

Approved 8/25/08

July 21, 2008  
Minutes of Regular Meeting

The Union County Board of Commissioners met in a regular meeting on Monday, July 21, 2008, at 7:00 p.m. in the Commissioners' Board Room, First Floor, Union County Government Center, 500 North Main Street, Monroe, NC. 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, H. Ligon Bundy, Attorney, members of the press, and interested citizens

OPENING OF MEETING:

***a. Invocation:***

Pastor Paul Saleeby of Benton Heights Presbyterian Church offered the invocation. Following the invocation, the Chairman presented Pastor Saleeby with a Certificate of Appreciation, a writing pen with "Union County" engraved on it, and a county lapel pin.

***b. Pledge of Allegiance***

Chairman Baucom led the body in reciting the Pledge of Allegiance to the American flag.

PUBLIC HEARING – RURAL OPERATING ASSISTANCE PROGRAM (ROAP) APPLICATION IN THE AMOUNT OF \$339,627 (\$215,105 FORMULA FUNDS AND \$124,522 SUPPLEMENTAL FUNDS):

At approximately 7:09 p.m., the Chairman opened the public hearing and stated that no one had registered to comment at the public hearing. He asked if there was anyone present who wished to speak who had not registered.

There were no comments during the public hearing.

At approximately 7:10 p.m., the Chairman closed the public hearing.

PUBLIC HEARING – TEXT AMENDMENT TO UNION COUNTY LAND USE ORDINANCE – RE: R-40 YIELD WITH CLUSTERING (SECTION 187):

At approximately 7:11 p.m., the Chairman opened the public hearing.

The agenda package contained the following proposed amendment to Paragraph (b) of Section 187, Cluster Development:

PROPOSED AMENDMENT

1. AMEND paragraph (b) of Section 187, Cluster Development, as follows:
  - (b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land “saved” by so doing as common open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into lots of the size required by Section 181. *This section is not intended, nor shall any provision herein be construed, to increase the total number of residential lots that may be developed beyond the number that would otherwise have been available without cluster development. Prior to sketch plan approval, the developer shall be required to establish, to the reasonable satisfaction of the planning staff, that the number of lots that would have been available without cluster development has not been exceeded.*
2. This Amendment shall become effective upon adoption.

The following explanation was provided in the agenda package in written format:

The concept to change the cluster ordinance to reflect the yield that can be achieved in R-40 zoning was referred to the Planning Board for review by Board of County Commissioners at its March 24, 2008, meeting. The basic concept was to require the developer to submit an acceptable sketch plan for the maximum number of lots that could be located on the subject property using 40,000 square foot lots and meeting all the requirements of the ordinance. That sketch plan submission would determine the maximum number of lots that would be permitted using the cluster provisions of the ordinance. This concept was written in text amendment format and referred to the Planning Board for its recommendation. At the June 3, 2008, meeting of the Planning Board, staff presented the text amendment for its review. After considerable discussion, the Planning Board was locked in a three to three vote and unable to make a recommendation in favor of or in opposition to the proposed text amendment.

Chairman Baucom recognized Kevin Graham, 1213 Deer Brush Lane, Waxhaw, North Carolina, to present his comments. Mr. Graham stated that he serves on the Union County Land Use Steering Committee which was assembled to aid the Planning Board in the process of updating the County's Land Use Ordinance. He said that within the update process there are several outcomes, one of which will be a comprehensive look at the total nature of the plan. He said that there will be a drafting and redrafting of several specific development ordinances that relate to the broader land use ordinance. Mr. Graham further said that the proposed amendment to the cluster ordinance is being considered outside the process that the Steering Committee and Planning Board have been charged with performing. He stated that if the proposed amendment is adopted, it undermines the process that the County has requested the Planning Board and Steering Committee follow. He said that the proposal is a very specific amendment that deals with density, and to adopt this amendment outside of the plan that is already in place is simply doing something in void and does not consider the larger process. He described the proposed amendment as highly punitive on several levels as well as being an expensive process. Mr. Graham said that in order to understand that, there needs to be an appreciation of what takes place in the sketch plan process which includes requirements for preliminary engineering and many dollars in consulting efforts. In closing, Mr. Graham stated that he believed there was a better way to accomplish what is desired and adopting an amendment outside what the Steering Committee and the Planning Board have been charged is inappropriate.

The Chairman announced that no one else had registered to address the Board during the public hearing, and at approximately 7:13 p.m., the public hearing was closed.

INFORMAL COMMENTS:

The Chairman reminded everyone of the Board's Informal Comments policy and briefly reviewed it with the citizens present.

He recognized David Arone, who resides at 3302 Quail Ridge Lane in Weddington. Mr. Arone spoke in connection with Item 18 – Weddington Optimist Park. He stated that he was the immediate past president of the Wesley Chapel/Weddington Athletic Association, and he was speaking in support of the proposed agreement between the County and the Town of Weddington to resolve the flooding issue that has been discussed for several years. He stated that this matter has been going on for a considerable amount of time, and that both the County and the Athletic Association, as well as the engineers, have put forth a lot of effort to resolve the matter. Mr. Arone stated that he had come before the Board in April regarding this issue, and the Board had allowed the Athletic Association 30 days to submit an engineering plan to resolve the matter, which was submitted on May 5, 2008, to Public Works. He said that shortly thereafter the Athletic Association had received notification that perhaps this property would be in the jurisdiction of Weddington. He stated that he would encourage approval of an agreement to resolve this matter quickly for everyone's benefit.

Mr. Arone said that he believed the engineering report that was submitted on May 5, 2008, meets the requirements of the Public Works Department in terms of no rise. He said that across the Athletic Association's entire land, there is a no rise. He stated that in addition, the association had submitted a no rise certificate which is pending the adoption of the plan and removal of the dirt by the Athletic Association. He expressed his appreciation to the Board and in particular to Commissioner Mills who has met with the Athletic Association's representatives at the park.

Kevin Lytle, who resides at 324 Jackson Place, Indian Trail, said that he has been in communication with the Board members in connection with the Austin Village Outfall Sewer line. He said that he thought the condemnation process has been unfair. He noted that he has some structures on the property that are within the proposed easement as well as some large mature oak trees that are in the easement, and he is being offered a monetary settlement nowhere near the replacement value. He requested that the Board defer action on this matter until a meeting can be held with the property owners to discuss the matter.

Commissioner Mills interjected that the staff's recommendation is to defer action on this matter.

Mr. Lytle also spoke regarding the request by staff under Item 13b for a work session to present the irrigation plan. He said that he is a landscaper, and he has a number of issues with the way in which the water conservation restrictions are written. He said that the restrictions are very hard on his business, and there are current restrictions that affect how irrigation systems are monitored.

He says that the systems are mechanical, and they do have failure. He said that he would like to be a part of the work session and try and work with the Board on these matters.

The Chairman stated that the Manager would be in contact with Mr. Lytle regarding the work session. Vice Chairman Pressley pointed out that the recommended date and time for the work session is Monday, August 11, 2008, at 4:30 p.m.

Chairman Baucom noted that written comments had been submitted by Ms. Libby Long, Mayor Pro Tem of the Town of Fairview. He said that Ms. Long was unable to attend tonight's meeting but had asked that her comments be included in the record. Ms. Long's comments are recorded below in their entirety:

"Libby Long  
117 Highway 218 West  
Monroe, NC

TO: BOARD OF COUNTY COMMISSIONERS

Due to a conflict with the Town of Fairview's monthly meeting and a public hearing and with the County Commissioners' meeting time, I am sending you my comments rather than appearing at your scheduled meeting. This is in regards to Item 12 of the proposed agenda for the July 21, 2008, meeting – Easements Across Public Works Property.

I would like to remind the Board of the accident in Charlotte a few weeks ago when a child was killed and a home destroyed from an explosion from a natural gas line leak, and this was only from a tap going into a home. So just think of the devastation that a leak from a 12" to 20" transmission line could do. The easement across Tallwood Wastewater Treatment Plant Property backs up to family homes in Tallwood!

When Monroe first initiated the right of way easement thru Fairview, we were told it would be for a 10" transmission line, we later discovered that Monroe would need a 12" to 20" transmission line for the decatherms that it was requiring. Also, we were told by the right of way agent that there would be NO hookups to this transmission line. We also discovered that there would be a fiber optic line to be run in this easement right of way as well. Craig Meadows has been reported as saying that Monroe has tried to be a good neighbor. I do not feel that this omission of facts to be indicative of being a "good neighbor."

In trying to negotiate with Monroe, Fairview was told that yes we could hook on to this line for a fee of \$75.00, then we were told that this fee of \$75.00 would be waived for the property owner on whose land the line crossed. When we questioned the fact that you cannot hook on to a transmission line, we were told that a service line would be run along side the transmission line. Now, we are being told that only those property owners on Highway 601 on whose land the line will cross will have access to natural gas. Monroe is offering us crumbs and calling it a cake! I do not find this to be indicative of being a “good neighbor”.

Also, when the Town of Fairview arranged for a meeting with property owners in February for Monroe to speak with them about the transmission line, Monroe City Officials did not show up. We had about forty people present, many of whom were senior citizens, to hear what Monroe had to say. The next day, the Mayor of Monroe, a former Chief of Police, said that he was afraid to come to Fairview, and, indeed, when Monroe finally agreed to come to talk at our April meeting, only Craig Meadows, Don Mitchell, and Kelly Kinnett came. The Mayor of Monroe did NOT come.

Further, in a news article in the Independent Tribune dated April 24, 2008, Mr. Don Mitchell was questioned about Monroe’s license to connect to the Transco pipeline. Mr. Mitchell’s response was that he “was unsure whether the licenses still stand in 2008. We’re looking into that right now”. Fairview was already aware that the license had expired – why didn’t Mr. Mitchell know? This does not inspire Fairview’s confidence in Monroe’s or Mr. Mitchell’s ability to manage this transmission line.

I would further remind the Board that Monroe is an unregulated municipal system. The residential customer in Monroe who thinks he will be paying the same rate for natural gas service as Allvac will be in for a surprise!

Lastly, the Board has spoken of economic development – then give Fairview water and sewer, and we can show you economic development! Fairview should not have to pay the price for Monroe’s economic development promises. In fact, when Mr. Meadows was questioned if there was a single taxpayer in Monroe who was affected by the right of way easements. He said there was not one!

Again, if you want the whole county to benefit, then give the north and east ends of the county the much-needed, fully operational water and sewer, not a natural gas transmission pipeline that very, very few in Fairview will be able to use.

Thank you.

Libby Long

Mayor Pro Tem  
Town of Fairview”

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

Commissioner Openshaw requested that the following items be moved from the Consent Agenda to the Regular Agenda: Contracts Over \$90,000: 1) 1d – City of Charlotte – Charlotte Area Transit System Agreement; 2) Item 1f – Union County Public Schools – Revenue Contact Amendment to Add One Additional Contract SRO Deputy Position); 3) Item 6 – Minutes; 4) Item 10 – Amendments to County’s Pay and Classification Plan – Animal Care Specialist; 5) Item 11 – Adjustment to Pay Grade Assignments.

With there being no further additions or deletions to the agenda, Vice Chairman Pressley moved adoption of the agenda as modified. The motion was passed unanimously (Commissioner Lane’s vote on the electronic voting system indicated he was voting against the motion; however, he clarified that he had pressed the incorrect button, and his vote was in the affirmative). Chairman Baucom asked if the vote was unanimous, and Commissioner Lane agreed that he was voting in the affirmative.

CONSENT AGENDA:

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

***Contracts Over \$90,000 (Subject to Final Legal Review) and Associated Budget Amendments:*** Authorized the Manager to approve the following agreements, subject to final legal approval, and adopted associated budget amendments as follows:

- a. Administrative Office of the Courts – Agreement for FY 2009 which provides funding for two Assistant District Attorneys; one Investigator; and one Victim/Witness Assistant through June 30, 2009, at an annual cost of \$201,334. The Agreement contains provisions for a “true up” at the end of the fiscal year should the Administrative Office of the Courts not employ the four positions throughout the year. The County’s financial obligation is for personnel costs only, and the Administrative Office of the Courts is responsible for support services, office supplies, furnishings, etc.
- b. Tax Reduction Specialists, Division of Utilities Reduction Specialists, Inc. to review the sales tax refunds to determine if there are additional refunds to which the County might be entitled. The fee for this service under the new contract will be

13 percent less than the previous contract and is based upon the amount received. No funds are paid until the sales tax refunds are received by the County.

- c. TW Telecom Holdings, Inc. – Agreement for County Main Phone Lines and Internet Access (\$91,458) – Current phone system PRI (phone line/switches) charges are \$2,514.35 per month, T1 (trunk line) charges are \$508/month, intra-state call charges are .05/minute, and long distance call charges are .048/minute. The new phone system agreement PRI charges will be \$1,927.25 per month, T1 charges will be \$613.25 with the addition of a second T1 line, intra-state call charges will be 0.46 per minute, and long distance call charges will be .028 per minute.
- d. City of Charlotte – Charlotte Area Transit System – Regional Transit Service for the 74X Union County Express Service Line (Renewal) (Not to Exceed \$106,412). – This item was moved to the regular agenda at the request of Commissioner Openshaw.
- e. Town of Indian Trail – Revenue Contract Amendment to add four additional contract deputy positions (Amendment #5) (\$265,436). The Town of Indian Trail has elected to add four additional contract deputies bringing its total to thirteen deputies. \$29,496 for the County’s ten percent share of the cost for the four deputy positions is included in the FY 09 budget. Adopted Budget Amendment #2 to the Sheriff’s Budget increasing: Personnel Expense by \$199,468; Operating Expense by \$60,964; Capital Expense by \$34,500; and Intergovernmental Revenue by \$265,436 and decreasing Departmental Contingency by \$29,496 to appropriate funds for four additional patrol officers in Indian Trail.
- f. Union County Public Schools – Revenue Contract Amendment to add one additional contract School Resource Officer/Deputy Position (Amendment #5) (\$52,480) - This item was moved to the Regular Agenda at the request of Commissioner Openshaw.
- g. Centralina Council of Governments – Revenue contract for Home and Community Care Block Grant for Older Adults (Services provided by Department of Social Services, Transportation, Nutrition, and Council on Aging) (\$744,342)
- h. Cintas Corporation – Renewal Agreement for Public Works uniform rental (Approximately \$35,000 per year for three years) – This agreement provides for upgraded uniforms and locks in the pricing for a three-year period.
- i. State of North Carolina’s Division of Water Quality and Yadkin Pee Dee River Basin Association – Memorandum of agreement renewal for water quality monitoring program within the Yadkin Pee Dee River Basin (\$25,000 – approximately \$5,000 per year for five years)

***Amendments to Fire Department Agreements or New Agreements as Appropriate:*** Authorized the Manager to approve amendments or agreements as appropriate for three modifications: 1) the removal of the section prohibiting fire departments from paying part-time personnel from County subsidy (this was approved by the Board of Commissioners on May 5, 2008, by modification to the Resolution of the Union County Board of Commissioners Establishing a System of Rural Fire Protection in Union County); 2) Modification

requires first due apparatus be equipped with an Automatic Vehicle Location Device as determined by the Fire Marshal; and 3) Addition of language to provide for County-Wide Mutual Aid.

**Amendments to Parks and Recreation Agreements:** Authorized the Manager to approve an amendment to the 2006 Stallings Community Grant Agreement to extend the time through the end of March 2008 to complete its project.

**Amendments to Parks and Recreation Agreements:** Authorized the Manager to approve an amendment to the 2007 Wingate Community Grant Agreement due to the Town of Wingate being unable to install one wall oven in its new Community Building kitchen because of lack of space (Check in the amount of \$3,253.25 was returned to the County due to this change).

**Amendment to Parks and Recreation Agreements:** Authorized the Manager to approve an amendment to the 2008 Waxhaw Athletic Association Grant Agreement to allow the replacement of one of the wooden storage buildings with a metal building (Waxhaw will cover the additional costs).

**Tax Administrator:** Approved Releases for June 2008 in the grand total amount of \$162,087.98 as follows:

RELEASES JUNE 2008				
Acct #	Name	Release #		Total
<b>2008</b>				
50087889	BAUCOM ALLAN LEE	4059		<b>290.79</b>
50072379	WILLIAMS RAYFORD J	4062		<b>965.75</b>
50100018	SIGNATURE AVIATION LLC	4074		<b>147,837.69</b>
				<b>0.00</b>
<b>Totals</b>				<b>149,094.23</b>
<b>2007</b>				
H9112006A02	PINE KNOLL ESTATES LLC	4020		<b>161.70</b>
03153001	BOOTH DAVID MICHAEL & WIFE WENDY	4026		<b>48.63</b>
50056423	HILL ROBERT M	4030		<b>688.14</b>
50075385	TAYLOR TAMARA L	4031		<b>92.61</b>
50073816	WHITLEY NICHOLAS & MELANIE	4033		<b>161.02</b>

50083026	MORRIS-PETTUS CONCRETE FINISH INC	4035	25.74
50070209	T & H FARMS	4038	1,813.87
50063996	CAROLYN'S BEAUTY SALON	4045	21.52
50094194	PRICE STEVEN R	4046	111.36
50097454	PANADERIA LA MEXICANA #3 INC	4051	961.91
50097454	PANADERIA LA MEXICANA #3 INC	4052	2,168.63
06099013A	VELEZ NORMAN & BRENDA A	4053	711.43
50007530	BYRUM FARMS	4061	206.16
08321005A02	FRYE SHEPARD L & WF % LARRY & RA REYNOLDS	4063	191.93
			0.00
<b>Totals</b>			<b>7,364.65</b>
<b>2006</b>			
H9112006A02	PINE KNOLL ESTATES LLC	4021	144.79
50075385	TAYLOR TAMARA L	4032	86.85
50083026	MORRIS-PETTUS CONCRETE FINISH INC	4036	20.03
50070209	T & H FARMS	4039	1,412.22
50063996	CAROLYN'S BEAUTY SALON	4048	16.74
			0.00
<b>Totals</b>			<b>1,680.63</b>
<b>2005</b>			
H9112006A02	PINE KNOLL ESTATES LLC % JOVIATA DELERMA	4022	143.26
50083026	MORRIS-PETTUS CONCRETE FINISH INC	4037	17.24
50070209	T & H FARMS	4040	1,215.10
50063996	CAROLYN'S BEAUTY SALON	4049	14.44
<b>Totals</b>			<b>1,390.04</b>
			0.00

<b>2004</b>			
50070209	T & H FARMS	4041	<b>997.92</b>
			<b>0.00</b>
<b>Totals</b>			<b>997.92</b>
<b>2003</b>			
50070209	T & H FARMS	4042	<b>875.06</b>
<b>Totals</b>			<b>875.06</b>
<b>2002</b>			
50070209	T & H FARMS	4043	<b>685.45</b>
<b>Totals</b>			<b>685.45</b>
<b>GRAND TOTALS</b>			<b>162,087.98</b>

*Tax Administrator:* Approved Refunds for June 2008 in the grand total amount of \$8,678.55 as follows:

REFUNDS JUNE 2008

<b>Acct #</b>	<b>Name</b>	<b>Release #</b>	<b>Totals</b>
<b>2007</b>			
06138151	ROBISON JOHN R & ELIZABETH	4024	<b>71.75</b>
09180026	MARBAN ADELMIRA N & HILDA C GONZALEZ	4027	<b>142.22</b>
07147424	JERRELL SARAH D	4029	<b>439.72</b>
50084187	TAYLOR RICK D	4034	<b>74.31</b>
50095115	I P C CORPORATION	4044	<b>581.19</b>
50090107	JUPENA WILLIAM C	4047	<b>108.96</b>
04347001	PRIMESTAR PROPERTIES INC	4054	<b>214.92</b>
50085298	HUNTER MILLWORK INC	4060	<b>209.53</b>

07021158	PERSIS NOVA CONSTRUCTION INC	4065	605.62
09256018	SIMPSON FRED L JR & BARBARA	4068	327.46
			-
<b>TOTALS</b>			<b>2,775.68</b>

**2006**

50069084	GENERAL ELECTRIC CAPITAL CORP	4023	1,404.91
06138151	ROBISON JOHN R & ELIZABETH	4025	63.80
09180026	MARBAN ADELMIRA N & HILDA C GONZALEZ	4028	127.34
50094292	LILLEY JAMES P JR	4050	84.74
04347001	PRIMESTAR PROPERTIES INC	4055	192.92
07021158	GIVENS JACK & BARBARA J	4066	1,180.12
09256018	SIMPSON FRED L JR & BARBARA	4069	293.20
			-
<b>TOTALS</b>			<b>3,347.03</b>

**2005**

04347001	PRIMESTAR PROPERTIES INC	4056	190.79
07021158	PERSIS NOVA CONSTRUCTION INC	4067	1,158.19
09256018	SIMPSON FRED L JR & BARBARA	4070	290.12
			-
<b>TOTALS</b>			<b>1,639.10</b>

**2004**

04347001	PRIMESTAR PROPERTIES INC	4057	229.25
09256018	SIMPSON FRED L JR & BARBARA	4071	274.00
			-
<b>TOTALS</b>			<b>503.25</b>

**2003**

04347001	PRIMESTAR PROPERTIES INC	4058	73.62
09256018	SIMPSON FRED L JR & BARBARA	4072	178.80

<b>TOTALS</b>				<b>252.42</b>
<b>2002</b>				
09256018	SIMPSON FRED L JR & BARBARA	4073		<b>161.07</b>
<b>TOTALS</b>				<b>161.07</b>
<b>GRAND TOTALS</b>				<b>8,678.55</b>

**Tax Administrator:** Approved Departmental Monthly Reports for May 2008 and June 2008

**Tax Administrator:** Approved First Motor Vehicle Billing in the Grand Total of \$1,362,676.11

**Tax Administrator:** Approved Twelfth Motor Vehicle Release Register for the period of June 1, 2008 – June 30, 2008, in the net grand total of \$16,619.87-

**Tax Administrator:** Approved Twelfth Motor Vehicle Refund Register for the period of June 1, 2008 – June 30, 2008, in the net grand total of \$1,179.33-

**Tax Administrator:** Approved write-off of 2004 Motor Vehicle Taxes in the amount of \$82,094.01 which are uncollectible

**Rural Operating Assistance Program Grant (ROAP) Application:** Authorized submission of grant application for funding in the amount of \$339,627 (total figure includes proposed Supplemental funding being considered by the General Assembly) (The Rural General Public Funding is the only portion requiring a local match – Formula \$12,515 and Supplemental \$6,564 which is generated through the per trip fare that is charged to the person(s) requesting transportation utilizing these funds)

**Minutes:** This item was moved to the regular agenda at the request of Commissioner Openshaw.

*Resolution Designating September as Union County Preparedness Month:* Adopted the following resolution:

## **RESOLUTION**

### **By the Union County Board of Commissioners**

#### **DESIGNATION OF SEPTEMBER AS UNION COUNTY PREPAREDNESS MONTH**

**WHEREAS**, Union County should be ready year-round for natural and manmade disasters including hurricanes, tornadoes, winter storms, lightning, heat, fire, floods, chemical spills, infectious diseases and acts of terrorism; and

**WHEREAS**, studies show that only 40 percent of the state's citizens have assembled an emergency preparedness kit that will sustain them with food, water, medicine and personal hygiene needs for at least 72 hours either in their homes or to take with them if they must evacuate; and

**WHEREAS**, emergency preparedness is a responsibility every citizen shares and people should be prepared in their homes, businesses and schools and have a plan for each location on what to do and where to go if a disaster occurs; and

**WHEREAS**, confusion immediately following a disaster can be alarming and the best protection is to stay calm and have a plan that you and your family will follow; and

**WHEREAS**, citizens should keep a family list of work and school addresses, phone numbers and other important information such as doctors' names and insurance policies and update that information yearly; and

**WHEREAS**, citizens should include the safety of their pets or livestock in their emergency plans; and

**WHEREAS**, agencies throughout government led by the Union County Emergency Management Department, the N.C. Department of Crime Control and Public Safety, the U.S. Department of Homeland Security and the American Red Cross have collaborated to recognize September as National Preparedness Month to inform and educate North Carolinians about the importance of being prepared;

**NOW, THEREFORE**, let it be resolved that the Union County Board of Commissioners does hereby proclaim the month of September 2008 as "**Union County Preparedness Month**" and call upon our citizens and interested groups to observe the month with appropriate ceremonies and activities that promote citizen preparedness and staying safe.





Source	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
G.O. Bond Proceeds	470,389,899	2,215,735	472,605,634	Monroe High School Athletic Facilities (115C-429b project allocation)	6,588,667	176,910	6,765,577
All Other Revenue	1,363,308	-	1,363,308	Middle School/High School "C" (115C-429b project allocation)	87,187,172	50,000	87,237,172
				Middle School/High School "D" (115C-429b project allocation)	9,237,760	1,988,825	11,226,585
				All Other School Projects	368,739,608	-	368,739,608
	471,753,207	2,215,735	473,968,942		471,753,207	2,215,735	473,968,942
<b>EXPLANATION:</b> Funding requests submitted by UCPS for Middle School/High Schools "C" and "D" and Monroe High School Athletic Facilities pursuant to 115C-429b.							
<b>DATE:</b>							
				<b>APPROVED BY:</b>			
				Bd of Comm/County Manager Lynn West/Clerk to the Board			
<b>FOR FINANCE POSTING PURPOSES ONLY</b>							
<b>PROJECT SOURCES</b>				<b>PROJECT USES</b>			
Source	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project

G.O. Bond Proceeds	470,389,899	2,215,735	472,605,634	Monroe High School Athletic Facilities (115C-429b project allocation)	6,328,667	176,910	6,505,577
55491100-4710-530				55559200-5586-514			
				Middle School "C" (115C-429b project allocation)	28,086,569	20,000	28,106,569
				55559200-5586-557			
				High School "C" (115C-429b project allocation)	42,100,603	30,000	42,130,603
				55559200-5586-558			
				Middle School "D" (115C-429b project allocation)	1,459,320	795,530	2,254,850
				55559200-5586-561			
				High School "D" (115C-429b project allocation)	2,188,980	1,193,295	3,382,275
				55559200-5586-562			
	470,389,899	2,215,735	472,605,634		80,164,139	2,215,735	82,379,874
Prepared By	Dhc						
Posted By							
Date						Number	CPO - 105

***Sheriff's Office – Justice Assistance (JAG) Application (Info Systems Disaster Recovery Project) (Requires no matching funds and if awarded, will provide \$13,486 to Sheriff's Office to be used towards the purchase of an Information Systems Disaster Recovery Backup Service) – Authorized County Manager to approve and submit Grant Application***

***Amendments to County's Pay and Classification Plan – Animal Care Specialist*** – This item was moved to the regular agenda at the request of Commissioner Openshaw.

***Adjustment to Pay Grade Assignments*** – This item was moved to the regular agenda at the request of Commissioner Openshaw.

**Homeland Security: Department of Homeland Security Grant to Purchase Web Based EOC Software and Hardware:** Authorized the County Manager to submit application for a Federal grant for \$160,000 to pay for the software, hardware and training costs for a web based program

**Finance Department:** Approved Motor Vehicle Tax Refund Overpayments for June 2008 in the amount of \$4,047.10

**Easement Agreements for City of Monroe (School Property):** Authorized the County Manager to approve and execute easements to City of Monroe across three parcels fronting on Lancaster Avenue for the purpose of constructing a 100kV electric transmission line to provide a more reliable electric system for its customers and to meet the requirements of the City’s transmission supplier, Duke Energy. These easements are across three parcels initially purchased by the Union County Board of Education: Parcel 09-277-026 (CATA site) and Parcels 09-279-043 and 09-279-044 which were purchased for the construction of the Walter Bickett School relocation that were never used. The City of Monroe is offering the following considerations for these easements: 1) Parcel #09-277-026 - \$4,640.23; 2) Parcel #09-279-043 - \$187.69; and 3) Parcel #09-279-044 - \$711.56.

**Right of Way Agreement to Duke Energy Carolinas, LLC – Rock Rest Elementary School:** Authorized the County Manager to approve and execute an easement to facilitate the extension of electric service to seven mobile units at Rock Rest Elementary School (Property is in the County’s name, and, therefore, County must execute the easement).

**FY 2009 Pay Plan:** Adopted the “Salary Schedule of Pay Grades and Ranges FY 2008-09” as the PAY PLAN for Union County as follows:

<b>PROPOSED SALARY SCHEDULE of PAY GRADES and RANGES FY 2008-09 1.5% ADJUSTMENT</b>			
<b>PAY GRADE</b>	<b>MINIMUM ANNUAL SALARY</b>	<b>MIDPOINT ANNUAL SALARY</b>	<b>MAXIMUM ANNUAL SALARY</b>
<b>50</b>	17,979	22,474	26,969
<b>51</b>	18,804	23,506	28,207
<b>52</b>	19,660	24,575	29,489

<b>53</b>	20,569	25,711	30,853
<b>54</b>	21,504	26,881	32,257
<b>55</b>	22,496	28,119	33,744
<b>56</b>	23,543	29,428	35,314
<b>57</b>	24,617	30,771	36,926
<b>58</b>	25,745	32,181	38,618
<b>59</b>	26,901	33,626	40,352
<b>60</b>	28,113	35,142	42,171
<b>61</b>	29,409	36,760	44,114
<b>62</b>	30,759	38,448	46,138
<b>63</b>	32,162	40,204	48,244
<b>64</b>	33,622	42,028	50,434
<b>65</b>	35,165	43,956	52,747
<b>66</b>	36,762	45,952	55,142
<b>67</b>	38,413	48,016	57,620
<b>68</b>	40,176	50,220	60,264
<b>69</b>	42,023	52,528	63,033
<b>70</b>	43,921	54,903	65,882
<b>71</b>	45,905	57,380	68,857
<b>72</b>	47,999	59,998	71,998
<b>73</b>	50,174	62,717	75,260
<b>74</b>	52,459	65,574	78,688
<b>75</b>	54,855	68,569	82,284
<b>76</b>	57,334	71,668	86,000
<b>77</b>	59,922	74,903	89,884
<b>78</b>	62,621	78,277	93,933
<b>79</b>	65,459	81,824	98,188
<b>80</b>	68,434	85,542	102,650
<b>81</b>	71,518	89,397	107,277
<b>82</b>	74,739	93,424	112,108
<b>83</b>	78,128	97,660	117,192
<b>84</b>	81,680	102,100	122,518

85	85,370	106,713	128,056
86	89,226	111,533	133,839
87	93,246	116,558	139,870
88	97,433	121,792	146,149
89	101,839	127,299	152,760
90	106,465	133,082	159,698
91	111,287	139,108	166,930
92	116,298	145,372	174,446
93	121,558	151,948	182,337
94	127,037	158,796	190,556
95	132,767	165,959	199,150
96	138,771	173,462	208,155
97	145,022	181,279	217,534
98	151,576	189,470	227,364
99	158,380	197,974	237,569

**Juvenile Crime Prevention Council (JCPC):** Approved: 1) 2008-2009 Annual Plan (includes Funding Plan Summary); 2) 2008-2009 Program Agreements: a) Daymark Recovery Systems (Total Funding: \$73,617: The In-Home Program Funding: \$60,736 = \$45,706 from State Funding and \$8,179 – Local Cash from Daymark Recovery Services and \$6,851 from Medicaid; The Youthful Sex-Offender Recovery Program Funding: \$12,881 = \$12,432 from Daymark Recovery Services Local In-Kind and \$449 from Medicaid); b) United Family Services (Total Funding: \$27,305: The Youth and Family Support Program - \$21,000 in State Funding; \$6,301 from Local Cash Match/United Family Services General Operating); c) Union County Shelter Care (Total Funding: \$47,000: \$24,174 from State Funding and \$22,826 from Local In-Kind Match provided through the Department of Social Services; d) Positive Impact: (Total Funding: \$361,950: The Structured Day/After School Program; and 3) 2008-2009 JCPC Certification - Summary of the Council and membership which includes: 1) School Superintendent or Designee - Dr. Mary Ellis, Assistant Superintendent; Chief Court Counselor or designee - Rebecca Smith, Court Counselor; Director/AMH/DD/SA, or designee - Vanessa Thomas; Director DSS or designee - Faye Love; County Manager or designee - Pat Beekman, Homeland Security; Member of Faith Community - Jim Bention, Sr.; County Commissioner - Roger Lane; Chief District Judge or Designee - Joseph Williams, Judge; Member of Business Community - Deb Farhi; Local Health Director or designee - Phillip Tarte, Health Director; Representative - United Way/other non-profit - Carroll Anthony; Representative/Parks and Recreation - Wanda Smith; County Commissioner appointee - Peter Breidt, Court Counselor; County Commissioner Appointee - Kim Rogers; and County Commissioner appointee - Michelle Phipps

Commissioner Mills requested that if any of the items that were being moved from the Consent Agenda to the Regular Agenda involved the schools that these items be placed on the regular agenda early in the meeting in order to accommodate the schools' representatives.

The Chairman stated that the items from the Consent Agenda would be placed on the regular agenda as follows:

1. Item 18a – Consent Agenda Item 1d – Agreement with the City of Charlotte – Charlotte Area Transit System
2. Item 18b – Consent Agenda Item 1f – Agreement with Union County Public Schools – Revenue Contract Amendment to Add One Additional Contract School Resource Officer/Deputy Position
3. Item 18c – Consent Agenda Item 6 – Minutes
4. Item 18d – Consent Agenda Item 10 – Amendments to County's Pay and Classification Plan – Animal Care Specialist
5. Item 18e – Consent Agenda Item 11 – Amendments to Pay Grade Assignments

Commissioner Openshaw asked if the Chairman wished to move Item 12 on the Regular Agenda – Easements Across Public Works Property since representatives from the City were present. Chairman Baucom agreed to Commissioner Openshaw's request and stated that item would become Item 8a on the agenda.

#### ASSISTANT COUNTY MANAGER'S COMMENTS:

Matthew Delk, Assistant County Manager, shared the following comments with the Board and citizens:

- Disinfection of drinking water supplied from Anson County to Union County's Eastern Water Distribution System will be changed from free chlorine to chloramines. He explained that the reason the change is being made is that it lowers the concentration of disinfection byproducts of the system (Tetrahychlorides).
- Disinfection byproducts occurs naturally in water and chlorinated water as it sets and travels long distances through pipes, especially in an area typically more rural where water takes longer time to reach the distribution point to the point that it is flowing from a faucet, disinfection byproducts are at a greater risk.
- Disinfection assures the biological safety of the water: bacteria, etc. as well as chlorine.
- Chloramine is formed when ammonia is added to the water that contains a small amount of free chlorine.

- The EPA accepts chloramines as a disinfectant and recognizes its ability to control the formation of the Tetrahychlorides, which can also be damaging.
- Chloraminated water is safe for bathing, drinking, cooking and all every day uses; however, there are two groups of people who will want to note: any kidney dialysis patients and fish owners (those who own or control exotic breeds).
- The chloramines disinfectant must be completely removed before use for patients receiving regular dialysis treatment, and anyone who is a store owner, breeder, or hobbyists who keep or raise fish will want to find out from their buyer whether or not the chloraminated water will be safe to be immediately used or if it could be toxic to the fish.
- All customers served by the Eastern Water Distribution System have been sent notification of this change regarding the water disinfection process.
- Information will be provided on the County's Cable Television Channel (Channel 16) regarding the change to the water disinfection process, and anyone with specific concerns regarding the changes, may call 704-296-4210.
- The average daily water demand for the Catawba River Water Treatment Plant for June 1, 2007 – June 4, 2008 was 10.3 million gallons per day.
- Permitted capacity is 18 million gallons per day.
- Union County's current water restrictions allow customers living at odd numbered addresses to wash vehicles and to water lawns only on Saturdays and the even numbered addresses to wash vehicles and to water lawns only on Sundays.
- Residential pressure washing is allowed and drip irrigation and hand-held use of watering containers and hoses is permitted to maintain flowers, shrubs, trees, etc.
- A five-minute water conservation video titled "Every Drop Counts" is currently airing on the Union County Government Channel, UCTV 16, at 8:15 a.m., 2:15 p.m., 4:15 p.m., 6:15 p.m., and 10:15 p.m. and at [www.co.union.nc.us](http://www.co.union.nc.us).
- Customers with questions about the Stage 3 restrictions should call 704-296-4210 or visit the County's web site.
- The Tax Assessor's Office has moved from the Historic Courthouse to the second floor of the Government Center.
- The Board of Elections is expecting more than 80,000 Union County citizens to vote in the November General Election.
- Five Early-Voting (One-Stop) sites will be available for voters beginning Thursday, October 16 and ending Saturday, November 1, 2008.
- In order to eliminate excessive lines on November 4, at least 30,000 voters will need to utilize One-Stop voting.
- Locations – Griffin Room – Monroe Library, Hemby Bridge Volunteer Fire Department, Stallings Volunteer Fire Department, Wesley Chapel Volunteer Fire Department, Wingate Community Center.
- Emergency Planner Jeremy Jernigan has been working with Union County Public Health, Union County Fire Marshal, CMC-Union, Union County Public Schools, Union County Sheriff's Office, and Monroe Fire Department.

- Several presentations are being scheduled for the community – Pet Preparedness, Personal Preparedness, Business Preparedness, and documents needed in an emergency and to protect those documents.
- Community fair to be held in the parking lot of Monroe Mall on September 20 from 10:00 a.m. to 2:00 p.m.
- In FY 2007-08, Union County residents borrowed 1,018,439 items from Union County Public Libraries. This was the first time over a million items were circulated by the libraries in a fiscal year.
- 81,771 children attended 2,763 programs during the year.

TEXT AMENDMENT TO UNION COUNTY LAND USE ORDINANCE: ADEQUATE PUBLIC FACILITIES ORDINANCE  
(Public Hearing Held on June 16, 2008):

Al Greene, County Manager, stated that there had been a great deal of interest in the proposed amendment. He said that a number of developers had expressed their desire to have a decision on this matter; however, the staff, including the Senior Staff Attorney, and Ligon Bundy, Attorney, have had a number of discussions on this matter, and as a result of those discussions, it is the staff's recommendation that the Board table action on this matter pending a decision by the trial court in the County's Adequate Public Facilities Ordinance lawsuits.

Following the Manager's recommendation, Commissioner Lane moved that the Board defer consideration of the proposed text amendment to the County's Land Use Ordinance in connection with the Adequate Public Facilities Ordinance pending a decision by the trial court in the County's Adequate Public Facilities Ordinance lawsuits. The motion was passed unanimously.

Vice Chairman Pressley expressed his appreciation to staff regarding the Agenda Summary. Mr. Greene stated that the Clerk had spent a lot of time in preparing the summary.

EASEMENTS ACROSS PUBLIC WORKS PROPERTY (Item 12 from the Regular Agenda moved for earlier placement on the agenda):

***a. Tallwood Wastewater Treatment Plant***

Commissioner Mills moved to authorize the Manager to approve and execute an easement across the County's Tallwood Wastewater Treatment Property for the purpose of constructing a natural gas main to connect the City of Monroe's natural gas system to the Transcontinental Pipeline near Mooresville, North Carolina.

Commissioner Openshaw shared that the Board had held a joint meeting with the City of Monroe prior to tonight's meeting at which this matter had been discussed. He made reference to the written comments that had been submitted tonight for the Informal Comments by Mayor Pro Tem of Fairview outlining a number of the residents in Fairview's concerns regarding the gas line. He said that at the joint meeting, he had suggested that the Manager mediate between the City of Monroe and Fairview to deal with the concerns.

He stated that he had not been able to attend the recent Mayors-Commissioners' Issues Conference (MCIC), but he had been told that one of the statements made during that meeting was "What is good for Monroe is good for Union County." He said that same logic also applies to Fairview --- "What is good for Fairview is good for Union County." Commissioner Openshaw noted that the gas line currently runs through the heart of the Town's potential commercial district, its premiere properties. He suggested that the Board defer action on this easement until they could meet on the easement and try to come to an understanding of what the issues are.

Commissioner Lane stated that he agreed with Commissioner Openshaw's motion and said that especially after reading the Mayor Pro Tem's comments. He said that it appears there is a misconception by Fairview residents as to what they will be entitled to and to what the City of Monroe says they will be entitled. He stated that he would like to see these issues resolved before the Board takes action on the easement.

Commissioner Openshaw stated that one of the residents' concerns was that a limited number of the residents would be able to access the gas line. He said that during the joint meeting with the City, that issue was addressed by Don Mitchell of the City of Monroe, who stated that was not the case. He stated that he thought there should be a last minute effort to make sure everyone has the same information and then the Board could make a valid judgment from that point.

Don Mitchell stated that the request was for two easements: one for the Tallwood Wastewater Treatment Plant property and one for Ridge Road. He explained that the Ridge Road easement is an entirely different project.

The Chairman said that Item 12(2) – Easement across property on Ridge Road would become Item 8 b on the agenda.

Vice Chairman Pressley said that the issue that he was hearing most of all is that the residents want water and sewer. He asked if the natural gas matter should be deferred until Fairview's residents could obtain water and sewer. Mr. Mitchell responded that the City of Monroe had no involvement with providing Fairview with water and sewer services. Vice Chairman Pressley said that he had

heard the Mayor Pro Tem's comments and has read the written comments submitted tonight. He pointed out that she had also referred to a fiber optic line that runs in the same easement as well. He said that he believed it was a good plan to run double lines. He asked if there was anything else Ms. Long was referring to besides water and sewer.

Mr. Mitchell replied that he was not aware of the comments contained in Ms. Long's letter, but he believed that all of the residents' concerns have been addressed. He said as he had mentioned in the work session earlier this evening, the City would be happy to extend natural gas anywhere along the gas line that is economically feasible. Mr. Mitchell addressed the water and sewer requests and stated that the City could not provide water and sewer to them. He added that as a municipality, Fairview should be searching out ways to provide water and sewer.

Chairman Baucom responded that he had a meeting a year or so ago with FMHA and Fairview about water and sewer for Fairview. He said that quite honestly the ball is in the Town's court.

Vice Chairman Pressley asked if anyone on the Board of Commissioners was aware of any other concerns except for the requests for water and sewer. Commissioner Openshaw said that he has received a number of communications from them about other issues such as liability and other things including the amount of area required. He further said that the residents are concerned with the amount of area that the gas line would consume.

Commissioner Mills withdrew his motion.

Mr. Mitchell shared that representatives from the City of Monroe have attended a Town meeting of Fairview and answered questions. He said they will be glad to meet with the town again and answer the Council's questions. Commissioner Openshaw stated that was the reason he wanted to have an objective third party attend the meeting who would come back with an opinion. Mr. Mitchell said that the easement is needed soon because Monroe plans to begin construction in the December-January timeframe.

Chairman Baucom asked Mr. Mitchell if the Board deferred action on this matter until August 11, would that be agreeable to the City.

Commissioner Openshaw moved that the County Manager contact the Mayor of the Town of Fairview and Mayor Kilgore or Craig Meadows and work out a parley if the Manager would agreed to do so. The Manager responded that he would be glad to do so. The motion was passed unanimously.

The Chairman stated that hopefully the Board would take action on the easement agreement over the Tallwood Wastewater Treatment Plant property at its August 11, 2008, meeting.

***b. Ridge Road Easement***

Commissioner Openshaw asked for an explanation of the difference in the Ridge Road easement and the Tallwood Wastewater Treatment Plant property easement. Mr. Mitchell explained that this easement is a 10-foot utility easement adjacent to the road right of way. It was noted that this easement is not related to the gas transmission line.

Chairman Baucom moved to authorize the Manager to approve and execute an easement over this property to the City of Monroe.

Following the discussion, the motion was passed unanimously.

Commissioner Mills reported that in his earlier statement he was trying to determine if the schools had any items on the agenda, he failed to realize that three of the items that has been pulled from the Consent Agenda was for the Sheriff's Office and a deputy was present to answer any questions about those items. He said those items had been moved to Item 18. He requested that these items be moved to earlier in the meeting so that the Sheriff's representative would not have to stay so late.

Chairman Baucom moved that the items previously placed on the agenda as Items 18a, b, c, d, and e be moved to Items 9a, b, c, d, and e. The motion was passed unanimously.

**TAX ADMINISTRATOR – FY 2007-2008 ANNUAL TAX SETTLEMENT AND REPORT OF INSOLVENCY:**

John Petoskey, Tax Administrator, explained that the annual tax settlement is composed of a series of reports in compliance with the North Carolina General Statutes.

Following the explanation by Mr. Petoskey, Commissioner Lane moved approval of: 1) the report of insolvents containing the list of taxpayers whose personal property taxes remain uncollected as included on compact disc labeled Exhibit "A" to the minutes of

July 21, 2008; 2) designating the list as the insolvent list to be credited to the tax collector in his settlement; and 3) the annual settlement of taxes as set out below in its entirety. The motion was passed unanimously.

**SETTLEMENT FOR CURRENT REAL AND PERSONAL PROPERTY TAXES FOR FISCAL YEAR 2007-2008**

**TO:** Union County Board of Commissioners  
**FROM:** John C. Petoskey, Tax Administrator  
Vann Harrell, Assistant Collector of Revenue  
**CC:** Al Green, County Manager  
Kai Nelson, Finance Director  
**DATE:** July 9, 2008

**CHARGES TO TAX COLLECTOR**

1.	Total amount of all taxes, fire fees, & late list penalties Placed in the Tax Collector’s hands for collection for The year:	\$116,955,744.14
2.	All interest, costs, and fees collected by the Tax Collector	\$ 252,547.62
3.	Adjustment to Charge:	\$ 12.75
<b>TOTAL:</b>		<b><u>\$117,208,304.51</u></b>

**CREDITS TO TAX COLLECTOR**

1.	All sums deposited by the Tax Collector to the credit of the taxing unit or receipted for by the proper official:	\$114,391,214.53
2.	Releases allowed by the governing body:	\$ 725,207.58

3.	The principal amount of taxes constituting liens against real property:	\$ 1,705,809.24
4.	The principal amount of taxes determined to be insolvent and to be allowed as credits to the Tax Collector by the governing body:	\$ 379,220.89
5.	Small under/over payments write-off (<\$1.00):	\$ 53.87
6.	\$5.00 minimum bill write-offs:	\$ 6,798.40
<b>TOTAL:</b>		<b><u>\$117,208,304.51</u></b>

**FISCAL YEAR 2007-2008  
SETTLEMENT FOR DELINQUENT REAL AND PERSONAL PROPERTY TAXES FOR YEARS 1997 - 2006**

**TO:** Union County Board of Commissioners  
**FROM:** John C. Petoskey, Tax Administrator  
Vann Harrell, Assistant Collector of Revenue  
**CC:** Al Green, County Manager  
Kai Nelson, Finance Director  
**DATE:** July 9, 2008

**CHARGES TO TAX COLLECTOR**

1. Total amount of delinquent taxes placed in the Tax

Collector's hands for collection for this year:	\$ 3,264,259.32
2. All interest, costs, and fees collected by the Tax Collector	\$ 218,985.78
<b>TOTAL:</b>	<b><u>\$ 3,483,245.10</u></b>

**CREDITS TO TAX COLLECTOR**

2. All sums deposited by the Tax Collector to the credit Of the taxing unit or receipted for by the proper official:	\$ 1,807,322.43
2. Releases allowed by the governing body:	\$ 85,948.21
3. Write-offs allowed by governing body:	\$ 6.52
4. The principal amount of taxes constituting liens Against real and personal property:	\$ 1,589,967.94
<b>TOTAL:</b>	<b><u>\$ 3,483,245.10</u></b>



**UNION COUNTY**  
*Office of the Tax Administrator*  
**Collections Division**  
**407 N. Main Street**  
**P.O. Box 38**                      704-283-3848  
**Monroe, NC 28111-0038**        704-283-3897 Fax

**FY 07-08 Breakdown of Settlement for Delinquent Real and Personal Property Taxes for Tax Years 1997-2006**

<b>Charges to the Collector</b>					
	Beginning Balance	Levy Added	Supplementals		Total Balance
2006	\$ 1,673,820.09	\$139,093.15	\$ -		\$ 1,812,913.24
2005	\$ 479,940.80	\$131,932.48	\$ -		\$ 611,873.28
2004	\$ 247,940.75	\$106,677.99	\$ -		\$ 354,618.74
2003	\$ 159,141.16	\$ 9,626.54	\$ -		\$ 168,767.70
2002	\$ 104,471.44	\$ -	\$ -		\$ 104,471.44
2001	\$ 72,239.24	\$ -	\$ -		\$ 72,239.24
2000	\$ 48,693.47	\$ -	\$ -		\$ 48,693.47
1999	\$ 41,591.36	\$ -	\$ -		\$ 41,591.36
1998	\$ 29,578.63	\$ -	\$ -		\$ 29,578.63
1997	\$ 19,512.22	\$ -	\$ -		\$ 19,512.22
Totals	\$ 2,876,929.16	\$387,330.16	\$ -		\$ 3,264,259.32

<b>Credits to the Collector</b>					
	Sums Deposited	Releases	Writeoffs	Balance of credits to Collector	Principal amount outstanding
2006	\$ 1,136,280.80	\$ 40,141.66	\$ 4.43	\$ 1,176,426.89	\$ 636,486.35
2005	\$ 259,216.84	\$ 27,941.95	\$ 2.09	\$ 287,160.88	\$ 324,712.40
2004	\$ 140,025.43	\$ 15,626.55	\$ -	\$ 155,651.98	\$ 198,966.76
2003	\$ 32,677.16	\$ 1,228.50	\$ -	\$ 33,905.66	\$ 134,862.04
2002	\$ 8,605.33	\$ 923.89	\$ -	\$ 9,529.22	\$ 94,942.22
2001	\$ 4,824.21	\$ 85.66	\$ -	\$ 4,909.87	\$ 67,329.37
2000	\$ 3,346.53	\$ -	\$ -	\$ 3,346.53	\$ 45,346.94
1999	\$ 1,490.19	\$ -	\$ -	\$ 1,490.19	\$ 40,101.17
1998	\$ 1,363.94	\$ -	\$ -	\$ 1,363.94	\$ 28,214.69
1997	\$ 506.22	\$ -	\$ -	\$ 506.22	\$ 19,006.00
Totals	\$ 1,588,336.65	\$ 85,948.21	\$ 6.52	\$ 1,674,291.38	

\$1,589,967.94

\* The dollar amounts shown are not reflective of interest amount shown collected on previous page



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*Monroe, NC 28111-0038*        *704-283-3897 Fax*

**SETTLEMENT FOR CURRENT REGISTERED MOTOR VEHICLE TAXES FOR FISCAL YEAR 2007-2008**

**TO:** Union County Board of Commissioners  
**FROM:** John C. Petoskey, Tax Administrator  
Vann Harrell, Assistant Collector of Revenue  
**CC:** Al Green, County Manager  
Kai Nelson, Finance Director  
**DATE:** July 9, 2008

**CHARGES TO TAX COLLECTOR**

2.	Total amount of all taxes placed in the Tax Collector's hands for collection for the year:	\$12,289,479.60
2.	All interest, costs, and fees collected by the Tax Collector	\$ 163,428.69
	<b>TOTAL:</b>	<b><u>\$12,452,908.29</u></b>

**CREDITS TO TAX COLLECTOR**

3.	All sums deposited by the Tax Collector to the credit of the taxing unit or receipted for by the proper official:	\$11,028,986.53
2	Release and refunds allowed by governing body:	\$ 256,541.41
3.	Reimbursements approved by the governing body:	\$ (48,620.70)
4.	\$1.00 over and under adjustments:	\$ (298.70)
5.	The principal amount of registered motor vehicle Taxes outstanding:	\$ 1,216,299.75

**TOTAL:** **\$12,452,908.29**

**FISCAL YEAR 2007-2008  
SETTLEMENT FOR DELINQUENT MOTOR VEHICLE TAXES  
FOR YEARS 2004-2006**

**TO:** Union County Board of Commissioners  
**FROM:** John C. Petoskey, Tax Administrator  
Vann Harrell, Assistant Collector of Revenue  
**CC:** Al Green, County Manager  
Kai Nelson, Finance Director  
**DATE:** July 9, 2008

**CHARGES TO TAX COLLECTOR**

- 2. Total amount of delinquent taxes placed in the Tax Collector's hands for collection for this year: \$ 1,150,352.99
- 2. All interest, costs, and fees collected by the Tax Collector \$ 165,038.04

**TOTAL: \$ 1,315,391.03**

**CREDITS TO TAX COLLECTOR**

- 4. All sums deposited by the Tax Collector to the credit Of the taxing unit or received for by the proper official: \$ 1,027,209.49
- 2. Releases allowed by the governing body: \$ 46,102.60
- 3. Write-offs allowed by governing body: \$ 58,781.31
- 4. Reimbursements approved by governing body: \$ (34,680.85)
- 5. \$1.00 over and under adjustments: \$ 97.71
- 6. The principal amount of delinquent motor vehicle taxes outstanding \$ 217,880.77

**TOTAL: \$ 1,315,391.03**



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**Monroe, NC 28111-0038**        704-283-3897 Fax

**FY 07-08 Breakdown of Settlement for Delinquent Motor Vehicle Taxes  
for Tax Years 2004-2006**

<b>Charges to the Collector</b>					
	Beginning Balance	Levy Added	Supplementals	Total Balance	
2006	\$ 951,868.98	\$ -	\$ -	\$ 951,868.98	
2005	\$ 128,909.59	\$ -	\$ -	\$ 128,909.59	
2004	\$ 69,574.42	\$ -	\$ -	\$ 69,574.42	
<b>Totals</b>	<b>\$ 1,150,352.99</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,150,352.99</b>	

<b>Credits to the Collector</b>						
	Sums Deposited	Total Net Releases, Refunds, Adjustments, and Reimbursements	Writeoffs	Balance of credits to Collector	Principal amount outstanding	
2006	\$ 808,128.10	\$ 11,795.43	\$ -	\$ 819,923.53	\$ 131,945.45	
2005	\$ 42,517.40	\$ 456.87	\$ -	\$ 42,974.27	\$ 85,935.32	
2004	\$ 11,525.95	\$ (732.84)	\$ 58,781.31	\$ 69,574.42	\$ -	
<b>Totals</b>	<b>\$ 862,171.45</b>	<b>\$ 11,519.46</b>	<b>\$ 58,781.31</b>	<b>\$ 932,472.22</b>	<b>\$ 217,880.77</b>	

**\* The dollar amounts shown are not reflective of interest amount shown collected on previous page**

**AGREEMENT: CITY OF CHARLOTTE – CHARLOTE AREA TRANSIT SYSTEM – REGIONAL TRANSIT SERVICE FOR THE 74X UNION COUNTY EXPRESS SERVICE LINE (RENEWAL) – (This item was moved from the Consent Agenda to the Regular Agenda at the Request of Commissioner Openshaw)**

Commissioner Openshaw stated that a bus service is currently operated from Marshville to Charlotte, with the Town of Marshville contributing significantly to its cost. He said that he has received a number of e-mails stating that the service has been popular since gas prices have increased and asking if another bus could be added. He asked for an update from the Manager regarding these requests.

Al Greene, County Manager, responded that the staff has had several discussions with the staff of Charlotte Area Transit System (CATS), and CATS is in the process of adding buses to the system. He explained that the complication is that there has been an increase in the ridership throughout the system, and they are not prepared to make decisions of what it can do in terms of service for the various routes. He stated that the ridership in the County's routes has increased 88 percent over this time last year. He shared that the ridership in June 2007 was 3,200 and ridership for June 2008 is over 6,000. He said that he hoped there would be some understanding from the transit system regarding future service within two to three months.

\*See Motion recorded below and vote on this item.

**AGREEMENT: UNION COUNTY PUBLIC SCHOOLS – REVENUE CONTRACT AMENDMENT TO ADD ONE ADDITIONAL CONTRACT SCHOOL RESOURCE OFFICER/DEPUTY POSITION (Amendment #5) AND BUDGET AMENDMENT #3 – (This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw):**

Commissioner Openshaw asked if school resource officer positions in the schools are required by the State.

Kai Nelson, Finance Director, responded that in part they are positions required by the State in that the State supplies some funding for the positions. He said that if the local school system wants to place school resource officers in schools at a level beyond state funding, the funding would come from current expense. He explained that this additional position is for Sun Valley Middle School.

Commissioner Openshaw said that there were a number of middle schools where he did not think school resource officers were needed. Mr. Nelson said that he did not know the answer to Commissioner Openshaw's question of what is required by the State in regards to having school resource officers in the schools. He said that while the State does provide some funding for these positions, he was unsure if the positions were for high schools or middle schools. He offered that the staff could obtain answers to Commissioner Openshaw's question and present that information to the Board at a later time. Commissioner Openshaw moved to table action on this item until the Board could get further information.

Don Hughes of the Union County Public Schools interjected that Sun Valley Middle School is overcrowded and that could be one of the reasons for this position. Commissioner Openshaw questioned if a school resource officer could be transferred from another school where the position might not be needed.

Commissioner Lane stated that from having worked with the middle schools and high schools, he believed that school resource officers are needed in all of the schools. He said that the officers have worked out very well in the schools, and he believed that the positions should be continued.

Steve Simpson of the Union County Sheriff's Office responded that there is only one officer assigned to a middle school at this time which is at East Union Middle School. He said that the position in question is for Sun Valley Middle School. He stated that the school system requests where they want the officers placed. He said that last year there was a school resource officer assigned to Weddington Middle School and that officer then transferred to the new high school in Marvin.

Following discussion, Commissioner Openshaw withdrew his original motion and offered a substitute motion to authorize the County Manager to approve the Revenue Contract Amendment (Amendment #5) with the Union County Public Schools to add an additional contract school resource officer/deputy position and to adopt Budget Amendment #3 increasing Personnel Expenses by \$49,867; Operating Expenses by \$8,444; and Intergovernmental Revenue by \$42,480 and decreasing Departmental Contingency by \$5,831. The motion was passed unanimously.

**\*AGREEMENT: CITY OF CHARLOTTE – CHARLOTE AREA TRANSIT SYSTEM – REGIONAL TRANSIT SERVICE FOR THE 74X UNION COUNTY EXPRESS SERVICE LINE (RENEWAL):**

A motion was not made and voted on when this item was discussed earlier in the agenda. Chairman Baucom asked if there were a motion on this item at this time.

Commissioner Openshaw moved to authorize the Manager to approve the Agreement with the City of Charlotte – Charlotte Area Transit System for regional transit service for the 74X Union County express service line (renewal). The motion was passed unanimously.

MINUTES – This item was moved from the Consent Agenda to the regular agenda at the request of Commissioner Openshaw.

Commissioner Openshaw stated that in the discussion in the joint session with the City of Monroe on November 19, 2007, regarding the radios. He asked for an addition in Paragraph 2 of Page 6 that he was opposed to having the municipalities pay for the radios.

Commissioner Openshaw moved approval of the minutes of the special meeting of July 3, 2008, special meeting of April 1, 2008, and special meeting of November 19, 2008, as amended. The motion was passed unanimously.

AMENDMENTS TO COUNTY’S PAY AND CLASSIFICATION PLAN – ANIMAL CARE SPECIALIST – (This item was moved from the Consent Agenda at the request of Commissioner Openshaw):

Commissioner Openshaw stated that this reclassification changed the education/experience of the job description to licensed as a Veterinary Technician preferred but not mandatory. He questioned whether it should be a licensed veterinarian. He said that if it is not a requirement for a licensed veterinarian, then the pay grade of the position should probably be reduced rather than maintaining the same pay grade.

Steve Simpson, Sheriff’s Executive Captain, responded that in regards to the reclassification request, that initially when the positions were established, they had looked at bringing on licensed veterinary technicians. However, he said that they have experienced some difficulty in filling those positions. He stated that there has been some interest in the animal care specialist position. He said that this reclassification request was sent to the Personnel Department and based on a comparison of other positions in the State, it was indicated that the pay grade itself would stay the same but not necessarily the salary.

Commissioner Openshaw said that he remembered people being vehement about the need for a veterinary technician at the animal shelter. He said that if there are no applicants, then it is difficult to fill the position. However, he said that if it were a salary range good enough for a veterinary technician and now the classification is being changed to lessen the education requirements, then he had problems with it. Commissioner Mills said that his understanding was that they had been unable to find a veterinary technician at that salary range, and the salary range might have to be increased to fill the position. Commissioner Openshaw responded that Commissioner Mills had raised a legitimate point, but his point would be that perhaps the salary should be more for a veterinary technician.

Al Greene, County Manager, stated that the Personnel Department has looked at the proposed changes and the suitability of the grade for the position, with or without the changes, and that is where his comfort level lies. He said that he would be glad to ask Mr. Watson or one of his staff to attend the next Board meeting if necessary.

Commissioner Openshaw said he would like to have the discrepancy clarified. Mr. Watson joined the meeting and offered to answer any questions that the Board might have. Commissioner Openshaw stated that the position previously required that it be a veterinary technician. Mr. Watson explained the requirements under the current job description. Commissioner Openshaw said that it is now being changed to prefer a licensed Veterinary Technician but would not be necessary. Mr. Watson stated that the position is currently vacant. He said that there is a very limited labor pool for certified Veterinary Technicians. He stated that the Personnel Department has worked with the Sheriff in the past to try and recruit applicants for the position, and because there is a limited number of qualified applicants, veterinarians are paying them premium dollars. Commissioner Openshaw pointed out that under Pay Grade 61, there is a \$15,000 range in the salary, but it was for a Veterinary Technician. He said that now that the vacancy would probably not be filled with a Veterinary Technician, his position is that person should not be paid the same amount of money as a Veterinary Technician. Further, he said, on the other hand, if it is a Veterinary Technician, then perhaps that person should be paid a higher salary.

Mr. Watson said that what has been submitted by the Sheriff's Office as the duties for a Veterinary Technician and the Animal Care Specialist are basically the same duties. He said that the Compensation Analyst in the Personnel Department has reviewed the request, and the position was not rated to change the pay grade. He said that if the Sheriff were able to find a certified Veterinary Technician with years of experience, then that person would have been given credit for their years of experience as a Veterinary Technician.

Commissioner Openshaw suggested that action be tabled on the request since the position is currently vacant.

Chairman Baucom moved approval to reclassify the Veterinary Technician to an Animal Care Specialist with the pay grade to remain at 61. The motion was passed unanimously.

**ADJUSTMENT TO PAY GRADE ASSIGNMENTS** – This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw.

Commissioner Openshaw questioned whether this item should be discussed in open session or in closed session.

Mr. Bundy responded that salaries are public record. Commissioner Openshaw asked if there were significant increases in each of the positions. Mr. Watson responded that none of the adjustments carry a change in compensation. He explained that a part of the maintenance of the County's pay plan is to review comparable rates of pay.

Following the explanation, Commissioner Openshaw moved approval to adjustments in pay grade assignments as follows: (This action adjusts only the pay grade ranges assigned to these classifications) – a) Fire Marshall (Pay Grade 70 to Pay Grade 73); b) Sheriff (Pay Grade 80 to Pay Grade 83); c) Chief Deputy (Pay Grade 75 to Pay Grade 79); and Sheriff's Legal Counsel (Pay Grade 71 to Pay Grade 75). The motion was passed unanimously.

**FEASIBILITY STUDY FOR THE ADAPTIVE RE-USE OF THE 1886 COURTHOUSE AS A HERITAGE CENTER AND MUSEUM:**

Matthew Delk, Assistant County Manager, stated county staff members along with members of the Historic Preservation Commission developed a Request for Proposals (RFP) for the scope of work in connection with a feasibility study for the adaptive re-use of the 1886 courthouse as a Heritage Center and Museum. He stated that eight proposals were received from firms that had redesigned historic courthouses and designed museums. Mr. Delk said that the firm of Westlake Reed Leskosy was the preferred firm. He stated that the staff's recommendation is that the Board authorize the Manager to approve a contract in the amount of \$50,000 with Westlake Reed Leskosy for the feasibility study.

Commissioner Mills moved to authorize the Manager to approve a contract in the amount of \$50,000 with Westlake Reed Leskosy for the feasibility study.

Chairman Baucom stated, for the record, that the feasibility study was funded in the FY 08 budget.

Commissioner Lane stated that while \$50,000 seems like a lot of money, he thought this firm had a monumental task ahead of them. He said that he did not want them to disturb anything in the historic courthouse that would prohibit it from being used in movies.

Following further discussion, the motion was passed unanimously.

**AMENDMENT TO POLICY FOR ALLOCATING WASTEWATER TREATMENT CAPACITY (FROM June 16, 2008, Meeting):**

Al Greene, County Manager, stated that at the June 16, 2008, meeting, the Board had considered a recommendation from the staff to extend the period of time for which developers who had received allocations in the third party tier had to submit their flow permit applications to the County. He noted that the original deadline had been established at one year from September 17, 2007. He said that as was explained by staff at the June 16, 2008, meeting, there was a relatively extensive appeal period last fall that took longer than was anticipated, approximately four months. Mr. Greene stated that at the June 16, 2008, meeting, the staff recommended that deadline be extended to January 30, 2009. He said that at that time there had been questions from Board members regarding the length of time that was required to move through the condemnation process and also the added time that has to be provided for projects to go through a municipal review process. He said that Mike Garbark of the Public Works Department has looked at both of these issues, and after much study, Mr. Garbark has recommended that the deadline be extended to April 30, 2009, rather than the previously recommended deadline of January 30, 2009.

Mr. Greene said that based on Mr. Garbark's analysis, this would give all developers back the four months that were lost during the appeals process and will also provide approximately six months to move through the easement process. He stated that time should be sufficient even if condemnations are required. He said that the staff felt fairly comfortable that if a developer who received an allocation as a third priority has not started work as of today, that they could start work tomorrow and even if they have to go through the municipal process and the condemnation process, should be able to have their application in by April 30, 2009.

Following the explanation by Mr. Greene, Commissioner Mills moved to amend the Policy for Allocating Wastewater Treatment Capacity by changing the deadline for submittal of Flow Permit Applications from September 17, 2008, to April 30, 2009.

Vice Chairman Pressley stated that there are some projects that are on the approved list for sewer but are on a waiting list for water. He noted his concern that he thought the deadline should also allow projects to work through the water allocation process.

Commissioner Lane said that it sounds like a one-time problem that has worked well in the past but now there is a glitch that has put an undue burden on developers who could not under the circumstances get their projects moving. Mr. Greene responded that he would not say that it is a glitch, but there are certain developers who have made it through the process. He stated that he believed the sewer allocation policy overall is working very well. Commissioner Lane questioned why there are certain developers who did not make the deadline. Mr. Greene said that it is accurate that some developers have not contacted the Public Works Department in quite some time or had any discussion with that department. He stated that these developers were all notified of the allocations at the time that they were made. Commissioner Lane asked why the County was bailing these developers out. Mr. Greene responded that he thought the County was going the extra mile to be fair. He reiterated that the appeals period ran longer than anticipated. He said it is complicated to go through the municipal process and the easement process and particularly if there are condemnations. He stated that he would be concerned about extending the deadline for a very extended period of time for the fear that developers would sit on the allocations, but he did not believe that April 30<sup>th</sup> would cause any extreme harm.

Mr. Greene said that he thought Vice Chairman Pressley had raised a good issue, but he did not think he was ready to give the Board an answer tonight. He stated that he would recommend for these developers to go ahead with some deadline tonight, and when the water allocation policy is considered, that in establishing a deadline for submitting plans and permits under that policy, those projects that have both water and sewer needs could be revisited at that time.

Vice Chairman Pressley asked the Manager when he would estimate that a water allocation policy would be considered. Mr. Greene responded that the staff would have some policy questions for the Board on August 11<sup>th</sup> to help finalize the plan. He said that he hoped that a plan would be presented to the Board in late August or early September. He suggested that the Board assume a month and a half to two-month review process, adoption, and public hearing.

Vice Chairman Pressley offered an amendment to the motion to amend the Policy for Allocating Wastewater Treatment Capacity by changing the deadline for submittal of Flow Permit Applications from September 17, 2008, to July 31, 2009.

Commissioner Openshaw said that he wanted to make sure that the Board was comparing apples to apples. He said that these projects are existing projects. He stated that Vice Chairman Pressley's logic would be true if these were new projects; however, he said that these projects have been in the works hypothetically for a long time. He said that he did not believe the time constraints were

the same. He stated that what is really being discussed is approximately three million gallons of the sewer capacity not being used by anybody. Commissioner Openshaw said that once the deadline is reached and the developers have not acted, then they would lose their capacity.

Commissioner Mills noted that the third tier priorities would not have any capacity until the diversion line is built, so the capacity would not be held up. Commissioner Openshaw referred to the policy that the flow permit has to be submitted to Union County Public Works, and it does not state that water is available, and they need to tap onto the water that date.

Mr. Bundy stated that Commissioner Openshaw had used "water" in a couple of his comments, and it should be "sewer." Vice Chairman Pressley said there is a process of going through a sketch plan, preliminary plan, and final plat, and the sketch plan would have to be approved to determine the number of lots. He stated that the first question would be "where is your water and sewer coming from" and the developer would start the engineering. He said that the sketch plans would not be accepted until water and sewer are available. Commissioner Openshaw responded that if these were new projects, he would agree with Vice Chairman Pressley but stressed that these are not new projects. He said that in some cases, the projects go back a number of years where hypothetically the information had already been submitted, because they came to the County and asked for the letters that were given in the sewer allocation program of first priority, zero flow permits, and third priority.

Commissioner Mills said that he agreed with Commissioner Openshaw but noted that the point that had been raised that had made sense was that it was the water. He stated that if water is not available, then the project still gets delayed. He said that when these projects were put forth, water was never an issue, but it was determined later that water is an issue. He stated that he believed the discussion involved comparing apples to oranges.

Commissioner Openshaw proposed that on January 31, 2009, that the developers come to the Board and show evidence of progress that the projects are in the works with the municipalities. He said that now there are the municipal requirements, which could take longer, versus the County where they do not have to go through the municipalities. He suggested going to one fixed date, January 31<sup>st</sup>, where the developers show the Board that they are actively engaged in the process and then the deadline could be extended once they have shown they are actively participating. He said if they do not show evidence that they are participating in the process, then they are hoarding the sewer and are controlling the sewer capacity at the expense of someone else whose project is ready, such as a commercial project. He said that he did not understand why the deadline would be extended carte blanche.

Vice Chairman Pressley said he also questioned if there were a subdivision that had received sewer allocation, because a number of developers have dropped back and redone their plans because they did not get all their sewer capacity, then perhaps there are new projects coming out of the old projects. He stated that when developers are spending their money to move forward with a project, there needs to be some type of assurance that they will be able to meet the deadline. He said that he could see both sides of the issue.

Commissioner Openshaw said that a number of the projects should be pretty far along in the process. He stated that what he was asking was for developers to show evidence that they are moving forward with the process so if there is extra sewer capacity not being used and is not generating any revenue but is tied up, that this capacity could go back into the unused capacity category. He said that if the developers could show on January 31, 2009, that they are actively moving ahead with the projects, and, if nothing else, the projects would go back to the end of the line and back into the mix. He said that would be a hard decision the Board would have to face at some point, because there are other people who will be coming in wanting to use the capacity.

Mr. Greene said that it was his understanding under the third priority projects on the question of whether it is the wastewater or whether it is the diversion, that eight percent capacity has been allocated until the diversion is completed. He agreed that some of these projects have been in the works for a long time, but some of the projects only received their final decision in December or January. He noted that one of the goals was to treat all of the projects' allocation under the same process rather than to look at individual projects and judge each one on its merits. He said that was the reason one deadline had been recommended for all the projects rather than the Board looking at specific developers' progress and making judgments on how well they have done. He emphasized the recommendation to keep one deadline for all projects.

Ligon Bundy, Attorney at Law, said that it is problematic if one developer comes and asks for a concession, and it is made, and then another one comes and asks for a concession, and it is not made. He said that it was his recollection that a number of developers had called and requested extensions and the dates that were being requested were not uniform because some requested extensions were longer than others. Therefore, he said that it was the staff's recommendation that the Board establish one rule to apply to all. These policies would prevent the County from being accused of favoritism.

Commissioner Openshaw added that he did not have a problem with that but noted that the deadline had already been extended once. He said that it was not comparing similar situations. He stated that if the deadline is extended until July 31<sup>st</sup>, then it is giving the developer in the county who does not have to go through the municipal process a bonus.

Mr. Bundy stated that there are potentially developers who do not need water who might be using wells for their projects. He said that the staff is currently working on the water allocation policy, and it is not known what the water policy will be. He stated that the staff believed it would have a recommendation for the Board on the water allocation policy by sometime this fall.

The motion was repeated to amend the policy for allocating wastewater treatment capacity by changing the deadline for submittal of Flow Permit Applications from September 17, 2008, to July 31, 2009. The motion was passed by a vote of three to two. Chairman Baucom, Vice Chairman Pressley, and Commissioner Mills voted in favor of the motion. Commissioners Lane and Openshaw voted against the motion.

AMENDMENT TO  
POLICY FOR ALLOCATING WASTEWATER TREATMENT CAPACITY  
(July 21, 2008)

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 July 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~~ by July 31, 2009, will result in the loss of any Capacity at the Treatment Facilities 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 July 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~~ by July 31, 2009, will result in the loss of any Capacity at 6-Mile reserved in favor of the Project pursuant to this Section.”

Adopted this 21<sup>st</sup> day of July, 2008.

#### PUBLIC WORKS MATTERS:

##### *a. Extension of Time – Suspension of Issuance of Water Availability Letters*

Al Greene, County Manager, stated that in February, the Board had directed the staff to temporarily suspend issuance of new residential water supply "agreeable to serve letters" for a six-month period from that date which would be August 4, 2008. He said that he believed that the Board's intent at that time was to have a draft of a water allocation policy to begin reviewing in August and that was the logic behind that date. Mr. Greene stated that the staff hopes to have a draft of the policy to the Board in August and hopes to discuss it with the Board in a work session on August 11, 2008. Further, he said that even then, it is unlikely that a draft policy would be available for the Board but the staff hopes to ask the Board some policy questions that would assist it in finalizing the draft.

He stated that the staff is recommending that the Board consider extending that date from August 4, 2008, to November 4, 2008. He said that staff believes this extension would give the Board sufficient time to review a draft water allocation policy, receive public input on it, and give it final consideration.

Commissioner Mills moved to amend the Board of Commissioners' February 4, 2008, motion, Item 3, by changing temporary suspension of residential water "agreeable to serve letters" in Union County from six (6) months from February 4, 2008 (August 4, 2008) to nine (9) months (November 4, 2008).

Commissioner Openshaw stated that he was fine with extending the date but wanted to add a request that the staff bring ideas to the Board during the work session about how to get single family owner-occupied, very narrowly defined, exemptions. In other words, he explained if someone were building his house on a piece of property that he currently owns, that it be looked at and very narrowly defined, because there would be a potential for abuse. He stated that the self-help policy would be the other issue to consider. Chairman Baucom asked Commissioner Openshaw if his comments were requests and not offered as amendments to the motion. Commissioner Openshaw responded that was correct.

Following the discussion, the motion was passed unanimously.

- b. Consideration to Schedule a Work Session to Discuss and/or Take Action on the Following Matters and Authorization for Clerk to Advertise a Public Hearing to Receive Comments on Draft Water Allocation Policy at Such Time as Draft Policy is Available: 1) Presentation and Approval of Irrigation Plan; 2) Policy Revision to Water Rate Structure; and 3) Review of Key Points Relating to Water Allocation***

Commissioner Mills moved to schedule a work session on Monday, August 11, 2008, at 4:30 p.m. to discuss and/or take action on the following: 1) Presentation and Approval of Irrigation Plan; 2) Policy Revision to Water Rate Structure; and Review of Key Points Relating to Water Allocation. The motion further included authorization for the Clerk to the Board to advertise a public hearing to receive comments on the draft water allocation policy at such time as a draft policy is available. The motion was passed unanimously.

**RESOLUTIONS AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OR INTEREST IN PROPERTY OF TEMPORARY AND PERMANENT UTILITY RIGHT-OF-WAY/EASEMENT – SEWER LINE EASEMENTS – AUSTIN VILLAGE OUTFALL SEWER:**

Vice Chairman Pressley moved to accept staff's recommendation to defer consideration of the resolutions until such time as staff can meet with property owners and developers.

By way of discussion, Commissioner Mills said that he had read the e-mail that had been sent to the Board members regarding this matter. He said that if the properties were going to be condemned, he would like for the property owners to have access to the water or sewer line. He said that he would also like, if there is no objection from the Board, to request the staff to also look into the

matter with Barry Groome in Weddington which is basically the same situation: Mr. Groome signed an easement to the County in the years past. He said that if there is a possibility there might be some capacity, that the Board look at being fair and consistent. He said that he would like to add this request to the motion.

Chairman Baucom repeated that the motion is to defer. He asked if it would be acceptable for Commissioner Mills' requests to be included in the staff's policy recommendation. Mr. Greene responded that he thought it would be sufficient. He said that he appreciated Commissioner Mills' comments and his conversations with Commissioner Openshaw regarding this matter and the need to try to find sewer capacity to provide for the landowners in these situations. He stated that Mike Garbark of the Public Works Department has looked into this matter to try and determine the number of properties that might be involved. Mr. Greene said that he thought that number was approximately 120. Chairman Baucom stressed that if there were going to be a policy, that it should be one that is fair and equitable to all.

Following the discussion, the motion was passed unanimously.

#### COMMISSIONERS' COMPENSATION:

Chairman Baucom moved to not approve an increase in compensation (salary and allowances) of 2.5 percent for the Board of Commissioners.

Commissioner Lane stated that an increase would not apply to him because he would be going off the Board in December. He said that the information in the package reflects that the adopted budget provided sufficient funds for salary adjustments of 2.5 percent for all County employees and the elected officials including Commissioners. He asked if the motion was recommending that the salaries not be increased by 2.5 percent for Commissioners or if the Commissioners receive the cost of living and adjustment that was included in the budget. Chairman Baucom clarified that his motion is that the Board not receive any increase in its compensation. He stated that this was a part of the budget adopted by the Board. However, he said that last year, the Board voted on the compensation increase for the Board as a separate item, and it was an omission during this year's budget process.

Commissioner Lane noted that 2.5 percent is approximately half of this year's inflation rate. Commissioner Mills pointed out that the employees would receive an increase. He said that in comparing the Board's salaries with those of other counties, that Union County ranks fairly high particularly if the travel allowance is also considered.

Following the discussion, the motion was passed unanimously.

#### UNION COUNTY WORK FIRST BIENNIAL PLAN:

Steve Ramsey, Social Worker Program Manager, explained that three separate actions are needed by the Board. He stated that every two years, the County must submit its Work First Plan to the State, and he requested that the Board approve for Union County to be a standard county again this year. Mr. Ramsey said that the second action needed from the Board is to approve the members of the Planning Committee as submitted to the Board, and the last action needed is an appointment from the Board of Commissioners of a member to serve on the Planning Committee.

Commissioner Openshaw agreed to an appointment to serve on the Planning Committee.

Following the explanation, Commissioner Mills moved to: 1) approve that the Board indicate Standard Status for the Union County Work First Program Committee; 2) appoint Commissioner Lanny Openshaw to serve on the Union County Work First Planning Committee; and 3) approve the list of the following members to serve on the Planning Committee as recommended by the Department of Social Services: Angie Mallard, Links Program; Annette Sullivan – Union County Transportation; Arthur Lightbody – JAARS; Barbara Liner - Department of Social Services Board member; Beth Yow - Special Services I; Brad Durbin – Union County Homeless Shelter; Chris Ollis – Services Program Administrator; Connie Cline – Consumer Credit Counseling; Crystal Hunter – After Care Social Worker; David Hollars – Centralina Council of Governments; Deb Stein – Operation Reachout; Debby Fincher – Work First Supervisor; Debby Patterson – Work First Processing Assistant, Department of Social Services; Debra Hinson – Social Worker, Intake and Assessment; Debra Perry – Regina’s College of Beauty; Desiree Ramirez – Work First Social Worker; Dianne Honeycutt – South Piedmont Community College; Dotty Nash, Monroe City Council; Dr. Ella Hood, Emily Foster – Social Worker for Union County Public Schools; Eunice McGee – Union County Community Action; Faye Love – Special Services Unit II Supervisor; Frank Deese – Marshville Mayor; George Marshall – Social Worker Supervisor, Child Protective; Gloria Barrino – Crisis Assistance; Gloria Haney – Volunteer Services Coordinator; Grace Mazariegos – Work First Participant; H. Gene Herrell – Piedmont Behavioral Healthcare; Harriett Coffey – Tender Care Director; Isabelle Gillespie – Community Development Corp.; Jane Zebkowski – Child Support Enforcement; Janet Sweet – Turbomeca; Jim Carpenter – Chamber of Commerce; Joy Mcquire – With Love from Jesus; Joyce Hammond – Community Representative; Karen Steeb – Community Representative; Kathy Bragg – Red Cross; Linda Gaye – Family Support Program Administrator; Linda Kappauf – South Piedmont Community College; Lisa Gutierrez – Work First Caseworker; Lori Cahoon – Legal Aide; Margaret Griffin – Monroe Housing Authority; Marilyn Vaughn – Work First Social Worker; Martha Sue Hall – Judicial System; Mary Ann Rasberry – Smart Start; Mary O’Neal-Mauney – Intake and Assessment; Melissa

Martin – Work First Participant; Modene Howey – Operation Reach Out; Monica Coble – Work First Social Worker; Monica Evans – Social Worker, Intake and Assessment; Nadine Lewandowski – Carolina Solutions; Namoi Hearndon – Turning Point; Nancy Hayden – Caseworker, Department of Social Services; Neldina Maynard – Employment Security Commission/Job Link; Pam Ackerman – Work First Case Worker; Pam Caskey – United Family Services; Pam Demarest – Union County Health Department; Patricia Anneus – Work First Social Worker; Paula Brown – Work First Case Worker; Paula Holmes – Union County Community Action; Phillip Tarte – Union County Health Department; Phyllis Slaymon – Christian Womerns’ Corp.; Phyllis Smith – Life and Health Resource Program; Randall Darnell – Employment Security Commission/Job Link; Rev. Mike Capps; Rev. Osco Gardin – Elizabeth Missionary Baptist Church; Robin Landsman – Family and Consumer Science Education; Rosana Campos-Sandoval – Interpreter Unit, Department of Social Services; Schlynn Brantley – Work First Case Worker; Shantel McLaughlin – Work First Participant; Sharon Talford; Shawn Morrison – Work First Social Worker; Shelia Murphy – Daymark Mental Health Services; Sheva Anderson – Vocational Rehabilitation; Steve Ramsey – Work First Supervisor; Suzanne Gregoary – Work First Case Worker; TBA – Health Department Board Member; Lanny Openshaw – Union County Commissioner; Terry Cooper – Union County Public Schools Personnel; and Tiffany Williams – Monarch

The motion was passed unanimously.

#### ALCOHOL POLICY AT AGRICULTURE CENTER:

Al Greene, County Manager, stated that there have been a number of requests from people who have scheduled events at the Ag Center for the coming weeks and months to allow alcohol to be served at events. He said that he believed that this item has been on the Board’s agenda in the past, but it is his understanding that there has not been a consensus to direct the staff to draft a policy for the Board’s consideration. He asked the Board for clarification of its intent regarding a policy for serving alcohol during events at the Ag Center. He added that if the Board is inclined to direct the staff to draft such a policy, given the fact that there are people who are anxiously waiting to know whether or not they will be allowed to serve alcohol at their scheduled events or whether they will need to schedule their events at other facilities, that the staff would recommend that the Board consider also directing it to implement an interim policy which might include several guidelines. Mr. Greene proposed inclusion in an interim policy the following guidelines: 1) that alcohol shall only be served by approved caterers; 2) all permits must be obtained at least 48 hours in advance of the scheduled events; 3) uniformed deputies must be available at all events where alcohol is served and paid for by the applicant; 4) that the county licensing and catering agreements would be in place; and 5) that certificates of insurance would be provided by the applicants with coverage limits as prescribed by the County’s risk manager.

Following the explanation by Mr. Greene, Commissioner Mills moved to direct staff to develop a policy for consideration at a future date and approved the following guidelines for use by staff when approving interim service of alcohol at the center until such time as a permanent policy can be approved by the Commission:

1) that alcohol shall only be served by approved caterers; 2) all permits must be obtained at least 48 hours in advance of the scheduled events; 3) uniformed deputies must be available at all events where alcohol is served and paid for by the applicant; 4) that the county licensing and catering agreements must be in place; and 5) that certificates of insurance would be provided by the applicants with coverage limits as prescribed by the County's risk manager.

Commissioner Mills asked if the staff's recommendation is based on the policy in place at South Piedmont Community College. Mr. Greene responded that the staff has reviewed South Piedmont's policy, and he thought the recommended policy contained a little more detail.

Matthew Delk, Assistant County Manager, interjected that there was also discussion about the possibility of a stipulation that alcoholic beverages would not be sold under any circumstances, only served, and that would not include any events sponsored by or for County employees.

Commissioner Openshaw referred to Jeff Crook's memo to the Board of Commissioners dated July 11, 2008, referencing state statutes. He asked if the recommendation would be in conflict with the state statute. Chairman Baucom pointed out that the County is a dry county, and there would be no alcoholic beverages sold at events held at the Ag Center.

Following the discussion, the motion was passed by a vote of four to one. Chairman Baucom, Commissioner Lane, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Vice Chairman Pressley voted against the motion.

#### ENFORCEMENT OF VIOLATION AT WEDDINGTON OPTIMIST PARK:

Ligon Bundy, Attorney at Law, asked if the Board needed him to provide background information on this matter. Vice Chairman Pressley questioned if the County has a true no rise certificate. Mr. Bundy said that the staff does not know the answer to that question. He further said that there has been a submission by the park to the Public Works Department, but it has not been reviewed. In answer to a further question by Vice Chairman Pressley, he said that he did not know if the latest submission has been forwarded to the State.

Commissioner Mills said that in his discussions with David Arone, it was his understanding that everything had been submitted to the County and had received redline comments from the County staff. He stated that it was further his understanding that the engineer has put his stamp on the information.

Mary Jo Gollnitz, Town Administrator/Planner, Town of Weddington, said that she and Mr. Bundy have discussed this matter with the Town's attorney, and what is being requested is that the Board give the County's attorney the authorization to agree on a Memorandum of Understanding between the County and the Town in this matter.

Chairman Baucom said that it was his understanding that the agreement would enable the Town to move forward without having to go back to square one and start over. Mr. Bundy explained that the Town of Weddington has annexed this property, and under the state statute, when a municipality which has its own zoning ordinance annexes property, then the Town's zoning authority takes precedent and the County loses the authority to enforce the County's zoning ordinance. He stated that the County is pretty far into this situation, and Weddington would have to start from ground zero with the whole situation. He said that the staff and legal staff believe that it is appropriate that the County remain involved in this matter but stressed that there has to be an interlocal agreement with the Town that authorizes the County to remain involved in the issue.

Vice Chairman Pressley asked if an Interlocal Agreement is reached, would that agreement be returned to the Board for approval. Mr. Bundy responded that he did not know if the Interlocal Agreement would be brought to the Board again for action. He said that the staff would certainly report the information to the Board. Mr. Bundy stated that what was trying to be accomplished is that they comply with the County's zoning ordinance which contains the environmental regulations.

Chairman Baucom asked that once a determination is made, would it become Weddington's responsibility for enforcement or approval. At approximately 8:55 p.m., Mr. Bundy asked that the Board take a short recess to allow him time to review the Interlocal Agreement before answering the question. The Chairman stated that the Board would take an eight-minute recess at approximately 8:55 p.m. At approximately 9:03 p.m., the Chairman reconvened the meeting and continued with Item 18 on the agenda.

Commissioner Mills moved approval of the request by the Town of Weddington to continue enforcement action at Weddington Optimist Park pursuant to an Interlocal Agreement. The motion further included authorization for the Manager to approve an Interlocal Agreement, when finalized.

Chairman Baucom questioned whether Mr. Bundy had made a determination on the responsibility for action. Mr. Bundy responded that the responsibility for action would be concurrent with Weddington pursuant to the Interlocal Agreement. Chairman Baucom further asked if the County would be required to be involved under the responsibility. Mr. Bundy said that it is the opinion of the County's attorneys that once the Town of Weddington annexed the park property, then the property is subject to Weddington's zoning ordinance, and the County no longer has enforcement authority in this area. He explained that under the proposed Interlocal Agreement, Weddington would delegate part of its authority in the enforcement action at Weddington Optimist Park, but Weddington would not be absolved from the responsibility.

Chairman Baucom said that he would like for the County to assist Weddington in resolving this issue. He stated that Weddington has annexed the property and suggested that the responsibility for enforcement should be left with Weddington. Mr. Bundy said that he would suggest that the Board table action on this matter and allow the staff to work with the Town's attorney to tweak the Interlocal Agreement.

Commissioner Mills withdrew his original motion and moved to table action on the matter in accordance with the staff's recommendation. The motion was passed unanimously.

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

Mrs. West, Clerk to the Board, read the following vacancies on boards and committees into the record:

- a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two persons under the age of 18; and 4) Juvenile Defense Attorney
- 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
- g. Library Board of Trustees (one vacancy representing the Marshville region, due to a resignation – term expires January 2009)

#### NOMINATIONS FOR APPOINTMENTS TO THE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC):

Chairman Baucom nominated the following persons to serve on the Local Emergency Planning Committee (LEPC) and approval to recommend these persons to the North Carolina Emergency Response Commission for appointment to the Local Emergency Planning Committee (LEPC):

- 1) Chris Harrington, Alternate replacing Kyle Bilafer - Tyson Foods;
- 2) Dontae Latson, Primary replacing Roy Young - Department of Social Services;
- 3) Robbie Ossman, Primary replacing Jerry Taylor - CMC Union;
- 4) Timothy Patton, Primary, replacing Deb Stein - ARC;
- 5) John Underwood, Primary, replacing Scott Cole - NCDOT;
- 6) Marc McCann, Alternate, replacing Skip Smith - Pilgrim's Pride;
- 7) Greg Beamer, Primary, replacing Leroy Lawson - Southern States; and
- 8) Steve Helms, Primary, replaces Judy Holley - Cassco Ice

The motion was passed unanimously.

#### MANAGER'S COMMENTS:

Al Greene, County Manager, said that under his comments he wanted to again express appreciation to Mrs. West for her work on the agenda summary memo. He also recognized the work of the department heads and staff for their efforts on the memo.

#### COMMISSIONERS' COMMENTS:

Commissioner Lane said that he thought Mrs. West had done a good job as well on the memo, and said he greatly appreciated the summary memorandum.

Commissioner Openshaw asked the status of the Integrated Data System Program for tracking and accessing water, sewer, and building permits. The Manager responded that the staff has put together an in-house program referred to as the REDIP Program. He said that the County's Information Technology Department is working with various other County departments to begin implementation of the program. He stated that the in-house program is not as detailed as desired. He said that from the Public Works standpoint in dealing with water and sewer, he suggested that the County might want to consider purchasing an additional software

program that would help supplement the in-house program. He explained that the REDIP program would track across department lines: building inspections, tax, and Public Works, to some degree, but stated that the staff believes that Public Works needs more detailed information that can only be obtained from a software company.

Mr. Greene further explained that there are two parts to the Integrated Data System: one is the in-house program and the other is supplemental software specifically for water and sewer as recommended by the IMG report. Commissioner Openshaw questioned whether the schools would be able to access the information. Mr. Greene responded that he did not know if the schools would be able to access the system, but he knew they could access the data. He stated that he did not know how it would incorporate school capacity, but staff would look into it.

Commissioner Mills said tonight had been a great meeting. He thanked the Manager for the idea of the summary memorandum.

He also commented that the Mayors Commissioners Issues Conference (MCIC) had been a good forum. He said that he enjoyed the meeting and would try to attend future MCIC meetings.

Vice Chairman Pressley again expressed appreciation for the agenda summary. He apologized that he was unable to attend the MCIC meeting and stated that he had attended a youth conference in Panama City, Florida.

Chairman Baucom said that Senator Jesse Helms had passed away on July 4<sup>th</sup>. He said that the Senator had been a true friend of this area. He reminded everyone of the Jesse Helms Center in Wingate and encouraged everyone to take advantage of the opportunity to visit the center. He said that it is a good facility in which to conduct meetings and events.

Chairman Baucom shared that the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) had approved recommending improvements for Highway 218. He said that hopefully those improvements to Highway 218 would take shape this year. He explained that with the MUMPO component, it should go from I-485 to Polkton.

The Chairman congratulated Commissioner Openshaw's dad on celebrating his 90<sup>th</sup> birthday. He also recognized James Little who celebrated his 100<sup>th</sup> birthday on July 9<sup>th</sup> and also a very special person in his life, his mother, who celebrated her 95<sup>th</sup> birthday on July 12<sup>th</sup>.

With there being no further discussion, at approximately 9:16 p.m., Commissioner Mills moved to adjourn the regular meeting. The motion was passed unanimously.