

**AGENDA**  
**UNION COUNTY BOARD OF COMMISSIONERS**  
**Regular Meeting**  
**Monday, June 2, 2008**  
**7:00 P.M.**  
**Board Room, First Floor**  
**Union County Government Center**  
**500 North Main Street**  
**Monroe, North Carolina**

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[www.co.union.nc.us](http://www.co.union.nc.us)

**Closed Session - 6:00 p.m.**

1. **Opening of Meeting**
  - a. Invocation
  - b. Pledge of Allegiance
2. **Public Hearing - 2008-2009 Manager's Recommended Budget**  
**ACTION REQUESTED:** Conduct public hearing
3. **Informal Comments**
4. **Additions, Deletions and/or Adoption of Agenda**  
**ACTION REQUESTED:** Adoption of Agenda
5. **Consent Agenda**  
**ACTION REQUESTED:** Approve items listed on the Consent Agenda
6. **Assistant County Manager's Comments**
7. **Economic Development Incentive Guidelines**  
**ACTION REQUESTED:** Approve guidelines
8. **Placement of Firefighter's Memorial on the Grounds of the Historic Courthouse**  
**ACTION REQUESTED:** Authorization to place a Firefighter's Memorial on the grounds of the Historic Courthouse
9. **Draft 2035 Long-Range Transportation Plan Project List**  
**ACTION REQUESTED:** Confirm recommendation of NC 16 - Providence Road from Rea Road Extension to Cuthbertson Road
10. **GAP Funding for Monroe Connector/Bypass**  
**ACTION REQUESTED:** Adopt Resolution of Support for GAP Funding
11. **Conveyance of Property to Union County Public Schools**  
**Action Requested:** (i) Convey .35 acre (identified on attached survey) to UCPS pursuant to G.S. 160A-274; and (ii) decline right of first refusal on this same property in order that it may be exchanged by UCPS for another parcel to facilitate an entrance drive for Elementary School L, Poplin Road.
12. **Amendment to Contract Delegation Policy**  
**ACTION REQUESTED:** Amend the Contract Delegation Policy to the delegations specified in "Union-Proposed"

13. **Legal Services Budget**  
**ACTION REQUESTED:** Adopt Budget Ordinance Amendment #51 and increase budget authorization of individual Commissioner representation by an additional \$15,000 for each Commissioner through fiscal year-end with a limitation of \$30,000 for each Commissioner per fiscal year
14. **Reimbursement to Finance Director for Attorney's Fees Incurred in Shalati Litigation**  
**ACTION REQUESTED:** Approve reimbursement to Finance Director for documented legal expenses that have arisen or that may arise as a result of the Shalati litigation with an initial cap of \$15,000 with increases to be considered by the Board as circumstances may dictate and authorize County Manager to make such reimbursement upon receipt of documented expenses
15. **Announcements of Vacancies on Boards and Committees**
  - a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two Persons Under Age of 18; and 4) Juvenile Defense Attorney
  - b. Adult Care Home Community Advisory Committee
  - c. Nursing Home Advisory Committee
  - d. Board of Health (Vacancy as of January 2008 for a Licensed Optometrist)
  - e. Centralina Council of Governments - Comprehensive Economic Development Commission
  - f. Agricultural Advisory Board - (3 Vacancies as of June 2008)  
**ACTION REQUESTED:** Announce vacancies
16. **Appointments to Boards and Committees**
  - a. Adult Care Home Community Advisory Committee
  - b. Nursing Home Advisory Committee
  - c. Centralina Workforce Development Board (Vacancy Representing Vocational Rehabilitation and Community Based Organizations)
  - d. Region F Aging Advisory Board (Vacancy for Alternate)
  - e. South Piedmont Community College (SPCC) Board of Trustees (1 Vacancy)
  - f. Social Services Board (1 Vacancy)  
**ACTION REQUESTED:** Consider appointments
17. **Manager's Comments**
18. **Commissioners' Comments**

**CONSENT AGENDA**  
**June 2, 2008**

1. **Contracts Over \$5,000**

- a. The Mercer Group, Inc. - Agreement for Executive Search Firm Services Related to Recruitment of Assistant County Manager (Central Administration)
- b. Radio IP Software, Inc. - Renewal of Maintenance/Support for Radio IP Software (Sheriff's Office)
- c. Inmate Telephone, Inc. - Agreement to Provide Inmate Telephone Service (Sheriff's Office)
- d. South Piedmont Community College - Renewal of Agreement to Provide Educational Service to Work First Participants (Job Search Skills, Academic Skills, Testing and Evaluation) (Department of Social Services)
- e. Employment Security Commission - Renewal of Agreement to Provide Employment Services for Work First Participants (Job Development, Search and Placement) (Department of Social Services)
- f. Hazen & Sawyer, P.C. - Agreement for Design and Permitting Crooked Creek Wastewater Treatment Plant Bulk Re-Use Fill Station (Task Order #20) (Public Works)
- g. QS/1 Data Systems - Renewal of Pharmacy System Annual Software License and Maintenance (Health Department)

**ACTION REQUESTED:** Authorize County Manager to approve Items a -g

2. **Minutes**

**ACTION REQUESTED:** Approve minutes

3. **Tax Administrator**

- a. Departmental Monthly Report for April 2008
- b. Releases for May 2008 in the Grand Total Amount of \$6,605.67
- c. Refunds for May 2008 in the Grand Total Amount of \$6,882.45

**ACTION REQUESTED:** Approve a-c

4. **Health Department/Susan G. Komen Grant**

- a. Budget Amendment #55 to Appropriate \$65,000 in Grant Funds from Susan G. Komen for the Cure, Inc.

**ACTION REQUESTED:** Adopt Budget Amendment #55

5. **Excess Workers' Compensation Insurance Renewal**

**ACTION REQUESTED:** 1) Accept Excess Workers' Compensation insurance renewal proposal from Midwest Employer's for the period of July 1, 2008 - June 30, 2009; and 2) Authorize the County Manager to bind coverage

6. **Catawba Nuclear Site Annual Funding**

**ACTION REQUESTED:** Adopt Special Revenue Ordinance (SRO) #7 to appropriate additional annual funding of \$5,000 received for Catawba Nuclear Site

7. **Social Services**
  - a. DSS - Donations Program (Public Assistance Realtors) - Budget Amendment #53 to Increase Expenditures by \$2,102  
**ACTION REQUESTED:** Approve Budget Amendment #53
  - b. DSS - Donations (Public Assistance) - Budget Amendment #54 to Increase Expenditures by \$1,896  
**ACTION REQUESTED:** Approve Budget Amendment #54
  - c. Special Children Adoption Fund - Budget Amendment #52 to Increase Revenues and Expenditures by \$13,500 with Funds Provided by the State to Enhance the Adoption Services Program  
**ACTION REQUESTED:** Approve Budget Amendment #52
8. **Amendment to Article XII of the Union County Personnel Resolution**  
**ACTION REQUESTED:** Accept revision to Union County Personnel Resolution, Article XII - Drug and Alcohol Free Workplace Policy
9. **Easements Across Public Works Property**  
**ACTION REQUESTED:** a) Authorize Manager to approve and execute Easements Across Public Works Property to: 1) Union Power across Twelve-Mile Creek Wastewater Treatment Plant Property; and 2) City of Monroe across Tallwood Wastewater Treatment Plant Property



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**OFFICE OF THE COMMISSIONERS AND MANAGER**

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

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## PUBLIC NOTICE

**NOTICE IS HEREBY GIVEN** that the Union County Board of Commissioners will hold a special meeting on Monday, June 2, 2008, at 6:00 p.m. in the Conference Room, located on the first floor behind the new Commissioners' Board Room in the Union County Government Center, 500 North Main Street, Monroe, North Carolina, for the purpose of going into closed session to prevent the disclosure of information that is privileged or confidential pursuant to G.S. 143-318.10(e), in accordance with G.S. 143-318.11(a)(1).

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Allan Baucom, Chairman  
Union County Board of Commissioners

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: June 2, 2008**

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

**SUBJECT:** \_\_\_\_\_ Public Hearing - 2008-2009 Manager's Recommended Budget \_\_\_\_\_

**DEPARTMENT:** Board of  
Commissioners

**PUBLIC HEARING:** Yes

**ATTACHMENT(S):**  
Copy of Budget Calendar Adopted by  
Board

**INFORMATION CONTACT:**  
Al Greene, County Manager

Copy of Affidavit of Publication  
Advertising the Public Hearing

**TELEPHONE NUMBERS:**  
704-292-2625

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**DEPARTMENT'S RECOMMENDED ACTION:** Conduct public hearing

**BACKGROUND:**

**FINANCIAL IMPACT:**

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_

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# Budget Review Schedule

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The County Manager's recommended budget is scheduled for delivery to the Board of County Commissioners on May 19, 2008.

The following budget calendar is proposed for review and adoption of the 2009 budget.

May 19	Filing of Budget with Clerk
May 19	Presentation and overview of FY2009 recommended budget
May - June	Budget review sessions
✓ June 2	Public hearing on budget
NLT June 16	Budget adoption

It is recommended that the budget review sessions operate with the following guidelines:

- be agenda driven – with the objective of completing the budget reviews scheduled for the session
- commence at ~~5:00 p.m.~~ 4:00 p.m.
- conclude at 9:00 p.m. or the earlier of the completion of the agenda
- discussion remain focused on budget and financial matters and program delivery

The following four (4) budget review sessions have been established by the County Commission. Additional review sessions may be scheduled as necessary.

Session 1.  
Date: Wednesday, May 28

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Overview of budget content and format  
Summary of factors influencing the budget  
Proposed FY2009 budget ordinance  
General Government

Session 2.  
Date: Wednesday, June 4

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Public Safety  
Economic and Physical Development  
Human Services

Session 3.  
Date: Tuesday, June 10

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Education  
Cultural and Recreational

Session 4.  
Date: Thursday, June 12

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Proprietary & Other Funds  
Consensus budget ordinance

**PUBLIC NOTICE**  
**NOTICE IS HEREBY GIVEN** THAT the Union County budget for 2008-2009 has been submitted to the Board of Commissioners and a copy is available for public inspection in the office of the Clerk of the Board, Union County Government Center, 500 North Main Street, Room 925, Monroe, North Carolina, and on-line at the County's website at [co.union.nc.us](http://co.union.nc.us), which can be accessed from any computer with internet access or from public computers at any Union County Library branch.

**NOTICE IS FURTHER GIVEN** that the Union County Board of Commissioners will hold a public hearing to receive comments from the citizens of Union County on the proposed budget at 7:00 p.m. on Monday, June 2, 2008, in the Commissioners Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina.

Any person requesting a sign language interpreter, please call (704) 225-8554 and make a request at least 96 hours in advance. Any other special assistance needed by an individual due to a disability under the Americans with Disabilities Act should call (704) 283-9810 and make a request at least 96 hours in advance.

Lynn C. West  
 Clerk to the Board of Commissioners  
 May 21, 2008

NORTH CAROLINA,  
 UNION COUNTY.

**AFFIDAVIT OF PUBLICATION**

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

Pat Deese

personally appeared .....

who being first duly sworn, deposes and says: that he is .....

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

May 21, 2008

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

This 21st day of May 2008  
Pat Deese

Sworn to and subscribed before me, this 21st day of May 2008

Paul P. Clutz Notary Public

My Commission expires: May 11, 2013

Inches: 5 1/2"  
 MONROE, N.C. May 21 2008

M U.C. Bd. of Commissioners Ad# 02100167

COST: \$ 54.73

—IN ACCOUNT WITH—

**The Enquirer-Journal**

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

Important Legal Document, Please Retain



**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: June 2, 2008**

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

**SUBJECT:** Economic Development Incentive Guidelines

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**DEPARTMENT:** Union County  
Partnership for  
Progress

**PUBLIC HEARING:** No

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**ATTACHMENT(S):**  
Copy of Draft Guidelines showing  
redline changes  
  
"Clean" Copy of Draft Guidelines with  
changes incorporated

**INFORMATION CONTACT:**  
Maurice Ewing  
Union County Partnership for  
Progress

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**TELEPHONE NUMBERS:**

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**DEPARTMENT'S RECOMMENDED ACTION:** Approve guidelines as revised

**BACKGROUND:** The Board held a workshop on Monday, May 19, 2008, at 6:00 p.m., at which time Ernie Pearson, attorney with Sanford Holshouser Law Firm presented the revised incentive guidelines.

**FINANCIAL IMPACT:**

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_

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**ECONOMIC DEVELOPMENT INCENTIVE  
GUIDELINES**

**(Reviewed May 28, 2008)**

**PRESENTATION TO THE BOARD OF COUNTY  
COMMISSIONERS**

**Prepared for the Union County Partnership for Progress  
by**

**ERNIE PEARSON  
SANFORD HOLSHOUSER LAW FIRM  
CARY, NORTH CAROLINA  
MAY 19, 2008**

**Adopted: Union County Board of Commissioners May \_\_, 2008**

# UNION COUNTY, NORTH CAROLINA ECONOMIC DEVELOPMENT INCENTIVE GUIDELINES

## PREAMBLE

Union County, North Carolina, (the “County”) Board of Commissioners (“Board”), has determined that the public interest and general welfare of the residents of the County are directly benefited by fiducially sound economic development policies which promote growth and diversity of the tax base, and result in the creation of more high quality, well paying jobs. Pursuant to its ruling in Maready v. The County of Winston Salem, et. al, the North Carolina Supreme Court and the N.C. Court of Appeals in its ruling in Delma Blinson et. al v. State of North Carolina; Dell, Inc., et. al, have made clear that the expenditure of public funds to promote economic development is deemed to be for these legitimate public purposes.

The current competitive environment among states which regularly compete with North Carolina, and counties and municipalities which regularly compete with the County, in recruitment projects, dictates that the County must adopt Economic Development Incentive Guidelines (“EDIG”), which are conservative and fiduciary sound, in order to remain competitive in recruiting new projects as defined herein; retaining expansions of existing business facilities currently located in the County; and retaining existing businesses and jobs which are at risk of being lost. It is essential for the County to be successful in recruiting new business facilities and retaining expansions of existing companies in the County in order to effectively address serious indicia of current and anticipated economic shortcomings in the County. These include:

1. The County has an unacceptably low ratio of non residential property tax base (13%) as opposed to its residential property tax base (87%). This will inevitably lead to undesirable increases in the ad valorem property tax rate. A higher percentage of

commercial and industrial investment will help to maintain this tax rate at an acceptable level or allow for a reduction in the rate.

- ◆ There is an unacceptable out-migration of citizens from the County, many of whom go elsewhere in order to obtain desirable employment.
- ◆ Since 1994, 25 (twenty five) business closings have been announced within the County eliminating over 2,100 (two thousand one hundred) jobs.
- ◆ The rate of retail sales tax collections while not stagnant has also not progressed proportionally with the growth of the population.
- ◆ Whereas only 20.8% of workers in the County are employed in manufacturing jobs, there has become an over-dependence in our greater community on service sector jobs. Therefore, it is necessary to further diversify the job base in the County with significant increases being made in jobs in manufacturing, high technology electronic commerce, and other industry sectors listed under the last bullet point under “Minimum Project Qualifications.”

In combination, the aforementioned concerns will inevitably lead to an inability to provide services desired by the County’s citizens, or require an increase in taxes in order to do so.

For these reasons, the Board hereby establishes the EDIG to encourage new recruitment projects as defined herein to locate and existing businesses to remain and expand within the County. This document contains guidelines only. Each new, expansion or retention project as defined herein will be considered for incentive support on a case by case basis. The Board takes this action in adopting these guidelines pursuant to authority granted by N.C. Gen. Stat. §158-7.1, as interpreted by the North Carolina Supreme Court in Maready and the Court of Appeals in Dell.

## GUIDELINE PRINCIPLES

These EDIG are based upon, and any EDIG arrangement with a new or existing company must be in compliance with, fiducially sound public policy principles, which at a minimum include:

- ◆ Any EDIG grants must provide the County a high return on investment, taking into account tax and other revenues realized from the project for up to a ten year period from the date of the start-up of the project. NC Gen. Stat. §158-7.1(d2).
- ◆ Any EDIG grant must be preceded by an agreement with the company involved, binding it to minimum levels of taxable capital investment and/or quality job creation or retention, and providing for recoupment of initial grants and/or reductions in amounts of forward funded grants, in the event that it fails to meet those minimum required levels. NC Gen. Stat. §158-7.1(d2)(2).
- ◆ Investments of County funds by way of EDIG grants shall be in items which leave value in the County in the event of a curtailment or closure of the operations within the industrial facility, ~~such as site acquisition, site preparation, internal infrastructure, job training, etc.~~
- ◆ The bedrock of the County's economy is the businesses and industries already located in the County. Consequently, the terms and application of the EDIG should allow existing industries to receive consideration for grants that are on terms equal to or better than those available to a company considering locating its first facility in the County.
- ◆ The provision of EDIG grants must be competitively necessary in order to induce the company being recruited to locate its new facility in the County. It is a competitive necessity to provide such support when the support is necessary in relation to the prospect of the new facility being located somewhere other than the County; when the company in question is compelled to expand to be competitive in its market; or when EDIG support is necessary to justify an expansion.

## **EDIG PROGRAM PARAMETERS**

Each project will be considered on a project-by-project basis, using these guidelines established by the Board. These guidelines shall be subject to periodic review and may be modified, amended or terminated, due to changed economic conditions or competitive considerations. In the event of any modification, amendment or termination, EDIG grants to which the County previously committed will not be affected.

In determining whether to make an EDIG grant to a project, and if so, the amount of such grant, the Board will consider, among other relevant factors, the following matters:

- ◆ The total taxable capital investment in the project including site acquisition, site improvement, building cost and equipment.
- ◆ The number, type and quality of full time jobs created or retained.
- ◆ Wage levels and benefits for jobs created by the project.
- ◆ Whether the project has a high engineering and design component in the scope of the planned facility.
- ◆ The potential for future expansions and increased employment.
- ◆ Site specific issues that impact positively on public infrastructure expansions which will stimulate development in areas of the County, thereby benefiting overall community development.
- ◆ The potential for the project to attract other companies which would be suppliers to or affiliated with that company.
- ◆ Other factors promoting the public welfare and deemed relevant by the Board in its discretion.

In addition to EDIG grants being utilized to attract new jobs and capital investments by way of companies new to the County or expansion of existing facilities in the County, the Board will consider on a case by case basis the utilization of EDIG grants when necessary to preserve existing jobs and capital investments which are at risk of being lost. This will apply to situations in which a company is considering the consolidation of operations within a facility in the County

or a facility outside of the County; in which a company must modernize its equipment or facility to remain competitive in its market; or in other situations in which a company is considering reducing or eliminating its operations in the County. In the event that an EDIG grant is under consideration, based upon a company needing to modernize its equipment and/or facility, a grant may be made, in the discretion of the Board, when some jobs will be lost due to modernization, and some jobs will be preserved, if the overall amount of taxable capital investment for the subject company will increase.

The Board acknowledges that increasingly, recruitment incentives in this State take the form of concessionary leases and sales of real estate, as opposed to or in addition to cash grants. The terms of this EDIG apply equally to the cash value of the reduction below fair market value of leased or sold real estate, utilized as an incentive.

### **MINIMUM PROJECT QUALIFICATIONS**

In order to qualify for consideration for an EDIG grant from the County, the project must meet certain minimum threshold requirements. Meeting these threshold requirements does not indicate that the project will necessarily receive an EDIG grant, and if so, the amount of such grant, inasmuch as the Board reserves sole discretion in this regard on a project-by-project basis.

The minimum project qualifications are as follows:

- ◆ The minimum level of capital investment for a new project in the County is \$4,000,000 and \$3,000,000 for a project which is an expansion of a existing facility in the County.
- ◆ The project must involve a facility to be used for manufacturing, distribution, corporate or divisional headquarters, motor sports race teams, back office operations (e.g. telemarketing, call center, check clearing, etc.), research and development, air courier hub, or processes which involve the utilization of high technology or innovative new technologies.

- ◆ The County reserves the right to consider projects beyond the parameters outlined in this section. Projects outside of the scope detailed herein will only be considered if it is found that the nature of such project would have a significantly transformative and dramatically positive net economic impact on the County.

For a project to be considered by the Board for an EDIG grant, it must meet all of the above minimum project qualifications. Additional qualifications may be required by the Board in its discretion, on a project-by-project basis.

### **EXCLUSIONARY FACTORS**

Even though a project might meet all of the above minimum project qualifications, it will not be considered by the Board for an EDIG grant if any of the following factors apply:

- ◆ If the expansion project would, for any reason, result in a net reduction of the ad valorem tax valuation of all facilities in the County owned by the company, or its parent, subsidiary or affiliated companies.
- ◆ An EDIG grant will not be made if that company, or a parent, subsidiary or affiliated company, is not current in all ad valorem tax payments to the County.
- ◆ No prior commitment to an EDIG grant shall be binding if the company originally receiving the grant assigns it to another company, unless the Board has consented to such assignment in writing.
- ◆ The financial condition of the company receiving the grant must not be such that the ability of the company to meet its obligations is in reasonable doubt.
- ◆ No EDIG grant will be provided if the project would result in degradation to the environment in the County or would pose a significant risk of an environmental hazard.

### **USE OF GRANT FUNDS**

EDIG grants under these guidelines will generally be made in installments to be paid in the future, but for extraordinary, high impact projects, such grants may be made at the time of the



commitment of the project to locate in the County. All grants may be used for one or more of the following purposes, depending upon the terms approved by the Board:

- ◆ Site acquisition
- ◆ Site preparation.
- ◆ Internal site infrastructure.
- ◆ External infrastructure
- ◆ Other improvements to the Site.
- ◆ Other capital investments
- ◆ Job training costs not otherwise reimbursed by grants from the Community College system or tax credits pursuant to the state statute.
- ◆ Other purposes which leave value in the community as determined by the Board on a project-by-project basis.

### **PROCEDURE FOR GRANT CONSIDERATION**

The following procedure will be utilized in considering a project for an EDIG grant:

- ◆ The company will negotiate the terms of such grant agreement with the Union County Partnership for Progress President and the County Manager. Such discussions are negotiations only, inasmuch as the Board has the sole discretion and authority to finally agree to such grants.
- ◆ The County will conduct a full financial review of the company, to assure that it can meet its performance requirements. Confidentiality of financial records will be protected.
- ◆ At a time agreeable to the company, given its confidentiality concerns, a public notice and public hearing regarding the proposed grant may be given/held as contemplated by the requirements of N.C. Gen. Stat. §158-7.1.
- ◆ The Board will approve the terms of the grant agreement by resolution, and in doing so must specifically find that such project will benefit the public interest and promote the public welfare of the citizens in the County.
- ◆ An EDIG grant agreement will be executed which contractually binds the County to make the grants, and the company to meet the taxable capital investment and job creation or retention requirements, to which they mutually agreed. A failure of the Company to

meet its performance requirements will result in an adjustment as described in the final agreement ~~the recoupment of a pro-rata portion~~ of any grants given previously or a ~~pro-rata reduction~~ of any future grants.

- ◆ The company will provide periodic verification of its compliance with the requirements to which it has agreed as appropriate, and/or at the request of the County Manager ~~Union County Partnership for Progress President~~, and by a means agreed upon between the County and the Company on a case by case basis; provided however that as a minimum level of verification, the Company shall provide to the County's Partnership for Progress President, the Employment Security Commission reports, which summarize the number of employees, wages paid and unemployment taxes due.

### **CONCLUSION**

All EDIG grants will be considered on a project-by-project basis and by adopting these guidelines, the Board is not obligated to make any grants. In considering whether to provide EDIG grants for a project and if so how much, the Board will take into account grants made by private sources and other public sources to support the project locating in the County. These guidelines are not retroactive to any project which has been announced prior to the adoption of these guidelines. These guidelines are effective as of May \_\_\_\_\_, 2008.



# **ECONOMIC DEVELOPMENT INCENTIVE**

## **GUIDELINES**

**(Reviewed May 28, 2008)**

# **PRESENTATION TO THE BOARD OF COUNTY COMMISSIONERS**

**Prepared for the Union County Partnership for Progress  
by**

**ERNIE PEARSON  
SANFORD HOLSHOUSER LAW FIRM  
CARY, NORTH CAROLINA  
MAY 19, 2008**

**Adopted: Union County Board of Commissioners May \_\_\_\_, 2008**

# UNION COUNTY, NORTH CAROLINA ECONOMIC DEVELOPMENT INCENTIVE GUIDELINES

## PREAMBLE

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commercial and industrial investment will help to maintain this tax rate at an acceptable level or allow for a reduction in the rate.

- ◆ There is an unacceptable out-migration of citizens from the County, many of whom go elsewhere in order to obtain desirable employment.
- ◆ Since 1994, 25 (twenty five) business closings have been announced within the County eliminating over 2,100 (two thousand one hundred) jobs.
- ◆ The rate of retail sales tax collections while not stagnant has also not progressed proportionally with the growth of the population.
- ◆ Whereas only 20.8% of workers in the County are employed in manufacturing jobs, there has become an over-dependence in our greater community on service sector jobs. Therefore, it is necessary to further diversify the job base in the County with significant increases being made in jobs in manufacturing, high technology electronic commerce, and other industry sectors listed under the last bullet point under “Minimum Project Qualifications.”

In combination, the aforementioned concerns will inevitably lead to an inability to provide services desired by the County’s citizens, or require an increase in taxes in order to do so.

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- ◆ Any EDIG grant must be preceded by an agreement with the company involved, binding it to minimum levels of taxable capital investment and/or quality job creation or retention, and providing for recoupment of initial grants and/or reductions in amounts of forward funded grants, in the event that it fails to meet those minimum required levels. NC Gen. Stat. §158-7.1(d2)(2).
- ◆ Investments of County funds by way of EDIG grants shall be in items which leave value in the County in the event of a curtailment or closure of the operations within the industrial facility.
- ◆ The bedrock of the County's economy is the businesses and industries already located in the County. Consequently, the terms and application of the EDIG should allow existing industries to receive consideration for grants that are on terms equal to or better than those available to a company considering locating its first facility in the County.
- ◆ The provision of EDIG grants must be competitively necessary in order to induce the company being recruited to locate its new facility in the County. It is a competitive necessity to provide such support when the support is necessary in relation to the prospect of the new facility being located somewhere other than the County; when the company in question is compelled to expand to be competitive in its market; or when EDIG support is necessary to justify an expansion.

## **EDIG PROGRAM PARAMETERS**

Each project will be considered on a project-by-project basis, using these guidelines established by the Board. These guidelines shall be subject to periodic review and may be modified, amended or terminated, due to changed economic conditions or competitive considerations. In the event of any modification, amendment or termination, EDIG grants to which the County previously committed will not be affected.

In determining whether to make an EDIG grant to a project, and if so, the amount of such grant, the Board will consider, among other relevant factors, the following matters:

- ◆ The total taxable capital investment in the project including site acquisition, site improvement, building cost and equipment.
- ◆ The number, type and quality of full time jobs created or retained.
- ◆ Wage levels and benefits for jobs created by the project.
- ◆ Whether the project has a high engineering and design component in the scope of the planned facility.
- ◆ The potential for future expansions and increased employment.
- ◆ Site specific issues that impact positively on public infrastructure expansions which will stimulate development in areas of the County, thereby benefiting overall community development.
- ◆ The potential for the project to attract other companies which would be suppliers to or affiliated with that company.
- ◆ Other factors promoting the public welfare and deemed relevant by the Board in its discretion.

In addition to EDIG grants being utilized to attract new jobs and capital investments by way of companies new to the County or expansion of existing facilities in the County, the Board will consider on a case by case basis the utilization of EDIG grants when necessary to preserve existing jobs and capital investments which are at risk of being lost. This will apply to situations in which a company is considering the consolidation of operations within a facility in the County

or a facility outside of the County; in which a company must modernize its equipment or facility to remain competitive in its market; or in other situations in which a company is considering reducing or eliminating its operations in the County. In the event that an EDIG grant is under consideration, based upon a company needing to modernize its equipment and/or facility, a grant may be made, in the discretion of the Board, when some jobs will be lost due to modernization, and some jobs will be preserved, if the overall amount of taxable capital investment for the subject company will increase.

The Board acknowledges that increasingly, recruitment incentives in this State take the form of concessionary leases and sales of real estate, as opposed to or in addition to cash grants. The terms of this EDIG apply equally to the cash value of the reduction below fair market value of leased or sold real estate, utilized as an incentive.

### **MINIMUM PROJECT QUALIFICATIONS**

In order to qualify for consideration for an EDIG grant from the County, the project must meet certain minimum threshold requirements. Meeting these threshold requirements does not indicate that the project will necessarily receive an EDIG grant, and if so, the amount of such grant, inasmuch as the Board reserves sole discretion in this regard on a project-by-project basis.

The minimum project qualifications are as follows:

- ◆ The minimum level of capital investment for a new project in the County is \$4,000,000 and \$3,000,000 for a project which is an expansion of a existing facility in the County.
- ◆ The project must involve a facility to be used for manufacturing, distribution, corporate or divisional headquarters, motor sports race teams, back office operations (e.g. telemarketing, call center, check clearing, etc.), research and development, air courier hub, or processes which involve the utilization of high technology or innovative new technologies.



- ◆ The County reserves the right to consider projects beyond the parameters outlined in this section. Projects outside of the scope detailed herein will only be considered if it is found that the nature of such project would have a significantly transformative and dramatically positive net economic impact on the County.

For a project to be considered by the Board for an EDIG grant, it must meet all of the above minimum project qualifications. Additional qualifications may be required by the Board in its discretion, on a project-by-project basis.

### **EXCLUSIONARY FACTORS**

Even though a project might meet all of the above minimum project qualifications, it will not be considered by the Board for an EDIG grant if any of the following factors apply:

- ◆ If the expansion project would, for any reason, result in a net reduction of the ad valorem tax valuation of all facilities in the County owned by the company, or its parent, subsidiary or affiliated companies.
- ◆ An EDIG grant will not be made if that company, or a parent, subsidiary or affiliated company, is not current in all ad valorem tax payments to the County.
- ◆ No prior commitment to an EDIG grant shall be binding if the company originally receiving the grant assigns it to another company, unless the Board has consented to such assignment in writing.
- ◆ The financial condition of the company receiving the grant must not be such that the ability of the company to meet its obligations is in reasonable doubt.
- ◆ No EDIG grant will be provided if the project would result in degradation to the environment in the County or would pose a significant risk of an environmental hazard.

### **USE OF GRANT FUNDS**

EDIG grants under these guidelines will generally be made in installments to be paid in the future, but for extraordinary, high impact projects, such grants may be made at the time of the

commitment of the project to locate in the County. All grants may be used for one or more of the following purposes, depending upon the terms approved by the Board:

- ◆ Site acquisition
- ◆ Site preparation.
- ◆ Internal site infrastructure.
- ◆ External infrastructure
- ◆ Other improvements to the Site.
- ◆ Other capital investments
- ◆ Job training costs not otherwise reimbursed by grants from the Community College system or tax credits pursuant to the state statute.
- ◆ Other purposes which leave value in the community as determined by the Board on a project-by-project basis.

### **PROCEDURE FOR GRANT CONSIDERATION**

The following procedure will be utilized in considering a project for an EDIG grant:

- ◆ The company will negotiate the terms of such grant agreement with the Union County Partnership for Progress President and the County Manager. Such discussions are negotiations only, inasmuch as the Board has the sole discretion and authority to finally agree to such grants.
- ◆ The County will conduct a full financial review of the company, to assure that it can meet its performance requirements. Confidentiality of financial records will be protected.
- ◆ At a time agreeable to the company, given its confidentiality concerns, a public notice and public hearing regarding the proposed grant may be given/held as contemplated by the requirements of N.C. Gen. Stat. §158-7.1.
- ◆ The Board will approve the terms of the grant agreement by resolution, and in doing so must specifically find that such project will benefit the public interest and promote the public welfare of the citizens in the County.
- ◆ An EDIG grant agreement will be executed which contractually binds the County to make the grants, and the company to meet the taxable capital investment and job creation or retention requirements, to which they mutually agreed. A failure of the Company to

meet its performance requirements will result in an adjustment as described in the final agreement of any grants given previously or of any future grants.

- ◆ The company will provide periodic verification of its compliance with the requirements to which it has agreed as appropriate, and/or at the request of the County Manager and by a means agreed upon between the County and the Company on a case by case basis; provided however that as a minimum level of verification, the Company shall provide to the County's Partnership for Progress President, the Employment Security Commission reports, which summarize the number of employees, wages paid and unemployment taxes due.

### **CONCLUSION**

All EDIG grants will be considered on a project-by-project basis and by adopting these guidelines, the Board is not obligated to make any grants. In considering whether to provide EDIG grants for a project and if so how much, the Board will take into account grants made by private sources and other public sources to support the project locating in the County. These guidelines are not retroactive to any project which has been announced prior to the adoption of these guidelines. These guidelines are effective as of May \_\_\_\_\_, 2008.

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: June 2, 2008**

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

**SUBJECT:** Placing of Firefighter's Memorial at Historic Courthouse

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**DEPARTMENT:** Fire Marshal's Office      **PUBLIC HEARING:** No

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**ATTACHMENT(S):**

**INFORMATION CONTACT:**

Jon Williams

Excerpt of Board minutes of  
September 18, 2006, regarding  
this item.

**TELEPHONE NUMBERS:**

704-283-3515

704-400-8343

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**DEPARTMENT'S RECOMMENDED ACTION:** The Board of Commissioners to grant permission to place a Firefighter's Memorial on the grounds of the Historic Union County Courthouse.

**BACKGROUND:** A committee comprised of representatives from this office and the Monroe Fire Department embarked on a mission to establish a permanent memorial to firefighter's who have lost their life in the line of duty here in Union County. At this time, there are three firefighter's who have lost their life in the line of duty here in the county. The center piece of the memorial will be a fire bell that was sounded upon an alarm to alert firefighter's on duty of a call. The memorial will have the firefighter's names, date of birth and date of death. Around the base of the memorial will be the names of all Fire Departments in Union County. We have obtained a private funding source for the memorial. We have met with the Historic Preservation Commission and have gone over the design with them and they have granted approval for the project. The proposed location for the memorial is on the Hayne Street side of the Historic Courthouse in the walkway.

**FINANCIAL IMPACT:** None

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation:** Jon Williams, Deputy Fire Marshal, will be presenting  
additinal information on this project, including a drawing of the proposed memorial.  
Manager recommends approval of placement of memorial.

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***September 18, 2006***

***FUNDING REQUEST FOR MONROE/UNION COUNTY FIREFIGHTER  
MEMORIAL:***

Commissioner Stone explained that the City of Monroe would be considering appropriating approximately \$2,500 for locating and placing an old 1800's bell outside for citizens to view. He said that the bell would probably be placed in the veranda in front of the Government Center, since there are restrictions on what can be placed on the grounds of the historic courthouse.

Commissioner Stone moved to appropriate \$2,500 from Contingency (Budget Amendment #21) and apply it with the funds anticipated to be appropriated by the City of Monroe for sponsorship of the Monroe/Union County Firefighter Memorial recognizing that the Monroe Rotary Club will be providing over \$10,000 to assist with this project.

Commissioner Rushing offered to add a friendly amendment to the motion to direct staff to provide the Board with an update on the historic Gold Star Mother's Cross that was originally located on top of the historic courthouse.

Commissioner Stone called for a point of order stating that the requested amendment was contrary to the original motion and said that it would not be part of the motion.

Commissioner Stone said that he would request an update on the historic Gold Star Mother's Cross during his Commissioner's comments.

The motion was passed unanimously.

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: 6/2/08**

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

**SUBJECT:** Draft 2035 Long-Range Transportation Plan Project List

**DEPARTMENT:** Public Works                      **PUBLIC HEARING:** No

<b>ATTACHMENT(S):</b> 1- Memorandum 2- Draft 2035 Long-Range Transportation Plan Project List 3- MUMPO LRTP Roadway Ranking Methodology	<b>INFORMATION CONTACT:</b> Christie Putnam <hr/> <b>TELEPHONE NUMBERS:</b> 704-296-4212
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**DEPARTMENT'S RECOMMENDED ACTION:** Confirm recommendation of NC 16 - Providence Road from Rea Road Extension to Cuthbertson Road

**BACKGROUND:** The Technical Coordinating Committee (TCC) of MUMPO makes technical recommendations based on the ranking criteria to prioritize the projects listed in the 2035 Draft Long-Range Transportation Plan. Each jurisdiction of the TCC is permitted only one +5 score to use in the "Supports Local Land Use Planning and Improves Quality of Life" category. Based on Union County's overall transportation needs, documentation in the Union County Land Use Plan, the construction already underway, and the Planning Department and Public Works review of the listed projects, the above stated section of NC 16 – Providence Road is recommended.

**FINANCIAL IMPACT:**

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**Legal Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# UNION COUNTY PUBLIC WORKS

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*Christie L. Putnam, P.E., Director*

## MEMORANDUM

To: Board of County Commissioners  
Al Greene, County Manager

From: Christie Putnam, Public Works Director

Date: May 27, 2008

Re: **2035 Draft Long-Range Transportation Plan Project List**

The purpose of the Mecklenburg-Union Metropolitan Planning Organization's (MUMPO) Plan Ranking Criteria for Major Roadway Project's process is to facilitate determination of the region's project priorities to be used in development of a fiscally constrained Long-Range Transportation Plan (LRTP). The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) calls for an LRTP development process that documents a methodology for ranking project requests that reflects local and metropolitan mobility, environmental and air quality goals.

The project list represents all projects requested to be included in the ranking process for possible inclusion in the LRTP. The Technical Coordinating Committee (TCC) uses the ranking criteria to prioritize the projects listed (develop a draft project priority list). The MUMPO may reorder projects at its discretion based upon its members' knowledge of the urban area and the policies of their communities. Therefore, the TCC makes the technical recommendation on a draft priority list based on the procedure for ranking projects and MUMPO may make any changes deemed appropriate for a final LRTP roadway project priority list.

The Ranking Criteria is divided in categories that are awarded individual scores for each project listed. One category included is "Supports Local Land Use Planning and Improves Quality of Life" which can receive up to +5 points. Each jurisdiction is permitted only one +5 score (one project) to use in this category. The scoring process will not be complete until the travel demand modeling process produces scores for the "Reduces Congestion" criterion. Once all scores have been received and totaled, the projects are ranked in priority order with the higher score receiving the higher priority.

Union County has experienced intense growth impacts from its geographic closeness to Charlotte. One impact Union County is faced with is a road system that adequately serves the existing and future developments within the County. NC 16 is a major thoroughfare into and out of Union County that has experienced the impact of this growth. The widening of NC 16 to a four (4) lane roadway is also supported by the Union County Land Use Plan. With the construction of one section, from I-485 to Rea Road Extension, already underway and support from the local land use plan, the Union County Planning Department and Public Works staff



selected the next section of NC 16, from Rea Road Extension to Cuthbertson Road, to receive the most points (+5) in the “Supports Local Land Use Planning and Improves Quality of Life” category.

**MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION  
LONG-RANGE TRANSPORTATION PLAN  
ROADWAY RANKING METHODOLOGY**

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## **INTRODUCTION**

The purpose of the Mecklenburg-Union Metropolitan Planning Organization's (MUMPO) Plan Ranking Criteria for Major Roadway Project's process is to facilitate determination of the region's project priorities to be used in development of a fiscally constrained Long-Range Transportation Plan (LRTP). The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) calls for an LRTP development process that documents a methodology for ranking project requests that reflects local and metropolitan mobility, environmental and air quality goals.

## **OBJECTIVE**

The process outlined below is designed to address roadway needs. The Technical Coordinating Committee (TCC) will use the procedure to develop a draft project priority list. This draft priority list will be used as a starting point by the Metropolitan Planning Organization (MPO) for the approval of a final LRTP roadway project priority list.

The MPO may reorder projects at its discretion based upon its members' knowledge of the urban area and the policies of their communities. Therefore, the TCC will make its technical recommendation on a draft priority list based on the procedure described below, and the MPO may make any changes deemed appropriate.

## **PROCEDURE FOR RANKING PROJECTS**

Meetings are scheduled to allow staff to rank projects in a given geography. Each meeting consists of MUMPO staff and staff from the jurisdictions in its area. The meetings cover the following geographies:

- 1) Northern Mecklenburg County towns, and north Charlotte (generally from I-485 to the Iredell County Line)
- 2) Charlotte
- 3) Southern Mecklenburg County towns and south Charlotte (generally from I-485 to the Union County Line)
- 4) Union County

The number of meetings for each area is not pre-determined, as the number of projects in each varies. Projects reviewed are either those from the most recent LRTP or those identified by staff or elected officials from MUMPO area jurisdictions. Each project is given as much time as needed to discuss each of the criterion in depth. The criterion are awarded individual scores by majority rule, but usually are based on group consensus.

**MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION  
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For Criterion #1 *Reduces Congestion*, point values are based on travel demand model outputs which determine per lane volumes. Those volumes are matched to point values noted in the criterion's two tables.

Once the criteria have received individual scores and those scores have been totaled, the projects are ranked in priority order (the higher the score, the higher the priority). If total project scores are tied, then staff will review which of the tied projects has the highest number of criterion with scores of five, then four, and so on. If a tie persists, then the overall ranking committee votes to break it.

After the draft priority list is developed, it is then forwarded to the MPO as the TCC's recommended roadway project priorities for the urban area.

### **PROJECT SCORING**

- The points that can be assigned in this ranking process range from a maximum of positive five (+5) to a minimum of negative five (-5).
- A cap on the maximum or minimum number of points has been established in many of the categories. The objective of establishing caps is to reflect the relative importance of the criteria.
- Scores in the Reduces Congestion criterion are assigned through outputs from the regional travel demand model.
- Scores in the Supports Local Land Use and Improves Quality of Life criterion are established by local land use or transportation planners, subject to consultation with the ranking group. Only one +5 score per jurisdiction is permitted.
- In the event of a tie, the project receiving the highest number of +5 scores will be ranked higher. If both projects receive the same number of +5 scores, the project to be ranked higher will be the one with the highest number of +4 scores. If necessary, the process will continue until the higher ranking project is established.
- As noted below, a +5 score suggests that the project has a very high positive impact on the criterion in question. Conversely, a -5 score suggests that the project has a very high negative impact on the criterion.

**MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION  
LONG-RANGE TRANSPORTATION PLAN  
ROADWAY RANKING METHODOLOGY**

**RANKING CRITERIA**

**1. Reduces Congestion**

Objective: To assess the relationship between the amount of physical and operational capacity provided by the roadway project in comparison to the vehicular travel demand for the LRTP's final horizon year (e.g., for the 2030 Plan, 2030 modeled volumes are used, for the 2035 Plan, 2035 modeled volumes will be used, etc.)

**Widening Projects**

Daily Vehicle Volumes Per Lane (thousands) Projected to Final Horizon Year		Points				
Arterial	Freeway	Improved * 2-Lane	Median (LTL)**	Widen by 4-6 Lanes	Widen by 2-4 Lanes	Convert to Freeway or Expressway
4 to 6	8 to 12	1	1	1	1	1
>6 to 7	>12 to 14	1	1	1	2	2
>7 to 8	>14 to 16	1	1	2	3	3
>8 to 9	>16 to 18	2	2	3	4	4
>9 to 10	19+	3	3	4	5	5
10+		3	4	5	5	5

\* Includes widening pavement (without adding lanes), and/or building curb and gutter or shoulders

\*\* Includes Left Turn Lanes

**New Roadway Alignment/Location Projects**

Daily Vehicle Volumes (thousands)	Points
3 to 6	1
>6 to 12	2
>12 to 18	3
>18 to 24	4
>24	5

**2. Improves Safety**

Objective: To reduce or remove potential for crashes; to increase access control

- Pavement widening projects receive up to 2 points
- Medians receive up to 3 points
- Interchanges and roundabouts (replacing at-grade intersections) receive up to 4 points
- A project providing additional, significant safety benefits may receive up to 5 points.

Examples include but are not limited to improving dangerous curves and roadway relocation.

**MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION  
LONG-RANGE TRANSPORTATION PLAN  
ROADWAY RANKING METHODOLOGY**

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**3. Accesses Transit Parking or Drop Off**

Objective: Promote the use of rapid transit, express bus transit & transit hubs

- Project provides direct access to express bus park & ride lot: up to 3 points
- Project provides direct vehicle access to transit hubs not in rapid transit corridor: up to 3 points
- Project provides direct vehicle access to a rapid transit station: up to 5 points
- Other projects: 0 points

**4. Supports Local Land Use Planning and Improves Quality of Life**

Objective: To assess the project's impact on locally adopted land use plans and/or policies.

- Point value to be established by local (land use or transportation) planner(s) subject to consultation with the ranking group
- Includes effect on urban environment, parks, historic properties and or other properties purchased for open space purposes

NOTE: Up to 5 points may be awarded in this category

**5. Impacts on the Natural Environment**

Objective: To assess the anticipated effect on documented environmentally sensitive areas

- Projects that do not impact documented environmentally sensitive areas:  
Up to 3 points
- Projects into documented environmentally sensitive areas with no or little negative impact: 0 to -2 points
- Projects into documented environmentally sensitive areas with significant negative impact: 0 to -5 points.

**MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION  
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**6. Improves Accessibility to a Center City (either Charlotte or Monroe)**

Objective: Emphasize the importance of center cities in the region

- The distances from the two center cities shall be measured from the two points noted below:
  - Center City Charlotte: the intersection of Trade and Tryon streets
  - Center City Monroe: the intersection of Hayne and Franklin streets
- Points are awarded to roads that generally spread out from the Center City, known as “radial routes”. Radial and non-radial routes include but are not limited to the following:
  - Radial: Charlotte – Freedom Drive, Graham Street, Randolph Road, and South Boulevard
  - Radial: Monroe– Franklin Street, Weddington Road (NC 84), Hayne Street, and Morgan Mill Road
  - Non-Radial: Charlotte– W.T. Harris Boulevard, NC 51, Billy Graham Parkway, Mt. Holly-Huntersville Road
  - Non-Radial: Monroe – Rocky River Road, Unionville-Indian Trail Road, Martin Luther King, Jr. Boulevard, and Sutherland Avenue
- Interchanges receive points only if they add radial capacity [either added thru lanes or if it impacts a radial facility that is being converted to an expressway]
- Non-radial roads receive no points

<b>Distance from Center (Miles)</b>	<b>0-4</b>	<b>4-8</b>	<b>8-12</b>	<b>12-16</b>	<b>&gt;16</b>
<b>Freeway/Expressway*</b>					
Widen from 4 lanes to 6 lanes	5	4	3	2	1
Widen from 6 lanes to 8 lanes	4	3	2	1	0
Widen from 4 lanes to 6 lanes [+HOV]	5	5	4	3	2
Widen from 6 lanes to 10 lanes [+HOV]	5	5	4	3	2
New 4 lane Freeway	5	5	4	3	2
Convert to Expressway	5	5	4	3	2
<b>Non-Freeways*</b>					
Widen from 2 to 4 lanes	4	3	2	1	0
Widen from 4 lanes to 6 lanes	3	2	1	1	0
Add median or center, two-way left-turn lane	2	1	1	1	0
Widen width of existing lanes	1	1	0	0	0
New two-lane facility	4	3	2	1	0
New four-lane facility	5	4	3	2	1

\*Projects may receive up to the number of points specified in each category.

**MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION  
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**7. Increases Accessibility to Other Employment Centers**

Objective: To support access to employment centers within MUMPO and nearby employment centers outside MUMPO boundary and to support economic growth

- Access to center city Charlotte or Monroe is not a consideration for points in this category
- Size and location of economic center is based on employment projections for a Traffic Analysis Zone (TAZ\*) for the Plan's final horizon year
- Within each category, points are scaled based on the project's proximity and accessibility to the employment center (planners for the area need to identify the proposed location of future and existing centers)

*\*TAZ maps are a product of the socio-economic projections that are endorsed by the MPO and show locations of future level population and employment.*

Points are awarded as follows:

- Less than 1,000 employees: 0 points
- 1,000 – 1,500 employees: Up to 1 point
- 1,501 – 3,000 employees: Up to 2 points
- 3001- 4500 employees: Up to 3 points
- 4,501 – 6,000 employees: Up to 4 points
- Greater than 6,000 employees: Up to 5 points

**8. Impacts on Air Quality**

Objective: To improve air quality by reducing vehicle miles traveled (VMT) by increasing vehicle occupancy, encouraging non-motorized travel, or creating new roadway connections

Points are awarded as follows:

- 5 or more miles of managed lanes: Up to 2 points
- 4 or fewer miles of managed lanes: Up to 1 point
- Projects that significantly reduce VMT by improving connectivity: Up to 2 points
- Projects that greatly induce sprawl: From -3 to -1 points
- Projects that accommodate bicyclists and/or pedestrians: Up to 1 point
- Other roadway projects: 0 points

**MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION  
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ROADWAY RANKING METHODOLOGY**

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**9. Supports Low Income and Minority Communities**

Objective: To avoid adverse impacts and promote positive social and economic effects on minority and low-income populations.

- Compare positive connectivity/accessibility benefits to negative community impacts

Low income communities are defined by percentage of households below Federal poverty guidelines in relation to total households in Census tracts. Minority communities are defined by the percentage of minorities in relation to total population in Census tracts.

NOTE: Up to 5 points may be awarded in this category

**10. Promotes Intermodal Connectivity**

Objective: Improve access to existing and potential intermodal facilities

- Charlotte-Douglas International Airport, Monroe Regional Airport, West Trade Multimodal Station, or National Highway System Designated Freight Terminals receive up to 5 points
- Potential truck terminal locations on US or NC numbered route next to freeway up to 3 points
- Existing intermodal sites with 300 or more truck trips per day up to 3 points
- Existing intermodal sites with 100 or more truck trips per day up to 2 points

NOTE: Number of points dependent on distance from intermodal site

**11. Provides Benefits That Outweigh Project Costs**

Objective: To compare the project's accumulation of positive ratings and specific beneficial impacts versus the project's estimated per/mile construction costs and specific, negative impacts.

Point selection is subject to but not limited to the issues below:

- Includes consideration of ROW reservation or dedication, developer participation and portions completed by others
- Additional points may be awarded to the last segment of a multi-phased project

NOTE: Up to 5 points may be awarded in this category



**MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION  
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**RANKING VALUES**

- +5 Very High positive impact on this criterion
- +4 High positive impact on this criterion
- +3 Moderate positive impact on this criterion
- +2 Some positive impact on this criterion
- +1 Slight positive impact on this criterion
- 0 No impact on this criterion
- 1 Slight negative impact on this criterion
- 2 Some negative impact on this criterion
- 3 Moderate negative impact on this criterion
- 4 High negative impact on this criterion
- 5 Very High negative impact on this criterion

NCTIP Number	Project	Project Limits	Type	Length (mi)	Sphere	System	Total Plan Cost	Functional Class	Regionally Significant	Funding Source	Exempt
	Rocky River Rd. (Monroe)	Old Charlotte Hwy. to US 74	Widening (4), Median, sidewalks	1.14	Un	State	\$7,600,000	Collector	No	State	No
	Rocky River Rd. (Monroe)	US 74 to Monroe Bypass Connector	Widen (4), Median, sidewalks	1.42	Un	State	\$8,200,000	Collector	No	State	No
	Charlotte Avenue	Dickerson Blvd to Rocky River Rd	Widening (4), Median, Bike Lanes	2.84	Un	State	\$15,800,000	Minor Arterial	No	State	No
R-3802	NC 16 (Providence Road)	Rea Rd Ext. to Cuthbertson Rd	Widening (4), Median, Bike Lanes	4.06	Un	State	\$23,200,000	Minor Arterial	Yes	State	No
R-3802	NC 16 (Providence Road)	Cuthbertson Rd to Waxhaw Bypass	Widening (4), Median, Bike Lanes	2.56	Un	State	\$16,000,000	Minor Arterial	Yes	State	No
	Lawyers Road	I-485 to Stevens Mill Rd	Widening (4), Median, Bike Lanes	0.39	MH & Un	State	\$2,200,000	Collector	No	State	No
	Pleasant Plains Road	McKee Rd to Old Monroe Rd	Widening (2), Median, Bike Lanes	1.33	Cl, M & Un	State	\$1,300,000	Local	No	State	Yes
	Monroe Northern Loop	Dickerson Blvd to US 601 North	New Road (4), Median, Bike Lanes	1.04	Un	State	\$5,600,000	Local	No	State	No
	NC 84	Waxhaw-Indian Trail Rd. to Airport Rd.	Widening (4), Median, Bike Lanes	2.65	Un	State	\$15,100,000	Collector	No	State	No
	Monroe Northern Loop	601 North to Southern Loop.	Widening (4), Median, Bike Lanes	4.59	Un	State	\$27,300,000	Local	No	State	No
	Charlotte Avenue	Concord Ave. to Seymour St.	Widening (4), Median, Bike Lanes	0.75	Un	State	\$4,200,000	Minor Arterial	No	State	No
	Potter Road	Old Monroe Rd to Chestnut Ln	Widening (2), Median, Bike Lanes	1.14	Un	State	\$1,400,000	Local	No	State	Yes
	McKee Road Extension	Campus Ridge Rd to Stevens Mill Rd.	New Road (4), Median, Bike Lanes	0.75	Un	State	\$5,300,000	Local	No	State	No
U-3467C	NC 84	NC 84 Relocation to Waxhaw-Indian Trail Rd	Widening (4), Median, Bike Lanes	1.99	Un	State	\$12,100,000	Collector	No	State	No
	Wesley Chapel-Stouts Rd/ Potter Rd.	Old Charlotte Hwy. to NC 84	Widening (4), Median, Bike Lanes	3.41	Un	State	\$13,700,000	Collector	No	State	No
	Wesley Chapel-Stouts Rd.	US 74 to Old Charlotte Hwy	Widening (4), Median, Bike Lanes	1.20	Un	State	\$18,900,000	Collector	No	State	No
	US 601 (Concord Hwy.)	Ridge Rd to Lawyers Rd.	Widening (4), Median, Bike Lanes	1.14	Un	State	\$6,700,000	Principal Arterial	Yes	State	No
	Sardis Ch Rd/Ansonville-Indian Trail Rd	Secrest Shortcut Rd. to US 74	Widening (4), Median, Bike Lanes	1.59	Un	State	\$9,600,000	Collector	No	State	No
	NC 218 (Fairview Road)	Brief Rd to US 601	Widening (4), Median, Bike Lanes	6.21	MH & Un	State	\$4,400,000	Minor Arterial	No	State	No
	Idlewild Road/Secrest Short Cut Road	Stevens Mill Rd to Faith Church Rd	Widening (4), Median, Bike Lanes	2.82	Un	State	\$17,400,000	Collector	No	State	No
	Chestnut Lane	Mathews-Weddington Rd. to Old Monroe Rd	New Road (4), Widening (4), Bike Lanes	2.67	Un	State	\$14,500,000	Local	No	State	No
U-3619	Secrest Ave Extension	Secrest Ave to Olive Branch Rd.	New Road (5), Median, Bike Lanes	1.14	Un	State	\$15,100,000	Local	No	State	No
	Rocky River Road (Monroe) Delete	at Weddington Rd (NC 84)	Intersection Improvements	0.00	Un	State	\$1,000,000	Collector	No	State	No
	US 601 (Concord Hwy)	Lawyers Rd. to Cabarrus County Line	Widening (4), Median, Bike Lanes	6.73	Un	State	\$38,900,000	Principal Arterial	Yes	State	No
	North Main St (Wingate)	US 74 to Monroe Bypass	Widening (4), Parking, wide sidewalks	1.42	Un	State	\$12,600,000	Collector	No	State	No
	Mathews-Indian Trail Road	Campus Ridge Rd to Indian Trail Rd	Widening (4), w/ side. & Bike Lanes	2.65	Un	State	\$13,100,000	Local	No	State	No
	Faith Church Road Extension	US 74 to Monroe Rd	New Road (2), (24', 4' paved shoulders)	1.20	Un	State	\$4,900,000	Local	No	State	No
R-3329	Monroe Connector/Bypass	I-485 to Hwy 74 (Wingate)	New Freeway (4)								
U-2547	Charles Street - 2010 fully funded project	Sunset Dr. to Franklin St	Widening (4)	0.59	Un	State	\$1,850,000	Collector	No	NCTIP	No
U-3809	Indian Trail Road - 2011 (fip)	Old Monroe Rd. to US-74 (Independence Blvd )	Widening (3), Bike Lanes	1.50	Un	State	\$5,900,000	Minor Arterial	No	NCTIP	No
U-3825	Stallings Road - 2011 (fip)	Old Monroe Rd. to US-74 (Independence Blvd )	Widening (4)	1.47	Un	State	\$7,919,000	Minor Arterial	No	NCTIP	No
U-4024	US 601	US 74 (Roosevelt Blvd ) to Monroe Bypass	Widening (4), Median, Bike Lanes	1.94	Un	State	\$10,809,000	Principal Arterial	Yes	NCTIP	No
U-4913	Idlewild Road	Meck/Union Co. Line to Indian-Trail/Fairview Rd	Widening (4), Median, Bike Lanes	0.81	Un	State	\$5,000,000	Collector	No	State	No
	John Street/Old Monroe Road	I-485 to Indian Trail Rd	Widening (4), Median, Bike Lanes	2.76	M & Un	State	\$16,900,000	Minor Arterial	No	State	No
U-4714	Old Monroe Road	Indian Trail Rd to Wesley Chapel-Stouts Rd	Widening (4), Median, Bike Lanes	2.56	Un	State	\$15,000,000	Collector	No	State	No
U-213	Charlotte Avenue	Church St to Concord Ave	Widening (4), Median, Bike Lanes	0.38	Un	State	\$9,100,000	Minor Arterial	No	State	No
	Chestnut Lane/US 74 Connector	Old Monroe Rd. to US 74	New Road (4), Median	1.89	Un	State	\$12,800,000	Local	No	State	No
	Charlotte Avenue	Seymour St to Dickerson Blvd	Widening (4), Median, Bike Lanes	0.47	Un	State	\$2,700,000	Minor Arterial	No	State	No
U-3467A/B	NC 84 Relocation (Rea Road Ext )	NC 16 to NC 84	New Road (2) in 4-lane ROW, Median, Bike Lanes	2.34	Un	State	\$10,800,000		No	State	No
	Southern Loop	Rocky River Road to Stack Road	New Road (4), median, Bike Lanes		Un						
	M L King Jr. Boulevard Extension	NC 200 to Southern Loop	New Road (4), median, bike lanes		Un						
	Airport Road	Goldmine Road to NC 84	Widen (4), median, bike lanes (some new align)		Un						
	US 74	Hanover Drive to western Monroe corporate limits	Widen (6), median, bike lanes, sidewalks	3.80	Un						
	Southern Loop	Stack Road to Northern Loop	New Road (4), median		Un						
	NC 218 (Fairview Road)	US 601 to NC 205	Widening (4), Median, Bike Lanes		Un	State		Minor Arterial	No	State	No
	Stevens Mill Road	US 74 to Idlewild Road	Widening (4), Median, Bike Lanes		Un						
	Stevens Mill Road	Idlewild Road to Lawyers Road	Widening (4), Median, Bike Lanes								
	Chestnut Lane	Potter Road to Weddington-Mathews Road									
	Lawyers Road	Stevens Mill Road to Mill Grove Road	Widening (4), Median, Bike Lanes								
	Stallings Road	US 74 to County Line									
	Stallings Road & Old Monroe Road		Intersection improvements								
	Potter Road & Pleasant Plains Road		Intersection improvements								
	Stallings Road & Stevens Mill Road		Intersection improvements								
	Chestnut Lane & Potter Road		Intersection improvements								
	Chestnut Ln & Weddington-Mathews Rd		Intersection improvements								
	Stallings Rd & Mathews-IT Road		Intersection improvements								
	Stevens Mill Road & Lawyers Road		Intersection improvements								
	Tilley Marris Road	McKee Road to Mathews-Weddington Road	Widening (2), Median, Bike Lanes								
	Potter Road	NC 84 to Wesley Chapel-Stouts Road	Widening (3), Two-Way Center Turn Lane								
	Gribble Road	Stallings Road to Indian Trail Road	Widening (3)								
	Faith Church Road Extension	Monroe Road to Potter Road	New Road (2), (24', 4' paved shoulders)								
	Waxhaw Parkway	NC 75 E of Town to NC 75 W of Town	New Road (4), Median, Bike Lanes, sidewalks								
	Old Charlotte Hwy	Wesley Chapel Stout to Rocky River	Widening (upgrade 2-lane), Bike Lanes								
	Rogers Road	Old Charlotte Hwy to Wesley Chapel Stout	Widening (upgrade 2-lane), Bike Lanes								

\* SHADED PROJECTS RECEIVED +5 SCORES FROM OTHER JURISDICTIONS

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: June 2, 2008**

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

**SUBJECT:** GAP Funding for Monroe Connector/Bypass

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**DEPARTMENT:** Public Works

**PUBLIC HEARING:** No

**ATTACHMENT(S):**  
Draft Resolution

**INFORMATION CONTACT:**  
Christie Putnam

**TELEPHONE NUMBERS:**  
(704) 296-4212

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**DEPARTMENT'S RECOMMENDED ACTION:** Adopt Resolution of Support for GAP Funding

**BACKGROUND:** The NC Turnpike Authority is seeking funds from the State Legislature for initial funding for various projects that the Authority is pursuing, including the Monroe Connector/Bypass.

It is customary for projects funded by user revenues to have other funding sources in an amount equal to approximately 30 percent of total project costs, with user revenues generating the remaining 70 percent of costs.

The latest projections of construction costs of the Monroe Connector are \$750 million to \$850 million. The projected construction costs do not include interest on debt incurred for construction.

It is estimated that the 30 percent GAP funding requirements for the Monroe Connector/Bypass will be \$24 million per year. The proposed Resolution would request that the State provide GAP funding for the project.

**FINANCIAL IMPACT:**

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation: Adoption of Resolution**

Resolution of Support for GAP Funding

Monroe Connector/By-Pass

Whereas, the North Carolina Turnpike Authority is currently developing plans for the construction and financing of the Monroe Connector/By-Pass; and

Whereas, the project is of critical importance to Union County and the greater Charlotte Mecklenburg Region in improving traffic flow and providing for the safety of the traveling public; and

Whereas, the Connector will also serve to facilitate and enhance the economic development engine and opportunities in Union County and the region as a whole; and

Whereas, innovative methods for financing the construction of major transportation improvements in the region and throughout the state must be pursued through local, state and federal partnerships to ensure that we remain in an enviable position relative to the nation as a whole to progress in terms of our economy and quality of life.

Now, Therefore Be It Resolved, that the Union County Board of Commissioners hereby respectfully requests the support and active assistance of our state Legislative Delegation in procuring annual financial support at the state level for "GAP" funding, in the estimated amount of \$24 million for the Monroe Connector/By-Pass.

Adopted this 2<sup>nd</sup> day of June, 2008.

ATTEST:

\_\_\_\_\_  
Lynn G. West, Clerk to the Board

\_\_\_\_\_  
Allan Baucom, Chairman

\_\_\_\_\_  
Kevin Pressley, Vice Chairman

\_\_\_\_\_  
Roger Lane, Commissioner

\_\_\_\_\_  
A. Parker Mills, Jr., Commissioner

\_\_\_\_\_  
Lanny Openshaw, Commissioner

# MONROE CONNECTOR / BYPASS

April 29, 2008

## **Description**

- New roadway between I-485 in Mecklenburg County and US 74 near Marshville in Union County
- All electronic toll collection (no toll booths)
- Four-lane facility with full control of access
- 21.1 miles

## **Financial Analysis (as of April 29, 2008)**

- Capital Cost – \$391M to \$818M
- Bondable Amount (from toll revenue) – \$489M
- Gap (annual) – \$18M to \$24M

## **Schedule**

- Draft environmental impact statement      December 2008
- Final environmental impact statement      August 2009
- Let construction contract                      December 2009
- Open to traffic                                      December 2013

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: June 2, 2008**

**Action Agenda Item No.** 11

(Central Admin. use only)

**SUBJECT:** Conveyance of Property to Union County Public Schools

**DEPARTMENT:** Board of  
Commissioners

**PUBLIC HEARING:** No

**ATTACHMENT(S):**  
Copy of survey identifying the subject  
property

**INFORMATION CONTACT:**  
Jeff Crook, Senior Staff Attorney

**TELEPHONE NUMBERS:**  
704-283-3673

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**DEPARTMENT'S RECOMMENDED ACTION:** ACTION REQUESTED: 1) Convey .35 acre (identified on attached survey) to UCPS pursuant to G.S. 160A-274; and (ii) decline right of first refusal on this same property in order that it may be exchanged by UCPS for another parcel to facilitate an entrance drive for Elementary School L, Poplin Road

**BACKGROUND:** See Attached Information

**FINANCIAL IMPACT:**

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation:** Approve



# UNION COUNTY PUBLIC SCHOOLS

500 North Main Street, Suite 700 • Monroe, North Carolina 28112 - 4786  
704/283-3733 Or 704/283-3654 Fax: 704/289-1536

Dr. Ed Davis  
Superintendent

L. Dean Arp, Chairman  
John Collins, Vice Chairman

John H. Crowder Dr. Sharon Gallagher  
Carolyn Lowder Kimberly Morrison-Hansley  
John Parker Kim Rogers Richard Weiner

To: Dick Black, Interim County Manager

From: Dr. Ed Davis, Superintendent, Union County Public Schools **ZED**

Date: May 22, 2008

**RE: Elementary School L, Poplin Road**

The Board of Education is requesting that the County Commissioners convey a portion of the property for the above referenced project to the Board of Education. This will facilitate installation of the entrance drive to Poplin Road. During the design/agency review phase of the site adaptation for the school, NCDOT is requiring that our entrance drive align with Bonterra Boulevard across Poplin Road. This requirement necessitates attaining .35 acres from Seabiscuit of Union LLC (original seller of the school property) and is noted as Parcel 3A (shaded in yellow). Seabiscuit has agreed to an exchange of property, at no cost, for a .35 acre portion of property at the back of the school property noted as Parcel 2A (shaded in blue).

Pursuant to G.S. 160A-274 the County Commissioners can convey said property to the Board of Education without special notification or notices and can be done at a regular Board meeting. Furthermore, pursuant to G.S. 115C-518 the Board of Education will advertise the exchange of the parcels listed above in anticipation of the County Commissioners conveying said parcel and will consider the passing of the resolution for the exchange of property with Seabiscuit at their next meeting on June 3, 2008.

We hope you agree with our request and add this item to the agenda for the June 2, 2008 Board of County Commissioner meeting.

Attachment: Poplin Road property survey, dated 4/8/08





Jeff Crook/UnionCounty

05/23/2008 10:12 AM

To Lynn West/UnionCounty@UnionCounty

cc Al Greene/UnionCounty@UnionCounty, Kai Nelson/UnionCounty@UnionCounty, Courtney P Ritchie/UnionCounty@UnionCounty

bcc

Subject Fw: Exchange property for ES-L

You have sent me a proposed agenda item from UCPS regarding exchange of .35 acres needed to facilitate installation of an entrance drive. I have copied below my communication to the Schools dated May 1 regarding this matter, and I would ask that you include this e-mail in the agenda packet as backup. I would suggest that this appear on the agenda as follows:

**Conveyance of Property to Union County Public Schools**

**Action Requested:** (i) Convey .35 acres (identified on attached survey) to UCPS pursuant to G.S. 160A-274; and (ii) decline right of first refusal on this same property in order that it may be exchanged by UCPS for another parcel to facilitate an entrance drive for Elementary School L, Poplin Road.

Please let me know if you have any questions or comments.

----- Forwarded by Jeff Crook/UnionCounty on 05/23/2008 10:00 AM -----



Jeff Crook/UnionCounty

05/01/2008 11:46 AM

To "Don Hughes" <don.hughes@ucps.k12.nc.us>

cc KaiNelson@co.union.nc.us, "Kevin Bringewatt" <kevin@bringewattsnoverlaw.com>, "Michele Morris" <michele.morris@ucps.k12.nc.us>, "MIKE WEBB" <MIKE.WEBB@ucps.k12.nc.us>, john@jtburnslaw.com, Lynn West/UnionCounty@UnionCounty, Matthew Delk/UnionCounty@UnionCounty

Subject Re: FW: Exchange property for ES-L ☐

Don,

From reading your and Kevin's e-mails, it is my understanding that UCPS must expedite an exchange of property in order to satisfy a requirement of NCDOT. UCPS has given notice of the exchange and the BOE is prepared to adopt a resolution on May 6. However, the property to be transferred is actually owned by Union County pursuant to our agency agreement for recovering sales tax. UCPS cannot exchange property that it does not own, and Union County cannot exchange the property without going through the same notice procedure already performed by UCPS (absent some provision in the agency agreement that would enable this, and I haven't had time to check). No disposition procedures (i.e. notice, etc...) are required for Union County to transfer the .35 acre to UCPS (pursuant to G.S. 160A-274), and this could be accomplished upon authorization by the Board of Commissioners. The agenda deadline has passed for placement on the May 5 agenda, though an item could be added by consent of a majority of the Board. This would probably be the quickest way to accomplish your desired result. Following exchange, the new property would need to be conveyed to Union County by UCPS, correct?

The alternative would be for Union County to actually perform the exchange of property. Again, this would require publication of notice and adoption of a resolution 10 days later.

The actual property transactions should be coordinated through County Attorney, John Burns.

Please let me know if you have any further questions.

Jeffrey L. Crook, Senior Staff Attorney  
Union County Courthouse  
500 N. Main St., Suite 826  
Monroe, NC 28112  
(704) 283-3673  
Fax: (704) 292-2506  
crook@co.union.nc.us

"Don Hughes" <don.hughes@ucps.k12.nc.us>



"Don Hughes"  
<don.hughes@ucps.k12.nc.us>  
s>  
04/28/2008 11:14 AM

To <KaiNelson@co.union.nc.us>, "Jeffrey Crook, Esq."  
<crook@co.union.nc.us>  
cc "MIKE WEBB" <MIKE.WEBB@ucps.k12.nc.us>, "Michele  
Morris" <michele.morris@ucps.k12.nc.us>, "Kevin  
Bringewatt" <kevin@bringewattsnoverlaw.com>  
Subject FW: Exchange property for ES-L

Kai/Jeff:

We published an advertisement to do a land swap at the Poplin Road property in Sunday's newspaper – I know it was in the EJ but I haven't checked the Observer yet. The BOE will vote on the resolution for the swap on May 6<sup>th</sup> at their meeting. This is to swap .35 acres for the driveway to align with Bonterra Blvd. as required by NCDOT. The swap (actually for 2.43 acres) was in our sales contract with the seller and was to happen sometime before Feb. 09 once they knew if the fire department was going to get the 2.43 or not. Due to the BOE moving ES-L to this site the land swap for the road is now critical and must happen sooner than later. The seller and the fire department do not take issue with this .35 swap now for the driveway and we'll know later if we will be swapping the rest of it sometime in the future once the fire department determines if they will in fact build there.

We would like to get on the BOCC agenda at the earliest meeting as possible after the BOE adopts the resolution on May 6<sup>th</sup>. What steps does the BOCC need to take or is it as simple as Kevin indicates below and the BOCC just decline the first right of refusal? What is the next meeting that we can get on the BOCC agenda?

Don

All email correspondence to and from this address is subject to North Carolina Public Records Law which may result in monitoring and disclosure to third parties, including law enforcement.

**From:** Kevin Bringewatt [mailto:kevin@bringewattsnoverlaw.com]  
**Sent:** Thursday, April 10, 2008 8:32 AM  
**To:** Don Hughes; Michele Morris  
**Subject:** RE: Exchange

With attachments this time.

Kevin M. Bringewatt  
Bringewatt & Snover, PLLC  
P.O. Box 453  
137 N. Main Street, Suite 226

Davidson, NC 28036  
704-896-1747(p)  
704-896-9442 (f)  
[kevin@bringewattsnoverlaw.com](mailto:kevin@bringewattsnoverlaw.com)

**From:** Kevin Bringewatt [mailto:[kevin@bringewattsnoverlaw.com](mailto:kevin@bringewattsnoverlaw.com)]  
**Sent:** Thursday, April 10, 2008 8:31 AM  
**To:** 'Don Hughes'; 'Michele Morris'  
**Subject:** Exchange

Don and Michele:

The approval process for an exchange of property by UCPS is as follows:

- Board of Education has to approve the exchange by resolution adopted at a regular meeting after 10 days public notice.
- Board of County Commissioners has to decline its statutory right of first refusal.

I have attached a draft advertisement that you could run in the paper re: the notice and a draft resolution for the BOE to approve.

The only wrinkle here is that UCPS has already conveyed the property to Union County so I suppose either (a) the County conveys the .36 acres back to UCPS first or (b) it may be that the County needs to authorize the exchange w/ Seabiscuit at the request of UCPS (and that the documents I drafted actually should be modified for use by the County). We probably need to talk that through with an attorney for the County. Let me know who we need to talk to at the County and I can give the appropriate person a call.

Relevant statutes for an exchange by UCPS are as follows:

§ 115C-518. Disposition of school property; easements and rights-of-way.

(a) When in the opinion of any local board of education the use of any building site or other real property or personal property owned or held by the board is unnecessary or undesirable for public school purposes, the local board of education may dispose of such according to the procedures prescribed in General Statutes, Chapter 160A, Article 12, or any successor provisions thereto. Provided, when any real property to which the board holds title is no longer suitable or necessary for public school purposes, the board of county commissioners for the county in which the property is located shall be afforded the first opportunity to obtain the property. The board of education shall offer the property to the board of commissioners at a fair market price or at a price negotiated between the two boards. If the board of commissioners does not choose to obtain the property as offered, the board of education may dispose of such property according to the procedure as herein provided. Provided that no State or federal regulations would prohibit such action. For the purposes of this section references in Chapter 160A, Article 12, to the "city," the "council," or a specific city official are deemed to refer, respectively, to the school administrative unit, the board of education, and the school administrative official who most nearly performs the same duties performed by the specified city official. A local board of education may also sell any property other than real property through the facilities of the North Carolina Department of Administration. The proceeds of any sale of real property or from any lease for a term of over one year shall be applied to reduce the county's bonded indebtedness for the school administrative unit disposing of such real property or for capital outlay purposes.

(b) In addition to the foregoing, local boards of education are hereby

authorized and empowered, in their sound discretion, to grant easements to any public utility, municipality or quasi-municipal corporations to furnish utility services, with or without compensation except the benefits accruing by virtue of the location of the said public utility, and to dedicate portions of any lands owned by such boards as rights-of-way for public streets, roads or sidewalks, with or without compensation except the benefits accruing by virtue of the location or improvement of such public streets, roads or sidewalks.

(c) Any sale, exchange or lease of real or personal property by any local board of education prior to June 18, 1982, and pursuant to the authority of G.S. 115-126 is hereby validated, ratified and confirmed. (1955, c. 1372, art. 15, s. 2; 1959, c. 324; c. 573, s. 11; 1961, c. 395; 1975, c. 264; c. 879, s. 46; 1977, c. 803; 1981, c. 423, s. 1; 1981 (Reg. Sess., 1982), c. 1216; 1983, c. 731; 1985 (Reg. Sess., 1986), c. 975, s. 22.)

§ 160A-271. Exchange of property.

A city may exchange any real or personal property belonging to the city for other real or personal property by private negotiation if the city receives a full and fair consideration in exchange for its property. A city may also exchange facilities of a city-owned enterprise for like facilities located within or outside the corporate limits. Property shall be exchanged only pursuant to a resolution authorizing the exchange adopted at a regular meeting of the council upon 10 days' public notice. Notice shall be given by publication describing the properties to be exchanged, stating the value of the properties and other consideration changing hands, and announcing the council's intent to authorize the exchange at its next regular meeting. (1971, c. 698, s. 1; 1973, c. 426, s. 42.1.)

Thank you.

Kevin M. Bringewatt  
Bringewatt & Snover, PLLC  
P.O. Box 453  
137 N. Main Street, Suite 226  
Davidson, NC 28036  
704-896-1747(p)  
704-896-9442 (f)  
[kevin@bringewattsnoverlaw.com](mailto:kevin@bringewattsnoverlaw.com)



Exchange Ad Draft 1.doc Resolution Exchange Draft 1.doc



**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: June 2, 2008**

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

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**SUBJECT:** Amendment to Contract Delegation Policy

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**DEPARTMENT:** Board of County  
Commissioners

**PUBLIC HEARING:** No

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**ATTACHMENT(S):**  
Survey

**INFORMATION CONTACT:**  
Al Greene

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**TELEPHONE NUMBERS:**  
704.292.2625

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**DEPARTMENT'S RECOMMENDED ACTION:** Amend the Contract Delegation Policy to the delegations specified in "Union -Proposed"

**BACKGROUND:** At the May 19 meeting, the BOCC's requested staff survey comparable jurisdictions in connection with their contract delegation practices and authorities.

County staff identified the counties of Iredell, Cabarrus, Gaston and Catawba as jurisdictions in the Charlotte region that are most representative of Union County (population, budget, organization, complexity, etc.) The attached survey document reflects the results of the inquiry.

The categories of authority are divided into five areas - reflecting those areas of purchase contracts for 1) construction 2) service 3) materials, supplies, apparatus, equipment 4) architectural, engineering, survey and 5) insurance and largely paralleling the General Statute authority areas.

The results indicate a wide range of authority granted County Manager's in the region. Included in the results of the survey is Union County's current practice and a proposal for the Board's consideration. The staff's proposal, in general, is to delegate to the Manager the authority to approve contracts less than \$90,000 with a monthly report to the Commission of all transactions greater than \$50,000. Of course, the authority is always limited by budget availability.

**FINANCIAL IMPACT:** NA

	<b>Construction</b>	<b>Service (maintenance, consultants, etc.)</b>	<b>Materials, Supplies, Apparatus</b>	<b>AES</b>	<b>Insurance</b>
Iredell	\$300,000	\$90,000	\$90,000 No limitation on State Contract and Cooperative Purchasing Agreements (GSA, US Communities, etc.)	\$90,000	No limitation
Cabarrus	\$90,000 CO less than \$50K	\$90,000	\$90,000	\$90,000	No limitation
Catawba	\$300,000	No limitation	No limitation	\$30,000	No limitation
Gaston	\$300,000	\$90,000	\$90,000	\$90,000	No limitation
Union - Current	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Union - Proposed Provide report on all transactions over \$50,000	\$90,000 CO less than \$50K	\$90,000	\$90,000 Purchase orders required greater than \$2,500 No limitation on State Contract and Cooperative Purchasing Agreements (GSA, US Communities, etc.)	\$30,000	No limitation

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: June 2, 2008**

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

**SUBJECT:** Legal Services Budget

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**DEPARTMENT:** Board of County  
Commissioners

**PUBLIC HEARING:** No

**ATTACHMENT(S):**  
Budget Ordinance Amendment 51

**INFORMATION CONTACT:**  
Al Greene  
Kai Nelson

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**TELEPHONE NUMBERS:**  
704.292.2625  
704.292.2522

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**DEPARTMENT'S RECOMMENDED ACTION:** Adopt Budget Ordinance Amendment #51 and increase budget authorization of individual Commissioner representation by an additional \$15,000 for each Commissioner through fiscal year-end with a limitation of \$30,000 for each Commissioner per fiscal year

**BACKGROUND:** The current budget for legal representation in litigation and general matters is \$295,000. Expenditures to date for a wide range of representation (general counsel, ETJ, APFO, Shalati, Animal Shelter, Wal-Mart, etc.) totals \$234,000. The County has incurred additional expenses of \$198,000 (principally Shalati defense) for services through April that have not been paid and are not included in the \$234,000 spent to date. We also expect to receive another \$257,000 in legal expenses to the end of the fiscal year.

Summarizing:  
\$234,000 paid year-to-date  
\$198,000 incurred but not paid  
\$257,000 to be incurred in May-June  
\$689,000 TOTAL  
\$295,000 Budget  
\$394,000 Additional Requirements

**FINANCIAL IMPACT:** Contingency @ \$327,500, non-department @ \$40,000, fund balance @ \$26,500



Paid to Date 233,886.98

ON-HAND 190,796.86  
ON-HAND 308.00  
ON-HAND 7,500.00  
198,604.86

THRU YEAR-END 45,000.00  
THRU YEAR-END 15,000.00  
THRU YEAR-END 7,500.00  
THRU YEAR-END 10,000.00  
THRU YEAR-END 38,791.50  
THRU YEAR-END 25,000.00  
THRU YEAR-END 85,361.50  
THRU YEAR-END 30,000.00  
258,653.00

TOTAL 689,144.84  
BUDGET 295,000.00  
ADDITIONAL FUNDS 394,144.84

POYNER & SPRUILL LLP THRU APRIL  
WHITE & SMITH, LLC THRU APRIL  
JOHN T BURNS THRU MID-MAY

WYATT & BLAKE, LLP THRU YEAR-END - PER BURNS  
GRISHAM INITIAL BILLING PLUS ADDITIONAL  
JOHN T BURNS MID-MAY THRU YEAR END  
WHITE, SMITH, LLC PL APFO  
PERRY, BUNDY, PLYLER MAY (1/2 OF APRIL); JUNE (APRIL)  
EXPERT WITNESSES APFO  
POYNER & SPRUILL LLP MAY-JUNE (BASED ON JAN-APR EXPENSES)  
CONTINGENCIES MAY-JUNE



**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: June 2, 2008**

**Action Agenda Item No. 14**  
(Central Admin. use only)

**SUBJECT:** Reimbursement to Finance Director for Attorney's Fees Incurred in Shalati Litigation

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**DEPARTMENT:** Board of Commissioners

**PUBLIC HEARING:** No

**ATTACHMENT(S):**

**INFORMATION CONTACT:**  
John Burns, County Attorney

**TELEPHONE NUMBERS:**  
704-289-5594

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**DEPARTMENT'S RECOMMENDED ACTION:** Approve reimbursement to Finance Director for documented legal expenses that have arisen or that may arise as a result of the Shalati litigation with an initial cap of \$15,000 with increases to be considered by the Board as circumstances may dictate and authorize the County Manager to make such reimbursement upon receipt of documented expenses.

**BACKGROUND:** The County Attorney has considered the circumstances of a request from the County's Finance Director to be reimbursed for legal expenses related to the Shalati litigation. Mr. Burns advises that he is prepared to recommend to the Commission that the request be approved and that the County Manager be authorized to make such reimbursement upon receipt of documented expenses. The County Manager recommends that an initial cap be placed on approval for reimbursements of \$15,000 with increases to be considered by the Board as circumstances may dictate.

**FINANCIAL IMPACT:** \$15,000

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation: See background information above.**

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

Meeting Date: June 2, 2008

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

**SUBJECT:** Announcements of Vacancies on Boards and Committees

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**DEPARTMENT:** Board of Commissioners

**PUBLIC HEARING:** No

**ATTACHMENT(S):**  
Information from Boards and Committees Book

**INFORMATION CONTACT:**  
Lynn G. West  
Clerk to the Board

**TELEPHONE NUMBERS:**  
704-283-3853

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**DEPARTMENT'S RECOMMENDED ACTION:** Announce vacancies

**BACKGROUND:** a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two Persons Under Age of 18; and 4) Juvenile Defense Attorney  
b. Adult Care Home Community Advisory Committee  
c. Nursing Home Advisory Committee  
d. Board of Health (Vacancy as of January 2008 for a Licensed Optometrist)  
e. Centralina Council of Governments - Comprehensive Economic Development Commission  
f. Agricultural Advisory Board - (3 Vacancies as of June 2008)  
**ACTION REQUESTED:** Announce vacancies

**FINANCIAL IMPACT:**

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation:**

**CONSENT AGENDA**  
**June 2, 2008**

1. **Contracts Over \$5,000**

- a. The Mercer Group, Inc. - Agreement for Executive Search Firm Services Related to Recruitment of Assistant County Manager (Central Administration)
- b. Radio IP Software, Inc. - Renewal of Maintenance/Support for Radio IP Software (Sheriff's Office)
- c. Inmate Telephone, Inc. - Agreement to Provide Inmate Telephone Service (Sheriff's Office)
- d. South Piedmont Community College - Renewal of Agreement to Provide Educational Service to Work First Participants (Job Search Skills, Academic Skills, Testing and Evaluation) (Department of Social Services)
- e. Employment Security Commission - Renewal of Agreement to Provide Employment Services for Work First Participants (Job Development, Search and Placement) (Department of Social Services)
- f. Hazen & Sawyer, P.C. - Agreement for Design and Permitting Crooked Creek Wastewater Treatment Plant Bulk Re-Use Fill Station (Task Order #20) (Public Works)
- g. QS/1 Data Systems - Renewal of Pharmacy System Annual Software License and Maintenance (Health Department)

**ACTION REQUESTED:** Authorize County Manager to approve Items a -g

2. **Minutes**

**ACTION REQUESTED:** Approve minutes

3. **Tax Administrator**

- a. Departmental Monthly Report for April 2008
- b. Releases for May 2008 in the Grand Total Amount of \$6,605.67
- c. Refunds for May 2008 in the Grand Total Amount of \$6,882.45

**ACTION REQUESTED:** Approve a-c

4. **Health Department/Susan G. Komen Grant**

- a. Budget Amendment #55 to Appropriate \$65,000 in Grant Funds from Susan G. Komen for the Cure, Inc.

**ACTION REQUESTED:** Adopt Budget Amendment #55

5. **Excess Workers' Compensation Insurance Renewal**

**ACTION REQUESTED:** 1) Accept Excess Workers' Compensation insurance renewal proposal from Midwest Employer's for the period of July 1, 2008 - June 30, 2009; and 2) Authorize the County Manager to bind coverage

6. **Catawba Nuclear Site Annual Funding**

**ACTION REQUESTED:** Adopt Special Revenue Ordinance (SRO) #7 to appropriate additional annual funding of \$5,000 received for Catawba Nuclear Site

7. **Social Services**
  - a. DSS - Donations Program (Public Assistance Realtors) - Budget Amendment #53 to Increase Expenditures by \$2,102  
**ACTION REQUESTED:** Approve Budget Amendment #53
  - b. DSS - Donations (Public Assistance) - Budget Amendment #54 to Increase Expenditures by \$1,896  
**ACTION REQUESTED:** Approve Budget Amendment #54
  - c. Special Children Adoption Fund - Budget Amendment #52 to Increase Revenues and Expenditures by \$13,500 with Funds Provided by the State to Enhance the Adoption Services Program  
**ACTION REQUESTED:** Approve Budget Amendment #52
  
8. **Amendment to Article XII of the Union County Personnel Resolution**  
**ACTION REQUESTED:** Accept revision to Union County Personnel Resolution, Article XII - Drug and Alcohol Free Workplace Policy
  
9. **Easements Across Public Works Property**  
**ACTION REQUESTED:** a) Authorize Manager to approve and execute Easements Across Public Works Property to: 1) Union Power across Twelve-Mile Creek Wastewater Treatment Plant Property; and 2) City of Monroe across Tallwood Wastewater Treatment Plant Property



Contract Summary of Major Terms and Conditions

6-02-2008

Reference	Vendor Name	Purpose	Payment Terms	Comprehensive Plans	Budget Amend.	S#
<b>Consent Agenda Item - Contracts Over \$5,000 (List)</b>						
A	The Mercer Group, Inc.	Executive search firm services related to recruitment of Assistant County Manager.	\$ 8,250 Lump sum amount 6,047 Reimbursable expenses \$ 14,297	Operating Budget – 2008 LIT from Central Admin Contingency	n/a	1948
B	Radio IP Software, Inc.	Renewal of maintenance / support for radio IP software.	\$ 8,346 Lump sum amount (NTE).	Operating Budget - 2009	n/a	1956
C	Inmate Telephone, Inc.	Agreement to provide inmate telephone system.	n/a Revenue in the amount of 50.5% of gross billed calls.	Operating Budget - 2008 Operating Budget - Future	n/a	1926
D	South Piedmont Community College	Renewal of agreement to provide educational service to Work First participants (job search skills, academic skills testing and evaluation).	\$ 57,676 Estimated annual amount (NTE)	Operating Budget – 2009	n/a	1949
E	Employment Security Commission	Renewal of agreement to provide employment services for Work First participants (job development, search and placement).	\$ 47,376 Estimated annual amount (NTE)	Operating Budget – 2009	n/a	1952
F	Hazen & Sawyer, P.C.	Agreement for design and permitting Crooked Creek WWTP bulk re-use fill station (Task Order # 20).	\$ 70,380 Lump sum amount (NTE).	CIP2006	n/a	1954
G	QS/1 Data Systems	Renewal of pharmacy system annual software license and maintenance.	\$ 5,305 Software license 29,640 Maintenance (to be paid monthly) \$ 34,945	Operating Budget – 2009	n/a	1946

**AGENDA ITEM**  
 # 5/1a-g  
 MEETING DATE 6/2/08



**UNION COUNTY**  
**Office of the Tax Administrator**  
**Collections Division**  
500 N. Main St. Ste 119  
P.O. Box 38  
Monroe, NC 28111-0038

**AGENDA ITEM.**

# 5/3a

MEETING DATE 6/2/08  
~~704-283-3848~~  
704-283-3897 Fax

TO: Lynn West  
Clerk to the Board

FROM: John Petoskey *JP*  
Tax Administrator

DATE: May 14, 2008

SUBJECT: Departmental Monthly Report

The collector's monthly/year to date collections report for the month ending April 30, 2008 is attached for your information and review.

Should you desire additional information, I will do so at your request.

Attachment

JP/PH

**APRIL 2008  
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

<b>APRIL 30, 2008 REGULAR TAX</b>	<b>2008</b>	<b>2007</b>	<b>2006</b>	<b>2005</b>
BEGINNING CHARGE	207,815.31	116,222,538.82	96,186,583.34	86,186,309.43
DISCOVERIES	43,912.81	11,509.59		
FARM DEFERMENTS		4,890.74	4,403.20	4,345.57
RELEASES		(12,965.19)		
WRITE OFF \$1.00 OR LESS		(2.62)	(0.03)	
<b>TOTAL CHARGE</b>	<b>251,728.12</b>	<b>116,225,971.34</b>	<b>96,190,986.51</b>	<b>86,190,655.00</b>
BEGINNING COLLECTIONS	84,128.70	112,533,733.75	95,444,241.86	85,816,260.77
COLLECTIONS	5,355.10	660,068.03	38,187.48	13,251.48
<b>TOTAL COLLECTIONS</b>	<b>89,483.80</b>	<b>113,193,801.78</b>	<b>95,482,429.34</b>	<b>85,829,512.25</b>
BALANCE OUTSTANDING	162,244.32	3,032,169.56	708,557.17	361,142.75
<b>PERCENTAGE OF REGULAR</b>	<b>35.55%</b>	<b>97.39%</b>	<b>99.26%</b>	<b>99.58%</b>
<b>APRIL 30, 2008 MOTOR VEHICLE</b>				
BEGINNING CHARGE		10,030,604.49	10,331,475.78	10,040,662.18
11TH M/V BILLING		1,060,370.80		
ASSESSOR RELEASE		(11,681.09)	(520.17)	
ASSESSOR REFUND		(1,098.95)	(22.74)	
COLLECTOR RELEASE		(5,192.93)	(295.15)	
COLLECTOR REFUND		(2,043.33)	(30.81)	
REIMBURSEMENTS		7,491.58	4,868.17	209.12
ADJUSTMENTS		19.05	0.61	
<b>TOTAL CHARGE</b>	<b>-</b>	<b>11,078,469.62</b>	<b>10,335,475.69</b>	<b>10,040,871.30</b>
BEGINNING COLLECTIONS		8,161,151.96	10,170,373.95	9,948,589.08
COLLECTIONS		984,606.66	14,841.47	2,847.84
<b>TOTAL COLLECTIONS</b>	<b>-</b>	<b>9,145,758.62</b>	<b>10,185,215.42</b>	<b>9,951,436.92</b>
BALANCE OUTSTANDING		1,932,711.00	150,260.27	89,434.38
<b>PERCENTAGE OF MOTOR VEHICLE</b>	<b>#DIV/0!</b>	<b>82.55%</b>	<b>98.55%</b>	<b>99.11%</b>
<b>OVERALL CHARGED</b>	<b>251,728.12</b>	<b>127,304,440.96</b>	<b>106,526,462.20</b>	<b>96,231,526.30</b>
<b>OVERALL COLLECTED</b>	<b>89,483.80</b>	<b>122,339,560.40</b>	<b>105,667,644.76</b>	<b>95,780,949.17</b>
<b>OVERALL PERCENTAGE</b>	<b>35.55%</b>	<b>96.10%</b>	<b>99.19%</b>	<b>99.53%</b>

**APRIL 2008  
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

<b>APRIL 30, 2008 REGULAR TAX</b>	<b>2004</b>	<b>2003</b>	<b>2002</b>	<b>2001</b>
BEGINNING CHARGE	75,937,320.86	60,653,392.42	51,674,762.82	48,122,816.89
DISCOVERIES				
FARM DEFERMENTS				
RELEASES				
WRITE OFF \$1.00 OR LESS				
<b>TOTAL CHARGE</b>	<b>75,937,320.86</b>	<b>60,653,392.42</b>	<b>51,674,762.82</b>	<b>48,122,816.89</b>
BEGINNING COLLECTIONS	75,716,383.70	60,513,093.27	51,577,752.72	48,053,974.02
COLLECTIONS	5,003.96	1,348.09	280.20	258.35
<b>TOTAL COLLECTIONS</b>	<b>75,721,387.66</b>	<b>60,514,441.36</b>	<b>51,578,032.92</b>	<b>48,054,232.37</b>
BALANCE OUTSTANDING	215,933.20	138,951.06	96,729.90	68,584.52
<b>PERCENTAGE OF REGULAR</b>	<b>99.72%</b>	<b>99.77%</b>	<b>99.81%</b>	<b>99.86%</b>
<b>APRIL 30, 2008 MOTOR VEHICLE</b>				
BEGINNING CHARGE	8,187,177.38	-	-	-
11TH M/V BILLING		-	-	-
ASSESSOR RELEASE		-	-	-
ASSESSOR REFUND		-	-	-
COLLECTOR RELEASE		-	-	-
COLLECTOR REFUND		-	-	-
REIMBURSEMENTS	346.09	-	-	-
ADJUSTMENTS	(0.34)	-	-	-
<b>TOTAL CHARGE</b>	<b>8,187,523.13</b>	<b>-</b>	<b>-</b>	<b>-</b>
BEGINNING COLLECTIONS	8,126,374.69	-	-	-
COLLECTIONS	987.39	-	-	-
<b>TOTAL COLLECTIONS</b>	<b>8,127,362.08</b>	<b>-</b>	<b>-</b>	<b>-</b>
BALANCE OUTSTANDING	60,161.05	-	-	-
<b>PERCENTAGE OF MOTOR VEHICLE</b>	<b>99.27%</b>			
<b>OVERALL CHARGED</b>	<b>84,124,843.99</b>	<b>60,653,392.42</b>	<b>51,674,762.82</b>	<b>48,122,816.89</b>
<b>OVERALL COLLECTED</b>	<b>83,848,749.74</b>	<b>60,514,441.36</b>	<b>51,578,032.92</b>	<b>48,054,232.37</b>
<b>OVERALL PERCENTAGE</b>	<b>99.67%</b>	<b>99.77%</b>	<b>99.81%</b>	<b>99.86%</b>

**APRIL 2008  
PERCENTAGE FOR REGULAR AND MOTOR VEHICLE**

<b>APRIL 30, 2008 REGULAR TAX</b>	<b>2000</b>	<b>1999</b>	<b>1998</b>	<b>1997</b>
BEGINNING CHARGE	43,553,122.94	40,736,859.08	37,964,034.52	35,335,292.87
DISCOVERIES				
FARM DEFERMENTS				
RELEASES				
WRITE OFF \$1.00 OR LESS				
<b>TOTAL CHARGE</b>	<b>43,553,122.94</b>	<b>40,736,859.08</b>	<b>37,964,034.52</b>	<b>35,335,292.87</b>
BEGINNING COLLECTIONS	43,506,702.02	40,696,315.89	37,935,442.40	35,316,199.03
COLLECTIONS	343.96	37.36	40.61	
<b>TOTAL COLLECTIONS</b>	<b>43,507,045.98</b>	<b>40,696,353.25</b>	<b>37,935,483.01</b>	<b>35,316,199.03</b>
BALANCE OUTSTANDING	46,076.96	40,505.83	28,551.51	19,093.84
<b>PERCENTAGE OF REGULAR</b>	<b>99.89%</b>	<b>99.90%</b>	<b>99.92%</b>	<b>99.95%</b>
<b>APRIL 30, 2008 MOTOR VEHICLE</b>				
BEGINNING CHARGE	-	-	-	-
11TH M/V BILLING	-	-	-	-
ASSESSOR RELEASE	-	-	-	-
ASSESSOR REFUND	-	-	-	-
COLLECTOR RELEASE	-	-	-	-
COLLECTOR REFUND	-	-	-	-
REIMBURSEMENTS	-	-	-	-
ADJUSTMENTS	-	-	-	-
<b>TOTAL CHARGE</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
BEGINNING COLLECTIONS	-	-	-	-
COLLECTIONS	-	-	-	-
<b>TOTAL COLLECTIONS</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
BALANCE OUTSTANDING	-	-	-	-
<b>PERCENTAGE OF MOTOR VEHICLE</b>				
<b>OVERALL CHARGED</b>	<b>43,553,122.94</b>	<b>40,736,859.08</b>	<b>37,964,034.52</b>	<b>35,335,292.87</b>
<b>OVERALL COLLECTED</b>	<b>43,507,045.98</b>	<b>40,696,353.25</b>	<b>37,935,483.01</b>	<b>35,316,199.03</b>
<b>OVERALL PERCENTAGE</b>	<b>99.89%</b>	<b>99.90%</b>	<b>99.92%</b>	<b>99.95%</b>

# RELEASES MAY 2008

Acct #	Name	Release	Real Value	Pers. Value	UCGT	UCLL	CSGT-100	CSLL-100	HembyGT	HembyLL	SpringsGT	SpringsLL	WaxhawGT	AllensFF	BakersFF	LanesCr FF	New Salem	Wingate	Total	
<b>2008</b>																				
50098473	SAKRON LLC	4016		104,450	742.74	74.27			39.38	3.94									860.33	
<b>Totals</b>				104,450	742.74	74.27			39.38	3.94									860.33	
<b>2007</b>																				
H1123004	THOMAS BRANDON & C & J MAGIC CARPET	3980	48,690		346.23												50.00		396.23	
50096595	GENTLE GIANT MOVING	3982		34,300	243.91	24.39													36.24	
50096155	HUNTLEY F W	3983	60,280		428.65														268.30	
N7027327	3-D TREATS INC	3984		182,880	1,300.46	130.05									36.96				465.61	
50090453	HANEY J VANN % BILL	3987		6,500	46.22													50.00	96.22	
50077498	ALEXANDER ADRON & DODSON STEVEN W & ESQUIVEL NOE	3989		30,720	218.45														268.45	
50087926	FRAZIER KAREN	3990		15,380	109.37														109.37	
50097305	HENLEY SARAH	3991		18,880	133.69	13.37								50.00	36.96				184.02	
50097188	MOREE RONNIE L	3992		37,470	266.45														316.45	
50091500	STEGALL KRISTINA	3993		27,840	197.97									50.00					197.97	
50073826	UNIVERSAL LAND & DEVELOPMENT	3994		15,940	113.35														163.35	
50093539	THOMPSON CARLOTT	3997		11,330	80.57	8.06					3.54	0.35							92.52	
50094326	LILES RODNEY ERIC	4003	75,880		539.58			28.61											568.19	
07027328	SADE TRUCKING INC	4005		900	6.40	0.64													7.04	
50085228	HARTIS JOEL L & SHEILA	4008	4,568	4,568	32.50	3.25													35.75	
50090146	FOGLIETTA GARY	4011		33,060	235.09	23.51													258.60	
50092979	CLAYTON WILLIAM HE	4013		17,390	123.66	12.37													172.99	
50067433	HUGHES ZADA MICHE	4014		21,620	153.74								11.09						164.83	
50072603		4015		6,610	47.00	4.70													51.70	
50091802				900	6.40	0.64													7.04	
50089697	<b>Totals</b>																			
			189,418	466,288	4,629.69	257.22			28.61		3.54	0.35	11.09	100.00	110.88	50.00	50.00	50.00	5,291.38	
<b>2006</b>																				
50094326	STEGALL KRISTINA	3998		11,330	72.14	7.21													79.35	
50092979	SADE TRUCKING INC	4009		28,750	183.05	18.31													201.36	
<b>Totals</b>				40,080	255.19	25.52													280.71	
<b>2005</b>																				
50092979	SADE TRUCKING CO	4010		25,000	140.00	14.00	17.50	1.75											173.25	
<b>Totals</b>				25,000	140.00	14.00	17.50	1.75											173.25	
<b>GRAND TOTALS</b>					189,418	635,818	5,767.62	371.01	17.50	1.75	67.99	3.94	3.54	0.35	11.09	100.00	110.88	50.00	50.00	6,605.67

AGENDA ITEM  
 MEETING DATE 5/31/08  
 6/2/08

# REFUNDS MAY 2008

Acct #	Name	Releas	Real Value	Pers. Value	UCGT	UCLL	CSGT-999	StallGT	WesleyGT	WesleyLL	BakersFF	SandyFF	Totals
<b>2007</b>													
50098030	PRICE BILLY RAY	3979		5,790	41.17	4.11							45.28
50089443	WEEKLEY LAWN & LANDSCAP	3985		28,160	200.25	20.02			4.70	0.47			225.44
50073712	KEZIAH SAMUEL FRANK III	3988		34,790	247.39	92.93							340.32
50089079	STARNES TOMMY EDDISON	3995		6,080	43.23	4.33							47.56
50060716	SANBORN LLC	4000		442,188	1,295.49								1,295.49
H4201020	LANEY JOHNNY R	4004	19,090		135.75							48.92	184.67
50098010	ESQUIVEL MARCOS A	4012		18,800	133.69	13.37							147.06
<b>Total - 2007</b>			<b>19,090</b>	<b>535,808</b>	<b>2,096.97</b>	<b>134.76</b>	<b>-</b>	<b>-</b>	<b>4.70</b>	<b>0.47</b>	<b>-</b>	<b>48.92</b>	<b>2,285.82</b>
<b>2006</b>													
50069084	GENERAL ELECTRIC CAPITAL	3986		427,939	23.94			1.67					25.61
50089079	STARNES TOMMY EDDISON	3996		6,080	38.71								38.71
50060716	SANBORN LLC	3999		437,223	1,298.42								1,298.42
50090146	LILES RODNEY ERIC	4006		5,125	32.66	3.27							35.93
H9345029 01	STARNES LINDA ELLEN	4017	22,770		144.98								144.98
H9345029 01	STARNES LINDA ELLEN	4019	22,770								48.78		48.78
<b>Total - 2006</b>			<b>45,540</b>	<b>876,367</b>	<b>1,538.71</b>	<b>3.27</b>	<b>-</b>	<b>1.67</b>	<b>-</b>	<b>-</b>	<b>48.78</b>	<b>-</b>	<b>1,592.43</b>
<b>2005</b>													
50060716	SANBORN LLC	4001		452,502	1,248.61		156.07						1,404.68
H9345029 01	STARNES LINDA ELLEN	4018	22,770		127.51		15.94						143.45
<b>Total - 2005</b>			<b>22,770</b>	<b>452,502</b>	<b>1,376.12</b>	<b>-</b>	<b>172.01</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,548.13</b>
<b>2004</b>													
50060716	SANBORN LLC	4002		800,530	1,284.77		171.30						1,456.07
<b>Total - 2004</b>			<b>-</b>	<b>800,530</b>	<b>1,284.77</b>	<b>-</b>	<b>171.30</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,456.07</b>
<b>GRAND TOTALS</b>			<b>87,400</b>	<b>2,665,207</b>	<b>6,296.57</b>	<b>138.03</b>	<b>343.31</b>	<b>1.67</b>	<b>4.70</b>	<b>0.47</b>	<b>48.78</b>	<b>48.92</b>	<b>6,882.45</b>

AGENDA ITEM  
# 53c  
MEETING DATE 6/2/08

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: June 2, 2008**

**Action Agenda Item No. 54c**  
(Central Admin. use only)

**SUBJECT:** SUSAN G. KOMEN GRANT

---

**DEPARTMENT:** HEALTH

**PUBLIC HEARING:** No

**ATTACHMENT(S):**

**INFORMATION CONTACT:**  
Phillip Tarte

**TELEPHONE NUMBERS:**

704-296-4801

---

**DEPARTMENT'S RECOMMENDED ACTION:** Accept \$65,000 in grant funding from Susan G. Komen for the Cure, Inc.

**BACKGROUND:** Susan G. Komen for the Cure, Inc. has awarded the Union County Health Department with \$65,000 in grant funding to be spent by March 31, 2009.

**FINANCIAL IMPACT:** No additional county funds requested.

Increase the following revenue line:

10451151-4840-1353      \$65,000

Increase the following expenditure lines:

10551151-5126-1353      \$13,293

10551151-5181-1353      \$ 1,017

10551151-5239-1353      \$ 5,030

10551151-5311-1353      \$ 455

10551151-5383-1353      \$45,205

TOTAL      \$65,000

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

**Manager Recommendation:** \_\_\_\_\_

## BUDGET AMENDMENT

BUDGET Health - Susan G. Komen Grant REQUESTED BY Phillip Tarte  
 FISCAL YEAR FY2008 DATE May 23, 2008

**INCREASE**

Description

Operating Expense 65,000

Donations 65,000

**DECREASE**

Description

Explanation: Appropriate additional funding from Susan G. Komen Grant

DATE  

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

FOR POSTING PURPOSES ONLY

**DEBIT**

Code Account Amount

10551151-5126-1353 Part-time 13,293

10551151-5181-1353 FICA 1,017

10551151-5239-1353 Medical Supplies 5,030

10551151-5311-1353 Travel 455

10551151-5383-1353 Medical Services 45,205

Total 65,000

**CREDIT**

Code Account

10451151-4840-1353 Donations 65,000

Total 65,000

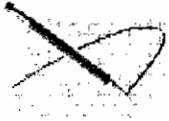
Prepared By vhd

Posted By  

Date  

Number 55





Lyda Taylor/UnionCounty  
05/27/2008 04:35 PM

To Lynn West/UnionCounty@UnionCounty, Phillip  
Tarte/UnionCounty@UnionCounty  
cc jharring@co.union.nc.us

bcc

Subject abstract about Komen grant

The Charlotte Affiliate of Susan G. Komen for the Cure, Inc. awarded a grant to the Union County Health Department for the About Breast Cancer (ABC) Project to provide services to the medically underserved women of the county. Breast health education, free mammography screenings, and follow-up diagnostic tests are provided by the grant. It also includes funds for the Community Mammography Partnership, a breast screening project that includes the health department, the Spirit of Women organization of Carolinas Medical Center-Union and Charlotte Radiology Breast Center.

The ABC Project will continue community-based education about breast health, targeting minority women and the medically underserved. The outreach is designed to encourage participation in the Breast and Cervical Cancer Control Program (BCCCP) by the uninsured women in the county. The grant funds additional breast health services for underinsured or uninsured Health Department clients who are not eligible for BCCCP.

The grant provides limited funds for women screened through one of the health department's programs if further diagnostic tests are necessary to determine if breast cancer is present. The ABC Project will work with other community and governmental organizations to identify appropriate use of these funds to meet the medically underserved woman's needs.

The Union County Health Department (UCHD) has received a Komen for the Cure grant in the amount of \$65,000 for the 2008-2009 cycle. This is the fifth year that the UCHD has been award a Komen grant. The grant is applied for annually on a recurrent basis.

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

Meeting Date: June 2, 2008

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

**SUBJECT:** Excess Workers' Compensation Insurance Renewal

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**DEPARTMENT:** Risk Management      **PUBLIC HEARING:** No

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**ATTACHMENT(S):**  
None

**INFORMATION CONTACT:**  
Keith Richards, Risk Manager

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**TELEPHONE NUMBERS:**  
704.283.3663 - office  
704.634.7567 - cell

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**DEPARTMENT'S RECOMMENDED ACTION:**

- (1) Accept Excess Workers' Compensation insurance renewal proposal from Midwest Employer's for the period of 7/1/08 - 6/30/09.
- (2) Authorize County Manager to bind coverage.

**BACKGROUND:** The County has a self-insured workers' compensation retention of \$350,000 per occurrence for Law Enforcement officers and \$300,000 per occurrence for all other classifications. Midwest Employer's covers all claims in excess of the self insured retention levels. Midwest is an A+ rated carrier and only one of a few markets available that offer this coverage for public entities. The renewal premium is \$61,831 versus expiring of \$56,605. The increase is driven solely by an increase in the payrolls being used for the rating. The rate per \$100/payroll from 2007 to 2008 is unchanged.

**FINANCIAL IMPACT:** No additional funds will need to be allocated for the Excess Workers' Compensation premiums. Premiums will be paid from the Workers' Compensation Fund.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

Meeting Date: 6-2-08

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

**SUBJECT:** Catawba Nuclear Site Annual Funding

---

**DEPARTMENT:** Emergency Management                      **PUBLIC HEARING:** No

**ATTACHMENT(S):** sro 7    **INFORMATION CONTACT:** Jeremy Jernigan

**TELEPHONE NUMBERS:**  
704.283.3753

---

**DEPARTMENT'S RECOMMENDED ACTION:** approve

**BACKGROUND:** Union County Emergency Management receives annual funding from Duke Power in support of expense incurred for preparedness of emergencies related to the Catawba Nuclear Site. An additional \$5,000 was requested in 2007 and was awarded.

**FINANCIAL IMPACT:** none

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**Legal Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_  
\_\_\_\_\_

**SPECIAL REVENUE ORDINANCE AMENDMENT**

BUDGET General Special Revenue Ordinance Fund  
 FISCAL YEAR FY 2007-2008

REQUESTED BY Jeremy Jernigan  
 DATE June 2, 2008

**PROJECT SOURCES**

Source Description and Code	Project To Date	Requested Amendment	Revised Project
Revenue	-	5,000	5,000
	-	5,000	5,000

**PROJECT USES**

Project Description and Code	Project To Date	Requested Amendment	Revised Project
Operating Expense	-	5,000	5,000
	-	-	-
	-	-	-
	-	5,000	5,000

EXPLANATION: Appropriate additional annual funding received for Catawba Nuclear Site.

DATE: \_\_\_\_\_

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

**FOR FINANCE POSTING PURPOSES ONLY**

**PROJECT SOURCES**

Source Description and Code	Project To Date	Requested Amendment	Revised Project
Revenue 31443300-4535-1102	-	5,000	5,000
		5,000	

**PROJECT USES**

Project Description and Code	Project To Date	Requested Amendment	Revised Project
Operating Expense 31543300-5290-1102	-	5,000	5,000
	-	5,000	5,000

Prepared By dhc  
 Posted By \_\_\_\_\_  
 Date \_\_\_\_\_

Number SRO - 7

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:**

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

**SUBJECT:** Budget Amendment - Donations (Public Assistance-Realtors)

**DEPARTMENT:** Social Services                      **PUBLIC HEARING:** No

**ATTACHMENT(S):** None                      **INFORMATION CONTACT:**  
Dontae Latson, Director

  
**TELEPHONE NUMBERS:**

704-296-4301

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**DEPARTMENT'S RECOMMENDED ACTION:** Please increase expenditure line 10-553101-53992-1451 by \$2102.00 to match revenue line 10-453101-4842-1451 which totals \$4886.20.

**BACKGROUND:** This program provides assistance to families who do not qualify for any of the other programs available through DSS.

**FINANCIAL IMPACT:** This program consists of funds donated by the public. There are no county dollars in this budget.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



### BUDGET AMENDMENT

BUDGET DSS - Donations REQUESTED BY Dontae Latson  
 FISCAL YEAR FY2008 DATE June 02, 2008

**INCREASE**

Description

Operating Expense 2,102

Misc Revenue 2,102

**DECREASE**

Description

Explanation: Increase expenditures within public assistance-realtors contributions. This provides assistance for families not qualifying for other assistance programs

DATE 5/22/2008

APPROVED BY \_\_\_\_\_

Bd of Comm/County Manager  
Lynn West/Clerk to the Board

FOR POSTING PURPOSES ONLY

**DEBIT**

Code

Account

Amount

10-553101-53992-1451 Public Assistance-Realtors 2,102

**CREDIT**

Code

Account

10-453101-4842-1451 Misc Revenue 2,102

Total 2,102

Total 2,102

Prepared By JLL

Posted By \_\_\_\_\_

Date \_\_\_\_\_

Number 53



**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date:**

**Action Agenda Item No.** 5/76  
(Central Admin. use only)

**SUBJECT:** Budget Amendment - Donations (Public Assistance)

**DEPARTMENT:** Social Services                      **PUBLIC HEARING:** No

**ATTACHMENT(S):** None                      **INFORMATION CONTACT:**  
Dontae Latson, Director



**TELEPHONE NUMBERS:**

704-296-4301

---

**DEPARTMENT'S RECOMMENDED ACTION:** Please increase expenditure line 10-553101-5399-1451 by \$1896.00 to match revenue line 10-453101-4840-1451 which totals \$7709.95.

**BACKGROUND:** This program provides assistance to families who do not qualify for any of the other programs available through DSS.

**FINANCIAL IMPACT:** This program consists of funds donated by the public. There are no county dollars in this budget.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BUDGET AMENDMENT**

BUDGET DSS - Donations REQUESTED BY Dontae Latson  
 FISCAL YEAR FY2008 DATE June 02, 2008

**INCREASE**

**DECREASE**

<u>Description</u>		<u>Description</u>	
Operating Expense	1,896		
Misc Revenue	1,896		

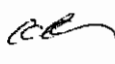
Explanation: Increase expenditures within public assistance contributions. This provides assistance for families not qualifying for other assistance programs

DATE 5/22/2008 APPROVED BY Bd of Comm/County Manager  
Lynn West/Clerk to the Board

**FOR POSTING PURPOSES ONLY**

<b><u>DEBIT</u></b>			<b><u>CREDIT</u></b>		
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10-553101-5399-1451	Public Assistance	1,896	10-453101-4840-1451	Misc Revenue	1,896
	Total	1,896		Total	1,896

Prepared By JLL  
 Posted By \_\_\_\_\_  
 Date \_\_\_\_\_

Number 54 

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**  
Meeting Date:

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


**SUBJECT:** Budget Amendment - Special Children Adoption Fund

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**DEPARTMENT:** Social Services                      **PUBLIC HEARING:** No

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**ATTACHMENT(S):**  
DCD Letter from NCDHHS dated April  
3, 2008

**INFORMATION CONTACT:**  
 Donae Latson, Director

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**TELEPHONE NUMBERS:**  
(704) 296-4301

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**DEPARTMENT'S RECOMMENDED ACTION:** Please increase the revenue line 10453160-4445-1508 and expenditure line 10553160-53991-1508 by \$13,500.00.

**BACKGROUND:** These funds are to be used to enhance the adoption services program.

**FINANCIAL IMPACT:** These funds are 100% state funds. No county funding is required.

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_

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**BUDGET AMENDMENT**

BUDGET DSS - Special Children Adoption REQUESTED BY Dontae Latson  
 FISCAL YEAR FY2008 DATE June 02, 2008

**INCREASE**

Description

Operating Expense 13,500

State Revenue 13,500

**DECREASE**

Description

Explanation: Increase revenues and expenditures with funds provided by the state to enhance the adoption services program

DATE 5/22/2008

APPROVED BY \_\_\_\_\_  
 Bd of Comm/County Manager  
 Lynn West/Clerk to the Board

**FOR POSTING PURPOSES ONLY**

**DEBIT**

Code Account Amount  
10-553160-53991-1508 Public Assistance-Realtors 13,500

**CREDIT**

Code Account Amount  
10-453160-4445-1508 Misc Revenue 13,500

Total 13,500

Total 13,500

Prepared By JLL  
 Posted By \_\_\_\_\_  
 Date \_\_\_\_\_

Number 52





S. Moore  
D. Pastores

Yurak,  
3 copies  
Jks.  
Debbie

North Carolina Department of Health and Human Services  
Division of Social Services

325 North Salisbury Street • Raleigh, North Carolina 27603  
Courier # 56-20-25

Michael F. Easley, Governor  
Dempsey Benton, Secretary

Shery Bradsher Director  
(919) 733-3055

April 3, 2008



**MEMORANDUM**

TO: Roy Young, Director  
Union County Department of Social Services

FROM: Amelia Lance, Program Consultant  
Foster Care & Adoption Policy and Interstate Services

RE: Special Children Adoption Fund

We are pleased to inform you that the amount of **\$ 13,500.00** will be sent to your agency from the Special Children Adoption Fund. We understand that this amount will be electronically transferred within the next month. Please understand that the legislation regarding the Special Children Adoption Fund specifically states that the money **"must be used to enhance the adoption services program"**.

Congratulations on your efforts to provide permanency for children. If you have questions, please contact me at Amelia.Lance@ncmail.net or (919) 733-2580.

CC: Faye Love

**RECEIVED**  
APR 28 2008  
DSS ADMINISTRATION



**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT  
Meeting Date: 6/2/08**

**Action Agenda Item No. 5/8**  
(Central Admin. use only)

**SUBJECT:** Article XIII - Drug and Alcohol Free Workplace Policy

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**DEPARTMENT:** Personnel **PUBLIC HEARING:** No

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<b>ATTACHMENT(S):</b> Proposed Revision: June 2008 Article XIII: Union County Drug and Alcohol Free Workplace Policy  Current: Article XIII June 2003	<b>INFORMATION CONTACT:</b> Mark Watson <hr/> <b>TELEPHONE NUMBERS:</b> 704.283.3869
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**DEPARTMENT'S RECOMMENDED ACTION:** Accept proposed revision to Union County Personnel Resolution Article XIII: Drug and Alcohol Free Workplace Policy

**BACKGROUND:** In addition to a number of general language and formatting edits made to improve Article XIII, the substantive changes to the policy are:

- 1) expanding the number of job classifications designated "safety-sensitive";
- 2) increasing the number of employees subject to random drug testing;
- 3) clarification on when substance abuse testing is to be conducted for post-accident events; and
- 4) defining the procedure for supervisors to follow when they receive an unscheduled notice to report for work and have consumed alcohol within 4 hours prior or are otherwise unable to perform duties.

**FINANCIAL IMPACT:** Estimated costs are less than \$2,000 for expanding safety sensitive positions subject to random testing. These fees are included in the proposed 2008-09 Budget.

**Legal Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Finance Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

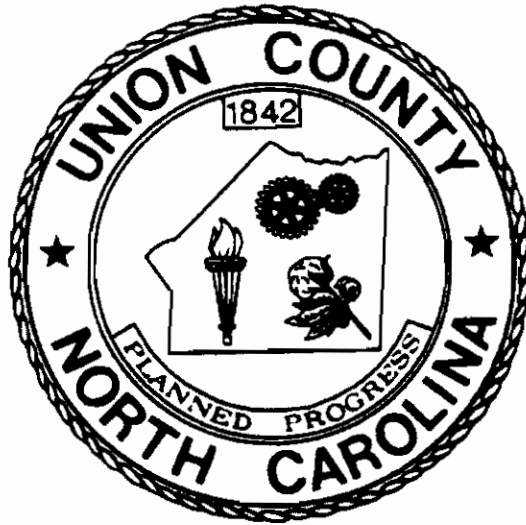
**Manager Recommendation:**

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**UNION COUNTY  
DRUG AND ALCOHOL FREE  
WORKPLACE POLICY**

**PROPOSED REVISION  
JUNE 2008**

**ARTICLE VIII. DRUG AND ALCOHOL FREE WORKPLACE POLICY**

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## ARTICLE VIII. DRUG AND ALCOHOL FREE WORKPLACE POLICY

Revision Date: June 2008

### SECTION 1

#### Purpose and Scope of Policy

- a. The purpose of this Policy is to maintain a drug-free and alcohol-free workplace and to provide procedures for testing job applicants and employees for the use of illegal drugs, the improper use of prescription medications, and the misuse of alcohol.
- b. All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, the County will take all necessary steps to safeguard the dignity and self-esteem of those being tested, and will ensure adherence to all procedures pertaining to the implementation of this Policy. The County will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.
- c. Employees with substance-abuse problems are encouraged to voluntarily seek help. If an employee should approach the County prior to being identified as a drug user/abuser or alcohol abuser by means of drug or alcohol testing, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. However, notwithstanding any other provision of this Policy to the contrary, employees who fail drug or alcohol tests may be disciplined, up to and including termination, in accordance with the provisions of this Policy. If an employee is terminated, no benefits except those provided for by federal, State or local act will be provided for beyond the last day of employment.
- d. Employees will be given a copy of this Policy and will be required to sign a form acknowledging its receipt. By continuing to work, the employee agrees that he/she will abide by the Policy as a condition of employment. Failure to sign the form will result in disciplinary action up to and including termination.
- e. This Policy shall be administered by the Union County Personnel Director (the "Director"), in consultation with the Union County Risk Manager.

### SECTION 2

#### Definitions

*Accident* means a Major Automobile Accident or any event occurring while an employee is on duty that results in death, bodily injury, or property damage that was not expected or intended to happen.

*Alcohol test* means a test for the presence of alcohol in the breath or blood of an employee.

*Commercial Vehicle* means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- (a) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

- (b) Has a gross vehicle weight rating of 26,001 or more pounds;
- (c) Is designed to transport 16 or more passengers, including the driver; or
- (d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

**Confirmation test for alcohol** means a second test, following a test with a result of 0.02 or greater, that provides quantitative data about alcohol concentration. **Confirmation test for drugs** means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the initial test and that uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

**Conviction** means a finding of guilt, a plea of guilt, a plea of nolo contendere, or imposition of sentence by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

**Covered Applicant** means an applicant for an employment position that involves the performance of a Safety-Sensitive Function.

**Covered Employee** means an employee whose job involves the performance of a Safety Sensitive Function. Covered Employees include, but are not limited to, Covered Employees who drive Commercial Vehicles and Covered Mass Transit Employees.

**Covered Mass Transit Employee** means an employee who: (i) works for a County agency or department that receives federal transit funds; and (ii) operates a Revenue Service Vehicle, operates a Nonrevenue Service Vehicle that requires a license to drive a commercial vehicle (a "CDL"), controls the dispatch or movement of a Revenue Service Vehicle, or maintains (including repair, overhaul, and rebuilding) a Revenue Service Vehicle or equipment used in revenue service.

**Criminal drug statute** means a criminal statute relating to the manufacture, distribution, dispensation, use or possession of any drug.

**Drug test or drug screening** means a test for the presence of drugs in the urine or blood of an employee.

**Drug** means a drug or controlled substance as listed in Schedules I through V of the Federal Controlled Substances Act (21 U.S.C. § 812) or as defined in the North Carolina Controlled Substances Act (Chapter 90, Article 5, N.C.G.S), or any other substance (other than food) that may be determined to reduce work efficiency.

**FMCSA** means the Federal Motor Carrier Safety Administration.

**FTA** means the Federal Transit Administration.

**Major Vehicle Accident** means an occurrence involving the operation of a vehicle that results in: (i) a fatality; (ii) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (iii) one or more vehicles incurring disabling damage as

a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

**Medical Review Officer (MRO)** means a North Carolina-licensed physician with specific training in the area of substance abuse. The MRO not only has knowledge of substance-abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history.

**Negative**, with respect to the results of an **alcohol test**, means a test that indicates a breath alcohol concentration of less than 0.02. **Negative**, with respect to the results of a **drug test**, means a test result that does not show presence of drugs at a level specified to be a positive test.

**Nonrevenue Service Vehicle** means a vehicle available to the public for carrying passengers who are not charged for transportation on either a per-passenger or per-vehicle basis (such as a school bus), in accordance with FTA regulations.

**On call** means being subject to a call to report immediately to work for which the employee receives some form of compensation from Union County.

**On duty** means when an employee is at the Workplace, performing job duties, or during any other period of time for which he or she is entitled to receive pay from Union County.

**Pass** with respect to an **alcohol test** means that the test showed no evidence or insufficient evidence of a prohibited level of alcohol. **Pass** with respect to **drug test** means that the test showed either (a) no evidence or insufficient evidence of a prohibited drug or drug metabolite, or (b) evidence of a prohibited drug or drug metabolite, but there was a legitimate medical explanation for the result as determined by an MRO.

**Positive**, with respect to the results of an **alcohol test**, means the presence of alcohol in an employee's system in a concentration of 0.02 or greater. **Positive**, with respect to the results of a **drug test**, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by SAMHSA, or for drugs not subject to SAMHSA guidelines, at the levels identified by the County, if any.

**Reasonable Suspicion for Covered Employees who drive Commercial Vehicles and Covered Mass Transit Employees** means a well-founded belief that an employee is engaged in the improper use of alcohol or drugs in violation of this Policy, based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee made by a supervisor or other County official trained in detecting the signs and symptoms of misuse of alcohol or drugs in accordance with 49 C.F.R. § 382.603 and

**Reasonable Suspicion** for all other employees means a well-founded belief, as determined by an employee's supervisor, that the employee is engaged in the improper use of alcohol or drugs in violation of this Policy based on the following criteria:

- Direct observation of alcohol or drug use or possession;
- Direct observation of common physical symptoms of being under the influence of alcohol or drugs, such as impairment of motor functions or speech;
- Arrest or conviction for an alcohol or drug related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or distribution;

- Information provided by reliable and credible sources or independently corroborated; or
- Newly discovered evidence that the employee tampered with a previous alcohol or drug test.

**Revenue Service Vehicle** means a vehicle available to the public for carrying passengers who pay transportation fares either directly, through assistance by public policy, or through some contractual arrangement, in accordance with FTA regulations.

**Safety-sensitive Function** means a job function that: (i) requires the employee to hold a CDL; or (ii) the dereliction of which may likely cause a serious and immediate threat to public safety, including:

- Driving a motor vehicle on a regular basis, unless the percentage of work time spent driving is negligible;
- Operating heavy machinery;
- Maintaining or inspecting motor vehicles or heavy machinery;
- Dispatching emergency services;
- Handling hazardous chemicals;
- Wastewater treatment operations;
- Direct patient health care; or
- Lifeguard.

**SAMHSA** means the United States Department of Health and Human Services Substance Abuse and Mental Health Services Administration.

**SAP** means a Substance Abuse Professional as defined in 49 C.F.R. Part 40.

**Supervisor**, in general, means any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

**Workplace** means the location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms and restrooms, outdoor work sites, County vehicles, personal vehicles while being used for County business, computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots.

## SECTION 3

### **Prohibited Behavior**

#### **3.1 Alcohol**

- a. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by County employees while on duty is prohibited and constitutes grounds for immediate termination.
- b. No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater.
- c. No **Covered Employee** shall use alcohol within four (4) hours before going on duty.
- d. No employee involved in an Accident that requires an alcohol test pursuant to this Policy shall consume any alcohol for eight (8) hours following the Accident or until the test is performed, whichever comes first.

- e. An employee who: (i) refuses to submit to an alcohol test or fails to follow through with an alcohol test when testing is required by this Policy, or (ii) reports or remains on duty with an alcohol concentration of 0.04 or greater will be subject to termination. The employee will be removed immediately from duty and referred to a SAP. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the Personnel Director or his designee.
- f. An employee who is tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform his or her job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test unless a confirmation test results in an alcohol concentration of less than 0.02. The employee shall be removed from duty without pay for this twenty-four (24) hour period and shall receive a notation in his or her performance appraisal about the requirement of reporting to work without the presence of alcohol in his or her system.
- g. An employee who is terminated as a result of a positive alcohol test will not be considered for re-employment for a period of two (2) years from the date of the test.
- h. A **Covered Employee who drives a Commercial Vehicle** or a **Covered Mass Transit Employee** who violates this Policy as it pertains to alcohol use may not subsequently perform any Safety-sensitive Function for the County unless and until he or she completes a SAP evaluation, referral, and education/treatment process, and shall be subject to return-to-duty and follow up testing, as set forth in 49 C.F.R. Part 40.

### 3.2 Drugs

- a. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.
- b. No employee shall report for duty or remain on duty while under the influence of drugs.
- c. An employee shall inform his or her supervisor if, prior to beginning work or while he or she is on duty, he or she has used or intends to use any prescription medication, over-the-counter medication, or other substance that might impair his or her ability to satisfactorily perform duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the Personnel Director or his designee.
- d. An employee who: (i) refuses to submit to, or fails to follow through when testing is required by this Policy or (ii) has a verified positive drug test will be subject to termination. The employee will be removed immediately from duty and referred to a SAP. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the Personnel Director or his designee.



- e. An employee who is terminated as a result of a positive drug test may not be considered for re-employment for a period of two (2) years from the date of the test.
- f. A **Covered Employee who drives a Commercial Vehicle** or a **Covered Mass Transit Employee** who violates this Policy as it pertains to drug use may not subsequently perform any Safety-sensitive Function for the County unless and until he or she completes a SAP evaluation, referral, and education/treatment process and shall be subject to return-to-duty and follow up testing, as set forth in 49 C.F.R. Part 40.

## **SECTION 4**

### **Supervisor Responsibilities**

Every supervisor shall:

- a. Consistently apply this Policy to all employees under his or her supervision. A supervisor who fails to apply this Policy when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation, will be disciplined.
- b. Initiate the process for having an employee drug or alcohol tested, by notifying the Director, if there is Reasonable Suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.
- c. Insure that all employees he or she supervises receive training on the requirements and consequences of this Policy.
- d. Follow the procedure established by the department head for assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is Reasonable Suspicion of substance abuse or who have had a breath alcohol test result of 0.02 or greater are transported home, either by personal family/friends or by arranged transportation.

## **SECTION 5**

### **Employee Responsibilities**

Every employee and, to the extent applicable, every applicant shall:

- a. Abide by this Policy as a condition of employment.
- b. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of alcohol, drugs, or prescription medications.
- c. Assure that his or her ability to perform his or her job duties is not negatively affected due to use of a drug or alcohol when scheduled to report to work or when on call. Should any employee be requested to report to work earlier than his or her normal or previously assigned time, it is the employee's responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or she has used alcohol or drugs within the last four hours prior to reporting for duty. If the employee had received prior notice that he or she might be called back into work, the employee shall be considered absent without leave if he or

she is unable to report to duty and may be subject to other disciplinary action due to inability to report for duty.

In the case of a supervisor who has consumed alcohol or drugs within four hours of receiving an unscheduled notice to report to work or who is otherwise unable to perform his or her job duties due to the influence of alcohol or drugs, the supervisor shall contact a previously designated employee within his or her department to assume the role and responsibilities of the supervisory position until the four-hour time period has passed or, if later, the supervisor is no longer under such influence and can safely return to duty. If no employee within the supervisor's department is available or capable of assuming temporary supervisory responsibilities, the supervisor shall contact the Assistant County Manager who shall appoint a temporary supervisor.

- d. Submit immediately to a drug or alcohol test when requested by his or her supervisor or by the Personnel Director in accordance with this Policy.
- e. Notify his or her department head within five (5) days if convicted of a violation of a criminal drug statute such as the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or for any other controlled substance when such violation occurred while the employee was on duty, as required by the Drug-Free Workplace Act of 1988. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty.

## **SECTION 6**

### **Drug and Alcohol Tests**

#### **6.1 Reasonable Suspicion Testing**

- a. Any employee who while on County property, while operating a County vehicle, or while otherwise on duty, demonstrates work performance or behavior that creates a Reasonable Suspicion that the employee is under the influence of alcohol or drugs in violation of this Policy shall be subject to alcohol or drug testing.
- b. A test for alcohol shall be administered within two (2) hours, but no later than eight (8) hours, following the determination of Reasonable Suspicion. If the test is not administered within two (2) hours, the supervisor must document the reason(s) the test was not promptly administered. If the test is not administered within eight (8) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) for not administering the test.
- c. A test for drugs shall be administered within twenty-four (24) hours, but not later than thirty-two (32) hours, following the determination of Reasonable Suspicion. If the test is not administered within thirty-two (32) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) for not administering the test.
- d. Once a Reasonable Suspicion is established, the employee shall not be allowed to report to duty or remain on duty until: (i) an alcohol or drug test is administered and the results of such test are negative, or (ii) eight (8) hours have elapsed following a determination of Reasonable Suspicion

of alcohol, or (iii) thirty-two (32) hours have elapsed following a determination of Reasonable Suspicion of drugs.

- e. A written record shall be made of the grounds for administering a Reasonable Suspicion Test for alcohol or drugs and signed by the supervisor or departmental designee who made the determination of Reasonable Suspicion within twenty-four (24) hours of the observed behavior or before the results of the alcohol or drug test are released, whichever is earlier.

## 6.2 Post-Accident Testing

- a. Any employee whose conduct apparently contributed to an Accident resulting in: (i) death; (ii) bodily injury requiring hospitalization; or (iii) \$50,000 or more in personal property damage, shall be tested for drugs and alcohol following such Accident.
- b. Any **Covered Employee** whose conduct may have contributed to an Accident resulting in (i) death; (ii) bodily injury requiring medical treatment away from the scene of the accident; or (iii) \$10,000 or more in property damage shall be tested for drugs and alcohol following such Accident.
- c. Any **Covered Employee who drives a Commercial Vehicle** and any **Covered Mass Transit Employee** whose conduct may have caused a Major Automobile Accident shall all be tested for drugs and alcohol; provided, however, that if such Accident resulted in a fatality, the driver of a Commercial Vehicle or mass transit vehicle shall be tested regardless of apparent fault.
- d. Post-accident testing for alcohol will be administered immediately following the Accident or as soon thereafter as medically and legally possible, but no later than eight (8) hours after the Accident. If the test is not administered within two (2) hours, the supervisor shall prepare and maintain a written record stating the reason(s) why the test was not administered within two (2) hours. If the test is not administered within eight (8) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) why the test was not promptly administer
- e. Post-accident testing for drugs will be administered immediately following the Accident or as soon thereafter as medically and legally possible, but no later than thirty-two (32) hours after the Accident. If the test is not administered within thirty-two (32) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) why the test was not promptly administer

## 6.3 Pre-placement Testing

- a. Before any new or existing **Covered Employee** first operates a County-owned vehicle or performs any other Safety-sensitive Function for Union County, he or she must submit to drug testing. The employee will not be permitted to drive a County vehicle or perform a Safety-sensitive Function unless the test is negative.
- b. Before any new or existing **Covered Employee who drives a Commercial Vehicle** first operates a commercial vehicle or performs other related safety-sensitive functions as defined in 49 C.F.R. 382.107, and before any new or existing **Covered Mass Transit Employee** first

operates a Revenue Service Vehicle or performs related safety-sensitive functions as defined in 49 C.F.R. 655.4, the employee must submit to both drug and alcohol testing.

#### **6.4. Random Testing**

- a. Random testing will be done on a percentage basis in a fair and equal manner. Each time a random selection is made, every employee subject to testing will have an equal chance of being tested.
- b. **Covered Employees** are subject to unannounced drug tests throughout the year and may be tested at any time they are on duty. At least ten percent (10%) of the average number of **Covered Employees** shall be tested each year for drugs
- c. **Covered Employees who drive Commercial Vehicles** and **Covered Mass Transit Employees** are subject to unannounced tests for both drugs and alcohol throughout the year and may be tested at any time they are on duty. The minimum percentage rates for random drug and alcohol testing for **Covered Employees who drive Commercial Vehicles** shall be at the current rates determined by FMCSA Administrator pursuant to 49 C.F.R. § 382.305, and the minimum percentage rates for random drug and alcohol testing for **Covered Mass Transit Employees** shall be at the current rates determined by the FTA Administrator pursuant 49 C.F.R. § 655.45.
- d. When an employee is selected for random testing, both the employee and the employee's supervisor shall be notified on the day the test is scheduled to occur. The supervisor shall explain to the employee that he/she is under no suspicion of using alcohol or taking drugs and that the employee's name was selected randomly pursuant to this Policy.
- e. When employees are notified that they have been selected for random testing, they will proceed immediately to the collection site.

#### **6.5. Return to Duty Testing**

- a. **Covered Employees** who have been suspended from work based on a positive test for drugs or alcohol must submit to a drug or alcohol test before returning to work following the suspension period. A negative test result is required before the employee may be authorized to return to duty.
- b. A positive Return to Duty test shall result in termination.
- c. **Covered Employees who drive Commercial Vehicles** and **Covered Mass Transit Employees** are subject to return-to-duty testing in accordance with Section 3, Paragraph A.8., above.

#### **6.6 Follow-up Testing**

- a. **Covered Employees** who have been authorized to return to duty following suspension based on a positive test for drugs or alcohol must submit to a minimum of six (6) unannounced periodic Follow-up Tests within the first twelve (12) months following return to duty.
- b. Any **Covered Employees** returning to duty following completion of a voluntary drug rehabilitation program must submit to the same Follow-up Tests described above.

- c. A positive Follow-up Test will result in termination.
- d. Follow-up Testing is separate from and in addition to Random Testing. Employees subject to Follow-up Testing must also remain in the standard random pool and must be tested whenever their names come up for Random Testing, even if this means being tested twice in the same week or month.
- e. Covered Employees who drive Commercial Vehicles and Covered Mass Transit Employees are subject to follow-up testing in accordance with Section 3, Paragraph B.6., above.

## **SECTION 7**

### **Refusal to Submit to a Test**

Behavior that constitutes refusal to submit to a test includes:

- a. Refusal to provide a specimen (verbal refusal or physical absence);
- b. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation;
- c. Tampering, adulterating, or substituting a specimen;
- d. Not reporting to the collection site in the time allotted;
- e. Leaving the scene of an accident without a valid reason before the tests have been conducted;
- f. Failure to sign DOT required testing forms for breath collection when such forms are required;
- g. Leaving the collection site prior to test completion;
- h. Failure to permit an observed or monitored collection when required;
- i. Failure to take a second test when required;
- j. Failure to undergo a medical examination when required; or
- k. Failure to cooperate with any part of the testing process.

## **SECTION 8**

### **Testing Procedures**

All alcohol and drug tests performed pursuant to this Policy shall be conducted at Carolina OCC MED, in Monroe, NC, or other clinical facility designated by Union County, which facility shall be responsible for complying with all applicable state and federal regulations governing alcohol and drug testing procedures and methodologies.

SECTION 9  
**Reporting of Results**

Carolina Occ Med, or other clinic facility designated by Union County to perform employee alcohol and drug testing (the "laboratory"), shall report drug test results directly to the Medical Review Officer (MRO) within five (5) working days. The report shall indicate the drugs/metabolites tested for, whether the results are positive or negative, and the drug testing laboratory identification number. The laboratory shall report alcohol test results to the Personnel Director or his or her designee immediately.

SECTION 10  
**Review of Drug Results by MRO**

**The MRO will review and interpret positive results obtained from the laboratory. The MRO, through a verification process, will assess and determine whether alternate medical explanations could account for the positive test results. The MRO may conduct medical interviews of the tested individual. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.**

- a. The MRO will review the findings of a drug test with the employee or Covered Applicant before a final determination is made that the employee or Covered Applicant did not pass the test. The purpose of this review is to ensure that the findings of a positive test are not based on factors other than the use of the drug for which the positive result is found. After the final decision is made, the MRO will notify the County as prescribed below.
- b. If during the course of an interview with an individual who has tested positive the MRO learns of a medical condition which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to the Personnel Director or his designee.
- c. The MRO will notify each employee or Covered Applicant who has a confirmed positive test that the employee or Covered Applicant has 72 hours in which to request a test of the split specimen. The employee or Covered Applicant shall have the right to retest a confirmed positive sample at the same or another approved laboratory. The employee or Covered Applicant must request release of the sample in writing specifying to which approved laboratory the sample is to be sent. If the employee or Covered Applicant makes such a request, the MRO will direct, in writing, the laboratory to provide the split specimen to a certified laboratory, as specified by the employee or Covered Applicant, for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or un-testable, the MRO will cancel the test and report cancellation and the reasons for it to the DOT, the County, and the employee or Covered Applicant. A request for testing of the split sample and associated costs are the responsibility of the tested individual.
- d. If the MRO, after making and documenting all reasonable efforts, is unable to contact the tested person, the MRO will contact the Director to arrange for the employee or Covered Applicant to contact the MRO prior to going on duty. If, within five (5) days after a documented contact by the Director instructing the employee or Covered Applicant to contact the MRO, the employee or Covered Applicant has not done so, the MRO will verify the test positive and report it to the County.

- e. Notwithstanding any other provision stated herein, the MRO shall comply with all applicable state and federal laws in effect at the time of the testing.

## **SECTION 11**

### **Compliance with Law**

- a. The County will maintain alcohol and drug test results in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee or Covered Applicant information shall only be released as legally required or expressly authorized.
- b. Searches and seizures are to be conducted in a legal manner. The County reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his or her designee determines that the search is reasonable under all the circumstances. Failure to consent to, or cooperate with, such inspections will be grounds for disciplinary action up to and including discharge.
- c. The County will notify the North Carolina Division of Motor Vehicles within five (5) business days following receipt of a positive drug or alcohol test or a refusal to submit to a required test for all employees or Covered Applicants who drive commercial vehicles or work for agencies that receive federal transit funds, as required by N.C.G.S. § 20-37.19(c). Such notification shall include the employee's name, driver's license number, social security number, and test results or documentation of employee's refusal to take the test.
- d. The Drug Free Workplace Act of 1988 requires all County employees to notify the County within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or any other controlled substance at the workplace. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. The County shall then be required to notify all federal contracting agencies and grantors of such conviction within ten days of receiving notice of the conviction.

## **SECTION 12**

### **Contact**

**Any inquiries regarding this Policy should be directed to the Union County Personnel Director who is the County Official designated to answer questions about this Policy. The Director is located in the Union County Government Center, 500 N. Main Street, Suite 130, Monroe, N.C. The phone number is (704) 283-3869.**



***UNION COUNTY  
DRUG AND ALCOHOL POLICY***

***REVISED JUNE 12, 2003***



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# **DRUG AND ALCOHOL FREE WORKPLACE POLICY**

## **SECTION 1 PURPOSE AND SCOPE OF POLICY**

- A. The purpose of this Policy is to maintain a drug-free and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs, the improper use of prescription drugs, and the misuse of alcohol.
- B. All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, the County will take all necessary steps to safeguard the dignity and self-esteem of those being tested, and will ensure adherence to all procedures pertaining to the implementation of this Policy. The County will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.
- C. Employees with substance-abuse problems are encouraged to voluntarily seek help. If an employee should approach the County prior to being identified as a drug user/abuser or alcohol abuser by means of drug or alcohol testing, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. However, notwithstanding any other provision of this Policy to the contrary, employees who fail drug or alcohol tests may be disciplined, up to and including termination, in accordance with the provisions of this Policy. If an employee is terminated, no benefits except those provided for by federal, State or local act will be provided for beyond the last day of employment.
- D. The Drug Free Workplace Act of 1988 requires all county employees to notify the county within five calendar days after any criminal conviction for the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or any other controlled substance at the workplace. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. The county shall then be required to notify all federal contracting agencies and grantors of such conviction within ten days of receiving notice of the conviction.
- E. Employees will be given a copy of this Policy and will be required to sign a form acknowledging its receipt. By continuing to work, the employee agrees that he/she will abide by the policy as a condition of employment. Failure to sign the form will result in disciplinary action up to and including termination.

## **SECTION 2 PROHIBITED BEHAVIOR**

### *A. Alcohol*

- 1. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by employees while at the workplace is prohibited and constitutes grounds for immediate termination.

2. No employee shall use alcohol within four hours before going on duty or before operating or having physical control of a County owned vehicle, a commercial motor vehicle or transit service vehicle, or before performing a **safety sensitive** function.
3. No employee shall report for duty or remain on duty in a **safety-sensitive** function while having an alcohol concentration of 0.04 or greater. An employee who reports to work and whose breath alcohol test result indicates a 0.04 or greater level of alcohol in the employee's system shall be considered to have a positive alcohol test and shall be disciplined as outlined in this Policy.
4. No employee involved in an accident that requires an alcohol test shall consume any alcohol for eight hours following the accident or until a post-accident alcohol test is performed, whichever comes first.
5. **An employee who refuses to submit to a test, fails to follow through with, an alcohol test when testing is required by this Policy or has an alcohol concentration of 0.04 or greater will be terminated. The employee will be removed immediately from the safety-sensitive function, provided educational material and referred to an SAP. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the Personnel Department.**
6. *An employee who is tested (exclusive of the return-to-duty test) and found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform his or her job functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four hours following administration of the test unless a retest results in an alcohol concentration of less than 0.02. The employee shall be removed from duty without pay for this twenty-four hour period and shall receive a notation in his or her performance appraisal about the requirement of reporting to work without the presence of alcohol in his or her system.*

#### B. Drug

- 1 The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.
- 2 An employee shall inform his or her supervisor if, prior to beginning work or while he or she is on duty, he or she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his or her ability to satisfactorily perform duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemical substances taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination depending on the severity of the resulting incident. The Personnel Department will be consulted prior to such discipline being imposed.
3. **An employee who refuses to submit to, or fails to follow through when testing is required by this Policy or has a verified positive drug test will be terminated. The employee will be removed immediately from the safety-sensitive function, provided educational materials and referred to a Substance Abuse Professional. However, before proceeding with disciplinary action, the employee's department head must assure that the facts of the case are reviewed by the Personnel Department.**

### **SECTION 3 SUPERVISORY RESPONSIBILITIES**

Every supervisor shall:

- A. Consistently apply this Article to all employees under his or her supervision. A supervisor who fails to apply this Article when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation will be disciplined.
- B. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.
- C. Insure that all employees he or she supervises receive training on the requirements and consequences of this Article.
- D. Follow the procedure established by the department head for assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is reasonable suspicion of substance abuse or who have had a breath alcohol test result of 0.02 or greater are transported home, either by personal family/friends or by arranged transportation.

### **SECTION 4 EMPLOYEE RESPONSIBILITIES**

Every employee and, to the extent applicable, covered applicants shall:

- A. Abide by this policy as a condition of employment.
- B. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol, or prescription drugs.
- C. Assure that his or her ability to perform his or her job duties is not negatively affected due to use of a drug or alcohol when scheduled to report to work or when on "on call" status. Should any employee be requested to report to work earlier than his or her normal or previously assigned time, it is the employee's responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or she has consumed alcohol within the last four hours prior to reporting for duty. If the employee had received prior notice that he or she might be called back into work, the employee shall be considered absent without leave if he or she is unable to report to duty. An employee may be subject to other disciplinary action due to inability to report for duty.
- D. Submit immediately to a drug or alcohol test when requested by his or her supervisor.

- E. Notify his or her department head within five days if convicted of a violation of a criminal drug statute such as the manufacture, distribution, dispensation, possession, or use of narcotics, drugs, or for any other controlled substance when such violation occurred while the employee was on duty, as required by the Drug-Free Workplace Act of 1988. Criminal conviction means a finding of guilt, a plea of no contest, or a plea of guilty. The county shall then be required to notify all federal contracting agencies and grantors of such conviction within ten days of receiving notice of the conviction.

## **SECTION 5 DRUG AND ALCOHOL TESTS**

**Covered Employees and Covered Applicants** shall be subject to the following tests:

- (A) Pre-placement;
- (B) Post Accident;
- (C) Reasonable Suspicion;
- (D) Random Testing;
- (E) Return to Duty; and
- (F) Follow Up.

For purposes of this Policy **Covered Employees** shall be defined as those employees who must hold a commercial driver's license as a job requirement or who perform other **safety-sensitive** functions as defined by the U.S. Department of Transportation (DOT) regulations.

**Covered Applicants** shall be defined as those applicants for positions required to hold a commercial driver's license or perform **safety sensitive** functions to whom an offer of employment has been made contingent upon their passing a drug and alcohol test.

**All employees are subject to the following tests:**

- A. Post Accident;
- B. Reasonable Suspicion;
- C. Return to Duty;
- D. Follow Up.

An employee who does not pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when

- (a) he or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and

(b) he or she passes a pre-placement drug and/or alcohol test.

#### A. **Pre-placement**

Before a part-time or full-time employee initially operates a County owned vehicle or performs **safety-sensitive** function for Union County, he or she must undergo testing for drug and alcohol misuse. Covered Applicants for employment or current employees transferring from non safety-sensitive positions into a position that requires testing must pass a pre-placement drug and alcohol test.

1. A drug and alcohol test will be included as part of the promotion / demotion /transfer / selection process for **Covered Applicants** and employees determined to be final candidates for positions requiring the operation of a County owned vehicle, a commercial driver's license or for positions that are safety sensitive. Prior to conducting the test, the County will inform the employee in writing of the testing requirements.
2. **Covered Applicants** will be required to submit to a drug screening. The drug screen shall be performed within forty-eight hours from the time the conditional job offer is made.
3. **Covered Applicants** will also be required to submit to an alcohol screening. The applicant must have a breath alcohol test result of less than 0.04 to be considered for employment.
4. **Covered Applicants** for temporary positions will be required to submit to a drug and alcohol screening.
5. A **Covered Applicant** will have four hours to provide an acceptable urine specimen. An applicant who refuses to submit to, or fails to follow through with, the drug or alcohol test as required, or does not pass the drug or alcohol test will not be considered for employment for a two-year period following the date of the test and then will be considered only when
  - (a) he or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and
  - (b) Her she passes a pre-placement drug and/or alcohol test.

#### A. **Post Accident**

Post-accident testing must be conducted on any driver and any other safety-sensitive employee (e.g., maintenance personnel) whose performance could have contributed to the accident. A determination whether to test safety-sensitive employees who were not in the vehicle but who may have contributed to the accident will be made based on the best information available at the time of the decision. The Federal Highway Administration mandates that tests must be conducted in the event of a fatality or if the driver receives a citation under state or local law for a moving traffic violation arising from the accident. Federal Transit Administration mandates testing in the event of a fatality or in the event that a driver receives a citation *and* an individual suffers a bodily injury and immediately receives medical treatment away from the accident scene *or* if one of the vehicles in the accident is disabled to the extent that it must be towed. Testing will be administered immediately following the accident or as soon as medically and legally possible.

1. A post-accident drug test shall be administered within thirty-two hours following the accident. If the drug test is not administered within thirty-two hours, the supervisor shall cease attempts to administer a drug test and must document the reason(s) for not administering the test. No covered employee may refuse to submit to a drug test required by the regulations.
2. A post-accident alcohol test shall be administered no later than (8) eight hours following the accident. If the test is not administered within (2) two hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within (8) eight hours following the accident, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test. In the event an alcohol test is not conducted within the eight-hour time frame, the following should occur:
  - (a). No employee shall be allowed to remain on duty until a post-accident alcohol test is administered and the employee's alcohol concentration measures less than 0.02, or
  - (b). Twenty-four hours have elapsed following the determination of reasonable suspicion. No employee may refuse to submit to an alcohol test as required by the regulations.

#### **B. Reasonable Suspicion**

Testing will be conducted on any employee, if while on County property, while operating a County vehicle, or while engaging in County business, he/she demonstrates work performance or behavior which creates a reasonable suspicion that he/she is unfit for duty and has possibly misused alcohol or drugs as defined in this Policy. Reasonable-suspicion testing is authorized only if the required observations are made by a supervisor or official of the locality where the employee is on duty.

1. When there is reasonable suspicion that an employee on duty has alcohol or drugs in his or her system, the employee will be tested. If the employee tests positive and management concludes that alcohol or drug consumption occurred on the job, the employee will be terminated. If the employee tests positive and department management concludes that alcohol or drug consumption occurred while not on the job, the covered employee shall receive appropriate discipline as outlined in this Resolution, up to and including termination.
2. A reasonable-suspicion alcohol test shall be administered no later than (8) eight hours following the determination of reasonable suspicion. If the test is not administered within (2) two hours, the supervisor must document the reason(s) the alcohol test was not promptly administered. If the alcohol test is not administered within (8) eight hours following the determination of reasonable suspicion, the supervisor shall cease attempts to administer the test and must document the reason(s) for not administering the test. In the event an alcohol test is not conducted within the eight-hour time frame, the following should occur:
  - (a). No employee shall be allowed to remain on duty until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02.
  - (b). Twenty-four hours have elapsed following the determination of reasonable suspicion. No employee may refuse to submit to an alcohol test as required by the regulations.

3. A written record shall be made of the observations leading to a reasonable suspicion drug or alcohol test and signed by the supervisor or departmental designee who made the observations within twenty-four hours of the observed behavior or before the results of the controlled-substances test are released, whichever is earlier.

**C. *Random Testing.***

Covered Employees will be tested on an unannounced basis for alcohol and drugs throughout the year. Computer based, random numbers generated and matched with the employee's identification number will determine who is tested. Random testing will be done on a percentage basis in a fair and equal manner.

1. For alcohol testing, a Covered Employee shall only be tested while the Covered Employee is performing safety-sensitive functions, immediately prior to performing, or immediately after performing safety-sensitive functions.
2. For drug testing, a Covered Employee may be tested at any time the Covered Employee is at work for the County.
3. Selection of Covered Employees for a computer-based random number generator will make random testing that is matched with drivers' Social Security numbers. At least 50 percent of the total number of Covered Employees subject to drug testing and 25 percent subject to alcohol testing must be tested each year.
4. Each time a random selection is made, every Covered Employee will have an equal chance of Covered employees, when notified that they have been selected for random testing, will proceed immediately to the collection site.
5. When a Covered Employee is selected for random testing, both the Covered Employee and the employee's supervisor shall be notified on the day the test is scheduled to occur. The supervisor shall explain to the Covered Employee that he/she is under no suspicion of taking drugs and that the Covered Employee's name was selected randomly pursuant to this policy.
6. A breath alcohol test, with a finding of 0.02-0.039, will result in a five-day suspension without pay for tested individual and he/she will be required to submit to another breath alcohol test and receive a test result below 0.02 prior to being returned to safety-sensitive position.
7. A breath alcohol test result of 0.04 or greater and/or a positive drug test may result in termination as outlined in this Resolution.
8. Any Covered Employee who refuses to provide urine or other appropriate testing specimen will be subject to termination as outlined in this Resolution.

**D. *Return to Duty***

An employee who has a positive breath alcohol test must submit to a return-to-duty breath alcohol test before returning to duty following a disciplinary suspension. An alcohol concentration of less than 0.02 is required before an employee may be authorized to return to duty.



1. A return-to-duty breath alcohol test result of 0.02-0.039 will result in a five-day suspension without pay.
2. A return-to-duty breath alcohol test result of 0.04 or greater and/or a positive drug test will be considered as the second positive alcohol within a five-year period will result in termination.

#### **E. Follow-up**

Once allowed to return to duty, an employee who has had a positive breath alcohol test must submit to a minimum of six follow-up tests within the first twelve months following return to duty. Follow-up testing may be extended for up to sixty months following return to duty.

1. Follow-up testing is separate from and in addition to the regular random testing program. Employees subject to follow-up testing must also remain in the standard random pool and must be tested whenever their names come up for random testing, even if this means being tested twice in the same week or month.
2. Employees returning to the workforce following completion of a voluntary drug and/or alcohol rehabilitation program will be tested on an unannounced and periodic basis for drugs and/or alcohol during the sixty months following their return to work. Employees must submit to a minimum of six follow-up tests within the first twelve months following rehabilitation. A follow-up breath alcohol test result of 0.04 or greater will result in termination.

### **SECTION 6 REFUSAL TO SUBMIT TO A TEST**

Behavior that constitutes refusal to submit to a test includes:

- Refusal to provide a specimen (verbal refusal or physical absence);
- Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation;
- Tampering adulterating, or substituting a specimen;
- Not reporting to the collection site in the time allotted;
- Leaving the scene of an accident without a valid reason before the tests have been conducted;
- Failure to sign DOT required testing forms for breath collection;
- Leaving the collection site prior to test completion;
- Failure to permit an observed or monitored collection when required;
- Failure to take a second test when required;
- Failure to undergo a medical examination when required; or
- Failure to cooperate with any part of the testing process.

### **SECTION 7 TESTING PROCEDURES**

#### **A. Alcohol Testing**

1. Alcohol tests will be conducted at OCC Med facilities in Indian Trail, NC. This facility meets security requirements as specified by Department of Health and Human Services (DHHS) guidelines.

2. Using the Evidential Breath Testing Device, the certified Breath Alcohol Technician will open an individually sealed mouthpiece and attach it to the EBT, The employee will be instructed to blow into the mouthpiece forcefully until an adequate amount of breath has been obtained. The EBT will record the result and display it on the device and print the result immediately, The result will be recorded on the Breath Testing Form and attached to the form with tamper proof tape.
3. When the result is less than 0.02, no further testing, is authorized and the result will be transmitted to the County in a confidential manner and will be stored to insure confidentiality is maintained.
4. When the result is 0.02 or greater, a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than 15 minutes and no more than 20 minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test result is deemed to be the final result upon which any action under the terms of this policy shall be based.
5. Following the completion of the test, the BAT will date the form and sign the certification on the form. The employee will sign the certification and fill in the date on the form. This insures that each employee is attesting to the fact that the reported result is specific to the employee.
6. Refusal to test will be treated the same as if the result is 0.04 or greater.
7. The County will maintain alcohol and drug test results in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee information shall only be released as required by law or as expressly authorized.
8. If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the breath alcohol technician shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide a sufficient amount of breath for the test, the department shall be notified that the employee has refused to be tested. The employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the County addressing the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to the County for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be disciplined according to the guidelines established by this Resolution.

*B. Drug Testing- Specimen Collection:*

1. In accordance with the DHHS Guidelines and to ensure that the sample or specimen provided by an individual is properly identified and not accidentally confused with any other sample, strict procedures shall be used when collecting and transferring the sample. The total of these procedures is known as the chain-of-custody.
2. Drug tests will be conducted at either OCC Med facilities in Indian Trail, NC. This facility meets security requirements as specified by DHHS Guidelines. The collection site is a secure location and allows for maximum privacy, which includes a toilet for completion of

urination, a source of water for washing hands and, where practicable, excluded from the area provided for urination.

3. Covered applicants and employees will be given an opportunity prior to testing to list all drugs they have recently taken, including prescribed drugs, and to explain the circumstances of the use of those drugs in writing on a control form.
4. No other person will be present or gain access to the collection area during the collection process. All specimens must remain in the direct control of the collection site person. No person other than the collection site person may handle specimens prior to their being placed securely in the mailing container.
5. When reporting to a collection site for specimen collection, each employee will be required to provide a photo I.D. Employees will be asked to remove all unnecessary outer garments (i.e., coat or jacket), and secure all personal belongings (individual may retain his/her wallet).
6. Employees will be allowed to provide his/her specimen in the privacy of a stall.
7. A split sample method of collection will be used. At least 45 ml of urine must be collected, 30 ml to be used as the primary specimen and 15 ml to be used as the split specimen. Both bottles will be shipped in a single container.
8. If the collection site person believes tampering or adulteration has occurred, a second specimen shall be collected immediately under the direct observation of a same gender collection site person. Both samples will be sent to the lab.
9. Refusal to test will be handled the same as a verified positive result.
10. In all cases, the Covered Employee and the collection site person shall keep the specimen in view at all times prior to being sealed and labeled. The specimen will be labeled with tamper proof seals and the employee will sign appropriate places on the Chain of Custody and initial the seal on the bottle attesting to the fact that the specimen is specific to the individual providing the sample.

#### *C. Drug Testing - Methodology*

1. All specimens collected by the county pursuant to this article shall be tested in a laboratory certified by the United States Department of Health and Human Services National Institute on Drug Abuse.
2. All samples will be first subjected to an individual screening process to detect the presence of drugs. Those samples having a negative screen (no illegal or illicitly used substance) will be considered to have tested negative and no further testing will be done on those samples. Those samples that test positive on the first screen will be tested more extensively by means of Gas Chromatography/Mass Spectrometry (GC/MS) analysis to eliminate any false positive tests.
3. The laboratory will ensure that the chain-of-custody procedures are adhered to from the time of receipt of urine samples until testing is completed and results are reported. Samples that test positive will be stored by the laboratory for a minimum of one year.

4. All covered applicants and employees will receive written notification of drug test results.

### **SECTION 8 REPORTING OF RESULTS**

The laboratory shall report the test results directly to the County's Medical Review Officer (MRO) within five working days. The report shall indicate the drug/metabolites tested for, whether the results are positive or negative, the specimen number assigned by the County, and the drug testing laboratory identification number.

### **SECTION 9 REVIEW OF RESULTS/MRO**

- A. The medical review officer (MRO) is a licensed physician and possesses knowledge of drug abuse disorders. The MRO will review and interpret positive results obtained from the laboratory. The MRO, through a verification process, will assess and determine whether alternate medical explanations could account for the positive test results. The MRO may conduct medical interviews of the tested individual. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.
- B. The MRO will review the findings of a drug test with the employee before a final determination is made that the employee did not pass the drug test. The purpose of this review is to ensure that the findings of a positive test are not based on factors other than the use of the drug for which the positive result is found. After the final decision is made, the MRO will notify the County as prescribed below.
- C. If during the course of an interview with an individual who has tested positive the MRO learns of a medical condition which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO may report that information to Union County.
- D. The MRO will notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen. The employee shall have the right to retest a confirmed positive sample at the same or another approved laboratory. The employee must request release of the sample in writing specifying to which approved laboratory the sample is to be sent. If the employee makes such a request, the MRO will direct, in writing, the laboratory to provide the split specimen to a certified laboratory, as specified by the employee, for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or un-testable, the MRO will cancel the test and report cancellation and the reasons for it to the DOT, the County, and the employee. A request for testing of the split sample and associated costs are the responsibility of the tested individual.
- E. If the MRO, after making and documenting all reasonable efforts, is unable to contact the tested person, the MRO will contact the Union County Personnel Director to arrange for the employee to contact the MRO prior to going on duty. If, within five days after a documented contact by the Personnel Director instructing the employee to contact the MRO, the employee has not done so, the MRO will verify the test positive and report it to the County.

## **SECTION 10 COMPLIANCE WITH LAW**

- A. Information regarding the testing and referral of employees and applicants under this Article will be treated as confidential in accordance with the requirements of North Carolina law governing the privacy of employee personnel records.
- B. Searches and seizures are to be conducted in a legal manner. The County reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his or her designee determines that the search is reasonable under all the circumstances. Failure to consent to, or cooperate with, such inspections will be grounds for disciplinary action up to and including discharge.

## **SECTION 11 DEFINITIONS**

**Accident means** an occurrence involving a motor vehicle operating on a public road that results in a fatality; bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other vehicle.

**Alcohol test means** a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, or blood screening.

**Cancelled** with respect to the results of a drug test, means a test result in which the medical review officer finds insufficient information or inconsistent procedures with which to make a determination.

**Commercial motor vehicle** means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (a) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (b) Has a gross vehicle weight rating of 26,001 or more pounds; or
- (c) is designed to transport 16 or more passengers, including the driver; or is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

**Confirmation test** for alcohol means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. Confirmation test for controlled substances means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for the five SAMHSA drugs.

**Conviction** means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

**Criminal drug statute** means a criminal statute relating to the manufacture, distribution, dispensation, use or possession of any drug.

**Drug test and drug screening** means a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood of an employee:

- a. amphetamines
- b. barbiturates
- c. benzodiazepines
- d. cannabinoids
- e. cocaine
- f. methaqualone
- g. opiates
- h. phencyclidine
- i. propoxyphene
- j. other drugs that may be determined to reduce work efficiency

**Drug** means a controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or Chapter 90, Section 87(5) of the North Carolina General Statutes or a metabolite thereof.

**Medical review officer** is a North Carolina-licensed physician with specific training in the area of substance abuse. The medical review officer not only has knowledge of substance-abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. The medical review officer verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.

**Negative**, with respect to the results of an alcohol test, means a test that indicates a breath alcohol concentration of less than 0.02.

**Negative**, with respect to the results of a drug test, means a test result that does not show presence of drugs at a level specified to be a positive test.

**On call** means being subject to a call to report immediately to work for Union County.

**On duty** means when an employee is at the workplace, performing job duties, on call, or during any other period of time for which he or she is entitled to receive pay from Union County.

**Other substance** means any substance that has the potential to impair appreciably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.

**Pass a drug test** means that the result of a drug test is negative. The test either (a) showed no evidence or insufficient evidence of a prohibited drug or drug metabolite, or (b) showed evidence of

a prohibited drug or drug metabolite, but there was a legitimate medical explanation for the result as determined by a certified medical review officer.

**Pass an alcohol test** is a negative alcohol test. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.

**Positive**, with respect to the results of an alcohol test, means the presence of alcohol in an employee's system at the 0.04 level or greater.

**Positive**, with respect to the results of a drug test, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the levels identified by the County, if any. All positive tests will be confirmed using a different technology than was used for the first test, such as the gas chromatography/mass spectrometry (GC/MS) process.

**Pre-placement testing** is testing conducted on a current county employee prior to his or her being promoted, transferred, or demoted into a safety-sensitive position.

**Qualified negative**, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use.

**Random testing** is testing conducted on an employee assigned to a safety-sensitive position and is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.

**Reasonable suspicion** exists when a supervisor, who has received the required training in detecting the sign and symptoms of probable drug and/or alcohol use, can substantiate specific contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion: (a) slurred speech (b) the odor of marijuana or alcohol about the person (c) inability to walk a straight line (d) an accident resulting in damage to property or personal injury (e) physical altercation (f) verbal altercation (g) behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e., confusion, disorientation, lack of coordination, marked personality changes, irrational behavior) (h) possession of drugs (i) verifiable information obtained from other employees based on their observations (j) arrests, citations, and deferred prosecutions associated with drugs or alcohol.

**Refuse to submit** means that an employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, (3) refuses to sign the breath alcohol confirmation test certification, or (4) engages in conduct that clearly obstructs the testing process. (5) Fails to report to the collection site in the time allotted. (6) Leaves the scene of an accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing.

**Safety-sensitive** position means a position so defined pursuant to regulations promulgated by the United States Department of Transportation.

**Employment with Union County is defined as Safety-sensitive** when the following functions are performed:

- (a) Operates Commercial Drivers License (CDL) vehicles or revenue service vehicles including when not in revenue service
- (b) Operates nonrevenue service vehicles that require drivers to hold a CDL
- (c) Dispatch or control CDL vehicles or revenue service vehicle
- (d) Maintain CDL vehicles or revenue service vehicles
- (e) Activities involved with loading, unloading or inspecting CDL vehicles.

**Supervisor**, in general, means any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

**Unannounced follow-up testing** is testing conducted on an employee on a periodic, unannounced basis, following his or her return to work from an approved drug or alcohol rehabilitation program.

**Workplace** means the location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms and restrooms, outdoor work sites, County or personal vehicles (while personal vehicle is being used for County business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots.

## **SECTION 12 CONTACT**

**Any inquiries regarding this policy should be directed to the Union County Personnel Director who is the County Official designated to answer questions about this policy. He is located in the County Courthouse, 500 N. Main Street, Suite 835, Monroe, N.C. The phone number is 704 283 3664.**



**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: 6/2/2008

Action Agenda Item No. 5/9a(1)  
(Central Admin. use only)

**SUBJECT:** Approval of Easements Across Public Works Property

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**DEPARTMENT:** Public Works                      **PUBLIC HEARING:** Choose one....

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**ATTACHMENT(S):** Easement Exhibit                      **INFORMATION CONTACT:** Christie Putnam

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**TELEPHONE NUMBERS:**  
296.4212

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**DEPARTMENT'S RECOMMENDED ACTION:** Approve Easements to Union Power across 12 Mile Creek property

**BACKGROUND:** Union Power has requested an easement across the 12 Mile Creek WWTP site. This easement has been reviewed and is not in conflict with current or future potential operations. Union Power is relinquishing an easement we are acquiring for a future parallel gravity sewer line to the 12 Mile Creek WWTP.

**FINANCIAL IMPACT:** None

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**Legal Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Finance Dept. Comments if applicable:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Manager Recommendation:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DO NOT WRITE ABOVE THIS LINE

Drawn By & Return To: Union Power Cooperative, P. O. Box 5014, Monroe, North Carolina 28111-5014

**INDIVIDUAL EASEMENT**

**STATE OF NORTH CAROLINA**

MAP NO: 424

PREPARED BY:

Kelth Helms

COUNTY: UNION

KNOW ALL MEN BY THESE PRESENTS, That

Union County, a political subdivision of North Carolina

c/o Public Works Department

for valuable consideration received, does/do hereby grant unto UNION ELECTRIC MEMBERSHIP CORPORATION, its successors and assigns, the right, privilege and easement to go in and upon that certain tract of land

situated in said County and State, in

Sandy Ridge

Township, being:

PIN# 06162001 also see attached sheets 1 thru 7

Reference is made to recorded instruments:

Deed Book 0351 Page 482

and to construct, maintain and operate in, upon and through said premises in a proper manner, with poles, wires, guys, conduits, cables, transformers, and other necessary apparatus and appliances, overhead or underground lines for transmitting and distributing power by electricity, and for communication purposes, together with the right at all times to enter said premises for the purpose of inspecting said lines and making necessary repairs and alterations thereon and additions thereto; together with the right at all times to cut away, or by other means to keep clear of said lines, all trees, brush, structures, and other obstructions that may, in any way, endanger the proper maintenance and operation of the same; also including the right to relocate said lines over said premises to conform to any future highway or street location, widening or improvement.

Signed, sealed and delivered this

day of

SUBSCRIBING WITNESS:

NORTH CAROLINA

I, \_\_\_\_\_, a notary public of

County, \_\_\_\_\_, certify that

personally appeared before me this day, and being duly sworn, stated that in his presence

(signed) (acknowledged the execution of) the foregoing instrument.

Witness my hand and official stamp or seal, this the

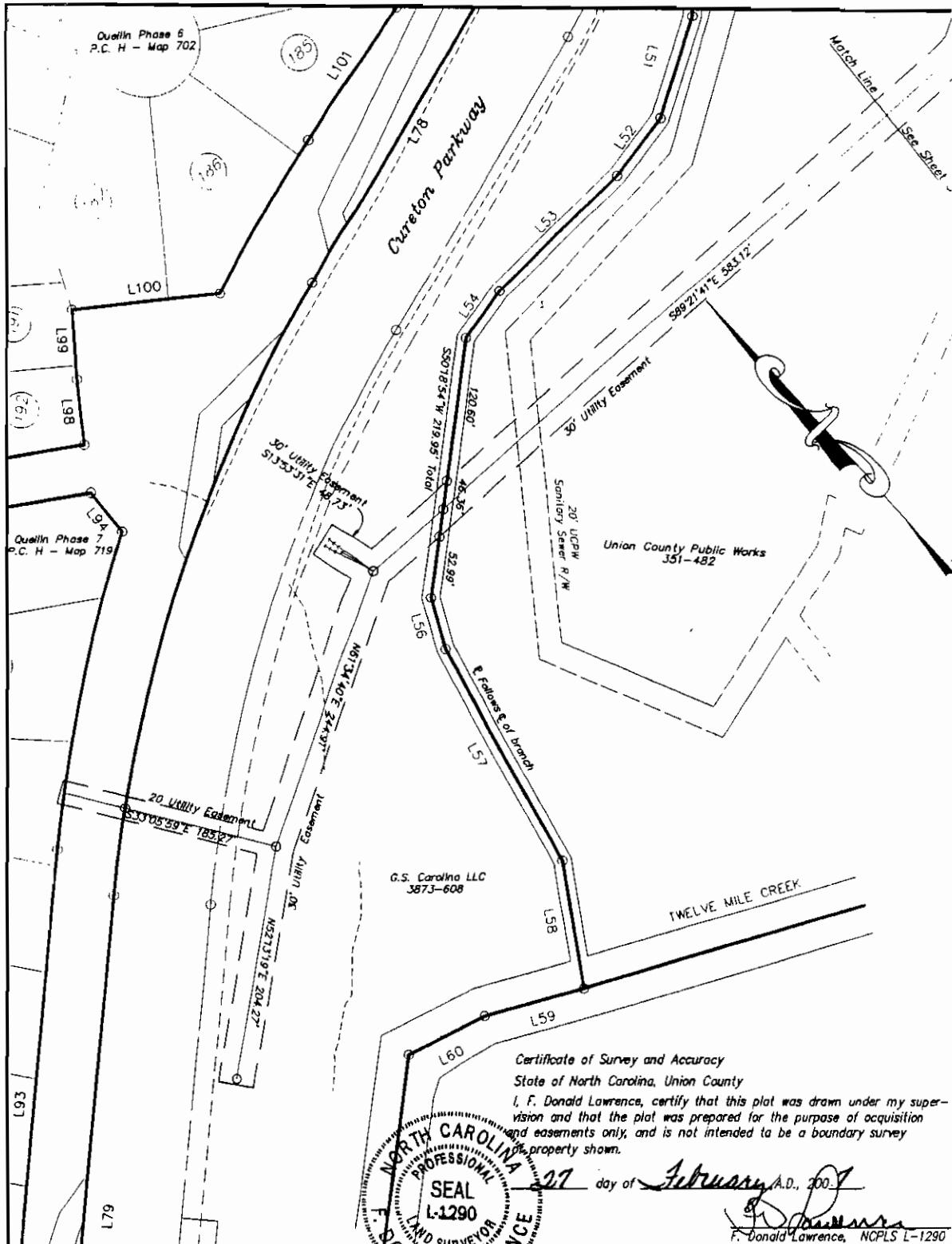
day of

(Official Seal)

My commission expires

Notary Public

DO NOT WRITE BELOW THIS LINE



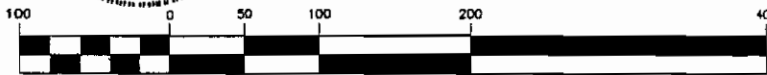
Certificate of Survey and Accuracy  
 State of North Carolina, Union County  
 I, F. Donald Lawrence, certify that this plat was drawn under my supervision and that the plat was prepared for the purpose of acquisition and easements only, and is not intended to be a boundary survey of the property shown.

27 day of February, A.D., 2007

*F. Donald Lawrence*  
 F. Donald Lawrence, NCPLS L-1290



GRAPHIC SCALE

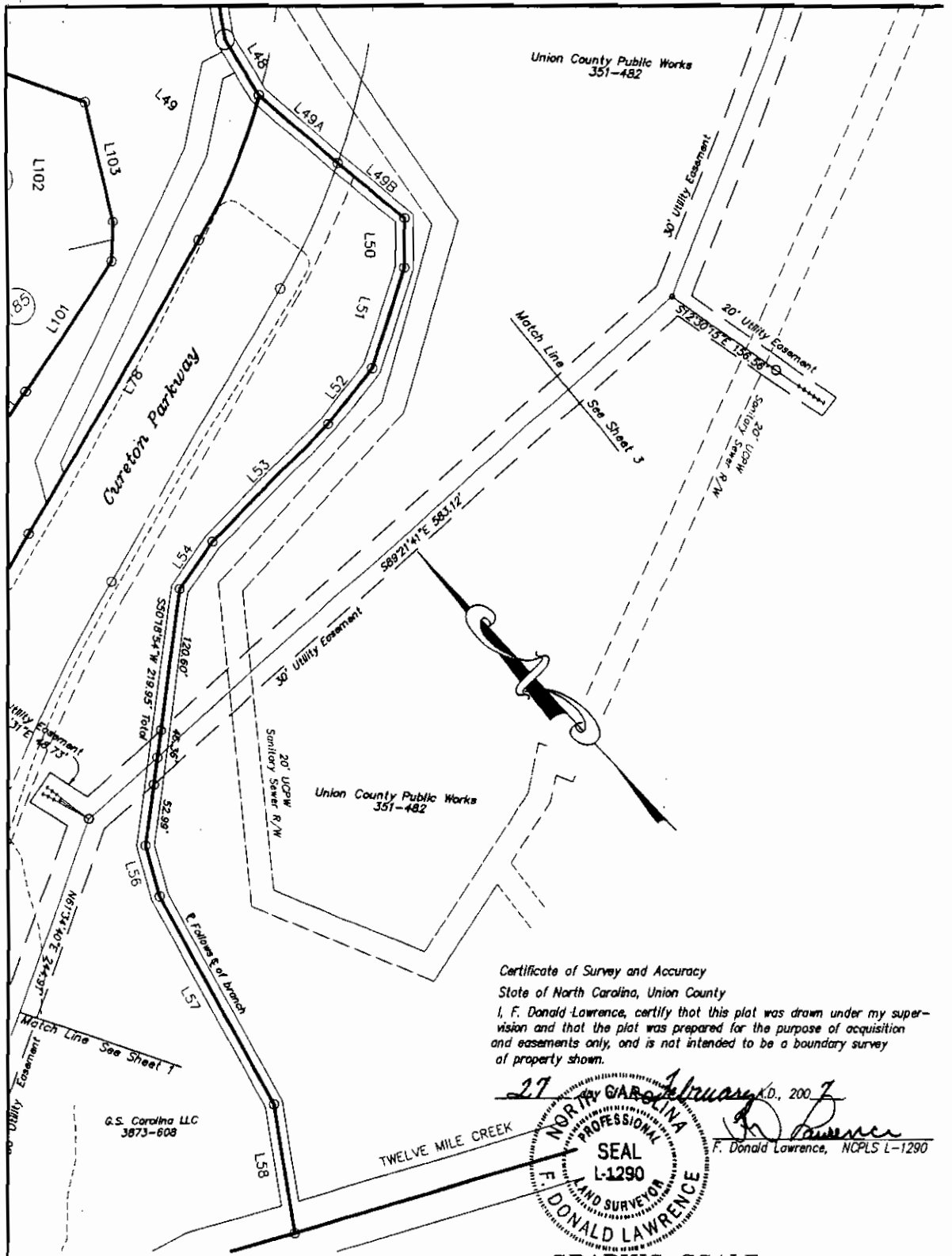


( IN FEET )  
 1 inch = 100 ft.

**FDL**  
 &  
**ASSOC**

Utility Easement Crossing the property of  
 G.S. Carolina LLC  
 Sandy Ridge Township, Union county, N.C.  
 Original scale: 1" = 100'  
 F. Donald Lawrence and Associates, P.A.  
 114 East Jefferson Street / PO Box 1014  
 Monroe, North Carolina 28110 Telephone: (704) 289-1013

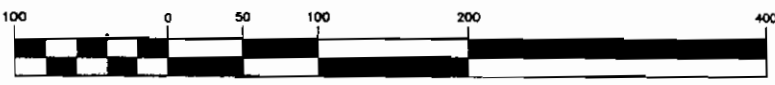
Date: 2/26/07 Sheet 1  
 Revision: \_\_\_\_\_



Certificate of Survey and Accuracy  
 State of North Carolina, Union County  
 I, F. Donald Lawrence, certify that this plot was drawn under my supervision and that the plot was prepared for the purpose of acquisition and easements only, and is not intended to be a boundary survey of property shown.

27 February, 2007  
 F. Donald Lawrence, NCPLS L-1290  
 SEAL  
 L-1290  
 F. DONALD LAWRENCE  
 LAND SURVEYOR

GRAPHIC SCALE

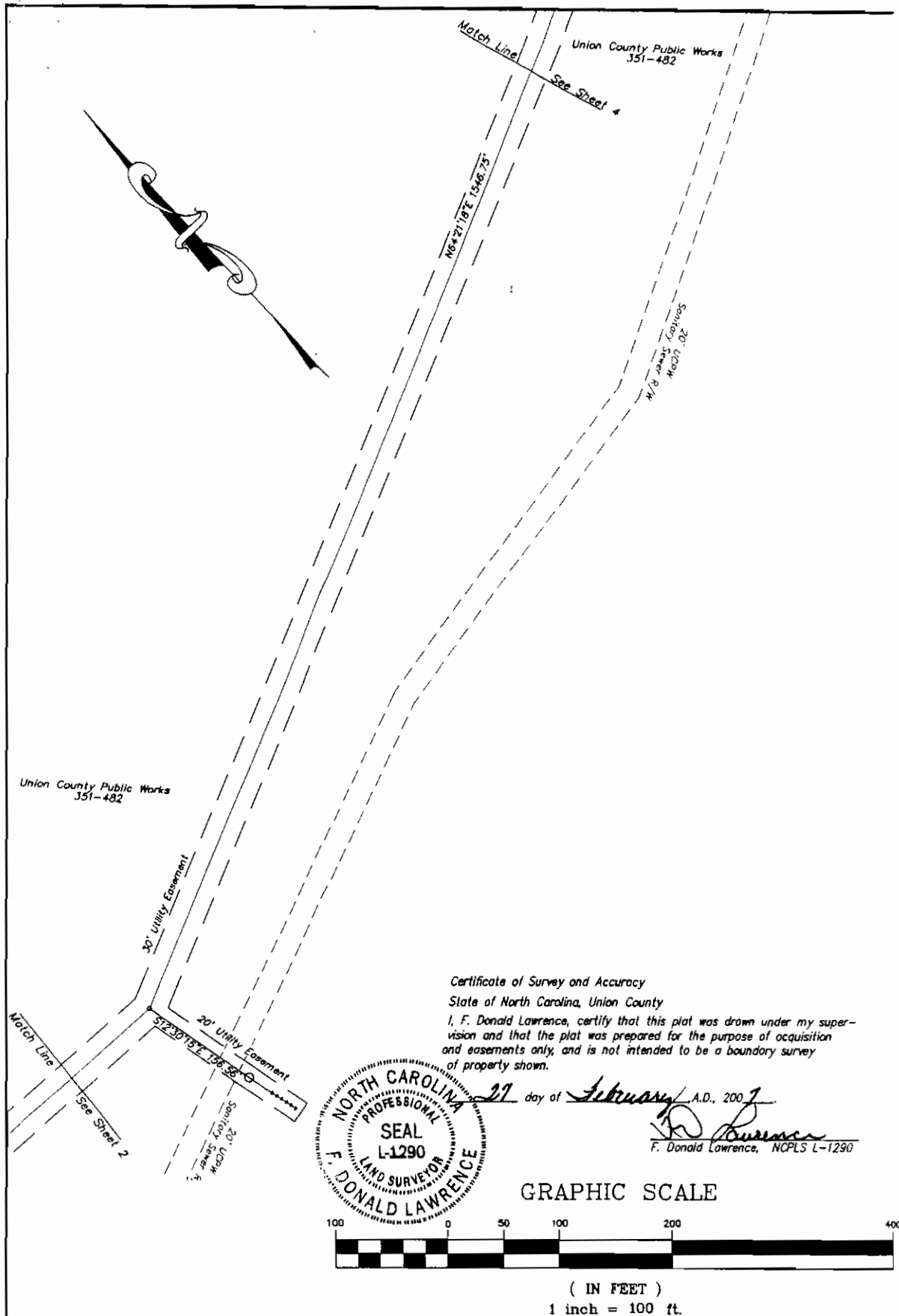


( IN FEET )  
 1 inch = 100 ft.

**FDL**  
 &  
**ASSOC**

Utility Easement Crossing the Property of  
 Union County Public Works  
 Sandy Ridge Township, Union county, N.C.  
 Original scale: 1" = 100'  
 F. Donald Lawrence and Associates, P.A.  
 114 East Jefferson Street / PO Box 1014  
 Manroe, North Carolina 28110 Telephone: (704) 289-1013

Date: 2/26/07 Sheet 2  
 Revision: \_\_\_\_\_



Certificate of Survey and Accuracy  
 State of North Carolina, Union County  
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27 day of February, A.D., 2007  
 F. Donald Lawrence, NCPLS L-1290

GRAPHIC SCALE



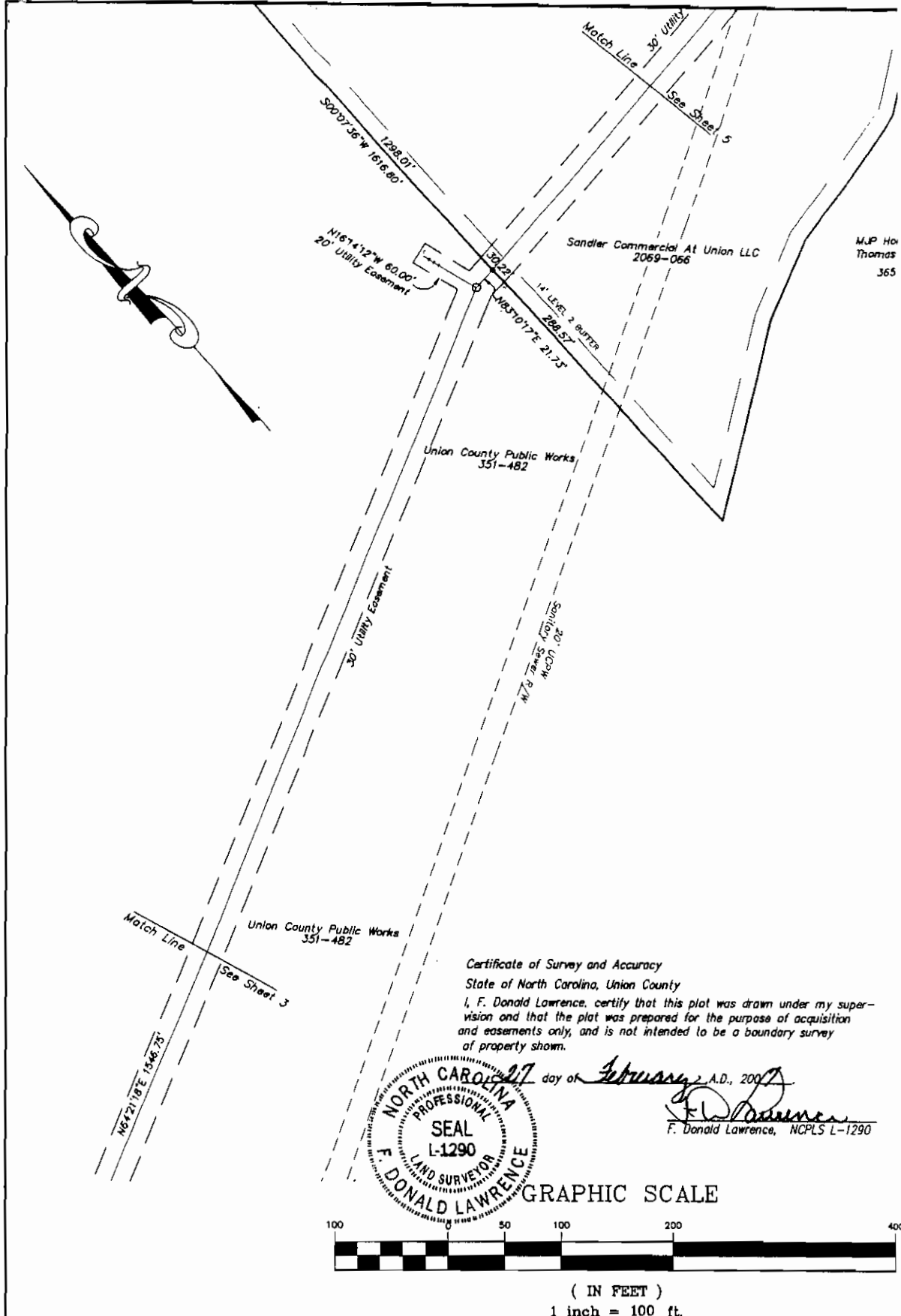
( IN FEET )  
 1 inch = 100 ft.

**FDL**  
 &  
**ASSOC**

Utility Easement Crossing the Property of  
 Union County Public Works  
 Sandy Ridge Township, Union county, N.C.

Original scale: 1" = 100'  
 F. Donald Lawrence and Associates, P.A.  
 114 East Jefferson Street / PO Box 1014  
 Monroe, North Carolina 28110 Telephone: (704) 289-1013

Date: 2/26/07 Sheet 3  
 Revision: \_\_\_\_\_



M.P. Ho  
Thomas  
365

Certificate of Survey and Accuracy  
State of North Carolina, Union County  
I, F. Donald Lawrence, certify that this plot was drawn under my supervision and that the plat was prepared for the purpose of acquisition and easements only, and is not intended to be a boundary survey of property shown.



day of February, 2, A.D., 2007  
F. Donald Lawrence, NCPLS L-1290

GRAPHIC SCALE



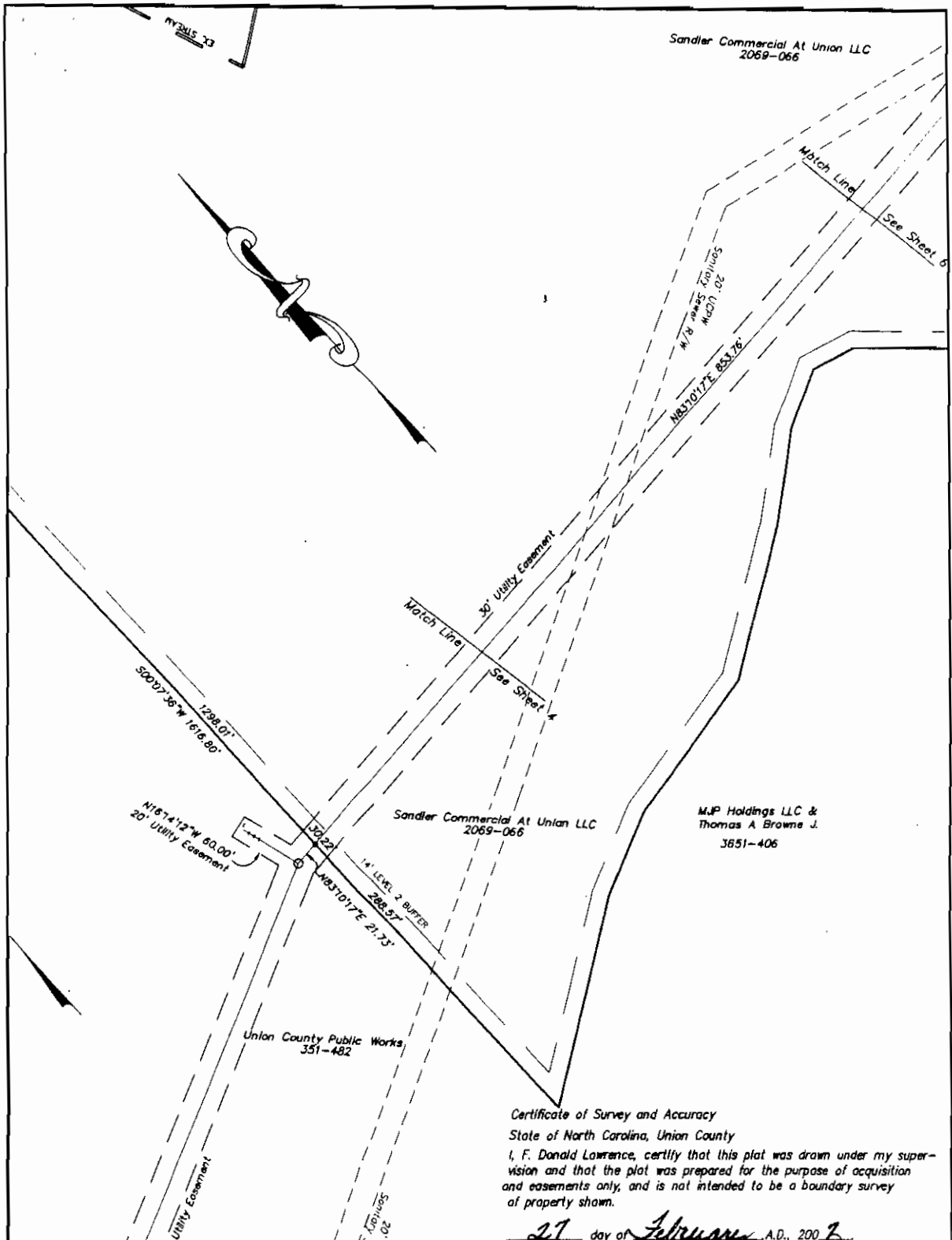
( IN FEET )  
1 inch = 100 ft.

**FDL  
&  
ASSOC**

Utility Easement Crossing the Property of  
Union County Public Works  
Sandy Ridge Township, Union county, N.C.

Original scale: 1" = 100'  
F. Donald Lawrence and Associates, P.A.  
114 East Jefferson Street / PO Box 1014  
Monroe, North Carolina 28110 Telephone: (704) 289-1013

Date: 2/26/07 Sheet 4  
Revision: \_\_\_\_\_



Certificate of Survey and Accuracy  
 State of North Carolina, Union County  
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27 day of February A.D., 2007  
 F. Donald Lawrence, NCPLS L-1290

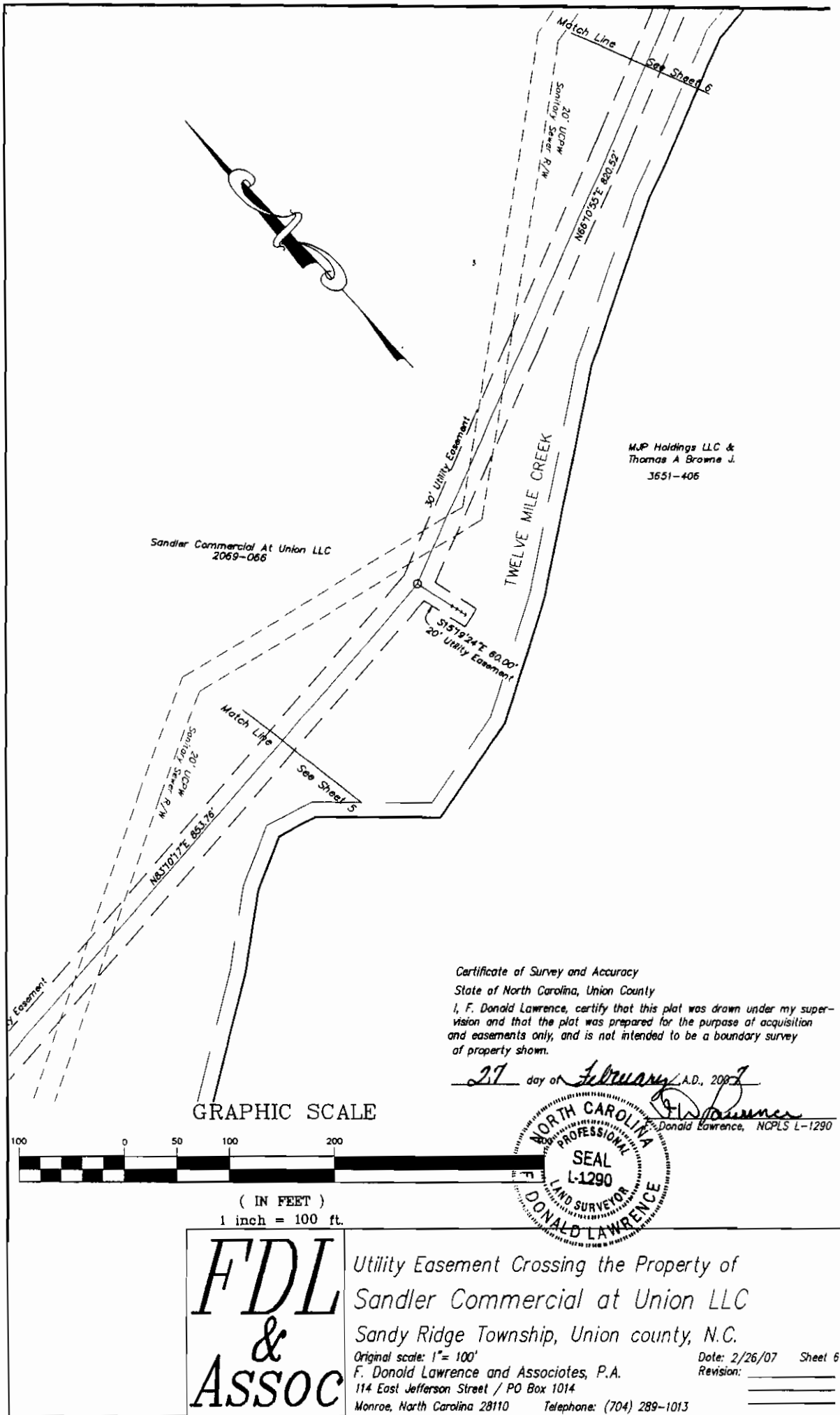


( IN FEET )  
 1 inch = 100 ft.

**FDL & ASSOC**

Utility Easement Crossing the Property of  
 Sandler Commercial at Union LLC  
 Sandy Ridge Township, Union county, N.C.  
 Original scale: 1" = 100'  
 F. Donald Lawrence and Associates, P.A.  
 114 East Jefferson Street / PO Box 1014  
 Monroe, North Carolina 28110 Telephone: (704) 289-1013

Date: 2/26/07 Sheet 5  
 Revision: \_\_\_\_\_

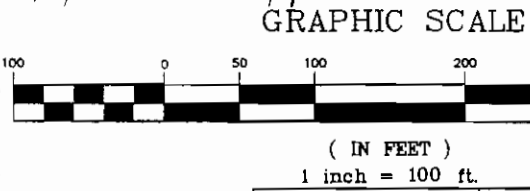
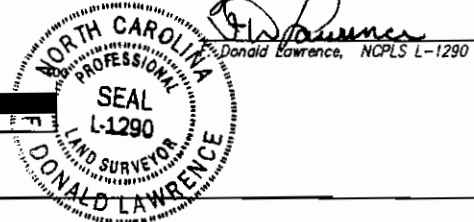


MJP Holdings LLC &  
Thomas A Browne J.  
3651-406

Sandler Commercial At Union LLC  
2069-066

Certificate of Survey and Accuracy  
State of North Carolina, Union County  
I, F. Donald Lawrence, certify that this plat was drawn under my supervision and that the plat was prepared for the purpose of acquisition and easements only, and is not intended to be a boundary survey of property shown.

27 day of February A.D., 2007

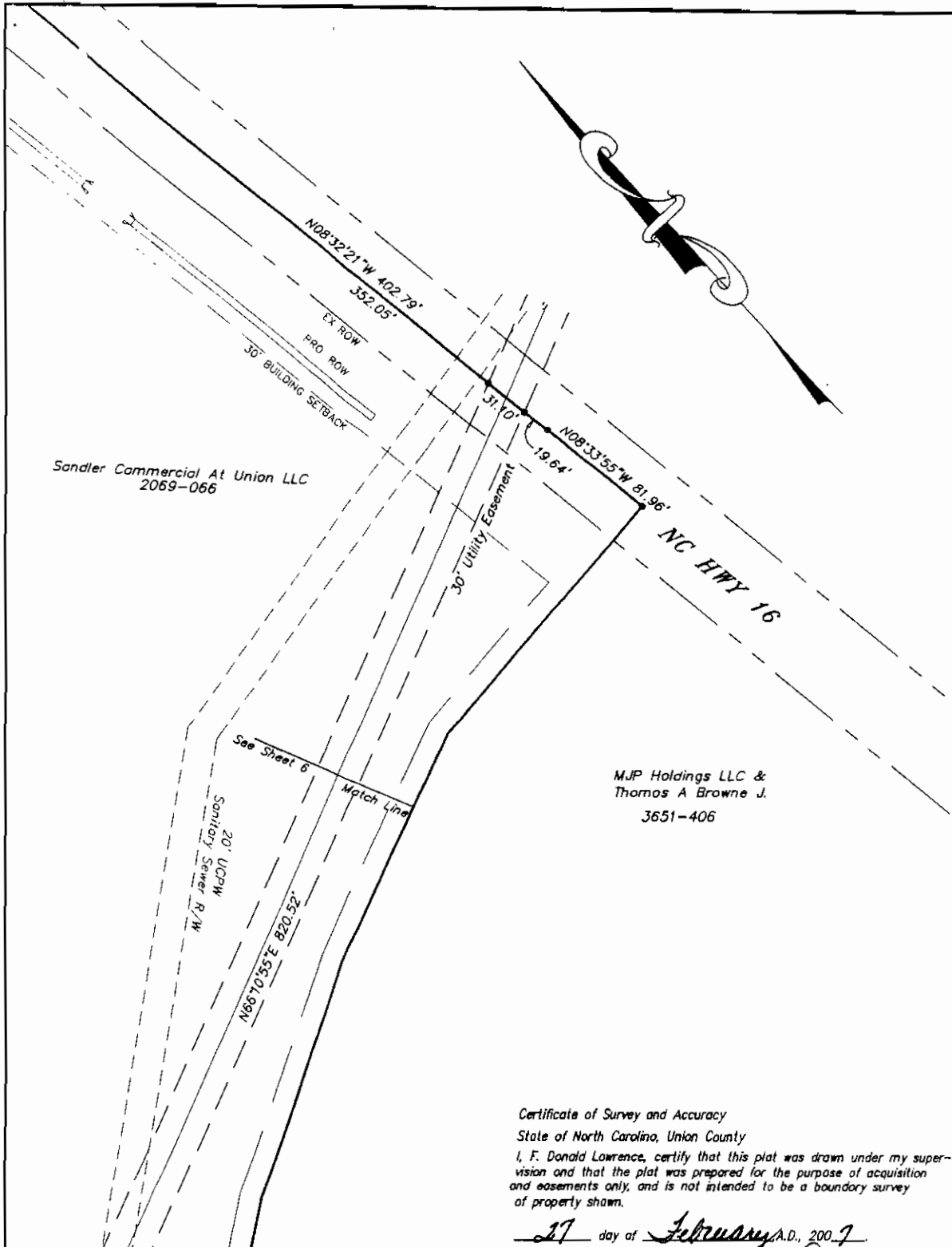


**FDL**  
&  
**ASSOC**

Utility Easement Crossing the Property of  
Sandler Commercial at Union LLC  
Sandy Ridge Township, Union county, N.C.  
Original scale: 1" = 100'  
F. Donald Lawrence and Associates, P.A.  
114 East Jefferson Street / PO Box 1014  
Monroe, North Carolina 28110 Telephone: (704) 289-1013

Date: 2/26/07 Sheet 6  
Revision: \_\_\_\_\_





Sandler Commercial At Union LLC  
2069-066

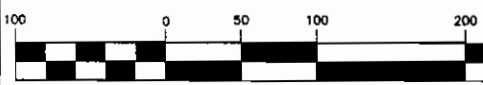
MJP Holdings LLC &  
Thomas A Browne J.  
3651-406

Certificate of Survey and Accuracy  
State of North Carolina, Union County  
I, F. Donald Lawrence, certify that this plat was drawn under my supervision and that the plat was prepared for the purpose of acquisition and easements only, and is not intended to be a boundary survey of property shown.

27 day of February A.D., 2007

*F. Donald Lawrence*  
Donald Lawrence, NCPLS L-1290

GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.



**FDL**  
&  
**ASSOC**

Utility Easement Crossing the Property of  
Sandler Commercial at Union LLC  
Sandy Ridge Township, Union county, N.C.  
Original scale: 1" = 100'  
F. Donald Lawrence and Associates, P.A.  
114 East Jefferson Street / PO Box 1014  
Monroe, North Carolina 28110 Telephone: (704) 289-1013

Date: 2/26/07 Sheet 7  
Revision: \_\_\_\_\_

# GUIDE INDIVIDUAL EASEMENT

- |  |   |
|--|---|
| (1) County where property is located<br>(2) Typed or printed name(s) EXACTLY as appears on deed.<br>(3) Township in which Property is located<br>(4) (4a) lot number (if applies)<br>(4b) street address<br>(4c) description of property | (5) (5a) Deed book number (5b) deed book page number<br>(5c) Parcel ID Number (5d) Pin Number (5e) Tax Record<br>(6) Day (7) Month (8) Year easement signed.<br>(9) Signature of Subscribing witness (Person, if not a notary, who witnesses execution)<br>(10) Signature(s) EXACTLY as appears on deed |
|--|---|

**DO NOT WRITE IN TOP, BOTTOM OR SIDE MARGINS (THIS IS VERY IMPORTANT - THE COUNTY WILL NOT ACCEPT)**

Drawn By & Return To: Union Power Cooperative, P. O. Box 5014, Monroe, North Carolina 28111-5014

INDIVIDUAL EASEMENT		STATE OF NORTH CAROLINA	
MAP NO (To be filled in by Union Power)	PREPARED BY: (Union Power Employee)	COUNTY	(1)
KNOW ALL MEN BY THESE PRESENTS, That _____ (2)			
for valuable consideration received, does/do hereby grant unto UNION ELECTRIC MEMBERSHIP CORPORATION, its successors and assigns, the right, privilege and easement to go in and upon that certain tract of land			
situated in said County and State, in _____ (3) Township, being:			
(4a)	(4b)		
(4c)			
Reference is made to recorded Instruments: _____ (5a) _____ (5b)			
(5c)	(5d)	(5e)	
and to construct, maintain and operate in, upon and through said premises in a proper manner, with poles, wires, guys, conduits, cables, transformers, and other necessary apparatus and appliances, overhead or underground lines for transmitting and distributing power by electricity, and for communication purposes, together with the right at all times to enter said premises for the purpose of inspecting said lines and making necessary repairs and alterations thereon and additions thereto; together with the right at all times to cut away, or by other means to keep clear of said lines, all trees, brush, structures, and other obstructions that may, in any way, endanger the proper maintenance and operation of the same; also including the right to relocate said lines over said premises to conform to any future highway or street location, widening or improvement.			
Signed, sealed and delivered this _____ (6) day of _____ (7), _____ (8)			
SUBSCRIBING WITNESS:			(10)
_____ (9)			(10)
			(10)

The easement MUST BE EXECUTED by the person(s) whose name appears on the deed. The person(s) must appear before the notary to give the acknowledgement(s). An easement that has one or more subscribing witnesses may be proved by the sworn testimony of one of these witnesses.

- A. Name of county where acknowledgment/proof is taken.
- B. Typed or printed name of notary EXACTLY as it appears in the seal or stamp.
- C. Name of County where notary is commissioned.
- D. Name of State where notary is commissioned.

- E. Typed or printed name of witness proving the document EXACTLY as this name appears from his or her signature as a subscribing witness to the easement.
- F. Typed or printed name of person who executed the easement being proved EXACTLY as this name appears on signature line.
- G. Date H. Month I. Year acknowledgement/proof taken.
- J. Signature of notary K. Date & Month L. Year notary's commission expires.

NORTH CAROLINA _____ (A)	I, _____ (B)	, a notary public of _____ (C) County, _____ (D), certify that	
(E) If subscribing witness or (F) if signed before notary personally appeared before me this day, and being duly sworn, stated that in his presence _____ (F) or not required if signed before notary			
(signed) (acknowledged the execution of) the foregoing instrument.			
Witness my hand and official stamp or seal, this _____ (G) day of _____ (H), _____ (I)			
(Official Seal)			
_____ (J) My commission expires _____ (K), _____ (L)			
Notary Public			

DO NOT WRITE BELOW THIS LINE

**UNION COUNTY  
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT**

**Meeting Date: 6/2/2008**

**Action Agenda Item No. 5/94(2)**  
(Central Admin. use only)

**SUBJECT:** Approval of Easements Across Public Works Property

**DEPARTMENT:** Public Works                      **PUBLIC HEARING:** Choose one....

**ATTACHMENT(S):** Easement Exhibit                      **INFORMATION CONTACT:** Christie Putnam

**TELEPHONE NUMBERS:** 296.4212

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**DEPARTMENT'S RECOMMENDED ACTION:** Approve Easements to the City of Monroe across Tallwood property

**BACKGROUND:** The City of Monroe has requested an easement across our Tallwood WWTP for a gas line. This easement has been reviewed and is not in conflict with our operations.

**FINANCIAL IMPACT:** None

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**Legal Dept. Comments if applicable:** \_\_\_\_\_

**Finance Dept. Comments if applicable:** \_\_\_\_\_

---

**Manager Recommendation:** \_\_\_\_\_

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NORTH CAROLINA  
UNION COUNTY

Excise Tax: \_\_\_\_\_  
Tax Ref. No.: \_\_\_\_\_

**UTILITIES EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that Union County, a Body Politic, in consideration of \$3,300.00 paid to Union County by the City of Monroe and in further consideration of benefits accruing to itself, its heirs, representatives and successors in title, receipt whereof is hereby acknowledged, do hereby grant and convey to the City of Monroe, a North Carolina Municipal Corporation, Grantee, and its successors and assigns the perpetual right, privilege and easement to go in and upon its property, as described in deed duly recorded in the Office of the Register of Deeds for Union County in Book 757, at page 01, to which reference is hereby made for a more particular description.

The specific location and dimensions of the permanent easement and any temporary easement are found on EXHIBIT A attached hereto and to which reference is made for a more particular description.

Grantee's right to enter Grantor's land shall be confined to streets, roads and driveways when they exist at the time entry is necessary and when they are adequate for Grantee's purposes, but when they do not exist or are not adequate, such right to enter shall be over the nearest most practical route or routes to said easement.

The right and privilege and easement shall include construction, maintenance and operation in, upon, across and through said premises in a proper manner all utilities (water, sewer, power, telecommunication, and/or gas), together with the right to install taps and appliances with right at all times to enter upon said premises for the purpose of inspecting said lines and to make necessary repairs, improvements and alterations thereupon. The following rights are also being granted:

- a. To remove from the right-of-way, now or at any time in the future, trees, structures, or other obstructions that may interfere with the proper maintenance and operation of said easement.
- b. To regulate, restrict, or prohibit any future building, fence, or other type temporary or permanent structure within the easement.
- c. To regulate, restrict, or prohibit any future placement of trees, shrubbery, or bushes within the easement.
- d. To regulate, restrict, or prohibit any changes of grade within the easement.

Further provided however: 1. The City of Monroe agrees to compensate the property owner for any future damages as the result of construction and/or maintenance of said utilities, and 2. The City of Monroe agrees to leave the property in as good condition as before construction.

To have and to hold said right and easement to it the said Grantee and its successors in title forever.

IN TESTIMONY WHEREOF, the party(ies) of the first part, Grantor(s) has (have) hereunto set its hand(s) and seal(s) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Union County

By: \_\_\_\_\_  
County \_\_\_\_\_

ATTEST:

\_\_\_\_\_

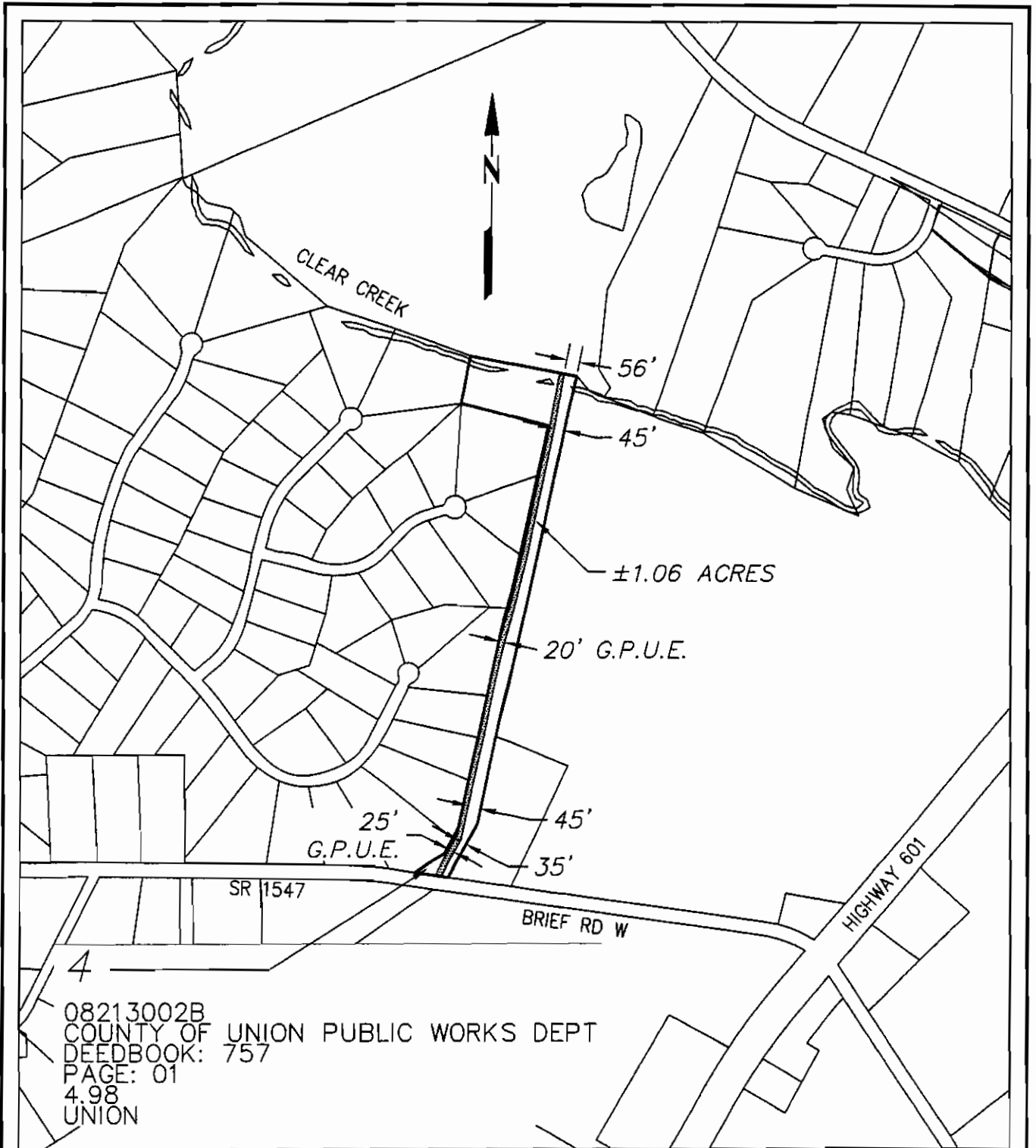
(SEAL)

NORTH CAROLINA - UNION COUNTY

I, \_\_\_\_\_, a Notary Public in and for said County and State do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that he/she is \_\_\_\_\_ of Union County a Body Politic, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_, sealed with its seal and attested by himself/herself as its \_\_\_\_\_.

Witness my hand and Official Seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires: \_\_\_\_\_ (SEAL)  
Notary Public



08213002B  
 COUNTY OF UNION PUBLIC WORKS DEPT  
 DEEDBOOK: 757  
 PAGE: 01  
 4.98  
 UNION

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH APPLICABLE LAND DEVELOPMENT REGULATIONS.

ENG. BY KPK	CITY OF MONROE ENERGY SERVICES DEPARTMENT			
DWN. BY TPC	EXHIBIT "A" UTILITY EASEMENT FOR PARCEL 08177003			
PROJ. NO. 20306	DATE 07-02-07	SCALE NTS	SHEET 01 OF 01	Proj Parcel 4