

**March 24, 2008**

The Union County Board of Commissioners met in a regular meeting on Monday, March 24, 2008, at 7:00 p.m. in the Commissioners' Board Room, First Floor, Union County Courthouse, 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, H. Ligon Bundy, Attorney at Law, members of the press, and other interested citizens

**OPENING OF MEETING:**

At approximately 7:00 p.m., the Chairman convened the regular meeting and welcomed everyone present.

**a. *Invocation***

The Chairman introduced Reverend John Henry of Poplar Springs Missionary Baptist Church who offered the invocation.

Following the invocation, the Chairman presented Reverend Henry with a Certificate of Appreciation and a writing pen with "Union County" inscribed on it.

**b. *Pledge of Allegiance***

Chairman Baucom introduced Preston Shepard, recent recipient of the Eagle Scout Award of Troop 100 from Hemby Bridge, who led the Pledge of Allegiance to the American flag.

Following the pledge, Commissioner Mills presented Preston with a Certificate of Appreciation. The Chairman shared information from an article in *The Enquirer-Journal* about Preston and the project that he completed for his Eagle Scout award at the Community Shelter.

**INFORMAL COMMENTS:**

There were no informal comments.

**ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:**

Commissioner Openshaw requested that Items 7 and 8, respectively, from the Consent Agenda be moved to the regular agenda: Item 7 – Land for New School Transportation Facility and Item 8 – Amendments to Water Conservation Ordinance. He asked to add an item to the Regular Agenda to discuss Commissioner-Representative appointments on the Parks and Recreation Advisory Committee and the Library Board of Trustees becoming non-voting members. Further, he requested to add an item to the Regular Agenda to discuss equating R-40 zoning yield with cluster subdivisions.

Vice Chairman Pressley requested to add the following items for discussion to the Regular Agenda: 1) Hiring freeze within the County Departments; 2) Re-Evaluation of Departmental Budgets for the current fiscal year; 3) Water Hydrant Permits; and 4) Water and Sewer Authority.

Chairman Baucom stated that there was a request by the Finance Director to add an item to consider a Resolution Authorizing the Replacement of the Remarketing Agent for the Enterprise Systems Refunding Revenue Bonds, Series 2003B. Further, he stated that Item 6(b)6 on the Regular Agenda should be deleted - Presentation of Signs to Applicants Approved for Voluntary Agricultural Districts: Thomas Richard Meggs.

Chairman Baucom stated that he would like to add an item to the agenda to have Assistant County Manager's Comments near the beginning of every meeting. The Clerk noted that this should be done by adding an item to amend Rule 11 of the Board's Rules of Procedure.

With there being no further additions or deletions to the agenda, Vice Chairman Pressley moved adoption of the agenda as modified. The motion was passed unanimously.

**CONSENT AGENDA:**

Commissioner Lane moved approval of the items listed on the Consent Agenda as modified. The motion was passed unanimously.

**Contracts Over \$5,000:** Authorized the Interim County Manager to approve the following: a) Master Multi-Service Agreement for engineering services with LandDesign, Inc. b) Task Order #12 with Camp Dresser and McKee for engineering services related to the preliminary design for the Tallwood Wastewater Treatment Plant replacement; and c) Consolidated Agreement for FY 2008-2009 with the State of North Carolina, Division of Health for maintaining and promoting the Advancement of Public Health in North Carolina.

**Board of Elections:** Approved increase in the hours of a regular part-time Absentee Ballot Coordinator position from 65 percent to 80 percent (no additional County funds required in the FY 2008 budget).

**Tax Administrator:** Approved the Tenth Motor Vehicle Billing in the grand total of \$1,114,345.40.

**Finance:** Approved the Motor Vehicle Tax Refund Overpayments for February 2008 in the amount of \$8,115.56.

**Finance:** Approved the February 2008 Budget Transfer Report

**Amendment or Termination of American Solutions for Business Contract:** Authorized the County Manager (i) to amend the agreement with American Solutions for Business (formerly South Systems Business) to delete the provision of tax billing services; or (ii) to terminate the agreement, if necessary, and re-contract with American Solutions for Business for utility billing services.

**Library:** Approved Budget Amendment #41 increasing Operating Expenses by \$11,843 and State Revenues by \$11,843 to appropriate additional state funds for books.

**Land for New School Transportation Facility:** This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw.

**Amendments to Water Conservation Ordinance:** This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw.

**Voluntary Farmland Preservation Program Ordinance:** a) Adopted the following Amendment to the Voluntary Farmland Preservation Ordinance, to include change in scope to reflect Board action of January 22, 2007; b) Approved the appointment of Chairman Baucom as a non-voting member on the Union County Agricultural Advisory Board; and c) Approved the appointments of Rick Pigg and Kenneth Mills as representatives from the Union Soil and Water Conservation District Office and the District Conservationist as non-voting members on the Agricultural Advisory Board.

**UNION COUNTY  
VOLUNTARY FARMLAND PRESERVATION PROGRAM  
ORDINANCE  
(Amended and Restated as of March 24, 2008)**

**ARTICLE I  
TITLE**

An ordinance of the Board of County Commissioners of Union County, North Carolina, entitled, “**VOLUNTARY FARMLAND PRESERVATION PROGRAM ORDINANCE.**”

**ARTICLE II  
AUTHORITY**

The articles and sections of this program are adopted pursuant to authority conferred by Article 61 of Chapter 106 of the North Carolina General Statutes (“N.C.G.S.”) and other applicable law.

**ARTICLE III  
PURPOSE**

The purpose of this Ordinance is to promote agricultural values and general welfare of the County and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture; and increase protection from non-farm development and other negative impacts on properly managed farms.

**ARTICLE IV  
DEFINITIONS**

The following are defined for purpose of this Ordinance:

- Advisory Board:** Union County Agricultural Advisory Board.
- Chairman:** Chairman of the Union County Agricultural Advisory Board.
- District:** Voluntary Agricultural District as established by this Ordinance.
- Board of Commissioners:** Union County Board of Commissioners.

**ARTICLE V  
AGRICULTURAL ADVISORY BOARD**

A. **Creation**

The Board of Commissioners establishes an Agricultural Advisory Board to implement the provisions of this Ordinance.

B. **Membership**

The Advisory Board shall consist of nine (9) voting members and three (3) non-voting members, all appointed by the Board of Commissioners; provided, however, that the number of voting members may be increased without amendment to this Ordinance if necessary for the Board of Commissioners to comply with Article V(C)(v) below.

**C. Membership Requirements**

- i. Each Advisory Board member shall be a Union County resident.
- ii. At least six (6) of the nine (9) voting members shall be actively engaged in farming.
- iii. One of the Advisory Board members shall be the President of the Union County Farm Bureau or his designee.
- iv. One of the Advisory Board members shall be a member of the Board of Commissioners who shall serve in a non-voting capacity.
- v. One of the Advisory Board members shall be the District Conservationist of the Union Soil and Water Conservation District who shall serve in an ex officio and non-voting capacity.
- vi. One of the Advisory Board members shall be a second employee on staff with the Union Soil and Water Conservation District who shall serve in a non-voting capacity.
- vii. The members actively engaged in farming shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Soil and Water Conservation District, the Cooperative Extension Service, the Agricultural Stabilization Conservation Service Committee, and the Union County Farm Bureau with an effort to have the broadest geographical representation possible.
- viii. Each District shall have a member on the Advisory Board.

**D. Tenure**

As to voting members, the initial board is to consist of 3 appointees for terms of one year, 3 appointees for terms of two years, and 3 appointees for terms of three years. Thereafter, all appointments are to be for terms of three years, with reappointments permitted. Members shall serve at the pleasure of the Board of Commissioners.

As to non-voting members, (i) the Advisory Board member who is a member of the Board of Commissioners shall serve for a term of one year, with appointment being made generally at the first meeting of the Board of Commissioners in December of

each year, as is the Board's custom; (ii) the District Conservationist of the Union Soil and Water Conservation District shall serve ex officio this position; and (iii) the second employee on staff with the Union Soil and Water Conservation District shall serve for a term of three years, with the initial term of such appointment to be extended by the shortest period of time necessary for the three-year term to coincide with appointment of three voting members.

**E. Vacancies**

Any vacancy on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term.

Failure of a member to attend three regularly scheduled meetings during a calendar year without being excused shall be deemed adequate cause for a determination of vacancy. In the event a member fails to attend three meetings without being excused by the Advisory Board, the Advisory Board members shall take a vote on whether to recommend that member's continuation or termination of membership. If the vote results in a recommendation that membership be terminated, the Advisory Board Chairman shall report this recommendation to the Board of Commissioners. The Board of Commissioners shall give due consideration to any recommendation provided by the Advisory Board, but shall not be bound by such recommendation.

**F. Funding**

The per diem compensation of the members of the Advisory Board shall be fixed by the Board of Commissioners, and funds shall be appropriated to the Advisory Board to perform its duties.

**G. Advisory Board Procedure**

**1. Chairman**

The Advisory Board shall elect a Chairman and Vice-chairman each year at its first meeting of the fiscal year. The Chairman shall preside over all regular or special meetings of the Advisory Board. In the absence or disability of the Chairman, the Vice-chairman shall preside and shall exercise all the powers of the Chairman. Additional officers may be elected as needed.

2. **Jurisdiction**

The Advisory Board may adopt rules of procedure not inconsistent with this Ordinance or with other provisions of State law.

3. **Board Year**

The Advisory Board shall use the Union County fiscal year as its meeting year.

4. **Meetings**

Meetings of the Advisory Board shall be held at the call of the Chairman and at such other times as the Advisory Board may specify in its rules of procedure. A meeting shall be held at least every two months, and notice of any meetings to the members shall be in writing, unless otherwise agreed to by all Advisory Board members. All meetings of the Advisory Board shall be announced and conducted in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes, the North Carolina Open Meetings Law.

5. **Majority Vote**

The concurring vote of a majority of the members of the Advisory Board shall be necessary to pass upon any matter on which it may act under this Ordinance.

6. **Records**

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact.

H. **Duties**

The Advisory Board shall:

1. Review and make recommendations concerning the establishment and modification of agricultural districts;



2. Conduct public hearings;
3. Advise the Board of Commissioners on projects, programs or issues affecting the agricultural economy or activities within the County that will affect agricultural districts;
4. Review and make recommendations concerning proposed amendments to this Ordinance;
5. Prepare a draft of the report required by G.S. 106-743, and Article XIII of this Ordinance, giving the status, progress and activities of the County=s farmland preservation program;
6. Study additional methods of farmland preservation and make recommendations to the Board of Commissioners;
7. Advise Cooperative Extension and the Board of Commissioners on a variety of matters, to include the Commission-approved Agricultural Services and Conference Center operating rules and regulations; and
8. Perform other agricultural related tasks or duties assigned by the Board of Commissioners.

The Advisory Board may consult with the Cooperative Extension Office, the Natural Resource Conservation Service office in Union County, the North Carolina Department of Agriculture, the Union County Farm Bureau, the North Carolina Farm Bureau, and any other such agency the Advisory Board deems necessary to perform the duties imposed pursuant to this Ordinance.

## **ARTICLE VI CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS**

### **A. Implementation**

In order to implement the purposes stated in Article III, this program provides for the creation of voluntary agricultural districts which meet one of the following standards:

1. The District shall contain a minimum of 20 contiguous acres of qualified farmland; OR
2. The District shall contain two or more qualified farms which contain a minimum of 20 acres and are located within a mile of each other.

**B. Encourage Reformation**

The County may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the farmland preservation program.

**C. Display**

The Districts shall be marked on County maps displayed for public view in the following County offices:

1. Planning Department
2. Cooperative Extension
3. Any other office deemed necessary by the Advisory Board and approved by the Board of Commissioners.

**D. Withdrawal**

In the event that one or more participants in the District withdraws, or loses eligibility to participate, and the acreage in the District becomes less than the minimum acreage required or results in the remaining land being non-contiguous, a voluntary agricultural district will continue to exist so long as there is one qualifying farm.

**ARTICLE VII  
QUALIFICATION OF FARMLAND**

**A. Requirements**

1. In order for farmland to qualify under this Article, it must be real property that:
  - a. Is participating in the farm present-use-value taxation program established by N.C.G.S. Section 105-277.2 through Section 105-277.7 or is otherwise determined by the County to meet all the qualifications of this program set forth in N.C.G.S. Section 105-277.3;
  - b. Is certified by the Natural Resource Conservation Service of the United States Department of Agriculture as being a farm on which at least two-thirds of the land is composed of soils that:
    1. are best suited for providing food, seed, fiber, forage, timber, and oil seed crops;
    2. have good soil qualities;
    3. are favorable for all major crops common to the county where the land is located;
    4. have a favorable growing season; and
    5. receive the available moisture needed to produce high yields for an average of eight out of ten years;

**OR**

on which at least two-thirds of the land has been actively used in agricultural, horticultural or forestry operations as defined by N.C.G.S. Sections 105-277.2(1), (2) and (3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies;

- c. Is managed, if highly erodible land exists on the farm, in accordance with the Natural Resource Conservation Service defined erosion control practices that are addressed to highly erodible land; and
- d. Is the subject of a conservation agreement, as defined in N.C.G.S. Section 121-35, between the County and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable zoning and subdivision regulations of the

jurisdiction in which such district is located.

**ARTICLE VIII  
APPLICATION AND APPROVAL PROCEDURE**

**A. Application Procedure**

1. A landowner may apply to establish a District or to add qualifying farmland to an existing District by making application to the Chairman of the Advisory Board or a designated staff person using forms provided by the Advisory Board. The application shall be designed to establish eligibility in accordance with the provisions of this Ordinance.
2. The landowner shall execute an agreement to sustain, encourage and promote agriculture in the District. The requirement for an agreement may be satisfied by the conservation agreement required in Article VII(A)(1)(d).

**B. Approval Process**

1. Upon receipt of an application, the Chairman will forward copies to the following agencies for their prompt evaluation and response:
  - a. The Union County Tax Administrator's office; and
  - b. The Union County Soil and Water Conservation District and the Natural Resource Conservation Service office.
2. Upon receipt of responses from the offices of the Union County Tax Administrator, the Union County Soil and Water Conservation District, and the Natural Resource Conservation Service, the Advisory Board shall meet within thirty (30) days to consider the application. The Chairman shall endeavor to notify the applicant by first-class mail of the Advisory Board's recommendation within fifteen (15) days.
3. The Advisory Board shall forward its recommendation to the Board of Commissioners for consideration. Action by the Board of Commissioners regarding approval or disapproval of the application shall be final.

**ARTICLE IX  
REVOCATION OF CONSERVATION AGREEMENT**

A landowner of qualifying farmland may revoke a conservation agreement upon written notice to the County. The County, upon recommendation by the Advisory Board, may revoke a conservation agreement due to non-compliance by the landowner. Any such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a District.

**ARTICLE X  
PUBLIC HEARINGS**

**A. Purpose**

No state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation.

**B. Procedure**

1. Upon receiving a request, the Advisory Board shall publish notice describing the proposed action in a newspaper of general circulation in Union County within five (5) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within twenty (20) days of receipt of the request.
2. The Advisory Board shall meet to formulate recommendations regarding:
  - A. whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
  - B. whether there exist alternatives to the proposed action that have less impact on and disruption to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board may consult with the County Cooperative Extension Agent, U.S.D.A. Natural Resource Conservation Service District Conservationist, the Union County Farm Bureau and with any other individuals, agencies

or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.

4. Not later than thirty (30) days after receiving a request to hold the public hearing, the Advisory Board shall submit a report containing its findings and recommendations regarding the proposed action to the decision-making body of the agency proposing acquisition. To the extent practicable, the report shall be made available to the public for comment prior to its being conveyed to the decision-making body of the agency proposing acquisition.
5. Pursuant to N.C.G.S. Section 106-740, the agency or unit of government proposing acquisition shall not initiate a condemnation action while the proposed condemnation is properly before the Advisory Board within these time limitations.

## **ARTICLE XI PUBLIC NOTICE**

### **A. Procedure**

Upon approval of a District or of modification to a District by the Board of Commissioners, the Advisory Board shall provide to the Union County GIS office such information and materials as may be necessary to enable the GIS office to prepare maps designating the location of the Districts established pursuant to this Ordinance. Within a reasonable time after receipt of such information and materials, the Union County GIS office shall prepare or update appropriate maps so as to allow determination of the proximity of a particular tract to a District by those desiring such information. Maps shall be accessible to the public as indicated in Article VI(C).

### **B. Signs**

To the extent legally permissible, the County Manager may cause signs to be placed along public roadways to notify the public of the presence or proximity of a District.

### **C. Limit of Liability**

In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this Ordinance.

D. **No Cause of Action**

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or voluntary agricultural district as defined in this Ordinance.

**ARTICLE XII  
WAIVER OF WATER AND SEWER ASSESSMENTS**

A. **No Assessment**

The Union County Public Works Department shall not require the connection of improvements on qualifying farms within a District to Union County water and/or sewer systems.

B. **Abeyance**

Water and sewer assessments will be held in abeyance, without interest, for farms inside a District, until improvements on such property are connected to the water or sewer system for which the assessment was made.

C. **Termination of Abeyance**

When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.

D. **Suspension of Statute of Limitations**

Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.

E. **Other Statutory Abeyance Procedures**

Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C.G.S. Section 153A-201.

F. **Conflict with Water and/or Sewer System Construction and Improvements Grants**

To the extent that this section conflicts with the terms of federal, State, or other grants under which County water and/or sewer systems are constructed, this section shall not apply.

**ARTICLE XIII  
NORTH CAROLINA AGENCY NOTIFICATION**

**Record Annually With the Department of Agriculture**

A record of this Ordinance shall be recorded with the North Carolina Commissioner of Agriculture's office after adoption. The County shall make an annual report to the North Carolina Commissioner of Agriculture as specified in N.C.G.S. Section 106-743.

**ARTICLE XIV  
LEGAL PROVISIONS**

A. **Severability**

If any article, section, subsection, clause, phrase or portion of this Ordinance is for any reason invalid or unconstitutional as determined by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

B. **Conflict With Other Ordinances and Statutes**

Whenever the provisions of this Ordinance conflict with other Ordinances of Union County, this Ordinance shall govern to the extent permitted by law. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this Ordinance, the provisions of such statute shall govern.

C. **Amendments**



This Ordinance may be amended from time to time by the Board of Commissioners.

D. **Jurisdiction**

Pursuant to G.S. § 53A-122, the territorial jurisdiction of this Ordinance shall be those parts of Union County not within a municipality.

Adopted this the 7th day of May, 2001.

Amended and Restated as of March 24, 2008

**Information Only, No Action Required:** 1) Department of Inspection's Monthly Report for February 2008.

Chairman Baucom stated that the additions to the agenda would be placed as follows:

Item 9(a) – Replacement of the Remarketing Agent for Enterprise Systems Refunding Revenue Bonds, Series 2003B.

Item 4(b) – Amendment to the Rules of Procedure

Item 4(c) – Assistant County Manager's Comments

Item 4(d) – Consent Agenda Item 7 – Land for New School Transportation Facility – Commissioner Mills requested that this item be placed as Item 4(d) in order to accommodate the schools' representatives, which was agreed to by the Chairman.

Item 6(c) – Consent Agenda Item 8 (Amendments to Water Conservation Ordinance)

Item 9(b) – Discussion of a Hiring Freeze within the County Departments

Item 9(c) – Discussion on Re-Evaluation of Departmental Budgets

Item 6(d) – Discussion on Water Hydrant Permits (as suggested by Vice Chairman Pressley)

Item 9(d) – Discussion of Water and Sewer Authority

Item 9(e) – Discussion of R-40 Zoning Yield with Clustering

Item 9(f) – Discussion of Commissioner-Representative appointments to Parks and Recreation Advisory Committee and the Library Board of Trustees becoming non-voting members

**AMENDMENT TO RULES OF PROCEDURE:**

Vice Chairman Pressley moved to amend Rule 11 of the Board's Rules of Procedure by modifying the Order of Business to add an item for Assistant Manager's Comments as follows:

**Rule 11. Order of Business.** At regular meetings, the board shall proceed to business in the following order:

1. Opening of Meeting
  - a. Invocation
  - b. Pledge of Allegiance
2. Scheduled Public Hearings
3. Informal Public Comments
4. Assistant Manager's Comments
5. Additions, Deletions, and Adoption of Agenda
6. Consent Agenda
7. Items of Business

8. Manager's Comments
9. Commissioners' Comments

Without objection, the chair may call items in any order most convenient for the dispatch of business.

The motion was passed unanimously.

#### **ASSISTANT COUNTY MANAGER'S COMMENTS:**

Matthew Delk, Assistant County Manager, presented the following highlights of Union County Government during the last two weeks:

- Register of Deeds' Office has moved into its newly renovated space on the second floor of the Government Center. He stated that the new office space increased in size from 3,663 square feet to 8,290 square feet.
- Negotiations have been taking place among the Management Staff, the Tax Office, and several of the municipalities regarding the proposals for the County to collect taxes for the municipalities. Mr. Delk said that the County would collect taxes on behalf of the municipalities in exchange for a small percentage of the amount collected to cover the County's costs. He added that the municipalities would set their own tax rates.
- Monroe City Council received a presentation to install a wireless net service in downtown Monroe. He reminded the Board that one of its goals was to build and facilitate high speed internet access in the County. He stated that the County would pursue partnering with the City of Monroe for little to no cost to the County. He said that the County would be supporting the project by accommodating an antennae and space for a small base station in the Government Center. Mr. Delk stated that the City is considering downtown internet wireless access that would be free, but it would be limited to outdoor areas due to the signal not being strong enough to go inside buildings and would be operated by a private business.
- Presentations were made at the Library regarding the tax revaluations where representatives from various municipalities attended concerning their revaluation rates. Mr. Delk stated that preliminary estimates of collections

were given to the municipalities. He said that those figures will continue to change as the County goes through the revaluation appeals process.

- Mr. Delk stated a presentation by Dr. Axel Lluch, Director of Hispanic/Latino Affairs with the N.C. Governor's Office, is now appearing on the Union County Government Channel (UCTV 16).
- He stated that according to an article released last week in a press release by the United States Census Bureau Union County is the seventh fastest growing county in the United States. He noted that was a measure of percentage of growth and not the actual number of citizens added to the population growth.
- Mr. Delk stated that the controlled structure fire burns was lifted last week for volunteer fire department training purposes.
- He reminded the Board of the 2008 NCACC District meetings. He said that the meeting that will include the district representing Union County will be held on April 3 in Conover.

***LAND FOR NEW SCHOOL TRANSPORTATION FACILITY (moved from the Consent Agenda at the request of Commissioner Openshaw):***

Commissioner Openshaw stated that he had asked that this item be moved from the Consent Agenda because of several questions that he has regarding the item. First, he said that he wanted to make sure that no Board member had a conflict of interest by voting in connection with property that is held by Gold Mine Generation LLC. There was no indication by any member of the Board that there was a conflict of interest regarding this matter.

He noted that the purchase price of the 35 acres was \$39,000 for 35 acres. He asked Don Hughes of the Union County Public Schools if this site was chosen because it is centrally located. Mr. Hughes stated that was correct and that the schools had also looked at other sites that were centrally located. He said that OR/ED had conducted a study in 2006 which identified parcels to consider; however, he said that this particular tract was not a parcel that was identified in that study. Mr. Hughes explained that the other parcels that were large enough were eliminated either by the County or the City of Monroe because the properties did not meet zoning regulations, and a school transportation facility was not an appropriate use. Further, he explained that the schools had considered another site located between New Town Road

and Highway 84, which might have met the requirements of the County but did not meet the requirements of the City, and it was foreseen that there might be people angered over having a school bus facility located on that property. Mr. Hughes assured that the proposed property is located in a good location for the school transportation facility and is centrally located.

In response to a question by Commissioner Openshaw regarding the price of the land per acre of \$39,000, Mr. Hughes said that this was the appraised value of the property. Commissioner Openshaw noted that under the County's new assessment, the property is assessed at less than \$11,000 per acre. He stated that the purchase price of \$1.4 million for the 35 acres almost equates to the total tax value of the entire tract of 152 acres. Mr. Hughes noted that the County's new assessment came after the appraisal had been completed and after they had gone forward with agreements with the landowner. Commissioner Openshaw commented that he was concerned about the tax revenues from the County's perspective for the remainder of the property.

Mr. Hughes stated that the schools had been trying to locate property for this facility for approximately a year and a half. He said that it is not easy to find land that meets zoning or other criteria where a school transportation facility is not desired. He pointed out that in the City a conditional use permit would be required even if property is properly zoned for such a facility.

Following the discussion, Commissioner Openshaw moved adoption of Capital Project Ordinance Amendment #98 which provides funding for the acquisition of 35.69 acres for the new Union County Public Schools' Transportation Facility as recorded below. The motion was passed unanimously.

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	School Bond Fund - 55			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2007-2008			DATE	March 24, 2008		
<b>PROJECT SOURCES</b>				<b>PROJECT USES</b>			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project

G.O. Bond Proceeds	477,514,731	1,399,410	478,914,141	New Transportation Facility	634,372	1,399,410	2,033,782
All Other Revenue	1,363,308	-	1,363,308	All Other School Projects	478,243,667	-	478,243,667
	478,878,039	1,399,410	480,277,449		478,878,039	1,399,410	480,277,449
EXPLANATION:	Funding request submitted by UCPS for purchase of land for the New Transportation Facility pursuant to 115C-429b.						
DATE:				APPROVED BY:			
					Bd of Comm/County Manager		
					Lynn West/Clerk to the Board		
FOR FINANCE POSTING PURPOSES ONLY							
<b>PROJECT SOURCES</b>				<b>PROJECT USES</b>			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
G.O. Bond Proceeds	477,514,731	1,399,410	478,914,141	New Transportation Facility	634,372	-	634,372
55491100-4710-530				55559200-5586-516			

				New Transportation Facility(115C-429b project allocation)	-	1,399,410	1,399,410
				55559200-5570-516			
					-	-	-
	477,514,731	1,399,410	478,914,141		634,372	1,399,410	2,033,782
Prepared By	dhc						
Posted By							
Date						Number	CPO - 98

**PRESENTATION BY UNION COUNTY COMMUNITY ARTS COUNCIL:**

Barbara Faulk, Executive Director of the Union County Community Arts Council, expressed appreciation to the Board for its collective and individual support of the Union County Community Arts Council for the past 28 years. She introduced members of the Arts Council Board present: Lois Crumpler, Board President, Gary Ballard, Secretary, Zoila Vergara, and Matthew Delk, Ex Officio Member.

Ms. Faulk shared that in order to accomplish its mission, the Arts Council’s goals include improving and enhancing the quality of life in Union County. She stated that as the center of arts information and arts resources, the Arts Council makes a profound impact on economic development and arts education in Union County. She said that the Council has successfully been recognized as an essential and vital component of commerce, community identity, unity and development. Ms. Faulk said that the Arts Council supports the County’s economic development efforts and continues to make the arts accessible to all residents in all areas of Union County. She stated that it continues to have cooperative

partnerships with business and industry in Union County and remains visibly strong and recognized on a regional and state level for contributions for distinguishing Union County as a unique community.

She said that the Arts Council's Board of Directors is representative of business and geographical locale and has very well orchestrated arts programs and services that reflect a cooperative spirit and a respect for a livable community. Ms. Faulk said that she, as well as the Board of Directors, believe that the quality of life in Union County has been greatly enhanced, and that the Arts Council is approachable and personal in the way that it delivers arts services.

She shared that the Union County Arts Council has been recognized consistently by the North Carolina Department of Cultural Resources as one of the three strongest arts organizations in the state for its organization efforts, for its internal operations, and for its programming.

In conclusion, Ms. Faulk asked that the Board consider the Arts Council's most recent budget request. She said that she wished to extend the Arts Council's services to the County. She invited the Board to share its ideas for its vision for the County in connection with the Arts Council.

#### **VOLUNTARY AGRICULTURAL DISTRICTS:**

- a. Recommendation from the Agricultural Advisory Board to Establish Voluntary Agricultural Districts – Steve Haigler and Reba Haigler; Brad Haigler and Steve Haigler, Executors for the Estate of Lowell Haigler***

Chairman Baucom recognized Everette Medlin, Chairman of the Union County Agricultural Advisory Board. Mr. Medlin presented the recommendation of the Agricultural Advisory Board, as voted on March 13, 2008, for approval to establish a voluntary agricultural district for Steve L. Haigler & Reba Haigler, and Brad Haigler and Steve Haigler, Executors for the Estate of Lowell Haigler.

Vice Chairman Pressley moved approval of the recommendation of the Union County Agricultural Advisory Board to establish a voluntary agricultural district for Steve L. Haigler and Reba Haigler and Brad Haigler and Steve Haigler, Executors for the Estate of Lowell Haigler consisting of the following properties:

Parcel Number

Acres



10-195-10	90.000
10-039-010A	58.700
08-144-016	47.480
08-003-002	50.000
08-006-010	80.000
08-144-003	116.150
01-225-011	49.800
08-036-006A	29.000
08-036-006	28.750
01-219-001	179.510

The motion was passed unanimously.

***b. Presentation of Signs to Applicants Approved for Voluntary Agricultural Districts***

Everette Medlin, Chairman, Union County Agricultural Board, requested that Chairman Baucom assist with presentations of Certificates and signs for placement on the property of the following applicants who have been approved for voluntary agricultural districts

1. Dennis Austin (present)
2. Allan Baucom (present)
3. Steve Haigler (present)
4. Mary K. Lockamy Howard (not present)
5. Forrest Jones (present)
6. Thomas Richard Meggs – This item was deleted from the agenda because application had not been approved.
7. Ray Cook (present)
8. Russell Mosley (present)
9. Wilburn Williams Family Farm, LLC (a representative was not present)

Mr. Medlin expressed appreciation to Jerry Simpson, Extension Director, for his efforts in the agricultural community. He encouraged the agricultural enterprises to apply for establishment of voluntary agricultural districts.

Chairman Baucom explained that these are voluntary agricultural districts. He said that this program does provide information regarding agricultural districts to anyone who is considering purchasing land or moving into an area in the County.

**AMENDMENTS TO WATER CONSERVATION ORDINANCE (moved from the Consent Agenda at the request of Commissioner Openshaw):**

Christie Putnam, Public Works Director, was available to answer questions from the Board.

In response to a question by Commissioner Openshaw concerning the current stage that the County is in for water conservation, Ms. Putnam stated that the County is still in Stage 3 of the Water Restrictions which does not allow lawn watering. She explained that in connection with the low inflow protocol associated with the Duke Relicensing petition for the operation of the Catawba River system, Union County and other providers entered into an agreement that they will all impose the same restrictions. She stated that Duke Energy is currently monitoring both the reservoir levels, which are recovering and have recovered nicely lately, the river stream flow looks very well on the main branch, but on the smaller branches has not recovered, and also the groundwater monitors which are very slowly recovering.

In response to a further question by Commissioner Openshaw regarding when the County would lift the water rationing, Ms. Putnam stated that assuming the drought ends, Duke Energy's latest prediction is that it will be sometime in August before the water restrictions will lift. She said that Union County would most likely still be in water restrictions for the next two or three summers.

Commissioner Openshaw stated that even if the County comes out of the drought, its infrastructure has shortcomings. He questioned if the restrictions would continue in Union County for some time, why is the County not banning the export of potable water from the County at all times until its infrastructure catches up with the needs. Ms. Putnam explained that from a Public Works standpoint, the Water Conservation Ordinance will be in effect long after the drought is over, and when it is in effect and there is no drought, they would like to sell water. She noted that from a legal standpoint she understands that the Ordinance is the best tool to use to enforce restrictions. She said that if the Conservation Ordinance is not in effect, then it would not apply to normal daily water usage.

Commissioner Openshaw stated that the Ordinance could be amended in the future. He said that he could not support the proposal due to the fact that residents are being asked voluntarily to reduce their water consumption but it allows drinking water to leave the County. He referred to Page 8 of the Amended Ordinance which stated “. . . when the County Manager, in his sole discretion and acting pursuant to N.C.G.S. 132-1.1(c)(2), determines that the release of such billing information during times of mandatory water conservation is necessary to assist Union County to maintain the integrity and quality of services it provides.” He stated that he was not willing to cede that authority, because the Board of Commissioners is responsible and accountable to the people.

Vice Chairman Pressley added that Commissioner Openshaw had brought up several good points. He then moved that the Board defer action on amending the Water Conservation Ordinance to allow time for the staff attorney to review the amendment again regarding the County Manager having sole discretion about the release of the billing information during the times of mandatory water conservation.

Ligon Bundy stated that Jeff Crook, Senior Staff Attorney, had drafted the Amendment, and he thought the Board's questions should be deferred until Mr. Crook was present to address them.

Commissioner Openshaw said that he believed the Board of Commissioners should have some input on release of the billing information. He said that he thought the Manager should receive guidance regarding this issue from the Board of Commissioners.

Ms. Putnam stated that the Manager is the person who declares the water restriction stages. Commissioner Mills said that he understood Commissioner Openshaw's concern about bulk water leaving Union County. He said that the Ordinance could be amended later if necessary.

Ms. Putnam asked the Board if its direction was that it wanted to see bulk water hauling limited to in-county use at all times during the water conservation enactment including Stage I of voluntary. Vice Chairman Pressley stated that he did not agree that farmers who own properties in surrounding counties having to return home or find another source of water before continuing spray fields in a nearby county.

Commissioner Lane suggested that the Ordinance be amended on the bulk water hauling with the exception of agricultural uses. Vice Chairman Pressley stated that these were good points that needed to be discussed and that was

the reason for his motion to defer action on this matter until the next meeting for clarification purposes and to include the exemption on bulk water hauling for agricultural purposes.

Ms. Putnam asked if the statement should be eliminated in Article VI, Section I: Enforcement, Paragraph f “the sole discretion of the County Manager.” Commissioner Mills responded that the Board needed clarification if that is a requirement that it be at the “sole discretion” of the County Manager.

At the conclusion of the discussion on this matter, the Chairman called for a vote on the substitute motion which passed unanimously.

**WATER HYDRANT PERMITS (This item was an addition to the agenda at the request of Vice Chairman Pressley):**

Vice Chairman Pressley shared that he had received a call from a representative of a large landscaping company which does not have a water hydrant permit. He said he had explained to that caller that the county has a resource for non-potable water. He stated that this person had brought to his attention that another person who already had a permit was obtaining other permits to be able to place other tankers on the road and expand his business. Vice Chairman Pressley said that the concern is if one landscaper has a permit and wants to place multiple tankers on the road, and the other landscaper does not have a permit and cannot get into the permit stage. He questioned if this were the case, why is the County allowing users who now have a permit to expand their businesses and why people who do not have permits not allowed to get a permit. He further asked when the Public Works Department would be releasing additional hydrant permits. Ms. Putnam responded that initially it was discussed that hydrant permits would not be released until Stage I was back in effect.

Chairman Baucom pointed out that the non-potable resource is available from the County as well as from the City of Monroe. Ms. Putnam stated that she would verify the consistency of the water hydrant applications.

**ASSISTANCE TO FIREFIGHTERS GRANTS (AFG):**

Pat Beekman stated that the Board had previously approved the purchase of the subscriber units for the volunteer fire departments. He said that there is a grant opportunity available for fire departments to request up to one million dollars for subscriber units on radios, but there would be a 20 percent match. Mr. Beekman stated that this has been discussed with the members of the Fire Chiefs’ Association, and a fire department has volunteered to apply for the grant.

He noted that the County would be writing and submitting the grant application but said that the County cannot apply for the grant. He said that the County would have to provide a \$200,000 match if the grant is awarded. He pointed out that if the grant were awarded, it would in essence save the County \$800,000 which the County had agreed to for the purchase of radios for the volunteer fire departments.

Following the explanation, Commissioner Mills moved approval to provide grant writing assistance to Beaver Lane Fire Company (on behalf of the Union County Volunteer Fire Departments) for the assistance to firefighter grants (AFG) in an amount not to exceed One Million Dollars for the purchase of radio subscriber units (portable/mobile) and provide County matching funds, if grant is awarded, in an amount not to exceed \$200,000. The motion was passed unanimously.

**RESOLUTION SEEKING EXPLICIT AUTHORITY FROM THE STATE TO BUILD AND OPERATE A HIGH SPEED INTERNET UTILITY SYSTEM:**

Matthew Delk, Assistant County Manager, presented the Resolution for the Board's consideration. He noted that this resolution reflects the discussion by the Board at its visioning conference in January and the goal that was set by the Board. He stated that the resolution mentions that the County is exploring opportunities with municipalities, but he said that there is no explicit authority by the State of North Carolina under the public enterprises statute for counties to pursue a high speed internet system. Mr. Delk said that Jeff Crook, Senior Staff Attorney, had also prepared a draft local act that applies to Union County only.

Chairman Baucom read excerpts from the proposed resolution.

Vice Chairman Pressley moved to adopt the following resolution and to request introduction of the proposed special act by the County's legislative delegation:

**RESOLUTION SEEKING LEGISLATIVE AUTHORITY TO OPERATE  
A HIGH-SPEED INTERNET SYSTEM INDEPENDENTLY OR  
IN COOPERATION WITH ANOTHER UNIT OF LOCAL GOVERNMENT**

WHEREAS, in 2000, the N.C. General Assembly created the e-NC Authority (the "Authority"), with its primary purpose the linking of all North Carolinians – especially those in rural areas – to the Internet, as a means of improving

access to commerce, health care, education, and government services, building connected communities, and creating a more economically competitive state; and

WHEREAS, although the Authority has been successful in achieving an initial goal of providing local dial-up Internet access to every telephone exchange in the state, the Authority recognizes that high-speed Internet and its related applications are necessary to support the development of emerging technology-based sectors of economic promise, such as biotechnology and nanotechnology, as well as the continued competitiveness of traditional industries; and

WHEREAS, the Authority further recognizes that the Internet is the most used communications tool in the business world and that Internet access and training are, therefore, essential to surviving and thriving in our evolving economy; and

WHEREAS, high-speed Internet access is not available in many rural areas of Union County; and

WHEREAS, without increased high-speed Internet access, Union County cannot effectively compete for the development, recruitment, and retention of commercial, manufacturing, and service sector businesses, all of which are vital to the present and future economic health of Union County and its residents; and

WHEREAS, increased high-speed Internet access in Union County will also benefit residents by increasing opportunities for education and learning, facilitating independent living by residents with restricted mobility, and encouraging greater government and civil participation; and

WHEREAS, as a means of increasing high-speed Internet access within Union County, the Union County Board of Commissioners is currently exploring, among other things, forming a partnership with a local municipality to operate a wireless high-speed Internet system.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners requests that the General Assembly amend G.S. 153A-274 to provide Union County with express authority to operate a high-speed Internet system, including but not limited to a wireless high-speed Internet system, as a "public enterprise," thereby enabling Union County to operate such system independently or in cooperation with one or more other units of local government.

ADOPTED this 24th day of March, 2008.

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**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2008**

**AN ACT AUTHORIZING UNION COUNTY TO OPERATE A HIGH-SPEED INTERNET SYSTEM INDEPENDENTLY OR  
IN COOPERATION WITH ANOTHER UNIT OF LOCAL GOVERNMENT**

**SECTION 1.** G.S. 153A-274 shall be amended as follows:

As used in this Article, "public enterprise" includes:

- (1) Water supply and distribution systems.
- (2) Wastewater collection, treatment, and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems.
- (3) Solid waste collection and disposal systems and facilities.
- (4) Airports.
- (5) Off-street parking facilities.
- (6) Public transportation systems.
- (7) Stormwater management programs designed to protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater and structural and natural stormwater and drainage systems of all types.
- (8) High-speed Internet systems.

**SECTION 2.** The ability of a county acting under authority of G.S. 153A-278 to cooperate with a municipality or other unit of local government in the exercise of any power granted by Article 15 of Chapter 153A of the General Statutes shall include the county's ability to cooperate with another unit of local government in the operation of a high-speed Internet system, including but not limited to a wireless high-speed Internet system.

**SECTION 3.** This act shall apply only to Union County.

**SECTION 4.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this \_\_\_\_ day of \_\_\_\_\_, 2008.

In response to a question by Commissioner Lane, Mr. Delk stated that municipalities have the express authority to operate a high-speed internet system but counties do not. Chairman Baucom explained that this request was for the legislators to introduce and seek passage of the bill in Raleigh.

Mr. Delk stated that the model that Monroe is considering is to have a free wireless internet system in the downtown and there would be opportunities with the provider to sell access that would get the signal inside homes. Vice Chairman Pressley questioned if there would be an opportunity to receive the signal inside the office buildings. Chairman Baucom responded that the intent would be to have enablers to do so.

Commissioner Openshaw stated that he agreed that high speed internet is an essential tool; however, he reminded the Board of the proposal that he had made during the visioning conference in January to request the legislative delegation to talk with the State about giving a private company access to provide these services in areas where the County does not have services. He said that he would like to have the free market deal with this matter first. He said he did not understand why another government service was being added before exploring all of the other alternatives.

Chairman Baucom said eNC was established by the legislature in the late 90's with a charge from the legislature to have high speed internet in all of North Carolina by 2002. He stated that there have been concerted efforts made to have anyone who could provide high speed internet to the unserved areas of Union County to participate in any manner whatsoever. He said that there had been several providers that have indicated a desire to do so, but when it came to the actuality, those providers backed down. He said that it was time to get high speed internet for the County.

Commissioner Lane agreed with Chairman Baucom. He said that he had been to four different groups to try and obtain high speed internet service at his home and was told that there were not enough people in his community to warrant the service. He said that his internet service is through a satellite company.

Mr. Delk stated that the proposal that the City of Monroe was considering was by Wild Fire and required very little financial involvement from the City. He said as the proposal was initially presented, the City would help the provider to find some initial sponsors and the City would receive as a product free wireless internet in the downtown area and then let



the provider sell the service on its own. He stated that he hoped that if this service can be provided, Union County would serve as a stimulus for companies to offer this product for the citizens.

Chairman Baucom stated that Monroe has a periphery of fiber optic buried and is the logic entity because of its contract with Duke Net, and it has the enabling authority to have high speed internet as a utility enterprise. Commissioner Openshaw pointed out that the proposed legislation references “including but not limited to a wireless high-speed Internet system.” He questioned why it contained the language “not limited to.” The Chairman responded because it might be wired. Commissioner Openshaw stressed that he would like to see the high speed internet service offered by a private enterprise rather than a public enterprise.

With there being no further discussion, the motion passed by a vote of four to one. Chairman Baucom, Vice Chairman Pressley, Commissioner Lane, and Commissioner Mills voted in favor of the motion. Commissioner Openshaw voted against the motion.

**PROPOSED FEE INCREASES FOR ENVIRONMENTAL HEALTH SERVICES (from March 10, 2008, meeting):**

Commissioner Lane moved approval of the updated fee schedule for Environmental Health Services as recorded below. The motion was passed unanimously:

**ENVIRONMENTAL HEALTH  
SERVICE AND FEE ADJUSTMENT RECOMMENDATION FOR  
FOOD, LODGING AND INSTITUTIONS PROGRAMS**

**CURRENT SWIMMING POOL FEES**

Seasonal Public Swimming Pool Application Fee .....	\$100
Submitted after April 15 (late) .....	\$150
Year Round Public Swimming Pool Application .....	\$150
Travel Time (Initial permit, inspection and compliance visit) .....	1.5 Hours
Permitting and Inspection .....	3.0 Hours

Compliance Inspection (Includes Complaint Visits) . . . . . 2.0 Hours

**COST (Permitting, Inspection, and Complaints)**

EHS: 6.5 Hours x \$26.00 = \$169

Clerical: .75 Hours x \$18 = \$13.50

Vehicle: 50 miles x \$.505/mile = \$25.25

**TOTAL = \$207.75**

**NIGHT SWIMMING**

EHS: 2 Hours x \$39 (Overtime) = \$78

Clerical: .5 Hours x \$18 = \$9.00

Vehicle: 50 miles x \$.505/mile = \$25.25

**TOTAL = \$112.25**

**GRAND TOTAL = \$320.00**

**Recommendation:**

- **Increase All pool application fees to \$275**

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**ENVIRONMENTAL HEALTH  
SERVICE AND FEE ADJUSTMENT RECOMMENDATION FOR  
FOOD, LODGING AND INSTITUTIONS PROGRAMS**

**CURRENT TEMPORARY FOOD ESTABLISHMENT FEE**

Operation Permit . . . . . \$0

Special Event Coordinating . . . . .1.0 Hours

Travel Time (Initial permit, inspection and compliance visit) . . . . .1.5 Hours

Permitting and Inspection . . . . . 0.5 Hours

Plan Review . . . . . 0.5 Hours

**COST** (Permitting, Plan Review, and Consulting)

EHS: 3.5 Hours x \$26.00 = \$91

Clerical: .25 Hours x \$18 = \$4.50

Vehicle: 50 miles x \$.505/mile = \$25.25

**TOTAL = \$95.50**

**RECOMMENDATION:**

- Apply \$25 Temporary Permit Fee to each vendor.

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**ENVIRONMENTAL HEALTH  
SERVICE AND FEE ADJUSTMENT RECOMMENDATION FOR  
FOOD, LODGING AND INSTITUTIONS PROGRAMS**

**CURRENT CHILD CARE CENTER PLAN REVIEW FEE**

Plan Review Fee . . . . . \$0

Plan Review . . . . . 2.5 Hours

Travel Time (Permit and walk-through) . . . . . 1.5 Hours

Pre-construction walk-through . . . . . 2.25 Hours

**COST** (Permitting, Plan Review, and Consulting)

EHS: 6.25 Hours x \$26.00 = \$162.50  
Clerical: .5 Hours x \$18 = \$9.00  
Vehicle: 50 miles x \$.505/mile = \$25.25  
**TOTAL = \$196.75**

**RECOMMENDATION:**

- Apply \$200 Plan Review Fee to all new Child Care Centers.

**REPLACEMENT OF REMARKETING AGENT FOR ENTERPRISE SYSTEMS REFUNDING REVENUE BONDS, SERIES 2003B**

Commissioner Mills moved that the following resolution (the "*Resolution*"), a copy of which was available to the Board and which was read by title be adopted:

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA AUTHORIZING THE REPLACEMENT OF THE REMARKETING AGENT FOR THE COUNTY OF UNION, NORTH CAROLINA VARIABLE RATE ENTERPRISE SYSTEMS REFUNDING REVENUE BONDS, SERIES 2003B**

**WHEREAS**, the Board of Commissioners (the "*Board*") of the County of Union, North Carolina (the "*County*") previously authorized the issuance of \$20,935,000 aggregate principal amount of the County's Variable Rate Enterprise Systems Refunding Revenue Bonds, Series 2003B, of which \$17,330,000 is currently outstanding (the "*Bonds*");

**WHEREAS**, Citigroup Global Markets Inc. is currently serving as remarketing agent for the Bonds and the County has experienced a failed remarketing of the Bonds;

**WHEREAS**, the Board has therefore determined to replace the current remarketing agent with Banc of America Securities LLC and there has been presented to the Board the form of the Remarketing Agreement dated as of April 1, 2008 between the County and Banc of America Securities LLC (the "*Remarketing Agreement*"), which the Board proposes to approve, execute and deliver, as applicable, to effectuate the change in remarketing agent:

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

**Section 1. Authorization of Change in Remarketing Agent.** Banc of America Securities LLC is hereby appointed as remarketing agent for the Bonds, effective at the earliest practical time as permitted under the General Trust Indenture dated as of May 1, 1996 (the “*General Indenture*”) between the County and First Union National Bank of North Carolina, the successor to which is U. S. Bank National Association, as trustee (the “*Trustee*”) and Series Indenture, Number 2 dated as of May 15, 2003 (the “*Second Series Indenture*” and collectively with the General Indenture, the “*Indenture*”), between the County and the Trustee.

**Section 2. Authorization of Remarketing Agreement.** That the form and content of the Remarketing Agreement be and the same hereby are in all respects authorized, approved and confirmed, and the Chairman, the Interim County Manager and the Clerk to the Board be and they hereby are authorized, empowered and directed to execute and deliver the Remarketing Agreement for and on behalf of the County, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the Board’s approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Remarketing Agreement the Chairman, the Interim County Manager or the County Finance Director are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Remarketing Agreement as executed.

**Section 3. Conflicting Provisions.** All resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

**Section 4. Effective Date.** This Resolution takes effect on its adoption.

On motion of Commissioner Mills, the foregoing resolution entitled “**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA AUTHORIZING THE REPLACEMENT OF THE REMARKETING AGENT FOR THE COUNTY OF UNION, NORTH CAROLINA VARIABLE RATE ENTERPRISE SYSTEMS REFUNDING REVENUE BONDS, SERIES 2003B**” was duly adopted by the following vote:

AYES: Chairman Baucom, Vice Chairman Pressley, Commissioner Lane, Commissioner Mills, and Commissioner Openshaw

NAYS: None

**DISCUSSION ON HIRING FREEZE (This item was added to the agenda at the request of Vice Chairman Pressley):**

Vice Chairman Pressley requested the Board's thoughts on his proposal that with the exception of law enforcement and emergency medical services that a hiring freeze be implemented for all County departments at this time to allow the Board time to get a handle on the budget process.

Commissioner Lane stated that he knew that a number of the County's agencies such as the Health Department already have a heavier workload than any of the other comparable counties, and he felt that a hiring freeze would place an undue burden on those departments. He said that these departments need to expand as the County grows, and he stated that the Board could not stop the County from expanding.

Commissioner Mills responded that the proposal was not to try and stop the County from expanding, but noted that there would be a number of people retiring from County departments in the future. He said that he would like for the staff to look at the departments, and there might be areas, as Commissioner Lane noted, that need to expand. However, he stated that since the budget will be coming up in the next few months, he would like to have this information evaluated.

Vice Chairman Pressley offered an amendment to his proposal that if any exception should occur with departments that need positions, that those exceptions be reviewed by the Manager.

Commissioner Lane said he felt like a blanket hiring freeze was an overkill.

Vice Chairman Pressley his motion was to implement a hiring freeze within this year's budget with the exception of law enforcement and emergency medical services until June 30, 2008, with exceptions for departments needing to fill vacancies and these would go through the County Manager for review.

Commissioner Openshaw said that Commissioner Mills had spoken with him about this matter. He said that with Waxhaw taking over its own inspections, it will take some pressures off the County's inspections department. However, he said as a counter point to the statement about people retiring from County departments, that is why he did not feel there should be a hiring freeze. He offered an amended motion that the Board direct the County Manager to notify the

departments to advise him of any personnel changes anticipated by the departments. He said that from his personal experience, he has yet to find a County office that is overstaffed.

Commissioner Lane said that he could not support a hiring freeze on existing positions.

Vice Chairman Pressley commented that the gist of his motion is to try and determine where savings can be found within the County. He said that if there are positions that are not needed and need to be re-evaluated, then he would agree to do that. He said that if there are positions that are no longer needed, then those positions need to be eliminated and, if those positions are funded, then use the money somewhere else. He stated that he wanted to get a hold on things before July 1.

Commissioner Mills said that he understood completely what Commissioner Lane was saying, but he was trying to look at this issue from a budget process and trying to start the process now putting the hiring freeze in place.

Commissioner Openshaw said that Commissioner Mills' concept is legitimate; however, he said that it goes back to whether the staff can do their jobs or not. He stated that he did not think there needed to be a hiring freeze, because it does not allow for flexibility.

Vice Chairman Pressley said that he was willing to compromise his entire motion. He said that as a Commissioner, in his next item, he wanted to ask all of the departments to review their budgets. He offered that in lieu of having a hiring freeze, he would like to have information at the next Board meeting on the re-evaluation of positions by the Manager, Personnel Director, and the Finance Director.

Mr. Nelson added that the County's current practice is that when a vacancy occurs through retirement, termination, etc., the department head is required to complete a form requesting Personnel to implement a recruitment process. He said that Personnel currently acts on the department's request. He offered as an acceptable alternative that for the positions that relate to Public Safety (law enforcement and emergency medical services), that those requests continue to go to the Personnel Department without the Manager's approval, but in terms of non-law enforcement and non-emergency medical services positions, in order to recruit for those vacancies those would require the Manager's signature.



The Chairman repeated the motion was to evaluate County positions and bring that information to the Board at the next meeting.

Commissioner Lane asked Vice Chairman Pressley if he wanted to include Mr. Nelson's proposal to his motion. Vice Chairman Pressley stated that he believed that would be one of the evaluations that the Board could consider at the next meeting.

Following the discussion, the motion was passed unanimously.

**DEPARTMENTAL BUDGETS EVALUATIONS (This item was added to the agenda at the request of Vice Chairman Pressley:**

Vice Chairman Pressley said that for several years he had requested that the last five or ten percent of the departmental budgets be placed into contingency to determine the status on spending.

He moved to request that the individual departments review their budgets to determine if there could be a five or ten percent savings across the board and that the Manager present that information to the Board before it begins its budget deliberations.

Commissioner Lane commented that during the years that he has been a member of the Board, the Finance Director and Manager have reviewed the departmental budgets prior to the budget deliberations in an effort to try and reduce the budgets. He said that he likes to rely on the staff.

Vice Chairman Pressley cited as an example the 21-day figure that the schools use for the number of pupils. He said that figure was missed this year by a large amount of money which equaled to approximately three million dollars. He said what he was asking was to use that concept now rather than waiting until the end of the budget year.

Mr. Nelson explained the procedure that he and his staff are completing at this time to make projections on the department budgets. He explained that each year, he and his staff work with the departments to revise the current year's budget expenditures. He noted that one area of concern is fuel costs which are coming in well above what was anticipated. He said that they review this year's budget and the departments' projected spending until the end of the year.

He said that to the extent that the departments project that they are not going to be spending the monies, those funds are taken out of the departments' budgets and placed in a contingency account for this year's budget.

Following the explanation by Mr. Nelson, Vice Chairman Pressley stated that this was exactly what he was asking be done, and, therefore, he would withdraw his motion.

**WATER AND SEWER AUTHORITY (This item was added to the agenda at the request of Vice Chairman Pressley):**

Vice Chairman Pressley said this issue has been discussed for some time. He said that it was his understanding that the majority of the Mayors agreed with having the municipalities being partners with Union County and controlling how they grow. He said that he thought it was a perfect opportunity to have a water and sewer authority and having the municipalities be a part of it. He said he would request information about how Lancaster and Cabarrus Counties and any other counties similar in size to Union County have their authorities structured.

Following his explanation, Vice Chairman Pressley moved to instruct staff to bring information to the Board about water and sewer authorities of surrounding counties. He clarified that his motion included having information about South Carolina counties.

The Chairman repeated the motion as follows: to instruct staff to procure information on potential development, organization, and operations of a water and sewer authority. Vice Chairman Pressley agreed that this was his motion.

Commissioner Openshaw questioned if the motion included potential municipal participation. Vice Chairman Pressley responded that this was correct. Commissioner Openshaw said that Vice Chairman Pressley touted the idea of a water and sewer authority in the County a number of years ago. He said that he thought this was what should have been done when the Water and Sewer Advisory Board was established. He stated that a water and sewer authority was a much better approach than being able to stack a board with people with special interests. He said that he would be a lot more amenable to listening to the Vice Chairman's proposal of a few years ago if it included all of the municipalities, who are all of the stakeholders.

Mr. Nelson said that as he understood the motion, it was for staff to look at regional authorities and bring those structures along with the pros and cons to the Board. He said if all of those structures have no municipal participation, then that would be what the staff would bring to the Board.

Vice Chairman Pressley said that he liked the idea of a water and sewer authority and of having the municipalities a part of it. He said that it might be an idea that drops like it did several years ago after several attempts. He further said that he liked the idea of being regionalized in the County and having municipal participation. He said that if the surrounding counties do not have municipal participation, Union County could structure its authority to include municipal participation if the idea goes that far.

With there being no further discussion, the motion was passed unanimously.

**DISCUSSION OF R-40 YIELD WITH CLUSTERING (This item was added to the Agenda at the request of Commissioner Openshaw):**

Commissioner Openshaw referred to a recent article in **The Neighbors** section of **The Charlotte Observer** where Chairman Baucom stated everybody has to pay for the growth. He said that this statement begs the question “Why does everyone have to pay for growth; it was supposed to pay for itself and what do we do about it?” He stated that one way to save the taxpayers money is to tie the yield in clustering, the number of lots allowed to be built in cluster, to the number of lots allowed to be built with R-40 zoning. He said that in other words, the developer would have to propose an acceptable plan for having a certain number of lots from their property using R-40 zoning. Commissioner Openshaw further said that the number of lots permitted in clustering would be determined by that submission.

Commissioner Mills stated that he thought this idea would need to be reviewed by the Land Use Steering Committee. Commissioner Openshaw responded that it would not need to go to the Land Use Steering Committee, but it would need to go to the Planning Board. He questioned why there should be two different metrics for the lot yield for R-40 and clustering. He said that the County has to pay for the bonds that are issued, and if it is creating more houses, then it should be putting the argument to rest that growth pays for itself. He pointed out that 13,000 building lots have been approved and are outstanding. He said that his proposal was not something that would have an immediate impact necessarily. but it is something that levels the playing field.

Following the explanation, Commissioner Openshaw moved to refer the concept to change the cluster ordinance to reflect the yield that can be achieved in R-40 zoning to the Planning Board for review.

Vice Chairman Pressley asked if Commissioner Openshaw's motion included requesting changing zoning of R-20 clustering. Commissioner Openshaw responded that he did not study the yield equation of R-20 and questioned if it would be different than R-40. Vice Chairman Pressley said that he would like to know what is the break even cost when it pays for itself in Union County. He asked what the cost of a median house is in Union County today.

Mr. Nelson responded that he thought the taxable value of new construction would have to be established. He said that the staff could provide those answers but it would require some research. Vice Chairman Pressley said that there is a median house today, but stressed that there are not many houses being constructed at \$150,000. He said that he has heard the figure for median houses of \$230,000 or \$240,000 being the break even figure. He stated that the majority of the houses being constructed today are over that amount. He said that he would like to also know the break even point.

Mr. Nelson offered that the report from 2005 could be updated to provide current data.

Commissioner Openshaw said it is empirical – Union County is the seventh fastest growing county in the country and has the highest debt per person of any county in the state with the exception of Dare County which is the size of Monroe.

Vice Chairman Pressley said that Union County is playing catch up today for what has happened in the past. He said that he wanted to know where the County stands today.

With there being no further discussion, the motion was passed unanimously.

**DISCUSSION OF COMMISSIONER-REPRESENTATIVE APPOINTMENTS BECOMING NON-VOTING MEMBERS  
(This item was added to the agenda at the request of Commissioner Openshaw):**

Commissioner Openshaw said that Chairman Baucom had discussed this matter with reference to his appointment on the Agricultural Advisory Board, and it had also been discussed during the visioning conference in Chapel Hill. He stated that it did not strike him as essentially fair that other than statutorily required votes, that the Board members are

able to vote as representatives of their specific committees and then to vote on it again if the Board of Commissioners votes on the same issue. He said that he would rather have the committees express their opinions through their votes than having his vote potentially tip the balance. He noted that the two boards that he was influenced personally by are the Parks and Recreation Advisory Committee and the Library Board of Trustees.

Commissioner Openshaw moved that the Commissioner-Representative appointments on the Parks and Recreation Advisory Committee and the Library Board of Trustees become ex officio non-voting members.

Chairman Baucom stated that this proposal would coincide with the Governance model that the Board has unanimously indicated it wants to pursue. He asked if any of the other Board members wanted to include any of the other boards and committees on which they serve.

Commissioner Lane offered an amendment to the motion to include all the boards and committees on which any Commissioner sits and that does not statutorily require the Commissioner to vote.

Commissioner Openshaw agreed to accept the friendly amendment to his motion.

Matthew Delk, Assistant County Manager, suggested that the Commissioners allow the staff an opportunity to bring a list of boards and committees to the Board so that it can delineate any appointments where bylaw changes would be required or where the changes could not be made to ex officio non-voting members based on statutory guidance.

Commissioner Openshaw amended his motion to include the recommendation by Mr. Delk.

Vice Chairman Pressley noted that this change might leave some of the boards and committees with an odd number of members which would create tie votes.

Chairman Baucom asked for clarification prior to a vote on the motion of whether the motion was to request the staff attorney to present the required changes or for staff to bring back the committees that are applicable.

Commissioner Openshaw responded that his motion would be to include all the boards and committees other than those that have statutory requirements and for the staff to bring a list of the committees and the required changes.

Mr. Delk stated that a part of the staff's recommendation would probably include a schedule for when the changes would take effect. Commissioner Openshaw stated that this was acceptable to him.

With there being no further discussion, the motion as amended was passed unanimously.

**ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:**

The Clerk to the Board read the following vacancies on Boards and Committees:

1. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two persons under the age of 18; and 4) Juvenile Defense Attorney
2. Farmers Market Committee (1 member at large)
3. Adult Care Home Community Advisory Committee
4. Union County Home and Community Care Block Grant Advisory Committee (2 vacancies as of December 2007)
5. Nursing Home Advisory Committee
6. Board of Health (vacancy as of January 2008 for a Licensed Optometrist)
7. Board of Adjustment (3 vacancies for regular members and 1 vacancy for an alternate member for an unexpired term ending May 2009)
8. Planning Board – (Vacancies as of April 2008: 1 member representing Jackson Township; 1 member representing New Salem Township; and 1 member representing Sandy Ridge Township)

**APPOINTMENTS TO BOARDS AND COMMITTEES:**

Chairman Baucom moved appointment of the following applicants in block:

- a. Agricultural Advisory Board: Ken Pierce to fill an unexpired term on the Agricultural Advisory Board ending June 2010.
- b. Adult Care Home Community Advisory Committee: Georgia Howard and Helen Clayton (reappointments) on the Adult Care Home Community Advisory Committee

The motion was passed unanimously.

**INTERIM COUNTY MANAGER'S COMMENTS:**

The Interim Manager had no comments.

**COMMISSIONERS' COMMENTS:**

Commissioner Lane referred to the Department of Inspections' monthly report for the month of February 2008 and said that the associated construction costs are \$28 million but does not include the permit statistics for the Town of Waxhaw, which might increase that number significantly. He said that currently the permits are 14 percent commercial and 86 percent residential. He stated that he thought these figures were skewed and once the statistics are received from Waxhaw, those percentages would be closer to 90 percent residential.

He said that he had noticed the County's population is listed at roughly 185,000, and according to the Hispanic group that he had received a briefing from, there is probably an additional 15,000 undocumented persons in Union County.

Commissioner Openshaw reminded the Chairman that in the past he and Commissioner Lane have asked that the Commissioners' Comments rotation be staggered instead of following the same direction each time.

He stated that he was delighted that four schools in Union County have been named “Super Safe Schools” --- Monroe High School, Weddington Middle School, Walter Bickett Elementary School and Piedmont Middle School. He said there is quite a list of criteria that the schools have to meet for this designation, which is quite an accomplishment for these four schools.

Commissioner Openshaw asked the Board to consider re-examing the regional library versus the super regional library issue. He said that he did not get the feeling that the Board had put forth its best effort to grasp his proposal at the last meeting when he had described how libraries could be constructed smaller but expandable with less monies upfront and reduced operating costs. He said that he would also add in equity participation from the municipalities and how the regional libraries could potentially benefit two municipalities economically rather than one. He offered to talk with the Commissioners individually and share his ideas.

Further, he stated that at the March 10<sup>th</sup> meeting he had requested an accounting of the amounts the County has spent on lawsuits. He expressed appreciation to staff for providing this information. He requested that several of the amounts be broken down further and also to add the amount of legal fees spent on interbasin transfer issues.

He said that during his five-hour deposition in the Shalati matter, it became evident to him that he needed an attorney when he was answering the questions. He questioned how he could go about compensating an attorney to represent him and to prevent precedent setting actions that would affect future actions of the Board.

Commissioner Mills commented that tonight’s meeting had been good with a lot of accomplishments. He shared that the meeting with Wesley Chapel had been a good meeting last week, and that Council had adopted the resolution for Bakers’ Volunteer Fire Department. He said that he had already met with Unionville and he needed to make a presentation to the Town of Indian Trail. He stated he would be sharing information with the Board regarding the funding of fire departments that would need to be addressed. He reported that progress was being made on this matter.

Vice Chairman Pressley expressed appreciation to Bonnie McManus, the Town Clerk of Waxhaw, for serving on the Nursing Home Advisory Board. He said that due to her husband’s illness, Mrs. McManus was forced to resign from her term.



Chairman Baucom shared information on the Heroes Campaign that is going on now for the Union County Red Cross. He invited everyone that could participate in this campaign to do so. He stated that the agricultural community had a luncheon at the Ag Center this past Thursday to raise funds for the Heroes Campaign. He said that it was an annual campaign in which he has served as the Co-Chair for two years along with Sheriff Eddie Cathey and Ron Sumrow. He noted that all the funds that are generated in Union County during this campaign remain in the county and are used within the county. He stated that this campaign is very important for the operations of the Union County Red Cross Chapter.

Chairman Baucom shared that an article was included in *The Greater Charlotte Biz Magazine* featuring “A Game Changing Technology” which is BAE Technology located in Union County. He said that this company manufactures tennylon which is used for many different purposes but its main use is protecting the military. He said that BAE is a good industrial citizen to the County and offered his compliments to it for being in Union County.

Further, he shared that an article also appeared in *NC Magazine* featuring Union County discussing some of the good events that occur in Union County.

Chairman Baucom reported that the Board had participated in the MCIC meeting on Thursday, March 20<sup>th</sup>, with a 100 percent municipality participation. He expressed appreciation to the municipalities for their participation in the meeting. He shared that as a result of that meeting, the members had agreed to meet quarterly on a more regional basis with the meetings being hosted by different municipalities throughout the county. He invited citizens to attend the meetings as they are being held in the different areas of the county.

With there being no further business for discussion, at approximately 9:08 p.m., the Chairman adjourned the regular meeting.