

Approved

June 15, 2009
Regular Meeting

The Union County Board of Commissioners met in a regular meeting on Monday, June 15, 2009, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

PRESENT: Chairman Lanny Openshaw, Vice Chair Kim Rogers, Commissioner Allan Baucom, Commissioner Tracy Kuehler, and Commissioner A. Parker Mills, Jr.

ABSENT: None

ALSO PRESENT: Al Greene, County Manager, Lynn G. West, Clerk to the Board, Matthew Delk, Assistant County Manager, Jeff Crook, Senior Staff Attorney, Kai Nelson, Finance Director, interested citizens, and members of the press

OPENING OF MEETING:

Chairman Openshaw convened the meeting and welcomed everyone. He requested Commissioner Mills to present the invocation.

Invocation: Commissioner Mills offered the invocation.

Pledge of Allegiance: Commissioner Mills explained that during Flag Day yesterday, it was pointed out that when reciting the Pledge of Allegiance that there should not be a pause around the words "under God". He requested that tonight while reciting the Pledge of Allegiance to the flag of the United States to not pause before and after the words "under God." He then led the body and audience in reciting the Pledge of Allegiance.

Special Recognition: Chairman Openshaw stated that recognizing those persons who deserve recognition is one of the more pleasant aspects of the opportunities of being a Commissioner. He recognized individually the following school employees to acknowledge their accomplishments in their fields.

- 1.) Jessica Garner – 2009-2010 North Carolina Teacher of the Year
- 2.) David Dahari – 2009-2010 UCPS Teacher of the Year
- 3.) Luan Ingram, UCPS Chief Communications Officers – 2009 Barry Gaskin Award – Top School PR Professional in the State of North Carolina
- 4.) Dr. Bill Stegall, Deputy Superintendent and Assistant Superintendent for Curriculum and Instruction – retiring after 45 years of service with UCPS and who is going to be now associated with Wingate University.
- 5.) Dr. Ed Davis, Superintendent – North Carolina Southwest Regional Superintendent of the Year. (Dr. Davis was not present.)
- 6.) At the request of the Chairman, Commissioner Mills recognized Susan Helms – 2009 Special Needs Art Educator for having received this national award. He said his sister Debbie went into this field and contributes her success to Mrs. Helms.

INFORMAL COMMENTS:

The Chairman recognized Virginia Bjorlin, Chairman of the Union County Historic Preservation Commission. She explained that the establishing ordinance in 1988 sets forth that the Commission is to act upon proposals which alter historic landmarks. She further explained that this means that when the owner of a designated property wants to make major repairs or any changes, other than routine maintenance or minor repairs, it must be presented to the Historic Preservation Commission for approval. She stated that the historic Courthouse was built in 1886 and is one such designated landmark. She complimented the County's staff for an excellent job of maintaining the historic building and grounds.

She expressed complete sympathy to service personnel and their families and noted that her family members have always served its country in the military service during the times of war and peace. She said that although the Commission agrees that we the citizens can never do enough to thank veterans, there are over six monuments to veterans as well as the recent Firefighters monument on the grounds of the historic courthouse. She noted that the smooth brick pavers which are suggested to be replaced were installed about 20 years ago and these are still in good shape and easy to walk on. She stressed it would be a shame to uproot some or all of them to be replaced by bricks less level, less easy to walk on.

Mrs. Bjorlin further stated that, in addition, the Commission is not in favor of any group raising money by unneeded changes to this lovely old building. The purpose of the Commission is preservation: keeping the historic courthouse as near the original as possible. Therefore, it does not think it is a good idea to allow the Disabled American Veterans to sell pavers to be placed on the courthouse walkway.

The Chairman thanked Mrs. Bjorlin for her comments and added that he thought it impressive that there were six monuments on the historic grounds.

ADDITIONS, DELETIONS AND/OR ADOPTION OF THE AGENDA:

The Chairman announced the next item. Commissioner Mills stated that he had two items that he wished to add to the agenda tonight. He said the first one is the Civil War Monument. He said the time capsule has been located and will be opened July 4, 2010, and that he wanted this Board to work with Mrs. Bjorlin and her committee to start the process for having a celebration for that event. He said the second item he would request to be added is a request that this Board consider rescinding the resolution sent to the General Assembly requesting legislation to increase the fire fees from \$50 to \$100. He said the content of the bill is not what was originally sent to the Legislators for consideration.

Commissioner Baucom requested that 1b – Keith Corporation – be moved from the Consent Agenda to the Regular Agenda.

Vice Chair Rogers requested that Consent Agenda Item 12, Personnel resolution: Amendment to Article VII, Section 5) be moved to the Regular Agenda.

Chairman Openshaw requested to add to the Regular Agenda discussion on Historic Ventures’ request regarding the disposal of the surplus well lot located near Broad Street in Waxhaw.

Chairman Openshaw requested that Item 17 on the Regular Agenda be moved to 6d on the Regular Agenda.

The Chairman requested that Item 6 - Approval of the Minutes - on the Consent Agenda be deleted.

The Chairman reviewed the placement of these items and changes on the agenda.

Motion was made by Commissioner Baucom that the agenda with the changes as specified be approved. The motion was passed unanimously.

CONSENT AGENDA:

Motion was made by Commissioner Mills that the items included on the Consent Agenda as amended be approved. The motion was passed unanimously.

Contracts/Purchase Orders Over \$20,000:

- a. Authorized County Manager to approve Agreement with Neighborhood Nurses to Provide In-Home Services to Eligible Home and Community Care Block Grant Clients (DSS) in the amount of \$42,500 pending legal review
- b. Contract Amendment #14 to the Agreement with Keith Corporation for Property Management Services – moved to regular agenda.

Tax Administrator:

- a. Twelfth Motor Vehicle Billing in the grand total amount of \$1,068,421.02
- b. Eleventh Motor Vehicle Release Register for the Period of May 1, 2009 – May 31, 2009 in the Net Grand Total of \$5,572.31-
- c. Eleventh Motor Vehicle Refund Register for the Period of May 1, 2009 – May 31, 2009 in the Net Grand Total of \$1,371.18-
- d. Releases for May 2009 in the Grand Total Amount of \$23,232.56

RELEASES MAY 2009

Acct #	Name	REL #	Totals
2009			
50077109	ALLEGHENY TECHNOLOGIES	5480	602.05
50077106	ALLEGHENY TECHNOLOGIES	5481	232.16
50101633	WILLIAMSON JAMES A	5500	82.29
50101680	NEWLAND JOSEPH RYAN	5501	121.15
50101339	LOWRY RICHARD LEE SR	5502	216.97
50100558	WESLEY CHAPEL FAMILY DENTISTRY	5534	3,995.91

Totals - 2009 **5,250.53**

2008			
50098137	MCCLELLAN JASON DALE	5474	101.87
50083528	GALIDA REBECCA CATHERINE	5479	36.09
09228079	RORIE MABEL B HEIRS	5483	226.96
50081184	HUMPHREY GREGORY F & RHONDA	5485	110.01

50095859	MORGAN ROBERT LEE III	5492	97.01
01150015	LEE JAMES R & LINDA F	5493	295.32
01150015B	LEE JAMES R & LINDA F	5494	1,506.42
09259001C 01	TY-PAR REALTY INC	5504	657.95
50083515	PERFECTION CAR CARE	5522	682.82
07048017	THREE STAR INVESTORS ET AL	5527	10,483.12
09259001D	TY-PAR REALTY INC	5528	782.44
07048017J	THREE STAR INVESTORS ET AL	5529	263.34
07048013P	THREE STAR INVESTORS ET AL	5530	452.20

Totals - 2008 **15,695.55**

2007

50098137	MCCLELLAN JASON DALE	5475	114.90
50083528	GALIDA REBECCA CATHERINE	5477	98.78
50083515	PERFECTION CAR CARE	5523	633.83

Totals - 2007 **847.51**

2006

50083528	GALIDA REBECCA CATHERINE	5478	82.96
50083515	PERFECTION CAR CARE	5524	492.48

Totals - 2006 **575.44**

2005

50073291	MILAN'S NAILS & TAN	5499	94.76
50083515	PERFECTION CAR CARE	5525	422.68

Totals - 2005 **517.44**

2004

50083515	PERFECTION CAR CARE	5526	346.09
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Totals - 2004

-
346.09

GRAND TOTALS

23,232.56

e. Refunds for May 2009 in the Grand Total Amount of \$26,055.06

REFUNDS MAY 2009

Acct #	Name	Release #	Totals
2008			
50093077	METROLINA EYE ASSOCIATES PLLC	5476	511.94
09237057	HENDLEY BREWER PROPERTIES	5484	853.66
02021012D	TRULL LILLIE MAE	5486	37.84
06156392	MANNETTA SCOTT & DANA	5495	176.36
07078146	HOUSTON FRANCES & KIM M JONES	5496	83.21
50071856	PURSER'S TURKEY FARM	5497	169.31
50099053	MONROE OIL CO	5503	475.59
09301061J	TYSON L CARLTON	5505	3,125.83
07048082	TYSON L CARLTON & WIFE CAROL M	5506	606.81
09216075	TYSON CENTER LLC	5507	1,039.79
09301061A	LCT PROPERTIES LLC	5508	3,227.84
08324004B	CAROLINA GOLF DEVELOPERS LLC	5509	374.08
08315073	CAROLINA GOLF DEVELOPERS LLC	5510	226.14
08312001E	CAROLINA GOLF DEVELOPERS LLC	5511	829.29
K8312001D	CAROLINA GOLF DEVELOPERS LLC	5512	75.36
D8312001D	CAROLINA GOLF DEVELOPERS LLC	5513	70.16
K8312001B	CAROLINA GOLF DEVELOPERS LLC	5514	135.07
D8312001B	CAROLINA GOLF DEVELOPERS LLC	5515	70.16
09336006	RR/74 LLC	5516	1,541.47
070481013C	TY-PAR REALTY INC	5517	1,467.12
09259001C0	TY-PAR REALTY INC	5518	704.30
2			
09301002E9	TY-PAR REALTY INC	5519	1,329.26

0			
09301002	TY-PAR REALTY INC	5520	8,067.32
06114001	TY-PAR REALTY INC	5521	1,444.51
50092091	BERRY SAM P DBA SOUTHERN AIR & MECHANICAL	5531	295.09
			-
Totals			26,937.51
2007			
09228079	RORIE MABEL B HEIRS	5482	261.68
02021012D	TRULL LILLIE MAE	5487	39.82
50071856	PURSER'S TURKEY FARM	5498	208.10
50092091	BERRY SAM P DBA SOUTHERN AIR & MECHANICAL	5532	268.13
			-
Totals			777.73
2006			
02021012D	TRULL LILLIE MAE	5488	35.65
50092091	BERRY SAM P DBA SOUTHERN AIR & MECHANICAL	5533	215.41
			-
Totals			251.06
2005			
02021012D	TRULL LILLIE MAE	5489	35.28
			-
Totals			35.28
2004			
02021012D	TRULL LILLIE MAE	5490	33.32
			-
Totals			33.32
2003			
02021012D	TRULL LILLIE MAE	5491	20.16
			-

Totals **20.16**

GRAND TOTALS **28,055.06**

f. Tax Administrator: Departmental Monthly Report for May 2009

Transfer of Surplus Vehicle to Veterans' Council of Union County:

A RESOLUTION AUTHORIZING CONVEYANCE OF COUNTY LIFT EQUIPPED VAN TO THE VETERAN'S COUNCIL OF UNION COUNTY

WHEREAS, the Veteran's Council of Union County (the "Veteran's Council") has been assisting Union County's Veterans Services Office by transporting veterans living in Union County who have appointments on days the Union County Transportation Department does not provide transportation services to the Veteran facilities or who have appointments for which the Union County Transportation Department is unable to provide timely transportation; and

WHEREAS, in Fiscal Year 2008, the Union County Transportation Department placed a lift equipped van (the "Subject Property") identified in Exhibit A, attached and incorporated herein by reference, into surplus that was replaced by the North Carolina Department of Transportation; and

WHEREAS, pursuant to G.S. § 160A-279(a), Union County is authorized to convey by private sale to any public or private non-profit entity which carries out a public purpose any real or personal property which it owns whenever the County is authorized to appropriate funds to such public or private entity; and

WHEREAS, pursuant to G.S. § 153A-449, the County is authorized to appropriate funds to any person, association, or corporation, in order to carry out any public purpose that the County is authorized by law to engage in; and

WHEREAS, pursuant to G.S. §§ 153A-274 et seq., Union County is authorized to own and operate a public transportation system in order to furnish services to the county and its citizens; and

WHEREAS, Union County desires to convey the Subject Property to the Veteran's Council for the purpose of transporting veterans living in Union County who have appointments on days the Union County Transportation Department does not provide transportation services to the Veteran facilities and/or who have appointments for which the Union County Transportation Department is unable to provide timely transportation; and

WHEREAS, for purposes of this resolution, the term "appointments" shall mean those appointments that would qualify for transportation services by the Union County Transportation Department; and

WHEREAS, the Veteran's Council shall not use the Subject Property in competition with the Union County Transportation Department.

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

1. The Subject Property is hereby declared surplus.
2. The County Manager is authorized to dispose of the Subject Property to the Veteran's Council by private sale in accordance with G.S. § 160A-267, and to execute such documents of conveyance as may be necessary to transfer ownership of the Subject Property. Consideration for disposition of the Subject Property shall be non-monetary but shall include the promise by the Veteran's Council, as evidenced by written agreement in substantially the form of the draft agreement attached and incorporated herein by reference as Exhibit B, to continue to use the Subject Property for a public purpose and not in competition with the Union County Transportation Department. Such agreement shall include covenants or conditions as will assure that the Subject Property will be put to a public use by the Veteran's Council and will not be used in competition with the Union County Transportation Department.
3. A notice summarizing the contents of this Resolution shall be published once after its adoption, and no sale shall be consummated hereunder until ten days after publication.

This the 15th day of June 2009.

Lanny Openshaw
Chairman of the Union County Board of Commissioners

EXHIBIT A

The “Subject Property” is described as follows:

County Van # 45-03
Dodge Ram
Lift equipped
VIN # 2D7LB31Z23K526838

Contracts List: Approved the format for Staff Attorney and his office to detail information on all on-going contracts and lease agreements.

Justice Assistance Grant (JAG) 2009: Authorized submission of Grant application by County Manager with Captain Steve Simpson to act as the grant administrator to the Bureau of Justice Assistance in the amount of \$44,594 to be used towards Information Technology upgrade projects for the Sheriff’s Office. There is no local match required.

Minutes: Removed from the agenda

Resolution to Revise Board of Commissioners’ Regular Meeting Schedule for July 2009:

RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE
OF THE UNION COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Union County Board of Commissioners has heretofore established the regular meeting schedule of the Board such that regular meetings are held on the first and third Monday of each month at 7:00 p.m. in the Commissioners’ Boardroom; and

WHEREAS, the Board desires to amend its regular meeting schedule by canceling the first regular meeting of July (July 6); and

NOW, THEREFORE, be it resolved by the Union County Board of Commissioners as follows:

The Board does hereby revise its regular meeting schedule to delete from the schedule the regular meeting of July 6, 2009. Except as herein amended, the regular meeting schedule shall remain in full force and effect.

Adopted this the 15th day of June, 2009.

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

Sublease of Space at Union Village to Daymark Recovery Services: Authorized the County Manager to approve amendment to extend Daymark's sublease on a month-to-month basis

Voluntary Agricultural District Ordinance (Extension of Effective Date): Approved following resolution extending effective date until September 30, 2009.

AMENDMENT
TO UNION COUNTY VOLUNTARY AGRICULTURAL DISTRICT &
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE

WHEREAS, the Board of Commissioners adopted the Union County Voluntary Agricultural District & Enhanced Voluntary Agricultural District Ordinance (the "Ordinance") on November 17, 2008, with an effective date of February 1, 2009; and

WHEREAS, on January 20, 2009, the Board extended the effective date to March 1, 2009; and

WHEREAS, on February 16, 2009, the Board extended the effective date to May 1, 2009; and

WHEREAS, on April 20, 2009, the Board extended the effective date to July 15, 2009; and

WHEREAS, certain provisions of the Ordinance continue to require additional analysis prior to implementation; and

WHEREAS, the Board thus desires to extend the effective date a fourth time.

NOW, THEREFORE, BE IT ORDAINED by the Union County Board of Commissioners as follows:

1. In Article XVII(D), as amended, delete “July 15, 2009” and replace with “September 30, 2009” such that this subsection reads as rewritten:

“The Effective Date of this Ordinance shall be September 30, 2009.”

2. Except as herein amended, the provisions of the Ordinance shall remain in full force and effect.

Adopted this the 15th day of June, 2009.

Lanny Openshaw, Chairman

Finance:

a. Motor Vehicle Tax Refund Overpayments for May 2009 in the amount of \$2,134.33

A Resolution of the Union County Board of Commissioners Supporting an Alternative Method of Recognition for Veterans Status to Merchant Marine Seamen of World War II: The resolution was adopted. (The Chairman read the resolution into the record later in the meeting.)

Personnel Resolution: Amendment to Article VII, Section 5. Moved to the Regular Agenda.

PUBLIC INFORMATION OFFICER'S COMMENTS:

Brett Vines, Public Information Officer, announced that the Department of Social Services is seeking sponsors for birthday gifts for foster children. He said for \$30 or more an individual can sponsor a foster child and purchase gifts for these children. He provided details for participation.

He further stated that the Health Department is also seeking individuals to provide quilt squares to make one quilt and if they get more than the 15 needed by June 30, they will quilt another one for the same purpose. He said this quilt would be auctioned in August for Breast Cancer Awareness. He provided information on contacting the Health Department to participate.

Mr. Vines said the Union County Public Library in Monroe has started a program called "Job Search at your Library". He said this program would be held every Wednesday from 10:00 a.m. until noon during the months of June, July and August. He described its purpose and gave the details for seeking additional information on the program.

He further noted that candidate filing for municipal elections will begin July 6 at 8 a.m. and will end July 17 at noon. He pointed out that details for filing are on the County's web site under the Board of Elections.

REAPPOINTMENT OF TAX ADMINISTRATOR:

The County Manager explained this was a continuation from the June 1st agenda and since that time there has been a workshop to discuss this item with Mr. Petoskey. He explained the term of office could be no less than two years and no more than four years. Mr. Greene recommended that Mr. Petoskey be appointed for a four-year term.

Motion was made by Commissioner Baucom that Mr. John Petoskey be reappointed to serve a four-year term.

Commissioner Kuehler stated that the highest volume of emails that she receives is requesting the Board not to raise taxes and asking questions about the budget. She said the second highest volume has to do with taxes and valuations, etc. She said that during the workshop there were definitely issues with undervalued commercial products and some skyrocketing residential values on properties. Commissioner Kuehler said the one thing she could not fully understand is the philosophy of basing assessments on highest and best use. She said this is

not her personal philosophy nor the philosophy of many other taxpayers in Union County. She said that based on discussion during the work session, there were some questions on philosophies not settled; therefore, she moved to amend the motion to reappoint John Petoskey for a two-year term to allow the Board the opportunity to have discussions and settle some of the philosophical differences and put any changes into place.

The County Manager addressed the point of how property is assessed. He explained that the General Statutes dictate how property will be assessed in North Carolina and the Assessor has no latitude but to follow the Statutes and there is no discretion by the Assessor to modify this outline. The Staff Attorney agreed with the County Manager's statement, but Commissioner Kuehler stated she had reviewed the statute and there are several other criteria that valuation could be based on. She noted that one homeowner took the County to Raleigh for a final decision, and Raleigh agreed with the homeowner. She stated that for that reason there apparently is some discretion.

The Chairman agreed that a four-year term is a long period and agreed with a two-year term. He said the County Manager had said he wanted to be in his position a year before he evaluated the performance of department heads and noted the Manager has now been here a year and suggested that it is time that track of management begin.

The Chairman announced that he would now call for a vote on the motion to amend the original motion to be an appointment of John Petoskey to serve a two-year term. The motion to amend was passed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers and Commissioner Keuhler voted to amend the motion; Commissioners Baucom and Mills voted against the amendment.

The Chairman then called for a vote on the motion as amended which was to appoint John Petoskey, Tax Administrator, to serve a two-year term as the Union County Assessor and Tax Collector. The motion passed unanimously.

DISPOSAL OF SURPLUS WELL LOT LOCATED NEAR BROAD STREET IN WAXHAW, NC:

The Chairman stated that Historic Ventures has submitted a check in the upset bid process for .82 of an acre, which abuts a larger tract of land that they own. He said the second issue is that Historic Ventures requests that it be allowed to represent Union County to request a zoning change on this .82 of an acre tract from R-4 to CUC4 and for the issuance of the related conditional use permit. On the advice of the attorney, the Chairman announced that this item would be acted upon as two separate issues.

Motion was made by Commissioner Mills that the following resolution be adopted. The motion passed unanimously.

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 Fifty Thousand Dollars (\$50,000), 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 15th day of June, 2009

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

The Chairman restated the second part of the request from Historic Ventures and read from the application to the Town of Waxhaw requesting a change in zoning of said .82 of an acre and the request for a related conditional use permit.

Motion was made by Commissioner Mills that authority be granted for Historic Ventures to represent Union County to change the zoning before the Town of Waxhaw from R-4 to CUC4 zoning district and to pursue the issuance of the related Conditional Use Permit.

Commissioner Kuehler reported that she did not have a problem with the first part but did have concerns with the second part for the CUC4 Permit. She questioned from a legal standpoint if the County grants permission for a CUC4 is the County by default giving Historic Ventures some kind of promise or an inferred promise that Union County is going ahead with the process and the County's parcel will be a part of that CUP, if approved.

Mr. Merritt stated that he thought what the discussion has been to this point is if Historic Ventures can acquire ownership of the property prior to the meeting of Waxhaw's Council meeting that they would own it, and it would be included within its rezoning petition. He stated that if Historic Ventures cannot acquire ownership of the property by that point in time, it would pull this property from the permit request before Waxhaw. He said that this might be something that the Board would want to include by adding a sentence to read: that this consent is subject to Historic Ventures obtaining ownership of the property prior to the meeting of Waxhaw's Town Council, and if it has not obtained ownership by that point in time, this consent will terminate."

Commissioner Kuehler questioned why, if Historic Ventures owns the property by that time, do they need the County's authorization.

Mr. Merritt explained that Historic Ventures needs the permission in order to start the process. He said that with the permission, it can go ahead and start the process as the County's agent while the County owns the property and once it acquires the property, if it makes a

bid that is accepted by the Board, and it is voted that they own the property, then it becomes moot. However, up until that time this action allows Historic Ventures to go ahead and file its application and go through the process.

Commissioner Kuehler stated that the only way she would support the motion would be if the caveat was included that if for some reason the transfer of ownership has not taken place then “all bets are off”.

Commissioner Mills agreed to add Commissioner Kuehler’s caveat as a friendly amendment to his motion.

The Chairman asked if Historic Ventures submits an application for a CUP will this property only be rezoned under that CUP or could the County ask that its property be included in a rezoning to a CUC4 regardless of what happens with Historic Venture’s application.

Mr. Merritt responded that if the Board wanted to do that, it could instruct staff at any point and time to apply for that change in zoning, separate and apart from what happens within this agreement. He said, if the Board should decide to not approve Historic Ventures bid for the project, there is nothing to prevent the County from going before the Waxhaw board and seeking rezoning on its own.

The Chairman stated that as he now understands it, Historic Ventures wants to act as the County’s agent to get it rezoned and to purchase the property. He said that the way he understood it, if Historic Ventures does not purchase the property, it will remain zoned R-4.

With there being no additional discussion, it was agreed that to the original motion it be added that if Historic Ventures does not acquire ownership of the property prior to its meeting with Waxhaw, the agreement is null and void. After comments, it was agreed that wording of the document to accomplish the intent of the Board be left to the discretion of the attorney. The motion passed unanimously.

PERSONNEL RESOLUTION: AMENDMENT TO ARTICLE VII, SECTION 5 (moved from the Consent Agenda):

At the request of the Chair, the County Manager explained that this amendment would extend the current expiration of the Board’s reduction in work force policy, which is July 1, 2009, through January 1, 2010, with no other changes. He said he would only envision this action being necessary if there were unforeseen cuts at the State level that would have dramatic impact on the County.

Commissioner Mills moved that the amendment be approved as submitted.

Vice Chair Rogers said that the reason she had asked this item be moved to the Regular Agenda was because she had not originally supported the RIF Policy so she did not want to have it voted on in the consent agenda because she still does not approve the policy. She also suggested that some percentage of employee population or a number be established stipulating when the County pays out a RIF. She recommended that if there is a certain percent or 10 or 15 employees or more, the policy would be enacted but if there is reduction in force due to an improvement in efficiency or department reorganization, she would not recommend that taxpayers' money be spent for it.

Mr. Greene responded that his concern with that position would be that there could be a situation where, due to the same economic downturn that was experienced in January and which is continuing, there might be a need to eliminate a handful of positions due to the downturn and conditions but the employees would not be treated in the same manner.

She said that as the budget was approved today, there was no reduction in the personnel, and she thought it was covered. She said that as a policy matter, if the County is going to continue to have a RIF Policy in place to avoid confusion and so there is no expectation of getting something if one person is laid off compared to 15 employees, it would be more prudent to include a number or percentage.

Commissioner Mills said the motion could be approved to extend the date and the Board could come back with input from Personnel and the County Manager on the concerns of Vice Chair Rogers.

Commissioner Kuehler agreed with Vice Chair Rogers stating that she had not agreed with the RIF policy the first time and noted there is some inherent language in the policy that she still does not agree with. She said to prolong that for another six months goes against her philosophy.

The Chairman stated that in looking at the last budget recommendation there was a number included that would not require terminations. He said he would like to see the County start looking at individual jobs rather than reduction in force.

The Chairman called for a vote on the motion. The motion failed by a vote of two to three. Commissioners Baucom and Mills voted for the motion and Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted against the motion.

OPENING OF TIME CAPSULE BURIED 100 YEARS AGO ON LAWN OF HISTORIC COURTHOUSE:

The Chairman stated the next item and recognized Commissioner Mills who had asked it be placed on the agenda. Commissioner Mills said that thanks to Mrs. Bjorlin the mystery has been solved as to the location of the time capsule in or around the Civil War

monument that was placed on the grounds of the historic Courthouse on July 4, 1910. He recommended and moved that the Board instruct the Assistant County Manager to work with the Historic Preservation Commission to serve as a committee to work on the celebration for the opening of the time capsule.

The Chairman asked Mrs. Bjorlin if she had any suggestions. She responded that the Commission has not studied it. She pointed out that there is no longer a United Daughters of the Confederacy and that she thought there was no longer a Sons of the Confederacy in Waxhaw. She said she thought it would be logical for the Commissioners and the Historic Preservation Commission to jointly plan the celebration. She further stated that it is only hoped that there is something in the capsule that might have survived.

The motion passed unanimously.

PIEDMONT HIGH SCHOOL (ADDITION AND RENOVATION) CONSTRUCTION FUNDING:

The Chairman recognized Don Hughes, UCPS, to present the item for discussion. He noted that documentation had been included in the Board's package for renovations and additions to Piedmont High School and the Board of Education is seeking funding from the County to proceed with the project. Mr. Hughes explained that now that school is out its old agricultural building can be torn down and construction for the new building could begin.

Mr. Nelson, Finance Director, stated that before the Board takes action on the appropriation request, he wanted to present brief background information. He pointed out that in the 2006 Bond Referendum, as the Board is aware, the question to the voters was a broadly defined question on school construction. The information that was provided to the public as well as the information that was provided to the Local Government Commission in the application had a list of specific projects. One of those projects was the transportation facility. The bond referendum occurred in 2006 and the terrain has changed substantially since that time in terms of the financial conditions of the nation, the county, and, noted that obviously the priorities of the Board of Education had also changed. He reminded that in the January-February timeframe, the County's staff approached the schools' staff about the County's ability to fund not only the transportation facility but also a series of other projects that are Sun Valley Middle, Sun Valley High, Piedmont High, New Salem Elementary, and Western Union Elementary schools. He said the staff explained that the ability to fund both the transportation facility and the renovations and construction projects is very limited. Mr. Nelson said that during the conversations of both staffs, it was suggested that they might want to reassess their priorities including the transportation facility project. He said they did so and the Board of Education has met and the priorities are now Sun Valley Middle, which the Commissioners approved about a month ago, and now it is at the decision point with Piedmont High of the

schools previously mentioned. He said if the Board makes a decision to proceed with that project, then by default the County will not be able to complete the transportation facility project, which is roughly a ten million dollar project.

Mr. Nelson stressed that the decision for the Board tonight is to simply defer the transportation facility project to another time and to commit to the school system to issue COPS at some time in the future when the financial condition of the County changes. He said by doing so the Board of Education would be able to complete Piedmont, New Salem, Western Union, and perhaps in the current contract environment possibly some other projects. He stressed that the first action required is the substitution of the Transportation Facility. He noted that if that substitution is not made, the County would have to go back because to do the Piedmont project might be somewhat problematic.

Mr. Hughes interjected and stressed that it is the will of the Board of Education to proceed with Piedmont High School, Western Union, and New Salem schools and defer the transportation facility until the project can be completed in the future. Mr. Hughes noted that Piedmont is approximately a \$4.5 million project.

Commissioner Baucom moved that the recommendation and request of the Board of Education be approved to substitute the transportation facility project and that the Piedmont High School project be approved and CPO-118 be approved.

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	School Bond Fund - 55			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2008-2009			DATE	June 15, 2009		
PROJECT SOURCES				PROJECT USES			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
G.O. Bond Proceeds	483,922,617	4,571,485	488,494,102	Piedmont HS A&R (115C-429b project allocation)	682,699	4,571,485	5,254,184
All Other Revenue				All Other School			

	1,363,308	-	1,363,308	Projects	484,603,226	-	484,603,226
						-	-
						-	-
	485,285,925	4,571,485	489,857,410		485,285,925	4,571,485	489,857,410
EXPLANATION: Funding requests submitted by UCPS for Piedmont HS Additions & Renovations pursuant to 115C-429b.							
DATE:				APPROVED BY:			
					Bd of Comm/County Manager		
					Lynn West/Clerk to the Board		
FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
G.O. Bond Proceeds	483,922,617	4,571,485	488,494,102	Piedmont HS A&R (115C-429b project allocation)	682,699	4,571,485	5,254,184
55491100-4710-530				55559200-5586-566			

									-
	483,922,617	4,571,485	488,494,102			682,699	4,571,485	5,254,184	
Prepared By	Dhc								
Posted By									
Date							Number	CPO - 118	

The Chairman stated that during one of the meetings merging transportation was mentioned. Mr. Hughes said he did understand that comment and would be willing to discuss the issue. He said that he had held discussions with the Transportation Director, and they are willing to talk about it. He stressed that it has not gone to the Board of Education but director to director it has been discussed.

The Vice Chair said that she would like to see it added to the action list that Mrs. West keeps for the Board and that the Board direct the County Manager to get with whoever the appropriate person is in the school staff and start looking at a joint venture.

The motion as made by Commissioner Baucom passed unanimously.

UPDATE ON ENERGY EFFICIENCY GRANT APPLICATION:

The Chairman recognized the County Manager who explained that on May 18th, the Board authorized the development of an application for the \$751,800 Energy Efficiency Grant. He said that it was explained at that time that the application would contain the

projects that the County wanted to pursue and that the completed application would be brought to the Board for input at this meeting. He said what the staff has determined is that the application will only contain a broad range of categories of types of energy and efficiency projects such as lighting, retrofitting, and changing out windows, etc. He said that he has hired the firm of REFRESCO, as recommended by Centralina Council of Governments, to perform an energy audit and with the information provided within a completed audit, the County will refine the projects working with the County's staff and the schools' staff to determine the most cost-effective projects with the quickest payback. He explained that these specific projects would be contained within a strategy document that has to be submitted within 120 days of the application's submission.

Mr. Greene said he is seeking authorization from the Board to proceed with the grant application and to come back with a draft strategy that contains the projects of the County and the school district for the Board's review and input.

Motion was made by Commissioner Mills that the staff be granted authorization to proceed with the filing of a grant application and to come back with a draft strategy that contains the proposed projects of the County and the School Board for the review and approval of the Board of Commissioners.

The Vice Chair asked the cost for this audit and study. She asked if this was part of the budget that the County has with COG. Mr. Greene replied that the COG work was direct cost plus hours that the County drew from COG hours. He noted that the cost of the energy audit itself would be covered by the grant. Vice Chair Rogers asked if the County had expended any money on this project to date. Mr. Greene replied that the only money that has been spent at this time was the cost for drafting the application by COG, which was not a lot of money.

Chairman Openshaw stated that the contract with REFRESCO is an amount not to exceed \$13,460. Commissioner Baucom asked if the grant is not made would the County be responsible for the payment. Mr. Greene agreed but said the grant is basically an earmarked grant.

The motion passed unanimously.

CONSIDERATION OF PROPOSAL FOR FUTURE USE OF SURPLUS PROPERTY:

Chairman Openshaw recognized the County Manager to explain this item.

Mr. Greene stated that the Board has approved a Task Order with HDR to develop an application for a Conditional Use Permit to be submitted to the Town of Weddington for a proposed site for an elevated storage tank. He explained that the County also has a contract on the parcel with the purchase being contingent upon the granting of the Conditional Use Permit. He said the parcel is approximately five acres and the site for the tank itself will only require two acres. He said that Mike Shoals from HDR is also present and noted that the County Attorney has been working with staff on this one. Mr. Greene said the staff wants to explore the Board's willingness to consider offering the use of the surplus three acres to the Town of Weddington for some public purpose use such as recreation or parking. He said there would be a number of advantages to the County for possibly taking that action. One of the advantages would be that the County would not have to maintain the three acres and another would be that it might make the application for the Conditional Use Permit a little more pleasing to the town; and, supposedly, the public use would benefit the town's residents and county's residents in the future. Mr. Greene noted that the Board might want to consider including a condition that if the town accepts and agrees to make a public use of the property that it would be specified that for the term of lease it would be used for a public purpose or if it is a fee simple title that the public use would be in perpetuity and also that county residents would be able to use the property on the same basis as town residents. He said there is no concrete recommendation, but the staff is seeking guidance and a determination of the Board's opinion on this broad approach.

Mr. Merritt agreed that the synopsis is accurate and the next step in this process is sitting down with Weddington's staff to discuss the tower. He said that before having the discussion, the staff wanted to know what is acceptable and not acceptable to this Board.

Commissioner Kuehler asked verification that this parcel is up before Weddington for a CUP. Mr. Merritt responded that an application has not been filed but he is going to sit down with the planners and talk with them about the parcel and the County's plan for the property. She asked if the application would require rezoning. Mr. Merritt said at this time that decision is still being researched and that is one of the reasons for sitting down with Weddington. She questioned if it is a quasi-judicial decision is it legal to sit down with them ahead of time. Mr. Merritt said that he and staff could sit down with the planners but could not sit down with the Council members. He agreed that if it is determined that it will be quasi-judicial then there cannot be discussion with the Council members and the decision must be made based upon the evidence before them. He said the point of this discussion is to determine if this is an avenue that the Board of Commissioners wants to explore. He pointed out that the Commissioners might want to keep the three acres for the County's use.

Commissioner Mills moved to instruct staff and Mr. Merritt to sit down with the planners and the legally appropriate people at Weddington and to explore the options and report those findings to the Board.

Chairman Openshaw said that he was opposed to what has been presented for a number of reasons. One of these reasons is that he has watched the property and has spoken with the Mayor and the transportation committee of the area and currently there is discussion to

build a round-about in this area. He further noted that currently the road is being expanded as part of the Providence Road expansion. He said there is going to be turning lanes there but he could not say when or exactly where. He said he would suggest that the staff work with Weddington and let Weddington know that the County is willing to work with them as far as the location of the access road but Weddington might prefer to have that off the round-about. He said he had also seen on a plan that there could be a medical building there. He said he did not mind working with them but that he thought there was much better use of the land than park land.

Mr. Merritt said the reason this was brought to the Board is that he and the staff did not want to be in a position of making a commitment to Weddington that this Board would not want to live up to. He said that was the reason for the discussion now because direction is being sought before meeting with Weddington. He stressed that he did not want it to appear that the staff was promising something that the Board would not be willing to do. Again, Mr. Merritt stressed that he and the staff are only trying to determine what the Board is willing to do.

The Chairman stated that he did not think the County should be dangling any park land in front of Weddington. He said he thought it was the County's responsibility to work with the community and see what they would want to see done there, even if that decision is deferred.

Commissioner Kuehler asked Mr. Merritt if he were asking for more direction than that specified in Commissioner Mills' motion.

Mr. Merritt said that what he did not want to get into is a situation where he and the staff are meeting with Weddington and something comes up where an idea is floated – such as a park, for an example – and discussion ensues that Weddington wants to use it for a possible park site with the restrictions that it be available to county residents as long as the agreement is in existence. He said he would not want to go down that road, if that is not a road that if brought back to the Board, would not be acceptable. He said, as it stands right now, there is no knowledge that Weddington even wants to use the property. He said if the Board wants to keep the three acres and wants to figure out what to do with it in the future, then there is no reason to have that type of specific discussion with Weddington. He said there could be general discussion but he wanted to make sure that boundaries are not crossed in the discussion that will not be agreeable to the Board.

Commissioner Kuehler said she did not think she was at a point where she could say definitely what she did or did not want to do with the surplus acreage.

Vice Chair Rogers stated that because of the cost of the land to the taxpayers that she thought there should be an opportunity to get some kind of return on that investment in another way, other than a park. She said she realized the area on the west needs a park but explained that she did not know if three acres could be a park of any substance and noted the County might be able to sell the land later at a profit. She said it is the same consideration as with the Belk-Tonawanda Park in giving land away. She said even though it is for all citizens, she did not know how the other municipalities would react. She stated she could not be supportive at this time to go into that type of dialogue with Weddington. She stressed she was not ruling it out later, but at this point, she would not.

Commissioner Baucom said that it seems there has been a loss of focus. He said the land has been identified for three years in the CIP as a water tower site and the purpose is to provide ample water and ample pressure for the citizens of the area. He said he thought it is very appropriate to have discussion to obtain their sense of purpose and come back with the staff's findings; however, he did not think the purpose was a park but was for a water tower.

Vice Chair Rogers stated that for clarification the County intends to go forward with the water tank for the two acres, but the question is the usage of the three surplus acres.

Mr. Merritt stated that when Weddington does the Conditional Use Permit, Weddington can identify usage for the entire parcel of property. He pointed out that the water tank is on the back section of the property taking about two acres at the back of the five-acre tract. He said it had been floated before that Weddington might have a use for the site. He said the next step is for him and the engineers to sit down with the town and to present the schematics and discuss the usage and options. He said they would not want to ask them for potential uses by Weddington if the Commissioners' decision is that they do not want to do anything with the acreage at this time.

The Vice Chair asked Mr. Merritt if he were saying that to offer Weddington the three acres for a park would sway the findings of fact. He said he could not say whether or not it would have an impact on what their Council would do or not.

She said it would seem to her that what the County's established use, as Commissioner Baucom said, is the water tower. She asserted that the County wants to go forward with the CUP for the water tower and ask that Weddington make its decision based on the facts that it needs to review.

Mr. Merritt agreed that was an option but again stated that another option is if the Board agrees to it is at some point that there could be a use for the other three acres by Weddington. He stressed if the Board would agree to it, this use could be part of the application as well. He said what he wanted to know is if Weddington has a grand use for the remaining three acres is the Board of Commissioners interested in

its plans or is it the final conclusion that Union County is going to hold on to the property for five years and try to recoup the cost of the purchase. He said if that is the Board's decision then there is no point in starting a lot of discussion with Weddington.

Chairman Openshaw said that he thought Weddington now has a Downtown Task Force Committee to look at what they want to do; so, obviously, at some point this is a good conversation. He said he did not like the idea of it coloring the CUP. He asked the Manager if the water tower could be moved around on that site. The Public Works Director said that there is some flexibility in moving the tower but there are setback requirements for safety purposes specifying where the tank must be physically located and noted there needs to be a buffer around the tank. In response to a question about the setback requirements, the Public Works Director said the setbacks were basically the same as the height of the tank. He stressed he did not want to leave any perception with Weddington that there was a carrot. He said the water tank is needed and stressed the purchase price is a lot and that is part of his concern.

Commissioner Mills said his motion had been generally vague to start the dialogue and he thought that it would be good to talk with them and it would be beneficial. Chairman Openshaw agreed but said he thought it was important not to leave a taste that it would be park land.

Mr. Merritt said the consensus of the Board, as he understood it, is that the County would be willing to sit down with them if they had a suggestion but that the County is not making any assurances, one way or the other. The property is available for any use at this time but if there were something they want to propose, the staff would be willing to convey such a proposal to the Board for consideration.

Vice Chair Rogers agreed that Mr. Merritt had a good pulse of the Board. Commissioner Openshaw agreed stating "particularly for the access road."

Mr. Merritt noted that where this road is located, the access road could be put about anywhere. He said there is no magic at this point.

Chairman Openshaw asked if Commissioner Mills' motion could be amended to authorize Mr. Merritt to proceed with discussions with Weddington's staff with his feeling of the Board's position. Commissioner Mills said he thought the wording should be to meet with appropriate officials. With there being no additional discussion, the motion passed unanimously.

Chairman Openshaw asked to suspend the Rules of Procedures to move Item 13 to the next item on the agenda,

Motion was made by Commissioner Baucom that the Rules of Procedures be amended to move Item 13 to the next item on the agenda. The motion passed unanimously.

CONSIDERATION TO ADOPT RESOLUTION TO DEDICATE PORTION OF HIGHWAY 601 SOUTH, FROM HIGHWAY 74 EAST TO MANGUM DAIRY ROAD, IN MEMORY OF “M. WAYNE MANGUM: (Moved from 13)

Commissioner Baucom moved that the following resolution be adopted to dedicate a portion of Hwy. 601 South from Highway 74 East to Mangum Dairy Road in memory of M. Wayne Mangum. He explained the resolution was proposed by the Agricultural Advisory Board.

**RESOLUTION TO REQUEST DEDICATION
OF PORTION OF HIGHWAY 601 SOUTH,
FROM HIGHWAY 74 EAST TO MANGUM DAIRY ROAD
TO M. WAYNE MANGUM**

THAT WHEREAS, the Union County Board of Commissioners has received a letter of support from the Union County Agricultural Advisory Board to dedicate that portion of Highway 601 South, from Highway 74 East to Mangum Dairy Road to M. Wayne Mangum; and

WHEREAS, the Union County Board of Commissioners recognizes the contributions and leadership of Mr. Mangum during his lifetime to farming, agriculture education and the Future Farmers of America (FFA);

WHEREAS, Mr. Mangum served a 42-year career as a vocational agriculture educator, and during those years he taught in Rutherford County, at Wesley Chapel High School and Sun Valley High School in Union County; and

WHEREAS, Mr. Mangum also served as a member of the Union County Board of Education for eight years; and

WHEREAS, he served as a mentor to countless Union County young people during his tenure as a vocational agriculture teacher and under his direction, his FFA members and teams won 106 state championships; and

WHEREAS, included among the many achievements and awards received by Mr. Mangum during his lifetime are: the FFA Honorary Carolina Farmer Degree in 1953; Honorary American Farmer degree in 1954; Teacher of Teachers Silver Award of National Vocational

Agriculture Teachers Association in 1968; recognized for fifty years of outstanding service by the Wesley Chapel Agri-Business Club in 1995; Order of the Long Leaf Pine; and the North Carolina Ambassador of Agriculture Award; and

WHEREAS, Mr. Mangum was instrumental in bringing modern technology to the agricultural industry in Union County and through his leadership and efforts, Union County became one of the leading agricultural counties in North Carolina; and

WHEREAS, evidence of his impact to the County's agricultural industry continues today through the awarding of the M. Wayne Mangum Scholarship, which is directed to students who are in pursuit of a higher education in the fields of agriculture, horticulture, home economics, or related areas such as forestry, ag mechanics, welding and childcare; and

WHEREAS, the Board of Commissioners desires to provide tribute to Mr. Mangum through the dedication in his memory of that portion of Highway 601 South, from Highway 74 East to Mangum Dairy Road.

NOW, THEREFORE, BE IT RESOLVED by the Union County Board of Commissioners that the North Carolina Department of Transportation is hereby requested to dedicate or authorize the Board of Commissioners to dedicate, in memory of M. Wayne Mangum that portion of Highway 601 South from Highway 74 East to Mangum Dairy Road. The Department of Transportation is also requested to place signs, or authorize the placement of signs, appropriate in size and content, to indicate dedication of Highway 601 South from Highway 74 East to Mangum Dairy Road in memory of M. Wayne Mangum.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City of Monroe is also requested to adopt this same or similar resolution such that the portion of Highway 601 South dedicated in memory of M. Wayne Mangum may extend unbroken from Highway 74 East to Mangum Dairy Road.

Adopted this 15th day of June, 2009.

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

Union County Board of Commissioners

The Vice Chair asked if there is any policy for dedication of a road.

Mrs. West asked if the motion could be amended to include that section pertaining to the approval from the City of Monroe. Commissioner Baucom amended his motion to include same. The motion passed unanimously.

Commissioner Baucom asked that an official resolution be prepared and given to the Mangum family. It was the consensus of the Board to do so.

The Chairman said that he was pleased when a school wins one award and is really impressed when one high school wins 106 State awards,

The motion to adopt the resolution passed unanimously.

ANNUAL RENEWAL AGREEMENT WITH THOMAS A. EBERT TO PROVIDE COMMERCIAL/INDUSTRIAL REAL PROPERTY VALUATION:

Chairman Openshaw moved that this item be tabled in conjunction with earlier discussion about reviewing some of the properties.

Commissioner Mills asked if this is a time sensitive issue.

The County Manager asked Mr. Petoskey to respond to that question. Mr. Petoskey stated that technically the contract begins July 1, 2009, and noted that Mr. Ebert would be working without a contract until such time it is presented and approved. He said that his department is in the middle of appeals and he has some commercial appeals that require Mr. Ebert's assistance in Raleigh. He agreed that in a manner of speaking, it is time sensitive and offered to respond to any questions that the Board might have.

Chairman Openshaw amended his motion to continue agreement on a pro-rata basis at the existing rate until issues surrounding the agreement are resolved. The motion passed unanimously.

CONSIDERATION TO SCHEDULE WORK SESSION REGARDING WATER ALLOCATION POLICY:

The Chairman asked for a motion to schedule a work session regarding a Water Allocation Policy. Chairman Openshaw said the 29th would work for him. Commissioner Mills reminded that as he had mentioned earlier to the Chairman he would not be available at that time since he would be on vacation. Chairman Openshaw said that because of the importance of this issue that he would support changing the meeting date.

After brief comments, the Board agreed to meet in a work session on Tuesday, June 23, at 9:00 a.m. to discuss the water allocation policy.

UPDATE ON HOSPITAL:

The Chairman recognized the County Manager to present the update. Mr. Greene explained that during the work session on April 28th, the Board directed the staff to develop a strategy for moving forward with the potential sale of the hospital subject to the lease with CMC Union. He explained that after the work session a second session was held with John Crill on May 13th and Mr. Crill discussed with the staff the legal aspects of selling the hospital and how that might relate to provisions of the current lease or the fact that the property is now encumbered with a lease. He said since that time the staff has had two additional conference calls with Mr. Crill and Mr. Bayman with Shattuck and Hammonds. He said the discussion that the Board had with John Crill included that prior to preceding that a feasibility study should be completed. He said the purpose of the study would be two-fold. The first would be to determine what legal complications that there might be in selling the assets while they are subject to a lease. He said that the advice has been given that while it might be cumbersome to sell the property while it is leased that there is nothing in the General Statutes that would prevent the Board from doing so. The second reason for a feasibility study would be to get a better handle on the potential value of the assets. He said there are many markers that affect the value including the economic problems of today. He said that in effect the value would be what a willing buyer would be willing to pay for the property. He said that after the discussions with these firms, it is not believed that any further feasibility study would be productive but would be expensive and time consuming. Mr. Greene recommended that if the Commission wants to continue discussions about the possible sell of the hospital that there be another workshop with the County Attorney, staff, Mr. Crill and the Shattuck and Hammonds representatives to discuss the structure of a request for proposals. He said the RFP could be simple or could be very complex. Mr. Greene noted that there are many policy issues that need to be taken into consideration in drafting of the RFP.

Motion was made by Vice Chair Rogers that staff be instructed to arrange a work session with the Board of Commissioners for the purpose of beginning the process of drafting an RFP. The motion passed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted in favor of the motion. Commissioners Baucom and Mills voted against the motion.

BAE INCENTIVE AGREEMENT:

The Chairman asked for a motion on this issue.

Commissioner Kuehler reminded that there was a motion and a vote for her to recuse herself from this issue the first time it was discussed. She asked to be excused from discussion and action on this item due to a potential conflict of interest.

The Chairman moved that Commissioner Kuehler be recused from discussion and action on this item due to a possible conflict of interest. The motion passed unanimously.

Motion was made by Commissioner Baucom that the County Manager be authorized to approve the agreement with BAE Systems Tensylon High Performance Materials, Inc. in an amount not to exceed \$53,717.77, payable over a three-year period. The motion passed by a vote of four to zero with Commissioner Kuehler being recused from the vote.

At approximately 9:00 p.m., the Chairman declared a five-minute recess. At its conclusion at approximately 9:18 p.m., he reconvened the meeting and stated the next item.

CONSIDERATION OF REDUCTION IN FY 2009 SCHOOL CAPITAL OUTLAY ALLOCATION:

The Finance Director reminded that in February 2009, the Governor diverted approximately \$1.2 million in lottery and ADM payments from the Public School Capital Building Fund to the State's general purposes budget due to the State's economic and financial conditions. He noted that this action, combined with sagging County revenues (property taxes, real estate related fees and charges, investment income) due to the economic conditions, further exacerbates the County's financial condition.

He noted that pursuant to G. S. 159-13(b) (9), the Commission conducted a public meeting during which the school board was given an opportunity to present information on the impact of the proposed reduction due to prevailing economic conditions.

Mr. Nelson stated that the proposed budget ordinance accomplishes the reduction.

Motion was made by Commissioner Mills that Budget Amendment #34 and CPO #119 to apply the reduction in the FY 2009 School Capital Outlay Allocation in the amount of \$1,246,400 due to prevailing economic conditions be approved.

BUDGET AMENDMENT										
BUDGET		Finance			REQUESTED BY		Kai Nelson			
FISCAL YEAR		FY2009			DATE		June 15, 2009			
<u>INCREASE</u>					<u>DECREASE</u>					
<u>Description</u>					<u>Description</u>					
					Fund Balance Appropriated					1,246,400
					IFT to General Capital Proj					1,246,400
Explanation:					Apply reduction in the amount of \$1,246,400 due to prevailing economic conditions.					
DATE					APPROVED BY		Bd of Comm/County Manager Lynn West/Clerk to the Board			
FOR POSTING PURPOSES ONLY										

Commissioner Rogers asked where within this document it stipulates that the schools may substitute CIP savings, if available.

Mr. Nelson agreed that the document did not specify that statement but agreed that was the intent of the discussion.

Vice Chair Rogers agreed that she wanted that statement added to the ordinance to make sure that everything is clear and requested it be amended to add “contingent upon school system being able to use the CIP savings, if available”.

Vice Chair Rogers asked Dan Karpinski, Public Schools Finance Officer, if the action as outlined meets the needs of the oral agreement.

Mr. Karpinski agreed that it did. He said they would prefer that it come from bond savings because CIP savings, like Mr. Nelson mentioned, would include savings that the schools may not be aware of.

Mr. Nelson reiterated that CIP savings give the school system more flexibility so if it wants to restrict its savings to bond savings, it works for him.

Mr. Karpinski said he could not argue with getting additional flexibility but there are no other identified CIP savings that he is aware of but since bond savings are included within the CIP, he would take the flexibility.

Commissioner Mills accepted the friendly amendment to his motion. The motion as amended passed unanimously.

AMENDED AND RESTATED BUDGET ORDINANCE FOR FY 2008-2009:

Mr. Nelson, Finance Director, stated that every year he presents the Board with a budget ordinance that reflects the accumulation of all the changes that have been made or need to be made to the budget ordinance so the staff can provide the external auditors with an Amended and Restated Budget Ordinance. He pointed out that there were three notable items in the Ordinance. He noted that the bottom number on the General Fund is \$312 million and the Board might recall that it has been talking about a General Fund of \$220 to \$230 million and might wonder how the number reached \$312 million. He said the most significant item relates to the refunding that the County did of the 2005 variable rate debt in the amount of \$76 million. He pointed out that under revenues, the figure shows proceeds from debt of

\$76 million. He said essentially what the ordinance is doing is recognizing the revenues of \$76 million and revenue to pay off the \$76 million. The second is relative to the State Medical Examiner’s budget, which is one of the State required payments, and it is in excess of budget, and then the third is the Commissioners’ legal account. He said when those particular items are taken into account; this Amended and Restated Budget Ordinance will provide the auditors with a final recap.

Vice Chair Rogers stated that she could see under education the economy downturn reduction of \$3.9, the first reversion by the schools, and the \$1.2 is the reversion that occurred tonight. She asked for an explanation on the line dealing with bond savings.

Mr. Nelson responded that when the Board adopted the original 2008-2009 budget ordinance, there was \$17.795 million in School Capital Outlay and of that amount \$7,995,700 was coming from CIP bond savings. He explained that amount was combined with an almost similar amount from the previous fiscal year. He noted that the 2008-2009 year represented the second consecutive year of using CIP bond savings to fund school capital outlay.

Commissioner Mills moved to adopt the Amended and Restated Budget Ordinance for FY 2008-2009 as recorded below. The motion passed unanimously.

Fiscal Year 2008-2009											Amended and Restated Budget Ordinance	
											Union County, NC	
SECTION I. GENERAL FUND												
	A	The following amounts are hereby appropriated in the GENERAL FUND for the operation of the county government and its activities for the fiscal year beginning July 1, 2008 and ending June 30, 2009 in accordance with the chart of accounts heretofore established for this county.										
		General Government:										
		Board of Commissioners									730,142	
		Central Administration									1,551,952	

		County Dues & Memberships				128,599		
		Internal Audit				98,126		
		Legal				335,714		
		Personnel				828,358		
		Finance				930,890		
		Tax Administration				4,242,376		
		Court Facilities				2,189,362		
		Elections				997,011		
		Register of Deeds				1,205,450		
		Information Technology				2,641,962		
		General Services				645,608	16,525,550	
		Public Safety:						
		Law Enforcement				20,854,311		
		Communications				5,290,056		
		Homeland Security				317,020		
		Fire Services				1,300,883		
		Inspections				2,129,837		
		Outside Agencies				3,755,736	33,647,843	
		Economic & Physical Development:						
		Planning				677,106		
		Economic Development				1,259,866		
		Cooperative Extension				1,249,701		
		Soil Conservation				77,269		
		Outside Agency				68,725	3,332,667	
		Human Services:						

		Public Health					9,082,709		
		Social Services					28,500,771		
		Transportation and Nutrition					1,574,175		
		Veterans' Services					294,638		
		Outside Agencies					2,046,385	41,498,678	
		Education:							
		School Current Expense (See Section VIII. D.)					77,296,271		
		School CE-Occupancy Costs					213,507		
		School Capital Outlay (See Section VIII. A., B., & C.)							
		Pay-Go & Bond Savings	17,795,700						
		Economy Downturn Rev 1	(3,928,042)						
		Economy Downturn Rev 2	(1,246,400)						
		Bond Savings	(7,995,700)				4,625,558		
		School Debt Service					125,235,529		
		Community College Debt Service					356,074		
		Operations					1,200,000		
		Outside Agency					2,500	208,929,439	
		Cultural and Recreational:							
		Library					5,043,590		
		Parks & Recreation					2,869,249		
		Outside Agencies					186,071	8,098,910	
		Contingency/Nondepartmental					326,590	326,590	

		Hemby Bridge				Ad Valorem Taxes	1,054,969	
			1,151,500			Local Option Sales Tax	96,531	
							1,151,500	
		Springs				Ad Valorem Taxes	316,338	
			350,555			Local Option Sales Tax	34,217	
							350,555	
		Stallings				Ad Valorem Taxes	888,230	
			957,110			Local Option Sales Tax	68,880	
							957,110	
		Waxhaw				Ad Valorem Taxes	399,203	
			614,200			Local Option Sales Tax	79,997	
						Fund Balance Appropriated	135,000	
							614,200	
		Wesley Chapel				Ad Valorem Taxes	1,025,757	
			1,117,831			Local Option Sales Tax	92,074	
							1,117,831	
		SECTION III. FEE SUPPORTED FIRE DISTRICTS						
		A The following amounts are hereby appropriated in the FEE SUPPORTED FIRE DISTRICTS FUND for the operation of fire protection services for the fiscal year beginning July 1, 2008 and ending June 30,			B It is estimated that the following revenues will be available in the FEE SUPPORTED FIRE DISTRICTS FUND for the fiscal year beginning July 1, 2008 and ending June 30, 2009.			

		2009 with the chart of accounts heretofore established for this county.							
		Public Safety:				Fire Fees		1,218,127	
				1,218,127					
						Fund Balance Appropriated		-	
								1,218,127	
Fiscal Year 2008-2009								Continued on next page.	
								Amended and Restated Budget Ordinance Union County, NC	
SECTION IV. EMERGENCY TELEPHONE SYSTEM									
		A . The following amounts are hereby appropriated in the EMERGENCY TELEPHONE SYSTEM FUND for the emergency 911 services for the fiscal year beginning July 1, 2008 and ending June 30, 2009 with the chart of accounts heretofore established for this county.				B . It is estimated that the following revenues will be available in the EMERGENCY TELEPHONE SYSTEM FUND for the fiscal year beginning July 1, 2008 and ending June 30, 2009.			

		Public Safety		1,355,064		Service Charges	1,244,465
						Miscellaneous	110,599
							1,355,064
SECTION V. WATER AND SEWER							
	A	The following amounts are hereby appropriated in the WATER AND SEWER FUND for the operation of water and sewer services for the fiscal year beginning July 1, 2008 and ending June 30, 2009 with the chart of accounts heretofore established for this county.			B	It is estimated that the following revenues will be available in the WATER AND SEWER FUND for the fiscal year beginning July 1, 2008 and ending June 30, 2009.	
		Water & Sewer		34,785,455		Fees for Services	32,588,741
						Miscellaneous	1,927,561
						Fund Balance Appropriated	269,153
							34,785,455
SECTION VI. SOLID WASTE							
	A	The following amounts are hereby appropriated in the SOLID WASTE FUND for the operation of solid waste services for the fiscal year beginning July 1, 2008 and ending June 30, 2009 with the chart of			B	It is estimated that the following revenues will be available in the SOLID WASTE FUND for the fiscal year beginning July 1, 2008 and ending June 30, 2009.	

	accounts heretofore established for this county.						
	Solid Waste		4,899,557		Fees for Services		4,730,348
					Miscellaneous		150,166
					Fund Balance Appropriated		19,043
							4,899,557
	SECTION VII. STORMWATER						
	A The following amounts are hereby appropriated in the STORMWATER FUND for the operation of stormwater services for the fiscal year beginning July 1, 2008 and ending June 30, 2009 with the chart of accounts heretofore established for this county.			B It is estimated that the following revenues will be available in the STORMWATER FUND for the fiscal year beginning July 1, 2008 and ending June 30, 2009.			
	Stormwater		307,976		Transfer from Enterprise Fund		285,775
					Fund Balance Appropriated		22,201
							307,976

Continued on next page.

Amended and Restated Budget Ordinance

Fiscal Year 2008-2009

Union County, NC

SECTION VIII. SCHOOL BOND FUND-55 CAPITAL PROJECT ORDINANCE FUND

A The following amounts are hereby amending the appropriation in the SCHOOL BOND FUND-55 (Capital Project Ordinance Fund) for education capital projects within the chart of accounts heretofore established for this county. Capital expenditures allocated to SCHOOL BOND FUND-55 are limited to Category I and III projects identified in the County's approved 2009-2013 UCPS Capital Improvement Plan.

B It is estimated that the following revenues will be available in the SCHOOL BOND FUND-55 (Capital Project Ordinance Fund). SCHOOL BOND FUND-55 revenues are limited to bond funded CIP project savings which accrue only to funded and bid construction projects.

Capital Projects	7,995,700	Debt Proceeds	7,995,700
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C The appropriations identified as Section I A. General Fund - School Capital in the amount of \$17,795,700

	<p>shall be allocated to UCPS based on 115C-429(b) Category I (projects) and Category II (entire category) and Category III (entire category). The School Capital Categories I, II and III shall be based on the County's approved 2009-2013 UCPS Capital Improvement Plan. Additionally, Category I and Category II capital outlay appropriations provided by the County and reflected in the UCPS capital outlay fund pursuant to 11 5C-426 that are not capitalized pursuant to governmental generally accepted accounting principles will be charged to School Current Expense with a budget transfer from School Capital Outlay. Union County Finance Director is hereby provided the authority to make said budget transfers.</p>
	<p>D The appropriation identified as Section I A. General Fund -School Current Expense in the amount of \$79,233,160 is based on a projected ADM student enrollment of 40,212 (UCPS and Charter Schools) representing \$1,970.38595 per pupil. The School Current Expense amount (\$79,233,160) shall be adjusted based on the higher of the 1st or 2nd Month ADM for the 2008-2009 school year (each Months' calculations of student enrollment shall include ADM for UCPS and Charter Schools); the adjustment occurring only if the higher of the 1st or 2nd Month ADM is greater than 40,312 or less than 40,112. The 1st and 2nd Month ADM student enrollment shall be those amounts published by the Department of Public Instruction. The adjusted ADM student enrollment (if greater than 40,312 or less than 40,112) shall then be multiplied by the per pupil amount of \$1,970.38595 with a corresponding adjustment to the School Current Expense amount.</p>
SECTION IX.	<p>A GENERAL FUND: That there is hereby levied for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following county-wide rate of tax on each one hundred dollars (\$100) valuation of taxable</p>

SECTION X.	FIRE FEES								
	These fees will be collected by the County Tax Administrator's Office and remitted to the various fee supported fire districts by the Finance Department on a monthly basis. Remittances may not exceed the budgeted amount for any given department. In the event that revenues exceed expenditures, those funds shall be withheld and used in the next year's budget appropriation as a fund balance added to the appropriation from fees collected in that year. The fees are as follows:								
	FIRE FEES 2008-2009		Allens						
			Cross-Roads		Beaver Lane		Griffith Road		Lanes Creek
	Percentage per request or maximum		100.00%	80.42%	100.00%	90.62%	100.00%	100.00%	100.00%
	Single Family Dwelling (SFD)	(max fee of \$50)	50.00	40.21	50.00	45.31	50.00	50.00	50.00
	Unimproved Land-per acre		0.02	0.02	0.02	0.02	0.02	0.02	0.02
	-minimum	(10% of fee)	5.00	4.02	5.00	4.53	5.00	5.00	5.00
	Animal/Horticulture	(20% of fee)	10.00	8.04	10.00	9.06	10.00	10.00	10.00
	Commercial < or = 5000 sq ft	(100% of fee)	50.00	40.21	50.00	45.31	50.00	50.00	50.00
	Commercial > 5000 sq ft	(200% of fee)	100.00	80.42	100.00	90.62	100.00	100.00	100.00
	Mobile Home	(same as SFD)	50.00	40.21	50.00	45.31	50.00	50.00	50.00
	Duplex	(same as SFD)	50.00	40.21	50.00	45.31	50.00	50.00	50.00
	Triplex	(150% of fee)	75.00	60.32	75.00	67.97	75.00	75.00	75.00
	Other Family Dwellings	(200% of fee)	100.00	80.42	100.00	90.62	100.00	100.00	100.00
	Cultural Facilities	(same	50.00		50.00	45.31	50.00	50.00	50.00

		as SFD)		40.21						
	Educational Facilities	(same as SFD)	50.00	40.21	50.00	45.31	50.00	50.00	50.00	
	Governmental Facilities	(same as SFD)	50.00	40.21	50.00	45.31	50.00	50.00	50.00	
	Religious Facilities	(same as SFD)	50.00	40.21	50.00	45.31	50.00	50.00	50.00	
	Fire Protection Facilities	(same as SFD)	50.00	40.21	50.00	45.31	50.00	50.00	50.00	
	% of Legislated maximum of \$50.00		100.00%	80.42%	100.00%	90.62%	100.00%	100.00%	100.00%	
			New Salem	Providence	Sandy Ridge	Stacks Road	Stallings	Unionville	Wingate	
	Percentage per request or maximum		100.00%	100.00 %	100.00%	100.00%	100.00%	87.46%	100.00%	
	Single Family Dwelling (SFD)	(max fee \$50)	50.00	50.00	50.00	50.00	50.00	43.73	50.00	
	Unimproved Land-per acre		0.02	0.02	0.02	0.02	0.02	0.02	0.02	
	-minimum	(10% of fee)	5.00	5.00	5.00	5.00	5.00	4.37	5.00	
	Animal/Horticulture	(20% of fee)	10.00	10.00	10.00	10.00	10.00	8.75	10.00	
	Commercial < or = 5000 sq ft	(100% of fee)	50.00	50.00	50.00	50.00	50.00	43.73	50.00	
	Commercial > 5000 sq ft	(200% of fee)	100.00	100.00	100.00	100.00	100.00	87.46	100.00	
	Mobile Home	(same as SFD)	50.00	50.00	50.00	50.00	50.00	43.73	50.00	
	Duplex	(same as SFD)	50.00	50.00	50.00	50.00	50.00	43.73	50.00	
	Triplex	(150% of fee)	75.00	75.00	75.00	75.00	75.00	65.60	75.00	
	Other Family Dwellings	(200% of fee)	100.00	100.00	100.00	100.00	100.00	87.46	100.00	
	Cultural Facilities	(same as SFD)	50.00	50.00	50.00	50.00	50.00	43.73	50.00	
	Educational Facilities	(same as SFD)	50.00	50.00	50.00	50.00	50.00	43.73	50.00	

	Governmental Facilities	(same as SFD)	50.00	50.00	50.00	50.00	50.00	43.73	50.00
	Religious Facilities	(same as SFD)	50.00	50.00	50.00	50.00	50.00	43.73	50.00
	Fire Protection Facilities	(same as SFD)	50.00	50.00	50.00	50.00	50.00	43.73	50.00
	% of Legislated maximum of \$50.00		100.00%	100.00%	100.00%	100.00%	100.00%	87.46%	100.00%
SECTION XI. WATER AND SEWER RATES									
A One-time Charges for New Service:									
.									
			Meter Size	Capacity Ratio to 3/4 inch	Water User Fees		Sewer User Fees		
	Capacity Fee - charged for all new service (based on meter size):		3/4"	1.00	\$ 500		\$ 2,650		
			1"	2.52	1,250		6,675		
			1.5"	5.01	2,500		13,275		
			2"	8.01	4,000		21,225		
			3"	22.54	11,250		59,725		
			4"	50.09	25,050		132,725		
			6"	70.12	35,050		185,825		
	Water Tap Fee - charged for county provided taps (based on meter size):		3/4"		\$ 400				
			1"		525				
			1.5"		2,600				
			> 1.5" meter		Cost				
			Line Size						
	Sewer Tap Fee - charged for county provided taps (based on line size):		4"				\$ 630		
			6"				825		
			> 6" line				Cost		

B Monthly Service . Charges:											
				Meter Size	Capacity Ratio to 3/4 inch		Water User Fees		Sewer User Fees		
				3/4"	1.00		\$ 5.00		\$ 9.25		
				1"	2.52		12.60		23.31		
				1.5"	5.01		25.05		46.34		
				2"	8.01		40.05		74.09		
				3"	22.54		112.70		208.50		
				4"	50.09		250.45		463.33		
				6"	70.12		350.60		648.61		
				Monthly Volume (Usage) Charge, Non Residential Customers - per 1,000 gallons (monthly metered water usage):							
							\$ 2.45 *		\$ 3.30 **		
				* Monthly Volume (Usage) Charge, Residential 3/4" and Irrigation Meters - per 1,000 gallons (monthly metered water usage, rates are based on the stage of water restrictions in force):							
				Monthly Gallons Billed	Stage I No Water Restrictions	Stage II Water Restrictions	Stage III Water Restrictions		Stage IV Water Restrictions		
				0 - 3,000	\$ 2.10	\$ 2.10	\$ 2.10		\$ 2.10		
				3,001 - 8,000	2.45	2.45	2.45		2.45		
				8,001 -10,000	3.45	3.45	3.45		3.45		
				10,001 -15,000	5.45	8.18	13.63		19.08		
				Over 15,000	9.45	14.18	23.63		33.08		
				** A year round sewer billing cap is applicable to all metered water consumption over 12,000 gallons per month for residential customers using 3/4" meter.							

Commissioner Mills noted that the budget as approved maintained the tax rate the same as last year, and some very tough decisions were made and items deferred until next year. He congratulated the staff and this Board for working hard to prevent a tax increase. He extended the appreciation of the Board to Mrs. West for the very long hours that she has put in during this budget session and thanked her for all she does.

CONTRACT AMENDMENT #14 TO THE AGREEMENT WITH THE KEITH CORPORATION FOR PROPERTY MANAGEMENT SERVICES (2009-2010): (Moved from Consent Agenda 1b)

The Chairman explained that Commissioner Baucom had asked that this item be moved to the regular agenda. Commissioner Baucom stated that the main reason he had pulled it was to give the General Services Director an opportunity to brag a little.

Mr. Wyatt said that he and his staff took this contract through an extensive review last year and found that the County has a very cost-effective approach for maintenance, housekeeping, and landscaping services. He said the Keith Corporation does a great job and jointly they have worked on savings during the budget crunch. He said he had cut one position in 2008, two positions in January and February 2010, and had reduced housekeeping to three-days-a-week although the bathrooms are being cleaned five days a week. He said there had been reductions in landscaping costs and thought the year was ending with about 13.8 percent less than the approved budget for this year. Mr. Wyatt further said that next year his department is going to be about 18 percent under the 2009 adopted budget. He noted that it had been a struggle and people have had to wait longer for some services but fortunately there have not been many complaints. Mr. Wyatt further stated that in July housekeeping services will be reduced to two-days-a-week.

Mr. Wyatt explained that the amount that he is asking the Board to approve as an amended contract would actually be \$40,000 less than what is shown in the agenda abstract. He said the final number would be \$1,250,696.

The Finance Director interjected that the \$40,000 was one of the reconciling items on the Amended and Restated Budget Ordinance adopted tonight. He asked Mr. Wyatt to explain more fully the housekeeping reductions.

Mr. Wyatt assured that bathrooms are being cleaned everywhere five-days-a-week and the regular office housekeeping is now at three days a week – Mondays, Wednesdays, and Fridays – except the Waxhaw Library is cleaned two days a week and the Farmers Market is cleaned two-days a week. He said that beginning July 1 there will be regular housekeeping, cleaning offices, etc., two days a week and bathrooms will continue being cleaned five-days-a-week.

Motion was made by Commissioner Baucom to authorize the County Manager to approve the Contract Amendment with Keith Corporation in the amount of \$1,250,696. He said he had brought this item forward a little over a year ago and expressed his appreciation for the committee looking for these savings.

Commissioner Mills said that he had received requests that the County study cleaning the granite around the old Courthouse. He asked if this is ever cleaned.

Mr. Wyatt stated that to his knowledge the granite has not been cleaned but the County has done work with a company called Stone Restoration. He said if there is a method for cleaning the granite, this firm would know.

Mr. Mills suggested that before next year and the celebration of the time capsule the granite should be cleaned at the historic courthouse, if possible.

The motion passed unanimously.

Commissioner Baucom suggested to the County Manager that any department that has reoccurring contracts should go through the same process with detailed scrutiny.

The County Manager stated that the work that the Staff Attorney and his department is doing in reviewing all reoccurring contracts will also help identify potential contracts for reduction.

Commissioner Mills said he thought it would be appropriate to read the resolution having to do with the Merchant Marines.

The Chairman stated that he would ask to suspend the Rules of Procedure to allow the reading of that resolution but at this time the next item is discussion regarding fire fee legislation.

DISCUSSION REGARDING FIRE FEE LEGISLATION:

Commissioner Mills said that he regretted bringing things up late but both of these issues are time sensitive. He asked the Board to consider asking the County's legislators to rescind the bill that is before the Senate to increase the fire fees from \$50 up to \$100. He said

that this legislation would expire in one year, and he thought this act would force the County into a county-wide fire tax. He stressed that one year is not a long enough period to study the problem. Commissioner Mills said that he was initially opposed to the study, but it passed, and the County needs to work through the process. Also, he said that it was noted in the budget that was adopted today that the proposed legislation would not impact the County this year. He said there is the possibility if this bill passes that the County will be looking at a seven-cent fire tax before budget negotiations begin next year.

After presenting his facts, Commissioner Mills moved that the Board of Commissioners request the legislators to rescind the proposed bill.

Chairman Openshaw said that he understood some of this, but the County basically went through the majority of the afternoon talking about fire departments and their fee structures. He requested an explanation from either the County Manager or the Finance Director on how the County will resolve this problem, if the bill is rejected or the ramifications if it passes.

The County Manager stated that he thought Jeff Crook, Staff Attorney, had done extensive research on financing available for rural fire program.

Mr. Crook acknowledged that he had looked into the issue extensively several years ago, and he would say that fire fees are not authorized by General Statute and the County had to get special legislation for those in the 1990's. He noted that it is an additional revenue source for the County and the Board has seen the fire fees and the need for services bump up against the ceilings that the County has by statute. He said that is what prompted the Board to request that the fees be increased; however, the current legislation that is now before the General Assembly would put a sunset provision – not just on the increases for this budget year but also for the total program. He said that the Board's action to rescind the Commissioners' resolution requesting legislation would be appropriate and to have that communicated to the Legislators that the Commissioners strongly urge that the legislation not pass in its current form. He said he does not have the answers to the funding issue but does have a great deal of research that he would be glad to share with the County Manager and Finance Director to study.

The Chairman said that one of the things that the Commissioners had been told was that this is going to take an incredible amount of time to try to work through in a year. He pointed out that the County today subsidized fire service by almost \$700,000 and asked the equity in that action.

The Chairman asked for an explanation as to why going through this study would take so long if it passes.

The Finance Director responded that the procedure for establishing a fire tax district requires the County to go through various notifications, a public hearing, and a report establishing the need including financial analysis. He said that if he is not mistaken each individual property owner must be notified. He said they are provided a complete report along with the boundaries and in most of the cases municipal involvement will be required. Mr. Nelson noted that there are roughly 80,000 to 90,000 parcels in Union County and, excluding the residents of Monroe, discussion with every single property owner will be required. He stressed the time implications are significant.

Mr. Nelson said that if the bill passes, it will require either fire taxes or the County's general fund to cover the costs associated with fire services. He said the study that is approved might conclude that instead of 18 fire districts there might be more or less required.

Vice Chair Rogers noted that the issue with the proposed bill is the sunset clause – not so much the increase in fees but is the other part that says “by the way, you only get it for a year and then you will have to come up with some other way to fund.” She agreed that she would not have an issue with sending a resolution to the Legislators stipulating that the Board of Commissioners does not agree with the sunset provision of the bill.

The County Manager noted that at this time, for the current year, the County no longer needs that increase in fees because the budget has been adopted. He further stated that the legislators have stated that they would be very hesitant to support the increase in fees without the sunset provision being a part of the legislation.

The Chairman stressed that the County does need an increase in fees without the sunset provision to give the County an opportunity to work through the study of fire districts and departments.

The County Manager stated that was the reason he believed Commissioner Mills was requesting to rescind the County's request because, if it is passed, the outcome will not be what the County had wanted.

Commissioner Mills said that if the legislation goes through as it is currently written in the Legislature the County will mainly have one alternative and that is to fund the fire departments next year through the ad valorem tax rate and the legal issue, if the County does that, will be with the two departments that use the special act - Hemby Bridge VFD and Stallings VFD.

Mr. Greene assured that the staff has expressed concern about the sunset provision and the answer received is that the act is moving ahead because that is the way that some people wanted it, and that is the course it is on.

The Vice Chair noted that the legislators have taken the County's request and added on to it something that altered the County's intent and request. She said that what she understood is that in order to have any hope at all the option is to kill the legislation. She asked the Manager if he thought the legislators would be inclined to be responsive. He replied that he thought if the legislators are informed that the County wants to work on this issue and requests that the legislation fail to pass that there would not be a lot of energy toward its passage.

It was noted that the legislation has passed the House and it is now in the Senate, which is where the legislation will need to die for lack of action.

Commissioner Baucom said he thought if the Commissioners do not take action to rescind its resolution that the probability of this legislation moving forward is extremely good. He said he thought with the request from this Board and with the legislators being so involved with its budget that they would probably accept a motion to let it go away this year.

Vice Chair Rogers said what she is hearing in that the County does not need the legislation this year is not totally accurate and may be interpreted incorrectly. She pointed out that the downside is that this Board just approved three-quarters of a million dollars in subsidies for the fire departments. She stressed that the legislation is needed although she was opposed to the sunset clause. The Vice Chair asked if it is rescinded this year, could the Board request the special legislation again next year.

Chairman Openshaw interjected that it would not happen because it is a short session and Representative Blackwood is against the fire fees and in the short session, he could kill it.

Commissioner Mills asked if the Board thought the answer to this problem would be a county-wide fire tax. He emphasized that if this legislation goes through, it will force the Commissioners to take such action.

Vice Chair Rogers stated that she did not like having her hands tied by Raleigh as far as what the County Board of Commissioners can do locally and getting the fire study done is the right step. She noted that the outcome of the study is unknown and she did not want someone in Raleigh telling her or the citizens of Union County that they must follow certain action.

After discussion, Chairman Openshaw said that although he liked the thought of an extra \$50 that he would accept the recommendation of the staff.

With there being no additional discussion, the Chairman called for a vote on Commissioner Mills' motion to rescind the Board's resolution requesting special legislation and to communicate to the legislators the Board's desire that they not support the bill that is currently pending.

Vice Chair Rogers moved an amendment that wording be added to the motion to set forth that the Board is not in agreement with the legislation as written, which includes a sunset clause.

Commissioner Baucom stated that he did not see anything wrong with a straight rescind and if there is a question as to why, it could be explained on a one-on-one basis. He said the objection to the sunset clause could offend someone.

The Vice Chair said she wanted it known that she was objecting to the proposed legislation because of the sunset clause. She said she could see some issues materializing next year if there is another request.

Commissioner Kuehler stated that as she understood the discussion: the county needs the legislation but not with the stipulations that the legislators are placing on it. She asked the County Manager why he did not want to focus on the sunset clause.

Mr. Greene responded that he thought it best if that reason is going to be given that there should be other reasons also included so that is not the only reason stipulated. He said his fear is that the county might get the exact opposite to what it is requesting.

The Vice Chair recommended as a compromise that the objection to the sunset clause be included but also state that the County is currently going through a process of a fire study and the County does not want a time limit placed on the Board's action.

Commissioner Mills stated that the legislators had first discussed allowing a two-year sunset but had amended the legislation to include a one-year sunset clause. He said he thought the simplest action would be to rescind the County's resolution requesting special legislation giving the explanation that the County is currently working through a process of a fire study and wanted time to get the results of the study and not mention the sunset clause provision. He said he thought that if this proposed legislation is requested in the future, a sunset clause would still be attached to it.

Chairman Openshaw asked if a resolution is adopted to rescind the Board's previous resolution, who would be the person or body lobbying for the County.

Mr. Crook responded that he thought it important to make clear that the County is not proposing a resolution at this time but is requesting that the previous resolution be rescinded. He said the important objective, which has been identified, is to communicate to the legislators that the Board of Commissioners does not support the current bill; it has passed the House and is now in the Senate. He recommended that the County's Senator and any others that might be able to be influenced by the Board's opinion be contacted. He reminded that this legislation was initiated by the County and, if not for that, it would not be before the legislators. He recommended that the Board's message be very clear, very succinct, that there not be a lot of verbiage in it, but the legislators be told exactly what the Board does not want and that action has been taken.

The Vice Chair said that she would like to see a resolution drafted by Mr. Crook to incorporate the Board's intent on its action to rescind.

It was noted that there was not sufficient time for it to be brought to another meeting as the Legislators are in session. Mr. Crook stated he could draft a short resolution within a few minutes.

At approximately 10:13 p.m., the Chairman declared a five-minute recess to give staff time to prepare a resolution for consideration. At the conclusion of the break, the Chairman reconvened the regular session.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

The Chairman announced the following vacancies:

- (a) Adult Care Home Advisory Committee (3 vacancies)
- (b) Nursing Home Advisory Committee (2 vacancies)
- (c) Region F Aging Advisory Committee (3 vacancies for regular members; 1 alternate member as of June 30,2009)
- (d) Juvenile Crime Prevention Council:
 - 1. School Superintendent or designee
 - 2. Chief Court Counselor or designee
 - 3. Director DSS or designee
 - 4. County Manager or designee
 - 5. Member of Faith Community
 - 6. Chief District Court Judge or Designee

7. Local Health Director or Designee
8. Representative of Parks and Recreation
9. County Commissioners' appointees (5)
10. Substance Abuse Professional

(e) Parks and Recreation Advisory Committee (1 vacancy for unexpired term ending Feb. 2010)

MERCHANT MARINES RESOLUTION:

The Chairman asked for a motion to suspend the Rules of Procedure. Commissioner Mills moved that the Rules of Procedure for the Board of County Commissioners be suspended to allow the reading of the resolution as adopted in the Consent Agenda tonight. The motion passed unanimously.

At this time, the Chairman read into the record the following resolution:

**A RESOLUTION OF THE UNION COUNTY BOARD OF COMMISSIONERS
SUPPORTING AN ALTERNATIVE METHOD OF RECOGNITION FOR VETERANS STATUS TO MERCHANT MARINE SEAMEN OF
WWII**

WHEREAS, Public laws 95-202 and 105-368 bestowed veteran status on US Merchant Marine Seamen of WWII.

WHEREAS, two specific U.S. government actions by US government have caused some 10,000 merchant seamen to have been denied their due recognition:

- 1) The USCG relieved Masters of tugs, towboats and seagoing barges of the responsibility submitting reports of seamen shipped and discharged; and
- 2) The National Maritime Administration ordered ships' logbooks to be destroyed because they were too costly to maintain and had removed the two main criteria required by the government to issue official recognition to those seamen, and

WHEREAS, the average age of the remaining seamen is above 86 and the population of the US veteran is shrinking at an average of 850 per year causing time to be of the essence; and

WHEREAS, No costs are associated with this proposal as funds are already included in above public laws.

WHEREAS, the Union County Board of Commissioners therefore requests that immediate action be taken to correct this inconceivable action.

NOW, THEREFORE, BE IT RESOLVED, that the Union County Board of Commissioners supports the attached proposal and so orders that this Resolution and attached proposal be sent to Senator Kay Hagan, Senator Richard Burr, Congresswoman Walter B. Jones and Congressman G. K. Butterfield and this matter be placed into action to ensure expedient passage.

Adopted this 15th day of June, 2009.

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

APPOINTMENTS TO BOARDS AND COMMITTEES:

The Chairman announced that the first appointment is to fill one vacancy on the Centralina Workforce Development Board.

Centralina Workforce Development Board: The Chairman explained that Janet Hudson had filed an application asking to be reappointed to the Centralina Workforce Development Board and it came with the recommendation of that Board. He moved that she be reappointed and called for a vote. The motion passed unanimously.

Juvenile Crime Prevention Council: Chairman Openshaw said the next appointments are to the Juvenile Crime Prevention Council. He suggested and moved that the two applicants Laura Katherine (Kate) Nash and Karen S. Tucker be appointed to fill two of the five Commissioners' appointees. The motion passed unanimously.

Adult Care Home Community Advisory Committee: He announced that the next appointment is to the Adult Care Home Community Advisory Committee. The Chairman moved, with there being no other nominations, that Doris Ramsey be reappointed to said committee. The motion passed unanimously.

Nursing Home Advisory Committee: The Chairman stated the Board has received an application from Elizabeth Anne Richey and asked for a vote to appoint Mrs. Richey to the Nursing Home Advisory Committee. Mrs. Richey was unanimously appointed.

The Chairman recognized Mr. Greene for the next item.

MANAGER'S COMMENTS:

The County Manager welcomed Matthew Delk, Assistant County Manager, back from his military service. He said that although the County had a rough month with budget, he suspected that Mr. Delk had an even rougher month.

COMMISSIONERS' COMMENTS:

The Chairman recognized Commissioner Baucom for his comments.

Mr. Baucom also welcomed Mr. Delk back to the County and thanked the County Manager and his staff for all the work and budget options that they prepared during the many work sessions and asked that the Manager express his appreciation to all the staff not present tonight.

The Manager thanked him for his comments and said that although the Board may see many staff members working on the budget that there are many others who are also working very hard on the budget during this time.

Commissioner Kuehler also thanked Mr. Nelson for his work on this process.

The Chair recognized Commissioner Mills who stated that he had enjoyed the Flag Program that he and the Chairman attended at the Ag Building yesterday and thought it had been very appropriate. He said there was a large crowd there to honor 100 years of 4-H programs.

He congratulated all who had been recognized tonight for having won awards and stated that perhaps at a future meeting Dr. Davis could be congratulated in person for his achievements.

The Vice Chair stated that she had no comments tonight.

The Chairman stated that he had attended a ceremony for George Philemon in New Salem who was a POW in WWII who had never received any metals for his service. He said he thought that having a son in the military made him more sensitive to such events and could not believe the crowd of some two to three hundred people. He said it was a great honor to Mr. Philemon to receive the recognition. He said Mr. Philemon said he was no hero, but he would assure that anyone who goes through a prisoner of war camp in Germany paid quite a price, and he was personally glad to see him receive the recognition.

He also congratulated the graduates. He said that many millions of dollars have been received by students in Union County and expressed his delight for these recipients.

Chairman Openshaw also sent his condolences to Elizabeth Cooke for the passing of her grandmother. He noted that Ms. Cooke was often before the Board supporting the law enforcement officers in Union County.

He also commented that the budget was adopted today and noted that his goals had been to not impact public safety, not impact the classroom, no additional job layoffs and no tax increase and those goals were achieved. He said the caveat is that next year the budget will be difficult.

The Chairman stated that he now has a resolution as proposed by the Staff Attorney to be sent to the legislators.

In response to questions from Commissioner Kuehler, Mr. Delk replied that there was one bill introduced by Senator Goodall that was basically word for word to the request and Representative Gibson introduced one version of a bill that was agreed to by the house delegates and that version was rewritten about the time the County visited the legislators and was introduced the week after. He said that bill is the one that has passed the House and is now in Senate Finance. He said there have actually been three versions and tonight the Board is dealing with the third version.

Commissioner Kuehler asked if the sunset provision was in the bill when the Commissioners were in Raleigh. She said she was trying to understand when the sunset provision was made a part of it and when the change got on the County's radar screen.

Mr. Delk replied that the second version was known about the time of the County's visit and that is the one that actually had the sunset provision and required the County to pass it within 90 days. He said basically the timing would have made it impossible to pass it at all within the provisions of the bill.

The Chairman asked the status of Senator Goodall's bill. Mr. Delk responded that it did not go anywhere. He said he thought it went into one of the local government and finance committees in the Senate and did not make it out.

Commissioner Kuehler said she would almost like to get an opinion from the local legislators if this is the best course of action so as not to hurt the County in the future.

The Vice Chair said she thought this was an important issue and now that the County has something that it could send to Senator Goodall and say here is what the Board of Commissioners wants to do, and ask him if he has any suggestions on the best way to handle the process. She stressed the County wants the flexibility to be able to increase the fees.

Chairman Openshaw said that he would suggest that the fourth whereas is not strong enough to serve the County's purpose and he thought it should be noted that the bill was "changed" to expire on July 1, 2010.

The Vice Chair said that she would like to meet with Senator Goodall and show him what is written and seek his advice.

The Chairman stated that there is a motion on the floor made earlier by Commissioner Mills but that she could make a motion to defer.

Vice Chair Rogers moved to defer action until June 23.

The Chairman said he saw no problem with having the staff communicate with the County's delegation to ask them to hold action on this legislation until after the Board of Commissioners' meeting on the 23rd.

Chairman Openshaw called for a vote on the motion to defer. The motion passed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted for the motion and Commissioners Baucom and Mills voted against the motion.

At approximately 10:52 p.m., motion was made by Vice Chair Rogers that the meeting be adjourned. The motion passed unanimously.