

Approved: 11/17/2008  
April 7, 2008

The Union County Board of Commissioners met in a regular meeting on Monday, April 7, 2008, at 7:00 p.m. in the Board Room, first floor, Union County Government Center, 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, Senior Staff Attorney, members of the press, and interested citizens

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

### **OPENING OF MEETING:**

#### ***Invocation:***

The Chairman recognized the Reverend Tim Cruise, Pastor of Shining Light Baptist Church, who presented the invocation. Chairman Baucom presented to the Rev. Cruise a certificate of appreciation along with a lapel pin and an engraved writing pen.

#### ***Pledge of Allegiance:***

Chairman Baucom recognized the cub scouts and Dudley Kovstad, leader of Den 8, Pack 99, from Weddington, who led the Commissioners and audience in reciting the Pledge of Allegiance to the American Flag. After the pledge, he presented to the following cub scouts certificates of appreciation: Joshua Hovis, Bradley John Evens, Grayson Greenberg, Chandler Jenkinson, Daniel Lehman, and Cameron Klovstad.

### **PUBLIC HEARING – PROPOSED ECONOMIC INCENTIVE GRANT:**

The Chairman recognized Maurice Ewing, Director of Union County Partnership for Progress, who explained that Union County has an opportunity to work with American Wick Drain, a local company that is considering expansion of its plant. He introduced Michael Cranford, associate in the Union County Partnership for Progress office, to make the presentation. He also introduced Robert Semrad, General Manager of American Wick Drain, who made himself available to answer any questions. Mr. Ewing reported that the Union County Partnership for Progress Board has reviewed the details of this project and is recommending that the incentive be granted to this company to assure its expansion in Union County.

Mr. Cranford explained the proposal for American Wick Drain, a standalone company, under common ownership. He said this facility opened in Monroe in 1997 and is now currently considering an expansion of that facility. He said it is a large manufacturer of geocomposite drainage material; essentially a product used in commercial and residential construction as well as for field drainage with the purpose of draining water away from an area. He stated that American Wick Drain has two plants but the Monroe office is considered its corporate headquarters. Mr. Cranford said the westcoast office was opened in Reno, Nevada, in 2005. He detailed that this \$4 million expansion consists of an additional 35,000 square feet to be built on to its existing facility and will entail a \$1.6 million investment in the building as well as an additional \$2.4 million in equipment.

Mr. Cranford explained the recommendation of the Board and staff of Union County Partnership for Progress is to award an incentive grant totaling an amount not to exceed \$48,683 over a three-year period. He reported that this project is dependant upon both incentives being granted; one from the County as well as one from the City of Monroe. Mr. Cranford stated Monroe's hearing will be held on April 16. He admitted that the job impact of this proposal is minimal with the expectation of no more than four new jobs, but Mr. Semrad has stated that incentives among other factors will be considered in making the decision as to whether this expansion is here in Monroe or if it will be moved to the Reno, Nevada, location.

The Chairman asked for others wishing to address this subject.

Mr. Jim King, 8514 Waxhaw-Marvin Road, stated that he had fussed about Union County Partnership for Progress for some time. He reported that for three years he has asked for a written report of jobs created, salaries of the jobs created, etc., before awarding EDC grants but his recommendation has been ignored. He said he has not heard about jobs or salaries and if there are additional jobs with good salaries that this information should be a part of the contract. Mr. King said that this company should be held to creating a certain number of high-paying jobs for Union County or the incentive grant should not be awarded. He stressed that the whole fundamental purpose for incentive grants is to bring employment and good jobs to Union County.

He reminded that three Commissioners ran as successful business people and, yet, he read in the newspaper that the Board of Commissioners is going to award an incentive grant on a \$1.6 million building expansion and \$2.4 million for additional equipment to give the American Wick Drain back \$48,683 over three years on a total investment of \$77,140 on the current tax base. He asked if there was not a recent revaluation and was there not a county-wide increase in taxes of 30 percent. Mr. King illustrated that if this project brings forth \$100,000 in taxes, if the County rolls back to a revenue neutral tax rate, the County would be getting \$70,000 and if the County gives the company \$60,000, the county will only gain \$10,000 over a three-year period. He said if the County has a revenue neutral tax rate, the county in three years will net \$5,305. Mr. King said that each year he pays more personal property tax than that amount. He asked how the director with a five-year contract with Partnership for Progress misses this equation and questioned who did the actual math for this project. He asked this individual to come forward and explain the information provided.

The Chairman thanked Mr. King for his comments and announced that was the only person who had signed to speak during the hearing. With there being no one else wishing to speak, the Chairman declared the public hearing closed.

#### **INFORMAL COMMENTS:**

The Chairman next recognized Werner Thomisser, 2208 Kings Manor Drive, Weddington, who addressed the Board on the 2008-2009 property tax rate. He stated that Union County's residents are currently faced with escalating, inflationary costs especially for groceries and gasoline. Mr. Thomisser said that spiraling healthcare costs have accounted for median family income reductions of nearly one thousand dollars a year. He also pointed out that there have been job losses. Mr. Thomisser reported that the number of Charlotte-area residences sold in February 2008 dropped 24 percent compared to sales in February 2007. He said this was the ninth consecutive month of double digit declines in this area. He explained that a realtor in Union County recently stated that according to MLS listings there are more than 300 homes currently for sale with sales prices in excess of \$1 million. He said the same is true whether you drive through a \$200,000 neighborhood, \$300,000 neighborhood or a \$500,000 neighborhood. Mr. Thomisser said that on his way to Monroe tonight he drove through two developments in Weddington—one neighborhood had 30 houses for sale and the other, a smaller neighborhood, had 20 houses for sale. He stressed that the housing market is down and regardless of what is said on television, Union County and this nation are in a recession. Mr. Thomisser explained that during this entire decline Union County has just concluded a residential property revaluation with the average residential increase between 28 percent and 30 percent. He said it will be a real challenge for a Union County resident to currently sell his home at the new revaluation under the current market conditions. Mr. Thomisser stated that Mecklenburg County Commissioners' Chair Jennifer Roberts has asked their County Manager to propose a budget with no tax increase for fiscal year 2008-2009; it is hoped that Union County's Commissioners will do likewise and roll back the current 71 cents tax rate by 30 percent to a new tax rate of 50 cents to compensate for the new revaluation.

The next speaker was Walter Staton. Mr. Staton stated that he lives at 221 Weddington Road, Weddington. He addressed the Board on the subject of tax rate and presented each with a handout. He reported that he was a long-time resident of Union County having spent 33 years in the Marshville area where he still has family members. He said that Union County should still remain rural with older generations living on either farms or small parcels of land that contain their residences. Mr. Staton explained that he had read in the local papers that the average revaluation parcel in Union County was up 70 percent from the last revaluation in 2004. He stressed that many of these older generation owners find themselves living on fixed incomes and escalating property taxes of this magnitude create a real economic burden on these families. He pleaded with the Commissioners to remember these people during their budget deliberations and when setting the tax rate for the 2008-2009 fiscal year. Mr. Staton urged them to strongly consider rolling back the current tax rate of 71 cents to 50 cents during this recession.

The Chairman recognized Jim King of 3514 Waxhaw-Marvin Road, Weddington, to speak on revaluation. Mr. King said that this tax revaluation was the worst thing he had been involved with; it is a travesty and anyone associated with it should be ashamed of it. He said on top of that the County attempts to intimidate the taxpayer by stating on the appeal form: *any information that supports your opinion of value will increase the likelihood of a successful appeal. Examples would include a recent appraisal.* He then asked for anyone in the room who has had a recent appraisal to make it known by the raising of a hand. He then noted that the form called for sale prices of similar properties. Mr. King then asked for audience members to raise their hands if they have sale prices of similar properties. He said this revaluation reminds him of when computers first came out and the tech support would argue that things could not happen that did with computers. He said the tax office said there is not a problem but assured there is a problem and asked that he be scheduled to talk with them and the Tax Administrator.

With no one else having comments, the Chairman asked if there are additions or deletions to the agenda.

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

The Chairman asked to add to the agenda a request from the Tax Administrator's Office to add an item to approve advertisement of the 2007 tax liens.

The Clerk recommended that an item be added as 16(i) to announce the vacancies on the Centralina Economic Development Commission. She also said there is a deletion request to remove 14.b (5) Tax Parcel F7-150-0117 from the consent agenda.

Commissioner Openshaw asked to move from the Consent Agenda 1 (b) Arcadis G&M of North America and 5 (a) Public Works and requested to add for discussion the email received from the attorney today having to do with voting obligations of county commissioners who are appointed to serve on local boards.

The Assistant County Manager interjected that he and the Staff Attorney were hoping to have another meeting to review and verify all the information that was included on the table emailed to the Commissioners on the subject of voting obligations. He asked if Commissioner Openshaw would delay the addition of this item. Commissioner Openshaw concurred.

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

**CONSENT AGENDA:**

Commissioner Lane moved that the items on the modified Consent Agenda be approved as recorded. The motion passed unanimously.

***Contracts Over \$5,000:***

- a. Gavel and Dorn Engineering – Master Multi-Service Agreement for Engineering Services
- b. Arcadis G&M of North America, Inc. – moved to regular agenda
- c. Potter & Company- Contract to Audit Accounts for Fiscal year 2007-2008 in the lump sum amount of \$75,000

***Minutes:*** Special Meeting of January 16, 2008 and Regular meeting of March 24, 2008

***General Services:*** Declared 1984 Chevrolet Truck, Vehicle 01-84 surplus property and authorized conveyance of vehicle without consideration and without any specific procedures in accordance with G. S. 160A-274 to Cherokee County, NC.

***Union County Public Schools:***

- a. Funding for Weddington High Stadium, Wesley Chapel Elementary School, Renovations and Additions and Transportation Facility - Adopted Capital Project Ordinance Amendment #99 –

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	School Bond Fund - 55			REQUESTED BY	Kai Nelson		

FISCAL YEAR	FY 2007-2008			DATE	April 7, 2008		
<b>PROJECT SOURCES</b>				<b>PROJECT USES</b>			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
G.O. Bond Proceeds	455,985,284	494,823	456,480,107	New Transportation Facility	2,033,782	232,323	2,266,105
All Other Revenue	1,363,308	-	1,363,308	Weddington High School Stadium	1,661,100	112,500	1,773,600
				Wesley Chapel Elementary (Additions & Renovations)	4,426,995	150,000	4,576,995
				All Other School Projects	449,226,715	-	449,226,715
	457,348,592	494,823	457,843,415		457,348,592	494,823	457,843,415
EXPLANATION:	Funding request submitted by UCPS for the Weddington High School Stadium, Wesley Chapel Elementary Additions and Renovations and 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	455,985,284	494,823	456,480,107	New Transportation Facility(115C-429b project allocation)	634,372	232,323	866,695
55491100-4710-530				55559200-5586-516			
				New Transportation Facility(115C-429b project allocation)	1,399,410	-	1,399,410
				55559200-5570-516			
				Weddington High School Stadium(115C-429b project allocation)	1,661,100	112,500	1,773,600
				55559200-5586-513			
				Wesley Chapel Elementary A & R (115C-429b project allocation)	4,426,995	150,000	4,576,995
				55559200-5586-512			
	455,985,284	494,823	456,480,107		8,121,877	494,823	8,616,700
Prepared By	dhc						
Posted By							
Date						Number	CPO - 99

- b. Union County Public School Capital Project Closeouts: Adopted Capital Project Ordinance Closeouts #5 and #6 as relate to expenditures/revenue incurred in connection with the construction of two elementary schools (Sandy Ridge and Kensington) and the Professional Development Center.

**CPC-5**

<b>PROJECT SOURCES</b>				<b>PROJECT USES</b>			
Source Description and Code	Project to Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
G. O. Bond Proceeds	478,914,141	(22,928,857.18)	455,985, 283.82	Capital Outlay	480,277,449	(22,928,857.18)	457,348,591.82
All Other Revenue	1,363,308	-	1,363,308.00				
	480,277,449	(22,928,857.18)	457,348,591.82		480,177,449	(22,928,857.18)	457,348,591.82

Explanation: Close out of various completed projects for which expenditures and revenues have been audited.

**CPC-6**

<b>PROJECT SOURCES</b>				<b>PROJECT USES</b>			
Source Description and Code	Project to Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
IFT from General Fund	510,483	(510,483)	--	Capital Outlay	2,012,000	(2,012,000)	-----
G. O. CP Note Proceeds	1,501,517	(1,501,517)	--				
	2,012,000	(2,012,000)	--		2,012,000	(2,012,000)	--

Explanation: Close out of various completed projects for which expenditures and revenues have been audited.

**Public Works Department: Easement for City of Monroe Waterline to serve Rocky River Road** - Moved to regular agenda

**Health Department:**

- a. Environmental Health - Budget Amendment #42 to appropriate additional funding from the State Division of Environmental Health to Union County Environmental Health to increase Operating Expense by \$13,941 and increase



State revenue received by the same amount for the purpose of supporting the Food and Lodging Program. [Support documentation from the Health Department requests that the budget be increased by additional revenue received of \$18,949.10 as did the contract addendum from the Division of Environmental Health, Raleigh, NC. Contract Number 4751001 to increase revenue by \$18,949.10 was signed by Finance on March 19, 2008.]

- b. Public Health Nurse Positions: Approved the reclassification of two 50 percent RPT Public Health Nurse I positions into one Public Health Nurse I position. It was noted in documentation that this was necessitated by the difficulty in filling the two part time positions and the change would also represent a \$259 increase for the remainder in this fiscal year and a \$6,216 annualized increase. No new funds required in this fiscal year.

**Tax Administrator:**

- a. Releases for March 2008 in the Grand Total Amount of \$33,919.80  
RELEASES MARCH 2008

<b>Acct #</b>	<b>Name</b>	<b>Rel #</b>	<b>Total</b>
<b>2008</b>			
50098565	C N H CAPITAL	3856	<b>17,993.19</b>
50098924	SOWELL JAMES DR	3857	<b>1,486.20</b>
50071864	HP IFINANCIAL SERVICES	3886	<b>34.13</b>
06186005	WILLOW CREEK VENTURES LLC	3890	<b>449.85</b>
07090908	SMITH ROBERT & GINGER	3913	<b>3.70</b>
U4255002A	BROOME CLAUDE SMITH & WIFE DORIS MEDLIN	3947	<b>4.89</b>
<b>Totals - 2008 (Future Year)</b>			<b>19,971.96</b>
<b>2007</b>			
50096845	BOCCIA PROPERTIES LLC	3836	<b>200.16</b>
50094279	DILLON BRIAN	3838	<b>89.79</b>
50098097	PATE AMY KRISTEN	3839	<b>100.65</b>

50097145	FREEMAN MARY	3840	<b>302.11</b>
50081844	WHEELING MICHAEL	3841	<b>23.83</b>
	RAY & NINA G		
50097307	LEE MICHAEL	3842	<b>379.37</b>
	PHILLIP		
50094996	BLANCHARD A J	3844	<b>70.83</b>
50095207	PRESSLEY	3846	<b>216.89</b>
	LEIGHTON B		
50098230	BYRD STEVEN	3847	<b>36.25</b>
	GLENN		
50091038	BUMGARNER COREY	3849	<b>158.42</b>
H8312096	EDWARDS CHARLES	3852	<b>34.63</b>
	R & DORIS		
50098256	CLONTZ SR DAVID	3854	<b>169.74</b>
50082107	BRUCKE EDDIE RAY	3858	<b>12.80</b>
	& JEAN G		
h8234003 01	THREADGILL	3859	<b>309.36</b>
	RICHARD LYNN		
50094103	RANDOLPH	3860	<b>88.71</b>
	GREGORY R		
50094661	F & D	3864	<b>105.85</b>
	CONSTRUCTION INC		
50097196	HUNTLEY HARTZELL	3865	<b>220.35</b>
50076889	ORIX FINANCIAL	3867	<b>506.46</b>
	SERVICES INC		
H6123006	KERLEY DEBORAH	3876	<b>243.92</b>
	MORRIS		
H9381024A08	DOWNS DONNA	3877	<b>224.32</b>
H9381024A08	DOWNS DONNA	3878	<b>0.02</b>
50093038	STEWART ROBERT	3879	<b>359.27</b>
	NAGY JOHN		
	DAVIDSON GARY		
50097204	STEGALL JEFFERY &	3880	<b>75.71</b>
	KRISTINA		
50078010	JOHNSON JESSIE	3887	<b>50.00</b>

	CECIL & MILLIE		
H7027244	ANGEL STACI	3888	273.33
H2301050 02	LANEY ERBY	3889	162.34
09078003	STEGALL RICHARD N	3891	635.01
01186002L	CALHOUN JOHN	3901	7.49
	ANDREW		
01186002J	CALHOUN JOHN	3902	18.94
	ANDREW		
06198002	FCI REALTY & MANAGEMENT INC	3903	1,239.44
H9381024A07	MOORE TERESA & JENNIFER	3904	411.16
04033022	FLAG BRANCH BAPTIST CHURCH	3905	992.59
07027266 02	UNIVERSAL LAND & DEVELOPMENT	3906	359.25
07027269 02	UNIVERSAL LAND & DEVELOPMENT	3907	382.64
07027369 02	UNIVERSAL LAND & DEVELOPMENT	3909	402.93
H8042008	TITMAS GORDON	3910	340.20
50069635	CAROLINA GOLF DEVELOPERS LLC	3914	1,313.37
60093995	MOSLEY EMARKETING	3915	8.11
09063024	CRAIG JAMES V	3916	1,009.34
06222201	NC COUNTRY CLUB ESTATES LP	3924	6.05
06222263	NC COUNTRY CLUB ESTATES LP	3939	3.54
01117031	C R NESBIT CO INC	3940	12.25
H9345029 01	STARNES LINDA ELLEN	3946	198.88
			-
<b>Totals - 2007</b>			<b>11,756.30</b>

<b>2006</b>			
50094996	BLANCHARD A J	3845	76.48
H8312096	EDWARDS CHARLES R & DORIS	3855	31.01
09078003	STEGALL RICHARD N	3892	568.57
07027269 02	UNIVERSAL LAND & DEVELOPMENT CORP	3908	342.61
01117031	C R NESBIT CO INC	3941	10.93
<b>Totals - 2006</b>			<b>1,029.60</b>
<b>2005</b>			
09078003	STEGALL RICHARD N	3893	562.59
01117031	C R NESBIT CO INC	3942	10.52
<b>Totals - 2005</b>			<b>573.11</b>
<b>2004</b>			
02303057	HORNE C W	3912	47.42
09078003	STEGALL RICHARD N	3894	531.34
01117031	C R NESBIT CO INC	3943	10.07
<b>Totals - 2005</b>			<b>588.83</b>
<b>GRAND TOTALS</b>			<b>33,919.80</b>

b. Refunds for March 2008 in the Grand Total Amount of \$4,395.80

Acct #	Name	Rel #	Totals
<b>2007</b>			
50098063	MCCAIN LUANN LILES	3837	206.43

50097252	ALLRED WILLIAM RONALD	3843	6.34
50093859	COLLINS BILLY W	3848	15.64
50085588	BAUCOM GREGORY BRITT	3861	37.54
50075870	BREWER ALICE CASH	3862	50.00
50091167	JAVADI ENTERPRISES INC	3866	119.44
50070486	US BANCORP EQUIPMENT FINANCE INC	3868	233.11
50051751	GREENE JAMES E	3869	173.02
50090900	HONEYCUTT MYA	3875	110.01
50068830	RUSHING JOYCE YORK	3881	165.48
50064767	ACCU POINTE INC	3884	242.55
09219023	SNYDER ALEXANDER B & CAROL M	3911	30.01
06192211	KLEIN SCOTT A & CHRISTINE R	3895	82.64
09348248	BRYANT ADELE M	3897	38.11
06222297	NC COUNTRY CLUB ESTATES LP	3917	6.64
06222264	NC COUNTRY CLUB ESTATES LP	3919	1.93
06222239	NC COUNTRY CLUB ESTATES LP	3922	1.00
06222152	NC COUNTRY CLUB ESTATES LP	3933	29.80
06222006	NC COUNTRY CLUB ESTATES LP	3936	5.87
06222164	NC COUNTRY CLUB ESTATES LP	3927	8.17
06222153	NC COUNTRY CLUB ESTATES LP	3930	1.71

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**Totals - 2007**

**1,565.44**

**2006**

50091038	BUMGARNER COREY	3850	152.61
50081723	CRUMP LACOILA BAILEY	3853	118.91
50075870	BREWER ALICE CASH	3863	50.00
50051751	GREENE JAMES E	3870	154.55
50068830	RUSHING JOYCE YORK	3882	153.40
50064767	ACCU POINTE INC	3885	219.08
06192211	KLEIN SCOTT A & CHRISTINE R	3896	73.50
09348248	BRYANT ADELE M	3898	34.12
06222297	NC COUNTRY CLUB ESTATES LP	3918	6.04
06222264	NC COUNTRY CLUB ESTATES LP	3920	1.76
06222263	NC COUNTRY CLUB ESTATES LP	3921	3.23

06222239	NC COUNTRY CLUB ESTATES LP	3923	0.91
06222152	NC COUNTRY CLUB ESTATES LP	3934	77.56
06222006	NC COUNTRY CLUB ESTATES LP	3937	5.34
06222201	NC COUNTRY CLUB ESTATES LP	3925	5.51
06222164	NC COUNTRY CLUB ESTATES LP	3928	7.43
06222153	NC COUNTRY CLUB ESTATES LP	3931	1.55

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**Totals - 2006** **1,065.50**

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**2005**

50091038	BUMGARNER COREY	3851	154.05
50051751	GREENE JAMES E	3871	150.01
50068830	RUSHING JOYCE YORK	3883	152.30
09348248	BRYANT ADELE M	3899	33.76
06222201	NC COUNTRY CLUB ESTATES LP	3926	5.44
06222164	NC COUNTRY CLUB ESTATES LP	3929	7.34
06222153	NC COUNTRY CLUB ESTATES LP	3932	1.53
06222152	NC COUNTRY CLUB ESTATES LP	3935	9.20
06222006	NC COUNTRY CLUB ESTATES LP	3938	756.57

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**Totals - 2005** **1,270.20**

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**2004**

50051751	GREENE JAMES E	3872	142.91
09348248	BRYANT ADELE M	3900	31.89

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**Totals - 2004** **174.80**

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**2003**

50051751	GREENE JAMES E	3873	136.90
01117031	C R NESBIT CO INC	3944	30.70

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**Totals - 2003** **167.60**

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**2002**

50051751	GREENE JAMES E	3874	125.12
01117031	C R NESBIT CO INC	3945	27.14
<b>Totals - 2002</b>			<b>152.26</b>
<b>GRAND TOTALS</b>			<b>4,395.80</b>

- c. Departmental Monthly Report for February 2008
- d. Ninth Motor Vehicle Refund Register for the period of March 1, 2008 – March 31, 2008, in the net grand total of \$9,947.67-
- e. Ninth Motor Vehicle Release Register for the Period of March 1, 2008 – March 31, 2008, in the Grand Total of \$2,260.17-

The Chairman inserted the additions into the regular agenda and announced their location on same.

**ASSISTANT COUNTY MANAGER’S COMMENTS:**

Matthew Delk, Assistant County Manager, briefed the Board on some of the latest activities of county government. He first announced that this is National County Government Week and the nationwide theme is “Protecting Our Children”. He stated that on April 9 from 10:00 a.m. until 3:00 p.m., the Health Department and the Department of Social Services will have tables in the courtyard to disseminate information on their services to the public entering and leaving the Government Center, Old Post Office, and the Judicial Center. The Sheriff’s Office on April 11 from 10:00 a.m. to 3:00 p.m. will do a free child safety seat check for any members of the public who want to know if their children’s seats meet the legal, specified criteria for safety.

He said he was also proud to report that the Advanced Manufacturing Center at SPCC is now open. He reminded that the Commissioners provided funding for this building in August 2007. He noted that this facility is both educational and to be used for economic development purposes. He said the equipment is not only for teaching but also to teach in partnership with local industries that are trying to fill specific hard-to-find positions.

Mr. Delk reminded that a couple of weeks ago some Commissioners received a letter from Chief District Court Judge Chris Bragg based on continuing discussion with Piedmont Behavioral Health and Daymark Recovery Services and officials from the County on the need for a substance abuse treatment center and crisis center in Union County. He said that currently the Sheriff’s office spends thousands of dollars and hundreds of hours of staff time annually to stay at CMC Union with a client or patient waiting on an in-take or referral because Union County does not have a crisis center. Mr. Delk said that County staff is now researching a

building that will soon be vacant later this year to determine if its feasible to be used for this facility. If successful, he said, this project would save Union County lots of money and provide a much-needed service for its citizens.

He announced that due to a lot of work, particularly by Public Works, reclaimed wastewater water will be available in bulk at half the price of potable water at the Crooked Creek Wastewater Treatment Facility and the Six-Mile Creek Wastewater Treatment Facility. Mr. Delk emphasized that this is not grey water—not untreated water – but this is water that is treated to standards specified by the State of North Carolina and is safe for purposes that do not include drinking but do include irrigation, street sweeping, filling ponds and fountains that drain to sanitary systems, dust suppression, and for such similar purposes. He said it is hoped that bulk sales of reclaimed wastewater will be the first of many projects that can be done to provide more water at a cheaper price to the public and to those who use water of this type daily in their businesses.

Mr. Delk said another project being worked on is the study to convert the historic Union County Courthouse to a museum. He said the County had received eight proposals nationwide from professional firms and have narrowed that number to three. He said this was done in conjunction with the Historic Properties Commission. He said the firm will determine the feasibility of establishing a county museum and system as well as examining the historic 1880s courthouse and advising on the factors that will have to be established for a capital campaign to make it ultimately successful. Mr. Delk said it was necessary to retain a firm that specializes in setting up museums and the capital campaigns required. He said he hoped to be able to announce a firm soon.

He said another issue that has made it easier for the staff to do their day-to-day business has been the County Government Web Site. Mr. Delk described how citizens can use the web page to ascertain needed information. He noted that one day use [March 26] was measured at 9,650 hits to the main page. Mr. Delk described the hits measured to the other departments. He said 190 people that day were researching information on the revaluation process. He said that the web page allows people to learn answers to questions without having to leave their homes to visit the courthouse or to make calls. He announced that the County is in partnership with WWW.govdeals.com to auction off equipment and instructed the viewing audience on how to purchase items. He assured that the County is trying to get the top dollar on all used items.

Chairman Baucom asked if non-profit organizations are informed of the items that are being declared surplus. Mr. Delk stated that the items to www.govdeals.com are usually those that are last to find a home.

Vice Chairman Pressley asked Mr. Delk to investigate if it is possible to put tabs on the agenda to allow citizens to connect to this item and see the video of that section of the meeting without having to watch the entire meeting. Mr. Delk agreed to study this request.



**COMMUNICATIONS DEPARTMENT:**

a. Proclamation: The Chairman announced the next item is a request for a proclamation recognizing the week of April 13-19, 2008, as Public Telecommunicator Week. The Chairman read the following Proclamation and offered it up for adoption.

PROCLAMATION  
FOR  
PUBLIC SAFETY  
TELECOMMUNICATOR WEEK 2008

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

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

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

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

**WHEREAS**, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners does hereby proclaim the week of April 13 – 19, 2008, as “Public Safety Telecommunicators Week” in honor of all the emergency telecommunicators who help protect our health and safety.

Adopted this 7<sup>th</sup> day of April 2008.

ATTEST:

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Lynn G. West, Clerk to the Board

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Allan Baucom, Chairman

Vice Chairman Pressley moved the adoption of the foregoing proclamation. The motion passed unanimously.

b. Recognition of Union County Telecommunicators and Presentation of Telecommunicator of the Year award for 2008. The Chairman asked the following individuals to come forward for recognition: Christy Burnette, Stacy Burns, Kellee Irving, Tiffany Hayes, Daphne Lindsey, Marcus Lee, Michelle McCarver, James Murray, and Richard (Rick) Underwood. The Chairman announced that the Telecommunicator of the Year Award is given to a person who had the following comments made about him/her by his/her co-workers: is always willing to do whatever it takes C-Com; takes on tremendous hours and helps out whoever is in need; brings sunshine into the center and is always willing to help out; has such a strong desire to excel; has faced many obstacles throughout the last year but has overcome all of them; is now strong enough to provide training to other employees; works a ton of overtime and never complains, will work any shifts – days or nights – and does not care also does a great job on all channels and call taking; is lots of fun to work with and a joy to be around; out-going, hard worker, very compliant, helpful, great call taker and dispatcher; does anything for anybody; always goes above and beyond her expected duties to help co-workers in whatever way is needed. The Chairman stressed that these comments were all made by peers who recognize a person who goes beyond expectations. Chairman Baucom announced that 911 Telecommunicator of the Year Award for 2008 is presented to Christy Burnette.

Gary Thomas, Director of Communications, thanked the Board for its support.

c. Waxhaw Parkway Street Name Change: At the request of the Chairman, Gary Thomas, Director of Communications, explained the need for changing the name of Waxhaw Parkway to Old Stone Forest Drive. He said there are two sections of Waxhaw Parkway and these do not connect. He said that when the residential portion of the road applied for its name, it applied for Old Stone Forest Drive but that name was denied because in the original plan the two portions of Waxhaw Parkway were to have connected. He said that is not going to ever happen and the two roads will never connect. He said the homeowners and the developer are requesting that a public hearing be held and the name of that segment of the road be changed to Old Stone Forest Drive.

Motion was made by Commissioner Mills that the Clerk to the Board of Commissioners be authorized to advertise in accordance with the General Statutes of the State of North Carolina for a public hearing to receive comments on changing the name of the residential road named Waxhaw Parkway to Old Stone Forest Drive. The motion passed unanimously.

The Interim County Manager announced that the Clerk is going to try to make an effort to advertise to allow the hearing to be held during the second meeting of April but due to advertising time constraints the hearing might be scheduled for the first meeting in May.

**CONSIDERATION OF INCENTIVE GRANT:**

Motion was made by Commissioner Mills that the economic incentive grant be approved in an amount not to exceed \$48,683 paid over a three-year period to American Wick Drain and the Interim County Manager be authorized to approve and execute the grant agreement between Union County and American Wick Drain.

Commissioner Lane stated he always supported new industries and businesses or the expansion of businesses but before voting he would like to have verification on the information brought forward by Mr. King stating that the County would not have approximately \$9,000 net a year as stated by staff but would have less than \$6,000 over the three-year period.

The Chairman asked Wesley Baker, Internal Auditor for the County, to explain the numbers as presented in the economic incentive grant.

Mr. Baker agreed that what Mr. King was saying is partially true in that if the County does have a revaluation, the numbers presented were based on the current tax rate. He said, however, what Mr. King didn't say was that although it would affect the first year that usually in incentive grant situations there is no payment in the first year. He said in the American Wick Drain situation, the building will not be completed until March 2009 and the first payment on the building would not be due until the tax rate comes out in 2009; it would be paid in the 2010 calendar year. He stressed the tax rate would not be what it would be in the revaluation year but it would be the rate for the next year. He said as the tax rate goes up, it would not be just a \$6,000 gain for Union County over three years. He said that the calculations are based on a guess, but he does not think the tax value will decrease.

Commissioner Lane asked if he were saying that the net figure would be at least what was provided to the Board in the package. Mr. Baker said he could not say that for sure because it is going to depend totally upon what the tax rate is for the three years during the period in which the grant is paid. He said it would probably be somewhere between what Mr. King said and the figures provided; it depends on what the tax rate is going to be. Mr. Baker said he thought over the three-year period it will be closer to the information on the sheet than what was quoted by Mr. King. He said the incentivized portion will not go up; it's locked in and even if the taxes go up, the incentivized portion will stay the same.

Commissioner Openshaw asked if the tax rate drops, does the incentive drop also or is the incentive a fixed number.

Mr. Baker responded that the incentive is a fixed number based upon the amount of the investment to a certain cap. If the investment goes up, the incentive does not go up. He explained the incentive does not drop if the amount of the incentive is as stated.

Commissioner Openshaw verified that if the County's tax rate drops from 71 cents to 60 cents that the incentive amount would remain the same but the tax rate would be lower. Mr. Baker confirmed that was an accurate statement. Commissioner Openshaw asked what is the current value of that property versus the revaluation number for the property. Mr. Baker replied that there is no current value because what the County is discussing is an expansion that has not yet taken place, but the value would be based upon the taxable value as appraised by the Tax Administrator's office. Commissioner Openshaw asked for and received from Mr. Baker confirmation that the expansion will take place on land currently owned by American Wick Drain. Mr. Baker said the land is already on the tax roll and there is no incentive based on the value of the land. Commissioner Openshaw asked if the value of the existing building and land remained the same in the revaluation that is in progress. Mr. Baker said he did not know that answer. Commissioner Openshaw said that was the essence of his question. Mr. Baker emphasized that the incentive grant is not based on current land and building but is based strictly on the new building and any new equipment.

Vice Chairman Pressley noted that if the County does not approve the incentive that it still receives taxes from American Wick Drain on the property and building and the incentive is based strictly on the expansion of the building and new equipment. He also stressed that the County would not get any more or no less when the expansion is done. He said that the County will still be receiving \$9,000 annually for the three years.

Chairman Baucom stated that, as he understood the project, this incentive may be the groundwork for an expansion that will take place on the 7.7 acres. He said this may be a pre-requisite for expansions that might come later. Mr. Baker agreed that was what he also understood.

Commissioner Lane asked when the revaluation figures would be available so the data could be compared. Mr. Baker said he could obtain the figures tomorrow and provide the information but emphasized that data does not affect the expansion or the incentive grant recommendation.

Commissioner Lane summarized that the revaluation of the property will likely be base, whatever that figure is. Commissioner Lane said he did not have enough information to vote tonight.

Commissioner Openshaw said that he would like to hear from Mr. King on the nexus between the current value and the reassessment value. He said the expansion hasn't happened so there is no value on it but if the property is here and is going to be here, the revaluation number would impact the tax assessment value of the expansion. He said what he is looking for: What value is Mr. King using to draw his analogy on now? Mr. King replied that he is using only the information that was in the newspaper. He said he was using \$1.6 million for the building and \$2.4 million for the new equipment. Mr. King said that it was an 11-year depreciation chart: the first year depreciation on equipment is 91 percent, the second year is 84 percent, the third year is 77 percent, the fourth year is 70 percent and by the ninth year, it is 25 percent. He agreed that Mr. Baker is 100 percent correct in what the Commissioners are looking at and the point that he is trying to make is, the Board is looking at the current year's tax rate and that nobody knows what is going to happen. Mr. King stressed that what he is saying is that if the Board has a 30 percent rollback, the Board would have \$5,300 and if the Board has a 25 percent decrease during the period of the grant, the County would end up with \$9,169, and if the county had a 20 percent roll back, the County would end up with \$13,900.

Commissioner Openshaw addressed Mr. King and his earlier statement about EDC, jobs, and salaries. Mr. King replied that when Union County had its own EDC as part of that program it was required that to be eligible for an incentive grant, the applicant had to create ten minimum new jobs and these jobs had to be at 110 percent of the average county wage. He said the whole purpose of the incentive grant is to get jobs and to get good paying jobs.

Commissioner Openshaw recapped his understanding that during three years, Union County would essentially not be making any money from the expansion but after that time the County would receive a benefit. Mr. King responded that on the fourth year, the County would be getting 70 percent on the equipment and would be getting the full value of the building which is \$1.6 million.

The Chairman asked for any other comments and again recognized Commissioner Openshaw.

Commissioner Openshaw said this comment goes back to an earlier discussion on policy. He said he was concerned that in UCPP's contract that one of the things it was to do was to increase jobs in Union County and to increase population. He said he was glad to have American Wick Drain in Union County and thought it had a great product, but noted another variable is that the water and sewer provided to this plant is by Monroe. He said he was concerned about precedent and about policy, and he believed that in a situation such as this when the business is getting back more than 60 percent of its tax for the first three years that the amount returned is excessive.

The Chairman next recognized Vice Chairman Pressley who stated that in the last four or five years one can look at businesses and think there will be more employees but there is so much more automation. He said he did not think Union County could penalize

a company that may have only added one person but has automated machines that can manufacture more than the company could four years ago with more employees. He further said that Union County has an established guideline and this incentive grant is within the guidelines and pointed out that the Board would be going against its own policy not to approve the incentive grant.

Commissioner Mills called for the question.

The Chairman called for a vote on the motion to call the question. The motion passed three to two. Chairman Baucom, Vice Chairman Pressley and Commissioner Mills voted in favor and Commissioners Lane and Openshaw voted against the motion.

Chairman Baucom then called for a vote on the motion to approve the grant incentive package and authorized the Interim County Manager to execute same. The motion passed by a vote of three to two. Chairman Baucom, Vice Chairman Pressley and Commissioner Mills voted in favor and Commissioners Lane and Openshaw voted against the motion.

#### **PRESENTATION REGARDING LIFE SKILLS AND TOTAL CARE AND TRACKING PROGRAMS:**

Reverend Al Lewis, representing Covenant Prison Ministries, reported on the contract that Covenant Prison Ministries has had for the last three years with Union County. He said he hoped the report would prove that Covenant Prison Ministries had been a good investment for Union County. He summarized the activities of the Total Care and Tracking Program and detailed its successes since 2006. He reported that the Board of Commissioners had supported their efforts, and Covenant Prison Ministries had received a Governor's Crime Commission Grant for Second Chance Re-Entry and they were able to employ Lee Little as an Employment and Re-Entry Specialist. He pointed out that for the five and one-half months ending December 15, 2007, there were 91 enrolled, 50 of who were ex-offenders, and from that number 29 had employment. There were five ex-offenders who had recidivism. He said statistics are that if an ex-offender comes out of jail and does not get a job within the first 90 days there is a three times better chance that the individual will commit another crime and return to prison. He stressed that jobs and housing are two big issues for the ex-offenders. Rev. Lewis said he had hoped with this program to cut the recidivism rate in half but the program had done better than was first projected. He reported that Lieutenant Jeff Outen has the names of the participants on file in the Sheriff's office. He said he wanted to prove that his program was providing a good return for the taxpaying citizens.

At the request of Commissioner Mills, Rev. Lewis explained the mentor program that is provided to the ex-offender. Rev. Lewis said the mentor promises to meet once a week or be in contact once a week with the ex-offenders to whom they are assigned. He said that many of the members are coming out of the business community and most volunteers are faith-based.

Rev. Lewis continued to provide details of the Crisis Prison Ministries Program and its accomplishments as it has grown and worked with the prisoners and with them after they have been released from prison meshing them back into the workforce. He reported that educating this population had saved the county over \$500,000.

He briefly reviewed his requests for increasing his funding in the 2008-2009 budget request. He said that he wanted to request a reimbursement for the insurance that was required by the County in the amount of \$630 for the months of April, May and June.

Vice Chairman Pressley congratulated and thanked Rev. Lewis for his work with the prisoners and ex-offenders.

Commissioner Openshaw agreed with the comments of Vice Chairman Pressley and that the recidivism of this program versus the State's rate is unbelievable.

Chairman Baucom moved that the \$630 for required insurance be refunded to the Crisis Prison Ministries Program. The motion passed unanimously.

At the request of Commissioner Openshaw, the Chairman called for a five-minute recess. The Chairman reconvened the meeting.

#### **TAX ADMINISTRATOR:**

a. ***Status Report on 2008 Revaluation:*** The Chairman recognized John Petoskey who reported that on March 20, 2008, there were 90,000 change of assessment notices mailed. He said the initial response has been lighter than had been expected. Mr. Petoskey stated that two weeks into the process there have been only 1,000 appeals and at this rate he expected between 2,000 and 3,000 appeals by the deadline of April 15. He said that number is less than half of the number of appeals that occurred in 2004 which had about the same increase of value, between 25 and 30 percent. The Tax Administrator said some individuals have expressed concern that they would not have time to obtain the required appraisal or perk tests by the deadline. He said his advice to them has been to file the appeal and to continue their efforts to get the required work completed and to make such note on the appeal application. Mr. Petoskey also reviewed the appeal process that will be followed.

He said that this has probably been one of the better revaluations that Union County has ever conducted and gave his explanation and proof for this statement.

Vice Chairman Pressley stated that he has heard some complaints about the appraisal process and asked if the appeal appraisers are part of the Tax Administrator's staff or are they brought in from outside. Mr. Petoskey explained that the appraisers on staff will review the appeals and the main differences looked for are mechanical errors on which it can be agreed there is an error such as square footage, etc. He said the unbiased portion would be the appeals to the Board of Equalization and Review, whose members are citizens appointed by the Board of Commissioners. Vice Chairman Pressley stated that most citizens do not realize when their taxes increase what role the tax rate pays on the amount they will be paying. He stated that the citizens on fixed incomes cannot afford to pay the amount of taxes that will be charged based on the increased revaluation. The Vice Chairman stated that what he was told by one citizen was that one of the appraisers told him that he/she did not have time to hear his story or to hear about the health condition of his wife and that all the staff looks at are numbers. He said that the appraiser also asked the citizen if he had considered selling his home. He told Mr. Petoskey he was not telling him how to run his office but suggested that he look at developing a little more public relations.

Vice Chairman Pressley asked how could the county possibly appraise or levy a value on a piece of property that would not be used for its intended purpose. He gave as an example another call that he had received from a man whose property was zoned residential but the value went up 300 percent. The property owner called the Tax Office and was told that his appraisal was based on the fact that his neighbor's property is commercial and the appraisers looked at that as the best use for this taxpayer's property. The Vice Chairman asked if the property owner's lot is appraised as commercial could that individual go to the permit office and get a permit to build a commercial building. He answered his own question by stating that the property owner could not do so without going through the process of getting the property rezoned to commercial. Vice Chairman Pressley then asked why should the taxpayer be taxed at a value higher than the actual use of the property. Mr. Petoskey agreed that there are areas in transition and those are tough to appraise when there is a residential hold out when the area around him is converting to commercial. He said the North Carolina General Statute stipulates that the property must be appraised at its highest and best use; it may not necessarily be the current zoning use. Mr. Petoskey stated that if the property owner had tried to get a zoning change to commercial and was denied then the appraisal could possibly be changed back to residential.

Mr. Petoskey addressed the first situation by stating that he is very sensitive to how his staff treats the public and he wants anyone to let him know if they are mistreated because he does not condone anyone being rude to the public.

The Vice Chairman reiterated the statement of Mr. Petoskey that as part of an appeal application, the appraisal does not have to be completed but that it has to indicate that the documentation is forthcoming.



Commissioner Openshaw asked if anyone had brought to his attention a letter from an elderly gentleman in Florida who is unable to return. The Chairman stated that if he is not that he will be given a copy of the letter tomorrow by the Interim County Manager.

Commissioner Openshaw next asked if the Tax Office is tied into the Register of Deeds' office. Mr. Petoskey answered that his office is connected but if they need material older than that which is on-line, he would send someone to the office to get a hard copy. Mr. Petoskey said that the sell value used in establishing a comparison is no older than two years. Commissioner Openshaw asked how the County could improve its communication with municipalities so the County would be notified when municipalities change the zoning of property within their jurisdictions. Mr. Petoskey responded that his office is working on that and recognized Phil Avery to respond. Mr. Avery stated they have assigned a staff member to work with the municipalities in every land capacity such as zoning, water, sewer, etc., but there are some municipalities that do not cooperate. He said they are working to rectify that situation. Commissioner Openshaw stated that what does concern him is the piece of property that might be taxed as commercial when it is now zoned residential and the property owner might be forced to sell because there is no water or sewer plus the downturn in the economy. He asked how is it determined in an isolated commercial lot when contiguous property is zoned residential. Mr. Avery responded that it is a judgment call by highly experienced commercial appraisers. He said they make a decision on the highest and best use with zoning being a factor in that decision but not the only consideration.

Commissioner Openshaw said that he would like to give Mr. King an opportunity to address the Tax Administrator. The Chairman responded that he thought this conversation should take place in the office when the staff would have access to information. In response to another statement from Commissioner Openshaw in support of Mr. King addressing the staff now, Commissioner Mills said he disagreed with it being discussed at this time and pointed out that there is a procedural process in place that should be followed.

b. **2007 Delinquent Taxes:** Chairman Baucom moved to accept the report on the 2007 Delinquent Taxes as received from the Tax Administrator in order that the Tax Administrator can advertise the tax liens as reported in accordance with the provisions of North Carolina General Statute 105-369. With there being no discussion, the motion passed unanimously.

Commissioner Mills requested that Mr. Petoskey contact Mr. King to discuss his questions concerning the 2008 Revaluation. Mr. Petoskey agreed to do so.

### **DEBT AFFORDABILITY STUDY:**

The Chairman recognized Kai Nelson, Finance Director, who asked that before the representatives of First Southwest Company make their debt affordability findings that he be granted a few minutes to speak. He reported that in January of this year the County Staff presented the Union County Public Schools' Capital Improvement Program for 2008-2012 – a five-year period. He said the size of the program in terms of the number of school facilities, capital spending, and debt issuance raised several concerns regarding the County's financial ability to support such a program. Mr. Nelson said in February during the Visioning Conference, the Priority Work Plan identified several priorities that could affect debt issuance and affordability and reminded that it is not only schools that have requested huge capital outlays but also law enforcement, the Library, Parks and Recreation, and the Communications Radio System. He said these are also a part of the Visioning Conference priorities. He said that given the County's current debt position and future capital infrastructure needs, the Commissioners authorized the staff to engage First Southwest Company to conduct a debt affordability study. He suggested that the representatives of First Southwest be allowed to complete their presentation before questions and answers, which will be at the end of the report. He introduced Janice T. Burke, Senior Vice President, and her assistant Patrick Smith. He reminded that Janice Burke is the former director of the Local Government Commission, which is the Commission in the State Treasurer's Office that approves financing for county and municipal governments.

Janice Burke, Senior Vice President, thanked the Commissioners for an opportunity to present the study that was to determine the available debt capacity for Union County. She said she was going to speed through the items that she thought the Commissioners were familiar with and would focus on governmental activities, the burden to the general fund. She said this does not focus on the business-type activities such as water, sewer projects, revenue bonds, etc. She reported that Union County does have \$64.5 million in remaining authorized but un-issued general obligation bonds that are factored into the information. Ms. Burke said that most counties' reports would look like this one in that most of the bonded indebtedness is for schools. She pointed out the dramatic increase in outstanding principal by year and noted the highest increase was in 2007 after the Series 2007 Bonds were issued.

Ms. Burke noted that Union County has an excellent rating. She said that most counties in North Carolina have an A rating but Union County has an AA rating which is a higher quality rating. Ms. Burke said there were six units of local government in the AAA category rating—Wake, Forsyth, Mecklenburg, Charlotte, Raleigh, and Winston Salem.

She said the number one thing being studied is the economic conditions of the county, unemployment rates, largest employer, per capital income, statistics on median household incomes, which is very good in comparison to the national average, retail sales, building permits, housing sales and new industries. Next they are considering management/governance of the county government, which S&P has rated Union County strong in financial operations, debt profile, debt burden, and tax base. She said they are basically looking at the County's ability to deal effectively with disruptions when there are emergency situations including revenue shortfalls

and balance sheet deterioration. She noted that other issues studied are five years of the County's financial audit and the revenue diversity and a trend analysis and matters associated with revenue and expense changes.

Ms. Burke said that the LGC also looks at direct and indirect debt, other obligations, such as certificates of participation or lease revenue bonds, overlapping debt, overall debt, debt burden measures and payout and structure of existing and proposed financing levels. She stressed other areas of interest and concern are assessed valuation – current and historical, distribution of assessed value by property class, largest taxpayers, estimated market of full value, assessed value per capita, tax rate, and tax collection history.

Mrs. Burke again reviewed Union County's underlying rating history from 1938 to present and the current ratings for Union County: Standard and Poor's "AA" Stable Outlook; Moody's "Aa2" and Fitch "AA" Stable Outlook. She said the rating analysts' view of the County's credit strengths and challenges are as follows:

- Diverse economy and growing tax base adjacent to the Charlotte MSA;
- Strong financial management assessment, demonstrated by solid practices and policies that have resulted in stable operations and adequate reserves;
- Increased debt burden due to growth-related pressures for additional school facility capacity;
- Moderating of growth trends going forward; and
- Expectation of 2009 property revaluation to show appreciation

She said the Board must determine what the risk level is for the county and provide to the analysts an explanation of these increased risks. She reviewed the debt capacity benchmarks and provided definitions of the following terms:

- Debt to Assessed Valuation – A measure of the financial condition of the County; it compares the County's debt obligations to the assessed value of its property.
- Debt per Capita: Debt divided by the County's population
- Total Debt Service as a Percent of Expenditure: (1) Ratio showing amount of expenditures being allocated toward debt service and (2) indication of financial flexibility; S&P considers 15 percent to 20 percent of operating expenditure to be a high debt burden.
- Ten-Year Principal Payout of Debt: Rating agencies typically like to see 50 percent of principal paid within the first ten years.

She said that in her report, she wanted to compare Union County to other North Carolina counties, counties with populations between 100,000 and 249,999, similar credit ratings from rating agencies, other high population growth counties, and other high

student enrollment growth counties. She reported, however, that when comparing Union County's growth to the growth of the counties chosen for comparison, they are hardly the peers of Union County. She stated that before she started this study that Kai Nelson had told her that Union County did not have any peers and she thought that his comment was based on the fact that he thought Union County was special but, after the study, she determined that Union County is unique.

The counties chosen by First Southwest Company for comparison from July 2000 to July 2007 were the following: Union County with a 47.26% growth increase; Cabarrus with a 23.95% growth increase; Iredell with a 21.83% growth increase, Johnston with a 27.45% growth increase, and New Hanover with a 16.87% growth increase.

Next, Ms. Burke compared the Debt Ratio. Union County's Debt Ratio after issuance of authorized debt is 3.86% of debt to assessed valuations and its debt per capita is \$3,602; the debt ratio averages of all NC counties is 1.47%, and when factored only the large counties, Cumberland, Forsyth, Wake, Mecklenburg and Guilford have greater numbers; their numbers are 2.18%. She said the highest debt ratio, other than Union County and Dare County (because of their permanent population), is 2.90% or per debt capita of \$2,897.

Mrs. Burke then reviewed the ratio of the counties that are most similar to Union County, and noted it is easily seen that Union County is far ahead in its outstanding debt than the other counties. Union County's debt to assessed valuation is 3.86% while the next and highest similar county is Cabarrus at 1.85%. However, it was noted in the next graph that Union County's per capita income is \$21,978 and Cabarrus County's per capital income is \$21,121. Other similar counties were also detailed in the written report provided to the Board and staff.

She said these were the steps followed in order to project Union County's debt capacity. Mrs. Burke said the report encompassed the following steps:

- Step One: Project future taxable assessed value
- Step Two: Project population growth
- Step Three: Project operating expenditures for general fund
- Step Four: Establish not-to-exceed limits for debt ratios
- Step five: Use projected taxable assessed value, population growth, and general fund operating expenditures to calculate total debt amounts that can be issued without exceed ratios.

Mrs. Burke next reviewed that the actual taxable assessed value taken from the annual financial report through 2007 and the 2008 information is from a TR-1 report, and the projection for 2008 was 3.48 percent growth rate based on a study of the McKibben Report completed in January 2008 for the schools.

It was explained by Mrs. Burke that as of FYE 2008, the outstanding debt balance is \$533.9 million and in 2009 she added the \$64,500,000 in debt issuance and \$24,798,033 for debt retirement to bring the outstanding balance for FYE 2009 to \$573,658,542. She said under that breakdown she provided the other information necessary to determine any debt capacity that Union County might have. She said the County's net debt service percent of the general fund for 2008 will be at 19.8 percent and the County's Best Practice Policy says that the County will not go over 20 percent, the County's per capita debt is \$2,822 and the County's Best Practice Policy limits the County to \$2,500, and debt to assessed value is 3.1 percent and the County's cutoff is 3 percent. She pointed out to the Board that the County is at capacity on two of the three items and over on the per capita debt. Ms. Burke then pointed out how the percentages change in 2009 after the County issues the \$64,500,000 school bonds in 2008 and when the principal kicks in during 2010, the County gets up to 21.1 percent. She said this information reflects how the County will stand if it issues the \$64,500,000 in school bonds.

She noted that while holding the target capacity at three percent, as is specified in the County's Best Practice Policy, that cumulative capacity and annual capacity for FYE 2008 is zero. She pointed out that in the analysis of the per capita debt ratio of \$2,500, it is only in FYE 2012 that there is cumulative and annual capacity available of \$32,866,877, and in FYE 2012 the cumulative capacity would be \$74,557,277 and annual capacity would be \$41,690,400. She said this dramatic increase is available because another revaluation is to be held in that year. Ms. Burke also noted that the three (3) percent debt to assessed value restricts availability in FYE 2008 to zero but in 2009 cumulative capacity would increase to \$107,069,538 and is the same figure for annual capacity. She read from page 39 of the report the cumulative and annual ranges using target ratios. She suggested that the Commissioners might want to consider focusing on one ratio because there are so many numbers out there to be considered. Ms. Burke stressed that the debt to assessed value ratio is a very important ratio because basically the County's available taxes are coming from this area. She said that in "Smoothed" Capacity Totals, based on lower threshold targets in years 2009-2012, allows the county a capacity of \$66,605,599 a year. She said that because of other parameters involved, she would summarize that the county should stay within the range of \$66 million a year. Ms. Burke also recommended the County not change its debt policies and to keep the parameters as they are now, but the County might want to select one ratio on which to base its capital expenditures. She further suggested that the County should stay in touch with the rating agencies when its debt ratio is higher than the other counties in North Carolina.

Vice Chairman Pressley asked for sales tax information. Ms. Burke said that she looked at the Treasurer's web site and 2005-2007 to determine the growth; sales tax increased by 48 percent, property tax increased by 43 percent, and sales and service was a 41 percent increase. She said the dollar figures are on the North Carolina State Treasurer's Web Site. Mr. Nelson interjected that the sales tax and property tax numbers have to be adjusted for the consolidation of the supplemental school tax and special property tax with the county's figures.

In response to a question from Commissioner Openshaw, it was noted that schools now receive 91.098 percent of the county's budget and if water and sewer is removed from the data wheel, the percentage of the funds that the school system receives will be even higher.

There was discussion concerning the growth projections and how any inaccuracies in this number would affect the availability of bonds.

Mr. Nelson reminded the Board that Ms. Burke had suggested that of the three scenarios identified on page 39 of the report that assessed value is the more appropriate ratio for Union County. He said that if the debt capacity is between \$60 and \$90 million, and if this figure is assigned to the schools' capital improvement plan, the one that is forthcoming to the Board, the capacity is consumed. He stressed that within this period between 2009 and 2013, the schools are proposing two additional middle and high schools. He reminded that without land costs the cost of a middle and high school are around \$70 to \$80 million. He said that two of the five years schools "d" and "e" would consume two of the County's five years capacity. Mr. Nelson also reminded that there are capital needs for other departments and agencies: jail expansion, communications, community college, and the balance of the schools' CIP, along with other county departments. He stressed that the County needs to be focusing on what is the range of debt issuance over the next five years and begin to look at the schools' CIP in relationship with all the other needs of the county government.

She stressed that the rating agencies have given Union County an excellent rating but that she thought in moving forward that the County needs to look forward and not get too far out. She said the Board would not want to lose its AA rating.

Chairman Baucom asked if this report will be made to the schools. Mr. Nelson responded that it would be made by the county's staff to the school board staff. He then asked if it would be made available to the School Board. Mr. Nelson replied that he would leave that to the discretion of the Chairman but explained that he is expecting the revised CIP from the schools, and it will be then the staff's responsibility to see how that CIP will fit into the County's funding level. He further stressed that not only is it the County's responsibility to fund the schools, but also it is responsible for funding the community college system, libraries, and capital needs of the other county departments. He explained that as the County Commissioners are looking at the \$60 to \$90 million, they

must also consider the funding needs of other agencies. Mr. Nelson said that at one point the Board of Education was spending \$100 million each and every year for capital. He said the needs have somewhat subsided, but there are other needs that must be met.

In response to a question, Ms. Burke said her calculations did not take into account the tax rate but considered the debt to assessed valuation.

Mr. Nelson stressed that this measure is a tax value and not a tax revenue scenario.

The Chairman thanked Ms. Burke for her presentation and written report.

**FIRE DEPARTMENT 9E INSURANCE DISTRICT MAPS:**

The Chairman recognized Neal Speer, Fire Marshal, who explained that in August 2007, the Board of Commissioners directed staff to proceed with creating 9E fire districts. He said on approval of the recommended resolution, this will conclude the mapping portion of the project. He asked the Board to approve the resolution to approve insurance district boundaries.

Commissioner Mills moved that the following resolution be adopted. The motion passed unanimously.

**RESOLUTION TO APPROVE INSURANCE DISTRICT BOUNDARIES**

WHEREAS, pursuant to N.C.G.S, § 153A-233, Union County may designate fire districts and prescribe the boundaries thereof for insurance grading purposes; and

WHEREAS, the insurance district boundaries in Union County, exclusive of the current or future municipal limits of the City of Monroe, can be extended from five miles to six miles and this extension would change the North Carolina Department of Insurance's classification of these districts from 9S to 9E districts; and

WHEREAS, the insurance district boundaries in Union County need to be revised to change their description from a point to point description to a description by reference to maps created on the GIS system; and

WHEREAS, the Union County Fire Marshal has created new fire insurance district maps using the GIS system and these maps reflect the extension of the insurance district boundaries from five miles to six miles; and

WHEREAS, these new fire insurance district maps (the "Approved Maps"), Identified by title in Exhibit A — attached and incorporated herein by reference, have been approved by and filed with the North Carolina Department of Insurance and are hereby incorporated by reference into this Resolution; and

WHEREAS, the Fire Marshal's Office maintains copies of the Approved Maps.

NOW, THEREFORE, BE IT RESOLVED by the Union County Board of Commissioners that the Board does hereby approve the boundary lines of the fire insurance districts in accordance with the Approved Maps, exclusive of the current or future municipal limits of the City of Monroe.

This resolution adopted the 7<sup>th</sup> day of April 2008.

Attest:

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Lynn G. West, Clerk to the Board

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Allan Baucom, Chairman

#### **EXHIBIT A**

The Union County Fire Marshal's Office has filed with the North Carolina Department of Insurance GIS maps showing the new insurance district boundaries for Union County exclusive of the current or future municipal limits of the City of Monroe. These maps are identified by title below:

Aliens Crossroads Insurance District  
Bakers Insurance District  
Beaver Lane & Marshville Insurance Districts (North)  
Beaver Lane & Marshville Insurance Districts (South)  
Griffith Road Insurance District



Hemby Bridge Insurance District  
Jackson Insurance District  
Lanes Creek Insurance District (East)  
Lanes Creek Insurance District (West)  
New Salem Insurance District (Northeast)  
New Salem Insurance District (West)  
New Salem Insurance District (Southeast)  
North Goose Creek Insurance District  
Providence Insurance District  
Sandy Ridge Insurance District  
Springs Insurance District  
Stack Road Insurance District  
Stallings Insurance District  
Unionville Insurance District (South)  
Unionville Insurance District (North)  
Waxhaw Insurance District  
Wesley Chapel Insurance District (East)  
Wesley Chapel Insurance District (West)  
Ames and Wingate Insurance District

SEE ATTACHED MAPS

**AMENDMENTS TO WATER CONSERVATION ORDINANCE:**

Christie Putnam, Public Works Director, reviewed that as discussed last time, there are two items to be changed in order to advance from Stage 2 to Stage 1. One was the prohibition of the transport of bulk water outside of Union County and the second one is that the Board would have the delegation authority of releasing the information as to those who have received citations.

Motion was made by Commissioner Mills that the Amendments to Water Conservation Ordinance be approved and the Water Conservation Ordinance as revised be adopted.

The Vice Chairman stated that he had some discussion relating to the Water Conservation Ordinance. He asked for clarification about irrigating lawns and asked when Union County will allow it. He pointed out that Mecklenburg County allows for irrigation one day a week. Ms. Putnam responded that Mecklenburg County's Ordinance provides flexibility for its director to make the modification of severity of Stage 3 restrictions. Ms. Putnam said Union County's ordinance is not written with that flexibility. She explained that the Water Management Group, the consolidation of the water users along the Catawba River, has agreed for one-day-a-week irrigation and pointed out that many of the jurisdictions have agreed to do so. She emphasized that as Union County's policy is currently written; it does not allow that flexibility and would require a modification to it.

## WATER CONSERVATION ORDINANCE

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

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

#### Article I Declaration of Water Shortage

##### Section I: Applicability of Ordinance

In the event (i) it appears there is a sustained demand of 80% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 1 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain water use restrictions

by Union County, then in either such event the Director of the Union County Public Works Department, hereinafter referred to as the “Director,” may recommend to the County Manager that water conservation measures be implemented, and the County Manager, following consultation with the Board of Commissioners, may declare a Stage I Water Shortage Condition. The County Manager, following consultation with the Board of Commissioners, may, with or without the recommendation of the Director, declare that a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition exists and require mandatory conservation measures upon occurrence of any conditions precedent for declaring such Condition, as hereinafter set forth. In declaring any Water Shortage Condition pursuant to this Ordinance, the County Manager may limit the applicability of the requirements of this Ordinance to certain sections of the County, whether by township or other description. For purposes of this Ordinance, the phrase “following consultation with the Board of Commissioners” shall mean consultation during a regular or special meeting of the Board of Commissioners when possible, but where delay would endanger the public health, safety, or welfare, as determined by the County Manager, such consultation may be made by the County Manager with members of the Board of Commissioners on an individual basis outside the confines of a formal meeting. The County Manager shall report the declaration of a Water Shortage Condition to the Board at its next regular meeting.

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

## Article II Stage I Water Shortage Condition

### Section I

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

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

- c. Transport of water outside of Union County will be limited.

## Section II

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

- a. Limit car washing to the minimum.
- b. Limit lawn and garden watering to that which is necessary for plants to survive.
- c. Do not wash down outside areas such as sidewalks, patios, parking lots, service bays or aprons, etc.
- d. Do not leave faucets running while shaving or rinsing dishes.
- e. Water shrubbery to the minimum required, reusing household water when possible.
- f. Limit use of clothes washers and dish washers and when used, operate fully loaded.
- g. Use of showers for bathing, rather than bathtub, and limit showers to no more than four (4) minutes.
- h. Limit flushing of toilets by multiple usage.
- i. The use of disposable and biodegradable dishes is encouraged.
- j. The use of flow-restrictive and water-saving devices is encouraged.
- k. Limit hours of operation of water-cooled air conditioners.
- l. All residents, businesses, and institutions are requested to temporarily delay new landscape work until the water shortage has ended.

- m. Use only hoses with spring-activated nozzles when watering lawns and gardens.

### Section III

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

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

### Article III

#### Stage II Mandatory Water Shortage Condition

#### Section I: Compliance

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

#### Section II

In the event (i) a Stage I Water Shortage Condition declaration is ineffective in adequately reducing demand; (ii) maintenance of the system (whether preventive or breakdown maintenance, or due to an event of force majeure) requires a reduction in demand; (iii) mandatory restrictions are required to comply with any permit for the system issued by applicable state or federal authorities; (iv)

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

#### Article IV

#### Stage III Mandatory Water Shortage Condition

##### Section I: Compliance

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

##### Section II

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

declared. In addition to any voluntary and mandatory guidelines already in effect, it shall be unlawful to use water supplied by the Union County water system in the following manner:

- a. To water lawns; provided that the County Manager may allow lawn irrigation of one (1) day per week if stated in the declaration of a Stage III Mandatory Water Shortage Condition (which day may vary for individual customers, as stated in the declaration); and provided further that shrubbery, trees, flowers and vegetable gardens may be watered by hand or by drip irrigation.
- b. To conduct residential vehicle washing.
- c. To wash public buildings, sidewalks, and streets, except as required for safety and/or to maintain regulatory compliance.
- d. To use water for dust control during construction.
- e. To conduct flushing or hydrant testing programs, except to maintain water quality or other special circumstances approved by the Director in advance.
- f. To fill new swimming pools.
- g. To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.

Article V  
Stage IV Mandatory Water Shortage Condition

Section I: Compliance

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

availability of water from other sources.

## Section II

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

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

## Article VI

### Section I: Lifting of Restrictions Imposed During a Water Shortage

- a. Water Shortage Conditions will expire when the County Manager, after consultation with the Board of Commissioners and upon recommendation of the Director, deems that the condition which caused the water shortage condition has abated.



- b. The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

## Article VII

### Section I: Enforcement

- a. Compliance with the provisions of this Ordinance shall be enforced by personnel of the Union County Public Works Department, hereinafter referred to as “UCPW,” independent contractors engaged by UCPW for such purpose, and such other personnel as designated by the County Manager.
- b. The use of water from the Union County water system by a customer in violation of any mandatory water conservation control imposed pursuant to this Ordinance is unlawful. For purposes of this Ordinance, the term “customer” shall mean any person or entity in whose name UCPW maintains an account for water use. Further, the refusal or failure of a customer or other person acting on the customer's behalf to cease immediately a violation of a water conservation control, after being directed to do so by a person authorized to enforce the provisions of this Ordinance, is unlawful. Each customer is responsible for any use of water that passes through the service connection associated with the customer's account or otherwise passes through the customer's private water system.
- c. Any customer who violates or permits the violation of any mandatory water conservation control imposed pursuant to this Ordinance shall be subject to civil penalties as follows: (i) a warning for the first offense; (ii) a civil penalty in the amount of one hundred dollars (\$100) for the second offense; (iii) a civil penalty in the amount of five hundred dollars (\$500) for the third and fourth offenses; and (iv) a civil penalty in the amount of one thousand dollars (\$1,000) for the fifth and each subsequent offense. Each day that a violation of a mandatory water conservation control occurs or continues to occur after delivery of notice pursuant to subsection (g) below shall be considered to be a separate and distinct offense.
- d. Violations shall be accumulated by customers so long as this Ordinance, in any of its stages, is continuously in effect and until no stage of this Ordinance has been in effect for a period of one (1) calendar year. Violations of any mandatory water conservation control of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.

- e. Each civil penalty assessed against a customer pursuant to this Ordinance shall be added to the customer's water bill and shall be paid in the same manner as the payment of water bills. A customer's partial payment of a water bill shall be applied first to satisfaction of the civil penalties. Failure to pay all or any portion of a water bill, including any civil penalty assessed pursuant to this Ordinance, by the due date indicated on the bill may result in the termination of water service.
- f. The violation of any water conservation control or provision of this Ordinance may be enforced by all remedies authorized by law for noncompliance with county ordinances, including without limitation the assessment of a civil penalty and action for injunction, order of abatement or other equitable relief; provided, however, that no violation of any water conservation control or provision of this Ordinance shall be a basis for imposing any criminal remedy. The Board of Commissioners may release billing information, as such term is defined in N.C.G.S. 132-1.1(c), of customers who violate, or have violated, the provisions of this Ordinance, when the Board in its sole discretion and acting pursuant to N.C.G.S. 132-1.1(c)(2), determines that the release of such billing information during times of mandatory water conservation is necessary to assist Union County to maintain the integrity and quality of services it provides.
- g. UCPW shall send notice of violation to the customer by regular U.S. mail at the customer's billing address on file with UCPW. Such notice shall be deemed to have been delivered three days from the date mailed. In the event of a fourth or subsequent offense, UCPW shall send notice of intent to terminate water service by certified mail, return receipt requested, to the customer's billing address on file with UCPW.
- h. The notice of violation shall specify the following:
  - (i) The nature of the violation and the date and time it occurred;
  - (ii) The method by which payment of any civil penalty may be paid, including a statement indicating that it will be included on the customer's next water bill;
  - (iii) A warning that additional or continued violations may result in increased penalties, including termination of water service;
  - (iv) A warning that failure to pay a water bill, including any civil penalty assessed pursuant to this Ordinance, may result in termination of water service;
  - (v) The telephone number at UCPW where the customer may direct any questions or comments; and
  - (vi) In the event of notice of intent to terminate water service for violation of this Ordinance in accordance with Article VIII, information about how to appeal a pending termination.

## Article VIII

### Section I: Discontinuance of Service

In addition to the payment of any civil penalty assessed pursuant to Article VII of this Ordinance, a customer shall be subject to termination or restriction of water service following four (4) or more violations of any water conservation controls imposed pursuant to this Ordinance. Water service will not be restored at such service connection until the customer pays all the customer's outstanding obligations, including, without limitation, all charges for water service, all civil penalties and other fees charged in accordance with the provisions of this Ordinance, and the current disconnect processing fee. In the event water service is terminated a second time for violations pertaining to use of water obtained by the customer through an irrigation meter, service to such irrigation meter shall remain terminated until no stage of this Ordinance has been in effect for a period of one (1) calendar year.

A customer who receives a notice of violation indicating that the customer's water service is subject to termination pursuant to this Article may appeal the pending termination by filing a written notice of appeal with the Director or his or her designee. The notice of appeal must be delivered to the Director or his/her designee within five (5) business days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within three (3) business days of receipt of the notice of appeal, or by such other date as mutually agreed upon by the Director, or his/her designee, and the customer.

## Article IX

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

## Article X

### Section I: Severability

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

## Article XI

### Section I: Effective Date

This Ordinance originally became effective on July 13, 1992. It was subsequently amended and restated effective on the following dates: (i) August 5, 2002; (ii) June 4, 2007; (iii) October 15, 2007; and (iv) November 5, 2007.

This fifth amendment and restatement of this Ordinance shall become effective upon adoption by the Board of Commissioners on April 7, 2008 (the “Effective Date”). The Ordinance is restated in this manner solely to facilitate review by the reader by obviating the need to integrate multiple documents. Any declaration of a Water Shortage Condition made prior to the Effective Date and not rescinded shall remain in full force and effect. Though amended, this Ordinance shall be deemed to be continuously in effect such that enforcement of violations committed prior to the Effective Date shall continue unaffected.

Jeff Crook read the following paragraph that is part of the Water Ordinance being considered for adoption: To water lawns; provided that the County Manager may allow lawn irrigation of one (1) day per week if stated in the declaration of a Stage III Mandatory Water Shortage Condition (which day may vary for individual customers, as stated in the declaration); and provided further that shrubbery, trees, flowers and vegetable gardens may be watered by hand or by drip irrigation.

With there being no other discussion, the motion to approve the Amendments to the Water Conservation Ordinance and to adopt the Water Conservation Ordinance as revised passed unanimously.

### **PUBLIC WORKS:**

***Irrigation Rates for Meter Sizes Greater than One and One-half inches:*** Ms. Putnam stated that previously when the Board adopted the Water Conservation Rates, the only existing irrigation meters were one and one-half inches or less. She said now there are

installed larger irrigation meters and by default these were not included in the original motion by the Board. She said that currently there are 12 connections that are two inches or larger. She requested that all irrigation meters have the tier rate applied to them.

Motion was made by Commissioner Lane that all irrigation meters have the tier rate applied to them.

In response to a question by the Chairman, Ms. Putnam stated that her department is now analyzing billing information to better define the essential use for the majority of the County's customers to be sure there is a base rate for essential use that meets the needs the individual homeowners. She stressed they did not want to charge extra for the base rate but wants to compress the tier rates so that homeowners would pay a higher level for water use sooner.

The motion passed unanimously.

**Potter Road/Forest Lawn East Waterline Project Easements:** Ms. Putnam stated that this project was identified in the 2005 CIP and the 2000 Master Plan. She said the project is a hydraulic reliability issue and provides an additional feed to the Stallings/Indian Trail Tank. She said that her department has been unsuccessful in obtaining the easements. She asked the Board to adopt resolutions to condemn this property but assured that if any of these outstanding easements can be obtained prior to the filing with the Clerk of Court, condemnation will not be filed.

Commissioner Openshaw asked how many condemnations are being requested. Ms. Putnam responded there are three individuals and Forest Lawn East Cemetery. Commissioner Openshaw questioned why the County is condemning this property and not negotiating. Ms. Putnam responded that the County has a policy that does not allow for negotiations but the policy specifies what amount the county will offer.

Motion was made by Commissioner Openshaw that the request to adopt the resolutions of condemnation be disallowed.

Vice Chairman Pressley asked if these easements will negatively impact the property owners. She said that these are on the side of the road and will not go inside yards. In response to a question, she said there is no water on these sites now but the property owners would have the option of becoming a user of county water after paying the necessary fees.

Commissioner Openshaw stated that on one of the cemetery easements there appears to be some trees that will be impacted by the easements. Ms. Putnam said she did not know the answer to that one. He said that one proposed easement does go into the property albeit a cemetery. He said there is also a 20 foot construction easement that does go into property. Ms. Putnam assured that

her department has done its best to stay as close to the road as it can while still meeting the DOT requirements of being outside the pavement.

Commissioner Openshaw said that he hated to go in and tell someone that the County is going to take his/her property without trying to negotiate. Ms. Putnam emphasized the fact that the Board's policy does not allow for negotiations.

Vice Chairman Pressley moved that the resolutions authorizing condemnations of property for the Potter Road/Forest Lawn Waterline Project be delayed until the meeting of April 21, 2008.

Commissioner Mills asked the attorneys if or how the policy could be amended to allow for negotiations. Mr. Bundy responded that the Board has adopted a policy that provides the staff is to offer a percentage of the tax value. He said that is the policy that the staff adheres to. Attorney Bundy assured that any ambiguities are applied in favor of the property owner and he/she is offered as much money as can be justified under the policy. He assured that the easement would be based on the new tax value and the maximum amount that can be justified without violating the policy is offered to the property owner.

Mr. Bundy said that Ms. Putnam knows what the demands of the property owners are. Ms. Putnam said that three have said they will sign but one wants 100 percent of the tax value. Mr. Bundy said that the staff knows the demand but under the policy cannot meet the demand.

Mr. Crook suggested that there is a lot of history to the current policy that was put into effect and stressed that it is very important that everyone be treated the same. He said if the Board wants to make an amendment to its policy to enable higher payment, it could do so but the Board must be sure that it treats everyone equally.

The Chairman stated that he was afraid that if the County starts dealing with individual issues, the Board will open up Pandora's box and the County will have handcuffed the staff as it goes forward with projects.

Mr. Bundy pointed out that a number of easements for this project have already been acquired under the policy and if the County amends the policy and offers someone more, there are a lot of property owners who have already signed at the lower rate who will be unhappy with the Board's action.

Commissioner Openshaw asked the need for this waterline and how it evolved. Ms. Putnam explained that this line is directly related to providing water from the Snuggs-Watkins Road Booster Pump Station to the tank in Stallings. She pointed out that

currently the water that is supplied by the tank in Stallings mainly gets there from the Waxhaw-Marvin Booster Pump Station which is north of Waxhaw. She noted that it must pump water from Waxhaw to the town of Stallings. She explained that this line allows for water to be pumped from the Snuggs-Watkins Road Booster Pump Station. She emphasized that this project is directly related to Union County being able to meet its peak demands.

Vice Chairman Pressley asked if money is the only issue holding back the execution of the easements. He asked if the County has offered these individuals the most money that the policy would allow. Ms. Putnam responded that his statements were correct. Commissioner Pressley withdrew his substitute motion.

The Chairman explained that if a Commissioner wants to allow the condemnation to proceed he should vote nay to the motion to disallow the adoption of the resolutions authorizing condemnation. If a Commissioner wants to disallow the resolution, the Commissioner should vote aye. The Chairman asked Commissioner Openshaw if he would consider amending his motion to approve the resolutions. He said he would not consider it at this time.

The Chairman called for a vote on the motion to disallow the adoption for the resolutions authorizing condemnation to acquire certain property or interest in property of temporary and permanent utility right-of-way easements.

The motion failed by the following vote: Chairman Baucom, Vice Chairman Pressley, Commissioner Lane and Commissioner Mills voted Nay and Commissioner Openshaw voted Aye.

Chairman Baucom moved that the following resolutions authorizing condemnation to acquire certain property or interest in property of temporary and permanent utility right-of-way easements be approved as recorded. The motion 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.

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN  
PROPERTY OR INTEREST IN PROPERTY OF TEMPORARY AND PERMANENT UTILITY RIGHT-OF-WAY  
/EASEMENT

WHEREAS, the governing body of the County of Union hereby determines that it is necessary and in the public interest to acquire certain property or interest in property owned by Jay W. & Robin J. Watford (now or formerly) for the following public purpose:

- (1) Temporary Construction
- (2) Permanent Utility Right of Way/Easement

WHEREAS, the proper officials or representatives of the County of Union have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Union, that;

1. The County of Union shall acquire by condemnation, for the purpose stated above, the property or interest in property described as follows:

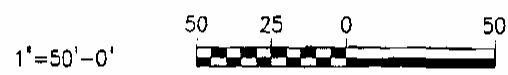
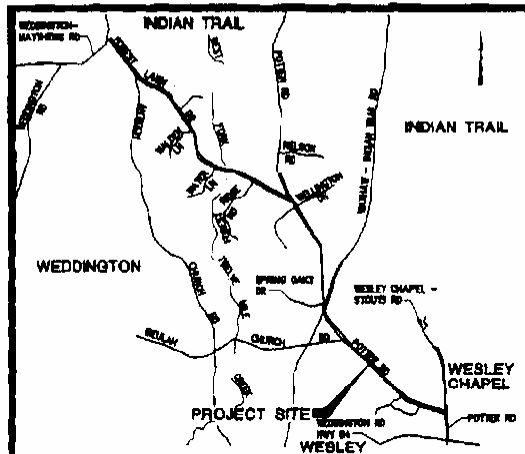
Easement and right of way in and over and across certain land located in Sandy Ridge Township, Union County, North Carolina, and more particularly described as follows:

A 20 foot wide Temporary Construction Easement and a 15 foot wide Permanent Utility Right of Way/Easement over a portion of that property located in Sandy Ridge Township, Union County, N.C. identified by Union County Tax Parcel 06024001D, Deed Book 1218, Page 760 and more particularly being a total of 35 feet in width and extending in a (an) northwesterly direction and being parallel to Potter Road crossing the subject property, all of which is shown as Exhibit "A" attached and made part of this resolution.

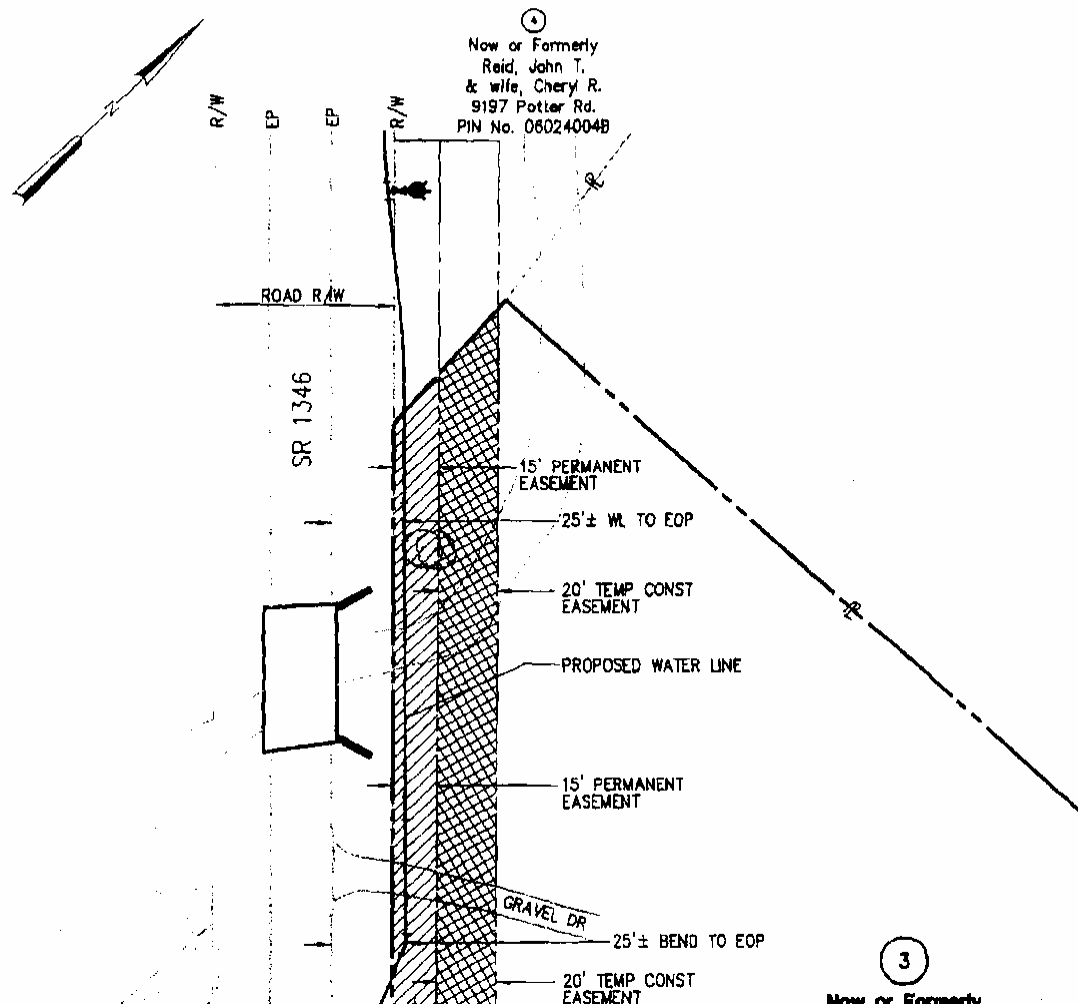
2. The attorneys representing the County of Union are directed to institute the necessary proceeding under Chapter 40A of the North Carolina General Statutes to acquire the property or interest in property herein above described.



ADOPTED: This 7<sup>th</sup> Day April, 2008.



PERM. EASEMENT = 3167 SQ. FT., 0.0727 AC.  
 TEMP. EASEMENT = 5297 SQ. FT., 0.1216 AC.  
 (BASED ON GIS INFORMATION)



A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN  
**PROPERTY OR INTEREST IN PROPERTY OF TEMPORARY AND PERMANENT UTILITY RIGHT-OF-WAY  
/EASEMENT**

WHEREAS, the governing body of the County of Union hereby determines that it is necessary and in the public interest to acquire certain property or interest in property owned by **John T. & Chryl R. Reid** (now or formerly) for the following public purpose:

- (1) Temporary Construction
- (2) Permanent Utility Right of Way/Easement

WHEREAS, the proper officials or representatives of the County of Union have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Union, that;

1. The County of Union shall acquire by condemnation, for the purpose stated above, the property or interest in property described as follows:

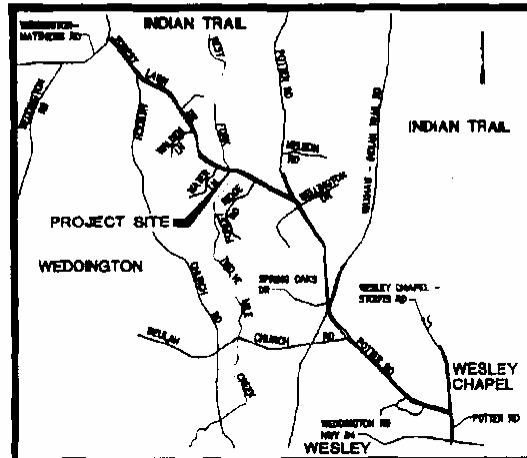
Easement and right of way in and over and across certain land located in **Sandy Ridge** Township, Union County, North Carolina, and more particularly described as follows:

A **20** foot wide Temporary Construction Easement and a **15** foot wide Permanent Utility Right of Way/Easement over a portion of that property located in **Vance** Township, Union County, N.C. identified by Union County Tax Parcel **06024004B**, Deed Book **912**, Page **243** and more particularly being a total of 35 feet in width and extending in a (an) **northwesterly** direction and being parallel to **Potters Road** crossing the subject property, all of which is shown as Exhibit "A" attached and made part of this resolution.

2. The attorneys representing the County of Union are directed to institute

the necessary proceeding under Chapter 40A of the North Carolina General Statutes to acquire the property or interest in property herein above described.

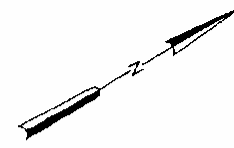
ADOPTED: This 7<sup>th</sup> Day April, 2008.



1"=50'-0"

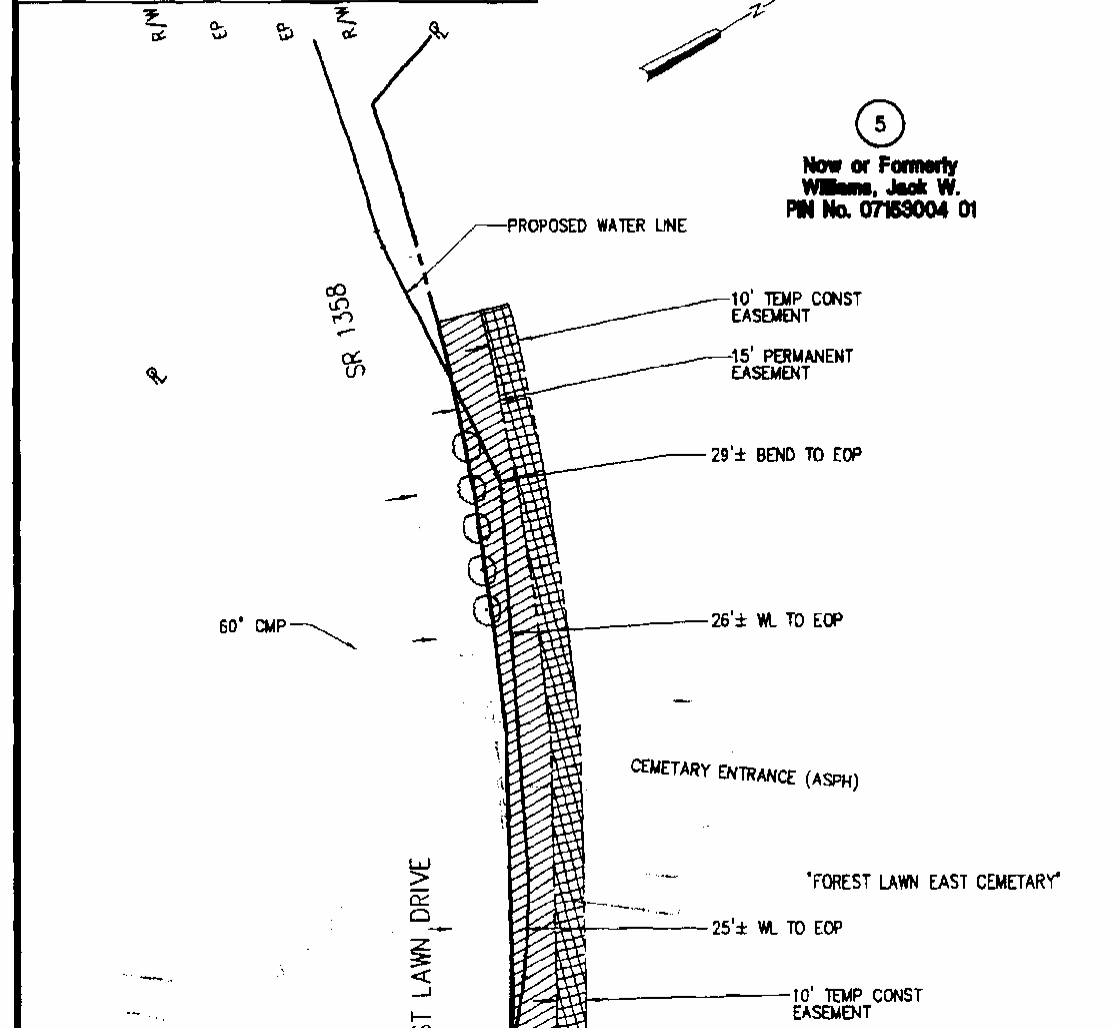


PERM. EASEMENT = 4529 SQ. FT., 0.1040 AC.  
 TEMP. EASEMENT = 3058 SQ. FT., 0.0702 AC.  
 (BASED ON GIS INFORMATION)



5

Now or Formerly  
 Williams, Jack W.  
 PIN No. 07153004 01



A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN  
**PROPERTY OR INTEREST IN PROPERTY OF TEMPORARY AND PERMANENT UTILITY RIGHT-OF-WAY  
/EASEMENT**

WHEREAS, the governing body of the County of Union hereby determines that it is necessary and in the public interest to acquire certain property or interest in property owned by **Jack W. Williams** (now or formerly) for the following public purpose:

- (1) Temporary Construction
- (2) Permanent Utility Right of Way/Easement

WHEREAS, the proper officials or representatives of the County of Union have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Union, that;

1. The County of Union shall acquire by condemnation, for the purpose stated above, the property or interest in property described as follows:

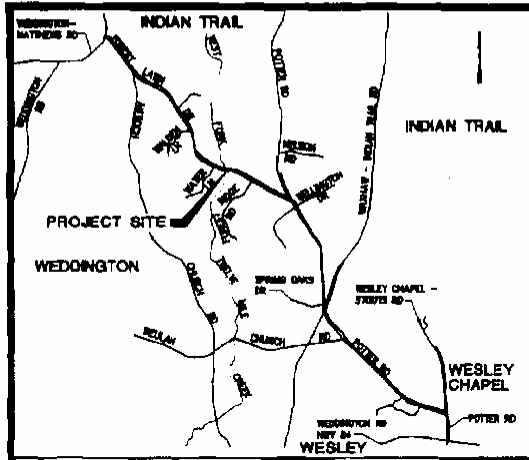
Easement and right of way in and over and across certain land located in **Vance** Township, Union County, North Carolina, and more particularly described as follows:

A **10** foot wide Temporary Construction Easement and a **15** foot wide Permanent Utility Right of Way/Easement over a portion of that property located in **Vance** Township, Union County, N.C. identified by Union County Tax Parcel **0715300401**

Deed Book **804**, Page **839** and more particularly being a total of 25 feet in width and extending in a (an) **westerly** direction and being parallel to **Forest Lawn Road** crossing the subject property, all of which is shown as Exhibit "A" attached and made part of this resolution.

3. The attorneys representing the County of Union are directed to institute the necessary proceeding under Chapter 40A of the North Carolina General Statutes to acquire the property or interest in property herein above described.

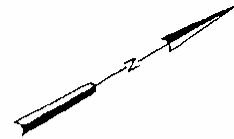
ADOPTED: This 7<sup>th</sup> Day April, 2008.



1" = 50'-0"

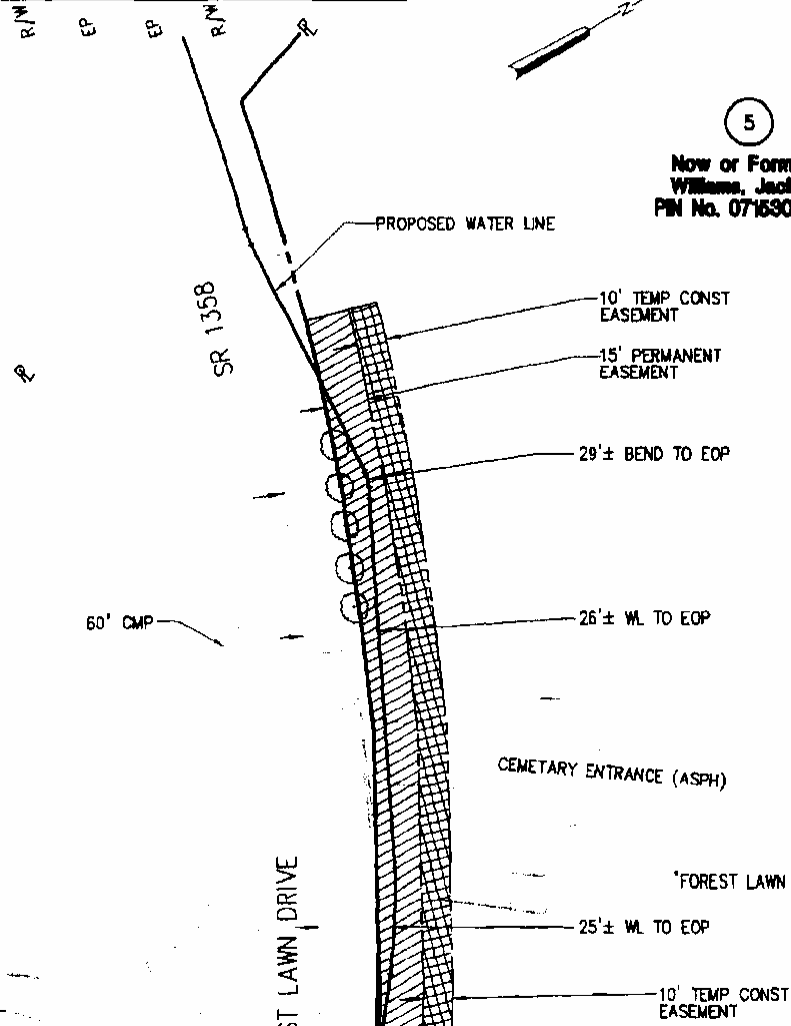


PERM. EASEMENT = 4529 SQ. FT., 0.1040 AC.  
 TEMP. EASEMENT = 3058 SQ. FT., 0.0702 AC.  
 (BASED ON GIS INFORMATION)



5

Now or Formerly  
 Williams, Jack W.  
 PIN No. 07153004 01





A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN  
**PROPERTY OR INTEREST IN PROPERTY OF TEMPORARY AND PERMANENT UTILITY RIGHT-OF-WAY  
/EASEMENT**

WHEREAS, the governing body of the County of Union hereby determines that it is necessary and in the public interest to acquire certain property or interest in property owned by **J & J Partners** (now or formerly) for the following public purpose:

- (1) Temporary Construction
- (2) Permanent Utility Right of Way/Easement

WHEREAS, the proper officials or representatives of the County of Union have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Union, that;

1. The County of Union shall acquire by condemnation, for the purpose stated above, the property or interest in property described as follows:

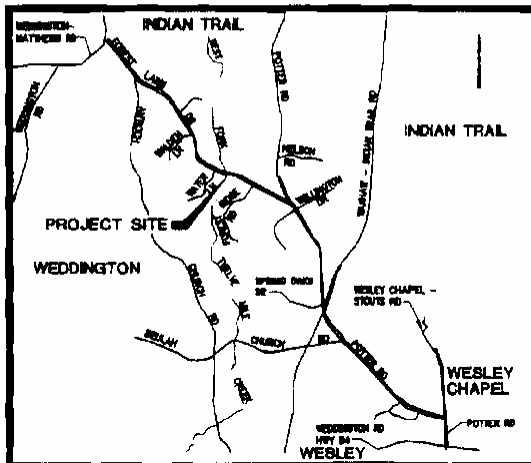
Easement and right of way in and over and across certain land located in **Sandy Ridge** Township, Union County, North Carolina, and more particularly described as follows:

A **10** foot wide Temporary Construction Easement and a **10** foot wide Permanent Utility Right of Way/Easement over a portion of that property located in **Vance** Township, Union County, N.C. identified by Union County Tax Parcel **06063001A**, Deed Book **1259**, Page **230** and more particularly being a total of 20 feet in width and extending in a (an) **westerly** direction and being

parallel to **Forest Lawn Road** crossing the subject property, all of which is shown as Exhibit "A" attached and made part of this resolution.

2. The attorneys representing the County of Union are directed to institute the necessary proceeding under Chapter 40A of the North Carolina General Statutes to acquire the property or interest in property herein above described.

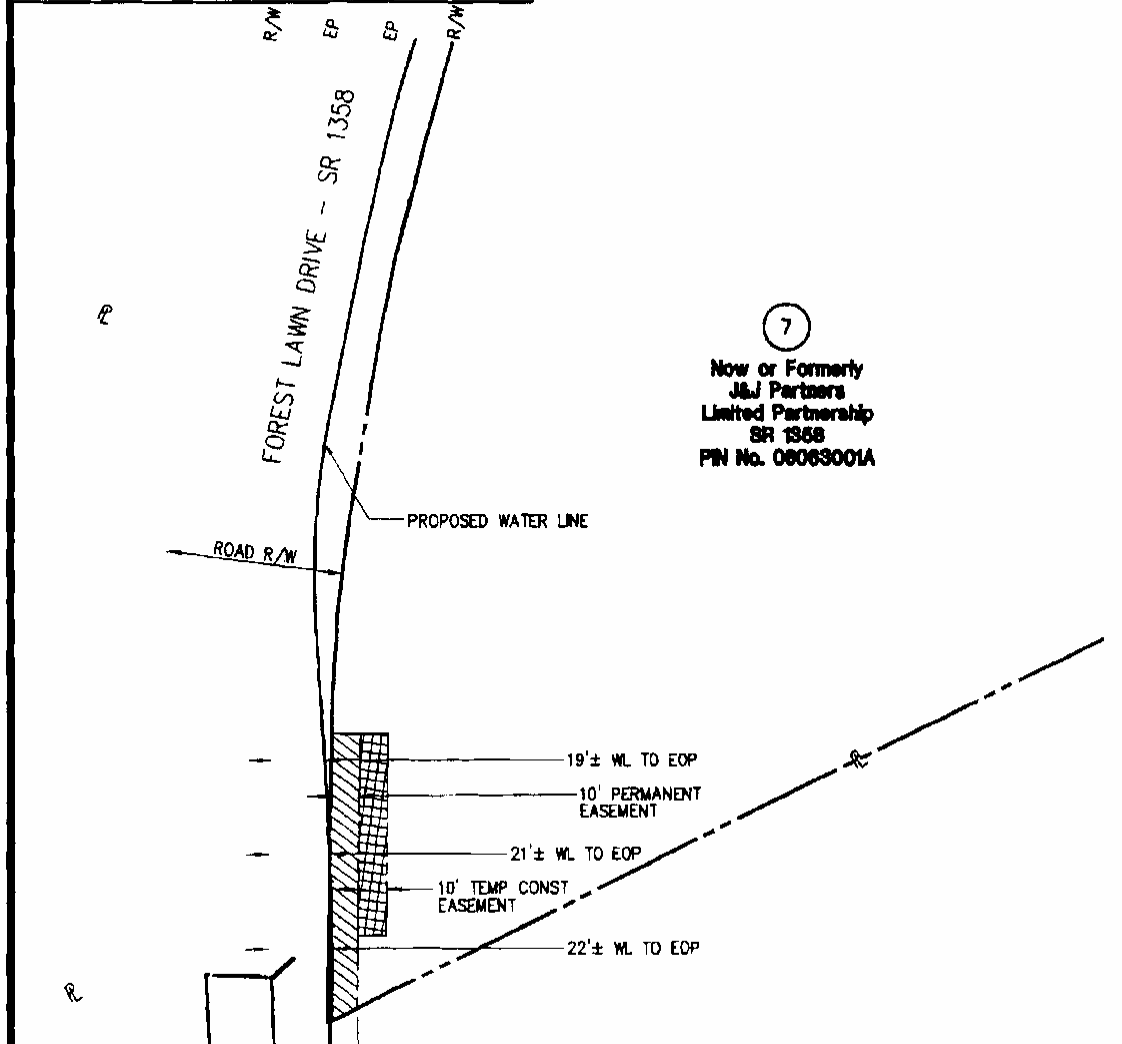
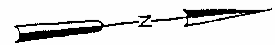
ADOPTED: This 7<sup>th</sup> Day April, 2008.



1"=50'-0"



PERM. EASEMENT = 957 SQ. FT., 0.0220 AC.  
 TEMP. EASEMENT = 683 SQ. FT., 0.0157 AC.  
 (BASED ON GIS INFORMATION)



7  
 Now or Formerly  
 J&J Partners  
 Limited Partnership  
 SR 1358  
 PIN No. 06063001A

- 19'± WL TO EOP
- 10' PERMANENT EASEMENT
- 21'± WL TO EOP
- 10' TEMP CONST EASEMENT
- 22'± WL TO EOP

A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN  
**PROPERTY OR INTEREST IN PROPERTY OF TEMPORARY AND PERMANENT UTILITY RIGHT-OF-WAY  
/EASEMENT**

WHEREAS, the governing body of the County of Union hereby determines that it is necessary and in the public interest to acquire certain property or interest in property owned by **Brookhaven Citizens Assembly** (now or formerly) for the following public purpose:

- (1) Temporary Construction
- (2) Permanent Utility Right of Way/Easement

WHEREAS, the proper officials or representatives of the County of Union have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Union, that;

1. The County of Union shall acquire by condemnation, for the purpose stated above, the property or interest in property described as follows:

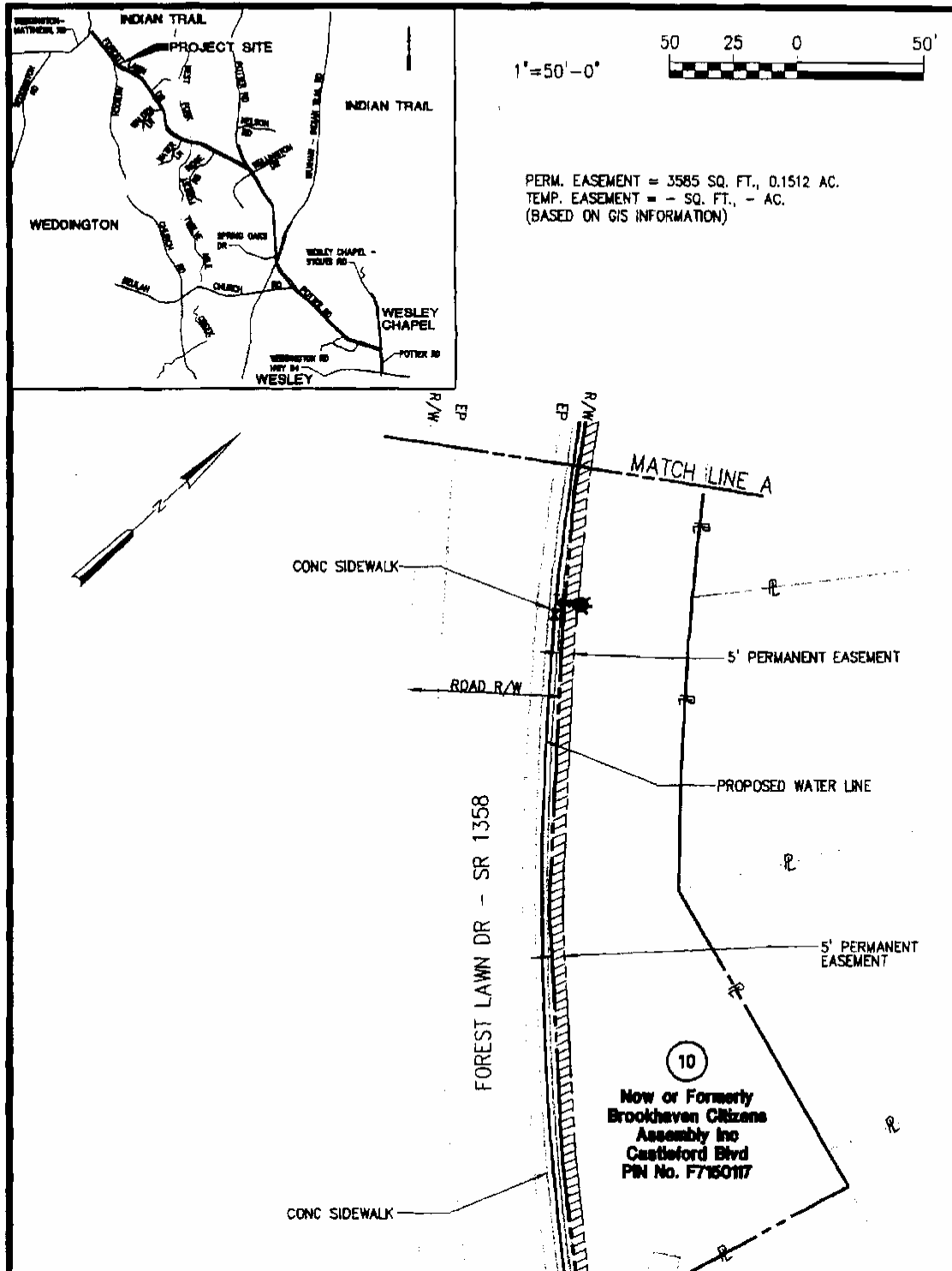
Easement and right of way in and over and across certain land located in **Vance** Township, Union County, North Carolina, and more particularly described as follows:

A **0** foot wide Temporary Construction Easement and a **5** foot wide Permanent Utility Right of Way/Easement over a portion of that property located in **Vance** Township, Union County, N.C. identified by Union County Tax Parcel **F7150117**, Deed Book **3655**, Page **138** and more particularly being a total of 5 feet in width and extending in a (an) **northwesterly** direction and being parallel to

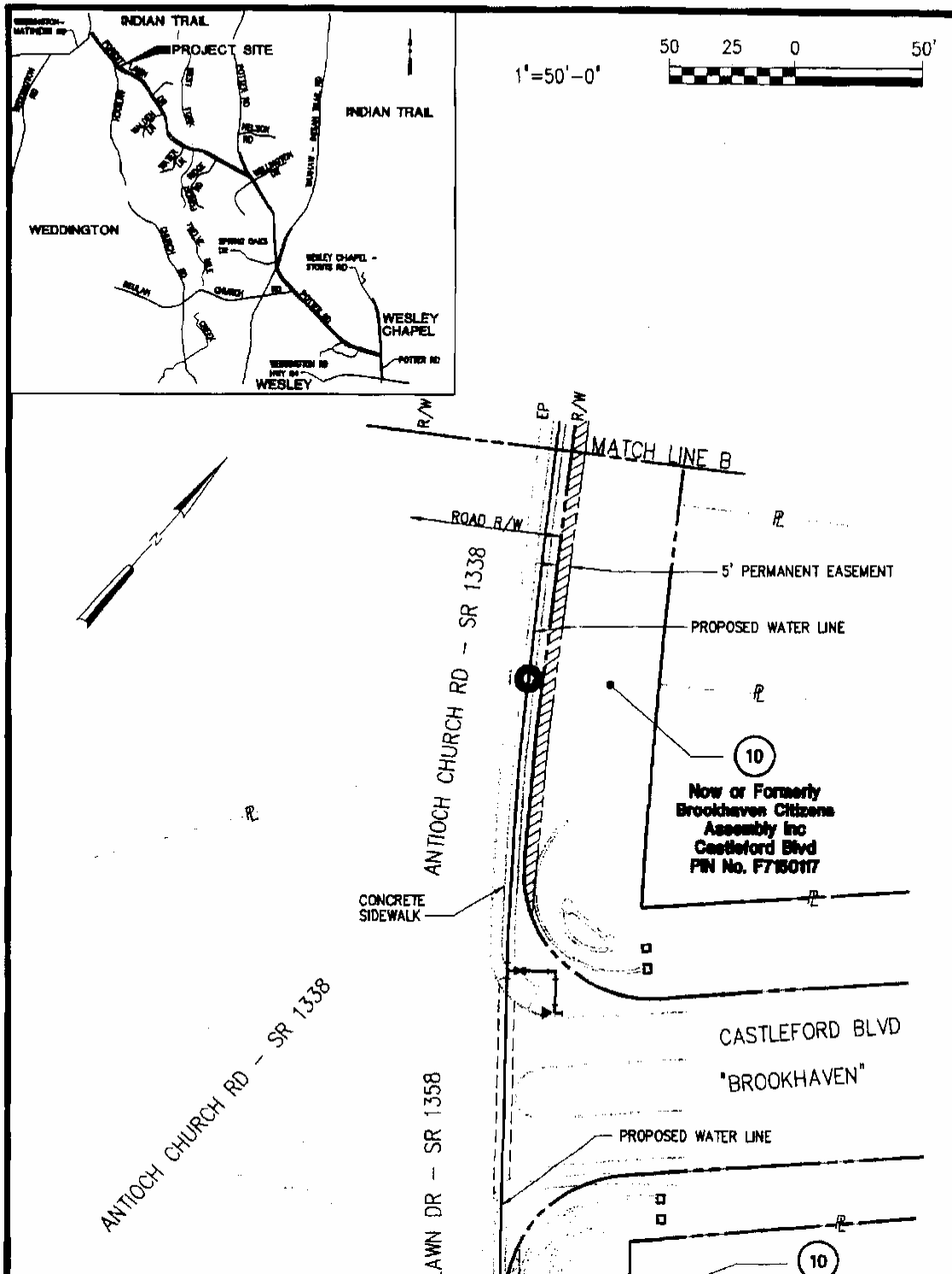
**Forest Lawn & Antioch Church Roads** crossing the subject property, all of which is shown as Exhibit "A1", A2, A3 and A4" attached and made part of this resolution.

2. The attorneys representing the County of Union are directed to institute the necessary proceeding under Chapter 40A of the North Carolina General Statutes to acquire the property or interest in property herein above described.

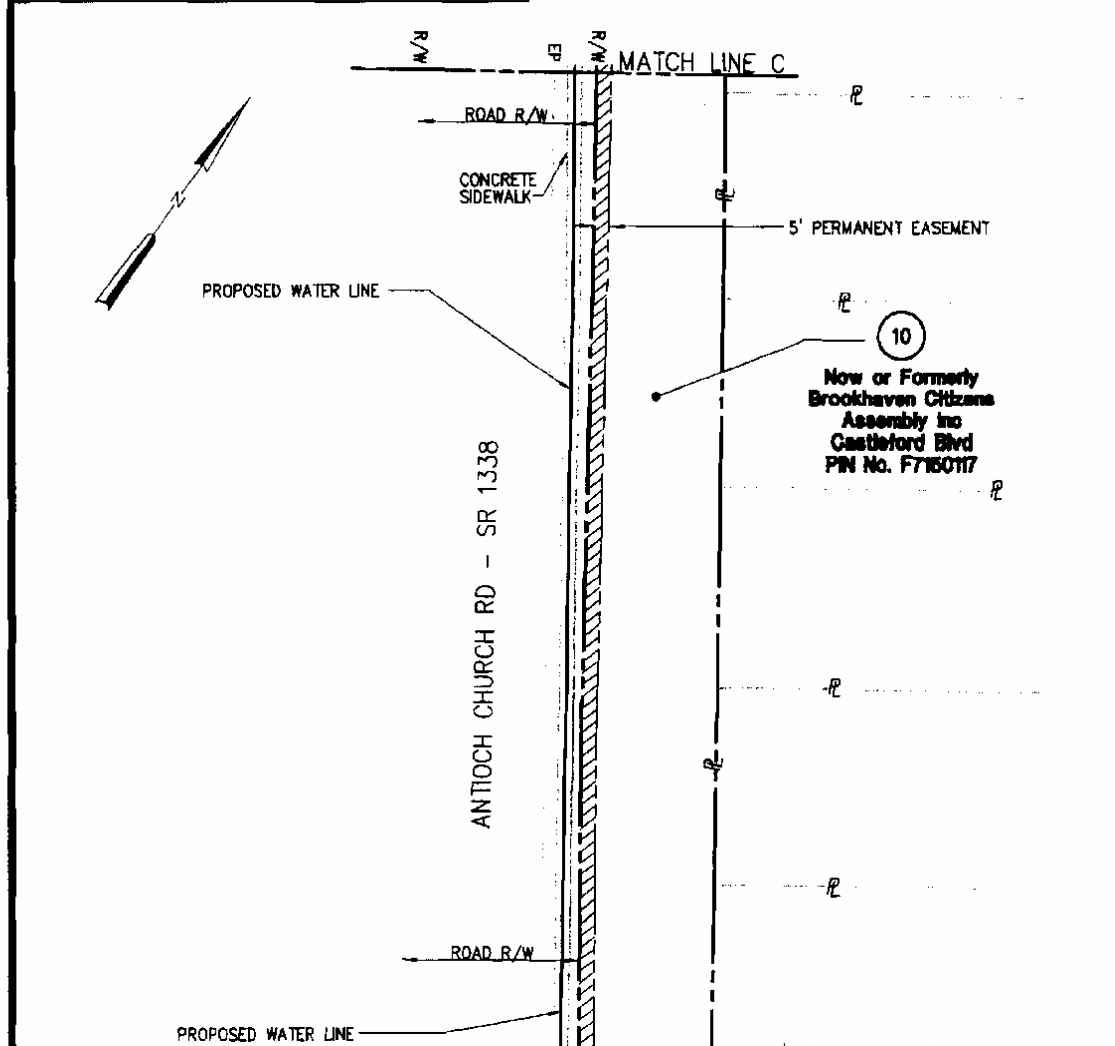
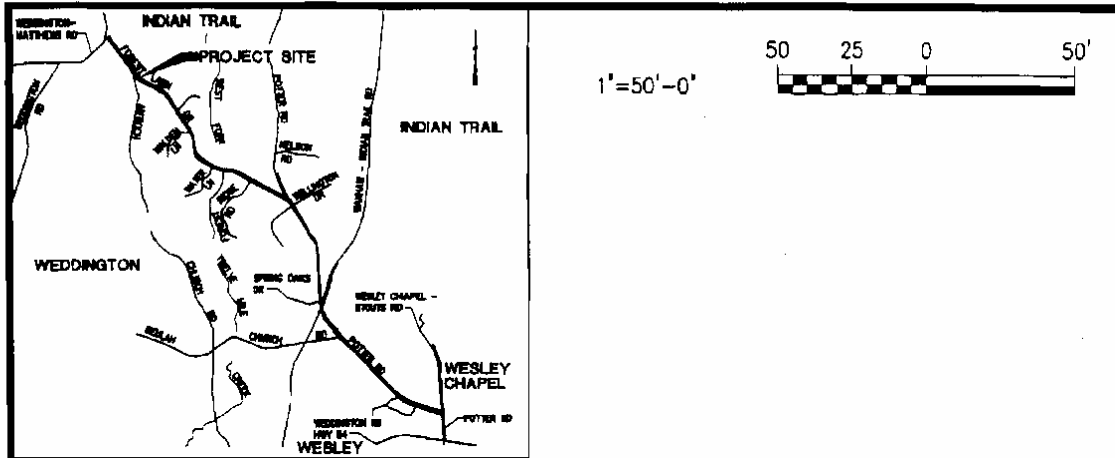
ADOPTED: This 7<sup>th</sup> Day April, 2008.

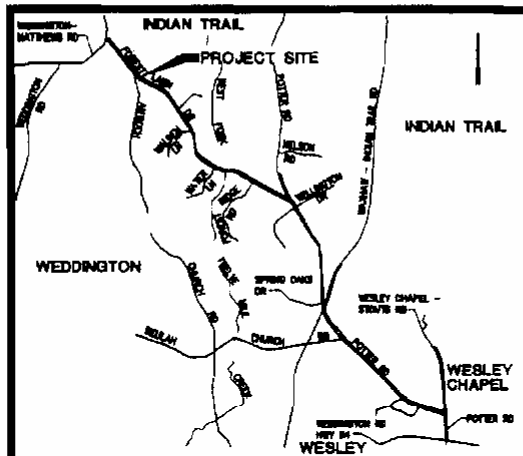




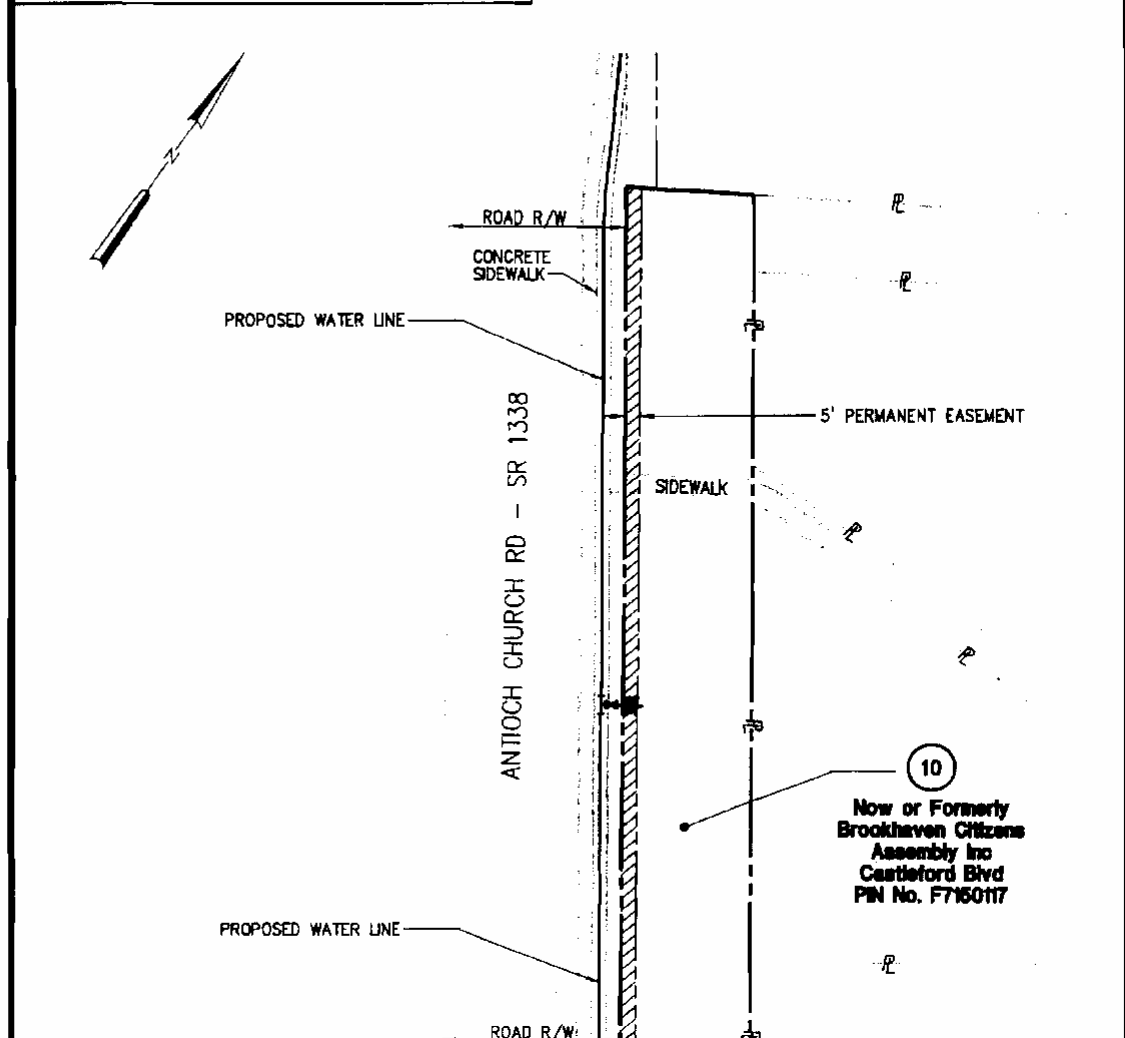








1" = 50'-0"



***Arcadis G&M of North American, Inc. – Agreement for Construction Administration for Cureton Parkway, Waxhaw-Marvin Road, and Cuthbertson Road Water Main Projects (This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw.)***

The Chairman recognized Commissioner Openshaw who had requested this item be moved from the consent agenda to the regular agenda.

Commissioner Openshaw reminded that he had asked Thursday about who this project serves and who is paying for this contract. Ms. Putnam stated the Utility Fund is paying for it and it serves the areas from Marvin to the area of Hwy. 84 and Potter Road. He said these are all inter-connecting problems, closing loops, etc. In response to a question she said two of the lines are 16-inch lines and one she thought was a 12-inch line. In response to a question if this is the line adjoining the free land for Sandy Ridge Elementary, Ms. Putnam responded that there is a section of Wahaw-Marvin Road from Stacy Howie Road to Huntley Drive that does not have a water line. The water comes both directions on Waxhaw-Marvin but this is a gap that has not been dedicated.

Commissioner Openshaw moved that the agreement with Arcadis G&M of North American, Inc. be approved for construction administration for Cureton Parkway, Waxhaw-Marvin Road and Cuthbertson Road Water Main Projects. The motion passed unanimously.

***Easement for City of Monroe Waterline to Serve Rocky River Road Elementary School (This Item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw):***

The Chairman recognized Commissioner Openshaw who had requested this item be removed from consent and added to the regular agenda.

Commissioner Openshaw stated that his original objection to this one was the fact that the easement was right on the property line. He said he did not believe it good policy to impose the County's will on the rights of individual property owners but that he has been informed by Ms. Putnam that the line has been installed. He said it was the school that had done this and questioned why the schools could not follow the same rules as everyone.

After these comments, Commissioner Openshaw moved that the easement for the City of Monroe waterline to serve Rocky River Road Elementary School, crossing Snugg's Pump Station Property, be approved. The motion passed unanimously.

## **PERSONNEL DEPARTMENT:**

The Chairman recognized Mark Watson, Personnel Director, to report on vacancies within County offices. Mr. Watson explained that at the last meeting the Board requested a report on the vacant positions available in the county. He stated these have been divided into three categories. Mr. Watson briefly summarized the existing vacancies of the departments and explained the categories and recruitment going on among the departments.

He briefly presented a status of potential retirements that the county might be facing. He said there are currently 73 individuals who are eligible for limited retiree benefits and 28 who are eligible for full-time retirement benefits. Mr. Watson added that as of January 1, 2009 there will be a total 35 who will be eligible for full-time benefits. He said that the department heads have talked with some of these employees who are eligible to retire and there are 16 who are planning to retire on or before January 1, 2009. The Personnel Director stated that since this fiscal year has begun there have been 15 employees who have retired. He clarified that the 35 employees are included in the 73 number.

Mr. Watson also presented a report on the turnover rate of the employees and compared these beginning in 2005 when the overall turnover rate was 10.8 percent to 2006 when it was 11 percent; however, he noted that in 2007, the turnover rate was 8.7 percent. He added that when the retirement percentage is factored out of the 8.7 percent, the county was at a 6.6 percent turnover rate for local governments.

The Chairman thanked Mr. Watson for his report.

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

At the request of the Chairman, Mrs. West, Clerk to the Board, read the following vacancies to boards and committees:

- a. Juvenile Crime Prevention Council (1) District Attorney or designee (2) Substance Abuse Professional (3) Two persons under the age of 18 and (4) Juvenile Defense Attorney
- b. Farmers Market Committee – one at large member
- c. Adult Care Home Community Advisory Committee
- d. Union County Home and Community Care Block Grant Advisory Committee (two vacancies as of December 2007)
- e. Nursing Home Advisory Committee
- f. Board of Health (vacancy as of January 2008 for a Licensed Optometrist)

- g. Planning Board (Vacancies as of April 2008: one member representing Jackson Township; one member representing New Salem Township; one member representing Sandy Ridge Township)
- h. Industrial Facilities and Pollution Control Financing Authority – two vacancies as of May 2008
- i. Centralina COG Economic Development Council

**APPOINTMENTS TO BOARDS AND COMMITTEES:**

The Chairman announced that there are three vacancies for regular members and one vacancy for an alternate member on the Board of Adjustment.

Commissioner Lane moved that the three regular members whose terms are expiring be reappointed – Jimmy Bention, Sr., Janet Hall, and Mark Tilley and that Ken Evans be appointed as an alternate.

Vice Chairman Pressley moved that Jimmy H. Bention, Sr., Mark Tilley, and Louis Phillippi be appointed to the Board of Adjustments and Rick Alexander be appointed as the alternate.

The Staff Attorney advised the Chairman to vote on the nominations and/or motions as received and the individuals should be voted on separately as appointments. He said that was the Board’s policy to take each nominee and vote on him individually in the order received.

Commissioner Openshaw noted that if Commissioner Pressley’s appointees are approved there will be three individuals who are officials in the Republican party and, as far as diversity, he does not think that is good for the county.

The Chairman called for a vote in the order of nomination:

- Jimmy Bention, Sr. – five votes
- Janet Hall – two votes
- Mark Tilly – five votes
- Louis Phillippi – three votes
- Ken Evans, alternate – two votes
- Rick Alexander, alternate – three votes

**INTERIM COUNTY MANAGER’S COMMENTS:**

Mr. Black said he did not have any comments.

**COMMISSIONERS' COMMENTS:**

Commissioner Lane said that as far as the Chairman's comments to the press about names of the County Manager's candidates being released to the press, he was not the one who did so. He said the news media already knew about it so he only commented on it. He said to take note that he did not release the other person's name because the newspaper did not know about that individual.

He complimented E-911s service and agreed it is outstanding. He said that statement is based on personal knowledge from having had to use it for family members and visitors.

Commissioner Lane said that he is requesting that discussion of Financial Disclosure Forms for use by the Planning Board, Board of Adjustments and the Board of Equalization and Review be included on the agenda of April 21.

Commissioner Openshaw stated that at the next meeting he would like to receive an update on the WCWAA situation in Weddington.

He said that if there is anything that can be done to lessen the tax burdens on senior citizens who are living on fixed incomes, he would like to see it be done.

Commissioner Openshaw announced that last Friday night there was an art walk in Monroe. He said he went into the Union County Arts Council building and at the back of the hall there were some of the best portrait photographs that he had ever seen. Commissioner Openshaw said these were outstanding works.

Commissioner Openshaw said that he did not have the opportunity to respond before Commissioner Mills called the question. He said that Mr. Pressley was talking about guidelines that the County has with UCPP and noted that the County also has a contract with them and the contract specifically spells out certain requirements. He said that the other members of the Board gave UCPP \$3.1 million and urged it to live up to its contract.

Commissioner Mills said the \$3.1 million contract is over a three-year period and he had no doubt that American Wick Drain would do an excellent job. He said he had a long talk with John Snyder, District Attorney, and he will be coming forward about the

progress that has been made through the County hiring the two assistant district attorneys. Commissioner Mills said that the District Attorney is very pleased with the impact that is being made on the jail.

Commissioner Mills reported that another issue he is working on is funding of fire departments. He said he would hopefully be bringing some additional information to the other Commissioners.

Vice Chairman Pressley thanked *The Enquirer-Journal* for showing the true meaning of Easter on its front page.

The Chairman stated that he thought it necessary to address Commissioner Lane's comments about releasing information from closed session. He said it was not the first time confidentiality has been violated, and he thought the closed sessions of this board are worthy of all the sanctity that can be given to them.

Chairman Baucom said that this Board met jointly with the City of Monroe to discuss water and sewer and how the two entities can move forward to give each entity positives. He said he looked forward to seeing these meetings continued.

He recognized Deb Morris, daughter of Jerald and Janet Morris, from the New Salem community who has received the honor of Wachovia North Carolina Principal of the Year. He said she was principal at J. L. Brown in Kannapolis this year.

The Chairman stated that he and Commissioner Lane were present last week to honor Tom Williams as President of Teledyne Allvac. He said Mr. Williams had been President of Allvac since 1999 but had been employed by Teledyne Allvac for over 43 years. Chairman Baucom also praised him for his and his wife's civic activities over the years.

With there being no other comments, at approximately 10:45 p.m., the Chairman declared the meeting adjourned.