

September 15, 2008

The Union County Board of Commissioners met in a regular meeting on Monday, September 15, 2008, at 7:00 p.m. in the Board Room, first floor, Union County Government Center, Monroe, North Carolina. The following were

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

ABSENT: None

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

OPENING OF MEETING:

Invocation:

The Chairman called the meeting to order at 7:14 p.m. and asked the Reverend Sam Wood, Senior Pastor of Benton Heights Church of God, to present the invocation. Chairman Baucom presented him with a certificate and an engraved writing pen.

Pledge of Allegiance:

Chairman Baucom introduced Ian Walsh and Jordan Purser. He stated that Ian Walsh was a member of the Young Minds Science 4-H Club and explained that Ian's 4-H presentation on poultry production won at the County, District and the State levels. He next introduced Jordan Purser who is a member of Piedmont Middle School's 4-H Club and is also President of the Teen Council. Chairman Baucom reported that this summer Jordan attended the Citizenship Focus in Raleigh where he met with Union County's State Representative Curtis Blackwood and State Senator Eddie Goodall. He explained that Jordan Purser presented his 4-H presentation on beef cookery, and he also won at the County, District and State levels.

Ian Walsh and Jordan Purser led the body and audience in reciting the Pledge of Allegiance to the flag of the United States.

The Chairman presented each with a certificate and an engraved writing pen. He stated the two fine young men are examples of the good youth that we have in Union County.

PUBLIC HEARING FOR THE ADOPTION OF FLOOD INSURANCE RATE MAPS THAT WILL REPLACE THE CURRENT MAPS FOR THE FLOODPLAIN AND FLOODWAY OVERLAY DISTRICTS:

The Chairman stated the purpose of the public hearing as advertised in accordance with the General Statutes of the State of North Carolina and reported that no one had registered to speak. With there being no one to speak to the issue, the Chairman declared the public hearing closed.

PUBLIC HEARING: TEXT MANEDMENTS TO LAND USE ORDINANCE REGARDIG FLOODWAYS AND FLOODPLAINS (SPECIAL FLOOD HAZARD AREAS):

The Chairman stated the purpose of the public hearing as advertised in accordance with the General Statutes of the State of North Carolina and reported that no one had registered to speak. With there being no one wanting to address the issue, the Chairman declared the public hearing closed.

INFORMAL COMMENTS:

The Chairman recognized Pinky Marsh who had registered to speak. Mr. Marsh gave his name as Thomas Marsh, Jr., and stated his subject is the rodeo. First, Mr. Marsh thanked the Board for a citation that he received last week. He said it seems that everything is a waste of the taxpayers' money. He reported that in the newspaper the County Manager is quoted as saying that his next step would be to go before the Board of Adjustment, but Mr. Marsh said that he made it clear in the June meeting that he would not go back before the Board of Adjustment. Mr. Marsh said that he questioned the Board's authority at the April 2007 meeting and also at the May 2007 meeting over the bona fide farm definition. He said it should appear that the legal minds would search out the State Statutes instead of going with Mr. Jensen's opinion. Mr. Marsh said that it was not that he wanted to sue the County or that he needs to, but that he has to. He explained that he had spent almost two years trying to get this issue resolved but the legal minds seem to be getting in the way. He stated that the County does not need legal minds to run the County to boost their own payroll and noted that in his opinion the legal minds are a joke and are making this County the laughing stock of North Carolina. He reported that in May 2007, if not before, when Commissioner Pressley was Chairman that he knew all about this issue. He reminded that all four poultry farms near his property were built within 50 feet of their

property line, but pointed out that he built his rodeo facility in the middle of his property. He again stressed that a rodeo is a recognized agric-tourism function and is a bona-fide farm operation.

Jerry Barrett stated that he lives in Marshville and explained that as a taxpayer and as a citizen of this County that it is annoying to know that the taxpayers' dollars are being wasted over lawsuits. He said there are plenty of things that can be done without paying attorneys; he noted that Mr. Marsh is paying his own attorney to defend him and then having to pay the County's attorney to prosecute him. He stressed this problem should be resolved before the commissioners change office in December. Mr. Barrett said that Mr. Marsh has made it clear that he is not going to quit or give up. He pointed out that the ACLU is complaining about prayer; he said he thought everyone needed prayer including the Commissioners. He said Mr. Marsh talked with Commissioner Pressley when he was Chairman, he has talked with the Board of Commissioners, and he has talked with the Board of Adjustments and has told everyone that the law classifies a rodeo as a bona-fide farm. He said he wanted to know what is going on in the operation of county government.

The next person recognized to speak was Reid Matthews. Mr. Matthews stated that he was representing 195 residents, taxpayers, and voters of Union County who live in close proximity to the Twelve Mile Creek Wastewater Treatment Plant. He urged the Commissioners' support of an item on the agenda to approve and to fully fund SPO14 for the odor improvements for that plant. Mr. Matthews said many of his neighbors have moved here from out of county and out of state and are delighted to live here. He pointed out that there is one aspect that has a negative impact on their lives, and that is the odor of the facility that creeps into the neighborhood, elementary school, and residential and commercial districts near the facility. He said they fully understand that the construction of the plant predated the bulk of the residential and commercial construction of the area and the odor control demands for the facility at the time it was constructed were different; but, he stressed the situation today has changed significantly. Mr. Matthews pointed out that just on the west side of Highway 16 there are over 1,000 homes, an elementary school, a residential and commercial area under development as well as a medical facility under construction with many more residential areas still approved for development. He said that all of this construction requires a different standard of odor control at this time. He said in 2006, the Union County Board of Commissioners considered a CIP for odor control improvements at the plant which was estimated at that time to cost \$2 million. He read from the project justification as submitted by Public Works as – "New residential housing and commercial establishments within close proximity of the Twelve Mile Creek Wastewater Treatment Plant will likely demand odor control above that which is being incorporated into the current expansion." Mr. Matthews said it was unfortunate that at that time the Board did not approve the proposal. He thanked the current board for taking the responsibility to revisit the issue, for gathering the bids, and for considering the proposal tonight. He urged the Board on behalf of the community to approve and to fully fund the contract to construct the odor control facilities as described in Project SP014 without further delay. Mr. Matthews also asked that the odor control measures be installed at the pump station at the northwest corner of the plant adjacent to Kensington Parkway as it is unclear if that is included in the current scope of SP014.

Chairman Baucom next recognized Mark McCann. Mr. McCann stated that he lives at 8000 Morehouse Drive in Waxhaw and represents the business community of Cureton Town Plaza and presented a signed petition urging the Commissioners to fully fund and to construct without further delay the odor control improvements as described in Union County Public Works' project SP014. He also asked that adequate odor control measures be installed at the pump station at the northwest corner of the plant adjacent to Kensington Parkway as it is unclear if this is included under the project SP014. He said this petition is signed by Gina Jordan, Vice President for Fifth Third Bank; Nick Lee, Manager of Moe's Southwest Grill; Denis Cammerato, Jr., owner of Marble Slab Creamery; Jed Johnson, General Manager of Papa John's Pizza; Tom Poon, owner of Ming Fu Chinese & Sushi; Beverly Fox, Manager of Weddington/Waxhaw Wellness Clinic; Lenny Turi, owner of Fitness Together; and Michelle Finley, Manager of Great Clips.

The Chairman next recognized Brett Peterson. Mr. Peterson stated he was a recent resident to Waxhaw and was speaking to the odor control improvements to the Twelve Mile Creek Wastewater Treatment Plant. He said he could not be happier to be in Union County. He explained he moved here about a year ago from Michigan. He reiterated his only complaint to the area is the odor that comes from the plant. He pointed out that other than property values, the quality of life issue is the most significant. He said that after researching this issue, since he works in commercial real estate, he understands how municipalities and water and sewer treatment plants work, so the Board of Commissioners is the only hope to rectify this situation. He said he could not tell the Board how appreciative he and those who live in his neighborhood are that the Board is studying a solution to the problem.

Daune Gardner, Mayor of Waxhaw, introduced herself and stated that she too is speaking to the Twelve Mile Creek Wastewater Plant odor control project. She said she was grateful to the earlier citizens who spoke about this project because they did a good job at communicating the concerns of the people of Waxhaw. She noted that the project is not going to get any cheaper and encouraged the Commissioners to go ahead and complete the project. Ms. Gardner urged the Commissioners on behalf of the Waxhaw Board of Commissioners and the people of Waxhaw to approve the project tonight as it is presented and proceed with construction without delay. She thanked the Commissioners for their service to the County and stated that she looked forward to continuing to work with the Board for the betterment of Waxhaw and Union County.

Chairman Baucom stated that concluded informal comments and announced the next item.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

Chairman Baucom reported that he had one addition to tonight's agenda and that is the continuation of the special meeting and public workshop.

Commissioner Openshaw requested to move item 5 of the Consent Agenda – Gasoline and Diesel Fuel Supplier Contract – to the regular agenda.

Commissioner Lane asked to move the Proclamation concerning Mental Illness Awareness Week from the Consent Agenda to the regular agenda. He also requested an explanation of the letter from Reece Gibson regarding the sewer allocation matter that was included in the package.

With there being no other amendments, the Chairman asked for a motion to adopt the agenda. Motion was made by Commissioner Mills that the agenda as amended be adopted. The motion passed unanimously.

CONSENT AGENDA:

Motion was made by Commissioner Mills that the items on the amended Consent Agenda be approved. The motion passed unanimously.

Sheriff's Office: Approved retirement of canine "Job" from active duty and adopted the following resolution authorizing private sale:

RESOLUTION AUTHORIZING SALE

WHEREAS, Union County owns certain items of personal property that have become surplus for its current needs; and

WHEREAS, North Carolina General Statute 160A-266 permits the County to sell such property by private sale, upon authorization by the Board of Commissioners at a regular meeting and notice to the public.

NOW, THEREFORE, BE IT RESOLVED by the Union County Board of Commissioners as follows:

1. The Board of Commissioners authorizes the Union County General Services Director to sell by private sale the following item of surplus personal property:

Canine “Job” trained and used for law enforcement purposes; said animal having been determined by the Sheriff to be no longer appropriate for such use.

2. The Clerk to the Board of Commissioners shall publish a notice summarizing this resolution, and no sale may be executed pursuant to this resolution until at least 10 days after the day the notice is published. Non-monetary consideration may be accepted in exchange for transfer of the personal property.

Adopted at a regular meeting this the 25th day of August 2008.

Easement Over County-Owned Property – Patton Avenue: Authorized the County Manager to approve and execute easement to Union Power.

Retiree Health Care Fund: Adopted Resolution authorizing participation by Union County in the Local Government Other Post-Employment Benefits Fund.

**RESOLUTION FOR LOCAL GOVERNMENTS, PUBLIC AUTHORITIES AND OTHER ENTITIES (“Participants”)
ELIGIBLE TO PARTICIPATE IN THE LOCAL GOVERNMENT OTHER
POST-EMPLOYMENT BENEFITS FUND (“OPEB Fund”)**

WHEREAS, the Local Government Other Post-Employment Benefits Fund (the “OPEB Fund”) established pursuant to North Carolina General Statutes (“NCGS”) Section 147-69.4 consists of contributions made by local governments, public authorities and other entities authorized to make contributions to the OPEB Fund (“Participants”), which contributions are irrevocable.

WHEREAS, the assets of the OPEB Fund are not subject to the claims of creditors of any Participants and may only be withdrawn by a Participant to provide other post employment benefits to individuals, who are former employees, or beneficiaries of former employees of the Participant, and who are entitled to other post-employment benefits payable by the Participant within the meaning of NCGS Section 147-69.4; and

WHEREAS, the Board of Commissioners of Union County has determined that it is advisable and in the best interests of Union County to make contributions to the OPEB Fund, as provided in that certain Contribution Agreement between Union County and the Treasurer, the form of which has previously been made available to the Board of Commissioners of Union County (the “Contribution Agreement”).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby acknowledges and approves an initial contribution of \$360,000 to the OPEB Fund (the “Contribution”) pursuant to the terms and conditions of the Contribution Agreement between Union County and the Treasurer in the form presented to the Board of Commissioners;

FURTHER RESOLVED that the appropriate officers, managers, and representatives of Union County (the “Authorized Representatives”) are hereby authorized and directed to execute and deliver the Contribution Agreement, to take any other actions deemed necessary or appropriate to consummate the transactions provided for therein, and to cause the Contribution to be made;

FURTHER RESOLVED that all actions heretofore taken by any of the Authorized Representatives of Union County acting on behalf of Union County in furtherance of the foregoing resolutions are hereby ratified, adopted, approved and confirmed in all respects; and

FURTHER RESOLVED that the Authorized Representatives of Union County acting on behalf of Union County are hereby authorized to take all such other actions as they may deem necessary or appropriate to give effect to the foregoing resolutions.

Property Management Review Committee: Accepted the findings in connection with the County’s Property Management Program and authorized the County Manager to approve Property Management Contract with Keith Corporation through June 30, 2009.

Gasoline and Diesel Fuel Supplier Contract: This item was moved to regular agenda

Social Services: Approved budget amendment #6 to appropriate additional federal funds received for TANF Domestic Violence in the amount of \$1,464 and increase DSS – Operating Expense budget by the same amount.

Social Services: Approved budget amendment #7 to appropriate additional federal funds received in the amount of \$65,400 for the Work First Demonstration Grant and to increase DSS – Operating Expense budget by the same amount.

Finance: Approved Budget Transfer Report for August 2008

Finance: Approved August Report of contracts exceeding \$50,000 which require report to the Board of County Commissioners pursuant to Manager Delegation Authority, Union County, NC. Said contract is with HDR Engineering, Inc., of the Carolinas for engineering services for self-help waterline extensions for Wellington Woods and Polk Mountain in the amount of \$54,400.

Finance: Accepted Report that there were no purchase orders greater than \$50,000 in the month of July and accepted report of purchase orders greater than \$50,000 in the month of August which reflected the following: CDW Government, Inc. in the amount of \$50,421 for EMC Emailxtender for 1000 license; Ingram Library Services, Inc. in the amount of \$52,400 for adult non-fiction books and protective plastic dust covers for said books; NIX Purser & Associates, Inc. in the amount of \$140,628 for plant and radio telemetry CCWT-plant and radio telemetry data flow system for Crooked Creek WWTP per quote dated August 8, and DPS telemetry control units for pump control system at influent.

Finance: Motor Vehicles Tax Refund Overpayments for August 2008 in the amount of \$6,822.03

Finance: Write-off of 27 checks that have been returned to County due to non-sufficient funds; the total amount of the 27 checks is \$783.

Contracts Over \$90,000: Authorized the County Manager to execute the following contracts subject to final legal approval:

a.) Contract with Behavioral Health – First Step Recovery Center (at CMC Union, Carolina Healthcare System) to provide outpatient substance abuse treatment services to sentenced offenders; annual contract funding agreement is in the amount of \$125,407

b.) Contract with NC Division of Forest Resources Lease Agreement to lease space at the Agricultural Center at the amount of \$5,400 per year, paid monthly.

Health Department: Approved Budget Amendment #5 to appropriate grant revenue received in the amount of \$21,236 to Health – Operating Expenses for the WIC Client Services

Revisions of FY2009 Budget Ordinance Relating to Union County Public Schools Current Expense Formula and Capital Outlay Provisions:

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 VIII (C) the following:

The appropriations identified as Section 1 A. General Fund – School Capital in the amount of \$17,795,700 shall be allocated to UCPS based on 115C-529(b) Category I (projects) and Category II (entire category) and Category III (entire category). The School Capital Categories I, II, and III shall be based on the County’s approved 2009-2013 UCPS Capital Improvement Plan. Additionally, Category I and Category II capital expense reimbursements not meeting the classification standards (useful service lives and costs) set forth in County correspondence to UCPS dated February 18, 2008, will be charged to School Current Expense with a budget transfer from School Capital Outlay. Union County Finance Director is hereby provided the authority to make said budget transfers.

2. Replace the provisions so deleted in Section VIII (C) with the following:

The appropriations identified as Section 1A. General Fund – School Capital in the amount of \$17,795,700 shall be allocated to UCPS based on 115C-429(b) Category I (projects) and Category II (entire category) and Category III (entire category). The School Capital Categories I, II and III shall be based on the County’s approved 2009-2013 UCPS Capital Improvement Plan. Additionally, Category I and Category II capital outlay appropriations provided by the County and reflected in the UCPS capital outlay fund pursuant to 115C-426 that are not capitalized pursuant to governmental generally accepted accounting principles will be charged to School Current Expense with a budget transfer from School Capital Outlay. Union County Finance Director is hereby provided the authority to make said budget transfers.

3. Delete from Section VIII (D) the following:

The appropriation identified as Section 1A. General Fund – School Current Expense in the amount of \$79,233,160 is based on a projected student enrollment of 40,212 (UCPS and Charter Schools) representing \$1,970.38595 per pupil. The School Current Expense amount of \$79,233,160) shall be adjusted based on actual student enrollment following the release of the second (2nd) month ADM data for the 2008-09 school year as reported by the Department of Public Instruction. The adjusted student enrollment shall then be multiplied by the per pupil amount of \$1,970.38595 with a corresponding adjustment to the School Current Expense amount.

4. Replace the provisions so deleted in Section VIII (D) with the following:

The appropriation identified as Section 1A. General Fund – School Current Expense in the amount of \$79,233,160 is based on projected ADM student enrollment of 40,212 (UCPS and Charter Schools) representing \$1,970.38595 per pupil. The School Current Expense amount (\$79,233,160) shall be adjusted based on the higher of the 1st or 2nd Month ADM for the 2008-2009 school year (each month’s calculations of student enrollment shall include ADM for UCPS and Charter Schools); the adjustment occurring only if the higher of the 1st or 2nd Month ADM is greater than 40,312 or less than 40,112. The 1st and 2nd Month ADM student enrollment shall be those amounts published by the Department of Public Instruction. The adjusted ADM student enrollment (if greater than 40,312 or less than 40,112) shall then be multiplied by the per pupil amount of \$1,970.38595 with a corresponding adjustment to the School Current Expense amount.

5. 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 15th day of September, 2008.

Allan Baucom, Chairman

Union County Public Schools’ Elementary School L (Formerly Cuthbertson now Poplin Road from Bonterra) – Off Site Sewer Construction: Adopted CPO-107 which provides off-site sewer construction funding for Poplin Road Elementary School:

| CAPITAL PROJECT ORDINANCE AMENDMENT | | | | | | | | | |
|-------------------------------------|-----------------------|--|--|--|--------------|--------------------|--|--|--|
| | | | | | | | | | |
| BUDGET | School Bond Fund - 55 | | | | REQUESTED BY | Kai Nelson | | | |
| FISCAL YEAR | FY 2008-2009 | | | | DATE | September 15, 2008 | | | |
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| PROJECT SOURCES | | | | PROJECT USES | | | |
|-----------------------------------|---|---------------------|-----------------|--|---|---------------------|-----------------|
| Source | Project To Date | Requested Amendment | Revised Project | Project Description and Code | Project To Date | Requested Amendment | Revised Project |
| G.O. Bond Proceeds | 473,179,108 | 385,000 | 473,564,108 | Elementary School "L" (115C-429b project allocation) | 16,027,592 | 385,000 | 16,412,592 |
| All Other Revenue | 1,363,308 | - | 1,363,308 | All Other School Projects | 458,514,824 | - | 458,514,824 |
| | 474,542,416 | 385,000 | 474,927,416 | | 474,542,416 | 385,000 | 474,927,416 |
| EXPLANATION: | Funding request submitted by UCPS for Installation of Off-Site Sewer System and associated testing for Elementary School "L" pursuant to 115C-429b. | | | | | | |
| DATE: | | | | APPROVED BY: | Bd of Comm/County Manager Lynn West/Clerk to the Board | | |
| FOR FINANCE POSTING PURPOSES ONLY | | | | | | | |
| PROJECT SOURCES | | | | PROJECT USES | | | |

| Source | Project | Requested | Revised | Project | Project | Requested | Revised |
|----------------------|-------------|-----------|-------------|--|------------|-----------|------------|
| Description and Code | To Date | Amendment | Project | Description and Code | To Date | Amendment | Project |
| G.O. Bond Proceeds | 473,179,108 | 385,000 | 473,564,108 | Elementary School "L" (115C-429b project allocation) | 16,027,592 | 385,000 | 16,412,592 |
| 55491100-4710-530 | | | | 55559200-5586-563 | | | |
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| | | | | | | | |
| | 473,179,108 | 385,000 | 473,564,108 | | 16,027,592 | 385,000 | 16,412,592 |
| | | | | | | | |
| Prepared By | dhc | | | | | | |
| Posted By | | | | | | | |
| Date | | | | | | Number | CPO - 107 |

Minutes: Approved August 11, 2008 (7:00 p.m.); August 11, 2008 (3:30 p.m.), and May 19, 2008

Tax Administrator: Approved Third Motor Vehicle Billing in the grand total amount of \$1,305,664.59

Tax Administrator: Approved Second Motor Vehicle Release Register for the period of August 1, 2008 – August 31, 2008 in the net grand total of \$18,617.16-

Tax Administrator: Approved Second Motor Vehicle Refund Register for the period of August 1, 2008 – August 31, 2008 in the net grand total of \$1,295.24

Request by the 43rd North Carolina Infantry/Central Piedmont Historical Society, Inc., for Letter of Support for Highway Historical Marker for the Skirmish at Wilson's Store, Waxhaw, North Carolina: Authorized the Chairman of the Board of Commissioners to send letter of support for a historical marker to be placed on Highway 200S, 9.2 miles south of the Monroe City limits, with information about the Battle of Wilson's Store.

Sublease of Space at Union Village: Authorized the County Manager to terminate the sublease with Piedmont Behavioral Healthcare (PBH) and to approve a sublease with Daymark

Proclamation – Mental Illness Awareness Week in Union County – moved to Regular Agenda

Authorization for Commissioner Openshaw to sign letter to be sent to Selected Area Businesses Requesting Participation in a Survey in Connection with the Comprehensive Economic Development Commission: Authorization granted for Commissioner Openshaw to sign a letter to be sent to area businesses to conduct a survey concerning the Comprehensive Economic Development Commission.

Reports-Information Only: Department of Inspection's Monthly Report for August 2008; Monthly Personnel Report for August 2008; Report Regarding Sewer Allocation Matter (moved to regular agenda).

The Chairman stated the order of consideration of those items moved from the Consent Agenda to the Regular Agenda.

ASSISTANT COUNTY MANAGER'S COMMENTS:

The Chairman recognized Matthew Delk who reminded that the last day to register to vote on Election Day will be October 10. He stated that after October 10, a citizen of the County would be able to register and vote at the One-Stop Voting locations between October 16th and November 1. He explained the difference is that at the One-Stop Voting locations, the citizen must register and vote at the same

time. He/she cannot register and come back at another time to vote. He invited those who wanted more information to go to the County's web site – www.co.union.nc.us.

He next mentioned the Sheriff's Golf Tournament that will be held this Saturday at the Eagle Chase Golf Course. He pointed out the proceeds will go to support the community outreach youth programs, such as DARE camp, Buffalo Soldiers, and the Sheriff's Exploring Program. Mr. Delk gave the cost to participate in the tournament.

Mr. Delk reported that Judge Chris Bragg interviewed candidates for the North Carolina Court of Appeals and North Carolina Supreme Court and these will be aired daily on Channel 16. He said the schedule for these interviews is shown on the County's web site as earlier mentioned.

The Assistant County Manager said that he and others in the County attended a beautiful ceremony held on September 11th on the Hayne Street side of the historic Courthouse to dedicate a firefighter memorial. He said the memorial pays tribute to firefighters who have died in the line of duty which includes Tommy Griffin of the Sandy Ridge VFD who died January 1, 1967, Kenneth Strain of the Hemby Bridge VFD who died May 2, 1999, and Todd Hague of the Wesley Chapel VFD who died August 11, 2007. He explained the bell is the antique City of Monroe Fire Bell that has been rung in the history of Monroe and the County to call for volunteers to help fight fires.

MENTAL ILLNESS AWARENESS WEEK:

The Chairman recognized Commissioner Lane who requested this item be transferred from the Consent Agenda to the Regular Agenda.

Commissioner Lane stated that he wanted to read the Proclamation into the minutes and moved its adoption. He said he was a member of NAMI – National Alliance for Mental Illness, which is a support group for people who have a mental illness or who have a family member with a mental illness. He said if anyone wanted information on joining NAMI to contact him.

MENTAL ILLNESS AWARENESS WEEK 2008 A PROCLAMATION

WHEREAS, severe mental illnesses such as schizophrenia, bipolar disorder, major depression, obsessive-compulsive disorder, severe anxiety disorders, borderline personality disorder, and post-traumatic stress disorders affect a total of six percent of North Carolina's adult population each year; and

WHEREAS, North Carolina's Local Management Entities (LME) served a total of 90,457 children and 133,429 adults with severe mental illnesses in 2007 making mental illness more common than cancer, diabetes, and heart disease; and

WHEREAS, scientific research is producing tremendous breakthroughs in the understanding of severe mental illnesses, resulting in more effective treatments that allow people to reclaim full and productive lives; and

WHEREAS, the best treatments for serious mental illnesses today are highly effective with 70-90 percent of individuals having a significant reduction of symptoms and improved quality of life with a combination of pharmacological and psychosocial treatments and supports; and

WHEREAS, citizens of Union County should work together to help fight the stigma surrounding mental illness and discrimination from societal prejudice causing those who are affected to be cast as second-class citizens;

NOW, THEREFORE, BE IT RESOVED that the Union County Board of Commissioners does hereby proclaim October 5 through October 11, 2008, as "MENTAL ILLNESS AWARENESS WEEK" in Union County to increase public awareness of severe mental illnesses.

Adopted this the 15th day of September, 2008.

The motion passed unanimously.

PUBLIC WORKS DEPARTMENT:

The Chairman recognized the County Manager who stated that the next item is the Twelve Mile Creek WWTP Odor Control Project. He explained that this project was first included in the 2006-2007 Capital Improvement Program and at that time there was a very preliminary planning estimate, and no engineering work had been done. Mr. Greene said the planning estimate for the work was over \$1.7 million plus engineering. He said that the County has engaged Hazen & Sawyer to complete the more formal analysis and design work. He

reported that Hazen & Sawyer’s final estimate prior to receiving bids was \$4.82 million. He announced that bids were received and the low bid from Hickory Construction was \$4.79 million. He detailed that this project entails constructing dome covers over four of the basins at the plant; those basins that are prone to bad odor problems and also a scrubbing system to scrub the air before it is released. He explained that these improvements should significantly reduce the odor problems at Twelve Mile Creek. He stated that in the Capital Project Ordinance that there are a number of projects that are no longer feasible, one of which is the county-wide water transmission main, Phases II and III. He reported that those were originally planned to assist the County to distribute water from the Catawba basin to the Yadkin Pee Dee basin; these were initially considered before the days that the interbasin transfers were as serious a matter as it is now. He said it does not appear that those improvements will be practical at this point. He said it is doubtful that the existing interbasin transfer will ever be increased and currently the County is fast approaching the maximum of the authorized IBT. He said the savings from the deletion of those two projects—phases II and III, will cover the additional cost of the Twelve Mile Creek Odor Control Project and also the Twelve Mile Creek Reliability Project that are included in the next agenda item.

Included in the Board’s package of information was the certified bid tabulation report, which showed the following bidders and amounts:

8a – Twelve Mile Creek Wastewater Treatment Plant Odor Control Project

| <u>Contractor</u> | | <u>Base Bid</u> | <u>Alternate</u> | <u>Combined Bid</u> |
|---|----|------------------------|-------------------------|----------------------------|
| Hickory Construction Co., License #1145 | \$ | 4,795,350.00 | \$80,000.00 | \$4,875,350.00 |
| M.B. Kahn Construction, License #1425 | | 5,355,000.00 | - | \$5,355,000.00 |
| Haren Construction Co., License #7770 | | 5,598,600.00 | - | \$5,598,600.00 |
| Wharton-Smith, Inc., License #38755 | | 5,628,000.00 | \$20,000.00 | \$5,648,000.00 |
| Wateree Construction, License #32367 | | 5,793,380.00 | - | \$5,793,380.00 |
| State Utility Contractors, License #17793 | | 5,890,105.20 | - | \$5,890,105.20 |
| Dellinger, Inc., License #5992 | | 6,311,229.00 | - | \$6,311,229.00 |

8b – Twelve Mile Creek Wastewater Treatment Plant Reliability Improvements

| <u>Contractor</u> | | <u>Base Bid</u> | <u>Alternate</u> | <u>Combined Bid</u> |
|--|----|------------------------|-------------------------|----------------------------|
| Hickory Construction, License #1145 | \$ | 3,118,500.00 | \$11,077.00 | \$3,129,577.00 |
| M. B. Kahn Construction, License #1425 | | 3,227,700.00 | - | \$3,227,700.00 |
| Wharton-Smith, Inc., License #38755 | | 3,300,600.00 | - | \$3,300,600.00 |
| Wateree Construction, License #32367 | | 3,307,500.00 | - | \$3,307,500.00 |

| | | | |
|--|--------------|-------------|----------------|
| Haren Construction, License #7770 | 3,345,300.00 | \$ 5,000.00 | \$3,350,300.00 |
| Dellinger, Inc., License 5992 | 3,356,803.00 | - | \$3,356,803.00 |
| State Utility Contractors, License 17793 | 4,154,482.50 | | \$4,154,482.50 |

Commissioner Lane said that he had visited the area and had smelled the wonderful perfume; therefore, he moved that the County proceed with completion of the projects to provide odor control and to make necessary reliability improvements for the Twelve Mile Creek Wastewater Treatment Plant and that (1) the bids be accepted as listed above, (2) that the contracts for both projects be awarded to the low bidder, as recommended by Hazen and Sawyer, Hickory Construction Company in the amount of \$4,795,350 for the Odor Control Project and \$3,129,577 for the plant reliability improvements, (3) that authorization be given to issue the Notice of Award to Hickory Construction Company and (4) that the County Manager be authorized to approve contract documents. After the Commissioners received confirmation that the concerns about Kensington had been addressed in the project, the motion passed unanimously.

8c: Condemnation Resolutions

The County Manager explained this item is a request for the Board to authorize condemnation resolutions to acquire certain property or interest in property of temporary and permanent utility right of way for construction of an eight-inch gravity line located near Wesley Chapel on Hwy. 84. He said the easements are needed to serve the Shops at Wesley Chapel and the line has been sized and designed to serve the entire sub-basin in which it is located. Mr. Greene explained this will have a broader public benefit beyond the commercial establishments whereby the developer is extending the line. He said originally 15 easements were needed but it is understood that all easements have been granted with the exception of two properties owned by Shea Homes. Mr. Greene stated that he has been informed that these are nearly completed, but the paperwork has not been received. He recommended adoption of the resolutions.

Commissioner Lane moved that the condemnation resolutions to condemn easements across property owned by Shea Homes be approved.

Commissioner Openshaw said he was not a big fan of condemnation but in reviewing the line it appears that it runs down Hwy. 84 past the WCWAA and the culverts, and he was curious as to the placement of the lines; particularly, since DOT has informed the County that Hwy. 84 will be expanded at some point to four lanes. He said the other thing is that the culverts are inadequate for the flooding problem. He stressed the County should not be shortsighted, and it needed to determine the best place to install the lines so that it won't be necessary to move them in the future.

The County Manager stated that he could not respond to Commissioner Openshaw's concern without going back and talking with the staff and design engineer, but he recommended that the County proceed with the condemnations and the staff will report at the next meeting about Commissioner Openshaw's concerns regarding the design of the line and the size of the culverts.

Vice Chairman Pressley pointed out that this Mr. Gibson is the same gentleman who had been before the Board several times, and he would like to work out a solution without condemning this person's property. Commissioner Mills said that it was his understanding that this has been settled, and he could connect to the line.

Mr. Greene pointed out that Mr. Gibson has executed and turned in his easement contract today.

The Vice Chairman asked what the problem is with Shea Homes executing the easement agreement.

During discussion, Commissioner Openshaw stated that he would like to see a map of the area, but would be glad to go along with recommendation of the County Manager.

The County Manager stated that he could not answer specific questions regarding the design and location of the lines, but he could say that the developer and the design engineers have worked with the property owners and, according to the staff, it has been a good process and communication has been very open. He said he would have to assume that Shea Homes, Inc. was aware of the location of the lines and, again, it is reported that they have reached verbal agreement regarding the easements.

Commissioner Mills said the WCWAA has experienced problems in the area that are a combination of many things and part of the problem is caused by the under-road culverts on Highway 84 being too small for the flow; these need to be fixed and/or replaced. He said if all of this is going to be taking place at that location he wanted to see if it is possible to have somebody with foresight to get the problem of the culverts being too small corrected while the line work is taking place.

Commissioner Lane agreed with the comment of Commissioner Mills and asked the Manager if he had understood that the easement agreements were nearly resolved without condemnation. Mr. Greene replied that was the word he received today.

The Chairman stated that if this item is delayed tonight, and it is resolved amicably, then it will become a moot point. The County Manager accepted a delay until the next meeting.

Commissioner Mills offered a substitute motion to delay action until the next meeting. The Chairman asked that as part of the motion that information be provided at the next meeting as to the construction of the line and if larger culverts are included in the design. The motion passed unanimously.

COMMENTS FROM COMMISSIONER OPENSHAW REGARDING WATER RATES AND IRRIGATION POLICY:

Commissioner Openshaw stated that he and other Commissioners have received a number of emails stating that the property owners are at work on certain days and that is the only day that he/she could water the lawn or wash the car. He said he talked with the County Manager and suggested that residents be allowed to wash their cars on the days that they are authorized to water plus weekends—Saturdays and Sundays—so they have some variables. He said another issue that bothers him and one that he is not happy about is the water rates. He reported that he received utility rate comparisons as the Chairman requested earlier when this subject was last before the Board. He said in reviewing these, he learned that Union County’s citizens fare well with the rates for usage. He said other than those customers at the highest level fare very well, in fact, Union County’s rates may be one of the lowest. Commissioner Openshaw noted that the water rates in Union County are one of the lowest rates in the region for basic household use. However, he said it read that the adopted rates were structured to influence behaviors of the water consumers and there was some good economic rationale from the staff’s part. He said that the Public Works’ staff has calculated that 19 percent of the residential/irrigation customer base used 51 percent of the water. Commissioner Openshaw stated that he received a lot of phone calls from residents who were going to drill wells because they had done their math, and it is cheaper to drill a well than to pay the water bill. He said he had done some research on it and in 2005, the last time this Board increased rates, he had quotes from the Public Works Director at that time saying that the County’s customers have chosen to pay the rate and use the water. He said the last increase in rates did not discourage water usage and in January 2007 he suggested the County look at raising rates to discourage excessive irrigation. But, he said in thinking about it more that it appears half the county is still serviced by wells; the rates are encouraging people to get out of the County’s system and connect to wells. Commissioner Openshaw said his concern is that no one knows how much water is in the ground. He also said he had talked with a private well driller about this, and he agreed there has never been a good study to determine how much water there is. Commissioner Openshaw said that if the residents create a problem with the water table, and stressed it is an “if”, and the County knows how much water is above ground, and if it is not enough, the County can ultimately remedy the water situation above ground but questioned rhetorically if anything could be done about the water underground. Commissioner Openshaw said if the County runs out of water in wells, it is going to be very difficult for the County to deal with, and it would be very expensive to run water to those in need. He said the County has already been told by a previous Public Works Director, if the real reason to raise rates is to discourage water usage, it does not work.

Commissioner Lane voiced his agreement with Commissioner Openshaw on the adverse effects of wells. He said he is on well water and had to drill 360 feet to have 3 gallons per minute, which is not a lot, but that he does have a reservoir to draw upon. Commissioner Lane said he would not do any lawn watering with it because some of his neighbors' wells went dry during the last drought. He said one neighbor had to drill three wells and on the last one had to go 500 feet, He stated that he would debate whether or not drilling a well is cheaper than using County water. He said he had to replace his pump ever so many years and that is expensive.

There was some discussion about the status of the Board's request to the legislative delegation about there being some control over wells that are drilled.

Matthew Delk, Assistant County Manager and Interim Public Works Director, explained that the matter was placed in the Governor's recommended Drought Bill, and it was removed in conference by the General Assembly in the version that was actually adopted. He said, however, there is a Study Commission beginning this year that will start looking more into the matter. He said he was not confident that it will come back up in the next session.

Mr. Greene said he thought it important that the folks understand the issue. He admitted that he did not know how many citizens will be encouraged to drill wells for irrigation and is not sure what effect that would be on the ground water. He said what he did know and it is his primary concern that the County's public water supply on peak days is over its capacity of 18 million gallons by 1.5 million gallons. He reiterated that 19 percent of the customers are using 51 percent of the capacity on those peak days. The County Manager said that on peak days residential irrigation is using seven to eight million gallons of the County's 18 million gallon capacity. He said that unless the new irrigation policy and the new rate structure changes the use pattern and the residential irrigation patterns that Union County is out of water capacity today; that he said is his primary concern, and that is the reason for the recommendation regarding the rates and the modifications to the irrigation patterns.

Commissioner Mills asked about the feasibility of Commissioner Openshaw's recommendation that citizens be allowed to wash their vehicles on weekends.

The County Manager responded that he thought that would be fine.

The Chairman asked if the County Manager could make that change under his responsibilities.

Mr. Greene responded that he would defer to Mr. Crook on that decision.

Mr. Crook gave the opinion that a motion is not necessary because the County Manager can make that decision based on consultation with the Board.

Commissioner Openshaw stated that one thing he had meant to do was to encourage those who wished to protect their vegetation and landscaping to install drip systems instead of allowing the lawn sprinkle to water the lawns. He stressed it is a more efficient use of water, and the plants add more value to a home than a lawn. He said another thing is that ironically the State allows private water companies to charge higher rates in hopes of discouraging people from using that water. He said that the County's policy is basically opposite because it is driving customers out of the system and causes them to tap into the water in the ground. Commissioner Openshaw stated that he was very curious to see the results of going to one-day a week watering but spread out over five areas of the county. He said he thought that would take care of the peak water problem for now. He explained that he thought there would be this discussion again some time in the future but the price increase for Stage 3 drought on water customers that like to water their lawns is 146 percent. He stressed that he thought this increase to be excessive, and it certainly increases the payback time of a well.

HOSPITAL LEASE EXTENSION:

The Chairman stated the next item and moved that the County Manager be authorized to (i) engage an attorney with expertise in hospital law; (ii) waive any potential conflict of interest of such attorney on behalf of Union County; and (iii) engage consultant to value hospital assets and the proposed transaction; and (iv) to complete these transactions and have proposed hospital lease extension within 45 days and report to Board during the interval.

Commissioner Openshaw said he was glad the Board is doing this and thanked the staff for getting the County to this point but expressed two concerns. The first concern is that the Board is putting the cart before the horse because part of the motion is to have the value of the system determined so that the County knows its true value. He questioned why hire an attorney until such time as the value is known. Secondly, he said, once the value is known that he had no problem with employing an expert but that he does have a problem with the wording to waive any potential conflict of interest of such attorney. Commissioner Openshaw said his perspective is that before the County waives a conflict of interest that he would like to know what the conflicts of interest potentially are. He emphasized that other than those two concerns he thought it was a tremendous idea.

Commissioner Openshaw made a substitute motion that the Board first engage a consultant to value the asset of the hospital and property and then after that step is completed the Board re-examine the need for an attorney.

Commissioner Mills stated he understood what Commissioner Openshaw is suggesting. He said it looked to him that for the consultant to value the asset of the hospital, it is going to be a separate item from the attorney. He explained it also appeared to him that these could be done concurrently; the lease that the County currently has and the one that is proposed is what the attorney will be studying.

Vice Chairman Pressley asked if the County would not need an interpretation of what exactly entails the hospital for the consultant to be able to put a value on the assets and a determination made as to who owns what assets. He asked the Staff Attorney is that not the first step.

Mr. Crook responded that he thought it is a function of time. He said if the Board is going to impose a 45-day deadline, then the attorney should be working concurrently with the valuation of the asset.

The Vice Chairman further asked if the attorney will be working with the consultant in determining ownership of certain aspects of the asset.

The Staff Attorney responded that there is a potential for overlap but that each would work fairly independent of one another.

Commissioner Lane said that he did have one issue with the attorney that has been selected and that is the potential for a conflict of interest. He asked if other firms with expertise in hospital law have been contacted to determine if they too have the potential for a conflict.

Mr. Crook responded that he has done that. He said the attorney has an ethical obligation to point out any potential conflict of interest and the purpose of the item on the agenda is for flexibility and to save time. Mr. Crook said it is to give the Manager authority to analyze that potential conflict and to waive it on behalf of the county. He said if it is something that the Board would want returned to it, that could be done as well.

Commissioner Openshaw said that the role of the attorney is something else that he would want input on. He said if he is going to analyze the lease as it exists, then that is of value, but he is not sure that attorney, unless so directed or has the expertise, is going to say "here are your alternatives". He suggested that a business consultant or a corporate financial advisor would be more appropriate to make the analysis. He asked if the attorney is going to basically analyze the current lease as it exists. He said he spoke with Mr. Crook prior to the meeting and asked him about the conflict of interest. He explained that Mr. Crook said that to his understanding the attorney will be

representing Union County versus representing the hospital. Commissioner Openshaw emphasized that it is only prudent to learn what is the conflict of interest.

Mr. Crook emphasized that the point he would make is that in the interest of time that he tried to identify a qualified attorney in the event the Board authorized the County Manager to approve the hire. He said that is not to say that this is the attorney but he would still have to get waiver from the Authority before he could do any work for Union County and assured that the attorney would be 100 percent on the side of Union County in that negotiation. Mr. Crook said the attorney hired may or may not be the gentleman identified; but, again, the action would be to give the County Manager authority and flexibility to do so.

The Chairman called for a vote on the substitute motion to receive information from the consultant that is going to determine the value of the asset prior to hiring an attorney.

The Vice Chairman again asked the staff attorney if there would be times that there would be an overlapping and the attorney and consultant would work together. Mr. Crook said that could occur but that he is not sure how that will work. He said as he foresees it they would be working fairly independent of one another, but there could be questions that would develop as far as valuation where the attorney might have to coordinate that information; perhaps, some overlap, but not a great deal.

Commissioner Openshaw in clarifying his position stated that if the consultant returns with a valuation of assets of \$300,000,000 to \$400,000,000 that the question would be: Does the County really want to tie up that much capital for a 40 year lease with a \$25,000,000 down payment? He said he thought in that scenario the County would not need to employ an attorney because the County does not need an issue like that. Commissioner Openshaw reminded that the current lease has 12 more years before its expiration.

The Chairman pointed out that along with the down payment of \$25 million there is also a \$200,000,000 guaranteed investment in the hospital.

The Chairman stated that part of the reason to engage the legal specialist is to make sure that the terminology is all correct and all i's and t's are dotted and crossed to make certain that everything that has been agreed to is done correctly where there is no chance of error or doubt.

Commissioner Openshaw said he agreed but questioned the timing of starting to rack up legal bills – whether to do it now or once the number is known.

Commissioner Mills said that although he could see Commissioner Openshaw's point that he looked at it from the standpoint of saving money by having them to work concurrently.

The substitute motion failed by a vote of two to three. Commissioners Openshaw and Lane voted for the motion and Chairman Baucom, Vice Chairman Pressley and Commissioner Mills voted against the motion.

The Chairman called for a vote on the original motion. The motion passed by a vote of four to one. Chairman Baucom, Vice Chairman Pressley, Commissioner Lane and Commissioner Mills voted for the motion. Commissioner Openshaw voted against the motion.

PARKS AND RECREATION:

Cane Creek Project:

The Chairman recognized the County Manager to present the items on Parks and Recreation.

Mr. Greene stated that the next two items for Parks and Recreation are both capital projects that are reflected in the County's current Parks and Recreation Capital Project Ordinance. He explained that the Welcome Center/Check-in Station/Camp Store at Cane Creek Park and the Jesse Helms Park Bridge are both in the preliminary or concept design stages and both appear, based on the preliminary cost estimates, to be heading to a point where they would be over budget if the County were to accept bids at this time. The County Manager said that typically the staff would not bring a project at this early stage of design to the Board unless it was over budget. He said given the fact that the Board has two capital projects in one department that are both potentially over budget, he wanted to bring them to the Board's attention and seek authorization to proceed with the design work. Mr. Greene said there are some bid alternates that could possibly save funds. He asked Wanda Smith, Parks and Recreation Director, to come forward and together they would make themselves available to answer any questions that the Board might have on these two projects.

Mrs. Smith reported that the Cane Creek Master Plan called for the Welcome Center to be 1,800 square feet but the building is designed at 1,750 square feet.

The Manager stated that the cost estimate is \$290,000 and noted that a lot of the cost is in site work i.e., grading, paving, curb and gutter for parking, etc.

Mrs. Smith explained that the site selected is on the recently purchased property. She said it was 4.94 acres in size and the County paid roughly \$50,000 for that property. She reported that the project's architect, John Dickerson, is present tonight. Mrs. Smith said that if the Board had specific questions about the cost estimates that she would refer those to Mr. Dickerson.

The County Manager stated that there have been some articles in the newspapers that were not quite accurate and offered if the Board had questions about the project that Mr. Dickerson, Project Architect, and/or Barry Wyatt, General Services Director, are available to answer these.

The Vice Chairman asked if these projects are going to change if the Board looks at construction alternatives. Mrs. Smith assured that there would definitely be alternates included in the bidding process.

John Dickerson stated it was a pleasure to be present. He said that he does not have a firm list of alternates but what he and County staff are trying to do is to prepare the construction documents and finishes, such as floors, walls, etc, that can easily be changed when bids are received. He said there is a possibility of building a fireplace and an alternate could be on that item. Mr. Dickerson said that the basic shell structure, mechanical, electrical and plumbing parts of the project cannot be changed in the construction documents. He said the design development has been completed; it's a simple structure and explained that he used a similar method on this project as he used on the Agricultural Center – quality and economy of both the design and construction of the project. Mr. Dickerson said that he got information from three general contractors, and at this time it appears that the construction will be approximately \$100,000 over what was allocated two or three years ago for the project. He said before he goes into preparing the construction documents, he and the staff wanted to know what the Board prefers it to do at this time.

Commissioner Openshaw stated that he is liaison with that board and there have been at least two meetings in which this has been discussed. He said that the material in the paper was misleading; he said it was a little opulent for what he thought was necessary but on the other hand, it is not only just a sign-in station, it is also the camp store so it is replacing the existing camp store.

Mrs. Smith agreed that it is replacing the camp store and there is a function planned for the existing camp store. She said that will be used for a maintenance building instead of building one, which was estimated to cost about \$100,000.

Commissioner Openshaw said that some on the Parks and Recreation Advisory Board had concerns about this. He said he had not supported the twenty-foot ceilings and columns but could support the nine-foot ceiling. Commissioner Openshaw said he was not sure of

the number of bathrooms needed but would have to defer that to the architect and staff, but it would seem to him that one restroom would be sufficient unless it's required that there be more than one restroom. Mr. Dickerson replied that only one bathroom is on the plan. Commissioner Openshaw said people were talking about the cost of this like it is an incredible amount per square foot. He asked Mr. Dickerson to give the construction cost per square foot.

Mr. Dickerson said the cost per square foot for the building is estimated to be \$157. He said that there is also site work and a front porch and pointed out that the interior square footage cost is a little over \$150 per square foot. Mr. Dickerson noted that relatively speaking it is a small building and that is what increases the cost per square foot. He said if this building was a 10,000 square foot building, the cost would be significantly less.

The Vice Chairman asked if the cost is increasing due to the finished floor elevation. Mr. Dickerson responded he had originally wanted to use a crawl space but the building is now slab on grade and that the area on which it is to be built was selected because it had the most economical grading plus it has good visibility. He stressed even before the project got to this point that he and the staff have gone in and taken steps to reduce the cost. Mr. Dickerson said they had looked at wood windows but had learned that they could save between \$15,000 to \$18,000 by selecting aluminum windows. He said they made these types of decisions upfront before preparing the final cost estimate.

The Chairman asked if the maintenance facility is in the CIP plan at this time. Mrs. Smith responded that the maintenance facility is not in the existing CIP but it is in the Parks and Recreation Master Plan.

The Chairman asked Mr. Wyatt as far as operations and maintenance is concerned is the high ceiling more expensive to clean. He replied that it might be more expensive to heat and cool than if it were a lower ceiling, but assured that with the size of the building, it will be relatively insignificant. Mr. Wyatt said he did not think cleaning would be a major problem.

Mr. Dickerson said that the plan currently has a wood ceiling but that one of the alternates would be to replace the wood ceiling with a sheetrock ceiling. He assured that the height of the ceiling for maintenance should not be a problem. He said the building does have an open ceiling and that might be the most exciting part about it when children and other visitors come through, they will see columns, beams and roof rafters, and they will start to understand what holds the building up. Mr. Dickerson said they were trying to integrate that into the project.

The Chairman asked Mr. Dickerson if he thought the building could be brought in on budget with the alternates. Mr. Dickerson responded that it would depend on what the budget is but at the current budget the answer would be no.

Mr. Wyatt stated that he thought the County would be in a good bidding climate and now is a good time to get the project started.

Commissioner Mills asked if it is possible to bring the ceiling down and get into some cost-saving mode.

Mrs. Smith stated that the reason the committee looked at this is because Parks and Recreation is trying to follow the Master Plan as closely as possible and the Master Plan states that the camp store/check-in station will be in comparison to the cottages that the Parks will have. She said the perception of the cottages is to have some open space and possibly a loft. Mrs. Smith said that while a loft is not possible in this public building, it was hoped to do some things that are similar. Mrs. Smith said that this particular area does survey the family area, the wilderness area, group area, and horse-camping area. She stressed this is the central location and anyone who comes into the park will need to stop at this building. She said it is gated so they will need to step in before they get past that point.

Chairman Baucom asked about the fireplace. Mrs. Smith said that it was removed by the staff and the Advisory Committee voted at its last meeting to put it back in. She said she had no problem including the fireplace as an alternate.

Commissioner Lane asked why the committee voted to put it back in. Mr. Dickerson said it was decided at the meeting to do so for the ambience.

The Chairman asked what would be the cost of the fireplace. Mr. Dickerson said it would be between \$10,000 and \$12,000. He said that it would probably be \$10,000 when you consider that when you take it out, the cost of the wall must be added back in.

Commissioner Openshaw said that he had always been aesthetically oriented so he appreciates the fact that the architect is trying to do something nice and he particularly thinks the outside is important. He said he could see the pluses of the fireplace but to get the old feel, he questioned why the whole front is glass. He said he did not think windows would be very energy efficient.

Mrs. Smith said that they have a program that they are trying to put together which serves a lot of purposes. One of those is to have sight of the entrance not only during the day when campers are coming and going but during the evening hours when the Park has people who have to leave to go to work or ladies who come in late at night from work and emphasized that they want to be able to see what is going on—what kind of traffic.

Mr. Dickerson said that security was a concern about having maximum visibility but also the thought of having transparency so that when one is driving in the evening or any time, the light is visible and it is more inviting than one that is closed off with more walls.

Mrs. Smith said the store will have free-standing shelves for merchandise.

Commissioner Openshaw asked the hours of operation. Bill Whitley, Assistant Director of Parks and Recreation, stated that the store will most likely be kept open from 10:00 a.m. until 7 p.m., seven days a week versus the four days previously. He said they will remove some of the reservation work in the day use area and relieve some of the workload and concentrate that into more day-use area maintenance. He assured the hours will be as much as it can be.

Vice Chairman Pressley said that he was all for saving money on this project but thought that the ceiling is one of the cheapest, square-footage looks that it can build. He said he thought that by the time the rafters are added and the ceiling rafters are added that there will not be a savings. He said he does see a savings that would possibly be in the wood boards that will be on the ceiling. He asked what the advisory board members who are in construction say about this issue. He agreed that the vaulted ceiling comes in as a “wow” factor that is basically a wash.

Mr. Dickerson said that he would guess, but emphasized that he does not have the detailed estimates, that there would be some savings but agreed that it would be minimal. He said that the inside creates a response and the public understands it. He said that he has had people say on the Agricultural Center that it didn't matter what the outside looked like that it was the inside that made the project work. He reiterated that the outside is a very simple cabin form, a regular A-frame gable roof and there is nothing extravagant there. He said the alternative would be to put a flat sheetrock ceiling or install a suspended acoustic ceiling panel.

The Vice Chairman stated that he would guarantee that the cost savings between those options and the vaulted ceiling would be minimal.

Mrs. Smith said the Advisory Board had reviewed it twice and they want the Architect and staff to look at alternates on many of different features.

Following the discussion, motion was made by Commissioner Openshaw that the architect and staff be authorized to proceed with design development to include design/construction alternates, obtain architect updated project construction costs based on completed design development and return to Commission with updated costs for further direction. The motion passed unanimously.

Jesse Helms Park Bridge:

Mrs. Smith stated that a consultant is present from the bridge division of Stewart Engineering, Mr. David Ruggles, and asked that he come forward to answer any questions specific to the bridge.

The Chairman explained that the shortfall of this project appears to be \$80,000 and questioned if the asphalt portion of the project is not funded what would be the result.

Mrs. Smith responded that a portion of that would need to be completed and such as guard rails as well as a portion of the stone aggregate. She said that as far as the actual paving, it is felt that this could be deferred, which also could be an alternate in this bid.

Motion was made by the Chairman that authorization be given to proceed with design development to include design/construction alternates, one of which is the paving, obtain engineer updated project construction costs based on completed design development and return to Commission with updated costs for further direction.

Commissioner Openshaw stated that it obvious that the bridge needs to be done and the County has a PARTF grant where the County received \$500,000. Commissioner Openshaw said that he was looking to defer cost, if possible. He reminded that the PARTF grant stipulates that it must be completed within three years of the award. Commissioner Openshaw asked if there would be any advantage to the County to defer this project for a year. He asked what would be the downside to this.

Mrs. Smith responded that she thought it critical to get the bridge completed so the County can start the PARTF grant. She said that the County has three years to complete the project under the grant, but some of the construction is going to take a long time to get completed. Mrs. Smith clarified that the bridge is not a part of the PARTF grant; the bridge is County money.

The Chairman pointed out that until the bridge is completed, the County cannot get over to start construction included in the grant.

Commissioner Openshaw moved that authorization be given to proceed with design development to include design/construction alternates, obtain engineer updated project construction costs based on completed design development and return to Commission with updated costs for further direction.

It was noted by the Vice Chairman that the Chairman had already made a motion.

Vice Chairman Pressley asked the engineer what kind of water flows or if this stream is a wet weather creek. Mr. Ruggles answered that this is a stream. He reported that he is a structural engineer and the hydro engineer was unable to be present tonight. The engineer stated that it was a stream regulated by FEMA. He said there could be a concrete arch installed but that would require a flood map revision because it would raise the creek by about one-half a foot because of the restriction to the waterway. He stressed it would not only have to go through FEMA but also the Army Corps of Engineers and the NC Division of Environmental and Natural Resources because of the stream impacts.

In response to the question on arch and length, the engineer stated the span was 48 feet and the 52 feet is the length along the direction of the stream.

The Vice Chairman asked if the arch provides for free-flowing underneath that has to be undisturbed. The engineer responded in the positive. Vice Chairman Pressley stated that his point is that he had a similar situation with water fanning out and the Army Corps of Engineer looked at the flow, and he was able to go in and install a smaller culvert at a tremendous savings of accommodating a span of that width.

The engineer stated that he had asked the same question to the hydro engineer because it appeared to be a long span to him, but the hydro engineer explained that there is the creek and there must be a ten-foot set back from the top of the bank to the edge of the structure to minimize the stream impacts. He said if the opening is closed to a 20-foot opening then the stream is impacted, and it is much harder to go through the regulatory approval process. The engineer stressed there may be obstacles to getting it approved because of the stream impacts.

The Vice Chairman stated that just because there is a wide impacted area, the wetland's agent would come out and have the Army Corps also come and determine if there is an option to a half-million dollar bridge.

He said he could not answer the question as well as the hydro engineer could but he did know that the County needs the 48-foot span because of the stream impacts and regulatory approval.

The Chairman withdrew his motion.

Vice Chairman Pressley moved to delay action on this item and ask the hydro engineer to come and explain. He further said that during this delay he wanted to do some research on his own to get some questions answered since he had previously dealt with a very similar situation. Vice Chairman Pressley said he might be wrong but would like to have an opportunity to review it.

The engineer stated that he could understand that the county wanted the least costly alternative that it can, but stressed that the information that he has received indicates that a 48-foot span is required.

Commissioner Openshaw asked if there is any history as to how often this stream leaves its banks. He said he was not familiar with the stream and didn't know if the bridge would have to be elevated as it is drawn.

Mrs. Smith responded that the stream does leave its banks. She said she had been there when there had been heavy rain and it has left its banks. She pointed out that on the picture there is a line where the water floated the brush back.

After discussion, the motion to delay passed unanimously.

VEHICLE USE POLICY:

The Chairman recognized Keith Richards, Risk Manager, who presented proposed changes to the Vehicle Use Policy, which has been in effect for several years. He said that on any given day Union County has more than 400 vehicles in use around the county. He said the changes proposed will help the County to mitigate the risk in the operation of those vehicles. He said there are several changes including clarifying the proper use of the County vehicles and personal vehicles while conducting County business, establishes a requirement for a defensive driving course, and establishing a point system to record traffic convictions and at-fault accidents so as to ensure frequent offenders are not driving while conducting County business. He explained that the driving class and point system were added at the recommendation of the Loss Control Consultant at St. Paul Travelers.

He said the proposed revisions have been reviewed by the Sheriff, Transportation Director, Public Works, Internal Auditor, and General Services. He said this policy does not address the type of vehicles being purchased. He noted that a committee was recently established to review those specifications and the report will follow at a later date.

Commissioner Openshaw stated that he had asked for this some time ago and was proud that the staff was bringing it forward due to the high cost of fuel. He said one of the most common complaints at budget time is from the public directing the Board to look at the number of County vehicles. Commissioner Openshaw said he thought the recommendations coming from the insurance company were great if they are going to save the County money.

The Vice Chairman asked Mr. Richards what he was requesting the Board vote on tonight.

Mr. Richards responded that the policy had been in place for a number of years and it has been historically written from a risk management prospective, but this revision includes a few other recommendations. He reiterated that another committee will be bringing forth a recommendation on types of vehicles to be purchased, etc.

Commissioner Lane said it appeared that a lot of work went into this document and he appreciated the efforts of the staff.

The Chairman asked Mr. Wyatt if he knew when the report will be forthcoming on what types of vehicles are to be purchased for specific needs etc. Mr. Wyatt stated that it is hoped that the report will be back before the County actually starts the budget process.

Commissioner Openshaw asked about the take home criteria for county vehicles. Mr. Richards responded that this issue was also being addressed.

The Vice Chairman again asked for clarification and reviewed his understanding. He said the Board is working from a policy that it now has in place and these revisions as presented tonight in the memo will go into effect immediately. Mr. Richards responded that the revisions in the memo are the significant ones but stated there are smaller ones within the policy.

He noted the proposed significant changes that serve to clarify the intent of the Vehicle Use Policy as follows:

- A points system designed to suspend driving privileges for drivers not operating a vehicle in a safe manner. The points system is recommended by St. Paul Travelers Loss Prevention Department.
- A pre-trip vehicle inspection checklist for all County vehicles.
- A requirement to attend a defensive driving class once every three years facilitated by the Risk Manager.

- A requirement the County vehicle be seen by the Garage at the earlier of six (6) months or 5,000 miles for preventative maintenance and an inspection of safety related equipment, versus the current requirement of every 10,000 miles
- A proposal to discourage cell phone use while driving unless in the event of an emergency.
- Forbidding the use of tobacco products in a County vehicle.
- Encouraging County drivers to report minor damage to the Garage. By doing so, the appearance of County vehicles will be maintained.
- Only allowing passengers in the County vehicle who are County employees or other individuals conducting County-related business.
- Only allowing private passenger vehicles to be used while driving a personal vehicle on County business.

The Chairman moved that the revisions to the County Vehicle Policy be approved and called for a vote. The motion passed unanimously.



UNION COUNTY VEHICLE USE POLICY

Revised September 2008

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PURPOSE

Providing safe working conditions is essential to protecting the employees and assets of Union County (“County”). For the safety of County employees and the public, the County seeks to allow only employees with a safe driving history to operate County vehicles. The term “County vehicles” shall include all vehicles owned, leased or rented by the County.

The purpose of the Vehicle Use Policy shall be to establish a policy on the use of County vehicles to ensure proper preventive maintenance procedures are being followed, that repairs are being handled correctly and cost efficiently, and that vehicles are being utilized correctly. The Vehicle Use Policy also addresses County employees’ use of personal vehicles while conducting County business.

The Board of County Commissioners delegates to the County Manager the authority to deviate from this Policy as the Manager deems necessary to serve the best interests of the County. In addition, use of Sheriff’s vehicles for law enforcement activities shall be at the discretion of the Union County Sheriff. Any such deviation from this Policy or discretionary use of vehicles must, however, comply with applicable law.

Violation of the Vehicle Use Policy is subject to disciplinary action.

AUTHORIZED USE

No Private Use

The use of a County vehicle is governed by North Carolina General Statutes, the Internal Revenue Code and County policies. General Statute 14-247 states that “It shall be unlawful for any officer, agent or employee ...of a county...to use for any private purpose whatsoever any motor vehicle of any type or description whatsoever belonging to ...any county...” As this statute explains, “It is not a private purpose to drive a permanently assigned state-owned [County owned] motor vehicle between one’s official workstation and one’s home...”

Union County may assign employees the use of vehicles for commuting purposes, between work and home, when it is necessary for the performance of duties related to the delivery of essential services. The Department Head must approve the commuting arrangement and obtain the County Manager’s approval before an assigned vehicle may be taken home. County employees who live outside the County will not be allowed to commute in County vehicles unless it is in the best interests of the County as determined by the County Manager. Once the commuting arrangement has been fully approved, the Department Head must notify the County Finance Department.

Approved commuters are expected to use the shortest, most direct route between their assigned workstation and home.

Approved commuters are permitted the use of County vehicles assigned to them for: 1) travel between work and home, or 2) to obtain meals and other work related necessities while on duty.

Withholding Requirements for Commuters

The Internal Revenue Code (the “Code”) requires the value of using a County vehicle for commuting to and from work to be taxed as income subject to Federal, State and FICA withholding requirements.

Personal use for commuting shall be valued at \$1.50 each way when:

- The vehicle is owned or leased by the County.
- The vehicle is provided to the employee for “official” government use.

- The County requires the employee to commute in a County owned or leased vehicle due to a valid non-compensatory “official” government purpose.

If more than one employee is required to commute in the same County owned or leased vehicle for an “official” government purpose, THEN the \$1.50 commuting valuation shall apply to each employee in the vehicle.

Certain types of vehicles are specifically excluded from the “code” requirement of taxing the value of commuting in a County vehicle. These vehicles include all sheriff’s department vehicles, the Fire Marshal’s vehicle, any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds, dump trucks (including garbage trucks), flatbed trucks and “qualified specialized utility trucks” which is defined as any truck (not including a van or pick-up truck) specifically designed and used to carry heavy tools, equipment, or parts, if shelves, racks or other permanent interior construction have been installed to carry and store such items. A pick-up truck with only a toolbox attached is therefore not exempt.

Driver Qualifications

Only County employees, or other individuals authorized by Risk Management to operate County Vehicles, who hold a valid North Carolina or other state driver’s license, and who meet the following Driver Qualifications, shall be allowed to operate County vehicles or drive their personal vehicles while conducting County business:

1. Must not have a suspension or revocation of their driver’s license within the last three years.
2. Have at least one year of experience in the class of vehicle to be operated or have received proper training in the operation of the vehicle, as approved by the Risk Manager, prior to use.
3. Must meet driver’s licensing requirements.
4. Will not qualify for a company vehicle if, during the last 36 months, the driver had any of the following experiences:
 - Been convicted of a felony.
 - Been convicted of sale, handling, or use of drugs.
 - Has automobile insurance canceled, declined or not renewed by a company for reasons related to unsafe driving practices.

- Has 12 or more points assigned to their driving record. Points are assessed by the Risk Manager for traffic convictions and automobile accidents occurring during business or personal use. (See Appendix A for Point System.)

All County employees are required to report any Driving While Intoxicated (DWI) arrest, or any other drug or alcohol related arrest while driving, whether on or off duty, to their Department Head and the Risk Manager. The employee's driving privileges will be suspended until final disposition by the courts. Failure to report the arrest will be considered a failure in job performance and/or personal conduct and shall be grounds for disciplinary action.

All County employees must, upon request, provide a copy of their driver's license to the Personnel Department.

Use for Official County Business Only

Except as otherwise provided for in this Policy or in the County Travel Policy, County vehicles shall be used for official County business only.

RESPONSIBILITY OF VEHICLE OPERATORS & ASSIGNED CUSTODIANS

All County employees who operate County vehicles or their personal vehicles while conducting County business are required to operate them in a safe and lawful manner in accordance with the motor vehicle laws of North Carolina and any other governmental entity having jurisdiction. Approved commuters are responsible for making sure the County vehicle assigned to them is parked safely and securely when parked at the employee's home. The vehicle must be parked so that it is visible to the public.

Alcohol, Drugs, Tobacco and Firearms Prohibited

Possession, transportation, or consumption of alcohol or illegal drugs by anyone in a County vehicle is strictly forbidden, and no tobacco products may be used in County vehicles. The possession of firearms or weapons, concealed or otherwise, is also prohibited in County vehicles except by sworn law enforcement officers.

Traffic Violations

All County employees who are assigned a County vehicle or who drive any vehicle more than 10% of his/her work time are required to report any traffic violations, whether on or off duty, to their Department Head. Failure to report traffic violations will be considered a failure in job performance and/or personal conduct and shall be grounds for disciplinary action. Fines imposed on a County employee for a traffic offense committed while on or off duty are imposed on the employee personally and payment thereof is the employee's personal responsibility.

Personal Vehicles Used on County Business

Individuals using personal vehicles on County business are required to carry at a minimum, the North Carolina statutory auto liability limits as evidence of financial responsibility. This is the primary insurance coverage for the employee's vehicle at all times, including when the vehicle is used on County business. These individuals are required to provide the Risk Manager with evidence of insurance upon request.

Only private passenger vehicles may be used while driving a personal vehicle on County business. Exceptions may be allowed by the Sheriff for approved events.

Refer to the County Travel Policy for uniform interpretation of payment or reimbursement for travel expenses pertaining to official travel and subsistence.

Appearance

It shall be the responsibility of the employee to which a County vehicle is assigned to keep the vehicle in a state of cleanliness. County vehicles are a direct reflection on the County and as such should portray a professional appearance.

Maintenance and Repair

The assigned custodian of a County vehicle shall be responsible for ensuring that the state vehicle inspection is timely performed each year and that regularly scheduled maintenance (i.e., lube and oil changes) is performed as required by scheduling the work through the garage operated by Union County Fleet Services (the "Garage"). Regularly scheduled maintenance shall be performed on the earlier of either six (6) months or 5,000 miles. All operators of County vehicles shall check the tires of the vehicles they drive to ensure that the tires have adequate tread and that the tire pressure is maintained in

accordance with the vehicle specifications. Any unsafe County vehicle shall be reported promptly to the appropriate Department Head and taken to the County Garage for repairs.

All repairs involving incidents or accidents to a County vehicle shall be made through the Garage unless there is an emergency. No vehicles may be taken anywhere else for maintenance and/or repair unless appropriate County Garage personnel have referred them there. When the vehicle is brought to the Garage for repairs, the vehicle operator shall be required to fill out and sign a two part "Request for Repair Form" describing any problem with the vehicle. The Garage will keep one copy of the form to ensure that all necessary repairs shall be done, and the vehicle operator will return the other copy to his or her department.

In the event that an emergency arises during evening, weekend or holiday hours, the driver of the vehicle shall be allowed to have emergency repairs completed to the vehicle. However, the driver must notify his Department Head and the County Garage on the next business day. For these situations, an emergency shall be defined as the breakdown of a critical vehicle (resulting from mechanic failure, an accident, or otherwise) where there is not another vehicle available for use.

In the event that towing shall be necessary, the vehicle operator shall call the Garage and the Garage will notify the wrecker service. If the Garage is not in operation, the driver may call for a wrecker service approved by the County Garage. There is a supply of business cards in the Garage with phone numbers for the approved wrecker service(s). This information should be kept in the County vehicle at all times. If the approved wrecker service(s) cannot handle the call for whatever reason, then the driver may use another wrecker service.

Damages to County vehicle shall be reported to the County Garage, which will make the final determination on required repairs. If Garage personnel determine that repairs are required and the damages had not been previously reported to the Garage, the repairs shall be charged back to the respective Departments as a Preventable loss.

Incidents and Accidents

All vehicle operators are required to report any accident or other incident involving a County vehicle immediately, or as soon as possible, to their Department Head and the Risk Manager. In the event of an accident, the vehicle operator shall also:

1. Contact the appropriate investigating agency, regardless of the extent of damages.

2. Not discuss the circumstances of the accident with anyone other than the investigating officer, the County's insurance carrier, or persons conducting an internal investigation.
3. Make no attempt to reach a settlement.
4. Get the name, address, and phone number of all involved parties and witnesses.
5. Take photographs of the accident or incident scene if possible.

A County Vehicle Incident Report Form shall be filled out in its entirety by the County driver immediately after the incident or accident, or as soon as possible, and sent to the Risk Manager. If a police report is prepared, the driver, Department Head, or the Department Head's designee is responsible for picking up a copy of this report and providing it to the Risk Manager.

Vehicle Logs

Vehicle logs may be placed in vehicles at certain times by County Administration to help gather information to help the County assess its vehicle needs and usage patterns. When this happens, each driver will be responsible for ensuring that there is a vehicle log in his or her vehicle and that it is filled out each day. When a page is filled out completely, the driver is responsible for getting his or her Department Head's initials on the sheet showing that they have reviewed the record.

Vehicle Inspection Checklist

Each employee who is assigned a County vehicle shall complete a Vehicle Inspection checklist (Appendix B) and provide a copy to the Department Head, or their designee, no less than once monthly as determined by Department Heads.

Gas Stations

Only approved gas stations may be used unless there are extenuating circumstances. Fleet Services periodically provides a list of approved gas stations. The driver shall input the correct odometer reading.

Passengers

Only passengers on County business are allowed in County vehicles, for example, local Government officials and contractual relationships.

Cell Phones

The use of a cell phone while operating a County vehicle or while operating a personal vehicle while conducting County business is discouraged except in emergency situations. Employees are encouraged to pull to the side of the road when using a cell phone. Cell phones should not be used while pumping gasoline.

Defensive Driving Training

Each employee who is assigned a County vehicle or who drives any vehicle more than 10% of his/her work time, shall be required to attend a Defensive Driving course facilitated by the Risk Manager no less than once every three years.

RESPONSIBILITY OF DEPARTMENT HEADS

[As used in this section, "Department Heads" shall mean Union County Department Heads or their designees.]

It shall be the responsibility of Department Heads to manage the County vehicles assigned to their department.

Department Heads shall verify that all employees provide a copy of their driver's license to the Personnel Department upon request, and ensure that their employees keep all County vehicles assigned to their departments clean and presentable.

It shall also be the responsibility of the Department Heads to ensure that the license tag of each vehicle assigned to his department is turned into the County Garage when the vehicle is removed from service.

Traffic Violations and Accidents

The Department Heads shall be responsible for making sure that all traffic violations and accidents reported to them by their employees are reported promptly to the Risk Manager.

All accidents occurring during normal business hours involving a County vehicle should be reported by the Department Head to the Risk Manager immediately upon knowledge of the accident. If the Risk Manager is not available, it should be reported to the Personnel Department.

Maintenance and Repair

The Department Heads shall be responsible for making sure that their employees keep all County vehicles inspected and maintained on a regular basis.

Except for emergency situations, Department Heads shall be responsible for ensuring that all County vehicles needing repairs and/or maintenance shall be taken to the County Garage first for repair. No vehicles may be taken anywhere else for maintenance and/or repair unless appropriate County Garage personnel have referred them there.

All outside work (work done other than at the County Garage) must be approved in advance by the appropriate Garage personnel. Invoices pertaining to vehicle maintenance must be sent to the County Garage for approval before they are sent to the Finance Department for payment. No invoices shall be paid by Finance that has not been presented to the Garage first. The Department Head is responsible for ensuring that any invoices that they might receive for services and/or supplies are being coded with the proper expense account numbers. Repairs that are not pre-authorized by the Garage, except for emergencies, shall be the responsibility of the respective Department Head, designee and/or the vehicle driver. The Department Head shall also be responsible for filing the "Request for Repair Form" that is filled out by their department's drivers when they have their vehicles repaired at the Garage.

Vehicle Logs

If vehicle logs are placed in the vehicles for usage studies, Department Heads shall be responsible for ensuring that these vehicle logs are located in each vehicle assigned to their department and that the individual drivers are filling them out daily. The Department Heads shall verify this by initialing each vehicle log sheet as it is completed.

Recalls

Department Heads shall designate one individual from their department, either themselves or someone else, to be the contact person to handle manufacturers' vehicle recalls ("recalls"). Department Heads shall provide the Garage Supervisor with the name and contact information for the selected person. Garage personnel will notify this person whenever a recall is issued on a vehicle in their department. The designated contact person shall then schedule the recall repairs with the help of the Garage. Once notified by Garage personnel, it shall be the responsibility of the designated contact person to ensure that the vehicle recall repairs are taken care of in a prompt and efficient manner.

RESPONSIBILITY OF PERSONNEL DEPARTMENT

Drivers' Licenses

A copy of the driver's licenses of all employees shall be provided to the Personnel Department upon request. A visual check of the driver's license shall confirm the following:

- Signature matches the individual.
- Photo resembles the individual.
- Description and address fits the individual.
- The expiration date has not passed.
- The license has been issued by the state in which the individual resides.

RESPONSIBILITY OF GARAGE PERSONNEL

All new County vehicles shall be delivered to the County Garage, and Garage personnel shall promptly forward to General Services all papers transported with each vehicle.

Garage personnel shall make available all vehicle information on particular vehicles when requested to help determine which vehicles might need replacing, and shall advise the Risk Manager of every addition or deletion of a vehicle to County's fleet in order to obtain adequate insurance.

Garage personnel shall also be responsible for making sure that all license plates from vehicles taken out of service are turned into DMV. The receipt that DMV gives for the license plate being turned in will be placed in the file of that vehicle.

Maintenance and Repair

It shall be the responsibility of County Garage personnel to establish a maintenance file on each County vehicle for the purpose of assuring that all recommended maintenance is being completed for each vehicle.

Each time repairs or maintenance are completed on a vehicle, a description of the work, the date, and the name of the mechanic who performed the work shall be entered into the appropriate vehicle maintenance file and in the maintenance software program installed in the Garage computer. Garage personnel shall also place a sticker on the inside of each vehicle they service that states the mileage and the service date for the next scheduled recommended service.

A full regularly scheduled service consists of changing oil and checking filters, brakes, all fluids, belts, air pressure in tires, and any physical condition that may present problems later.

It shall be the responsibility of County Garage personnel to maintain the vehicles according to the manufacturer's specifications. All repairs and/or maintenance shall be completed according to industry standards.

Garage personnel shall authorize the purchase of tires including the appropriate size and number of tires for the particular vehicle. In the event of a disagreement, the Director of Fleet Services shall have the responsibility of having the final say on whether or not vehicles need tires, how many tires they need, and the appropriate type of tire for that particular vehicle. The size and use of the vehicle shall be considered in making this determination. Garage personnel shall issue a signed requisition slip to the driver of the vehicle to take to a designated tire company to have the tires installed. It shall be the responsibility of the Garage personnel to check when servicing vehicles to see if the tires need rotating.

If Garage personnel notice vehicles that are obviously not being kept clean and presentable, they are to report it to the appropriate Department Head or designee and to General Services. Garage personnel shall report to the appropriate Department Head or designee and to General Services any obvious or apparent abuse of County vehicles. If, in the opinion of the Garage, repairs are required for damages not previously reported to the Garage, the repairs shall be charged back to the respective Departments as a Preventable loss.

Garage personnel shall provide the Risk Manager with copies of any repairs involving vehicle accidents for submission to the insurer for claim recovery.

Recalls and Warranty Work

It shall be the Garage's responsibility to handle all manufacturers' vehicle recalls. Upon receiving a "recall" notice, Garage personnel shall contact the designated person in the affected department and coordinate the taking of the vehicle to the appropriate dealership to have the "recall" repairs completed. Records of all recall repairs shall be placed in each vehicle's file and entered into the maintenance software program.

Garage personnel shall also be responsible for coordinating all warranty work to be done on County vehicles. Copies of warranty work invoices shall be placed in each vehicle's file and entered into the maintenance software program.

RESPONSIBILITY OF GENERAL SERVICES

Registration, Title and Tags

General Services shall be responsible for the proper registration, title and tags of new County vehicles upon receiving the appropriate paperwork on all new vehicles from the Garage and/or departments. All Union County vehicle titles shall be retained and filed in the office of General Services, with the exception of community transportation van titles held by NCDOT.

Regularly Scheduled Maintenance

It is the responsibility of General Services to maintain records to ensure that all County vehicles receive regularly scheduled maintenance on the earlier of either six (6) months or 5,000 miles. Should a vehicle custodian not make an appointment for regularly scheduled maintenance, General Services will contact the Department Head.

RESPONSIBILITY OF THE RISK MANAGER

MVR Reports

The Risk Manager, or his or her designee, shall be responsible for securing motor vehicle records (“MVR Reports”) for all employees at time of hire and for cause. MVR reports shall be secured on an annual basis for employees either assigned a County vehicle or who drive any vehicle more than 10% of his/her work time.

Additions and Deletions

The Risk Manager shall ensure that all County vehicle additions and deletions, once reported to him or her, will be included on the annual update of the Fleet Schedule for the insurance provider to ensure adequate insurance coverage.

Defensive Driving Course

The Risk Manager shall make a Defensive Driving course available periodically to all employees who are assigned County Vehicles or who drive any vehicle more than 10% of his/her work time.

Accidents

The Risk Manager shall be responsible for reporting all accidents involving County vehicles which may exceed the County’s deductible to the insurance company and negotiating all claim settlements within the deductible, with assistance from the County Legal Department, as required.

In the event that an accident involving a County vehicle is the fault of a third party, the Risk Manager shall coordinate all subrogation activities with County Legal Department or Insurer assistance, as necessary.

The Risk Manager shall maintain reports of vehicle accidents and distribute to the Department Heads quarterly.

The Risk Manager shall determine whether an accident is Preventable or Non-Preventable, assess points to the employee’s County driving record using the Driver Evaluation Point System (Appendix A), and recommend actions to encourage Loss Prevention and Safety Policy enforcement. However, all accidents involving high speed pursuits or emergency responses shall be handled by the Sheriff’s Office, and the Risk Manager shall not make any determination, assessment, or recommendation

with respect to such accidents. Should an employee disagree with the assessment of the Risk Manager, the employee may appeal the Risk Manager's decision to the Accident Review Board, whose decision shall be final.

The Vehicle Accident Review Board (Board) shall be composed of: one (1) representative from the Sheriff's Office; one (1) representative from Public Works; one (1) representative from the department of the driver involved in the accident currently under Board review; and up to three (3) additional County employees from any department appointed by the Risk Manager to serve on the Board.

The Board shall elect a chairman for the meeting. The Board shall review the decision and recommendations of the Risk Manager as they relate to the accident. The Chairman shall report the decision of the Board to the Risk Manager.

The form in which facts of an accident may be presented to the Board may include but are not limited to the following:

- A. Driver's report of the accident
- B. Law enforcement investigation reports
- C. Statement of witnesses
- D. Diagrams, photographs, and any other available evidence
- E. Past County accident history
- F. Statement of any County employee appearing before the Board on the employee's behalf

APPENDIX A

DRIVER EVALUATION POINT SYSTEM

DRIVER

AGE

| | |
|---|-----------------------|
| 6 | Under 21 years of age |
| 3 | Under 25 years of age |

SPEED RELATED MOVING VIOLATIONS

| | |
|---|---|
| 9 | Speeding in a school zone |
| 6 | Speeding > 15 mph over the speed limit |
| 6 | Driving too fast for conditions |
| 4 | Speeding <= 15 mph over the speed limit |
| 4 | All other speed related violations |

NON-SPEED RELATED MOVING VIOLATIONS

| | |
|----|--|
| 12 | Refusing a drug or alcohol chemical test |
| 12 | License suspended or revoked |
| 6 | Passing stopped school bus when lights are flashing |
| 6 | Reckless Driving |
| 6 | Leaving the scene of an accident |
| 6 | Driving after having license suspended or revoked |
| 4 | Failure to yield right-of-way to emergency or other authorized vehicle |

| | |
|---|---|
| 4 | Failure to follow instructions of police officer |
| 4 | Passing where prohibited by posted signs or pavement markings |
| 4 | Driving wrong way on one way street |
| 4 | Improper lane change |
| 4 | Following too closely |
| 4 | Passing on the wrong side |
| 4 | Failure to obey traffic instructions stated on traffic signs or traffic devices |
| 3 | Failure to yield right-of-way in manner required at uncontrolled intersection |
| 3 | Improper U-Turn |
| 3 | Improper turn |
| 3 | Failure to stay in proper lane |
| 3 | Making improper entrance to, or exit from, highway |
| 3 | Improper backing |
| 3 | Failure to signal |
| 3 | Failure to yield right-of-way at stop sign |
| 3 | All other non-speed related violations |

ACCIDENTS - Evaluated by Accident Review Board

| | |
|---|---------------------------|
| 0 | Non-preventable Accidents |
|---|---------------------------|

| | |
|---|---|
| 3 | Preventable Accidents with a parked vehicle or fixed object, with damages of more than \$200 and less than \$1,000. |
| 4 | All other Preventable Accidents where damages exceed \$1,000. |

ALCOHOL, DRUGS

| | |
|----|-------------------------------------|
| 12 | Alcohol or Drug related convictions |
|----|-------------------------------------|

SEAT BELT VIOLATIONS

| | |
|---|-------------------------------------|
| 3 | Applies to driver and/or passengers |
|---|-------------------------------------|

Driver Evaluation

Three (3) year MVR history is reviewed

The best drivers will have 0 to 3 points.

5 to 9 points indicate a questionable rating as a driver. Drivers with 5 to 9 points will be notified of the points on their County driving record and placed on probation. Employee will be eligible to continue to operate a County vehicle.

10 to 11 points indicate action is needed on the part of Management.

Employee will be placed on probation. Employee will not be allowed to drive County vehicle or personal vehicle on County business unless there are extenuating circumstances documented by the Department Head.

12 or more points is not acceptable. Employee will not be eligible to drive a County vehicle or personal vehicle while conducting County business.

APPENDIX B

VEHICLE INSPECTION CHECKLIST UNION COUNTY

Vehicle ID: _____ Driver completing report (Print) : _____

Next Service Due: _____ NC Inspection Date: _____

Pre-Start (if not applicable, state n/a)

| | |
|---------------------------------|--|
| _____ First Aid Kit | _____ Fire Extinguisher (properly charged) |
| _____ Oil Level | _____ Windshield Wiper Fluid |
| _____ Tires (Pressure and Wear) | _____ Coolant Level |
| _____ Spare Tire | _____ Jack/Lug Wrench |
| _____ License Plate | _____ Registration Card/Insurance card |
| _____ Seatbelts | _____ Horn |

Start Engine (if not applicable, state n/a)

| | |
|-------------------------------|---|
| _____ Oil Pressure | _____ Water Temperature |
| _____ Adjust rear view mirror | _____ Steering Operation |
| _____ Parking Brake | _____ Indicator Lights (High Beam, Brake, etc.) |
| _____ Defroster | _____ Air Conditioner |
| _____ Windshield Wipers | _____ Backup Alarm |
| _____ Turning Signals | _____ Head Lights (High and Low Beam) |
| _____ Emergency Signals | _____ Topped off with Fuel |
| _____ Reverse Lights | _____ Brake Lights |

** LIFT VANS ONLY **

Lift has been checked and run through full cycle (Yes/No) _____

Cleanliness of Vehicle (check if clean)

_____ Exterior _____ Interior _____ Truck Bed _____ Toolbox

NOTE ANY ADDITIONAL PROBLEMS DISCOVERED DURING INSPECTION

Signature of driver completing report: _____ Date: _____

Signature of Department Head or Supervisor _____ Date: _____

APPENDIX C
UNION COUNTY
VEHICLE ACCIDENT GUIDELINES

This guide, while it is designed to assist in determining the preventability of vehicular accidents, cannot list every causal factor that may be involved in a given accident. It does cover the most common aspects of the principal causes of accidents, and as such, it can serve as a guide only when considering preventability. From time to time revisions may be necessary to improve accuracy to apply to the facts of a case.

Struck While Parked

Non-Preventable if:

1. Driver was properly parked in a location where parking was permitted.
2. Vehicle was protected by emergency warning devices as required by federal and state regulations, or if driver was in process of setting out or retrieving signals.

Intersection Accidents

Preventable if:

1. Driver failed to control speed so that he could stop within available sight distance.
2. Driver failed to check cross-traffic and wait for it to clear before entering intersection.
3. Driver pulled out from side street in the face of on coming traffic.
4. Driver collided with person, vehicle or object while making right or left turn.
5. Driver, going straight through an intersection, collided with another vehicle making a turn.

Striking Other Vehicle in Rear

Preventable if:

1. Driver failed to maintain safe following distance and have vehicle under control.
2. Driver failed to keep alert to traffic conditions and note slowdown.
3. Driver failed to ascertain whether vehicle ahead was moving slowly, stopped or slowing down for any reason.
4. Driver misjudged rate of overtaking.
5. Driver came too close before pulling out to pass.
6. Driver failed to wait for car ahead to move into the clear before starting up.
7. Driver failed to leave sufficient room for passing vehicle to get safety back in line.

Sideswipe and Head-On-Collisions

Preventable if:

1. Driver was not entirely in the proper lane of travel.
2. Driver did not pull to the right and slow down and stop for vehicle encroaching on own lane of travel when such action could have been taken without additional danger.

Struck in Rear or Side by Other Vehicle

Preventable if:

1. Driver was passing slower traffic near an intersection and had to make sudden stop.
2. Driver made sudden stop to park, load or unload.
3. Driver's vehicle was improperly parked.
4. Driver rolled back into vehicle behind.

Non-Preventable if:

1. Driver's vehicle was legally and properly parked.
2. Driver was proceeding in own lane of traffic at a safe and lawful speed.

3. Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal or the directions of a police officer or other person.
4. Driver was in proper lane, stopped and waiting to make turn.

Backing Accidents

Preventable if:

1. Driver backed vehicle, causing accident, when such backing could have been avoided.
2. Driver failed to get out of vehicle and check proposed path of backward travel.
3. Driver failed to use a “spotter” if driver was in a position where the mirrors failed to show the hazard.

Accidents Involving Train

Preventable if:

1. Driver attempted to cross tracks directly ahead of train or streetcar.
2. Driver ran into side of train or streetcar.
3. Driver stopped on or parked too close to tracks.

Accidents While Passing

Preventable if:

1. Driver passed when view of road ahead was obstructed by hill, curve, vegetation, traffic, adverse weather conditions, etc.
2. Driver attempted to pass in the face of closely approaching traffic.
3. Driver failed to warn the driver of the vehicle being passed.
4. Driver failed to signal change of lanes.
5. Driver pulled out in front of other traffic overtaking from rear.
6. Driver cut-in short returning to right lane.

Accidents While Being Passed

Preventable if:

1. Driver failed to stay in own lane, or hold or reduce speed to permit safe passing.

Accidents While Entering Traffic Stream

Preventable if:

1. Driver failed to signal when pulling out from curb.
2. Driver failed to check traffic before pulling out from curb.
3. Driver failed to look back to check traffic if driver was in position where mirrors did not show traffic conditions.
4. Driver attempted to pull out in a manner, which forces other vehicles(s) to change speed or direction.
5. Driver failed to make full stop before entering from side street, alley or driveway.
6. Driver failed to make full stop before crossing sidewalk.
7. Driver failed to yield right of way to approaching traffic.

Pedestrian Accidents

Preventable if:

1. Driver did not reduce speed in area of heavy pedestrian traffic.
2. Driver was not prepared to stop.
3. Driver failed to yield right of way to pedestrian.

Mechanical Defects Accident

Preventable if:

1. Defect was of a type which driver should have detected in making a pre-trip or inspection of vehicle.

2. Defect was a type which driver should have detected during the normal operation of the vehicle.

All Types of Accidents

Preventable if:

1. Driver was not operating at a speed consistent with the existing conditions of the road, weather, and traffic.
2. Driver failed to control speed to be able to stop within assured clear distance.
3. Driver misjudged available clearance.
4. Driver failed to yield right of way to avoid accident.
5. Driver failed to accurately observe existing conditions and drive in accordance with those conditions.
6. Driver was in violation of County operating rules or special instructions, the regulations of any federal or state regulatory agency, or any applicable traffic laws or ordinances.

Accidents Involving Animals/Debris

Preventable if:

1. Driver was not operating at a speed consistent with the existing conditions of the road, weather, and traffic.
2. Driver failed to control speed to be able to stop within assured clear distance.
3. Driver misjudged available clearance.
4. Driver failed to accurately observe existing conditions and drive in accordance with those conditions.
5. Driver was in violation of company operating rules or special instructions, the regulations of any federal or state regulatory agency, or any applicable traffic laws or ordinance.

Non-preventable if:

1. Driver attempted to stop safely while maintaining control of the vehicle and stay in their lane of traffic.
2. Driver was operating at a speed consistent with existing condition of the road, weather and traffic.

COMPREHENSIVE PLAN WORK SESSION WITH BOARD OF COMMISSIONERS AND PRESENTATION OF RECOMMENDED WATER ALLOCATION POLICY:

The County Manager recommended holding a special work session and meeting on September 22, 2008, to hear an update regarding the status of the County's revision to the comprehensive plan and also a presentation of a recommended water allocation policy.

The Chairman moved that a Work Session be scheduled on September 22, 2008, at 6:00 p.m., to hear an update regarding the status of the County's revisions to the Comprehensive Plan and also a presentation of a recommended water allocation policy with the understanding that it might be necessary to recess the work session to another given date and time. The motion passed unanimously.

DISCUSSION ON LETTER FROM REECE GIBSON:

Matthew Delk, Assistant County Manager, reported that this matter was investigated by the County's legal team as well as the staff and it boils down to the fact that the County should have accepted the plans upon their initial submittal in January 2007. It was determined that the County did not accept the plans and that Mr. Gibson did attempt to submit and tender the plans as a development submittal. It was determined that had the County accepted the plans, and it should have accepted them, that Mr. Gibson would have been placed in a Third Priority Residential Project Tier under Section 8 of the policy.

Commissioner Openshaw repeated that the developer needs to have a written submittal and this person came in and told somebody during a period when Public Works was not accepting any applications. He said it did not strike him as appropriate.

Vice Chairman Pressley said that Mr. Gibson had the checks or paperwork that he had written to Public Works.

Mr. Delk said that it was confirmed with the employee that Mr. Gibson did come with plans to submit and that it was verified with the employee that the plans were not accepted.

Commissioner Openshaw said he did not have a problem with that but with the whole ball of wax. He questioned why Public Works was not accepting applications at that time. He said he thought there was also a level of approval that was required to qualify for this. He said Mineral Springs has documentation that it responded to the County specifying that it wanted sewer but the town is excluded. Commissioner Openshaw said that he did not quite understand where the dividing line is. He explained that he had thought it was

essentially projects that were already approved and now he is seeing things were a little different than he had thought. He said he would be glad to look at this or talk with the attorney but it seems to him that something just doesn't fit.

The County Manager interjected that it was an error on the part of the Public Works staff; they should have accepted the plans and they did not. He said this has been verified. Mr. Greene said that if the plans had been accepted, Mr. Gibson would have been included the policy.

The Staff Attorney explained that the purpose of the policy was to provide a window where they could provide a development submittal or a receipt of availability letter, which was to gauge the activity of the project. He further said that developmental submittals were accepted, and some were much less extensive than what this developer had done to actually prepare plans; so it seems arbitrary on the part of the staff to disallow his plans as a development submittal when others were accepted that were much less than what he had. He clarified one point in that he would not say that the County should have accepted plans during that period. He said there should have been a notation that there was a submittal that would have brought him into the policy.

GASOLINE AND DIESEL FUEL SUPPLIER CONTRACT:

He recognized Commissioner Openshaw who had requested this item be moved to the regular agenda. Commissioner Openshaw stated that he noticed there were only two bids and was curious as to why. He said he would think for \$1,300,000 for a three-year contract that there would have been more interest.

Mr. Wyatt stated that historically there have always been two bidders. He said six years ago it was Monroe Oil and three years ago it was Brewer Hendley Oil Company. He said currently it is Monroe Oil and soon it will be going back to Brewer-Hendley Oil Company. Mr. Wyatt further explained that three years ago, it was 2.9 cents over wholesale and this year it is 1.9 cents over wholesale and for the next three years it is zero cents over wholesale.

Commissioner Lane asked if the County had enough fuel to last the remainder of the month.

Mr. Wyatt said that during his last conversation with representatives of Monroe Oil Company they had a good supply. He said that the worst case scenario would be that the County would be at the same level that it was during Hurricane Katrina where supplies were cut by 60 percent. Mr. Wyatt said that as of today the picture is brighter and will probably be back to normal by next week.

The Chairman stated that Union County is paying wholesale plus delivery cost and asked who determined the delivery cost. Mr. Wyatt said that delivery is determined by whoever hauls it for the supplier.

Motion was made by Commissioner Openshaw that the Board: 1) accepts the bids of Brewer-Hendley Oil Company at zero cents over wholesale plus cost of delivery and Monroe Oil Company at one cent over wholesale plus cost of delivery, (2) awards the contract to the low bidder, Brewer-Hendley Oil Company at zero cents over wholesale plus the cost of delivery, (3) and authorizes the County Manager to execute the contract with Brewer Hendley Oil Company. The motion passed unanimously.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

At the request of the Chairman, the Clerk announced the vacancies on boards and committees as follows: (a) Juvenile Crime Prevention Council (JCPD) (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 Optometrists; and (e) Union County Home and Community Care Block Grant Advisory Committee.

APPOINTMENTS TO BOARDS AND COMMITTEES:

The Chairman announced that there is a vacancy on the Centralina Economic Development Committee and asked for a motion. He said two applications were received – Dr. John McKay and Orville Strom, III.

Motion was made by Commissioner Mills that Dr. John McKay be recommended to the Centralina Council of Governments for appointment to the Centralina Economic Development Committee. The motion passed unanimously.

MANAGER'S COMMENTS:

The County Manager stated he did not have any comments but would be glad to answer any questions.

COMMISSIONERS' COMMENTS:

Commissioner Mills said that he had received several calls in reference to the lighting of the historic Courthouse for the Christmas season. He said he had talked with Mr. Wyatt about this and suggested that this be added to the next agenda.

He further said that all emergency personnel and firefighters should be kept in everyone's thoughts and prayers as they go about their work.

Commissioner Openshaw congratulated Weddington High school for having the highest graduation rate in the State of North Carolina. He said the rate was 93.3 percent graduating within four years.

Commissioner Lane said that he was honored to have attended the dedication for the new Sun Valley Elementary School located on Rogers Road and there is another one, Stallings Elementary School, to be dedicated next week. He said the State Superintendent of Education was there and everything went well.

He announced that on September 20 the Boll Weevil Festival will be held in Marshville. He said there would be lots of fun for the kids.

Commissioner Lane said that he was able to fly over and take pictures of the new Monroe High School stadium, which in his estimate is probably the prettiest stadium in the County. He said the field is just magnificent. He said he would be glad to send these to anyone by email if they will get him their address. Commissioner Lane said he had not seen the likes of this one anywhere else in the United States.

Lastly, Commissioner Lane noted that building permits are divided with 66 percent residential and 33 percent commercial.

Chairman Baucom asked if it would be appropriate to put the pictures of the new Monroe High School stadium on the County's web site. Commissioner Lane agreed to do that and again offered to email them anywhere in the world.

Vice Chairman Pressley said that he, Mark Watson, and Kai Nelson had a good day at the Employee Expo. He said the food was delicious and everything was superb.

He said that the Cabarrus County Fair was great and the arena was quite a facility.

The Chairman announced that the Chamber of Commerce had a wonderful event at their expo on September 5, 2008, at the Agricultural Center. He said there were a lot of businesses involved with this event.

The Chairman stated that he was also at the Expo with the County's employees before the Vice Chairman got there because he had the opportunity to dunk Mr. Phillip Tarte and allowed him to take a swim.

He said he also had a meeting on Friday with neighboring counties continuing with the regional collaboration on securing and/or procuring short-term, long-term water for Union County's residents. He said that there are positive strides being made.

Chairman Baucom said he was unable to attend the luncheon to honor Harry Sherwood by HealthQuest. He said Harry Sherwood is a long-term executive with HealthQuest and offered him his congratulations.

Chairman Baucom said that the public should remember those who are suffering because of damage by Hurricane Ike. He stressed there was a lot of damage caused by this storm.

The Chairman stated that the Board is now ready to move to Agenda Item 17, which is continuation of discussion on the 2009-2013 Capital Improvement Plan. At 9:22 P.M., the Chairman called for a short recess.

At 9:34 P.M, Chairman Baucom reconvened the meeting and recognized Kai Nelson, Finance Director, to resume his presentation with discussion on the jail.

Mr. Nelson explained that at the adjournment of the Special Session that he had gotten to Tab 7 on the jail itself. The Finance Director stated that there are no near-term decisions that the Commissioners have to make on the jail/detention project; this is more concentrated in future years. He reported that the Sheriff will continue to monitor jail capacity, and its average daily population and continue to work with the District Attorney and various other programs to keep people moving through the system.

Sheriff Cathey said the population is running between 225-235 daily and the women's unit is at full capacity. He said the jail is full most all of the time and some nights the jail is sleeping eight to ten on the floor.

Commissioner Lane reminded that just a few months ago the jail was under capacity and asked what happened. Sheriff Cathey responded that they were doing a little better job at arresting people. He said that he has used the figure of 264 beds, but actually it is classified full. He explained that on September 8th the jail was sleeping three on the floor and on September 4th there were 12 sleeping on the floor. He read the numbers and showed how the incarcerations fluctuated. The Sheriff said the new form devised by his staff will give a better explanation of the number in the jail. The Sheriff stated that the jail is now full most all of the time.

Chairman Baucom asked if there is anything that can be done to increase the speed that individuals are moved through the system. The Sheriff responded that he did not know because he thought the court system is doing all it can do. He reminded that the Board funded the pre-trial release position and that job posting just went out and will be finished this Friday; that person will be soon employed and working. The Sheriff said that he hoped maybe this would help some of those who are awaiting trial.

Commissioner Lane asked what the delay is in getting them moved to the Department of Corrections. The Sheriff responded there is no delay but Commissioner Lane pointed out that the information says the normal wait is ten days. The Sheriff said that was a normal wait time because the Department of Corrections is full, and the prisoner cannot be transferred until there is an opening. He said that the State pays the County for holding these prisoners after they have been found guilty in the court system.

Commissioner Mills asked if it is possible to get a breakdown of the crimes for which each prisoner is charged. The Sheriff said it is easy to learn what crime they are charged with because it is on the web site. He said that the Sheriff's Web Site has the names of everybody who is in jail and what they are charged with. The Sheriff pointed out that this site is open to public viewing. He said that 98 percent of the people in the jail are there pre-trial; they have not been tried, and they have not been convicted. These people have to be called by the District Attorney for trial and once the trial is completed, the prisoners are transported to Raleigh as soon as possible.

Commissioner Mills asked how long some of the prisoners are retained in his jail. The Sheriff stated that some have been there up to three years. He said he thought there might now be one or two in there for two years who are awaiting trials.

The Sheriff said the District Attorney has done a great deal to move the inmates from three years to two years, and he is bringing that number down. He said that while there may be 230 persons being held in jail there are thousands out in the public awaiting trial. He reported that when Mr. Snyder took office there were probably four thousand plus citizens awaiting trial.

Sheriff Cathey mentioned that the Union County Board of Commissioners funded a sergeant position whose responsibility will be to look at the question of immigration when the person enters the jail. He said the prisoners who are illegal criminals stay in the jail, are

prosecuted, and serve their terms and then they are returned to their country of origin. He said if an illegal is picked up on a minor infraction, they are returned to their country. The Sheriff assured that anyone who is an illegal immigrant in his jail is prosecuted.

Commissioner Mills asked if there is anything else that this Board can do to help. The Sheriff responded that this Board had bent over backwards to grant him what he has requested to expedite the prisoners; the Board has supplied the District Attorney's office with funding; funded the Immigration Sergeant for the Sheriff's Office; and it has funded the pre-trial release program that will be in place within the next month. He stressed that the Board of Commissioners is doing all it can do to assist him to move the prisoners through the system; it just takes time for the system to work.

Chairman Baucom asked if there is an increase in those arrested because of the economic climate. The Sheriff replied that he is seeing an increase in breaking and entering, car break-ins, and vandalism. He said he was not sure that it could be related as much to the economy as it can be related to the drug culture and the things that have been here for years.

Commissioner Mills asked if there is an increase in gang activity. The Sheriff stated that gang activity has probably increased some and that there are little school gangs that are writing on the walls, bridges, etc., but not much violent crime out of the gangs. He said the gang task force that the Board approved a few years ago is in operation and it is working well. He said he would be glad to brief the Board on it later, but he could not do so tonight.

Mr. Nelson stated that in the early part of the CIP and until the year 2010 there is not much activity in connection with this project except for continuing to monitor the classifications in the jail and move forward with the pre-trial jail release and the assistant district attorneys. He said he would come back next year with an update.

The Chairman asked at what capacity the county could get into a legal challenge. The Sheriff responded that the County is at it now. He said when a prisoner is sleeping on the floor, the County is bordering on someone filing a lawsuit. He said it could not be based strictly on population and his department will continue to work projects to get the numbers reduced.

The Finance Director stated the next item is the Library and recognized Marti Smith, Director of the Union County Public Library. Ms. Smith thanked the Board for continuing this meeting so there could be a decision reached. She stated the Library Board was asked in March 2008 for a site for the library in the western area of Union County. She explained that she realized that not everyone believes that this is the best way to go but emphasized that all of the considerations that have been addressed tonight have been very carefully considered by the Library Board. She said the Board of Trustees is concerned about the 30,000 people who live in that region of the County who at this

time have inadequate library service. She stressed that the Board of Trustees wants to get that 30,000 or so citizens full library service because they deserve it just like everyone else. Ms. Smith said the Library Board of Trustees has based all of its decisions on that service commitment and recognized that the Board of Commissioners bases its decision not only on that but also on economic considerations. She stressed that has been very clear throughout the whole evening; the Board has talked about what it can do to make the best use of the County's money and how it can be the best stewards of the taxpayers' funds. She said that she and the Library Board of Trustees believe that if they are able to proceed with this project that both of those points will be addressed. Ms. Smith said that the small library in Waxhaw, which is all there is in that region, is not providing full services and that is not good. She said if you look at the Finance Director's timeline it is as aggressive as it can be. She noted that if the Board makes a decision tonight, she will proceed as quickly as she can, and it would still be March of 2011 when the Library could be opened.

Commissioner Mills asked if the Library Board of Trustees chose the James property as choice #1 and the Honeycutt property as choice #2. He stated that earlier it had been said that there were two values – one was five acres and one was 15 acres.

Ms. Smith said the whole James tract of property is 15 acres but the homeowner is willing to sell the prime five acres that would be needed for the library site or he is willing to sell the entire tract. She said if the County wanted the entire piece that it would make an outstanding property to develop for outdoor programming. Ms. Smith said the price for the total tract is \$3.5 million and the price of five acres is \$2.5 million.

Commissioner Mills asked how much of the remaining property is wetlands. She responded that some of the land in the other ten acres is in the flood plain and is not suitable for building but that is why the owner is proposing to offer it for not a considerable amount more money. Commissioner Mills asked what would need to be done with the home. Ms. Smith said the house would be either moved or dismantled.

The Chairman asked how much of the five acres is included in the floodplain. Ms. Smith replied that none of the five acres is in the flood plain. The Chairman then asked how much of the additional ten acres is in the floodplain. Ms. Smith said that she thought maybe half of the remaining ten acres would be in the floodplain, but she could not say exactly.

Commissioner Mills said that he was looking at the big picture and if the County proceeds with this purchase and wondered what could be done with the remaining ten acres. He asked if there could be some combination of efforts with Parks and Recreation and Waxhaw to look at building some type of fields. Ms. Smith responded that the property slopes and she did not think athletic fields would be feasible but it might be feasible to have recreation equipment in the area.

Commissioner Mills suggested that the Board take smaller steps and look at the smaller piece first and be fiscally responsible and then look at determining whether or not it would be feasible to purchase the property in the future. Ms. Smith said that if the whole property is not purchased, the owner is granting an easement or right-of-way to the greenway. Mr. Nelson pointed out that one of the problems with public purchase or land acquisition is that it is public. Mr. Nelson said the next step would be to have authorization to have communication and discussion with the property owners. He said this authorization would give the County staff an opportunity to negotiate with more than one property owner. Mr. Nelson reiterated that if the Board is interested in proceeding with this item, the next step recommendation would be to consider authorizing the county staff to engage property owners in discussion regarding recommended sites and to authorize site acquisition.

The Chairman pointed out there was no dollar limitation on the authorization to acquire a site. Mr. Nelson assured that the he and the Library Director and/or Board of Trustees would return to the Board. He said the Board's staff needs authorization to begin to have communication with both property owners during which time there would be negotiation of acreage and cost; this information will be returned to the Board prior to an offer to purchase.

Ms. Smith stated that the Honeycutt property contains 5.8 acres and the advertised price is more, but they have quoted a price of \$5 million. She said the property is appraised as residential property so it is valued at less than a million. Commissioner Mills asked if that property sits next to Cureton. Ms. Smith agreed that it was a flat piece of property across from Lowes. She stressed that either site would meet the criteria for a library for the area.

The Vice Chairman asked Ms. Smith why the Library Board had prioritized the sites in the order that it did. She responded that it was thought that the James' property was more flexible and there is more opportunity for citing a library and that there will be access through to Cuthbertson Road as well as access to Hwy. 16 with turn lanes already planned there. She said that it would be necessary to cut through the Cureton property on the back side so that the Library could access Kensington Road.

Commissioner Mills moved that the Board accept the recommendation of the Library Board of Trustees and pursue the James' property.

Vice Chairman Pressley explained that he thought competition might be good for the process and thought the County should authorize contact with both owners. Ms. Smith said that is the action that the Library Board had thought would be followed.

Commissioner Mills withdrew his motion and moved to authorize County staff to engage property owners in discussions regarding the recommended sites and authorize acquisition.

Commissioner Openshaw commented that the area is short of park space. He said that the Town of Waxhaw has approached the County and has offered to enter into negotiations about a site that is closer to their downtown. Commissioner Openshaw said that as he has said previously that he is in favor of two libraries—not necessarily both built at the same time. He said he is not proposing a municipal library as was used as an example before but is looking for municipal participation economically to save money. Commissioner Openshaw said that the Weddington site as currently proposed is challenged; however, parking is not an issue because there is a ton of parking below. He said if there is a big event at the library, the users could park at Weddington Corners where they need a library to help generate traffic. Commissioner Openshaw said the comparison has been made that it is either 40,000 square feet or two 20,000 square feet facilities. He said he talked with Mayors of different communities and talked about population at maximum build out, which is many years down the road, and at that point there is still a question as to whether 20,000 square feet is needed in Weddington. He explained that to put it where it is now proposed is about 10 miles a way from different people and the road situation is brutal throughout the area. He said he has not heard anyone talk about making the two-lane bridge a four-lane bridge nor is he hearing any support from the future board members. Commissioner Openshaw stated that his perspective is that it is not a viable choice.

Commissioner Mills pointed out that the bridge which is being referenced by Commissioner Openshaw was expanded just a few years ago by the State of North Carolina. He reminded that the State at that time had been asked to widen the bridge but had decided against doing so. He emphasized that he was looking for the good of the County when he expressed his opinion on his site preference.

Commissioner Lane said he thought the good of the County would be best served by having the smaller libraries built. He said he did not think 30 years from now the population will be less, and he thought it would be better for people to go to a smaller facility that is closer than to drive a greater distance.

Commissioner Mills asked if the 40,000 square foot library is built will there be a type of room in it similar to the Griffin Room or a large meeting area. Ms. Smith said that the program calls for two large meeting rooms and a small conference room. She said she wanted to make sure there was sufficient space for a large meeting or a large performance. She said it is thought the area for performances would make this library a real cultural center.

Commissioner Openshaw stated that this option is really an expensive alternative. Ms. Smith replied that it depended on what one is thinking. She stressed it will cost less to build one building and will cost the County about \$700,000 a year less to operate.

Chairman Baucom stated that everything he had heard stated indicated that the operational cost is going to be about 60 percent for one versus two.

Commissioner Openshaw asked how many years will it be before a 40,000 square foot library is needed in that area.

Chairman Baucom replied that he did not know but suggested that if the County did not need 40,000 square feet, the County should build 20,000 square feet as one super regional and expand it as required.

Ms. Smith assured that the Library Board of Trustees will not build it larger than it needs to be but that the process has begun to program it for the population that will be in the area. She stressed that they learned with Union West that it is really easy to build it too small, and she doesn't want to make that mistake.

The Chairman asked how much space was in the two meeting rooms. Ms. Smith said she thought there is approximately 1,200 square feet of space but she is not sure. She said that area is planned for 100 people in one and the other is designed for about 150 people.

In response to a request from the Vice Chairman, Ms. Smith reiterated that the recommendation of the Library Board of Trustees is to move forward with the negotiations with owners of both proposed sites.

The Chairman called for a vote. The motion passed by a vote of three to two—Chairman Baucom, Vice Chairman Pressley, and Commissioner Mills voted for the motion and Commissioners Lane and Openshaw voted against the motion.

Mr. Nelson stated that there are two projects that occur later in the CIP. He first mentioned Parks and Recreation and explained that there are two phases that involve two bond referendums. Mr. Nelson said that Phase I would follow a November 2010 referendum and Phase II would follow a referendum of November 2012.

He stated that under Tab 6 – Parks and Recreation – there is a total roughly of \$30 million. He reported that the \$30 million in projects come from the update to the Parks and Recreation Master Plan that was completed in 2006 and approved by the Board in 2007. Mr. Nelson said that the \$30 million in projects reflect the Parks and Recreation Advisory Committee's priorities. He said the purchase of property for a North District Park, development of Jesse Helms, and a West School Park would be in the Phase I bond referendum and the other projects would occur in the Phase II bond referendum. Mr. Nelson stressed that as indicated earlier there is no action that the staff is

recommending at this particular time because within the context of the CIP these projects are occurring in the latter years rather in the current years of the CIP.

Commissioner Openshaw asked when was the Parks and Recreation Master Plan completed. Ms. Smith replied that the 2000 Master Plan was updated in 2006. He next asked if the County was not to have had a large west side county park. Ms. Smith said that the original plan called for a district park, which is between 200 acres and 400 acres, but that it was determined that this acreage would be too expensive, and it would be too difficult to locate. Commissioner Openshaw asked why the County is making the same mistake with the northern park and asked why the property is not being purchased now while that could be a possibility. Ms. Smith assured that she would be glad to do so. Commissioner Openshaw emphasized that Union County needs to follow the Master Plan that makes Union County socially responsible. He said there should have been a big park on the west side of the county and there should be one on the north side of the County, and stressed that he could not see delaying it for a number of years; maybe sometime soon will be a great time to buy. He stressed to not have it in the CIP is derelict. Mr. Nelson replied that it is a part of the CIP but it is in the latter years. Commissioner Openshaw said it never seems to be a good time to buy a park. He pointed out that one was not bought when the County had great prosperity and now the County is not purchasing a park when times are not as good. He encouraged the Commissioners to move it forward on the CIP and begin to look for land for a park.

Commissioner Mills said that was well and good and agreed with that. He asked Ms. Smith what happened to the last bond referendum for Parks and Recreation. Ms. Smith said that it failed miserably.

Commissioner Openshaw suggested that COPS be used to purchase land for an additional park in the northern area.

Mr. Nelson stated that in connection with COPS the fundamental structure of a COPS transaction requires a security interest in the financed property. He said generally that means real estate and improvements thereon. He said in terms of the essentiality pyramid, parks and recreation from an investor's prospective is at the bottom of the pile. Mr. Nelson said schools are essential uses as are jails and libraries are somewhat in the middle but emphasized that parks and recreation is on the bottom. He stressed it would be very difficult to structure a COPS transaction for park acquisition. He emphasized that the only way the County could finance these kinds of improvements would be through a general obligation bond referendum so the question becomes one of timing. Mr. Nelson said that it is being planned to request a 2009 referendum and this November referendum would be used to deal with financing of some of the results of the Schools' Comprehensive Facilities Study. He said the timing of the proposed park bond referendum gives the staff an opportunity to focus on how it will present this to the voters; not advocate it but to present information.

The Vice Chairman stated that to develop a park system should not be only the responsibility of the County but also that of the municipalities. He reminded that municipalities get land donated for a park and then they sell the land or the land sits there and nothing happens.

Chairman Baucom noted that tonight the County spent as much money for scrubbers and domes for containment of odor as the property was sold for. Commissioner Openshaw stated that he wanted to bring it up at the time but he hesitated to do so.

Mrs. Smith stated that the Parks and Recreation Master Plan calls for the County to supply the larger parks, and it calls on the municipalities and the towns to provide the small community parks. She said that Parks and Recreation can assist them with funding through the Community Recreation Grant to help them get started with either land purchase or the development of the facilities. The County is not called on to supply all the parks.

Chairman Baucom asked about the Noah Williams Park and its operation. Mrs. Smith said that park is not part of the County; it is sponsored by the Piedmont Athletic Association and the association does receive a good bit of funding on a yearly basis for projects through the Community Grants Program. She agreed that it is a nice facility and they do a good job.

Commissioner Mills said he had two comments or questions. He said the first is that there is already a large park in the western portion of the county – WCWAA. He asked if anyone had thought about the possibility of assisting them with the acquisition of property. He next addressed Mr. Crook and stated that the Statute under which the fire tax is established includes a listing of specific purposes for which a tax district can be established, he asked if parks or recreation is included within that list? Mr. Crook responded that he would check the Statute but that he did not think so.

Mr. Nelson said that both the Board of Elections and Union Village have a similar track. He said their land is near the end of the CIP in 2013 and construction outside the CIP in 2014 and 2015. He explained that in year 2015, the County's lease for 90,000 square feet expires and, as many of the Board members are probably aware, that building was constructed in the early 70's and essentially the facility is a big box store. He explained that the property is currently for sale for \$18 million and that is probably a good price for the property but no value for the buildings. Mr. Nelson said that by the time 2015 comes around, the facility will be 45 years old and is already suffering structural defects. He said it is the recommendation that in the near term that Union County commissions a study, a needs assessment, to determine what are the requirements in 2015 and beyond for the public health functions, social service functions, and to some extent Daymark. He said that what has occurred to the staff is that the Library has an interest in expanding into that area now housing the Board of Elections so the recommendation in the CIP is in connection with the library consuming long-term the space of the Board of Elections after

2015 and then a new home would have to be located for the Board of Elections. He said it seems logical to the staff that if the County is talking about the 2015 period and has to do something with the offices housed in Union Village and the Board of Elections that it would be reasonable to co-locate all of these projects in a governmental complex sometime way out in 2005.

The Chairman clarified that the staff is requesting a space study for the Board of Elections, DSS, Health Department, and Daymark.

Commissioner Mills moved authorization for a space needs assessment for the Board of Elections and for Health and Human Services whose offices now occupy the Union Village property. The motion passed unanimously.

Mr. Greene said he thought it was important for the Board to hear that both the Health Department and Social Services Department are packed and do not have any extra space.

Mr. Nelson said that his last discussion is the E-9-1-1 Emergency Operation Center. He said that the County staff is continuing discussions with the schools for a potential site on Crow Road. It was noted by the County Manager that it would be wise to have the Operations Center in a more suitable location but to be honest the space that the offices are using in this building could be better utilized. Mr. Beekman expressed appreciation to the Board for what it did several years ago to give it additional space, but emphasized it cannot expand even another inch now. He said that no additional design work can be accomplished until a site is finalized. Mr. Nelson said the recommendation is that County staff be authorized to continue to work with Union County Public Schools in terms of securing Crow Road as a site. He assured that if this could be done, the staff will come back to the Board of Commissioners.

The Chairman asked for confirmation that the \$10 million does not include land cost. He pointed out that this would be over \$200 per square foot. The Vice Chairman pointed out that a 20,000 square foot single-level building is a huge footprint. He asked if there is a reason for it being a single level. Mr. Wyatt stated that the 20,000 square feet is the space required. He said that initially it started out with main building and out building of just over 30,000 square feet, and it is now down to 23,000 square feet. The Vice Chairman asked if it is not possible to go up instead of having to be built as a single level. Mr. Wyatt responded that the planning had not proceeded to the point of knowing if the design could be two-stories or more.

Motion was made by Commissioner Lane to authorize the staff to proceed with negotiations with the schools for authorization to construct the E-9-1-1 facility on Crow Road, approve programming and schematic design, acquire construction estimate and design development. The motion passed unanimously.

Mr. Nelson thanked the Chairman and Board for their consideration.

At approximately, at 10:32 p.m., motion was made by Commissioner Lane that the meeting be adjourned. The motion passed unanimously.