

Approved 9/15/2008

August 11, 2008

The Union County Board of Commissioners met in a regular meeting on Monday, August 11, 2008, at 7:00 p.m. in the Commissioners' Conference Room, First Floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

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

ABSENT: None

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

OPENING OF MEETING:

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

*a. Invocation*

Reverend Mike Capps, Pastor of Smyrna United Methodist Church, offered the invocation.

*b. Pledge of Allegiance*

At the request of Chairman Baucom, Reverend Capps led the body and audience in reciting the Pledge of Allegiance to the United States flag.

## INFORMAL COMMENTS:

Libby Long, Mayor Pro Tem of the Town of Fairview, addressed the Board regarding the requested easement from the City of Monroe across property owned by Union County, referred to as the Tallwood Property. Mayor Pro Tem Long stated that she along with Mayor Richard Williams met with officials from the City of Monroe and County Manager Al Greene on Tuesday, July 29<sup>th</sup>. She said that she was very surprised to read in *The Enquirer-Journal* on July 31<sup>st</sup> an article entitled “Gas Line Talks Back on Track.” She stated that she did not feel that they had accomplished anything during the meeting of July 29<sup>th</sup>.

Mayor Pro Tem Long said that she had not felt that the July 29<sup>th</sup> meeting was an impartial meeting as it had already been reported in the newspaper that Chairman Baucom wanted to approve the easement across the Tallwood property at the next Commissioners’ meeting. She stated that the Town of Fairview still has strong concerns regarding safety issues. She said that the meeting was held at the Bethlehem Presbyterian Church so that the Monroe officials could see how close the line was coming to the church sanctuary. Mayor Pro Tem Long stated that she had noted that the Cabarrus County officials had denied the pipeline easements through five parcels at Rocky River Elementary School due to safety concerns. She said that the citizens of Fairview still need water and sewer. She further said that Mr. Greene has said that the Monroe officials should have communicated a lot better up front with Fairview. She stated that the only issue that was cleared during the July 29<sup>th</sup> meeting was that the other side of Highway 601 can now have access to the service line that will be run alongside the transmission line. She said that the need for a waterline on the Indian Trail-Fairview Road has been well documented, and when she stated that she had given a suggestion for an alternate route that could be considered so that a water line could run in the same easement down Indian Trail-Fairview Road, it was quickly dismissed. She further said that Mr. Meadows had suggested that Fairview hire a grant writer. She questioned the reasons for this line and asked if it is for Teledyne Allvac and if that industry had threatened to move its location out of Monroe.

Mayor Pro Tem Long said she has some questions about this pipeline and its benefits. She suggested that if the City of Monroe wants the pipeline to go through the Town of Fairview, then it should come back to the table with more of an offer. She said that she understood that Monroe and Union County are trying to partnership to meet water and sewer needs. She concluded by reiterating that Fairview still needs water and sewer.

Mary Lou Starnes, 7401 Concord Highway, Monroe, North Carolina, also addressed the Board regarding the requested easement over the Tallwood property. She said that for a year those residents who own property along Highway 601 North in Fairview have been living with the nightmare of Monroe’s natural gas pipeline. She further said that she knew that the Board had a meeting with the City of Monroe a few weeks ago where this subject was discussed. Ms. Starnes questioned if it would not be

equally productive for the Board to hear what Piedmont Natural Gas has to say. She provided the Board with a copy of a letter written by Frank Yoho, Senior Vice President of Commercial Operations of Piedmont Natural Gas, that appeared in *The Enquirer-Journal* on July 3. She suggested that the Board read this letter before making any decisions tonight.

Ms. Starnes asked if the Board were aware that the Water and Sewer Authority of Cabarrus County denied Monroe's request to run the pipeline in its 100 foot easement along Rocky River. She said that the reason for the denial was risk of explosion. Ms. Starnes shared with the Board the reasons that she believed it would be irresponsible for the County to grant the requested easement. She stated that she was here tonight to ask for common sense and to ask the Board to do the right thing and meet with representatives of Piedmont Natural Gas to hear what they have to say.

June Blotnik, Executive Director of Carolinas Clean Air Coalition, along with Gerald Fowler, Supervisor for Transportation for Union County Public Schools, addressed the Board regarding a new program entitled "Clear the Air for Kids' Program" that they are working on to reduce emissions from school buses and to improve air quality. She explained that this project resulted in Union County Public Schools receiving a grant of \$100,000 from North Carolina State University's Clean Fuel and Advanced Technology project.

Ms. Blotnik shared that the new program is modeled after the EPA's Clean School Bus Program which is designed to reduce children's exposure to diesel exhaust. She said that even though EPA adopted a clean engine rule for 2007 Diesel engines, the older engines on the road will still emit a lot of toxic emissions. She said that the grant was awarded to the Union County Public Schools to retrofit 20 school buses with diesel multi-stage filters and closed crank tank ventilation systems, and the combination of those two retrofits will reduce emissions by approximately 78 percent. She stated that the retrofitting of these buses is a part of the schools' efforts to reduce emissions and fuel costs for the County. She introduced Gerald Fowler to provide update on the project.

Mr. Fowler reiterated that this was Union County Public Schools' overall effort to reduce harmful exhaust emissions for the people that breathe the air upon traveling around school buses and also the kids that ride the school buses. He stated that the mufflers and crank case ventilation systems on order should be arriving to the schools' site by September 25. He said that the kits would be installed on the buses, and, hopefully, by mid or late October all buses will be operating with the new system.

Chairman Baucom asked Mr. Fowler if the school buses used bio diesel fuel. Mr. Fowler responded that at this time, they do not use bio diesel, but they are currently looking into its possible use.

Larry Wayne Teeter said that he was approached last night about the rodeo in Marshville. He said that he did not approve of the petition that was presented to him. He said that he thought the plan that Mr. Marsh has for his property for children to learn to ride and to ride horses is wonderful. He stated that eastern Union County needs some activities for entertainment. He said that he did not appreciate the problems that are being caused with the petition. Mr. Teeter stated that he could sit in his yard, and he would have to listen hard to hear anything going on at Mr. Marsh's rodeo.

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

Chairman Baucom stated that there were three additions to the agenda:

1. Amended Budget Ordinance regarding the water rate structure;
2. Revisions to the September meeting schedule for the Board
3. Closed Session at the conclusion of the regular meeting.

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

#### CONSENT AGENDA:

Commissioner Lane moved to approve the items listed on the Consent Agenda as presented. 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:

- a. Alltel Communications, Inc. – Maintenance/Service Plan for 125 Modems and One T1 Line (Information Systems) at the cost of \$56,985 per year for 125 modems plus \$7,200 per year for T1 Line Totaling \$64,135 per year. Contract term is three years, totaling \$192,555, and Year One funding was approved in the 2008/2009 budget.
- b. Union County District Court, Family Drug Treatment Court – Memorandum of Agreement between Multiple Agencies Regarding Family Drug Treatment Court's U-FIRST Program (Renewal). This memorandum of understanding is reviewed

and signed annually by 11 entities. The document outlines responsibilities and procedures for the administration of the Union County Family Drug Treatment Court

- c. HomeCare Management Corporation – Contract Services Agreement in an annual amount not to exceed \$1,062,900. These funds are used to provide contract home care services with savings to the State and Temporary Assistance for Needy Families (TANF) funding sources by utilizing contract employees versus County employees. This agreement assists the Department of Social Services in meeting the guidelines for Federal and State mandated programs. These programs are funded 100 percent by TANF and State dollars which are appropriated in Social ‘ FY 09 Administration program budget.

*Tax Administration:* Approved the First Motor Vehicle Refund Register for the Period of July 1, 2008-July 31, 2008, in the Grand Total Amount of \$1,150.04-

*Tax Administration:* Approved the First Motor Vehicle Release Register for the Period of July 1, 2008-July 31, 2008, in the Grand Total Amount of \$19,765.37-

*Tax Administration:* Approved the Second Motor Vehicle Billing in the Grand Total Amount of \$1,318,172.75

*Tax Administration:* Approved Releases for July 2008 in the Grand Total Amount of \$19,159.05

RELEASES JULY 2008

<b>Acct #</b>	<b>Name</b>	<b>Release #</b>	<b>Total</b>
<b>2008</b>			
06129074	CIOCAN MIRCEA A & WIFE CARMEN S	4082	<b>13,034.95</b>
			-
<b>Totals</b>			<b>13,034.95</b>
<b>2007</b>			
08108007C	BUTTON DEBRA	4075	<b>96.23</b>
09066007B	HOUSTON BARBARA	4078	<b>541.37</b>
07105024	SMITH JIMMY WILSON & DONNA P	4079	<b>1,881.52</b>

<b>Totals</b>			-
			<b>2,519.12</b>
<b>2006</b>			
08108007C	BUTTON DEBRA	4076	<b>86.80</b>
07105024	SMITH JIMMY WILSON & DONNA P	4080	<b>1,738.09</b>
<b>Totals</b>			-
			<b>1,824.89</b>
<b>2005</b>			
08108007C	BUTTON DEBRA	4077	<b>72.88</b>
07105024	SMITH JIMMY WILSON & DONNA P	4081	<b>1,707.21</b>
<b>Totals</b>			-
			<b>1,780.09</b>
 <b>GRAND TOTALS</b>			 <b>19,159.05</b>

*Library:* Approved Budget Amendment #4 increasing Personnel Expenses by \$67,902; Operating Expenses by \$11,481; and Grant Revenue by \$79,383 to appropriate funds for Smart Start Family Literacy Grant

*Board of Elections:* Authorized submission of the HAVA grant fund application for financial assistance in the amount of \$185,000 in operating One-Stop Voting sites

*Designation of Voting Delegate to North Carolina Association of County Commissioners' Annual Conference – August 21-24, 2008:* Designated Chairman Baucom as the County's voting delegate for this year's conference

*Information Only:* The following reports were included in the agenda package as information only, no action required: 1) Department of Inspection's Monthly Report for July 2008; 2) Personnel Department's Monthly Report for July 2008; and 3) Report of Health Hazard Sanitary Sewer Tap Allocations due to failing septic systems at two locations: a) 808 Bradford Place, Monroe; and b) 7923 Waxhaw Highway, Waxhaw, pursuant to Section 2.6 of the Wastewater Allocation Policy adopted by the Board on September 17, 2007

The Chairman stated the Additions to the Agenda would be placed on the agenda as follows:

- a. Amendment to Budget Ordinance Regarding Water Rate Structure – Item 9b
- b. Resolution to Revise Board of Commissioners' Regular Meeting Schedule for September 2008 – Item 9c
- c. Closed Session – 9d

#### ASSISTANT COUNTY MANAGER'S COMMENTS:

Matthew Delk, Assistant County Manager, shared the following comments:

1. Reminded everyone to vote in the November 4<sup>th</sup> general election - Mr. Delk said that residents could register and vote at a one-stop voting location between October 16<sup>th</sup> and November 1<sup>st</sup>. He stated that long lines to vote are expected on Election Day. He shared that the Griffin Room at the Monroe Library, the Hemby Bridge Volunteer Fire Department, the Stallings Volunteer Fire Department, the Wesley Chapel Volunteer Fire Department, and the Wingate Community Center will be serving as one-stop voting sites. For more information, citizens were directed to visit the Board of Elections website at [www.co.union.nc.us](http://www.co.union.nc.us).
2. Mr. Delk said that swimming at Cane Creek Park is allowed daily through August 15<sup>th</sup> and then on weekends only from August 15<sup>th</sup> through September 1<sup>st</sup>.
3. The Department of Social Services is conducting a school uniform and supply drive. Mr. Delk said that thus far, they have collected 140 school uniforms but hundreds more are needed. He gave the telephone number for Ms. Gloria Haney (704) 296-4312 at the Department of Social Services. He said that if anyone would like to donate money or items for the drive, to contact Ms. Haney.

4. Mr. Delk advised that the Sheriff's Office has warned about a telephone scam whereby a caller is impersonating a Union County Tax Office employee and tells the person on the receiving end of the scam that the tax office is foreclosing on their home and needs their social security number. He stated that the Tax Office does not contact citizens by telephone and ask for their social security numbers as a general rule. He asked that if residents are contacted by this scam to please contact the Union County Sheriff's Office at 704-283-3789.
5. He said that the Adequate Public Facilities Ordinance (APFO) adopted by the Board of Commissioners on October 2, 2006, has been challenged with two lawsuits. A hearing is scheduled for both lawsuits in Union County Superior Court on August 21, 2008, at 9:30 a.m. He said that the court would hear all arguments in the lawsuits and will eventually rule on the validity of the County's ordinance. He stated that more information was available regarding the APFO on the County's website at [www.co.union.nc.us](http://www.co.union.nc.us).
6. Mr. Delk addressed several items discussed during the short session of the General Assembly. One of the items discussed was the Drought Legislation, Session Law 2008-143 is only 11 days old. He said some of the points that the Board had the courage and foresight to put forth as a Board especially in terms of reuse water and the use of groundwater wells were thoroughly discussed and handled in the legislature. He noted seven key points of how the legislation affects the County:
  - a. All counties in North Carolina will be required to produce a water shortage response plan. Mr. Delk said Union County is ahead of the curve with the water allocation policy that the staff has been working on. He stated that as soon as the Department of Environment and Natural Resources (DENR) stipulates more requirements over how the plan will be laid out and what data will be included, the staff is confident that it is ahead of the curve with the work that has been done on the water allocation policy.

He stated that there was a lot of discussion about regulating wells and groundwater during the short session. Mr. Delk said that ultimately the General Assembly stipulated in the plan that the counties are required to submit to DENR, and the plan can only be received if it does not attempt to regulate groundwater wells. He said that the legislation does place some additional requirements on DENR to do a much better job than the State has been able to do in the past with the data that it has received from its groundwater monitoring sites. He stated that now all well drillers have to provide core samples of soil and rock and more reporting conditions,



and the State has to start building a data base so there is better scientific information on the effects of groundwater and wells.

Commissioner Openshaw added that he thought it applied to wells, that there is a reporting requirement for 100,000 gallons for residential usage and one million gallons for agriculture. Mr. Delk said that there were two resolutions advanced by counties in the short session concerning this matter. He stated one of the resolutions was Union County's, and the one that prompted the discussion on the major withdrawal reporting requirements came from Wake County.

- b. Grant of Right of Emergency Temporary Rights of Way – Mr. Delk said that the County now has a right if there is an emergency situation to do a connection, and it would be granted an emergency right of way with a defined scope of how it is to be used and how quickly it is to be used across personal property.
- c. Mr. Delk said there is now a requirement to install separate meters statewide for new in ground irrigation systems. He stated that this does not place any requirements on existing in ground irrigation systems or any additional requirements on people who hook up temporary systems to plug into existing water spouts.
- d. He said that the State Environment and Natural Resources as well as other state agencies are now directed to identify safe uses and to facilitate permitting for reuse water systems. Mr. Delk reminded everyone that reuse water has been treated at a sewer plant to a certain specification but is not potable, and gray water is water collected from bathtubs and sinks. He said that more importantly the new law ends the speculation of the philosophy of the state and the permitting agencies regarding whether or not reuse water is allowed. He stated that the State recognizes that reuse water is critical to meeting the water needs, and the use of reuse water is both environmentally acceptable and positive for the systems. He further stated that the law further directs state government to adopt the same rules for the use of gray water.
- e. The State discussed inclining water rates, which was discussed in the Board's work session earlier this evening. He said ultimately the State did not require the counties to put in place inclining water structure rates that are more expensive the more used based on a per unit price of water. Mr. Delk said that the state is going to study the issue and may require it in the long session. The study is expected back by January 1<sup>st</sup>.

- f. Lastly, Mr. Delk said that there was some discussion about water efficiency, plumbing fixtures. He stated that the State is also studying this issue on how to best write and implement the policy and will report back to the General Assembly by January 1<sup>st</sup>.

Mr. Delk shared that there was legislation passed that would allow counties to use revenue bonds to finance public infrastructure. He explained that basically a tax assessment is assessed on people who benefit on the infrastructure such as a waterline, school bus transportation facility, etc.

He reported that the funding and long-term spending plan is in place for the Monroe Bypass. He said that by 2010, it is expected that \$99 million per year will be funded for beginning construction of the three toll roads.

Mr. Delk said that for those items that were not addressed, such as the Resolution adopted by the Board asking for support of Covenant Prison Ministries, the long session will be reconvening January 28, 2009, and the County will continue pursuing that and other goals in which the Board has interest.

He said that the North Carolina Court of Appeals would be meeting September 24, 2008, at 9:30 a.m., and the public is invited. He stated that they will be meeting in the Board of Commissioners' meeting room on the first floor, Union County Government Center.

Commissioner Mills asked when the absentee voting would begin. John Whitley, Supervisor of the Board of Elections, responded that it would begin September 15<sup>th</sup>.

Commissioner Openshaw referred to the Drought Bill. He said that it identifies that loans or grants could be obtained from the Wastewater Reserve or the Drinking Water Reserve to help install the reclaimed water systems, etc. He stated that this is a matter that the Board might want to direct the staff to study.

#### UNION COUNTY LAND USE ORDINANCE – TEXT AMENDMENTS:

- a. *R-40 Yield with Clustering (Public Hearing Held July 21, 2008)*

Commissioner Openshaw moved that this item be sent back to the Planning Department to overcome one of the staff's main objections which was the approval of sketch plan and other issues. He said that he would like to interact with Mr. Black on this matter since this was a text amendment that was initiated at his request.

At the request of Chairman Baucom, Commissioner Openshaw repeated his motion to send the proposed text amendment back to the Planning Department to rework the proposed language for the text amendment. Chairman Baucom asked Commissioner Openshaw to clarify what specific portions he was wanting reworked.

Commissioner Openshaw responded that there had been a miscommunication and the Planning Department assumed that he was asking that the developer 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. He said that this was not the case.

Following the discussion, the motion was passed unanimously.

#### RECOMMENDATION REGARDING LIBRARY SERVICES IN UNIONVILLE:

Dana Eure, Assistant County Library Director, addressed the Board regarding this item. She stated that in 1999, the Board of Commissioners adopted the regional library plan which in essence steered the County away from town libraries and instead focused on larger libraries that would serve the different regions of the County. She said that when the regional library plan was adopted, provisions were also made for a sub regional library in Unionville. Ms. Eure pointed out that it took over four years for a location for that library to be found and for the Unionville library to open its doors.

She noted that the Unionville library opened in July 2003 and in the five years that it has been opened, only 214 library cards have been issued there. She said that countywide 44,100 library cards have been issued in that same amount of time. Ms. Eure further said that most of the patrons who obtained their library cards from the Unionville library use other libraries within the County. She stated that various attempts have been made to make the Unionville library successful including changing the hours of its operation, the focus of the collection, and offering special programs. She said that none of these measures have significantly increased the library usage. Ms. Eure said that the Unionville library is not an asset to the library system or the County, and overall the cost of delivering inadequate library service at the Unionville library is over four times the cost per borrower than the cost of delivering library services at the Union West library. She stated that the resources, staff, books, supplies, and computer equipment are needed to meet the demands at the Union West library. As a result of this, the Library Board at its June 17, 2008, meeting, unanimously passed

the following motion: Due to staff shortages and increased borrowing costs which could be better applied elsewhere, the Library Board recommends that the Board of County Commissioners close the Unionville sub-regional library as expeditiously as possible.

Following Ms. Eure's presentation, Vice Chairman Pressley moved to authorize staff to notify the Town of Unionville of the County's intent to close the branch effective 90 days from the date of the notice, in accordance with the terms of the agreement dated January 6, 2003. The motion was passed unanimously.

#### PUBLIC WORKS:

*a. Easement Across Tallwood (County Owned) Property*

Vice Chairman Pressley requested to hear the comments of Al Greene, County Manager, regarding the meeting with representatives of the Town of Fairview.

Mr. Greene reported that he believed it was a good meeting and both parties, Monroe and Fairview, communicated openly and civilly. He said that he did not see quite the level of conflict that Mayor Pro Tem Long had mentioned during the informal comments tonight. He stated that while the Mayor and Mayor Pro Tem of Fairview did not embrace the gas line project or did not express that they would embrace that concept, he thought they appreciated the Board of Commissioners facilitating the meeting between the two parties. Mr. Greene said that he thought there had been a good exchange of information and a good exchange of concerns back and forth. He stated that he did not foresee that there would be a coming together of the minds between Monroe and Fairview. He said that he thought the residents in Fairview are fairly opposed to the project.

Vice Chairman Pressley said that what he was hearing most is that specifically the Town of Fairview is saying that it needs water and sewer. He asked if this was what Mr. Greene was also hearing. Mr. Greene responded that Mayor Pro Tem Long expressed that she would love to see water and sewer services extended throughout Fairview. He said that they had discussed the capacity problems and how the County would like to accommodate them and have water and sewer lines extended to the downtown area of Fairview. He stressed that this was a separate issue and one that would need to come when the County's capacity has been increased for both water and wastewater. Mr. Greene said that there were concerns expressed by representatives of Fairview at the meeting about potential dangers from the gas line. He stated that he thought the bottom line is that the Town has the opportunity to have natural gas available at no cost to the Town and at such time as they have water and sewer capacity, the town can begin to grow. He confirmed that the Town would be able to hook onto the gas line.

Chairman Baucom moved to authorize the Manager to approve and execute an Easement to the City of Monroe across Tallwood Wastewater Treatment Plant property.

Commissioner Lane said that this project has a number of pluses but he felt that the general atmosphere in the Town of Fairview is not conducive to making the County look good on this matter. He stated that he did not believe the County should give a passive approval to this gas line by agreeing to grant the easement until there is a consensus by the Town of Fairview that this is the right place for the pipeline to be located. He said the gas line could be adjusted to accommodate their fears of safety although they are not going to get sewer in that area for some time.

Chairman Baucom shared that he had met with representatives of USDA along with the Mayor and Mayor Pro Tem of Fairview approximately a year to a year and a half ago. He said that there are some actions that Fairview would have to take to enhance its position; however, he said that the short answer is the capacity is not available. He stated that by voting in favor of the motion, the County is not giving the City of Monroe authorization to go through Fairview, but this easement is authorization to go through the County owned Tallwood Wastewater Treatment Plant property. He said that he thought the County has invested a lot of time in this matter from both a timing standpoint and from the staff's standpoint, and he thought the Board should go ahead and vote on the easement.

Commissioner Openshaw expressed appreciation to the County Manager for facilitating the meeting between Monroe and Fairview. He said that time is of the essence to some degree with this easement. He stated that the Mayor Pro Tem had indicated in her earlier comments that the Town of Fairview is willing to go to court over this matter, and if so, that would disrupt the schedule of the pipeline. He said that what he believed he had heard from the comments in addition to the safety concerns, is that Fairview wants to negotiate. He stated that he did not believe it is the County's responsibility to choose one town over the other. He said that he thought this was an issue that the City of Monroe would need to work out with Fairview. Commissioner Openshaw stated that as far as the County granting an easement over its property, if Monroe does not have all of the easements in place, then why does Monroe not come to the County last for an easement. He said that he certainly was not opposed to the gas line, and that he thought there were a number of positives. He stated that the argument that they would have the gas line in place before the growth comes to Fairview would be a plus for the Town. He reiterated that he did not believe it is the County's place to intercede between the two towns. He said that he thought the message to Monroe is if it can't go anywhere without working it out with Fairview, it has other problems such as where Cabarrus County has denied five sites. He stated that he did not believe it was the County's place to weaken Fairview's negotiating position while at the same time enhancing Monroe's position.

Vice Chairman Pressley asked the Manager if he believed the gas line was going in regardless. Mr. Greene responded that he honestly did not know and did not know the status of other easements for the City of Monroe in other areas of the County. He said that he knew the City of Monroe was intent on installing the line, and would assume that it is a feasible project, but it was only an assumption.

Vice Chairman Pressley commented that the City was not asking the County to approve or disapprove its gas line. He said that he agreed with Commissioner Openshaw and he looked at it as the County getting in the middle of it by the County holding out something to play on both sides. He stated that he wanted the County to get out of it one way or the other. He again stated that what he was hearing mostly concerned water and sewer needs for the Town of Fairview. He said that there is nothing that the County can do about those issues. He stated the City of Monroe was asking for an easement over property that is used as a wastewater treatment facility.

Commissioner Mills said that he thought it had been a good idea suggested by Commissioner Openshaw at the last meeting to ask the Manager to intercede in the meeting between Monroe and Fairview. He said that he was waiting for that response to come back, and he was prepared to vote at the last meeting and was again ready to vote on this matter tonight.

Following the discussion, the motion 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.

*b. Resolutions Authorizing Condemnation to Acquire Certain Property or Interest in Property of Temporary and Permanent Utility Right-of-Way/Easement – Sewer Line Easement – Austin Village Outfall Sewer Phase III*

Mike Garbark of the Public Works Department reported that seven of the eight easements have been signed, and the one remaining landowner (Mary Frances Lytle) has come to an agreement with the developer. He said that the revised easement is awaiting Mr. Lytle to come by and sign.

Chairman Baucom said that this item becomes a moot point.

At the recommendation of Jeff Crook, Staff Attorney, for a motion to delete this item from the agenda, Vice Chairman Pressley moved to delete this item from tonight's agenda. The motion was passed unanimously.

*c. Request for Temporary Water Service for Providence Estates Subdivision*

The County Manager said that Providence Estates Subdivision is located in both Lancaster and Union Counties. He stated that approximately 43 lots are located within Union County, and the subdivision is mostly located in Lancaster County and for the most part will be served by Lancaster County Water and Sewer. He said that the staff would like to approach Lancaster Water and Sewer about entering into a wholesale agreement at the state and county line whereby it would serve those lots until such time as the plant expansion comes online.

Following the explanation, Commissioner Mills moved to authorize negotiations with Lancaster Water and Sewer District for the provision of temporary water service and with the developer for the construction of an interconnection to the County's system.

By way of discussion, Commissioner Openshaw said that he would have liked to have had more time to have thought about this item. He stated that he could see both pluses and minuses. He pointed out that there are approximately 40 lots in Union County and another 130 or so lots in South Carolina where they are paying \$10,000 a lot to South Carolina, which is the equivalent of an Adequate Public Facilities Ordinance (APFO). He asked if there would be any APFO involvement with the lots in Union County.

Richard Black, Planning Director, responded that the developer had gone through the computation for the 40 lots in Union County, and he thought there had been some capacity shortages in some of the schools so there would be some APFO voluntary mitigation payments due under the APFO. He said that he did not remember the exact amount of the payments.

Following the discussion, the motion was passed unanimously.

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

Jeff Crook, Senior Staff Attorney, stated that he was not present at the July 21, 2008, Board meeting, but it was his understanding that the Board elected at that time not to seek authorization from the Town of Weddington to actually continue with enforcement action but to provide instead technical assistance through the County Manager and his staff. He explained that is what the revised interlocal agreement would do. He said that he thought the most important paragraph is Paragraph 2 on Page 2 of the interlocal agreement. He noted that if there would be a need for outside consultants, there is an opportunity for that as well at the Manager's discretion with a cap on that amount of \$5,000.

Commissioner Openshaw said that he has heard that the State is willing to work with the County or someone on this, and has asked that the State be contacted to see if this is indeed the case. He said that neither the County nor Weddington would be approving the plan, and it is going to the State or FEMA for approval. He said that if the State says the plan is good, then he is unsure that the County needs to deal with the situation, but if the State says the plan is bad, then the County can continue to work on its agreement with Weddington.

Amy Helms, Assistant Director of Infrastructure and Environment, responded that the plan would be sent to the state, which has been involved throughout the entire process. Mr. Greene asked if the State has said if property is in one jurisdiction and in a municipal jurisdiction for enforcement, and no action is taken on the enforcement procedures, would that be counted against property owners in the unincorporated areas. Ms. Helms answered if the enforcement procedures fall on the town, then it would be whoever lives in the town.

Chairman Baucom asked Ms. Helms to clarify her comments. Ms. Helms said this related to sanctions against the County when it was under County enforcement, the State mentioned that FEMA could come in and impose sanctions on the County. She stated that now the jurisdiction has changed to Weddington, it would now be Weddington.

Chairman Baucom further asked what the impact would be if the County were involved in the decision making. Ms. Helms said that she believed as long as it was left to technical review, it leaves the County out of the enforcement, and, therefore, sanctions. She further said that it is her understanding that as the interlocal agreement is written now, enforcement does not fall on the County, only the technical review and the County would have no liability as far as sanctions go.

Commissioner Mills questioned whether the staff of Weddington has reviewed the interlocal agreement. Mr. Crook responded that they have not seen the agreement. Commissioner Mills asked for an explanation of this version of the agreement and the draft agreement that the Board had in its package at the last meeting. Mr. Crook stated that the draft from the last meeting, as prepared, would have allowed the County to have shared or had concurrent jurisdiction with the Town of Weddington. He said that he had prepared the draft such that the County would have the authority to enforce the ordinance should that be the County's desire but not obligated to do so. He stated that this was sort of a gray area between the two extremes, but he believed Ms. Helms was correct that the safest position for the County is the technical assistance route.



Commissioner Mills questioned whether Ms. Helms felt comfortable with the plans now. She said that she has not reviewed the plans at this point, because she was waiting on the outcome of the Board's decision before initiating a review. Commissioner Mills said that he wanted to make sure that the County gave Weddington a "clean bill of health" and to make sure the problem is corrected. He asked if the staff thought Weddington would be pleased with the technical assistance from the County. Ms. Helms commented that it was her understanding that it would be and assured she would continue to review the plan that the Optimist Park submitted in June.

Ms. Helms stated that her review of the plans could start any time after acceptance of the agreement by both parties. She said that it could be submitted to the State at the same time her review begins.

Commissioner Mills asked if part of the motion could include that the County would send the plans to the State to reduce some of the lag time in getting it to Weddington to be approved. Mr. Crook responded that it is his position that after annexation of the property by the Town of Weddington, the County no longer has authority to enforce that violation. He said that he thought for the County to send the plans to the State without concurrence from the Town would probably be inappropriate. He stated that while that concurrence may come readily from the Town, he believed that would be a step that Ms. Helms should take.

Commissioner Openshaw questioned why the Wesley Chapel/Weddington Athletic Association (WCWAA) could not send the plans to the State. Ms. Helms answered that the State acts on behalf of the municipalities and the community. She suggested that if WCWAA wants to submit the plans to Weddington and Weddington submits the plans to the State, then it has that option.

Vice Chairman Pressley asked if Weddington did not want to sign the agreement, it could start over or do whatever it wants. Mr. Crook responded that is correct and explained that the agreement provided up to \$5,000 for consultants but is not inclusive of County staff time. It was noted that there is no limitation for County staff assistance.

Following the lengthy discussion, the motion was passed unanimously.

#### AMENDMENT TO BUDGET ORDINANCE REGARDING WATER RATES:

Commissioner Lane moved adoption of the Amendment to Fiscal Year 2008-2009 Budget Ordinance as presented.

#### AMENDMENT TO FISCAL YEAR 2008-2009 BUDGET ORDINANCE

The Union County Fiscal Year 2008-2009 Budget Ordinance is hereby amended as set out below:

1. Delete from Section XI(B) the following:

\* Volumetric rates for residential 3/4" and irrigation meters shall be \$2.10/1,000 gallons for the first 3,000 gallons, \$2.45/1,000 gallons for the next 5,000 gallons, \$3.45/1,000 gallons for the next 4,000 gallons, \$5.45/1,000 gallons for the next 6,000 gallons and \$9.45/1,000 gallons greater than 18,000 gallons.

2. Replace the provisions so deleted above with the following:

\* Volumetric rates for residential 3/4" and irrigation meters - without Water Shortage Condition declaration - shall be \$2.10/1,000 gallons for the first 3,000 gallons, \$2.45/1,000 gallons for the next 5,000 gallons, \$3.45/1,000 gallons for the next 2,000 gallons, \$5.45/1,000 gallons for the next 5,000 gallons and \$9.45/1,000 gallons greater than 15,000 gallons.

\* Volumetric rates for residential 3/4" and irrigation meters - under Stage II Water Shortage Condition declaration - shall be \$2.10/1,000 gallons for the first 3,000 gallons, \$2.45/1,000 gallons for the next 5,000 gallons, \$3.45/1,000 gallons for the next 2,000 gallons, \$8.18/1,000 gallons for the next 5,000 gallons and \$14.18/1,000 gallons greater than 15,000 gallons.

\* Volumetric rates for residential 3/4" and irrigation meters - under Stage III Water Shortage Condition declaration - shall be \$2.10/1,000 gallons for the first 3,000 gallons, \$2.45/1,000 gallons for the next 5,000 gallons, \$3.45/1,000 gallons for the next 2,000 gallons, \$13.63/1,000 gallons for the next 5,000 gallons and \$23.63/1,000 gallons greater than 15,000 gallons.

\* Volumetric rates for residential 3/4" and irrigation meters - under Stage IV Water Shortage Condition declaration - shall be \$2.10/1,000 gallons for the first 3,000 gallons, \$2.45/1,000 gallons for the next 5,000 gallons, \$3.45/1,000 gallons for the next 2,000 gallons, \$19.08/1,000 gallons for the next 5,000 gallons and \$33.08/1,000 gallons greater than 15,000 gallons.

3. These rate changes shall become effective for all bills rendered on or after October 15, 2008.
4. Except as herein amended, the terms and conditions of the Fiscal Year 2008-2009 Budget Ordinance shall remain in full force and effect.

Adopted this the 11<sup>th</sup> day of August, 2008.

Vice Chairman Pressley requested that if approved that the Amendment be posted to the County's website as soon as possible. Matthew Delk, Assistant County Manager, said that it was ready for posting. He said as soon as a decision was made on the days allowing irrigation, there is a draft letter that will be mailed to the billing districts. Vice Chairman Pressley pointed out that the Amendment does not change the water rates for 8,000 gallons and below.

Commissioner Openshaw said that he believed an explanation was needed regarding this amendment. He explained for the audience that due to the continued water shortage problems and drought, the Board has been asked to increase water rates. He said that the County is looking to find ways to cause the customers to think about the amount of water being used.

Vice Chairman Pressley added that the Board had been informed today during the work session, that the cost of chemicals to treat the water has doubled. Chairman Baucom interjected that he thought that everyone understands the increase in basic costs that have occurred on virtually everything, and the increase is a way to address that component as well.

Following the discussion, the motion was passed unanimously.

#### RESOLUTION TO REVISE BOARD OF COMMISSIONERS' REGULAR MEETING SCHEDULE FOR SEPTEMBER 2008:

Al Greene, County Manager, said that the staff recommends that the Board consider deleting the September 2, 2008, meeting. He stated that there is a regular meeting scheduled for Monday, August 25<sup>th</sup> and the staff is finalizing plans for a Governance Session on August 28<sup>th</sup> and 29<sup>th</sup> before the September 2<sup>nd</sup> meeting. Mr. Greene said that the staff has a good idea of the items for the agendas for the next few weeks and feels certain that most of those items can be included on the August 25<sup>th</sup> meeting and the remaining items could go on the September 15<sup>th</sup> meeting agenda. He stated that staff was suggesting that the Board delete the first meeting in September (September 2<sup>nd</sup>).

Following the explanation, Vice Chairman Pressley moved adoption of the following resolution, which passed unanimously:

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

WHEREAS, the Union County Board of Commissioners has heretofore established the regular meeting schedule of the Board such that regular meetings are held on the first and third Mondays of each month at 7:00 p.m. in the Commissioners' Boardroom; and if a regular meeting is a holiday on which county offices are closed, then the meeting would be held on Tuesday rather than Monday; and

WHEREAS, the Board desires to cancel the first regular meeting of September scheduled for Tuesday, September 2, 2008, (Monday, September 1, 2008, is a holiday).

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

The Board does hereby revise its regular meeting schedule to delete from the schedule the regular meeting of Tuesday, September 2, 2008. Except as herein amended, the regular meeting schedule shall remain in full force and effect.

Adopted this the 11th day of August, 2008.

CLOSED SESSION AT CONCLUSION OF MEETING:

Chairman Baucom moved that the Board hold a closed session at the conclusion of the regular meeting. 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:

- 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. Library Board of Trustees (1 Vacancy representing the Marshville region, due to a resignation)
- g. Agricultural Advisory Board (3 vacancies)

MANAGER’S COMMENTS:

Al Greene, County Manager, shared that the staff has been working hard and would be trying over the next several months to schedule workshops with the Board to bring it up-to-date on the Capital Improvement Plan and also to work toward a workshop with the Commission to update it on all of the staff’s efforts to identify sources for water and wastewater capacity as well as all the water and sewer capital projects. He said that he and Richard Black, Planning Director, have discussed bringing an update to the Board, possibly after the next Land Use Steering Committee, on the Comprehensive Plan and its progress.

COMMISSIONERS’ COMMENTS:

Vice Chairman Pressley wished the Manager a Happy Birthday. He said that he and Mr. Greene share a common thread with having the same birthday.

Vice Chairman Pressley recognized his sister who has been sworn in to the United States Army.

Commissioner Mills said it had been a good meeting. He offered congratulations to Central United Methodist Church for its Rock Block and to the City of Monroe for its National Night Out. He stated that he and Commissioner Openshaw had a good day on the Ag Tour last week.

He said that during the budget deliberations, the Board had appropriated \$40,000 to assist the City of Monroe with the Veterans Day Program which included the air group “Toro, Toro, Toro” for the re-enactment of Pearl Harbor. He said that it would be a two-day event. He stated that 30,000 people are expected each day. He expressed appreciation to Ken Rogers, retiring Veterans Services Officer, for all that he has done for the veterans.

Commissioner Openshaw wished Vice Chairman Pressley and the Manager a happy birthday. He reiterated that the Ag Tour was great. He said that he thought there were some real potential opportunities to differentiate Union County through some progressive agricultural steps. He stated that he was very impressed with a number of the operations seen on the tour.

Commissioner Openshaw said that he had received a call from a citizen who wanted to know if the emergency tower that is being erected near JAARS is okay because in the past when towers have been erected in that area they have interfered with JAARS flight path. He suggested that the staff might look into this matter.

He said that he would like to see some of the discussion points of the meetings in the Planning Board minutes and also see recorded how the members on the Planning Board vote. He said that he had been on the County's website today to look up something in the Land Use Ordinance and found that it has not been updated in years, which was also not furnished in the agenda package. He asked that in the future when items are on the agenda that requests amendments to the Land Use Ordinance, he would like to see the whole body of the ordinance included in the agenda package. He also requested that the ordinance be updated on the website. Further, he said he would like the Planning Board meetings televised.

Commissioner Lane also offered congratulations to Ken Rogers, retiring Veterans Service Officer.

He reminded everyone to drive safely since schools are about to open. He shared that the improvements on Highway 601 South are progressing very well. He said that it is supposed to be completed by January 2010.

Chairman Baucom said that where the radio tower is potentially sited at Fairview, it is off the runway in the flight path of the McGee Brothers' airport as well and asked staff to review.

He stated that there has been discussion about high-speed access for Union County, and all the County still does not have it. He asked what needs to be done to secure high speed internet access for the County? He said that he would ask the question at the next meeting and hopefully there would be some answers.

Commissioner Mills invited the Board members as guests at the National Rifle Association's (NRA's) banquet on Saturday evening, August 23<sup>rd</sup>.

Commissioner Openshaw said that he was glad he had the opportunity to attend the funeral of Mrs. West's father. He said that Susan Drake, a former Commissioner, also lost her husband.

Chairman Baucom expressed condolences to Mrs. West on behalf of the Board at the loss of her father.

Chairman Baucom commented about the Operation Lifesaver Program sponsored by the Sheriff's Office and the Pilot Club of Monroe. He explained that the program is to help persons who tend to wander and who do not know where they are. He said it is a very beneficial project, and it works with a radio receiver bracelet that is given to the patient, and if they become lost, a deputy is dispatched and through a receiver, they are able to locate the person. He encouraged anyone having a need or knowing someone who has a need for the program to contact the Pilot Club or the Sheriff's Office.

Commissioner Lane added that the public has not responded to the Operation Lifesaver program as had been originally anticipated. He said that the members of the Pilot Club also go out and replace the batteries monthly.

#### CLOSED SESSION:

At approximately 8:23 p.m., Chairman Baucom moved that the Board go into closed session to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or a proposed contract for the acquisition of real property by purchase, option, exchange, or lease of property owned by Jasper Bruce King, II, described as approximately 5.01 acres, located at 1929 Weddington Road, Weddington, North Carolina, for possible use by the County as a water tank site pursuant to G.S. § 143-318.11(a)(5)(i). The motion was passed unanimously.

The Board members then moved to the Board's Conference Room, First Floor, Union County Government Center, for the closed session. At the conclusion of the closed session at approximately 8:40 p.m., Vice Chairman Pressley moved to go out of closed session. The motion was passed unanimously.

In open session, at approximately 8:41 p.m., Commissioner Lane moved to adjourn the regular meeting. The motion was passed unanimously.