

March 10, 2008

The Union County Board of Commissioners met in a regular meeting on Monday, March 10, 2008, at 7:00 p.m. in the Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

PRESENT: Chairman Allan Baucom, Vice Chairman Kevin Pressley, Commissioner Roger Lane, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

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

OPENING OF MEETING:

Invocation:

The Chairman called the meeting to order and welcomed the Rev. Richard D. Tuttle, Pastor of Austin Grove Baptist Church. The Reverend Tuttle presented the invocation. At its conclusion, the Chairman presented him with a Certificate of Appreciation, an engraved writing pen, and a county lapel pin.

Pledge of Allegiance:

Members of Cub Scout Pack #53 from Waxhaw led the Commissioners and audience in reciting the Pledge of Allegiance to the American Flag. The Chairman presented each Cub Scout with individual recognition.

Recognition of New Staff:

The Chairman recognized the new Director of Social Services, Donte Latson, who replaced Roy Young, who recently retired.

INFORMAL COMMENTS:

The Chairman explained the Rules of Procedures for the conduct of the informal comments. He then recognized the first speaker who had registered.

Mrs. Elizabeth Long, 117 Hwy. 218 W, Monroe, came forward to address the Monroe Natural Gas Pipeline as Mayor Pro-Tem for the Town of Fairview. She stated that in 2004 the Board of County Commissioners adopted a resolution allowing for a 38-mile natural gas transmission to transverse through Union County as well as Mecklenburg, Cabarrus and Iredell counties. The original pipeline route was not to have come through the town of Fairview. She stated that in the Union County Board of Commissioners' meeting minutes of April 19, 2004, recorded in Docket Book 26, page 565, the then City Manager Doug Spell proposed to use fair market value to purchase the easements rights. However, she pointed out that in July 2004, Mecklenburg County declined to be involved in the venture as well as the county governments of Cabarrus and Iredell Counties and urged the City of Monroe to continue negotiations with Piedmont Natural Gas. Now, she said in 2007, Fairview learns by word of mouth that the pipeline will be coming through its planned commercial district as laid out in its adopted Land Use Plan. She pointed out that the City of Monroe never contacted the Town of Fairview. She said the Commissioners of Union County have changed and the administration of the Town of Monroe has changed and more importantly the route has changed. She said it was time for this matter to come back to the Union County Commissioners. She presented to the Board a resolution adopted by the Town of Fairview that outlines its objections to the large transmission line coming through its town. Mrs. Long said that her Board's first considerations are for the health, safety and well-being of the residents of the town. In addition to the potential safety hazards associated with a transmission line this large, there is the added consideration of the low monetary amount for the easements. She noted that Monroe's Energy Services Director, Don Mitchell, outlined to *The Enquirer-Journal* that the value of the easement area was about \$18,000 an acre based on the City's estimated damages to the property. She pointed out that the City of Monroe offered 33 percent of the land value to the property owners. Mrs. Long said she did not believe this amount could even be considered "just" compensation. She said if the Board thought this amount is viable, she challenged the members to use \$18,000 an acre in the computations in the County's upcoming Union County Revaluation. She said Monroe has paid Midland \$140,000 this past year and there is at least an additional \$300,000 to be paid annually to the Town of Midland. She emphasized that not only will this line be coming through the town's planned business district; but also it will be coming through an area that the Town of Fairview has been planning to purchase for a town hall. Mrs. Long said the gas line will also cross the front lawn of Bethlehem Presbyterian Church and that is creating another safety hazard. She said it will also cross Hwy. 218 and again cross Hwy. 601 at very dangerous intersections.

Mrs. Long respectfully requested the Board of Commissioners to rescind its original resolution and request from the City of Monroe all information so the Board could make an informed decision regarding this matter. She also cautioned the Board to review G. S. 40A regarding eminent domain procedures. She said the town is not the only one to object to this proposed line and the lawsuits are piling up. Mrs. Long said if the Board chooses to endorse this line, it needs to know just what Union County's liability will be.

Mary Lou Starnes, 7401 Concord Highway, also addressed the Board on the proposed Monroe Natural Gas Pipeline outlining problems that she and other citizens have encountered when dealing with the City of Monroe regarding this pipeline. She said that they have found it impossible to get straight answers from Monroe and, although they have asked to see a map, have been unable to do so. She said she could not find a record of the map on any internet site. Mrs. Starnes said she also knew that Cabarrus County has not seen it either, and it hired an attorney to get a copy of the map. She said Monroe's initial offer of \$1,300 for an easement through her property was laughable and their second offer was just as ridiculous. Mrs. Starnes said she has two acres of road frontage on Highway 601 North and would like to buy property anywhere in Union County for that price. She said Monroe's plan is to go right through her front yard, destroy the landscaping, and dig up trees that cannot be replaced and asked if she would have to have a compressor station in her front yard. She said over and above all that is the question of safety since the pipeline will be close to her home. Mrs. Starnes said she was like many other affected landowners who are third and fourth generation landowners in Union County and emphasized the emotional and physical distress caused by the miscarriage of authority is destroying their health. She said she would call in the national news media if necessary to draw attention to this injustice. She said that they had collectively tried to meet with Mayor Kilgore, Craig Meadows and Don Mitchell, at their request, on February 11, which representatives of Monroe did not attend. She said the Mayor's explanation to her for not attending was that they were afraid it would turn into a public forum. Mrs. Starnes said this was Monroe's chance to sell it to the residents and questioned what Monroe had to hide if its representatives were afraid to attend. She said she had made calls and had pieced together that this pipeline will originate somewhere around Bakers, go across country to 601N about one mile above her house and then follow 601N to Brief Road crisscrossing the road a couple of times. She questioned why Monroe would go to 601N when there was a more direct route to Mooresville. She also said the future route also goes through the future designated commercial district for the Town of Fairview. Mrs. Starnes also noted that the route would also cross Duck Creek and Goose Creek, the critical habitat for the Carolina heelsplitter. She reminded that the Monroe Bypass has been delayed for years because of that issue. Mrs. Starnes said that she had also contacted the Southern Environmental Law Center to look into this question because it was responsible for getting the silt laws changed to protect the heelsplitters. She said she had also contacted the State Utilities Commission. She noted that Monroe is a municipal utility and is not currently regulated by the State, which means that Monroe can charge whatever price it wants for natural gas and give huge concessions to others. She said she thought three major businesses in Monroe are behind this project.

The Chairman interrupted Mrs. Starnes that her allotted time was completed.

Bill Thomas, 9404 Mill Grove Road, member of the Fairview Town Council, also spoke against the Monroe Natural Gas Pipeline and explained that about a year ago he received a call from a citizen of Fairview asking how Monroe was coming out to his area and taking his property. He said at that time the town was not aware of the pipeline. He explained that Monroe hired an outside firm from Georgia to contact citizens asking them to sell their land and, if not, the City of Monroe would take the land. He said Mr. Thrower, an employee of the consulting firm, contacted at least two of the elderly citizens instructing them to sign the paper, and he would witness and notarize it. He stressed that although it is legal, it is not right for a city to take property from and within another city. He said the State Representatives have been contacted, and they are not of any help. He pointed out that this line could cost the citizens of Monroe a lot more than \$24 million.

Tim Barbee, 1421 Hickory Woods, Monroe, a sales representative with Environmental/Industrial Division of Drillers Service, Inc., presented some alternatives to a centralized sewer system. He said that everyone is aware of what is going on with the sewer and the phenomenal growth that this county has had. Mr. Barbee stated he was not sure that any county faced with the same conditions, even with an unlimited budget, could have met the demands of the sewer system. He presented some options for the Commissioners' review including a booklet that was produced in 1998 by Dr. Hoover who works for NC State University and who is one of the top three persons in the State of North Carolina when it comes to wastewater treatment and disposal. He briefly highlighted some other options and urged the Commissioners to consider some on-site septic systems. Mr. Barbee pointed out that some of the potable water could be used for irrigation of lawns and plants.

The Vice Chairman suggested to Mr. Barbee that he contact David Cunningham with the County's Environmental Health because many of these systems are already in place in Union County. Mr. Barbee responded that he had talked with Mr. Cunningham and his system has been approved by Mr. Cunningham and some of his systems are soon going to be installed in Union County.

Donna Pasciuta, 412 Cottownwood Circle, Wesley Chapel, representing the 125 homeowners in her subdivision of Hampton Meadows spoke on the road conditions of this subdivision. She said she had been working with Tracy Clinton, Mayor of Wesley Chapel, for the last 18 months. She said that the roads within her subdivision have 18 potholes in them. She said that about 2 ½ years ago every time there was a pothole that she could call DOT, and they came to fix it. She said that DOT found out that the roads in the subdivision of Hampton Meadows were never approved and accepted by the State. Mrs. Pasciuta said that because she worked in the loan department of her company, she went to the Register of Deeds' office and researched the property. She said that she had learned that the developer, Bowie Motors of Monroe, Inc., in 1991, was supposed to have turned the roads over to the State, but in 1994, the

developer, Mary Oakes, was still trying to do so, but DOT said that the roads had to be repaired before the roads could be turned over to the State. Mrs. Pasciuta said this is 17 years later and those roads have still not been turned over to the State. She said that the Mayor and the council have been working with her, but the developer has yet to try to repair these potholes.

Mrs. Pasciuta asked the Board to help her repair the potholes and get the State to take over the roads within the development. She asked the Commissioners to help defray the cost of an attorney and/or repairs.

Elizabeth Propst, 601 Weddington Road, addressed the possible approval of a pump station for the Woods Development. She said she was asking for ethics, integrity and honesty in government. She said all citizens of Union County deserve fair government, run for all the people. She said her family had owned their property for five generations, and it appears that her family has to defend its property rights more today than her grandfather did a hundred years ago. Mrs. Propst stated that a pump station for the Woods Development should never have been brought to the County Commissioners for approval and the Board, knowing county policy on pump stations, should never have considered this an option. She said that if the Woods Development is approved it should be either approved as septic, which has been approved by the Weddington Town Council, or gravity line sewer. She reminded that long-range Union County planning for the Mundy's Run basin calls for gravity line sewer for the entire basin. She asked if the Board approves the pump station for the Woods Development, how the Board would assure adjacent property owners in the lower Mundy's Run Basin sewer in the future.

Joyce Blythe, Waxhaw Town Commissioner, said she is speaking on behalf of Max Walker and Daune Gardner. Mrs. Blythe asked the Board to give the town the opportunity to work with the County in determining the location of the new regional library. She reviewed that she grew up in Waxhaw and said that some of her fondest memories were being able to walk to the library to check out books. She said her love of books took place at that library. She stressed that although there have been changes, it is still vital that children learn to love to read. She said part of that is to have books accessible, readily available, a library close at hands. She stressed that Waxhaw has had its own library since the 1930s and asked that the library be located in Waxhaw. Mrs. Blythe said that they felt that they had earned the right to keep the library in Waxhaw regardless of its size. She implored the Board not to take the Library away from Waxhaw and to let the town work with the Board to choose the location.

Aaron Efird, 754 Eagle Road, Weddington, stated he lived in Aero Plantation but is here individually to address his concern over the Woods Plantation and its anticipation of needing a pump station to facilitate its sewer system. He said his main concern is over who is going to be ultimately responsible for any environmental damages and asked who would take over a pump station. He said he was also concerned about any noise pollution. Mr. Efird also questioned the detention ponds to cover the run-off of the

development and asked if there is a study required to determine the run off created by building 200 homes. Mr. Efirm asked if this development is going to push the capacity of their lakes and dams. He said those are the types of impacts that he would like considered before the Board makes it decision.

Daune Gardner, Mayor of Waxhaw, stated she appreciated the remarks of Mrs. Blythe and that Mrs. Blythe's passion for library services is reflected by many people in Waxhaw as well as those outside the town. She said her opinion is that small libraries are community services and these should be done with an emphasis on strengthening those communities because stronger communities help to create a stronger Union County. She said the reason for libraries in the first place is to provide quality library services to the citizens. She said the five criteria on the matrix that was presented by the Library Board were: capital costs, speed of completion, operational cost-effectiveness, convenience to users and relationships to town centers. The Mayor pointed out that the weight placed on the various criteria, the two that speak to the benefit of the users and the communities are weighted only 30 percent out of 100 percent. She asked would there even be libraries if only the bottom line was considered. She stressed that libraries add to the quality of life and provide services that are important to the community.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

The Chairman asked if there were any additions or deletions to the agenda. Commissioner Openshaw requested to move from the consent agenda the WK Dickenson and Co. contract (4.1c) and a minor spelling correction to the minutes on 4.2. He said if he could discuss that with the Clerk, it could remain on the consent agenda for approval. The staff attorney agreed that he could make that correction with the Clerk. He then asked that 4.7 – Environmental Health Proposed Fee Increases, and 4.11 – Information Technology be moved to the regular agenda. He apologized to the staff for not having time to review these for the pre-agenda meeting on Thursday.

Motion was made by Vice Chairman Pressley that the regular agenda be approved as modified. The motion passed unanimously.

The Chairman stated that 4.1c will become 16b, 4.7 will become 16c, and 4.11 will become 16d.

CONSENT AGENDA:

Motion was made by Commissioner Mills that the items included on consent agenda be approved as modified. The motion passed unanimously.

Contracts Over \$5,000:

- a.) Authorized the Interim County Manager to approve and execute the revision of FY08 Community Transportation Program Grant and Contract and approved Budget Amendment #35 to appropriate additional funds from NC Department of Transportation in the amount of \$10,264 with \$9,274 being federal funds and \$1,140 being state funds.
- b.) Authorized the Interim County Manager to approve and execute the contract with Tower Engineering Professionals in the amount of \$55,000 for engineering, environmental and regulatory services in connection with Tess Road (Fairview), Cuthbertson Road (Wesley Chapel), New Salem and Crow Road tower sites and the Board adopted the following Resolution:

RESOLUTION TO EXEMPT A PARTICULAR CONTRACT FROM THE COMPETITIVE PROPOSAL ENGINEERING PROVISIONS OF G. S. 143-64.31

WHEREAS, pursuant to G. S. 143-64.31, it is general public policy to procure professional engineering services through public announcement of the service requirements and selection of an engineer on the basis of qualifications; and

WHEREAS, pursuant to G. S. 143-64.32, the Board of Commissioners may exempt projects from this procedure upon stating the reason for exemption and the circumstances attendant thereto; and

WHEREAS, Union County desires to engage Tower Engineering Professionals for the purpose of conducting site surveys, environmental impact studies, impact studies of surrounding property values with regards to radio towers, soil samplings and necessary geotechnical reports for the application of conditional use permit and soliciting RFPs for tower design and construction in connection with Tesh Road (Fairview), Cuthbertson Road (Wesley Chapel), New Salem Road and Crow Road tower sites; and

WHEREAS, Tower Engineering Professionals is familiar with the stated projects, have completed permitting services on two sites (Crow Road and Cuthbertson Road), and are the only engineering firm willing to provide the required services for the proposed sites that include conducting the impact studies on surrounding property values with regards to radio towers as necessary for the Conditional Use permit (CUP) applications.

NOW, THEREFORE, BE IT RESOLVED that pursuant to G. S. 143-64.32 (a) the Union County Board of Commissioners does hereby exempt the agreement with Tower Engineering Professionals from the competitive proposal provisions of G. S. 143-64.31, for the reasons stated above.

This resolution is adopted this the 10th day of March, 2008.

- c. Authorized the Interim County Manager to execute agreement W. K. Dickerson & Co., Inc. for Master multi-service agreement for engineering. Moved to regular agenda at the request of Commissioner Openshaw, but during the meeting, it was determined it was intended that 4.1(e) be moved to regular agenda.
- d. Authorized the Interim County Manager to execute the agreement with Center for Children’s Law and Policy in the amount of \$100,000
- e. AON: Health Benefits Consulting Services – During the meeting, it was determined that this item should have been the one moved to regular agenda for discussion in lieu of 4.1 (c).
- f. Authorized the Interim County Manager to execute agreement with Centralina Council of Governments for the Home and Community Care Bock Grant for FY2007-2008 and approved Budget Amendment #34 to appropriate \$9,563 additional state revenue received from Centralina to the DSS Transportation budget

Minutes: Approved minutes of regular meetings of December 3, 2007, and December 17, 2007

Tax Administration: Approved the following:

- a.) Ninth Motor Vehicle Billing in the grand total amount of \$1,064,873
- b.) Tax Collections report for the month ending January 31, 2008
- c.) Tax refunds for February 2008 in the grand total amount of \$3,992.88

REFUNDS FEBRUARY 2008

Acct # 2007	Name	Rel #	Totals
08063008A	LANEY MICHAEL A & MISTY DAWN	3798	286.01
02058006	BOWMAN C L HEIRS % LOUISE B VICK	3813	1,030.67

07084063	FIRST BAPTIST CHURCH OF INDIAN TRAIL INC	3815	256.83
06030018	HELMS RICHARD B SR & WIFE PATRICIA P	3825	78.53
TOTALS			1,652.04

2006

01063012	RUSSELL NEAL & WIFE CONNIE D	3802	205.71
01039007	STEPHENSON LENORA MARTIN	3806	313.26
07084063	FIRST BAPTIST CHRUCH OF INDIAN TRAIL INC	3816	234.30
06030018	HELMS RICHARD B SR & WIFE PATRICIA P	3826	70.68
TOTALS			823.95

2005

01063012	RUSSELL NEAL & WIFE CONNIE D	3803	203.56
01039007	STEPHENSON LENORA MARTIN	3807	309.96
06030018	HELMS RICHARD B SR & WIFE PATRICIA P	3827	66.64
TOTALS			580.16

2004

01063012	RUSSELL NEAL & WIFE CONNIE D	3804	192.25
01039007	STEPHENSON LENORA MARTIN	3808	292.74
06030018	HELMS RICHARD B SR & WIFE PATRICIA P	3828	62.95

TOTALS			547.94
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2003

01039007	STEPHENSON LENORA MARTIN	3809	204.54
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TOTALS			204.54
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2002

01039007	STEPHENSON LENORA MARTIN	3810	184.25
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TOTALS			184.25
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GRAND TOTALS			3,992.88
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d.) Tax releases for February 2008 in the grand total amount of \$14,404.44

RELEASES JANUARY 2008

Acct #	Name	Rel #	Total
2007			
50098264	SHAFFER HAROLD WILLIAM	3799	96.52
02242033A	PLESSNER THEODORE R JR & JESSICA L	3800	99.17
50091099	LANEY MICHAEL ADAM & MISTY DAWN	3801	168.65
09321002D	SOUTHWINDS OF MONROE LLC	3805	100.76
06054012	DUNCAN BRENDA KAY	3811	541.58

06207399	CENTEX HOMES	3812	2,818.04
06204294	NOLAN WILLIAM J III & WF LOUISE C HEMPHILL-NOL	3814	1,069.87
04015003	MANGUM SUSAN ET AL	3817	466.85
50066937	KELLER JERRY	3818	146.30
07027302 02	UNIVERSAL LAND & DEVELOPMENT CORP	3819	517.73
06186005	CHARTOWN	3820	1,355.31
06009023	BOATRIGHT ANNE ALEXANDER	3824	1,961.45
H5093003R	JOYNER JOHN ELLIOTT & MARJORIE	3829	496.09
H9381024A04	PRICE BARBARA	3830	96.50
H1213004C	PURSER ROBIN & CHAD WALLACE	3831	166.11
08267006 02	HORNE EVELYN H % PHILLIP J HORNE	3832	416.88
09366020C	BARNETTE RALPH REID & BEATRICE	3833	26.67
h8312008	MCELROY STEVE	3834	163.98
Totals - 2007			10,708.46

2006

06186005	CHARTOWN	3820	1,213.97
H8312008	MCELROY STEVE	3835	146.82
Totals - 2006			1,360.79

2005

06186005	CHARTOWN	3820	1,201.11
Totals - 2005			1,201.11

2004			
06186005	CHARTOWN	3820	1,134.08
Totals - 2004			1,134.08

GRAND TOTALS **14,404.44**

- e.) Eighth Motor Vehicle Release Register for the period of February 1, 2008 – February 29, 2008 in the net grand total amount of \$16,901.01-
- f.) Eighth Motor Vehicle Refund Register for the period of February 1, 2008 – February 29, 2008, in the net grand total amount of \$1,451.11-

Disposition of Real Property (Property is Unused Well Lot Located in Waxhaw): Accepted the high bid of \$24,400 and authorized the Interim County Manager to enter into a purchase agreement with the buyer.

Supplemental Rural Operating Assistance Program (ROAP) Funding Budget Amendment: Adopted Budget Amendment #36 to increase the Transportation budget as follows: Personnel Expense: \$68,853; Operating Expense \$33,462; State Revenue \$102,315 to appropriate additional funds from the NC Department of Transportation

Health Department: Approved:

- a.) Budget Amendment #37 to increase the Health budget by \$35,436 in State Revenue received and Operating Expense by the same amount.
- b.) Budget Amendment 39 to increase the Public Health budget by \$49,615 in federal funds received and increase Operating Expense by the same amount for the Family Planning Program

Environmental Health Proposed Fee Increases: Moved to regular agenda at the request of Commissioner Openshaw

Sheriff's Office: Adopted a Resolution for Union County with Respect to the Fees to be Charged by the Sheriff for Service of Process Originating Outside of the General Court of Justice or Other North Carolina Courts or Agencies:

A RESOLUTION FOR UNION COUNTY WITH RESPECT TO THE FEES TO BE CHARGED BY THE SHERIFF FOR SERVICE OF PROCESS ORIGINATING OUTSIDE OF THE GENERAL COURT OF JUSTICE OR OTHER NORTH CAROLINA COURTS OR AGENCIES

WHEREAS, North Carolina General Statute 153A-102 grants to the Board of Commissioners the power to fix the fees and commissions charged by the county officers and employees for performing services or duties permitted or required by law:

WHEREAS, the Sheriff and his deputies are permitted, but not required, to serve summons and complaints and other legal process issued by the federal courts and courts of the several states, other than North Carolina; and

WHEREAS, the provisions of North Carolina Statute 7A-311 which set uniform fees for service of civil process only apply to process issued by the courts of North Carolina;

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY:

In any civil action or special proceeding arising in the federal courts or in a court of one of the several states other than the State of North Carolina, the following fees shall be assessed, collected, and remitted to the county:

Effective April 1, 2008, for each item of civil process, including summons and complaints, subpoenas notices, motions, orders and pleading served, fifty dollars (\$50.00). When two or more items of civil process are served simultaneously in one party, only one fifty dollar (\$50.00) fee shall be charged.

When an item of civil process is served on two or more persons, organizations or entities, a separate service charge shall be made for each person, organization or entity.

This resolution shall not apply to any process issued by the North Carolina General Court of Justice or any other court, administrative body, or agency of the State of North Carolina or any of its political subdivisions.

Amend Union County Parks and Recreation Rules and Regulation to Add "Interpretation" Section: INTERPRETATION: The County Manager or his/her designee is hereby charged to interpret and implement the above rules and regulations [as adopted

February 21, 2005]. The County Manager or his/her designee also has the authority to quote reasonable fees for the use of Union County Parks and Recreation Facilities for uses not specifically covered in applicable Fee Schedules.

Workers Compensation Renewal with Third Party Administrator: With the recommendation of the staff as presented in documents submitted, the Board accepted the proposal to renew the third party Workers Compensation Administration Contract with Key Risk, Greensboro, NC, and authorized the Interim County Manager to approve and execute said contract.

Information Technology- Upgrade of the Nortel Phone Switch, located in the Government Center: Moved to regular agenda at the request of Commissioner Openshaw.

Interlocal Agreement Between the Town of Indian Trail, North Carolina, Union County, NC, and Sheriff Eddie Cathey, Sheriff of Union County: Approved entering into the Interlocal Agreement and authorized the Interim County Manager to approve the agreement and execute such documents as may be necessary to apply for a grant from the North Carolina Governor's Highway Safety Program to establish a traffic unit of five deputies for the Town of Indian Trail through the employment of deputy sheriffs from the Union County Sheriff's Office for a four-year period.

Information Only - No Action Requested: Community Child Protection Team Annual Report

Information Only - No Action Requested: Personnel Report for February 2008

VOLUNTARY AGRICULTURAL DISTRICTS:

The Chairman recognized Everette Medlin, Chairman of the Agricultural Advisory Board, who addressed the Board requesting that the Commissioners give favorable approval to the agricultural districts as recommended tonight: Wilburn Williams Family Farm, Willodene Williams, James F. Marlow and Ray T. Cook, and Mary Kathryn Locamy Howard. He gave a brief synopsis of the voluntary agricultural district program. He also requested that a commissioner be appointed to the Agricultural Advisory Board as an ex-officio non-voting member.

Motion was made by Commissioner Mills that the following farms be designated as Voluntary Agricultural Districts:

- a. Wilburn Williams Family Farm, LLC – 40 acres
- b. Willodene Williams property of 64.33 acres

- c. James F. Marlow and Ray T. Cook, two tracts – 69.509 acres and 107.421 acres respectively
- d. Mary Kathryn Lockamy Howard – 41.480 acres

The motion passed unanimously.

The Chairman stated that Union County is ranked fourth in the State in agriculture production.

AGRICULTURAL ADVISORY BOARD:

The Chairman stated that the next request from the Agricultural Extension Advisory Board is appointment of an ex-officio non-voting member from the Board of Commissioners. He explained that he had earlier served on this board, not as a commissioner, but because of his desire not to vote twice, he resigned from the Agricultural Extension Advisory Board.

Commissioner Mills moved that the Chairman be appointed as the ex-officio, non-voting member to the Agricultural Extension Advisory Board.

The Chairman asked the staff attorney for a ruling as to whether the appointment could be made tonight or did it need to be deferred until the next meeting.

The County Attorney stated that the appointment could be either as a deferment or as support of the appointment when the amendment to the Farmland Preservation Ordinance was adopted. He said the amendment would be ready for the next meeting. Mr. Crook assured that the Board could vote in support of it tonight, but the actual change will not occur until the Board votes to amend its Farmland Preservation Ordinance.

Commissioner Mills withdrew his motion and moved that the appointment of the Chairman be contingent upon the amendment to the Farmland Preservation Ordinance being approved. The motion passed unanimously.

Mr. Medlin further asked that representatives of the Soil and Water Conservation Office and the District Conservationist be appointed to serve as ex-officio members. He said that the Advisory Board recommended Rick Pigg and Kenneth Mills be appointed to serve as ex-officio, non-voting members.

Vice Chairman Kevin Pressley moved to support the appointments of Rick Pigg and Kenneth Mills as requested contingent upon the amendment to the Farmland Preservation Ordinance. The motion passed unanimously.

TAX ADMINISTRATOR – 2008 REVALUATION:

John Petosky, Tax Administrator, stated that he and his staff have been diligently working on the 2008 Union County property revaluation and explained that his department had made a complete revaluation of the property. He noted that North Carolina requires by law that it be completed every eight years but that in the more active counties, the counties have adopted a four-year program. He said the purpose of the revaluation is to create a new property tax base but the primary reason is for a more equitable distribution of the tax burden. He commented that there are 90,000 notices that will be mailed by the 14th of this month. Mr. Petosky explained that property values change at different rates and assured that the property is valued at its fair-market value as of January 1, 2008. He briefly explained the method used in deriving at the fair-market value.

He said that if the property owners are not aware of the value of their property and do not believe the values assessed by the Tax Office are correct, the individuals might want to consult a professional to appraise the property. He further said if after the property owner has ascertained that the value is off, the individual might want to consult the tax office for review of the specific property. He said there would be an appeal form included in the change of assessment notice mailed to each taxpayer. He said that 90 percent of the issues are resolved at the informal review that his office performs but if that does not satisfy the taxpayer, the next step is review before the Board of Equalization and Review, the third review is an appeal to the North Carolina Property Tax Commission, and the final review is the appeal to the North Carolina Circuit Court.

Mr. Petosky said that the residential tax base increased by approximately 30 percent and the commercial tax base increased 50 percent and most of that is land. He said most of the land had an increase by about 70 percent while some land values more than doubled. The Tax Administrator also stated that the residential properties make up 85 percent of the real estate tax base. He explained that the buildings' value only increased about 12 percent.

He explained that agricultural properties in the use value program, which is a program to preserve farmland to be taxed at its farm land value, increased by 80 percent. He pointed out that the majority of that value is deferred.

The Tax Administrator stated that across the Board he thought his staff had done an excellent job. Mr. Petosky stated that the real estate tax base is expected to increase about 30 percent due to the revaluation prior to some adjustments. He said the issue for

individual appeal is the comparison of the new assessment to the market value. He said the new assessment reflects the market as of January 1 and the sales used in the market analysis were the most recent couple of years prior to January 1. but the water and sewer shortages had been taken into account.

The Commissioners thanked Mr. Petosky for his presentation.

DOCUMENT MANAGEMENT CONSULTANT PRESENTATION:

Carl Lucas, Director of Information Technology, explained that in December 2007, the Document Management Team had compiled departmental requests and issued an RFQ to seek an imaging consultant to come to Union County to assess the needs of this county. He further said the after reviewing eight proposals from imaging companies, the agreement was mailed in December to the Gimmel Group and January 3 was the beginning of the assessment for the County. He introduced Jim Clements of the Gimmel Group to make the presentation to the Board.

Mr. Clements stated his purpose tonight is to share with the Board the findings of an unbiased study of document and record management requirements of the County conducted over the last three months. He briefly reviewed his company's qualifications, the project background and the approach that his firm was asked to complete. He said he was also reviewing the key findings and the analysis of the return on investment and costs, and the recommendations of Gimmel that resulted from the study. Mr. Clements said that his representatives interviewed 30 departments and over 80 people.

He stated the basic benefits are as follows:

- Capturing paper documents in a central repository through scanning – allows them to be more easily found, shared, and distributed
- Electronic files – MS office documents, notes, email, faxes, reports, and others can be saved to the repository without scanning; and, forwarded and shared with others without copying or filing
- Automated workflow can be used to route documents to the correct people without sending paper
- Electronic storage and eliminate the storage space required for paper files
- Security can be enforced to protect documents from unauthorized access
- Files can be appropriately backed up and records retention policies can be automated

Mr. Clements said that Union County is overwhelmed with papers and sharing and finding information for day-to-day processes is a difficult and most importantly expensive and time-consuming process. He said that 20 percent of an average worker's day is spent searching for documents and 50 percent of the time, they don't find what they need.

He reviewed that a typical worker will spend 12 minutes to process a document and nine minutes of that is spent copying, searching and filing. Mr. Clements said that the average organization would:

- make 19 copies of each document
- spend \$20 to file each document
- lose one out of 20 documents
- spend \$120 searching for a misfiled document
- spend \$250 recreating each document
- spend \$25,000 to fill a four-drawer file cabinet and \$20,000 annually to maintain it

Mr. Clement reviewed the status of individual scanning and electronic document retrieval that is being implemented by the different departments. He said the individual departments' attempts to save and to retrieve documents actually have limited the effectiveness of the County's Information Technology Department because it creates too many software packages for the department to maintain. He said normally in a county government of this size there is a ratio of one IT person to each 50 employees but Union County is operating at a ratio of one to 150 employees. He assured that timing is right for Union County to update its document management program.

Mr. Clements estimated that with such a program, the County would see a productivity gain of approximately 15 percent across the board, reclaim about 68 percent storage and other cost-savings will have to do with paper cost and multi-part forms that are expensive. He said with this program, these can be eliminated, printing and copying costs could be reduced. He said the cost of deploying ECM [Enterprise Content Management] and implementing documentation management functionality across the county would be between \$530,000 and \$900,000. He said this includes the scanners, the additional storage, automated faxing, the software, and the design associated with the first implementation. He said the five-year cost of document management/records management would be between \$900,000 and \$1.9 million. Mr. Clements pointed out that he thought that conservatively the County would see the payback of this system within a period of 2.5 years. He said that would depend on what the County did and which options were accepted.

He said that it is recommended that Union County standardize on a single platform, and his firm's recommendation would be Singularity. He noted that several departments within the county already use this program, and it is a good mid-tier software product and a comparable product would cost the county between \$300,000 and \$500,000. He said another reason Singularity is recommended is that Union County owns an enterprise license for the product, and Union County is free to use it across the county, and the maintenance for it is only \$9,000 annually.

Mr. Clements stressed that a Records Management Plan should be developed for the county so everyone knows what the compliance requirements are for federal and state governments. He said the automated faxing, storage, and scanning should be implemented to support the document management system, which is one of the problems with some of the earlier implementations: the infrastructure was not there to support it. He said the shared repository will allow the whole design to be implemented between the work flows, planning, zoning, environmental health, and public works. He also said that because of the number of incident reports, personnel and the Sheriff's office should be brought onto the system. Mr. Clements assured that it is more cost effective to standardize on platforms and leverage your IT personnel across departments. He said the goal is that instead of mini-platforms that the county has seen in the past, that it have one document management repository that is talking to all business systems.

The Chairman asked about Singularity and wanted confirmation that the data is stored in a program that could allow the county to change to another system at a future date. Mr. Clements agreed and stated that a Word document stays a Word document; each document is stored in its native format. There was additional discussion on the sharing of information with Mr. Clements emphasizing that the idea would be to store all documents in Singularity.

The Vice Chairman asked how this system would work in getting public records readily available. Mr. Clements stated that what Crystal Crump has done with the Register of Deeds is way above what other departments have accomplished. He said she has been aggressive in her efforts. However, he said the platform that she has chosen to accomplish this goal is an expensive platform. He said in early 2009, his company has recommended that deeds be moved to Singularity. Mr. Clements said the reason he had waited that long is because she has a process that is working well, and he wanted to see the product run-out in other implementations before the County goes and replaces something that is working well. However, he said in about 18 months, the County should replace LOGAN with Singularity.

The Chairman asked if this would transfer electronically or if it would be manual. Mr. Clements responded that it would be able to be done electronically. He said he had estimated and included the cost of implementation in the estimates given. He said the reason to move to a platform like this is so the County can put work flow in place that routes to the proper approval and publish in a

PDF format directly to the website. Mr. Clements said that his firm did not recommend going to centralized scanning but in three years, this may be a recommendation.

With there being no other questions, the Chairman thanked Mr. Clements for his presentation and moved to the next item on the agenda.

RECOMMENDATION OF THE LIBRARY BOARD BORARD OF TRUSTEES REGARDING NEW LIBRARY:

Ms. Martie Smith, Library Director, introduced the members of the Library Board of Trustees present. She recognized Ann Standridge, Vice Chairman of the Library Board of Trustees, who requested the Board to approve and fund a super-regional library for southwestern Union County. She said there are serious concerns for the Waxhaw Library and expressed that the attempt to get a new library has been ongoing for many years. Mrs. Standridge said that the square footage of that building is 2,903 feet and is the smallest library in the County with the exception of the sub-regional library in Unionville and is one of the heaviest used libraries. She also gave examples of the crowded situation that exists there. She further said that the extended delay in constructing a library in Weddington is unknown. She said that there had been efforts to get a library there since she was appointed to the Library Board.

Mrs. Standridge reminded that the Library Board could not seek bids until funds are secured and fund-raising has bogged down. She reported that the Foundation had received approximately \$330,000 and it needs \$1.5 million. Mrs. Standridge said the Library Board is uneasy being dependent on shared parking spaces at the proposed location in Weddington and very uncertain about funding a bond referendum for replacing the Waxhaw Library branch. She said it would be great if every town could have a library, but if all towns have libraries, the County would be funding 14 libraries and county funds are not available for this plan.

She stressed that the Library Board of Trustees is recommending to combine the two regions and to build one library of at least 35,000 square feet in a central location to serve all the residents of Marvin, Mineral Springs, Waxhaw, Weddington, and Wesley Chapel. She further requested that the Board immediately appropriate funds for the design and construction so the building can commence swiftly and promptly.

Ms. Smith said that if the Board is ready to vote, she would not make any additional comments. With no action coming forth, she reiterated that the Library system is beginning to now reduce the services at Waxhaw and that is the last thing that the Board wants to do, but to make room for the popular reading material, the reference books have been removed. She said the children's programs

are being held somewhere else because they cannot fit into the meeting room. Ms. Smith said it is time to do something because many people use the library and are tolerant of its limitations, but are not getting the library services that they deserve.

She quickly reviewed how the Library Project Decision Matrix was developed. She said the recommendation for a Super-regional Library would not be a town library so it would not necessarily have a relationship to any town center. Ms. Smith also presented an estimated cost of operating two 20,000 square foot libraries as opposed to one 35,000 to 40,000 square feet. She pointed out that the savings to operate one versus two libraries would be over \$700,000.

Commissioner Mills moved that the recommendation of the Library Board of Trustees to build one super-regional library be approved and the Library Board and limited county staff be authorized to select the location and bring the site recommendation back to the Board of Commissioners.

Mr. Pressley asked the proposed date of occupancy. Ms. Smith said it would take approximately a year to design and about a year to build it.

Commissioner Openshaw stated that he was the Board's liaison to the Library Board of Trustees and that he supported the need to proceed with the library but disagreed with some of the premises made here. He said the motion locks the County into building one 35,000 to 40,000 square foot super-regional library versus two 20,000 square foot libraries. Commissioner Openshaw said that he did not think the County needs two, 20,000 square foot libraries. He agreed that the Matrix is a very legitimate point, but another point is that there is not an appropriate site for a super-regional library due to the roads. He said he doubted that Union County would have the roads for many years, if ever, to serve a super regional equitably. Commissioner Openshaw said that he liked the small, expandable concept. He said that is one issue that has not been discussed—what are the needs today versus what are the needs in the future? He asked why all the money needs to be spent today and asked why the library could not be scaled. He said libraries could be built with the core area first and plan for the expansion. Commissioner Openshaw noted that this would reduce the cost for the taxpayer today, provide the service needed today, but would not burden the citizens with the debt in an on-going manner as the County grows into the need for the library, which could be a number of years away. He discussed that it is said that the Indian Trail library is viewed to be too small at 12,000 square feet, but the question is, too small for what population? He said that probably this library serves 48,000 to 50,000 people. He pointed out that at the time the library could be built, Weddington would have a population of 24,000 and Marvin would be approximately 11,000; there he said is a population of 35,000. He noted that part of Wesley Chapel, approximately 7,000 people, would also be served by a small library in the Weddington area. Commissioner Openshaw said that the combined population estimate is 8,000 people less than the Indian Trail Regional library now serves. He

stressed that is the number projected at complete build-out in the future, not for today. He said he thought the small library should be 8,000 square feet and questioned why it needed to be increased to 35,000 square feet or to two regional libraries at 20,000 square feet. He said he was not able to determine the population base that the Waxhaw library serves. He reminded that this proposed library is to be a super-regional library for Weddington, Marvin, Wesley Chapel, Waxhaw, and Mineral Springs. He said that the need for a new library is clear but Indian Trail will benefit from this plan because it will have people taken out of its sphere.

Commissioner Openshaw said another issue downplayed is the economic value to the communities in which they are located. He said this is supported because both Prescott and Cureton, commercial areas in Waxhaw, are interested in the library as it would draw people to their site. He also said New Town Gardens at Providence and New Town Road intersection have also expressed a desire for the same reason. He reviewed that Weddington had a commercial project on the board that would have shared parking with the original site of the Southwestern Regional and that plan has been pulled by the developer due to uncertainty about the siting. He said the County had the money to build a smaller library immediately and due to funding from Weddington and its residents, the total is over \$1 million – not the \$334,000 referenced tonight. He said it is the largest amount ever pledged in Union County for a library. Commissioner Openshaw emphasized that what he is stating is that there needs to be two libraries – one in Weddington and one in Waxhaw, both in their downtowns. He said if the one in Weddington is built first, it will take some draw away from the overburdened Waxhaw library. Commissioner Openshaw said that he did not believe the material presented compared apples to apples.

Commissioner Lane agreed with Commissioner Openshaw and stated that he thought it to be a quality of life issue that is being considered as well as the cost. He said that having an accessible library is a very good thing and he is a fan of the libraries. Due to his proximity to the library, he said he could read a couple books a week. He said he would prefer to see two smaller accessible libraries be built in these regions. He confirmed that the regions will grow and at some time in the future there might be a third or fourth library. Commissioner Lane reiterated the comments of Commissioner Openshaw that the County does not need to go to the super-size in this region because it would be too far away for many residents.

Vice Chairman Pressley asked about the total cost of the super-regional library. It was confirmed by Ms. Smith that it was \$11, 220,000 versus \$5,824,000 for the smaller libraries. He noted that the cost savings would be received in the personnel area of having one super-regional library.

Commissioner Openshaw noted that the Vice Chairman was comparing it to the 20,000 square foot model, which he was not promoting. He said he did not think that 20,000 square feet would be needed in Weddington.

Ms. Smith said that they had completed a building plan for 20,000 square feet and the Board knows what goes into the library to serve the population. She said that is how the 20,000 square foot building was developed.

In response to a question from the Chair, Ms. Smith said the Library Board had not looked at an 8,000 square foot core expandable library. Ms. Smith said they had not because such an action would not be cost effective.

Commissioner Openshaw responded that Union County is in a cash constraint situation now and there are funds for a smaller library at Weddington with Weddington's contributions. He said as the other towns mature, there could possibly be Friends of the Library Foundations to help pay the cost of construction or even pay the total construction of an expansion, as needed. He said that a 10,000 square foot core facility could be made expandable as the population grows.

The Vice Chairman asked if the County constructed a smaller library in the town of Weddington what would be required to get the developer to allow the library to co-use his parking lot. He asked if the developer had completely withdrawn his previous offer. Mrs. Smith said it would only fit if it were a two-story building, which is not ideal for a library that size because a lot of the space is lost in unusable space such as elevators, stairways, etc. He asked if a two-story building is built, and it is required to expand this building, would the building be expanded up rather than out. She responded that she did not think that would be cost feasible.

Commissioner Openshaw interjected that the County is looking at 20,000 square feet. He said that one factor that has not been mentioned is the population of the service area. If that population is less than what iNFOR has now, he had not heard anyone complain about the library other than it was overcrowded because of the people it serves.

He said he was not talking of a 20,000 square foot building in Weddington because he had not seen numbers that validate that footage. He stressed there is not a spot on that side of the county that will serve all the towns mentioned equitably.

The Chairman reminded Commissioner Openshaw that the super-regional library was what he voted on originally. He agreed that the first time it came before the Library Board, he did vote for it, but he stopped and thought about rationale other than the tax dollar. He stressed economic benefit versus economic cost to the county.

Following the discussion, the motion passed by a vote of three to two. Chairman Baucom, Vice Chairman Pressley, and Commissioner Mills voted for the motion and Commissioners Openshaw and Lane voted against the motion.

Matthew Delk, Assistant County Manager, interjected that one part of the department's recommended action was for the Board of Commissioners to authorize the Finance Director to arrange financing for the project. He said that was as specific as the staff could recommend not knowing the direction the Board would take on this subject. He said one element of timing is financing because if the Board would choose the option of a bond referendum, a decision would need to be in the spring. He agreed this could be brought to the Board in the spring at its March 24th meeting with a full explanation of the various methods that could be used to finance a project. He stressed that this would be done exclusive of the site selection process.

The Staff Attorney addressed the Board and stated that according to the North Carolina General Statute that before acquiring land for a library, the Board of Commissioners has to obtain a recommendation from the Library Board of Trustees and the staff will build this step into its overall procedural steps for acquiring property.

AMENDMENTS TO WATER CONSERVATION ORDINANCE:

At the request of the Chairman, Ms. Putnam briefly reviewed the major changes to the Water Conservation Ordinance. She highlighted these points: (i) the Ordinance does not apply to reuse or reclaimed water (ii) that the County may establish a rate structure that increases the cost of potable water commensurate with the escalation of water shortage conditions. She noted that in Article IV, Section II(h) transportation of water outside of Union County where drawn by tanker truck from a hydrant is prohibited during Stage 3. She also noted that the County Manager is expressly authorized to release the names of persons whose water service has been terminated due to violations of the Ordinance. She said there were other changes but these were the larger points.

Motion was made by Vice Chairman Pressley that the Water Conservation Ordinance be approved as amended and recommended by staff.

Commissioner Lane suggested that the third recommendation be changed to stage 2 instead of stage 3: "In Article IV, Section II(h), transportation of water outside of Union County where drawn by tanker truck from a hydrant is prohibited during Stage 2."

The Vice Chairman accepted that suggestion as a friendly amendment to his motion and incorporated it into his original motion.

Jeff Crook, Staff Attorney, interjected that before the Board adopts an Ordinance, it should be in its final form and recommended that action be delayed until the next meeting to allow him an opportunity to make this change. He also explained that

the media had requested the names of other violators of the Water Conservation Ordinance and recommended that in the section where the County Manager is authorized to release the names of persons whose water service has been terminated due to violations of the Ordinance, that he be instructed to incorporate wording to allow the Manager to release other information as might be requested by the media or public.

Commissioner Openshaw recommended the County adopt a policy to prohibit potable water from being sold across the county line.

Commissioner Mills asked if the County currently sells water to users outside the County. Ms. Putnam said there were a few developments outside Union County that purchases water from Union County.

Commissioner Openshaw said he would be glad to have those exceptions. After more discussion, it was determined that it would be policy not to transport water outside of Union County when drawn by tanker truck from a hydrant.

Mr. Crook said that the reason it was structured in this manner was because it is reasonable for the county to be concerned about out-of-county water sales during times of shortage and under a water conservation ordinance. He said he thought the legal justification for that diminishes unless the County is under water restrictions. Also, he said as Ms. Putnam had pointed out, she is in the business of selling water when the county is not under water conservation. He assured that it could be modified to the Board's request.

The Vice Chairman asked the staff attorney what was his feeling on cutting off the transportation of water period.

The Staff Attorney said that would be his recommendation that the transport of water across the county or state line be restricted only when the county is following its Water Conservation Policy.

Commissioner Mills said to speak to Commissioner Openshaw's point that he too had read about restrictions in Mecklenburg County. He said that there are a lot of people who have swimming pools in Mecklenburg County and, if their restrictions are not lessened, there will be a lot of people in Mecklenburg County who would not be able fill their swimming pool. He said that made him wonder if Union County would have a caravan heading out from Union to fill up swimming pools in Mecklenburg County.

Ms. Putnam said that she did not disagree with the point of absolutely restricting the transportation of potable water over the county lines during the times that the ordinance is enacted, but in a time in the future when water is available, it is to the County's benefit and revenue stream to sell that water, if there is a customer. She said for that reason she would hesitate to restrict any opportunity to sell and create revenue. Ms. Putnam stressed that it could be a revenue problem for the county.

Commissioner Mills asked if there are some farmers who own farms in Union County and also in adjacent counties where the transporting of water across the line for the livestock or crops might create a hardship. Chairman Baucom said the issue would be only if the tank of water was filled with intentions of using it in Union County and instead the water was transported across the lines.

Ms. Putnam responded to Commissioner Openshaw by stating that she did not think that in the near future that the County will be in a position to sell water but to eliminate it altogether at this time would be something she would be against.

The Chairman suggested that it remain that there be no transfer of water outside of Union County in Stage 3 and that all conservation measures would be available for the County Manager to implement.

Commissioner Lane said he thought that it should be prohibited during stage 2.

Jeff Crook stated that the difference between the ordinance and the proposal by Commissioner Lane is that water transfer in Stage 2 would be prohibited and not at the discretion of the County Manager.

Commissioner Openshaw said the County could bridge the water surplus in the future, if it should ever occur. There is not that much cast in stone and right now there is a problem and he did not see those restrictions being lifted since it is infrastructure related and not just drought related. He stressed that Union County does not have enough water to serve people at peak demand even if there were no drought. So, he stressed, the County is still giving away potable water, and he did not think it should be done. Commissioner Openshaw said that he hoped the listening audience heard that the County makes money on water; it's a profit center. He said he thought the priority should be to serve the customers first. He said he did not think the County should be selling water when the County is restricting its citizens from using it.

Ms. Putnam said she agreed wholeheartedly that the County should not be giving or selling water outside the County in times of water conservation. She also said she did not have a problem with moving the stage from three to two, but stressed that Union County is not creating a profit center. She noted that the county sells water to maintain a lower rate for its users.

The Vice Chairman restated his motion to direct the staff to prepared the ordinance to amend the section governed by Article IV, Section II (h), to read “transportation of water outside of Union County where drawn by tanker truck from a hydrant is prohibited during Stage 2.”

Commissioner Openshaw addressed the point about pool dumping going on at this time. He said he had heard that it was cheaper to pay the fine, if you get caught, than to get approval to dump. He said 70,000 to 80,000 gallons are being dumped and that is a big waste. He said he thought dumping is an issue that should be addressed.

The motion as restated by the Vice Chairman passed by a vote of four to one. Chairman Baucom, Vice Chairman Pressley, Commissioner Lane and Commissioner Mills voted for the motion and Commissioner Openshaw voted against the motion.

PUBLIC WORKS:

Reclaimed Wastewater User Rates:

The Chairman recognized the Public Works Director. Ms. Putnam stated that she was very pleased to have permits in hand for bulk use availability. She said the initial benefit that she anticipates is to provide an alternative for potable water and is pleased to have the permit available before the growing season. She said for background information, the following uses are permitted uses for reuse water. She said that gray water is water that comes out of a septic tank and reuse water is treated wastewater that is not discharged into a stream and is available for irrigation of public and private landscape and turf, compost process water, street cleaning (not washing), sewer cleaning, vehicle washing by county staff, decorative ponds and fountains that drain to the sewer system, and soil compaction and dust suppression.

She said that reclaimed water is not included in the water restrictions so it is available for use. She said it is hoped that it will be in place by next week. She said bulk filling stations are going to be built at the Twelve-Mile Creek Facility, north of Waxhaw, and the Crooked Creek Facility, which is on Sardis Church Road. She assured there would be an extensive educational process that both owners and drivers would be required to go through to know all the regulations and requirements for applying reuse water.

Ms. Putnam stated that the staff is recommending a \$100 annual permit fee per tanker/vessel used to transport and distribute reclaimed wastewater and a consumption flat rate that equals to one-half the prevailing rate for potable water and a \$5 monthly annual

maintenance fee. She said that it is also recommended that fees be applied to Hydrant Permits (potable water): \$100 annual permit fee and a \$5 monthly maintenance fee.

Motion was made by Chairman Baucom that effective immediately user-rates/fees for Reclaimed Water be set as follows: \$100 annual permit fee per tanker/vessel used to transport and distribute reclaimed wastewater (2) the consumption rate be set equal to one-half the prevailing water rate, flat not tiered, and a \$5 monthly account maintenance fee. The motion also included that effective immediately the fee schedule be amended to set a \$100 annual hydrant permit fee per tanker/vessel used to transport water and a \$5 monthly account maintenance fee.

Commissioner Openshaw stated he was delighted with this becoming available but found it strange that it can be used for sewer cleaning but not for road washing. He said it was not allowed for road cleaning because it ends up in the sewer. Ms. Putnam corrected that it was not allowed for road cleaning because it ends up in the storm drains and flows directly in the streams.

The motion passed unanimously.

Twelve Mile Creek Sewer Diversion:

Ms. Putnam stated that upon the Board's direction, she and her staff looked at diverting water from the Twelve Mile Creek Facility to the Charlotte Mecklenburg Utilities McAlpine Creek Reclamation Facility for treatment. She said the engineers had been requested to look at acquiring an increase to the system to provide 1.5 million gallons of wastewater. She said the purpose was to make up the short fall for the third-year residential projects and to provide some additional available capacity that could be allocated to the Twelve Mile Creek and Crooked Creek areas. She explained that the balance that is required to meet the third-year residential demands is 1.267 million gallons. She said with a 16-inch line, the County does not meet the needed amount for the three-year residential balance. She noted that if the line is increased to an 18-inch line, then the capacity is 1.67 mgd. She said that in the future, when the Board reallocates whatever is remaining in Six Mile Creek, that number might be reduced. Ms. Putnam said that she is looking at installing a pump station at Twelve Mile Creek and laying a force main from Twelve Mile Creek Wastewater Treatment Facility to the confluents of Tarkhill Pump Station that currently has a force main that goes to Six Mile Creek Wastewater Treatment Facility. [The Tarkhill pump station is located approximately three miles west of Twelve Mile Creek WWTP, south of Waxhaw-Marvin Road.] Ms. Putnam stated her recommendation is for an 18-inch line.

Motion was made by Commissioner Mills that an eighteen-inch (18 inch) line be put in place from Twelve Mile Creek Sewer System to divert a minimum of 1.5 million gallons of wastewater per day from the Twelve Mile Creek Wastewater Treatment Plant to the Charlotte-Mecklenburg Utilities Wastewater Collection System (Alternative 1A).

Commissioner Openshaw stated he was philosophically opposed to this because the County is taking away economic rights from people whose sewage currently gravity flows into Six Mile Creek by diverting areas where there is excessive and unrestrained growth, the county is now imposing on people who had ever right to believe that their sewage could flow into Six Mile Creek. He said it looked to him that some of the numbers exceed three million gallons.

Commissioner Lane stated if the 18-inch line is installed and it is maximized out, there would be nothing left along Six Mile Creek for those that wanted to gravity feed now. She said that if it were maximized out, that would be correct, but emphasized that would be the Board's allocation policy and how and where it decided to allocate the flow.

Prior to the vote, the Vice Chairman asked for clarification that the motion is to approve Phase I – Alternative 1A plan – as presented by the engineers, Kimley-Horn & Associates, Inc. After receiving this confirmation, the motion passed by a vote of three to two. Chairman Baucom, Vice Chairman Pressley, and Commissioner Mills voted for the motion and Commissioners Lane and Openshaw voted against the motion.

SELF HELP PROGRAM:

Ms. Putnam explained that the Public Works Advisory Board recommended modifications to the current Self-Help Program. The first recommendation reduced the participating threshold from 100 percent to 70 percent. She said the recommendation was that any remaining gap in funds contributed by participants, plus the Board's discretionary General Fund Contribution, and the amount necessary to complete the project, be funded through the Utility Fund. She said the second portion of that recommendation is that owners of existing homes that would benefit from the project but who choose not to participate be held liable for contributions should they decide to connect. If they decide to participate in years 1 – 5, full participation rate; years 5 – 10 would be a declining participation rate: year six – 85%; year seven – 70%, year eight – 55% and year 10 – 40%.

Motion was made by the Chairman that the amendments to the Self-Help Program be approved with the exception of the percentages presented and moved the following: Years 1-5 – 110%; Year 6 – 100%; Year 7 – 85%; Year 8 – 70%, Year 9 – 55%, and Year 10 – 40%. He said he thought the program was a good deal, and he wanted to make sure that residents do not wait to sign up to

get a free ride. He further moved that the current projects be continued and the General Fund continue contributing the same amount of funding that it had initially and the Enterprise Fund pick up any additional shortfall. These projects are: Cyrus Lee Lane, Polk Mountain, Wellington Woods I, Price Rushing Road, and Dodge City (2).

Commissioner Lane thanked the Chairman for his work on the Self Help Program and stated that he thought it necessary to assist the citizens of this County who do not have safe or adequate drinking water. He said he supported the motion.

Commissioner Openshaw stated that in reading the minutes of December 17, 2007, it stated that Mr. Nelson had two observations of the project summary. Commissioner Openshaw stated that Mr. Nelson said Utility Rate Customers are contributing \$2,220 per customer. He asked Mr. Nelson if that is a consistent number. Mr. Nelson stated that under the current policy, which has only one active project, the \$2,220 was the contribution for utility rate customers. Commissioner Openshaw asked if that is new or existing customers. Mr. Nelson responded that would be the existing or all of ratepayers. Commissioner Openshaw noted that taxpayers, whether they use water or not, is contributing \$2,000 each. Mr. Nelson said as he understood the motion those amounts will continue to be the same. Ms. Putnam stated that if there is not 100 percent participation and the Utility Fund has to make up the balance, the \$2,220 would increase.

Following the discussion, the motion passed unanimously.

The Chairman stated that he and Commissioner Mills attended a water meeting Thursday night at Antioch Baptist Church community and Allen Hart of the USDA was also present. He said USDA encourages anyone who wants to participate in a self-help program to apply to USDA and ascertain if individual assistance is available, if he or she has a financial need. He said a representative of USDA is at the Ag Center every Wednesday and encouraged anyone in the Self-Help Program to seek assistance from USDA.

Ms. Putnam noted that these were all approved at 70 percent absolute participation rate and that all available funds for this year have been appropriated. She further noted that after the budget is approved for 2008-2009, those interested in the Self-Help Program can make application at the Public Works Office.

Commissioner Openshaw stated that the County does not qualify under some of the available programs, but municipalities do qualify. He reminded that it had been requested that the municipalities be contacted to notify them that they may be able to assist their residents.

THE WOODS SUBDIVISION:

The Chairman recognized Tom Caldwell, attorney for The Woods Subdivision, who addressed his clients' request for a pump station to service The Woods Subdivision. He said several meetings ago, it was determined that there needs to be more information about The Woods Project. Mr. Caldwell said it has continued on since that time. On behalf of his client, he requested that the Board of County Commissioners approve the construction and installation of a pump station to service The Woods Subdivision.

Mr. Caldwell produced a copy of the "Will Serve" letter signed by Charlie O'Cain of the Public Works Department on October 5 and reported this letter was in response to a request from the developer, The Woods Subdivision. He said that the way he understood the letter, Public Works approves pump stations according to the Sewer Allocation Policy. Attorney Caldwell read from the second paragraph which stated: "At this time Union County Public Works (UCPW) is agreeable to recommend this project be allowed sewer service utilizing capacity within the Six Mile Creek drainage basin (McAlpine Creek WWTP) and water service using the above mentioned water mains: This recommendation is based on you (developer) obtaining the following:

- Union County Board of Commissioners' (B.C.C) approval to transfer flow from the Twelve Mile Creek drainage basin to the Six Mile Creek drainage basin.
- Charlotte Mecklenburg Utilities' (CMU) approval to discharge into the CMU collection system along Six Mile Creek utilizing committed sewer capacities to Union County.
- Division of Environmental Management's (DEM) approval of the non-discharge permit application.
- Design and Construction of a sewer pump station located along Mundys' Run Branch at the headwater of Aero Plantation. The associated wet well and force main and controls to be sized for the build out of the complete drainage basin based on Union Counties (sic) Master Plan design criteria.
- Proposed Pump Station to be designed per Union County/State standards and shall include and (sic) architect designed enclosure to be compatible with the surrounding community, magmeter, odor control, and chemical injection in addition to all "standard" items on typical county pump stations.

-Design and construction of a 16-inch diameter water main extension along the proposed Rea Road Extension to be extended through this project and connecting to the existing 24-inch diameter water main located on Weddington Road.

-Obtaining engineering plan approval from other governmental agencies as appropriate.

-Compliance with Union Counties' (sic)

- a) Easement Acquisition Policy and Procedures
- b) Water and Sewer Extension Policy
- c) Sanitary Water and Sewer Specifications
- d) Public Works Department standard review comments.

Mr. Caldwell stated that the way he read and understood the letter, it did not say that the Board of Commissioners has to approve the pump station: Public Works is approving the pump station in accordance with and pursuant to existing county policy— Public Works approves pump stations. He said the only thing this letter is stating is that the developer needed to go to the County and request permission to transfer the flow from Twelve-Mile Creek to Six-Mile Creek. Attorney Caldwell next distributed a section of the Sewer Allocation Policy – Section 12.1.6. He emphasized that Section 12.1.6 specifies that before the sewage can be handled at Six Mile Creek, no project may receive capacity at Six-Mile Creek, without prior approval from the Board of Commissioners, if such receipt would require construction of a new pump under this Subsection. He stressed that the County's Allocation Policy included The Woods Subdivision in Six Mile Creek and was approved at 40,000 gallons of sewer flow on The Woods Project to Six-Mile Creek. He agreed that the application has an asterisk that requires the Board to approve the pump station, but the point is, the letter from Public Works in October 2006 said that all the Board of Commissioners had to do was to approve the transfer from Twelve Mile Creek to Six Mile Creek. He pointed out that with the Allocation Policy itself, the Board had done that. Mr. Caldwell next questioned why the County would need to approve it under Section 12.1.6.

Mr. Caldwell next distributed a letter written February 21, 2008, from Michael Garbark addressed to Mr. Sealy at the Woods which stated "At this time, the Woods qualifies for 200 lots, 190 gallons per day per lot, totaling 38,000 gallons per day. Union County Public Works is now accepting plans for review."

Mr. Caldwell reviewed that in October 2006, Public Works approved the pump station subject to the approval by the Commissioners of the transfer of the sewage from Twelve Mile Creek to Six Mile Creek, which was done via the County's allocation Policy and confirmed after the appeal period ran as stated in the letter of February 21, 2008. He said tomorrow he would like to go to

the Public Works Department and Public Works would act on approving the pump station. He stressed that he and representatives of The Woods are here tonight to do what the County and its Public Works Department contemplated to be appropriate in October 2006 and was again confirmed in February 2008. He noted that in September 2007, the Board of Commissioners included The Woods in the Allocation Policy, and he is now asking, although he does not think it is legally necessary, that the Board of Commissioners approve the pump station and transfer.

He said he was asked this morning by a County Commissioner what would have happened to The Woods' project if it had been allowed to gravity flow, assuming the ponds and dams were not at Aero Plantation. He said it would have gravity flowed to Twelve Mile Creek, and then it would have been part of the diversion line that the County just approved and would have been pumped to Six Mile Creek, at the County's expense. He said he did not hear the cost of building the 18-inch line and pump station, but he knew the cost of it would be several millions. Mr. Caldwell again stressed that if the ponds and dams had not been there at Aero Plantation, the flow from Mundy's run drainage basin would have flowed by gravity to Twelve Mile Creek. He said if The Woods had held a "will serve letter", it would have been part of the diversion line and the flow would have been pumped to Six Mile Creek at the County's expense, which is what is being requested now, but paid for by the developer. He said The Woods was going to build the pump station and force main at the developer's cost with an agreement that it will invest money to operate and maintain the pump station into perpetuity, which no other developer has ever offered in all the 66 pump stations that exist.

Mr. Caldwell said there have been comments that Union County has a policy against pump stations. He emphasized that he has never seen that policy and believes that discussion is because people have in their minds that pump stations cost money to maintain and that it is better not to have them. He said the policy in October 2006 was not "no pump stations", it was that pump stations cannot exist where gravity flow is permissible. Mr. Caldwell said that McKim and Creed wrote a letter in 2005 when they did a study of possibility of gravity flowing through Aero Plantation and said it could be done at a cost of \$2.2 million. He said one thing the study did not address is the physical aspects of what would have to be done in going through the dams. He said he represented Jim Nesbit 35 years ago when he built those lakes and dams and those ponds and dams have given him problems since they were built. The NC Department of Transportation has been after the development and they have spent thousands of dollars working on those dams, and noted that Aaron Efird said they are still spending money on these dams. Bob Davis, engineer for the Woods, looked at the Aero Plantation dams and calculated that the line would have to be 20 feet in the ground when the line passed the dams at Aero Plantation. He said that without knowing what was in the dams and, if rock is hit, the dams, which are class III, high hazard dams, which means in the event of a rupture of those dams, there would be the possible loss of a lot of property and life lost downstream. He stressed the liability for installing a line plus when the line is turned over to the County, the line would then become a liability for the County. Mr. Caldwell said the proposal by The Woods would prevent this liability.

Mr. Caldwell said that Ms. Propst has spoken before the Board on several occasions in opposition to The Woods pump station because it is unfair that she owns adjacent property that could not be served by this pump station. He said it was his understanding, and he would want to obtain verification, that the pump station would be located in such a way that Ms. Propst's family property could be served. He said he also was present when a resident of Aero Plantation said her children canoed, fished and swam in the ponds at Aero Plantation and she would hate to think of a sewer spill. Mr. Caldwell said that sewer spills can occur even with gravity flow.

Mr. Caldwell asked the Board of Commissioners to do what he submitted to be the right thing and approve the pump station for The Woods so the plans can be submitted tomorrow. He said these developers purchased the property after they received the letter in October 2006. He reminded that the Board had just approved the construction of an eighteen-inch line and pump station to transfer up to 1.7 million gallons that would be going into Twelve Mile Creek and transferring it to Six Mile Creek because the Board or someone made commitments to developers and the developers would have a claim against the county.

The Vice Chairman said he had spent a lot of time on this issue and its history and it is hard to document as far as right or wrong. He agreed that the County did approve The Woods as far as the allocation of the Six Mile Creek. He referred to the Water Extension Policy and Section 12.1.6 on the policy for allocating wastewater and assured that he had talked with the staff attorney and Ligon Bundy to try to determine what takes precedence. He said the County does not go to section 12.1.6 unless the County absolutely fulfills Chapter five of the Water and Sewer Extension Policy which says that pump stations ought to be considered with the approval of 201 Facilities Study Area and upon determination that a gravity sewer cannot be utilized. He said he had two issues. First, he said there is no way that gravity can flow from Twelve Mile Creek up to Six Mile Creek so the project fails under that section; gravity flow cannot be utilized and of that he is confident. However, he questioned the allocation of The Woods being in the Six Mile Creek and asked if the developer had requested to be in Six Mile Creek.

Mr. Caldwell answered that he had talked with Mr. Shalati last week and had asked him the background. He said Mr. Shalati said that at the time Mike Sealy came and talked with Public Works there were several things up in the air including Rae Road, and the search was on for a school site, and everybody wanted it to happen quickly. He said the best way and the quickest way to serve this property was with a pump station. Mr. Shalati said he had sent Mr. Sealy to talk with Public Works and to ask if it would be feasible to build a pump station to serve this property knowing that it would be difficult to go through Aero Plantation. He said Mr. Shalati said he did not ask them to do it, but asked them to determine the feasibility of such action.

Mr. Davis responded that it was his feeling in looking at the alternative and prior to the developer purchasing the property, the only reasonable way to move forward on the project would be with a pump station. He noted not only the expense but also the liability of trying to go through the dams and said that whoever goes through them will own them from that point forward. He said his recommendation to his client was for a pump station and pointed out that in the original 201 Facilities Plan there was a pump station designed to be there. He said it was changed in the 2000 Master Plan in an overzealous effort to get rid of pump stations.

Vice Chairman Pressley again asked which basin had The Woods requested to be included. Mr. Davis replied the original request was for the Six Mile basin.

The Vice Chairman asked Ms. Putnam to come forward. He then asked if the flow had been requested to be in the Twelve Mile Creek and the dams were not there would the project not have sewer capacity at this time. Ms. Putnam agreed and stated that on the Six Mile Creek versus Twelve Mile Creek, Mr. Davis, engineer, is correct that on one of the previous master plans there was a pump station at Mundy's Run but on that Master Plan, it pumped into another branch at Twelve Mile Creek.

Mr. Davis said that had been discussed during his meeting with Mr. Shalati and Mr. Sealy and the discussion was at that meeting that it would be better to pump it to Six Mile Creek. He said they would have been happy to pump it to the culvert branch. Mr. Davis said it would not have made a difference to the developer or to him.

Vice Chairman Pressley said that his policy states that a determination must be made that a gravity flow cannot be utilized. However, the County is talking about the best feasible way and the path of least resistance, and he agreed that a pump station would be the easier way. He said, however, that he is held to the Water and Sewer Extension Policy that it must be determined that gravity flow cannot be utilized.

Mr. Caldwell reminded that over 60 times that decision has been made because there are that many pump stations in Union County.

Vice Chairman Pressley said that as to the pump station the county is planning to build, there is no way that it can be serviced by gravity flow: the County has met that test. He argued that what the County is saying is that gravity flow is not the feasible way to service The Woods development. Mr. Davis countered that when he told his clients that it was not feasible to go through the dams, he meant that it is unacceptable in his opinion to go through the dams. He stressed that policies that cover as broad a subject as this one generally have customary interpretations as to how the policy is enforced. Consistently, he said that policy has been enforced in the

past to where gravity flow is not practically possible or reasonable. Mr. Davis said there are two pump stations upstream of Walden Pond, which were previously approved with similar conditions, and it makes sense. He said it would be a bad idea for Union County to adhere to that policy given the liability concerns of digging beneath the dams. Mr. Davis stressed that it is not a practical deal when the County has a no-cost alternative to have a pump station to go a different way to assume the liability of millions of dollars of damages to dams that the County and engineers know are issues and include potential loss of human lives.

The Vice Chairman said the no cost issue is admirable but what he is also concerned about is the dealings that the developer was requested to build a road and a school and then the County would approve a pump station. The Vice Chairman reiterated that the dealings should be objective and the same for all developers.

Mr. Caldwell said he doubted that of the 60 plus pump stations that have been built there are ten of those that were built because that was the only way that sewer could be put on the site. He said that decisions have been made on this policy to allow the construction of pump stations.

The Vice Chairman stressed this was a bad situation but he was bound to the policy.

Motion was made by Commissioner Openshaw that the request be denied based on the consideration of the Water and Sewer Extension Policy, especially Chapter 5, dealing with Pump Stations, and that the Board has also considered the factors set forth in Section 12.1.6 of the Policy for Allocating Wastewater Treatment Capacity.

Commissioner Openshaw stated that he knew a neighbor of the Walden Pond pump station who is not happy with the light and noise of the pump station and reminded that this station was not approved by this Board of Commissioners. He suggested the developer take the money that he would have spent on Rea Road and use it to buy some easements for a gravity line. He further said that if the school site is off the table, the letter would be invalidated as well.

After discussion, the motion to deny passed unanimously.

Attorney Caldwell said that 12.1.6 said the Board “shall” consider the overall economic benefits to the county and he had not seen that aspect considered.

The Chairman called a brief recess. At the conclusion of the five-minute recess, the Chairman recognized Mr. Nelson to discuss the requests for South Piedmont Community College.

SOUTH PIEDMONT COMMUNITY COLLEGE:

Kai Nelson, Finance Director, addressed this subject asking the Board to adopt Capital Project Ordinance #97 to provide funding for SPCC Capital Projects (complete mobile classroom purchases and Advance Machining Center) and to set date for work session with South Piedmont Community College to review its Capital Improvement Program and to provide direction regarding financing of improvements contained in the program.

After discussion, motion was made by Vice Chairman Pressley that the Capital Project Ordinance #97 be approved to appropriate \$64,070 for the Advance Machining Center and \$30,242 for purchasing mobile units to accommodate their growing needs for additional classroom space. The motion included to meet with SPCC on March 24, 2008, at 5:30 p.m. to update the Board of Commissioners on the status of the facility programming and to discuss their financing mode.

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	General CPO Fund			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2007-2008			DATE	February 13, 2008		
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
General CPO Fund 40							
IFT from General Fund	40,000	64,070	104,070	Community College - Capital Planning	160,000	64,070	224,070
Misc Rev Sale of Prop.	120,000	-	120,000				

IFT from General Fund	390,000	30,242	420,242	Community College - Mobile Units	390,000	30,242	420,242
	550,000	94,312	644,312		550,000	94,312	644,312
EXPLANATION:	To allocate General CPO Fund resources for South Piedmont Community College Capital Projects.						
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
General CPO Fund 40							
IFT from General Fund	40,000	64,070	104,070	Community College Capital Planning	160,000	64,070	224,070
40459700-4010-PR035				40559700-5586-PR035			
IFT from General Fund	390,000	30,242	420,242	Community College Mobile Units	390,000	30,242	420,242
40459700-4010-PR042				40559700-5586-PR042			

		94,312					94,312	#	
Prepared By	bl/aar								
Posted By									
Date							Number	CPO - 97	

Commissioner Openshaw asked the funding source for the additional funding appropriated tonight. Mr. Nelson responded that ultimately the County is responsible for the community college facilities. Commissioner Openshaw said he thought he understood that there was not an impact on the budget. Mr. Nelson responded that these funds were already budgeted for the college. Commissioner Openshaw suggested that the industries of the County be encouraged to contribute to these types of projects. The Chairman responded that he thought several already made sizable contributions.

The motion was passed unanimously.

COMPLIANCE WITH MINIMUM NORTH CAROLIN DEPARTMENT OF TRANSPORTATION TRAINING STANDARDS FOR UNION COUNTY COMMUNITY TRANSPORTATION SYSTEM OPERATIONS:

The Chairman recognized Mark Watson who stated that he is requesting additional resources so the County can get into compliance with its State funding eligibility requirements. He noted that the County is a sub-recipient of federal and state transportation grants. He said that along with many grants, the County must certify and assure that it is meeting the minimum eligibility requirement to obtain the grants. Mr. Watson stated that this year the State has put the county on notice that it must begin meeting minimum standard requirements for the drivers in the transportation system and requires a long list of items that the drivers must be trained on before they can get on the roads. The training standards for grant eligibility issued in October 30, 2007, covers five areas: Defensive driving, ADA, Blood Borne Pathogens, Emergency Procedures for Vehicle Operators and Illegal Drug Use.

After the presentation, motion was made by Vice Chairman Pressley that all items be approved as requested: a.) Addition of Safety and Training Specialists Classification to the Union County Pay Plan at Pay Grade 65; (b) appropriate (1 FTE) Safety and Training Specialist to the Personnel Department allocation of Positions (c) Appropriate funding for current fiscal year as needed in

the amount of \$11,164 (d) Appropriate a .85 FTE regular part-time drive to the Transportation Department allocation of Positions (e) Appropriate \$6,793 as needed for this fiscal year. The motion passed unanimously.

VISIONING CONFERENCE PRIORITY WORK PLAN:

The Chairman recognized the Finance Director to present the information and asked if the Board would hear from the Board of Elections and the IT Director so they can go home at this time. The Commissioners agreed to this change to the agenda.

ONE-STOP VOTING SITES AND STATE FINANCIAL ASSISTANCE:

Mr. Nelson stated that he and John Whitley, Director of the Board of Elections, were here to present this item tonight. He stated that the County had appropriated funds for three early-voting sites and the State has appropriated additional funding for the two sites for a total of five sites: Mr. Whitley stated the sites are: Griffin Room of the Monroe Library, Hemby Bridge Volunteer Fire Department, Stallings Volunteer Fire Department, Wesley Chapel Volunteer Fire Department, and the Wingate Community Center. He said the funding would be forthcoming the first of April and the Board of Elections is proceeding on the assumption that there will be five sites. Mr. Nelson said that the recommendation is that the Board accept the grant allocation from the State Board of Elections and authorize the Interim County Manager to approve budget ordinance amendment appropriating the funds.

Motion was made by Commissioner Mills that the grant allocation from the State Board of Elections in the amount of \$40,000 to pay for two additional one-stop voting sites be accepted and the Interim County Manager be authorized to approve budget ordinance amendment appropriating the funds.

Commissioner Openshaw stated that last week he had heard that the Federal government was appropriating grant funds to counties for conducting elections. Mr. Whitley said these were federal funds distributed through the State Board of Elections.

The motion passed unanimously.

CONTRACT – W. K. DICKENSON & COMPANY: 4.1 (c) Moved from the Consent Agenda

The Chairman recognized Commissioner Openshaw who had asked that Consent Agenda Item 4.1 (c) – W. K. Dickenson & Co., Inc., be moved to the regular agenda.

Commissioner Openshaw stated that he was curious about this one since it was for employee benefits consulting services. He said this was fun reading. During his comments on the subject, it was noticed that the item removed from the consent agenda 4.1 (c) W. K. Dickenson & Co., Inc. should have been 4.1 (e) AON: Health Benefits Consulting and that was the item discussed. He asked if the staff is requesting approval of the item.

Mark Watson, Personnel Director, stated that if Commissioner Openshaw is speaking of AON that the request before the Board is to give the County Manager authority to execute the agreement and to sign the broker letter of agreement after it is given the approval of the staff attorney. Commissioner Openshaw noted that there were eleven bidders but the material stated that this firm is in the process of being compared against the proposed list of services and pricing. He asked why the Board was asked to approve a contract on which comparisons have not been completed or pricings compared just because this firm had been ranked number one on the matrix.

Mr. Watson reiterated that what the staff is requesting is that the Interim County Manager be given the authority to sign the engagement letter and the broker of record agreement once it has passed legal review. He said the engagement letter was received the 28th and, since the time he sent the request to the Board, he has compared the engagement letter to the earlier proposal received from the firm. He said he has made his notes and forwarded the information to the Legal Department, but reported that the Legal Department has not had time to complete the review.

Commissioner Openshaw said what he was asking is why this item came to the Board without complete review. He asked Mr. Watson if he is stating that the contract will be awarded to AON: Health Benefits Consulting. Mr. Watson confirmed that AON is the vendor of choice. Again, Mr. Watson reiterated that the request is to grant the County Manager authority to sign the Engagement Letter and the Broker of Record Agreement once these have passed legal review.

Motion was made by Commissioner Mills that the Interim County Manager be authorized to execute the Engagement Letter and the Broker of Record Agreement with AON: Health Benefits Consulting after approval by the Staff Attorney. The motion was passed unanimously.

ENVIRONMENTAL HEALTH PROPOSED FEE INCREASES: (Moved from Consent to the Regular Agenda)

The Chairman recognized Commissioner Openshaw who had asked this item be moved from the Consent Agenda.

Commissioner Openshaw stated he might be misunderstanding the information but questioned “current swimming pool”. He said it appeared from the information that it costs the county \$320 but the County is only setting the Pool Application Fees at \$275. Commissioner Openshaw questioned why the County is not charging the full cost of \$320.

The Chairman stated he thought that was an average because the \$320 included the night-time pools and so when it was averaged with day-time pools, the fee was set at \$275.

The Finance Director stated that he did not know the answer but stated that if the Board wants to defer, he would have the answer by the next meeting.

Commissioner Openshaw moved that action on the Environmental Health Proposed Fee Increases be deferred until the next meeting. The motion was passed unanimously.

Commissioner Openshaw next asked to discuss the Temporary Food Establishment Fee that was also part of the Environmental Health Proposed Fee Adjustment Recommendation. He noted that again the cost is \$95.50 but the County is only charging \$25.

After brief discussion, Commissioner Openshaw moved to defer action on this item until the next regular meeting and more information can be obtained. The motion passed unanimously.

INFORMATION TECHNOLOGY - Upgrade of the Nortel Phone Switch, located in the Government Center: (Moved from Consent Agenda to the Regular Agenda)

Chairman Baucom recognized Commissioner Openshaw who had requested this item be moved to the Regular Agenda.

Commissioner Openshaw questioned if it is standard policy that information technology is exempted from the formal bidding process.

The Staff Attorney explained that when the County formally bids something, which is required for projects over \$90,000, the low bidder must be accepted. He stated that the Legislature in 2001 recognized that is not necessarily the best law for information

technology which is defined to include telecommunications equipment. This action will enable the IT Department to do Information Technology procurement, an RFP Proposal, to determine what is best for their telecommunications' set up and configuration. He said price is a factor but it does not have to be the ultimate factor.

Commissioner Openshaw moved approval of the upgrade to the Nortel phone switch, located in the Government Center, pursuant to the information technology exception to formal bidding, G. S. 143-129.8 and that the County Manager is authorized to purchase this equipment pursuant to the information technology exception from the vendor that best meets the needs of the County. The motion was passed unanimously.

VISIONING CONFERENCE PRIORITY WORK PLAN - PRIORITY 12 (TIE) – TAX RATE: REVENUE NEUTRAL, LOWER:

The Finance Director stated that a few minutes ago, the Clerk would have distributed the information he is going to discuss.

The Chairman asked the Finance Director what he wanted to accomplish with this presentation. Mr. Nelson said the purpose of this presentation is noted in the first bullet, which is a two-fold purpose: the first is to provide an update on the County's current financial condition and the second is to provide a high-level assessment in connection with one of the Board's priority work plans that came out of the Visioning Conference held a month or two ago. He said that particular item was tax rate revenue neutral, lower budget.

The Chairman noted that there were two Commissioners who had this item as a priority. He asked if Mr. Nelson is seeking direction as to whether to bring forth a revenue neutral budget.

The Finance Director again stated there are two purposes to his presentation. One is to provide the Board with a brief overview of the County's financial condition, and the second would be in connection with a revenue neutral budget. He said he is seeking to share with the Board where the Finance Department and staff see next year's high-level assessment.

The Vice Chairman stated it is his position that as the Board gets closer to budget deliberations that these figures will change because the numbers change daily. He asked why discuss this now and not closer to budget discussions in May

The Chairman stated he had two questions. The first is about education, which takes two-thirds of the County's budget and asked if the Finance Director has the budget from the schools. Mr. Nelson responded that he and other staff are now working on the funding formula and there is substantial work remaining on it. The Chairman next asked if the revaluation numbers are in hand. Mr. Nelson answered that the revaluation numbers are included in the information provided.

Motion was made by Commissioner Mills that discussion on this item be delayed until a later meeting because the budget figures from the schools are not known at this time. He thanked Mr. Nelson for the time he spent in developing this package of information.

Commissioner Openshaw questioned why this item is before the Board tonight. Mr. Nelson replied that it was before the Board because in his February report to the Board an analysis was presented of 18 items and each of those items had a work plan associated with them including next steps. In this particular item, one of the next steps was to present this information to the Board at this meeting. Commissioner Openshaw noted that the second request was for the Board to provide guidance to the staff, and he asked what guidance is requested. The Finance Director stated that according to the General Statutes of North Carolina, the Budget Officer is the County Manager, and he is responsible for developing a recommended budget to the Board. He said the County Manager and Finance staff are in the process of working vigorously with the budget and will be developing this budget in the next couple of months for the Board's consideration.

The Chairman noted that the staff is required by the General Statutes to bring forth a revenue neutral number with the budget. Mr. Nelson agreed and stated that number is available tonight.

The motion to delay action passed unanimously.

AUTHORIZATION FOR COUNTY TO ENTER INTO CONTRACTS FOR THE DEFENSE OF INDIVIDUAL COMMISSIONERS AND ADOPT BUDGET AMENDMENT:

Commissioner Mills moved to authorize the Interim County Manager to enter into contracts for the defense of individual Commissioners not to exceed \$15,000 each and to adopt Budget Amendment #40 to the Board of Commissioners' budget increasing Operating Expense-Existing Expend Trends by \$45,000 and Operating Expense by \$75,000 and decreasing Contingency by \$120,000 as recorded below:

BUDGET AMENDMENT									
BUDGET		Board of County Commissioners			REQUESTED BY		Richard Black		
FISCAL YEAR		FY2008			DATE		March 10, 2008		
<u>INCREASE</u>					<u>DECREASE</u>				
<u>Description</u>					<u>Description</u>				
Operating Expenses - Existing Expend Trends				45,000	Contingency				120,000
Operating Expenses				75,000					
Explanation: Appropriate additional for legal expenditures.									
DATE					APPROVED BY		Bd of Comm/County Manager Lynn West/Clerk to the Board		
FOR POSTING PURPOSES ONLY									

<u>DEBIT</u>			<u>CREDIT</u>		
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10540100-5382	Legal services	120,000	10592000-5920	Contingency	120,000
		Total		Total	120,000
		Prepared By			
		Posted By			
		Date		Number	40

The Chairman asked if there were discussion by the Board on the motion by the Board. Commissioner Lane stated that he thought the proposed appropriation of not to exceed \$15,000 for each commissioner was ridiculously low. He said that he believed it was proper for him to have an attorney to be paid for by the County, since he has been labeled a hostile witness in the Shalati case. He said that he did not believe that \$15,000 would go very far in covering his attorney's fees in this matter.

Commissioner Lane stated that he had been at a meeting where he was to have been deposed in the Shalati matter, but he did not feel that he had a proper attorney. He said that the attorney retained by the County in the Shalati matter represents the majority of the Board, but that attorney does not represent him. He said that he did not think the fees for an attorney to represent him should have a \$15,000 limit and stated that this was a complete slap in the face to him. Commissioner Mills noted that he believed if the \$15,000

per Commissioner was not sufficient to cover the attorney's fees that there would be provisions in the statutes allowing reimbursement to the Board members.

Mr. Crook responded that he was not aware of anything in the statutes that would allow for the reimbursement of sums, but explained that a prior Board adopted a resolution for reimbursement for defense of counsel. Mr. Crook stated that he had not been involved in the Shalati matter and said that he had referred Commissioner Lane's inquiry to the County Attorney. Commissioner Lane stated that he would ask his attorney to forward his statement directly to the County for payment.

Commissioner Openshaw questioned if the \$120,000 to be taken from Contingency was above and beyond the money that had been budgeted in the current year for legal fees. Mr. Nelson responded that was correct. Commissioner Openshaw asked if Mr. Nelson had a list of the expenditures for which these funds would be used. Mr. Nelson explained that he did not have a list of the expenditures, but stated that there are a number of legal budgets included in the County's budget. He stated that general government litigation matters are budgeted in the Board of Commissioners' budget along with the County Attorney's retainer.

Commissioner Openshaw questioned whether these additional funds were to cover work that has already been done or was it to cover future work. Mr. Nelson responded that currently funds still remain in the Board's legal budget, but based on the current spending, it is believed that the current legal budget will be exhausted by the end of June.

Commissioner Openshaw requested an itemization of the legal fees for each of the court cases that the County is involved in, including the Shalati matter, the APFO matters, and the Wesley Chapel ETJ matter. He further said he wanted to know how many hours had been spent on the Wesley Chapel ETJ case, which did not even go to court but was based on a summary judgment motion. He further asked the staff attorney when and how the determination is made whether a Commissioner is facing individual liability.

Mr. Crook reminded that he was not involved in advising the Board in regards to the Shalati matter, but he stated that any time an individual commissioner is sued, there is a heightened amount of immunity that applies to a public official in the exercise of his public duties. Commissioner Openshaw asked should a plaintiff win a lawsuit against an individual commissioner, would the Commissioner be limited to \$15,000 in compensation from the County pursuant to the motion. Mr. Crook explained that the Board some years ago adopted a resolution that set forth the provisions of when defense of public officials and employees would be provided and when judgements would be paid that are rendered against public officials and employees. He stated that he had provided a copy of that resolution to the County Attorney.

Commissioner Lane requested that there be no maximum amount set for attorney's fees of individual Commissioners and that the amount be open-ended. Chairman Baucom stated that he would not vote for the amount to be open-ended. Commissioner Openshaw said that he thought \$15,000 was a silly number and asked why the number would not be \$50,000 or \$60,000.

Commissioner Mills stated that he thought the \$15,000 had been suggested because it would be sufficient to pay the legal expenses of the individual Commissioners through the budget year. He said that if that number needed to be increased, he felt sure that it could be brought back and addressed by the Board at some time in the future. Commissioner Lane suggested that the motion be amended to that effect and Commissioner Openshaw also agreed.

Following the discussion, the Chairman called for a vote on the motion which passed by a vote of three to two. Chairman Baucom, Commissioner Pressley, and Commissioner Mills voted in favor of the motion. Commissioners Lane and Openshaw voted against the motion.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

At the request of the Chairman, the Clerk read the vacancies on the following boards and committees:

- a.) Juvenile Crime Prevention Council: (1) District Attorney or designee (2) Substance Abuse Professional (3) Two persons under age 18; and (4) Juvenile Defense Attorney.
- b.) Farmers Market Committee – members at large
- c.) Union County Home and Community Care Block Grant Advisory Committee – two vacancies as of December 2007
- d.) Nursing Home Advisory Committee
- e.) Board of Health (vacancy as of January 2008 for a Licensed Optometrist
- f.) Agricultural Advisory Board – Vacancy for Unexpired Term ending June 2010 due to resignation
- g.) Board of Adjustment – (three vacancies as of April 2008: one member representing Jackson Township, one member representing New Salem Township and one member representing Sandy Ridge Township

INTERIM COUNTY MANAGER'S COMMENTS:

Richard Black, Interim County Manager, distributed a comparison of commercial growth for the last three calendars years - 2005, 2006, and 2007 – and pointed out that commercial growth has grown from \$68 million up to \$188 million to \$198 million. He said although there has been a down turn in residential, commercial has picked up some of the slack.

COMMISSIONER' COMMENTS:

Commissioner Lane said he thought that the commercial growth was good news and hopes to see it continue.

He said several weeks ago he read an editorial which he thought was a new low in media comments regarding Staff Attorney Jeff Crook. He said the negative comments inferred that Mr. Crook was dishonest. He stressed that he did not think there was a more honest lawyer in this nation. Commissioner Lane said he thought that the media owes Mr. Crook a big apology. He said there is no way, not even in an editorial, that the writer should take the liberty to ridicule someone in that manner. Commissioner Lane thanked Mr. Crook for his services.

The Chairman recognized Commissioner Openshaw. Commissioner Openshaw stated that even though the Staff Attorney did not speak into the microphone often enough, he, too, thanked him for his services.

Commissioner Openshaw stated that during the December 3rd meeting he asked that the Board be notified of action by the attorneys. He said he was told there was a hearing on the Shalati Contract case a week or so ago, and he had not been informed. Commissioner Openshaw said he thought that a fax was to have been sent. He said that by having attended a hearing and having found it enlightening, he was disappointed that he was not notified. He requested a transcript of that hearing.

Commissioner Openshaw asked the status of the unanimous vote to establish a Transportation Committee to be composed of one person from each municipality and one appointee from each Commissioner and asked its status. He said that in the Odyssey of Minds Competition held this last weekend, Unionville Elementary was off the chart and the star of the competition and placed three teams in the State finals. He said there were 166 teams in the competition, not just at the Elementary level. He reported that the teams from Union County that advanced were from Kensington Elementary, Unionville Elementary, Monroe Elementary, Weddington Elementary, and kids from Stallings and Sandy Ridge Elementary. He said at the high school level, the team advancing was Central Academy of Technology.

Commissioner Mills said this had been a long meeting and there was a lot happening. He reported that two firemen from Salisbury had been killed in the line of duty and recognized Pat Beekman who gave recognition to Victor Isler and Justin Monroe.

Commissioner Mills extended the County's sympathy to Minor Plyler in the tragic accident that took the life of his wife.

He further stated that he is working to organize scout troops to lead the body in the Pledge of Allegiance and invited pastors to volunteer to open the meeting with an invocation.

Vice Chairman Pressley also extended his sympathy to the Plyler family in the tragic loss of Minor Plyler's wife. He also extended thanks to the Staff Attorney for his good work.

The Chairman reiterated the comments by other Commissioners and assured Mr. Crook that he had the support of this Board.

Commissioner Mills interjected that the attorney reported to have been hired in secret was actually hired on October 15, not in secret but in open session. He said that was an example of very sorry journalism and bad reporting. He said the minutes reflect the action and he was sorry for the comments made in reference to the Staff Attorney.

The Chairman stated that he and Commissioner Openshaw attended the retirement of Roy Young, Director of Social Services, and thanked him for the last 12 years of services. He also reported that two lieutenants in the Sheriff's Office are retiring with 28 and 29 years of service respectfully.

He said he attended the National Association of Counties Conference in Washington, DC, and met with North Carolina's legislators and carried forth an agenda that the North Carolina Association is working to develop.

The Chairman mentioned to the Commissioners the summer meeting in Kansas City of the National Association of County Commissioners.

The Vice Chairman stated that on March 15th, Senator Elizabeth Dole will be at the Republican's Lincoln Day Dinner to be held at the Ag Center.

The Chairman adjourned the meeting at 11:10 p.m.