



AGENDA
UNION COUNTY BOARD OF COMMISSIONERS
Regular Meeting
Tuesday, August 11, 2009
7:00 P.M.
Board Room, First Floor
Union County Government Center
500 North Main Street
Monroe, North Carolina

www.co.union.nc.us

Closed Session - 6:30 p.m.

1. **Opening of Meeting**
 - a. **Invocation**
 - b. **Pledge of Allegiance**
 - c. **Employee Recognition/Service Awards**
2. **Public Hearing - Re: Text Amendment - Section 146 Table of Uses**
ACTION REQUESTED: Conduct Public Hearing
3. **Informal Comments** (*Estimated Time: 15 Minutes)
4. **Additions, Deletions and/or Adoption of Agenda** (*Estimated Time: 5 Minutes)
ACTION REQUESTED: Adoption of Agenda
5. **Consent Agenda** (*Estimated Time: 5 Minutes)
ACTION REQUESTED: Approve items listed on the Consent Agenda
6. **Public Information Officer's Comments** (*Estimated Time: 10 Minutes)

Old Business:

7. **Fire Study Request for Proposals** (*Estimated Time: 15 Minutes)
ACTION REQUESTED: Either Action #1) Authorize staff to negotiate an agreement with Emergency Services Education and Consulting Group (ESECG) in an amount not to exceed \$76,000 and return the agreement to the Board for approval at a future meeting; or Action #2) Authorize the County Manager to approve an agreement with Emergency Services Education and Consulting Group (ESECG) in an amount not to exceed \$76,000 and approve Budget Amendment #7
8. **Community Benefit Organizations** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Provide Direction to Staff

9. **Disposal of Surplus Well Lot** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Adopt Resolution Authorizing Upset Bid Process

New Business:

10. **Proclamation for Honor Air Program (Requested by Monroe Rotary)**
(*Estimated Time: 5 Minutes)
ACTION REQUESTED: Adopt Resolution
11. **Union County Public Schools Administrative Budget - Bonds** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Adopt Capital Project Ordinance #124
12. **Report of 1996 and 2001 General Obligation Debt Refunding** (*Estimated Time: 5 Minutes)
ACTION REQUESTED: Accept Report
13. **Tax Administrator - Order of Collection** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Adopt Order of Collection
14. **South Piedmont Community College** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Adopt Capital Project Ordinance #125
15. **Printing of Election Ballots** (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Authorize County Manager to approve the issuance of purchase orders in excess of \$20,000 in connection with the printing of election ballots
16. **Public Works Department - Solid Waste C & D Compactor Bid Award**
(*Estimated Time: 15 Minutes)
ACTION REQUESTED: Accept bids, make award to low bidder and authorize County Manager to approve contract documents
17. **Legal Fees for Individual Commissioners** (Requested by Commissioner Baucom) (*Estimated Time: 10 Minutes)
ACTION REQUESTED: Provide direction to staff
18. **Appointments to the Transportation Advisory Board**
a. Five (5) Members from Unincorporated Union County who are Located in Areas Not Served by the Focus of a Municipality
b. Parks and Greenway Representative
ACTION REQUESTED: Provide direction to staff
19. **Announcements of Vacancies on Boards and Committees** (*Estimated Time: 10 Minutes)
a. Adult Care Home Advisory Committee (1 Vacancy)
b. Nursing Home Advisory Committee (2 Vacancies)
c. Region F Aging Advisory Committee
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 Commissioner Appointees (2)
 10. Substance Abuse Professional
- e. Union County Industrial Facilities and Pollution Control Authority (2
Vacancies for Unexpired Terms Ending May 2014)

ACTION REQUESTED: Announce Vacancies

20. **Manager's Comments**

21. **Commissioners' Comments**

CONSENT AGENDA
August 11, 2009

1. **Contracts/Purchase Orders Over \$20,000**
 - a. Inspection Department: Purchase Order or Contract Amendment in the Amount of \$25,000 to Procure Posse Software Upgrade from Computronix
 - b. Library: Agreement with TW Telecom (TWTC) in the Total Amount of \$117,079.72 (3-Year Agreement/\$39,024 per year) for an IP VPN (Virtual Private Network)
 - c. Local Agreement with Health Quest Per FY 2010 Budget in the Amount of \$22,500

ACTION REQUESTED: Authorize County Manager to approve Items a-c pending legal approval

2. **Minutes**

ACTION REQUESTED: Approval

3. **Health Department - WIC Funding**

ACTION REQUESTED: Adopt Budget Amendment #6 for Additional \$58,258 in Federal WIC Funds

4. **Technical Corrections to the Minutes of the Regular Meeting of October 6, 2008**

ACTION REQUESTED: Approve technical correction to the minutes of the regular meeting of October 6, 2008, to clarify the action by the Board and to incorporate the language of the text amendments to the Union County Land Use Ordinance in their entirety as adopted by the Board at the October 6, 2008, meeting in regards to Floodways and Floodplains (Special Flood Hazard Areas)

5. **Request by Centralina Council of Governments for Removal of Members' Names from Roster of Nursing Home Community Advisory Committee or Adult Care Home Community Advisory Committee Due to Resignation by Member or Ineligibility to Serve**

ACTION REQUESTED: Authorize removal of names from Roster as recommended by Centralina Council of Governments

6. **2009 Enterprise System Revenue Bonds**

ACTION REQUESTED: Adopt 1) Bond Order authorizing the issuance of the County of Union, North Carolina Variable Rate Enterprise Systems Revenue Bonds in the aggregate principal amount not to exceed \$20,000,000 and 2) Resolution authorizing the approval, execution and delivery of various documents in connection with the Issuance of County of Union, North Carolina Variable Rate Enterprise Systems Revenue Bonds, Series 2009; providing for the sale of the bonds; setting forth the terms and conditions upon which the Bonds are to be issued; and providing for certain other matters in connection with the issuance, sale and delivery of the Bonds

7. **FY2010 Union County Public Schools Capital Outlay**
ACTION REQUESTED: Adopt Capital Project Ordinance Amendment #123
8. **Finance - Budget Transfer Report from July 2009**
ACTION REQUESTED: Approve report
9. **Justice Assistance Grant-Info Systems Expansion & Redundancy Program**
ACTION REQUESTED: Authorize the County Manager to approve and execute all relevant documentation for securing this grant.
10. **Tax Administrator**
 - a. Second Motor Vehicle Billing in the Grand Total Amount of \$1,149,082.95
 - c. First Motor Vehicle Release Register for the Period of July 1, 2009 - July 31, 2009, in the Net Grand Total of \$9,868.53-
 - c. First Motor Vehicle Refund Register for the Period of July 1, 2009 - July 31, 2009, in the Net Grand Total of \$490.41-**ACTION REQUESTED:** Approve Items a-c
11. **Sheriff's Office - Request to Transfer 142 Vehicle Radio Modems (VRM's) to the North Carolina State Highway Patrol, Troop H in Monroe, NC**
ACTION REQUESTED: Declare the 142 Vehicle Radio Modems (VRM's) surplus and authorize transfer to the North Carolina State Highway Patrol, Troop H in Monroe, NC in accordance with G.S. 160A-274 without formality (resolution or contract)

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**INFORMATION ONLY
NO ACTION REQUESTED**

1. Public Works Report of Water Permit Application Submission - Gray Byrum Road and NC Highway 16 Water Main Relocation
2. Personnel Report for July 2009
3. Inspection Department's Report for July 2009
4. Contract Lists
 - a. Finance
 - b. Information Systems
 - b. Inspections
 - c. Internal Auditor
 - d. Legal



OFFICE OF THE COMMISSIONERS AND MANAGER

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

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Union County Board of Commissioners will hold a special meeting on Tuesday, August 11, 2009, at 6:30 p.m. in the Conference Room, First Floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina, for the purpose of going into closed session to consult with an attorney in order to preserve the attorney-client privilege in accordance with G.S. 143-318.11(a)(3).

Lanny Openshaw

Lanny Openshaw, Chairman
Union County Board of Commissioners

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 8.11.2009

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

SUBJECT: Employee Recognition

DEPARTMENT: Personnel

PUBLIC HEARING: Choose one....

ATTACHMENT(S):
Service award recipients for the
months of July and August 2009.

INFORMATION CONTACT:
Julie Broome

TELEPHONE NUMBERS:
704.283.3803

DEPARTMENT'S RECOMMENDED ACTION:

Recognize those County employees who have reached special milestones in their years of dedicated and loyal service to the citizens of Union County.

BACKGROUND:

The employee recognition program acknowledges employees for full-time continuous service at the following intervals: 5 years, 10 years, 15 years, 20 years, 25 years, and 30 years of service.

The attached list details employee name, department, and years of service for our current service award recipients. We ask that you join us in acknowledging and congratulating these employees by reading their names during the opening of BOCC meeting.

FINANCIAL IMPACT: N/A

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

We would like to recognize the following employees for full-time continuous service with Union County Local Government.

5 YEARS OF SERVICE

LINDA PRICE
LAURA WEBB
SANDRA MARSH
DOROTHY SHERRIN
GARY SILSBY
LEE JENSON
LEE DILLION
HEATHER MADDOX
JOHN ARNOLD
CONLEY BORDEAUX
MICHAEL CONLEY
MICHAEL CUNNINGHAM
GARRETT DAVIS
KENNETH GOODRUM
ANTHONY HUMPHREY
RANDALL MILLER
JONATHAN PRESSON
JASON RUMLEY
SCOTT STROUD

DEPARTMENT

BOARD OF ELECTIONS
CENTRAL ADMINISTRATION
COMMUNICATIONS
COMMUNICATIONS
COMMUNICATIONS
PLANNING
PUBLIC WORKS
PUBLIC WORKS
SHERIFF'S OFFICE
SHERIFF'S OFFICE
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SHERIFF'S OFFICE
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SHERIFF'S OFFICE
SHERIFF'S OFFICE

10 YEARS OF SERVICE

JANE CLEMENTS
ALIDA PEREZ
GEORGE CARTER
ALLEN CROOM
NEY KILLOUGH
ANDREW GOODWIN
ANDREW MULLIS
GUADALUPE NESBIT
WENDY OUTEN
ROBIN ROBINSON

DEPARTMENT

GENERAL SERVICES
HEALTH
INSPECTIONS
INSPECTIONS
PUBLIC WORKS
SHERIFF'S OFFICE
SHERIFF'S OFFICE
SOCIAL SERVICES
SOCIAL SERVICES
SOCIAL SERVICES

15 YEARS OF SERVICE

JONATHAN LOWDER
DONNA HELMS

DEPARTMENT

SHERIFF'S OFFICE
TAX COLLECTION

20 YEARS OF SERVICE

PHILIP HIGH
ANNETTE SULLIVAN

DEPARTMENT

SHERIFF'S OFFICE
TRANSPORTATION AND NUTRITION

25 YEARS OF SERVICE

ROGER HORTON

DEPARTMENT

PLANNING

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 08/11/2009

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

SUBJECT: Text Amendment - Section 146 Table of Uses

DEPARTMENT: Planning

PUBLIC HEARING: Yes

ATTACHMENT(S):
Proposed Text Amendment Section
146 Table of Uses - Schools,
Elementary, Junior High, and Senior
High (Public and Private).

INFORMATION CONTACT:
Richard Black

TELEPHONE NUMBERS:
(704) 292-2580

Excerpt of Planning Board draft
minutes from July 7, 2009 meeting.

July 30, 2009 Memorandum

July 28, 2009 Marvin Ridge Letter

DEPARTMENT'S RECOMMENDED ACTION: Hold a public hearing to amend Section 146
Table of Uses - Schools, Elementary, Junior High, and Senior High (Public and Private).

BACKGROUND: See attached memorandum.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

PUBLICATION NOTICE
 NOTICE IS HEREBY GIVEN that the Union County Board of Commissioners will on Tuesday, August 11, 2009, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center (formerly the Union County Courthouse), 500 North Main Street, Monroe, North Carolina, conduct a public hearing to receive comments from the public on the amendments and petitions set forth below.
 1) Amend under Article X, Section 146 Table of Uses, as follows:
 Schools, Elementary and Junior High (Public and Private): In zoning districts RC-80, RA-40, R-40, R-20, RA-20, R-15, R-10, R-8, R-6, O, B-1, B-2, B-3, B-4, HC, and B-6 change to D (major development permit).
 Schools, Senior High (Public and Private): In zoning districts RC-80, RA-40, R-40, R-20, RA-20, R-15, R-10, R-8, R-6, O, B-1, B-2, B-3, B-4, HC, and B-6 change to D (major development permit).
 The proposed amendments may later undergo, without further notice, substantial changes resulting from objections, debate, and discussions at the hearing.
 The full text and/or supporting documents relative to the proposed amendments are available for inspection and study at the Union County Planning Department located at 407 North Main Street, Room #149, Monroe, NC from 8:00 a.m. to 5:00 p.m. Monday through Friday. Anyone having any questions on the above petition or amendments may contact the Planning Department at 704-283-3565.
 Any person requesting a sign language interpreter, please call (704) 225-8554 and make a request at least 96 hours in advance.
 Any other special assistance needed by an individual due to a disability under the Americans with Disabilities Act should call (704) 283-3810 and make a request at least 96 hours in advance.
 Lynn G. West
 Clerk to the Board
 July 28, 2009
 August 4, 2009

NORTH CAROLINA,
 UNION COUNTY.

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths,

personally appeared Pat Deese

who being first duly sworn, deposes and says: that he is Principal Clerk engaged in the publication of a newspaper known as The Enquirer-Journal, published, issued, and entered as second class mail in the City of Monroe in said County and State; that he is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The Enquirer-Journal on the following dates:

July 28, Aug 4, 2009

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section I-597 of the General Statutes of North Carolina.

This 4 day of Aug 2009
Pat Deese

Sworn to and subscribed before me, this 4 day of Aug 2009.

Becky P. Clutz Notary Public

My Commission expires: May 11, 2013

Inches: 8 1/4
 MONROE, N.C. August 4 2009
 Ad# #02100167
 ACCOUNT #:

COST: \$ 164.80

U. C. Bd. Of Commissioners
 500 N. Main St., Room 921
 Monroe, NC 28112

—IN ACCOUNT WITH—

The Enquirer-Journal

P.O. Box 5040
 500 W. Jefferson St.
 Monroe, N.C. 28111-5040

Important Legal Document, Please Retain

Section 146 – Table of Uses (Existing)

Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	L1	HI
Sawmill Operations, Portable		1.000		S															Z	Z
School for the Arts	179	5.120										Z	Z	Z		Z		Zs		
School, Home (See Home Occupations)																				
School, Vocational/Seminary	179	5.120										S	Z	Z		Z	Z	Zs		
Schools, Elementary and Junior High (Public and Private)	179	5.110	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs		
Schools, Senior High (Public and Private)	179	5.110	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Zs		
Schools, Sports Instructional	179	5.120											Z	Z		Z	Z	Zs		
Second-Hand, Swap and Consignment Stores		2.120											Z	Z		Z	Z			
Shoe Store and Shoe Repair		2.120											Z	Z		Z	Z			
Sign and Banner Shop		2.120											Z	Z		Z	Z			
Silvicultural Operations (less than 10 acres)		14.000	Z	Z	Z	Z	Z	Z	Z											
Solid Waste Vehicle Storage Facility		10.200															Z		Z	Z

Z - Permitted By Right
 S - Special Use Permit Required
 D - Major Development Permit Required
 s - Supplemental Regulations Apply (See Column 2)
 / - or, (example X/D)

Section 146 – Table of Uses (Proposed)

Use	Supplemental Regulation Section Number or Article	Parking Requirement Found in Section 291(e)	RC80	RA40	RA20	R40	R20	R15	R10	R8	R6	O	B-1	B-2	B-3	B-4	HC	B-6	LI	HI
Sawmill Operations, Portable		1.000		S															Z	Z
School for the Arts	179	5.120										Z	Z	Z		Z		Zs		
School, Home (See Home Occupations)																				
School, Vocational/Seminary	179	5.120										S	Z	Z		Z	Z	Zs		
Schools, Elementary and Junior High (Public and Private)	179	5.110	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	Ds		
Schools, Senior High (Public and Private)	179	5.110	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	Ds		
Schools, Sports Instructional	179	5.120											Z	Z		Z	Z	Zs		
Second-Hand, Swap and Consignment Stores		2.120											Z	Z		Z	Z			
Shoe Store and Shoe Repair		2.120											Z	Z		Z	Z			
Sign and Banner Shop		2.120											Z	Z		Z	Z			
Silvicultural Operations (less than 10 acres)		14.000	Z	Z	Z	Z	Z	Z	Z											
Solid Waste Vehicle Storage Facility		10.200															Z		Z	Z

Z - Permitted By Right
 S - Special Use Permit Required
 D - Major Development Permit Required
 s - Supplemental Regulations Apply (See Column 2)
 / - or, (example X/D)

Excerpt of Planning Board Draft Minutes from July 7, 2009 Meeting

ITEM NUMBER SEVEN

Discussion on Storm Water Management Approval for Marvin Ridge School

Chairman King stated that back in early March of this year that the Union County Public Schools were on the Board of County Commissioners agenda asking for approximately \$400,000 to redesign the stormwater detention ponds.

The Board had requested to see all approval letters and permits from the schools and what was requested was not what the board received.

Mark DiBiasio stated that the question the board wanted answered was what transpired that added approximately \$400,000 to additional cost of complying with state stormwater for the Marvin Ridge School.

Mark DiBiasio had requested that Don Hughes from Union County Public Schools come to the Planning Board meeting for July 7, 2009 to answer questions and was told by Mr. Hughes that it would be inappropriate to come before the board to answer questions about this issue. Mr. Hughes said that he would be glad to meet with the Chairman and Vice Chairman at his office to discuss this issue however the Chairman and Vice Chairman felt this should be handled by the entire Planning Board.

Chairman King read letters from NCDWQ stating that Union County Public Schools had not complied with the state stormwater requirements.

Motion was made by Jeff Gerber and seconded by John Darsey that for the record this was a personal insult to this board and wants a letter of explanation why Mr. Hughes said that it would be inappropriate to come before this board to answer questions and also to have this letter sent to the Union County Board of Commissioners. The vote was 6 to 0.

Motion was made by Mark DiBiasio and seconded by John Darsey to amend the table of uses Appendix I-29 (Schools, Elementary, Junior/Senior) to add a "D" designation requiring a Major Development Permit on all uses. The Planning Board would review all ordinance compliances for all new schools being built in Union County. The vote was 6 to 0.

Chairman King stated that Planning staff and the Technical Review Committee should be able to make sure that all approval letters and permits met all the requirements so that this would not be an issue again.



Planned Progress

UNION COUNTY PLANNING

P O Box 1398, Monroe, NC 28111-1398
(407 North Main Street, Suite 149, Old Post Office Bldg., Monroe, NC 28112)
Phone: (704) 283-3565 Fax: (704) 292-2582

MEMORANDUM

To: Al Greene, County Manager

From: Dick Black, Planning Director
Lee Jenson, Land Use Administrator

Date: July 30, 2009

Re: School Text Amendment

On Tuesday, July 7, 2009, the Union County Planning Board (the "Planning Board") voted unanimously to recommend that the Union County Board of Commissioners (the "Board") amend the text of the Union County Land Use Ordinance to require a Major Development Permit for school construction. The proposed amendment would apply to K-12, both public and private. Currently, the zoning ordinances of the County and most municipalities require that schools obtain a conventional Zoning Permit. This text change was recommended to address concerns of the Planning Board regarding apparent communication issues between the Union County Public Schools ("UCPS") and State and federal agencies.

It is important to note that the proposed change will require a process which is inconsistent with the recently completed Standardized Zoning Regulations for Schools (Exhibit A) undertaken by Union County, UCPS, and the municipalities in the summer and fall of 2007. The Standardized Zoning Regulations for Schools, which permit schools by right, contain uniform zoning regulations, a set of design guidelines, and an approval process that meets the needs of UCPS and the municipalities. These uniform regulations made it possible for the UCPS to do a better job of budgeting and planning for future facilities because the approval process and zoning regulations were pretty much the same for all jurisdictions. Most municipalities adopted the standardized regulations in early to mid 2008, and the only jurisdictions that have not adopted these regulations are Stallings, Marshville, Unionville and Marvin. Marvin is, however, moving toward adoption of these measures. Unionville currently permits schools by right.

This proposed amendment also has the potential to increase the time associated with permitting a school thus adding to the overall development timeframe. This could potentially interfere with timeframes on opening new schools and opening additions to

schools. This change also has the potential to add cost to the overall scope of the project. This added cost will be due to consultants attending Planning Board and/or Board of Adjustment meetings to provide testimony in support of a project. We have outlined below the current process for approving school facilities and the process that will take place under the proposed change.

Currently, a new school facility or addition to an existing facility is a use permitted “by right.” This means that a Zoning Permit is all that is required prior to issuance of a building permit and commencement of construction. The Zoning Permit is a permit approved by staff and is issued through a zoning review approval in the permit system. The process typically works as follows:

1. The schools submit plans and supporting documents to the Union County Inspections Department (“Inspections”).
2. Inspections staff enter a record of the permit in the permit system. This record includes required reviews prior to the issuance of a building permit, including building plan review, public works approval, zoning review, food service review, etc.
3. Once each entity has reviewed their portion of the project and Inspections assures that all other permits from state and federal agencies have been obtained, the building permit is issued. This allows construction to commence.
4. Before a Certificate of Occupancy (“CO”) can be obtained, office staff place several permit completion holds in the record. These holds ensure that all requirements of construction are met prior to the issuance of the CO. These include all building field inspections, zoning inspections, fire marshal inspections, etc.
5. Once all holds are cleared, the project is eligible for a CO. Once the CO is issued the building is ready to open.

The Major Development Permit will require a different process for land use approval. This process will add a minimum of thirty days to the review period and will typically proceed as follows:

1. Staff will review to ensure that the facility meets all of the requirements of the Land Use Ordinance and that all other State and federal permits have been obtained.
2. Once this has been done, the project will go before the Planning Board. The Planning Board requires that the application be submitted 18 days before their meeting. The meeting takes place on the first Tuesday of each month.

3. UCPS and their consultants will present their project to the Planning Board.
4. The Planning Board will then either approve, deny, or delay for further information a decision on the Major Development Permit. It is important to note that the Planning Board cannot add conditions to the project unless the applicant agrees to them.
5. After Planning Board approval, UCPS submits plans and supporting documents to Inspections.
6. Inspections staff enter a record of the permit in the permit system. This record includes required reviews prior to the issuance of a building permit, including building plan review, public works approval, food service review, etc.
7. Once each entity has reviewed their portion of the project and Inspections assures that all other permits from State and federal agencies have been obtained, the building permit is issued. This allows construction to commence.
8. Before a CO can be obtained, staff place several permit completion holds in the record. These holds ensure that all requirements of construction are met prior to the issuance of the CO. These include all building field inspections, zoning inspections, fire marshal inspections, etc.
9. Once all holds are cleared, the project is eligible for a CO. Once the CO is issued, the building is ready to open.

The change to a Major Development Permit will require additions to school facilities to go through a slightly different process. Since the majority of school facilities in the unincorporated portion of Union County were approved by Zoning Permit, a change to the approval method will make the existing school facilities nonconforming uses. This is sometimes referred to as “grandfathering”. Any expansion of a nonconforming use requires a Special Use Permit to be issued by the Board of Adjustment after a public hearing per Section 124(e)(2) of the Union County Land Use Ordinance. This process will be similar to a new school facility going to the Planning Board, however it will differ somewhat. Since the Board of Adjustment is a quasi-judicial board, all information given to the Board is normally expert testimony. This will require the schools to rely even more heavily on their consultants at the meeting. This process will add a minimum of thirty days to the review period and will typically proceed as follows:

1. Staff will review to ensure that the facility meets all of the requirements of the Land Use Ordinance and that all other State and federal permits have been obtained.
2. Once this has been done, the project will go before the Board of Adjustment. The Board of Adjustment requires that the application be submitted 20 days

before their meeting. The meeting takes place on the second Monday of each month.

3. UCPS and their consultants will present their project to the Board of Adjustment.
4. The Board of Adjustment will then either approve, deny, approve with conditions, or delay for further information a decision on the Special Use Permit. It is important to note that the Board of Adjustment can add conditions to the project without the applicant's consent.
5. After approval by the Board of Adjustment, UCPS submits plans and supporting documents to Inspections.
6. Inspections staff enter a record of the permit in the permit system. This record includes required reviews prior to the issuance of a building permit, including building plan review, public works approval, food service review, etc.
7. Once each entity has reviewed their portion of the project and Inspections assures that all other permits from State and federal agencies have been obtained, the building permit is issued. This allows construction to commence.
8. Before a CO can be obtained, office staff place several permit completion holds in the record. These holds ensure that all requirements of construction are met prior to the issuance of the CO. These include all building field inspections, zoning inspections, fire marshal inspections, etc.
9. Once all holds are cleared the project is eligible for a CO. Once the CO is issued the building is ready to open.

As an alternative to requiring Major Development Permit approval for school construction, staff recommends incorporating the following procedure into the review process.

1. Staff will initiate discussions with State and federal agencies that are involved in reviews of new projects.
2. Staff will ensure that permit conditions which these agencies believe need to be met prior to issuance of a building permit or CO are noted on their respective permit.
3. Staff will ensure that all conditions noted by State and/or federal agencies are met before proceeding to either the building permit issuance stage or the CO stage.

Using this process, County staff can place appropriate holds on each permit relative to the State and/or federal agencies requests. This process will be extended to all commercial, industrial, and institutional projects. Staff believes that this procedure adequately addresses the land use issues that prompted the Planning Board's recommended action, while still allowing schools to be permitted and developed in a timely manner. This recommendation can be implemented administratively, therefore requiring no amendments to the Land Use Ordinance. As a supplement to this recommendation staff also recommends that when a comprehensive rewrite of the Land Use Ordinance occurs, supplemental standards from the Standardized Zoning Regulations for Schools be added to the Land Use Ordinance as supplementary regulations.

EXHIBIT A
FINAL DRAFT
8 November 2007

**Joint Proposal from Staffs of Union County Public Schools, Union County and all
Union County Municipalities Regarding Standardized Zoning Regulations**

Union County Public Schools (UCPS) is currently subject to 13 different sets of local land use regulations (12 different municipalities and Union County). Regulations vary from jurisdiction to jurisdiction, making it difficult to build new schools, renovate existing schools or locate mobile units in a consistent, timely and cost effective manner.

As a part of the Union County Board of Education's adopted "Building Program Cost Saving Principles", UCPS is endeavoring to establish a standard zoning classification and standardized requirements for school construction regardless of the schools locale in Union County. Such standardization will result in (i) equitable school facilities throughout the county; (ii) more efficient permitting of school facilities and (iii) cost savings for the benefit of the taxpayers of Union County.

Staffs from UCPS, Union County and local municipalities have met and have agreed to make recommendations to their elected boards as follows:

1. UCPS staff will involve local municipal staff early in the site selection process. The local municipal staff will make recommendations regarding target sites or areas within their respective jurisdictions that are suitable for school uses. Pursuant to state statute, final decisions regarding the selection of school sites are made by the Union County Board of Education.
2. Allow all new schools, additions, or renovation uses by right with supplemental standards. This will eliminate the costly and time-consuming discretionary (CUP/SUP) zoning process and site-by-site negotiations. All local government entities benefit by having expectations regarding school design and construction identified in advance.
3. Jurisdictions may consider an optional CUP/SUP review process if unique conditions exist as determined by the zoning/planning administrator. The administrator shall consider if the proposed project poses a negative impact on the public health and safety.
4. Supplemental standards shall include:
 - 4.1. Exterior of buildings.
 - 4.1.1. Exterior building materials shall be limited to masonry brick (brick or pre-finished block), natural or synthetic stucco, pre-finished insulated or non-insulated metal panel system, pre-finished metal fascia and wall coping, standing seam metal roof (for sloped roof only), painted hollow metal and/or pre-finished aluminum door and window frames, glass, painted or pre-finished steel.
 - 4.1.2. UCPS staff will work with municipality staff to follow any requirements of municipality "special overlay districts" as it relates to the exterior design of the facility.
 - 4.1.3. Exterior of buildings will be articulated to enhance the area of the site.
 - 4.2. Mobile classrooms (MCR):
 - 4.2.1. MCR's shall be located in rear yard if possible. If rear yard cannot accommodate the MCR's then they can be placed in the side yard. MCR's

- can be placed in the front yard only if the MCR's cannot be accommodated in the rear or side yards.
- 4.2.2. MCR underpinning and crawl spaces shall be screened.
 - 4.2.3. Landscaping/planting shall be provided between the MCR and any adjacent roads from which the MCR's are visible.
- 4.3. Sidewalks:
- 4.3.1. Sidewalks will not be required if they present a public health and safety hazard; sidewalks on the school property that connect to an existing sidewalk infrastructure will be provide by UCPS. Except as provided above, the municipalities shall be responsible paying for and constructing sidewalks.
 - 4.3.2. UCPS will dedicate appropriate easement or road right of way needed for sidewalks if requested by municipality.
 - 4.3.3. UCPS will grade areas for sidewalks if requested by municipality.
 - 4.3.4. UCPS will cooperate with municipality to apply for grants for sidewalks.
- 4.4. Exterior Illumination:
- 4.4.1. Driveway and parking area lighting shall be no more than 10 foot candles. Spill over to adjacent properties shall not exceed 1 foot candle. Lighting fixtures shall be shielding type.
 - 4.4.2. Lighting fixtures located on the building exterior shall not emit more than 5 foot candles and shall be shielding type.
 - 4.4.3. Lighting for athletic fields shall follow the current standards as set forth by the North Carolina High School Athletic Association Lighting Standard. A lighting control package shall be included and lights shall be shut-off no later than one hour after the end of the event.
- 4.5. Signs:
- 4.5.1. Materials for sign base and structure shall match the primary building materials.
 - 4.5.2. Sign face shall not exceed 40 square feet and does not include the sign support structure. The bottom of the sign face shall be no less than 24" above nor more than 72" above the ground surface. The sign support structure can include columns and walls on either side of and below the sign face and shall not be more than 16" taller that the sign face.
 - 4.5.3. One sign shall be permitted per school. Alternatively, if multiple schools use the same driveway access, then the allowable square footage may be increased by 10 square feet for each additional school.
 - 4.5.4. One wall sign per school shall be permitted and only for the name of the school and shall be reviewed by the administrator.
 - 4.5.5. External illumination is allowed.
- 4.6. Parking:
- 4.6.1. At elementary and middle schools provide 1 space per staff member plus 1.6 spaces per classroom or 1 space for each 3 seats used for assembly purposes whichever is greater.
 - 4.6.2. At high schools provide 5 spaces per instructional classroom or 1 space for each 3 seats used for assembly purposes whichever is greater.
 - 4.6.3. No more than 20% of the required spaces can be compact spaces.
 - 4.6.4. Minimum size of spaces shall be 9' wide by 19' long for regular, 7.5' wide by 15' long for compact, and accessible spaces shall meet current accessibility codes.
- 4.7. Student Drop Off Stacking:

- 4.7.1. On-site vehicle stacking for student drop-off shall be based on NCDOT requirements using the NCDOT required calculator.
- 4.8. Landscaping and Screening/buffering:
 - 4.8.1. Trees and shrubs shall be as indicated within the municipality species list.
 - 4.8.2. Parking Area: 1 large or 2 small trees shall be provided for each 12 parking spaces. Each parking space shall be located within 65' of a tree. Rows of parking spaces shall be terminated with a landscaped island and shall be the same size as a parking space.
 - 4.8.3. Parking areas shall be screened from adjacent public roads with shrubs based on the municipality's species list.
 - 4.8.4. Storm Detention Basins shall be screened with fencing and/or shrubs as determined by the administrator and shall be dependant upon the size, location, and use of the basin.
 - 4.8.5. Land berms will not be permitted between school facilities and roads.
 - 4.8.6. Land berms can be used in conjunction with required screening/buffering to adjacent uses as determined by the local regulations.
 - 4.8.7. Screening/buffering from adjacent uses will be opaque and shall consist of:
 - 4.8.7.1. Small trees planted at a rate of 3 per 100' and 6' high evergreen shrubs planted at a rate of 25 per 100', or
 - 4.8.7.2. Large trees planted at a rate of 2.5 per 100' and a 6' high solid wood fence, or
 - 4.8.7.3. Tall evergreen trees with branches touching the ground planted in a stagger.
 - 4.8.8. If the adjoining property is of similar or compatible use the Administrator may reduce or eliminate the screening/buffer.
 - 4.8.9. Screening/buffering requirements may be waived when screening/buffering is already provided. There may be cases where the unusual topography or elevation of a site, or the size of the parcel involved, or the presence of screening on adjacent property would make the strict adherence to the regulation serve no useful purpose. In those cases, the Administrator is empowered to waive the requirements for screening so long as the spirit and intent of this section and the general provisions of this section pertaining to screening are adhered to. This section does not negate the necessity for establishing screening for uses adjacent to vacant property.
 - 4.8.10. UCPS will endeavor to adhere to all Tree Preservation ordinances of the municipalities and shall preserve natural buffers between the school facility and adjacent properties as much as practical.
 - 4.8.11. UCPS will endeavor to retain as much existing trees and vegetation on school sites as practical and will re-introduce common local species into the project as possible.
- 4.9. In the event any provisions of the supplemental regulations conflict with any other provisions of this ordinance, then the provisions of these supplemental regulations shall control. Other ordinance provisions not in conflict with these supplemental regulations remain in effect.



Facilities

116 North Main Street
Monroe, NC 28112
Phone 704.296.5960 Fax 704.296.5973
www.ucps.k12.nc.us

Dr. Ed Davis – Superintendent

Board of Education
L. Dean Arp, Jr. – Chairman
John Collins - Vice Chairman
John Crowder
Carolyn J. Lowder
Laura Minsk
Kimberly Morrison-Hansley
John Parker
David Scholl
Richard Weiner

28 July 2009

To: Al Greene
County Manager

From: Donald S. Hughes, AIA
Executive Director of Facilities

RE: Marvin Ridge HS/MS Campus

AI:

As requested we are providing you with information regarding additional work to the storm water system at the above referenced project. Union County Public Schools has received questions about storm water issues at Marvin Ridge MS/HS from the Union County Planning Board. In response, we offered to conduct a meeting to discuss the circumstances and the members of the Planning Board declined our offer.

After further consideration UCPS is offering the following information to help you communicate with the Board of County Commissioners regarding pending changes to the Zoning Regulations as they relate to school construction in Union County.

The issue at hand is that UCPS had to incorporate additional work to provide for Stormwater Phase II Regulations as mandated by NCDWQ after construction had begun on Marvin Ridge HS/MS project. One comment that was made is that the "system" for agency approvals is broken and that we should have known about the required work and had it incorporated into the bid documents.

The fact is that the "system" is not broken and does work quite well. Every project subsequent to Marvin Ridge campus (Sun Valley ES, Stallings ES, Cuthbertson MS/HS, and Poplin ES) has incorporated the Phase II Regulations. The issue with Marvin Ridge is that the Phase II Regulations were not in effect until July 2006 but we were caught up with the rules changing and since final approvals were not in place we had to comply by interpretation by NCDWQ. Our only option was to appeal and mitigate the extent of work potential costs with NCDWQ - those efforts were successful.

Another issue is the timing of the events that did occur (see attached Timeline). Due to the rapid growth, having to provide additional seats for growth by August 2007, and the length of time it took to acquire the property UCPS had to start design of the school before we had acquired the land.

Furthermore, the bid documents (Sept. 05) reflected site requirements at the time and they did not include the Phase II Regulations (not required until July 2006). Consequently we would have had to pay the current general contractor (bid award Oct. 2005) for additional work to revise the storm detention ponds. And, the cost to the general contractor would have been higher because it would have been change order pricing during a "bidder climate" instead of bidding the work separately during the "owner climate" period as we did.

Growing Possibilities...

Another issue is the pending Zoning Regulation change being proposed to the Board of County Commissioners. We have heard that the change will no longer allow "schools by right" in zoning districts and will require schools to fall under the "Major Development" classification and as such will require Planning Board and/or Board of Adjustment approvals during the design phase. We wholeheartedly disagree with such a change in zoning regulations that would require all agency approvals before work can begin. This type of change will add at least 3 to 6 months to even a year to the timing of bringing new schools on-line. This will also cost the tax payers more dollars in design and review time not to mention not being able to meet very tight design/build/open timeframes during high growth periods. UCPS has also worked very hard in getting most municipalities to adopt standard school zoning regulations and to allow "schools by right" to help contain school construction costs and honor a fast pace building program.

In conclusion, we believe that the agency approval system is not broken and that UCPS acted judiciously and as expected to assure that, School Bond dollars were spent appropriately. We are concerned that adding another step to the approval process will limit the school district's ability to open schools in a timely and cost effective manner.

Attachment: Marvin Ridge Stormwater Phase II Timeline, 28 July 2009

Cc: Dr. Ed Davis
Dr. Mike Webb



Facilities

116 North Main Street
Monroe, NC 28112
Phone 704.296.5960 Fax 704.296.5973
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Dr. Ed Davis – Superintendent

Board of Education

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Richard Weiner

Marvin Ridge Stormwater Phase II Timeline 28 July 2009

- Design started: Feb. 1, 2005
- Land Purchase: May 16, 2005
- Bids Awarded: Oct. 11, 2005
- DENR Erosion Control Plan Approved 9/21/2005; approval letter indicated that a 401 Water Quality certification may be necessary for 150 feet of stream disturbance.
- NCDWQ 401 Water Quality Certification 11/30/2005
 - Project impacted 45 linear feet of a perennial stream and 104 linear feet of an intermittent stream
 - This required a stormwater maintenance plan for the entire site.
 - Allowed for UCPS to appeal this requirement within 30 days, staff and engineer did not reply thinking this was a mistake in the letter due to Stormwater Phase II Regulations were not in effect.
- Corps of Engineers 404 Permit was received on 12/9/2005
 - New road crossing, placement of fill, expansion of existing creek crossing and the installation of a new sewer line
- Stormwater Phase II Regulations effective July 2006
- UCPS applied for Express Review for NCDWQ 401 Water Quality Certification on 10/1/06
- Stormwater Management Express Review application form submitted again on 4/12/2007
- Received letter from State requiring UCPS to treat 100% of stormwater leaving the site
- Price received from LeChase in excess of \$500,000 (I think) for this work.
- UCPS sent a letter to NCDWQ on 9/4/07 informing them of our intentions to negotiate with the State and contacted an environmental attorney to see if we could still appeal the State requirement. Our attorney's opinion is that we would have to meet State requirements
- Met with DWQ (State) in Raleigh on 12/10/2007
 - Site has 5 drainage basins that we originally were required to treat
 - DWQ agreed for UCPS to treat 3 basins
- Plan Submitted to DWQ 2/29/2008
- Additional information requested by DWQ 4/17/2008
- Plan approved 7/3/2008
- Plan revised and resubmitted to DWQ to modify pond 3 to more cost effective design (helped to better balance site)
- Plan approved by NCDWQ on 9/15/08
- Received letter from DWQ requesting update on project 1/27/2009 (needed to start construction within 60 days)
- Replied with following schedule:
 - BOE approved bid award 2/17/2009
 - BOCC approved funding 3/3/2009
- July 15, 2009 - Ponds are complete except for a few final items in project (fencing, replace athletic netting, etc)

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

Action Agenda Item No. 8
(Central Admin. use only)

SUBJECT: Community Benefit Organization Discussion

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

ATTACHMENT(S): Memo
INFORMATION CONTACT: Matthew Delk

TELEPHONE NUMBERS:
704-283-3656

DEPARTMENT'S RECOMMENDED ACTION: No action required.

BACKGROUND: At a prior meeting, Chairman Openshaw discussed Community Benefit Programs in Union County. Please see the attached memorandum for a recommended list and descriptions.

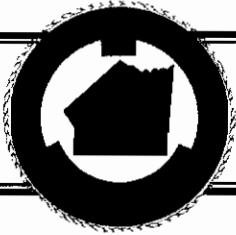
The list represents not-for profit organizations serving Union County with a public purpose. A "public purpose" benefits Union County residents through general governmental, educational, law enforcement, health, or social welfare programs, to include religious organizations with non-profit, public-purpose programs.

FINANCIAL IMPACT: none

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



OFFICE OF THE COMMISSIONERS AND MANAGER

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

TO: County Manager Al Greene
FROM: Matthew Delk
RE: Community Benefit Programs
DATE: July 8, 2009

At the April 20 Regular meeting, Chairman Openshaw discussed Community Benefit Programs - in particular, he wanted to offer those programs a chance to make presentations at Board meetings and to appeal for public support and donations. A review of all Nonprofit organizations that we have somehow been associated with in the past (budget funding, presentations to the Board, etc), along with a review of registered Nonprofits in Union County, includes over 500 registered organizations. I reduced this list to the below listed organizations.

This list represents not-for profit organizations serving Union County with a public purpose. A "public purpose" benefits Union County residents through general governmental, educational, law enforcement, health, or social welfare programs, to include religious organizations with non-profit, public-purpose programs. The list includes:

American Red Cross - Supports Emergency Management functions.
The Arc of Union County – Supports the Developmentally Disabled.
Council on Aging in Union County – Assistance to the Aging Community.
Union County Crisis Assistance Ministry – Emergency assistance for the needy.
Friendship Home – Provides assistance for self-help substance abuse programs.
Habitat for Humanity – Provides housing assistance for the needy.
Fresh Start of Union County – Provides Transitional Housing to needy women and children.
Legal Aid of North Carolina – Provides legal assistance to victims of domestic abuse.
Literacy Council of Union County – Provides literacy programs to the illiterate.
Turning Point – Provides services to victims of domestic abuse.
Union County Community Shelter – Assists homeless persons.
United Family Services – Assists child abuse victims and non-offending family members.
Health Quest – Provides free pharmaceutical services to the needy.
Union Diversified Industries – Developmentally disabled vocational program.
Union County Library Foundation – Supports UCPL with construction/renovation funds.
Union County Community Arts Council – Supports art programs in Union County.
Andrew Jackson Historical Foundation – Supports historical programs, maintains historical site.
Union County Historic Preservation Commission – Supports local history, manages artifacts.
Union County Job Ready Partnership – Scholarships and programs for students.
Covenant Prison Ministries – County Jail inmate education and rehabilitation.

Union County Crime Stoppers – Crime prevention programs and strategies in underserved areas.

4-H Foundation – Supports 4-H activities in Union County.

Union County Veterans Council - Works with Veterans Services, represents Veterans groups.

Union County Christmas Bureau – Supports needy during holiday season, coordinated by DSS.

Hospice of Union County – Programs and family resource for those facing life limiting illnesses.

March Forth with Hope Foundation Inc. – Cancer patient cancer assistance.

Hometown Heroes of Union County, NC – Supporting children with medical needs.

Loaves and Fishes of Union County Inc. – Distribution of food to the needy.

Friends of the Union County Animal Shelter Inc. – Veterinary support for the Animal Shelter.

Vital Interventions Accessible Inc. – Autism assistance to families.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

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

SUBJECT: Disposal of Surplus Well Lot

DEPARTMENT: General Services

PUBLIC HEARING: No

ATTACHMENT(S):
Offer to Purchase
Commercial Appraisal

INFORMATION CONTACT:
Barry Wyatt

TELEPHONE NUMBERS:
704-283-3868

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

BACKGROUND: The County has received a third offer (\$86,000.00) from Historic Ventures, LLC to purchase a well lot (Parcel # 05113019) located in Waxhaw, N.C. based on the value established by a commercial appraisal. The well lot, an asset of the enterprise system, is no longer used by Public Works and is not essential to the water system. The lot contains 0.82 acres and has a land tax value of \$47,480.00. Under North Carolina Statutes, the County is required to advertise the offer to purchase and provide other interested parties an opportunity to purchase the property.

FINANCIAL IMPACT: Additional revenue to the enterprise system.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

Mr. Wyatt,

Historic Ventures, LLC is prepared to submit an \$86,000.00 offer to purchase Parcel # 05113019. Please accept this as a formal bid for said property. I will deliver a 5% deposit check to you totaling \$4,300.00 for Union County by end of the work day tomorrow July 30, 2009.

Also, I have attached a copy of the commercial appraisal performed by Morrison Appraisal, Inc.

Thank you for your assistance regarding Parcel # 05113019

Deborah L. Sawyer

Deborah L. Sawyer, LLC

1000 North 10th Street

Union County, NC 28784

336-246-1100

336-246-1100

336-246-1100

336-246-1100

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 Eighty Six Thousand Dollars (\$86,000), 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 ____ day of _____, 2009



FW: Sample Flight of Honor Proclamation
Jack Hargett to: west

AGENDA ITEM

10
MEETING DATE 8/11/09

07/29/2009 01:49 PM

Lynn,

Here is the sample proclamation. Let me know if you need anything else.

Thanks,
Jack Hargett

[Redacted contact information]

From: Lamar Gunter [mailto:lamar.gunter1209@bellsouth.net]
Sent: Monday, June 29, 2009 3:09 PM
To: jack.hargett@carolina.rr.com
Subject: Sample Flight of Honor Proclamation

Jack,

I am the Volunteer Public Relations Chair for the September Flight of Honor. We hope to have each county commission in Rotary District 7680 issue a proclamation declaring Sept. 19 Flight of Honor Day in that County. If you know the Chair of your County Commission or one of the other Commissioners you could ask to issue the proclamation (sample attached), I would appreciate it. If you don't know any of the Commissioners well enough to make the request, but know a Rotarian who does have a relationship with the Chair or one of the Commissioners, give me his or her name and e-mail address and I will contact the appropriate person. Information on the Flight of Honor is at www.flightofhonor.org/. Thank you.

Lamar Gunter, APR
Volunteer Public Relations Chair
Rotary District 7680 Flight of Honor

[Redacted contact information]



Doc sample proclamation.doc

PROCLAMATION

WHEREAS, the World War II Memorial in Washington, DC was completed in 2004 and honors the 16 million men and women who served in the armed forces of the United States, the more than 400,000 who died, and all who supported the war effort from home; and

WHEREAS, due to health, physical, motivational or financial limitations many World War II veterans from North Carolina may never see their memorial; and

WHEREAS, it is the vision and objective of Jeff Miller, a North Carolina businessman, to send every local World War II veteran to see the memorial in Washington, DC through the HonorAir Project; and

WHEREAS, Rotary District 7680 wants to make the Flight of Honor available to the World War II veterans in the 14 counties of the Rotary District; and

WHEREAS, Union County is in Rotary District 7680; and

WHEREAS, Rotary District 7680 provided a one-day, all expense paid, chartered Flight of Honor in April and will provide another Flight of Honor in September through the generous support of corporate sponsors, service organizations, family members and caring citizens; and

WHEREAS, North Carolina Rotary District 7680 will honor the lives, valor and courage of World War II veterans on September 19, 2009, by sponsoring a chartered U.S. Airways flight from Charlotte to Washington, DC, thus providing 120 veterans their Flight of Honor and celebrating the accomplishments of World War II veterans:

NOW, THEREFORE, the Board of Commissioners of Union County does hereby declare September 19 as "WORLD WAR II FLIGHT OF HONOR DAY" in Union County and commend its observance to all citizens.

Adopted this the 11th day of August, 2009.

Attest:

Lynn G. West
Clerk to the Board

Lanny Openshaw, Chairman

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

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

SUBJECT: UCPS Administrative Budget - Bonds

DEPARTMENT: Finance

PUBLIC HEARING: No

ATTACHMENT(S):

Capital Project Ordinance Amendment
124

UCPS Funding Request

INFORMATION CONTACT:

Al Greene
Dr. Davis
Don Hughes
Kai Nelson

TELEPHONE NUMBERS:

704.292.2625
704.283.3647
704.296.5960
704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Adopt Capital Project Ordinance Amendment #124

BACKGROUND: The UCPS capital program consists of the construction of new schools/facilities (including technology, furniture, fixtures, off-site and on-site infrastructure), additions and renovations to existing schools/facilities, deferred maintenance (HVAC, roofs, windows, lighting, etc.) and the purchase of buses, motor vehicles, equipment, technology and mobile units. The two principal funding sources for the capital program are the issuance of debt (either general obligation or certificates of participation) and/or current appropriations from the General Fund (pay go).

Bond funds have been most often used for the construction of new schools/facilities and major addition/renovation projects of existing schools. In connection with those activities, UPCS has used a portion of the bond proceeds for capital project construction administration - allocating UCPS personnel and operating costs to bond proceeds.

Federal tax law allows proceeds of tax exempt bonds to be used to pay for the capital costs of facilities and also to pay for non-capital costs, such as administration and overhead costs that are directly related to the financed facilities. A common standard regarding the allocation of direct costs items is that the expenditures must exclusively benefit and be chargeable to a target program (i.e. new school construction/major addition and renovation projects). And when the target program expenditures and activities lessen, the direct charges should become smaller.

Another common standard is that no direct costs should be allocated to bond related expenditures if those allocated costs will continue to be incurred regardless of bond related capital expenditures.

The table below reflects bond related expenditures since 2005 and UCPS administrative costs allocated to the expenditures.

	2005	2006	2007	2008	2009 (1)	2010 (2)
Expenditures	67,537,798	65,496,376	149,151,883	106,943,197	77,460,796	31,147,891
Administrative	754,084	588,085	646,044	595,628	499,950	571,604

(1) unaudited; through July 24, 2009
(2) projection based on CIP

Prior to 2005, County officials expressed several concerns regarding the allocation methodologies used by UCPS in direct charging costs to bond expenditures. The concerns principally stemmed from UCPS practice, at that time, of charging to bond proceeds 100% of the costs of several employees – including the Director of Facilities, Planning and Construction, the Schools’ principal planner and other financial and clerical personnel.

In 2006 and 2007, some adjustments were made in the allocation methodologies to reflect some of the expenses as current expense rather than bond related – on the premise that the costs allocated to current expense would continue and exist regardless of whether there are new construction/major addition and renovation projects. County officials do not believe that a complete and comprehensive allocation methodology has been developed but given the pending depletion of bond funds for capital construction, the matter may not be critical to resolve in FY2010.

For FY2010, UCPS has requested \$572K for administrative costs. Personnel positions include 1 planning project manager, 2 clerical/financial positions, 1 assistant director and 3 project managers for a total cost of \$497K. The balance of the costs include \$75K for office lease/utilities, supplies, planning consultants, and training/continuing education. There is approximately \$104K remaining from the FY2009 appropriation; thus requiring an appropriation for FY2010 of \$468K. As bond related capital expenditures continue to decline and capital transaction/activity levels slow, County staff continues to express concern over the direct charges to capital bond funds.

When the 2006 Bond Referendum was sized, the referendum amount included UCPS administrative costs through FY2008. Administrative costs for FY2009 and FY2010 are being paid for from ‘bond savings’ and will exceed \$1 million. Given the depletion of most of 2006 bond referendum proceeds and critical financial condition of the County going into 2011, FY2010 will likely exhaust administrative funding from bond proceeds. And with the likelihood of limited capital funds available in 2011, the matter of continued funding of administrative costs from bond proceeds will presumably resolve itself ... limited projects, limited funding with limited requirement to continue funding the positions and administrative costs. Of course, should UCPS propose to re-allocate the costs to current expense in FY2011, such an effort will place additional strain on the County's budget and call into question the rationale for charging the administrative expenses to bond funds in prior periods.

FINANCIAL IMPACT: Funds are included in the UCPS 2010 - 2014 CIP (the CIP has not been

formally approved by the Commission). However, several decisions contained in the CIP have been implemented by the Commission, including the substitution of various renovation/addition projects for the transportation facility project.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

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

SUBJECT: Report of 1996 and 2001 General Obligation Debt Refunding

DEPARTMENT: Finance

PUBLIC HEARING: No

ATTACHMENT(S):
Savings report

INFORMATION CONTACT:
Kai Nelson

Refundings completed since 2003

TELEPHONE NUMBERS:
704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Accept Report

BACKGROUND: In May 2009, BOCC adopted a resolution authorizing the issuance of refunding bonds to defease the County's 1996 water and sewer and 2001 school general obligation debt. The parameters of that authorization included a minimum savings level of 3% - calculated by taking the present value of the savings between the refunded debt (the "old debt") and the refunding debt (the "new debt"). At the time of the Board's action in May, the savings level was estimated at 3.6% generating cash flow savings of \$1,643,000.

Following the Board's action in May, the financing team continued to work on the transaction preparing the required disclosure documents for the public offering. The LGC approved the transaction at their June 2 meeting. As the initial pricing date approached on June 11, the bond market had moved away from the County resulting in higher yields. So the transaction was pulled from the market with the hope of a future day when rates would improve.

That time arrived in mid-July when the bond market experienced a run-up in pricing driving down yields on municipal bonds. The County was able to schedule a date on the LGC calendar and priced its refunding bonds on July 15/16. The savings level achieved was 3.87% with cash flow savings of \$1,777,942.

Since 2003, the County has completed 10 refundings with an aggregate cash flow savings in excess of \$13.4 million and annual savings of \$845,000 (see attached table).

FINANCIAL IMPACT: Annual savings of approximately \$162K with the 2010 and 2011 savings accruing to the Water and Sewer Fund and savings 2012-2020 accruing to the General Fund.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

SAVINGS

Union County, North Carolina
 Traditional Fixed Noncall Refunding
 General Obligation Refunding Bonds, Series 2009C
 (Aa2/AA/AA underlying)
 VERIFIED FINAL NUMBERS

Date	Prior Debt Service	Prior Receipts	Prior Net Cash Flow	Refunding Debt Service	Savings	Present Value to 08/13/2009 @ 2.7302822%
06/30/2010	2,930,160.00	839,212.00	2,090,948.00	1,928,993.13	161,954.87	153,914.31
06/30/2011	2,646,600.00		2,646,600.00	2,481,537.50	165,062.50	157,246.31
06/30/2012	4,555,000.00		4,555,000.00	4,390,487.50	164,512.50	156,001.74
06/30/2013	4,424,375.00		4,424,375.00	4,263,550.00	160,825.00	148,084.24
06/30/2014	5,843,750.00		5,843,750.00	5,678,812.50	164,937.50	147,541.03
06/30/2015	5,639,500.00		5,639,500.00	5,483,187.50	156,312.50	135,624.14
06/30/2016	5,885,250.00		5,885,250.00	5,724,587.50	160,662.50	135,462.60
06/30/2017	6,009,625.00		6,009,625.00	5,849,387.50	160,237.50	131,295.12
06/30/2018	5,767,375.00		5,767,375.00	5,606,587.50	160,787.50	128,005.11
06/30/2019	5,525,125.00		5,525,125.00	5,363,200.00	161,925.00	125,280.06
06/30/2020	4,032,875.00		4,032,875.00	3,872,150.00	160,725.00	120,841.31
	53,259,635.00	839,212.00	52,420,423.00	50,642,480.63	1,777,942.37	1,539,295.97

Savings Summary

PV of savings from cash flow	1,539,295.97
Plus: Refunding funds on hand	202.50
Net PV Savings	1,539,498.47

Union County
Refunding Transactions (FY2003 - FY2010)

Refunded Bonds	Final Maturity	Total Cash Flow Savings	Average Annual Savings	Percent Savings
1996 Revenue Bonds ¹	2021	\$ 1,359,750	\$ 75,542	5.61%
1989 Indian Trail GO Bond	2029	\$ 584,718	\$ 22,489	30.96%
1990 Stallings GO Bond	2030	\$ 583,117	\$ 21,597	33.46%
1992 Jail COPs	2012	\$ 820,781	\$ 91,198	15.11%
1997 School Placement	2007	\$ 66,996	\$ 16,749	3.37%
1995, 1996 GO Bonds	2013, 2016	\$ 779,252	\$ 64,938	3.77%
1999 School GO Bonds ¹	2020	\$ 1,840,165	\$ 122,678	7.10%
2001 School GO, 2003 COPs ¹	2020, 2025	\$ 3,943,893	\$ 197,195	5.00%
2003A Enterprise Revenue Bonds ¹	2029	\$ 1,701,844	\$ 70,910	4.61%
1996 Utility GO, 2001 School GO	2020	\$ 1,777,942	\$ 161,631	3.87%
Total		\$ 13,458,458	\$ 844,926	

¹ Synthetically refunded

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

Action Agenda Item No. 13
(Central Admin. use only)

SUBJECT: Order of Collections

DEPARTMENT: Tax Administration

PUBLIC HEARING: No

ATTACHMENT(S):
Order of Collection - Tax Charge for
the Fiscal Year 2009-2010

INFORMATION CONTACT:
John Petoskey

TELEPHONE NUMBERS:
704-283-3748

DEPARTMENT'S RECOMMENDED ACTION: Adopt Order of Collection

BACKGROUND: NCGS 105-321 requires the governing board of each taxing unit to issue an order of collection to tax collectors at the time the receipts are delivered to them. This order constitutes the collector's authority to collect taxes and to exercise the various powers incident to the collection process. The order gives rise to a specific lien on the real estate listed on the books, plus the power to levy upon or attach any of the taxpayer's personal property. Failure to issue the order of collection may invalidate the tax collector's remedies for enforced collection. The order of collection does not include public service companies or motor vehicles. Those property classifications are either billed monthly or are based on information provided separately by the North Carolina Department of Revenue.

FINANCIAL IMPACT: The Order of Collection is based on real estate and personal property (excluding motor vehicles and public service) value totaling \$21.040 billion. The adopted budget contains a real and personal property value of \$21.058 billion; representing a variance of \$18 million or 8/100ths of 1%. The real estate and personal property value incorporates the significant majority of property adjustment decisions rendered by the Board of Equalization and Review and the Property Tax Commission. There are a few appeal decisions pending, but the dollar value of those decisions will not materially change the variance noted previously.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable:

Manager Recommendation:

§ 105-321. Disposition of tax records and receipts; order of collection.

(a) County tax records shall be filed in the office of the assessor unless the board of county commissioners shall require them to be filed in some other public office of the county. City and town tax records shall be filed in some public office of the municipality designated by the governing body of the city or town. In the discretion of the governing body, a duplicate copy of the tax records may be delivered to the tax collector at the time he is charged with the collection of taxes.

(b) Before delivering the tax receipts to the tax collector in any year, the board of county commissioners or municipal governing body shall adopt and enter in its minutes an order directing the tax collector to collect the taxes charged in the tax records and receipts. A copy of this order shall be delivered to the tax collector at the time the tax receipts are delivered to him, but the failure to do so shall not affect the tax collector's rights and duties to employ the means of collecting taxes provided by this Subchapter. The order of collection shall have the force and effect of a judgment and execution against the taxpayers' real and personal property and shall be drawn in substantially the following form:

State of North Carolina
County (or City or Town) of _____
To the Tax Collector of the County (or City or Town) of _____
_____ :

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of _____ and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County (or City or Town) of _____, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this ____ day of _____, _____

(Seal)
Chairman, Board of Commissioners of
_____ County
(Mayor, City (or Town) of _____)

Attest:

Clerk of Board of Commissioners of _____ County
(Clerk of the City (or Town) of _____)

(c) The original tax receipts, together with any duplicate copies that may have been prepared, shall be delivered to the tax collector by the governing body on or before the first day of September each year if the tax collector has made settlement as required by G.S. 105-352. The tax collector shall give his receipt for the tax receipts and duplicates delivered to him for collection.

(d) Repealed by Session Laws 2006-30, s. 5, effective June 29, 2006.

(e) The governing body of a taxing unit may contract with a bank or other financial institution for receipt of payment of taxes payable at par and of delinquent taxes and interest for

the current tax year. A financial institution may not issue a receipt for any tax payments received by it, however. Discount for early payment of taxes shall be allowed by a financial institution that contracts with a taxing unit pursuant to this subsection to the same extent as allowed by the tax collector. A financial institution that contracts with a taxing unit for receipt of payment of taxes shall furnish a bond to the taxing unit conditioned upon faithful performance of the contract in a form and amount satisfactory to the governing body of the taxing unit. A governing body of a taxing unit that contracts with a financial institution pursuant to this subsection shall publish a timely notice of the institution at which taxpayers may pay their taxes in a newspaper having circulation within the taxing unit. No notice is required, however, if the financial institution receives payments only through the mail.

(f) Minimal Taxes. – Notwithstanding the provisions of G.S. 105–380, the governing body of a taxing unit that collects its own taxes may, by resolution, direct its assessor and tax collector not to collect minimal taxes charged on the tax records and receipts. Minimal taxes are the combined taxes and fees of the taxing unit and any other units for which it collects taxes, due on a tax receipt prepared pursuant to G.S. 105–320 or on a tax notice prepared pursuant to G.S. 105–330.5, in a total original principal amount that does not exceed an amount, up to five dollars (\$5.00), set by the governing body. The amount set by the governing body should be the estimated cost to the taxing unit of billing the taxpayer for the amounts due on a tax receipt or tax notice. Upon adoption of a resolution pursuant to this subsection, the tax collector shall not bill the taxpayer for, or otherwise collect, minimal taxes but shall keep a record of all minimal taxes by receipt number and amount and shall make a report of the amount of these taxes to the governing body at the time of the settlement. These minimal taxes shall not be a lien on the taxpayer's real property and shall not be collectible under Article 26 of this Subchapter. A resolution adopted pursuant to this subsection must be adopted on or before June 15 preceding the first taxable year to which it applies and remains in effect until amended or repealed by resolution of the taxing unit. (1939, c. 310, s. 1103; 1971, c. 806, s. 1; 1973, c. 476, s. 193; c. 615; 1987, c. 45, s. 1; 1989, c. 578, s. 1; 1991, c. 584, s. 1; 1995, c. 24, s. 1; c. 329, ss. 1, 2; 1999–456, s. 59; 2006–30, s. 5.)

**ORDER OF COLLECTION
TAX CHARGE FOR FISCAL YEAR 2009 – 2010**

STATE OF NORTH CAROLINA
COUNTY OF UNION

TO: John C. Petoskey, Tax Administrator for the County of Union

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2009 tax records as filed in the Office of Tax Administrator, and in the tax receipts delivered to the Tax Administrator's Office in August 2009, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien on all real property of the respective taxpayers in Union County, Hemby Bridge Fire Protection District, Stallings Volunteer Fire Protection District, Springs Fire District, Waxhaw Fire District, and Wesley Chapel Fire District. You are further authorized, empowered, and commanded to collect the 2009 taxes charged and assessed as provided for by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law.

This Order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property and attach wages and/or other funds of such taxpayers, for and on account thereof, in accordance with the law.

The Tax Charge will be adjusted monthly according to releases, discoveries, and motor vehicle billings.

Witness my hand and official seal this 11th day of August 2009.

Lanny Openshaw, Chairman
Union County Board of Commissioner

Attest:

Lynn G. West, County Clerk

Accepted:

John C. Petoskey, Tax Administrator

Union County	\$	139,920,043.58
Late List Penalty	\$	108,696.59
Hemby Bridge Fire Tax District	\$	980,826.23
Late List Penalty	\$	522.07
Stallings Tax District	\$	808,670.37
Late List Penalty	\$	815.98
Wesley Chapel Tax District	\$	1,025,156.98
Late List Penalty	\$	186.45
Waxhaw Fire Tax District	\$	405,706.54
Late List Penalty	\$	170.58
Spring Fire Tax District	\$	302,388.95
Late List Penalty	\$	148.36
Fire Fees	\$	1,226,437.41
TOTAL	\$	144,779,770.09

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

Action Agenda Item No. 14

(Central Admin. use only)

SUBJECT: SPCC - Multi-Purpose Building Project

DEPARTMENT: Finance

PUBLIC HEARING: No

ATTACHMENT(S):

Minutes

INFORMATION CONTACT:

Kai Nelson

2008 CIP

TELEPHONE NUMBERS:

704.292.2522

Standard Form of Agreement between
Owner and Designer

CPO #125

DEPARTMENT'S RECOMMENDED ACTION: Adopt Capital Project Ordinance Amendment #125

BACKGROUND: On September 15, 2008, the County Commission took a series of actions in connection with the tax-supported 2009-2013 Capital Improvement Program. One of the actions taken by the Commission related to South Piedmont Community College's proposed Multi-Purpose Building Project to be located on its Monroe campus.

At the September 15, 2008 meeting, the Commission reviewed a number of capital projects including UCPS, radio communications, SPCC, libraries, 911/Emergency Operations Center and space needs assessment for Public Health, Social Services and Board of Elections. The Commission took a series of actions regarding those projects. In connection with the SPCC project the Commission authorized funding for the architectural component of the Multi-Purpose Building Project through construction documents (see attached extract of Commission minutes). Material presented (see attachments) to the Commission at the September 15 meeting estimated that amount to be approximately \$800,000 with the County's capital reserves as the funding source. Upon issuance of debt for the project, the Commission may consider including funds in the debt issuance to reimburse the capital reserve for the architectural costs.

The \$800,000 estimate was calculated by multiplying 70% (generally that portion of an AES building fee through construction documents) by the estimated total AES fee with a deduction of \$100,000 representing a State Community College contribution to the project.

Based on the Commission's action of September 2008, SPCC completed its RFQ process for AES services and through the State Construction Office and NC Department of Administration

executed design contracts in June 2009.

When the project budget of approximately \$18.383 million was shared with the Commission in September 2008, County staff was under the impression that the \$100,000 (which ultimately turned out to be \$90K) would be used to reduced the total project cost. It now appears that the \$90K is in addition to the \$18.383 million (see Standard Form of Agreement between Owner and Designer).

An additional 'design' requirement has developed since September. Commissioning services (Cx) are now required on State owned buildings to include community college facilities. Commissioning is a quality assurance process that verifies and documents that buildings and components and systems operate in accordance to the owner's project requirements and the projects design documents. The cost of this additional compliance program is estimated at approximately 1% of building construction.

The commissioning expense of approximately \$162,400 is expected to be funded from project contingency and escalation.

It now appears that approximately \$900,000 will be required through the construction bidding documents phase of the project - about \$860,000 (65% of \$1,324,000) for the AES firm and about \$40,000 for the commissioning agent. The project's total County cost is not being modified at this time ... the cash flow requirements through construction bidding are slightly different than those presented in September 2008.

FINANCIAL IMPACT: Use of capital reserves in the amount of \$900,000; replenishment of the reserve from future debt proceeds is available to the Commission.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

Sept 15, 2008
Minutes

Mr. Beekman stated that if the County constructs a tower in Fairview, it might be able to receive revenue from leasing space on the tower. He said that comparable coverage for a cell phone tower would require 12 towers, and the County will require 7.

Mr. Greene noted that the staff is coming to the Board with a change in plans and is recommending that the Board authorize the order to be placed with Motorola now under the assumption of the configuration presented. He stated that if the equipment can be ordered prior to October 31, it would avoid the cost escalation that Motorola can take under the agreement and also the timing is good in preserving the \$900,000 grant.

Following the presentation, Commissioner Lane moved to: 1) authorize the County Manager to approve the Customer Design Review (CDR) acknowledging that all of the tower sites have not been secured; 2) approve ordering the Motorola Equipment prior to October 31, 2008, in order to preserve the contract pricing and the Department of Homeland Security (DHS) Grant; and 3) authorize the County Manager to approve the lease agreements for the Belk/Mill, SHP, Midland, Cuthbertson, and Crow Road sites. The motion was passed by a vote of four to zero. Chairman Baucom, Commissioner Lane, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Vice Chairman Pressley was not present.

South Piedmont Community College:

Mr. Nelson referred to the Multi-Purpose facility for the community college. He stated that the community college's master plan was included in the board's package. He said that the staff is proposing a timeline based on the information provided that South Piedmont Community College would like to have the facility opened in December 2010.

Commissioner Openshaw questioned the timeline of opening the facility in December 2010 versus August or September of 2011. Dr. John McKay, President of South Piedmont Community College, responded that he believed it had to do with the COP's financing. Mr. Nelson concurred that this was correct in part. He explained that in a number of the projects, the staff has tried to stack them in terms of a financing instrument. He noted that one of the challenges is when the projects are taken to the bond markets, they have to avoid multiple transaction costs. He said that each time the County has a transaction, there is a fixed cost of issuance.

Mr. Nelson said that the other project for South Piedmont Community College in the master plan short-term is the facility for public safety and manufacturing. He stated that this project is shown further out on the timeline. He said that it is hoped that there will be a statewide community college bond referendum and part of that referendum would be that Union County would receive credit

for building the Multi-Purpose facility, and when it comes time to build the second project, it will not cost any additional money on the County's local property taxes.

Mr. Nelson said that in order to meet the timeline for the Multi-Purpose facility, the community college needs to move forward with selecting an architect/engineer and then move forward with the design. He stated that the staff recommended that the Board authorize funding for the architectural component of the project only through the construction documents and the community college would come back to the Board with updates so that the price can be firmed up. He said that the community college would come back to the Board on at least two occasions.

Following the discussion, Chairman Baucom moved to authorize funding for the architectural component of the Multi-Purpose Facility only through the construction documents. The motion was passed by a vote of four to zero. Chairman Baucom, Commissioner Lane, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Vice Chairman Pressley was not present.

Library:

Commissioner Openshaw stated that he had not been in favor of the regional library concept. He said that the alternatives that he was looking at would be considerably less expensive, and the alternatives he was considering were the two original regionals, and preferably constructing only one at this point. He said that the regionals would be significantly smaller with different possibilities, one of which would be constructing a facility that would be expandable. He said one possibility might be having a smaller library now which would dramatically reduce operating costs. Commissioner Openshaw said that it would probably reduce the funding needs in the CIP.

There was discussion about the purchase price of the Honeycutt property.

Ms. Smith stated that the Library Board of Trustees had recommended the James property. She said that she thought the asking price of this property was \$2.5 million for five acres and \$3.5 million for the entire tract which consists of 15 acres. She stated that the James property is directly across the street from the Cureton Towne Center and would be adjacent to the commercial development at Cuthbertson Road. She said that this property has the best access and is the most desirable tract.

CIP presentation
Sept 15
2008

Summary of Significant "Near Term" Decisions
Requested of Commission
in Connection with Capital Improvement Plan 2009-2013

Union County Public Schools

1. Approve AES funding for A&R projects (\$1.7 million)
2. Approve CFS funding (\$595,000)
3. Project cash flows to be provided from GO authorization
4. Include COPs Financing May2009/June2009

Radio Communications System

5. County Manager Approves Customer Design Review
6. Order Motorola Equipment prior to 10.31.2008 to preserve contract pricing and DHS grant
7. Authorize County Manager to approve lease agreements for Belk/Mill, SHP, Midland, Cuthbertson, Crow sites
8. Include COPs Financing May2009/June2009

South Piedmont Community College

9. Authorize funding for AES - through construction documents (\$800,000; 70% of AES less NC Community Colleges \$100K)
10. Include COPs Financing Dec2009/Jan2010

Super-Regional Library

11. Authorize County staff to engage property owners in discussions regarding recommended sites
12. Authorize site acquisition
13. Include COPs Financing Dec2009/Jan2010

E 9-1-1 Dispatch Center/Emergency Operations Center

14. Site selection (UCPS site - Crow road preferred)

Board of Elections and Health and Human Services

15. Authorize space needs assessment (funding available in County building projects budget)

Land Costs			\$0
Construction Costs			
Site Improvements	77,500	\$24	\$1,860,000
Building Cost	77,500	\$140	\$10,850,000
Ancillary Building Cost	LS		\$1,100,000
Subtotal			\$13,810,000
Escalation to Midpoint of Construction	Mon/Yr. Mar-10	Ann. Esc. 4%	\$826,330
Construction Contingency		5%	\$731,818
Total Construction Cost			\$15,368,146
Furniture Fixtures and Equipment			
Furnishings	LS		\$950,000
AV Equipment, cabling and terminations	LS		\$0
Subtotal			\$950,000
Escalation to Midpoint of Construction	Mon/Yr. Mar-10	Ann. Esc. 4%	\$56,844
Total FF&E			\$1,006,844
Specialized Equipment			
	LS		
	LS		
Subtotal			\$0
Escalation to Midpoint of Construction	Mon/Yr. Mar-10	Ann. Esc. 4%	\$0
Total Specialized FF&E			\$0
Miscellaneous Project Costs			
AES Fees	Const/FFE	8%	\$1,309,999
Testing	Const	1.5%	\$230,522
Moving Expenses	LS		\$20,000
Total Miscellaneous Project Expenses			\$1,560,521
Project Contingency		2.5%	\$448,388
TOTAL ESTIMATED PROJECT COST			\$18,383,899

Union County
Capital Improvement Plan
2009-2013

Project Name SPCC Multi-Purpose Building

Project Description Construction of new three-story multi-purpose building of approximately 77,500 SF to house business office, student services, science and biotechnology and computer labs, and the bookstore. Project also includes new parking and vehicular circulation and the creation of "green space" for pedestrians at the center of the campus in accordance with the master plan. Additional science labs are critical for the future growth of health programs growth and expansion particularly the registered nursing program.

Project Highlights Total projected enrollment growth over 5-years @ 57.3%
Early college high schools on campus
110,000 SF of new construction required
Current 14 mobile units on Monroe campus

Project Budget \$18,383,899

Project History Plans: 2006 CIP, 2007 CIP, SPCC Facilities Master Plan
Funding: Facilities Master Plan

Project Status Land available on Monroe Campus
Site location selected
RFQ for AES underway

Timeline	From	To	# Months
Design	Oct-08	Aug-09	11
Bid/Award	Sep-09	Oct-09	2
Construction	Nov-09	Oct-10	12

Annual Debt Service \$1,746,470

Annual O&M \$387,500

Fiscal Impact (Tax Rate) \$0.010

Next Steps Authorize funding for AES - through construction documents (\$800,000; 70% of AES less NC Community College \$100K)
Approve programming and schematic design - construction estimate
Approve design development - construction estimate
Authorize construction documents and bidding
Include Construction Financing Dec2009/Jan2010

STATE OF NORTH CAROLINA STANDARD FORM OF AGREEMENT BETWEEN OWNER AND DESIGNER

This **AGREEMENT** is made this 11th day of June in the year Two Thousand Nine between South Piedmont Community College, Polkton, NC hereinafter called the "Owner", and Morris-Berg Architects, Inc., Charlotte, NC hereinafter called the "Designer".

WITNESSETH, that whereas the Owner intends to construct a project with a scope consisting of 77,500 GSF Multi-Purpose Building at OCH Campus hereinafter called the "Project" for which the following has been budgeted:

	NCCCS # <u>1730</u>	File # <u>070735203</u>
A.	Funding (County)	\$18,383,899
B.	Funding (State)	\$90,000
C.	Advance Planning (File # 070735201)	(\$90,000)
D.	Commissioning (File # 070735202)	(\$162,400)
E.	Owner Reserves	(\$1,068,309)
Total		\$17,153,190

Total Project Construction Cost is not to exceed (*fifteen million three-hundred sixty-eight thousand one-hundred forty-six dollars*) (\$15,368,146)

Total Contingency Reserve is (*four-hundred sixty-one thousand forty-four dollars*) (\$461,044)

Design Fee is (*one million three-hundred twenty-four thousand dollars*) (\$1,324,000)

NOTE: See Article 14

[Updated Version Provided by SPCC]

Union County
Capital Improvement Plan
2009-2013

Project Name: SPCC Multi-Purpose Building

Project Background: SPCC has been one of the fastest growing community colleges in the state. This is particularly true for the campus in Monroe. The campus served over 9,400 students in the 2008-09 year. Campus growth is projected to reach 12,700 by 2012. This past year saw an increase of nearly 12 percent.

The current Facilities Master Plan calls for four new buildings. The first is the multi-purpose building at an estimated cost of \$18.3 million. The next three facilities include a (1) general purpose classroom, (2) health, and (3) public services/manufacturing. The funds expended for this facility can be used as a match for any future state funds that may become available. Much of the cost of two future buildings could be expected to be covered if state funds become available in the future.

The expected state of construction has been delayed from November 20, 2009 to April 2010. This has been primarily due to a delay by the State Construction Office in implementing new rules concerning a reduction in energy costs in all new construction. The project is back on schedule.

We have also had a brief conversation just in the last week with staff at the Centralina Council of Government about the possibility of a federal EDA grant of \$1-\$1.5 million. We have a meeting in late August to further discuss the grant.

Project Description: Construction a new three-story, multi-purpose building of approximately 77,500 square feet to house business office, student services, science and biotechnology and computer labs, and the bookstore. Project also includes new parking and vehicular circulation and the creation of "green space" for pedestrians at the center of the campus in accordance with the master plan. Additional science labs are critical for the future growth of health programs growth and expansion particularly the registered nursing program.

Project Highlights: Total projected enrollment growth over five years at 57.3 percent.
Early college high schools on campus
110,000 square feet of new construction required – two buildings.
Current 14 mobile units on Monroe campus

Project Budget: \$18,383,899
Project History: Plans: 2006 CIP, 2007 CIP, SPCC Facilities Master Plan
Funding: Facilities Master Plan

Project Status: Land available on Monroe Campus
Site location selected
AES underway

Timeline:	From	To	# Months
Design	Oct-08	Jan-10	14
Bid/Award	Feb-10	Mar-10	2
Construction	Apr-10	Jun-11	15

Annual Debt Service \$1,746,470

Annual O&M \$387,500

Fiscal Impact (Tax Rate) \$0.010

Next Steps: Authorize funding for AES – through construction documents (\$800,000
70 percent of AES less NC Community Colleges \$100,000)
Approve programming and schematic design – construction estimate
Approve design development – construction estimate
Authorize construction documents and bidding
Include Construction Financing Dec 2009/Jan 2010

CAPITAL PROJECT ORDINANCE AMENDMENT

BUDGET General Capital Project Ordinance Fund
 FISCAL YEAR FY 2009-2010

REQUESTED BY Kai Nelson
 DATE August 11, 2009

PROJECT SOURCES

Source Description and Code	Project To Date	Requested Amendment	Revised Project
IFT From General Fund	-	900,000	900,000

PROJECT USES

Project Description and Code	Project To Date	Requested Amendment	Revised Project
SPCC Multi-Purpose Building Project	-	900,000	900,000

- 900,000 900,000

- 900,000 900,000

EXPLANATION: To establish CPO for SPCC Multi-Purpose Building Project. The initial appropriation from Capital Reserves is sufficient to fund AES through construction bidding documents. Total project cost is estimated at \$18.383 million. At the completion of this capital project, this Capital Project Ordinance will be closed.

DATE: _____

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

FOR FINANCE POSTING PURPOSES ONLY

PROJECT SOURCES

Source Description and Code	Project To Date	Requested Amendment	Revised Project
IFT From General Fund 40459700-4010-PR046	-	900,000	900,000

PROJECT USES

Project Description and Code	Project To Date	Requested Amendment	Revised Project
SPCC Multi-Purpose Building Project 40559700-5586-PR046	-	900,000	900,000

- 900,000 900,000

- 900,000 900,000

Prepared By KDN/aar
 Posted By _____
 Date _____

Number CPO - 125

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

Action Agenda Item No. 15
(Central Admin. use only)

SUBJECT: Printing of Election Ballots

DEPARTMENT: Board of Elections

PUBLIC HEARING: No

ATTACHMENT(S):
State Board of Elections printing requirements

INFORMATION CONTACT:
John Whitley
Kai Nelson

TELEPHONE NUMBERS:

704.283.3708

704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Authorize County Manager to approve the issuance of purchase orders in excess of \$20,000 in connection with the printing of election ballots

BACKGROUND: The County Manager has the authority to approve purchase order less than \$20,000; subject to funds availability and compliance with procurement standards. Purchase orders greater than \$20,000 require approval of the Commission. This contracting limitation creates a logistics difficulty in connection with election runoffs between the timing of Commission meetings, Board of Elections canvass and the subsequent runoff election.

The Board of Elections anticipates administering four elections in FY2010 - October (Monroe), November (Monroe runoff and 13 other municipals), May (countywide, State), June (runoff). The costs associated with printing the ballots are estimated as follows:

October - \$7,500

November - \$36,000

May - \$54,000

June - likely in excess of \$20,000

The printing of ballots (use of vendors and timing/ordering requirements) is regulated by the State Board of Elections. The State Board of Elections certified a single vendor statewide for the purchase of the equipment. The vendor, ES&S, has three preferred ballot printers. The pricing provided by the three printing vendors is the same. Local Board of Elections may select non-certified vendors but must do so within the constraints established by the State which includes quality assurance testing, cost and time.

The logistics problem arises in connection with runoffs. Following an election and canvassing, the Board of Elections has a limited window of time to submit the ballot contents and style to the printer prior to the runoff election. Adding an additional requirement of Commission approval (in connection with purchase orders greater than \$20,000) will likely require a special meeting of the Commission in order to insure that the ballots are available within the required timeframe established by the State Board of Elections.

Since the State Board of Elections has prescribed the procurement standards with the resultant limitations on pricing flexibility and vendor selection and given the potential of logistical issues regarding the coordination of Commission meetings between the election canvass and runoff, the Board of Elections is requesting the County Manager be provided the authority to approve the issuance of purchase orders in excess of \$20,000 in connection with the printing of election ballots - for the 2010 and future election cycles.

FINANCIAL IMPACT: NA

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:



STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

Mailing Address:
P.O. BOX 27255
RALEIGH, NC 27611-7255
(919) 733-7173
FAX (919) 715-0135

July 18, 2006

Memorandum 2006-15

To: County Boards of Elections
From: Gary O. Bartlett
Re: ES&S and Printers

As a result of several exchanges with ES&S regarding printers, printing requirements, and their response to our RFP, the following information is conveyed.

Billing and printing issues will be thoroughly discussed and negotiated before ES&S's contract is renewed.

Counties have the following printing options for November 2006:

- 1) Contract with ES&S using ES&S Partner Printer; an attachment with the contact information accompanies this email.
- 2) Contract with PrintElect directly-- PrintElect has first right of refusal with ES&S in North Carolina. An attachment with the contact information accompanies this email.
- 3) Have your printer certified by ES&S. An attachment with the contact information accompanies this email. This process normally takes one to three months depending on the scheduling of ES&S training sessions.
- 4) Contract with non-certified printer using Model 100 specifications conditional that the following requirements are met – Submit printer and contact information to the State Board of Elections; printer shall follow all Model 100 ES&S specifications; test ballots of each ballot style must be submitted to the State Board of Elections for quality assurance testing; failure to adhere will result in a State Board hearing for appropriate action. An attachment with the specifications accompanies this email.
- 5) Print ballots using the Ballot On Demand software.

ES&S requests the following information and advice be provided to county boards of elections.

ES&S calibrates scanners to read a ballot with specific characteristics. It is important to make sure that the ballot paper, ballot dimensions, cut marks, restricted zones and ballot ink meet the precise requirements of the ES&S scanning equipment. Counties should use only ES&S ballot code or digital stock. This paper is specially manufactured for ES&S and is not available through normal paper distribution.

ES&S will not be responsible for the performance of the ballot if a substitute paper is used without specific approval from ES&S. ES&S code or digital stock meets all the specifications for the ES&S Models 100

LOCATION: 506 NORTH HARRINGTON STREET • RALEIGH, NORTH CAROLINA 27603

Order Contact Information	Vendor Name	Contact
Election Systems & Software, Inc. (ES&S) 11208 John Galt Blvd. Omaha, NE 68137 USA Toll Free: 1-800-247-8683 Phone: 402-593-0101 Email: customerservice@essvote.com	ES&S - Birmingham	Mike Allred
	Paramount Printing	Jon Cummings
	Garner Printing	Byron Martin
Order Contact Information	Vendor Name	Contact
Toll Free: 1-888-662-4237 Phone: 910 323-0162 Email: TammyM@printelect.com	Owen Andrews / PrintElect	Tammy Malone

Address	City	State	Zip
252 Oxmore Court	Birmingham	AL	35209
5299 St. Augustine Rd	Jacksonville	FL	
1697 N.E. 53rd Avenue	Des Moines	IA	50313
Address	City	State	Zip
415 E. Russell St	Fayetteville,	NC	28301



MEMORANDUM

FROM: Ron Rauert
11208 John Galt Blvd.
Omaha, Nebraska 68137
Phone - Direct: (402) 593-0101 ext. 1232 Fax: (402) 593-8107
E-mail: rarauert@essvote.com

DATE: August 25, 2006

TO:

CC:

RE: ES&S Ballot Training Program

This document is submitted in confidence and the disclosure of any of the information contained in any of the documents herein would result in undue loss to ES&S. In consideration of receipt of this document, the recipient agrees to maintain such information in confidence and to not reproduce otherwise disclose this information to any person outside the group directory responsible for its evaluation. There is no obligation to maintain the confidentiality of any information from ES&S that becomes publicly known through no fault of the recipient, or is received without obligation of confidentiality from a third party owning no obligation of confidentiality to ES&S.

A nationally published study reported,

"The single biggest disadvantage to any type of OMR system is that its accuracy is totally reliant upon the quality of the document that it is asked to interpret"

Many important factors are out of an Election Administrators control on Election Day – the voters, poll workers, media, candidates and so on – so it is absolutely necessary to control the factors you can. ES&S believes that ballot management is a factor that must be controlled jointly by our clients and ES&S. Therefore, ES&S has made significant investments in resources that allow us to be the premiere ballot service provider in the United States. We are able to provide an economical approach to our client's ballot production needs, through the ability to select from traditional offset ballot production methodologies as well as taking advantage of newer digital print solutions to provide quality, on time finished ballots to our clients on a national basis. In addition to our company owned facilities, we have built an impressive coast to coast Partner Printer Program that allows ES&S to ramp up our fulfillment capacity to meet the peaks that are predictably experienced throughout the election calendar year.

We do understand however and respect the right of our clients to select a ballot service provider of their choice. If it is not to be ES&S, we have designed a printer training program that provides all of the necessary tools, specifications and rules and regulations that a third party printer must adhere to, to produce a ES&S finished ballot that will be accepted and recorded accurately by your ES&S tabulation device.

The following are the parameters that a third party printer must operate in to produce the ES&S Optical Scan ballot.



MEMORANDUM

1. **Preliminary Requirements**

- A) A letter to ES&S from a current ES&S customer requesting that ES&S engage in the training of a selected third party printer.
- B) Potential third party printers will supply to ES&S an updated and complete equipment list for preliminary review to determine if it is our client's best interest to proceed.
- C) A Purchase Order from either our client or the selected print vendor, in a pre-determined amount, that will cover the subscription fee and any additional expenses.
- D) A signed non-disclosure agreement from the selected print vendor, before we release proprietary, non-transferable, and confidential information regarding ES&S ballot and printing specifications.
- E) Once the selected print vendor has received the ES&S Printer Kit, we will schedule an introduction to, Ballot functionality, the Printer Manual, Quality Assurance tools and the Ballot printing process. This introduction can be either be onsite or via Web-Ex meeting. On site visits will be priced separately.

2. **Fees, Products, and Services**

A) **One-Time Subscription Fee**

There will be an initial subscription fee of \$1,200.00 billable by ES&S to our client or the selected print vendor. This will entitle the selected print vendor to a one time training session, technical consultation by telephone during the initial sample printing phase, and evaluation of printed ballot samples. The above mentioned Printer Kit will also be required, the cost and contents of the kit are listed below. If the printer is outside the contiguous United States, expenses for training are subject to mutual agreement. Expenses for any on-site visits are the responsibility of the printer at our standard hourly rate plus travel and lodging expenses.



MEMORANDUM

B) **Printer Kit**

The items listed below make up the Printer Kit. The Printer Kit has a one time fee based on the tools included.

1) Printer Kit Offset and Digital M100, 650 \$550.00

- ES&S Specifications Manual for M100, 650 Ballots
- 14 inch Overlay front and back #BP-PF14KIT
- 17 inch Overlay front and back #3BP-PF14KIT
- Pass Fail Overlay #50112, #50114
- Sample 14 inch Ballots #ES-Dan 1-5
- 1000 Sheets of generic stock

2) Notification to county and printer of print test

Upon completion of this process, ES&S will acknowledge in writing to our client and their selected printer, that the selected print vendor has been introduced to ES&S ballot printing specifications, has provided to ES&S printed ballot samples that have either met or have failed to meet ES&S ballot printing specifications.

3) ES&S held harmless

After the initial training session is complete ES&S will be held harmless from any future obligations to provide additional training or support of a clients selected third party printer except as provided for in point 2 section D of this document. It will be the client's obligation to insure that their selected print vendor continues to operate within the parameters as set forth in the initial training sessions and the client will be fully responsible for all aspects of the quality of documents produced by their selected print vendor.



MEMORANDUM

C.) **Certified Ballot Stock and/or Artwork**

Your ES&S Vote Tabulation device has been certified by the Election Assistance Commission (EAC) to tabulate ballots at high levels of accuracy when using the prescribed ES&S approved ballot stock. Generic Ballot Stock {currently priced at \$80.00 per thousand} or Pre-Coded Sequenced ballot stock {currently priced at \$90.00 per thousand} must be purchased through ES&S for each election.

- 1.) **ES&S Certified Ballot Stock** - This is Certified Ballot Paper pre-trimmed to specification, and will contain preprinted marks to give instant feedback on proper registration. The Stock can be purchased either as Generic or Sequenced Stock. The Generic stock is blank except for the registration marks and counterfeit detection boxes, the entire ballot image would be printed in one pass. Sequenced stock would be purchased for each precinct or optionally for each ballot style and the ballot image would be overprinted on each sequence.

- 2.) **Ballot Artwork** – Ballot artwork necessary to print an ES&S optical scan ballot can be produced by our clients using ES&S proprietary "Unity" software or ES&S staff will work with our clients to collect all pertinent election information necessary to create the required ballot art work. If our clients rely on ES&S for this aspect of ballot production, ES&S will lay the ballot out to state, local and technical specifications, generate proofs, make any subsequent changes, and ultimately get final sign-off from our client. We in turn will then provide a PDF file for each needed ballot style. This artwork is required for the ES&S Automark marking device. Ballots that are created without using the Unity Software will result in higher programming cost for the jurisdiction.

D.) **On-Going Support & Service**

Technical telephone support by ES&S staff will be provided to the client selected printer on an on-going basis (election to election). The cost of professional support services are billable at \$125.00 per hour (telephone support billable in minimum increments of ¼ hour) and all applicable out-of-pocket expenses (including shipping, mailing, and travel charges when necessary).

If you have any questions regarding the above information, please contact ES&S, and ask to speak to your Customer Service representative 402-970-1100.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date:

Action Agenda Item No. _ 16
(Central Admin. use only)

SUBJECT: Purchase Order Requisition for Solid Waste C&D Compactor

DEPARTMENT: Public Works

PUBLIC HEARING: No

ATTACHMENT(S):
Bid Tabulation for Compactor Bid
#2009-018

INFORMATION CONTACT:
Mark Tye

TELEPHONE NUMBERS:
704 296-4215

DEPARTMENT'S RECOMMENDED ACTION: Accept the Road Machinery Services bid in the amount of \$220,000.00 as low bid and authorize staff to issue a Purchase Order for purchase of the machine.

BACKGROUND: Union County Public Works owns and operates a Construction and Demolition (C&D) landfill. A compactor is required to handle C&D material and to compact the material as densely as possible in order to get the maximum amount of material in a C&D cell. Due to the criticality of maintaining C&D operations, UCPW attempts to keep 2 compactors in working order; a primary and a back-up. Both machines are approaching 30 years of service. One of the machines was recently sent in for repair. The estimated repair cost of \$87,813.00 would only bring the machine to a minimal operating condition. The decision was made to replace the machine as opposed to continuing to invest significant repair dollars in it.

Due to budget constraints, especially during these challenging economic times, UCPW elected to entertain bids for a refurbished machine. Research indicated a refurbished machine could save around \$400,000 over a "new machine" purchase. Macon County NC, Surry County NC and Harnett County NC have all purchased refurbished machines in the recent past and are pleased with the outcome.

The General Services Department sent bid packages to 4 local vendors: Carolina Cat, Road Machinery Services, Mid State Equipment and Kenneth Carter Rebuilders. The bid package was also placed on the General Services' web page. On July 9, 2009 sealed bids were opened and publicly read aloud. It has been determined that Road Machinery Services submitted the low bid in the amount of \$220,000. High bid was Carolina Cat at \$355,000 (see attached bid tab).

The machine proposed by Road Machinery Services is a 2000 Model CMI 3-90C Trashmaster. The bid price includes delivery of the machine, operation and maintenance

training, a 90-day "bumper to bumper" warranty as well a a 6-month powertrain warranty. The machine meets or exceeds all specifications set forth in Bid 2009-018. For reference, an equivalent "new" machine would cost in excess of \$650,000.

FINANCIAL IMPACT: Funds for purchase are available in the approved FY10 Solid Waste Operating budget.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

Compactor Bid # 2009-018

Vendor	Make and Model	Price	Trade-in	Total Bid Price
Carolina Cat	1997 836 CAT	\$ 305,000.00	\$ 10,000.00	\$ 295,000.00
Carolina Cat Alt. 1	826G	\$ 240,000.00	\$ 10,000.00	\$ 230,000.00
Carolina Cat Alt. 2	2001 836 CAT	\$ 365,000.00	\$ 10,000.00	\$ 355,000.00
Road Machinery Services	CMI Terex 3-90C	\$ 225,000.00	\$ 5,000.00	\$ 220,000.00
Mid-State Equipment				No Bid

AGENDA ITEM

18a & b
MEETING DATE 8-11-09

The Transportation Advisory Board was established by the Board of Commissioners March 2, 2009. The Commissioners charged the Committee to “investigate, evaluate, advise and make recommendations to the board of commissioners concerning all matters relating to transportation within Union County, including, but not limited to, the need for construction, operation, relocation, or improvement of streets, bridges, sidewalks, and bikeways, as well as the possible establishment and improvement of alternative methods of mass transportation.” Please see the attached description of the Transportation Advisory Board.

The Committee will consist of one member appointed by each Town’s governing body (elected official or town resident), five members from unincorporated Union County who are located in areas not served by the focus of a municipality; one member of the Chamber of Commerce; one member of the Union County Public School system; and one member representing parks and greenways. The Committee will be facilitated by the Commissioners representing the Mecklenburg-Union Metropolitan Planning Organization (MUMPO), currently Commissioner Tracy Keuhler, and the Rocky River Rural Planning Organization (RRRPO), currently Commissioner Allen Baucom.

All 14 municipalities, Union County Public Schools, and the Chamber of Commerce have appointed members. Please see the attached roster. We still need 1 member representing parks and greenways, and 5 members who are located in areas not served by the focus of a municipality. It is our understanding that the Commissioners will nominate 1 member each who are not municipal residents, and that the Board will vote on 1 member to represent parks and greenways.

TRANSPORTATION ADVISORY BOARD (“TAB”)

The Transportation Advisory Board shall investigate, evaluate, advise and make recommendations to the board of commissioners concerning all matters relating to transportation within Union County, including, but not limited to, the need for construction, operation, relocation, or improvement of streets, bridges, sidewalks, and bikeways, as well as the possible establishment and improvement of alternative methods of mass transportation.

The Transportation Advisory Board (TAB) shall consist of one member appointed by each Town’s governing body (elected official or resident of said Town), five members from unincorporated Union County who are located in areas not served by the focus of a municipality; one member of the Chamber of Commerce; one member of the UCPS system; and one member representing parks and greenways. The MPO and RPO Commissioner representatives shall act as facilitators. The TAB shall appoint a secretary for the purpose of recording minutes in compliance with the Open Meetings laws. This Board shall work in conjunction with the TCC to establish priorities, examine feasibility of projects, and determine recommendations to be presented to the governing and advisory boards to the Department of Transportation.

The TAB shall report to the Board of Commissioners *as requested by the Board* and shall undertake such studies or perform such duties as the Board may request from time to time. The recommendations of TAB, and in consensus with the BOCC, shall be the unified recommendation to the appropriate agencies by the MPO and RPO representatives.

TAB will advise the Board and provide information and comments on major transportation issues; and provide to the Board recommendations regarding the overall planning and programming of transportation improvements in the County, including:

- Identify and prioritize the County’s roadway needs and available or possible sources of funding;
- Assist in development and review of the transportation component of the Comprehensive Plan;
- Provide recommendations to the Board regarding Federal and State legislation affecting transportation in Union County;
- Explore and make recommendations on innovative techniques and methods to improve the efficiency and capacity of existing and future transportation systems.
- Work in conjunction with the Union County TCC to establish viable, fundable projects to the State for consideration.

The authority for establishing the Transportation Advisory Board is Title 23 of the United States Code (U.S.C.) 134; Sections 3 (a) (2), 4 (a), 5 (g) (1), and 5 (1) of the Federal Transit Act of 1964, as amended; 49 U.S.C. 1602 (a) (2), 1603 (a), 1604 (g) (1), and 1604 (1); and Chapter 136, Article 3A, Section 136-66.2 (a) (b) of the North Carolina General Statutes.

The TAB has the responsibility for serving as a medium for open discussion and policy development for recommendations made to the general bodies of local government, the TCC, and the boards of the various modes of transportation and as a forum for cooperative and unified transportation planning and decision making for the Metropolitan Planning Organization (MPO) and the Rural Planning Organization (RPO).

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 8/11/2009

Action Agenda Item No. 5/1a
(Central Admin. use only)

SUBJECT: Inspections Software Upgrade Purchase Order

DEPARTMENT: Inspections **PUBLIC HEARING:** No

ATTACHMENT(S):
 Posse Upgrade Background,
 Quote #90313-P6 upgrade

INFORMATION CONTACT:
 John D. Reavis

TELEPHONE NUMBERS:
 (704) 283-3503

DEPARTMENT'S RECOMMENDED ACTION: Proceed with purchase order

BACKGROUND: See Attachment - Posse Upgrade Background

FINANCIAL IMPACT: None, as this upgrade was budgeted for in the 2009 - 2010 budget

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 08/11/2009

Action Agenda Item No. 5/16
(Central Admin. use only)

SUBJECT: TW Telecom (TWTC) Agreement

DEPARTMENT: Library

PUBLIC HEARING: No

ATTACHMENT(S):
TW Telecom agreement (5 documents):

INFORMATION CONTACT:
Martie Smith

TELEPHONE NUMBERS:
704-283-8184 x222 (office)
704-242-0180 (mobile)

DEPARTMENT'S RECOMMENDED ACTION: On the Consent Agenda: Authorize the Manager to approve the TW Telecom service agreement.

BACKGROUND: The Library provides Internet access to the public as well as for staff use. This has been achieved by a frame relay configuration involving two telephone companies and TW Telecom. This agreement is for an IP VPN (Virtual Private Network), which will provide more secure and cost-effective Internet access than the frame-relay. Under this agreement, bandwidth will increase significantly, which will improve the performance of the network, particularly in the branches where the network is subject to slowing as the volume of use increases. The agreement also includes PRI which transmits voice as well as data and will replace most of the Main Library's telephone lines. No additional equipment will need to be purchased. Various options were explored with TW Telecom and TW Cable; this combination provides the biggest bang for the County's buck. This TWTC proposal has been developed with advice and consent from Carl Lucas.

FINANCIAL IMPACT: The cost of the service is \$39,024 per year. Under this contract, the Library's total annual expenditures for telecommunications will be reduced by more than \$20,000 under FY 2009, after paying a cancellation fee to Verizon.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

Action Agenda Item No. 51c
(Central Admin. use only)

SUBJECT: HealthQuest of Union County

DEPARTMENT: Outside Agency`

PUBLIC HEARING: No

ATTACHMENT(S):
Proposed funding agreement.

INFORMATION CONTACT:
Breanne Marshburn

TELEPHONE NUMBERS:
704-226-2050

DEPARTMENT'S RECOMMENDED ACTION: Authorize County Manage to approve agreement.

BACKGROUND: HealthQuest of Union County is a 501(c) (3) organization that provides maintenance prescription medicines to residents of Union, Anson and Chesterfield Counties whose income is at or below 200% of the Federal Poverty Level and are uninsured or underinsured. HealthQuest fills up to six prescriptions per client per month and is not licensed to fill narcotics or controlled substances.

HealthQuest will use the funds provided by Union County pursuant to this agreement exclusively for operating a free pharmacy and providing pharmaceuticals and pharmaceutical care to Union County residents in the service area of CMC-Union who are unable to obtain these services due to their financial status and who meet the criteria set by HealthQuest's board of directors. All services are provided without regard to race, color, national origin, sex, handicap, or age. All funds provided by Union County will be expended by HealthQuest for a public purpose.

FINANCIAL IMPACT: \$22,500 as adopted in the FY2010 Budget Ordinance.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 10, 2009

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

SUBJECT: ADDITIONAL WIC FUNDING

DEPARTMENT: HEALTH

PUBLIC HEARING: No

ATTACHMENT(S):

INFORMATION CONTACT:

Phillip Tarte

TELEPHONE NUMBERS:

704-296-4801

DEPARTMENT'S RECOMMENDED ACTION: Adopt Budget Amendment # 6.

BACKGROUND: The WIC (Women, Infants, and Children) Program, also called the Special Supplemental Nutrition Program, is a federal program designed to provide food to low-income pregnant, postpartum and breastfeeding women, along with infants and children until the age of five. The program provides a combination of nutrition education, supplemental foods, breastfeeding promotion and support, and referrals for health care. WIC has proven effective in preventing and improving nutrition related health problems within its population.

The United States Department of Agriculture (USDA) funds the WIC Program. The North Carolina Department of Health and Human Services, Division of Public Health, Women's and Children's Health Section, Nutrition Services Branch (NSB) administers the program for the State. Funding is allocated to Union County from the NSB based on the number of WIC participants. There is a standard formula used, which is currently \$13.75 per participant.

The additional \$58,258 in funding received for FY 09-10 by the Union County WIC Program is due to three factors. First, the base caseload for Union County increased slightly from 4042 to 4052 participants.

Second, the per participant rate for FY 09-10 was increased to the above current rate of \$13.75 from the previous FY 08-09 rate of \$12.75. The per-participant rate increase created an additional \$50,145 in funding to the Union County WIC Program FY 09-10 budget based on our new local caseload of 4052. These funds will be allocated throughout the WIC Program to enhance the budgets of general administration, client services, nutrition education, and breastfeeding. The funds will go towards program costs including, but not limited to, personnel

time, outreach, medical supplies, office supplies, educational materials for participant nutrition education, staff training, and breastfeeding supplies.

Third, due to the upcoming implementation of the new WIC food packages, each county in North Carolina was eligible to apply for one-time funds based on an allocation of \$.50 per month per participant for a 4 month period. These funds had to be applied for by each county with a written plan of how this additional funding was going to be utilized to promote the new WIC foods. Union County applied for these funds and was awarded \$8,104. The activities outlined in the application and approved by the Regional Nutrition Consultant included costs associated with taste tests of new foods and recipes, the general purchase of foods as props for teaching purposes, the purchase of equipment needed to show participant educational videos, the purchase of bulletin boards or displays and materials, the purchase of promotional items for participants, and the costs associated with promoting the new WIC food packages to Health Care Providers.

FINANCIAL IMPACT: The above-described funds will have no financial impact to Union County. These funds were allocated by the state directly to the local WIC Program for the continued implementation of the program to improve the nutritional health of the eligible local population through the distribution of nutritious foods and valuable nutrition education.

Increase revenue:

- 10451152-4316-1360: \$ 5,000
- 10451152-4316-13601: \$30,000
- 10451152-4316-13602: \$20,000
- 10451152-4316-13603: \$ 3,258

Increase expenditures:

- 10551152-5381-1360: \$ 5,000
- 10551152-5381-13601: \$30,000
- 10551152-5381-13602: \$20,000
- 10551152-5381-13603: \$ 2,858
- 10551152-5395-13603: \$ 300
- 10551152-5370-13603: \$ 100

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

BUDGET AMENDMENT

BUDGET Health - WIC REQUESTED BY Phillip Tarte
 FISCAL YEAR FY2010 DATE August 11, 2009

INCREASE

Description

Operating Expenditures 58,258
 State Grant Revenue 58,258

DECREASE

Description

Explanation: Appropriate additional WIC funds for Health Department

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

FOR POSTING PURPOSES ONLY

DEBIT

CREDIT

<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	<u>Amount</u>
10551152-5381-1360		5,000	10451152-4316-1360		5,000
10551152-5381-13601		30,000	10451152-4316-13601		30,000
10551152-5381-13602		20,000	10451152-4316-13602		20,000
10551152-5381-13603		2,858	10451152-4316-13603		3,258
10551152-5395-13603		300			
10551152-5370-13603		100			

Total 58,258 Total 58,258
 Prepared By bl
 Posted By _____
 Date _____ Number 6

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

Action Agenda Item No. 514

(Central Admin. use only)

SUBJECT: Technical Correction to the Minutes of the Regular Meeting of October 6, 2008

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: No

ATTACHMENT(S):
Copy of Excerpt of Minutes of Regular Meeting of October 6, 2008, Regarding Text Amendments to Land Use Ordinance Regarding Floodways and Floodplains (Special Flood Hazard Areas) and proposed technical correction to minutes

INFORMATION CONTACT:
Lynn G. West
Clerk to the Board of Commissioners

TELEPHONE NUMBERS:

(704) 283-3853

Copy of Text Amendments

DEPARTMENT'S RECOMMENDED ACTION: Approve technical correction to the minutes of the regular meeting of October 6, 2008, to clarify the action by the Board and to incorporate the language of the text amendments to the Union County Land Use Ordinance in its entirety as adopted by the Board at the October 6, 2008, meeting in regards to Floodways and Floodplains (Special Flood Hazard Areas)

BACKGROUND: The minutes of the October 6, 2008, meeting reflect approval of the text amendments through the adoption of a consistency statement but do not contain the actual text for the amendments to the Land Use Ordinance. This technical correction would clarify the Board's action in adopting the text amendments, and would be helpful to those who might be reviewing the minutes in the future to have the actual language of the text amendments included. This could be accomplished through the Board's approval of a technical correction to the October 6, 2008, minutes. The minutes of both the October 6, 2008, meeting and the August 11, 2009, meeting (or whatever date the Board considers this request) would reference this correction. The draft technical correction to the minutes is attached with the clarification of the Board's action shown in underlining along with the full text amendments.

FINANCIAL IMPACT: None

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable:

Manager Recommendation:

EXCERPT OF APPROVED MINUTES OF OCTOBER 6, 2008

TEXT AMENDMENT TO LAND USE ORDINANCE REGARDING FLOODWAYS AND FLOODPLAINS (SPECIAL FLOOD HAZARD AREAS):

Chairman Baucom announced the item and asked for a motion.

Commissioner Openshaw requested to have an opportunity to read the minutes of the Planning Board prior to acting on this item. He said the documentation or earlier presentation implied that there is only one change, but he thought from his research that the statement may be inaccurate.

The Chairman asked if there is a motion to delay action.

The County Manager pointed out that there is a need for the action to take place prior to October 16.

Lee Jenson, representing the Union County Planning Department, stated that there are actually two changes; these were made based on comments received from the State of North Carolina after its review. He said the changes were mainly clarifications: the first one was the addition of some dates under Section 386 in the second paragraph. Mr. Jenson said that his department had to ask the State for the dates and they researched the information and did not get the information back to the County before the Planning Board's action. He noted the dates were blank during the Planning Board's meeting. The second change was made in three locations of the Ordinance. Mr. Jenson said these changes were made in Section 400 (a) (2), Section 401 (b) (2), and 402 (a) (2). It was included in the documentation that the text amendment will be incorporated into the County's Land Use Ordinance text approved by North Carolina and FEMA. It was further noted in the documentation that the Planning Board has recommended that the Board of County Commissioners take the following action: Adopt a new Article XXIV Flood Damage Prevention and a new Section 117 Enforcement and Review of Floodplains and Floodways; amend Section 4 Bona Fide Farms Exempt, Section 15 Definitions, Section 79 Major Subdivision Final Plan Approval process, Section 94 Interpretations, Section 139 Floodplain and Floodway Overlay Districts, Article XVI Floodplains, Drainage, and Storm Water Management, Appendix A-5 Existing Natural, Man-Made and Legal Features, Appendix A-6 Proposed Changes in Existing Features or New Features, Appendix A-7 Documents and Written Information in Addition to Plans, Appendix F-6 Manufactured Home Park Procedures – Final Plat and Appendix G-5 Plan Preparation Requirements; and delete Section 93 Variances from Floodplain or Floodway Requirements; and delete Section 93 Variances from Floodplain or Floodway requirements, Section 253 Permissible Uses Within Floodways and Floodplains, Section 254 Construction within Floodways and Floodplains Restricted, Section 255 Special Provisions for Subdivision, Section 256 Water Supply and Sanitary Sewer Systems in Floodways and Floodplains, Section 257 Additional Duties of Administrator Related to Flood Insurance and Flood Control, Section 258 Location of Boundaries of Floodplain and Floodway Districts Section 259 Setbacks from streams Outside Designated Floodplains, and Section 260 Reserved.

Commissioner Openshaw explained that he had problems with people building in floodplains and pointed out the expense has cost Charlotte. He further said he was delighted that in the new map the water flows in the correct direction. He asked and received confirmation if necessary this document could be amended in the future.

Commissioner Lane moved pursuant to N. C. G. S. 153A-341, the Board of Commissioners does hereby find and determine that the proposed text amendments are consistent with the Union County Land Use Plan and that the adoption of the proposed text amendments is reasonable and in the public interest because the amendments are designed to minimize public and private losses due to flood conditions within flood prone areas and thereby promote the public health, safety, and general welfare. The motion passed unanimously.

PROPOSED TECHNICAL CORRECTION TO APPROVED MINUTES OF OCTOBER 6, 2008:

TEXT AMENDMENT TO LAND USE ORDINANCE REGARDING FLOODWAYS AND FLOODPLAINS (SPECIAL FLOOD HAZARD AREAS):

Chairman Baucom announced the item and asked for a motion.

Commissioner Openshaw requested to have an opportunity to read the minutes of the Planning Board prior to acting on this item. He said the documentation or earlier presentation implied that there is only one change, but he thought from his research that the statement may be inaccurate.

The Chairman asked if there is a motion to delay action.

The County Manager pointed out that there is a need for the action to take place prior to October 16.

Lee Jenson, representing the Union County Planning Department, stated that there are actually two changes; these were made based on comments received from the State of North Carolina after its review. He said the changes were mainly clarifications: the first one was the addition of some dates under Section 386 in the second paragraph. Mr. Jenson said that his department had to ask the State for the dates and they researched the information and did not get the information back to the County before the Planning Board's action. He noted the dates were blank during the Planning Board's meeting. The second change was made in three locations of the Ordinance. Mr. Jenson said these changes were made in Section 400 (a) (2), Section 401 (b) (2), and 402 (a) (2). It was included in the documentation that the text amendment will be incorporated into the County's Land Use Ordinance text approved by North Carolina and FEMA. It was further noted in the documentation that the Planning Board has recommended that the Board of County Commissioners take the following action: Adopt a new Article XXIV Flood Damage Prevention and a new Section 117 Enforcement and Review of Floodplains and Floodways; amend Section 4 Bona Fide Farms Exempt, Section 15 Definitions, Section 79 Major Subdivision Final Plan Approval process, Section 94 Interpretations, Section 139 Floodplain and Floodway Overlay Districts, Article XVI Floodplains, Drainage, and Storm Water Management, Appendix A-5 Existing Natural, Man-Made and Legal Features, Appendix A-6 Proposed Changes in Existing Features or New Features, Appendix A-7 Documents and Written Information in Addition to Plans, Appendix F-6 Manufactured Home Park Procedures – Final Plat and Appendix G-5 Plan Preparation Requirements; and delete Section 93 Variances from Floodplain or Floodway Requirements; and delete Section 93 Variances from Floodplain or Floodway requirements, Section 253 Permissible Uses Within Floodways and Floodplains, Section 254 Construction within Floodways and Floodplains Restricted, Section 255 Special Provisions for Subdivision, Section 256 Water Supply and Sanitary Sewer Systems in Floodways and Floodplains, Section 257 Additional Duties of Administrator Related to Flood Insurance and Flood Control, Section 258 Location of Boundaries of Floodplain and Floodway Districts Section 259 Setbacks from streams Outside Designated Floodplains, and Section 260 Reserved.

Commissioner Openshaw explained that he had problems with people building in floodplains and pointed out the expense has cost Charlotte. He further said he was delighted that in the new map the water flows in the correct direction. He asked and received confirmation if necessary this document could be amended in the future.

Commissioner Lane moved adoption of a new Article XXIV Flood Damage Prevention and a new Section 117 Enforcement and Review of Floodplains and Floodways; amendment to Section 4 Bona Fide Farms Exempt, Section 15 Definitions, Section 79 Major Subdivision Final Plan Approval process, Section 94 Interpretations, Section 139 Floodplain and Floodway Overlay Districts, Article XVI Floodplains, Drainage, and Storm Water Management, Appendix A-5 Existing Natural, Man-Made and Legal Features, Appendix A-6 Proposed Changes in Existing Features or New Features, Appendix A-7 Documents and Written Information in Addition to Plans, Appendix F-6 Manufactured Home Park Procedures – Final Plat

and Appendix G-5 Plan Preparation Requirements; and deletion of Section 93 Variances from Floodplain or Floodway Requirements; and deletion of Section 93 Variances from Floodplain or Floodway requirements, Section 253 Permissible Uses Within Floodways and Floodplains, Section 254 Construction within Floodways and Floodplains Restricted, Section 255 Special Provisions for Subdivision, Section 256 Water Supply and Sanitary Sewer Systems in Floodways and Floodplains, Section 257 Additional Duties of Administrator Related to Flood Insurance and Flood Control, Section 258 Location of Boundaries of Floodplain and Floodway Districts Section 259 Setbacks from streams Outside Designated Floodplains, and Section 260 Reserved.

The motion further included that pursuant to N. C. G. S. 153A-341, the Board of Commissioners does hereby find and determine that the proposed text amendments are consistent with the Union County Land Use Plan and that the adoption of the proposed text amendments is reasonable and in the public interest because the amendments are designed to minimize public and private losses due to flood conditions within flood prone areas and thereby promote the public health, safety, and general welfare. The motion passed unanimously.

Add new article XXIV

Article XXIV FLOOD DAMAGE PREVENTION

Sec. 380 STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of County Commissioners of Union County, North Carolina, does ordain as follows:

Sec. 381 FINDINGS OF FACT.

- (a) The flood prone areas within the jurisdiction of Union County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

Sec. 382 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (a) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (b) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (c) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (d) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (e) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 383 OBJECTIVES.

The objectives of this ordinance are to:

- (a) protect human life, safety, and health;
- (b) minimize expenditure of public money for costly flood control projects;
- (c) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) minimize prolonged business losses and interruptions;
- (e) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (f) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (g) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

Sec. 384 DEFINITIONS.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this article.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Essential Services” means an activity or structure that is required to provide safe movement of traffic and the provision of utilities. Specifically, these services are: street, road, highway, and railroad crossings, overhead and underground utility crossings where crossings are made perpendicular to the stream, municipal and county owned sanitary sewers, stormwater facilities, and stream restoration activities.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this article, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Lowest Adjacent Grade (LAG)” means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“Mean Sea Level” means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Encroachment Area” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, or A99.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 356 of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages

or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

“Threat to Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Variance” is a grant of relief from the requirements of this article.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Sec. 385 LANDS TO WHICH THIS ORDINANCE APPLIES.

This article shall apply to all Special Flood Hazard Areas within the jurisdiction of Union County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

Sec. 386 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Union County dated October 16, 2008 which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Union County Unincorporated Area, dated July 18 1983, Town of Fairview, dated October 16, 2008, Town of Hemby Bridge, dated October 16, 2008, Town of Indian Trail, dated March 21, 1980, Village of Lake Park, dated January 17, 1997, Town of Marshville, dated July 5, 1994, Village of Marvin, dated January 17, 1997, Town of Mineral Springs, dated July 18, 1983, City of Monroe, dated January 19, 1983, Town of Stallings, dated July 5, 1994, Town of Unionville, dated October 16, 2008, Town of Waxhaw, dated July 5, 1994, Town of Weddington, dated January 17, 1997, Village of Wesley Chapel, dated January 17, 1997, Town of Wingate, dated December 1, 1981.

Sec. 387 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Sec. 386 of this ordinance.

Sec. 388 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this article and other applicable regulations.

Sec. 389 ABROGATION AND GREATER RESTRICTIONS.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 390 INTERPRETATION.

In the interpretation and application of this article, all provisions shall be:

- (a) _____ considered as minimum requirements;
- (b) _____ liberally construed in favor of the governing body; and
- (c) _____ deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 391 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of Union County or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

Sec. 392 PENALTIES FOR VIOLATION.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Union County from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 393 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Land Use Administrator, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this article.

Sec. 394 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(a) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

(ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Sec. 386, or a statement that the entire lot is within the Special Flood Hazard Area;

(iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Sec. 386;

(iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Sec 386;

(v) the Base Flood Elevation (BFE) where provided as set forth in Sec. 386; Sec. 395; or Sec. 400;

(vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

(vii) the certification of the plot plan by a NC registered land surveyor or professional engineer.

(2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be floodproofed; and

(iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

(3) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this article are met. These details include but are not limited to:

(i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

(ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Sec. 398(b)(4)(c) when solid foundation perimeter walls are used in Zones A, AE, and A1-30.

(5) Usage details of any enclosed areas below the lowest floor.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

(7) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

(8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Sec. 398(b), (6) and (7) of this ordinance are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(b) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

(1) A description of the development to be permitted under the floodplain development permit.

(2) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Sec. 386.

(3) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

(4) The Regulatory Flood Protection Elevation required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(7) The flood openings requirements, if in Zone A, AE or A1-30.

(c) **Certification Requirements.**

(1) Elevation Certificates

(i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of

any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(ii) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(iii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(2) Floodproofing Certificate

If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(3) If a manufactured home is placed within Zone A, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Sec. 398(b)(3)(b).

- (4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (5) Certification Exemptions. The following structures, if located within Zone A, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified Sec. 394(c)(1) and Sec. 394(c)(2):
- (i) Recreational Vehicles meeting requirements of Sec. 398(b)(6)(a);
 - (ii) Temporary Structures meeting requirements of Sec. 398(b)(7); and
 - (iii) Accessory Structures less than 150 square feet meeting requirements of Sec. 398(b)(8).

Sec. 395 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (a) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (b) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
- (c) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (e) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Sec. 402 are met.
- (f) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Sec. 394 (c).
- (g) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Sec. 394 (c).
- (h) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Sec. 394 (c).
- (i) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Sec. 394 (c) and Sec. 398(b)(2).
- (i) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The

person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

- (k) When Base Flood Elevation (BFE) data have not been provided in accordance with the provisions of Sec. 386, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Sec. 400(b)(2), in order to administer the provisions of this ordinance.
- (l) When Base Flood Elevation (BFE) data are provided but no floodway or non-encroachment area data have been provided in accordance with the provisions of Sec. 386, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (m) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area are above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (n) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (o) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (p) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (q) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (r) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (s) Follow through with corrective procedures of Sec. 396.
- (t) Review, provide input, and make recommendations for variance requests.
- (u) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Sec. 386 of this

ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

- (v) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

Sec. 396 CORRECTIVE PROCEDURES.

- (a) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (b) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the floodplain management regulations;
 - (b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (c) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (d) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (e) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

Sec. 397 VARIANCE PROCEDURES.

- (a) The Board of Adjustment as established by Union County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (b) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

(c) Variances may be issued for:

- (1) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
- (2) functionally dependent facilities if determined to meet the definition as stated in Sec. 384 of this ordinance, provided provisions of Sec. 397(i)(2), (3), and (5) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
- (3) any other type of development, provided it meets the requirements of this Section.

(d) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- (1) the danger that materials may be swept onto other lands to the injury of others;
- (2) the danger to life and property due to flooding or erosion damage;
- (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) the importance of the services provided by the proposed facility to the community;
- (5) the necessity to the facility of a waterfront location as defined under Sec. 384 of this ordinance as a functionally dependent facility, where applicable;
- (6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) the compatibility of the proposed use with existing and anticipated development;
- (8) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(e) A written report addressing each of the above factors shall be submitted with the application for a variance.

(f) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

(g) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a

variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(h) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(i) Conditions for Variances:

(1) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

(2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued prior to development permit approval.

(5) Variances shall only be issued upon:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship;
and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(i) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use outside the Special Flood Hazard Area.

(3) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

(4) The use complies with all other applicable Federal, State and local laws.

(5) Union County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

Sec. 398 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Sec. 397(i). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Sec. 394(c).
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.

1334.

- (15) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple Base Flood Elevations (BFEs), the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

(b) SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data have been provided, as set forth in Section 386, or Sec. 400, the following provisions, in addition to the provisions of Sec. 398(a), are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Sec. 384 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Sec. 384 of this ordinance. Structures located in A, AE, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Sec. 394(c), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes.
- (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Sec. 384 of this ordinance.
- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Sec. 398(b)(4).
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(b) shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

(c) shall include, in Zones A, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

(iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

(v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures when the addition and/or

improvements in combination with any interior modifications to the existing structure are:

- (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
- (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(6) Recreational Vehicles. Recreational vehicles shall either:

- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- (b) meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with the provisions of Sec. 398(a)(1);

(f) All service facilities such as electrical shall be installed in accordance with the provisions of Sec. 398(a)(4); and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Sec. 398(b)(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Sec. 394(c).

Sec. 399 RESERVED.

Sec. 400 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Sec. 386, where no Base Flood Elevation (BFE) data have been provided by FEMA, the following provisions, in addition to the provisions of Sec. 398(a) shall apply:

(a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

(1) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or

(2) for essential services a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment. Development in floodplains, with or without adopted regulatory floodways, shall be held to 44 CFR 65.12 including but not limited to an application to FEMA for conditional approval, individual legal notice, concurrence of any other communities impacted by the proposed actions, and certification of structures.

(b) If Sec. 400(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(c) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

(1) When Base Flood Elevation (BFE) data are available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sec. 398(a) and (b).

(2) When floodway or non-encroachment data are available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sec. 398(b) and Sec. 402.

(3) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with the provisions of Sec. 386 and utilized in implementing this ordinance.

- (4) When Base Flood Elevation (BFE) data are not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Sec. 384. All other applicable provisions of Sec. 398(b) shall also apply.

Sec. 401 STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (a) Standards of Sec. 398(a) and (b); and
- (b) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
- (1) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or
- (2) for essential services a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment. Development in floodplains, with or without adopted regulatory floodways, shall be held to 44 CFR 65.12 including but not limited to an application to FEMA for conditional approval, individual legal notice, concurrence of any other communities impacted by the proposed actions, and certification of structures.
- (c) If Sec. 401(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

Sec. 402 FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Sec. 386. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to the standards outlined in Sec. 398(a) and (b), shall apply to all development within such areas:

- (a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
- (1) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or
- (2) for essential services a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment. Development in floodplains, with or without adopted regulatory floodways, shall be held to 44 CFR 65.12 including but not limited to an application to FEMA for conditional approval, individual legal notice, concurrence of any other

communities impacted by the proposed actions, and certification of structures.

(b) If Sec. 402(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(c) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

(1) the anchoring and the elevation standards of Sec. 398(b)(3); and

(2) the no encroachment standard of Sec. 402(a).

Sec 403 LEGAL STATUS PROVISIONS.

(a) EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted May 24, 1983, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Union County enacted on May 24, 1983, as amended, which are not reenacted herein are repealed.

Sec. 404 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

Sec. 405 EFFECTIVE DATE.

This ordinance shall become effective on October 6, 2008.

Sec. 406 ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of Union County, North Carolina, on the 6th day of October, 2008.

WITNESS my hand and the official seal of _____, this the _____ day of _____, 2008.

(signature)

Change the following Sections as noted

Section 4 Bona Fide Farms Exempt.

- (a) The provisions of this ordinance shall not apply to bona fide farms, except that:
- (1) farm property used for non-farm purposes shall not be exempt from regulation; and
 - (2) the provisions of ~~Article XVI, Part I~~ Article XXIV regulating development in floodways and floodplains, as required for participation in the National Flood Insurance Program, shall apply to bona fide farms.
- (b) For purposes of this ordinance, a bona fide farm is any tract (or tracts of land under common ownership or control) ten acres in size or greater on which a party is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry.

From Section 15 Definitions

~~**Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.~~

~~**Floodplain:** Any land area susceptible to being inundated by water from the base flood. As used in this ordinance, the term refers to that area designated as subject to flooding from the base flood (one hundred year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development a copy of which is on file in the administrator's office. This area shall comprise the floodplain overlay zoning district established in Section 139.~~

~~**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in this ordinance, the term refers to that area designated as a floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the administrator's office. This area shall comprise the floodway overlay zoning district established in Section 139.~~

~~**Highest Adjacent Grade:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.~~

~~**Historic Structure:** As used in Article XVI, any structure that is:~~

- ~~(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~
- ~~(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- ~~(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or~~
- ~~(d) Individually listed on a local inventory of historic places in communities~~

with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

New Construction: As used in Article XVI, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Start of Construction: As used in Article XVI, "start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial Damage: As used in Article XVI, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: As used in Article XVI, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Section 79 Major Subdivision Final Plan Approval Process.

(a) The Planning Department is hereby designated the Planning Agency for the purpose of approving or disapproving major subdivision final plats in accordance with the provisions of this section. The Planning Division Director and/or the senior planners shall review and approve or disapprove each major subdivision final plat. The final plat shall be signed by two of the above officials before recording in the Register of Deeds Office.

(b) The applicant for major subdivision final plat approval shall submit to the Planning Department a final plat, drawn to scale and otherwise acceptable to the Union County Register of Deed's Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The applicant shall also submit six prints of the plat. All major subdivision plats shall also be provided in digital format. Digital information shall satisfy the following criteria:

(1) Files shall be submitted in Auto CAD DXF, DWG or ESRI Arc Info Export format;

(2) Data submitted shall be exchanged on IBM formatted floppy disk, IBM formatted Zip Disk, or CD-ROM in ISO 9660 format.

(c) In addition to the appropriate endorsements, as provided in Section 80, the final plat shall contain the following information:

(1) A vicinity map;

(2) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Union County Registry;

(3) The name of the subdivision owner or owners;

(4) The township, county and state where the subdivision is located;

(5) The name of the surveyor and his registration number and the date of survey;

(6) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

(7) The date of the survey and plat preparation;

(8) The location of all rights-of-way, easements and areas to be dedicated to public use with the purpose of each stated;

(9) The sections numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each section; and

(10) The number of square feet or acreage of each lot shown on the plat;

(11) All of the additional information required by G.S. 47-30(f).

~~(12) If the subdivision is located within a floodway or floodplain, the statement required under Section 255(b) of this ordinance.~~

~~(13)~~(12) Delineation of any on-site waste disposal areas.

~~(14)~~(13) The location of all existing buildings on the tract to be subdivided.

~~(15)~~(14) If the subdivision is located in a drinking water supply watershed, the appropriate statement required per Section 339.

~~(16)~~(15) The property identification number(PIN), as provided by the Union County Tax Office.

(d) The Planning Department shall approve the proposed plat unless it finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of this ordinance or that the final plat differs substantially from the plans and specification approved in conjunction with the compliance permit that authorized the development of the subdivision.

(e) If the final plat is disapproved by the Planning Department the applicant shall be furnished with a written statement of the reasons for the disapproval.

(f) Approval of a final plat is contingent upon the plat being recorded within ninety days after the approval certificate is signed by the Planning Department.

~~Section 93 Variances From Floodplain or Floodway Requirements.~~

~~(a) In addition to the other requirements of Section 92, a variance from any of the requirements set forth in Article XVI, Part I may be granted by the board of adjustment only if it finds that:~~

~~(1) The variance is the minimum necessary to afford relief, considering the flood hazard; and~~

~~(2) The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.~~

~~(b) Any applicant to whom a variance from the requirements set forth in Article XVI, Part I is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.~~

~~(c) The local administrator shall, for actions and variances involving the requirements set forth in Article XVI, Part I, maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.~~

Section 94 Interpretations.

(a) The Land Use Administrator is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the administrator, they shall be handled as provided in Section 91.

(b) An application for a map interpretation shall be submitted to the Land Use Administrator. The application shall contain sufficient information to enable the Administrator to make the necessary interpretation.

(c) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

(3) Boundaries indicated as approximately parallel to the centerlines of streets or other rights-of-way shall be construed as being parallel thereto and at such distance therefrom or indicated on the zoning map.

(4) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;

(5) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map (see Section 16, Lots Divided by District Lines);

(6) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereby virtue of such vacation or abandonment.

(d) Interpretations of the location of floodway and floodplain boundary lines may be made by the administrator as provided in Section ~~258-395~~.

Add Section 117

Section 117 Enforcement and Review of Floodplains and Floodways

This article shall not apply to Article XXIV. Article XXIV contains separate enforcement and review procedures as outlined in Section 396.

Section 139 Floodplain and Floodway Overlay Districts.

The floodplain (FP) and floodway (FW) overlay districts are hereby established. The land so classified may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district. The floodplain and floodway districts are further described in ~~Part I of Article XVI~~ XXIV of this ordinance.

**ARTICLE XVI
FLOODPLAINS, DRAINAGE, and STORM WATER
MANAGEMENT**

Part I. Floodways and Floodplains

Terms used in Article XVI, Part I are defined in Section 15 of this Ordinance.

Section 251 Reserved

Section 252 Encroachments Artificial Obstructions Within Floodways and Floodplains Prohibited.

- (a) ~~— No artificial obstruction may be located within any floodway, except as provided in Section 253.~~
- (b) ~~— No encroachments, including but not limited to (i) fill, (ii) new construction, (iii) substantial improvements (as defined in Section 254(b)), (iv) new development, and (v) artificial obstructions, may be permitted within floodways and floodplains, except as provided in Section 253. For purposes of this section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway or floodplain by a non-human cause.~~

Section 253 Permissible Uses Within Floodways and Floodplains.

- (a) ~~— Notwithstanding Article X of this chapter (Table of Uses), no permit to make use of land within a floodway or floodplain may be issued unless the proposed use is listed as allowed both in the Table of Uses and in the following list: below.~~

~~(1) — General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife and related uses.~~

~~(2) — Ground level streets, roads, loading areas, parking areas, rotary aircraft ports, and other similar ground level area uses.~~

~~(3) — Lawns, gardens, play areas, and other similar uses.~~

~~(4) — Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.~~

~~(5) — Limited crossings for driveways, streets, roads, highways, and railroad crossings and associated bridge components.~~

~~(6) — Overhead and underground utility crossings where crossings should be made perpendicular to the stream to the extent practicable.~~

~~(7) — Gravity flow municipal sanitary sewers where no practicable alternative exists.~~

~~(8) — Stormwater best management practices.~~

~~(9) — Fences, provided that disturbance is minimized and where installation does not result in the removal of vegetation.~~

~~(10) — Dam maintenance activities.~~

~~(11) — Stream restoration activities.~~

~~(12) — Water dependent structures.~~

~~(b) — The uses listed in subsections (a)(1) to (a)(12) are permissible only if and to the extent that they do not cause neither any increase in base flood levels, nor change in floodway widths or floodplain widths.~~

~~(c) — The uses listed in subsections (a)(1) to (a)(12) are permissible only if approved by FEMA, provided that such approval is required.~~

Section 254 Construction Within Floodways and Floodplains Restricted.

(a) — No zoning, special use or conditional use permit may be issued for any development within a floodplain until the permit issuing authority has reviewed the plans prepared by a registered architect or engineer, and bears a registered seal, for any such development to assure that:

(1) — The proposed development is consistent with the need to minimize flood damage; and

(2) — All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) — Adequate drainage is provided to minimize or reduce exposure to flood hazards; and

(4) — All necessary permits have been received from those agencies from which approval is required by federal or state law.

- ~~(b) (a) No building may be constructed and no substantial improvement of an existing building may take place within any floodway or floodplain except as provided below. With respect to manufactured home parks that are nonconforming because they are located within a floodway or floodplain, manufactured homes may be relocated in such parks only if they comply with the provisions of subsection (i) (b). Structures that are non conforming because they are located within the floodplain or floodway may be substantially improved if after the improvement they meet the applicable requirements of Section 254 (b) (f). For purposes of this section, "substantial improvement" means any repair, reconstruction, or improvement of a building the cost of which equals or exceeds fifty percent of the market value of the structure either (i) before the improvement or repair is started or (ii) if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" occurs when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to insure safe living conditions, or (ii) any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places. [Note to Planning Board: the definition of "substantial improvement" copied above is the former Section 254(g).]~~
- ~~(e) (b) No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated no lower than two (2) feet above the base flood level. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.~~
- ~~(1) Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent flotation, designed to have low flood potential and placed on the building site so as to offer minimum resistance to the flow of floodwaters.~~
 - ~~(2) Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over the top ties. When bolting to a concrete slab, one half inch bolts six feet on center with a minimum of two per side shall be required. If over the top ties are used a minimum of two ties with a force adequate to secure the building is required.~~
 - ~~(3) Service facilities such as electrical and heating equipment shall be elevated or flood-proofed.~~
- ~~(d) (e) No new nonresidential building may be constructed and no substantial improvements of a nonresidential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated or flood proofed no lower than two (2) feet above the base flood level. Structures located in A zones may be flood-proofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that standards of this section are satisfied.~~
- ~~(e) (d) When base flood elevation data is not available from a federal, state or other source, the lowest floor including basement, in subsection (c) (b) or (d) (e) above, shall be elevated at least two (2) feet above the highest adjacent grade.~~

~~(f) (e)~~ No new construction and no substantial improvements of a structure may take place within any floodplain unless fully enclosed areas below the lowest floor that are subject to flooding are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum requirements:

- ~~(1)~~ A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- ~~(2)~~ The bottom of all openings shall be no higher than one foot above grade; and
- ~~(3)~~ Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

~~(g)~~ For purposes of this section, "substantial improvement" means any repair, reconstruction, or improvement of a building the cost of which equals or exceeds fifty percent of the market value of the structure either (i) before the improvement or repair is started or (ii) if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" occurs when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to insure safe living conditions; or (ii) any alteration of a building listing on the National Register of Historic Places or a State Inventory of Historic Places.

~~(h) (f)~~ No zoning, conditional, special use or major development permit may be issued for any development within a floodplain until the permit issuing authority has reviewed plans prepared by a registered architect or engineer, and bear a registered seal, to assure that any new construction or substantial improvements shall be:

~~(1)~~ Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

~~(2)~~ Constructed with materials and utility equipment resistant to flood damage.

~~(3)~~ Constructed by methods and practices that minimize flood damage.

~~(4)~~ Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

~~(i) (g)~~ Notwithstanding any other provision of this ordinance, no manufactured home may be located or relocated within that portion of the floodplain outside of the floodway a floodway or floodplain unless the following criteria are met:

~~(1)~~ Manufactured homes are anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the Regulations for Manufactured Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to N.C.G.S. 143.143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or

other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

- (2) — ~~Lots or pads are elevated on compacted fill or by any other method approved by the administrator so that the lowest floor of the manufactured home is at or above the base flood level.~~
 - (3) — ~~Adequate surface drainage and easy access for manufactured home movers is provided.~~
 - (4) — ~~Load bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten feet apart, and if the support height is greater than seventy two inches, the support must contain steel reinforcement.~~
 - (5) — ~~An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the local administrator and the local Emergency Management Coordinator.~~
 - (6) — ~~The plans for meeting the requirements of subsection 254(i) (1) through (5) shall be prepared by a registered architect or engineer, and bear a registered seal.~~
- (j) ~~(h) — Whenever, pursuant to section 253 or 254 (b) (2), any portion of a floodplain is filled, in with fill dirt, slopes shall be adequately stabilized to withstand the erosive force of the base flood.~~
- (k) ~~(i) — A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites with special flood hazard, zones A1-30, AH, and AE on the community's FIRM, shall either:~~
- (1) — ~~be on site for fewer than 180 consecutive days;~~
 - (2) — ~~be fully licensed and ready for highway use;~~
 - (3) — ~~meet the permit requirement and the elevation and anchoring requirements for manufactured homes in this Article, to satisfy compliance with paragraphs (b)(1) and (c)(6) of the National Flood Insurance Program Regulations, 44 C.F.R. 60.3.~~

Section 255 – Special Provisions for Subdivisions.

- (a) — ~~An applicant for a major development permit authorizing a major subdivision and an applicant for minor subdivision final plat approval shall be informed by the administrator of the use and construction restrictions contained in Sections 252, 253, and 254 if any portion of the land to be subdivided lies within a floodway or floodplain.~~
- (b) — ~~Final plat approval for any subdivision containing land that lies within a floodway or floodplain may not be given unless the plat shows the boundary of the floodway or floodplain and contains in clearly discernible print the following statement: "Use of land within a floodway or floodplain is substantially restricted by Article XVI of the Union County Land Use Ordinance."~~

- (e) ~~Subject to the following sentence, a major development permit for a major subdivision and final plat approval for any subdivision may not be given if:~~
- (1) ~~The land to be subdivided lies within a zone where residential uses are permissible and it reasonably appears that the subdivision is designed to create residential building lots; and~~
 - (2) ~~Any portion of one or more of the proposed lots lies within a floodway or floodplain; and~~
 - (3) ~~It reasonably appears that one or more lots described in subsections (1) and (2) of this subsection could not practicably be used as a residential building site because of the restrictions set forth in Sections 252, 253, and 254.~~

~~The foregoing provision shall not apply if a notice that the proposed lots are not intended for sale as residential building lots is recorded on the final plat, or if the developer otherwise demonstrates to the satisfaction of the authority issuing the permit or approving the final plat that the proposed lots are not intended for sale as residential building lots.~~

~~Section 256 Water Supply and Sanitary Sewer Systems in Floodways and Floodplains:~~

~~Whenever any portion of a proposed development is located within a floodway or floodplain, the agency or agencies responsible for certifying to the county the adequacy of the water supply and sewage disposal systems for the development (as set forth in Sections 239 and 241 of this ordinance) shall be informed by the developer that a specified area within the development lies within a floodway or floodplain. Thereafter, approval of the proposed system by that agency shall constitute a certification that:~~

- (a) ~~Such water supply system is designed to minimize or eliminate infiltration of flood waters into it.~~
- (b) ~~Such sanitary sewer system is designed to eliminate infiltration of flood waters into it and discharges from it into flood waters.~~
- (c) ~~Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.~~

~~Section 257 Additional Duties of Administrator Related to Flood Insurance and Flood Control:~~

~~The administrator shall:~~

- (a) ~~Where base flood elevation data is available:~~
 - (1) ~~Verify the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;~~
 - (2) ~~Verify, for all structures that have been flood proofed (whether or not such structures contain a basement), the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and~~
 - 3) ~~Maintain a record of all such information.~~
- (b) ~~Where base flood elevation data has not been provided:~~
 - 1) ~~Obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source for enforcing the requirements set forth in Part I of this article; and~~

- ~~2) — Verify and record the actual elevation constituting the highest adjacent grade, to which all new or substantially improved structures are elevated or floodproofed.~~
- ~~(3) — Notify, in riverine situations, adjacent communities and the N.C. Department of Crime Control and Public Safety prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Insurance Administrator.~~
- ~~(4) — Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.~~

Section 258 Location of Boundaries of Floodplain and Floodway Districts:

~~As used in this article, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts whose boundaries are the boundaries of the floodways and floodplains shown on the maps referenced in Subsections 251(2) and (3) Section 15 Definitions of Basic Terms: Floodplain and Floodways and Section 142 Official Zoning Map, which boundaries are intended to correspond to the actual, physical location of floodways and floodplains. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy, rather than physical, criteria.) Therefore, the administrator is authorized to make necessary interpretations as to the exact location of the boundaries of floodways or floodplains if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the administrator, may be appealed to the board of adjustment in accordance with the applicable provisions of this ordinance.~~

Section 259 Setbacks from Streams Outside Designated Floodplains:

~~In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to twenty feet on each side.~~

Section 260 Reserved:

A-5. Existing Natural, Man-Made and Legal Features

(1) Development site plans shall show all existing natural, man-made, and legal features on the lot development is to take place, including but not limited to those listed below. In addition, the plans shall also show those features indicated below by an asterisk that are located within fifty feet in any direction of the lot where the development is to take place, and shall specify (by reference to the Table of Permissible Uses or otherwise) the use made of adjoining properties.

(2) Existing natural features:

- (a) Tree line of wooded areas.
- (b) Individual tree eighteen inches in diameter or more identified by common or scientific name.
- (c) Orchards or other agricultural groves by common or scientific name.
- (d) Streams, ponds, drainage ditches, and swamps, ~~boundaries of floodways and floodplains.~~

(e) ~~(If the proposed development is a subdivision or mobile home park of more than fifty lots or if more than five acres of land are to be developed), base flood elevation data (See Article XVI, Part I). Floodplain information as required by Article XXIV.~~

A-6. Proposed Changes in Existing Features or New Features

(1) Development site plans shall show proposed changes in (i) existing natural features (see A-5(2)), (ii) existing manmade features (see A-5(3), and (iii) existing legal features (see A-5(4)).

(2) Development site plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, buffer areas and utility and other easements), as well as proposed man-made features, including, but not limited to, the following:

(a) The number of square feet in every lot created by a new subdivision.

(b) Lot dimensions, including lot widths measured in accordance with Section 183.

(c) The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines (see Section 184).

(d) Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing building heights (see Section 186) and proposed wall sign or window sign area;

(e) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.

(f) Elevation in relation to mean sea level to which any non-residential structures will be flood-proofed as required by Section 398.

A-7. Documents and Written Information in Addition to Plans

In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested:

(1) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.

(2) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, as set forth in Article XV, and that all necessary easements have been provided.

(3) For proposed non-residential flood proofed structures, or for enclosed areas below the lowest floor that are subject to flooding, certification from a registered professional engineer or architect that the proposed structure meets the criteria in ~~Article XVI, Section 254(d), (f)~~ Section 398.

(4) Certification and supporting technical data from a registered professional engineer demonstrating that any proposed use within a floodway if permitted under ~~Article XVI, Section 253~~ Article XXIV, shall not result in any increase in flood levels during occurrence of the base flood discharge.

F-6. Manufactured Home Park Procedures - Final Plat

(1) Application Deadline: All material must be submitted in accordance with deadlines established by the Land Use Administrator and/or board of adjustment.

(2) Required Material:

(a) Approved plans for water supply, waste disposal, and other utilities subject to Article XV.

(b) Conformance with Article XVI, concerning ~~floodplain~~, drainage, and storm water management and Article XXIV concerning floodplain.

(c) Street plans approved by N.C. Department of Transportation.

(d) The final plat and five (5) copies shall be submitted.

(e) The final plat shall be drawn in waterproof ink on satisfactory reproducible materials on sheets 18" x 24".

G-5. Plan Preparation Requirements

(1) Name, address, and telephone number of applicant.

(2) Interest of the applicant in the proposed campground.

(3) Date of plat.

(4) Name(s) of the adjoining property owner(s).

(5) North arrow, and vicinity map.

(6) Name and seal of the registered surveyor or engineer.

(7) The plan will have a title indicating the type of campground as defined in G-2, in large letters.

(8) The names of proposed streets, subject to Section 223.

(9) Complete engineering plans and specifications of the proposed campground showing:

(a) The area and dimensions of the entire tract of land;

(b) The land use occupying the adjacent properties;

(c) The number, size, and location of camping unit sites and parking areas;

(d) The location, right-of-way, and surface roadway width, and surfacing materials of roadways and walkways;

(e) The proposed interior vehicular and pedestrian circulation patterns;

(f) The location of service buildings, sanitary stations, and any other existing or proposed structures;

(g) The location of water and sewer lines and rise pipes;

- (h) Plans and specifications of the water supply, sewage disposal, and refuse facilities;
- (i) Plans and specifications of all buildings constructed or to be constructed within the campground;
- (j) The location of all drainage easements, including conformance with Article XVI, concerning ~~floodplain~~, storm water management, and erosion control and Article XXIV concerning floodplain;
- (k) The location and details of lighting, electric, and gas systems;
- (l) Road design, including construction materials, roadway width, and drainage pipe size(s);
- (m) Contour lines with no larger than five (5) foot intervals, and the 100-year flood boundary.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

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

SUBJECT: 2009 Enterprise Systems Revenue Bonds

DEPARTMENT: Finance

PUBLIC HEARING: Choose one....

ATTACHMENT(S):
Bond Order

INFORMATION CONTACT:
Kai Nelson

Resolution

TELEPHONE NUMBERS:
704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Adopt 1) Bond Order authorizing the issuance of the County of Union, North Carolina Variable Rate Enterprise Systems Revenue Bonds in the aggregate principal amount not to exceed \$20,000,000 and 2) Resolution authorizing the approval, execution and delivery of various documents in connection with the Issuance of County of Union, North Carolina Variable Rate Enterprise Systems Revenue Bonds, Series 2009; providing for the sale of the bonds; setting forth the terms and conditions upon which the Bonds are to be issued; and providing for certain other matters in connection with the issuance, sale and delivery of the Bonds

BACKGROUND: In May and June 2008, the Commission took a series of actions regarding the extension of an interest rate swap, reversing (on the recommendation of County staff and financial advisor) the extension decision due to unfavorable terms and conditions of the swap counterparty and ultimately adopting an initial resolution directing the filing of an application requesting the Local Government Commission's (LGC) approval of the issuance of Enterprise Systems Revenue Bonds.

Since June, your CFO has been working with rating agencies, underwriters, bankers, LGC officials, counsel, trustee and financial advisor in developing the myriad of documents (financial, legal, prospectus) necessary to complete the transaction. Those documents are on file with the County Clerk and available to the Commission. The LGC has calendared the transaction for their approval at their meeting of August 4.

The sale is scheduled for August 19 with closing to occur on the following day, August 20.

FINANCIAL IMPACT: Average annual debt service of \$1.4 million through 2034

Legal Dept. Comments if applicable:

Finance Dept. Comments if applicable:

Manager Recommendation:

Extract of Minutes of a regular meeting of the Board of Commissioners of the County of Union, North Carolina held at the Union County Government Center, First Floor, Board Room, Monroe, North Carolina, at 7:00 p.m. on August 11, 2009.

A regular meeting of the Board of Commissioners of the County of Union, North Carolina (the "Board of Commissioners") was held in the Government Center, Board of Commissioners' Room, Room 118, Monroe, North Carolina, at 7:00 p.m. on August 11, 2009 (the "Meeting"), after proper notice, and was called to order by the Chairman, and on the roll being called, the following members of the Board of Commissioners answered present:

The following members of the Board of Commissioners were absent:

Also present:

* * *

Commissioner _____ moved that the following bond order, a copy of which was available with the Board and which was read by title:

**BOND ORDER AUTHORIZING THE ISSUANCE OF THE
COUNTY OF UNION, NORTH CAROLINA VARIABLE
RATE ENTERPRISE SYSTEMS REVENUE BONDS IN THE
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED
\$20,000,000**

WHEREAS, the County of Union, North Carolina (the "County") is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.*, as amended (the "Act"), to issue, subject to the approval of the Local Government Commission of North Carolina, at one time or from time to time, revenue bonds and revenue refunding bonds of the County for the purposes as specified in the Act; and

WHEREAS, the County has determined to issue its Variable Rate Enterprise Systems Revenue Bonds, Series 2009 (the "2009 Bonds") in an aggregate principal amount of not to exceed \$20,000,000 to provide funds to (1) to finance the costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the County's enterprise systems (the "Project") and (2) to pay the costs of issuing the 2009 Bonds; and

WHEREAS, the County will issue the 2009 Bonds under (1) the General Trust Indenture dated as of May 1, 1996 (the "General Indenture") between the County and First Union National Bank of North Carolina, the successor to which is U.S. Bank National Association, as trustee (the "Trustee"), as

amended, and (2) Series Indenture, Number 3 dated as of August 1, 2009 (the "Third Series Indenture") between the County and the Trustee; and

WHEREAS, the County and the Local Government Commission of North Carolina have arranged for the sale of the 2009 Bonds to Merrill Lynch, Pierce, Fenner & Smith Incorporated (the "Underwriter") pursuant to the terms of a Purchase Contract to be dated on or about August 19, 2009 (the "Purchase Contract"); and

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the 2009 Bonds as required by the Local Government Revenue Bond Act, and the Secretary has notified the Board of Commissioners of the County (the "Board") of the County that the application has been approved by the Local Government Commission.

NOW, THEREFORE, BE IT ORDERED by the Board, as follows:

Section 1. In order to raise the money required for (1) the financing of the costs of the Project and (2) the payment of other costs associated with the issuance of the 2009 Bonds as set forth above, in addition to any funds which may be made available for such purpose from any other source, the 2009 Bonds are hereby authorized and shall be issued pursuant to the Act.

Section 2. The aggregate principal amount of the 2009 Bonds authorized by this order shall not exceed \$20,000,000. The 2009 Bonds hereby authorized shall be special obligations of the County, secured by and paid solely from the proceeds thereof or from revenues, income, receipts and other money received or accrued by or on behalf of the County from or in connection with the operation of the Enterprise Systems (as defined in the General Indenture).

Section 3. The issuance of the 2009 Bonds by the County, in substantially the form to be set forth in the Third Series Indenture, be and the same hereby is in all respects approved and confirmed. The form and content of the 2009 Bonds and the provisions of the Third Series Indenture with respect to the 2009 Bonds shall be approved and confirmed in a subsequent resolution of the Board.

The principal of, premium, if any, purchase price and interest on the 2009 Bonds shall not be payable from the general funds of the County, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture. Neither the credit nor the taxing power of the State of North Carolina or the County are pledged for the payment of the principal of, premium, if any, purchase price or interest on the 2009 Bonds, and no holder of the 2009 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the County or the forfeiture of any of its property in connection with any default thereon.

Section 4. The 2009 Bonds shall be sold to the Underwriter pursuant to the terms of the Purchase Contract as the same shall be approved in a subsequent resolution of the Board.

Section 5. The proceeds from the sale of the 2009 Bonds shall be deposited in accordance with the Third Series Indenture.

Section 6. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the 2009 Bonds authorized hereunder.

Section 7. All resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. This Bond Order shall take effect immediately on its adoption and pursuant to N.C.G.S. § 159-88 need not be published or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the Board other than the procedures set out in the Act.

This Bond Order is hereby adopted by the Board of Commissioners of the County of Union, North Carolina this 11th day of August, 2009.

On motion of Commissioner _____, seconded by Commissioner _____, the foregoing bond order entitled **“BOND ORDER AUTHORIZING THE ISSUANCE OF THE COUNTY OF UNION, NORTH CAROLINA VARIABLE RATE ENTERPRISE SYSTEMS REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000”** was duly adopted by the following vote:

AYES:

NAYS:

STATE OF NORTH CAROLINA)
)
COUNTY OF UNION) ss:

I, *Lynn West*, Clerk to the Board of Commissioners of the County of Union, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a bond order entitled “**BOND ORDER AUTHORIZING THE ISSUANCE OF THE COUNTY OF UNION, NORTH CAROLINA VARIABLE RATE ENTERPRISE SYSTEMS REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000**” adopted by the Board of Commissioners of the County of Union, North Carolina, at a meeting held on the 11th day of August, 2009.

WITNESS my hand and the corporate seal of the County of Union, North Carolina, this the ____ day of August, 2009.

Lynn West
Clerk to the Board
County of Union, North Carolina

Extract of Minutes of a regular meeting of the Board of Commissioner of the County of Union, North Carolina held at the Union County Government Center, First Floor, Board Room, Monroe, North Carolina, at 7:00 p.m. on August 11, 2009.

A regular meeting of the Board of Commissioners of the County of Union, North Carolina (the "*Board of Commissioners*") was held in the Government Center, Board of Commissioners' Room, Room 118, Monroe, North Carolina, at 7:00 p.m. on August 11, 2009 (the "*Meeting*"), after proper notice, and was called to order by the Chairman, and on the roll being called, the following members of the Board of Commissioners answered present:

The following members of the Board of Commissioners were absent:

Also present:

Commissioners _____ moved that the following resolution, a copy of which having been made available to the Board of Commissioners, be adopted:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF COUNTY OF UNION, NORTH CAROLINA VARIABLE RATE ENTERPRISE SYSTEMS REVENUE BONDS, SERIES 2009; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS.

WHEREAS, the County of Union, North Carolina (the "*County*") is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.*, as amended (the "*Act*"), to issue, subject to the approval of the Local Government Commission, at one time or from time to time revenue bonds of the County for the purposes as specified in the Act; and

WHEREAS, the County has determined to issue its Variable Rate Enterprise Systems Revenue Bonds, Series 2009 (the "*2009 Bonds*") in an aggregate principal amount of not to exceed \$20,000,000 to provide funds to (1) to finance the costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and

installing new equipment for, the County's enterprise systems and (2) to pay the costs of issuing the 2009 Bonds, as described in the Bond Order of the County adopted August 11, 2009; and

WHEREAS, the County will issue the 2009 Bonds under (1) the General Trust Indenture dated as of May 1, 1996 (the "*General Indenture*") between the County and First Union National Bank of North Carolina, the successor to which is U.S. Bank National Association, as trustee (the "*Trustee*"), as amended, and (2) Series Indenture, Number 3 dated as of August 1, 2009 (the "*Third Series Indenture*") between the County and the Trustee; and

WHEREAS, the County desires to execute and deliver a Purchase Contract to be dated on or about August 19, 2009 (the "*Purchase Contract*") among the County, the Local Government Commission (the "*Commission*") and Merrill Lynch, Pierce, Fenner & Smith Incorporated (the "*Underwriter*"), pursuant to which the County and the Commission will sell the 2009 Bonds to the Underwriter in accordance with the terms and conditions set forth therein; and

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the County and have been made available to the Board of Commissioners of the County (the "*Board*"):

1. the General Indenture;
2. the Third Series Indenture;
3. the Purchase Contract;
4. the Reimbursement and Security Agreement dated as of August 1, 2009 (the "*Reimbursement Agreement*") between the County and Bank of America, N.A., as credit provider;
5. the Remarketing Agreement dated as of August 1, 2009 (the "*Remarketing Agreement*") between the County and Merrill Lynch, Pierce, Fenner & Smith Incorporated, as remarketing agent for the 2009 Bonds (the "*Remarketing Agent*");
6. the Official Statement (the "*Official Statement*") with respect to the 2009 Bonds.

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. That the issuance of the 2009 Bonds by the County in the principal amount not to exceed \$20,000,000 maturing not later than June 1, 2034, in substantially the form and content set forth in the Third Series Indenture, subject to appropriate insertions and revisions in order to comply with the provisions of the General Indenture and the Third Series Indenture, be and the same hereby are in all respects approved and confirmed, and the form and content of the 2009 Bonds set forth in the Third Series Indenture be and the same hereby are in all respects approved and confirmed, and the provisions of the General Indenture and the Third Series Indenture with respect to the 2009 Bonds (including without limitation the maturity dates and rates of interest) be and the same hereby are approved and confirmed and are incorporated herein by reference.

Section 2. The 2009 Bonds shall be special obligations of the County. The principal of, purchase price and interest on the 2009 Bonds shall not be payable from the general funds of the County, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture and the Third Series Indenture. Neither the credit nor the taxing power of the State of North Carolina or the County are pledged for the payment of the principal of, purchase price or interest on the 2009 Bonds, and no holder of 2009 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the County or the forfeiture of any of its property in connection with any default thereon.

Section 3. That the form and content of the Third Series Indenture and the same hereby are in all respects approved and confirmed, and the Chairman, the County Manager, the Finance Director and Clerk to the Board of the County be and they hereby are authorized, empowered and directed to execute and deliver the Third Series Indenture for and on behalf of the County, including necessary counterparts, in substantially the form and content presented to the County, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Third Series Indenture, the Chairman, the County Manager, the Finance Director and Clerk to the Board of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Third Series Indenture as executed. The Trustee is hereby appointed as Paying Agent and Registrar thereunder.

Section 4. That the 2009 Bonds shall be sold to the Underwriters pursuant to the terms of the Purchase Contract. The form and content of the Purchase Contract are in all respect approved and confirmed, and the Chairman, the County Manager or the Finance Director of the County is hereby authorized, empowered and directed to execute and deliver the Purchase Contract for and on behalf of the County, including necessary counterparts, in substantially the form and content presented to the County, but with such changes, modifications, additions or deletions therein as shall to him or her seem necessary, desirable or appropriate, his execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Purchase Contract, the Chairman, the County Manager and the Finance Director of the County are each hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Contract as executed.

Section 5. The form and content of the Reimbursement Agreement and the Remarketing Agreement be and the same hereby are in all respects approved and confirmed, and the Chairman, the County Manager or the Finance Director of the County be and they hereby are each authorized, empowered, and directed to execute and deliver the Reimbursement Agreement and the Remarketing Agreement for and on behalf of the County, including necessary counterparts, in substantially the form and content presented to the County, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Reimbursement Agreement and the Remarketing Agreement, the Chairman, the County Manager and the Finance Director of the County are each hereby authorized, empowered and directed to do all such acts and things and to execute all such

documents as may be necessary to carry out and comply with the provisions of the Reimbursement Agreement and the Remarketing Agreement as executed.

Section 6. The form, terms and content of the Official Statement are in all respects authorized, approved and confirmed, and the use of the Official Statement by the Underwriter in connection with the sale of the 2009 Bonds is hereby in all respects authorized, approved and confirmed. The Chairman, the County Manager or Finance Director of the County is authorized to execute the Official Statement on behalf of the County.

Section 7. The Finance Director of the County is hereby authorized to execute a no-arbitrage certificate in order to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable Income Tax Regulations thereunder.

Section 8. No stipulation, obligation or agreement herein contained or contained in the 2009 Bonds, the General Indenture, the Third Series Indenture, the Purchase Contract, the Reimbursement Agreement, the Remarketing Agreement or any other instrument related to the issuance of the 2009 Bonds shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the County in his or her individual capacity, and no such officer, agent or employee shall be personally liable on the 2009 Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 9. The County Manager and the Finance Director of the County are each hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by (i) this Resolution, (ii) the General Indenture, (iii) the Third Series Indenture, and (iv) the other documents presented to this meeting; except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of (a) the specific provisions of this Resolution, (b) the specific provisions of the General Indenture or the Third Series Indenture, (c) any agreement to which the County is bound, (d) any rule or regulation of the County or (e) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

Section 10. From and after the execution and delivery of the documents hereinabove authorized, the Chairman, the County Manager, the Finance Director and the Clerk to the Board of the County are each hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed, and are further authorized to take any and all further actions to execute and deliver any and all other documents as may be necessary in the issuance of the 2009 Bonds, the execution and delivery of the Third Series Indenture and the Purchase Contract and the on-going administration of transaction contemplated by the issuance of the 2009 Bonds and the execution and delivery of the Third Series Indenture, the Reimbursement Agreement and the Remarketing Agreement.

The Chairman, the County Manager, the Finance Director and the Clerk to the Board of the County are each hereby authorized and directed to prepare and furnish, when the 2009 Bonds are issued, certified copies of all the proceedings and records of the County relating to the 2009 Bonds, and such other affidavits, certificates and documents as may be required to show the facts relating to the legality and marketability of the 2009 Bonds as such facts appear on the books and records in such party's custody and control or as otherwise known to them; and all such certified

copies, certificates, affidavits and documents, including any heretofore furnished, shall constitute representations of the County as to the truth of all statements contained therein.

Section 11. All acts and doings of the Chairman, the County Manager, the Finance Director and the Clerk to the Board of the County that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the 2009 Bonds and the execution, delivery and performance of the Third Series Indenture and the Purchase Contract shall be, and the same hereby are, in all respects approved and confirmed.

Section 12. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the 2009 Bonds authorized hereunder.

Section 13. All resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 14. This Resolution shall take effect upon its adoption.

On motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution entitled **“A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF COUNTY OF UNION, NORTH CAROLINA VARIABLE RATE ENTERPRISE SYSTEMS REVENUE BONDS, SERIES 2009; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS”** was duly adopted by the following vote:

AYES:

NAYS:

STATE OF NORTH CAROLINA)
)
COUNTY OF UNION) ss:

I, *Lynn West*, Clerk to the Board of Commissioners of the County of Union, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled “**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF COUNTY OF UNION, NORTH CAROLINA VARIABLE RATE ENTERPRISE SYSTEMS REVENUE BONDS, SERIES 2009; PROVIDING FOR THE SALE OF THE BONDS; SETTING FORTH THE TERMS AND CONDITIONS UPON WHICH THE BONDS ARE TO BE ISSUED; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS**” adopted by the Board of Commissioners of the County of Union, North Carolina, at a meeting held on the 11th day of August, 2009.

WITNESS my hand and the corporate seal of the County of Union, North Carolina, this the ___ day of August, 2009.

Lynn West
Clerk to the Board
County of Union, North Carolina

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 11, 2009

Action Agenda Item No. 5/7
(Central Admin. use only)

SUBJECT: FY2010 UCPS Regular Capital Outlay

DEPARTMENT: Finance

PUBLIC HEARING: No

ATTACHMENT(S):
Capital Project Ordinance Amendment
Number 123 - Regular Capital Outlay
(from pay go resources)

INFORMATION CONTACT:
Kai Nelson

FY2010 Adopted Budget (pertinent
pages)

TELEPHONE NUMBERS:

704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Adopt Capital Project Ordinance Amendment
Number 123

BACKGROUND: The FY2010 Adopted Budget and contains \$2,344,169 in 'pay-go' regular capital outlay for UCPS. Because these funds are generally expended over more than one fiscal year, the County transfers the resources to a multi-year fund and then appropriates and spends the money from the project fund. This action reflects the appropriation in the project, multi-year fund. The ordinance reflects the allocation of capital outlay resources to the three major purpose categories - category I being construction/renovation projects, category II being furniture, fixtures and equipment and category III being school buses, activity buses and other motor vehicles. UCPS is being requested to provide the breakout to comply with the ordinance.

In addition to the pay-go resources of \$2,344,169, the FY2010 Adopted Budget contains an additional \$2,000,000 from CIP savings - for a combined total of \$4,344,169 in capital outlay appropriations for FY2010. UCPS and County staff are working on an update to the CIP cash flows based on June 30, 2009 balances. Once those cash flows and savings have been identified and validated, County staff will prepare a capital project ordinance amendment to the bond funded CIP projects.

FINANCIAL IMPACT: The requested action is in conformance with the approved FY2010 Adopted Budget.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

CAPITAL PROJECT ORDINANCE AMENDMENT

BUDGET General Capital Project Ordinance Fund REQUESTED BY Kai Nelson
 FISCAL YEAR FY 2009-2010 DATE August 11, 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
IFT From General Fund	-	2,344,169	2,344,169	FY2010 School Capital Outlay	-	2,344,169	2,344,169
	-	2,344,169	2,344,169		-	2,344,169	2,344,169

EXPLANATION: To establish CPO for FY2010 School Capital Outlay Allocation. The capital outlay appropriation is allocated by project pursuant to 115C-429b within Category I, Category II and Category III appropriations are allocated at the purpose level. At the completion of this capital project, this Capital Project Ordinance will be closed.

DATE: _____

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

FOR FINANCE POSTING PURPOSES ONLY

PROJECT SOURCES

PROJECT USES

Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
IFT From General Fund 41459200-4010-S05	-	2,344,169	2,344,169	FY2010 School Capital Outlay 41559200-5630-S05	-	2,344,169	2,344,169
	-	2,344,169	2,344,169		-	2,344,169	2,344,169

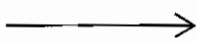
Prepared By dhc
 Posted By _____
 Date _____

Number CPO - 123

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, 2009 and ending June 30, 2010 in accordance with the chart of accounts heretofore established for this county.

General Government:			
Board of Commissioners	468,232		
Central Administration	769,218		
County Dues & Memberships	97,773		
Internal Audit	93,963		
Legal	321,164		
Personnel	704,401		
Finance	836,179		
Tax Administration	3,514,820		
Court Facilities	1,911,613		
Elections	1,030,151		
Register of Deeds	1,050,542		
Information Technology	1,744,853		
General Services	159,316	12,702,225	
Public Safety:			
Law Enforcement	19,001,547		
Communications	4,002,751		
Homeland Security	188,362		
Fire Services	1,620,124		
Inspections	1,633,326		
Outside Agencies	3,081,540	29,527,650	
Economic & Physical Development:			
Planning	513,910		
Economic Development	1,603,587		
Cooperative Extension	1,085,578		
Soil Conservation	77,871		
Outside Agency	77,248	3,358,194	
Human Services:			
Public Health	8,065,994		
Social Services	26,007,711		
Transportation and Nutrition	1,305,976		
Veterans' Services	280,441		
Outside Agencies	1,806,927	37,467,049	
Education:			
School Current Expense (See Section VIII. D.)	79,504,155		
School CE-Occupancy Costs	175,065		
School Capital Outlay (See Section VIII. A., B., & C.)			
Pay-Go & Bond Savings	4,344,169		
Bond Savings	(2,000,000)	2,344,169	
School Debt Service	49,488,752		
Community College			
Debt Service	351,604		
Operations	1,100,000		
Outside Agency	2,250	132,965,995	
Cultural and Recreational:			
Library	4,125,565		
Parks & Recreation	1,681,030		
Outside Agencies	74,308	5,880,903	
Contingency/Nondepartmental	428,000	428,000	
		<u>222,330,016</u>	



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 2010-2014 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	<u>2,000,000</u>	Debt Proceeds	<u>2,000,000</u>
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B. The appropriations identified as Section I A. General Fund - School Capital in the amount of \$4,344,169 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 2010-2014 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 115C-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.

SECTION IX.

A. GENERAL FUND: That there is hereby levied for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following county-wide rate of tax on each one hundred dollars (\$100) valuation of taxable property situated in the County, as listed for taxes as of January 1, 2009, for the purpose of raising the revenue from current year's taxes, as set forth in the foregoing county-wide estimates of revenue, and in order to finance the foregoing county-wide appropriations:

General Fund - County-wide Rate	<u>.6650</u>
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B. SPECIAL DISTRICTS: That there is hereby levied for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following Special District tax rate on each one hundred dollars (\$100) valuation of estimated taxable property situated in each Special District, as listed for taxes as of January 1, 2009, for the purpose of raising the revenue from current year's taxes, as set out in the foregoing District estimates of revenue, and in order to finance the foregoing District appropriations:

Hemby Bridge Fire Protection District	<u>.0493</u>	Wesley Chapel Fire Protection District	<u>.0191</u>
Springs Fire Protection District	<u>.0306</u>	Waxhaw Fire Protection District	<u>.0248</u>
Stallings Fire Protection District	<u>.0406</u>		

July 2009 Budget Transfer Report

08/05/2009 07:49 I * * MUNIS - LIVE * *
 arobinson I JOURNAL INQUIRY

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YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 380 BUA 07/15/2009 07/16/2009 CMBA chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	66547280	5290		CMBA1			GRANT FUNDS/ SW RECYCLING PROG	10,000.00		
66	-40-5-472-80-5290						TOOLS AND SUPPLIES			
2	66447280	4390		CMBA1			GRANT FUNDS/ SW RECYCLING PROG		10,000.00	
66	-40-4-472-80-4390						FED GRANT - RECYCLING			
3	66	393500		CMBA1					10,000.00	1
66	-393500-						BUDGET APPROPRIATIONS CONTROL			
4	66	393400		CMBA1				10,000.00		1
66	-393400-						BUDGET ESTIM REVENUE CONTROL			
** JOURNAL TOTAL					10,000.00		10,000.00			

Solid Waste Operating Fund - CMBA (County Manager Budget Amendment) to appropriate N.C. Division of Pollution Prevention and Environmental Assistance 2009 Community Waste Reduction and Recycling Grant funds (pursuant to Omnibus Resolution Section D). Staff's pursuit of grant, application and agreement approved by BOCC January 5th, 2009.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 471 BUA 07/22/2009 07/22/2009 LIT chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	10542620	5580		LIT002			AC IN SIGN SHOP	5,900.00		
10	-10-5-426-20-5580						BUILDINGS AND IMPROVEMENTS			
2	10542620	5352		LIT002			AC IN SIGN SHOP		5,900.00	
10	-10-5-426-20-5352						MAINT & REPAIRS-EQUIPMENT			
** JOURNAL TOTAL					0.00		0.00			

General Fund - LIT to adjust budget accounts for an A/C at the Garage in the Property Management program budget.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 472 BUA 07/22/2009 07/22/2009 CPO chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	55491100	4710	530	CPO120			SCHOOL ADDITIONS FUNDS REQUEST	3,836,033.00		
55	-91-4-911-00-4710						GO BOND PROCEEDS			
2	55559200	5586	567	CPO120			SCHOOL ADDITIONS FUNDS REQUEST	1,195,780.00		
55	-70-5-592-00-5586						BUILDINGS AND IMPROVEMENTS			
3	55559200	5586	568	CPO120			SCHOOL ADDITIONS FUNDS REQUEST	2,640,253.00		
55	-70-5-592-00-5586						BUILDINGS AND IMPROVEMENTS			
4	55	393500		CPO120					3,836,033.00	1
55	-393500-						BUDGET APPROPRIATIONS CONTROL			
5	55	393400		CPO120				3,836,033.00		1
55	-393400-						BUDGET ESTIM REVENUE CONTROL			
** JOURNAL TOTAL					3,836,033.00		3,836,033.00			

School Bond Fund-55 - CPO to appropriate funding for Western Union and New Salem Elementary School Additions and Renovations pursuant to 115C-429b.

Agenda Item #: 518
 Meeting Date: 8/11/2009

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 475 BUA 07/10/2009 07/22/2009 CMBA chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	10561100	5451	1800	CMBA3			FUNDS WAXHAW LIB PARKING LOT I	1,505.00		
10	-80-5-611-00-5451			-1800			INSURANCE DEDUCTIBLE			
2	10593000	5360		CMBA3			FUNDS WAXHAW LIB PARKING LOT I		1,505.00	
10	-92-5-930-00-5360			-			M&R-VEHICLE-NONPREVENTABLES			
** JOURNAL TOTAL					0.00		0.00			

General Fund - CMBA to transfer non-departmental funds to cover non-preventable accident the Library program budget (pursuant to Omnibus Resolution Section K).

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 477 BUA 07/20/2009 07/22/2009 BA chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	10553160	5381	1501	BA01			ADD. FED REVENUE FROM CENTRALI	38,923.00		
10	-60-5-531-60-5381			-1501			PROFESSIONAL SERVICES			
2	10558600	5699	1670	BA01			ADD. FED REVENUE FROM CENTRALI	29,313.00		
10	-60-5-586-00-5699			-1670			PAYMENTS TO OTHER AGENCIES			
3	10558100	5126	1680	BA01			ADD. FED REVENUE FROM CENTRALI	14,657.00		
10	-60-5-581-00-5126			-1680			SALARIES & WAGES-TEMP AND PART			
4	10558700	5220	1681	BA01			ADD. FED REVENUE FROM CENTRALI	24,100.00		
10	-60-5-587-00-5220			-1681			FOOD AND PROVISIONS			
5	10453160	4339	1503	BA01			ADD. FED REVENUE FROM CENTRALI		9,610.00	
10	-60-4-531-60-4339			-1503			FED GRANT-HOME & COMM.CARE BG			
6	10453160	4339	1501	BA01			ADD. FED REVENUE FROM CENTRALI		38,923.00	
10	-60-4-531-60-4339			-1501			FED GRANT-HOME & COMM.CARE BG			
7	10458600	4339	1670	BA01			ADD. FED REVENUE FROM CENTRALI		29,313.00	
10	-60-4-586-00-4339			-1670			FED GRANT-HOME & COMM.CARE BG			
8	10458100	4396	1680	BA01			ADD. FED REVENUE FROM CENTRALI		14,657.00	
10	-60-4-581-00-4396			-1680			FED GRANT-HCC BLOCK GRANT			
9	10458700	4339	1681	BA01			ADD. FED REVENUE FROM CENTRALI		24,100.00	
10	-60-4-587-00-4339			-1681			FED GRANT-HOME & COMM.CARE BG			
10	10553160	5399	1503	BA01			ADD. FED REVENUE FROM CENTRALI	9,610.00		
10	-60-5-531-60-5399			-1503			PUBLIC ASSISTANCE			
11	10	393500		BA01					116,603.00	1
10	-393500-						BUDGET APPROPRIATIONS CONTROL			
12	10	393400		BA01				116,603.00		1
10	-393400-						BUDGET ESTIM REVENUE CONTROL			
** JOURNAL TOTAL					116,603.00		116,603.00			

General Fund - BA to appropriate additional Federal revenue in the DSS, In-Home Aide Services, Transportation and Nutrition, and Council on Aging program budgets and reduce appropriation of Federal revenue in the DSS, Adult Day Care program budget.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
2010 01 478 BUA 07/20/2009 07/22/2009 BA chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	10453160	4447	1535	BA02			SMART START GRANT/10N1 HOME VI		27,971.00	
10	-60-4-531-60-4447			-1535			ST GRANT-SMART START			
2	10553160	5260	1535	BA02			SMART START GRANT/10N1 HOME VI	918.00		
10	-60-5-531-60-5260			-1535			PRINTING AND OFFICE SUPPLIES			
3	10553160	5311	1535	BA02			SMART START GRANT/10N1 HOME VI	1,800.00		
10	-60-5-531-60-5311			-1535			TRAVEL			
4	10553160	5381	1535	BA02			SMART START GRANT/10N1 HOME VI	25,223.00		
10	-60-5-531-60-5381			-1535			PROFESSIONAL SERVICES			
5	10553160	5491	1535	BA02			SMART START GRANT/10N1 HOME VI	30.00		
10	-60-5-531-60-5491			-1535			DUES AND MEMBERSHIPS			
6	10	393500		BA02					27,971.00	1
10	-393500-						BUDGET APPROPRIATIONS CONTROL			
7	10	393400		BA02				27,971.00		1
10	-393400-						BUDGET ESTIM REVENUE CONTROL			
** JOURNAL TOTAL				27,971.00		27,971.00				

General Fund - BA to appropriate State grant revenue in the DSS, Smart Start Assistance program budget.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
2010 01 480 BUA 07/20/2009 07/22/2009 BA chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	10551150	5121	1324	BA03			INCREASE PHYSC. COVERAGE	5,117.00		
10	-60-5-511-50-5121			-1324			SALARIES & WAGES			
2	10551150	5121	1327	BA03			INCREASE PHYSC. COVERAGE	122,811.00		
10	-60-5-511-50-5121			-1327			SALARIES & WAGES			
3	10551150	5121	1334	BA03			INCREASE PHYSC. COVERAGE	15,325.00		
10	-60-5-511-50-5121			-1334			SALARIES & WAGES			
4	10551150	5132	1324	BA03			INCREASE PHYSC. COVERAGE	120.00		
10	-60-5-511-50-5132			-1324			SEPARATION ALLOWANCE			
5	10551150	5132	1327	BA03			INCREASE PHYSC. COVERAGE	2,874.00		
10	-60-5-511-50-5132			-1327			SEPARATION ALLOWANCE			
6	10551150	5132	1334	BA03			INCREASE PHYSC. COVERAGE	359.00		
10	-60-5-511-50-5132			-1334			SEPARATION ALLOWANCE			
7	10551150	5134	1324	BA03			INCREASE PHYSC. COVERAGE	256.00		
10	-60-5-511-50-5134			-1324			401-K SUPP RET PLAN -OTHER			
8	10551150	5134	1327	BA03			INCREASE PHYSC. COVERAGE	6,141.00		
10	-60-5-511-50-5134			-1327			401-K SUPP RET PLAN -OTHER			
9	10551150	5134	1334	BA03			INCREASE PHYSC. COVERAGE	766.00		
10	-60-5-511-50-5134			-1334			401-K SUPP RET PLAN -OTHER			

General Fund - BA to appropriate additional third party revenue and patient fees for increased physician coverage in various Public Health program budgets.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
2010 01 480 BUA 07/20/2009 07/22/2009 BA chelms 1 N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
10	10551150	5134	1327	BA03			INCREASE PHYSC. COVERAGE	5,668.00		
10	-60-5-511-50-5134		-1327				401-K SUPP RET PLAN -OTHER			
11	10551150	5181	1334	BA03			INCREASE PHYSC. COVERAGE	1,172.00		
10	-60-5-511-50-5181		-1334				FICA CONTRIBUTIONS			
12	10551150	5182	1324	BA03			INCREASE PHYSC. COVERAGE	250.00		
10	-60-5-511-50-5182		-1324				RET CONTRIB.- OTHER EMPLOYEES			
13	10551150	5182	1327	BA03			INCREASE PHYSC. COVERAGE	6,005.00		
10	-60-5-511-50-5182		-1327				RET CONTRIB.- OTHER EMPLOYEES			
14	10551150	5181	1334	BA03			INCREASE PHYSC. COVERAGE	749.00		
10	-60-5-511-50-5181		-1334				FICA CONTRIBUTIONS			
15	10551150	5399	13341	BA03			INCREASE PHYSC. COVERAGE	36,742.00		
10	-60-5-511-50-5399		-13341				PUBLIC ASSISTANCE			
16	10551150	5239	1327	BA03			INCREASE PHYSC. COVERAGE	400.00		
10	-60-5-511-50-5239		-1327				MEDICAL SUPPLIES AND EQUIPMENT			
17	10451150	4520	1327	BA03			INCREASE PHYSC. COVERAGE		95,106.00	
10	-60-4-511-50-4520		-1327				DEPT SRV CHRGS-3RD PARTY			
18	10451150	4521	1334	BA03			INCREASE PHYSC. COVERAGE		18,371.00	
10	-60-4-511-50-4521		-1334				DEPT SRV CHRGS-PTNT FEES			
19	10551150	5134	13341	BA03			INCREASE PHYSC. COVERAGE		1,532.00	
10	-60-5-511-50-5134		-13341				401-K SUPP RET PLAN -OTHER			
20	10551150	5181	1320	BA03			INCREASE PHYSC. COVERAGE		50.00	
10	-60-5-511-50-5181		-1320				FICA CONTRIBUTIONS			
21	10551150	5182	13341	BA03			INCREASE PHYSC. COVERAGE		1,499.00	
10	-60-5-511-50-5182		-13341				RET CONTRIB.- OTHER EMPLOYEES			
22	10551150	5181	13341	BA03			INCREASE PHYSC. COVERAGE		2,345.00	
10	-60-5-511-50-5181		-13341				FICA CONTRIBUTIONS			
23	10551150	5121	13341	BA03			INCREASE PHYSC. COVERAGE		30,649.00	
10	-60-5-511-50-5121		-13341				SALARIES & WAGES			
24	10551150	5126	1320	BA03			INCREASE PHYSC. COVERAGE		651.00	
10	-60-5-511-50-5126		-1320				SALARIES & WAGES-TEMP AND PART			
25	10551150	5132	13341	BA03			INCREASE PHYSC. COVERAGE		717.00	
10	-60-5-511-50-5132		-13341				SEPARATION ALLOWANCE			
26	10551150	5126	1324	BA03			INCREASE PHYSC. COVERAGE		5,117.00	
10	-60-5-511-50-5126		-1324				SALARIES & WAGES-TEMP AND PART			
27	10551150	5126	1327	BA03			INCREASE PHYSC. COVERAGE		48,718.00	
10	-60-5-511-50-5126		-1327				SALARIES & WAGES-TEMP AND PART			
28	10	393500		BA03					113,477.00	1
10	-393500-						BUDGET APPROPRIATIONS CONTROL			
29	10	393400		BA03				113,477.00		1
10	-393400-						BUDGET ESTIM REVENUE CONTROL			
**	JOURNAL TOTAL				113,477.00		113,477.00			

BA # 3 continued.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 482 BUA 07/20/2009 07/22/2009 BA chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	10461100	4447	1804				FUNDS FOR SMART START LITERACY		45,784.00	
10	-80-4-611-00-4447						ST GRANT-SMART START			
2	10561100	5121	1804				FUNDS FOR SMART START LITERACY	18,751.00		
10	-80-5-611-00-5121						SALARIES & WAGES			
3	10561100	5126	1804				FUNDS FOR SMART START LITERACY	6,802.00		
10	-80-5-611-00-5126						SALARIES & WAGES-TEMP AND PART			
4	10561100	5132	1804				FUNDS FOR SMART START LITERACY	439.00		
10	-80-5-611-00-5132						SEPARATION ALLOWANCE			
5	10561100	5134	1804				FUNDS FOR SMART START LITERACY	938.00		
10	-80-5-611-00-5134						401-K SUPP RET PLAN -OTHER			
6	10561100	5181	1804				FUNDS FOR SMART START LITERACY	1,955.00		
10	-80-5-611-00-5181						FICA CONTRIBUTIONS			
7	10561100	5182	1804				FUNDS FOR SMART START LITERACY	917.00		
10	-80-5-611-00-5182						RET CONTRIB.- OTHER EMPLOYEES			
8	10561100	5183	1804				FUNDS FOR SMART START LITERACY	3,531.00		
10	-80-5-611-00-5183						HEALTH INSURANCE			
9	10561100	5187	1804				FUNDS FOR SMART START LITERACY	234.00		
10	-80-5-611-00-5187						DENTAL INSURANCE			
10	10561100	5260	1804				FUNDS FOR SMART START LITERACY	3,072.00		
10	-80-5-611-00-5260						PRINTING AND OFFICE SUPPLIES			
11	10561100	5233	1804				FUNDS FOR SMART START LITERACY	9,145.00		
10	-80-5-611-00-5233						PERIODICALS BOOKS & OTHER PUB			
12	10	393500							45,784.00	1
10	-393500-						BUDGET APPROPRIATIONS CONTROL			
13	10	393400						45,784.00		1
10	-393400-						BUDGET ESTIM REVENUE CONTROL			
** JOURNAL TOTAL				45,784.00		45,784.00				

General Fund - BA to appropriate State grant for Smart Start Family Literacy in the Library, Union County Partnership for Children program budget.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 484 BUA 07/20/2009 07/22/2009 BA chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	10461100	4368	1802				LSTA FED GRANT/PUBLIC EDUCATIO		14,237.00	
10	-80-4-611-00-4368						FED GRANT-FOR PUELIC ED/LSCA			
2	10561100	5354	1802				LSTA FED GRANT/PUBLIC EDUCATIO	798.00		
10	-80-5-611-00-5354						MAINT AGREEMNTS-COMP.SOFTWARE			
3	10561100	5265	1802				LSTA FED GRANT/PUBLIC EDUCATIO	13,439.00		
10	-80-5-611-00-5265						OFFICE COMPUTER EQUIPMENT			

General Fund - BA to appropriate Federal grant for public education in the Library, LSTA program budget.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 484 BUA 07/20/2009 07/22/2009 BA chelms 1 N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
4	10	393500				BA05			14,237.00	1
10		-393500-					BUDGET APPROPRIATIONS CONTROL			
5	10	393400				BA05		14,237.00		1
10		-393400-					BUDGET ESTIM REVENUE CONTROL			
** JOURNAL TOTAL				14,237.00		14,237.00				

BA # 5 continued.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 503 BUA 07/22/2009 07/22/2009 LIT chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	10553101	5699	1450	LIT003			DEPT BUDGET ADJUSTMENT	187.00		
10		-60-5-531-01-5699		-1450			PAYMENTS TO OTHER AGENCIES			
2	10553101	5630	1450	LIT003			DEPT BUDGET ADJUSTMENT		187.00	
10		-60-5-531-01-5630		-1450			PAYMENTS TO OTHER GOV UNITS			
** JOURNAL TOTAL				0.00		0.00				

General Fund - LIT to adjust budget accounts for payments to other agencies and governmental units within the Social Services, Administration program budget.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 504 BUA 07/22/2009 07/22/2009 LIT chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	10553101	5354	1450	LIT004			ALPHA CM CONTRACT	4,200.00		
10		-60-5-531-01-5354		-1450			MAINT AGREEMNTS-COMP.SOFTWARE			
2	10553101	5299	1450	LIT004			ALPHA CM CONTRACT		4,200.00	
10		-60-5-531-01-5299		-1450			MISCELLANEOUS			
** JOURNAL TOTAL				0.00		0.00				

General Fund - LIT to adjust budget accounts for software contract within the Social Services, Administration program budget.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 711 BUA 07/29/2009 07/30/2009 LIT chelms 1 N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	10543500	5382			LIT05A		TRANS SHUNMAKER SVC BD OF AJD	19,900.00		
10	-20-5-435-00	-5382					LEGAL SERVICES			
2	10540100	5382			LIT05A		TRANS SHUNMAKER SVC BD OF AJD		19,900.00	
10	-10-5-401-00	-5382					LEGAL SERVICES			
** JOURNAL TOTAL					0.00		0.00			

General Fund - LIT (CMBA) from the BOCC program budget to cover legal services in the Inspections program budget (pursuant to Omnibus Resolution Section K).

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 829 BUA 07/20/2009 08/03/2009 CPO121 arobinson 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	40543128	5550	PR045	CPO121	CPO121		Appr FY10 Law Enf Capital	52,800.00		
40	-20-5-431-28	-5550		-PR045			OTHER EQUIPMENT			
2	40543138	5550	PR045	CPO121	CPO121		Appr FY10 Law Enf Capital	10,292.00		
40	-20-5-431-38	-5550		-PR045			OTHER EQUIPMENT			
3	40543138	5540	PR045	CPO121	CPO121		Appr FY10 Law Enf Capital	47,270.00		
40	-20-5-431-38	-5540		-PR045			VEHICLES			
4	40543135	5550	PR045	CPO121	CPO121		Appr FY10 Law Enf Capital	9,500.00		
40	-20-5-431-35	-5550		-PR045			OTHER EQUIPMENT			
5	40543135	5540	PR045	CPO121	CPO121		Appr FY10 Law Enf Capital	25,600.00		
40	-20-5-431-35	-5540		-PR045			VEHICLES			
6	40543130	5550	PR045	CPO121	CPO121		Appr FY10 Law Enf Capital	208,276.00		
40	-20-5-431-00	-5550		-PR045			OTHER EQUIPMENT			
7	40543130	5540	PR045	CPO121	CPO121		Appr FY10 Law Enf Capital	514,957.00		
40	-20-5-431-00	-5540		-PR045			VEHICLES			
8	40443128	4010	PR045	CPO121	CPO121		Appr FY10 Law Enf Capital		1,115,895.00	
40	-20-4-431-28	-4010		-PR045			IFT FROM GENERAL FUND			
9	40543128	5580	PR045	CPO121	CPO121		Appr FY10 Law Enf Capital	247,200.00		
40	-20-5-431-28	-5580		-PR045			BUILDINGS AND IMPROVEMENTS			
10	40	393500		CPO121	CPO121				1,115,895.00	1
40	-393500-						BUDGET APPROPRIATIONS CONTROL			
11	40	393400		CPO121	CPO121			1,115,895.00		1
40	-393400-						BUDGET ESTIM REVENUE CONTROL			
** JOURNAL TOTAL					1,115,895.00		1,115,895.00			

General Capital Project Ordinance Fund - CPO to appropriate General Capital Reserve funds for Law Enforcement FY2010 regular capital outlay.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 846 BUA 07/30/2009 08/04/2009 LIT chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	61521110	5352	CC04	LIT07			LINE ITEM DEFICIT	3,683.00		
61	-90-5-211-10-5352			-CC04			MAINT & REPAIRS-EQUIPMENT			
2	61521110	5352		LIT07			LINE ITEM DEFICIT		3,683.00	
61	-90-5-211-10-5352			-			MAINT & REPAIRS-EQUIPMENT			
** JOURNAL TOTAL					0.00		0.00			

Water and Sewer Operating Fund - LIT to adjust budget accounts within the Sewer Collection West, Pump Stations program budget.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 847 BUA 07/29/2009 08/04/2009 LIT chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	61521110	5352	TP04	LIT08			LINE ITEM DEFICIT	2,045.00		
61	-90-5-211-10-5352			-TP04			MAINT & REPAIRS-EQUIPMENT			
2	61521110	5352		LIT08			LINE ITEM DEFICIT		2,045.00	
61	-90-5-211-10-5352			-			MAINT & REPAIRS-EQUIPMENT			
** JOURNAL TOTAL					0.00		0.00			

Water and Sewer Operating Fund - LIT to adjust budget accounts within the Sewer Collection West, Pump Stations program budget.

YEAR PER JOURNAL SRC EFF DATE ENT DATE JNL DESC CLERK ENTITY AUTO-REV STATUS BUD YEAR JNL TYPE
 2010 01 848 BUA 07/16/2009 08/04/2009 LIT chelms 1N J/E 2010

LN	ORG	OBJECT	PROJ	REF1	REF2	REF3	LINE DESCRIPTION	DEBIT	CREDIT	OB
1	64571400	5592	MW013	LIT06			LINE ITEM DEFICIT EASEMENT	267.00		
64	-90-5-714-00-5592			-MW013			CAPITAL LEGAL LAND EASEMENTS			
2	64571400	5592	MW001	LIT06			LINE ITEM DEFICIT EASEMENT		267.00	
64	-90-5-714-00-5592			-MW001			CAPITAL LEGAL LAND EASEMENTS			
** JOURNAL TOTAL					0.00		0.00			

Water & Sewer Capital Project Fund - LIT to allocate Miscellaneous Water Line Replacement contingency account funds for easement expenditures in the Smith Farm Road Water Line Extension project.

** GRAND TOTAL 5,280,000.00 5,280,000.00

16 Journals printed

** END OF REPORT - Generated by Dept413 **

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 08/11/09

Action Agenda Item No. 5/9

(Central Admin. use only)

SUBJECT: Justice Assistance Grant-Info Systems Expansion & Redundancy Program

DEPARTMENT: Union County Sheriff's Office **PUBLIC HEARING:** No

ATTACHMENT(S):
Copy of Grant Award Packet

INFORMATION CONTACT:
Captain Steve Simpson

TELEPHONE NUMBERS:

704-283-3578

704-400-4584

DEPARTMENT'S RECOMMENDED ACTION: Authorize the County Manager to approve and execute all relevant documentation for securing this grant.

BACKGROUND: On May 4th, 2009, the Board of County Commissioners authorized the County Manager to submit and execute grant application and authorized Captain Steve Simpson to act as grant administrator. The Union County Sheriff's Office made application for the FY 2009 Justice Assistance Grant (JAG) from the Bureau of Justice Assistance. The grant was approved and will provide \$183,495.00 to the Sheriff's Office to be used towards the purchase and implementation of Information Systems expansion and redundancy programs, software, and hardware. *Note* This grant does not require any matching funds from the County.

FINANCIAL IMPACT: No matching funds required. The JAG grant funds are appropriated in the FY2010 budget.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:



Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

July 23, 2009

Mr. Al Greene
Union County
500 N Main Street Room 925
Monroe, NC 28112-4730

Dear Mr. Greene:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation in the amount of \$183,495 for Union County.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Starr Small, Program Manager at (202) 514-9870; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Burch II".

James H. Burch II
Acting Director

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

July 23, 2009

Mr. Al Greene
Union County
500 N Main Street Room 925
Monroe, NC 28112-4730

Dear Mr. Greene:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

2) Submitting Findings of Discrimination

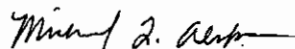
In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 10

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) Union County 500 N Main Street Room 925 Monroe, NC 28112-4730		4. AWARD NUMBER: 2009-SB-B9-0849	
		5. PROJECT PERIOD: FROM 03/01/2009 TO 02/28/2013 BUDGET PERIOD: FROM 03/01/2009 TO 02/28/2013	
		6. AWARD DATE 07/23/2009	7. ACTION
1A. GRANTEE IRS/VENDOR NO. 566003450		8. SUPPLEMENT NUMBER 00	Initial
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Information Systems Expansion and Redundancy Program		10. AMOUNT OF THIS AWARD \$ 183,495	
		11. TOTAL AWARD \$ 183,495	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY09 Recovery Act (BJA-Byrne JAG) Pub. L. No. 111-5, 42 USC 3750-3758			
15. METHOD OF PAYMENT PAPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL James H. Burch II Acting Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Al Greene County Manager	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT 9 B SB 80 00 00 183495		21. ISBUGT2215	



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 2 OF 10

PROJECT NUMBER 2009-SB-B9-0849

AWARD DATE 07/23/2009

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. **RECOVERY ACT – Conflict with Other Standard Terms and Conditions**
The recipient understands and agrees that all other terms and conditions contained in this award, or in applicable OJP grant policy statements or guidance, apply unless they conflict or are superseded by the terms and conditions included here that specifically implement the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (“ARRA” or “Recovery Act”) requirements. Recipients are responsible for contacting their grant managers for any needed clarifications.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 3 OF 10

PROJECT NUMBER 2009-SB-B9-0849

AWARD DATE 07/23/2009

SPECIAL CONDITIONS

7. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at [website], for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

8. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
9. The grantee agrees to comply with all reporting, data collection and evaluation requirements, as prescribed by law and detailed by the BJA in program guidance for the Justice Assistance Grant (JAG) Program. Compliance with these requirements will be monitored by BJA.
10. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(e)-(d). Recipient may not satisfy such a fine with federal funds.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET**
Grant

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PROJECT NUMBER 2009-SB-B9-0849

AWARD DATE 07/23/2009

SPECIAL CONDITIONS

11. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/oer/equal_fbo.htm.
12. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
13. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
14. **RECOVERY ACT - JAG - Trust Fund**
The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of either the Edward Byrne Memorial Justice Assistance Grant Program (JAG) or Recovery JAG Program. The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Financial Status Report (SF-269).
15. **RECOVERY ACT – Access to Records; Interviews**
The recipient understands and agrees that DOJ (including OJP and the Office of the Inspector General (OIG)), and its representatives, and the Government Accountability Office (GAO), shall have access to and the right to examine all records (including, but not limited to, books, papers, and documents) related to this Recovery Act award, including such records of any subrecipient, contractor, or subcontractor.

The recipient also understands and agrees that DOJ and the GAO are authorized to interview any officer or employee of the recipient (or of any subrecipient, contractor, or subcontractor) regarding transactions related to this Recovery Act award.
16. **RECOVERY ACT – One-time funding**
The recipient understands and agrees that awards under the Recovery Act will be one-time awards and accordingly that its proposed project activities and deliverables are to be accomplished without additional DOJ funding.



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PROJECT NUMBER 2009-SB-B9-0849

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SPECIAL CONDITIONS

17. **RECOVERY ACT – Separate Tracking and Reporting of Recovery Act Funds and Outcomes**

The recipient agrees to track, account for, and report on all funds from this Recovery Act award (including specific outcomes and benefits attributable to Recovery Act funds) separately from all other funds, including DOJ award funds from non-Recovery Act awards awarded for the same or similar purposes or programs. (Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate.)

Accordingly, the accounting systems of the recipient and all subrecipients must ensure that funds from this Recovery Act award are not commingled with funds from any other source.

The recipient further agrees that all personnel (including subrecipient personnel) whose activities are to be charged to the award will maintain timesheets to document hours worked for activities related to this award and non-award-related activities.

18. **RECOVERY ACT – Subawards – Monitoring**

The recipient agrees to monitor subawards under this Recovery Act award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

19. **RECOVERY ACT – Subawards – DUNS and CCR for Reporting**

The recipient agrees to work with its first-tier subrecipients (if any) to ensure that, no later than the due date of the recipient's first quarterly report after a subaward is made, the subrecipient has a valid DUNS profile and has an active registration with the Central Contractor Registration (CCR) database.

20. **RECOVERY ACT - Quarterly Financial Reports**

The recipient agrees to submit quarterly financial status reports to OJP. At present, these reports are to be submitted on-line (at <https://grants.ojp.usdoj.gov>) using Standard Form SF 269A, not later than 45 days after the end of each calendar quarter. The recipient understands that after October 15, 2009, OJP will discontinue its use of the SF 269A, and will require award recipients to submit quarterly financial status reports within 30 days after the end of each calendar quarter, using the government-wide Standard Form 425 Federal Financial Report form (available for viewing at www.whitehouse.gov/omb/grants/standard_forms/ffr.pdf). Beginning with the report for the fourth calendar quarter of 2009 (and continuing thereafter), the recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form, not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the grant period.



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PROJECT NUMBER 2009-SB-B9-0849

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SPECIAL CONDITIONS

21. RECOVERY ACT – Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

(a) The recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds, to maximize the transparency and accountability of funds authorized under the Recovery Act as required by the Act and in accordance with 2 CFR 215.21, “Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations” and OMB A-102 Common Rules provisions (relating to Grants and Cooperative Agreements with State and Local Governments).

(b) The recipient agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This condition only applies if the recipient is covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations.” This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix “ARRA-” in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) The recipient agrees to separately identify to each subrecipient the Federal award number, CFDA number, and amount of Recovery Act funds, and to document this identification both at the time of subaward and at the time of disbursement of funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) The recipient agrees to require its subrecipients to specifically identify Recovery Act funding on their SEFA information, similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of Recovery Act funds as well as facilitate oversight by the Federal awarding agencies, the DOJ OIG, and the GAO.

22. RECOVERY ACT – Reporting and Registration Requirements under Section 1512 of the Recovery Act.

(a) This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov and ensure that any information that is pre-filled is corrected or updated as needed.



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PROJECT NUMBER 2009-SB-B9-0849

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SPECIAL CONDITIONS

23. RECOVERY ACT – Provisions of Section 1512(c)

The recipient understands that section 1512(c) of the Recovery Act provides as follows:

Recipient Reports- Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains--

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--
 - (A) the name of the project or activity;
 - (B) a description of the project or activity;
 - (C) an evaluation of the completion status of the project or activity;
 - (D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - (E) for infrastructure investments made by state and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

24. RECOVERY ACT – Protecting State and Local Government and Contractor Whistleblowers (Recovery Act, section 1553)

The recipient recognizes that the Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross management, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act. The text of Recovery Act is available at www.ojp.usdoj.gov/recovery.

25. RECOVERY ACT – Limit on Funds (Recovery Act, section 1604)

The recipient agrees that none of the funds under this award may be used by any State or local government, or any private entity, for construction costs or any other support of any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

26. RECOVERY ACT – Infrastructure Investment (Recovery Act, sections 1511 and 1602)

The recipient agrees that it may not use any funds made available under this Recovery Act award for infrastructure investment absent submission of a satisfactory certification under section 1511 of the Recovery Act. Should the recipient decide to use funds for infrastructure investment subsequent to award, the recipient must submit appropriate certifications under section 1511 of the Recovery Act and receive prior approval from OJP. In seeking such approval, the recipient shall give preference to activities that can be started and completed expeditiously, and shall use award funds in a manner that maximizes job creation and economic benefits. The text of the Recovery Act (including sections 1511 and 1602) is available at www.ojp.usdoj.gov/recovery.



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PROJECT NUMBER 2009-SB-B9-0849

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SPECIAL CONDITIONS

27. RECOVERY ACT – Buy American Notification (Recovery Act, section 1605)

The recipient understands that this award is subject to the provisions of section 1605 of the Recovery Act (“Buy American”). No award funds may be used for iron, steel, or manufactured goods for a project for the construction, alteration, maintenance, or repair of a public building or public work, unless the recipient provides advance written notification to the OJP program office, and a Grant Adjustment Notice is issued that modifies this special condition to add government-wide standard conditions (anticipated to be published in subpart B of 2 C.F.R. part 176) that further implement the specific requirements or exceptions of section 1605.

Section 1605 of the Recovery Act prohibits use of any Recovery Act funds for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, subject to certain exceptions, including United States obligations under international agreements.

For purposes of this special condition, the following definitions apply:

“Public building” and “public work” means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

“Manufactured good” means a good brought to the construction site for incorporation into the building or work that has been--

- (1) Processed into a specific form and shape; or
- (2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

“Steel” means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

For purposes of OJP grants, projects involving construction, alteration, maintenance, or repair of jails, detention facilities, prisons, public crime victims’ shelters, police facilities, or other similar projects will likely trigger this provision.

NOTE: The recipient is encouraged to contact the OJP program manager – in advance – with any questions concerning this condition, including its applicability to particular circumstances.



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**AWARD CONTINUATION
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PROJECT NUMBER 2009-SB-B9-0849

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SPECIAL CONDITIONS

28. **RECOVERY ACT – Wage Rate Requirements under Section 1606 of the Recovery Act**
(a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.
- Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. The standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are to be incorporated in any covered contracts made under this award that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).
- (b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.
29. **RECOVERY ACT – NEPA and Related Laws**
The recipient understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The recipient agrees to assist OJP in carrying out its responsibilities under NEPA and related laws, if the recipient plans to use Recovery Act funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The recipient also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.
30. **RECOVERY ACT – Misuse of award funds**
The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.
31. **RECOVERY ACT – Additional Requirements and Guidance**
The recipient agrees to comply with any modifications or additional requirements that may be imposed by law and future OJP (including government-wide) guidance and clarifications of Recovery Act requirements.
32. **RECOVERY ACT - JAG - Delinquent section 1512(c) reports**
The recipient acknowledges that it has certified that it will comply with all reporting requirements under section 1512(c) of the Recovery Act. (An online reporting mechanism is anticipated to be available for award recipient use by October 10, 2009.) Further to this certification, a failure to comply with the section 1512(c) reporting requirements may, in addition to other penalties, subject the recipient to the following:
(1) After failure to report section 1512(e) data for two consecutive reporting periods, the recipient may be— (a) precluded from drawing down funds under any OJP award, and/or (b) deemed ineligible for future discretionary OJP awards, until such time as the recipient becomes current in its section 1512(c) reporting obligations; and
(2) After failure to report section 1512(c) data for three consecutive reporting periods, the recipient, upon written demand of the Director of BJA, shall return to OJP any unexpended award funds (including any unexpended interest earned on award funds) within 15 calendar days of the date of the demand notice. Thereafter, the recipient's award shall be converted to a cost-reimbursable grant until such time as the recipient becomes current in its section 1512(c) reporting obligations, and remains current for not less than two additional consecutive reporting periods.



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**AWARD CONTINUATION
SHEET
Grant**

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PROJECT NUMBER 2009-SB-B9-0849

AWARD DATE 07/23/2009

SPECIAL CONDITIONS

33. **RECOVERY ACT - Active CCR Registration**
The recipient agrees expeditiously to obtain active registration with the Central Contractor Registration (CCR) database, and to notify the program office in writing of its registration. Following satisfaction of this requirement, a Grant Adjustment Notice will be issued to remove this special condition.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Maria A. Berry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for Union County

The Recovery Act emphasizes the importance of compliance with the National Environmental Policy Act (NEPA) in the use of public funds. The Recovery Act - Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements,

please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice
Office of Justice Programs
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**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER
2009-SB-B9-0849

PAGE 1 OF 1

This project is supported under FY09 Recovery Act (BJA-Byrne JAG) Pub. L. No. 111-5, 42 USC 3750-3758

1. STAFF CONTACT (Name & telephone number)

Starr Small
(202) 514-9870

2. PROJECT DIRECTOR (Name, address & telephone number)

Steven Simpson
Captain, Executive Officer
3344 Presson Road
Monroe, NC 28112-9140
(704) 283-3578

3a. TITLE OF THE PROGRAM

BJA FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program Local Solicitation

3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)

4. TITLE OF PROJECT

Information Systems Expansion and Redundancy Program

5. NAME & ADDRESS OF GRANTEE

Union County
500 N Main Street Room 925
Monroe, NC 28112-4730

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 03/01/2009 TO: 02/28/2013

8. BUDGET PERIOD

FROM: 03/01/2009 TO: 02/28/2013

9. AMOUNT OF AWARD

\$ 183,495

10. DATE OF AWARD

07/23/2009

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

This grant program is authorized by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (the "Recovery Act") and by 42 U.S.C. 3751(a). The stated purposes of the Recovery Act are: to preserve and create jobs and promote economic recovery; to assist those most impacted by the recession; to provide investments needed to increase economic efficiency by spurring technological advances in science and health; to invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and to stabilize state and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases. The Recovery Act places great emphasis on accountability and transparency in the use of taxpayer dollars.

Among other things, it creates a new Recovery Accountability and Transparency Board and a new website – Recovery.gov – to provide information to the public, including access to detailed information on grants and contracts made with Recovery Act funds.

The Justice Assistance Grant (JAG) Program funded under the Recovery Act is the primary provider of federal criminal justice funding to state and local jurisdictions. Recovery JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. Recovery JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

Union County will use Recovery Act JAG funds to expand information systems capabilities and develop data redundancy for the Union County Sheriff's Office. Funds will be used to purchase various servers, storage space, backup software, operating systems, and records management software.

NCA/NCF



UNION COUNTY
Office of the Tax Administrator
500 N. Main Street, Suite 236
P.O. Box 97
Monroe, NC 28111-0097

704-283-3746
704-292-2588 Fax

John C. Petoskey
Tax Administrator

AGENDA ITEM
5110a
MEETING DATE 8/11/09

MEMORANDUM

TO: Lynn West
Central Administration

FROM: John C. Petoskey
Tax Administrator

DATE: July, 31, 2009

RE: **Second** Motor Vehicle Billing

I hereby certify the **Second** Motor Vehicle Billing Motor Vehicle Valuation under the staggered program as required by N.C.G.S.105-330. Attached hereto is a list of the values, rates and taxes for each taxing unit.

JCP: jw

Motor Vehicle Billing Summary for the period 07/01/2009 to 07/31/2009

NOTE: Information for this report is taken from original billing records only and DOES NOT include any subsequent changes or adjustments to vehicle situs or value.

---Bdg No---	-----Description-----	--Key--	Bill Year	Rate Year	-----Total Count	-----Value-----	-----Tax---
10	County.....	CN999999	2009	2005	1	44,430	248.81
10	County.....	CN999999	2009	2006	4	361,524	2,301.82
10	County.....	CN999999	2009	2007	47	1,042,472	7,882.77
10	County.....	CN999999	2009	2008	15,001	138,346,275	919,687.53
	Totals.....				15,053	139,794,701	930,120.93
77	School dist - County.....	SC999	2009	2005	1	44,430	31.10
	Totals.....				1	44,430	31.10
32	Fire Dist - Springs.....	FR015	2009	2007	1	2,540	1.58
32	Fire Dist - Springs.....	FR015	2009	2008	803	6,868,516	2,101.81
39	Fire Dist - Stallings.....	FR020	2009	2005	1	44,430	17.33
39	Fire Dist - Stallings.....	FR020	2009	2006	4	361,524	160.52
39	Fire Dist - Stallings.....	FR020	2009	2007	8	373,993	97.98
39	Fire Dist - Stallings.....	FR020	2009	2008	1,472	14,020,769	5,687.02
38	Fire dist - Hemby Bridge..	FR023	2009	2007	3	48,550	25.24
38	Fire dist - Hemby Bridge..	FR023	2009	2008	1,624	15,341,953	7,560.38
37	Fire dist - Wesley Chapel:	FR026	2009	2007	9	229,600	41.03
37	Fire dist - Wesley Chapel:	FR026	2009	2008	1,998	26,303,798	5,023.87
34	Fire Dist - Waxhaw.....	FR028	2009	2007	7	66,845	34.30
34	Fire Dist - Waxhaw.....	FR028	2009	2008	998	9,422,478	2,336.76
	Totals.....				6,928	73,084,996	23,087.82
78	220125 Taxes Payable - Marvin.....	MN01000	2009	2007	2	31,120	23.63
78	220125 Taxes Payable - Marvin.....	MN01000	2009	2008	251	3,364,800	1,682.96
78	220130 Taxes Payable - Monroe.....	MN02000	2009	2007	5	144,230	876.25
78	220130 Taxes Payable - Monroe.....	MN02000	2009	2008	2,383	18,384,241	102,347.60
78	220170 Taxes Payable - Wingate.....	MN03000	2009	2008	170	1,185,544	4,623.64
78	220120 Taxes Payable - Marshville...	MN04000	2009	2007	1	14,690	55.82
78	220120 Taxes Payable - Marshville...	MN04000	2009	2008	170	1,071,723	4,072.52
78	220150 Taxes Payable - Waxhaw.....	MN05000	2009	2007	5	61,840	210.25
78	220150 Taxes Payable - Waxhaw.....	MN05000	2009	2008	542	5,835,162	19,839.38
78	220110 Taxes Payable - Indian Trail..	MN06000	2009	2007	6	58,730	109.66
78	220110 Taxes Payable - Indian Trail..	MN06000	2009	2008	2,171	21,401,076	31,002.98
78	220140 Taxes Payable - Stallings.....	MN07000	2009	2005	1	44,430	111.08
78	220140 Taxes Payable - Stallings.....	MN07000	2009	2006	4	361,524	903.82
78	220140 Taxes Payable - Stallings.....	MN07000	2009	2007	6	354,333	885.85
78	220140 Taxes Payable - Stallings.....	MN07000	2009	2008	910	9,240,435	20,236.56
78	220160 Taxes Payable - Weddington...	MN08000	2009	2007	4	69,364	21.97
78	220160 Taxes Payable - Weddington...	MN08000	2009	2008	580	6,991,225	2,097.57

Motor Vehicle Billing Summary for the period 07/01/2009 to 07/31/2009

NOTE: Information for this report is taken from original billing records only
and DOES NOT include any subsequent changes or adjustments to vehicle
situation or value.

---Bdg No---	-----Description-----	--Key--	Bill Year	Rate Year	Count	-----Total----- ---Value---	-----Tax-----
78 220115	Taxes Payable - Lake Park....	MN09000	2009	2008	216	2,110,538	4,432.27
78 220175	Taxes Payable - Fairview.....	MN09300	2009	2007	1	15,110	3.02
78 220175	Taxes Payable - Fairview.....	MN09300	2009	2008	194	1,945,985	389.24
78 220145	Taxes Payable - Hemby Bridge..	MN09500	2009	2008	68	506,890	127.74
78 220165	Taxes Payable - Wesley Chapel:	MN09700	2009	2007	2	73,140	14.63
78 220165	Taxes Payable - Wesley Chapel:	MN09700	2009	2008	413	4,477,635	738.81
78 220135	Taxes Payable - Unionville...	MN09800	2009	2008	387	3,304,922	658.82
78 220155	Taxes Payable - Mnrl Sprngs..	MN09900	2009	2007	2	22,380	6.74
78 220155	Taxes Payable - Mnrl Sprngs..	MN09900	2009	2008	164	1,480,188	370.29
Totals.....					8,658	82,551,255	195,843.10
Grand Totals.....							1,149,082.95

--- M O T O R V E H I C L E S Y S T E M ---

- Motor Vehicle Special Charge Summary -
For the period: 07/01/2009 to 07/31/2009

Mn Cd	-----Text-----	Count	-----Value---	---Spc Tax---
02000	Monroe Vehicle Tax \$5.00	2,332	18,816,946	11,660.00

- - - E N D - - -



AGENDA ITEM
5/106
MEETING DATE 8/11/09

UNION COUNTY
Office of the Tax Administrator
500 N. Main Street Suite 236
P.O. Box 97
Monroe, NC 28111-0097

704-283-3616 Fax

John C. Petoskey
Tax Administrator

MEMORANDUM

TO: The Board of County Commissioners

FROM: John C. Petoskey
Tax Administrator

DATE: July 31, 2009

RE: **First Motor Vehicle Release Register**

I hereby certify the following releases were made during the period of **07/01/2009** – **07/31/2009**. The releases represent both monthly and annual vehicle values and taxes. Should you have any questions, please call.

JCP:jw

(Finance)

Assessor Release Register for the period 07/01/2009 to 07/31/2009

(Summary)

---Bdg No---	-----Description-----	--Key--	Bill Year	Rate Year	-----Value-----	Total Tax	-----Int-----
10	County.....	CN999999	2004	2004	0	9.90	.00
10	County.....	CN999999	2006	2005	0	.00	.00
10	County.....	CN999999	2007	2006	25,506	185.04-	28.98-
10	County.....	CN999999	2007	2007	20,000	149.11-	24.01
10	County.....	CN999999	2008	2007	48,980	261.65-	20.86-
10	County.....	CN999999	2008	2008	349,295	2,402.04-	87.61
10	County.....	CN999999	2009	2008	568,133	3,904.43-	.00
Net Totals.....					1,011,914	6,892.37-	161.46-
76	School dist - Monroe.....	SC100	2006	2005	10,640	7.45-	2.07-
77	School dist - County.....	SC999	2004	2004	0	1.32	.00
77	School dist - County.....	SC999	2006	2005	10,640	7.45	2.07
Net Totals.....					0	1.32	.00
32	Fire Dist - Springs.....	FR015	2008	2007	20,000	6.24-	.52-
32	Fire Dist - Springs.....	FR015	2008	2008	18,790	9.40-	.41-
32	Fire Dist - Springs.....	FR015	2009	2008	67,102	20.53-	.00
39	Fire Dist - Stallings....	FR020	2009	2008	88,008	35.73-	.00
38	Fire dist - Hemby Bridge..	FR023	2007	2006	0	.69-	.21-
38	Fire dist - Hemby Bridge..	FR023	2008	2008	18,870	9.30-	.26
38	Fire dist - Hemby Bridge..	FR023	2009	2008	46,497	32.28-	.00
37	Fire dist - Wesley Chapel:	FR026	2008	2008	2,930	.56-	.01
37	Fire dist - Wesley Chapel:	FR026	2009	2008	45,089	8.61-	.00
34	Fire Dist - Waxhaw.....	FR028	2007	2007	20,000	10.26-	1.73-
34	Fire Dist - Waxhaw.....	FR028	2008	2008	7,380	1.83-	.05-
34	Fire Dist - Waxhaw.....	FR028	2009	2008	16,007	3.97-	.00
Net Totals.....					350,673	139.40-	3.19-
78	220125 Taxes Payable - Marvin.....	MN01000	2009	2008	3,382	1.69-	.00
78	220130 Taxes Payable - Monroe.....	MN02000	2004	2004	3,710	11.59	.00
78	220130 Taxes Payable - Monroe.....	MN02000	2006	2005	10,640	52.14-	13.52-
78	220130 Taxes Payable - Monroe.....	MN02000	2007	2006	7,730	45.97-	6.02-
78	220130 Taxes Payable - Monroe.....	MN02000	2007	2007	0	8.25-	1.14-
78	220130 Taxes Payable - Monroe.....	MN02000	2008	2007	14,620	18.40-	1.35-
78	220130 Taxes Payable - Monroe.....	MN02000	2008	2008	203,624	1,043.93-	30.82-
78	220130 Taxes Payable - Monroe.....	MN02000	2009	2008	199,580	1,067.92-	.00
78	220170 Taxes Payable - Wingate.....	MN03000	2009	2008	2,472	9.64	.00
78	220120 Taxes Payable - Marshville...	MN04000	2007	2006	0	7.86-	.98-
78	220120 Taxes Payable - Marshville...	MN04000	2009	2008	49,801	189.24	.00
78	220150 Taxes Payable - Waxhaw.....	MN05000	2009	2008	16,808	57.15-	.00
78	220110 Taxes Payable - Indian Trail..	MN06000	2007	2006	0	1.49-	.22-

Assessor Release Register for the period 07/01/2009 to 07/31/2009

(Summary)

78	220110	Taxes Payable - Indian Trail.:	MN06000	2008	2008	16,547	23.99-	1.38-
78	220110	Taxes Payable - Indian Trail.:	MN06000	2009	2008	57,041	110.27-	.00
78	220140	Taxes Payable - Stallings....:	MN07000	2008	2008	18,870	41.33	1.14
78	220140	Taxes Payable - Stallings....:	MN07000	2009	2008	69,493	152.17-	.00
78	220160	Taxes Payable - Weddington...:	MN08000	2009	2008	9,595	2.87-	.00
78	220115	Taxes Payable - Lake Park....:	MN09000	2009	2008	2,633	5.53-	.00
78	220175	Taxes Payable - Fairview.....:	MN09300	2009	2008	2,750	.56	.00
78	220165	Taxes Payable - Wesley Chapel:	MN09700	2009	2008	23,438	3.86-	.00
78	220135	Taxes Payable - Unionville...:	MN09800	2009	2008	17,740	3.54-	.00
78	220155	Taxes Payable - Mnrl Sprngs...:	MN09900	2008	2008	0	2.99-	.18
Net Totals.....:						717,554	2,838.08-	56.75-
84	220000	NC State Interest.....:	NC00000	2006	2005	0	.00	1.57-
84	220000	NC State Interest.....:	NC00000	2007	2006	0	.00	7.25
84	220000	NC State Interest.....:	NC00000	2007	2007	0	.00	5.03-
84	220000	NC State Interest.....:	NC00000	2008	2007	0	.00	8.59-
84	220000	NC State Interest.....:	NC00000	2008	2008	0	.00	105.22-
Net Totals.....:						0	.00	127.66-
Net Grand Totals.....:							9,868.53-	349.06



AGENDA ITEM

5/10c

UNION COUNTY MEETING DATE 8/11/09

Office of the Tax Administrator

500 N. Main Street, Suite 236

P.O. Box 97

Monroe, NC 28111-0097

704-283-3746

704-283-3616 Fax

*John C. Petoskey
Tax Administrator*

MEMORANDUM

TO: Lynn West
Central Administration

FROM: John C. Petoskey
Tax Administrator

DATE: July 31, 2009

RE: Motor Vehicle **First** Refund Register

I hereby certify the following refund that were made during the period of **07/01/2009 – 07/31/2009**. The refund represent both monthly and annual vehicle values and taxes. Should you have any questions, please call.

JCP:jw

(Finance)

Assessor Refund Register for the period 07/01/2009 to 07/31/2009

(Summary)

---Bdg No---	-----Description-----	--Key--	Bill Rate		-----Total-----		
			Year	Year	Value--	---Tax---	---Int---
10	County.....	CN99999	2007	2007	10,500	111.66-	.22-
10	County.....	CN99999	2008	2007	15,660	160.75	3.32-
10	County.....	CN99999	2008	2008	6,600	43.89-	.00
10	County.....	CN99999	2009	2008	15,925	104.97-	.00
Net Totals.....					48,685	421.27-	3.54-
Net Totals.....					0	.00	.00
32	Fire Dist - Springs.....	FR015	2008	2008	6,600	2.02-	.00
39	Fire Dist Stallings.....	FR020	2009	2008	11,590	4.70-	.00
38	Fire dist - Hemby Bridge..	FR023	2009	2008	2,095	1.03	.00
37	Fire dist - Wesley Chapel:	FR026	2008	2007	15,660	2.62-	.07-
34	Fire Dist Waxhaw.....	FR028	2008	2007	3,420-	1.48-	.00
Net Totals.....					32,525	11.85-	.07-
78	220130 Taxes Payable - Monroe.....	MN02000	2007	2007	0	23.25-	.22-
78	220130 Taxes Payable - Monroe.....	MN02000	2008	2007	3,420	.00	.00
78	220130 Taxes Payable Monroe.....	MN02000	2009	2008	2,240	12.01-	.00
78	220110 Taxes Payable - Indian Trail..	MN06000	2009	2008	12,365	17.93-	.00
78	220140 Taxes Payable Stallings.....	MN07000	2009	2008	1,320	2.89-	.00
78	220160 Taxes Payable - Weddington...	MN08000	2008	2007	0	1.21-	.00
Net Totals.....					19,345	57.29-	.22-
84	220000_____ NC State Interest.....	NC00000	2007	2007	0	.00	.00
84	220000_____ NC State Interest.....	NC00000	2008	2007	0	.00	3.42
Net Totals.....					0	.00	3.42-
Net Grand Totals.....						490.41-	7.25-

(Finance) Assessor Refund Register for the period 07/01/2009 to 07/31/2009

---Bil No---	---Name-----	- Rls No--	Tr	---Date---	Typ	-Fld--	Vlu--	---Cn--	---Sc--	---Fr--	---Mn--	---NC--	---Tl--
2008-V161312	VAULTRUST /	M/V0058071											
08000	OVLP 9V014561/1 MO. 070109 JW		03	07/01/2009	CHG TX		48600	57.59-	.00	.00	2.43-	.00	60.02-
08000	OVLP 9V014561/1 MO. 070109 JW		04	07/01/2009	PMT TX			57.59	.00	.00	2.43	.00	60.02
08000	OVLP 9V014561/1 MO. 070109 JW		05	07/01/2009	CHG TX		48600	28.79	.00	.00	1.21	.00	30.00
08000	Reapply pmt of Tax		06	07/01/2009	PMT TX			57.60-	.00	.00	2.42	.00	60.02-
					Net:		0	28.81-	.00	.00	1.21-	.00	30.02-
2007-V156458	MOORE / JAMES REGINALD	M/V0058152											
00000	PER TXPYR/ IN PERSON 071009 JW		20	07/10/2009	CHG TX		18000	128.00-	.00	.00	.00	.00	128.00-
00000	PER TXPYR/ IN PERSON 071009 JW		21	07/10/2009	CHG IN			14.69-	.00	.00	.00	3.84-	18.53-
00000	PER TXPYR/ IN PERSON 071009 JW		22	07/10/2009	PMT TX			128.00	.00	.00	.00	.00	128.00
00000	PER TXPYR/ IN PERSON 071009 JW		23	07/10/2009	PMT IN			14.69	.00	.00	.00	3.84	18.53
00000	PER TXPYR/ IN PERSON 071009 JW		24	07/10/2009	CHG TX		7500	53.33	.00	.00	.00	.00	53.33
00000	Corrected Int (14 mnths)		25	07/10/2009	CHG IN			6.27	.00	.00	.00	1.60	7.87
00000	Reapply pmt of Int		26	07/10/2009	PMT IN			6.27-	.00	.00	.00	1.60-	7.87-
00000	Reapply pmt of Tax		27	07/10/2009	PMT TX			138.66-	.00	.00	.00	.00	138.66-
					Net:		10500	85.33-	.00	.00	.00	.00	85.33-
2009-V008780	MCGEE / JANICE LEE	M/V0058218											
06000	KBB VALUE 7-15-09 ST		03	07/15/2009	CHG TX		10320	68.63-	.00	5.09-	14.96-	.00	88.68-
06000	KBB VALUE 7-15-09 ST		04	07/15/2009	PMT TX			68.63	.00	5.09	14.96	.00	88.68
06000	KBB VALUE 7-15 09 ST		05	07/15/2009	CHG TX		8225	54.70	.00	4.05	11.93	.00	70.68
06000	Reapply pmt of Tax		06	07/15/2009	PMT TX			68.63	.00	5.08-	14.97-	.00	88.68-
					Net:		2095-	13.93	.00	1.03-	3.04	.00	18.00-
2008-V083844	GILLESPIE / RICHARD RAMA	M/V0058240											
00000	CHANGE OF CO/MECK 071609 JW		11	07/16/2009	CHG TX		15660	111.36	.00	2.62-	.00	.00	113.98-
00000	CHANGE OF CO/MECK 071609 JW		12	07/16/2009	CHG IN			3.32-	.00	.07-	.00	3.42	6.81-
					Net:		15660-	114.68-	.00	2.69-	.00	3.42-	120.79-
2008-V096310	CALLAHAN / TIMOTHY SHAWN	M/V0058253											
00000	INACTIVE 081408<1M 071609 JW		03	07/16/2009	CHG TX		6600	43.89-	.00	2.02-	.00	.00	45.91-
					Net:		6600-	43.89	.00	2.02-	.00	3.42-	45.91-
2009-V010164	OLIVIERI / MICHELE	M/V0058255											
02000	PER TXPYR/ KBB 071609 JW		03	07/16/2009	CHG TX		8740	58.12-	.00	.00	48.26-	.00	106.38-
02000	PER TXPYR/ KBB 071609 JW		04	07/16/2009	PMT TX			58.12	.00	.00	48.26	.00	106.38
02000	PER TXPYR/ KBB 071609 JW		05	07/16/2009	CHG TX		6500	43.23	.00	.00	37.18	.00	80.41
02000	Reapply pmt of Tax		06	07/16/2009	PMT TX			57.19-	.00	.00	49.19-	.00	106.38-
					Net:		2240-	13.96-	.00	.00	12.01	3.42-	25.97-
2008-V028356	SHAGBARK SIMMENTAL /	M/V0058279											
02000	CORRECT TAX 5,918 071709 JW		03	07/17/2009	CHG TX		3420	24.32-	.00	.00	23.81-	.00	48.13-
02000	CORRECT TAX 5,918 071709 JW		04	07/17/2009	PMT TX			24.32	.00	.00	23.81	.00	48.13
00000	CORRECT TAX 5,918 071709 JW		05	07/17/2009	CHG TX		3420	24.32	.00	1.75	.00	.00	26.07
00000	Reapply pmt of Tax		06	07/17/2009	PMT TX			44.90-	.00	3.23-	.00	.00	48.13-
					Net:		0	20.58-	.00	1.48	.00	3.42-	22.06-
2009-V010591	PENSKE TRUCK LEASING /	M/V0058418											
06000	PER TXPYR/ON TIME/MAIL072709JW		03	07/27/2009	CHG TX		37220	247.51-	.00	15.11-	53.97-	.00	316.59-
06000	PER TXPYR/ON TIME/MAIL072709JW		04	07/27/2009	PMT TX			247.51	.00	15.11	53.97	.00	316.59

(Finance) Assessor Refund Register for the period 07/01/2009 to 07/31/2009

---Bil No---	-----Name-----	--Rls No--	Tr	--Date--	Typ	-Fld--	--Vlu--	---Cn--	---Sc	---Fr--	---Mn--	---NC--	---Tl--
06000	PER TXPYR/ON TIME/MAIL072709JW	05		07/27/2009	CHG TX		26950	179.22	.00	10.94	39.08	.00	229.24
06000	Reapply pmt of Tax	06		07/27/2009	PMT TX			247.51-	.00	15.11-	53.97-	.00	316.59-
							Net:	10270-	.00	4.17-	14.89-	3.42-	87.35-
2009-V002366	CLARK / JASON BILL			M/V0058430									
07000	PER TXPYR/COND 5 ADJ 072709 JW	03		07/27/2009	CHG TX		3300-	21.95-	.00	1.34-	7.23-	.00	30.52-
07000	PER TXPYR/COND 5 ADJ 072709 JW	04		07/27/2009	PMT TX			21.95-	.00	1.34-	7.23-	.00	30.52-
07000	PER TXPYR/COND 5 ADJ 072709 JW	05		07/27/2009	CHG TX		1980	13.17	.00	.80	4.34	.00	18.31
07000	Reapply pmt of Tax	06		07/27/2009	PMT TX			21.96-	.00	1.33-	7.23-	.00	30.52-
							Net:	1320-	.00	.53-	2.89-	3.42-	12.21-
2007-V175551	WHITE / DENA SUZANNE			M/V0058471									
02000	PLT OVLP08V093906/5M.072909 JW	18		07/29/2009	CHG TX		6440-	45.79-	.00	.00	40.42-	.00	86.21-
02000	PLT OVLP08V093906/5M.072909 JW	19		07/29/2009	CHG IN			1.48-	.00	.00	1.33-	2.59-	5.40-
02000	PLT OVLP08V093906/5M.072909 JW	20		07/29/2009	PMT TX			43.50	.00	.00	38.39	.00	81.89
02000	PLT OVLP08V093906/5M.072909 JW	21		07/29/2009	PMT IN			1.09	.00	.00	.97	2.26	4.32
02000	PLT OVLP08V093906/5M.072909 JW	22		07/29/2009	ADJ IN			.17	.00	.00	.14	.33	.64
02000	PLT OVLP08V093906/5M.072909 JW	23		07/29/2009	CHG TX		6440	19.07	.00	.00	16.84	.00	35.91
02000	Corrected Int (13 mnths)	24		07/29/2009	CHG IN			2.06	.00	.00	1.90	1.08	5.04
02000	Reapply pmt of Int	25		07/29/2009	PMT IN			2.06-	.00	.00	1.90-	1.08-	5.04-
02000	Reapply pmt of Tax	26		07/29/2009	PMT TX			43.11-	.00	.00	38.06-	.00	81.17-
							Net:	0	.00	.00	23.47-	3.42-	50.02-
							Net Grand Totals:	48,685	.00	11.92-	57.51-	3.42	497.66-

--- E N D ---

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date:

Action Agenda Item No. 511
(Central Admin. use only)

SUBJECT: Resolution to transfer county property(VRM's)

DEPARTMENT: Union County Sheriff's Office **PUBLIC HEARING:** No

ATTACHMENT(S):
County Resolution

INFORMATION CONTACT:
Capt. Steve Simpson

TELEPHONE NUMBERS:
704-283-3578
704-400-4584

DEPARTMENT'S RECOMMENDED ACTION: Approve resolution to transfer Vehicle Radio Modems (VRM's) previously used by the Sheriff's Office to the North Carolina State Highway Patrol, Troop H in Monroe, NC.

BACKGROUND: Prior to switching to the OSSI records management program the Sheriff's Office used an AS400 (green screen) platform to transfer mobile data using VRM's. Our current OSSI runs on a Windows platform requiring the transfer of much larger data packets thus requiring the use of mobile air cards. The NC State Highway Patrol still utilizes the AS400 platform and has a need for the VRM's. Purchasing Director Barry Wyatt agrees that because of the age and specific use required of this equipment that it would be more beneficial to transfer this equipment to the NC State Highway Patrol for their use.

FINANCIAL IMPACT: None. Many of these units are several years old, all are out of warranty and have a very limited value.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: