

Approved: 11/17/2008

June 16, 2008

The Union County Board of Commissioners met in a regular meeting on Monday, June 16, 2008, at 7:00 p.m. in the Board Room, first floor, Union County Courthouse, Monroe, North Carolina. The following were

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

ABSENT: None

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

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

OPENING OF MEETING:

Invocation:

The Chairman called the meeting to order and asked the Reverend Larry Leake, minister at Friendship Missionary Baptist Church, to present the invocation. Chairman Baucom presented Reverend Leake an engraved writing pen, a lapel pin, and a certificate of appreciation.

Pledge of Allegiance:

Chairman Baucom recognized T. J. Scronce who led the body and audience in reciting the Pledge of Allegiance to the Flag of the United States. The Chairman presented a certificate of appreciation to him along with an engraved writing pen.

Commissioner Mills congratulated Mr. Scronce for his earning the Eagle Scout Award. The Chairman also congratulated T. J. Scronce and stated that T.J. was awarded the Eagle Scout Badge on May 13, 2008. He briefly outlined some of the activities of T. J. while he attended Porter Ridge High School. He expressed the Board's appreciation to him as a citizen of Union County.

PUBLIC HEARING – SECTION 367(b) AN ADEQUATE PUBLIC FACILITIES ORDINANCE:

The Chairman recognized the County Manager who stated that Richard Black, Planning Director, would present a general overview of the Ordinance prior to the hearing.

Mr. Black gave background information on how the amendment was developed and presented the recommendations of both the Planning Board and the planning staff. He stated that Ms. Ann Edwards of Edwards Construction Company, Inc., initiated an amendment to the Land Use Ordinance – APFO to change the time the Voluntary Mitigation Payment (VMP) was due from being required prior to the issuance of the final plat to it being required at the time a lot was sold by the developer to a buyer. He said the original ordinance required voluntary mitigation payment when the final approval was sought. He said if during the course of that development it was determined that there was not enough capacity in an elementary school, the payment would be assessed per lot. He further explained that if at that time the developer is “finagling” twenty lots, the Voluntary Mitigation Payment would be due then times twenty. He stated the change that was originally proposed was to make that payment happen at the closings so that when the developer sold the lot, the Voluntary Mitigation Payment would be collected on an individual basis. Mr. Black said the original amendment was taken to the Planning Board and there were lots of discussion around two points. He stated the first point was the difficulty in tracking the individual closings, and the second one was that the time between the collection of the payment and the time that the children actually started attending the schools was reduced. He said this way the time would be closer and the County would have less time in which to use the Voluntary Mitigation Payments.

The Planning Director stated at that meeting the Planning Board voted to table the amendment and directed staff to go back and revise the text amendment to look at a collection point somewhere between the final plat and a real estate closing. He said the staff developed a revised text amendment which was brought to the Planning Board. Mr. Black said that the text amendment presented by the staff had a limit on the number of lots in a development—any development under 30 lots, the VMP could occur at the time a building permit was obtained. He said there was also a lot of discussion at that meeting. The Board voted unanimously to remove the lot limit in the proposal and to change the collection from the building permit stage to the time the Certificate of Occupancy is issued. He said the staff was directed to take that proposal back and incorporate it into the text amendment.

He said at the next meeting the staff brought back a text amendment reflecting no limits on the number of lots and changing the VMP collection from the building permit stage to the issuance of the Certificate of Occupancy. The Planning Director said that by a five to three vote this amendment was approved by the Union County Planning Board. He said the staff informed the Planning Board that it could not support the amendment as presented for several reasons: The first is because of the reduction in the time between the collection of the fee and the actual generation of students from new houses. The second one is the tracking difficulties of the various significant transactions. He said that as earlier mentioned the original text required the payment at the time the plan was finalized but under the proposed amendment, the VMP would come in individually on each lot sold. Mr. Black stressed that administratively this change would be a burden on the staff. He said a third reason is that by moving it to the end of the timeframe, there are more transactions and if the lot is not flagged for the VMP, the county would have very little recourse for collecting payment. He said that the fourth reason is that if payment is charged at the final plat stage, it is clear who is responsible for the payment, but if the VMP is moved closer to the Certificate of Occupancy stage, it gets somewhat confusing as to whether it is the developer, the builder, or the homeowner who is responsible for the Voluntary Mitigation Payment.

The Planning Director noted in the information provided that the Planning Board's recommendation will require amendments to the following: Section 362, Definitions, (b) modifying the definition of Voluntary Mitigation Payment; amend subsection (b) of Section 367, Mitigation; add a new subsection (b1) to Section 367; and amend the first sentence of subsection (h) of Section 369, Scope of Determinations: Reservation of Capacity.

The Chairman thanked Mr. Black for his review of the proposed text amendment. He first recognized Mark DiBiasio who had registered to speak on this subject. Mr. DiBiasio stated that several years ago he and other members of the then Planning Board and members of almost all municipalities got involved in the APFO Task Force. He said the idea of the APFO and the Task Force was to address overcrowded schools and the continuation of a problem where the County had too many students and the County kept building on top of things. He said that it was to the point that some schools had 35 to 40 trailers. Mr. DiBiasio pointed out that Union County still has overcrowded schools; it hasn't disappeared. He said part of the APFO was a timing issue to hold up new construction inside a school district that was already overcrowded. He explained that with the legal issues involved in an APFO, a method was developed to allow those builders and developers who have a real issue with time to voluntarily pay the mitigation fee to build when there wasn't any capacity for the children coming into the school system. Mr. DiBiasio stressed that the money would be earmarked for the schools that were going to need to be built. He said making these requested changes would take out mitigation payment as an effective deterrent at all. He pointed out that this amendment would be a monster loophole. He reminded that there are already areas in the APFO that allows for ten homes to be built by a builder; this was designed to assure that the small builders were not being hurt.

He said to take the mitigation payment out opens the County up to all the same issues that the County has been dealing with before. Mr. DiBiasio strongly recommended that Union County leaves the APFO and voluntary mitigation payments as they are now.

The next person recognized was Ann Edwards. Ms. Edwards explained that she is in partnership on a parcel of property—a subdivision named Hazel Ridge in the Mineral Springs area. She said that she discovered that before the property could receive approval of its final plat that she and her partners would have to pay an APFO fee. She assured that she is not trying to find a loophole or not pay the APFO fee. Ms. Edwards said she saw the validity of the fee, but is requesting that payment time be changed. She said she has attended four Planning Board meetings and has been more than patient with the process. She said that what she heard from Mr. Black tonight was totally different than what she comprehended during the last Planning Board meeting. Mrs. Edwards said she is not a national developer but is a local citizen, taxpayer, and a native of Union County. She said all she was asking is that there be an amendment to allow her to make the payment later in the construction process. Mrs. Edwards reported that for a small, self-owned company, the time of the required payment is crippling. She stated there had to be a solution and asked the Commissioners for their input and their support to find a way to pay the APFO fee at a better time. She said that for a national builder, this fee might not be a stumbling block, but it is for her small business.

In response to a question from Commissioner Openshaw, Ms. Edwards said there were only 24 lots in her development. She said that when she submitted the plat, she only platted five because she was told that a developer could only plat ten. Ms. Edwards stated she borrowed the money to pay the APFO fee. She further reported that her understanding from one of the Planning Board members is the APFO fee is sitting in an account that the County has, and it really doesn't know what to do with it. She pointed out that she did not think the County had collected sufficient funds to make a dent in the school construction plans. Ms. Edwards said she was all for helping the schools and community and reiterated that she was born, reared and still lives here, and pays a lot of taxes. She stressed she is asking for help in trying to generate revenue for other citizens who need work. She said, if necessary, she and her partners would be platting one lot at a time and questioned the feasibility of this method. Ms. Edwards reported that her point to the Planning Department was if the Building Inspections Department could put a hold on a certificate of occupancy for a septic system, for a sewer tap, or a water tap, why the same type hold could not be placed for an APFO fee. She said she was fine with payment prior to closing or at any point other than when the final plat is made. She reported that for the five lots that she platted, she had to pay \$35,000 and that amount was hard for a small business owner to pay.

She said if the Board of Commissioners would review the Planning Board's minutes, the minutes would prove that the amendment to move payment to another time other than at the time the final plat was approved passed by a vote of five to three.

Mr. Black agreed that the Planning Board did approve having the collection at the time the Certificate of Occupancy was granted. He emphasized that it was the Planning Staff that did not approve the amendment. Mr. Black said the staff returned with a version stipulating that any development with 30 lots or less could be paid at the building permit stage. He said the Planning Board rejected both the limit and the point of collection.

The next speaker was Dan Kelly, a resident of Stallings. He said he was surprised by what he heard tonight because basically he heard some statements from Mr. Black that were totally different from remarks made at the last Planning Board meeting when it was changed. He reiterated the remarks of Ann Edwards. He reported that they were told they could final plat all 24 lots; then they were told that because of the school situation, they could only build ten in the first year. He explained a small business person could not afford to pay the voluntary mitigation payment for all 24 lots. Mr. Kelly said there have been only three developers to this point that have paid—Hazel Ridge, Cody Helms, and Fred Rimmer. He explained that he knew of many large subdivisions that get in under the wire and others who might be in towns that decided they were not going to charge. Mr. Kelly said he has lived in many different places and been around and would not know if he would call it an APFO fee, but he believed that for this county to solve its problems, it needs what might best be defined as an impact fee. Mr. Kelly explained that his belief is that when it takes money to solve the problem, there should not be any “grandfathering”. He stressed that everyone should have to pay a fair share and the only way the problems in Union County will be solved is to stop some of the backdoor politics that happen. He also emphasized that everyone has got to learn to work together and work toward the common goal and figure out how to make something work instead of the punitive action to make it harder for someone to do something. He noted that Ms. Edwards is a small business person and at this time builders and developers have gone bankrupt. Mr. Kelly said nobody was going to have to put any road blocks out there because business is bad enough right now that the economic wheels have stopped all on their own. He explained that is free market at work. He said the developers are creating more of a burden for Mr. Black if they plat one at a time because that is all that can be afforded. He said he thought it time to stop trying to figure out how not to do something and all should work together.

The next speaker was Steve Nash who reminded the Board of Mr. DiBiasio’s comments tonight about the text change. He said the text amendment does not do anything but change payment from recording time to certificate of occupancy time. He explained that the developers and builders in the county are required to pay all their fees by the time a certificate of occupancy is issued. The water and sewer fees are not required to be paid at recording time but must be paid by the time the house is ready for occupancy. He said this is basically what is being requested tonight – take the APFO fee and require it to be paid at the certificate of occupancy level; don’t penalize the small developers and builders who are trying to do a good job. He further stated that when this issue went to the Planning Board he had thought it was an eight to one vote to move the payment requirement to the certificate of occupancy time.

Mr. Black interjected that there was an eight to one vote to remove the limit and to move payment to the certificate of occupancy with direction to the staff to bring the recommendation back to the Planning Board for consideration. It was at the next meeting, it passed five to three.

Mr. Nash emphasized the only change that is being requested is for payment to go from the recording time to the certificate of occupancy time. He said it could be paid earlier, if the developer desired, but it could not drop through the process. He further explained that shortly after the County adopted the APFO in late 2006, there have been two separate law suits filed challenging among other things the legal authority of the County to adopt this ordinance. He reported that it is anticipated that these lawsuits will be set for motions for summary judgments and such motions will be heard by the end of July.

The next speaker recognized was Mike McGee. Mr. McGee stated he lived on Carriker Road in Unionville and that he agreed with most of the comments of the last three speakers. He explained that one of the things that needs to be considered includes that the County does not want to hurt the small builder. He said he thought one could easily see how the Ordinance as previously adopted has and will hurt the small builder. He asked the Board to think about a few things: One, how the County collects taxes. He reminded that if a farmer has land under the farm deferment program that when he sells it, he will pay a rollback tax for several years. He said the County does not ask the farmer to come in and pay the taxes upfront with a promise to reimburse them later. Mr. McGee stated that was almost the same issue to him. He assured that there are many opportunities between platting and closing that require all liens and charges to be paid. He reminded that it doesn't matter who pays it, the fees will all be paid by the homeowner. He said payment at closing would give the developer the relief that he needs, the county the money it needs, and a punitive fee will not be assessed against a group of people. He said that it should be possible for all to sit down and work out these situations.

The Chairman announced that Mr. McGee was the last speaker who had registered to speak. He closed the public hearing at 7:32 p.m.

INFORMAL COMMENTS:

The Chairman read the rules governing the informal comments and asked that the speakers adhere to these as read. He recognized the first speaker, Steve Gragg.

Mr. Gragg stated he lived at 1713 Philadelphia Church Road in Marshville and that he wanted to address the Plaza De Toro Rio Grande. He expressed his concern about the ordinances that are potentially being altered to cater to Mr. Pinky Marsh's needs. He

said he could not understand why after the order of the Judge upheld the County's authority to revoke his permit that a few weeks later the Commissioners are directing staff to have a meeting with Mr. Marsh to discuss altering the Land Use Ordinance to cater or fit Mr. Marsh's need. He stressed that if the Board changes the Ordinance for Mr. Marsh, it will be setting precedence for others to come to the county and change the rules and regulations to fit to their special needs a well.

He further stated that he lived less than one-half mile from the rodeo that has boldly disobeyed the ruling of the Board of Adjustments as well as the local building codes and the NCDOT. He said this Board's ruling to amend the Ordinance will destroy the integrity of his community by not being a so-called "good neighbor", and reminded that Mr. Marsh has yet to cooperate with any of the governing bodies that have been in this fiasco.

Mr. Gragg asked why did Lee Jenson not write a citation for the violations of this permit and why did the Inspections Department not cite Mr. Marsh for construction of bleachers that were not inspected as well as the bandstand and racetrack. He further asked why construction permits were not issued for the project. Mr. Gragg said he hoped that this is not being profiled as some "back door politics" that is trying to give the squeakiest wheel the most grease. He emphasized that if this is the case, there is a case of "special interest profiling" going on.

He stated that the neighbors of his community feel that they have been totally ignored and misrepresented by the County and the judicial system. Mr. Gragg said if the potential ordinance amendment transpires, the taxpaying citizens have been railroaded by the school bully that did not get his way the first time so he is going to push to get his way the second time. He offered that the community around the Plaza De Toro Rio Grande wants to be involved with any decision-making process concerning it and suggested a committee be formed to give input on the effects of some of the decisions being made.

Mr. Gragg asked the Board of Commissioners to do what is right for the citizens of Union County and step up and represent his community and uphold the court's decision as well as enforce the rules and regulations implemented on Plaza De Toro Rio Grande. He stressed if these proposed changes transpire, it will leave the door of opportunity readily available for anyone to get their special needs or wants. He reminded that Mr. Marsh has said that the "Buck Stops Here" and he is right, the buck needs to stop with the Board of County Commissioners when special interests are involved.

The Chairman next recognized Mary Lou Starnes, 7401 Concord Highway, Fairview, who addressed Item 9 on the Agenda, the easement requested by the City of Monroe across the Tallwood Wastewater Treatment Plant property. She said this action is another step by the City of Monroe to procure easements for a natural gas pipeline project of which she opposes and for which she will

receive no benefits. Mrs. Starnes said that she is facing condemnation of the road frontage of her entire two acres of land along Hwy. 601 because of this project. She again asked the Board to rescind its support of this project. She emphasized that the facts have changed since this project was first proposed to the County Commissioners in 2004. Mrs. Starnes said that since that time the make-up of the Board of Commissioners has changed, the project route has changed, and the projected cost of the project has changed. She stressed that it is time for the Board of Commissioners to be fiscally responsible and challenged the Commissioners to take an unbiased look at the project and compare it to the proposal that Piedmont Natural Gas submitted to the City of Monroe in August 2007. She asked if the Board was aware that the City of Monroe operates a non-regulated utility. Mrs. Starnes said that she did not want a 10-inch gas line in her front yard that is being constructed and managed by a utility company that has no oversight other than a city council. She emphasized that she is aware of the legal issues that this Board is facing and she can assure that this issue will not be solved outside of the courtroom.

The next speaker to address the Board was Anthony Burman of 7904 Stonehaven Drive in unincorporated Union County. He said that as a young person involved in politics that he is often asked by others his age why he votes or is involved. Mr. Burman said he gave many answers until May 19, and he realized that everything he had told them was wrong—if you live in Union County there is no reason to vote. He said that many young people learn democracy as Webster’s defines it as government by the people especially the rule of the majority. He reminded that at the last meeting Commissioner Mills stated in his closing comments that the new resolution to expand the board is not about control. Mr. Burman questioned if it is not about control then why was it not supported by the Commissioners last November and why the idea was not even entertained before the May 6th primary. He explained that there are people who think that Precinct 28 swings every election. He said he read a guest editorial written by Gregory Williams in *The Enquirer Journal*, printed June 8, 2008, quoting that “it does not take a statistician to realize the voting pattern and demographics of the County to understand the shift in power to one area, Precinct 28. According to the Union County Election Board 2,611 ballots were cast in this one precinct with 88 percent of this vote for the two winning candidates. Take out this one precinct and the vote is vastly different – Kim Rogers is still the winner by two votes over Jonathan Thomas and the other winner Tracy Kuehler finishes a distant fourth in the race behind Kevin Pressley. How can one precinct be so polarized to vote overwhelming for two candidates?” Mr. Burman asked so what if they voted 88 percent for two candidates; do they not have a right to vote? He said the reason Precinct 28 has so many people in it is because of special interest groups and developers who funded past commissioners and some of the current commissioners. Mr. Burman said that when houses are built, people over the age of 18 move in to the County.

The Vice Chairman asked Mr. Burman his mailing address. The response was 7904 Stonehaven Drive, Waxhaw, NC.

The Chairman recognized Gary Burman, of 7904 Stonehaven Drive, Waxhaw, NC. He said that shortly after the start of WWII, his father, four uncles, and two cousins joined the US military to fight against the tyranny of Nazi Germany, Fascist Italy, and Imperial Japan. He said two of his relatives were killed when their ships were sunk by Japanese warships, his Father's ship was destroyed by Japanese aircraft but he survived although most of his shipmates were killed. He said that many years later he learned that his father-in-law also joined shortly after Pearl Harbor. Why did these sons born of immigrants from Italy, Norway, Sweden and the Netherlands feel compelled to fight for their country? The answer is to protect our rights against tyranny. He explained that when he graduated high school, the US was fighting tyranny on the Korean peninsula, and it was his turn. He said he delayed college and joined the Air Force and as a result was graduated from college when he was 26 years old. Mr. Burman said now he feels compelled to speak out against another form of tyranny and that is the negating of two elections – one in November where the County's voters voted down redistricting and increasing the Board and the other in May in which the composition of the Board was changed. He stated that at this time there will be no warships or guns fired but that he would do whatever he could to thwart this form of tyranny.

The next speaker recognized was Ginger Leppert. Ms. Leppert stated that she lives at 9007 Darvinton Lane, unincorporated Union County, with a Waxhaw mailing address. She said that she had been involved in the community and the county for the last seven years and has seen a lot of surprising things and thought that she could not be surprised again. But, she stressed she was surprised when she read that the Board had decided to vote to basically "put down" what the voters and the Commissioners had earlier voted against. She implored the Commissioners to reconsider and to think about why it was voted against. She said she was involved with many activities in this County and cares a lot about the actions of the Board of Commissioners.

The next speaker was Jim H. Bention, Sr, 302 Tucker Street, Monroe. Mr. Bention said that he is speaking tonight on behalf of the Union County Republican Party in the absence of its chairman, Mr. Joe Pomykacz. He said that the Republican Party of Union County unanimously voted on June 5, 2008, to condemn the recent action of the three-two vote by the Union County Board of Commissioners to request an increase in the number of Union County Commissioners through legislative acts. Mr. Bention reminded that there was a county-wide referendum in November 2007 to expand the Board of County Commissioners and create district representation. He noted this referendum was defeated by nearly 60 percent to 40 percent. He said that same referendum was unanimously opposed by the current Board of Commissioners. He said the Republican Party vehemently opposes any legislative action to change the composition of the Board of County Commissioners during the 2008 short session. Mr. Bention said that while there are no bills submitted that specifically address the structure of the Union County Board of Commissioners, the Republican Party opposes any action to make any changes via amendment or addition to another bill. He said that in addition several Union County municipalities have adopted resolutions opposing the actions of the Union County Board of Commissioners. He stressed that the foundation of democracy is the right to vote. Mr. Bention said that as the North Carolina Republican Party platform states: The ballot

box is the main protection that we have against tyrannical abuse of power by the state. He said that any attempt to change the composition of the Union County Board of Commissioners through legislative acts would disenfranchise every voter in Union County by ignoring the November 2007 referendum results and by denying the voters of Union County the opportunity to cast a ballot on the current proposal by the Union County Board of Commissioners. He emphasized that the Republican Party of Union County strongly opposes interference with the election cycle as the primary election has concluded and it adamantly holds that once the democratic process has begun, it should be completed without any alterations. He reiterated that every citizen has the right to vote and have that vote counted.

Vice Chairman Pressley addressed Mr. Bention about his statement that the Republican Party met on June 5th and asked him to explain a little about this meeting and what transpired. He also asked him more about his statement that the Republican Party unanimously voted. The Vice Chairman asked more information about how the vote was made and the makeup.

Mr. Bention responded that it was a meeting of the Union County Republican Executive Committee that represents the whole Union County Republican Party.

The Vice Chairman asked how many members comprise the Executive Committee. Mr. Bention said the Executive Committee is made up of all the leaders of the precincts, various clubs, and officers.

Vice Chairman Pressley asked if there is a record of the vote taken, if there were any opposition, and if all precincts were present.

Mr. Bention responded that there was no opposition expressed at the meeting of June 5th.

The Vice Chairman asked how many people were there who voted.

Mr. Bention replied that of all the precincts that were represented on June 5th voted unanimously, but to know how many people voted, he would have to get the record.

The Vice Chairman asked him to provide this information in that he would like to know how many people were present representing the 52 precincts.

Mr. Bention agreed to obtain the information but asked how that information would help the Vice Chairman with his decision.

Vice Chairman Pressley said he wanted to know the facts because he is getting calls from people who didn't attend the meeting who state they are in support of expanding the Board.

Mr. Bention responded that a representative body votes for the people and that is the reason he is here tonight.

Vice Chairman agreed but stated he wanted to know the statistics.

Mr. Bention stated that he did not want to leave the meeting with the cloud that this vote is only a small fraction of the Union County Republican Party. He stressed that if necessary at some time the Party could have a physical showing.

The Vice Chairman stated that he would like to have the facts so he can better address the calls he is receiving from other Republicans.

The Chairman next recognized Jeanette Sherrod of 221 S. Bragg Street, Monroe. Ms. Sherrod identified herself and said that she has been a resident of Union County for the last 46 years. She said her concern is about the number of Commissioners who represent this County. Mrs. Sherrod explained that when she came to Union County in 1962, the County had a population of about 45,000 people who were represented by five county commissioners. She said in 1962 the County Commissioners' jobs were part time with a few pressing issues and demands. Today, she said, the population exceeds 180,000 who are still only represented by five county commissioners. Mrs. Sherrod said that many in this room have been in jobs or are still on jobs where the employer is understaffed or one that is constantly increasing the workload. She said she could only imagine how the workload of the five commissioners is also increasing. She gave her opinion that a board of nine commissioners would allow the commissioners to serve on boards and to get a better understanding of the issues facing the people of Union County. She said that with growth there are more challenges and demands that must be attended to by the Commissioners such as infrastructure, growth management, how to attract businesses and industries to create new jobs and make a better living for all of Union County's residents. Mrs. Sherrod said that many present tonight do not feel that a five-member board is adequate to represent Union County's diverse population and that she thought it imperative that Union County increases the number on the Board of Commissioners. She said that she hoped the Board and the County's residents could work together to come up with a fair plan to increase the number of County Commissioners on the Union County Board.

The Chairman next recognized Dudley Wass of 9001 Yellow Pine Court, Waxhaw, NC. Mr. Wass stated that his comments would pertain to legal expenses of the Union County's Board of Commissioners. He explained that according to the reports of the media there is considerable taxpayer money being spent for legal representation in regards to a federal investigation. He said it was his understanding that this legal representation is not for the Board of Commissioners as a whole board but for three individuals – Commissioners Baucom, Mills and Pressley. Mr. Wass said that over \$73,000 has gone to a Charlotte law firm for expenses incurred for these three commissioners. He noted that information on the matter is limited but the public must suppose that FBI officials have been asking questions of various people including all five commissioners. He said he tried to place himself into the commissioners' shoes—if the FBI would come to him seeking information, would he require legal representation. He asked why he would require a lawyer to answer questions with information of which he is knowledgeable. He said whether he understood the scope of the investigation or not, he would simply tell the truth and share whatever relevant information that he had. Mr. Wass said everyone in the room is fully capable of telling the truth without legal representation but legal representation was in fact hired so he asked why. He said if he knew he had done something wrong, he might want an attorney to help protect him or in a situation where he knew he might have done something wrong, he would have sought an attorney before he took such action. He said it appears to him that the county's funds are being used to pay for personal legal expenses similar to the on-going proposed expansion against the mandate of the voters. He said this appears to be another case where there is much more to the story. He noted it was again the same three commissioners who were showing disrespect to the public that elected them. Mr. Wass said the Board owes the taxpayers a full explanation and disclosure and the answer to a bigger question of why so much legal expense. He said that until the truth is honored by its disclosure, he would recommend to Kai Nelson not to pay the legal expenses of Chairman Baucom and Commissioners Pressley and Mills in regard to the FBI investigation. Mr. Wass said it would not be good to wrongfully and perhaps illegally misappropriate taxpayers' money.

Chairman Baucom next recognized John Quinn. Mr. Quinn stated that he is the Mayor of Indian Trail and lives at 3315 Creek Trail Road and is present tonight on behalf of the Town Council of Indian Trail to read a resolution it recently passed protesting the process by which the proposed change in the number of county commissioners is being conducted. He read the following resolution into the record:

WHEREAS, the issue of modifying the number of County Commissioners was not on the published agenda for the May 19, 2008, Union County Commissioners' meeting; and

WHEREAS, during the Additions and Deletions' portion of the meeting, Commissioner Parker Mills motioned to add to the agenda a discussion on increasing the number of board members from five to nine; and

WHEREAS, prior to Commissioner Mills' motion a number of citizens spoke in favor of increasing the number of board members during the public comment portion of the meeting which clearly indicates an organized effort to contact these and other select individuals on this subject in advance of the May 19th meeting; and

WEREAS, the Citizens of Indian Trail and a vast majority of Union County citizens have been disenfranchised by the County Commissioners as the citizens were not informed this matter would be discussed during the May 19th meeting and, therefore, had no opportunity to address their elected officials to express their views on the matter; and

WHEREAS, the voters of Union County soundly defeated a similar measure on the November 2007 ballot; and

WHEREAS, Representative Pryor Gibson (District 69) who is spearheading this measure does not represent a large geographical portion of Union County, that portion of the County represented by N. C. House Districts 67 and 68 which includes a majority of the population of the County and includes the municipalities of Hemby Bridge, Indian Trail, Lake Park, Marvin, Mineral Springs, Waxhaw, Weddington, Wesley Chapel, Stallings, Unionville, as well a large portion of both the City of Monroe and unincorporated Union County; and

WHEREAS, other State elected officials who represent Union County including Representative Curtis Blackwood (District 68) and Senator W. Edward Goodall do not support the process by which this measure is being pursued; and

WHEREAS, in late 2007, the Union County Commissioners voted unanimously against increasing the number of board members, yet, now, after the May primary election, three of these same five commissioners on May 19th voted to increase the board to nine members raising speculation that this issue is being supported now by three commissioners because they are unhappy with the outcome of the May primary results.

NOW, THEREFORE, LET IT BE RESOLVED that the Town of Indian Trail does not support the process by which this proposed change in the number of County Commissioner board members is being conducted, namely without notification to all County residents and without the opportunity for the citizens to vote in this matter.

BE IT FURTHER RESOLVED that the Town of Indian Trail respectfully requests that the Union County Board of Commissioners retract its endorsement of this measure until such time as all county residents are given ample notice and said

discussion and consideration of the matter is planned and the matter is presented in the form of a referendum so the voters may decide this important issue.

Commissioner Openshaw asked Mayor Quinn for confirmation that this action was a unanimous vote of the Indian Trail Town Council. He asked if anyone on the Board got elected unanimously by the voters of Indian Trail. Mayor Quinn responded in the negative.

The next speaker recognized was Rick Croffut, 810 Circle Trace Road, Monroe, who stated he was representing the Village Council of Wesley Chapel as its Mayor Pro Tem. He read into the record the Village of Wesley Chapel Resolution 2008-11 **PROTESTING THE PROESS BY WHICH THE PROPOSED CHANGE IN THE NUMBER OF COUNTY COMMISSIONERS IS BEING CONDUCTED:**

WHEREAS, the issue of modifying the number of County Commissioners was not on the published agenda for the May 19, 2008, Union County Commissioners' meeting; and

WHEREAS, during the Additions and Deletions' portion of the meeting, Commissioner Parker Mills motioned to add to the agenda a discussion on increasing the number of board members from five to nine; and

WHEREAS, prior to Commissioner Mills' motion a number of citizens spoke in favor of increasing the number of board members during the public comment portion of the meeting which clearly indicates an organized effort to contact these and other select individuals on this subject in advance of the May 19th meeting; and

WEREAS, the Citizens of Wesley Chapel and a vast majority of Union County citizens have been disenfranchised by the County Commissioners as the citizens were not informed this matter would be discussed during the May 19th meeting and, therefore, had no opportunity to address their elected officials to express their views on the matter; and

WHEREAS, the voters of Union County soundly defeated a similar measure on the November 2007 ballot; and

WHEREAS, Representative Pryor Gibson (District 69) who is spearheading this measure does not represent a large geographical portion of Union County, that portion of the County represented by N. C. House Districts 67 and 68 which includes a

majority of the population of the County and includes the municipalities of Hemby Bridge, Indian Trail, Lake Park, Marvin, Mineral Springs, Waxhaw, Weddington, Wesley Chapel, Stallings, Unionville, as well a large portion of both the City of Monroe and unincorporated Union County; and

WHEREAS, other State elected officials who represent Union County including Representative Curtis Blackwood (District 68) and Senator W. Edward Goodall do not support the process by which this measure is being pursued; and

WHEREAS, in late 2007, the Union County Commissioners voted unanimously against increasing the number of board members, yet, now, after the May primary election, three of these same five commissioners on May 19th voted to increase the board to nine members raising speculation that this issue is being supported now by three commissioners because they are unhappy with the outcome of the May primary results.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel does not support the process by which this proposed change in the number of County Commissioner board members is being conducted, namely without notification to all County residents and without the opportunity for the citizens to vote in this matter and with the timing of this matter being just over six months since the voters defeated a similar measure and being just two weeks since the May Primary vote which resulted in a likely major change in the makeup of the Board of Commissioners including the loss in the primary of one of the three Commissioners making up the three to two majority who voted in favor of this measure on May 19th; and

BE IT FURTHER RESOLVED that the Village of Wesley Chapel calls upon the local elected officials to join it in support of this resolution on behalf of their respective citizens.

Commissioner Lane asked Mr. Croffut if he and his fellow board members represent Wesley Chapel. Mr. Croffut confirmed that they do. He then asked Mr. Croffut if he were elected unanimously. His response was no. Commissioner Lane then asked if Union County lives in a pure or representative democracy. Mr. Croffut responded that Union County lives in a representative democracy.

The next speaker recognized was Diane Little, 201 Wilke Drive, Monroe. She thanked the Board for an opportunity to address it on behalf of redistricting and increasing the size of the Board of Commissioners. Ms. Little said that she wanted to make an observation; however, that if she were an outsider just listening to what is going on here tonight, she would say that the Republican Party is in control of the County and when it doesn't feel its way is being accepted, it actually has a problem and wants to keep power.

She asked that the Board and public be reminded that power corrupts and absolute power corrupts absolutely. She said that many are present tonight because of HB1226 which gives better representation to more citizens. She stated that she is troubled because many of her fellow citizens have a problem with fairness. Ms. Little noted that there are school districts and district lines and every ten years there is a census and the district lines are redrawn and no one has cried out about that. She said she did not see a problem with redistricting, especially when it promotes fairness. She agreed that she thought the will of the voting public is essentially furthering democracy as she is a constitutionalist. However, she pointed out that only 13 percent of the voting public voted in the November 2007 referendum. Ms. Little explained that a little over half of the number of voters voted against it. She said that 13 percent of the voting public does not constitute a majority—that means that the 60-40 that her friend, Mr. Bention, was talking about winds down to about seven percent of the County actually voted against district representation. She reiterated her comment that this figure does not constitute a majority and noted that most of the votes came from one area of the county. Ms. Little said that type of vote smells of special interest and that is to the chagrin of this county. She noted that this was a reason – a tremendous reason – for the voter apathy of the citizens of Union County. She said she believed that each region of this County deserves a “go-to” person and said that although she was not born here, she had lived here a while and her husband is a native of Union County and owns property in Anson County. She noted that a local diner is probably the most political and most powerful place in any particular town because sometimes the people may be nervous to appear before the Board and feel their voice does not count, so it is important to have someone they can talk to at the local diner and express their concerns and requests for help. She stressed that Union County does not have that and that is the reason for voter apathy. She noted that any law that creates injustice is an unjust law. She said she thought it dangerous to believe that five individuals could manage the business of this vastly growing county. She closed by stating that she was in favor of increasing the Board’s size and for establishing district representation.

The Chairman called Ms. Little to the point that her time had lapsed.

Chairman Baucom next recognized Robert Nesbit, Sr., of 3131 Parks McCorkle Road, Monroe. He said four weeks ago tonight it was recommended that Union County increase the number of Commissioners from five to nine and voiced his support of this proposal. He said Mrs. Sherrod and Ms. Little spoke well about growth and the workload, and he agreed with their comments. He stressed the growth of the county and its workload demands additional representation. He stated that there is not a wrong time to make the right decision.

The Chairman next recognized Jeff Gerber of 5816 Concord Highway, Monroe. Mr. Gerber stated that as a political activist from Unionville in eastern Union County that nobody knows better than he how difficult it is to lose an election, having lost the last two times that he ran for county commissioner. He said it was time to grow up and act like men and fight for the citizens of Union

County; Tracy Kuehler and Kim Rogers won the election fair and square. He stressed that the attacks on these ladies must stop and the east versus west mentality is no more than “hogwash” and must stop. Mr. Gerber said that changing the rules because one doesn’t like the outcome of the election must also stop. He stated that he fully supported these two ladies because they won fairly and encouraged the Commissioners to do the same. He addressed Commissioner Mils and Chairman Baucom stressing that the action being taken is complete nonsense. He said in his opinion it is unethical if not illegal behavior and explained his reasons for that statement. He said he is making a promise that when his work is finished in getting Jessica’s Law for North Carolina passed and protecting every child that if the Board pursues this, he will start an organized effort to pass legislation to recall any commissioner in any county that conducts unethical behavior.

Chairman Baucom next recognized Maria Titleman of 105 Harvard Street, Monroe. Ms. Titleman said she is a realtor and has been in this area for about nine years and is very aware of a lot of its problems beginning with small builders and the growth in the county. She said she was raised in Mount Union, Pennsylvania, and in that small town there was a right way and a wrong way to do things. Ms. Titleman explained that a vote was taken and she implored everyone here – whether they are for or against this expansion – to realize the issue is not about for or against but is about common rights that we as American are so proud of and that is about respecting our vote. She cautioned people who have spoken stating that the vote did not represent the citizens that they are wrong because it represented all of the people who voted. Ms. Titleman stressed that if the Board wants to increase the number of commissioners or establish district representation that it should do it by having it come up again as a vote of the people.

Louis Phillipi, 2628 Coatsdale Lane, Stallings, was next recognized and introduced himself. He stated that a little over four years ago he started taking an interest in politics of Union County. He said the previous Board of Commissioners was divided three to two on all major issues and their will did prevail. He explained that there were no negotiations or compromises but the attitude toward the majority was hostile and demeaning: the rule of thumb was “my way or the highway.” He stated that after the election two years ago, an obvious change of power was about to occur. In the final meeting, the outgoing majority issued ETJ to Wesley Chapel and gave a \$600,000 golden parachute to the county manager. The majority of the Board took that action fully knowing that the incoming majority was adamantly opposed to it. Consequently, this action, Mr. Phillipi stated, cost the taxpayers of Union County hundreds of thousands of dollars in legal fees alone as well as time and effort that would have better been served in solving the problems of Union County. Unfortunately, he noted, the current board has conducted itself in much the same manner and not being able to compromise in any way shape or form on the major issues. He said it was the same tune – “my way or the highway.” Mr. Phillipi said the newly elected board, should this Board’s initiative fail, will once again swing the majority the other way and this citizen holds no illusion or optimism that things will be any different. He emphasized that in his opinion Union County government is bad government. He said the recent referendum on districts is a good reason to indicate why. Mr. Phillipi reported that as he analyzed the vote, he noted that of

the 105,319 registered voters of Union County, there were 11 percent opposed and eight percent for and 81 percent did not care. He said he had heard many accusations of wrong doings but never any proof; therefore, he stated that he chooses to believe that the Board is doing its duty as it sees the duty. He said like most people here, he has serious reservations on how these districts will be drawn and if all citizens will be fairly represented. Mr. Phillipi noted that it was not his intent to chastise the Board on this district initiative because there are many who grew up here who have taken on that responsibility, but he would say that should the Board succeed in this endeavor, the Board will have taken on the responsibility of a fundamental change in our county government. He emphasized that the Board has the moral responsibility to ensure that these changes represent all of the people of Union County and that this change will break this persistent voting deadlock. He said if the Board succeeds and gives this Board a truly representative government that has the ability to make the necessary compromises and assure fairness to all, he was sure the voters will forgive the Board for its action.

The next person to speak was Don Kerr of 9614 Joe Kerr Road, Marvin. He endorsed the idea of the expansion of the Board and stated there is an overload caused by increased population and a need to better represent all the people. However, Mr. Kerr said, that means there needs to be put together a means to cause the vote to be taken from across the county rather than concentrated in a single area. He stressed the County needs representation from across the county. He reported that there have been those who have criticized the earlier vote on the district representation but since that time and thinking more soberly about the increase in people and the need for more commissioners to serve the whole county, he has changed his mind and endorses the idea of increasing the board to whatever level is required to do the job correctly. He said there is an old saying – a wise man changes his mind, a fool never does.

The Chairman next recognized Harry Sherwood, 106 Haskins Drive, Wingate, who spoke in support of increasing the number of members who serve on the Board of Commissioners. He said along with that increase there needs to be districts created that would make the elections ones that everyone will be proud. He stated that he did not want to change previous elections and doesn't want to go back to last year but said everyone has had opportunities to think about that election. He said it is time for this Board to find a way to do what needs to be done: that is to increase the Board of County Commissioners to a size that will be representative of the whole county and create the districts that will make that possible. Mr. Sherwood said he did not think many people would be upset about it because most people believe in fairness and most people believe that this Board has its heart in the right place. He encouraged the Commissioners to continue to work on a way to increase the Board and create districts to make the elections as fair as possible. Mr. Sherwood said it would be remiss not to admit that in the history of this County that prior Board's have made mistakes and doubts that Union County will go through the rest of its history without somebody making another one or two. Mr. Sherwood again reiterated that the Board needs to continue to study a way to increase the Board and continue to develop a way to create districts that will provide

true district representation. He acknowledged that the Board would receive grief about it, but very little happens without someone catching grief.

Steve Nash was next recognized to speak. Mr. Nash stated that he lives at 3222 Jack Davis Road, Monroe. He said that he looked at Commissioner Lane and knew that he was once a Democrat and heard the Republican Party tonight say that they have been disenfranchised. He said he was a Democrat but changed to Republican. Mr. Nash said that years ago when he was a Democrat, he advocated for the Democratic controlled board to establish districts and to increase the size of the board and to have district representation. He reminded Commissioner Lane that four years ago he had advocated for district representation. He expressed his appreciation to Chairman Baucom, Commissioner Mills, and Commissioner Pressley for what they are attempting to do. Mr. Nash said that with Republican control now there would never be an increase in membership nor district representation and reminded that when it was controlled by the Democrats, they too refused to increase the number and establish district representation. Mr. Nash stressed that if the action has to be done by the General Assembly, then it should be.

Mike McGee a resident of 4524 Carriker Road, Monroe, in the town of Unionville explained that he had been a resident of Union County all of his 57 years and all of his eight children live in Union County as do his grandchildren. Mr. McGee expressed his appreciation for the work of the Board of County Commissioners. He said he has sat on some boards here in Union County and believes there is a lot of help that all citizens can provide if they are willing to work together to make this county a better place for all. He said he has been in the construction business all his life and feels that it is an honorable profession to be in, although there might be some present tonight who disagree judging from some comments that have been made. He reported that he had provided jobs for a lot of people and helped them make a living, and these people pay taxes here. Mr. McGee said he would like to see all people given fair representation by this Board. He noted that at the last election there was an opportunity given for all candidates to come to a forum to address issues. Mr. McGee stated there were two who made absolutely no effort to discuss these issues. He asked if the Board thinks all the residents of this county will get fair representation. He said he would welcome the opportunity to discuss problems and to work for solutions with anybody in this room or anyone on the Board. Mr. McGee said he had been in business here in Union County for 37 years but the way that is done is to sit down and discuss differences and problems. He stressed that all of Union County needs more representation, and he believes that districting with more members would better serve Union County. Mr. McGee asked the Board to find a way to make this a good county in which everyone can live and work together.

With there being no one else to address the Board, the Chairman stated that concluded informal comments.

ADDITIONS, DELETIONS AND/OR ADOPTION OF THE AGENDA:

The Chairman stated that he had two additions to the Consent Agenda. The first is the Aramark extension amendment and the second is the agreement extension with The Keith Corporation.

Commissioner Openshaw asked to move Item No. 5 from the Consent Agenda and place it on the Regular Agenda since he had questions for the Finance Director. He also requested to add to the Regular Agenda discussion on the legal fees.

The Chairman asked to remove Item 11- FY 2009 Budget Ordinance and Item 13 – FY2009 Pay Plan and Compensation Adjustments from the Regular Agenda.

With there being no other additions or deletions, Commissioner Mills moved to adopt the Regular Agenda as modified. The motion passed unanimously.

CONSENT AGENDA:

Motion was made by Commissioner Pressley that the items as included on the Consent Agenda as modified be approved. The motion passed unanimously.

Contracts Over \$90,000 – Authorized County Manager to execute the following agreements:

- a.) US Infrastructure of Carolina, Inc. – master multi-service agreement for engineering services
- b.) EMA Resources, Inc. – Fuel surcharge amendment for land application for bio-solids agreements – varies in 2008 and future budgets
- c.) Motorola – Annual radio system maintenance agreement renewal - \$90,497 for one year agreement for BY2009 and future budgets

2008 Community Recreation Grant: Approved the FY2008 Community Recreation Grant Advisory Committee recommendations to approve the following applications and approve funding as follows: Town of Marshville - \$8,570; Town of Wingate - \$5,387.15; and Village of Marvin, community trail project - \$36,042.85

Finance Department: The Budget Transfer Reports for the months of March, April, and May 2008

Finance Department: Motor Vehicle Tax Refund Overpayments for May 2008 in the amount of \$6,860.79

Special Revenue Ordinance Amendment (SRO#8) to Appropriate Federal Forfeited Property and Controlled Substance Tax Revenues: Adopted SRO#8 to appropriate receipts in the amount of \$524,320 from Federal forfeited property and controlled substance tax revenues to the Contingency budget.

Capital Project Ordinance Closeouts: Moved to Regular Agenda

Union County Public Schools Elementary School L (formerly Cuthbertson now Poplin Road from Bonterra): Adopted Capital Project Amendment #102 which provides site adapt funding for Elementary School L for the issuance of a change order in the amount of \$219,217 to increase funding due to the rise in materials and miscellaneous site work changes.

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	School Bond Fund - 55			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2007-2008			DATE	June 16, 2008		
PROJECT SOURCES				PROJECT USES			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
G.O. Bond Proceeds	470,170,682	219,217	470,389,899	Elem School "L"/Poplin Rd (115C-429b project allocation)	14,453,375	219,217	14,672,592
All Other Revenue	1,363,308	-	1,363,308	All Other School Projects	457,080,615	-	457,080,615

	470,170,682	219,217	470,389,899		14,453,375	219,217	14,672,592
Prepared By	dhc						
Posted By							
Date						Number	CPO - 102

Resolution Requesting State Funding Support of Covenant Prison Ministries:

A RESOLUTION FOR UNION COUNTY REQUESTING STATE FUNDING SUPPORT OF COVENANT PRISON MINISTRIES, INC.

WHEREAS, since 1985, Covenant Prison Ministries, Inc., a non-profit organization, has fulfilled its mission to exhort, equip, and mobilize our partners to be more effective in changing the lives of prisoners, ex-offenders, and their families; and

WHEREAS, the national recidivism rate for ex-offenders is 67%, and ex-offenders commit 80% of all crime resulting in jails and prisons becoming overcrowded; and

WHEREAS, incarceration costs are \$25,000 to \$30,000 or more annually per county inmate; and

WHEREAS, the Union County Commissioner support Covenant Prison Ministries and their programs to the financial extent that we are able; and

WHEREAS, Covenant Prison Ministries, Inc. through their Four Point Plan is dedicated to reducing the recidivism rate of 100 ex-offenders to 40% with a savings of at least \$810,000 per year to taxpayers.

NOW, THREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS DOES HEREBY RESOLVE that the Union County Board of Commissioners hereby respectfully requests the support and active assistance of the Union County Legislative Delegation in procuring State financial support for Covenant Prison Ministries, Inc.

Adopted this 16th day of June, 2008.

Signed

Lynn G. West, Clerk to the Board

Signed

Allan Baucom, Chairman

Health Department – Environmental Health Fees: Repealed \$25 local fee for inspection and permitting temporary food establishments as of midnight June 30, 2008, due to the DENR requiring that as of July 1, 2008, NC local health departments will be required to collect \$50 for inspecting and permitting Temporary Food Establishments.

Health Department – Cervical Cancer Control Program: Approved Budget Amendment #57 to appropriate \$7,454 received from the State for the Cervical Cancer Control Program; increased Operating Expense and State Revenue by the said amount.

Health Department – Family Planning Program: Approved Budget Amendment #56 to appropriate \$2,500 received from the State for the Family Planning Program; increased Operating Expense and State Revenue by the said amount

Parks and Recreation: Approved request to ask local legislative delegation to add Union County to those local governments to which HB2778 applies entitled AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PARK AND RECREATION PROGRAMS OF CERTAIN LOCAL GOVERNMENTS IN ALAMANCE COUNTY AND THE TOWN OF MOORESVILLE.

Tax Administrator: Twelfth Motor Vehicle Billing Motor Vehicle Valuation for the period of May 1, 2008 to May 31, 2008 in the grand total amount of \$1,263,423.70

Tax Administrator: Eleventh Motor Vehicle Release Register for the period of May 1, 2008 to May 31, 2008 in the grand total of \$21,604.40

Tax Administrator: Eleventh Motor Vehicle Refund Register for the period of May 1, 2008 to May 31, 2008 in the grand total of \$79.71

Bakers Volunteer Fire and Rescue Department, Inc. Fire Fee Agreement: Authorized the County Manager to approve and execute a new contract with Bakers Volunteer Fire and Rescue Department, Inc.

Board of County Commissioners:

RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE OF THE
UNION COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Union County Board of Commissioners has heretofore established the regular meeting schedule of the Board such that regular meetings are held on the first and third Mondays of each month at 7:00 p.m. in the Commissioners' Board Room; and

WHEREAS, the Board desires to amend its regular meeting schedule by canceling the first regular meeting of July (July 7); and

WHEREAS, the Board desires to amend its regular meeting schedule by canceling the first and second regular meetings of August and to schedule regular meetings for intervening times.

NOW, THEREFORE, be it resolved by the Union County Board of Commissioners as follows:

The Board does hereby revise its regular meeting schedule to delete from the schedule the regular meetings of July 7, 2008, August 4, 2008, and August 18, 2008; and to add new regular meetings to occur on August 11, 2008, and August 25, 2008, at the customary place and time. Except as herein amended, the regular meeting schedule shall remain in full force and effect.

Adopted this the 16th day of June 2008.

Sheriff/Nutrition: Aramark Extension Amendment: Authorized the County Manager to approve amendment to agreement with Aramark extending term of contract for a period not to exceed six months.

The Keith Corporation Extension: Authorized County Manager to approve amendment to agreement with Keith Corporation to extend term of contract for a period not to exceed three months.

Information Report – No Action Requested: Union County Personnel Report for month of May 2008; Report for Department of Inspections for month of May 2008.

ASSISTANT COUNTY MANAGER’S COMMENTS:

Matthew Delk, Assistant County Manager, reported that the Roanoke Valley Master Gardeners Club is promoting and selling rain barrels. He said the barrel is connected to a down spout to collect rain water so it can be safely and securely stored for watering later. These barrels are in two sizes – 60 gallons for \$85 and 80 gallons for \$100. He explained these must be preordered by the 21st and will be available for pick up at the Union County Agricultural Center on July 26, 9:30 a.m. until 12:00 noon. Mr. Delk provided the necessary contact information and reported that flyers are available.

Assistant County Manager Delk reported on a seminar being held on June 24th sponsored by Union County Office on Aging called “Scam Jam 2008” warning senior citizens and others about identity theft, consumer fraud, and telemarketing fraud and scams.

Mr. Delk also reviewed NC Live and provided information on how to access this through the Union County Public Library.

The Assistant County Manager also reviewed the status of the Wesley Chapel-Weddington Athletic Park and the ruling that the park now falls under the jurisdiction of the Town of Weddington, since it is part of the area that was annexed into the town earlier this year. He reported that it is now Weddington that will have to settle the dispute between the athletic association and some of the surrounding property owners and assured that the County’s staff is willing to provide information and assist the town’s staff, if it is requested to do so by the town.

Commissioner Openshaw moved for a brief recess. By acclamation, the Chairman declared a five-minute recess. At the conclusion of the five-minute break, the Chairman reconvened the meeting.

RE-PERMITTING OF UNION COUNTY’S CONTRUCTION AND DEMOLITION (C&D) LANDFILL:

The Chairman stated that the next item on the agenda was Re-Permitting of Union County's Construction and Demolition (C&D) Landfill.

Mark Tye, representing Union County Public Works, explained that the State's solid waste rules require the re-permitting of the existing Union County construction and demolition landfill. He said to that end Union County Public Works is requesting the Union County Board of Commissioners to submit a permit application by July 1, 2008, for continued landfill operations. He reported that Union County's C&D landfill is located at 2125 Austin Chaney Road near Wingate. Mr. Tye further stated that Title 15A NCAC 13B.0536 c (11) outlines the local government approval process and noted that local government approval requires the adoption of a resolution, but that prior to the action by the Board of Commissioners that a public meeting must be held with proper public notification. He summarized that on May 8, 2008, letters outlining the solid waste management activities were submitted to property owners sharing common borders with the landfill property; (2) on May 10, 2008, a legal advertisement for a public meeting scheduled for June 10, 2008 was placed in The Enquirer-Journal; (3) on June 10, 2008, a public meeting was held at the Union County Agricultural Center at 9:00 a.m.; and (4) tonight on June 16, 2008, the Board of Commissioners was asked to consider local government approval for continued operation of the County's C&D Landfill.

Motion was made by Commissioner Lane that the following resolution be adopted:

**RESOLUTION PROVIDING LOCAL GOVERNMENT APPROVAL FOR CONTINUED OPERATION OF THE
UNION COUNTY C&D LANDFILL**

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective solid waste management; and

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system; and

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering; and

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste; and

WHEREAS, continued C&D landfill activities are consistent with Union County's 2006 Ten-Year Comprehensive Solid Waste Management Plan; and

WHEREAS, 15A NC Administrative Code 13B.0536 (C) (11) (A) (Solid Waste Management Regulations) requires governing board approval for the unit of local government in which jurisdiction the proposed C&D landfill is located:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF UNION COUNTY:

That the continued operation of Union County C&D Landfill is endorsed and placed on file with Clerk to the Board on this day, June 16, 2008.

The motion passed unanimously.

AMENDMENT TO POLICY FOR ALLOCATING WASTEWATER TREATMENT CAPACITY:

The Chairman recognized the County Manager who deferred to Staff Attorney Jeff Crook. Mr. Crook explained that pursuant to the Board's policy for allocating wastewater treatment capacity, developers of Third Priority Projects are required to submit a Flow Permit Application for such projects to Union County Public Works within one year from the effective date, defined as the adoption date of September 17, 2007. The Staff Attorney explained that it had been the intention of the County's staff to give the developer a full year in which to submit the Flow Permit Application. He said that failure to do so within one year results in the loss of any capacity at the treatment facilities reserved in favor of such project. Mr. Crook said what was not factored in was that the policy also provided for a 30 day period during which developers with projects not listed could submit evidence establishing the basis for inclusion. Refusal of these applications by the Union County Public Works Director resulted in an appeal by the developer to the County Manager. Because of the volume of these appeals and the time necessary for review, the capacity allocable to each of the Third party Projects was not finally determined and the developers were not notified until late January 2008, more than four months after the effective date. Therefore, he stated that the staff is recommending an amendment to the Policy that would change the effective date from September 17, 2008, to January 31, 2009. He stressed that it is the intent to treat everyone equally.

Motion was made by Commissioner Lane that the Amendment to the Policy for Allocating Wastewater Treatment Capacity be amended as follows:

1. Amend the third sentence of Section 8.0 as follows:
“Capacity at the Treatment Facilities, if any, shall be made available to serve individual projects contingent upon UCPW’s receipt of a Flow Permit Application for the Project ~~within one (1) year from the Effective Date~~, not later than January 31, 2009, UCPW’s receipt of a Flow Permit for the Project from NCDWQ, and subject to the following terms and conditions:”

2. Amend Section 8.4 as follows:
“Failure of the owner or developer of any Third Priority Project to submit a Flow Permit Application ~~within one (1) year from the Effective Date~~ prior to February 1, 2009, will result in the loss of any Capacity at the Treatment Facility reserved in favor of the Project pursuant to Sections 8.2 and 8.3.”

3. Amend the third sentence of Section 12.1 as follows:
“Capacity at 6-Mile shall be made available to serve individual Projects contingent upon UCPW’s receipt of a Flow Permit Application for the Project ~~within one (1) year from the Effective Date~~, not later than January 31, 2009, UCPW’s receipt of a Flow Permit for the Project from NCDWQ, and subject to the following terms and conditions:”

4. Amend Section 12.1.3. as follows:
“Failure of the owner or developer of Projects qualifying for Active status pursuant to this Section to submit a Flow Permit Application ~~within one (1) year from the Effective Date~~ prior to February 1, 2009, will result in the loss of any Capacity at 6-Mile reserved in favor of the Project pursuant to this Section.”

Vice Chairman Pressley described that some projects require up to a year to complete the process and questioned if this is adequate time. The Staff Attorney replied that it was not that the developer had to use the capacity by that date but would have to make an application by the deadline.

Mike Garback responded to the question concerning the application process by describing a normal time frame if sewer were available.

The Vice Chairman reiterated that he did not think there was sufficient time for the developer to go through this process particularly when they must get municipal and county review.

Commissioner Mills asked if it were possible for a developer to come back and ask for an extension.

Mr. Crook responded that there have been several requests for extensions and the staff's approach was that in lieu of individual extensions that everyone be treated the same and that is the reason for the amendment to the Policy. He further said that he would recommend that if the Board sees this as a concern that it should modify its policy rather than approving individual extensions.

County Manager Al Greene interjected that it was the staff's desire to treat everyone uniformly and fairly and not to have individual extensions.

After this discussion, Commissioner Lane withdrew his motion to Amend the Policy to extend the deadline to January 31, 2009.

Vice Chairman Pressley moved that the Policy for Allocating Wastewater Treatment Capacity be amended to extend the deadline to September 30, 2009.

The County Manager asked the staff if they could foresee any problem with this length of extension.

Mike Garback said he continues to get questions from the developers, and he thought this extension might delay their projects and tie up the additional capacity.

Again, the Vice Chairman emphasized that he thought this timeframe did not give sufficient time for developers to get all the necessary approvals.

Commissioner Openshaw said that he was confused in that he thought this policy was for projects already on the books and that many of them were already underway and this is a moot point. He moved to delay action until the Board can sit down and discuss it in more detail. He said he was not necessarily against the nine months but thought the additional four and one-half months would be adequate.

The Staff Attorney responded to Commissioner Openshaw's comments that the third priority residential projects were given a pro-rated amount based on the amount of capacity available and the developers were not given notice of that amount until January 27th and that is the reason for this request.

Commissioner Openshaw said he thought many of the larger developers had already completed the engineering of their projects.

Vice Chairman Pressley withdrew his motion.

The motion to table was passed unanimously.

The Staff Attorney asked the Commissioners to talk with him tonight or later about what they would want to see included in the amendment.

EASEMENT ACROSS PUBLIC WORKS' PROPERTY:

Chairman Baucom recognized the County Manager to present information on this item which was tabled at the last meeting for additional information. Mr. Green presented a brief overview of the City of Monroe's natural gas line project. He stated that he recognized that this project has a lot of opposition but from the Staff's perspective it is good for the County and the citizens of the County to have a strong natural gas system in the County particularly for economic development purposes. He said this 12-inch transmission main would go directly to Mooresville and would allow the City of Monroe to avoid transmission charges by Piedmont Natural Gas from the Transco line in Mooresville back into Union County. He said the City of Monroe pays Piedmont Natural Gas annually \$2.9 million and the cost of the construction of the line and debt on this line can be completed for \$2 million annually; thus, providing a savings to Monroe's citizens of almost \$1 million and when the project is paid, it will provide an annual savings of \$2.9 million for the City of Monroe and its users.

Mark Tye stated that he had obtained the additional information distributed tonight from the City of Monroe. He described the surrounding property and the alignment of the proposed gas line in the Tallwood Wastewater Treatment Plant. There was brief discussion on the proposed location and the distance required from the power lines. Mr. Tye said the City is requesting 20 to 25 feet of easement and the County's property is approximately 45 feet deep at this point.

Commissioner Openshaw stated that his request for additional information focused on the controversy and the counter offer made to the City by Piedmont Natural Gas. He pointed out that both Iredell and Mecklenburg counties had rejected the plan and the City of Monroe realigned their project to go through Unionville and the residences along Highway 601. Commissioner Openshaw said that he and this board represented everyone, and he would like to have the pros and cons of both sides. He pointed out that he was fine with the easement as presented.

The County Manager stated that the City Manager had offered to discuss this issue with the Commissioners. He said that Unionville's citizens are concerned that there is a transmission line going through their area and the town and citizens of that area cannot connect to it. He said he understood that the City of Monroe has agreed that in areas where there are sufficient customers, it could run a parallel line to provide service. He further said that the City plans to bore under the heelsplitter area. During discussion, he pointed out that the County has not been asked to endorse the line but to approve the easement through the Tallwood property.

The Vice Chairman stated that he would like to hear from both the City of Monroe and representatives from Piedmont Natural Gas.

Motion was made by Commissioner Mills to delay action on the easement request by the City of Monroe until the Board has an opportunity to hear from representatives of the City and Piedmont Natural Gas. The motion to delay passed unanimously.

AMENDED AND RESTATED FY2008 BUDGET ORDINANCE:

Kai Nelson, Finance Director, stated that annually he presents to the Board the amended and restated budget ordinance that provides the external auditors with a cumulative final budget for FY2008 and incorporates the Board's actions through the fiscal year into a single, restated final budget ordinance.

Motion was made by Commissioner Lane that the Amended and Restated FY2008 Budget Ordinance be approved and adopted. The motion passed unanimously.

Fiscal Year 2007-2008**Amended and Restated Budget Ordinance
Union County, NC****SECTION I. GENERAL FUND**

A. The following amounts are hereby appropriated in the GENERAL FUND for the operation of the county government and its activities for the fiscal year beginning July 1, 2007 and ending June 30, 2008 in accordance with the chart of accounts heretofore established for this county.

General Government:		
Board of Commissioners	1,011,173	
Central Administration	730,921	
County Dues & Memberships	118,917	
Internal Audit	93,801	
Legal	332,820	
Personnel	716,598	
Finance	912,582	
Tax Administration	4,072,662	
Court Facilities	2,171,165	
Elections	1,429,558	
Register of Deeds	1,250,007	
Information Technology	2,456,586	
General Services	700,377	15,997,167
Public Safety:		
Law Enforcement	19,674,855	
Communications	2,099,671	
Homeland Security	341,235	
Fire Services	974,010	
Inspections	2,354,518	
Outside Agencies	3,829,573	29,273,862
Economic & Physical Development:		
Planning	854,555	
Economic Development	934,788	
Cooperative Extension	1,197,376	
Soil Conservation	78,094	
Outside Agency	65,115	3,129,928
Human Services:		
Public Health	8,513,886	
Social Services	29,445,292	
Transportation and Nutrition	1,650,767	
Veterans' Services	236,132	
Outside Agencies	2,211,261	42,057,338
Education:		
School Current Expense	70,864,000	
School CE (Occupancy Costs)	250,000	
School Capital Outlay	11,000,000	
School Debt Service	40,526,182	

**Amended and Restated Budget Ordinance
Union County, NC**

Fiscal Year 2007-2008

B. It is estimated that the following revenues will be available in the GENERAL FUND for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

Ad Valorem Taxes	123,865,421	
Local Option Sales Tax	38,183,708	
Other Taxes	2,670,000	
Intergovernmental	27,345,547	
Functional Revenues	12,437,006	
Miscellaneous	9,743,701	
Fund Balance Appropriated	7,992,811	
	<u>222,238,194</u>	-

SECTION II. FIRE TAX DISTRICTS

A. The following amounts are hereby appropriated in the various FIRE TAX DISTRICT FUNDS for the operation of fire protection services for the fiscal year beginning July 1, 2007 and ending June 30, 2008 with the chart of accounts heretofore established for this county.

B. It is estimated that the following revenues will be available in the FIRE TAX DISTRICT FUNDS for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

Wesley Chapel	<u>900,031</u>	Ad Valorem Taxes	656,305
		Local Option Sales Tax	194,343
		Fund Balance Appropriated	49,383
			<u>900,031</u>
Hemby Bridge	<u>995,000</u>	Ad Valorem Taxes	618,701
		Local Option Sales Tax	265,443
		Fund Balance Appropriated	110,856
			<u>995,000</u>
Stallings	<u>929,820</u>	Ad Valorem Taxes	552,800
		Local Option Sales Tax	246,998
		Fund Balance Appropriated	130,022
			<u>929,820</u>
Springs	<u>299,235</u>	Ad Valorem Taxes	231,057
		Local Option Sales Tax	68,178
			<u>299,235</u>
Waxhaw	<u>556,263</u>	Ad Valorem Taxes	415,418
		Local Option Sales Tax	123,456
		Fund Balance Appropriated	17,389
			<u>556,263</u>

Fiscal Year 2007-2008

**Amended and Restated Budget Ordinance
Union County, NC**

SECTION IV. EMERGENCY TELEPHONE SYSTEM

- A. The funds in this budget shall arise from subscriber charges set at ninety-six cents (\$.96) per month per telephone line. These funds are collected by the telephone companies in the County and remitted to the County for operation of an E-911 system.
- B. The following amounts are hereby appropriated in the EMERGENCY TELEPHONE SYSTEM FUND for the emergency 911 services for the fiscal year beginning July 1, 2007 and ending June 30, 2008 with the chart of accounts heretofore established for this county.
- C. It is estimated that the following revenues will be available in the EMERGENCY TELEPHONE SYSTEM FUND for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

Public Safety 3,333,248

Service Charges 1,125,000
Miscellaneous 129,670
Fund Balance Appropriated 2,078,578
3,333,248

SECTION V. WATER AND SEWER

- A. The following amounts are hereby appropriated in the WATER AND SEWER FUND for the operation of water and sewer services for the fiscal year beginning July 1, 2007 and ending June 30, 2008 with the chart of accounts heretofore established for this county.
- B. It is estimated that the following revenues will be available in the WATER AND SEWER FUND for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

Water & Sewer 39,093,735

Fees for Services 36,759,271
Miscellaneous 2,159,119
Fund Balance Appropriated 175,345
39,093,735

SECTION VI. SOLID WASTE

- A. The following amounts are hereby appropriated in the SOLID WASTE FUND for the operation of solid waste services for the fiscal year beginning July 1, 2007 and ending June 30, 2008 with the chart of accounts heretofore established for this county.
- B. It is estimated that the following revenues will be available in the SOLID WASTE FUND for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

Solid Waste 6,821,379

Fees for Services 4,805,320
Miscellaneous 176,059
Fund Balance Appropriated 1,840,000
6,821,379

**Amended and Restated Budget Ordinance
Union County, NC**

Fiscal Year 2007-2008

SECTION VIII. DEBT SERVICE

A. The following amounts are hereby appropriated in the DEBT SERVICE FUND for the education debt service payments for the fiscal year beginning July 1, 2007 and ending June 30, 2008 with the chart of accounts heretofore established for this county.

Debt Service	<u>3,478,055</u>
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B. It is estimated that the following revenues will be available in the DEBT SERVICE FUND for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

Fund Balance Appropriated	<u>3,478,055</u>
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LIBRARY CAPITAL RESERVE

A. The following amounts are hereby appropriated in the LIBRARY CAPITAL RESERVE FUND for the library capital projects program for the fiscal year beginning July 1, 2007 and ending June 30, 2008 with the chart of accounts heretofore established for this county.

Cultural and Recreational	<u>94,766</u>
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B. It is estimated that the following revenues will be available in the LIBRARY CAPITAL RESERVE FUND for the fiscal year beginning July 1, 2007 and ending June 30, 2008.

Fund Balance Appropriated	<u>94,766</u>
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SECTION IX.

A. GENERAL FUND: That there is hereby levied for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following county-wide rate of tax on each one hundred dollars (\$100) valuation of taxable property situated in the County, as listed for taxes as of January 1, 2007, for the purpose of raising the revenue from current year's taxes, as set forth in the foregoing county-wide estimates of revenue, and in order to finance the foregoing county-wide appropriations:

General Fund - County-wide Rate	<u>.7111</u>
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B. SPECIAL DISTRICTS: That there is hereby levied for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following Special District tax rate on each one hundred dollars (\$100) valuation of estimated taxable property situated in each Special District, as listed for taxes as of January 1, 2007, for the purpose of raising the revenue from current year's taxes, as set out in the foregoing District estimates of revenue, and in order to finance the foregoing District appropriations:

Wesley Chapel Fire Protection District	<u>.0167</u>	Springs Fire Protection District	<u>.0312</u>
Hemby Bridge Fire Protection District	<u>.0377</u>	Waxhaw Fire Protection District	<u>.0513</u>
Stallings Fire Protection District	<u>.0262</u>		

SECTION X. FIRE FEES

These fees will be collected by the County Tax Administrator's Office and remitted to the various fee supported fire districts by the Finance Department on a monthly basis. Remittances may not exceed the budgeted amount for any given department. In the event that revenues exceed expenditures, those funds shall be withheld and used in the next year's budget appropriation as a fund balance added to the appropriation from fees collected in that year. The fees are as follows:

FIRE FEES 2007-2008		Allens		Beaver		Griffith		Lanes	
		Cross-Roads	Bakers	Lane	Fairview	Road	Jackson	Creek	
Percentage per request or maximum		100.00%	73.92%	100.00%	87.40%	100.00%	100.00%	100.00%	
Single Family Dwelling (SFD)	(max fee of \$50)	50.00	36.96	50.00	43.70	50.00	50.00	50.00	
Unimproved Land-per acre		0.02	0.02	0.02	0.02	0.02	0.02	0.02	
	-minimum (10% of fee)	5.00	3.70	5.00	4.37	5.00	5.00	5.00	
Animal/Horticulture	(20% of fee)	10.00	7.39	10.00	8.74	10.00	10.00	10.00	
Commercial < or = 5000 sq ft	(100% of fee)	50.00	36.96	50.00	43.70	50.00	50.00	50.00	
Commercial > 5000 sq ft	(200% of fee)	100.00	73.92	100.00	87.40	100.00	100.00	100.00	
Mobile Home	(same as SFD)	50.00	36.96	50.00	43.70	50.00	50.00	50.00	
Duplex	(same as SFD)	50.00	36.96	50.00	43.70	50.00	50.00	50.00	
Triplex	(150% of fee)	75.00	55.44	75.00	65.55	75.00	75.00	75.00	
Other Family Dwellings	(200% of fee)	100.00	73.92	100.00	87.40	100.00	100.00	100.00	
Cultural Facilities	(same as SFD)	50.00	36.96	50.00	43.70	50.00	50.00	50.00	
Educational Facilities	(same as SFD)	50.00	36.96	50.00	43.70	50.00	50.00	50.00	
Governmental Facilities	(same as SFD)	50.00	36.96	50.00	43.70	50.00	50.00	50.00	
Religious Facilities	(same as SFD)	50.00	36.96	50.00	43.70	50.00	50.00	50.00	
Fire Protection Facilities	(same as SFD)	50.00	36.96	50.00	43.70	50.00	50.00	50.00	
%		100.00%	73.92%	100.00%	87.40%	100.00%	100.00%	100.00%	
		New Salem	Providence	Sandy Ridge	Stacks Road	Stallings	Union-ville	Wingate	
Percentage per request or maximum		100.00%	100.00%	97.84%	100.00%	100.00%	72.88%	100.00%	
Single Family Dwelling (SFD)	(max fee \$50)	50.00	50.00	48.92	50.00	50.00	36.44	50.00	
Unimproved Land-per acre		0.02	0.02	0.02	0.02	0.02	0.02	0.02	
	-minimum (10% of fee)	5.00	5.00	4.89	5.00	5.00	3.64	5.00	
Animal/Horticulture	(20% of fee)	10.00	10.00	9.78	10.00	10.00	7.29	10.00	
Commercial < or = 5000 sq ft	(100% of fee)	50.00	50.00	48.92	50.00	50.00	36.44	50.00	
Commercial > 5000 sq ft	(200% of fee)	100.00	100.00	97.84	100.00	100.00	72.88	100.00	
Mobile Home	(same as SFD)	50.00	50.00	48.92	50.00	50.00	36.44	50.00	
Duplex	(same as SFD)	50.00	50.00	48.92	50.00	50.00	36.44	50.00	
Triplex	(150% of fee)	75.00	75.00	73.38	75.00	75.00	54.66	75.00	
Other Family Dwellings	(200% of fee)	100.00	100.00	97.84	100.00	100.00	72.88	100.00	
Cultural Facilities	(same as SFD)	50.00	50.00	48.92	50.00	50.00	36.44	50.00	
Educational Facilities	(same as SFD)	50.00	50.00	48.92	50.00	50.00	36.44	50.00	
Governmental Facilities	(same as SFD)	50.00	50.00	48.92	50.00	50.00	36.44	50.00	
Religious Facilities	(same as SFD)	50.00	50.00	48.92	50.00	50.00	36.44	50.00	
Fire Protection Facilities	(same as SFD)	50.00	50.00	48.92	50.00	50.00	36.44	50.00	
%		100.00%	100.00%	97.84%	100.00%	100.00%	72.88%	100.00%	

Continued on next page.

**Amended and Restated Budget Ordinance
Union County, NC**

Fiscal Year 2007-2008

SECTION XI. WATER AND SEWER RATES

A. One-time Charges for New Service:

	<u>Meter Size</u>	<u>Capacity Ratio to 3/4 inch</u>	<u>Water User Fees</u>	<u>Sewer User Fees</u>
Capacity Fee - charged for all new service (based on meter size):	3/4"	1.00	\$ 500	\$ 2,650
	1"	2.52	1,250	6,675
	1.5"	5.01	2,500	13,275
	2"	8.01	4,000	21,225
	3"	22.54	11,250	59,725
	4"	50.09	25,050	132,725
	6"	70.12	35,050	185,825
Water Tap Fee - charged for county provided taps (based on meter size):	3/4"		\$ 400	
	1"		525	
	1.5"		2,600	
	> 1.5" meter		Cost	
Sewer Tap Fee - charged for county provided taps (based on line size):	<u>Line Size</u>			
	4"			630
	6"			825
	> 6" line:			Cost

B. Monthly Service Charges:

	<u>Meter Size</u>	<u>Capacity Ratio to 3/4 inch</u>	<u>Water User Fees</u>	<u>Sewer User Fees</u>
Base Facility Charge - fixed amount (based on meter size):	3/4"	1.00	\$ 5.00	\$ 9.25
	1"	2.52	12.60	23.31
	1.5"	5.01	25.05	46.34
	2"	8.01	40.05	74.09
	3"	22.54	112.70	208.50
	4"	50.09	250.45	463.33
	6"	70.12	350.60	648.61

Volume Charge - per 1,000 gallons (monthly metered water usage): \$ 2.45 * \$ 3.30 **

** A year round sewer billing cap is applicable to all metered water consumption over 12,000 gallons per month for residential customers using 3/4" meter.

**Fiscal Year 2007-2008
Union County, NC**

Amended and Restated Budget Ordinance

SECTION XII. SEVERABILITY

- A. If any clause, phrase, sentence, paragraph, appropriation, or section of this Ordinance shall be held invalid, it shall not affect the validity of this Ordinance or the remaining phrases, clauses, sentences, paragraphs, appropriations, or sections.

This Amended and Restated Budget Ordinance is adopted on June 16, 2008 and is to become effective July 1, 2007.

**BOARD OF COMMISSIONERS
UNION COUNTY, NORTH CAROLINA**

By: _____
CHAIRMAN

CAPITAL PROJECT ORDINANCE CLOSEOUTS (CPC) LIBRARY, GENERAL AND WATER/SEWER: Moved from Consent Agenda

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

Commissioner Openshaw stated that he understood the purpose of the document was settling up on the capital project closeouts of the financial records. He said one item was the Weddington Library of which there is not one and to his knowledge there had not been one. He asked Mr. Nelson to explain this request to the Board.

Mr. Nelson pointed out that there were six projects on the Library closeouts. He said the closeouts represent the removal from the County's books of very old financial data and the first one is the Monroe library, which was completed about nine years ago. Mr. Nelson said the Weddington project was for books totaling \$29,000 for that proposed library and these books were apparently distributed throughout the Library system. He assured that this figure did not in anyway refer to the proposed Southwest regional library.

Motion was made by Commissioner Openshaw that CPC#7 be approved as submitted to close out various projects for which expenditures and revenues have been audited. The motion passed unanimously.

CAPITAL PROJECT CLOSEOUT							
BUDGET	Library CPO Fund			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2007-2008			DATE	June 16, 2008		
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised

Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
MONROE							
DEPT INTERGOV RECEIPTS RIG-LSR	113,540.00	(113,540.00)	-	PRINTING, OFFICE SUPPLIES	268,996.00	(268,996.00)	-
INST FING PROCEEDS	981,989.00	(981,989.00)	-	OFFICE FURNITURE AND EQ	49,142.00	(49,142.00)	-
MISC REVENUE-CONTR	550,741.00	(550,741.00)	-	BUILDINGS & IMPROVEMENTS	4,263,037.00	(4,263,037.00)	-
PROCEEDS FROM COPS	270,000.00	(270,000.00)	-				
IFT FROM GENERAL FUND	1,984,905.00	(1,984,905.00)	-				
IFT FROM LIBRARY RESRV	680,000.00	(680,000.00)	-				
UNION WEST							
INST FING PROCEEDS	235,362.00	(235,362.00)	-	PRINTING, OFFICE SUPPLIES	96,592.45	(96,592.45)	-
PROCEEDS FROM SALE OF COP'S	170,000.00	(170,000.00)	-	OFFICE FURNITURE AND EQ	16,348.00	(16,348.00)	-
IFT FROM GENERAL FUND	1,440,382.00	(1,440,382.00)	-	BUILDINGS & IMPROVEMENTS	1,806,371.55	(1,806,371.55)	-
IFT FROM LIBRARY RESRV	73,568.00	(73,568.00)	-				
MARSHVILLE							
DEPT INTERGOV RECEIPTS RIG-LSR	622,500.00	(622,500.00)	-	PERIODICALS,BOOKS,OT HER PUB	3,500.00	(3,500.00)	-
FED GRANT-INST MUSEUM & LIB SR	132,000.00	(132,000.00)	-	PRINTING, OFFICE SUPPLIES	69,440.00	(69,440.00)	-
INST FING PROCEEDS	982,748.00	(982,748.00)	-	TOOLS AND SUPPLIES	21,872.00	(21,872.00)	-
IFT FROM GENERAL FUND	(201,786.00)	201,786.00	-	TELEPHONE AND COMM	8,715.00	(8,715.00)	-
IFT FROM LIBRARY RESRV	3,872.00	(3,872.00)	-	OFFICE FURNITURE AND EQ	50,345.00	(50,345.00)	-
				BUILDINGS & IMPROVEMENTS	1,385,462.00	(1,385,462.00)	-

WEDDINGTON							
INST FING PROCEEDS	6,495.00	(6,495.00)	-	AUDIO VISUAL SUPPLIES	3,082.97	(3,082.97)	-
IFT FROM GENERAL FUND	26,470.00	(26,470.00)	-	PERIODICALS,BOOKS,OT HER PUB	29,882.03	(29,882.03)	-
WAXHAW							
INST FING PROCEEDS	114,575.00	(114,575.00)	-	PRINTING, OFFICE SUPPLIES	41,689.00	(41,689.00)	-
PROCEEDS FROM COPS	70,000.00	(70,000.00)	-	OFFICE FURNITURE AND EQ	4,810.00	(4,810.00)	-
IFT FROM GENERAL FUND	37,324.00	(37,324.00)	-	BUILDINGS & IMPROVEMENTS	175,400.00	(175,400.00)	-
AUTOMATION							
IFT FROM GENERAL FUND	24,411.00	(24,411.00)	-	PRINTING, OFFICE SUPPLIES	2,975.00	(2,975.00)	-
				PROFESSIONAL SERVICES	2,750.00	(2,750.00)	
				OFFICE FURNITURE AND EQUIPMENT	2,887.00	(2,887.00)	
				OTHER EQUIPMENT	4,399.00	(4,399.00)	
				BUILDINGS AND IMPROVEMENTS	11,400.00	(11,400.00)	
	8,319,096.00	(8,319,096.00)	-		8,319,096.00	(8,319,096.00)	-
EXPLANATION:	Close out of various completed projects for which expenditures and revenues have been audited.						
DATE:				APPROVED BY:			
					Bd of Comm/County Manager Lynn West/Clerk to the Board		
Prepared By	aar						
Posted By							

Date							Number	CPC - 7
FOR FINANCE POSTING PURPOSES ONLY								
PROJECT SOURCES				PROJECT USES				
Source	Project	Requested	Revised	Project	Project	Requested		Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment		Project
MONROE								
DEPT INTERGOV RECEIPTS RIG-LSR	113,540.00	(113,540.00)	-	PRINTING, OFFICE SUPPLIES	268,996.00	(268,996.00)		-
51461100-4290-6110				51561100-5260-6110				
INST FING PROCEEDS	981,989.00	(981,989.00)	-	OFFICE FURNITURE AND EQ	49,142.00	(49,142.00)		-
51461100-4730-6110				51561100-5510-6110				
MISC REVENUE-CONTR	550,741.00	(550,741.00)	-	BUILDINGS & IMPROVEMENTS	4,080,712.00	(4,080,712.00)		-
51461100-4840-6110				51561100-5582-6110				
PROCEEDS FROM COPS	270,000.00	(270,000.00)	-	BUILDINGS & IMPROVEMENTS	182,325.00	(182,325.00)		-
51491200-4913-6110				51561100-5586-6110				
IFT FROM GENERAL FUND	1,984,905.00	(1,984,905.00)	-					
51498000-4010-6110								
IFT FROM LIBRARY RESRV	680,000.00	(680,000.00)	-					
51498000-4023-6110								
UNION WEST								
INST FING PROCEEDS	235,362.00	(235,362.00)	-	PRINTING, OFFICE SUPPLIES	96,592.45	(96,592.45)		-
51461100-4730-6111				51561100-5260-6111				
PROCEEDS FROM SALE OF COP'S	170,000.00	(170,000.00)	-	OFFICE FURNITURE AND EQ	16,348.00	(16,348.00)		-

51491200-4913-6111				51561100-5510-6111			
IFT FROM GENERAL FUND	1,440,382.00	(1,440,382.00)	-	BUILDINGS & IMPROVEMENTS	1,162,411.64	(1,162,411.64)	-
51498000-4010-6111				51561100-5582-6111			
IFT FROM LIBRARY RESRV	73,568.00	(73,568.00)	-	BUILDINGS & IMPROVEMENTS	132,568.66	(132,568.66)	-
51498000-4023-6111				51561100-5583-6111			
				BUILDINGS & IMPROVEMENTS	166,649.15	(166,649.15)	-
				51561100-5584-6111			
				BUILDINGS & IMPROVEMENTS	69,013.00	(69,013.00)	-
				51561100-5585-6111			
				BUILDINGS & IMPROVEMENTS	268,289.10	(268,289.10)	-
				51561100-5586-6111			
				BUILDINGS & IMPROVEMENTS	7,440.00	(7,440.00)	-
				51561100-5589-6111			
MARSHVILLE							
DEPT INTERGOV RECEIPTS RIG-LSR	622,500.00	(622,500.00)	-	PERIODICALS,BOOKS,OT HER PUB	3,500.00	(3,500.00)	-
51461100-4290-6112				51561100-5233-6112			
FED GRANT-INST MUSEUM & LIB SR	132,000.00	(132,000.00)	-	PRINTING, OFFICE SUPPLIES	69,440.00	(69,440.00)	-
51461100-4369-6112				51561100-5260-6112			
INST FING PROCEEDS	982,748.00	(982,748.00)	-	TOOLS AND SUPPLIES	21,872.00	(21,872.00)	-
51461100-4730-6112				51561100-5290-6112			
IFT FROM GENERAL FUND	(201,786.00)	201,786.00	-	TELEPHONE AND COMM	8,715.00	(8,715.00)	-
51498000-4010-6112				51561100-5321-6112			
IFT FROM LIBRARY RESRV	3,872.00	(3,872.00)	-	OFFICE FURNITURE AND EQ	50,345.00	(50,345.00)	-
51498000-4023-6112				51561100-5510-6112			
				BUILDINGS & IMPROVEMENTS	1,294,962.00	(1,294,962.00)	-
				51561100-5582-6112			
				BUILDINGS &			

				IMPROVEMENTS	83,000.00	(83,000.00)	-
				51561100-5586-6112			
				BUILDINGS & IMPROVEMENTS	7,500.00	(7,500.00)	-
				51561100-5589-6112			
WEDDINGTON							
INST FING PROCEEDS	6,495.00	(6,495.00)	-	AUDIO VISUAL SUPPLIES	3,082.97	(3,082.97)	-
51461100-4730-6113				51561100-5232-6113			
IFT FROM GENERAL FUND	26,470.00	(26,470.00)	-	PERIODICALS,BOOKS,OT HER PUB	29,882.03	(29,882.03)	-
51498000-4010-6113				51561100-5233-6113			
WAXHAW							
INST FING PROCEEDS	114,575.00	(114,575.00)	-	PRINTING, OFFICE SUPPLIES	41,689.00	(41,689.00)	-
51461100-4730-6114				51561100-5260-6114			
PROCEEDS FROM COPS	70,000.00	(70,000.00)	-	OFFICE FURNITURE AND EQ	4,810.00	(4,810.00)	-
51491200-4913-6114				51561100-5510-6114			
IFT FROM GENERAL FUND	37,324.00	(37,324.00)	-	BUILDINGS & IMPROVEMENTS	164,325.00	(164,325.00)	-
51498000-4010-6114				51561100-5582-6114			
				BUILDINGS & IMPROVEMENTS	8,750.00	(8,750.00)	-
				51561100-5586-6114			
				BUILDINGS & IMPROVEMENTS	2,325.00	(2,325.00)	-
				51561100-5589-6114			
AUTOMATION							
IFT FROM GENERAL FUND	24,411.00	(24,411.00)	-	PRINTING, OFFICE SUPPLIES	2,975.00	(2,975.00)	-
51498000-4010-6116				51561100-5260-6116			
				PROFESSIONAL SERVICES	2,750.00	(2,750.00)	-
				51561100-5381-6116			
				OFFICE FURNITURE AND EQUIPMENT	2,887.00	(2,887.00)	-

				51561100-5510-6116			
				OTHER EQUIPMENT			
					4,399.00	(4,399.00)	-
				51561100-5550-6116			
				BUILDINGS AND IMPROVEMENTS	11,400.00	(11,400.00)	-
				51561100-5580-6116			
		(8,319,096.00)				(8,319,096.00)	

AMEND SOLID WASTE SCHEDULE OF FEES AND CHARGES:

The Chairman recognized Kai Nelson on the subject of amending Solid Waste Fees and Charges. He said this schedule amends the current schedule to provide the County with the authority to impose the \$2/ton solid waste disposal excess tax once it is imposed by the State and to remit same to the State of North Carolina. He reported that legislation was approved during the last session to impose this fee effective July 1, 2008 but that there is discussion in this short session to defer imposing this fee until January 1, 2009. It was noted in documentation that the imposed fee of \$2 based on current volumes will generate \$210,000 annual for the State of North Carolina.

The Chairman asked Mr. Nelson if it is possible to adopt a resolution that would allow for any taxes or fees imposed by the State to be approved and included in the fee schedule without having to bring these to the Board.

Mr. Nelson said that it was possible to do so and recognized the Staff Attorney who read the following recommendation: The fees from municipal household waste and construction demolition waste will automatically increase without additional board action in the event that an excise tax or similar fee is statutorily imposed by the General Assembly. Such increase shall occur upon the effective date of the imposed tax or fee.

Chairman Baucom moved that the statement and policy as read by the Staff Attorney be adopted.

STATUTORILY IMPOSED SOLID WASTE FEE OR EXCISE TAX POLICY

The fees from municipal household waste and construction demolition waste will automatically increase without additional board action in the event that an excise tax or similar fee is statutorily imposed by the General Assembly. Such increase shall occur upon the effective date of the imposed tax or fee.

The motion passed unanimously.

LEGAL FEES:

The Chairman recognized Commissioner Openshaw who had requested this item be added to the agenda.

Commissioner Openshaw stated that as a member of this Board he was entitled to be notified when the County or three of the Commissioners employed the legal firm of Wyatt and Dunn, one of the top criminal trial law firms and FBI specialists in the State. He stressed that this firm is very expensive and that neither a commissioner nor any member of the staff had notified him of the County's action to employ it. He said he had talked with the FBI and had done so without an attorney but when the others had been confronted by the FBI, they had employed private counsel. He said he thought the Commissioners were entitled to legal representation, but if they are proved to have done something wrong, they would be required to reimburse the county for the expenditures

Commissioner Mills pointed out that he had not been confronted nor has the FBI contacted him to talk with him. The Vice Chairman and the Chairman both interjected that they also had not been contacted by the FBI. Commissioner Mills reminded that the County is being sued and the majority of the Board is being individually sued. He stated that if either of the other two commissioners had been individually named in the suit that the attorneys representing the majority of the Board, as it acted on behalf of the County, would also be representing them.

Commissioner Lane confirmed that he had talked with a couple of FBI agents for several hours and, he too, had done so without the benefit of counsel.

After lengthy discussion on the history of the suit, the lack of communication, and legal costs, the County Manager interjected that to his knowledge the County has not employed a firm to represent individual commissioners in a FBI suit.

Commissioner Openshaw requested the staff attorney make available to him all the fees, contracts and/or agreements with the law firms representing Union County and/or individual commissioners. Mr. Crook responded that these agreements are not in his office and referred him to the County Attorney.

The Chairman next recognized the Personnel Director.

REVISION TO UNION COUNTY PERSONNEL RESOLUTION, ARTICLE XI, SECTION 5; POST EMPLOYMENT HEALTH INSURANCE BENEFITS:

Mark Watson, Personnel Director, stated that as the County Commissioners are aware, the County presently accounts, reports and funds the retiree health program on a pay-as-you-go basis. He explained that the Governmental Accounting Standards Board, the government sector's regulator of financial accounting and reporting, now requires units of government to account for and report their retiree health programs similar to that of pensions.

The Personnel Director explained that the proposed revision to UCPR Article XI, Section 5 (i) modifies the eligibility requirements of post employment health insurance benefits for full-time employees hired on or after July 1, 2008, by extending the requirement for consecutive years of creditable service from 10 to 20 years and (ii) clarifies the current eligibility language of Section 5 applicable to full-time employees hired before July 1, 2008.

Motion was made by Vice Chairman Pressley that the following amendment to Article XI, Employment Benefits be approved to be effective July 1, 2008:

ARTICLE XI. EMPLOYEE BENEFITS

SECTION 5

Post Employment Health Insurance Benefits

5.1 Employment Before July 1, 2008

Any full-time employee of the County of Union who (i) is employed by Union County before July 1, 2008, (ii) retires from service (regular or disability) under the provisions of the North Carolina Local Government Employee's

Retirement System (NCLGERS) of the North Carolina Law Enforcement Officer's benefit and Retirement Fund (NCLEOBRF), (iii) immediately prior to such retirement has earned ten (1) consecutive years of creditable service under the NCLGERS or NCLEODRF without a break in service, and (vi) earned such years of creditable service due to continuous full-time employment by the County, shall be eligible to continue coverage under the County's Group Health Insurance Program on the same basis as active full-time employees of the County.

5.2 Employment On or After July 1, 2008

Any full-time employee of the County of Union who (i) is employed by Union County on or after July 1, 2008, (ii) retires from service (regular or disability) under the provisions of the North Carolina Local Government Employee's Retirement System (NCLGERS) of the North Carolina Law Enforcement Officer's Benefit and Retirement Fund (NCLEOBRF), (iii) immediately prior to such retirement has earned twenty (20) consecutive years of creditable service under either the NCLGERS or the NCLEODRF without a break in service, and (vi) earned such years of creditable service due to continuous full-time employment by the County shall be eligible to continue coverage under the County's Group Health Insurance Program on the same basis as active full-time employees of the County.

The motion was passed unanimously.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

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

- a.) Juvenile Crime Prevention Council (JCPC): (1) District Attorney or his designee; (2) Substance Abuse Professional; (3) Two persons under the 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 – three vacancies as of June 2008

COUNTY MANAGER'S COMMENTS:

The County Manager stated that he had hoped to have before the Board tonight a proposed Capital Plan but it has been delayed because of the budget process. He said it is safe to say that it will not include a bond referendum in November, but the School Board has reported that it might request one later in the year. Mr. Greene said that any capital projects of the county will be funded through Certificates of Participation.

COMMISSIONERS' COMMENTS:

Commissioner Lane commented on the Building Inspections Report for the month of May, 2008, and noted that there are fewer buildings being constructed than in April but the buildings are more expensive. He said the Adequate Public Facilities Ordinance is not a means to raise funds for schools; it never has been and should never be. Commissioner Lane said that a builder could build five or less without having to pay an impact fee.

Commissioner Lane said that Mr. Nash had commented that four years ago he had been for district representation but said he had supported it with the caveat that all citizens would vote for all representatives.

The Chairman next recognized Commissioner Openshaw who expressed his thanks for all who came to speak particularly those who spoke about the rights of our country. He said that he thought the Vice Chairman owed an apology to the town council of Indian Trail who had adopted a resolution against the process of increasing the Board and not as he had stated earlier that the resolution was against increasing the number of members. Commissioner Openshaw stated that seven municipalities and the Republican Executive Board voted against this act to increase the number of board members. He said he thought of the seven municipalities the vote had been 34 to one and this person thought the citizens had the right to vote on the issue. He said citizens have three choices—the right to vote for; the right to vote against, or the right to not vote. Commissioner Openshaw said that regardless of what some people said, there was a vote

Commissioner Openshaw stated that six players from Union County were chosen to play in the Lacrosse All Star Game in Charlotte. Four of these, he noted, are advancing to college with scholarships. He said he had worked for years with the Lacrosse teams and would assure that he was not taking credit for their successes. He congratulated the following Union County players who had been awarded special recognition in the Charlotte region: Michael Sawyer, Player of the Year, full scholarship to Loyola College, Division I, in Baltimore, Maryland; Christian Nico Capron, Defensive All Star, Canisius College, Buffalo, New York, Division I;

Scott Turner who received scholarship to Phifer University, and the one Women's All Star player, Kelsey Roepe who received a scholarship to Queens University.

Commissioner Mills congratulated Commissioner Openshaw with his work with the Lacrosse teams. He said the meeting tonight was long, and he hoped the citizens realize that the Board is working hard on the budget and that revenue is down and people are hurting. He said Union County has a good school system and lots of bond money has been spent to make them what they are. He said he wanted people to realize that these bonds have to be paid back and this year, the bond rate will require 3 ½ cents to pay bond debt on these school bonds. Commissioner Mills said that they were well spent, but the money has to be repaid.

Vice Chairman Pressley said that one of the worst things to have to do is to sit here and listen to accusations against you and you can't make a rebuttal. He said he thought it was necessary to defend oneself and assured that there have been no special favors granted to developers or builders and probably there have been people in that community who have disagreed with the Board's action. He said he was tired of the accusations without validity. The Vice Chairman said that there is a day of reckoning coming, and he hoped that he would be around to see it. He assured that he has not been contacted by the FBI, and this issue is being handled by the attorney that was employed by the County's Attorney. He asked those who are making accusations to search out the truth before making the comments or continuing to spread misrepresentations.

The Chairman congratulated the graduates of Union County and wished them well in the future.

At 9:53 p.m., the Chairman recessed the meeting to go into a budget work session.

At 11:29 p.m., the Board moved back into the Board Room, and motion was made by Vice Chairman Pressley that the meeting of June 16, 2008 be adjourned. The motion passed unanimously.