\$38,745.00	\$14.55	\$41,758.50	\$15.40	\$44,198.00
	8-inch Ductile Iron Pipe, CI 350, RJ	LF	108	\$33.50	\$3,618.00	\$26.30	\$2,840.40	\$31.00	\$3,348.00
	8-inch Ductile Iron Pipe, CI 350	LF	36	\$25.25	\$909.00	\$21.40	\$770.40	\$24.50	\$882.00
	6-Inch PVC, C-900 SDR 14 (200 psi)	LF	1,624	\$9.85	\$15,996.40	\$12.04	\$19,552.96	\$13.20	\$21,436.80
	6-inch Ductile Iron Pipe, CI 350, RJ	LF	576	\$24.40	\$14,054.40	\$22.35	\$12,873.60	\$27.60	\$15,897.60
	6-inch Ductile Iron Pipe, CI 350	LF	18	\$20.60	\$370.80	\$21.80	\$392.40	\$23.00	\$414.00
	2-inch PVC, SDR 21	LF	1,050	\$4.75	\$4,987.50	\$7.15	\$7,507.50	\$10.50	\$11,025.00
	Chlorination Tap	EA	1	\$98.00	\$98.00	\$2,000.00	\$2,000.00	\$150.00	\$150.00
D	12-inch Steel Casing Pipe, Bored	LF	100	\$146.30	\$14,630.00	\$130.00	\$13,000.00	\$95.00	\$9,500.00
E	8-inch Gate Valve, complete w/box & ring	EA	2	\$883.35	\$1,766.70	\$850.00	\$1,700.00	\$900.00	\$1,800.00
	6-Inch Gate Valve, complete w/box & ring	EA	3	\$607.95	\$1,823.85	\$725.00	\$2,175.00	\$600.00	\$1,800.00
	6"x2" reducer, 2-inch Gate Valve, complete w/box	EA	3	\$550.95	\$1,652.85	\$850.00	\$1,950.00	\$475.00	\$1,425.00
F	Fire Hydrant, Complete	EA	7	\$2,287.90	\$16,015.30	\$2,800.00	\$19,800.00	\$2,675.00	\$18,725.00
G	Not Used								
H	2-inch Blow-off & Valve Assembly, w/boxes & rings	EA	3	\$518.35	\$1,555.05	\$500.00	\$1,500.00	\$630.00	\$1,890.00
I	Not Used								
J	Pavement Replacement (NCDOT Maintained Rds)	LF	20	\$45.00	\$900.00	\$40.00	\$800.00	\$50.00	\$1,000.00
K	6" and 8" Driveway Undercrossing (Free bores)	LF	340	\$35.00	\$11,900.00	\$40.00	\$13,600.00	\$28.00	\$9,520.00
	2" Driveway Undercrossing (Free Bores)	LF	140	\$10.00	\$1,400.00	\$22.00	\$3,080.00	\$23.00	\$3,220.00
L	Driveway Replacement - Gravel (1-Drive)	LF	20	\$3.90	\$78.00	\$10.00	\$200.00	\$8.00	\$160.00
	Driveway Replacement - Asphalt	LF	20	\$17.50	\$350.00	\$30.00	\$600.00	\$35.00	\$700.00
	Driveway Replacement - Concrete	LF	20	\$18.50	\$370.00	\$30.00	\$600.00	\$60.00	\$1,200.00
M	Subgrade Stabilization Stone	Ton	1	\$35.00	\$35.00	\$175.00	\$175.00	\$26.00	\$26.00
N	Check Dams - Stone Check Dam (2 per detail)	EA	47	\$100.00	\$4,700.00	\$90.00	\$4,230.00	\$70.00	\$3,290.00
	Check Dams - Stone Outlet (1 per detail)	EA	1	\$150.00	\$150.00	\$275.00	\$275.00	\$100.00	\$100.00
	Check Dams - Rock Silt Screen (1 per detail)	EA	1	\$150.00	\$150.00	\$400.00	\$400.00	\$100.00	\$100.00
O	Rip Rap	SY	8	\$45.00	\$360.00	\$80.00	\$640.00	\$40.00	\$320.00
P	Silt Fencing	LF	1,800	\$2.90	\$5,220.00	\$3.00	\$5,400.00	\$2.00	\$3,600.00
Q	Stormwater Requirements	LS	1	\$1,000.00	\$1,000.00	\$750.00	\$750.00	\$930.00	\$930.00
R	Service Connections (Number of Taps)	EA	47	\$815.85	\$38,344.95	\$725.00	\$34,075.00	\$725.00	\$34,075.00
S	Service Lines (3/4" Long Services Bored)	LF	200	\$9.00	\$1,800.00	\$10.00	\$2,000.00	\$25.00	\$5,000.00
T	Traffic Control	LS	1	\$3,750.00	\$3,750.00	\$2,000.00	\$2,000.00	\$475.00	\$475.00
U	Not Used								
V	Sod-Landscaping Lawn Repair	SY	1	\$15.00	\$15.00	\$13.00	\$13.00	\$15.00	\$15.00
**Items match Measurement & Payment Section, (PART 1.4)									
BID TOTAL, ITEMS A THROUGH V, INCLUSIVE, THE AMOUNT OF					\$201,343.52		\$208,758.76		\$211,422.40

*Indicates math error corrected

OAK BROOK SUBDIVISION WATER MAIN EXTENSION Union County Public Works Department				Classic City Mechanical, Inc. Winterville, GA		Concord Builders, Inc. Concord, NC		CMI Contracting, Inc. Monroe, NC	
Item No.	Description	Estimated		Unit	Extended	Unit	Extended	Unit	Extended
		Qty.	Unit	Price	Price	Price	Price	Price	Price
A	Mobilization (not to exceed 3% of total)	LS	1	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$6,900.00	\$6,900.00
B	16"x 8" lapping sleeve & valve, complete w/box Jumper Connection (Detail #25)	LS	1	\$7,600.00	\$7,600.00	\$7,628.00	\$7,628.00	\$7,500.00	\$7,500.00
C	8-Inch PVC, C-900 SDR 14 (200 psi)	LF	2,870	\$14.60	\$41,902.00	\$20.50	\$58,835.00	\$15.00	\$43,050.00
	6-inch Ductile Iron Pipe, CI 350, RJ	LF	108	\$28.50	\$3,078.00	\$31.00	\$3,348.00	\$30.00	\$3,240.00
	8-inch Ductile Iron Pipe, CI 350	LF	36	\$28.00	\$1,008.00	\$27.00	\$972.00	\$22.00	\$792.00
	6-Inch PVC, C-900 SDR 14 (200 psi)	LF	1,824	\$11.25	\$18,270.00	\$17.00	\$27,608.00	\$13.00	\$21,112.00
	6-Inch Ductile Iron Pipe, CI 350, RJ	LF	578	\$24.00	\$13,824.00	\$26.00	\$14,976.00	\$25.00	\$14,400.00
	6-inch Ductile Iron Pipe, CI 350	LF	18	\$24.00	\$432.00	\$24.00	\$432.00	\$22.00	\$396.00
	2-inch PVC, SDR 21	LF	1,050	\$4.50	\$4,725.00	\$9.72	\$10,206.00	\$10.00	\$10,500.00
	Chlorination Tap	EA	1	\$500.00	\$500.00	\$250.00	\$250.00	\$200.00	\$200.00
D	12-inch Steel Casing Pipe, Bored	LF	100	\$160.00	\$16,000.00	\$135.00	\$13,500.00	\$150.00	\$15,000.00
E	8-inch Gate Valve, complete w/box & ring	EA	2	\$1,242.00	\$2,484.00	\$835.00	\$1,670.00	\$925.00	\$1,850.00
	6-inch Gate Valve, complete w/box & ring	EA	3	\$910.00	\$2,730.00	\$574.00	\$1,722.00	\$650.00	\$1,950.00
	6"x2" reducer, 2-inch Gate Valve, complete w/box	EA	3	\$640.00	\$1,920.00	\$377.00	\$1,131.00	\$600.00	\$1,800.00
F	Fire Hydrant, Complete	EA	7	\$3,008.00	\$21,056.00	\$3,127.00	\$21,889.00	\$2,700.00	\$18,900.00
G	Not Used								
H	2-Inch Blow-off & Valve Assembly, w/boxes & rings	EA	3	\$946.00	\$2,838.00	\$540.00	\$1,620.00	\$525.00	\$1,575.00
I	Not Used								
J	Pavement Replacement (NCDOT Maintained Rds)	LF	20	\$40.00	\$800.00	\$50.00	\$1,000.00	\$50.00	\$1,000.00
K	8" and 8" Driveway Undercrossing (Free bores)	LF	340	\$35.00	\$11,900.00	\$33.00	\$11,220.00	\$50.00	\$17,000.00
	2" Driveway Undercrossing (Free Bores)	LF	140	\$15.00	\$2,100.00	\$19.00	\$2,660.00	\$10.00	\$1,400.00
L	Driveway Replacement - Gravel (1-Drive)	LF	20	\$8.00	\$160.00	\$6.00	\$120.00	\$10.00	\$200.00
	Driveway Replacement - Asphalt	LF	20	\$30.00	\$600.00	\$52.00	\$1,040.00	\$50.00	\$1,000.00
	Driveway Replacement - Concreta	LF	20	\$40.00	\$800.00	\$35.00	\$700.00	\$75.00	\$1,500.00
M	Subgrade Stabilization Stone	Ton	1	\$30.00	\$30.00	\$35.00	\$35.00	\$100.00	\$100.00
N	Chack Dams - Stone Check Dam (2 per detail)	EA	47	\$200.00	\$9,400.00	\$70.00	\$3,290.00	\$200.00	\$9,400.00
	Check Dams - Stone Outlet (1 per detail)	EA	1	\$350.00	\$350.00	\$72.00	\$72.00	\$600.00	\$600.00
	Check Dams - Rock Silt Screen (1 per detail)	EA	1	\$350.00	\$350.00	\$215.00	\$215.00	\$600.00	\$600.00
O	Rip Rap	SY	8	\$25.00	\$200.00	\$29.00	\$232.00	\$50.00	\$400.00
P	Silt Fencing	LF	1,800	\$3.50	\$6,300.00	\$2.15	\$3,870.00	\$2.25	\$4,050.00
Q	Stormwater Requiraments	LS	1	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00
R	Service Connections (Number of Taps)	EA	47	\$736.00	\$34,592.00	\$551.00	\$25,897.00	\$650.00	\$30,550.00
S	Service Lines (3/4" Long Services Bored)	LF	200	\$11.00	\$2,200.00	\$18.00	\$3,600.00	\$12.00	\$2,400.00
T	Traffic Control	LS	1	\$100.00	\$100.00	\$2,000.00	\$2,000.00	\$12,000.00	\$12,000.00
U	Not Used								
V	Sod-Landscaping Lawn Repair	SY	1	\$5.00	\$5.00	\$50.00	\$50.00	\$100.00	\$100.00
**Items match Measurement & Payment Section, (PART 1.4)									
BID TOTAL, ITEMS A THROUGH V, INCLUSIVE, THE AMOUNT OF					\$216,525.00		\$225,294.00 *		\$238,465.00

*indicates math error corrected

OAK BROOK SUBDIVISION WATER MAIN EXTENSION Union County Public Works Department				Dawn Development Co., Inc. Monroe, NC		R. H. Price, Inc. Matthews, NC		Site Performance Construction, Inc. Charlotte, NC	
Item No.	Description	Estimated Qty.	Unit	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
A	Mobilization (not to exceed 3% of total)	LS	1	\$7,000.00	\$7,000.00	\$6,000.00	\$6,000.00	\$3,623.00	\$3,623.00
B	16"x 8" tapping sleeve & valve, complete w/box Jumper Connection (Detail #25)	LS	1	\$7,000.00	\$7,000.00	\$7,000.00	\$7,000.00	\$8,253.00	\$8,253.00
C	8-inch PVC, C-900 SDR 14 (200 psi)	LF	2,870	\$20.00	\$57,400.00	\$23.00	\$66,010.00	\$22.29	\$63,972.30
	8-inch Ductile Iron Pipe, CI 350, RJ	LF	108	\$36.00	\$3,888.00	\$40.00	\$4,320.00	\$43.45	\$4,692.60
	8-inch Ductile Iron Pipe, CI 350	LF	38	\$28.00	\$1,008.00	\$33.00	\$1,188.00	\$53.86	\$1,938.96
	8-inch PVC, C-900 SDR 14 (200 psi)	LF	1,624	\$15.00	\$24,360.00	\$20.00	\$32,480.00	\$19.24	\$31,245.76
	6-inch Ductile Iron Pipe, CI 350, RJ	LF	576	\$32.00	\$18,432.00	\$37.00	\$21,312.00	\$31.04	\$17,879.04
	8-inch Ductile Iron Pipe, CI 350	LF	18	\$26.00	\$468.00	\$32.00	\$576.00	\$73.17	\$1,317.06
	2-inch PVC, SDR 21	LF	1,050	\$9.50	\$9,975.00	\$15.00	\$15,750.00	\$15.33	\$16,096.50
	Chlorination Tap	EA	1	\$500.00	\$500.00	\$100.00	\$100.00	\$1,255.00	\$1,255.00
D	12-inch Steel Casing Pipe, Bored	LF	100	\$200.00	\$20,000.00	\$100.00	\$10,000.00	\$141.66	\$14,166.00
E	8-inch Gate Valve, complete w/box & ring	EA	2	\$1,100.00	\$2,200.00	\$1,000.00	\$2,000.00	\$1,475.50	\$2,951.00
	6-inch Gate Valve, complete w/box & ring	EA	3	\$900.00	\$2,700.00	\$650.00	\$1,950.00	\$932.00	\$2,796.00
	6"x2" reducer, 2-inch Gate Valve, complete w/box	EA	3	\$800.00	\$2,400.00	\$550.00	\$1,650.00	\$938.33	\$2,814.99
F	Fire Hydrant, Complete	EA	7	\$3,000.00	\$21,000.00	\$2,700.00	\$18,900.00	\$2,990.43	\$20,933.01
G	Not Used								
H	2-inch Blow-off & Valve Assembly, w/boxes & rings	EA	3	\$1,200.00	\$3,600.00	\$450.00	\$1,350.00	\$905.67	\$2,717.01
I	Not Used								
J	Pavement Replacement (NCDOT Maintained Rds)	LF	20	\$40.00	\$800.00	\$40.00	\$800.00	\$51.15	\$1,023.00
K	6" end 8" Driveway Undercrossing (Free bores)	LF	340	\$70.00	\$23,800.00	\$25.00	\$8,500.00	\$42.42	\$14,422.80
	2" Driveway Undercrossing (Free Bores)	LF	140	\$20.00	\$2,800.00	\$25.00	\$3,500.00	\$25.88	\$3,623.20
L	Driveway Replacement - Gravel (1-Drive)	LF	20	\$20.00	\$400.00	\$10.00	\$200.00	\$46.15	\$923.00
	Driveway Replacement - Asphalt	LF	20	\$30.00	\$600.00	\$30.00	\$600.00	\$51.15	\$1,023.00
	Driveway Replacement - Concrete	LF	20	\$40.00	\$800.00	\$60.00	\$1,200.00	\$48.65	\$973.00
M	Subgrade Stabilization Stone	Ton	1	\$38.00	\$38.00	\$30.00	\$30.00	\$848.00	\$848.00
N	Check Dams - Stone Check Dam (2 per detail)	EA	47	\$40.00	\$1,880.00	\$40.00	\$1,880.00	\$167.51	\$7,872.97
	Check Dams - Stone Outlet (1 per detail)	EA	1	\$40.00	\$40.00	\$100.00	\$100.00	\$973.00	\$973.00
	Check Dams - Rock Silt Screen (1 per detail)	EA	1	\$100.00	\$100.00	\$100.00	\$100.00	\$973.00	\$973.00
O	Rip Rap	SY	8	\$80.00	\$640.00	\$40.00	\$320.00	\$115.38	\$923.04
P	Silt Fencing	LF	1,800	\$3.00	\$5,400.00	\$2.00	\$3,600.00	\$3.46	\$6,228.00
Q	Stormwater Requirements	LS	1	\$1,000.00	\$1,000.00	\$6,000.00	\$6,000.00	\$5,823.00	\$5,823.00
R	Service Connections (Number of Taps)	EA	47	\$500.00	\$23,500.00	\$600.00	\$28,200.00	\$624.70	\$29,360.90
S	Service Lines (3/4" Long Services Bored)	LF	200	\$10.00	\$2,000.00	\$12.00	\$2,400.00	\$29.12	\$5,824.00
T	Traffic Control	LS	1	\$500.00	\$500.00	\$100.00	\$100.00	\$2,824.00	\$2,824.00
U	Not Used								
V	Sod-Landscaping Lawn Repair	SY	1	\$500.00	\$500.00	\$10.00	\$10.00	\$824.00	\$824.00
**Items match Measurement & Payment Section, (PART 1.4)									
BID TOTAL, ITEMS A THROUGH V, INCLUSIVE, THE AMOUNT OF					\$248,229.00		\$248,526.00		\$285,003.14 *

*indicates math error corrected

OAK BROOK SUBDIVISION WATER MAIN EXTENSION Union County Public Works Department				RF Shinn Contractor Concord, NC		MV Momentum Construction, LLC Charlotte, NC		Propst Construction Co., Inc. Concord, NC	
Item No.	Description	Estimated		Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
		Qty.	Unit						
A	Mobilization (not to exceed 3% of total)	LS	1	\$7,000.00	\$7,000.00	\$3,135.22	\$3,135.22	\$8,000.00	\$8,000.00
B	16"x 8" tapping sleeve & valve, complete w/box Jumper Connection (Detail #25)	LS	1	\$7,000.00	\$7,000.00	\$7,879.46	\$7,879.46	\$8,000.00	\$8,000.00
C	8-inch PVC, C-900 SDR 14 (200 psi)	LF	2,870	\$20.00	\$57,400.00	\$19.87	\$57,026.90 *	\$31.00	\$88,970.00
	8-inch Ductile Iron Pipe, CI 350, RJ	LF	108	\$37.00	\$3,996.00	\$37.94	\$4,097.52 *	\$50.00	\$5,400.00
	8-inch Ductile Iron Pipe, CI 350	LF	36	\$30.00	\$1,060.00	\$31.94	\$1,149.84 *	\$40.00	\$1,440.00
	8-inch PVC, C-900 SDR 14 (200 psi)	LF	1,624	\$19.00	\$30,858.00	\$18.46	\$26,731.04 *	\$28.00	\$45,472.00
	8-inch Ductile Iron Pipe, CI 350, RJ	LF	576	\$32.00	\$18,432.00	\$30.59	\$17,619.84 *	\$40.00	\$23,040.00
	8-inch Ductile Iron Pipe, CI 350	LF	18	\$28.00	\$504.00	\$27.94	\$502.92 *	\$37.00	\$668.00
	2-inch PVC, SDR 21	LF	1,050	\$16.00	\$16,800.00	\$12.52	\$13,146.00 *	\$18.00	\$18,900.00
	Chlorination Tap	EA	1	\$400.00	\$400.00	\$692.03	\$692.03	\$800.00	\$800.00
D	12-inch Steel Casing Pipe, Bored	LF	100	\$200.00	\$20,000.00	\$186.00	\$18,600.00	\$200.00	\$20,000.00
E	8-inch Gate Valve, complete w/box & ring	EA	2	\$1,150.00	\$2,300.00	\$1,404.50	\$2,809.00	\$1,250.00	\$2,500.00
	6-inch Gate Valve, complete w/box & ring	EA	3	\$800.00	\$2,400.00	\$1,092.58	\$3,277.74 *	\$880.00	\$2,640.00
	6"x2" reducer, 2-inch Gate Valve, complete w/box	EA	3	\$500.00	\$1,500.00	\$948.77	\$2,846.31 *	\$690.00	\$2,070.00
F	Fire Hydrant, Complete	EA	7	\$3,500.00	\$24,500.00	\$3,966.07	\$27,762.49 *	\$3,650.00	\$25,550.00
G	Not Used								
H	2-inch Blow-off & Valve Assembly, w/boxes & rings	EA	3	\$900.00	\$2,700.00	\$941.87	\$2,825.61 *	\$740.00	\$2,220.00
I	Not Used								
J	Pavement Replacement (NCDOT Maintained Rds)	LF	20	\$80.00	\$1,600.00	\$441.44	\$8,828.80	\$34.00	\$680.00
K	6" and 8" Driveway Undercrossing (Free bores)	LF	340	\$45.00	\$15,300.00	\$69.79	\$23,728.80 *	\$58.00	\$19,720.00
	2" Driveway Undercrossing (Free Bores)	LF	140	\$25.00	\$3,500.00	\$58.33	\$8,166.20 *	\$30.00	\$4,200.00
L	Driveway Replacement - Gravel (1-Drive)	LF	20	\$15.00	\$300.00	\$23.89	\$473.80	\$6.00	\$120.00
	Driveway Replacement - Asphalt	LF	20	\$70.00	\$1,400.00	\$441.44	\$8,828.80	\$30.00	\$600.00
	Driveway Replacement - Concrete	LF	20	\$100.00	\$2,000.00	\$14.88	\$297.60	\$60.00	\$1,200.00
M	Subgrade Stabilization Stone	Ton	1	\$35.00	\$35.00	\$62.00	\$62.00	\$36.00	\$36.00
N	Check Dams - Stone Check Dam (2 per detail)	EA	47	\$100.00	\$4,700.00	\$264.80	\$12,445.60 *	\$60.00	\$2,820.00
	Check Dams - Stone Outlet (1 per detail)	EA	1	\$200.00	\$200.00	\$67.38	\$67.38	\$180.00	\$180.00
	Check Dams - Rock Silt Screen (1 per detail)	EA	1	\$200.00	\$200.00	\$67.38	\$67.38	\$190.00	\$190.00
O	Rip Rap	SY	8	\$100.00	\$800.00	\$66.76	\$534.08 *	\$50.00	\$400.00
P	Silt Fencing	LF	1,800	\$2.50	\$4,500.00	\$2.09	\$3,762.00 *	\$3.50	\$6,300.00
Q	Stormwater Requirements	LS	1	\$4,000.00	\$4,000.00	\$14,021.42	\$14,021.42	\$12,000.00	\$12,000.00
R	Service Connections (Number of Taps)	EA	47	\$900.00	\$42,300.00	\$988.54	\$45,521.38 *	\$825.00	\$38,775.00
S	Service Lines (3/4" Long Services Bored)	LF	200	\$48.00	\$9,200.00	\$57.30	\$11,460.00 *	\$26.00	\$5,200.00
T	Traffic Control	LS	1	\$2,500.00	\$2,500.00	\$2,480.00	\$2,480.00	\$5,000.00	\$5,000.00
U	Not Used								
V	Sod-Landscaping Lawn Repair	SY	1	\$30.00	\$30.00	\$5.58	\$5.58	\$25.00	\$25.00
**Items match Measurement & Payment Section, (PART 1.4)									
BID TOTAL, ITEMS A THROUGH V, INCLUSIVE, THE AMOUNT OF					\$290,433.00		\$332,719.25 *		\$354,614.00

*indicates math error corrected

OAK BROOK SUBDIVISION WATER MAIN EXTENSION Union County Public Works Department				Triangle Grading & Paving, Inc. Burlington, NC		B.R.S., Inc. Richfield, NC	
Item No.	Description	Estimated Qty.	Unit	Unit Price	Extended Price	Unit Price	Extended Price
A	Mobilization (not to exceed 3% of total)	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
B	16"x 8" tapping sleeve & valve, complete w/box Jumper Connection (Detail #25)	LS	1	\$10,000.00	\$10,000.00	\$7,425.00	\$7,425.00
C	8-inch PVC, C-900 SDR 14 (200 psi)	LF	2,870	\$28.00	\$80,360.00	\$38.90	\$111,643.00
	8-inch Ductile Iron Pipe, CI 350, RJ	LF	108	\$55.00	\$5,940.00	\$50.90	\$5,497.20
	8-inch Ductile Iron Pipe, CI 350	LF	38	\$35.00	\$1,260.00	\$46.90	\$1,688.40
	6-inch PVC, C-900 SDR 14 (200 psi)	LF	1,824	\$25.00	\$40,600.00	\$34.40	\$55,865.60
	6-inch Ductile Iron Pipe, CI 350, RJ	LF	578	\$50.00	\$28,800.00 *	\$46.90	\$27,014.40
	6-inch Ductile Iron Pipe, CI 350	LF	18	\$33.00	\$594.00	\$42.90	\$772.20
	2-inch PVC, SDR 21	LF	1,050	\$20.00	\$21,000.00	\$31.65	\$33,232.50
	Chlorination Tap	EA	1	\$1,000.00	\$1,000.00	\$600.00	\$600.00
D	12-inch Steel Casing Pipe, Bored	LF	100	\$100.00	\$10,000.00	\$153.00	\$15,300.00
E	8-inch Gate Valve, complete w/box & ring	EA	2	\$1,000.00	\$2,000.00	\$895.00	\$1,790.00
	6-inch Gate Valve, complete w/box & ring	EA	3	\$800.00	\$2,400.00	\$650.00	\$1,950.00
	6"x2" reducer, 2-inch Gate Valve, complete w/box	EA	3	\$700.00	\$2,100.00	\$630.00	\$1,890.00
F	Fire Hydrant, Complete	EA	7	\$3,000.00	\$21,000.00	\$3,200.00	\$22,400.00
G	Not Used						
H	2-inch Blow-off & Valve Assembly, w/boxes & rings	EA	3	\$1,000.00	\$3,000.00	\$600.00	\$1,800.00
I	Not Used						
J	Pavement Replacement (NCDOT Maintained Rds)	LF	20	\$57.00	\$1,140.00	\$37.00	\$740.00
K	8" and 6" Driveway Undercrossing (Free bores)	LF	340	\$40.00	\$13,600.00	\$100.00	\$34,000.00
	2" Driveway Undercrossing (Free Bores)	LF	140	\$40.00	\$5,600.00	\$55.00	\$7,700.00
L	Driveway Replacement - Gravel (1-Drive)	LF	20	\$15.00	\$300.00	\$10.00	\$200.00
	Driveway Replacement - Asphalt	LF	20	\$57.00	\$1,140.00	\$29.00	\$580.00
	Driveway Replacement - Concrete	LF	20	\$70.00	\$1,400.00	\$45.00	\$900.00
M	Subgrade Stabilization Stone	Ton	1	\$100.00	\$100.00	\$0.00	\$0.00
N	Check Dams - Stone Check Dam (2 per detail)	EA	47	\$150.00	\$7,050.00	\$50.00	\$2,350.00
	Check Dams - Stone Outlet (1 per detail)	EA	1	\$250.00	\$250.00	\$50.00	\$50.00
	Check Dams - Rock Silt Screen (1 per detail)	EA	1	\$400.00	\$400.00	\$50.00	\$50.00
O	Rip Rap	SY	8	\$60.00	\$480.00	\$28.00	\$224.00
P	Silt Fencing	LF	1,800	\$3.00	\$5,400.00	\$2.50	\$4,500.00
Q	Stormwater Requirements	LS	1	\$15,000.00	\$15,000.00	\$1,000.00	\$1,000.00
R	Service Connections (Number of Taps)	EA	47	\$1,300.00	\$61,100.00	\$1,075.00	\$50,525.00
S	Service Lines (3/4" Long Services Bored)	LF	200	\$20.00	\$4,000.00	\$27.75	\$5,550.00
T	Traffic Control	LS	1	\$15,000.00	\$15,000.00	\$1,000.00	\$1,000.00
U	Not Used						
V	Sod-Landscaping Lawn Repair	SY	1	\$20.00	\$20.00	\$30.00	\$30.00
**Items match Measurement & Payment Section, (PART 1.4)							
BID TOTAL, ITEMS A THROUGH V, INCLUSIVE, THE AMOUNT OF					\$377,034.00 *		\$410,467.30

*Indicates math error corrected

02/17/2009

CAPITAL PROJECT ORDINANCE AMENDMENT

BUDGET Water and Sewer CPO Fund
 FISCAL YEAR FY 2008-2009

REQUESTED BY Kai Nelson
 DATE April 6, 2009

PROJECT SOURCES

Source Description and Code	Project To Date	Requested Amendment	Revised Project
IFT from General Fund	28,945	60,302	89,247
IFT from W&S Oper Fd	-	104,340	104,340
Misc Rev: Customer Contr.	-	-	-
	<u>28,945</u>	<u>164,642</u>	<u>193,587</u>

PROJECT USES

Project Description and Code	Project To Date	Requested Amendment	Revised Project
Self Help Proj: Oakbrook	28,945	164,642	193,587
	<u>28,945</u>	<u>164,642</u>	<u>193,587</u>

EXPLANATION: Appropriate funds from unallocated funds previously transferred from the General Fund and the Water & Sewer Operating Fund to the Water & Sewer CPO Fund, as well as appropriate customer contributions, for the Oakbrook Self Help Project.

DATE: _____

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

FOR FINANCE POSTING PURPOSES ONLY

PROJECT SOURCES

Source Description and Code	Project To Date	Requested Amendment	Revised Project
Self Help Proj: Oakbrook			
IFT from General Fund	28,945	60,302	89,247
64471400-4010-SH002			
IFT from W&S Oper Fd	-	104,340	104,340
64471400-4845-SH002			
Misc Rev: Customer Contr.	-	-	-
64471400-4845-SH002			
	<u>28,945</u>	<u>164,642</u>	<u>193,587</u>

PROJECT USES

Project Description and Code	Project To Date	Requested Amendment	Revised Project
Self Help Proj: Oakbrook			
Architectural & Engineering	28,945	-	28,945
64571400-5594-SH002			
Construction	-	164,642	164,642
64571400-5595-SH002			
	<u>28,945</u>	<u>164,642</u>	<u>193,587</u>

Prepared By aar
 Posted By _____
 Date _____

Number CPO - 115

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 6, 2009

Action Agenda Item No. 136
(Central Admin. use only)

SUBJECT: Self-Help Waterline Extensions (Wellington Woods I & Polk Mountain)

DEPARTMENT: Public Works

PUBLIC HEARING: No

ATTACHMENT(S):
Engineer's Report and Bid Tabulation

INFORMATION CONTACT:
Scott Huneycutt

TELEPHONE NUMBERS:
704-296-4211

DEPARTMENT'S RECOMMENDED ACTION: Authorize staff to enter into negotiations with the lowest responsible bidder making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available for the project

BACKGROUND: On March 10, 2008 the Board of County Commissioners approved moving forward with both of these projects. Wellington Woods I Subdivision is located off Potter Road near the intersection of Forest Lawn Drive. The project consist of approximately 4,600 lf of waterline and appurtenances serving approximately 28 residential customers. The Polk Mountain Subdivision is located off of New Salem Road in Northeastern Union County. The project consists of approximately 8,000 lf of waterline and appurtenances serving approximately 41 residential customers.

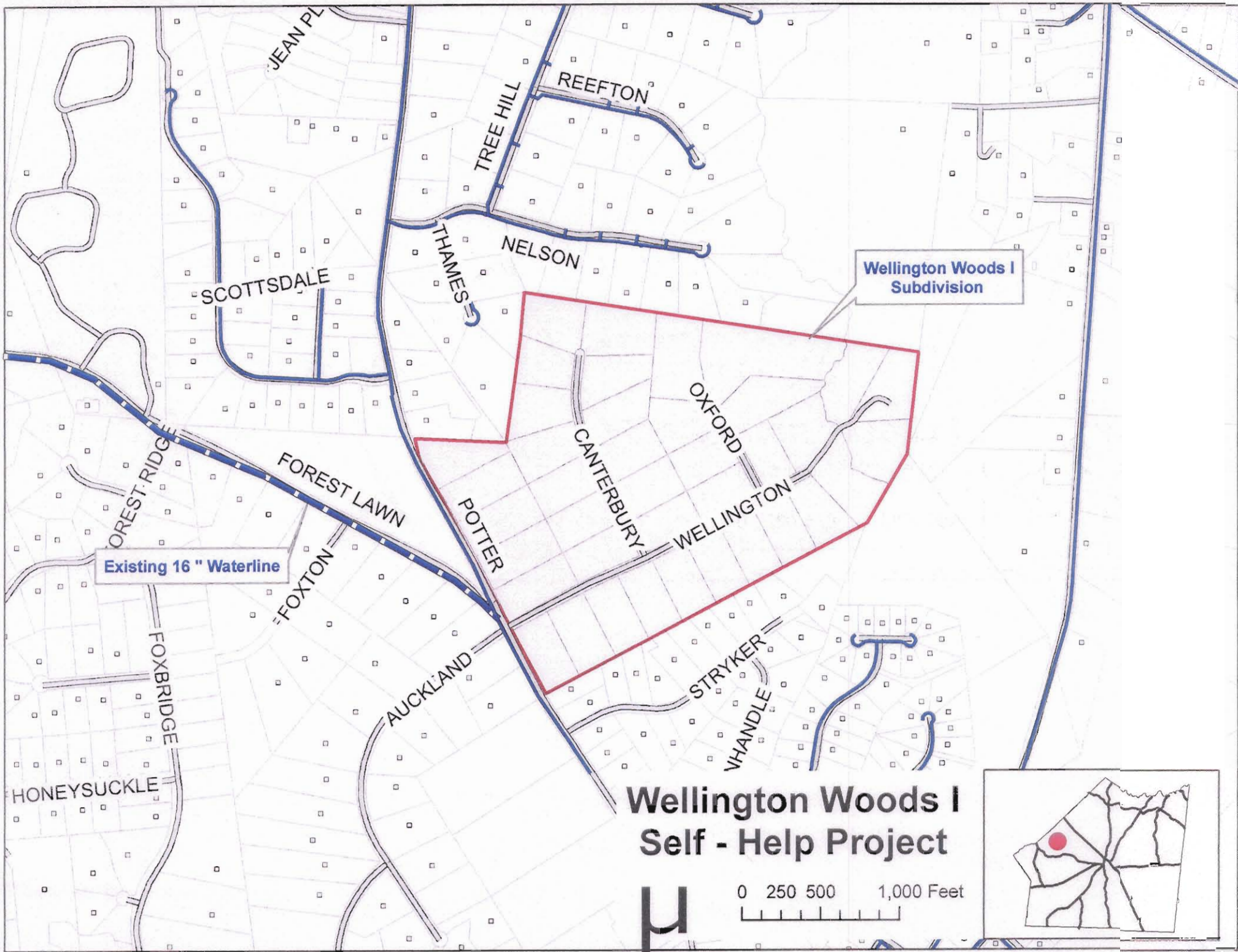
The Polk Mountain Subdivision construction project budget is \$155,000. The low bidder's construction cost is \$175,035; about \$20,000 over budget. The County's self-help program limits the County's participation to \$4,220 per customer (see agenda abstract write-up on Oakbrook). In lieu of seeking additional customer participation, County staff is recommending that it be authorized to negotiate with the lowest responsible bidder to make reasonable changes to the plans to bring the contract price within budget.

FINANCIAL IMPACT: Funds for the County's contribution (both utility and General Fund) are available within the CPO. Should the County be successful in negotiating reductions in the bid price, the item will be placed on a subsequent Board agenda for award along with the commensurate project ordinance amendment.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

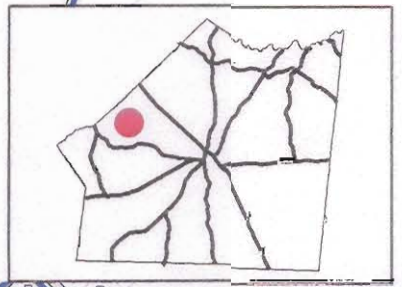


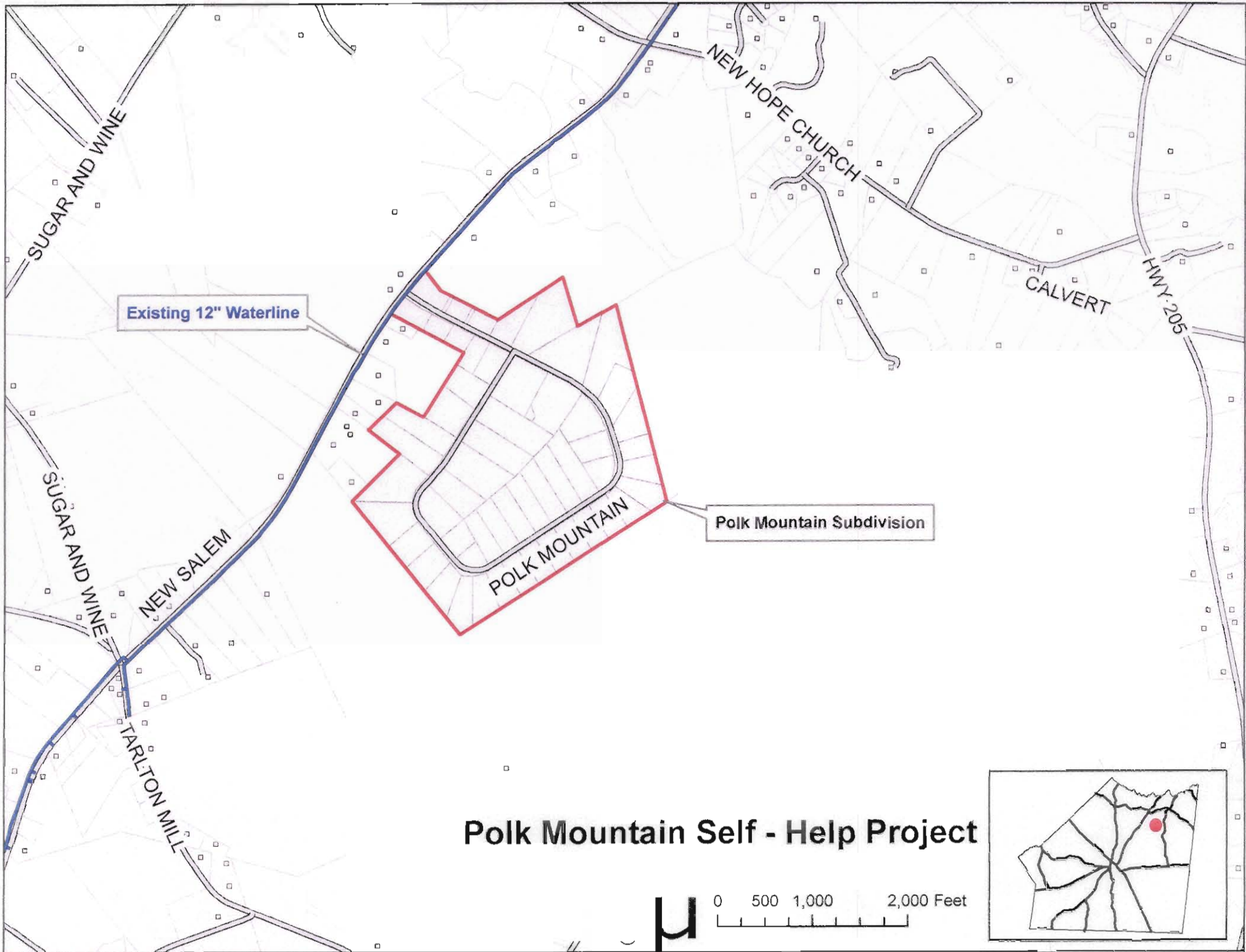
Existing 16" Waterline

Wellington Woods I Subdivision

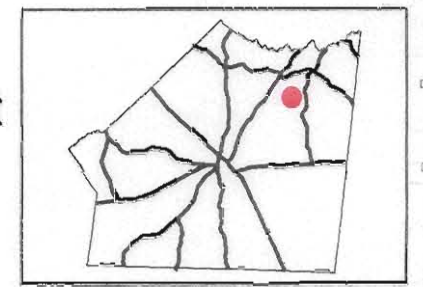
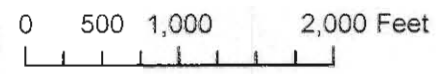
Wellington Woods I Self - Help Project

0 250 500 1,000 Feet





Polk Mountain Self - Help Project



ENGINEERING REPORT FOR BIDS

ON

UNION COUNTY
SELF HELP PROGRAM WATER LINE EXTENSIONS
CONTRACT A – WELLINGTON WOODS I
CONTRACT B – POLK MOUNTAIN

March 6, 2009

- I. DATE AND TIME OF BID OPENING: March 6, 2009, at 2:00 p.m.
- II. LOCATION OF BID OPENING: Union County Public Works Department
- III. REPORT SUBMITTED TO: Union County Public Works, North Carolina
- IV. DESCRIPTION OF PROJECT:

The project entitled "Self Help Program Waterline Extensions, Contract A – Wellington Woods I and Contract B – Polk Mountain" consists of the installation of approximately 4,600 LF of 6-inch and 2-inch waterlines and appurtenances, and approximately 8,000 LF of 8-inch and 6-inch waterlines and appurtenances.

V. ADVERTISEMENT FOR BIDS:

The "Advertisement for Bids" for the project was placed in the following publications:

1. Associated General Contractors Bulletin
2. F.W. Dodge Report

Drawings and specifications were available for public review during the advertisement period at the following locations:

1. A.G.C. Office, Charlotte, North Carolina.
2. F.W. Dodge Office, Charlotte, North Carolina.
3. HDR Engineering, Inc. of the Carolinas, 128 South Tryon Street, Suite 1400, Charlotte, North Carolina.

In response to the Advertisement for Bids, eleven (11) contractors requested and received drawings and specifications. Ten (10) bids were received and all publicly opened and read aloud at the date, time, and place specified.

VI. SUMMARY OF BID OPENINGS

The Total Bid for each Bidder for the Union County – Self Help Program Waterline Extensions, Contract A – Wellington Woods I and Contract B – Polk Mountain is listed below in the order from lowest bid to highest bid:

BIDDER	ADDRESS	CONTRACT A SUBTOTAL	CONTRACT B SUBTOTAL	TOTAL BID FOR PROJECT
Dawn Development	1815 Rocky River Road N Monroe, NC 28110	\$109,632.77	\$175,035.20	\$284,667.97
C&W Utilities	2146 West Zion Church Rd Shelby, NC 28150	\$108,340.45	\$177,299.50	\$285,639.95
RDR, Inc.	12685 Barrier Store Road Locust, NC 28097	\$106,680.00	\$185,300.00	\$291,980.00
Davis Grading, Inc.	3412 W. Zion Church Rd Shelby, NC 28150	\$112,226.25	\$192,425.00	\$304,651.25
Bullseye Construction	581 N. Polk Street Pineville, NC 28134	\$121,478.00	\$210,160.00	\$331,638.00
State Utility Contractors	4417 Old Charlotte Hwy Monroe, NC 28110	\$128,478.50	\$211,631.00	\$340,109.50
Dellinger, Inc.	2631 Old Charlotte Hwy Monroe, NC 28110	\$132,721.25	\$211,205.00	\$343,926.25
RF Shinn Contractors	9025 Hwy 601 Midland, NC 28107	\$138,137.50	\$226,010.00	\$364,147.50
Loftis Construction	6161 McDaniel Lane Charlotte, NC 28213	\$143,154.42	\$241,065.16	\$384,219.38
Propst Construction	170 Blumè Ave SW Concord, NC 28025	\$155,462.50	\$263,610.00	\$419,072.50

No bid irregularities were found in the bids.

VII. RECOMMENDATIONS

HDR recommends that Union County award the Project to Dawn Development, Co., the lowest, responsible, responsive bidder, in the amount of \$284,667.97.

Should you have any questions concerning the bids received or our recommendations, please do not hesitate to contact us. We look forward to continued work on this important project for Union County.

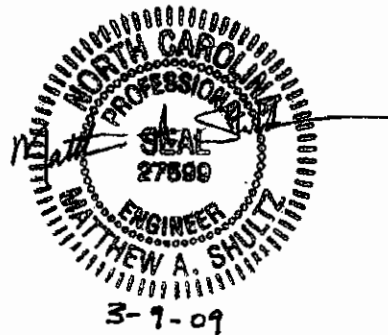
Respectfully submitted,

HDR Engineering, Inc. of the Carolinas



Matthew Shultz, PE
Project Manager

MS/sc
Enclosures



Self Help Program Waterline Extension - Contract A - Wellington Woods I

UNION COUNTY, NORTH CAROLINA
BIO TABULATION

ITEM NO.	ITEM DESCRIPTION	UNIT MEASURE	QUANTITY	CONTRACTOR		C&W Utilities		RDR Inc.		Davis Grading	
				SURETY	LICENSE NO.	Employers Mutual Casual	Cincinnati Insurance Co	Ohio Farmers Insurance	Cincinnati Insurance		
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
A	Mobilization (max. 3% of total bid)	LS	1	\$1,500.00	\$1,500.00	\$3,155.00	\$3,155.00	\$3,000.00	\$3,000.00	\$3,150.00	\$3,150.00
B	Tie-in to Existing 6-IN WL	LS	1	\$500.00	\$500.00	\$1,200.00	\$1,200.00	\$600.00	\$600.00	\$500.00	\$500.00
C	6-IN PVC C-900	LF	2840	\$10.36	\$29,422.40	\$7.24	\$20,561.60	\$8.00	\$22,720.00	\$8.50	\$24,140.00
	6-IN ductile Iron Pipe CI 350 RJ	LF	400	\$18.69	\$7,476.00	\$20.04	\$8,016.00	\$18.75	\$7,500.00	\$19.34	\$7,736.00
	2-IN PVC, ASTM D-2241	LF	1300	\$7.88	\$10,244.00	\$6.25	\$8,125.00	\$5.50	\$7,150.00	\$6.50	\$8,450.00
D	16-IN Steel Casing Pipe, Bored	LF	80	\$150.00	\$12,000.00	\$118.30	\$9,464.00	\$175.00	\$14,000.00	\$110.00	\$8,800.00
E	6-IN Gate Valve, complete w/box & ring	EA	3	\$750.00	\$2,250.00	\$675.00	\$2,025.00	\$600.00	\$1,800.00	\$575.00	\$1,725.00
	2-IN Gate Valve, complete w/box & ring	EA	3	\$500.00	\$1,500.00	\$475.00	\$1,425.00	\$350.00	\$1,050.00	\$410.00	\$1,230.00
F	Fire Hydrant, Complete	EA	4	\$2,500.00	\$10,000.00	\$2,450.00	\$9,800.00	\$2,600.00	\$10,400.00	\$2,610.00	\$10,440.00
G	Air Release Valves (Deleted per Addendum)	EA	1		\$0.00		\$0.00		\$0.00		\$0.00
H	2-IN Blow-off & Valve Assembly, w/box & ring	EA	3	\$600.00	\$1,800.00	\$450.00	\$1,350.00	\$700.00	\$2,100.00	\$883.00	\$2,649.00
I	Pavement Replacement (NCDOT Maintained Roads)	LF	200	\$1.00	\$200.00	\$28.00	\$5,600.00	\$1.00	\$200.00	\$30.00	\$6,000.00
J	6-IN & 8-IN Driveway Undercrossing (free bores)	LF	40	\$40.00	\$1,600.00	\$30.00	\$1,200.00	\$25.00	\$1,000.00	\$20.00	\$800.00
	2-IN Driveway Undercrossing (free bores)	LF	40	\$20.00	\$800.00	\$12.50	\$500.00	\$15.00	\$600.00	\$15.00	\$600.00
K	Driveway Replacement	SY	70	\$1.00	\$70.00	\$25.00	\$1,750.00	\$25.00	\$1,750.00	\$45.00	\$3,150.00
L	Driveway Replacement (gravel)	LF	100	\$10.00	\$1,000.00	\$5.25	\$525.00	\$5.00	\$500.00	\$5.00	\$500.00
M	Subgrade Stabilization Stone	Ton	10	\$30.00	\$300.00	\$0.01	\$0.10	\$0.00	\$0.00	\$25.00	\$250.00
N	Check Dams	EA	9	\$40.00	\$360.00	\$80.00	\$720.00	\$30.00	\$270.00	\$50.00	\$450.00
O	Silt Fencing	LF	1625	\$0.25	\$406.25	\$1.75	\$2,843.75	\$1.00	\$1,625.00	\$1.45	\$2,356.25
P	Erosion Control Measures	LS	1	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$4,500.00	\$4,500.00	\$1,700.00	\$1,700.00
Q	Service Meters	EA	32	\$519.66	\$16,629.12	\$590.00	\$18,880.00	\$525.00	\$16,800.00	\$600.00	\$19,200.00
R	3/4-IN Service Lines (bored)	LF	400	\$11.75	\$4,700.00	\$12.50	\$5,000.00	\$12.35	\$4,940.00	\$11.00	\$4,400.00
S	3/4-IN Service Lines (open cut)	LF	500	\$11.75	\$5,875.00	\$7.00	\$3,500.00	\$7.35	\$3,675.00	\$7.00	\$3,500.00
T	Traffic Control	LS	1	\$500.00	\$500.00	\$1,200.00	\$1,200.00	\$500.00	\$500.00	\$500.00	\$500.00
Sub-Total for Contract A					109,632.77		108,340.45		106,680.00		112,226.25

Self Help Program Waterline Extension - Contract A - Wellington Woods I

UNION COUNTY, NORTH CAROLINA
 BID TABULATION

ITEM NO.	ITEM DESCRIPTION	UNIT MEASURE	QUANTITY	CONTRACTOR SURETY LICENSE NO. 50205		Bullseye Construction Great American Insurance		State Utility Contractors Hartford 17793		Dellinger, Inc. Travelers 5992		RF Shinn Contractor Hartford 10580	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE		
A	Mobilization (max. 3% of total bid)	LS	1	\$2,500.00	\$2,500.00	\$3,850.00	\$3,850.00	\$3,500.00	\$3,500.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
B	Tie-in to Existing 6-IN WL	LS	1	\$475.00	\$475.00	\$615.00	\$615.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
C	6-IN PVC C-900	LF	2840	\$10.70	\$30,388.00	\$11.20	\$31,808.00	\$11.00	\$31,240.00	\$9.00	\$25,560.00	\$9.00	\$25,560.00
	6-IN ductile Iron Pipe CI 350 RJ	LF	400	\$22.60	\$9,040.00	\$19.80	\$7,920.00	\$20.00	\$8,000.00	\$22.00	\$8,800.00	\$22.00	\$8,800.00
	2-IN PVC, ASTM D-2241	LF	1300	\$8.00	\$10,400.00	\$10.30	\$13,390.00	\$9.00	\$11,700.00	\$7.50	\$9,750.00	\$7.50	\$9,750.00
D	16-IN Steel Casing Pipe, Bored	LF	80	\$145.00	\$11,600.00	\$165.00	\$13,200.00	\$125.00	\$10,000.00	\$150.00	\$12,000.00	\$150.00	\$12,000.00
E	6-IN Gate Valve, complete w/box & ring	EA	3	\$675.00	\$2,025.00	\$615.00	\$1,845.00	\$750.00	\$2,250.00	\$800.00	\$2,400.00	\$800.00	\$2,400.00
	2-IN Gate Valve, complete w/box & ring	EA	3	\$375.00	\$1,125.00	\$420.00	\$1,260.00	\$400.00	\$1,200.00	\$600.00	\$1,800.00	\$600.00	\$1,800.00
F	Fire Hydrant, Complete	EA	4	\$2,700.00	\$10,800.00	\$2,650.00	\$10,600.00	\$3,200.00	\$12,800.00	\$3,100.00	\$12,400.00	\$3,100.00	\$12,400.00
G	Air Release Valves (Deleted per Addendum)	EA	1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
H	2-IN Blow-off & Valve Assembly, w/box & ring	EA	3	\$600.00	\$1,800.00	\$650.00	\$1,950.00	\$900.00	\$2,700.00	\$930.00	\$2,790.00	\$930.00	\$2,790.00
I	Pavement Replacement (NCDOT Maintained Roads)	LF	200	\$10.00	\$2,000.00	\$26.00	\$5,200.00	\$28.00	\$5,600.00	\$30.00	\$6,000.00	\$30.00	\$6,000.00
J	6-IN & 8-IN Driveway Undercrossing (free bores)	LF	40	\$80.00	\$3,200.00	\$28.50	\$1,140.00	\$20.00	\$800.00	\$50.00	\$2,000.00	\$50.00	\$2,000.00
	2-IN Driveway Undercrossing (free bores)	LF	40	\$40.00	\$1,600.00	\$26.50	\$1,060.00	\$20.00	\$800.00	\$30.00	\$1,200.00	\$30.00	\$1,200.00
K	Driveway Replacement	SY	70	\$40.00	\$2,800.00	\$46.00	\$3,220.00	\$28.00	\$1,960.00	\$60.00	\$4,200.00	\$60.00	\$4,200.00
L	Driveway Replacement (gravel)	LF	100	\$5.00	\$500.00	\$7.30	\$730.00	\$22.00	\$2,200.00	\$14.00	\$1,400.00	\$14.00	\$1,400.00
M	Subgrade Stabilization Stone	Ton	10	\$30.00	\$300.00	\$28.00	\$280.00	\$24.00	\$240.00	\$30.00	\$300.00	\$30.00	\$300.00
N	Check Dams	EA	9	\$75.00	\$675.00	\$37.00	\$333.00	\$125.00	\$1,125.00	\$100.00	\$900.00	\$100.00	\$900.00
O	Silt Fencing	LF	1625	\$2.00	\$3,250.00	\$1.50	\$2,437.50	\$2.25	\$3,656.25	\$1.50	\$2,437.50	\$1.50	\$2,437.50
P	Erosion Control Measures	LS	1	\$1,800.00	\$1,800.00	\$1,700.00	\$1,700.00	\$4,500.00	\$4,500.00	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
Q	Service Meters	EA	32	\$350.00	\$11,200.00	\$535.00	\$17,120.00	\$600.00	\$19,200.00	\$600.00	\$19,200.00	\$600.00	\$19,200.00
R	3/4-IN Service Lines (bored)	LF	400	\$20.00	\$8,000.00	\$12.30	\$4,920.00	\$10.00	\$4,000.00	\$25.00	\$10,000.00	\$25.00	\$10,000.00
S	3/4-IN Service Lines (open cut)	LF	500	\$10.00	\$5,000.00	\$7.40	\$3,700.00	\$8.00	\$4,000.00	\$14.00	\$7,000.00	\$14.00	\$7,000.00
T	Traffic Control	LS	1	\$1,000.00	\$1,000.00	\$200.00	\$200.00	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
Sub-Total for Contract A						121,478.00		128,478.50		132,721.25		138,137.50	

Self Help Program Waterline Extension - Contract A - Wellington Woods I

UNION COUNTY, NORTH CAROLINA
 BID TABULATION

ITEM NO.	ITEM DESCRIPTION	UNIT MEASURE	QUANTITY	CONTRACTOR SURETY		Propst Construction Travelers 1323	
				Loftis Construction Companion Property/Casual	LICENSE NO. 7704	UNIT PRICE	TOTAL PRICE
A	Mobilization (max. 3% of total bid)	LS	1	\$4,169.54	\$4,169.54	\$4,000.00	\$4,000.00
B	Tie-in to Existing 6-IN WL	LS	1	\$574.50	\$574.50	\$1,000.00	\$1,000.00
C	6-IN PVC C-900	LF	2840	\$9.42	\$26,752.80	\$13.50	\$38,340.00
	6-IN ductile Iron Pipe CI 350 RJ	LF	400	\$9.42	\$3,768.00	\$28.00	\$11,200.00
	2-IN PVC, ASTM D-2241	LF	1300	\$9.42	\$12,246.00	\$8.00	\$10,400.00
D	16-IN Steel Casing Pipe, Bored	LF	80	\$210.00	\$16,800.00	\$190.00	\$15,200.00
E	6-IN Gate Valve, complete w/box & ring	EA	3	\$484.90	\$1,454.70	\$720.00	\$2,160.00
	2-IN Gate Valve, complete w/box & ring	EA	3	\$484.90	\$1,454.70	\$410.00	\$1,230.00
F	Fire Hydrant, Complete	EA	4	\$2,659.37	\$10,637.48	\$3,000.00	\$12,000.00
G	Air Release Valves (Deleted per Addendum)	EA	1		\$0.00		\$0.00
H	2-IN Blow-off & Valve Assembly, w/box & ring	EA	3	\$979.00	\$2,937.00	\$1,000.00	\$3,000.00
I	Pavement Replacement (NCDOT Maintained Roads)	LF	200	\$45.00	\$9,000.00	\$33.00	\$6,600.00
J	6-IN & 8-IN Driveway Undercrossing (free bores)	LF	40	\$22.50	\$900.00	\$45.00	\$1,800.00
	2-IN Driveway Undercrossing (free bores)	LF	40	\$22.50	\$900.00	\$22.00	\$880.00
K	Driveway Replacement	SY	70	\$60.00	\$4,200.00	\$50.00	\$3,500.00
L	Driveway Replacement (gravel)	LF	100	\$3.95	\$395.20	\$6.00	\$600.00
M	Subgrade Stabilization Stone	Ton	10	\$45.00	\$450.00	\$33.00	\$330.00
N	Check Dams	EA	9	\$75.00	\$675.00	\$40.00	\$360.00
O	Silt Fencing	LF	1625	\$2.50	\$4,062.50	\$2.50	\$4,062.50
P	Erosion Control Measures	LS	1	\$10,500.00	\$10,500.00	\$3,000.00	\$3,000.00
Q	Service Meters	EA	32	\$768.00	\$24,576.00	\$900.00	\$25,600.00
R	3/4-IN Service Lines (bored)	LF	400	\$13.00	\$5,200.00	\$13.00	\$5,200.00
S	3/4-IN Service Lines (open cut)	LF	500	\$3.00	\$1,500.00	\$8.00	\$4,000.00
T	Traffic Control	LS	1	\$1.00	\$1.00	\$1,000.00	\$1,000.00
Sub-Total for Contract A					143,154.42		155,462.50

Self Help Program Waterline Extension - Contract B - Polk Mountain

UNION COUNTY, NORTH CAROLINA
 BID TABULATION

ITEM NO.	ITEM DESCRIPTION	UNIT MEASURE	QUANTITY	CONTRACTOR		C&W Utilities		RDR Inc.		Davis Grading		Bullseye Construction	
				SURETY	LICENSE NO.	Employers Mutual Casual	Cincinnati Insurance	Ohio Farmers Insurance	Cincinnati Insurance	Great American Insurance			
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
A	Mobilization (max. 3% of total bid)	LS	1	\$1,500.00	\$1,500.00	\$5,160.00	\$5,160.00	\$5,000.00	\$5,000.00	\$3,150.00	\$3,150.00	\$4,200.00	\$4,200.00
B	Tie-in to Existing 12-IN WL	LS	1	\$6,000.00	\$6,000.00	\$5,200.00	\$5,200.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00
C	8-IN PVC C-900	LF	1200	\$10.70	\$12,840.00	\$10.17	\$12,204.00	\$10.00	\$12,000.00	\$10.77	\$12,924.00	\$12.80	\$15,360.00
	8-IN ductile Iron Pipe CI 350 RJ	LF	200	\$20.72	\$4,144.00	\$23.23	\$4,646.00	\$22.50	\$4,500.00	\$23.48	\$4,696.00	\$26.80	\$5,320.00
	6-IN PVC, c-900	LF	8200	\$8.61	\$53,382.00	\$7.24	\$44,888.00	\$8.00	\$49,600.00	\$9.09	\$58,358.00	\$10.70	\$68,340.00
	8-IN ductile Iron Pipe, CI 350, RJ	LF	400	\$17.94	\$7,176.00	\$20.04	\$8,016.00	\$18.75	\$7,500.00	\$19.78	\$7,912.00	\$22.60	\$9,040.00
D	16-IN Steel Casing Pipe, Bored	LF	60	\$170.00	\$10,200.00	\$118.33	\$7,099.80	\$175.00	\$10,500.00	\$110.00	\$6,600.00	\$145.00	\$8,700.00
E	8-IN Gate Valve, complete w/box & ring	EA	1	\$900.00	\$900.00	\$850.00	\$850.00	\$925.00	\$925.00	\$900.00	\$900.00	\$950.00	\$950.00
	6-IN Gate Valve, complete w/box & ring	EA	4	\$750.00	\$3,000.00	\$675.00	\$2,700.00	\$600.00	\$2,400.00	\$575.00	\$2,300.00	\$675.00	\$2,700.00
F	Fire Hydrant, Complete	EA	7	\$2,400.00	\$16,800.00	\$2,450.00	\$17,150.00	\$2,600.00	\$18,200.00	\$2,610.00	\$18,270.00	\$2,700.00	\$18,900.00
G	Air Release Valves in MH	EA	1	\$2,000.00	\$2,000.00	\$650.00	\$650.00	\$3,000.00	\$3,000.00	\$2,700.00	\$2,700.00	\$2,150.00	\$2,150.00
I	Pavement Replacement (NCDOT Maintained Roads)	LF	60	\$1.00	\$60.00	\$0.01	\$0.80	\$1.00	\$60.00	\$30.00	\$1,800.00	\$10.00	\$600.00
J	6-IN & 8-IN Oriveway Undercrossing (free bores)	LF	100	\$40.00	\$4,000.00	\$30.00	\$3,000.00	\$25.00	\$2,500.00	\$20.00	\$2,000.00	\$80.00	\$8,000.00
K	Driveway Replacement	SY	70	\$1.00	\$70.00	\$25.00	\$1,750.00	\$25.00	\$1,750.00	\$45.00	\$3,150.00	\$40.00	\$2,800.00
L	Driveway Replacement (gravel)	LF	240	\$10.00	\$2,400.00	\$5.25	\$1,260.00	\$5.00	\$1,200.00	\$5.00	\$1,200.00	\$5.00	\$1,200.00
M	Subgrade Stabilization Stone	Ton	10	\$30.00	\$300.00	\$0.01	\$0.10	\$1.00	\$10.00	\$25.00	\$250.00	\$30.00	\$300.00
N	Check Dams	EA	32	\$40.00	\$1,280.00	\$80.00	\$2,560.00	\$30.00	\$960.00	\$50.00	\$1,600.00	\$75.00	\$2,400.00
O	Silt Fencing	LF	4700	\$0.25	\$1,175.00	\$1.75	\$8,225.00	\$1.00	\$4,700.00	\$1.45	\$6,815.00	\$2.00	\$9,400.00
P	Erosion Control Measures	LS	1	\$500.00	\$500.00	\$1,500.00	\$1,500.00	\$8,000.00	\$8,000.00	\$4,200.00	\$4,200.00	\$1,800.00	\$1,800.00
Q	Service Meters	EA	60	\$447.22	\$26,833.20	\$549.00	\$32,940.00	\$525.00	\$31,500.00	\$600.00	\$36,000.00	\$350.00	\$21,000.00
R	3/4-IN Service Lines (bored)	LF	800	\$11.75	\$9,400.00	\$12.50	\$10,000.00	\$12.35	\$9,880.00	\$11.00	\$8,800.00	\$20.00	\$16,000.00
S	3/4-IN Service Lines (open cut)	LF	900	\$11.75	\$10,575.00	\$7.00	\$6,300.00	\$7.35	\$6,615.00	\$7.00	\$6,300.00	\$10.00	\$9,000.00
T	Traffic Control	LS	1	\$500.00	\$500.00	\$1,200.00	\$1,200.00	\$500.00	\$500.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00
Sub-Total for Contract B					175,035.20		177,299.50		185,300.00		192,425.00		210,180.00
TOTAL BID FOR PROJECT (Contract A & B)					\$ 284,667.97		\$ 285,639.95		\$ 291,980.00		\$ 304,661.25		\$ 331,638.00

Self Help Program Waterline Extension - Contract B - Polk Mountain

UNION COUNTY, NORTH CAROLINA
 BID TABULATION

ITEM NO.	ITEM DESCRIPTION	UNIT MEASURE	QUANTITY	CONTRACTOR SURETY Hartford LICENSE NO. 17793		Deilinger, Inc. Travelers 5992		RF Shinn Contractors Hartford 10580		Loftis Construction Companion Property/Casual 7704		Propst Construction Travelers 1323	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
A	Mobilization (max. 3% of total bid)	LS	1	\$6,350.00	\$6,350.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$7,021.32	\$7,021.32	\$7,500.00	\$7,500.00
B	Tie-in to Existing 12-IN WL	LS	1	\$4,250.00	\$4,250.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$5,497.35	\$5,497.35	\$5,000.00	\$5,000.00
C	8-IN PVC C-900	LF	1200	\$14.20	\$17,040.00	\$11.00	\$13,200.00	\$11.00	\$13,200.00	\$10.70	\$12,840.00	\$13.50	\$16,200.00
	8-IN ductile Iron Pipe CI 350 RJ	LF	200	\$21.40	\$4,280.00	\$24.00	\$4,800.00	\$26.00	\$5,200.00	\$10.70	\$2,140.00	\$37.00	\$7,400.00
	6-IN PVC, c-900	LF	6200	\$10.70	\$66,340.00	\$9.00	\$55,800.00	\$9.00	\$55,800.00	\$10.70	\$66,340.00	\$12.50	\$77,500.00
	6-IN ductile Iron Pipe, CI 350, RJ	LF	400	\$19.20	\$7,680.00	\$22.00	\$8,800.00	\$22.00	\$8,800.00	\$10.70	\$4,280.00	\$30.00	\$12,000.00
D	16-IN Steel Casing Pipe, Bored	LF	60	\$185.00	\$9,900.00	\$125.00	\$7,500.00	\$140.00	\$8,400.00	\$210.00	\$12,600.00	\$190.00	\$11,400.00
E	8-IN Gate Valve, complete w/box & ring	EA	1	\$935.00	\$935.00	\$1,000.00	\$1,000.00	\$1,100.00	\$1,100.00	\$701.35	\$701.35	\$1,100.00	\$1,100.00
	6-IN Gate Valve, complete w/box & ring	EA	4	\$615.00	\$2,460.00	\$750.00	\$3,000.00	\$800.00	\$3,200.00	\$701.35	\$2,805.40	\$740.00	\$2,960.00
F	Fire Hydrant, Complete	EA	7	\$2,650.00	\$18,550.00	\$3,200.00	\$22,400.00	\$3,100.00	\$21,700.00	\$2,659.37	\$18,615.59	\$3,200.00	\$22,400.00
G	Air Release Valves in MH	EA	1	\$2,350.00	\$2,350.00	\$2,200.00	\$2,200.00	\$2,800.00	\$2,800.00	\$1,875.35	\$1,875.35	\$2,350.00	\$2,350.00
I	Pavement Replacement (NCDOT Maintained Roads)	LF	60	\$26.00	\$1,560.00	\$28.00	\$1,680.00	\$30.00	\$1,800.00	\$45.00	\$2,700.00	\$40.00	\$2,400.00
J	6-IN & 8-IN Driveway Undercrossing (free bores)	LF	100	\$22.50	\$2,250.00	\$20.00	\$2,000.00	\$30.00	\$3,000.00	\$35.00	\$3,500.00	\$45.00	\$4,500.00
K	Driveway Replacement	SY	70	\$46.00	\$3,220.00	\$40.00	\$2,800.00	\$50.00	\$3,500.00	\$60.00	\$4,200.00	\$50.00	\$3,500.00
L	Driveway Replacement (gravel)	LF	240	\$7.30	\$1,752.00	\$23.00	\$5,520.00	\$14.00	\$3,360.00	\$3.95	\$948.00	\$6.00	\$1,440.00
M	Subgrade Stabilization Stone	Ton	10	\$28.00	\$280.00	\$24.00	\$240.00	\$30.00	\$300.00	\$45.00	\$450.00	\$33.00	\$330.00
N	Check Dams	EA	32	\$37.00	\$1,184.00	\$120.00	\$3,840.00	\$100.00	\$3,200.00	\$75.00	\$2,400.00	\$40.00	\$1,280.00
O	Silt Fencing	LF	4700	\$1.50	\$7,050.00	\$2.25	\$10,575.00	\$1.50	\$7,050.00	\$2.50	\$11,750.00	\$2.50	\$11,750.00
P	Erosion Control Measures	LS	1	\$4,500.00	\$4,500.00	\$9,000.00	\$9,000.00	\$5,000.00	\$5,000.00	\$20,900.00	\$20,900.00	\$6,000.00	\$6,000.00
Q	Service Meters	EA	60	\$550.00	\$33,000.00	\$545.00	\$32,700.00	\$600.00	\$36,000.00	\$773.33	\$46,399.80	\$800.00	\$48,000.00
R	3/4-IN Service Lines (bored)	LF	800	\$12.30	\$9,840.00	\$9.00	\$7,200.00	\$25.00	\$20,000.00	\$13.00	\$10,400.00	\$13.00	\$10,400.00
S	3/4-IN Service Lines (open cut)	LF	900	\$7.40	\$6,660.00	\$8.00	\$7,200.00	\$14.00	\$12,600.00	\$3.00	\$2,700.00	\$8.00	\$7,200.00
T	Traffic Control	LS	1	\$200.00	\$200.00	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$1.00	\$1.00	\$1,000.00	\$1,000.00
Sub-Total for Contract B					211,631.00		211,205.00		226,010.00		241,065.16		263,610.00
TOTAL BID FOR PROJECT (Contract A & B)				\$	340,109.50	\$	343,926.25	\$	364,147.50	\$	384,219.38	\$	419,072.50



This tabulation of bids is certified to be an accurate tabulation of the bids received for the Union County Self Help Waterline Extension.

HDR Engineering, Inc. of the Carolinas

Matthew Shultz
 Matthew Shultz, PE
 Project Manager

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 6 April, 2009

Action Agenda Item No. _____ 14
(Central Admin. use only)

SUBJECT: Reccomended Legislative Positions

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

ATTACHMENT(S):
Resolution
13 Resolutions From Marsheville,
Stallings, Waxhaw, Marvin,
Weddington, Wingate, Mineral
Springs, Wesley Chapel, Lake Park,
Indian Trail, Monroe, Unionville, and
Hemby Bridge.

INFORMATION CONTACT:
Matthew Delk, Asst. Manager

TELEPHONE NUMBERS:
704-283-3656

DEPARTMENT'S RECOMMENDED ACTION: Approve the attached Resolution, and direct staff to distribute copies to Union County Municipalities, The Governor's Office, and to the Union County Legislative Delegation.

BACKGROUND: The attached Resolution is the result of a series of meetings and communications between the Clerks, Managers, and staff of the various local governments in Union County. After meeting with officials from the North Carolina League of Municipalities and the North Carolina Association of County Commissioners in the fall of 2008, this group negotiated a list of 8 legislative positions that are contained in the body of this attached model resolution. The list was presented at the Board of Commissioners meeting that was held January 29, 2009 in conjunction with the Mayors Commissioners Issues Conference. The elected officials present at the joint meeting recommended that the list be voted on individually, in the form of a resolution, and distributed to each other and our Legislative Delegation.

This Clerks and Managers group attempted to compile a list that would reflect issues of importance that were mutually agreeable to all Union County local governments. The group recognized that this could be an effective tool for communicating our wishes to the Union County Legislative Delegation. This Resolution containing the legislative positions will be a tool to help us become more effective in protecting and benefiting the interests of all of Union County's local governments, citizens, businesses, and the region generally.

So far, 13 Union County Municipalities have passed Resolutions. Fairview discussed the recommended positions, but did not take any action, and they do not have it on a future agenda.

FINANCIAL IMPACT: none

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

As originally presented to Board on February 16, 2009

RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010
SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Annexation – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 10th Day of February, 2009.

Attest:

Lynn West, Clerk to the Board
Union County Board of Commissioners

Lanny Openshaw, Chairman
Union County Board of Commissioners

As Recommended by Staff

RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010
SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 6th Day of April, 2009.

Attest:

Lynn West, Clerk to the Board
Union County Board of Commissioners

Lanny Openshaw, Chairman
Union County Board of Commissioners

**RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010
SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- **Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.**
- **Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.**
- **Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.**
- **State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.**
- **Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.**
- **Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.**
- **Annexation – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.**
- **Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.**

NOW, THEREFORE, BE IT RESOLVED that the Marshville Town Council hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this February 2, 2009.

Attest:

Shelley H. Maness
Shelley H. Maness, Town Clerk

Franklin D. Deese
Franklin D. Deese, Mayor



COPY

RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Annexation – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the **Town Council for the Town of Stallings** hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this the 9th day of February, 2009.

Attest


Erinn E. Nichols, Town Clerk


Lynda M. Paxton, Mayor

Approved as to form:


Perry, Bundy, Plyler & Long, LLP



**RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010
SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- **Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.**
- **Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.**
- **Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.**
- **State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.**

- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Annexation – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Town of Waxhaw, NC hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 10th, day of February ,2009.

Attest:


Bonnie B. McManus, Town Clerk


Mayor Deane Gardner



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinncc.org

February 11, 2009

Ms. Lynn West
Clerk to the Board
Union County Government
500 N. Main Street
Monroe, NC 28112

Dear Lynn,

The Village of Marvin Council adopted Resolution #RS-2009-02-02 A Resolution to Adopt Legislative Positions for the 2009-2010 Session of the NC General Assembly at their regular February Council meeting. The Mayors-Commissioners Issues Conference requested that a copy be forwarded to you. The resolution is enclosed.

Please let me know if you have questions or concerns. Thank you.

Sincerely,

Melody A. Graham
Village Clerk

cc: Matthew Delk, Assistant County Manager



RS-2009-02-02

**A RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE
2009-2010 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- **Collective Bargaining** – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- **Transportation Infrastructure Funding** – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- **Mental Health** – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- **State Budget** – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- **Diverse Funding for Local Governments** – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- **Monroe Bypass Funding** – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- **Annexation** – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- **Moratoriums** – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Village of Marvin Council hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina General Assembly.

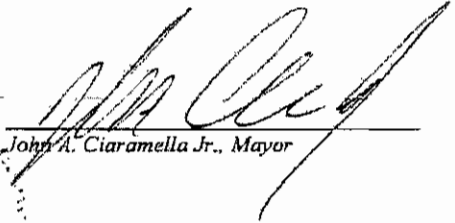
BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 10th day of February 2009.

Attest:


Melody A. Graham, Clerk




John A. Ciarabella Jr., Mayor



TOWN OF
WEDDINGTON

1924 Weddington Road • Weddington, North Carolina 28104

**TOWN OF WEDDINGTON
RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION OF
THE NORTH CAROLINA GENERAL ASSEMBLY
R-2009-03**

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- **Collective Bargaining** – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- **Transportation Infrastructure Funding** – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- **Mental Health** – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- **State Budget** – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- **Diverse Funding for Local Governments** – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- **Monroe Bypass Funding** – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- **Annexation** – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- **Moratoriums** – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Town of Waddington hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

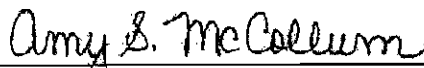
BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 9th day of February, 2009.



Nancy D. Anderson, Mayor

Attest:



Amy S. McCollum, Town Clerk

**RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010
SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Annexation – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Wingate hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

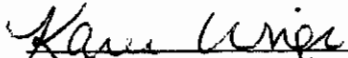
BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this the seventeenth day of February, 2009.



Bill G. Braswell, Mayor

ATTEST:


Karen Wingo, Town Clerk

TOWN OF MINERAL SPRINGS

RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY R-2009-02

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected, locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.

- Annexation – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Mineral Springs hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

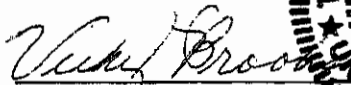
BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

ADOPTED this 12th, day of February, 2009.



Mayor Frederick Becker III

Attest:


Vicky Brooks, Town Clerk



Clerk's Certification

I, Cheryl S. Bennett, Village Clerk of the Village of Wesley Chapel, North Carolina, do hereby certify that the attached is a true and correct copy of RESOLUTION 2009-01 TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY, which was adopted at a meeting of the Village of Wesley Chapel Council on the 9th day of February, 2009, the original of which is now on file in the office of the Village Clerk of Wesley Chapel, North Carolina.

In WITNESS THEREOF, I have hereunto set my hand and affixed the official Seal of The Village of Wesley Chapel, North Carolina, this the 13th day of February, 2009.



Cheryl Bennett, Village Clerk

(Seal)

VILLAGE OF WESLEY CHAPEL RESOLUTION 2009-01
TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION
OF THE NORTH CAROLINA GENERAL ASSEMBLY

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Annexation – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.

- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

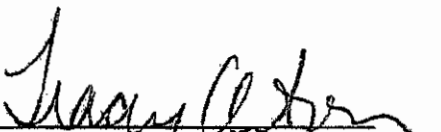
NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel Council hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 9th day of February, 2009.

Attest:


Cheryl Bennett, Clerk


Mayor Tracey Clinton

**VILLAGE OF LAKE PARK RESOLUTION 2009-01
TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION
OF THE NORTH CAROLINA GENERAL ASSEMBLY**

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- **Collective Bargaining** – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- **Transportation Infrastructure Funding** – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- **Mental Health** – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- **State Budget** – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- **Diverse Funding for Local Governments** – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- **Monroe Bypass Funding** – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- **Annexation** – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.

- **Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.**

NOW, THEREFORE, BE IT RESOLVED that the Village of Lake Park Council hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 10th day of February, 2009.

Attest:


Cheri S. Clark, Clerk


Mayor Kendal Spence

**RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010
SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- **Collective Bargaining** – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- **Transportation Infrastructure Funding** – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- **Mental Health** – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- **State Budget** – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- **Diverse Funding for Local Governments** – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- **Monroe Bypass Funding** – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- **Annexation** – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- **Moratoriums** – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Indian Trail hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 10th day of February, 2009.

APPROVED: 

John J. Quinn, Mayor

Attest: 

Peggy Fienick, Town Clerk

**RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR
2009-2010 SESSION OF
NORTH CAROLINA GENERAL ASSEMBLY
R-2009-22**

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

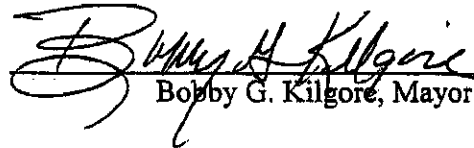
- **Collective Bargaining** – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- **Transportation Infrastructure Funding** – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- **Mental Health** – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- **State Budget** – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- **Diverse Funding for Local Governments** – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- **Monroe Bypass Funding** – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- **Annexation** – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- **Moratoriums** – Oppose legislation that would make it more difficult for local governments to enact moratoriums.


NOW, THEREFORE, BE IT RESOLVED that the City of Monroe hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 3rd day of March, 2009.

Attest:


Bobby G. Kilgore, Mayor


Bridgette H. Robinson, City Clerk



**TOWN OF UNIONVILLE
RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010
SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

THAT WHEREAS, the clerks, manager, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting and recommended that the list be provided to each local government governing body for each board to deliberate the list, and to endorse or adopt the list if desired, and


WHEREAS, the list included the proposed legislative positions:

- **Collective Bargaining** – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- **Transportation Infrastructure Funding** – Protect all state-collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- **Mental Health** – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Service, particularly for local crisis services, that are available to all State citizens.
- **State Budget** – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state-collected locally shared revenues for local governments.
- **Diverse Funding for Local Governments** – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- **Monroe Bypass Funding** – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- **Annexation** – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- **Moratoriums** – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the **TOWN OF UNIONVILLE** hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 16th day of March, 2009.



Larry B. Simpson, Mayor



Attest:



Sonya W. Gaddy, Clerk

**TOWN OF HEMBY BRIDGE RESOLUTION 2009-01
TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION
OF THE NORTH CAROLINA GENERAL ASSEMBLY**

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- **Collective Bargaining** – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- **Transportation Infrastructure Funding** – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- **Mental Health** – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- **State Budget** – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- **Diverse Funding for Local Governments** – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- **Annexation** – Support Municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.

- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Town of Hemby Bridge Board of Aldermen hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

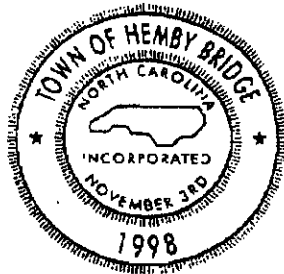
BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 19th day of March, 2009.

Attest:


Cheryl Bennett, Clerk


Mayor James Simpson





UNION COUNTY
Office of the Tax Administrator #
300 N. Main Street
P.O. Box 97
Monroe, NC 28111-0097

AGENDA ITEM
15
MEETING DATE 4/6/09
704-283-3746
704-283-3616 Fax

John Petoskey
Tax Administrator

INTEROFFICE MEMORANDUM

TO: Al Greene, County Manager
FROM: John Petoskey, Tax Administrator
SUBJECT: Televising the Board of Equalization and Review Meetings
DATE: March 24, 2009
Cc:

With respect to the Board of Commissioner's recent policy regarding televising the Board of Review meetings, I spoke to the State Property Tax Division of the Department of Revenue and found that out of 100 counties in the state, that no county in North Carolina is televising Board of Review meetings.

Concern has been expressed that it actually could deter property owners from appealing by not creating a positive environment and that property owners may be less inclined to come forward with information essential to the valuation process. The common theme expressed, is that these meetings are for the benefit of the taxpayer, and as such, must maintain a degree of approachability.

If the intent of televising the Board of Review meetings is to improve openness, I think that there are other steps that can be taken that will more effectively achieve that goal.

I am recommending to the Board of Review a couple of changes in operating procedure that I feel will improve openness:

- The first, is that I will write a more "customer friendly" preamble for the Chairman's explanation of the appeal process that is presented at the beginning of each hearing.
- Second, I am recommending that the board of review move the deliberation stage up front in the hearing process. That is, to conduct deliberations immediately following each case while the property owner is still likely to be present.

This is in contrast to the more typical process of conducting deliberations at a later time and would put greater pressure on the Chairman to maintain control of the meeting, but I think it can be accomplished.

- Third, I would propose a less intimidating, but equally effective solution, of continuing to use audio recordings of the meetings. The 2008 revaluation was the first time the meetings were recorded for sound, and better equipment will be available hence forth in the Board of Commissioners meeting room.

I believe the above mentioned changes would accomplish a greater degree of openness, while the prevailing opinion of televising these meetings is that just the opposite is likely to occur.

In 2008 the Tax Administrator's Office conducted a revaluation of real property, mailing over 90,000 "change of assessment" notices to property owners. Of these, more than 5,100 valuations were appealed to the Tax Administrator's Office and 1,395 were heard by the Board of Equalization and Review.

Over all, this was a very successful revaluation as measured by industry standard norms. However, we can build on last year's success and improve our service to our constituents, the tax payers.

The first Board of Equalization and Review meeting is scheduled for April 14 and I would request that reconsideration of the policy to televise occur before then.

Thank you for your assistance in this matter.



Memorandum

AGENDA ITEM

16
MEETING DATE 4/6/09

To: Al Greene,
Union County Manager
500 N. Main Street
Monroe, NC 28112

Date: February 26, 2009
From: John E. Fernsler, AIA
Principal
Ref. No. 6086-01
Project: Union County Advisory Services
Pages:
Re: Observations / Conclusions

CC:

Overview

On January 20-21, 2009, John Fernsler, Principal of Wallace Roberts & Todd, LLC and Matthew Levy, Principal of Results Management Group, conducted interviews with the County Manager and senior staff of Union County and with members of the Union County Board of County Commissioners (BOCC). The conversations were informally structured and aimed at gaining candid observations from the participants regarding relations among, and decision-making by, the BOCC; the relationships between, and responsibilities of, the BOCC and senior county staff and the County Manager; as well as opinions and observations regarding the challenges of managing growth in Union County. As was stated at the beginning of each interview, while notes were taken, the input was provided in confidence. Consequently, we will not attribute specific comments or opinions to any individual. As outlined below, we see four key areas of difficulty which we believe are impediments to effective governance and where we see opportunities for improvement. Closely associated with, and contributing to, these impediments is a pervasive sense of mistrust, with (perceived) deep divisions along lines of geography (urbanizing west vs. rural agricultural east); as well as polarized attitudes regarding growth and how to deal with it. While we believe these problems are serious and debilitating, we also sense that underlying the acrimony, lies a sincere desire to govern in a transparent manner to serve the interests of citizens, improve the wellbeing of Union County and address the present situation of crisis.

Communication and Trust

Although some decisions of the BOCC are unanimous, others are divided into 3-2 "factions", particularly on important policies related to planning for growth. The ability of these factions to communicate is incapacitated by mistrust and questioned motives, and further poisoned by allegations of self-serving, even corrupt, actions. We suspect that the lack of communication and trust has led to certain misconceptions which exaggerate the actual differences among the BOCC members on policy matters.

One faction of the BOCC expresses strong confidence in and support for, the County Manager and senior staff. The other faction expresses frustration that the County Manager and senior staff may not be fully responsive to the will of the BOCC, and that they sometimes fall short of providing the BOCC with timely and accurate information, particularly regarding growth issues.

Senior staff expressed frustration that their professionalism, experience, knowledge and insights are not always recognized or appreciated by the BOCC. Senior staff also believes that the BOCC may not understand staff capacity limitations, leading to stress, misdirection, severe workloads and long hours. Nevertheless, staff expressed a strong

sense of teamwork, professionalism and desire to support the policies set by the BOCC, under the direction of the County Manager.

BOCC and Staff Interaction and Communication

Both senior staff and some members of the BOCC pointed out the need to affirm a shared understanding of the role of the BOCC in setting broad policy directions for Union County, and the role of the County Manager and senior staff to support the BOCC in determining the most effective means to carry out these policies. Pointed out as specific concerns, were the need for a shared understanding of lines of authority and protocols for communication, and for setting and carrying out policies. Some also observed that the BOCC tends to get side-tracked on less important details on tactics, which may distract attention away from more pressing matters of policy and strategy. One area of apparent consensus however, is the shared belief in, and desire for, government transparency.

Shared Understanding of Growth Dynamics / Lack of Attention to Planning

Virtually all BOCC members and senior staff agree that Union County has severe growth-related challenges, including critical water limitations and a high cost to serve the county's prevailing (low density / large lot / bedroom community) development pattern with infrastructure service. While virtually all seem to agree that growth should be better managed, perceptions appear to vary on what sound, managed growth looks like. Some on the BOCC express opinions that the present low density, bedroom community pattern and absence of large scale commercial development or employment is desirable and consistent with the County's quality of life. Others point out that the present growth pattern is a result of "NIMBY" attitudes concerning density (particularly in municipalities); that it is not paying for itself (per the 2004 County fiscal impact study); that housing is unaffordable for moderate and middle income households ("teachers and fire fighters") and that a lack of local commercial development and employment burdens residential taxpayers and causes an out-migration of youth due to a lack of jobs and housing affordability. Some expressed opinions that because development continued to occur in spite of water and other infrastructure capacity limitations, developers are being given favorable treatment, contrary to the public good. Further, there is a lack of a shared factual understanding of the dynamics of the growth that is likely to occur in the future, or by what means it can be properly (and legally) managed or limited.

Although the current comprehensive planning process has touched on these issues for the past several months, few, if any of the BOCC members appeared familiar with the contents of the draft comprehensive plan policies, which we understand are now under review. In part, this lack of awareness and confidence may be associated with the composition of the Planning Commission / Steering Committee that had been guiding the comprehensive planning effort. The issue of how various parts of the county should be represented on the Planning Commission (by district, or at large) is particularly divisive, with both factions citing "fair representation" as their motivation.

Shared Vision / Mission / Plan of Execution

Fundamental to the issues noted above is a notable lack of a *shared vision* (what we aspire for Union County to be in the future), as well as a *shared mission* (what we must do as a team to realize that vision). Without a clear vision ("destination") and mission (commitment to act in unison), and a plan to achieve it, the BOCC and staff could remain focused on debating detail and reacting in crisis mode, rather than planning based on agreed upon policies and solving problems.

Because of this vacuum, factions instead assign pejorative interpretations of the assumed mission of adversarial factions; ranging in the extreme from "stopping all growth", to "selling out to developer interests". Nevertheless, among all participants we sense a common commitment to serve the interests of Union County citizens, to managing growth wisely, and protect the quality of life of Union County in a way that is fair and transparent.

Conclusions / Recommendations

If members of the Board of County Commissioners are willing to acknowledge the need for improvement in governance and commit to seeking greater effectiveness, by both the BOCC and staff, in serving the interests of citizens, we suggest the following sequence of four steps toward a way forward.

1. Visioning Forum

As previously noted, Union County, and its BOCC, has no commonly recognized shared **Vision**, or set of aspirations for what Union County should be as a community. Likewise, Union County government does not have a formally recognized **Mission** which says what local government is striving to **do** to realize the vision and serve its citizens. A first step toward a Vision and Mission is to identify a set of shared values and expectations. WRT and Results Management Group propose to facilitate a visioning forum with the BOCC and senior staff, specifically designed to identify areas of common purpose and shared aspirations. The session will begin with a request that participants “check their biases, preconceptions and grudges at the door”, and be receptive to the ideas of others. The session will not seek to make decisions, analyze data, or debate strategies. Rather, the session will be designed around a technique developed originally at the Harvard Business School, which will define areas of consensus on core values. By focusing on and defining “what we agree on” the BOCC

2. “Coaching”

Following the visioning forum, it is recommended that BOCC members, as well as senior staff, receive coaching on how to have productive conversations among commissioners, and between commissioners and staff. Likewise, the county management team should receive coaching in effectively supporting the board while providing value commensurate with its ability and experience.

3. Growth Summit / Strategic Planning Process

Notwithstanding the current comprehensive planning process, which typically takes a long-term (20-year view), Union County has urgent challenges that it must address without delay, including water demands and capacities, and coping with the current fiscal challenge / economic downturn. In addition, the County should take advantage of the “breathing room” provided by the slowing of development to decide on a framework for managing growth when growth pressures inevitably return. Steps in the process may include:

- A growth summit to lay out the facts regarding growth pressures within the region, demographic shifts underway, infrastructure system limitations and alternative approaches to best management practices for managing growth.
- A community-wide visioning process (similar to the BOCC visioning forum) to engage a broad cross-section of citizens in articulating values and expectations, leading to a Vision Statement to be adopted by the BOCC.
- A strategic planning process resulting in a 5-year action agenda to tackle Union County’s most pressing challenges.

4. Common Governance Protocols and Procedures

We understand that in the past some County Commissioners have individually attended governance training sessions. We also understand that the previous commission has used consultants to support it in seeking to define protocols and procedures for effective board management and policy-making, and that those sessions did not produce the desired results. We understand that the BOCC recently declined to engage the UNC School of Government to assist. Nevertheless, we recommend that board members seek some mutually agreeable means to create common

understanding and approach to board participation. We also recommend that the Board re-visit the topic of protocols and that it formalize the same in a way that will support it in working together to realize its vision for Union County.

RACE AGAINST TIME: Planning for the Future

The Union County Home and Community Care Block Grant Strategic
Planning Committee takes an in-depth look at

Housing, Transportation, and
Long Term Care Planning

AGENDA ITEM
17
MEETING DATE 4/6/09

Basic Demographics of Older Adults in Union County

- The 2008 projection of adults over the age of 60 in Union County is 23,223.
- A staggering 20% of the county residents are a part of the Baby Boom generation: the next generation to become older adults
- 24.2% of these older adults are living with a disability which compromises their independence, both in living situations and transportation needs

Facts and Figures

- Current number of LTC beds in Union County is 1029
- \$23,955,916 in Medicaid spent in Union County for persons over 60 during FY 07
- 9% of adults 60+ years old in Union County live below the poverty level
- 24.3% of adults 75+ years are without a car, and require alternate means of transportation

Refining Aging – Redefining Communities

By their sheer numbers, the aging of the Baby Boomers is resulting in

- A New Definition of Aging
- A New Attitude Towards Aging
- A New Interest in Aging

The dramatic rise in the numbers of older Americans will impact on every aspect of U.S. communities. The entire social, physical and fiscal fabric of communities will be affected by the coming age wave.

VISION

Union County will be a healthy, caring, and secure community that fosters independence for all older adults.

MISSION

Union County will provide a quality of life that assures availability of essential needs that are accessible and affordable to ensure independence for all older adults.

GUIDING PRINCIPLES

- Aging in Place
- Respect Personal Choices, Maintain Dignity and Preserve Independence
- Safe Healthy Friendly Community

Three Priority Issues

- Safe and Affordable Housing
- Transportation
- Financial Planning for Long Term Care

METHODOLOGY

- Review of other strategic plans
- Survey of 624 respondents
- Research of the issues
- Small group planning around each issue



Senior Housing in Union County

- 83% of those surveyed own their own home
- Just 21% believe they will have to move from their current home, for a variety of reasons
 - 20% indicated a smaller home would be the primary reason for moving and 13% expressed concerns about maintaining their home as the primary reasons for moving
 - 15% expressed concerns about safety as a primary reason for moving
 - 45% would be interested in moving to a retirement community if affordable



RECOMMENDATIONS

- **GOAL:** To promote adequate housing choices for all.
 - **Strategies:**
 - Presentations on housing options
 - Educate the builders
 - Implement new housing and home improvement programs
 - Educate seniors about Homestead Exemption and Reverse Mortgage

Transportation for Older Adults in Union County: the results

- 78% of respondents were aware of the public transportation available in Union County
- 78% drive their own vehicle
- Only 18% of those surveyed rely on public transportation, family or friends
- Primary Public Transportation needs:
55% for medical appts, 43% for shopping, 29% for recreational activities and 10% for education/employment purposes



RECOMMENDATIONS

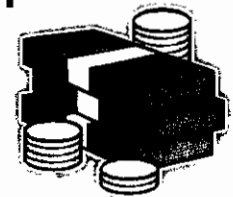
- **GOAL:** To recognize and promote accessible and affordable transportation options to ensure mobility and independence for older adults, those with disabilities and the general public of Union County
 - **Strategies**
 - Mature driver safety programs
 - Driver self-evaluation tools

Transportation Recommendations Continued

- Driver education courses
- Transportation Advocacy Group to promote senior-friendly options with existing Transportation decision-makers
- Increased pedestrian facilities
- Better mobility with innovative traffic patterns
- Coordination with business and land developers
- Increased transit options
- Educate community about use of Union County Transportation System

Financing Long Term Care

- 48% of the respondents do not know how they will pay for Long Term Care
- Knowing that LTC may cost up to \$6000/month, 51% of these older adults still believe that Social Security will cover their expense, **Note that the average monthly Social Security check for those in Union County is approximately \$813.**
- 28% believe Medicaid services will be one of their sources for funding Long Term Care
- 46% have Savings/Investments or a Retirement Check that can be used to supplement their income
- 16% have Long Term Care Insurance



RECOMMENDATIONS

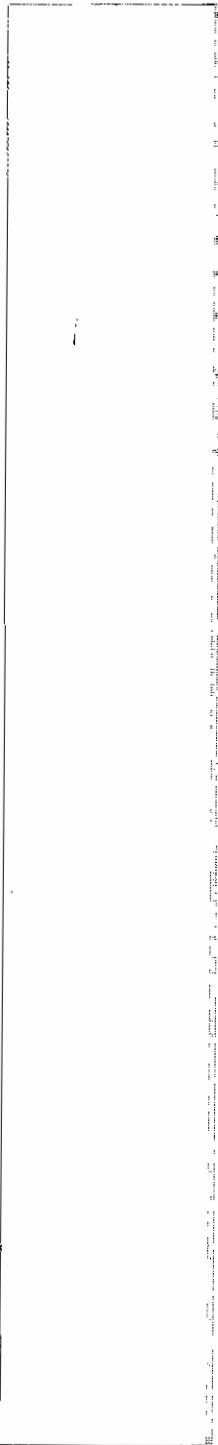
- GOAL:
- To educate and increase awareness regarding financial long-term care options and their availability
 - Strategies:
 - Consumer education through media
 - Use of government channel to educate about long term care options
 - Printed materials about options that can be made available

NEXT STEPS

- Communicate the Marketing Plan
- Enlist new partners
- Implement the Strategies

How Can You Help?

- Include the report on the County's website
- Provide funding or print copies of the report
- Assure that older adult representatives are members of committees like the Planning Board, Transportation Board and others that impact the three issues in the report
- When initiatives are presented to you, always ask, "How will this impact older adults?"



1

“There is no power
for change greater
than a community
discovering what it
cares about.”



UNION COUNTY NORTH CAROLINA



UNION :
COMMUNITY FOR
A LIFETIME

JANUARY 2009

Acknowledgements

The vision of Union County to develop a plan for the future began with a group of community leaders in July, 2007. Recognition of the rapidly increasing older and disabled adult population prompted these concerned leaders to begin addressing the future of aging in Union County.

A presentation regarding the work of the committee was made to the Union County Commissioners in May, 2008. We appreciate the interested support from the Board of County Commissioners and the following individuals and agencies who assisted in this effort:

Laurie Abounader, Centralina Area Agency on Aging
Nancy Brantley, Union County Home and Community Care Block Grant Advisory Committee
Bea Colson, Union County Home and Community Care Block Grant Advisory Committee
Jen Davies, Union County Department of Social Services
Susie Davis, Union Regional HomeCare
Elisa Gregorich, Union County Home and Community Care Block Grant Advisory Committee
Brenda Hamilton, Region F Aging Advisory Committee and Community Health
Ruth Helms, Region F Aging Advisory Committee
Monique Holt, Monroe Police Department
Dr. Paul Johnson, Union County Home and Community Care Block Grant Advisory Committee
Megan Lonon, Home Instead Senior Care
Charles Marsh, Monroe Housing
Breanne Marshburn, HealthQuest
Julia Mitchell, Ellen Fitzgerald Senior Center
Angie Oliver, Brookdale Senior Living
Lanny Openshaw, Union County Commissioner
Ron Rushing, Central Carolina Real Estate
Judy Russell, Union County Home and Community Care Block Grant Advisory Committee
Paul Smith, United Way of Central Carolinas
Phyllis Smith, Union County Department of Social Services
Wanda Smith, Union County Park and Recreation
Linda Smosky, Council on Aging of Union County
Doris Sparks, Region F Aging Advisory Committee
Phillip Tarte, Union County Health Department
Annette Sullivan, Union County Transportation & Nutrition
Billie Thomas, Union County Home and Community Care Block Grant Advisory Committee
Patti Thomas, New Testament ADC
Cheri Traywick, Union County Department of Social Services
Brett Vines, Union County Public Information Office
Gayla Woody, Centralina Area Agency on Aging
Roy Young, Department of Social Services



TABLE OF CONTENTS

I.	Acknowledgements	Page 2
II.	Message to the Community	Page 4
III.	Background	Page 6
	1. Demographic Data	
	2. Guiding principles, vision, mission and objectives	
	3. Planning scope of work, structure and process	
IV.	Executive Summary	Page 12
V.	Call to Action	Page 15
VI.	Issue Reports	
	1. Housing.....	Page 16
	2. Transportation	Page 20
	3. Long Term Care Planning.....	Page 25
VIII.	Appendix	
	A. Demographic data.....	Page 37
	B. Community Survey.....	Page 43

Message to the Community

Successful change for our community cannot happen without responsible thinking and action from policy makers, planners, corporate leaders, advocates, professionals, caregivers, persons with disabilities, baby boomers, and older adults alike. We are facing a demographic change unlike any before. Progress in health care has increased the average lifespan. Because of our mild climate, North Carolina has been the recipient of many retirees relocating to our area. Both of these factors have resulted in a significant increase in the number of older adults in our state. The sixty plus population in Union County is currently 13% and will expand to 17% by the year 2020.

Communities are beginning to seriously consider what this change will mean. The Baby Boomers (individuals born between 1946 and 1964) have dictated changes in community infrastructures since they were born and it won't change as they grow older. This segment of the population will force change in our communities ranging from the types of services available, to the kind of housing built, to what our community will look like.

The vast majority of older Americans want to live in their own home as long as possible. There are many challenges as communities look ahead. The increased number of older people will demand an increase in the number of resources and services. To enable older Americans to remain at home there must be a broader range of services available.

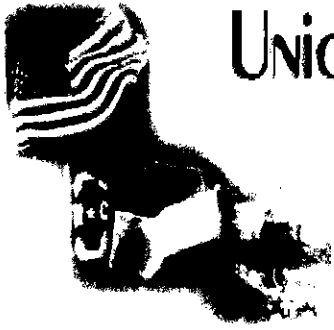
VISION: Union County will be a healthy, caring, and secure community that fosters independence for all older adults.

MISSION: Union County will provide a quality of life that assures availability of essential needs that are accessible and affordable to ensure independence for all older adults.

It is also critical to recognize that the experience and wisdom of this growing segment of the population will create many opportunities for our communities as well. It is equally important to understand the amount and variety of resources that will be contributed by older Americans.

This report is the result of a group of individuals dedicated to enhancing the quality of life for older adults. The purpose of the project was to identify the top three issues facing Union County older adults and develop achievable solutions that will positively impact the community. We must be prepared — the Future is Now!





UNION COUNTY NORTH CAROLINA



BACKGROUND

"We weren't prepared for the 77 million baby boomers born from 1946 to 1964 - we did not have enough diapers, hospitals, houses, pediatricians, schools, books, teachers or anything else for all of these children. If we are not careful we will not be prepared for the retirement of these boomers."

Ken Dychtwald, Noted Gerontologist

Demographic Data:

The increasing numbers of older adults tells a very compelling story. By the year 2020, the overall population of Union County will increase to over a quarter million people which is over 100,000 more than 2006. The number of older adults will double by 2020 and will represent 17% of the population. Please refer to the Appendix for further demographic charts. Some of the primary points obtained from the data are:

- 24,530 people over the age of sixty in 2008
- By the year 2020, there will be 50,324 older adults
- 11% of the population have one or more disabilities
- 87.2% of those age 65 and above are homeowners
 - 7.6% of those 65 and above do not own a car
- the 2007 per capital personal income of North Carolina was \$23,530

There are values that are unique to every community. In Union County three primary values were identified as critical for whatever actions are pursued in planning for the future.

GUIDING PRINCIPLES:

Age in Place

**Respect Personal Choices, Maintain Dignity and
Preserve Independence**

Safe, Healthy, Friendly Community

GUIDING PRINCIPLE ONE: Aging in Place

Aging in Place is a term that is gaining momentum around the country as the opportunity for an individual to grow older comfortably in their home with all the services, conveniences, policies, and programs needed for support. Research suggests to Age in Place, a community includes health care and housing options that meet the evolving needs of individuals as they move through the later stages of their lives; offering a range of services that can be applied under different circumstances; maintaining mixed generation communities to help maximize a person's capacity for self-help and his or her ability to contribute to the community; and the development of an infrastructure through which needed services can be coordinated and provided.

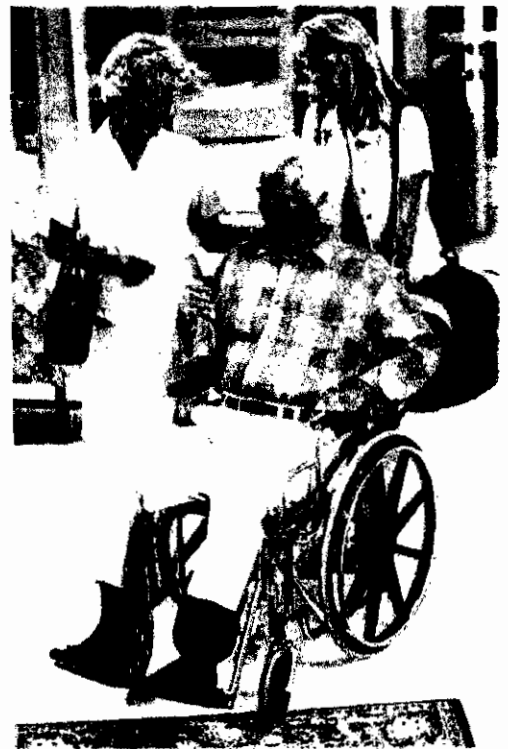
The concept of Aging in Place is a fundamental part of
the vision and mission of this project.

GUIDING PRINCIPLE TWO: Respect Personal Choices, Maintain Dignity, and Preserve Independence



Respect, dignity and independence are basic values of our country. However, as older adults become more frail, there seems to be a tendency to make choices for them or to limit independence because "they don't know what is best for them anymore" and this results in loss of dignity. When individuals become frail, it is a very delicate balance to provide the needed supports without limiting independence or being disrespectful. As our community looks for answers to our issues, we choose solutions that respect the individual's right to make choices that best suit their lifestyle and preferences.

In all that we do, we must structure our services and supports to allow individuals to maintain their dignity. And lastly, individuals want to be independent. Our community is focused on identifying services and supports that can maximize an individual's ability to preserve his or her independence. We do not want to force individuals into an environment of being "taken care of" because it is the only option.



GUIDING PRINCIPLE THREE: Safe, Healthy, Friendly Community

Quality of life is key for older adults. As part of quality of life, health has the most impact on how good life appears. Poor health not only impacts how an individual feels about life but can be the single factor that results in loss of financial independence. Poor health can be the spiral that changes life. Safety is the second component of quality of life and references an individual's feeling of being safe and secure. Studies generally show that the fear of crime is a much higher statistic than the actual incidence of crime. However, a feeling of being safe within the community is important. The third component is a friendly community. There are increasing statistics about the occurrence of depression among older adults. If our communities provide for opportunities for relationships that are friendly and caring, there is much greater opportunity for enhancing quality of life. Guiding Principle Three has important considerations for solutions to issues that are identified in order to enhance quality of life for older adults.



Planning, Scope of Work, Structure and Process

There are many considerations in planning for the needs of older adults in Union County for the next fifteen to twenty years. It is not just about services that may be available but about every aspect of life and how it will impact the quality of life for older adults. This committee reviewed what currently exists in Union County and looked at the anticipated changes in the population to begin to frame a vision of what will be in place in these next years.

As the Committee began to review the changing demographics and the kinds of changes that may be needed, it was quickly realized that it would be crucial to limit the Scope of Work to something that would be manageable.

The NC Division of Aging and Adult Services developed the lists below which identify the components of a livable and senior-friendly community. These are areas communities are considering in evaluating their readiness for an aging population in North Carolina.

<p style="text-align: center;"><u>Economy:</u></p> <ul style="list-style-type: none"> ◆ Job training ◆ Age discrimination ◆ Financial planning ◆ Health care cost ◆ Health insurance ◆ Income ◆ Job opportunities ◆ Job retooling ◆ Senior-friendly businesses ◆ Long-term care cost ◆ Tax credits/ Exemptions 	<p style="text-align: center;"><u>Health:</u></p> <ul style="list-style-type: none"> ◆ Adult immunization ◆ Dental health ◆ Hospitals ◆ Nutrition ◆ Mental Health ◆ Medicare/Medicaid acceptance ◆ Medication management ◆ Preventive care ◆ Primary care ◆ Rehabilitation ◆ Vision/hearing care 	<p style="text-align: center;"><u>Social/Cultural Involvement:</u></p> <ul style="list-style-type: none"> ◆ Volunteerism ◆ Community sensitivity ◆ Media ◆ Intergenerational relations ◆ Libraries ◆ Lifelong learning ◆ Spiritual growth ◆ Racial/ethnic/Linguistic diversity ◆ Cultural/social programs
<p style="text-align: center;"><u>Safety/Security:</u></p> <ul style="list-style-type: none"> ◆ Driver safety ◆ Abuse/neglect ◆ At-risk population ◆ Domestic violence ◆ Emergency response ◆ Fire safety ◆ Fraud/exploitation ◆ Outreach 	<p style="text-align: center;"><u>Resource Planning/ Stewardship:</u></p> <ul style="list-style-type: none"> ◆ Public benefits ◆ Community needs assessments ◆ Planning coordination ◆ Program evaluation ◆ Public and private funding sources ◆ Taxes Representation in public affairs 	<p style="text-align: center;"><u>Services/Support</u></p> <ul style="list-style-type: none"> ◆ Information & assistance ◆ Caregiver Support ◆ Drug assistance ◆ End-of-life care ◆ Grandparents-raising grandchildren ◆ Legal services ◆ Home- & community-based services ◆ Long-term care facilities ◆ Senior centers ◆ Guardianship
<p style="text-align: center;"><u>Technology:</u></p> <ul style="list-style-type: none"> ◆ Internet access ◆ Assistive/Adaptive devices ◆ Distance-learning ◆ Medical alert ◆ Tele-medicine ◆ Telephone/cell phone access 		

Representatives from a wide variety of networks discussed studies currently available including the most recent United Way Community Needs Assessment. The demographic information available was also discussed along with the anecdotal knowledge of local service providers and services requested. After lengthy study and debate, the following three issues were chosen for further study and development:

TRANSPORTATION
HOUSING
FINANCIAL LONG TERM CARE PLANNING

Study groups were developed around each of the three issues. The groups continued study using available data and local experts. Eventually, it was determined that information from the community was needed. A survey (see page 43) was developed consisting of five questions on each of the three issues. Over 600 completed surveys were submitted and analyzed.

From the work of the Study group, input from the survey, and input from community stakeholders, each Focus identified one key goal with numerous strategies to be implemented in this community. This report summarizes all of the work thus far.

"There is no power for
change greater than a
community discovering
what it cares about."

Executive Summary

Union County is the second fastest growing county in North Carolina and provides significant challenges for the community in both infrastructure and services. Now is the time to begin preparing for the changes that will come

By 2020, 17% of Union County's population will be over the age of sixty.

as a result of the increased older adult population.

The top three issues identified for older adults in Union County are Transportation, Housing, and Financial Long Term Care Planning. If we are going to be successful in bringing about change, it is crucial that the entire community know the issues and solutions to be implemented in Union County.

GUIDING PRINCIPLES:

Age in Place

Respect Personal Choices, Maintain Dignity and Preserve Independence

Safe, Healthy, Friendly Community

The goal and strategies are:

HOUSING

GOAL: Adequate housing choices available for all

Strategies:

- o Develop presentation on the need for senior housing options
- o Meet with builders
- o Implement housing and home improvement program through HCCBG or CDBG funds
- o Educate seniors about Homestead Exemption and Reverse Mortgage
- o Market housing report
- o Conduct a media campaign



TRANSPORTATION

GOAL: To recognize and promote accessible and affordable transportation options to ensure mobility and independence for older adults, disabled citizens, and the general public of Union County

Strategies:

- Identify and promote mature driver safety through better education
- Offer self evaluation tools
- Offer driver education courses in the community
- Develop a Transportation Advocacy Group to help promote senior-friendly transportation options with existing transportation decision-makers in the community
- Advocate for pedestrian facilities in the community like sidewalks, bike lanes, greenways, street and walkway lighting
- Advocate for better mobility by using innovative traffic patterns (e.g. roundabouts)

- Coordinate with businesses and land developers to improve traffic patterns
- Increase transit options by creating advocacy group to investigate volunteer and self-funded transportation systems in existence that could be implemented in Union County
- Educate the community about use of the Union County Transportation System

FINANCIAL LONG TERM CARE PLANNING

GOAL: To educate and increase awareness regarding financial long-term care options and their availability to Union County citizens

STRATEGIES:

- Run a series of newspaper articles in local newspaper
- Overview presentation on the Cable TV Government Channel
- Develop a brochure that could be placed at Council on Aging, DSS, Public libraries, Hospice, Senior Center, Health Quest, Adult Day Care Centers, Hospital Waiting Rooms, Doctors Offices, Home Health Agencies, local beauty shops and the Aquatic Center.
- Contact Church Associations to see if they would include a brochure in their newsletters
- Place an article in All for Seniors



CALL TO ACTION

To bring about change in a community there must be common purpose, collective will, and vision of the change to take place

The first step is to have a vision of the change that needs to take place. This report reflects the work of many community stakeholders committed to improving the quality of life for older adults and adults with disabilities. While every issue has not been identified, the most critical issues in which to bring about change has been identified.

Secondly, there must be a collective will for change to occur. The entire community must become knowledgeable about the changes needed. It is critical that there is an understanding of why these changes are needed and the potential impact if the changes don't occur. As a whole, the community agrees that change is needed.

Probably the most important factor to bringing about change is the common purpose to make these changes happen. This means that our elected officials, agencies that provide services and supports for older adults and adults with disabilities, community groups, and even individuals must be committed to make change happen and have a single purpose.

The recommendations in this report cannot be accomplished by one group or one individual. Completing the strategies and recommendations is the last step to bring about these changes. Collectively, the community stakeholders will work on these strategies from different perspectives. Some will address funding, others programming, and others lifestyle changes. Some of the strategies may involve help from the business community and others will require changes in our community infrastructure.

But have no doubt, working together, Union County can address all of these issues and more. Together, we can improve the quality of life in the future for all.

ISSUE :

HOUSING

The Issue

Housing is a basic need for all. As we age, circumstances such as family, our interests and changing abilities impact housing needs. Changing abilities may necessitate modifications to the home or a move to a different type of housing. A change in family circumstance such as the loss of a spouse may precipitate leaving a larger home where one has raised children to move to a smaller home. The financial burden of a large, older home with maintenance costs, utility bills and rising property taxes can contribute to the need to move. Any number of situations may impact the desire or need to move. The decision to move may be a difficult choice at best and having a limited number of options certainly adds to the dilemma.

Communities are unique in the housing types that are available. Union County, long a rural, farming community has experienced a sudden and large growth in population recently. This influx in residents is a result of newcomers from other states and from immigrants. The infrastructure that was adequate for a farming community with small towns is struggling to support the increase in traffic and the need for water and sewer. New home construction has been targeted to single family homes.



The vast majority of older adults live in their own home. Home ownership was and remains a goal for many. This desire to own and remain at home may stem from generations past who viewed land and home ownership as a source of pride. Younger generations are less likely to value having a yard and may prefer the amenities of a senior community in favor of land and property ownership as they age. It is a fact that Union County has not yet experienced the development of senior housing options popular in other areas.

The growth of the older adult population and the potential housing market they represent has yet to garner the attention of builders and developers. Plans for a retirement community, Metro Plaza, a four-story, 122-unit independent living community for active seniors age 65 and

older to be located on Highway 74 near the US 601 intersection have been announced. Monthly rent starting at about \$1,600 per month for a 440-912 square foot apartment covers house-keeping, maintenance, dining, transportation, and other services and social activities. Construction of this project is to be completed by 2010.

Study after study demonstrates that older adults want to age in place by remaining in their own home. An AARP survey, *Fixing to Stay*, reports more than 90% of those age 65 and older preferred to remain in their current residence as long as possible. Remaining in a community with social connections and memories is satisfying.

This desire to remain in a community may develop into a Naturally Occurring Retirement Community. Residents choose to remain in a neighborhood after their children have left. A sense of comfort, safety and familiarity develops among the residents. This naturally occurring community can be found across the nation, but a community may also become more diverse if only some residents remain. As older residents move out, their homes may become rental property and thus a more transient community. In such cases, an older community may evolve into an unfamiliar environment for those who choose to remain.

In Union County, the current housing choices for older adults are woefully inadequate. The goal is to be a community that has affordable, safe housing for everyone.

Addressing Housing Needs

While safe, affordable housing is a basic need for all, it is especially essential that seniors have shelter that is physically accessible and financially affordable in order to maintain their independence.

Utility costs, basic repairs and property taxes impact seniors' financial ability to maintain a home. Living in an older home that is too big may be a financial burden. The older home may also be in a neighborhood that has experienced demographic change and the home owner may feel a loss of community and safety.





Just over the state line in South Carolina, and the county lines in Cabarrus County and Mecklenburg, are existing or planned senior housing complexes. Sun City is a 55+ community in Lancaster, SC, which has proved to be so popular that a second site is being constructed nearby. A new independent living community, Holiday, is being built on Idlewild Road just across the Union County line. Plantation Estates in Matthews has planned a new independent and assisted living community in Mecklenburg County. With the lack of choices in Union County, residents may move out of the county to meet their housing needs.

GOAL: To promote adequate housing choices for all.

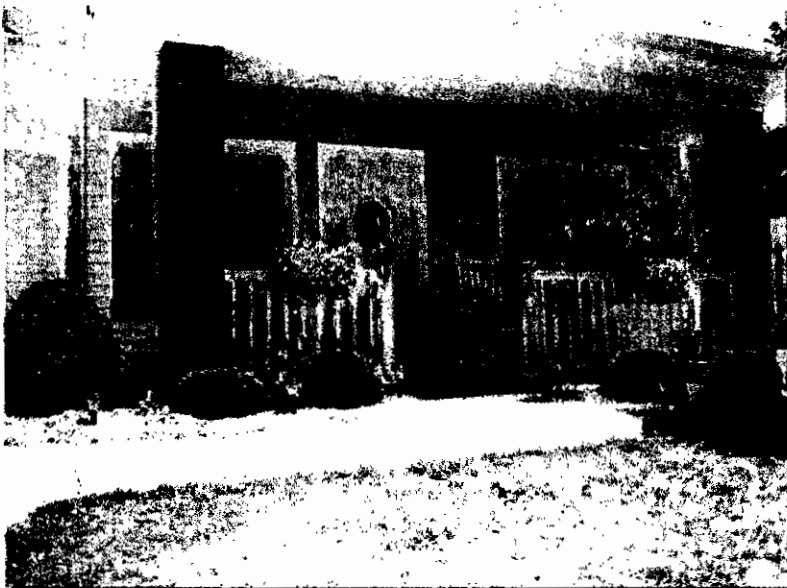
OBJECTIVES:

- o Double the number of subsidized housing units for seniors and disabled by 2010
- o Encourage owners of Gatewood Village and Cotton Street Commons to expand number of housing units
- o In five years we will have 300 senior housing units in Union County
- o Construction of smaller homes in the \$90,000 - \$130,000 range
- o Establish a senior home repair/modification program
- o Empty buildings will be re-purposed for housing (Example: Allen Overall Building)
- o Remove moratorium on Section 8 housing
- o Include affordable housing units for seniors in the City of Monroe Downtown Plan
- o Form partnerships with for-profits such as land developers, builders and home improvement companies, Lowe's and Home Depot



STRATEGIES:

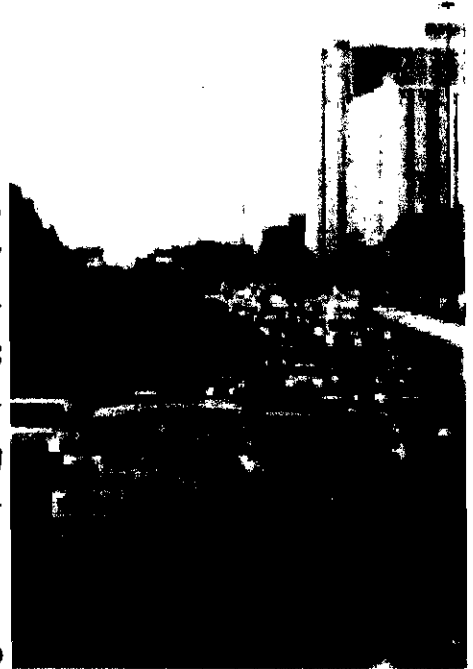
- o Develop presentation on the need for senior housing options
- o Meet with builders
- o Implement housing and home improvement program through HCCBG or CDBG funds
- o Educate seniors about Homestead Exemption and Reverse Mortgage
- o Market housing report
- o Conduct a media campaign



ISSUE:

TRANSPORTATION

Maintaining independence is one of the most important aspects of successful aging. To maintain independence individuals must have a connection with society. Transportation is an important means by which this connection is made. Transportation allows people to socialize and engage in activities within their community such as working, volunteering, shopping for food and necessities, attending medical appointments, and attending religious services.



In our society, privately owned vehicles come to mind first when discussing transportation. For most people, the automobile is the first choice within the various modes of travel available in the United States. In the year 2001, it was reported that seven out of eight people over the age of fifty were licensed drivers (AARP, 2007). As the population ages, there will be an increase in the percentage of drivers over the age of sixty five. In fact, in a 2008 survey conducted by the



Planning Committee for this report, 80% of the respondents reported that driving their personal auto is their primary means of transportation. As Union County experiences this increase, there are several areas that can be evaluated to assist older citizens in extending the length of time they are capable of driving.



In later life there are many factors that may reduce an older person's ability or comfort in driving. Certainly, some of the physical changes like loss of hearing, mobility, or eyesight, impact a person's driving ability. In addition, many of us find that it takes longer to respond to sudden events as we grow older. With the fast speeds and number of cars on the roads, many older adults are not comfortable or are unwilling to drive.

As our community finds people living longer and more people over the age of sixty, there will be increased need for transportation to essential locations like medical trips and grocery stores. In order to support this growing need, Union County must look at all options. As communities explore services and supports that will be needed, the first consideration must be those things that can assist older and disabled persons to maintain their independence and postpone their need for services and supports.

There are numerous changes available to Union County to create a senior-friendly environment, at the same time, make this community more accessible for people of all ages. Those uncomfortable in their driving skills may be reacting to environmental distractions such as signage that is too small, stop lights that are too small or not bright enough, or curbs that are not clearly defined.



Perhaps some of the options for consideration include changes that will reduce our community's dependence on personal cars. One obvious option is to look for ways to reduce our community's dependence on the personal vehicle. Walking is a healthy option. Would sidewalks connecting neighborhoods



Walking is a healthy option that reduces the stress on our roadways and improves the air quality

to essential services encourage more people to walk? Would walking be more of an option if the sidewalks could accommodate a wheelchair or baby carriage. Would it help if walking signs at stoplights were long enough to safely cross the road? Would walking be easier for older and disabled adults if there were benches along the way? Would clearly defined road crossing encourage more walking?





There will come a time when transportation services and supports will be necessary for many older and disabled adults. While rapid transit does not currently exist in Union County, the Union County Transportation System can provide trips to essential services in the community. This system can transport multiple

people at one time, and provides safe transport. In the survey conducted by the Planning Committee for this report, respondents were asked about their knowledge and use of the Union County Transportation System. Again, 80% indicated they know about the System but for numerous reasons, don't currently use this option. The Union County Transportation System is an important resource in the community that could extend older and disabled adults' ability to remain independent.

Transportation is one of the top issues for many counties in North Carolina as well as Union County. Decreasing our community's dependence on the personal automobile is important to our future.



GOAL: To recognize and promote accessible and affordable transportation options to ensure mobility and independence for older adults, disabled citizens, and the general public of Union County

STRATEGIES:

- Identify and promote mature driver safety through better education
- Offer self evaluation tools
- Offer driver education courses in the community
- Develop Transportation Advocacy Group to help promote senior-friendly transportation options with existing Transportation decision-makers in the community
- Advocate for pedestrian facilities in the community like sidewalks, bike lanes, greenways, street and walkway lighting
- Advocate for better mobility by using innovative traffic patterns (e.g. roundabouts)
- Coordinate with businesses and land developers to improve traffic patterns
- Increase transits options by creating advocacy group to investigate volunteer and self-funded transportation systems in existence that could be implemented in Union County.
- Educate the community about use of the Union County Transportation System



ISSUE:

LONG TERM CARE FINANCING

Long-term care is a variety of services that includes medical and non-medical care to people who have a chronic illness or disability. Long-term care helps meet health or personal needs and are provided in the home of the person receiving care, home of a family member or in an institutional setting. Most long-term care is designed to assist people with support services such as activities of daily living like dressing, bathing, and using the bathroom. Long-term care can be provided at home, in the community, in assisted living or in nursing homes. It is important to remember that you may need long-term care at any age. Financial long term care planning is necessary for all adults regardless of age to look at how they plan to fund potential future health care needs. Citizens will have more control over decisions and be able to stay independent. It is important to think about long-term care before you may need care or before a crisis occurs. Even if you plan ahead, making long-term care decisions can be hard.

GOAL:

To educate and increase awareness regarding financial long-term care options and their availability.

Union County citizens will have:

- **A better understanding and more knowledge to plan for long-term care.**
- **Information regarding payment options for long-term care.**



OBJECTIVES:

- **Approximately 20% of the senior population of Union County will be informed about long-term care options.**
- **Approximately 15% of the age 40-59 population in Union County will be informed about long-term care options.**

STRATEGIES:

- Run a series of newspaper articles in local newspaper
- Overview presentation on the Cable TV Government Channel
- Develop a brochure that could be placed at Council on Aging, DSS, Public libraries, Hospice, Senior Center, Health Quest, Adult Day Care Centers, Hospital Waiting Rooms, Doctor Offices, Home Health Agencies, local beauty shops and the Aquatic Center.
- Contact Church Associations to see if they would include a brochure in their newsletters
- Place an article in All for Seniors

What options are currently in place to help cover long term care?

Medicare, Medicaid, Social Security, Retirement, Long Term Care Insurance, Annuities, Personal Savings, Family, Reverse Mortgage, Home and Community Based Services, and assistance through Veterans Affairs.

How much will it cost?

The National Clearinghouse for Long-Term Care has estimated for one year of care in a nursing home, based on the 2008 national average, the cost is over \$68,000 for a semi-private room. One year of care at home, assuming you need periodic personal care help from a home health aide (the average is about three times a week) would cost almost \$18,000 a year.

The following chart shows national and state averages:

North Carolina	Average Daily Nursing Home Rate: Private	Average Daily Nursing Home Rate: Semi-Private	Average Monthly Costs In Assisted Living Facility	Home Health Aide Average Hourly Rate	In-Home Aide Services Average Hourly Rate	Adult Day Services Daily Rate
Charlotte	\$184.00	\$171.00	\$3,056.00	\$27.00	\$16.00	\$45.00
Rest of N.C.	\$183.00	\$170.00	\$2,395.00	\$29.00	\$17.00	\$45.00
State Average	\$184.00	\$171.00	\$2,731.00	\$28.00	\$17.00	\$45.00
US Average	\$187.00	\$209.00	\$3,008.00	\$29.00	\$18.00	\$59.00

Public Programs that Pay for Long-Term Care

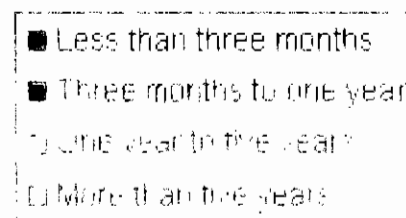
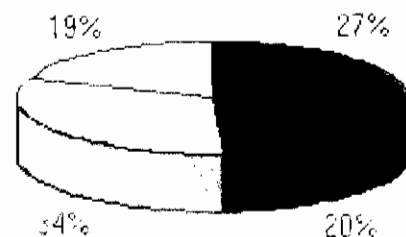
Medicare- A Federal program designed to cover health care for people age 65 and older, people under 65 with certain disabilities, and people of all ages with end-stage renal disease. It only covers medically necessary care and focuses on medical acute care (doctor visits and hospital stays) or short term services for conditions expected to improve. Medicare will pay for care in a skilled nursing home when:

- You have had a recent prior hospital stay of at least three days.
- You are admitted to a Medicare-certified nursing facility within 30 days of your prior hospital stay.
- You need skilled care such as skilled nursing services and/or physical or other types of therapy.

If all these conditions are met, Medicare pays a portion of your costs for up to 100 days. For the first 20 days, Medicare pays 100% of your skilled nursing facility costs. For days 21-100, you pay your own expenses up to \$128/day (as of 2008) and Medicare pays the balance. After day 100, you are responsible for 100% of the costs.

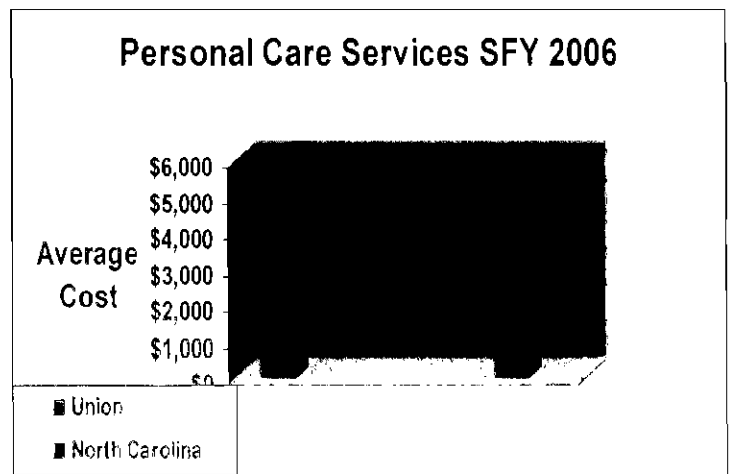
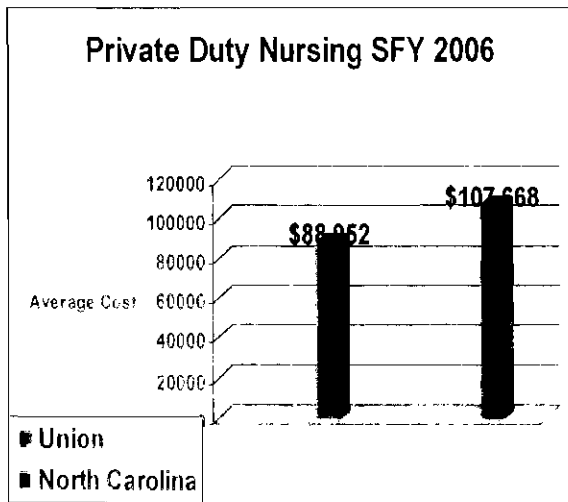
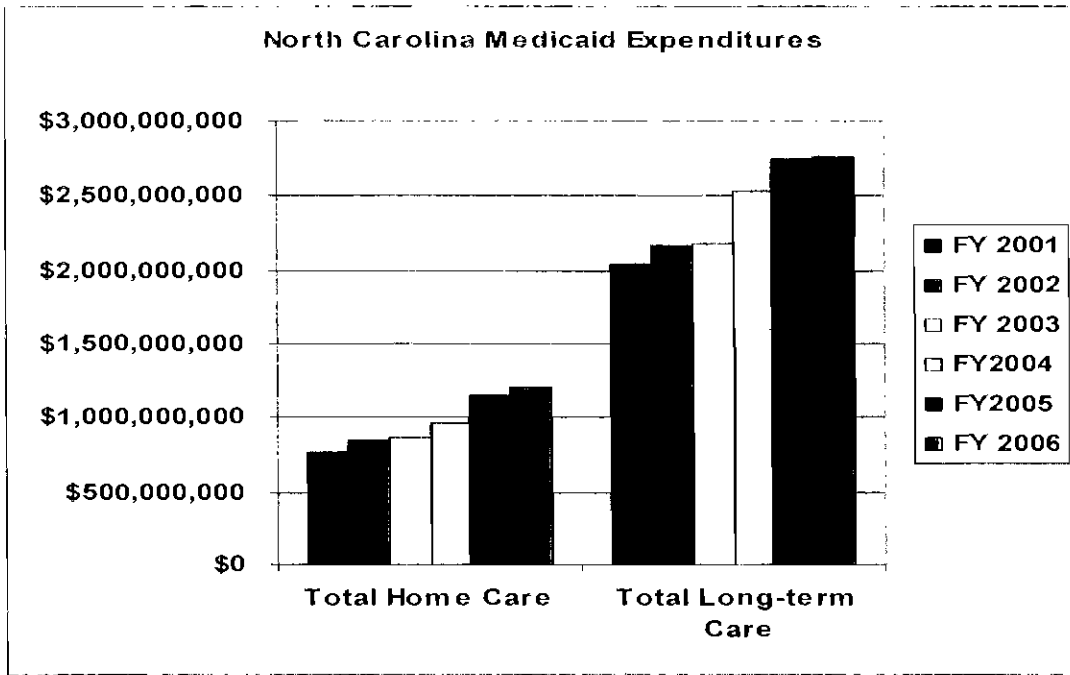
Medicare payments for home health care are limited to reasonable and necessary part-time or intermittent skilled nursing care and home health aide services. Hospice care is covered for people with a terminal illness, generally individuals who are not expected to live more than six months.

Typical length of stay in a Nursing Home



Medicaid - A joint Federal and state government program that helps pay medical costs for some people with limited incomes and resources. People with Medicaid may get coverage for services such as nursing home and home health care, if they meet the eligibility requirements for the program. Sometimes you must spend down your personal resources (assets) before you qualify for Medicaid.

**For more information regarding Medicaid, contact the Union County Department of Social Services at 704-296-4300*



SOURCE: North Carolina Medicaid paid Claims Data

Home and Community Based Services - The Older Americans Act is a Federal program designed to organize, coordinate, and provide home and community-based services to older adults and their families to help seniors remain in the community as independently as possible. Funding for programs is to assist with nutrition, health promotion and disease prevention activities, in-home services, services and supports for family caregivers, and protection of the rights of older adults in long term-care facilities.



For more information contact the Council on Aging in Union County at 704-292-1797, Union county Transportation and Nutrition at 704-283-3713 or 704-283-3817 or Union County Department of Social Services at 704-296-4300



Veterans Affairs - Assistance with nursing home and other extended care services are available to veterans with service and non-service related disabilities. In some cases there may be co-pays depending on the veteran's income level. The VA has a Housebound as well as an Aid and Attendance Allowance Program that provides cash grants to eligible disabled veterans and surviving spouses in lieu of formally provided in-home aide, personal care and other services needed for assistance in Activities of Daily Living and other help at home.

For more information, contact the Union County Veterans' Office at 704-283-3844

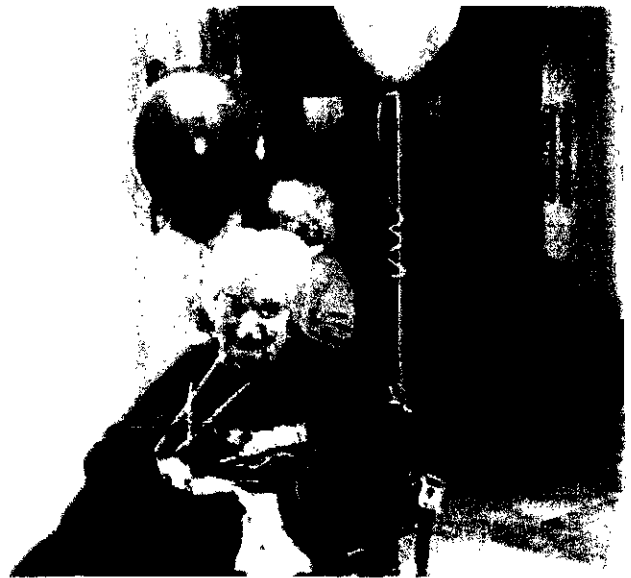
Long Term Care Insurance Coverage

The majority of policies sold today are comprehensive policies and cover care and services in a variety of long-term care settings:

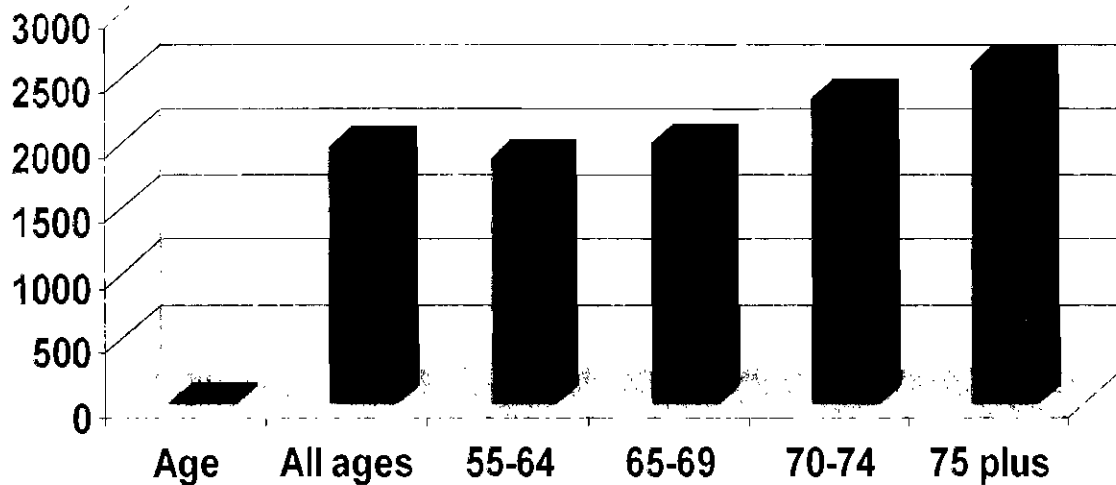
- Your home, including skilled nursing care, occupational, speech, physical and rehabilitation therapy, as well as help with personal care, such as bathing and dressing. Many policies also cover meal preparation or housekeeping in conjunction with personal care services.
- Adult day health centers
- Hospice care
- Respite care
- Assisted living facilities
- Alzheimer's special care facilities
- Nursing homes

Long-term care policies may have exclusions. These exclusions often follow state regulations on what exclusions are allowed. The following services are typically excluded from long-term care policies:

- Care or services provided by a family member unless the family member is a regular employee of an organization that is providing the treatment, service or care; and the organization they work for receives the payment for the treatment, service or care; and the family member does not receive compensation other than the normal compensation for employees in his or her category.
- Care or services for which no charge is made in the absence of insurance
- Care or services that result from war or act of war



Average Premiums for Long-term Care in 2005



All Ages-\$1,973 55-64-\$1,877 65-69-\$2,003 70-74-\$2,341 75 plus-\$2,604

Different policies offer different payment options such as paying premiums monthly, quarterly, semi-annually or annually. With most policies, you pay premium as long as you are not receiving benefits. However, some with policies you pay premiums for a specified period such as 10, 15 or 20 years.

Some insurance companies may deny you coverage if the following conditions exist:

- You currently use long-term care services.
- You already need help with Activities of Daily Living.
- You have Alzheimer's disease or any form of dementia or cognitive dysfunction.
- You have a progressive neurological condition such as Multiple Sclerosis or Parkinson's disease.
- You have had a stroke within the past 12-24 months or a history of strokes.
- You have cancer that has spread beyond its original site.

Reverse Mortgage-A reverse mortgage is a special type of home equity loan. You receive cash against the value of your home without selling it. You choose whether you want a lump-sum payment, a monthly payment, or a line of credit. You do not have to repay the loan as long as you continue to live in the home. The loan becomes due when you or the last borrower (such as the remaining spouse) dies, sells the home or permanently moves out of the home. You are still responsible for the taxes and home repairs. They do not count towards income and Social Security or Medicare benefits or count as income for Medicaid benefits eligibility as long as the reverse mortgage payments are spent within the month that you receive them. Your heirs can keep your home by repaying the reverse mortgage. Your heirs can also "keep the difference" if the home's sale price is greater than the reverse mortgage loan balance when it's time to repay the loan.

The following are some things to know about a reverse mortgage:

- All borrowers must be 62 or older.
- There is no health requirement; your health status is not a factor.
- The home must be your primary residence.
- You won't be required to provide an income or credit history.
- Reverse mortgage funds must be used to pay off any existing mortgage or other debt against the home and to make required home repairs. You can use any remaining funds for any purpose. You must have little or no outstanding balance on your current mortgage.
- A reverse mortgage must be in first lien position, which makes it very difficult to borrow any more against your home once you have a reverse mortgage. You can refinance a reverse mortgage if the house increases significantly in value.
- All potential borrowers must first meet with a HUD-approved reverse mortgage counselor before they can start the loan process. They can give you information to help decide if a reverse mortgage is right for you.



**Approximate Monthly Payment to Borrower
Based Upon Age and Home Value**

Age	\$100,000	\$150,000	\$200,000	\$250,000
62	\$330	\$500	\$670	\$840
66	\$380	\$570	\$760	\$950
70	\$440	\$670	\$890	\$1,120
74	\$540	\$820	\$1,090	\$1,370
78	\$640	\$970	\$1,300	\$1,630

The figures in this table are based upon the State Employees' Credit Union Reverse Mortgage and assume a 6.75% fixed rate of interest

The North Carolina Reverse Mortgage Act requires mortgage lenders and loan officers to be approved by the NC Commissioner of Banks prior to participation in the making of reverse mortgage loans. The Reverse Mortgage Act also requires that counselors are independent of the lender. The NC Housing Finance Agency requires counseling for reverse mortgages to be performed face-to-face, rather than by telephone. Counselors are required to accept counseling requests only from homeowners or their legal representatives, not from lenders.

The following agencies or organizations should be able to assist with questions regarding reverse mortgages:

NC Housing Finance Agency	800-393-0988 or 919-877-5700	www.nchfa.com
NC Commissioner of Banks	919-733-3016	www.nccob.org
NCAARP	866-389-5650	www.aarp.org/states/nc/
State Employees' Credit Union	888-732-8562	www.ncsecu.org
Eldercare Locator	800-677-1116	www.eldercare.gov

Annuities- An Immediate Long-Term Care Annuity is a single premium payment you make to an insurance company and you receive a specified monthly income. It is available without regard to your health. A Deferred Long-term Care Annuity is available to individuals up to age 85. The amount you receive depends on your health. It creates two funds: one for long-term care expenses and a separate cash fund to be used however you desire.

For more information, contact your local bank for an appropriate referral source.



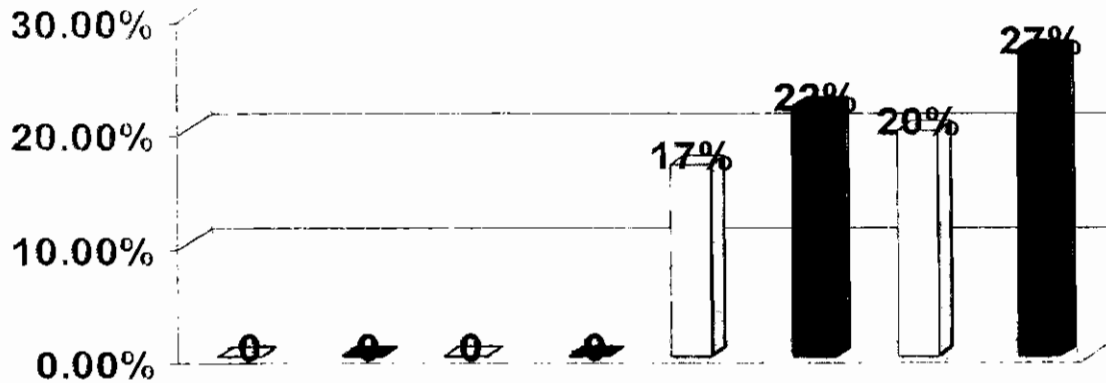
The following are conditions and illnesses that are some of the leading causes for the need to begin thinking about financial long-term care planning: Alzheimer's Disease, Cardiovascular disease, hypertension, obesity, smoking and diabetes.

ALZHEIMER'S STATISTICS

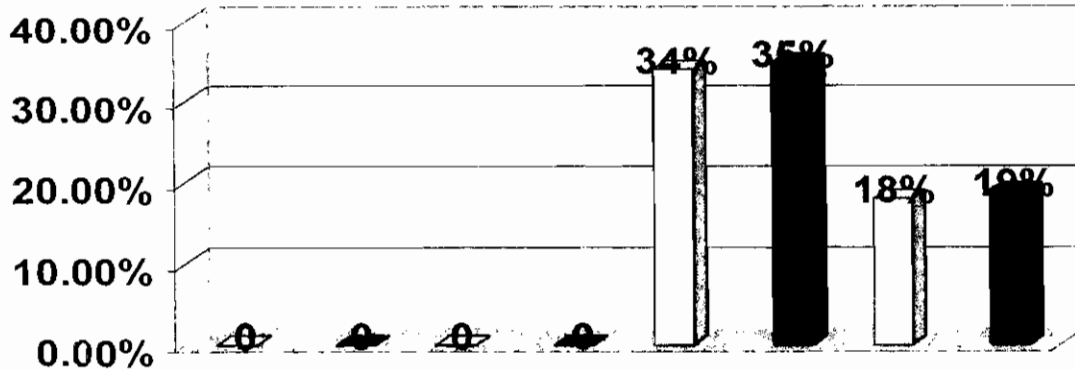
- ♦ By mid-century someone will develop Alzheimer's every 33 seconds.
- ♦ By 2010, there will be almost a half million new cases of Alzheimer's disease.
- ♦ Every 71 seconds, someone in America develops Alzheimer's disease.
- ♦ By 2050, there will be almost a million new cases each year.
- ♦ Women are nearly twice as likely as men to develop Alzheimer's disease.
- ♦ One in six women and one in ten men age 55 and older can expect to develop Alzheimer's disease.
- ♦ 10 million Baby Boomers will develop Alzheimer's.

Source: Alzheimer's Association

Adult Cardiovascular Risks CY 2006

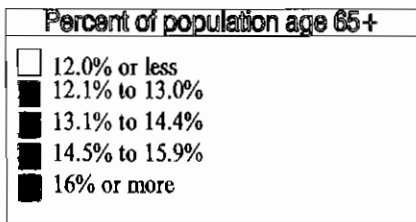


Adult Cardiovascular Risks CY 2006



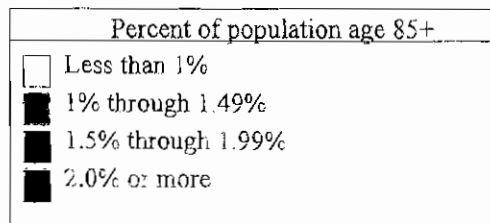
APPENDIX

POPULATION AGE 65+ IN 2020



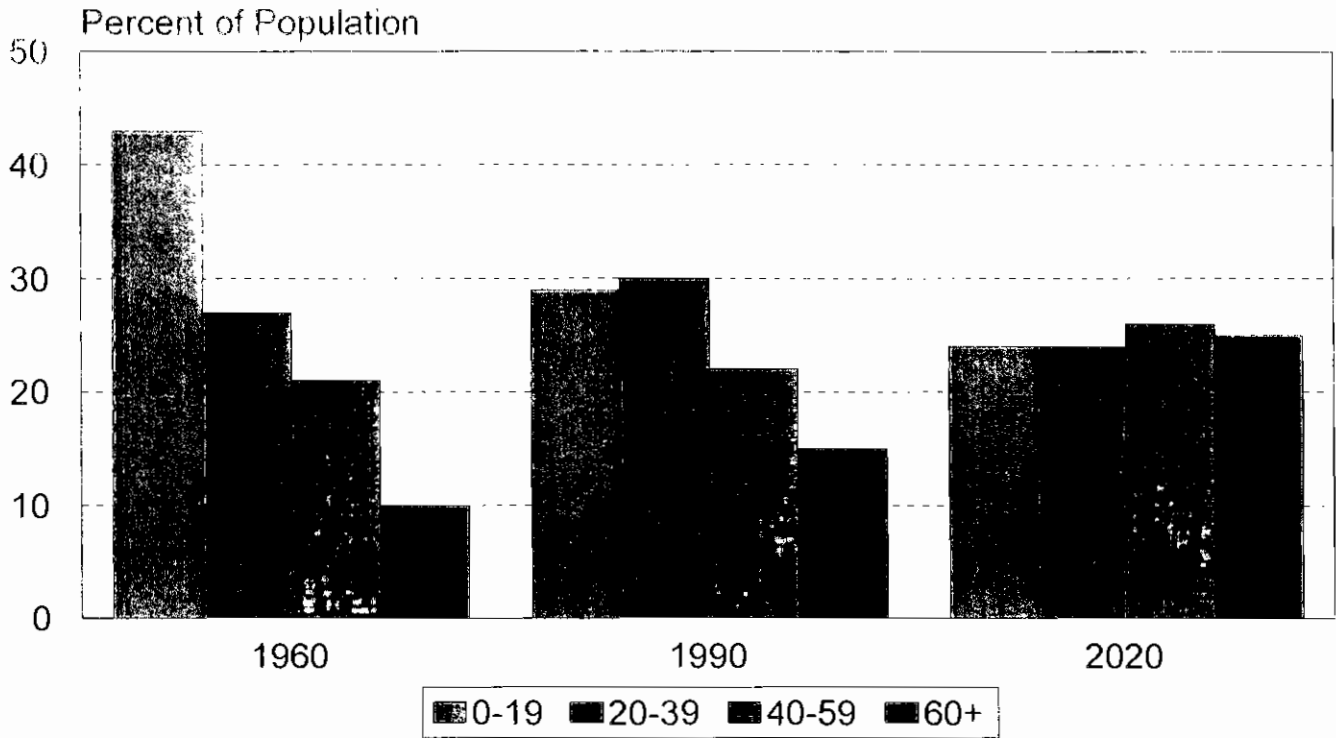
Red-colored counties have 16 or more persons age 65 or older per 100 residents.

POPULATION AGE 85+ IN 2020

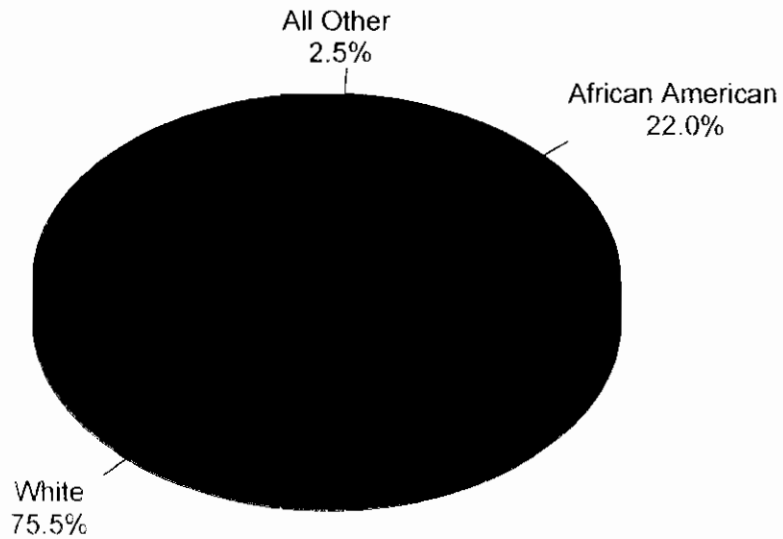


Red-colored counties have 2 or more persons age 85 or older per 100 residents.

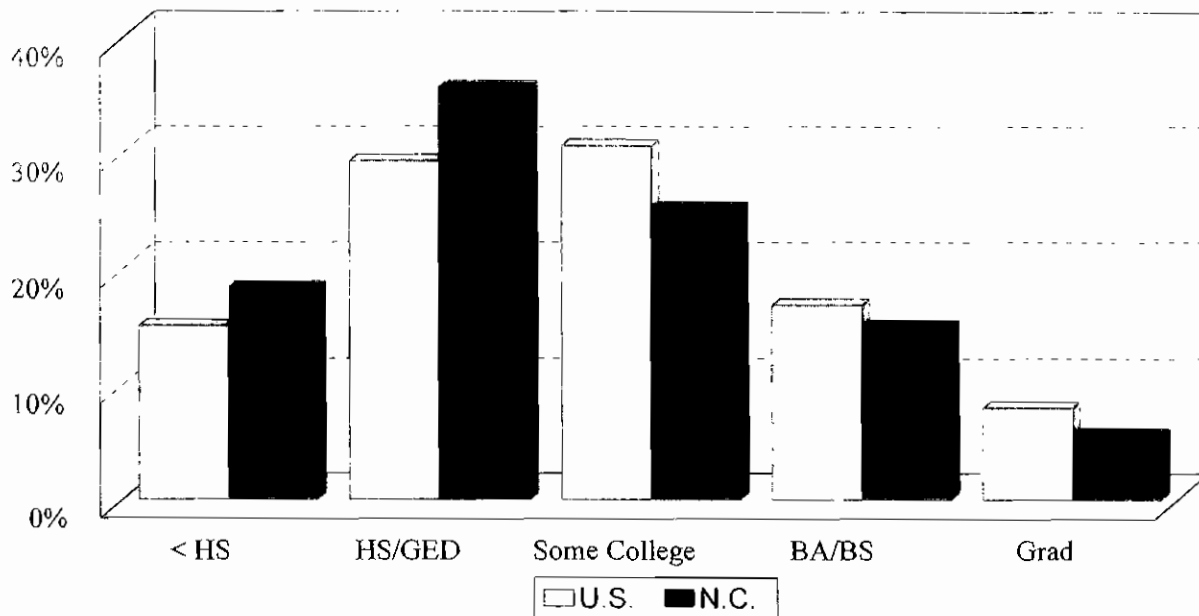
North Carolina: In the Middle of a Major Population Shift



Race and Ethnicity: NC Boomers

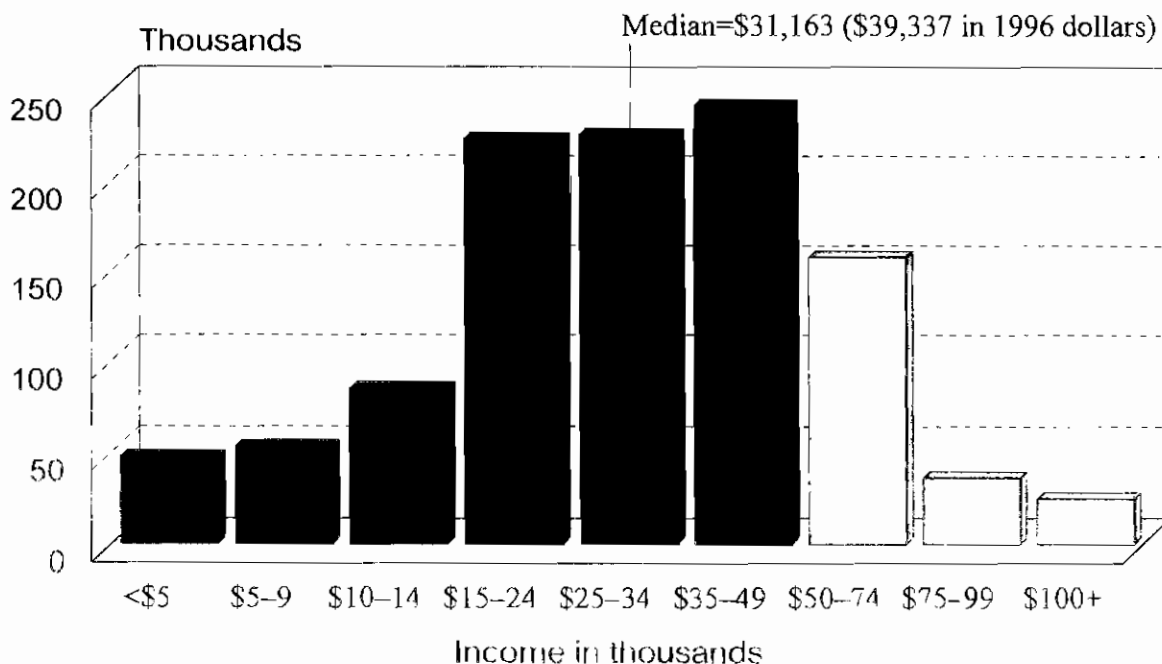


NC Boomers' Educational Attainment Compared to US Boomers



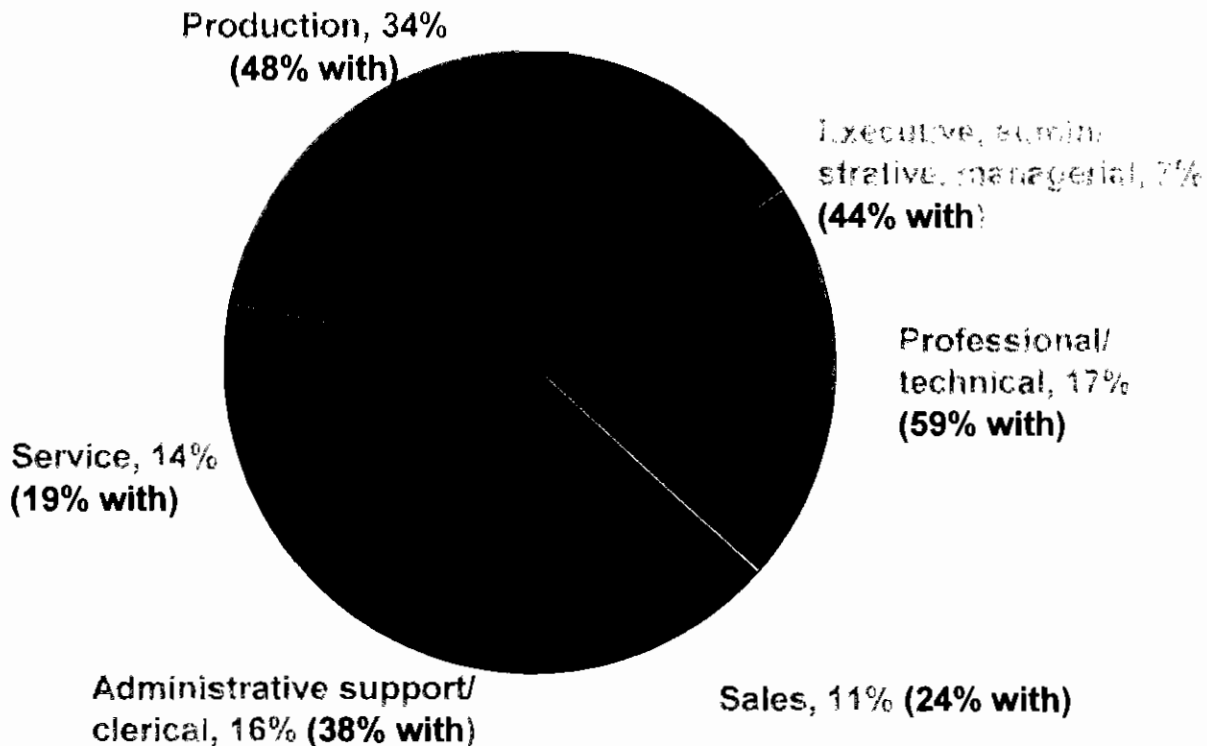
Age groups 25 to 34 in 1990 approximate younger Boomers and the same age group in 1980 approximate older Boomers

NC Boomers' Household Income in 1989

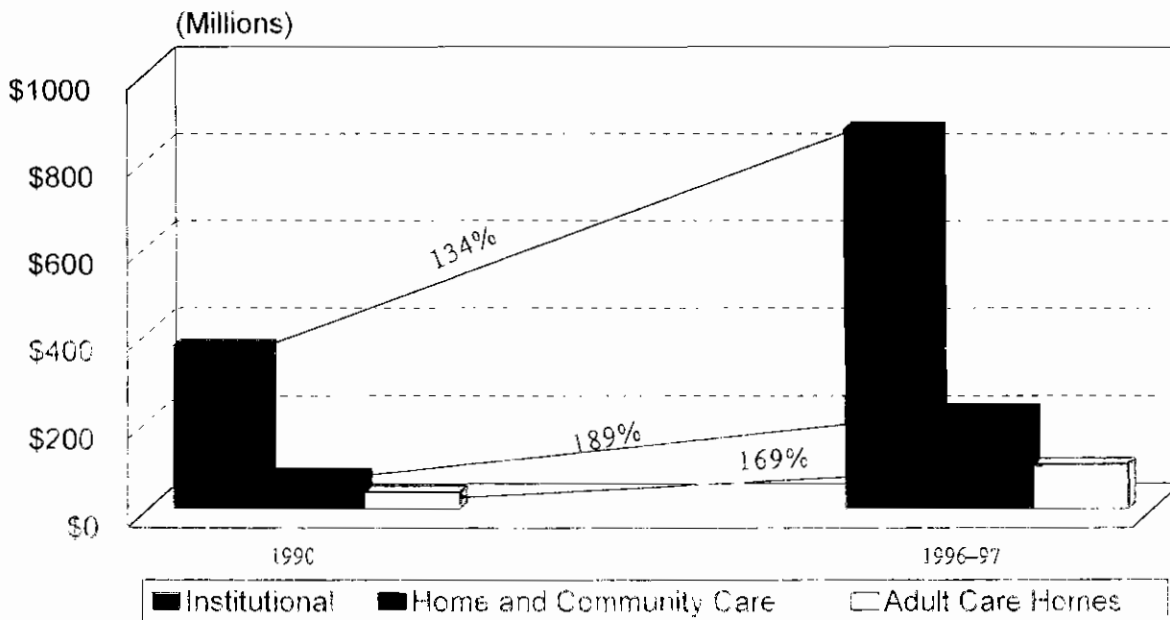


Age groups 25 to 44 in 1990 approximate Boomers

NC Boomers' Current Work and Pensions by Occupation in 1993 (US)



Growth in Public LTC Expenditures for Persons 60+ by Category between 1990 and 1996-97 in NC



Inventory of Housing Options in Union County

Subsidized Housing/ Independent Living

There are housing complexes with rent subsidy programs for older adults with low to moderate incomes. This public housing option may provide affordable, comfortable apartments for those 62 years of age and older or who have a disability. Rent is a percentage of the resident's income and includes utilities. With long waiting lists, it is recommended that application be made before the need becomes critical.

The following is a list of rent subsidized apartments in Union County:

Cotton Street Commons (Monroe) - 72 units

Gatewood Village (Wingate) - 40 units

Icemorlee Apartments (Monroe) 100 units, 20 are senior units

Monroe Housing Authority (Bragg Street/Monroe) 44 units

Fairley Avenue Apartment 18 units, no senior designations

Mill Tree Apartments (Marshville) 28 units, no senior designations

Jefferson Village Apartments - 18 units, no senior designations

This is a total of 240 subsidized housing units for seniors in Union County.

Other apartment complexes such as Cotton Street Apartments (Monroe) (41 units) and Wingate Manor located in Wingate have senior populations although they have no designated senior units.

Senior Community Housing

The Village of Woodridge is a senior community for adults 55 and over. It is a 100% ownership complex. This community offers five home models all with a one-car garage. The main meal of the day is served restaurant style in the community room. The Villas of Sun Valley and Villas at St James have senior friendly designs but are not marketed as senior communities.

Nursing Home & Assisted Living Facilities

538 nursing home beds are available at five skilled nursing facilities. White Oaks Manor, a 100 bed nursing facility is being constructed in the Waxhaw area. A Certificate of Need (CON) for 90 additional nursing home beds is up for bid at the present time. The number of beds available for skilled nursing care and assisted living is determined by the state through a Certificate of Need. This CON process ensures that adequate numbers of beds are available. The fact that two separate CONs have been designated for Union County in the past five years is testament to the dramatic population increase in this area.

The more recent advent of assisted living facilities has met the need of individuals needing daily assistance but not skilled nursing care. As these facilities have grown and evolved so has the implementation of governing rules. There are 489 assisted living beds at 12 facilities in Union County. Of these, four are Family Care Homes, which are residential homes licensed to care for six or fewer individuals.

Evaluation of Current Housing Options

This evaluation is based on two senior groups. The first group comprises those seniors who do not reside in a facility or in subsidized housing. The second group is seniors living in subsidized housing.

An evaluation of the services

Ratings: 1=Highest & 5=Lowest

	High				Low
IN OWN HOME	1	2	3	4	5
Existence				X	
Adequacy				X	
Accessibility				X	
Efficiency & Duplication				X	
Equity					X
Quality/Effectiveness				X	

Notes: Table I Seniors in home

Cost of utilities, maintenance and repairs and taxes

Awareness of services available to help maintain independence

No affordable independent living housing specifically for seniors

Inadequate affordable housing for downsizing

Seniors in subsidized housing

	High				Low
SUBSIDIZED HOUSING	1	2	3	4	5
Existence			X		
Adequacy			X		
Accessibility		X			
Efficiency & Duplication		X			
Equity			X		
Quality/Effectiveness		X			

Notes: Table II Seniors in subsidized housing

Long waiting list for current subsidized units

Inadequate number of subsidized units available

Some complexes are well managed, others are less well managed

Some subsidized units are interspersed with other age groups

Group seniors together for companionship and safety

Residents in subsidized housing are more likely to be connected to services through DSS



UNION COUNTY NORTH CAROLINA



UNION COUNTY OLDER ADULT SURVEY (2008)

Thank you for taking time to answer a few questions. The Union County Home and Community Care Block Grant Strategic Planning Committee is looking at three issues: Transportation, Long Term Care Financial Planning, and Housing. Our purpose is to develop ways to address these concerns in our county. Your responses will help us in our planning. Please note that your responses will be anonymous. Thank you for your assistance.

1. Please indicate your age group:
 under age 50 51-60 61-70 71-80 above 81
2. Please indicate your sex: Male Female
3. Please indicate your race:
 Caucasian African American Hispanic
 Russian Asian Other
4. Do you own your own home: Yes No
5. How would you rate your health? Excellent 1 2 3 4 5 Poor
6. Do you foresee a need to move from your present home, now or in the future?
 Yes No
7. What are some reasons you feel you would need or want to move from your present home? (Please check all that apply)
 Safety Smaller House
 Transportation Nearer to Medical Services
 Cannot afford up keep on present home
8. Would you be interested in moving into a senior or retirement community if affordable?
 Yes No
9. If the answer to question 8 is yes, would you be more likely to:
 Rent Buy
10. How important is it for you to live near others in your age group?
 Very important Somewhat important Not important
11. What are your current means of transportation? (Check the one used most often)
 Drive personal vehicle
 Family, friends provide transportation
 Taxi
 Union County Transportation System
 Walk
12. Are you aware there is a transportation system that is available to all Union County citizens?
 Yes No
13. What are your transportation needs? (Check all that apply)
 Medical Employment
 Education Employment
 Shopping (groceries, drug store, etc) Recreation
14. What barriers, if any, keep you from using the transportation system? (Check the ONE best answer)
 Do not know how to access Transportation System
 The Transportation System is not flexible enough to meet my schedule
 Afraid to use the service alone
 No need for the system
 Do not know of any barriers, just don't use it or don't need it

For the purpose of the following questions, Long Term Care refers to a variety of services in the area of health, personal care, and social needs of persons who are chronically disabled, ill or infirm. Long Term Care may include services such as nursing home care, assisted living, home health care, or adult day care/day health.

15. Has a member of your immediate family (mother, father, sister, brother, spouse) ever been in a Long Term Care Facility (rest home, nursing home, assisted living)?
 Yes No
16. Do you know how you will pay for long term care if you become disabled and can't be cared for at home?
 Yes No
17. Assuming Long Term Care may cost up to \$6,000 monthly, which of the following will you use to pay for your care? (Check all that apply)
- | | |
|---|---|
| <input type="checkbox"/> Medicaid | <input type="checkbox"/> Long Term Care Insurance |
| <input type="checkbox"/> My Savings/Investments | <input type="checkbox"/> Annuity |
| <input type="checkbox"/> Social Security | <input type="checkbox"/> Retirement Check |
| <input type="checkbox"/> Family will pay for me | <input type="checkbox"/> Other |
18. My children or relatives will try to care for me at home if I need assistance rather than seek care in a Long Term Care Facility.
 Yes No Don't Know
19. Would you go to an agency or a meeting that helped you understand your options for financing Long Term Care? (This would be informational not trying to sell you a product).
 Yes No Don't Know



UNION COUNTY NORTH CAROLINA



UNION COUNTY OLDER ADULT SURVEY (2008) 604 TOTAL RESPONDENTS

- 1 Please indicate your age group:
 ___ **7** ___ under age 50 ___ **39** ___ 51-60 ___ **175** ___ 61-70 ___ **230** ___ 71-80
 ___ **149** ___ above 81
- 2 Please indicate your sex: ___ **156** ___ Male ___ **436** ___ Female
- 3 Please indicate your race:
 ___ **472** ___ Caucasian ___ **79** ___ African American ___ **1** ___ Hispanic
 ___ **1** ___ Russian ___ **1** ___ Asian ___ **14** ___ Other
- 4 Do you own your own home: ___ **520** ___ Yes ___ **69** ___ No
- 5 How would you rate your health?
 Excellent 1 - ___ **105** 2 - ___ **118**
 3 - ___ **198** 4 - ___ **85** 5 Poor - ___ **71**
- 6 Do you foresee a need to move from your present home, now or in the future?
 ___ **129** ___ Yes ___ **439** ___ No
- 7 What are some reasons you feel you would need or want to move from your present home? (Please check all that apply)
 ___ **93** ___ Safety ___ **126** ___ Smaller House
 ___ **63** ___ Transportation ___ **45** ___ Nearer to Medical Services
 ___ **80** ___ Cannot afford up keep on present home
- 8 Would you be interested in moving into a senior or retirement community if affordable?
 ___ **219** ___ Yes ___ **336** ___ No
- 9 If the answer to question 8 is yes, would you be more likely to:
 ___ **107** ___ Rent ___ **110** ___ Buy
- 10 How important is it for you to live near others in your age group?
 ___ **126** ___ Very important ___ **244** ___ Somewhat important ___ **162** ___ Not im-
 portant
- 11 What are your current means of transportation? (Check the one used most often)
 ___ **484** ___ Drive personal vehicle
 ___ **81** ___ Family, friends provide transportation
 ___ **2** ___ Taxi
 ___ **29** ___ Union County Transportation System
 ___ **0** ___ Walk
- 12 Are you aware there is a transportation system that is available to all Union County citizens?
 ___ **485** ___ Yes ___ **102** ___ No
- 13 What are your transportation needs? (Check all that apply)
 ___ **342** ___ Medical
 ___ **29** ___ Education ___ **34** ___ Employment
 ___ **266** ___ Shopping (groceries, drug store, etc.) ___ **179** ___ Recreation

14. What barriers, if any, keep you from using the transportation system? (Check the ONE best answer)
- 67** Do not know how to access Transportation System
- 32** The Transportation System is not flexible enough to meet my schedule
- 14** Afraid to use the service alone
- 227** No need for the system
- 145** Do not know of any barriers, just don't use it or don't need it
15. Has a member of your immediate family (mother, father, sister, brother, spouse) ever been in a Long Term Care Facility (rest home, nursing home, assisted living)?
- 264** Yes **300** No
16. Do you know how you will pay for long term care if you become disabled and can't be cared for at home?
- 230** Yes **298** No
17. Assuming Long Term Care may cost up to \$6,000 monthly, which of the following will you use to pay for your care? (Check all that apply)
- 177** Medicaid **101** Long Term Care Insurance
- 155** My Savings/Investments **28** Annuity
- 319** Social Security **134** Retirement Check
- 17** Family will pay for me **31** Other
18. My children or relatives will try to care for me at home if I need assistance rather than seek care in a Long Term Care Facility.
- 253** Yes **298** No Don't Know
19. Would you go to an agency or a meeting that helped you understand your options for financing Long Term Care? (This would be informational not trying to sell you a product).
- 211** Yes **335** No Don't Know

Marriage Amendment Resolution# 18
MEETING DATE 4/6/09

WHEREAS, marriage throughout human history has been the basic building block of society; and

WHEREAS, North Carolina law recognizes that, “A valid and sufficient marriage is created by the consent of a male and female person who may lawfully marry, presently to take each other as husband and wife, freely, seriously and plainly expressed by each in the presence of the other...” (N.C.G.S. § 51-1); and

WHEREAS, the General Assembly of North Carolina passed “An Act to Provide that Marriages Recognized Outside of this State Between Persons of the Same Gender Are Not Valid” in 1996, which clarifies that: “Marriages, whether created by common law, contracted, or performed outside of North Carolina, between individuals of the same gender are not valid in North Carolina.” (N.C.G.S. § 51-1.2); and

WHEREAS, the United States Congress enacted a federal statute known as the “Defense of Marriage Act” which mandates that for purposes of “determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word ‘marriage’ means only a legal union between one man and one woman as husband and wife, and the word ‘spouse’ refers only to a person of the opposite sex who is a husband or a wife.” (1 U.S.C. § 7); and

WHEREAS, the Supreme Judicial Court of the State of Massachusetts declared in a 4-3 opinion that a pending bill prohibiting same-sex couples from entering into marriage but allowing them to form civil unions having the same benefits, rights, and protections as marriage would violate the State Constitution, and whereas the State of Massachusetts began issuing marriage licenses to same-sex couples on May 17, 2004, and whereas the Massachusetts legislature repealed a law that prohibited marriage in Massachusetts of couples whose home states would not recognize the marriage, so that same-sex couples from North Carolina can now legally “marry” in Massachusetts; and

WHEREAS, the California Supreme Court ruled in a 4-3 decision that limiting marriage to opposite-sex couples was a violation of the California Constitution, and whereas the State of California began issuing marriage licenses to same-sex couples on June 17, 2008, and continued that practice until November, 4, 2008, when voters in California overrode their Court’s redefinition of marriage by passing Proposition 8 protecting the traditional definition of marriage; and

WHEREAS, on October 10, 2008, the Supreme Court of Connecticut ruled by a 4-3 majority that, even though same-sex couples in Connecticut could form civil unions equal in rights and benefits to marriage, denying them the right to marry violated the State’s Constitution, and whereas, on November 12, 2008, the State began issuing marriage licenses to same-sex couples; and

WHEREAS, an unknown number of same-sex couples that reside in North Carolina may have already obtained marriage licenses in Massachusetts, California (before Proposition 8 passed), or Connecticut, and at any time, one or more of these couples could file suit in a North Carolina court in an attempt to convince a judge to overturn our State's marriage laws, arguing that they unconstitutionally prohibit "marriages" between same-sex couples; and

WHEREAS, without a provision in our State Constitution defining marriage as the union between only a man and a woman, a court in our State could redefine marriage by legalizing the union of same-sex couples, without a vote of the people of the State or our elected legislators; and

WHEREAS, to date, 30 states have passed Marriage Protection Amendments that place the traditional definition of marriage as the union of one man and one woman in their state constitutions; and

WHEREAS, North Carolina is the only state in the southern United States that has not protected marriage in its State Constitution by defining it as the union of one man and one woman, thus making it a target for same-sex "marriage"; and

WHEREAS, a Constitutional Amendment stating that "*Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State*" is the strongest means of protecting North Carolina's statutory definition of marriage and of insuring that the definition of marriage will be determined by the people of the State; and

WHEREAS, bills have been proposed in the last four sessions of the General Assembly to protect marriage by defining it in the North Carolina Constitution as the union of one man and one woman, but the leadership in the North Carolina House and Senate have denied lawmakers and the citizens of the State an opportunity to vote on these bills;

BE IT THEREFORE RESOLVED, the Union County Board of Commissioners believes it is in the best interest of the people of Union County and the State of North Carolina to define marriage in the North Carolina Constitution as the union of one man and one woman at one time.

BE IT THEREFORE RESOLVED, the Union County Board of Commissioners hereby requests that the North Carolina General Assembly, in accordance with Article XIII, Section 4 of the North Carolina Constitution, approve legislation submitting a proposal to the qualified voters of this State, for their ratification or rejection, for the adoption of an amendment to the North Carolina Constitution stating:

"Marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this State"

Dated this 6th day of April, 2009.

Chairman
Union County Board of Commissioners

Vice Chairwoman
Union County Board of Commissioners

ATTEST:

Clerk, Union County Board of Commissioners

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 6, 2009

Action Agenda Item No. 19c & b
(Central Admin. use only)

SUBJECT: Disposal of Surplus Well Lot

DEPARTMENT: General Services

PUBLIC HEARING: No

ATTACHMENT(S):
Offer to Purchase
Parcel Report
Aerial Photo

INFORMATION CONTACT:
Barry Wyatt

TELEPHONE NUMBERS:
704-283-3868

DEPARTMENT'S RECOMMENDED ACTION: Adopt Resolution Authorizing Upset Bid Process

BACKGROUND: The County has received an offer (\$10,000.00) to purchase a well lot (Parcel # 05113019) located in Waxhaw, N.C. The well lot, an asset of the enterprise system, is no longer used by Public Works and is not essential to the water system. The lot contains 0.82 acres and has a land tax value of \$47,480.00. Under North Carolina Statutes, the County is required to advertise the offer to purchase and provide other interested parties an opportunity to purchase the property.

Comments from Legal Department: Pursuant to North Carolina law, real property may be disposed of by auction, sealed bid, upset bid, or exchange. The upset bid process, proposed for this tract, gives other potential purchasers the opportunity to bid, thus arguably maximizing the price to be received by the County. The procedure begins with receipt of an offer on a specific tract. The matter is taken to the Board of Commissioners, which "proposes to accept" the offer (as stated in the statute, though with the understanding that the Board may reject bids or withdraw the property from sale at any time), and the Clerk then publishes notice of the offer. Other bidders have 10 days during which to make an upset bid, which must exceed the preceding bid by an amount equal to 10% of the first one thousand dollars and 5% of the remainder. The process continues until no qualifying upset bid is received. The highest bid is taken to the Board, which may accept or reject the offer.

The present case is unusual in that the County is being requested by the initial offeror to authorize rezoning/conditional use of the property by the Town of Waxhaw prior to purchase. Although this request may seem premature (if, for example, the initial offeror does not purchase the property), the offeror's attorney has indicated that the County-owned tract will be removed

from the collection of tracts for which rezoning is sought if the County property has not been purchased by May 11, which date immediately precedes a public hearing on the rezoning by the Waxhaw Board of Commissioners. We have contacted the Town planner who indicates that the County would be able to seek rezoning of this property without delay in the event the property were removed prior to consideration at the hearing, i.e. the County would not be penalized in this manner for removal of the rezoning request at this stage of their process. The offeror's attorney has been informed that it may be difficult to complete the upset bid process prior to the May 12 hearing date, given the potential for upset bids and the necessity for Board approval with only two regular meetings prior to May 12. He has elected to proceed with this request and will make an appearance at the Board meeting.

FINANCIAL IMPACT: Additional revenue to the enterprise system.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

N Broome St

N Church St

N Broad St



1 inch = 100 feet



From: "Marcus Arroyo" <marroyo@blpatch.com>
To: <bwyatt@co.union.nc.us>
cc: "Bransen Patch" <bpatch@blpatch.com>

Date: Monday, March 02, 2009 02:07PM

Subject: Upset Bids for Parcel #05113019

History: * This message has been replied to.

Mr. Wyatt,

Historic Ventures, LLC is prepared to submit a \$10,000.00 offer to purchase Parcel # 05113019. Please accept this as a formal bid for said property. I will deliver a 5% deposit check to the city clerk totaling \$500.00 for Union County by March 3rd, 2009.

Thank you for your assistance regarding Parcel # 05113019



Marcus F. Arroyo
Director of Construction
B. L. Patch & Associates, Inc.
2409 -B Plantation Center Drive
Matthews, NC 28105
o 704.846.5139
f 704.846.5142
c 704.634.7847

M

Parcel ID

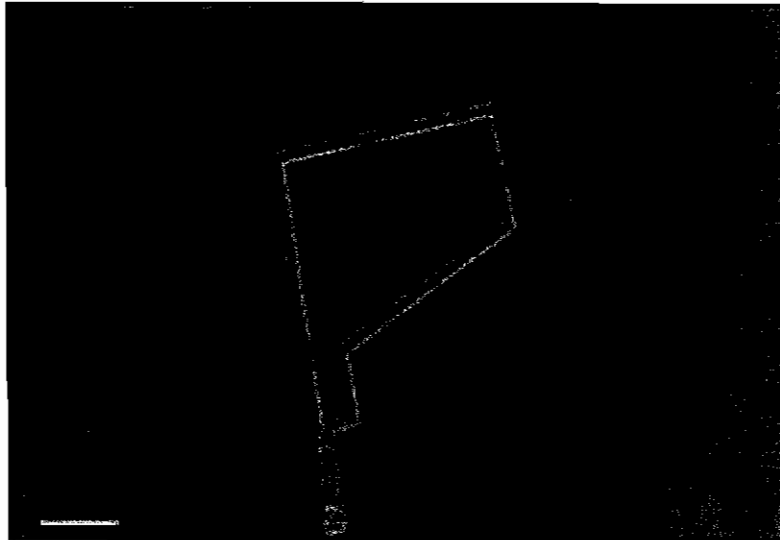
05113019

Owner Name

UNION
COUNTY %
PUBLIC
WORKS

Owner Mailing Address

100 N CHURCH ST
MONROE
NC. 28112-4804



Tax Information

Deeds 0235-597
Sale Amount
Sale Date
Land Value 47480
Total Value 48500
Acreage 0.8200
M Value 48500
Improved Value 1020

Sale 2 Amount
Sale 2 Date
Deeds 2
Farm Deferral 0
Legal Desc 1 WELL HOUSE-BROAD ST-WAXHAW
Legal Desc 2 OFF BROAD ST
Legal Desc 3
Parcel Address BROAD ST

Location Information

Census Tract Acres 30948
Census Tract Number 210.02000427246
Census Tract Population 8403
Zoning Admin Waxhaw

Municode Waxhaw
Fire District Waxhaw
County Zoning CITY
School County

Site/Land Information

FEMA Panel 4473
FEMA Map 3710447300J
Soils Tbc2

FEMA Zone

Appraisal Information

Square Feet
Half Baths
Full Baths
Year Built
Heating
Type OTHER
AC
Story
Use

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, Union County is the owner of a vacant parcel of real property near N. Broad Street in Waxhaw, North Carolina, described as that parcel of land containing approximately 0.82 acre according to a survey by Walter L. Gordon and T.C. Dove dated August 10, 1970, and being further described as the second parcel conveyed to Union County by the Town of Waxhaw by deed dated June 12, 2007, and recorded in Book 4593, Page 194 in the office of the Union County Register of Deeds (the "Subject Property"); and

WHEREAS, pursuant to N.C.G.S. § 160A-269, Union County is authorized to dispose of real property by upset bid after receipt of an offer for the property; and

WHEREAS, Union County has received an offer to purchase the Subject Property in the amount of Ten Thousand Dollars (\$10,000.00), submitted by Historic Ventures LLC ("Historic Ventures"); and

WHEREAS, Historic Ventures has paid the required five percent (5%) deposit on its offer.

NOW, THEREFORE, BE IT RESOLVED by the Union County Board of Commissioners (the "Board") as follows:

1. The Board proposes to accept Historic Ventures' offer and authorizes sale of the Subject Property through the upset bid procedure of N.C.G.S. § 160A-269; provided that final acceptance of the final high offer shall be subject to approval by the Board. The Board reserves the right to withdraw the Subject Property from sale at any time before the final high bid is accepted and further reserves the right to reject at any time all bids.
2. The Clerk to the Board shall cause a notice of the proposed sale to be published. Such notice shall include a general description of the Subject Property, the amount and terms of the offer, and a statement that within ten (10) days any person may raise the bid in accordance with the procedure outlined in this Resolution.
3. Persons desiring to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Clerk to the Board within ten (10) days after the notice of sale is published. Bids shall be submitted no later than 5:00 p.m. on the last day of the 10-day period, and the Clerk shall date-stamp bids upon receipt. The mailing and physical address of the Clerk to the Board is as follows:

Ms. Lynn West, Clerk to the Board
500 N. Main Street, Room 925
Monroe, NC 28112

The envelope containing the bid shall be clearly marked "Sealed Bid for Property Located near N. Broad St. in Waxhaw." It shall be the specific responsibility of the bidder to deliver his bid to the Clerk to the Board at the appointed place and prior to the announced time for the opening of bids. Late delivery of a bid for any reason, including delivery by United States Mail or other carrier, will disqualify the bid.

4. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid. The deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. If the Board agrees to sell the Subject Property, the County will return the deposit of the final high bidder at closing. If, after acceptance by the Board of the final high bid, the final high bidder fails to close the sale in accordance with the terms of this Resolution and any purchase agreement, then in such event the bid deposit of the high bidder shall be forfeited.
5. At the conclusion of the 10-day period, the Clerk to the Board shall open the bids, if any, and the highest such qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer. If a qualifying higher bid is received, the Clerk to the Board shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners. The Board shall determine whether or not to accept the final high bid not later than ninety (90) days after the final upset bid period has passed.
6. Bidders shall not attach any conditions to their bids. Any conditions attached to bids received for purchase of the Subject Property shall render the bid non-responsive, and such bid shall not be considered by the Board.
7. The buyer must pay with cash at the time of closing.
8. Title to the Subject Property shall be transferred to the buyer by Quitclaim Deed.

Adopted this the 6th day of April, 2009

VIA HAND DELIVERY

TO: The Members of the Union County Board of County Commissioners

FROM: John H. Carmichael

DATE: April 1, 2009

RE: Request for Union County's Consent to the Rezoning/Conditional Use Permit Request of Historic Ventures, LLC in the Town of Waxhaw

INTRODUCTION

Representatives of our client, Historic Ventures, LLC ("Ventures"), and I will appear at your Monday, April 6, 2009 meeting to request that Union County consent to a rezoning and conditional use permit request for real property Union County owns in the Town of Waxhaw, North Carolina on North Broad Street (the "Union County Parcel"). The Union County Parcel contains approximately .82 acres and it is designated as Parcel No. 05113019 on the Union County Tax Maps. The Union County Parcel is more particularly depicted on the attached Parcel Location Map 1 and Parcel Location Map 2. We are submitting this memorandum to provide you with information on Ventures' request prior to your April 6, 2009 meeting.

BACKGROUND INFORMATION ON VENTURES' PROPOSED MIXED USE DEVELOPMENT

Ventures is assembling approximately 16.6 acres of real property located on Church Street, NC Highway 16, Price Street and Broad Street in the Town of Waxhaw (the "Mixed Use Site") for the purpose of developing a quality mixed use project on the Mixed Use Site that could consist of office, retail, governmental, educational and multi-family uses. The governmental uses could include a new Town Hall for Waxhaw (if it is approved by the Town of Waxhaw Board of Commissioners) and a public library. I am attaching a copy of the current site plan of Ventures' proposed mixed use project for your review. As you can see from the site plan, it would be a pedestrian friendly and well designed development that would include a large town square or town green in the center of the project. I am also attaching building elevations that depict the design, quality and character of the buildings that would be located in this mixed use project.

The Union County Parcel is included within the Mixed Use Site and it is located in the northwestern corner of the Mixed Use Site. As you can see from the attached site plan, a water quality pond and buffer are proposed to be located on the Union County Parcel under Ventures' development proposal. As I understand it, the Union County Parcel is currently zoned R-4.

Members of the Union County Board of County Commissioners

April 1, 2009

Page 2

REZONING AND CONDITIONAL USE PERMIT REQUEST IN THE TOWN OF WAXHAW

To accommodate this proposed mixed use project, the Mixed Use Site (including the Union County Parcel) must be rezoned to the CU-C4 zoning district by the Town of Waxhaw, and a conditional use permit must be issued. Ventures has filed with the Town of Waxhaw an application to rezone the Mixed Use Site to the CU-C4 zoning district and to obtain a conditional use permit to allow the development of the proposed mixed use project on the Mixed Use Site.

REQUEST FOR UNION COUNTY'S CONSENT

Because Union County owns one of the parcels that comprises the Mixed Use Site, to move forward with the rezoning and conditional use permit process as currently proposed, it is necessary that Ventures either acquires the Union County Parcel prior to moving forward, or that Union County consent to the rezoning/conditional use permit request. Ventures is in the process of trying to acquire the Union County Parcel and it has been working with Barry Wyatt of Union County do so.

Ventures desires to continue to move forward with the rezoning and conditional use permit process and to have these matters considered by the Waxhaw Planning Board at its April 20, 2009 meeting and by the Waxhaw Town Board of Commissioners at its May 12, 2009 meeting. To do so, it is necessary that revised plans and all required consents and signatures be submitted to the Town of Waxhaw no later than Tuesday, April 7, 2009. Unfortunately, Ventures will not be able to acquire the Union County Parcel prior to April 10, 2009.

Ventures has been working on this proposed project for approximately one and one-half years and Ventures believes that there is positive momentum surrounding the project and strong interest from potential tenants and occupants thereof. For these reasons, Ventures desires to proceed under the schedule set out above so that this project does not experience any delays.

As noted above, to be able to move forward under Ventures' desired schedule, Ventures needs to obtain Union County's written consent to the rezoning/conditional use permit request. Therefore, Ventures respectfully requests this written consent under the terms specified below.

As a condition to Union County's consent to the rezoning/conditional use permit request, Ventures would execute a letter agreement in which it would commit that if Ventures is unable to acquire the Union County Parcel prior to May 11, 2009 (the day before the public hearing before the Waxhaw Town Board of Commissioners), Ventures will amend its rezoning and conditional use permit request to remove the Union County Parcel therefrom. All of this would be done, of course, at no expense to Union County.

K&L | GATES

Members of the Union County Board of County Commissioners

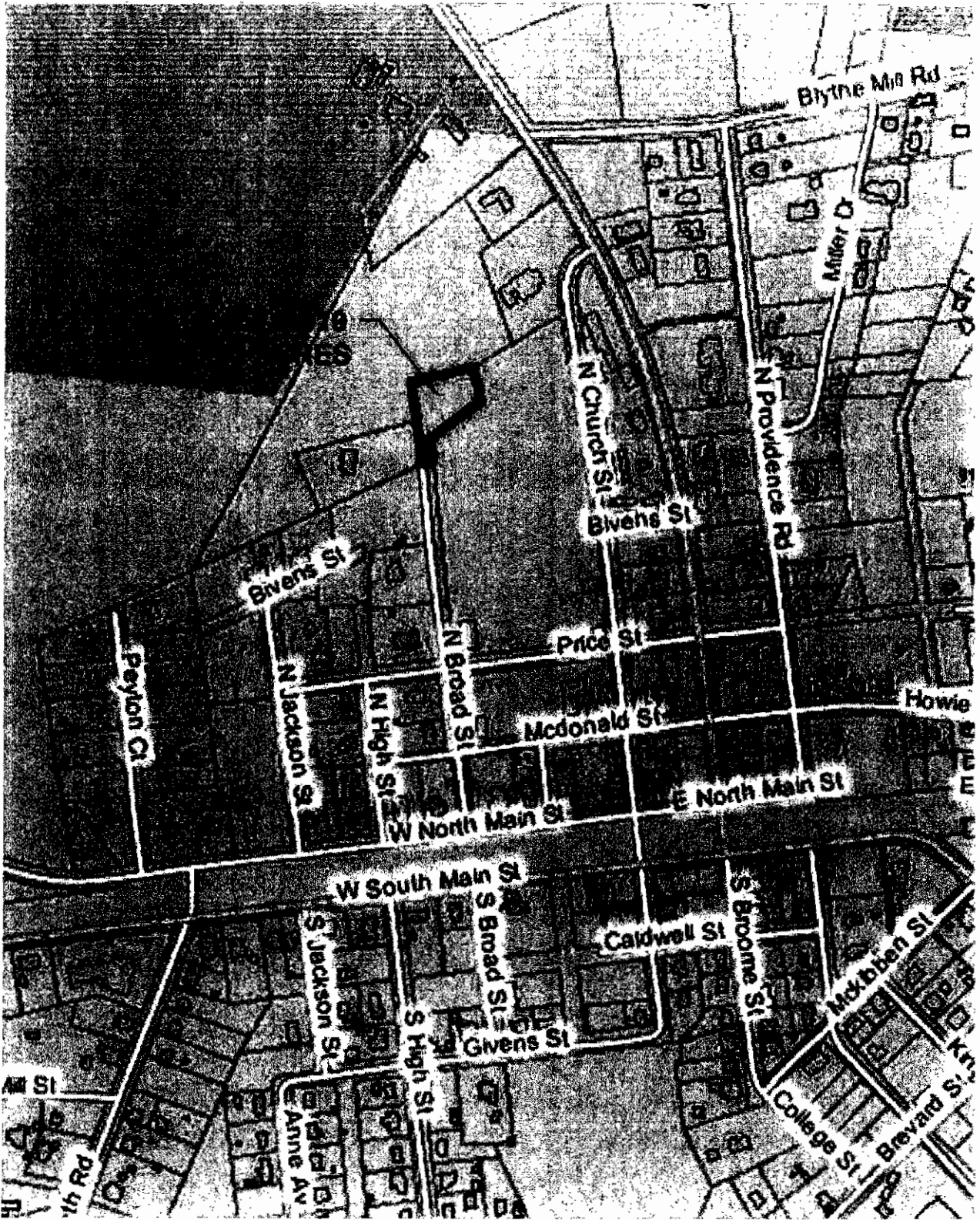
April 1, 2009

Page 3

Ventures will work with Union County's Attorney, Jeff Crook, on the letter agreement and the written consent this week in the event that the Union County Board of County Commissioners approves Ventures' request..

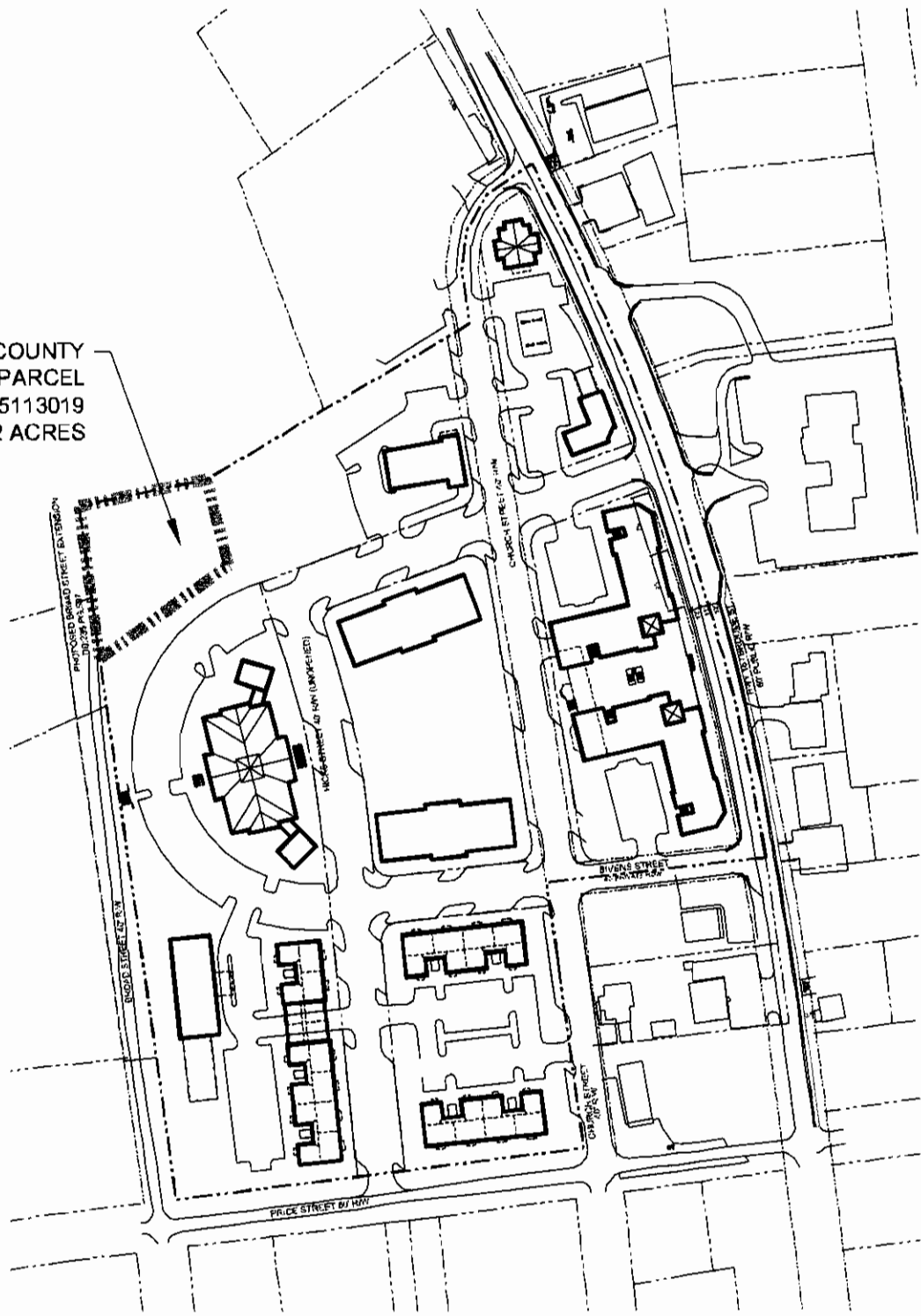
On behalf of Ventures, we appreciate your consideration of this request.

Cc: Jeffrey Crook, Union County Attorney (via email)
Courtney Ritchie, Union County Attorney's Office (via email)
Greg Mahar, Director of Planning, Zoning and Engineering for the Town of Waxhaw
(via email)
Bransen Patch, Historic Ventures, LLC (via email)



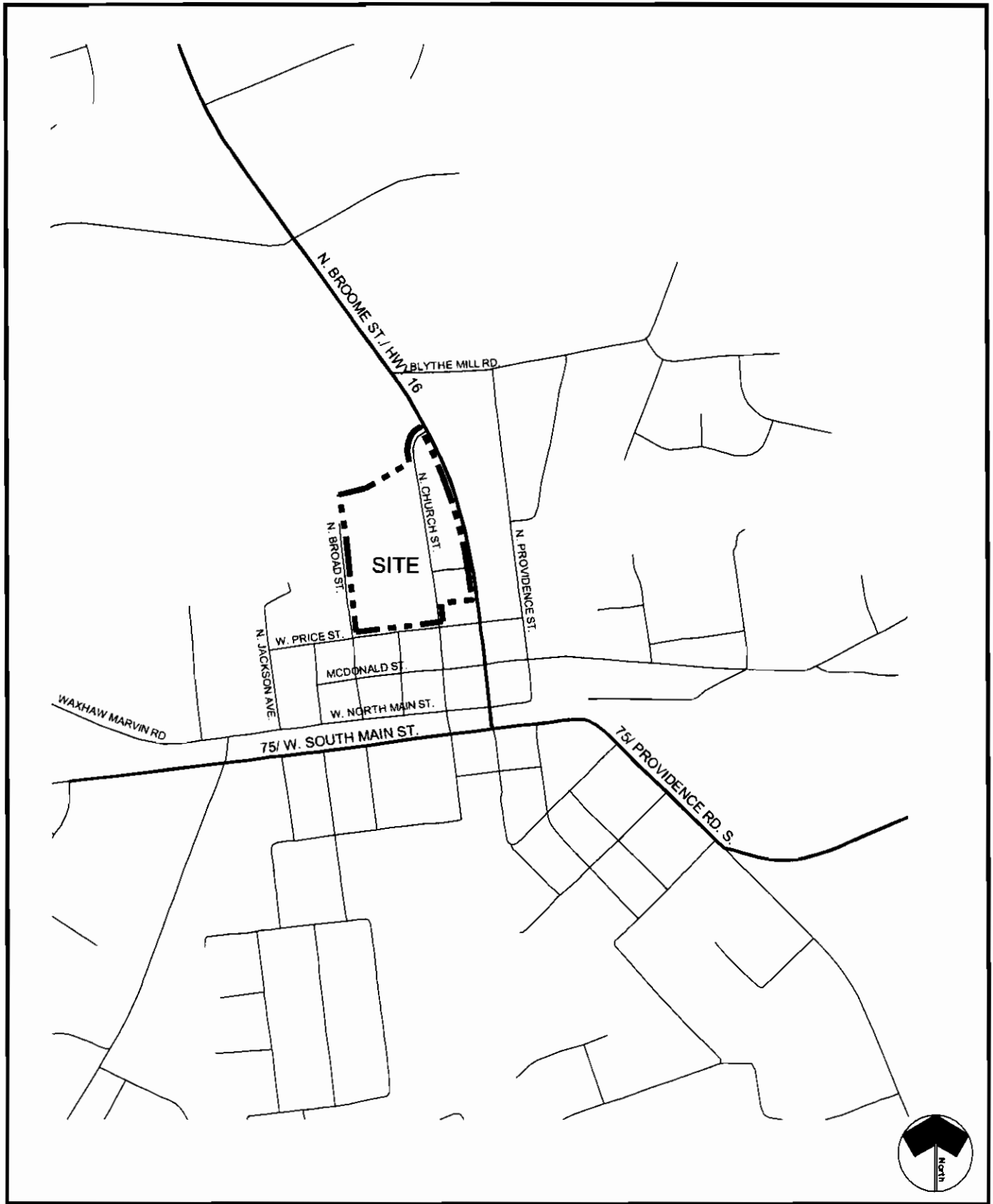
PARCEL LOCATION MAP 1
NOT TO SCALE

UNION COUNTY
PARCEL
PARCEL # 05113019
0.82 ACRES



PARCEL LOCATION MAP 2

Scale: 1" = 200'

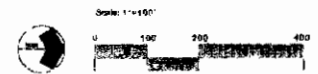


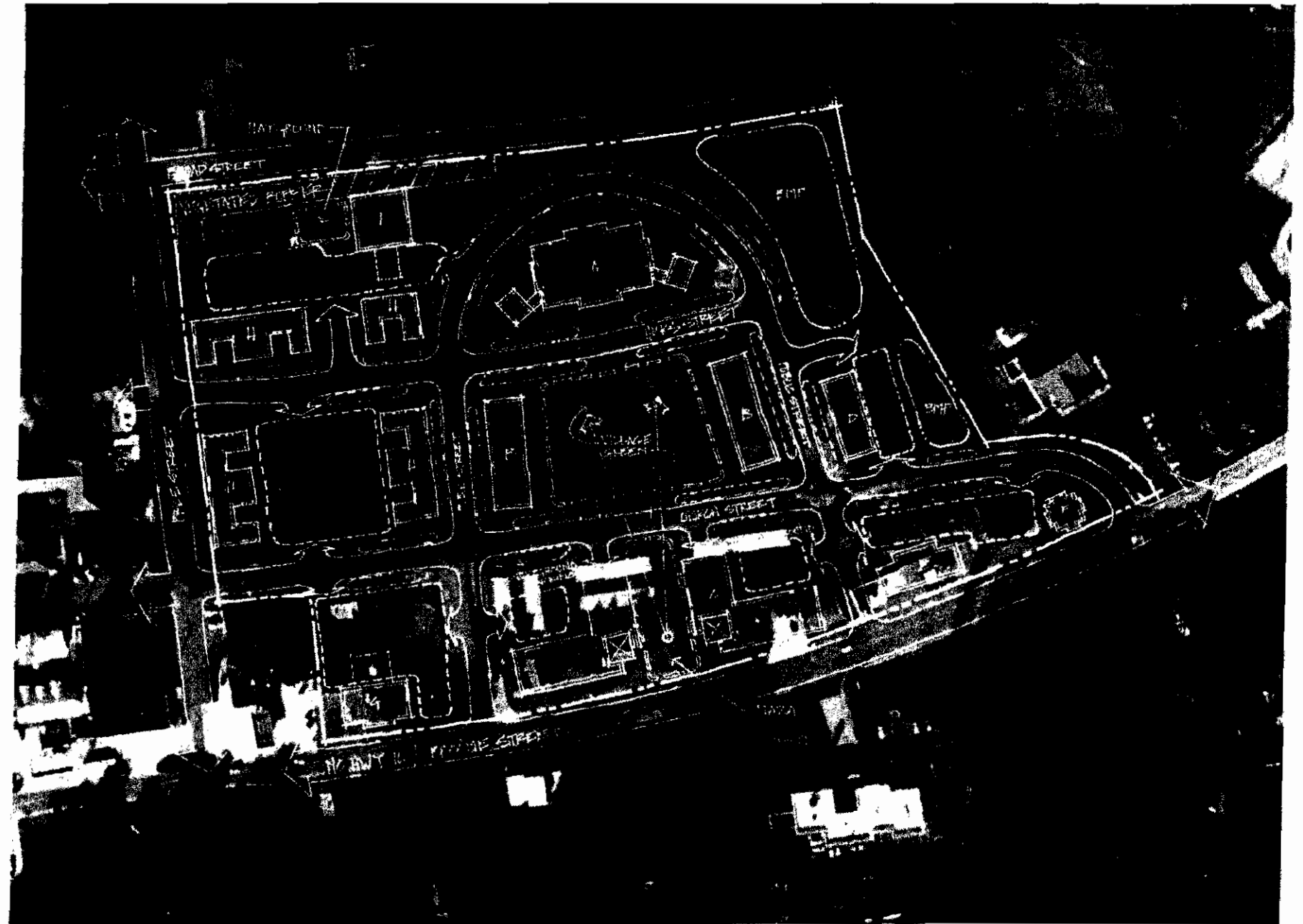
WAXHAW TOWN CENTER
VICINITY MAP



Overcash · Demmitt
architects

MIXED USE DEVELOPMENT WAXHAW, NORTH CAROLINA AERIAL OVERLAY





MASTER PLAN CONCEPT W/ AERIAL OVERLAY

WAXHAW TOWN CENTER

WAXHAW, NORTH CAROLINA
FOR

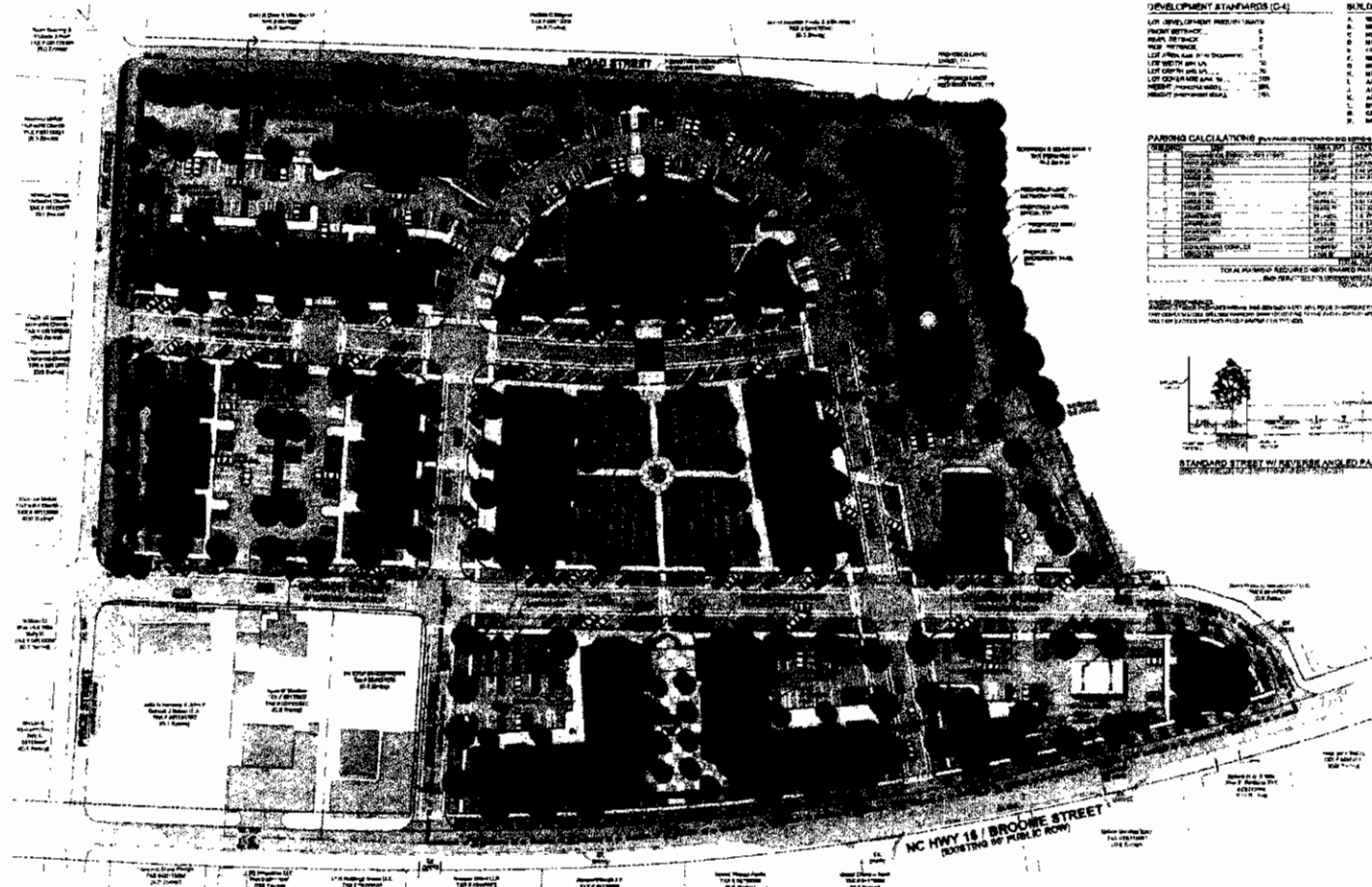
HISTORIC VENTURES, LLC.

DATE: 10-6-08

JOB # 08020

NTS





DEVELOPMENT STANDARDS (C4)

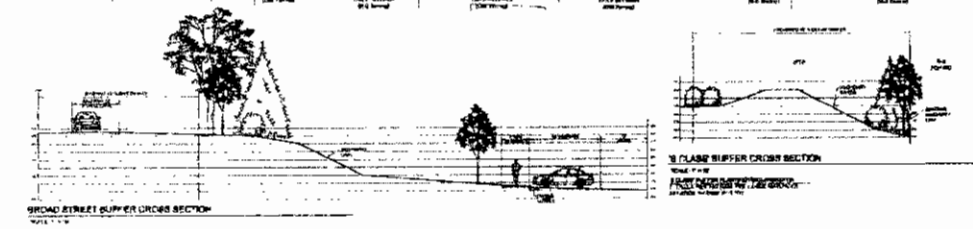
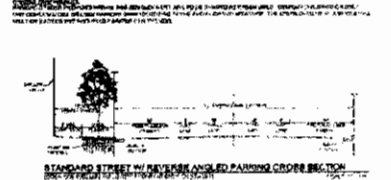
LOT DEVELOPMENT MINIMUM WIDTH	30
FRONT SETBACK	5
REAR SETBACK	5
SIDE SETBACK	5
MAX. BUILDING HEIGHT	3
MAX. STORY HEIGHT	10
MAX. LOT AREA	10,000
MAX. GROUND COVER	30%
MAX. IMPERVIOUS COVER	30%
MINIMUM OPEN SPACE	10%

BUILDING KEY

A	WIDE LINE 2 STORY 4 BDRM
B	WIDE LINE 2 STORY 4 BDRM
C	WIDE LINE 2 STORY 4 BDRM
D	WIDE LINE 2 STORY 4 BDRM
E	WIDE LINE 2 STORY 4 BDRM
F	WIDE LINE 2 STORY 4 BDRM
G	WIDE LINE 2 STORY 4 BDRM
H	WIDE LINE 2 STORY 4 BDRM
I	WIDE LINE 2 STORY 4 BDRM
J	WIDE LINE 2 STORY 4 BDRM
K	WIDE LINE 2 STORY 4 BDRM
L	WIDE LINE 2 STORY 4 BDRM
M	WIDE LINE 2 STORY 4 BDRM
N	WIDE LINE 2 STORY 4 BDRM
O	WIDE LINE 2 STORY 4 BDRM
P	WIDE LINE 2 STORY 4 BDRM

PARKING CALCULATIONS

USE	TYPE	PERCENTAGE	PERCENTAGE	PERCENTAGE
RESIDENTIAL	1	10%	10%	10%
RESIDENTIAL	2	10%	10%	10%
RESIDENTIAL	3	10%	10%	10%
RESIDENTIAL	4	10%	10%	10%
RESIDENTIAL	5	10%	10%	10%
RESIDENTIAL	6	10%	10%	10%
RESIDENTIAL	7	10%	10%	10%
RESIDENTIAL	8	10%	10%	10%
RESIDENTIAL	9	10%	10%	10%
RESIDENTIAL	10	10%	10%	10%
RESIDENTIAL	11	10%	10%	10%
RESIDENTIAL	12	10%	10%	10%
RESIDENTIAL	13	10%	10%	10%
RESIDENTIAL	14	10%	10%	10%
RESIDENTIAL	15	10%	10%	10%
RESIDENTIAL	16	10%	10%	10%
RESIDENTIAL	17	10%	10%	10%
RESIDENTIAL	18	10%	10%	10%
RESIDENTIAL	19	10%	10%	10%
RESIDENTIAL	20	10%	10%	10%
RESIDENTIAL	21	10%	10%	10%
RESIDENTIAL	22	10%	10%	10%
RESIDENTIAL	23	10%	10%	10%
RESIDENTIAL	24	10%	10%	10%
RESIDENTIAL	25	10%	10%	10%
RESIDENTIAL	26	10%	10%	10%
RESIDENTIAL	27	10%	10%	10%
RESIDENTIAL	28	10%	10%	10%
RESIDENTIAL	29	10%	10%	10%
RESIDENTIAL	30	10%	10%	10%
RESIDENTIAL	31	10%	10%	10%
RESIDENTIAL	32	10%	10%	10%
RESIDENTIAL	33	10%	10%	10%
RESIDENTIAL	34	10%	10%	10%
RESIDENTIAL	35	10%	10%	10%
RESIDENTIAL	36	10%	10%	10%
RESIDENTIAL	37	10%	10%	10%
RESIDENTIAL	38	10%	10%	10%
RESIDENTIAL	39	10%	10%	10%
RESIDENTIAL	40	10%	10%	10%
RESIDENTIAL	41	10%	10%	10%
RESIDENTIAL	42	10%	10%	10%
RESIDENTIAL	43	10%	10%	10%
RESIDENTIAL	44	10%	10%	10%
RESIDENTIAL	45	10%	10%	10%
RESIDENTIAL	46	10%	10%	10%
RESIDENTIAL	47	10%	10%	10%
RESIDENTIAL	48	10%	10%	10%
RESIDENTIAL	49	10%	10%	10%
RESIDENTIAL	50	10%	10%	10%
RESIDENTIAL	51	10%	10%	10%
RESIDENTIAL	52	10%	10%	10%
RESIDENTIAL	53	10%	10%	10%
RESIDENTIAL	54	10%	10%	10%
RESIDENTIAL	55	10%	10%	10%
RESIDENTIAL	56	10%	10%	10%
RESIDENTIAL	57	10%	10%	10%
RESIDENTIAL	58	10%	10%	10%
RESIDENTIAL	59	10%	10%	10%
RESIDENTIAL	60	10%	10%	10%
RESIDENTIAL	61	10%	10%	10%
RESIDENTIAL	62	10%	10%	10%
RESIDENTIAL	63	10%	10%	10%
RESIDENTIAL	64	10%	10%	10%
RESIDENTIAL	65	10%	10%	10%
RESIDENTIAL	66	10%	10%	10%
RESIDENTIAL	67	10%	10%	10%
RESIDENTIAL	68	10%	10%	10%
RESIDENTIAL	69	10%	10%	10%
RESIDENTIAL	70	10%	10%	10%
RESIDENTIAL	71	10%	10%	10%
RESIDENTIAL	72	10%	10%	10%
RESIDENTIAL	73	10%	10%	10%
RESIDENTIAL	74	10%	10%	10%
RESIDENTIAL	75	10%	10%	10%
RESIDENTIAL	76	10%	10%	10%
RESIDENTIAL	77	10%	10%	10%
RESIDENTIAL	78	10%	10%	10%
RESIDENTIAL	79	10%	10%	10%
RESIDENTIAL	80	10%	10%	10%
RESIDENTIAL	81	10%	10%	10%
RESIDENTIAL	82	10%	10%	10%
RESIDENTIAL	83	10%	10%	10%
RESIDENTIAL	84	10%	10%	10%
RESIDENTIAL	85	10%	10%	10%
RESIDENTIAL	86	10%	10%	10%
RESIDENTIAL	87	10%	10%	10%
RESIDENTIAL	88	10%	10%	10%
RESIDENTIAL	89	10%	10%	10%
RESIDENTIAL	90	10%	10%	10%
RESIDENTIAL	91	10%	10%	10%
RESIDENTIAL	92	10%	10%	10%
RESIDENTIAL	93	10%	10%	10%
RESIDENTIAL	94	10%	10%	10%
RESIDENTIAL	95	10%	10%	10%
RESIDENTIAL	96	10%	10%	10%
RESIDENTIAL	97	10%	10%	10%
RESIDENTIAL	98	10%	10%	10%
RESIDENTIAL	99	10%	10%	10%
RESIDENTIAL	100	10%	10%	10%



Overcash-Demmitt
Architects

JPR

CONDITIONAL USE SITE PLAN
WAXHAW MIXED USE
DEVELOPMENT
WAXHAW, LENOIR COUNTY, NORTH CAROLINA
FOR
HISTORIC VENTURES, LLC.

CU-2



DEVELOPED BY

MIXED USE

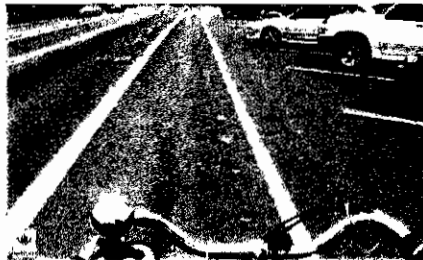
ASSOCIATES, INC.

Waxhaw, North Carolina

sketch 1

Overcash Demmitt





VIEW FROM BIKE



VIEW FROM CAR

"Back-in/head-out diagonal parking is superior to conventional head-in/back-out diagonal parking. Both types of diagonal parking have common dimensions, but the back-in/head-out is superior for safety reasons due to better visibility when leaving. This is particularly important on busy streets or where drivers find their views blocked by large vehicles, tinted windows, etc.. In adjacent vehicles in the case of head-in/back-out angled parking, in other words, drivers do not back blindly into an active traffic lane. The back-in maneuver is simpler than a parallel parking maneuver. Furthermore, with back-in/head-out parking, the open doors of the vehicle block pedestrian access to the travel lane and guide pedestrians to the sidewalk, which is a safety benefit, particularly for children. Further, back-in/head-out parking puts most cargo loading (trunk, tailgate) on the curb, rather than in the street."

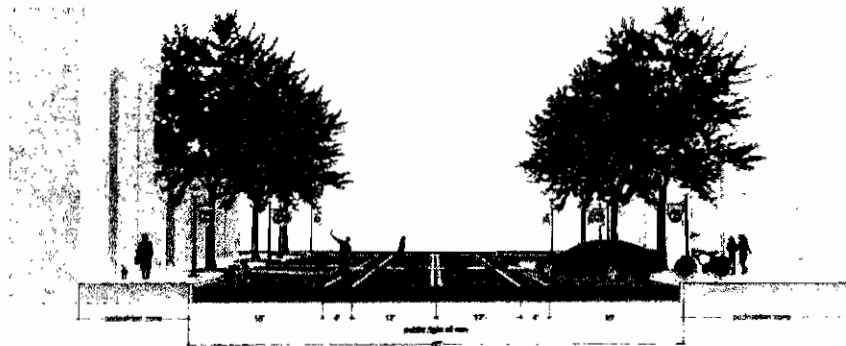
Source: U.S. Dept. of Transportation, FHWA, FHWA's Roadway Design Handbook, Chapter 10, Section 10.1.1, 1994.



LOADING



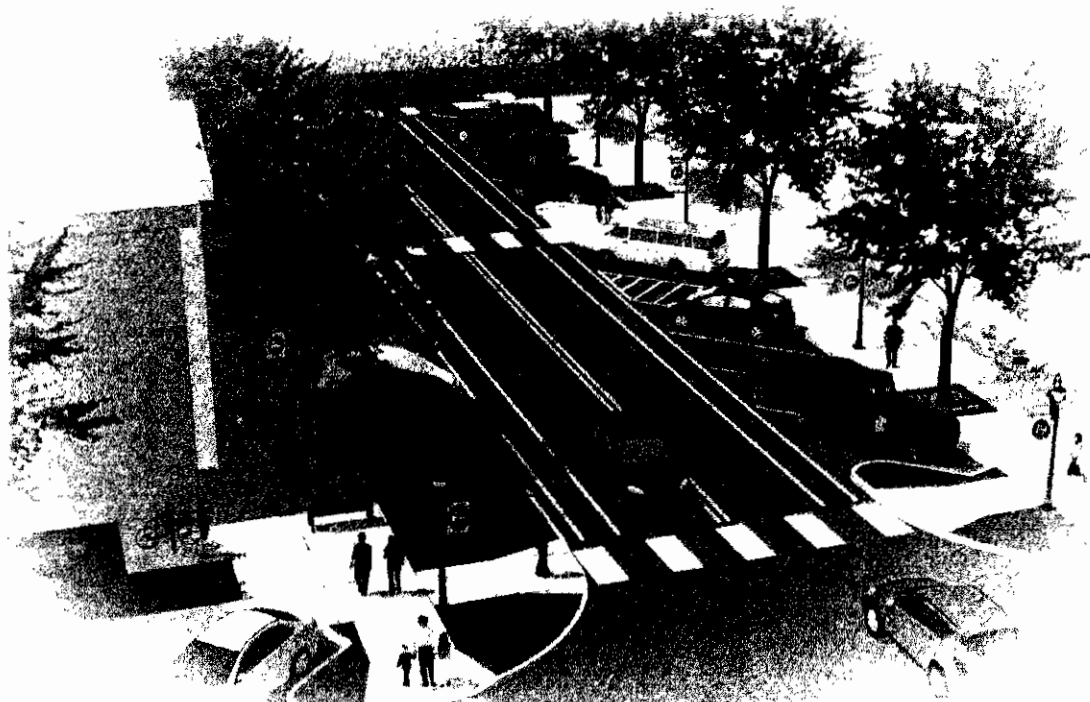
DESIGN - PLANNING - CONSTRUCTION



BACK-IN ANGLE PARKING

IT'S AS EASY AS 1-2-3

1. SIGNAL
2. STOP
3. REVERSE



BACK-IN/HEAD-OUT ANGLE PARKING
WAXHAW MIXED USE DEVELOPMENT

25 July 2008



TOWN HALL

Waxhaw, North Carolina

DEVELOPED BY

& ASSOCIATES, INC.

Overcash Demmitt

30 Dec 2008



NC Hwy 16
Broome Street

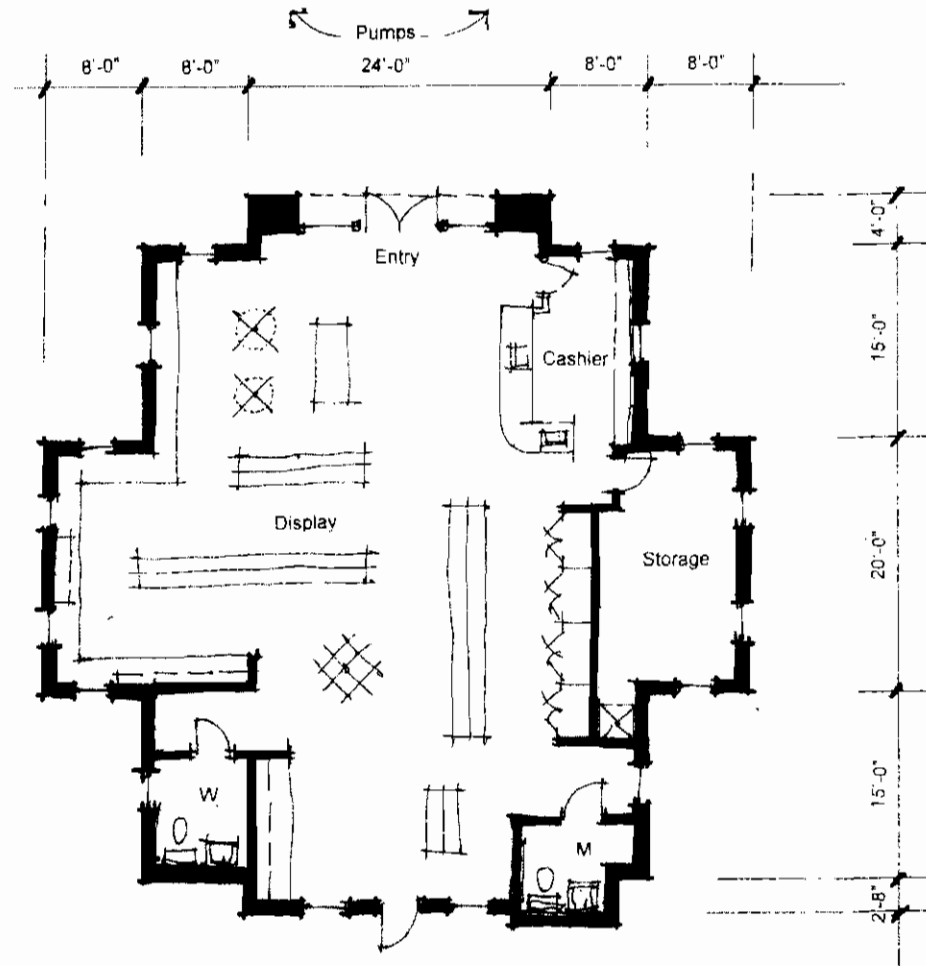
Church Street

CONVENIENCE STORE

Historic Ventures, LLC

Waxhaw, North Carolina

Overcash Demmitt



CONVENIENCE STORE

Historic Ventures, LLC

Waxhaw, North Carolina

Overcash Demmitt



29 Dec 2008



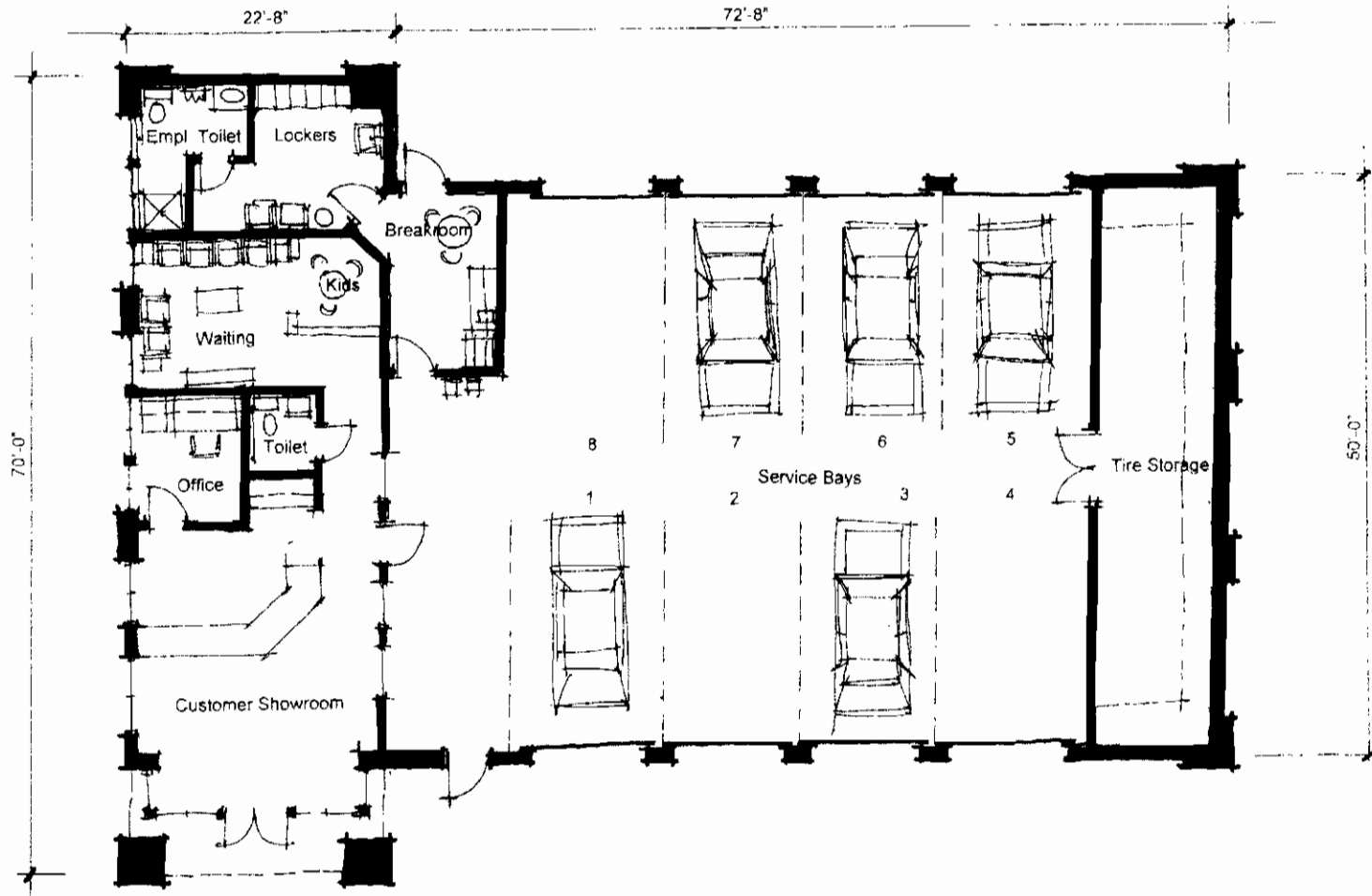
TIRE CENTER

Waxhaw, North Carolina

Historic Ventures, LLC

Overcash Demmitt





TIRE CENTER

Waxhaw, North Carolina

Historic Ventures, LLC

Overcash Demmitt




28 Jan 2009



MIXED USE

Historic Ventures, LLC

Waxhaw, North Carolina

Overcash Demmitt 

10 Mar 2009



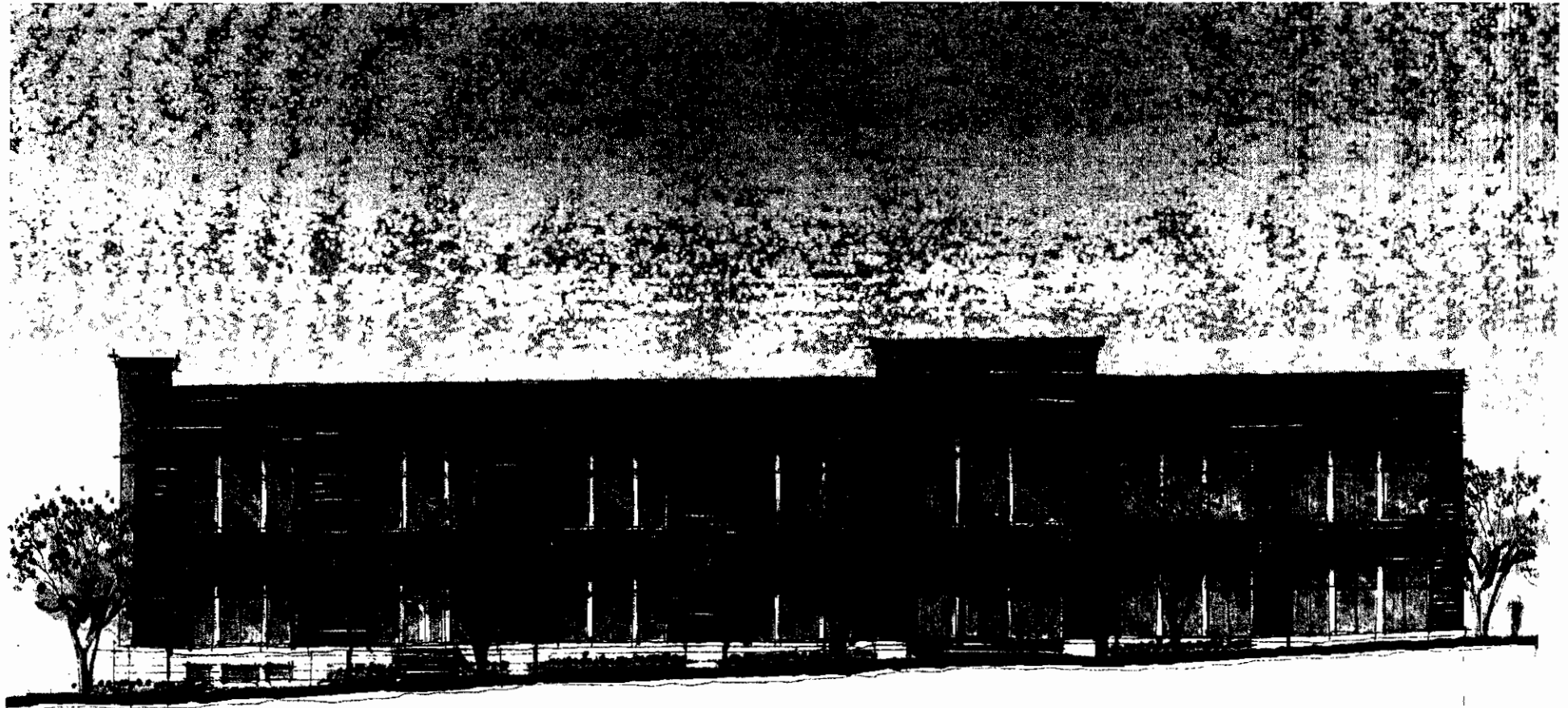
MIXED USE

Historic Ventures, LLC

Waxhaw, North Carolina

Overcash Demmitt

23 MAR 2009



NORTH ELEVATION

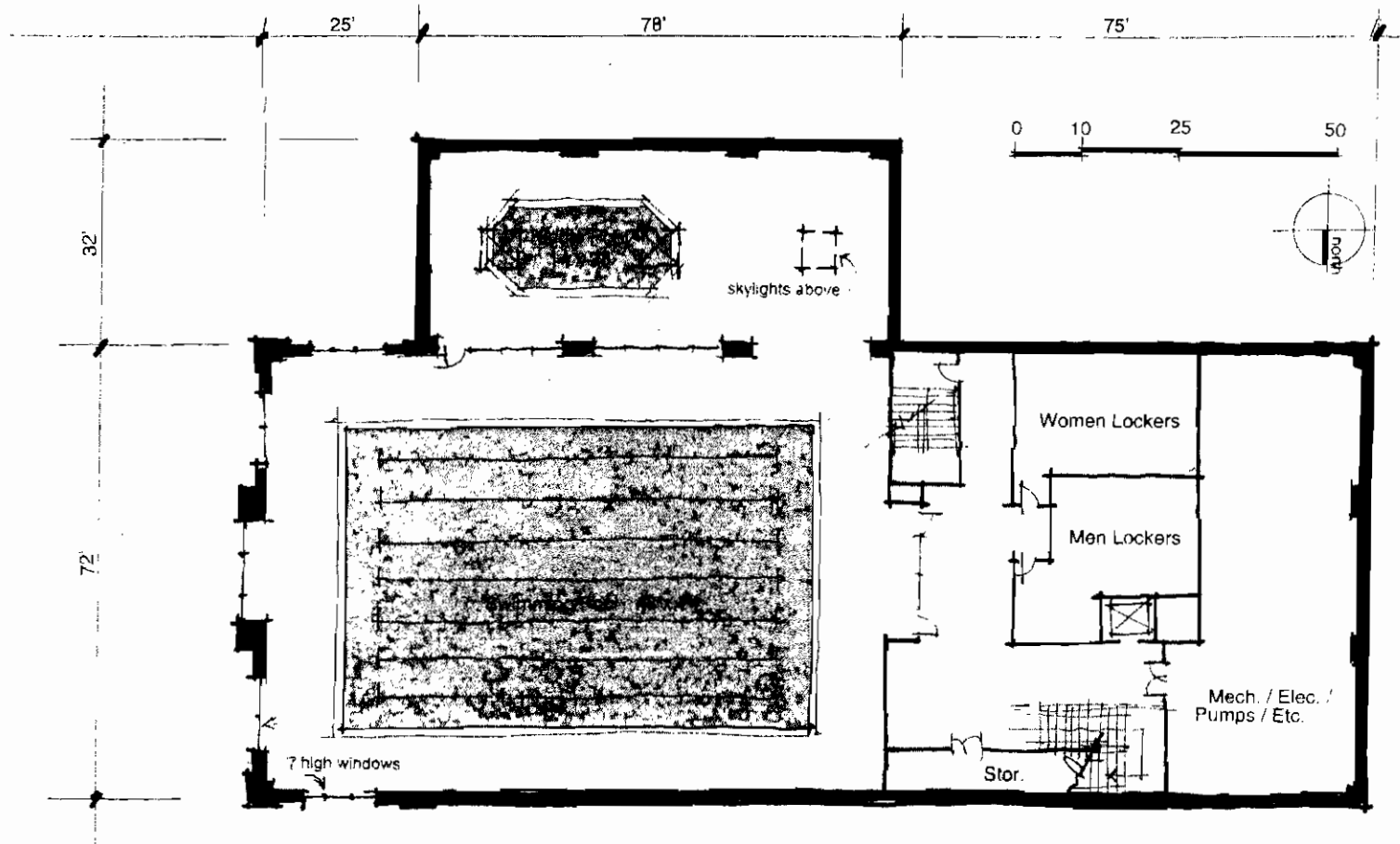
Waxhaw, North Carolina

Historic Ventures, LLC

Overcash Demmitt



23 MAR 2009



Below Grade Level: 16,000 sf

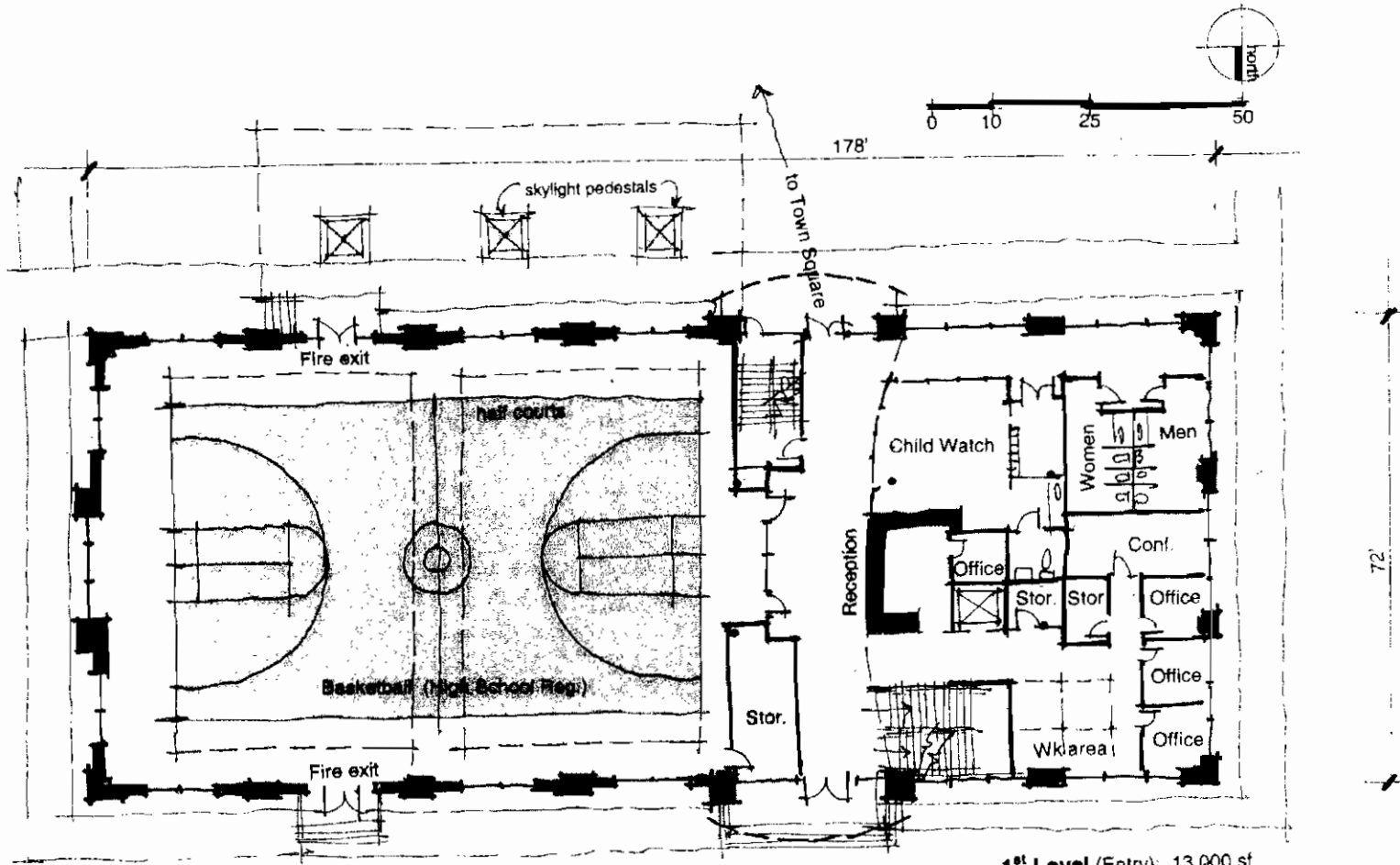
Historic Ventures, LLC

Waxhaw, North Carolina

Overcash Demmitt



23 MAR 2009



1st Level (Entry): 13,000 sf
37,500 sf total

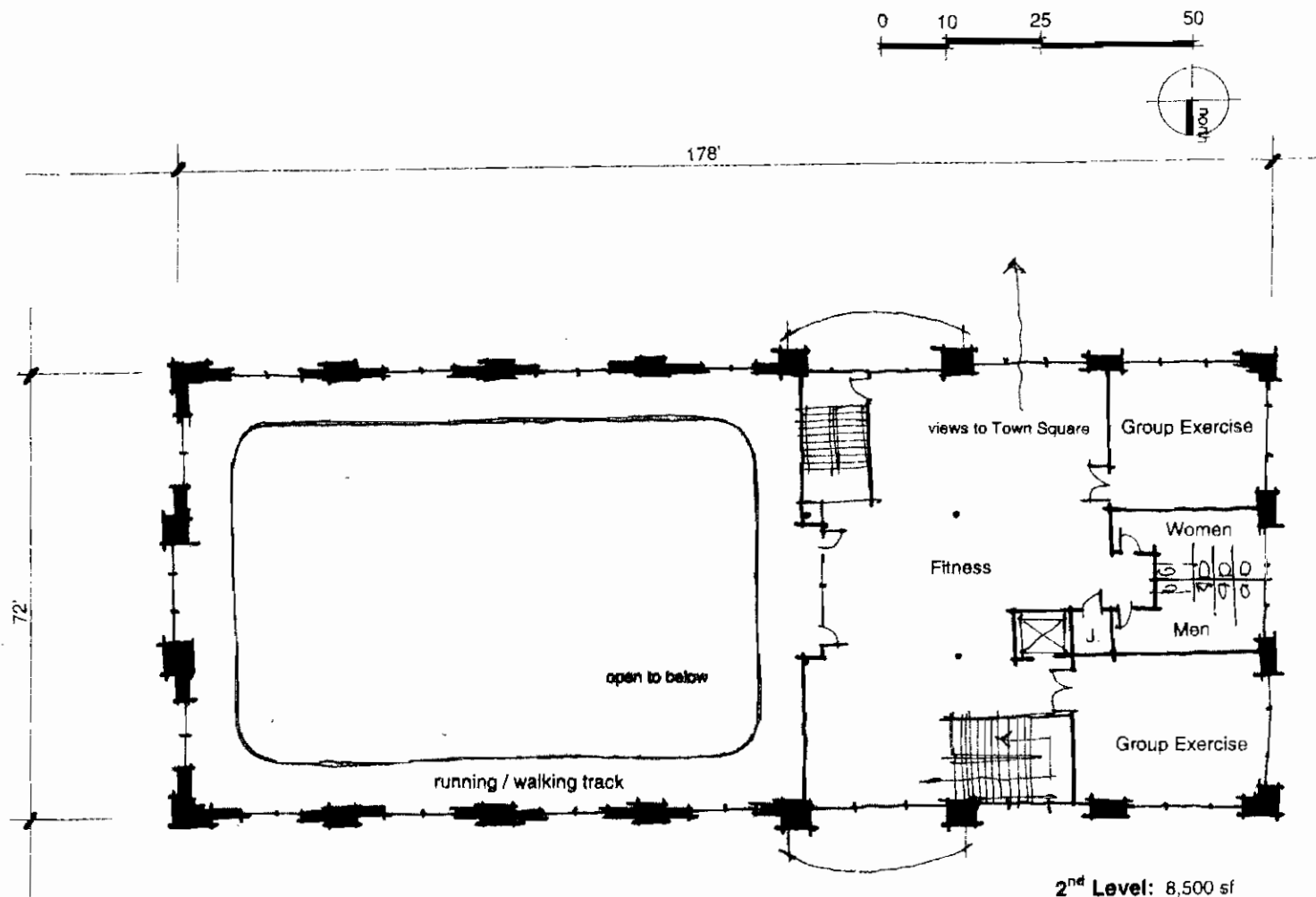
Historic Ventures, LLC

Waxhaw, North Carolina

Overcash Demmitt



23 MAR 2009



2nd Level: 8,500 sf

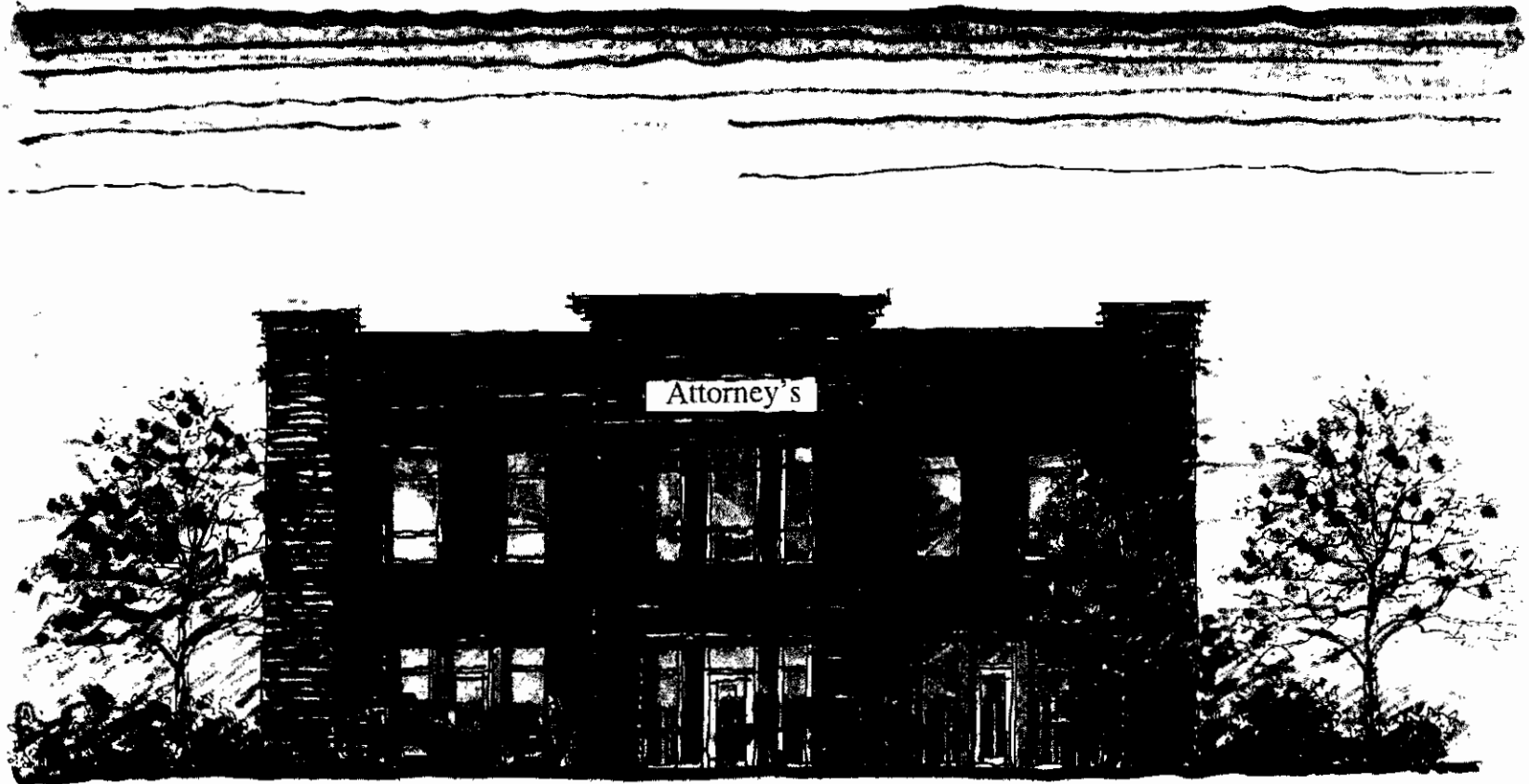
Waxhaw, North Carolina

Historic Ventures, LLC

Overcash Demmitt



10 Mar 2009



MIXED USE

Waxhaw, North Carolina

Historic Ventures, LLC

Overcash Demmitt



16 Feb 2009



APARTMENTS

Historic Ventures, LLC

Waxhaw, North Carolina

Overcash Demmitt

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 6, 2009

Action Agenda Item No. 20

(Central Admin. use only)

SUBJECT: Communications Towers Bid Award

DEPARTMENT: General Services/
Communications

PUBLIC HEARING: No

ATTACHMENT(S):
Bid Tabulation
Tower Engineering Bid Conformance
Letter

INFORMATION CONTACT:

Barry Wyatt

Gary Thomas

TELEPHONE NUMBERS:

704-283-3868

704-283-3550

DEPARTMENT'S RECOMMENDED ACTION: Award bid to the lowest responsible, responsive bidder, South Carolina Tel-Con in the amount of \$2,091,760.00 and authorize the County Manager to approve the contract documents subject to Legal approval.

BACKGROUND: The 800-Mhz Radio Project was approved in the FY2007 CIP and the Board of County Commissioners approved the Capital Project Ordinance funding the project on January 22, 2008. The total project is made up of four major components. One component was the purchase of land for the New Salem Tower Site, various environmental impact studies, surveying fees, legal fees to secure the property purchase and tower space leases for the system, and the engineering fees associated with the tower design and construction documents necessary for bidding. These task have been completed. Another component was the Board's approval on December 17, 2008 to contract with Motorola to design, build and install the equipment on the towers, in equipment buildings and in the Communications Center. The system is due to be shipped in October and installation completed by March, 2010. A third part of the system is the purchase and programming of subscriber units (radios) and installation of mobile units in order for the system to meet its final completion (go live) date of March, 2010. The final component is bidding the project and contracting with a firm to prepare the sites, construct the towers and install the equipment buildings and generators at six of the seven site radio system. Tower construction and preparation of existing sites is scheduled to be completed by October 1, 2009.

This agenda abstract addresses this last component of the radio system. Staff worked with

Tower Engineering Professionals, Inc. to develop the bidding documents and formally bid the project. The bidding documents require the selected contractor to build three towers, install equipment buildings, generators and fencing at the New Salem, Crow Road, and Cuthbertson Road sites as well as installing equipment buildings, generators and fencing modifications at the Belk Mill, Fowler Secrest and Midland sites. Formal bids were received on February 10, 2009.

FINANCIAL IMPACT: The project budget for infrastructure (communication computers, software, consoles, microwaves, land, towers, ancillary buildings) was established by the BOCC January 22, 2008 in the amount of \$10.3 million. The project budget current does not include subscriber units (portables and mobiles) pending a final inventory of requirements and the allocation of all available grant funds. The updated project for infrastructure, to include the tower bids, is \$9.5 million.

The infrastructure (as well as subscriber units) is being funded through the issuance of an installment financing agreement. The BOCC has previously approved a Reimbursement Resolution which provides for the County to expend its own funds pending the issuance of debt which would provide for the reimbursement of previously expended funds. County staff anticipates finalizing the financing agreement in May 2009 and seeking LGC approval in June 2009.

The financing agreement will be sized based on 'actual' costs of the infrastructure which is currently estimated at \$9.5 million. With a slightly lower project cost for this component, the annual debt service payments (over 10 years) will be slightly lower than anticipated.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



February 24, 2009

Gary Thomas
Communications Director/E911
County of Union
500 N. Main Street, Suite 13
Monroe, NC 28112
704.283.3550 - Office
garythomas@co.union.nc.us

Subject:

Union County Bid Conformance Letter
(6) Sites in Union County
Union County, NC

Mr. Thomas:

After review of the provided documents, TEP believes that the bid from SC Telcel is in conformance with the bid spec from Union County. We have reviewed the tower loading, the shelter specifications, warranties, and generator requirements. We have talked with the contractor about the work to be performed. We believe that the project is ready to move forward.

Please feel free to call or email with any questions or concerns. Thank you for the opportunity.

Best Regards,

Robert McCoy
Telecom Construction Division Manager
Tower Engineering Professionals, Inc. (TEP)
919.661.6351 - Office
919.345.0129 - Mobile
rmccoy@tepgroup.net

Bid Conformance
Union County Construction Management
(6) Tower Sites
TEP #: 071059
February 24, 2009
Revision 0

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 6, 2009

Action Agenda Item No. 21
(Central Admin. use only)

SUBJECT: Establishment FY2010 Budget Calendar

DEPARTMENT: Finance

PUBLIC HEARING: No

ATTACHMENT(S):

INFORMATION CONTACT:

Kai Nelson

TELEPHONE NUMBERS:

704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Establish Budget Calendar

BACKGROUND: County staff and department/agency directors are continuing to develop the FY2010 budget ... and remain ever mindful of our national, region and local financial challenges. Much work remains on preparing the budget; however, given that the budget review period is quickly approaching, County staff believes that it would be helpful for the Commission to begin to consider establishing some dates to review the budget.

Budget work sessions require preparatory time for both the Commission and County staff. The sessions are often informative as well as exhaustive. Often follow up is necessitated in response to Commission inquiries which requires additional time for staff research and analysis. In setting the calendar, County staff suggests that the Board avoid "back to back" meetings, Friday evenings, and Commission regular agenda preparation days.

County staff is proposing the following calendar for the Board's consideration:

Monday, May 18 - Deliver Budget (possible review session dependent on regular agenda items)

Wednesday, May 20 - Work session #1 Budget overview and General Government

Tuesday, May 26 - Work session #2 - Public Safety, Economic & Physical Dev., Human Services

Monday, June 1 - Public Hearing on the FY2010 Budget

Thursday, June 4 - Work session #3 - Education, Library and Recreation

Wednesday, June 10 - Work session #4 - Proprietary Funds and Development of Consensus Budget

Following June 10 - Additional work sessions, if necessary and Development of Consensus

Budget

Monday, June 15 - Latest date for adoption (budget could be adopted at earlier work sessions of the Commission)

County staff would also propose that the work sessions generally commence at 2 p.m. and conclude by 6 p.m. Work sessions with durations in excess of four hours can become less effective.

FINANCIAL IMPACT: NA

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

PENDER COUNTY, DWIGHT STRICKLAND, individually and as a Pender County Commissioner, DAVID WILLIAMS, individually and as a Pender County Commissioner, F.D. RIVENBARK, individually and as a Pender County Commissioner, STEPHEN HOLLAND, individually and as a Pender County Commissioner, and EUGENE MEADOWS, individually and as a Pender County Commissioner v. GARY BARTLETT, as Executive Director of the North Carolina State Board of Elections; LARRY LEAKE, ROBERT CORDLE, GENEVIEVE C. SIMS, LORRAINE G. SHINN, and CHARLES WINFREE, in their official capacities as members of the State Board of Elections; JAMES B. BLACK, in his official capacity as Co-Speaker of the North Carolina House of Representatives; RICHARD T. MORGAN, in his official capacity as Co-Speaker of the North Carolina House of Representatives; MARC BASNIGHT, in his official capacity as President Pro Tempore of the North Carolina Senate; MICHAEL EASLEY, in his official capacity as Governor of the State of North Carolina; and ROY COOPER, in his official capacity as Attorney General of the State of North Carolina

No. 103A06

FILED: 24 AUGUST 2007

1. Elections—redistricting—appeal from three-judge panel—directly to Supreme Court

An appeal from a summary judgment by a three-judge panel upholding a redistricting across county boundaries was directly to the Supreme Court. Although N.C.G.S. § 120-5 authorizes direct appeals to the Supreme Court from final orders declaring redistricting acts invalid, the General Assembly did not intend to limit appeals to one type of outcome. Any appeal from a three-judge panel dealing with apportionment or redistricting pursuant to N.C.G.S. § 1-267.1 is directly to the Supreme Court.

2. Elections—redistricting—Voting Rights Act—vote dilution—numerical majority as precondition

The current configuration of a North Carolina legislative district was not required by Section 2 of the Voting Rights Act (VRA), which prohibits vote dilution. The conditions in *Thornburg v. Gingles*, 478 U.S. 30, must be satisfied before Section 2 applies; here, only the first condition is at issue (a minority group must be sufficiently large and geographically compact to constitute a majority in a single-member district). This provision refers to the voting age citizens rather than the entire population of the minority group, and a numerical majority is required rather than a smaller number that needs to draw votes from other racial groups to control the outcome of an election. Because the African-American minority group in this district does not constitute a numerical majority of citizens of voting age, the first *Gingles* precondition is not met and the current configuration of the district is not required by Section 2 of the Voting Rights Act.

3. Elections—redistricting—Whole County Provision—violation

A legislative district which was not subject to the federal Voting Rights Act (VRA) was required to comply with the Whole County Provision (WCP) of the North Carolina Constitution and with *Stephenson v. Bartlett*, 355 N.C. 354, and did not. The county involved, Pender, was divided into two districts, with population from an adjoining county added to both, in anticipation of Voting Rights Act requirements which did not apply. Because Pender lacks sufficient population to meet the requirements for a non-VRA district, population from across a county line must be added, but only to the extent necessary to comply with the one-person, one-

vote standard in Stephenson. The precise remedy is a legislative responsibility. N.C. Const. art. II, §§ 3(3), 5(3).

4. Elections—redistricting error—remedy stayed for election

The remedy for a redistricting erroneously drawn was stayed until after a pending election.

Justice HUDSON did not participate in the consideration or decision of this case.

Chief Justice PARKER dissenting.

Justice TIMMONS-GOODSON joins in this dissenting opinion.

Justice TIMMONS-GOODSON dissenting.

Appeal pursuant to N.C.G.S. § 120-2.5 from an order entered 2 December 2005 and a judgment entered 9 January 2006 by a three-judge panel of the Superior Court, Wake County appointed by the Chief Justice under N.C.G.S. § 1-267.1. Heard in the Supreme Court 13 September 2006.

Carl W. Thurman III for plaintiff-appellants Dwight Strickland, David Williams, and Stephen Holland, in their individual capacities.

Roy Cooper, Attorney General, by Tiare B. Smiley and Alexander McC. Peters, Special Deputy Attorneys General, for defendant-appellees.

Center for Civil Rights, University of North Carolina School of Law, by Anita S. Earls, for Cindy Moore, Milford Farrior, and Mary Jordan, amici curiae.

EDMUNDS, Justice.

In this case, we consider whether the current geographic configuration and racial composition of North Carolina House District 18 as established by the North Carolina General Assembly was required by Section 2 of the Voting Rights Act of

1965.¹ We conclude that the Voting Rights Act did not mandate the creation of a Section 2 "crossover" district and that House District 18 violates the Whole County Provision of the Constitution of North Carolina. Accordingly, we reverse the decision of the three-judge panel below.

The General Assembly's redistricting powers are confined and directed in several respects. In the first instance, redistricting "must comport with federal law." *Stephenson v. Bartlett*, 355 N.C. 354, 363, 562 S.E.2d 377, 384 (*Stephenson I*), stay denied, 535 U.S. 1301, 152 L. Ed. 2d 1015 (Rehnquist, Circuit Justice 2002). In addition, the Constitution of North Carolina enumerates several limitations on the General Assembly's redistricting authority. See N.C. Const. art. II, §§ 3, 5. Those constitutional limitations are binding upon the General Assembly "except to the extent superseded by federal law." *Stephenson I*, 355 N.C. at 372, 562 S.E.2d at 390. None of the express limitations on redistricting in our State Constitution is facially inconsistent with federal law. *Id.* at 370, 562 S.E.2d at 389.

Two constitutional sections limiting redistricting, collectively known as the "Whole County Provision" (WCP), provide "[n]o county shall be divided in the formation of a senate district," N.C. Const. art. II, § 3(3), and "[n]o county shall be divided in the formation of a representative district," *id.* art. II, § 5(3). Although federal law is supreme, when "the

¹House District 16 also lies in Pender County and perforce is affected by our holding today. However, we shall follow the lead of the parties and the three-judge panel and focus solely on House District 18.

primary purpose of the WCP can be effected to a large degree without conflict with federal law, it should be adhered to by the General Assembly to the maximum extent possible." *Stephenson I*, 355 N.C. at 374, 562 S.E.2d at 391. Moreover, "the WCP cannot be applied in isolation or in a manner that fails to comport with other requirements of the State Constitution." *Id.* at 376, 562 S.E.2d at 392.

Based upon data from the 2000 decennial census, an ideal single-member North Carolina House district holds 67,078 citizens. According to that census, Pender County had 41,082 residents, or 61 percent of the population required to support its own House district. That census also indicated that adjoining New Hanover County had 160,307 residents, or 239 percent of the population needed for a single House district. Combining these two counties provided the population for approximately three House districts.

The district in question, House District 18, was drawn after this Court determined that earlier redistricting efforts by the North Carolina General Assembly failed to meet federal and state standards. In *Stephenson I*, we held that the General Assembly's 2001 state House and Senate legislative redistricting plans violated the State Constitution's WCP. 355 N.C. at 375, 562 S.E.2d at 392. Similarly, in *Stephenson II*, this Court held that the General Assembly's proposed 2002 redistricting plans were also constitutionally deficient. *Stephenson v. Bartlett*, 357 N.C. 301, 314, 582 S.E.2d 247, 254 (2003) (*Stephenson II*). In the 2003 House redistricting plan promulgated after the two *Stephenson* opinions, Pender County was divided between two

legislative districts, House District 16 and House District 18. Act of Nov. 25, 2003, ch. 434, secs. 1-2, 2003 N.C. Sess. Laws (1st Extra Sess. 2003) 1313, 1313-92. Both districts encompass portions of Pender and New Hanover Counties and thus cross county lines. *Id.*, sec. 1 at 1327-30.

The General Assembly drew House District 18 to meet the requirements of Section 2 of the Voting Rights Act of 1965 (VRA), codified as amended at 42 U.S.C. § 1973 (2003). Section 2 of the VRA, which we discuss in detail below, "generally provides that states or their political subdivisions may not impose any voting qualification or prerequisite that impairs or dilutes, on account of race or color, a citizen's opportunity to participate in the political process and to elect representatives of his or her choice." *Stephenson I*, 355 N.C. at 363, 562 S.E.2d at 385 (citing 42 U.S.C. §§ 1973(a), (b); *Thornburg v. Gingles*, 478 U.S. 30, 43, 92 L. Ed. 2d 25, 42 (1986)). Past election results in North Carolina demonstrate that a legislative voting district with a total African-American population of at least 41.54 percent, or an African-American voting age population of at least 38.37 percent, creates an opportunity to elect African-American candidates. Accordingly, in the 2003 House redistricting plan, the General Assembly fashioned House District 18 with a total African-American population of 42.89 percent, and an African-American voting age population of 39.36 percent. Defendants refer to House District 18 as an "effective black voting district," with a sufficient African-American population to elect representatives of their choice.

On 14 May 2004, plaintiffs brought the instant action. Pender County was a named plaintiff, as were five persons suing both as individuals and in their official capacities as county commissioners of Pender County. Defendants, consisting of the Executive Director and members of the North Carolina Board of Elections, the then co-Speakers of the North Carolina House of Representatives, the President Pro Tempore of the North Carolina Senate, the Attorney General, and the Governor of the State of North Carolina, were all sued in their official capacities. In their complaint, plaintiffs contended that the 2003 House redistricting plan violated the WCP by dividing Pender County into House District 16 and House District 18. Defendants responded that the division of Pender County was required by Section 2 of the VRA, which trumped the State Constitution.

Pursuant to N.C.G.S. § 1-267.1(b), on 24 May 2004 the Chief Justice appointed a three-judge panel to hear this redistricting challenge. Plaintiffs first sought a preliminary injunction to enjoin defendants from proceeding with the 2004 primary and general elections. The panel denied the injunction. On 25 February 2005, the parties filed cross-motions for summary judgment, followed by initial and amended stipulations of fact.

On 2 December 2005, the three-judge panel entered an order allowing partial summary judgment in favor of defendants and denying summary judgment for plaintiffs. In its order, the panel determined that plaintiff Pender County and its commissioners lacked standing to sue in their official capacity, although the commissioner-plaintiffs could proceed in their individual capacities. Plaintiffs do not appeal this

determination. Next, the panel examined House District 18 in light of the United States Supreme Court's decision in *Thornburg v. Gingles*, the leading case interpreting Section 2. *Gingles* set out three "necessary preconditions" a plaintiff is required to demonstrate before he or she can establish that a legislative district must be drawn to comply with Section 2 or that an existing district violates Section 2. 478 U.S. at 50, 92 L. Ed. 2d at 46. These preconditions require a plaintiff to show that: (1) a minority population is "sufficiently large and geographically compact to constitute a majority in a single-member district"; (2) the minority population is "politically cohesive" and thus votes as a bloc; and (3) the majority population "votes sufficiently as a bloc to enable it . . . usually to defeat the minority's preferred candidate." *Id.* at 50-51, 92 L. Ed. 2d at 46-47. By demonstrating these three preconditions, a plaintiff can show that a particular legislative district may "impair minority voters' ability to elect representatives of their choice." *Id.* at 50, 92 L. Ed. 2d at 46.

As the three-judge panel noted, the procedural posture of the case at bar differs from a typical Section 2 case. Here, defendants drew House District 18 as a preemptive measure against the possibility that a lawsuit might be filed challenging the absence of a Section 2 district in southeastern North Carolina. Plaintiffs claim that the current configuration of House District 18 was not required by Section 2 and that the District violates the WCP, thus placing defendants in the unusual position of having to defend a legislative district by proving that a Section 2 violation would have occurred if current House

District 18 had not been created. Accordingly, defendants here must bear the burden, normally borne by plaintiffs, of establishing the *Gingles* preconditions. If they succeed, defendants can demonstrate that the drawing of House District 18 was required by Section 2, obviating the need to comply with the WCP.

The three-judge panel held that House District 18 met the first two *Gingles* preconditions but determined that material issues of fact remained as to whether the third precondition had been satisfied. Because the panel did not reach the issue of whether House District 18 met the third precondition, it declined to consider whether the district also met the "totality of circumstances" test prescribed by *Gingles* and Section 2 of the VRA. *Gingles*, 478 U.S. at 43, 92 L. Ed. 2d at 42 (quoting 42 U.S.C. § 1973(b)) (explaining that Section 2 is violated when the "totality of the circumstances" establishes that members of a protected class "have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice").

Following the order of partial summary judgment, the parties on 9 January 2006 filed another joint stipulation that the Caucasian majority voted sufficiently as a bloc to enable it usually to defeat the African-American minority's preferred candidate. Through this stipulation, plaintiffs conceded House District 18 met the third *Gingles* precondition. However, plaintiffs did not stipulate that House District 18 was required by Section 2 of the VRA.

With the issues of material fact resolved as to the third precondition, the three-judge panel issued its final summary judgment order on 9 January 2006. The panel concluded House District 18 met all three of the *Gingles* threshold preconditions and, based on the totality of circumstances, the creation of House District 18 as a crossover district (i.e., one where the minority group enjoys reliable support from members of the majority who "cross over" racial or ethnic lines to vote with the minority and elect the minority's candidate) was required by Section 2 of the VRA. Accordingly, the panel held that House District 18 could split Pender County and that the district complied, to the maximum extent practicable, with the legal requirements of the WCP, as set out in *Stephenson I*.

[1] Three of the five individual plaintiffs appealed to this Court pursuant to N.C.G.S. § 120-2.5. Although neither party has raised the issue of jurisdiction, we note that this statute authorizes direct appeal to this Court "from any final order or judgment of a court declaring unconstitutional or otherwise invalid in whole or in part and for any reason any act of the General Assembly that apportions or redistricts State legislative or congressional districts." N.C.G.S. § 120-2.5 (2005). While the three-judge panel did not declare the 2003 House redistricting plan unconstitutional or invalid, we do not believe the General Assembly intended to limit appeals of the findings of such a three-judge panel to one type of outcome only. This view is supported by a later part of the same session law that enacted § 120-2.5, which provides that the appeal provision applies to "any action of a court *affecting the validity of an*

act apportioning or redistricting State legislative or congressional districts." Ch. 434, sec. 16, 2003 N.C. Sess. Laws (1st Extra Sess. 2003) at 1419 (emphasis added). Accordingly, we interpret N.C.G.S. § 120-2.5 to mean that any appeal from a three-judge panel dealing with apportionment or redistricting pursuant to N.C.G.S. § 1-267.1 is direct to this Court. We now consider whether the VRA required that House District 18 be drawn in its current form as a crossover district.

[2] An order allowing summary judgment is reviewed *de novo*. *Howerton v. Arai Helmet, Ltd.*, 358 N.C. 440, 470, 597 S.E.2d 674, 693 (2004). Summary judgment is appropriate when "there is no genuine issue as to any material fact" and "any party is entitled to a judgment as a matter of law." N.C.G.S. § 1A-1, Rule 56(c) (2005). An act of the General Assembly is accorded a "strong presumption of constitutionality" and is "presumed valid unless it conflicts with the Constitution." *Pope v. Easley*, 354 N.C. 544, 546, 556 S.E.2d 265, 267 (2001) (*per curiam*).

Section 2 of the VRA forbids any "qualification or prerequisite to voting or standard, practice, or procedure . . . which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color" or membership in a language minority group. 42 U.S.C. § 1973(a) (2003). A denial or abridgement of the right to vote in violation of Section 2 occurs when:

[B]ased on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of

citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

Id. § 1973(b) (2003). "The essence of a § 2 claim is that a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed" by minority voters to elect their preferred representatives. *Gingles*, 478 U.S. at 47, 92 L. Ed. 2d at 44.

Consequently, Section 2 prohibits the dilution, on account of race or color, of a minority citizen's opportunity to participate in the political process and to elect representatives of his or her choice. *Stephenson I*, 355 N.C. at 363, 562 S.E.2d at 385. Although the phrase "vote dilution" does not appear in Section 2, the United States Supreme Court has provided guidance on this issue. Vote dilution of a racial minority group can occur "by the dispersal of blacks into districts in which they constitute an ineffective minority of voters or from the concentration of blacks into districts where they constitute an excessive majority." *Gingles*, 478 U.S. at 46 n.11, 92 L. Ed. 2d at 44 n.11. "The phrase 'vote dilution,' in the legal sense, simply refers to the impermissible discriminatory effect that a . . . districting plan has when it operates 'to cancel out or minimize the voting strength of racial groups.'" *Id.* at 87, 92

L. Ed. 2d at 70 (O'Connor, J., concurring) (quoting *White v. Regester*, 412 U.S. 755, 765, 37 L. Ed. 2d 314, 324 (1973)); see also *Reno v. Bossier Parish Sch. Bd.*, 528 U.S. 320, 359, 145 L. Ed. 2d 845, 875 (2000) (Souter, J., concurring in part and dissenting in part) ("The principal concept of diminished voting strength recognized as actionable under our cases is vote dilution, defined as a regime that denies to minority voters the same opportunity to participate in the political process and to elect representatives of their choice that majority voters enjoy.").

Although courts ultimately apply a totality of the circumstances test to determine whether a practice results in a denial or abridgement of the right to vote, 42 U.S.C. § 1973(b), a plaintiff bringing a claim under Section 2 must first establish the three *Gingles* threshold preconditions. In the case at bar, plaintiffs argue, and defendants do not dispute, that these three preconditions must exist before the General Assembly is required to draw a legislative district pursuant to Section 2. Failure to sustain any one of the *Gingles* preconditions means that the General Assembly is not required to create a legislative district pursuant to Section 2 to ensure that the votes of the minority are not diluted. See *Voinovich v. Quilter*, 507 U.S. 146, 158, 122 L. Ed. 2d 500, 514 (1993).

While *Gingles* construed Section 2 in the context of a lawsuit concerning dilution in a multi-member legislative district, the Supreme Court subsequently applied the *Gingles* preconditions to single-member legislative districts. "[A] claim of vote dilution in a single-member district requires proof

meeting the same three threshold conditions for a dilution challenge to a multimember district." *Johnson v. De Grandy*, 512 U.S. 997, 1006, 129 L. Ed. 2d 775, 788 (1994) (citing *Grove v. Emison*, 507 U.S. 25, 40, 122 L. Ed. 2d 388, 403-04 (1993)). Thus, the *Gingles* preconditions must be found before Section 2 requires the General Assembly to create a single-member district on behalf of a minority group. In other words, the existing configuration and makeup of House District 18 was not required by Section 2 unless all three *Gingles* preconditions were established.

Only the first *Gingles* precondition is at issue in this appeal. The narrow question before us is whether this precondition, that a minority group must be "sufficiently large and geographically compact to constitute a majority in a single-member district," 478 U.S. at 50, 92 L. Ed. 2d at 46, requires that the minority group constitute a numerical majority of the relevant population, or whether a numerous minority can satisfy the precondition. We must determine whether the United States Supreme Court in *Gingles* meant a quantitative majority of the minority population (i.e., greater than 50 percent), or whether it meant instead a minority group sufficiently large in population to have significant impact on the election of candidates but not of a size to control the outcome without help from other racial groups. The Supreme Court explicitly left open this question in *Gingles*, 478 U.S. at 46 n.12, 92 L. Ed. 2d at 44 n.12, and has not answered it in several cases since. *League of United Latin Am. Citizens v. Perry*, 126 S. Ct. 2594, 2647-48, 165 L. Ed. 2d 609, 672-73 (2006) (Souter, J., concurring in part and

dissenting in part); *De Grandy*, 512 U.S. at 1008-09, 129 L. Ed. 2d at 789-90; *Voinovich*, 507 U.S. at 154, 122 L. Ed. 2d at 511; *Grove*, 507 U.S. at 41 n.5, 122 L. Ed. 2d at 404 n.5.

Before we can answer that question, however, we must determine "which characteristic of minority populations (e.g., age, citizenship) ought to be the touchstone" for the first *Gingles* precondition. *De Grandy*, 512 U.S. at 1008, 129 L. Ed. 2d at 789. We cannot discuss the terms "minority" and "majority" in the context of a redistricting case without knowing what population we are considering. In other words, a "majority" or "minority" of what? Are we including the entire population of the minority group in the geographic area or are we limiting consideration to a smaller subset of that minority population? Although the United States Supreme Court has left open this question as well, *id.* at 1008-09, 129 L. Ed. 2d at 789-90, dictum in *Perry* from a unanimous Court indicates a majority should be determined by the number of minority citizens of voting age, not by its total population: "Latinos, to be sure, are a bare majority of the voting-age population in new District 23, but only in a hollow sense, for the parties agree that the relevant numbers must include citizenship. This approach fits the language of § 2 because only eligible voters affect a group's opportunity to elect candidates." *Perry*, 126 S. Ct. at 2616, 165 L. Ed. 2d at 638.

In addition, the plain language of Section 2 indicates citizenship should be taken into account in that the statute prohibits any "qualification or prerequisite to voting . . . which results in a denial or abridgement of the right of any

citizen of the United States to vote on account of race." 42
U.S.C. § 1973(a) (emphasis added). As *Gingles* explained:

The reason that a minority group making such a challenge must show, as a threshold matter, that it is sufficiently large and geographically compact to constitute a majority in a single-member district is this: Unless minority voters possess the potential to elect representatives in the absence of the challenged structure or practice, they cannot claim to have been injured by that structure or practice.

478 U.S. at 50 n.17, 92 L. Ed. 2d at 46 n.17 (emphasis added). *Gingles* "repeatedly makes reference to effective voting majorities, rather than raw population totals, as the touchstone for" determining the first precondition. *Romero v. City of Pomona*, 883 F.2d 1418, 1425 (9th Cir. 1989), overruled in part on other grounds, *Townsend v. Holman Consulting Corp.*, 929 F.2d 1358 (9th Cir. 1991). "The *raison d'être* of [*Gingles*] and of amended § 2 is to facilitate participation by minorities in our political processes, by preventing dilution of their votes. . . . It would be a Pyrrhic victory for a court to create a single-member district in which a minority population dominant in absolute, but not in voting age numbers, continued to be defeated at the polls." *Campos v. City of Houston*, 113 F.3d 544, 548 (5th Cir. 1997) (quotation omitted). Because only voting age citizens of the United States possess the ability to elect candidates, we hold that the "proper statistic" for deciding whether a minority group can meet the first *Gingles* precondition is "voting age population as refined by citizenship." *Negrón v. City of Miami Beach*, 113 F.3d 1563, 1569 (11th Cir. 1997); see also *Barnett v. City of Chicago*, 141 F.3d 699, 704 (7th Cir. 1998) ("We think

that citizen voting-age population is the basis for determining equality of voting power that best comports with the policy of [Section 2]."), *cert. denied sub nom. Bialczak v. Barnett*, 524 U.S. 954, 141 L. Ed. 2d 740 (1998).

We now return to the critical question on appeal, whether the "sufficiently large and geographically compact" minority population must constitute a numerical majority of citizens of voting age in order to satisfy the first *Gingles* precondition. As we undertake this analysis, we are mindful of at least four distinct types of legislative districts:

(1) "majority-minority" districts, (2) "coalition" districts, (3) "crossover" districts, and (4) "influence" districts. A majority-minority district is one "in which a majority of the population is a member of a specific minority group." *Voinovich*, 507 U.S. at 149, 122 L. Ed. 2d at 508. Majority-minority districts are often called "safe" districts for the minority because the minority group voters can vote as a bloc to elect the candidates of their choice without relying on voters of other races.

By contrast, in the other types of legislative districts, the predominant minority group cannot consistently elect its candidate of choice without the assistance of other racial groups. Absent such help, even if every eligible member of the minority group voted for a single candidate, that candidate would not be assured of electoral success. Thus, a coalition district is one in which a minority group joins with voters from at least one other minority group to elect a candidate. *De Grandy*, 512 U.S. at 1020, 129 L. Ed. 2d at 796;

see also *Ariz. Minority Coal. for Fair Redistricting v. Ariz. Indep. Redistricting Comm'n*, 366 F. Supp. 2d 887, 904 (D. Ariz. 2005) ("A coalition district is one in which two separate minority groups allege that a district could be formed in which they could join forces to elect a representative."). In a crossover district, a minority group has "support from a limited but reliable white crossover vote." *Rodriguez v. Pataki*, 308 F. Supp. 2d 346, 376 (S.D.N.Y.) (per curiam), *aff'd mem.*, 543 U.S. 997, 160 L. Ed. 2d 454 (2004). The terms "coalition" district and "crossover" district are sometimes used interchangeably, but we distinguish them here because the former refers to two or more minority groups combining forces to elect a candidate, while the latter refers to a minority group gaining support from voters in the dominant racial majority group. Finally, an influence district is one in which a minority group is merely large enough to influence the election of candidates but too small to determine the outcome. *Georgia v. Ashcroft*, 539 U.S. 461, 470, 156 L. Ed. 2d 428, 445 (2003) (defining an influence district as one in which a minority group "would be able to exert a significant—if not decisive—force in the election process").

Plaintiffs contend that a minority group must constitute a numerical majority of the voting population in the area under consideration before Section 2 of the VRA requires the creation of a legislative district to prevent dilution of the votes of that minority group. They point to the wording of the first *Gingles* precondition, which says a minority group must be "sufficiently large and geographically compact to constitute a

majority in a single-member district," 478 U.S. at 50, 92 L. Ed. 2d at 46 (emphasis added), and claim this language permits only majority-minority districts to be formed in response to a Section 2 claim. Defendants respond that the language of both *Gingles* and Section 2 allows for other types of legislative districts, such as coalition, crossover, and influence districts. House District 18, which defendants term an "effective minority district," functions as a single-member crossover district in which the total African-American voting age population of 39.36 percent needs to draw votes from a Caucasian majority to elect the candidate of its choice. Defendants contend such a crossover district is permitted by Section 2 and *Gingles*.

Our analysis leads us to the conclusion that plaintiffs' position is both more logical and more readily applicable in practice. As noted above, while *Gingles* addresses multi-member districts, its analysis also applies to single-member districts. *De Grandy*, 512 U.S. at 1006-07, 129 L. Ed. 2d at 788. The first *Gingles* precondition is premised on initial proof that a single-member district could be constructed with a majority of minority voters. *Gingles*, 478 U.S. at 50 n.17, 92 L. Ed. 2d at 46 n.17. *Gingles* further states that the single-member district "is generally the appropriate standard against which to measure minority group potential to elect" candidates in a multi-member district. *Id.* In light of *Gingles*' use of a numerical majority of a minority group's voters to calibrate the minority's ability to elect its candidate in a multi-member district, we see no reason to use a quantity less than a numerical majority as the determinant in a single-member

district. See *Hastert v. State Bd. of Elections*, 777 F. Supp. 634, 654 (N.D. Ill. 1991) (three-judge panel) ("The concerns animating the *Gingles* electoral majority precondition for multi-member cases—concerns of proof and relief—reside equally in the single-member context.").

Although the United States Supreme Court has left open this issue, the majority of federal circuit courts confronting the question have concluded that, when a district must be created pursuant to Section 2, it must be a majority-minority district. See, e.g., *Hall v. Virginia*, 385 F.3d 421, 423 (4th Cir. 2004) (holding "*Gingles* establishes a numerical majority requirement for all Section 2 claims"), cert. denied, 544 U.S. 961, 161 L. Ed. 2d 602 (2005); *Valdespino v. Alamo Heights Indep. Sch. Dist.*, 168 F.3d 848, 850 (5th Cir. 1999) (holding "we reject the appellants' contention that a 'majority' may be less than 50% of the citizen voting-age population"), cert. denied, 528 U.S. 1114, 145 L. Ed. 2d 811 (2000); *Negrón*, 113 F.3d at 1571 (11th Cir.) (plaintiffs failed to establish first *Gingles* precondition when Hispanics did not "constitute a majority of potential voters")²; *Sanchez v. Colorado*, 97 F.3d 1303, 1314 (10th Cir. 1996) (noting that "satisfaction of the first precondition requires plaintiffs show a majority-Hispanic district is feasible"), cert. denied sub nom. *Colorado v. Sanchez*, 520 U.S. 1229, 137 L. Ed. 2d 1028

²Despite the holding in *Negrón*, a later Eleventh Circuit case purports in a footnote to "leave open the question of whether a section 2 plaintiff can pursue a 'coalition' or 'crossover' dilution claim." *Dillard v. Baldwin County Comm'rs*, 376 F.3d 1260, 1269 n.7 (11th Cir. 2004). We note without further comment an Eleventh Circuit "absolute rule that a prior decision of the circuit (panel or en banc) [cannot] be overruled by a panel but only by the court sitting en banc." *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc); accord *Va. Props., Inc. v. Home Ins. Co.*, 74 F.3d 1131, 1132 n.2 (11th Cir. 1996) (citing *Bonner* and other authority).

(1997); *McNeil v. Springfield Park Dist.*, 851 F.2d 937, 945 (7th Cir. 1988) (first *Gingles* precondition requires a minority group to have a "voting age majority" of population), *cert. denied*, 490 U.S. 1031, 104 L. Ed. 2d 204 (1989). The issue is unresolved in two circuits. *Metts v. Murphy*, 363 F.3d 8, 11 (1st Cir. 2004) (en banc) (per curiam) (holding "[w]e are thus unwilling at the complaint stage to foreclose the possibility that a section 2 claim can ever be made out" with a minority population of 21 percent) (emphasis changed); *Romero*, 883 F.2d at 1424 n.7, 1427 n.15 (9th Cir.) (straddling the fence via two footnotes, first noting that "[w]e are aware of no successful section 2 voting rights claim ever made without a showing that the minority group was capable of a majority vote in a designated single district," but also "express[ing] no opinion as to whether section 2's protections extend to a coalition of racial or language minorities"). No circuit has agreed with defendants and affirmatively held that Section 2 can be satisfied by the creation of coalition, crossover, or influence districts.

We find these cases to be sensible and persuasive. When a minority group lacks a numerical majority in a district, "the ability to elect candidates of their own choice was never within the [minority group's] grasp." *Hall*, 385 F.3d at 430. If a minority group lacks the voting population "to independently decide the outcome of an election," it cannot demonstrate that its voting strength has been diluted in violation of Section 2 because it cannot show that any electoral structure or practice has thwarted its ability or potential to elect candidates of its choice. *Id.* at 429. "Unless minority voters possess the

potential to elect representatives in the absence of the challenged structure or practice, they cannot claim to have been injured by [a vote-diluting] structure or practice." *Gingles*, 478 U.S. at 50 n.17, 92 L. Ed. 2d at 46 n.17; see also *Hall*, 385 F.3d at 429.

Several federal cases have described this interpretation as imposing a "bright line rule." See *McNeil*, 851 F.2d at 944 (the *Gingles* preconditions can be viewed as a "brightline requirement" that the minority voters make up the majority of the district); *Valdespino*, 168 F.3d at 852 ("[T]his court has interpreted the *Gingles* factors as a bright line test."). This bright line rule, requiring a minority group that otherwise meets the *Gingles* preconditions to constitute a numerical majority of citizens of voting age, can be applied fairly, equally, and consistently throughout the redistricting process. With a straightforward and easily administered standard, Section 2 legislative districts will be more uniform and less susceptible to ephemeral political voting patterns, transitory population shifts, and questionable predictions of future voting trends. A bright line rule for the first *Gingles* precondition "promotes ease of application without distorting the statute or the intent underlying it." *McNeil*, 851 F.2d at 942.

In addition, a bright line rule provides our General Assembly a safe harbor for the redistricting process. Redistricting should be a legislative responsibility for the General Assembly, not a legal process for the courts. Without a majority requirement, each legislative district is exposed to a potential legal challenge by a numerically modest minority group

with claims that its voting power has been diluted and that a district therefore must be configured to give it control over the election of candidates. In such a case, courts would be asked to decide just how small a minority population can be and still claim that Section 2 mandates the drawing of a legislative district to prevent vote dilution. "[A]n unrestricted breach of this precondition 'w[ould] likely open a Pandora's box of marginal Voting Rights Act claims by minority groups of all sizes.'" *Dillard*, 376 F.3d at 1268 (quoting *Hastert*, 777 F. Supp. at 654 (alterations in original)). "The first *Gingles* precondition provides a gate-keeping mechanism by which the courts maintain" ascertainable and objective standards from which to adjudicate Section 2 claims. *Id.* Although we acknowledge that a bright line rule "might conceivably foreclose a meritorious claim," in general it "ensure[s] that violations for which an effective remedy exists will be considered while appropriately closing the courthouse to marginal claims." *McNeil*, 851 F.2d at 943. "In making that trade-off, the *Gingles* majority justifiably sacrificed some claims to protect stronger claims and promote judicial economy." *Id.*

Besides the advantages of a bright line rule requiring a minority group to have a numerical majority of citizens of voting age, we are also advertent to the disadvantages of coalition, crossover, and influence districts. Without a rule requiring a numerical majority of citizens of voting age, "there appears to be no logical or objective measure for establishing a threshold minority group size necessary" for Section 2 legislative districts. *Hastert*, 777 F. Supp. at 654. In

addition, courts could be called upon to divine whether coalitions would hold together through biennial and quadrennial election cycles, whether a majority group would continue to cross over through the election cycles, whether one minority group would consistently support another minority group's primary election candidate, what percentage of a minority group would vote with or against that minority, whether the claims of one minority group are superior to those of another minority group, and so on. We do not believe the political process is enhanced if the power of the courts is consistently invoked to second-guess the General Assembly's redistricting decisions.

We also recognize a specific tension in the *Gingles* preconditions if crossover districts are permitted to satisfy Section 2 requirements. A crossover district is premised upon a minority group gaining support from voters in the typically Caucasian majority to elect the candidate of the minority group's choice. In apparent contradiction, the third *Gingles* precondition requires that the majority population vote "sufficiently as a bloc to enable it . . . usually to defeat the minority's preferred candidate." *Gingles*, 478 U.S. at 51, 92 L. Ed. 2d at 47. Consequently, if the majority group does not vote sufficiently as a bloc, the third *Gingles* prong cannot be met. When a minority group is able to accumulate sufficient crossover Caucasian votes that the minority candidate is successful, however, the *Gingles* premise that the Caucasian majority votes as a bloc to defeat the minority group's candidate is undermined. *Metts*, 363 F.3d at 12 (recognizing the "tension" in "any effort to satisfy both the first and third prong of

Gingles," and observing that "[t]o the extent that African-American voters have to rely on cross-over voting to prove they have the 'ability to elect' a candidate of their choosing, their argument that the majority votes as a bloc against their preferred candidate is undercut"). In short, a high level of crossover voting is inconsistent with the majority bloc voting defined in the third *Gingles* precondition and weakens the possibility of vote dilution. See *id.* at 13-14 (Selya, J., dissenting) (contending that a showing of majority bloc voting is "structurally inconsistent" with a crossover district).

Thus, after taking into account the language of *Gingles*, the weight of persuasive authority from the federal circuits, the importance of imposing a practicable rule, the necessity for judicial economy, the redistricting responsibility of the General Assembly, and the inherent tension lurking in the third *Gingles* prong, we conclude that a bright line rule is appropriate. Accordingly, if a minority group is geographically compact but nevertheless lacks a numerical majority of citizens of voting age, the minority group lacks the power to decide independently the outcome of an election, and its voting power has not been diluted by the lack of a legislative district. In such a case, the first *Gingles* precondition has not been satisfied and the General Assembly is not required to create a Section 2 legislative district.

As presently drawn, House District 18 does not meet this bright line test. The district has a total African-American population of 42.89 percent, and an African-American voting age population of 39.36 percent. Although the record does not reveal

the number of voting-age African-Americans who are citizens, that number cannot exceed the total minority voting age population. Because the African-American minority group in House District 18 does not constitute a numerical majority of citizens of voting age, House District 18 does not meet the first *Gingles* precondition and its current configuration is not mandated by Section 2 of the VRA.

[3]As we noted at the beginning of this opinion, the formation of legislative districts must comport with the requirements of our State Constitution, unless federal law supercedes those provisions. Accordingly, because current House District 18 is not required by Section 2, it must comply with the redistricting principles enunciated by this Court in *Stephenson I*. The WCP forbids the division of a county in the formation of a legislative district, N.C. Const. art. II, §§ 3(3), 5(3), except to the extent the WCP conflicts with the VRA and "one-person, one-vote" principles, *Stephenson I*, 355 N.C. at 381, 562 S.E.2d at 396. The importance of counties in the redistricting process was discussed at length in *Stephenson I*, *id.* at 364-68, 562 S.E.2d at 385-88, in which we noted the "long-standing tradition of respecting county lines during the redistricting process in this State," *id.* at 366, 562 S.E.2d at 386. The U.S. Supreme Court acknowledges the importance of "'traditional districting principles such as maintaining communities of interest and traditional boundaries'" in redistricting. *Abrams v. Johnson*, 521 U.S. 74, 92, 138 L. Ed. 2d 285, 303 (1997) (quoting *Bush v. Vera*, 517 U.S. 952, 977, 135 L. Ed. 2d 248, 269 (1996) (plurality)); see also *Stephenson I*,

355 N.C. at 381, 562 S.E.2d at 396 ("[O]peration of federal law does not preclude states from recognizing traditional political subdivisions when drawing their legislative districts."). Thus, the General Assembly must comply with the WCP to the "maximum extent possible," consistent with federal law. *Stephenson I*, 355 N.C. at 374, 562 S.E.2d at 391.

Stephenson I established nine requirements for a valid redistricting plan, several of which are relevant to House District 18:

[3.] In counties having a 2000 census population sufficient to support the formation of one non-VRA legislative district . . . , the WCP requires that the physical boundaries of any such non-VRA legislative district not cross or traverse the exterior geographic line of any such county.

[4.] When two or more non-VRA legislative districts may be created within a single county, . . . single-member non-VRA districts shall be formed within said county. Such non-VRA districts shall be compact and shall not traverse the exterior geographic boundary of any such county.

[5.] In counties having a non-VRA population pool which cannot support at least one legislative district . . . or, alternatively, counties having a non-VRA population pool which, if divided into districts, would not comply with the . . . "one-person, one-vote" standard, the requirements of the WCP are met by combining or grouping the minimum number of whole, contiguous counties necessary to comply with the at or within plus or minus five percent "one-person, one-vote" standard. Within any such contiguous multi-county grouping, compact districts shall be formed, consistent with the at or within plus or minus five percent standard, whose boundary lines do not cross or traverse the "exterior" line of the multi-county grouping; provided, however, that the resulting interior county lines created by any such groupings may be crossed or traversed in the creation of districts

within said multi-county grouping but only to the extent necessary to comply with the at or within plus or minus five percent "one-person, one-vote" standard.

[6.] The intent underlying the WCP must be enforced to the maximum extent possible; thus, only the smallest number of counties necessary to comply with the at or within plus or minus five percent "one-person, one-vote" standard shall be combined[.]

[7.] . . . [C]ommunities of interest should be considered in the formation of compact and contiguous electoral districts.

Stephenson II, 357 N.C. at 306-07, 582 S.E.2d at 250 (emphasis omitted) (quoting and numbering the *Stephenson I* factors, 355 N.C. at 383-84, 562 S.E.2d at 396-98 (alterations in original)).

The General Assembly created House District 18, the only legislative district specifically at issue in this appeal, with the intention of complying with the requirements of Section 2 and thus with the belief that the district was exempt from the WCP and *Stephenson I* requirements. However, as explained above, the configuration of House District 18 is not required by Section 2, and thus the VRA neither controls the formation of that district nor supercedes our State Constitution. Consequently, House District 18 must be drawn in accordance with the WCP and the *Stephenson I* requirements.

Pursuant to N.C.G.S. § 120-2.3 (2005), any judicial opinion which declares a redistricting plan "unconstitutional or otherwise invalid, in whole or in part and for any reason" must "identify every defect found by the court, both as to the plan as a whole and as to individual districts." Although the language of § 120-2.3 appears to be directed to trial courts that make findings of fact and conclusions of law, we acknowledge the

General Assembly's need to know with specificity how a defective district fails to meet constitutional and statutory standards. Accordingly, we follow the statute's directive.

From the information provided by the parties in the record before us, it appears New Hanover County has a total population large enough to form two or more non-VRA legislative districts that need "not traverse the exterior geographic boundary" of the county, which would satisfy the fourth requirement of *Stephenson I*. *Stephenson I*, 355 N.C. at 383, 562 S.E.2d at 397. Pender County, in contrast, lacks sufficient population to support a non-VRA House district. Therefore, to comply with the fifth *Stephenson I* requirement, a voting district that includes Pender County must add population across a county line, but "only to the extent necessary to comply with the at or within plus or minus five percent 'one-person, one-vote' standard." *Id.* at 384, 562 S.E.2d at 397. In following the sixth *Stephenson I* requirement, the districts within these counties must all comply with the WCP "to the maximum extent possible," and "only the smallest number of counties necessary to comply with the . . . 'one-person, one-vote' standard shall be combined." *Id.*

As a remedy, plaintiffs contend two House districts should be drawn in New Hanover County and one House district should be drawn comprising all of Pender County and a portion of New Hanover County. This Court declines, however, to specify the exact configuration of House District 18 or the configuration of House districts in Pender and New Hanover counties generally. "[R]edistricting is a legislative responsibility, [and] N.C.G.S.

§§ 120-2.3 and 120-2.4 give the General Assembly a first, limited opportunity to correct plans that the courts have determined are flawed." *Stephenson v. Bartlett*, 358 N.C. 219, 230, 595 S.E.2d 112, 119 (2004) (*Stephenson III*). "Not only do these statutes allow the General Assembly to exercise its proper responsibilities, they decrease the risk that the courts will encroach upon the responsibilities of the legislative branch." *Id.*

Although we leave to the General Assembly the drawing of either House District 18 or the surrounding districts in Pender, New Hanover, and other counties in the vicinity, we direct that all redistricting plans for the North Carolina House of Representatives and North Carolina Senate comply with the principal holding of this case: in order for a minority group to satisfy the first *Gingles* precondition and be "sufficiently large and geographically compact to constitute a majority in a single-member district," 478 U.S. at 50, 92 L. Ed. 2d at 46, it must constitute a numerical majority of citizens of voting age. Any legislative district designated as a Section 2 district under the current redistricting plans, and any future plans, must either satisfy the numerical majority requirement as defined herein, or be redrawn in compliance with the Whole County Provision of the Constitution of North Carolina and with *Stephenson I* requirements.

Since House District 18 fails to comply with the WCP and *Stephenson I* requirements, it must be redrawn. We leave to the General Assembly the decision whether House District 18 should be redrawn as a non-VRA district, or whether it should be

redrawn to meet the numerical majority requirement to satisfy the first *Gingles* precondition.

[4] We are cognizant that the General Assembly will need time to redistrict not only House District 18 but also other legislative districts directly and indirectly affected by this opinion. The North Carolina General Assembly is now in recess and is not scheduled to reconvene until 13 May 2008, after the closing of the period for filing for elective office in 2008. We also realize that candidates have been preparing for the 2008 election in reliance upon the districts as presently drawn. Accordingly, to minimize disruption to the ongoing election cycle, the remedy explained above shall be stayed until after the 2008 election. See *Reynolds v. Sims*, 377 U.S. 533, 585, 12 L. Ed. 2d 506, 551 (1964) ("In awarding or withholding immediate relief [in an apportionment case], a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of state election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree."). At the conclusion of the 2008 election, House District 18 and other impacted districts must be redrawn. All redistricting performed thereafter shall comply with this opinion.

REVERSED.

Justice HUDSON did not participate in the consideration or decision of this case.

Chief Justice PARKER dissenting.

I respectfully dissent. In my view the General Assembly had a sound legal basis for concluding that the configuration of North Carolina House District 18 in the 2003 House Plan was necessary to comply with Section 2 of the Voting Rights Act. Accordingly, for the reasons discussed herein, I would affirm the decision of the three-judge panel upholding the division of Pender County.

Article II, Section 3, Clause 3 and Section 5, Clause 3 of the North Carolina Constitution, collectively referred to as the "Whole County Provisions" (the WCP), provide that "[n]o county shall be divided" in the formation of senate and representative districts. In *Stephenson I* and *Stephenson II*, this Court established legal principles, including application of the Whole County Provisions, under which the legislature's redistricting authority is exercised; however, the Court deferred to the Supremacy Clauses of both the State and Federal Constitutions for purposes of applying the WCP. *Stephenson v. Bartlett*, 355 N.C. 354, 562 S.E.2d 377 (2002) (*Stephenson I*); *Stephenson v. Bartlett*, 357 N.C. 301, 582 S.E.2d 247 (2003) (*Stephenson II*). This Court explained the supremacy of federal law as follows:

We recognize that, like the application or exercise of most constitutional rights, the right of the people of this State to legislative districts which do not divide counties is not absolute. In reality, an

inflexible application of the WCP is no longer attainable because of the operation of the provisions of the VRA and the federal "one-person, one-vote" standard, as incorporated within the State Constitution. This does not mean, however, that the WCP is rendered a legal nullity if its beneficial purposes can be preserved consistent with federal law and reconciled with other state constitutional guarantees.

Stephenson I, 355 N.C. at 371, 562 S.E.2d at 389 (internal citations omitted). Throughout its opinion, this Court repeatedly noted that the WCP must yield to provisions of the Voting Rights Act prohibiting the dilution of minority voting strength. "[T]he State retains significant discretion when formulating legislative districts, so long as the 'effect' of districts created pursuant to a 'whole-county' criterion or other constitutional requirement does not dilute minority voting strength in violation of federal law." *Id.* at 370, 562 S.E.2d at 389. "Although no federal law has preempted this Court's authority to interpret the WCP as it applies statewide, we acknowledge that complete compliance with federal law is the first priority before enforcing the WCP." *Id.* at 374 n.4, 562 S.E.2d at 391 n.4.

Finally, this Court established nine criteria to be followed by the General Assembly in drawing legislative districts. The first criterion expressly requires drawing districts that comply with the provisions of the Voting Rights Act:

[T]o ensure full compliance with federal law, legislative districts required by the VRA shall be formed prior to creation of non-VRA districts. . . . In the formation of VRA districts within the revised redistricting plans on remand, we likewise direct the trial

court to ensure that VRA districts are formed consistent with federal law and in a manner having no retrogressive effect upon minority voters. To the maximum extent practicable, such VRA districts shall also comply with the legal requirements of the WCP.

Stephenson II, 357 N.C. at 305, 582 S.E.2d at 250 (alterations in original) (emphasis omitted) (citing *Stephenson I*, 355 N.C. at 383, 562 S.E.2d at 396-97).

Section 2 of the Voting Rights Act forbids any "voting qualification or prerequisite to voting or standard, practice or procedure . . . which results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color." 42 U.S.C. § 1973(a) (2000). A State is in violation of Section 2

if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

Id. § 1973(b) (2000).

In construing the totality of circumstances test, the United States Supreme Court in *Gingles* relied upon the Senate Report accompanying the 1982 VRA Amendments, stating, "the Committee determined that the question whether the political processes are 'equally open' depends upon a searching practical evaluation of the past and present reality, and on a functional view of the political process." *Thornburg v. Gingles*, 478 U.S. 30, 45, 92 L. Ed. 2d 25, 43 (1986) (quoting S. Rep. No. 97-417,

at 30 (1982) (citations, internal quotation marks, and footnotes omitted)). In providing structure to the totality of circumstances inquiry, the Court in *Gingles* enumerated three threshold factors for establishing vote dilution as follows:

First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. . . .
Second, the minority group must be able to show that it is politically cohesive. . . .
Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it . . . to defeat the minority's preferred candidate.

Id. at 50-51, 92 L. Ed. 2d at 46-47 (internal citations and footnote omitted).

With respect to whether a minority group is sufficiently large to "constitute a majority," the Court in *Gingles* disclaimed mechanical application of the first precondition by stating:

We have no occasion to consider whether § 2 permits, and if it does, what standards should pertain to, a claim brought by a minority group, that is not sufficiently large and compact to constitute a majority in a single-member district, alleging that the use of a multimember district impairs its ability to *influence* elections.

Id. at 46 n.12, 92 L. Ed. 2d at 44 n.12. Thus, the Court declined to address whether the first threshold requirement could extend to a group that constitutes a sufficiently large minority to elect the candidate of its choice with the assistance of limited, yet predictable, crossover votes from the white majority.

In her concurring opinion, Justice O'Connor rejected the distinction between a Section 2 claim in which the minority

constitutes a numerical majority in a district and a Section 2 claim when the minority group, though not a majority in the proposed district, has the ability to elect its candidate of choice with the assistance of limited crossover support from white voters, stating:

I note, however, the artificiality of the Court's distinction between claims that a minority group's "ability to elect the representatives of [its] choice" has been impaired and claims that "its ability to influence elections" has been impaired. *Ante*, at 46-47, n.12. . . . [T]he Court recognizes that when the candidates preferred by a minority group are elected in a multimember district, the minority group has elected those candidates, even if white support was indispensable to these victories. On the same reasoning, if a minority group that is not large enough to constitute a voting majority in a single-member district can show that white support would probably be forthcoming in some such district to an extent that would enable the election of the candidates its members prefer, that minority group would appear to have demonstrated that, at least under this measure of its voting strength, it would be able to elect some candidates of its choice.

Id. at 90 n.1, 92 L. Ed.2d at 72 n.1 (O'Connor, J., Burger, C.J., Powell & Rehnquist, JJ., concurring in the judgment).

In subsequent cases, the United States Supreme Court has not endorsed a bright line requirement that a minority group seeking Section 2 VRA relief constitute a numerical majority. In fact, despite having the opportunity to do so, the Court has repeatedly declined to close the door on the issue. See *Johnson v. De Grandy*, 512 U.S. 997, 1008-09, 129 L. Ed. 2d 775, 789-90 (1994) (in which the Court declined to hold that plaintiffs could not make a VRA claim based on influence districts); *Voinovich v. Quilter*, 507 U.S. 146, 154, 122 L. Ed. 2d 500, 511 (1993) (in

which the Court declined to address whether a reapportionment commission's failure to create influence districts resulted in a Section 2 violation); *Grove v. Emison*, 507 U.S. 25, 41 & n.5, 122 L. Ed. 2d 388, 404 & n.5 (1993) (in which the Court declined to decide if plaintiffs could argue influence dilution in addition to vote dilution when the *Gingles* test was not satisfied).

Moreover, the Supreme Court has continued to caution lower courts against applying *Gingles* to impose a rigid numerical majority requirement. In *Voinovich*, the Supreme Court explained that the *Gingles* factors "cannot be applied mechanically and without regard to the nature of the claim." 507 U.S. at 158, 122 L. Ed. 2d at 514. Justice O'Connor noted that the first *Gingles* requirement would have to be "modified or eliminated" when the Court considered cases in which black voters are denied "the possibility of being a sufficiently large minority to elect their candidate of choice with the assistance of cross-over votes from the white majority." *Id.*

Recently, in *League of United Latin American Citizens v. Perry*, ___ U.S. ___, 165 L. Ed. 2d 609 (2006), the Supreme Court was confronted with the issue presented in this case. In the plurality opinion of Justice Kennedy, Part IV addressed the first *Gingles* threshold condition by assuming, as the Court had done in the past, that it is possible for a minority group that makes up less than fifty percent of the district's population to state a claim under Section 2. *Id.* at ___, 165 L. Ed. 2d at 647 (plurality). Justice Kennedy concluded that under this assumption, the racial minority "must show they constitute a sufficiently large minority to elect their candidate of choice

with the assistance of cross-over votes." *Id.* at ___, 165 L. Ed. 2d at 647 (plurality) (quoting *Voinovich*, 507 U.S. at 158, 122 L. Ed. 2d at 515 (emphasis and internal quotation marks omitted)). Although the Court concluded that no Section 2 violation occurred, the Court did so based on its determination that the evidence did not show that black voters could elect a candidate of their choice, even with crossover voting.

Justice Souter, in a separate opinion joined by Justice Ginsberg, dissented from Part IV, in which the plurality upheld the trial court's ruling that no Section 2 violation of the VRA occurred. *Id.* at ___, 165 L. Ed. 2d at 672 (Souter & Ginsburg, JJ., concurring in Parts II-A, II-D, III, and dissenting from Part IV). Justice Souter concluded that "[a]lthough both the plurality today and our own prior cases have sidestepped the question whether a statutory dilution claim can prevail without the possibility of a district percentage of minority voters above 50%, the day has come to answer it." *Id.* at ___, 165 L. Ed. 2d at 672-73 (Souter and Ginsburg, JJ., dissenting) (internal citations omitted). Justice Souter would have returned the Section 2 VRA claim to the district court for reconsideration "untethered by the 50% barrier." *Id.* at ___, 165 L. Ed. 2d at 677 (Souter & Ginsburg, JJ., dissenting). Justice Stevens, in his dissenting opinion, stated, "I agree with Justice Souter that the '50% rule,' which finds no support in the text, history, or purposes of § 2, is not a proper part of the statutory vote dilution inquiry." *Id.* at ___ n.16, 165 L. Ed. 2d at 670 n.16 (Stevens, J., dissenting).

Although the Supreme Court has repeatedly left open the issue, several lower federal courts, as noted by the majority, have ruled that a numerical majority is necessary to establish a Section 2 claim. See, e.g., *Hall v. Virginia*, 385 F.3d 421 (4th Cir. 2004), cert. denied, 544 U.S. 961, 161 L. Ed. 2d 602 (2005) and *Rodriguez v. Pataki*, 308 F. Supp. 2d 346 (S.D.N.Y.) (per curiam), aff'd mem., 543 U.S. 997, 160 L. Ed. 2d 454 (2004).

In *Hall*, the plaintiffs contended that a redistricting plan which reduced the black voting age population of a district from 37.8% to 32.3% violated Section 2 of the VRA because, under the newly drawn Fourth Congressional District, blacks were too small in number to form the same winning coalition with crossover white voters that existed before enactment of the plan. By requiring a literal numerical majority, the *Hall* court did not determine whether, prior to the new redistricting plans, blacks in the district had the ability to elect a candidate of choice with the support of limited crossover votes. Stated differently, the court did not determine whether a 37.8% black voting age population constituted a sufficiently large minority presence in the district to allow minority voters the ability to elect their candidate of choice with a small, but predictable, number of crossover votes, and consequently, whether reducing the minority presence in the district to 32.3% would cause blacks to lose the ability to elect a candidate by making successful coalition voting impossible.

In *Rodriguez v. Pataki*, the court opined that "[e]ven if the first *Gingles* factor were applied flexibly to accommodate crossover or 'ability to elect' districts, the plaintiffs would

have to prove that their proposed district would provide blacks with the ability to elect candidates of choice." 308 F. Supp. 2d at 403 (citation omitted). Although the *Rodriguez* court stated its preference for a bright-line rule, it denied the plaintiffs' ability to elect claim not because the black population in the district was less than fifty percent, but because the plaintiffs did not present sufficient evidence that blacks would have the ability to elect candidates of their choice. *Id.* at 403.

North Carolina courts are not bound by decisions of the Fourth Circuit or any other lower federal court, but only by a decision of the United States Supreme Court. See *State v. McDowell*, 310 N.C. 61, 74, 310 S.E.2d 301, 310 (1984), cert. denied, 476 U.S. 1164, 90 L. Ed. 2d 732 (1986).

In North Carolina's legislative elections, a clear pattern exists which demonstrates the level of minority presence necessary to give minority voters an opportunity to elect their preferred candidates. Prior voting patterns reveal that house districts in North Carolina having total black population percentages of 41.54% and above and black voting age population percentages of 38.37% and above provide an effective opportunity to elect black candidates. The record shows that the General Assembly considered the most relevant indicator of black voting strength to be black Democratic voter registration; districts where such registration exceeds fifty percent consistently elect black representatives.

In this case, the minority concentration in House District 18 in the 2003 Plan consisted of a total black population of 42.89%, a black voting age population of 39.36%,

and a black Democratic voter registration of 53.72%. In House District 18, election results have already established that minority voters have the potential to elect a representative of choice.³ The 2004 election results, held under the 2003 plan, demonstrated that District 18 as currently drawn is an effective minority voting district in which the minority voters' preferred candidate was re-elected. Unquestionably, a black candidate can be elected in House District 18, notwithstanding that the number of minority voters in the district is less than fifty percent.

Altering the district to further reduce the minority population would result in dilution of a distinctive minority vote. In *Hall*, the court found that a minority group's voting strength is measured in terms of the group's "ability to elect candidates to public office." 385 F.3d at 427. However, minority voters who do not form a numerical majority in a district but who can elect their candidate of choice with a limited number of crossover votes do, indeed, have the "ability to elect." Taking this predictable measure away from minorities leaves them with "less opportunity than other members of the electorate . . . to elect representatives of their choice." 42 U.S.C. § 1973(b).

The three-judge panel reviewed the existing law and correctly declined to follow a rigid test requiring an absolute numerical majority of minority voters in a single-member

³ District 18 can be described as an "ability to elect" or "crossover" district. An "ability to elect district" is a district where members of the minority group are not a majority of the voting population, but have the ability to elect representatives of their choice with support from a limited, but reliable, white crossover vote. *Rodriguez v. Pataki*, 308 F. Supp. 2d at 376 (citation omitted).

district. The panel instead took a functional approach and found that the proper factual inquiry in analyzing a "coalition" or an "ability to elect district" is not whether black voters make up the numerical majority of voters in a single-member district, but whether "the political realities of the district, such as the political affiliation and number of black registered voters when combined with other relevant factors" operate to allow black voters to elect their candidate of choice. Such an inquiry must focus on the potential of black voters to elect their preferred candidates, not merely on raw numbers alone.

Recent United States Supreme Court opinions suggest that the application of a numerical majority requirement without respect to attendant political circumstances is not the appropriate test of the merits of a Section 2 Voting Rights Act claim. Nowhere in the language of Section 2 is there a requirement that a district must include a population of more than fifty percent of minority voters in order for a petitioner to state a claim for relief under Section 2. Rather, the "totality of circumstances" language mandates a flexible standard based on political realities of the district and supports creation of a district in which the minority group has the ability to elect a representative of choice with crossover support from voters of other racial or ethnic groups.

Under this Court's prior rulings, the General Assembly must meet the requirements of federal law before adhering to the Whole County Provisions in Article II, Section 3, Clause 3 and Section 5, Clause 3 of the North Carolina Constitution. See *Stephenson I*, 355 N.C. at 381-82, 562 S.E.2d at 396-97. In

drawing House District 18 in Pender and New Hanover Counties, the General Assembly sought to maintain an effective minority district to comply with Section 2 of the VRA and to comply with the WCP to the maximum extent possible. Following the principles this Court established in the *Stephenson v. Bartlett* cases, the three-judge panel properly concluded that no county, including Pender County, is guaranteed protection from being divided based on the WCP of our State Constitution when the division of counties is necessary to comply with the Voting Rights Act.

House District 18, as presently drawn, contains a black voting age population that is "sufficiently large and geographically compact" to elect its candidate of choice, *Gingles*, 478 U.S. at 50, 92 L. Ed. 2d at 46, and the General Assembly drew House District 18 to comply with the North Carolina Constitution to the maximum extent possible.

For the forgoing reasons, I would vote to affirm the decision of the three-judge panel.

Justice TIMMONS-GOODSON joins in this dissenting opinion.

Justice TIMMONS-GOODSON dissenting.

I join the Chief Justice's dissent. Furthermore, I write separately to express my concern that in overriding our legislature's decisions in order to impose a bright-line rule, the majority has given insufficient deference to the legislature's considered judgment. As the Supreme Court of the United States has stated, "The function of the legislature is primary, its exercises fortified by presumptions of right and

legality, and is not to be interfered with lightly, nor by any judicial conception of their wisdom or propriety." *Weems v. United States*, 217 U.S. 349, 379, 30 S. Ct. 544, 554, 54 L. Ed. 793, 803 (1910). "[I]n a democratic society legislatures, not courts, are constituted to respond to the will and consequently the moral values of the people.'" *Gregg v. Georgia*, 428 U.S. 153, 175-76, 96 S. Ct. 2909, 2926, 49 L. Ed. 2d 859, 876 (1976) (judgment of the court and opinion of Stewart, Powell & Stevens, JJ.) (alteration in original) (quoting *Furman v. Georgia*, 408 U.S. 238, 383, 92 S. Ct. 2726, 2800-01, 33 L. Ed. 2d 346, 432, (1972) (Burger, C. J., Blackmun, Powell & Rehnquist, JJ., dissenting)).

Since the majority's calculus does not appear to appropriately factor in the legislature's role in the districting process, and the deference due it, I respectfully dissent.

Briefs and Documents

Docket: 07-689

Issue: Whether a racial minority group that constitutes less than 50% of a proposed district's population can state a vote dilution claim under Section 2 of the Voting Rights Act. (Disclosure: Akin Gump filed the amicus brief of the NAACP in support of the petitioner.)

- Opinion below (Supreme Court of North Carolina)
- Petition for certiorari
- Brief in opposition
- Petitioner's reply
- Amicus brief of the Honorable Vernon Sykes and Honorable Roger Corbin (in support of the petitioner)
- Amicus brief of the League of Women Voters of the United States (in support of the petitioner)
- Amicus brief of Illinois, Louisiana, Maryland, and Ohio (in support of the petitioner)
- Amicus brief of the NAACP, Cindy Moore, Milford Farrior, and Mary Jordan (in support of the petitioner)

Merit briefs

- Brief for Petitioner Gary Bartlett, et al.
- Brief for Respondent Dwight Strickland, et al.
- Reply Brief for Petitioner Gary Bartlett, et al.

Amicus briefs

- Brief for the League of Women Voters of the United States in Support of Petitioner
- Brief for the Lawyers' Committee for Civil Rights Under Law, the Naacp Legal Defense and Educational Fund, Inc., DEMOS: A Network

for Ideas and Action, and the North American South Asian Bar Association in Support of Petitioner

- Brief for the Sanford D. Bishop Jr., Corrine Brown, G.K. Butterfield, André Carson, Donna M. Christensen, Yvette D. Clarke, William Lacy Clay Jr., Emanuel Cleaver, James E. Clyburn, John Conyers Jr., Elijah E. Cummings, Artur Davis, Danny K. Davis, Keith Ellison, Chaka Fattah, Al Green, Alcee L. Hastings, Jesse L. Jackson Jr., Sheila Jackson Lee, William J. Jefferson, Eddie Bernice Johnson, Henry Johnson, Stephanie Tubbs Jones, Carolyn Cheeks Kilpatrick, Barbara Lee, John Lewis, Kendrick Meek, Gregory W. Meeks, Gwen Moore, Eleanor Holmes Norton, Donald M. Payne, Charles B. Rangel, Laura Richardson, Bobby L. Rush, David Scott, Robert C. Scott, Bennie G. Thompson, Edolphus Towns, Maxine Waters, Diane E. Watson, and Melvin L. Watt in Support of Petitioner (revised)
- Brief for the Mexican American Legal Defense and Educational Fund and the Asian American Justice Center in Support of Petitioner
- Brief for the Campaign Legal Center in Support of Petitioner
- Motion for Leave to File Amicus Curiae Brief and Brief for the National Association for The Advancement of Colored People, Cindy Moore, Milford Farrior, Mary Jordan, and the American Civil Liberties Union Out Of Time in Support of Petitioner
- Brief for Illinois, Arizona, California, Connecticut, Georgia, Kansas, Kentucky, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New Mexico, and Ohio in Support of Petitioner
- Brief for the Florida House of Representatives in Support of Respondent
- Brief for the Pacific Legal Foundation, Center for Equal Opportunity, Hans A. Von Spakovsky, Project 21, Abigail Thernstrom, and Karl S. Bowers, Jr., in Support of Respondent
- Brief for the American Legislative Exchange Council and the Lawyers Democracy Fund in Support of Respondent

- Brief for Nathaniel Persily, Bernard Grofman, Bruce Cain, Theodore Arrington, and Lisa Handley in Support of Neither Party
- Brief for the United States in Support of the Affirmance

Oral Argument: Transcript

[edit] Pre-Argument Articles

Federal voting rights law allows minority voters to pursue claims in court that the political strength they could wield has been diluted by some law or election regulation. The Court will explore in *Bartlett v. Strickland* the rights that the law protects.

Background

In American politics, it has been true – from the very beginning – that coalitions can be built to win elections. Indeed, U.S. political parties have always been coalitions. People who share political aspirations get together to pool their strength, with the aim of electing the candidates they prefer -- the ones they think most likely to work for them within the government. In modern America, minority voters have greater political influence when they form a coalition with others, because they may not have sufficient electoral power on their own to prevail.

When Congress passed the Voting Rights Act 43 years ago, it included a provision – Section 2 – that assures minority voters that the political process will be “open equally” to minority voters, as members of a group protected against discrimination. It does not guarantee a bloc of minority voters that they will always get their preferred candidate elected, but it assures them against the denial of that opportunity. Such a denial has come to be known as “vote dilution” – a lessened opportunity, because of an election law or practice, for minorities to elect the candidates of their choice. (Vote dilution does not have to be intentional discrimination; it can be the practical effect of a law or practice.)

The phrase “vote dilution” does not appear in Section 2, but it has been part of the vocabulary of equal voting rights since the Supreme Court decided *Thornburg v. Gingles* in 1986 – still the leading case on the interpretation of

Section 2. Among other parts of that ruling, the Court said that a dilution claim could be made by minority voters only if they were a large enough group in their community to “constitute a majority” in a district that elects a single public official.

In the 22 years since *Gingles* was decided, the Supreme Court has never spelled out what “majority” means. It left that issue open in *Gingles* itself, and in five later decisions on Section 2’s scope. Lower courts are divided on the issue. Some have ruled that a “majority” only means a mathematical, literal majority – 50-plus percent of the population. Others have said that it can mean a coalition, including minority voters, that has the strength to control election outcomes.

Resolving that conflict is the task the Supreme Court has taken on in *Bartlett v. Strickland* (07-689). The question comes up in the context of drawing election districts – the process of “redistricting” that occurs after every ten-year national and state Census. In that setting, vote dilution can occur by packing too many minority voters into a single district, isolating them so that they can’t influence outcomes elsewhere, or by dispersing them among several districts so that they are not influential in any of them.

The appeal asks the Court to lay down the rule that it is a valid Section 5 claim of vote dilution for minority voters, even if they do not have an actual 50-plus majority in a district, if they have been able to form a coalition with non-minorities sufficient to elect the candidates that the coalition favors, and the coalition’s strength is diluted by a redistricting plan. If the Court does so, it would then be a violation of Section 2 to avoid creating a “coalition district” (sometimes called a “crossover district” or an “influence district”) if that can be done by recognizing political reality, or to dismantle an existing district that has been functioning as a “coalition district.”

The lawsuit involves the legality, under Section 2, of District 18 in the North Carolina House of Representatives, a district created by the legislature in 2003 to include parts of New Hanover and Pender Counties. Blacks make up 39.36 percent of the voting age population in District 18, and Democrats hold a 59-41 percent advantage in registered voters. The winner of the Democratic primary thus consistently wins the general election. The

legislature created District 18 as a “coalition district,” believing that doing so was necessary to avoid a Section 2 vote dilution challenge by black voters. With only limited crossover voting by whites, District 18’s black voters have repeatedly nominated and elected a black state representative – in fact, in each election since 1992.

In May 2004, Pender County and its county commissioners filed a lawsuit in state court, challenging House District 18 for having split up Pender County. The trial court ruled in favor of the District, finding the configuration was necessary to avoid diluting the votes of blacks in this “coalition district.” The North Carolina Supreme Court overturned that ruling, striking down District 18 as drawn. Section 2, that court said, requires a “bright-line rule” that a minority group has an actual majority – 50-plus percent – and District 18 had only a 39.36 percent black population. That decision was appealed to the Supreme Court last Nov. 21, and the Court granted review on Feb. 17.

Petition for Certiorari

Gary Bartlett, executive director of the state Board of Elections, joined by other state officials, sought Supreme Court review on a single question: “Whether a racial minority group that constitutes less than 50 % of a proposed district’s population can state a vote dilution claim under Section 2 of the Voting Rights Act, 42 U.S.C. sec. 1973.” The petition has two major points: first, the question at issue has been left open on five occasions by the Supreme Court and, as a result, there is confusion and division among lower courts, and, second, a new round of redistricting will follow the 2010 Census, and this case “likely stands as the last opportunity for the Court to resolve this split” before new district boundaries are drawn for Congress, state legislatures and other governing bodies. If the issue is not resolved now, the petition contended, “election districts will be drawn throughout the country with different standards used in different circuits.” And a decision now may help to head off having to draw new districts more than once after that Census.

The appeal is supported by other states, the League of Women Voters, the NAACP and black voters, and by two state legislators, in New York and Ohio. A significant historical fact is put before the Court in the NAACP

amicus brief: it used to be that minority voters would have to have 65 percent strength to have a real chance to choose a candidate of their choice, because of highly polarized voting along racial lines, but in recent years, such polarized voting has decreased in some places, making it possible for minorities who do not have a numerical majority to form coalitions with others and have the opportunity to prevail.

Opposing review, Pender County, N.C., officials and voters contended that the state Supreme Court decision was based, in significant part, upon its view that state law barred the division of counties. Thus, there was an adequate state law rationale for striking down District 18, and thus the Court should leave that decision intact. The officials contend that Congress has been well aware of the 50-plus rule as adopted in most lower courts, and has done nothing to amend Section 2 to counteract that trend.

Analysis

Three members of the Supreme Court – Justices Ruth Bader Ginsburg, David H. Souter and John Paul Stevens – have said that they do not support the 50-plus rule as the only measure of majority of a majority for purposes of a Section 2 vote-dilution claim. That is a fairly strong starting point for the challengers to the literal, mathematical approach. But perhaps an even stronger point, on their side, is that the Supreme Court has said that the 50-plus rule is not appropriate in deciding cases under another part of the Voting Rights Act of 1965 – its Section 5, requiring a number of states and other jurisdictions that formerly discriminating in voting to get pre-clearance in Washington for any changes they may in election laws or procedures (including redistricting). The Court in the 2003 decision in *Georgia v. Ashcroft* cited studies that “the most effective way to maximize minority voting strength” may be to create “coalition districts.”

One complicating factor, perhaps for conservative Justices, is the argument that Pender County has made that adopting a less-than-majority rule for minority voters under Section 2 would be to create a race-bases “special status” for those voters. The Voting Rights Act, the argument asserted, does not seek to assure minority voters of winning, but only a chance to compete. Even if the 50-plus rule were to be upheld, they added, minority voters

would still be able to form coalitions with some members of a district's majority group to elect candidates that all of them prefer.

[edit] Oral Argument Analysis

Lyle Denniston wrote the following analysis for SCOTUSblog.

If a legal formula on drawing new election districts to try to help minority voters has worked for more than 20 years, as the federal government insists, the Supreme Court might not have any interest in replacing it unless there were a clear and better alternative. The Court spent an hour Tuesday talking about different approaches, in *Bartlett v. Strickland* ((07-689), but found the inquiry confusing, frustrating and inconclusive. The odds seemed long that the meaning of Section 2 of the Voting Rights Act might be significantly modified.

The case involves an attempt, by North Carolina state officials, to do away with the requirement that, in order to complain that their voting strength will be illegally diluted by a districting plan, minority voters must have a 50-plus percentage majority before a district has to be drawn to give them a chance to prevail. The federal government, taking part in the case, argues that that formula has been followed successfully across the country for more than two decades and, if anything, needs only a little tweaking now to satisfy Section 2.

The state, however, is attempting to defend a plan, struck down by the state supreme court under the 50.1 percent rule, that has only a 39-plus percentage black population. In that particular district, enough white voters have joined ranks with the blacks to form a winning coalition — thus, theirs is a “coalition district.” The state’s appeal seeks Supreme Court approval of “coalition districts” as a way to avoid a Section 2 violation.

As the hearing Tuesday unfolded, the Court lurched between concern over putting new emphasis on race as a redistricting factor, puzzlement over where the percentage line might be drawn differently, unwillingness to get more deeply involved in second-guessing redistricting, and uncertainty over the way to judge how voters might act in the future as a key to making election arrangements in the present.

As soon as North Carolina's solicitor general, Christopher G. Browning, Jr., opened with a rhetorical plea for the Court to help foster "a society where race no longer matters," he immediately ran into complaints that the state was pushing for just the opposite.

To Browning's suggestion that "coalition districts" will help lead to "an integrated society," Chief Justice John G. Roberts, Jr., swiftly retorted: "How can you say that this brings us closer to a situation where race will not matter when it expands the number of situations in which redistricting authorities have to consider race?" Justice Anthony M. Kennedy soon chimed in: "Under your definition of coalition district, race is the key factor...And you are telling us if we have a rule that makes race the key factor then race doesn't matter."

Browning tried to show that, because of Section 2's focus on vote-dilution for black voters, race was a necessary factor in election line-drawing, but Kennedy said that was not so, that there was no prior case requiring that race be considered in drawing districts, and that "it's a new proposition that you are arguing for us here."

The Justices then turned to analyzing the implications of abandoning the 50-plus rule, testing Browning on where to draw the line, in the percentage of white crossover voters that would be needed before a state need not create a race-driven district to get around minority vote-dilution. He conceded, in general, that voting support from whites might grow so great that Section 2 would not require a correction to favor minority voters, but said "we're not there yet."

Justice Samuel A. Alito, Jr., interpreted the concession to mean that North Carolina was simply arguing for a different percentage figure than the other side's 50-plus, implying that there was no reason to switch just to be different. Alito tried without success to pin down the state's lawyer on when crossover white voting would be high enough to prevent minority candidates from routinely losing, and thus avert a Section 2 violation. The Chief Justice tried the same tack, as did Justice Antonin Scalia, but similarly got no direct answer.

Justice Ruth Bader Ginsburg came out in implied defense of the 50-plus approach, saying it was a bright-line approach and telling Browning that he did not have an alternative “that would give district courts and attorneys some degree of security” about “what’s in and what’s out.”

After exchanges over what Section 2 would require, in North Carolina’s view, in fashioning less-than-50 percent districts, Browning was broadly challenged by Justice Scalia, who said that “what you propose is going to inject courts into the drawing of districts much more frequently than they already are injected.... You just can’t wave a magic wand.” Legislatures, Scalia argued, are going to draw districts to favor incumbents, even if that is contrary to giving all voters a chance to prevail in their districts. “I have always regarded the 50 percent...thing as simply a self-protection prescription for the courts.”

The county officials and voters who opposed the specific state district at issue fervently embraced the 50-percent rule. Their attorney, Carl W. Thurman III of Wilmington, N.C., picked up on Justice Scalia’s contention that abandoning that rule would lead to “judicial involvement in many, many more situations,,” and would compel legislatures — contrary to the Voting Rights Act — to draw plans to maximize minority voting strength, not simply avoid dilution of it. He said that a switch in approach would affect every legislative body, across the board, because all of them must obey Section 2.

Thurman’s argument bogged down considerably as the Justices wondered why, during lower court proceedings in the case, the challengers had stipulated away a key point on proof that the defenders of the district had to offer to make a Section 2 complaint. He simply said that the maneuver was done simply to move the case along, but the Chief Justice said it complicated the case “on a rather critical point.”

When the hearing got back on track, on possible alternatives to the 50-percent rule, Thurman argued that abandoning that “very clear, very limited sort of rule” would lead to race becoming “the predominant factor in the redistricting decision.” Minorities with as little as 25 percent of a district’s population, he said, would be claiming vote-dilution.

Justice Stephen G. Breyer took Thurman through a lengthy exchange, reaching a bottom line in which the Justice suggested that a workable alternative rule would be one in which minority voters would be entitled to an election district if they had a minimum 2-to-1 ratio to white crossover voters. Taking the district at issue, Breyer noted, the 39-plus minority could prevail if it could garner support from an 11-plus white crossover vote.

“So,” Breyer said, “there’s a kind of natural stopping place... You insist that the black group had to be twice as many as the white group that crossed over. A little arbitrary, but at least we were getting to the right thing.” Thurman countered that, whenever “you start dropping below 50 percent,” minority voters are not being given an equal opportunity in elections, but a more than equal opportunity compared to other groups.

Justice John Paul Stevens suggested that “a rigid 51 percent rule assumes that the minority communities throughout the country are all alike,” but in reality different approaches might have to be taken in different communities, depending on local circumstances.

For the federal government, Daryl Joseffer, an assistant to the U.S. Solicitor General, arguing in favor of the challengers to the North Carolina district, sought to buttress the worries of some of the Justices that expansion of Section 2’s coverage would raise a host of problems, including “serious constitutional concerns,” including racial gerrymandering and partisan gerrymandering. He also argued that a new approach would “require difficult predictive judgments about how people would react, how people would vote in a future proposed district” — problems not encountered under the approach now being employed.

Joseffer did not argue, however, for a rigid 50-plus rule. He said the rule could have a built-in plus-or-minus factor of 2 percent. Calculating the percentages resulting from such variations, he argued, would not be more difficult than trying to determine when a group had 50 percent.

[edit] Opinion Analysis

Dividing 5-4, the Supreme Court ruled on Monday that federal voting rights law does not require the creation of a new legislative district when that

would include a racial minority group that has less than 50 percent of the population, as a remedy when minority voters' rights have been diluted. Only when a group of minority voters would form a majority in a single-member district must it be created as a remedy under Section 2 of the Voting Rights Act of 1965, the Court ruled in *Bartlett v. Strickland* (07-689).

Justice Anthony M. Kennedy's opinion decided the case, but spoke for only three of the Court's members; he was joined by Chief Justice John G. Roberts, Jr., and Justice Samuel A. Alito, Jr. Justice Clarence Thomas, joined by Justice Antonin Scalia, supported only the result, arguing that "vote dilution" claims of any kind simply are not allowed under the 1965 law.

Kennedy's plurality opinion did say that, if state legislatures wished to create a district when a minority group would have less than a 50 percent majority, federal law does not forbid that. That is usually considered a "crossover district" because minorities, while not having a majority, are able to attract enough white voters' support to elect their preferred candidates.

Still, Kennedy went on, the Court was not saying that legislatures could pass a law that would "entrench" a majority district in which minorities dominate; that would raise constitutional problems of its own, the opinion said.

[edit] **Settling an issue of race and politics**

Two starkly differing views of the contemporary role of race in American politics emerged in full view in the Supreme Court's wide-ranging new ruling on federal voting rights law. Both views start with the same premise, but end up in markedly different conclusions. Again, the Court is seen to be as deeply divided on the way out of the racial bind as the entire country may still be.

The opinion deals with an issue that has been considered so difficult that the Court has left it open repeatedly, including five times in the past quarter-century. The array of opinions finally resolving the question is further evidence of its complexity, both as a core legal question and as a wider cultural inquiry.

Both the plurality opinion of Justice Anthony M. Kennedy in *Bartlett v. Strickland* (07-689), and the principal dissent, by Justice David H. Souter, begin with the notion that it would be culturally and legally valuable if the nation could organize its politics with less focus on race. Both sides would like to see the races come together more often in political alliances, thereby reducing race as a dividing line at the polls and possibly even easing racial tension as a whole.

Justice Kennedy, while lamenting that “racial discrimination and racially polarized voting are not ancient history,” welcomes trends in the opposite direction that may be developing. He sees in the 1965 Voting Rights Act’s Section 2 — the provision at issue in *Bartlett* — as intending to “hasten the waning of racism in American politics.” And he welcomes “the voluntary cooperation our society has achieved.”

Justice Souter notes that “racial polarization has declined,” and writes approvingly of requiring “polarized factions to break out of the mold and form the coalitions that discourage racial divisions.” He credits Section 2, as interpreted judicially, as helping minority populations “elect representatives of their choice,” and potentially even more so, if allowed to break down polarization further.

But then the two main opinions part ways. Examining what Section 2 provides as a remedy, when minorities are in danger of losing significant electoral opportunity, both Kennedy’s and Souter’s legal conclusions and their broader perceptions differ significantly.

The contrast being drawn here is between the two main opinions. Justices Clarence Thomas and Antonin Scalia, while casting votes make a 5-4 majority for the outcome, took an entirely different view of Section 2 — one that would narrow its scope even more than Kennedy’s reasoning would.

The legal question in the case — one supposedly confined to interpreting a statute, not the Constitution — was whether Section 2 requires the creation of an election district in an area of a state where a racial minority makes up a sufficiently large bloc to be able to control elections, if they get some measure of support from white voters.

Kennedy's conclusion: Only if the minority has 50.01 percent or more of the population in the new district — that is, a numerical majority — does Section 2 make a new district necessary as a remedy for dilution of minority voting patterns in the former districting arrangement. Nothing in that provision, Kennedy said, commands a legislature to create a new district out of less than a majority of voters who are of a racial minority.

The result, for Kennedy, is that Section 2 does not mandate what are called “crossover districts.” When minority voters cannot “dictate electoral outcomes independently,” they have no right under that provision to creation of a district where they will need “assistance from others” in order to prevail. “Nothing in Section 2 grants special protection to a minority group's right to form political coalitions,” Kennedy's opinion says.

By contrast, Souter's conclusion: Even if minority voters in a new district would not have a majority — that is, their numbers fall below 50 percent — Section 2 should require as a remedy for vote dilution a district in which their numbers are large enough to “elect representatives of their choice,” even if to do so they will have to have crossover support from whites.

Souter does not set a fixed figure on how far below 50.01 percent the minority population must be in order to justify a “crossover” district. He does suggest that 25 percent would be too low, while 39 percent — the figure for the particular North Carolina legislative district at issue — would not be too low. For practical purposes, according to Souter, a 39 percent minority district where minorities have the potential to prevail — with crossover support — “is every bit as good as a 50 percent minority district.”

Kennedy comes to the legal conclusion he draws because of a broader concern: Deciding what the minimum figure would be (below 50.01 percent) would force those drawing up districts to pay much closer attention to racial factors. Determining where to draw the line, his opinion says, courts would be placed “in the untenable position of predicting many political variables and tying them to race-based assumptions.”

Kennedy adds: “There is an underlying principle of fundamental importance: We must be most cautious before interpreting a statute to require courts to

make inquiries based on racial classifications and race-based predictions.” To read Section 2 to compel “crossover districts,” keyed so closely to “racial assumptions,” would raise “serious constitutional problems,” as Kennedy views the matter.

This reflects Kennedy’s long-standing concern about using race as a deciding factor in determining public policy in general. His aspiration is to move government steadily away from race-based judgments, partly out of philosophical discomfort with such judgments, and partly out of a belief that society is making advances in racial understanding without being coerced.

For his part, Souter comes to his conclusion also out of a broader concern : If “crossover districts” are not allowed as remedies for vote dilution, then legislatures will simply resort to “packing” — that is, solving the problem of declining minority political clout, legislatures will simply create more districts in which minorities hold a clear majority. They will prevail, of course, but only in isolated districts that do not reflect their potential influence elsewhere in the state, where they could make coalitions with non-minority voters.

By insisting upon a majority of a racial minority in a remedial district, the plurality, according to Souter, “has done all it can to force the states to perpetuate racially concentrated districts, the quintessential manifestations of race consciousness in American politics.”

For all of the constitutional overtones of the decision, it still is a ruling about the meaning of a federal statute. It is thus up to Congress, if it wishes, to clarify what Section 2 means. (Justice Ruth Bader Ginsburg, in a brief dissenting opinion of her own, suggests just that.)

**UNION COUNTY
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT
Meeting Date: April 6, 2009**

Action Agenda Item No. 4/2
(Central Admin. use only)

SUBJECT: Drayton Hall Homeowners Association Agreement

DEPARTMENT: Legal

PUBLIC HEARING: Choose one....

ATTACHMENT(S):
E-mail from Cynthia Jones, attorney
for Drayton Hall HOA

INFORMATION CONTACT:
Jeff Crook

TELEPHONE NUMBERS:
704-283-3673

DEPARTMENT'S RECOMMENDED ACTION: Authorize County Manager to approve
agreement

BACKGROUND: In accordance with Section 83(a) of the Union County Land Use Ordinance, the developer of Drayton Hall subdivision deposited \$30,000 with Union County as surety to guarantee that the roads would be properly maintained until the offer of dedication was accepted by the North Carolina Department of Transportation. County and HOA attorneys have agreed to the terms of an agreement for transfer of these funds so that the HOA may make improvements to the roads. The developer of the property has agreed to the County's release of his deposit to the HOA.

When this matter came before the Board on March 16, Chairman Openshaw questioned whether the HOA was controlled by the developer. As indicated in the attached e-mail, Cynthia Jones, attorney for the HOA, assures us that this is not the case.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:



To: Trudy B Helms/UnionCounty,
Cc:
Bcc:
Subject: Fw: Drayton Hall

Please process the attached e-mail with the Drayton Hall agreement. Thanks.

----- Forwarded by Jeff Crook/UnionCounty on 03/17/2009 03:41 PM -----



RE: Drayton Hall

Jones, Cynthia to: Crook

03/17/2009 02:37 PM

The Association is no longer controlled by the developer. Was the agreement approved at the meeting? When is the next meeting?

Cynthia A. Jones
Attorney at Law
Direct: 704-716-0937
E-mail: CynthiaJones@HorackTalley.com
Visit Our Web Site: www.horacktalley.com

Horack Talley Pharr & Lowndes, P.A.
4701 Hedgemore Drive, Suite 812
Charlotte, NC 28209
Phone: 704-522-1575
Fax: 704-522-1736

From: Crook@co.union.nc.us [mailto:Crook@co.union.nc.us]
Sent: Tuesday, March 17, 2009 2:23 PM
To: Jones, Cynthia
Subject: RE: Drayton Hall

Prior to approval of this agreement, the Board requested that I confirm that the Homeowners Association is no longer controlled by the developer.

Please confirm in writing and I will provide to the Board at their next regular meeting. Thanks.

4/13
4/6/09

UNION COUNTY - CONTRACT CONTROL SHEET

Routing Order: (1) Department, (2) Attorney, (3) Risk Management, (4) Information Systems, (5) Finance, (6) IT, (7) County Manager

DEPARTMENT

EVERY FIELD IN THIS SECTION MUST BE COMPLETED

2215

Party/Vendor Name: Hamilton Moon Stephens & Martin, PLLC

Party/Vendor Contact Person: Keith J. Merritt Contact Phone: 704-227-1056

Party/Vendor Address to mail contract to (be sure this is accurate or it could delay the processing of this contract):

Address: 201 South College Street, Suite 2020 City: Charlotte State: NC Zip: 28244-2020

Department: Central Administration Amount: \$250/hr & \$220/hr.

Purpose: To Retain Keith Merritt to Serve as County Attorney

Budget Code(s)(put comma between multiple codes): _____

Amounts expended pursuant to this Agreement will be more than \$20,000. [Check if applicable]

TYPE OF CONTRACT: (Please Check One) New Renewal Amendment Effective Date: _____

If this is a grant agreement, pre-application has been authorized by the Board of Commissioners.

This document has been reviewed and approved by the Department Head as to technical content.

Department Head's Signature: _____ Date: _____

Approval by Board 4/6/07 **ATTORNEY** This document has been reviewed and approved by the

Approval by Manager (less than \$20,000) Attorney and stamp affixed thereto. Yes No

Approval by Manager per authorization of Board

Date of Board authorization: _____ Attorney's Signature: [Signature]

Approval by Manager subject to authorization by Board Date: 3/30/09

Date Board authorization requested: _____

Clerk to confirm authorization given _____

Use Standard Template **RISK MANAGEMENT**

[Include these coverages: CGL ; Auto ; WC ; Professional ; Property ; Pollution ; Nonprofit ; Technology E&O

OR See Working Copy OR No Insurance Required

Hold Contract pending receipt of Certificate of Insurance

With incorporation of insurance provisions as shown, this document is approved by the Risk Manager: _____

Risk Manager's Signature: [Signature] Date: 3/23/09

INFORMATION TECHNOLOGY DIRECTOR

(Applicable only for hardware/software purchase or related services)

This document has been reviewed and approved by the Information Systems Director as to technical content.

IT Director's Signature Date: _____

Date Received: _____ **BUDGET AND FINANCE**

Yes No -Sufficient funds are available in the proper category to pay for this expenditure.

Yes No -This contract is conditioned upon appropriation by the Union County Board of Commissioners of sufficient funds for each request for services/goods.

Budget Code: _____ Vendor No.: _____ Encumbrance No.: _____

Notes: _____

Yes No - A budget amendment is necessary before this agreement is approved.

Yes No - A budget amendment is attached as required for approval of this agreement.

Finance Director's Signature: _____ Date: _____

CLERK

Date Received: _____ Agenda Date: _____ Approved by Board: Yes No at meeting of _____

Signature(s) Required: Board Chairman/County Manager Finance Director Clerk

Attorney Information Tech. Director Other: _____

COUNTY MANAGER

This document has been reviewed and its approval recommended by the County Manager. Yes No

County Manager's Signature: _____ Date: _____

February 24, 2009

Mr. Lanny Openshaw
Chairman, Union County County Commissioners
500 N. Main Street
Room 925
Monroe, North Carolina 28112

Re: Representation of Union County, North Carolina

Dear Mr. Openshaw:

We are pleased that the Union County Board of Commissioners has selected Hamilton Moon Stephens Steele & Martin, PLLC to represent the County with respect to various legal matters. This letter is to confirm the basis upon which we are providing legal services to you as a client.

Professional Undertaking: We at Hamilton Moon Stephens Steele & Martin, PLLC, will strive to represent your interests efficiently and professionally. As we discussed, I will be the attorney primarily responsible for services rendered on your behalf. From time to time, we may also utilize other services of our attorneys and/or legal assistants to ensure that you are getting the best service at the most reasonable cost.

Fees: In billing for services we consider a number of factors, including time, complexity, risk, urgency, and level of expertise required. Time is the principal factor, and in most instances, our billing is based on the amount of time applied against our hourly rate. These rates are based upon the years of experience, specialization in training and practice, and level of professional attainment of person providing the service. In representing Union County we have agreed that for litigation matters we will charge \$250.00 per hour for all attorney timekeepers, and for general matters we will charge the County \$220.00 for all attorney timekeepers. From time to time, we may also utilize the services of paralegals whose hourly rates range from \$85.00 to \$140.00. Our rate schedule is reviewed on an annual basis, and with approval of the Board may be adjusted from time to time.

Cost or Expenses: We may incur expenses on your behalf for items such as long-distance telephone calls, photocopying, fax/telecopying, computerized legal research, travel costs, or other expenses which we advance on your behalf. These items are separately itemized on our statement and will be billed at our cost. However, travel time will be billed at one-half of normal hourly rates.

Billing: Our statements are prepared and mailed in the month following the month in which services are rendered and expenses incurred. Payment of a statement is due upon receipt.

Hamilton Moon Stephens Steele & Martin, PLLC

Page 2

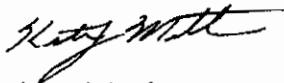
Termination: You have the right to terminate our representation at any time, with payment due for services rendered up to the time of such termination. Our firm would have the same right regarding termination, subject, of course, to reasonable notice to allow you to arrange alternative representation.

Retainer: No advance payment will be required to retain our services. However, we reserve the right to require a retainer at a later date, if needed.

Agreement: Please review this letter and, if you have any questions, please contact me. If the terms of this letter are acceptable please sign your name below as indicated and return the executed copy to me.

We appreciate the opportunity to represent you and to work with it on these matters.

Very truly yours,



Keith J. Merritt

KJM:hmk

Union County agrees to retain you and your firm as stated herein.

LANNY OPENSHAW
CHAIRMAN
UNION COUNTY BOARD OF
COMMISSIONERS

APPROVED AS TO LEGAL FORM 



UNION COUNTY LEGAL DEPARTMENT

JEFFREY L. CROOK, SENIOR STAFF ATTORNEY
COURTNEY RITCHIE, STAFF ATTORNEY
TRUDY HELMS, LEGAL ASSISTANT

AGENDA ITEM
44
MEETING DATE 4/6/09

500 NORTH MAIN ST., SUITE 826
MONROE, NC 28112

TO: The Union County Board of Commissioners
FROM: Jeffrey L. Crook, Senior Staff Attorney
RE: Waiver of Late Listing Penalties
DATE: March 20, 2009

Please find attached a letter from William L. Stark and Company on behalf of its client, Dale Jarrett Ford, Inc. requesting waiver of a late listing penalties in the amount of \$1,104.66. Also attached is an opinion from the Tax Administrator's office. This memo will address the legal options available to the Board regarding this matter.

Pursuant to G.S. ' 105-312(k), the Board of Commissioners does have authority to compromise late-listing penalties and interest *prior to payment by the taxpayer*. The applicable section reads as follows:

After a tax receipt computed and prepared as required by subsections (g) and (h) of this section has been delivered and charged to the tax collector as prescribed in subsection (j), above, *the board of county commissioners, upon the petition of the taxpayer, may compromise, settle, or adjust the county's claim for taxes arising therefrom*. The board of commissioners may, by resolution, delegate the authority granted by this subsection to the board of equalization and review, including any board created by resolution pursuant to G.S. 105-322(a) and any special board established by local act. [Emphasis Added]

You will note that the statute prescribes no standards for when such compromise is appropriate. Rather, the Board must consider each such request separately on its merits.

This authority to compromise late listing penalties applies only so long as the tax bill remains unpaid by the taxpayer. If the tax bill has been paid, then any refund must be made in accordance with G.S. ' 105-381 which authorizes refunds in only three circumstances; (i) a tax imposed through clerical error; (ii) an illegal tax; and (iii) a tax imposed for an illegal purpose. It is my understanding that in this case the taxes have been paid in full by the taxpayer. Thus, the Board does not have authority at this point to compromise the late listing penalty. The taxpayer may request a refund pursuant to G.S. ' 105-381, but I do not find in the supporting documentation where such refund would be warranted.

Although the statute provides no guidance as to when compromise is appropriate, I would recommend that the Board not compromise late-listing penalties absent a showing that the taxpayer would be unfairly penalized or that payment of the claim is unduly burdensome. I would note that in my opinion, such showing has not been made in this case, even had the opportunity for compromise not been foreclosed by payment of taxes.

Approval by the Board of this item on the Consent Agenda shall constitute denial of the request for waiver of the late listing penalty made by William L. Stark and Company on behalf of Dale Jarrett Ford, Inc.

Please let me know if you have any questions.

cc: Al Greene, County Manager (via agenda packet)
John Petoskey, Tax Administrator (by e-mail, w/o enclosures)
Lynn West, Clerk to the Board (for April 6, 2009, agenda)



UNION COUNTY
Office of the Tax Administrator
300 N. Main Street
P.O. Box 97
Monroe, NC 28111-0097

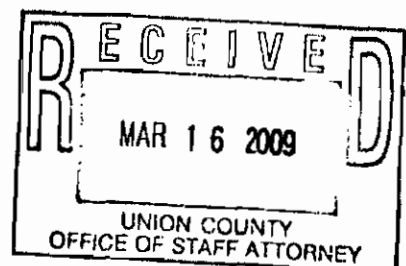
704-283-3746
704-283-3616 Fax

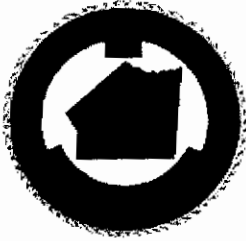
John Petoskey
Tax Administrator

INTEROFFICE MEMORANDUM

TO: Jeff Crook, Staff Attorney
FROM: John Petoskey, Tax Administration *J.P.*
SUBJECT: Dale Jarrett Ford late listing penalty appeal
DATE: March 16, 2009
Cc:

I have received the attached appeal of the late listing penalty from William L. Stark and Company on behalf of their client, Dale Jarrett Ford. I concur with the attached recommendation from the Personal Property Division Supervisor to deny the request for waiver of the late listing penalty.

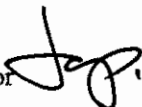




UNION COUNTY
Office of the Tax Administrator#
Collections Division
500 N. Main St. Ste 119
P.O. Box 38
Monroe, NC 28111-0038

AGENDA ITEM
4 | 5a
MEETING DATE 4-6-09
704-283-3848
704-283-3897 Fax

TO: Lynn West
Clerk to the Board

FROM: John Petoskey
Tax Administrator 

DATE: March 16, 2009

SUBJECT: Departmental Monthly Report

The collector's monthly/year to date collections report for the month ending February 28, 2009 is attached for your information and review.

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

Attachment

VH/PH

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

FEBRUARY 28, 2009 REGULAR TAX	2010	2009	2008	2007	2006
BEGINNING CHARGE		217.32	143,686,570.68	116,278,104.04	96,254,906.07
DISCOVERIES	3108.07	249,282.62	6,851.54		
FARM DEFERMENTS					
RELEASES	-3108.07	(27,003.93)	(39,154.80)	(1,983.52)	(1,723.22)
TOTAL CHARGE	-	222,496.01	143,654,267.42	116,276,120.52	96,253,182.85
BEGINNING COLLECTIONS		217.32	131,699,901.12	115,062,952.56	95,720,207.68
COLLECTIONS		9,474.01	2,944,835.76	74,241.31	21,855.39
TOTAL COLLECTIONS	-	9,691.33	134,644,736.88	115,137,193.87	95,742,063.07
BALANCE OUTSTANDING	-	212,804.68	9,009,530.54	1,138,926.65	511,119.78
PERCENTAGE OF REGULAR	0.00%	0.00%	93.73%	99.02%	99.47%
FEBRUARY 28, 2009 MOTOR VEHICLE					
BEGINNING CHARGE			8,364,678.23	12,060,394.70	10,334,718.58
9TH M/V BILLING			781,715.22		
ASSESSOR RELEASE			(7,698.54)	(707.28)	(231.46)
ASSESSOR REFUND			(983.38)	(229.88)	(115.62)
COLLECTOR RELEASE			(4,799.18)	(721.40)	
COLLECTOR REFUND			(2,606.99)	(513.38)	
REIMBURSEMENTS			5,245.03	911.57	111.19
ADJUSTMENTS			28.12	2.59	
TOTAL CHARGE		-	9,135,578.51	12,059,136.92	10,334,482.69
BEGINNING COLLECTIONS			6,519,951.54	11,721,304.38	10,225,007.08
COLLECTIONS			849,124.58	64,771.31	4,917.07
TOTAL COLLECTIONS		-	7,369,076.12	11,786,075.69	10,229,924.15
BALANCE OUTSTANDING			1,766,502.39	273,061.23	104,558.54
PERCENTAGE OF MOTOR VEHICLE		0.00%	80.66%	97.74%	98.99%
OVERALL CHARGED		222,496.01	152,789,845.93	128,335,257.44	106,587,665.54
OVERALL COLLECTED		9,691.33	142,013,813.00	126,923,269.56	105,971,987.22
OVERALL PERCENTAGE		0.00%	92.95%	98.90%	99.42%

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

FEBRUARY 28, 2009 REGULAR TAX	2005	2004	2003	2002
BEGINNING CHARGE	86,250,225.54	75,938,655.70	60,651,778.59	51,673,996.14
DISCOVERIES				
FARM DEFERMENTS				
RELEASES	(1,718.95)	(1,330.31)	(13.86)	(13.08)
TOTAL CHARGE	86,248,506.59	75,937,325.39	60,651,764.73	51,673,983.06
BEGINNING COLLECTIONS	85,969,263.31	75,752,028.54	60,524,633.88	51,584,065.32
COLLECTIONS	2,765.22	1,213.69	1,530.64	749.59
TOTAL COLLECTIONS	85,972,028.53	75,753,242.23	60,526,164.52	51,584,814.91
BALANCE OUTSTANDING	276,478.06	184,083.16	125,600.21	89,168.15
PERCENTAGE OF REGULAR	99.68%	99.76%	99.79%	99.83%
FEBRUARY 28, 2009 MOTOR VEHICLE				
BEGINNING CHARGE	10,040,571.99	-	-	-
9TH M/V BILLING		-	-	-
ASSESSOR RELEASE	(120.96)	-	-	-
ASSESSOR REFUND		-	-	-
COLLECTOR RELEASE	(24.10)	-	-	-
COLLECTOR REFUND		-	-	-
REIMBURSEMENTS	375.84	-	-	-
ADJUSTMENTS		-	-	-
TOTAL CHARGE	10,040,802.77	-	-	-
BEGINNING COLLECTIONS	9,961,172.01	-	-	-
COLLECTIONS	1,989.76	-	-	-
TOTAL COLLECTIONS	9,963,161.77	-	-	-
BALANCE OUTSTANDING	77,641.00	-	-	-
PERCENTAGE OF MOTOR VEHICLE	99.23%			
OVERALL CHARGED	96,289,309.36	75,937,325.39	60,651,764.73	51,673,983.06
OVERALL COLLECTED	95,935,190.30	75,753,242.23	60,526,164.52	51,584,814.91
OVERALL PERCENTAGE	99.63%	99.76%	99.79%	99.83%

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

FEBRUARY 28, 2009 REGULAR TAX	2001	2000	1999	1998
BEGINNING CHARGE	48,122,732.72	43,553,051.95	40,736,778.57	37,964,034.52
DISCOVERIES				
FARM DEFERMENTS				
RELEASES				
TOTAL CHARGE	48,122,732.72	43,553,051.95	40,736,778.57	37,964,034.52
BEGINNING COLLECTIONS	48,057,193.45	43,508,705.50	40,697,626.43	37,936,338.49
COLLECTIONS	336.79	89.61	33.45	3.78
TOTAL COLLECTIONS	48,057,530.24	43,508,795.11	40,697,659.88	37,936,342.27
BALANCE OUTSTANDING	65,202.48	44,256.84	39,118.69	27,692.25
PERCENTAGE OF REGULAR	99.86%	99.90%	99.90%	99.93%
FEBRUARY 28, 2009 MOTOR VEHICLE				
BEGINNING CHARGE	-	-	-	-
9TH M/V BILLING	-	-	-	-
ASSESSOR RELEASE	-	-	-	-
ASSESSOR REFUND	-	-	-	-
COLLECTOR RELEASE	-	-	-	-
COLLECTOR REFUND	-	-	-	-
REIMBURSEMENTS	-	-	-	-
ADJUSTMENTS	-	-	-	-
TOTAL CHARGE	-	-	-	-
BEGINNING COLLECTIONS	-	-	-	-
COLLECTIONS	-	-	-	-
TOTAL COLLECTIONS	-	-	-	-
BALANCE OUTSTANDING	-	-	-	-
PERCENTAGE OF MOTOR VEHICLE				
OVERALL CHARGED	48,122,732.72	43,553,051.95	40,736,778.57	37,964,034.52
OVERALL COLLECTED	48,057,530.24	43,508,795.11	40,697,659.88	37,936,342.27
OVERALL PERCENTAGE	99.86%	99.90%	99.90%	99.93%

REFUNDS MARCH 2009

Acct #	Name	Real Value	UCGT	CSGT-999	HembyG	StallGT	WaxhawGT	WesleyG	StackFF	Totals
2008										
08093023G	REYNOLDS WILLIAM DALTON & CANDICE M	52,050	346.13							346.13
07099217	RIDDLE RONALD L & MERLE	194,540	1,293.69			78.98				1,372.67
08267010E	PRICE ARCHIE VAUGHN & PATRICIA DIANE	65,250	433.92							433.92
06102062	LONG KEITH E & BOBBIE L LONG	11,150	74.15					2.13		76.28
04114010A	BROOKS ANGELA C ROLLINS	120,740	802.92						50.00	852.92
04231037	THERRELL TOMMY L & WIFE BOBBY M	25,460	169.31							169.31
06102031	MARKHAM MICHAEL H & WF ANGELA B	16,760	111.45					3.20		114.65
06159364	RYLAND GROUP IN (THE)	259,030	1,722.55				64.24			1,786.79
07117377	SOKOL SEVERIN & LILLIAN	25,940	172.50			10.54				183.04
K8321178	RUTLEDGE ALLAN R JR & WF	21,500	142.97		10.60					153.57
D8321178	RUTLEDGE ALLAN R JR & WF	21,500	142.97							142.97
K8321169	WHITE VALORIE & PAULA BAUCOM	21,500	142.97		10.60					153.57
04114010A	BROOKS ANGELA C ROLLINS	91,340	556.65						30.00	586.65
										-
										-
Totals - 2008		926,760	6,112.18	-	21.20	89.52	64.24	5.33	80.00	6,372.47
2007										
08093023G	REYNOLDS WILLIAM DALTON & CANDICE	52,050	370.12							370.12
06102062	LONG KEITH E & BOBBIE L LONG	12,530	89.10					2.10		91.20
07117377	SOKOL SEVERIN & LILLIAN	25,230	179.41			6.61				186.02
										-
Totals - 2007		89,810	638.63	-	-	6.61	-	2.10	-	647.34
2006										
06102062	LONG KEITH & BOBBIE L LONG	12,530	79.78					1.90		81.68
07117377	SOKOL SEVERIN & LILLIAN	25,230	160.64			11.20				171.84
Totals - 2006		37,760	240.42	-	-	11.20	-	1.90	-	253.52
			240.42	-						
2005										
07117377	SOKOL SEVERIN & LILLIAN	25,230	141.29	17.66		9.84				168.79
Totals - 2005		25,230	141.29	17.66	-	9.84	-	-	-	168.79
GRAND TOTALS - ALL YEARS		1,079,560	7,132.52	17.66	21.20	117.17	64.24	9.33	80.00	7,442.12

 AGENDA ITEM
 4/5b
 MEETING DATE 4/6/09

RELEASES MARCH 2009

Acct #	Name	Release #	Real Value	Pers. Value	UCGT	UCLL	CSGT-99	CSLL-99	HembyGT	HembyL	SpringsGT	StallGT	WaxhawGT	WesleyGT
2009														
50100558	WESLEY CHAPEL FAMILY DENTISTRY	5383		413,014										
50101353	MARILYN R WORLEY LIVING TRUST	5391		40,858	243.67	84.32	15.27	7.68						6.55
06048395	HAWA TAMMY L & SHIMON S	5397	332,500		2,364.41									
06048230	ASHLEY-WILKINSON LORRAINE	5398	219,500		1,560.86									
06048222	NESBITT THOMAS & KATHLEEN P	5399	204,000		1,450.64									
06048223	GIAIMO MICHAEL & MICHAELA	5400	232,150		1,650.82									
06048225	KIPP NOREEN ANN & WILLIAM	5401	205,950		1,464.51									
06048226	MORRILL GINA M & STEVEN W ROGISH	5402	205,958		1,464.57									
06048228	ASBURY ANDREW JENNINGS & KATIE OEHL	5403	225,500		1,603.53									
06048229	CHANDLER RICHARD R & AMY F	5404	212,583		1,511.68									
06048395	HAWA TAMMY L & SHIMON S	5405	332,500											55.53
06048230	ASHLEY-WILKINSON LORRAINE	5406	219,500											36.66
06048222	NESBITT THOMAS & KATHLEEN P	5407	204,000											34.07
06048223	GIAIMO MICHAEL & MICHAELA	5408	232,150											38.77
06048225	KIPP NOREEN ANN & WILLIAM	5409	205,950											34.39
06048226	MORRILL GINA M & STEVEN W ROGISH	5410	205,958											34.40
06048228	ASBURY ANDREW JENNINGS & KATIE OEHL	5411	225,500											37.66
06048229	CHANDLER RICHARD R & AMY F	5412	212,583											35.50
50101435	MCCLOSKEY ADAM D	5434		15,290	101.68	10.17								2.92
50099839	CAROLINA WOODWORKS AND LAMINATES	5437		67,725		45.04								
Totals - 2009			3,676,282	536,687	13,416.37	139.53	15.27	7.68	-	-	-	-	-	316.45
2008														
01141002	MORGAN RANDY MARK	5379	14,150		210.34									
50099294	CAROLINA EQUIPMENT EXCHANGE	5392		900,924	5,991.15							365.77		
05012002	TYSON CLAUDE BILLY	5394	478,990		3,185.28						146.58			
08126012E	MICAL MARY LITTLE	5395	108,170		719.33									
50091700	MCELROY STEVEN	5396		40,100	1.99	18.21			0.14	1.35				
09397062	CASCADES PROPERTY OWNERS ASSOCIAT	5424	43,500		289.27									
09397084	CASCADES PROPERTY OWNERS ASSOCIAT	5425	27,900		185.53									
06030169	NEW TOWNE VILLAGE HOMEOWNERS ASSI	5426	239,290		1,591.27						73.22			
06207112	THERRELL R DOUGLAS FAMILY LIMITED PAI	5427	129,530		8,582.02									
07093263	BROOK VALLEY COMMUNITY ASSOCIATION	5428	27,010		179.62									
06162386	SANDLER AT UNION LLC	5429	35,000		232.75								8.68	
05039080A	ABBOTT KENNETH B & BEVERLY H	5430	5,550		36.91								1.38	
03135034	SELLARS TIMOTHY & VICKIE	5431	46,020		306.03									
D8321169	WHITE VALORIE & PAULA BAUCOM	5432	21,500		142.98									
01117031	C R NESBIT CO INC	5433	700		4.66									
50099946	MORRISON HENDERSON & JANIE	5435		7,960	52.93						2.44			
50099969	GREENE CHARLES CLAYTON & DORIS LEE	5436		1,000	6.65									

452
 AGENDA ITEM
 MEETING DATE 4/6/09

RELEASES MARCH 2009

Acct #	Name	Release #	Real Value	Pers. Value	UCGT	UCLL	CSGT-99	CSLL-99	HembyGT	HembyL	SpringsGT	StallGT	WaxhawGT	WesleyGT
Totals - 2008			1,177,310	949,984	21,718.71	18.21	-	-	0.14	1.35	222.24	365.77	10.06	246.49
2007														
01141002	MORGAN RANDY MARK	5380	12,490		177.14									
Totals - 2007			12,490	-	177.14	-	-	-	-	-	-	-	-	-
2006														
01141002	MORGAN RANDY MARK	5381	12,490		141.54									
Totals - 2006			12,490	-	141.54	-	-	-	-	-	-	-	-	-
2005														
01141002	MORGAN RANDY MARK	5382	13,710		124.49		15.56							
Totals - 2005			13,710	-	124.49	-	15.56	-	-	-	-	-	-	-
GRAND TOTALS - ALL YEARS			4,892,282	1,486,671	35,578.25	157.74	30.83	7.68	0.14	1.35	222.24	365.77	10.06	562.94

RELEASES MARCH 2009

Acct #	Name	Release #	Real Value	Pers. Value	WesleyLL	BakersFF	LanesCr FF	New SalemFF	WesleyTT	Totals
Totals - 2008			1,177,310	949,984	-	4.02	45.00	55.00	-	22,686.99
2007										
01141002	MORGAN RANDY MARK	5380	12,490							177.14
Totals - 2007			12,490	-	-	-	-	-	-	177.14
2006										
01141002	MORGAN RANDY MARK	5381	12,490							141.54
Totals - 2006			12,490	-	-	-	-	-	-	141.54
2005										
01141002	MORGAN RANDY MARK	5382	13,710							140.05
Totals - 2005			13,710	-	-	-	-	-	-	140.05
GRAND TOTALS - ALL YEARS			4,892,282	1,486,671	2.62	4.02	45.00	55.00	68.15	37,111.79

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 6 April 2009

Action Agenda Item No. 4/6
(Central Admin. use only)

SUBJECT: Fiscal Year 2009-2010 Grant Application for the Criminal Justice Partnership Program

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

ATTACHMENT(S):
Grant Application with 8 Attachments

INFORMATION CONTACT:
Matthew Delk, Asst. Manager

TELEPHONE NUMBERS:
704-283-3656

DEPARTMENT'S RECOMMENDED ACTION: Approve the staff to submit the CJPP grant application.

BACKGROUND: The Criminal Justice Partnership Program is a local community-based corrections program funded by the State and administered at a local level. Union County appoints representatives to a CJPP board, as defined by statute, that supervises a substance abuse treatment program for court-ordered offenders. The County requests the funds annually, and contracts with First Step-CMC Union to provide the program.

FINANCIAL IMPACT: None. The grant requires no County match.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

Criminal Justice Partnership Program

Application for Continuation of Implementation Funding

FY 2010 - from July 1, 2009 to June 30, 2010

Due in the CJPP Coordinator's Office by March 31, 2009

County: **Union**

Grant Number: **90-0709-I-A** County Operations
 Contractual Service

Contact Person: **Matthew Delk**
 Phone: **704-283-3656**
 Fax: **704-282-0210** Email:

Note:

This application is to be used for the continuation of implementation grant funding only.
 New programs must complete a full application in accordance with Section IV.A of the CJPP Policies and Procedures.

1. County Manager/Authorizing Official

Name **Al Greene**
 Title **County Manager**
 Address **500 N. Main St
 Monroe, NC 28110**
 Phone **704-292-2625**
 Fax **704-282-1021**
 Email **agreene@co.union.nc.us**

Signature

2. Fiscal Agent

Name **Kai Nelson**
 Title **Finance Officer**
 Address **500 N. Main St
 Monroe, NC 28110**
 Phone **704-283-3813**
 Fax **704-225-0664**
 Email **knelson@co.union.nc.us**

Signature

3. CJPP Local Advisory Board Chair

Name **Michael Runge**
 Title **Board Chair**
 Address **598 Indian Trail Rd Ste 135
 Indian Trail, NC 28079**
 Phone **704-391-3737**
 Fax **704-391-3736**
 Email **michaelrunge@carolina.rr.com**

Michael A. Runge

4. Total Grant Award Amount 125,407.00

5. Program Type

Indicate the type(s) of CJP program(s) operated. (Check all that apply)

Day Reporting Center
 Sat. Substance Abuse Treatment
 Resource Center

Signature

6. Date Approved

2/23/2009

Approved By

CJPP Local Advisory Board
County Board of Commissioners

7. Sentenced Offender Program

A. Program Information

Provide Name, Address, and Phone/Fax/Email of Program

BHC First Step @ CMC-Union
PO Box 5003
Monroe, NC 28111

Program Director Name Dorsey Ward

B. Program Administration (for Contractual Programs only)

Provide Name, Title, Address, and Phone/Fax/Email of Director, Administrator or Contact Person

Dorsey Ward, MSW, LCAS
Director
BHC First Step
PO Box 5003
Monroe, NC 28111
Phone- 704-290-5030
Fax - 704-289-8784

8. Program Modifications

A. Check All Proposed Changes in the Following Program Components.

B. For Each Checked, Describe Current Program Component, followed by Proposed Program Component.

- Program Goals and Objectives
- Program Activities
- # of Offenders Served
- Offenders Targeted
- Program Administration
- Administrative Fees
- Program Staffing

A portion of the Clinical Supervisor position that supervises the CJPP counselors assigned to this program has been added for 09-10 year.

- Contracts
- MOA's
- Job Descriptions for

County Employees

Other

Other

9. Sentenced Offender Program Goals and Objectives Description

**(Refer to CJPP Legislation as a guide to the definitions of Goals and Objectives)
State the GOALS of the program in terms of the long-term effect the program is designed to have, and a list of measurable OBJECTIVES to meet those goals.**

Goals

Objectives to meet Goal

Provide an additional sentencing option for Intermediate Probationers who manifest a substance abuse or dependency problem.

1. Screen 100% of referrals from DCC and TASC.
2. Serve at least 50 referrals annually who meet criteria for the program.
3. Maintain an average caseload of 10-15 referrals active in the treatment program at BHC First Step.

Provide offenders with the knowledge and tools of treatment sufficient to reduce recidivism and probation revocations.

1. Provide either Regular IOP or Intensive IOP to 100% of those referrals admitted to the treatment program.
2. Provide random drug screening to 100% of persons in treatment.
3. Program to achieve a 35% or better ongoing completion rates evidenced by State database reports.
4. Continuing Care support services will be offered to all those who complete the treatment program.

Provide necessary ancillary services to support an alcohol and drug free lifestyle outside the program.

1. 100% of program participants will have the opportunity to experience AA and NA groups while in treatment.
2. 100% of those persons eligible for vocational services will be referred to the VR Program.
3. 100% of those who cannot remain clean and sober in outpatient treatment will be referred to a more appropriate level of care.

10. Program Capacity Data

Sentenced Offender

Provide the following information regarding program services:

[A] 1. What was the actual TOTAL number of people served during FY 2007 - 2008?

44

2. What is the estimated TOTAL number of people to be served during FY 2008 -

2009? * 54
 3. What is the estimated TOTAL number of people to be served during FY 2009 - 50
 2010? *

* Consider treatment slots, length of time in treatment, and total budget when estimating total number of people served.

[B] Check all services that apply		On Site	Off Site
[1] <input checked="" type="checkbox"/> Substance Abuse Treatment	<input checked="" type="checkbox"/> Assessment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/> ROPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/> IOPT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Support Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/> After Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Drug Screens	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
[2] <input type="checkbox"/> Educational Services		<input type="checkbox"/>	<input type="checkbox"/>
[3] <input type="checkbox"/> Job Development Services		<input type="checkbox"/>	<input type="checkbox"/>
[4] <input checked="" type="checkbox"/> Cognitive Behavioral Intervention		<input checked="" type="checkbox"/>	<input type="checkbox"/>
[5] <input type="checkbox"/> Domestic Violence Services		<input type="checkbox"/>	<input type="checkbox"/>
[6] <input type="checkbox"/> Life Skills		<input type="checkbox"/>	<input type="checkbox"/>
[7] <input type="checkbox"/> Sex Offender		<input type="checkbox"/>	<input type="checkbox"/>
[8] <input checked="" type="checkbox"/> Others	Inpatient detoxification	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Service Provider Information

[A] List the NON-CONTRACTED (i.e., services at NO COST to CJPP) Service Providers to the program. Attachment 2

Attach a Copy of Memorandums of Agreement (MOA's) in attachment section for FY 2009 - 2010. MOA's should be maintained in Program files on site.

Department of Community Correction (DCC) - Union County
 Treatment Accountability for Safer Communities (TASC)

[B] List the CONTRACTED (i.e., services at COST to CJPP) Service Providers to the program. Attachment 3

Attach a Copy of Proposed or Signed Contracts in attachment section for FY 2009 - 2010. Contracts should be maintained in Program files on site.

Contract between Union County and CMC-Union attached.

Please Note: Attachments are required for contracts and MOA's for FY 2009 - 2010.

12. Project Income

Does the program anticipate receiving any Project Income?

No

Yes (Attach a completed "Project Income Report" form) Attachment 8

Submit one (1) Original and two (2) copies of Application and Attachments, including budgets.

Attachment Check List

Attach the following in this order:

Attachment	Attached?	Reason, if Not Attached
1. Job Descriptions for all modified CJP Program Positions	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Clinical Supervisor job description
2. Copies of All MOA's for FY 2009 - 2010 for Service Providers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DCC and TASC
3. Copies of All Proposed or Signed and Executed Contracts for FY 2009 - 2010 for Service Providers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Union County and CMC-Union hospital
4. Copy of facility license and proof of appropriate certification or registration with certifying board.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	State of North Carolina
5. Monthly or Weekly Calendar detailing Services Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
6. Local CJPP Advisory Board Members and Terms	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
7. Budget Line Item Justification Form	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
8. Budget Summary Form	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
9. Project Income Report (if applicable)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
10. Information regarding all funding sources beyond CJPP funds (Grants, County Funds, etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A

NOTE: Please number your attachments and submit in the order indicated above.
Return to Form Selection Page



Carolinan Healthcare System

Job Description

Title: ADULT CHEMICAL DEPENDENCY CLINICAL SUPERVISOR

Job Code: 0637

Effective Date: May 16, 2008

JOB SUMMARY:

Functions as the Clinical Supervisor for all counseling staff, **including staff assigned to the Criminal Justice Partnership Program (CJPP)**. Consults, collaborates and works in conjunction with the Nurse Manager, Medical Director and Director in service delivery to patients. Reports to and functions under the direction of the BHC First Step Director.

ESSENTIAL FUNCTIONS:

Supervises all assessments and evaluations on prospective patients, admitted patients and family members (or significant others) in order to formulate and implement comprehensive treatment plans.

Conducts and schedules staff consultations and assessments on prospective and recently admitted patients.

Conducts treatment planning meetings and provides direct supervision to clinical staff members; provides clinical chart supervision.

Serves as primary point of contact with the Union County Division of Community Corrections (DCC) supervisor in coordinating the CJPP program with that office.

Serves as primary point of contact with the CJPP Regional Specialist in coordinating the program with the State Division of Correction (DOC).

Supervises the activities of the department Secretary in support of the CJPP program.

Insures sound and ethical provision of treatment by all supervisees.

Write reports on patient progress, ongoing evaluations, assessments, psychosocial histories and general correspondence. Maintains accurate and detailed medical records; completes necessary patient documentation.

Adheres to the Confidentiality and Ethics requirements of the BHC First Step Policies and Procedures.

Insures that reasonable clinical measures have been established and implemented to assist patients in dealing with and ameliorating crisis.

Assists Director in assessing and developing program effectiveness.

Assists staff in identifying and managing "difficult" cases.

Writes initial performance appraisals for clinical staff.

Resolves, with the Director, high-risk management and staff issues.

Assists the Director and Nurse Manager in the writing and review of policies and procedures.

Conducts Performance Improvement studies and reports results to Director and staff. Assist in the development of Performance Improvement guidelines and areas of development.

Serves as treatment team's Lead Clinician to formulate and monitor the treatment team's clinical activities.

Coordinates staff training and career development for each staff person under supervision.

MARGINAL FUNCTIONS:

Will serve as the "On Call manager" on a regular rotation with other unit managers.

PHYSICAL REQUIREMENTS:

Works in patient care areas including hospital units, emergency room, individual offices and conference areas with exposure to potentially combative and hostile patients. Work requires frequent moving from one area to another, answering phone calls and coordinating and communicating with staff persons in various disciplines and agencies.

EDUCATION, TRAINING, AND EXPERIENCE:

Master's Degree in psychology or social work. Licensure as an Addictions Counselor required and certification as a Clinical Supervisor in North Carolina preferred. Eligibility for licensed professional counselor or licensed clinical social work. A minimum of three (3) years of clinical experience in the chemical dependency/mental health areas.

PATIENT POPULATION SERVED:

Demonstrates knowledge of the principles of growth and development and possesses the ability to respond to age specific issues and data reflective of the patient's status.

Demonstrates the knowledge and skills necessary to provide care for the following age groups:

N/A Neonate Infant Child Adolescent Adult Geriatric

Will limit access to protected health information (PHI) to the information reasonably necessary to do the job. Will share information only on a need to know basis.

Individual access to computerized health information will be controlled via user ID and password. Access will be limited based on reasonable determinations regarding the individual's position and/or department.

MACHINE, TOOLS AND EQUIPMENT:

REPORTING RELATIONSHIPS:

Supervised by: DIRECTOR
Supervises: COUNSELOR I & II
Promoted to:

APPROVALS:

NAME _____ TITLE _____ DATE _____

NAME _____ TITLE _____ DATE _____

NAME _____ TITLE _____ DATE _____

The above statements are intended to describe the general nature and level of work being performed by people assigned this job classification. They are not to be construed as an all-inclusive list of all duties, skills, and responsibilities of people so assigned.

**MEMORANDUM OF AGREEMENT
BETWEEN THE
UNION COUNTY CRIMINAL JUSTICE PARTNERSHIP PROGRAM (aka BHC
First Step at CMC-Union)
AND
TREATMENT ACCOUNTABILITY FOR SAFER COMMUNITIES (TASC)**

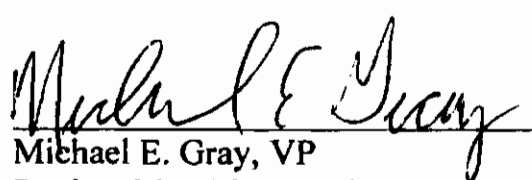
THE UNION COUNTY CRIMINAL JUSTICE PARTNERSHIP PROGRAM (aka BHC First Step at CMC-Union) agrees to:

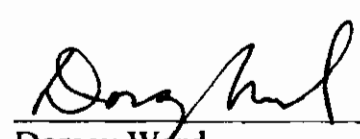
- Screen referred TASC offenders for Criminal Justice Partnership Program (CJPP) eligibility
- Provide treatment and necessary ancillary services for all offenders meeting the eligibility criteria for CJPP and OMM (Offender Management Model);
- Monitor an individual service plan based on the results of the assessment and update the service plan based on treatment progress, collateral contacts and case staffings;
- Obtain appropriate releases to include TASC
- Drug test to monitor compliance and to support sobriety while the offender is participating in the CJPP;
- Participate in regular case staffings with the appropriate staff;
- Integrate current DCC (Department of Community Correction) and TASC violation/non-compliance policies into the OMM;
- Assist in the needs of target populations for which substance abuse services appear to be indicated and to communicate findings to TASC for the purpose of coordinating the provision of such services.

TREATMENT ACCOUNTABILITY FOR SAFER COMMUNITIES (TASC) agrees to:

- Screen and clinically assess all appropriate referrals;
- Provide care management services for all offenders meeting the eligibility criteria;
- Manage the offender's progress in the recommended level of care;
- Obtain appropriate releases of information to allow the exchange of information between DCC, TASC, and CJPP;
- Participate in regular case staffings with the appropriate DCC, TASC, and CJPP staff;
- Integrate current DCC, TASC, and CJPP violation/non-compliance policies into the OMM and provide assistance in reporting non-compliance/violations to court;

This agreement will be effective when signatures are affixed upon each of two (2) copies, each of which is to be considered an original. This agreement shall commence July 1, 2009 and expire June 30, 2010 and may be terminated by written notice by either party.


 Michael E. Gray, VP
 Regional 3 TASC Services
 2/25/09
 Date


 Dorsey Ward
 CJPP (aka BHC – First Step)
 3-10-09
 Date

**Memorandum of Agreement
Between
The Union County Criminal Justice Partnership Program
(aka BHC First Step at CMC-Union)
And
The Division of Community Corrections
Judicial District 520b
For Fiscal year 2009-2010**

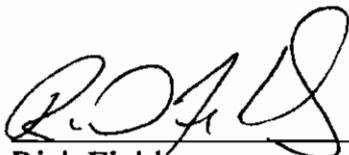
The Union County Criminal Justice Partnership Program (aka BHC First Step at CMC-Union) agrees to:

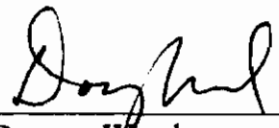
- Meet individually with Probation Officers to seek referrals and to coordinate care for probationers served by the Criminal Justice partnership program (CJPP)
- Meet routinely with Probation Officers to discuss clients' activities and progress
- Provide copies of clients' goals and meetings schedule to Probation Officers
- Drug testing to monitor compliance and to support the probationer's efforts to stay clean and sober while participating in the CJPP

The Community Corrections Probation/Parole Staff agrees to:

- Coordinate efforts to help serve CJPP probationers in the most effective manner
- Meet routinely with CJPP staff to discuss probationer's activities and progress
- Support the need for the probationer to honor their treatment contract with the CJPP
- Assist in recognizing probationer's problems and relaying the information to CJPP
- Verify information for CJPP regarding employment, residence, transportation needs, family issues/problems
- Enforce termination procedures of the CJPP
- Allow CJPP staff the opportunity for joint office visits at the Probation Office
- Assist in coordinating transportation to and from Dart Cherry and other chemical dependency treatment programs as needed

This agreement will be effective when signatures are affixed upon each of two (2) copies, each of which is to be considered an original. This agreement shall commence July 1, 2009 and expire June 30, 2010 and may be terminated by written notice by either party.


Rick Fields
DCC 20B JDM
2-22-09
Date


Dorsey Ward
CJPP (aka BHC - First Step)
2-23-09
Date

STATE OF NORTH CAROLINA
UNION COUNTY

CONTRACT FOR SERVICES

6th day of March, 2009

This contract for services made and entered into this ~~1st day of July, 2008~~, by and between UNION COUNTY, a political subdivision of the State of North Carolina and UNION MEMORIAL REGIONAL MEDICAL CENTER, INC. d/b/a CAROLINAS MEDICAL CENTER-UNION d/b/a BHC FIRST STEP (hereinafter referred to as "PROVIDER") shall ~~supersede that contract between the parties dated July 1, 2006.~~

Int. AWC


WITNESSETH:

WHEREAS, Union County, through the Union County Criminal Justice Partnership, has chosen to operate a community-based correction program and wishes to provide intensive and regular outpatient substance abuse treatment services to offenders sentenced to that program through District and Superior Court and for the exclusive use of the Division of Community Corrections; and

WHEREAS, the PROVIDER agrees to provide the services as described herein according to the terms and conditions set forth herein; and

WHEREAS, Union County is the Grantee for the North Carolina Department of Corrections-Criminal Justice Partnership Program Grant Funds, which provide in part for the purchase of said substance abuse treatment services.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION I: SCOPE OF SERVICES

The PROVIDER shall perform the following services as described below for those offenders sentenced to the Union County Drug Treatment Program and deemed appropriate for the services:

- A. **Individualized Screenings**: The PROVIDER shall provide each offender an individualized, face-to-face substance abuse screening by a qualified substance abuse professional which may consist of administration of an established standardized assessment instrument. TASC assessments and referrals for the appropriate populations will be accepted by the PROVIDER.
- B. **Intensive Outpatient Treatment (IOPT)**: The PROVIDER shall provide each offender diagnosed with chronic, severe, chemical dependence (ASAM Level II.1) a 26-week, multi-phase IOPT consisting of a minimum of 144 hours distributed as follows:

Phase One-Intensive Treatment: Four weeks, three group sessions per week, three hours per session, plus one individual session every week, to run .5 hour. Minimum therapy time 36 hours. Alcoholic Anonymous/Narcotic Anonymous (AA/NA) meetings shall be mandated in addition to the sessions. TASC case management services may supplement this total.

Phase Two-Continuing Care: Fourteen weeks, two group sessions per week, 3 hours per session and required attendance at AA/NA meetings. Minimum therapy time 84 hours. Individual therapy should be available on a PRN basis. TASC case management may supplement this total.

Phase Three-Aftercare: Eight weeks, one group session per week, three hours per session, and continuing attendance at AA/NA meetings each week. Minimum therapy time 24 hours. Individual therapy shall be available on a PRN basis. TASC case management may supplement this total. A minimum of ninety (90) days of abstinence is required before successful discharge from IOPT.

- C. **Regular Outpatient Treatment (ROPT):** The PROVIDER shall provide each offender diagnosed to have a less progressed stage of chemical dependence a sixteen week multi-phase ROPT consisting of a minimum of 72 treatment hours distributed as follows:

Phase One-Outpatient Treatment: Eight weeks, two group sessions per week 3.0 hours per session, and required attendance at Alcoholic Anonymous/Narcotic Anonymous (AA/NA) meetings each week, plus family and individual therapy. Minimum therapy time 48 hours. Individual therapy shall be available on a PRN basis. TASC case management may supplement this total.

Phase Two-Continuing Care: Eight weeks, minimum one session per week. 3.0 hours per session, individual sessions as needed and continuing attendance at AA/NA meetings each week. Minimum therapy time 24 hours. Individual therapy shall be available on a PRN basis. TASC case management may supplement this total. A minimum of ninety (90) days of abstinence is required before successful discharge from IOPT.

- D. **Duration of Treatment:** The PROVIDER agrees to deliver appropriate treatment services to the client for the duration of the client's involvement in the drug treatment program such as individual therapy, family therapy, and case support as needed and indicated through assessment findings.
- E. **Content of Group Treatment Sessions:** Group sessions shall consist of group education/skill building and group therapy. Other auxiliary group therapies used to supplement substance abuse treatment include but are not limited to anger

management, anxiety, depression, and Cognitive Behavioral Treatment (CBT) groups.

- F. **Structure of Group Sessions:** All treatment/education programs may be opened; i.e., clients may enter and leave the group when recommended.
- G. **Time of Delivery of Treatment Sessions:** IOPT and ROPT groups will be offered in the evening. Daytime sessions may be attended by the client if that suits his/her schedule better than an evening group. All clients will be required to work cooperatively with the PROVIDER to schedule individual sessions. This means that clients may have to adjust their schedules from time to time to accommodate the required individual sessions.
- H. **Clinical Supervision:** The PROVIDER shall also provide for clinical supervision of counseling staff and substance abuse treatment component of this program. This will consist of monthly on-site supervision, case reviews, consultations, and client evaluations consistent with the requirements/demands of the North Carolina Substance Abuse Professional Practice Board.
- I. PROVIDER agrees to locate the office in Union County, North Carolina.
- J. Accepted drug screens, to include urine drug screens will be obtained by PROVIDER on a random basis or for cause. Probation/TASC urine drug screen results may also be consulted.

SECTION II: TERMS

The initial term of this contract shall begin on July 1, 2008 and shall continue to automatically renew for successive one (1) year terms (each, a "Renewal Term"), unless either party gives the other party sixty (60) days' written notice of its intention not to renew this contract. This contract may be terminated earlier pursuant to Section VIII of this contract.

int. ALG

SECTION III: PAYMENT FOR SERVICES

- A-1 In consideration for the performance of services set forth in Section I above, the PROVIDER shall receive payment based on a CJPP Rate Sheet submitted to Union County prior to the start of each contract year. A statement of the revenues expected from the State Department of Corrections for the county CJPP program shall accompany the aforementioned CJPP Rate Sheet. The amount expended for Fiscal Year July 1, 2008 - June 30, 2009, shall not exceed \$125,407.
- B. In recognition that some percentage of offenders referred to the CJPP program may be in need of treatment for mental health issues, when deemed to be in the best interest of the client, the PROVIDER shall be permitted to arrange for qualified mental health services to be delivered to the patient. Cost of this mental

int. ALG

* until June 30, 2009. On July 1, 2009, and on every July 1st thereafter, this contract shall
** prior to the end of the initial term or the then current Renewal Term

health service shall be limited to no more than 10% of the total contract for services.

- C. The PROVIDER shall submit to the named contact in the Union County Manager's Office the monthly invoices for actual treatment services provided to said clients during the preceding thirty days. Invoices shall be submitted within the first 15 business days of the month for the actual number of IOPT and ROPT treatment hours. It is agreed that the PROVIDER will not charge for cancelled appointments or for failure by clients to show, or will the PROVIDER charge a "drop out" penalty for a client who discontinues treatment prior to completing all clinical services specified in the individualized treatment plans.
- D. Each monthly request shall include the number of hours provided according to type/phase, the number of individual sessions, the number of assessments conducted, and the total number of clients served by phase.
- E. Compensation paid to Provider by Union County will be based on the CJPP Rate Sheet in place at the times of the execution and renewal of this Agreement. * Compensation paid to Provider shall increase annually on January 1 during each year of the Term of this Agreement by the greater of four percent (4%) or the All Urban Consumer Medical Services component of the Consumer Price Index for the previous twelve (12) month period ending September 30 of the year immediately prior to the commencement of the Renewal Term of this Agreement.

* limited to the following increases.

Int. ALG
[Redacted]

SECTION IV: REPORTING AND COMPLIANCE

Participation by each client in the program provided for under this contract is conditioned upon the client having a Criminal Justice System Referral Consent giving the PROVIDER permission to release information to Community Corrections officers for the purpose of monitoring the client's progress in treatment, said consent meeting the requirement of 42 CFR Chapter A, Subchapter A, Part 2, Section 2.35. Once said Criminal Justice System Referral Consent is given by client to PROVIDER, then:

- A. PROVIDER shall use best efforts to provide an appropriate representative with the necessary credentials to attend all client staffings, court sessions as necessary, senior advisory committee meetings, conferences, and training seminars. Community corrections officers, where appropriate and permissible under confidentiality laws and regulations, should be incorporated into CJPP case staffings with PROVIDER.
- B. PROVIDER shall be required to provide on a monthly basis client-specific information about each CJPP client to be utilized by the court to monitor client's progress in treatment.
- C. The PROVIDER shall collect, at a minimum, the following non-client specific statistical collective data on a monthly basis:

- Number of clients assessed
 - Number of clients entering treatment
 - Number of clients reaching each level of treatment and the number of hours of treatment per client
 - Number of clients referred to alternative treatment programs
 - Number of clients completing treatment and/or each phase of treatment.
- D. PROVIDER shall use best efforts to comply with all applicable provisions of the Criminal Justice Partnership Act and complete and submit all necessary forms and/or reports required so long as such requirements do not conflict with the state and federal confidentiality laws and regulations. As required by the Standard Grant Award Contract and Conditions between Union County and the N.C. Department of Corrections Criminal Justice Partnership Program Section III (G), the PROVIDER understands and agrees that Union County retains ultimate control and responsibility for the project and that the PROVIDER shall be bound by Union County's grant award contract and conditions, a copy of which shall be provided to the PROVIDER.
- E. To the extent permitted by state and federal confidentiality laws, and upon client's written consent, PROVIDER shall make all treatment documentations/files available for reviews as necessary by officers of Community Corrections charged with the responsibility of monitoring client's progress in treatment.
- F. The services delivered by the PROVIDER under the terms of this contract shall meet the minimum standards for providing substance abuse treatment services set forth by the North Carolina Department of Health and Human Services (DHHS).
- G. PROVIDER will comply with the appropriate inspections, licensing, and zoning required by the State Fire Marshall's Office, as well as other applicable local regulations.
- H. PROVIDER shall abide by all laws and regulations of the State of North Carolina and shall hold appropriate licenses necessary to provide substance abuse treatment issued by the N.C. Division of Health Service Regulation (DHSR).

SECTION V: PERSONNEL

- A. PROVIDER agrees to maintain at least one substance abuse counselor per approximately 30 clients at various stages of treatment with no more than 15 clients that are active in Phase I.
- B. PROVIDER is responsible for operating costs of PROVIDER'S program including, but not limited to, salaries, benefits, travel, training, rent, and utilities.

- C. Employees providing services pursuant to this contract are employees of the PROVIDER, and Union County shall not be responsible for the administration, management, or supervision of the PROVIDER'S employees.

SECTION VI: INDEMNIFICATION

The PROVIDER hereby releases Union County from, agrees that Union County, and each commissioner, officer, employee, and agent shall not be liable for, and agrees to indemnify and hold harmless Union County and each commissioner, officer, employee, and agent thereof from any liabilities, obligations, claims, damages (including but not limited to, civil or criminal penalties), litigation costs, and expenses (including reasonable attorney's fees and expenses), imposed on, incurred by, or asserted against Union County or any commissioner, officer, employee, or agent thereof for any reason whatsoever as they are incurred and finally awarded (including, but not limited to, accident, other occurrences causing injury or death, sickness or disease to any person, or damages to or destruction of property) pertaining to this contract, except for occurrences caused by the intervening negligence or other wrongful act of Union County and/or its commissioners, officers, employees, and/or agents. Union County hereby releases the PROVIDER from, agrees that PROVIDER and each board member, officer, employee, and agent shall not be liable for, and agrees to indemnify and hold harmless the PROVIDER, and each board member, officer, employee, and agent thereof from any liabilities, obligations, claims, damages (including, but not limited to, civil or criminal penalties), litigation costs, and expenses (including reasonable or any board member, officer, employee, or agent thereof for any reason whatsoever as they are incurred and finally awarded (including, but not limited to, accident, other destruction of property) pertaining to this contract, except for occurrences caused by the intervening negligence or other wrongful act of the PROVIDER and/or its board members, officers, employees, and/or agents.

SECTION VII: INSURANCE

The PROVIDER, at its sole cost and expense, shall procure and maintain such policies of comprehensive general liability, professional liability, and other insurance (or shall undertake a bonafide, verifiable, self-insurance program) as shall be necessary to insure officers, trustees, agents, and employees against any claim or claims for damage arising by reason of personal injury or death occasioned directly or indirectly in connection with the provision of any services hereunder by the PROVIDER, the use of the PROVIDER'S property and facilities, or the activities of the PROVIDER, its officers, trustees, agents, or employees in connection with the performance of this Agreement or otherwise. The PROVIDER shall notify Union County of any material modification, cancellation, or termination of professional liability coverage. Such policies shall have limits of not less than one million dollars (\$1,000,000) per person, three million dollars (\$3,000,000) annual aggregate.

SECTION VIII: TERMINATION

This contract may be terminated, in whole or in part:

- A. At the expiration of the contract terms as herein defined; or

- B. Upon mutual consent of both parties ~~of 60~~ days after one of the contracting parties gives written notice of the termination; or Int. AWG
- C. Upon action by legislative, regulatory, or judicial authority preempting, voiding, or preventing implementation or continuance of this contract; or
- D. By Union County in the event that funds are no longer available for the purchase of services. Both parties acknowledge that all of the funding for this contract comes exclusively from the State of North Carolina, and not from the funds of Union County. In the event that the State of North Carolina shall withhold funding for the Union County Criminal Justice Partnership, then Union County shall have the right to immediately terminate this contract without notice. In the event that Union County terminates this contract immediately due to lack of funding, PROVIDER will continue to provide services until all offenders currently receiving treatment under the terms and conditions of this contract can be safely discharged ("Transitional Care"). Union County agrees to reimburse the PROVIDER for all Transitional Care provided.
- E. Notification of termination of this contract by either side shall be given ³⁰~~60~~ days prior to said termination, except as provided in paragraph D above. Int. AWG

SECTION IX: INDEPENDENT CONTRACTORS

The officers, employees, subcontractors, agents, and all personnel of the PROVIDER are the officers, employees, subcontractors, agents, and personnel of the PROVIDER and are not officers, employees, subcontractors, or agents of Union County. The PROVIDER is an independent contractor of Union County. The PROVIDER further agrees that it and its officers, employees, subcontractors, and agents shall obey all state and federal statutes, rules, and regulations and are subject to all funding and administrative conditions or hereafter applicable to the Criminal Justice Partnership Program.

SECTION X: CONTRACT ADMINISTRATOR

Union County shall serve as administrator of this contract. The contract administrator shall be responsible for monitoring the PROVIDER'S performance, reviewing, approving, and paying all approved invoices submitted by the PROVIDER for treatment services delivered to clients, reviewing all referrals made by the PROVIDER to outside treatment services, and reviewing all outcome data provided by the PROVIDER. Copies of all data will also be forwarded to the Judicial District Manager, Union County Division of Community Corrections, or designee.

SECTION XI: CONFIDENTIALITY

The parties acknowledge that PROVIDER is bound by the confidentiality requirements of 42 CFR Chapter A, Subchapter A, Part 2, and N.C.G.S. Chapter 112C, Article 3, and

PROVIDER shall not be required to disclose any client-specific information in violation of said regulation and said law. Further, in connection with the client's record and all information contained therein, including client identifying information, the PROVIDER agrees as follows:

- A. That it acknowledges that in receiving, storing, processing, or otherwise using or dealing with any such information, the PROVIDER and its employees are fully bound by the provisions of N.C.G.S. Chapter 122C amended and all other federal and state laws and regulations, including 42 CFR Chapter A, Subchapter A, Part 2 that govern and guarantee treatment rights and confidentiality of individuals receiving substance abuse treatment services.
- B. To resist any effort to obtain access to clients' treatment information not expressly provided for in aforementioned paragraph.
- C. Because of the need for Community Corrections Officers to monitor the progress of clients in treatment under this contract, no client shall be admitted to the treatment program herein provided without signing a Criminal Justice Systems Referral Consent Form.

SECTION XII: EQUIPMENT COSTS AND OFFICE SPACE

The PROVIDER shall supply at its own expense all equipment, tools, materials, or supplies required to deliver treatment services contracted hereunder which have not been purchased theretofore from contract funds initially provided for supplies and equipment. The PROVIDER shall provide office space for necessary staff members.

SECTION XIII: CLIENT ADMISSION

In accordance with the provisions of Title IV of the Civil Rights Act of 1963 and the regulations of the United States Department of Health and Human Services, issued pursuant thereto, the PROVIDER and Union County agree to extend all funds allocated in such a manner that no person will be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under purchased services on the grounds of race, religion, color, national origin, or sex.

SECTION XIV: ENTIRE AGREEMENT

This Contract, and any attachments that are annexed hereto, represent the entire agreement between Union County and the PROVIDER and supersedes all prior verbal and written statements or agreements. In the event of conflict between the terms and conditions of this agreement and the above referenced documents, the terms and conditions of this agreement and its amendments shall govern. This Contract may only be amended by written amendments duly written and executed by Union County and the PROVIDER.

IN WITNESS WHEREOF, the parties have duly executed this Contract as of the date first above written.


UNION COUNTY


Al Greene, County Manager


Andrea Robinson, Deputy Finance Director

3/04/09

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Approved as to Legal Form 

UNION MEMORIAL REGIONAL MEDICAL CENTER, INC. d/b/a
CAROLINAS MEDICAL CENTER - UNION d/b/a
BHC FIRST STEP


Mike Lutes, President and CEO

APPROVED AS TO LEGAL FORM 
for CMC-UNION

**CJPP SERVICES & RATE SHEET
2008 and 2009**

Total CJPP Revenues approved by the State DOC for Union County in 2007/08 year were \$121,973;
Total CJPP Revenues for 2008/09 year are \$125,407.

CHARGE CODE	DESCRIPTION OF SERVICE	2008 RATE	2009 RATE*
74630	CJPP Screening	\$ 50.00	\$ 52.00
74631	CJPP 1-HR Intake Screening	\$ 54.00	\$ 56.00
74632	CJPP 2-HR Intake Screening	\$108.00	\$ 113.00
74633	CJPP 30 MIN Individual Therapy	\$ 38.00	\$ 40.00
74634	CJPP 1 HR Individual Therapy	\$ 76.00	\$ 80.00
74635	CJPP 3 HR Group Therapy/Education	\$ 92.50	\$ 97.00
74636	CJPP 1.5 HR Group Therapy/Education	\$ 46.00	\$ 48.00
74637	CJPP 1 HR Group Therapy/Education	\$ 31.00	\$ 32.00
74638	CJPP 3 HR Family Therapy/Education	\$ 92.50	\$ 97.00
932	Education Package	\$ 75.00	\$ 78.00
967	Subsequent Hospital Care Level I	\$ 75.00	\$ 78.00
1136	OPR Physical Exam	\$232.00	\$242.00
29537	Urine Drug Screen - 7 Panel	\$ 22.00	\$ 23.00
TBD	CJPP Detox	\$595.00	\$623.00

* 2009 Rate is the 2008 rate X the 2008 All Urban Consumer Medical Services CPI of 4.5% rounded to the whole nearest dollar amount

10-9-08

State of North Carolina

Department of Health and Human Services
Division of Health Service Regulation

Effective January 01, 2009, this license is issued to

Union Regional Medical Center

to operate a mental health facility known as

Behavioral Healthcenter - First Step

located at 1623 Sunset Drive

Monroe, North Carolina County: Union

*This license is issued subject to the statutes of the
State of North Carolina, is not transferable and shall expire
midnight December 31, 2009.*

Facility ID: 921845

License Number: MHL-090-024

Capacity: 20

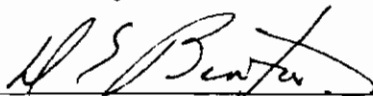
Services:

27G.3100 Non-hospital Medical Detoxification

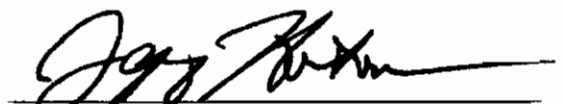
27G.3400 Residential Treatment/Rehabilitation

27G.3700 Day Treatment for SA

Authorized by:



**Secretary, N.C. Department of Health and
Human Services**



Director, Division of Health Service Regulation



**BHC First Step @ CMC – Union
Criminal Justice Partnership Program**

CJPP Weekly Schedule

IOPT Chronically Dependent Offender
26 Weeks / 144 Hours
<ul style="list-style-type: none"> • Phase I Intensive Outpatient Tuesday 6pm-9pm, Thursday 6pm-9pm, Wednesday, 6pm-9pm X 4 weeks totaling 36 hours plus PRN Individual Therapy
<ul style="list-style-type: none"> • Phase II Continuing Care Tuesday 6pm-9pm, Thursday 6pm-9pm X 14 weeks totaling 84 hours PRN Individual Therapy
<ul style="list-style-type: none"> • Phase III Aftercare Thursday 6pm-9pm X 8 weeks totaling 24 hours PRN Individual Therapy
ROPT Less Progressive Dependent Offender
16 Weeks / 72 Hours
<ul style="list-style-type: none"> • Phase I Outpatient Treatment Tuesday 6pm-9pm, Thursday 6pm-9pm X 8 weeks totaling 48 hours PRN Individual Therapy
<ul style="list-style-type: none"> • Phase II Continuing Care Thursday 6pm-9pm X 8 weeks totaling 24 hours PRN Individual Therapy

Required AA/NA attendance is 2 meetings per week.

A minimum of 90 days of continuous abstinence is required before discharge from IOPT or ROPT.

Attachment 7

Criminal Justice Partnership Program

FY 2010 - from July 1, 2009 to June 30, 2010 **Budget Line Item Justifications**

County: **Union**

Grant Number: **90-0709-I-A**

County Operations
 Contractual Service

Contact Person: **Matthew Delk**
 Phone: **704-283-3656**
 Fax: **704-282-0210** Email:

FY Grant
 Award Amount **125,407**

Personnel

	Line Items	Justifications	Totals
Salaries			
List each position separately.	Position 1.	SA Counselor who provides Intake Screenings, 3-hour Group Therapy sessions and Individual Therapy as needed	Hours/Year 2,080 Salary 57,000
	Position 2.	Part-time SA Counselor who primarily does Assessments, Treatment Planning and Discharge summaries	Hours/Year 1,040 Salary 28,000
	Position 3.	Secretary who handles much of the clinical paperwork and does the regular reporting to the State DOC database	Hours/Year 300 Salary 5,000
	Position 4.	Clinical Supervisor who manages day-to-day outpatient operations, supervises the Counselors and coordinates CJPP audits with the State CJPP Specialist.	Hours/Year 200 Salary 8,000
Total Full Time Equivalences (FTE's)			1.74
Wage Taxes			
Indicate FICA amount.	FICA	Included in Salaries above	0
List other wage tax.			
Fringe Benefits			
List separately.	A.	Included in Salaries above	0
Include insurance, retirement, 401(k), workers' compensations, unemployment, etc.			
Total Personnel			98,000

Travel

	Line Items	Justifications	Totals
List each travel or training event and its estimated cost separately.		Staff Position and Description of travel event	

Staff mileage should be listed as well, indicated as 'Staff Mileage'.

NOTES:

- All out-of-state travel must be shown in detail and approved prior to reimbursement.
- Travel expenses submitted should not exceed County or State allowable amounts.
- State mileage rate is \$0.345 per mile

A.	SA Counselor and Supervisor training sessions and other meetings as required by the CJPP contract; includes registration fees, meals, lodging and mileage expenses
----	--

1,000

Total Travel 1,000

Contractual

List each contractor separately.

Line Items	Justifications	Totals
A.	Non-hospital medical detoxification services at BHC First Step as needed	12,000
B.	Services of a licensed mental health therapist at \$80 per hour as needed	1,000
C.	Patient transportation services to and from scheduled sessions at prevailing taxi rates	6,000
Total Contractual		19,000

Operating

Operating expenses include costs of running the program.

List each item separately and provide details for all operational items, including unit costs, where applicable.

DO NOT LIST EQUIPMENT.

Line Items	Justifications	Totals
Office Supplies	Assessment instruments, on-site drug testing materials and other supplies	1,000
Other	Patient meals	4,000
Other	Patient educational materials	1,000
Total Operating		6,000

Equipment

Line Items	Justifications	Totals
------------	----------------	--------

Equipment includes all items over \$500, used for operating the program.

Computer (s)

Electronic equipment or office furniture as needed

List each item separately and provide details for all equipment, including number of each to be purchased.

1,407

Total Equipment

1,407

Construction

Line Items

Justifications

Totals

For facility construction or renovation.

Include paint, carpet, roofing, electrical, etc.

Total Construction

0

Budget Line Item Total

125,407

Return to Form Selection Page

Attachment 8

Criminal Justice Partnership Program

FY 2010

Budget Summary

Due in the CJPP Office by March 31, 2009

County: **Union** Grant Number: **90-0709-I-A**

- County Operations
- Contractual Service

Contact Person: **Matthew Delk**
 Phone: **704-283-3656**
 Fax: **704-282-0210** Email:

FY 2008 - 2009 Grant Award **125,407.00**
 FY 2009 - 2010 Grant Award **125,407.00**

Budgeted Amounts (FY 2008 - 2009)		Expenditure Amounts (FY 2008 - 2009)			
Budget Category and Code	[A] Budgeted July 1, 2008 (From Column [A] from July Report)	[B] Budgeted Dec 31, 2008 (Column [A] from July Report + Column [H] from July through December reports)	[C] Actual Expenditures Through Dec 31, 2008	[D] Estimated Total Expenditures (July 1, 2008 Through June 30, 2009)	[E] Budgeted for FY 2009 - 2010
Personnel 536502_1	84,500.00	84,500.00	75,644.00	89,000.00	98,000.00
Travel 536502_2	3,473.00	3,473.00	100.00	1,100.00	1,000.00
Contractual 536502_3	17,000.00	17,000.00	10,428.00	17,000.00	19,000.00
Operating 536502_4	14,500.00	14,500.00	2,883.00	12,000.00	6,000.00
Equipment 536502_5	5,934.00	5,934.00	0.00	6,307.00	1,407.00
Construction 536502_6	0.00	0.00	0.00	0.00	0.00
Unallocated 536502_7	0.00	0.00	0.00	0.00	0.00
Totals	125,407.00 (To Match FY 2008 - 2009 Grant Award)	125,407.00 (To Match Column [A] Total)	89,055.00 (Should match [Q] from December Report)	125,407.00	125,407.00 (To Match FY 2009 - 2010 Grant Award)

I certify that this information is correct, based on the grantee county's accounting system and records, consistently applied and maintained. Expenditures shown have been made for the purpose of and in accordance with the approved budget and applicable grant conditions and requirements. Appropriate documentation to support all expenditures is available for inspection.





NOTE: Not needed if services are fully contracted with service provider.

Return to Form Selection Page

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 6, 2009

Action Agenda Item No. 4/7
(Central Admin. use only)

SUBJECT: Union County Personnel Resolution - Article VI

DEPARTMENT: Personnel

PUBLIC HEARING: No

ATTACHMENT(S):

Current:
Article VI,
Section 6.6 Requesting Use of Family
and Medical or Military Family Leave

Section 6.7
Physician's Certification for Medical
Leave

Proposed Revision:
Article VI,
Section 6.6
Requesting Use of Family and
Medical or Military Family Leave

Section 6.7
Health Care Provider's Certification

INFORMATION CONTACT:

Mark Watson

TELEPHONE NUMBERS:

704.283.3869

DEPARTMENT'S RECOMMENDED ACTION: Approve the proposed revision to Union County Personnel Resolution, Article VI, Section 6.6 and 6.7.

BACKGROUND: The US Department of Labor recently released direction concerning amendments made to the Family and Medical Leave Act of 1993. The amendment included a change to the number of days in which an employer must complete and return the FML Employer Response Form to the employee. The current Union County Personnel Resolution is not in compliance with the amended requirement. The proposed revision, 1) incorporates the amended requirement, 2) revises language in section 6.6 and 6.7 for consistency with terms used in other sections and, 3) addresses the necessity of providing the job description to the health care provider.

FINANCIAL IMPACT: None

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

CURRENT

Article VI. TIME AWAY FROM WORK

SECTION 6

Family and Medical Leave Policy

6.6 Requesting Use of Family and Medical or Military Family Leave

Pursuant to this Article, it is the duty of each employee to indicate the nature of circumstances bringing about an absence from work. If the absence exceeds three (3) consecutive work days, the employee is required to submit a FML Request Form to their immediate supervisor. (Administrative Note: The FML Employer Response Form must be completed and returned to the employee within two (2) business days.)

Planned

In cases where the need for leave is foreseeable, such as planned medical treatment, the employee is required to provide the immediate supervisor a FML Request Form and Physician's Certification Form at least thirty (30) days in advance of the date the leave is to begin.

In cases of leave for planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of his or her department.

Unplanned

In cases when circumstances do not permit a thirty (30) day notification, the employee must provide at least verbal notification to the immediate supervisor within one or two business days of when the need for leave becomes known to the employee. The notice shall be sufficient to make the immediate supervisor aware that the employee needs FML-qualifying leave, and the anticipated timing and duration of the leave.

6.7 Physician's Certification for Medical Leave

Certification of the health care provider of the employee or the employee ill family member must be submitted to the employee's immediate supervisor within fifteen (15) calendar days of the request for verification on a form prescribed by the County.

The County may require re-certification if:

- 1) Circumstances or length of requested leave described by the original certification have changed significantly,
- 2) The County receives information that casts doubt upon the continuing validity of the certification.

PROPOSED

Article VI. TIME AWAY FROM WORK

SECTION 6

Family and Medical Leave Policy

6.6 Requesting Use of Family and Medical or Military Family Leave

Pursuant to this Article, it is the duty of each employee to indicate the nature of circumstances bringing about an absence from work. If the absence exceeds three (3) consecutive work days, the employee is required to submit a FML Request Form to their immediate supervisor. (Administrative Note: The FML Employer Response Form must be completed and returned to the employee within five (5) business days.)

Planned

In cases where the need for leave is foreseeable, such as planned medical treatment, the employee is required to provide the immediate supervisor a FML Request Form and a Certification of Health Care Provider Form at least thirty (30) days in advance of the date the leave is to begin.

In cases of leave for planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of his or her department.

Unplanned

In cases when circumstances do not permit a thirty (30) day notification, the employee must follow the departmental or County reporting to work policy, whichever is applicable, and provide at least verbal notification to the immediate supervisor of when the need for leave becomes known to the employee. The notice shall be sufficient to make the immediate supervisor aware that the employee needs FML-qualifying leave, and the anticipated timing and duration of the leave.

6.7 Health Care Provider's Certification for Medical Leave

The Certification of Health Care Provider Form for the employee's or family member's serious health condition must be submitted to the employee's immediate supervisor within fifteen (15) calendar days of the request for verification on a form prescribed by the County.

In cases of an employee's serious health condition, it is important for the Health Care Provider to be familiar with the tasks and physical requirements of the employee's work in order to give specific feedback on the employee's ability to perform essential functions of the job. At the time Medical Leave is requested, the immediate supervisor shall provide the employee with both a copy of his/her job description and the Certification of Health Care Provider Form.

The County may require re-certification if:

- 1) Circumstances or length of requested leave described by the original certification have changed significantly,
- 2) The County receives information that casts doubt upon the continuing validity of the certification.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 4-6-09

Action Agenda Item No. 4/9
(Central Admin. use only)

SUBJECT: Susan G. Komen Grant Funding

DEPARTMENT: Public Health

PUBLIC HEARING: No

ATTACHMENT(S):
-Komen award letter and grant submission

INFORMATION CONTACT:
Lyda Taylor

TELEPHONE NUMBERS:
704-296-4800

DEPARTMENT'S RECOMMENDED ACTION: Authorize County Manager to approve Grant Contract pending legal approval

BACKGROUND: The Public Health Department has been awarded funds through Susan Komen for another year of breast cancer education and non Breast and Cervical Cancer Control Program (BCCCP) patient costs. The award supports \$43,320 in direct costs for a part time employee, supplies and educational materials, travel and some direct medical expenses.

The award compliments the Public Health department's existing BCCCP efforts.

FINANCIAL IMPACT: The foundation grant is in the amount \$43,320 and does not require a local match. The grant's performance period is for fiscal year 2010; therefore, there is no budget ordinance amendment required in the current year.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

Legal Dept. Comments if applicable:

Finance Dept. Comments if applicable:

Manager Recommendation:



Charlotte Affiliate
505 East Blvd., Suite 101 Charlotte, NC 28203
Phone: 704-347-8181
Fax: 704-347-8145
Helpline: 1-877 GO KOMEN
www.komencharlotte.org

March 20, 2009

Lyda Taylor, ABC Project Coordinator
Union County Health Department
1224 W. Roosevelt Blvd.
Monroe, NC 28110

Dear Lyda:

Congratulations on being chosen as a 2009 Grant Recipient by the Charlotte Affiliate of Susan G. Komen for the Cure. Our mission is to save lives and end breast cancer forever by empowering people, ensuring quality care for all and energizing science to find a cure. The Charlotte Affiliate Board felt that your project, "*About Breast Cancer (ABC) Project*," addresses our mission and the needs in our community.

We're very excited to award you with \$43,320.00. Funding for your grant has the following restrictions: Award includes 100% project director (\$14,160), 100% supplies and educational materials (\$3,625), 100% travel (\$495), 100% patient costs Union County Health Department BCCCP clients (\$10,100), 100% Non-BCCCP Clients' Medical Services (\$14,940), 0% further procedures used in the diagnosis of breast cancer, 0% other expenses and 0% Spanish interpreter.

The grant cycle begins April 1, 2009 and ends March 31, 2010. Enclosed you will find two copies of the grant contract, a copy of your application, a six-month report form, a final report form, and a complete list of the 2009 Komen Charlotte grant recipients.

Please sign and return both copies of the grant contract as soon as possible to the Komen Charlotte office. Per Komen policy, you will then receive the first half of your grant funding along with a signed, fully-executed copy of the grant contract. Your first progress report is due October 31, 2009. Following receipt and approval of your six-month report, you will be awarded the final portion of your grant funding.

We look forward to working with you in the coming year. Please contact Mary Hamrick, Community Outreach Manager, with any questions. She can be reached at the Komen office at (704) 347-8181 or outreach@komencharlotte.org. Again, congratulations and we wish you much success with your project.

Sincerely,

A handwritten signature in black ink that reads "Kimberly A. Kogut".

Kimberly A. Kogut
Grant Chair, Charlotte Affiliate of Susan G. Komen for the Cure

The greatest risk factors for
breast cancer are being female
and growing older.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 4-6-09

Action Agenda Item No. 4/10
(Central Admin. use only)

SUBJECT: Environmental Health Fee Repeal

DEPARTMENT: Public Health

PUBLIC HEARING: No

ATTACHMENT(S):

- Fee for remodeling/construction
- Fee for three or more site visits
- Event coordinator application fee
- Mobile food unit sticker fee

INFORMATION CONTACT:

Phillip Tarte

TELEPHONE NUMBERS:

704-296-4801

DEPARTMENT'S RECOMMENDED ACTION: Repeal the four fees adopted at the March 16th Board meeting.

BACKGROUND: 130A-38 (g) states that a local board of health may impose a fee for services to be rendered by a local health department, except where the imposition of a fee is prohibited by statute or where an employee of the local health department is performing the services as an agent of the State.

We feel that the four fees attached and approved were submitted in error and are services performed as agents of the State of North Carolina; therefore no charge should be allowed. If and when Food and Lodging fees are granted by the General Assembly we can revisit these for approval.

To date, we have not charged a fee for these services and we request these fees be removed from our schedule.

FINANCIAL IMPACT: none

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

(D)

ENVIRONMENTAL HEALTH SERVICE AND FEE
ADJUSTMENT RECOMMENDATION FOR FOOD,
LODGING, AND INSTITUTIONS PROGRAM

**CURRENT FOOD SERVICE FEE IF REMODELING/CONSTRUCTION
IS STARTED BEFORE PLANS HAVE BEEN SUBMITTED AND
APPROVED**

Food Stands, Restaurants and Meat Markets.....\$0

Site visit to determine if establishment meets NC Rules.....2.0 Hours

Travel Time (Construction walk-thrus, pre-opening and permitting).....3.0 Hours

Plan Review (Initial review, revision review, consult and walk-thrus)....4.5 Hours

TOTAL 9.5 Hours

COST

EHS: 9.5 Hours x \$26.00 = \$247.00

CLERICAL: .5 Hours x \$18.00 = \$9.00

VEHICLE: 90 miles x \$.55/mile = \$49.50

TOTAL = \$305.50

RECOMMENDATION:

\$400 Fee

(E)

**ENVIRONMENTAL HEALTH SERVICE AND FEE
ADJUSTMENT RECOMMENDATION FOR FOOD,
LODGING, AND INSTITUTIONS PROGRAM**

**CURRENT FOOD SERVICE FEE IF MORE THAN TWO SITE
INSPECTIONS ARE REQUIRED FOR APPROVAL OF
CONSTRUCTION OF A FOOD SERVICE ESTABLISHMENT**

Food Stands, Restaurants and Meat Markets.....\$0

Site Visit.....1.5 Hours

Travel Time (Construction walk-thrus and/or pre-opening).....1.0 Hours

TOTAL 2.5 Hours

COST

EHS: 2.5 Hours x \$26.00 = \$65.00

CLERICAL: .5 Hours x \$18.00 = \$9.00

VEHICLE: 45 miles x \$.55/mile = \$24.75

TOTAL = \$98.75

RECOMMENDATION:

\$100 Additional Site Visit Fee For:

Food Stands, Restaurants and Meat Markets

(G)

ENVIRONMENTAL HEALTH
SERVICE AND FEE ADJUSTMENT RECOMMENDATION FOR
FOOD, LODGING AND INSTITUTIONS PROGRAMS

CURRENT TEMPORARY FOOD ESTABLISHMENT FEE

Operation Permit..... \$50.00

Special Event Coordinating (Consults and Paperwork).....1.0 Hours

Travel Time (Initial permit, inspection and compliance visit).....1.5 Hours

Permitting and Inspection.....0.5 Hours

Plan Review.....0.5 Hours

COST (Permitting, Plan Review, and Consulting)

EHS: 3.5 Hours x \$26.00 = \$91

Clerical: .25 Hours x \$18 = \$4.50

Vehicle: 50 miles x \$.55/mile = \$27.50

TOTAL = \$123.00

RECOMMENDATION:

Add Event Coordinator Application Fee \$200.00

(H)

ENVIRONMENTAL HEALTH
SERVICE AND FEE ADJUSTMENT RECOMMENDATION FOR
FOOD, LODGING AND INSTITUTIONS PROGRAMS

CURRENT MOBILE FOOD UNIT AND PUSHCART STICKER FEE

Operation Permit.....\$0.00

Unit Location Coordinating (for inspections).....0.5 Hours

Travel Time (Initial permit, inspection and compliance visit).....1.5 Hours

Permitting and Inspection.....0.5 Hours

Plan Review.....0.5 Hours

COST (Permitting, Plan Review, and Consulting)

EHS: 3.0 Hours x \$26.00 = \$78.00

Clerical: .25 Hours x \$18 = \$4.50

Vehicle: 50 miles x \$.55/mile = \$27.50

TOTAL = \$110.00

RECOMMENDATION:

\$125.00 Yearly Sticker Fee

Contract / Purchase Order Summary of Major Terms and Conditions

4-06-2009

Reference	Vendor Name	Purpose	Payment Terms	Comprehensive Plans	B.A.	S#
Consent Agenda Item - Contracts / Purchase Orders Over \$20,000 (List)						
A	Mecklenburg County Health Department	Memorandum of Understanding between Mecklenburg County Health Department and Union County Health Department to define the responsibilities of the Cities Readiness Initiative (CRI) Team and participating counties regarding the federally funded CRI effort to prepare major U.S. cities and metropolitan areas to effectively respond to a large scale bioterrorist event by dispensing antibiotics to their entire identified population within a limited time period. There are 12 participating NC counties and York, SC in relation to this CRI region. Mecklenburg County Health Department is providing the designated CRI Team to serve as the regional resource for CRI planning, training, and exercises.	n/a	n/a	n/a	2214
B	Simplex Grinnell LP	Renewal agreement to provide full service (inspection, testing, maintenance, service and support) for the Law Enforcement /Jail facility's fire alarm, intercom, and doorlocking systems.	\$20,000 Annual amount NTE.	Operating Budget – 2010 Renewal	n/a	2212

411
 AGENDA ITEM
 MEETING DATE 4-6-09