

AGENDA
UNION COUNTY BOARD OF COMMISSIONERS
Regular Meeting
Monday, October 20, 2008
7:00 P.M.
Board Room, First Floor
Union County Government Center
500 North Main Street
Monroe, North Carolina

www.co.union.nc.us

6:30 p.m. - Closed Session

1. **Opening of Meeting**
 - a. Invocation
 - b. Pledge of Allegiance
2. **Informal Comments**
3. **Additions, Deletions and/or Adoption of Agenda**
ACTION REQUESTED: Adoption of Agenda
4. **Consent Agenda**
ACTION REQUESTED: Approve items listed on the Consent Agenda
5. **Assistant County Manager's Comments**
6. **PBH (Piedmont Behavioral Healthcare)**
 - a. Annual Report by PBH
 - b. Crisis Center Update**ACTION REQUESTED:** Receive as information
7. **Public Works Department**
 - a. Water Allocation Policy
ACTION REQUESTED: Consider adoption of water allocation policy
8. **Funding for Legal Review and Valuation Assistance in Connection with the Proposed Hospital Lease**
ACTION REQUESTED: Adopt Budget Ordinance Amendment #11 which provides funding for legal and valuation assistance in connection with the proposed hospital lease

9. **Announcements of Vacancies on Boards and Committees**
 - a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two Persons Under Age of 18; and 4) Juvenile Defense Attorney
 - b. Adult Care Home Community Advisory Committee
 - c. Nursing Home Advisory Committee
 - d. Board of Health (Vacancy as of January 2008 for a Licensed Optometrist)
 - e. Union County Home and Community Care Block Grant Advisory Committee

ACTION REQUESTED: Announce vacancies
10. **Appointments to Boards and Committees**
 - a. Agricultural Advisory Board (one vacancy for unexpired term)
ACTION REQUESTED: Consider appointments
11. **Manager's Comments**
12. **Commissioners' Comments**

**CONSENT AGENDA
October 20, 2008**

1. **Marshville and Wingate Wastewater Contract Amendments**
ACTION REQUESTED: Authorize the County Manager to approve amendments to the Marshville and Wingate wastewater agreements to establish a definite expiration date of October 31, 2009, and to provide such other modifications during the resultant interim period as may be in the best interests of Union County Public Works

2. **Tax Administrator**
 - a. Fourth Motor Vehicle Billing in the Grand Total Amount of \$1,328,815.95
 - b. Third Motor Vehicle Release Register for the Period of September 1, 2008, through September 30, 2008, in the Net Grand Total of \$14,887.59-
 - c. Third Motor Vehicle Refund Register for the Period of September 1, 2008, through September 30, 2008, in the Net Grand Total of \$1,534.21-**ACTION REQUESTED:** Approve a-c
 - d. Resolution Levying a Tax on Gross Receipts Derived from Retail Short-Term Lease or Rental of Heavy Equipment
ACTION REQUESTED: Adopt resolution

3. **Finance**
 - a. Motor Vehicle Tax Refund Overpayments for September 2008 in the Amount of \$2,983.04
ACTION REQUESTED: Approve

4. **Veterans Services**
 - a. Proclamations for Patriot Awards for Outstanding JROTC Members to be Presented at the November 10, 2007, Veterans Day Program
ACTION REQUESTED: Adopt proclamations

5. **Report of Fire Conditions: Volunteer Fire Departments**
Appointment of Trustees to Firemen's Relief Fund
 1. Allens Crossroads VFD
 2. Bakers VFD
 3. Beaver Lane VFD
 4. Fairview Fire and Rescue
 5. Griffith Road VFD
 6. Hemby Bridge VFD
 7. Jackson Community Center & VFD
 8. Lanes Creek VFD
 9. Mineral Springs VFD
 10. New Salem VFD
 11. Providence VFD
 12. Sandy Ridge Fire and Rescue
 13. Stack Road VFD
 14. Stallings VFD
 15. Unionville (Town of)

16. Waxhaw VFD
 17. Wesley Chapel VFD
 18. Wingate (Ames) VFD
ACTION REQUESTED: Certify annual "Reports of Fire Conditions" which includes Appointment by Board of Commissioners of Two Trustees from each department as recommended by the respective fire departments
6. **Waiver of Competitive Bidding Under G.S. 143-129(g) for the Purchase of One Roll-Off Truck for Public Work**
ACTION REQUESTED: Waive Competitive Bidding for the Purchase of one Roll-Off Truck and award bid to Mack Truck Sales of Charlotte, Inc. in the amount of \$126,781.81 for a 2009 MACK GU813 Truck Chassis with the Alternate Hoist.
 7. **Identity Theft Prevention Program**
ACTION REQUESTED: Adopt Identity Theft Prevention Program as required by Federal regulations
 8. **Health Department**
 - a. Smart Start Smiles Program: Budget Amendment #10 to Appropriate \$54,000 in Additional Smart Start Funding
ACTION REQUESTED: Adopt Budget Amendment #10
 9. **Additions to County's 2008-2009 Pay and Classification Plan**
 - a. Processing Assistant II, Pay Grade 53
ACTION REQUESTED: Approve the addition of job classification for Processing Assistant II, Pay Grade 53, to the 2008-2009 Union County Pay and Classification Plan
 10. **Library - Picturing America Grant Applications**
ACTION REQUESTED: Authorize Manager to execute and submit grant application (No County Match Required)
 11. **Award of 2009 Union County Athletic Grants**
 - a. Indian Trail Athletic Association - \$33,028.94
 - b. Piedmont Recreation Association - \$15,196.81
 - c. Prospect Athletic and Recreation Association - \$8,462.86
 - d. South Union Athletic Association - \$5,823.10
 - e. Waxhaw Athletic Association - \$7,172.34
ACTION REQUESTED FOR ITEMS A-E: Approve Athletic Association Grants for the 2009 cycle for a-e, and authorize the County Manager to approve agreements with the Athletic Association after legal review
 - f. Porter Ridge Athletic Association - \$41,542.64 (Amount Requested)
ACTION REQUESTED FOR ITEM F: Request a new grant application for the 2009 grant cycle and extend the grant application deadline to November 15, 2008
 - g. Wesley Chapel/Weddington Athletic Association - \$54,916.74 (Amount Requested)
ACTION REQUESTED FOR ITEM G: Approve 2009 grant contingent upon WCWAA submitting a letter of cancellation for the 2007 grant, declining the funds

(thereby releasing the funds back to the County's general fund); contingent upon submitting a modification for the 2008 grant application; and contingent upon reapplication for the 2009 grant and extend the grant application deadline to November 15, 2008.

12. **Union County Public Schools - Elementary School L (formerly Cuthbertson now Poplin Road near Bonterra) - Off-Site Sewer Construction**
ACTION REQUESTED: Adopt Capital Project Amendment 109 which provides additional funding for off-site sewer construction for UCPS Elementary School L

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**Information Only
No Action Required**

1. Personnel Report for September 2008
2. Department of Inspections Report for September 2008



OFFICE OF THE COMMISSIONERS AND MANAGER

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

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Union County Board of Commissioners will hold a special meeting on Monday, October 20, 2008, at 6:30 p.m. in the Commissioners' Conference Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina, for the purpose of going into closed session to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or a proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Allan Baucom, Chairman
Union County Board of Commissioners

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 20, 2008

Action Agenda Item No. 4/1
(Central Admin. use only)

SUBJECT: Marshville and Wingate Wastewater Contract Amendments

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

ATTACHMENT(S):

INFORMATION CONTACT:

Jeff Crook, Staff Attorney
Scott Huneycutt, Interim UCPW
Director

TELEPHONE NUMBERS:

704-283-3656
704-296-4211

DEPARTMENT'S RECOMMENDED ACTION: Authorize the County Manager to approve amendments to the Marshville and Wingate wastewater agreements to establish a definite expiration date of October 31, 2009, and to provide such other modifications during the resultant interim period as may be in the best interests of UCPW

BACKGROUND: Union County entered into agreements with the Town of Marshville and the Town of Wingate on October 10, 1994 (amending an agreement with Marshville dated October 17, 1978) and October 16, 1978, respectively, to govern the parties' obligations regarding wastewater disposal flowing from each town's sewage line into the County's wastewater system and the County's billing of each town. Both contracts provide for a term of 30 years "immediately following the date that Union notifies [the Town] that the system is available for use." Thus, the expiration date(s) of these contracts is somewhat uncertain, though it could be as early as this month, depending on when the system became operational. The purpose of this action is to amend both contracts to provide for a definite expiration date with a resultant interim period of sufficient duration to enable renegotiation of these contracts by Union County and its eastern municipalities.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable:

Manager Recommendation:



UNION COUNTY
Office of the Tax Administrator
500 N. Main Street, Suite 236
P.O. Box 97
Monroe, NC 28111-0097

704-283-3746
704-292-2588 Fax
John C. Petoskey
Tax Administrator

MEMORANDUM

AGENDA ITEM

4/2a

MEETING DATE 10/20/08

TO: Lynn West
Central Administration

FROM: John C. Petoskey
Tax Administrator

DATE: September 30, 2008

RE: **Fourth** Motor Vehicle Billing

I hereby certify the Third Motor Vehicle Billing Motor Vehicle Valuation under the staggered program as required by N.C.G.S.105-330. Attached hereto is a list of the values, rates and taxes for each taxing unit.

JCP: jw

Motor Vehicle Billing Summary for the period 09/01/2008 to 09/30/2008

NOTE: Information for this report is taken from original billing records only and DOES NOT include any subsequent changes or adjustments to vehicle situs or value.

---Bdg No---	-----Description-----	--Key--	Bill Rate		Count	-----Total-----	
			Year	Year		---Value---	----Tax----
10	County.....	CN99999	2008	2005	1	4,580	25.65
10	County.....	CN99999	2008	2006	16	177,310	1,675.60
10	County.....	CN99999	2008	2007	15,496	152,458,951	1,082,106.49
Totals.....					15,513	152,640,841	1,083,807.74
77	School dist - County.....	SC999	2008	2005	1	4,580	3.21
Totals.....					1	4,580	3.21
32	Fire Dist - Springs.....	FR015	2008	2007	922	8,666,624	2,703.88
39	Fire Dist - Stallings....	FR020	2008	2007	1,505	16,190,118	4,224.15
38	Fire dist - Hemby Bridge..	FR023	2008	2006	1	27,440	12.73
38	Fire dist - Hemby Bridge..	FR023	2008	2007	1,784	18,143,805	6,811.78
37	Fire dist - Wesley Chapel:	FR026	2008	2006	4	52,170	11.69
37	Fire dist - Wesley Chapel:	FR026	2008	2007	1,981	26,512,766	4,424.14
34	Fire Dist - Waxhaw.....	FR028	2008	2006	2	9,090	6.11
34	Fire Dist - Waxhaw.....	FR028	2008	2007	1,055	10,324,898	5,296.74
Totals.....					7,254	79,926,911	23,491.22
78	220125 Taxes Payable - Marvin.....	MN01000	2008	2007	219	3,390,915	1,695.97
78	220130 Taxes Payable - Monroe.....	MN02000	2008	2006	2	10,790	100.62
78	220130 Taxes Payable - Monroe.....	MN02000	2008	2007	2,329	19,084,849	116,035.28
78	220170 Taxes Payable - Wingate.....	MN03000	2008	2007	193	1,502,994	5,861.74
78	220120 Taxes Payable - Marshville...	MN04000	2008	2007	181	1,359,932	5,167.75
78	220150 Taxes Payable - Waxhaw.....	MN05000	2008	2006	1	5,720	38.90
78	220150 Taxes Payable - Waxhaw.....	MN05000	2008	2007	539	6,213,478	21,125.88
78	220110 Taxes Payable - Indian Trail..	MN06000	2008	2006	4	73,740	92.60
78	220110 Taxes Payable - Indian Trail..	MN06000	2008	2007	2,209	23,953,997	35,786.73
78	220140 Taxes Payable - Stallings....	MN07000	2008	2007	937	10,020,610	24,924.98
78	220160 Taxes Payable - Weddington...	MN08000	2008	2007	703	8,584,718	2,575.41
78	220115 Taxes Payable - Lake Park....	MN09000	2008	2007	223	2,283,089	5,251.20
78	220175 Taxes Payable - Fairview.....	MN09300	2008	2007	211	2,354,780	469.90
78	220145 Taxes Payable - Hemby Bridge..	MN09500	2008	2007	93	845,362	251.71
78	220165 Taxes Payable - Wesley Chapel:	MN09700	2008	2006	2	31,780	7.23
78	220165 Taxes Payable - Wesley Chapel:	MN09700	2008	2007	355	3,918,433	783.70
78	220135 Taxes Payable - Unionville...	MN09800	2008	2006	1	4,040	1.62
78	220135 Taxes Payable - Unionville...	MN09800	2008	2007	424	3,770,527	750.14
78	220155 Taxes Payable - Mnrl Sprngs...	MN09900	2008	2005	1	4,580	1.24
78	220155 Taxes Payable - Mnrl Sprngs...	MN09900	2008	2006	1	3,370	.91
78	220155 Taxes Payable - Mnrl Sprngs...	MN09900	2008	2007	251	2,186,683	590.27

--- M O T O R V E H I C L E S Y S T E M ---

Motor Vehicle Billing Summary for the period 09/01/2008 to 09/30/2008

NOTE: Information for this report is taken from original billing records only
and DOES NOT include any subsequent changes or adjustments to vehicle
situs or value.

---Bdg No---	-----Description-----	--Key--	Bill Rate Year Year	Count	-----Total----- ---Value---	-----Tax-----
	Totals.....	:		8,879	89,604,387	221,513.78
	Grand Totals.....	:				1,328,815.95



UNION COUNTY
Office of the Tax Administrator
500 N. Main Street Suite 236
P.O. Box 97
Monroe, NC 28111-0097

AGENDA ITEM

4/26

MEETING DATE 10-20-08
~~704-283-3746~~
704-283-3616 Fax

John C. Petoskey
Tax Administrator

MEMORANDUM

TO: Lynn West
Central Administration

FROM: John C. Petoskey
Tax Administrator

DATE: Tuesday, September 30, 2008

RE: **Third** Motor Vehicle Release Register

I hereby certify the following releases were made during the period of 09/01/2008
-09/30/2008. The releases represent both monthly and annual vehicle values and taxes.
Should you have any questions, please call.

JCP;jw

--- M O T O R V E H I C L E S Y S T E M ---

Assessor Release Register for the period 09/01/2008 to 09/30/2008
(Summary)

---Bdg No---	-----Description-----	--Key--	Bill Rate Year Year	-----Value-----	Total ---Tax---	---Int---
10	County.....	CN99999	2006 2005	7,650	73.36-	12.23-
10	County.....	CN99999	2006 2006	19,000	155.67-	25.21-
10	County.....	CN99999	2007 2005	0	20.68-	2.34-
10	County.....	CN99999	2007 2006	77,695	581.88-	53.92-
10	County.....	CN99999	2007 2007	166,151	1,237.18-	69.62-
10	County.....	CN99999	2008 2006	9,212	58.65-	1.46-
10	County.....	CN99999	2008 2007	1,325,084	9,562.67-	47.48-
	Net Totals.....			1,604,792	11,690.09-	212.26-
76	School dist - Monroe.....	SC100	2006 2005	7,650	5.36-	1.07-
77	School dist - County.....	SC999	2006 2005	0	3.82-	.35-
77	School dist - County.....	SC999	2007 2005	0	2.59-	.29-
	Net Totals.....			7,650	11.77-	1.71-
32	Fire Dist - Springs.....	FR015	2007 2007	8,310	2.60-	.15-
32	Fire Dist - Springs.....	FR015	2008 2006	922	.29-	.00
32	Fire Dist - Springs.....	FR015	2008 2007	61,061	19.05-	.00
39	Fire Dist - Stallings.....	FR020	2007 2006	19,090	8.48-	.87-
39	Fire Dist - Stallings.....	FR020	2007 2007	7,650	2.00-	.18-
39	Fire Dist - Stallings.....	FR020	2008 2007	157,754	41.34-	.13-
38	Fire dist - Hemby Bridge..	FR023	2006 2005	0	2.20-	.32-
38	Fire dist - Hemby Bridge..	FR023	2006 2006	0	2.53-	.35-
38	Fire dist - Hemby Bridge..	FR023	2007 2006	0	6.36-	.45-
38	Fire dist - Hemby Bridge..	FR023	2007 2007	3,140	1.18-	.08-
38	Fire dist - Hemby Bridge..	FR023	2008 2007	117,841	44.44-	.26-
37	Fire dist - Wesley Chapel:	FR026	2007 2007	30,010	5.01-	.31-
37	Fire dist - Wesley Chapel:	FR026	2008 2007	174,150	29.09-	.28-
34	Fire Dist - Waxhaw.....	FR028	2007 2006	20,000	8.26-	.83-
34	Fire Dist - Waxhaw.....	FR028	2008 2007	117,154	60.20-	.66-
	Net Totals.....			717,082	233.03-	4.87-
78 220125	Taxes Payable - Marvin.....	MN01000	2008 2007	51,840	25.93-	.71-
78 220130	Taxes Payable - Monroe.....	MN02000	2006 2005	7,650	42.49-	8.53-
78 220130	Taxes Payable - Monroe.....	MN02000	2006 2006	19,000	100.70-	17.21-
78 220130	Taxes Payable - Monroe.....	MN02000	2007 2006	38,605	204.61-	19.49-
78 220130	Taxes Payable - Monroe.....	MN02000	2007 2007	64,341	383.89-	19.21-
78 220130	Taxes Payable - Monroe.....	MN02000	2008 2006	8,290	48.94-	1.35-
78 220130	Taxes Payable - Monroe.....	MN02000	2008 2007	163,784	960.82-	4.91-
78 220170	Taxes Payable - Wingate.....	MN03000	2007 2007	1,650	6.44-	.43-
78 220120	Taxes Payable - Marshville...	MN04000	2008 2007	18,870	71.71-	.00
78 220150	Taxes Payable - Waxhaw.....	MN05000	2007 2006	20,000	68.00-	6.97-

(Finance)

Assessor Release Register for the period 09/01/2008 to 09/30/2008

(Summary)

78	220150	Taxes Payable - Waxhaw.....	MN05000	2008	2007	106,138	361.51-	4.33-
78	220110	Taxes Payable - Indian Trail..	MN06000	2006	2005	0	4.36-	.50-
78	220110	Taxes Payable - Indian Trail..	MN06000	2006	2006	0	5.45-	.71-
78	220110	Taxes Payable - Indian Trail..	MN06000	2007	2006	19,090	32.79-	2.70-
78	220110	Taxes Payable - Indian Trail..	MN06000	2007	2007	10,790	16.19-	1.19-
78	220110	Taxes Payable - Indian Trail..	MN06000	2008	2007	199,027	298.55-	1.57-
78	220140	Taxes Payable - Stallings....	MN07000	2008	2007	108,500	271.26-	1.61-
78	220160	Taxes Payable - Weddington...	MN08000	2008	2007	34,241	10.28-	.00
78	220115	Taxes Payable - Lake Park....	MN09000	2008	2007	4,402	10.12-	.00
78	220175	Taxes Payable - Fairview.....	MN09300	2008	2007	60,000	12.00-	.00
78	220165	Taxes Payable - Wesley Chapel.	MN09700	2008	2007	5,560-	1.12	.05-
78	220135	Taxes Payable - Unionville...	MN09800	2007	2007	8,700	1.74-	.06-
78	220135	Taxes Payable - Unionville...	MN09800	2008	2007	48,420	9.68-	.00
78	220155	Taxes Payable - Mnrl Sprngs..	MN09900	2007	2007	7,170	1.94-	.09-
78	220155	Taxes Payable - Mnrl Sprngs..	MN09900	2008	2007	16,380	4.42-	.00
Net Totals.....						1,011,328	2,952.70-	91.62-
84	220000	NC State Interest.....	NC00000	2006	2005	0	.00	3.94-
84	220000	NC State Interest.....	NC00000	2006	2006	0	.00	7.93-
84	220000	NC State Interest.....	NC00000	2007	2005	0	.00	.70-
84	220000	NC State Interest.....	NC00000	2007	2006	0	.00	27.32-
84	220000	NC State Interest.....	NC00000	2007	2007	0	.00	49.76-
84	220000	NC State Interest.....	NC00000	2008	2006	0	.00	3.05-
84	220000	NC State Interest.....	NC00000	2008	2007	0	.00	73.17-
Net Totals.....						0	.00	165.87-
Net Grand Totals.....							14,887.59-	476.33-



UNION COUNTY
Office of the Tax Administrator
500 N. Main Street, Suite 236
P.O. Box 97
Monroe, NC 28111-0097

AGENDA ITEM

412c

MEETING DATE 10-20-08

704-283-3746

704-283-3616 Fax

John C. Petoskey
Tax Administrator

MEMORANDUM

TO: Lynn West
Central Administration

FROM: John C. Petoskey
Tax Administrator

DATE: Tuesday, September 30, 2008

RE: **Third** Motor Vehicle Refund Register

I hereby certify the following refunds that were made during the period of 09/01/2008 – 09/30/2008. The refunds represent refunds of both monthly and annual vehicle values and taxes. Should you have any questions, please call.

JCP:jw

--- M O T O R V E H I C L E S Y S T E M ---

Assessor Refund Register for the period 09/01/2008 to 09/30/2008

(Summary)

---Bdg No---	-----Description-----	--Key--	Bill Year	Rate Year	-----Value-----	Total Tax	-----Int-----
10	County.....	CN999999	2006	2006	18,000	114.61-	.00
10	County.....	CN999999	2007	2006	18,200	235.13-	.00
10	County.....	CN999999	2007	2007	42,340	448.37-	13.84-
10	County.....	CN999999	2008	2007	78,292	575.67-	.00
Net Totals.....					156,832	1,373.78-	13.84-
Net Totals.....					0	.00	.00
32	Fire Dist - Springs.....	FR015	2007	2006	18,200	5.66-	.00
39	Fire Dist - Stallings.....	FR020	2007	2007	2,340	.61-	.01-
39	Fire Dist - Stallings.....	FR020	2008	2007	2,379	.63-	.00
38	Fire dist - Hemby Bridge..	FR023	2007	2007	20,000	7.54-	.57-
38	Fire dist - Hemby Bridge..	FR023	2008	2007	11,902	4.72-	.00
34	Fire Dist - Waxhaw.....	FR028	2008	2007	19,000	9.70-	.00
Net Totals.....					73,821	28.86-	.58-
78	220130 Taxes Payable - Monroe.....	MN02000	2007	2007	28,560	.00	.00
78	220130 Taxes Payable - Monroe.....	MN02000	2008	2007	4,600	38.57-	.00
78	220110 Taxes Payable - Indian Trail..	MN06000	2008	2007	14,221	22.22-	.00
78	220140 Taxes Payable - Stallings.....	MN07000	2007	2007	22,340	55.85-	3.88-
78	220140 Taxes Payable - Stallings.....	MN07000	2008	2007	1,502	3.76-	.00
78	220160 Taxes Payable - Weddington...	MN08000	2007	2007	28,560-	6.22-	.00
78	220155 Taxes Payable - Mnrl Sprngs...	MN09900	2007	2006	18,200	4.95-	.00
Net Totals.....					60,863	131.57-	3.88-
84	220000 NC State Interest.....	NC00000	2007	2006	0	.00	.00
84	220000 NC State Interest.....	NC00000	2007	2007	0	.00	10.95-
84	220000 NC State Interest.....	NC00000	2008	2007	0	.00	.00
Net Totals.....					0	.00	10.95-
Net Grand Totals.....						1,534.21-	29.25-

UNION COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 20, 2008

Action Agenda Item No. 4/2d
(Central Admin. use only)

SUBJECT: Gross Receipts Tax on Heavy Equipment

DEPARTMENT: Tax **PUBLIC HEARING:** No

ATTACHMENT(S):
Resolution imposing a Gross Receipt
Tax on Heavy Equipment In Lieu of
Property Tax.

INFORMATION CONTACT:
John Petoskey

TELEPHONE NUMBERS:
704-283-3748

DEPARTMENT'S RECOMMENDED ACTION: Adopt resolution to enable Gross Receipt tax on Heavy Equipment

BACKGROUND: During the last legislative session, the General Assembly passed SB 1852, which exempted certain types of heavy equipment from the property tax, but allowed local governments to replace the lost tax revenue by adopting a gross receipt tax on the rental of the exempted equipment. The replacement tax would go into effect January 1, 2009, but in order to have the tax in place on January 1, the ordinance must be adopted before November 1, 2008.

FINANCIAL IMPACT: \$78,331.86 in property tax revenue will be lost and the replacement tax would not be enabled without adoption.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

RESOLUTION LEVYING A TAX ON GROSS RECEIPTS DERIVED FROM
RETAIL SHORT-TERM LEASE OR RENTAL OF HEAVY EQUIPMENT

WHEREAS, North Carolina General Statute 105-275(42a) designates Heavy Equipment on which a gross receipts tax may be imposed under 153A-156.1 and 160A-215.2 as a special class of property which is exempted from property taxation and shall not be listed, appraised, or assessed on or after January 1, 2009; and

WHEREAS, North Carolina General Statute 153A-156.1 authorizes a County by resolution to impose a tax at the rate of one and two-tenths percent (1.2%) on the gross receipts from the short term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail; and

WHEREAS, the tax authorized by North Carolina General Statute 153A-156.1 provides a way to replace the loss in tax revenue caused by the enactment of North Carolina General Statute 105-275(42a).

NOW THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS DOES HEREBY RESOLVE to impose, pursuant to North Carolina General Statute 153A-156.1, a tax of one and two-tenths percent (1.2%) on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail (hereinafter referred to as the "Gross Receipts Tax").

The terms "gross receipts," "short-term lease or rental," and "heavy equipment" shall be given the same meaning as they are given in North Carolina General Statute 153A-156.1. Likewise, North Carolina General Statute 153A-156.1 shall govern who shall be considered a "person whose principal business is the short-term lease or rental of heavy equipment at retail" for the purposes of this resolution. The procedures, requirements, and authority for the collection, payment, and enforcement of the Gross Receipts Tax shall be those procedures, requirements, and authority set out in North Carolina General Statute 153A-156.1 for such purposes. References to "North Carolina General Statute 153A-156.1" appearing in this resolution shall mean North Carolina General Statute 153A-156.1 as may be from time to time amended, modified, supplemented, revised or superseded.

This resolution and the taxes thereby levied and imposed shall become effective January 1, 2009, and shall remain in effect until repealed by a resolution of the Union County Board of Commissioners.

Adopted this the 20th day of October, 2008.

Attest:

Lynn West, Clerk to the Board

Allan L. Baucom, Chairman of the Board

AGENDA ITEM

4/3a

MEETING DATE 10/20/08

MOTOR VEHICLE TAX REFUNDS
for SEPTEMBER 2008

Approval of Board of County Commissioners not required:

Collector Refunds for SEPTEMBER 2008 (adjustment to Sep collector refund register)	2,906.29 (1,278.31)
---	------------------------

To be approved by Board of County Commissioners on 10-20-07
(to be submitted by Assessor's Office)

Assessor Refunds for SEPTEMBER 2008 (Correction on release worksheet)	1,563.46 (812.65)
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*** Approval requested for overpayments:

Overpayments for SEPTEMBER 2008	<u>2,983.04</u>
---------------------------------	-----------------

Total to be refunded for SEPTEMBER 2008	<u><u>5,361.83</u></u>
---	------------------------

Debbie Cox

10-2-08

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date:

Action Agenda Item No. 4/4a
(Central Admin. use only)

SUBJECT: VETERANS DAY CELEBRATION

DEPARTMENT: VETERANS SERVICE **PUBLIC HEARING:** No

ATTACHMENT(S): PROCLAMATIONS **INFORMATION CONTACT:** MICHELLE MARCANO

TELEPHONE NUMBERS:
704-283-3711
704-283-3807

DEPARTMENT'S RECOMMENDED ACTION: TO ADOPT PROCLAMATIONS TO BE AWARDED AT THE VETERANS DAY CELEBRATION ON NOVEMBER 8 & 9, 2008.

BACKGROUND: In October 2002, the Union County Board of Commissioners established the Patriot Award to recognize one outstanding JROTC cadet from each of the high school programs in Union County. The recipient will be selected for demonstrating a high degree of patriotism, leadership, military bearing, scholarship and general excellence.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation:

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 20, 2008

Action Agenda Item No. 415
(Central Admin. use only)

SUBJECT: Report of Fire Conditions

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

ATTACHMENT(S): Report of Fire Conditions for the 18 VFDs

INFORMATION CONTACT: Neal Speer

TELEPHONE NUMBERS:
704-296-4296

DEPARTMENT'S RECOMMENDED ACTION: Certify these annual "Report of Fire Conditions"

BACKGROUND: Each year all rural fire departments must submit a certified copy of "Report of Fire Conditions" to the N.C. Department of Insurance

FINANCIAL IMPACT: None

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 20, 2008

Action Agenda Item No. 4/6

(Central Admin. use only)

SUBJECT: Waiver of Competitive Bidding Under G.S. 143-129(g) for the purchase of one Roll-Off Truck for Public Works

DEPARTMENT: General Services

PUBLIC HEARING: No

ATTACHMENT(S):

- A. Letter from Mack Truck Sales of Charlotte, Inc. to offer piggyback.
- B. Letter from Mack Truck Sales of Charlotte, Inc. to offer alternate hoist at a lesser cost.
- C. Volvo Piggyback Option.
- D. Spreadsheet comparing all three options.

INFORMATION CONTACT:

Barry Wyatt
Nicole Hatch

TELEPHONE NUMBERS:

704-283-3868
704-283-3601

DEPARTMENT'S RECOMMENDED ACTION: Waive Competitive Bidding for the Purchase of one Roll-Off Truck and award bid to Mack Truck Sales of Charlotte, Inc. in the amount of \$126,781.81 for a 2009 MACK GU813 Truck Chassis with the Alternate Hoist.

BACKGROUND: On January 24, 2008, Mecklenburg County awarded a formal bid for a Roll-Off Truck to Mack Truck Sales of Charlotte, the lowest bidder meeting specifications, in the amount of \$128,531.81 for a 2009 Mack GU813 Truck Chassis with Galbreath Hoist. Public Works has reviewed Mecklenburg County's specifications and determined that the subject truck meets Union County's needs. Since Union County only uses containers with an outside rail system and the hoist offered to Mecklenburg County by Mack Truck is an inside/ outside rail system we could save an additional \$1750.00 by changing the existing hoist system. G.S. 143-129(g) allows the governing board to waive the competitive bidding requirements for this purchase when another entity (Mecklenburg County) completed a public, formal bid process as required by statute if the supplier is willing to furnish the item at the same or more favorable prices, terms, and conditions as those provided under the contract with the other entity. Mack Truck Sales of Charlotte, Inc. has agreed to sell Union County an identical Roll-Off Truck at the same price paid by Mecklenburg County or the alternate hoist system. As required by statute, a notice was published in the Enquirer-Journal on (date TBD) indicating the Board of County Commissioners would consider the waiver of competitive bidding in order to contract with a qualified supplier pursuant to G.S. 143-129(g) at its October 20, 2008 meeting.

FINANCIAL IMPACT: Public Works has \$150,000.00 budgeted to cover the cost of the truck.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



Mack Truck Sales of Charlotte, Inc.

August 25, 2008

To: Nicole Hatch, Union County Purchasing
400 N. Church Street
Monroe, NC 28112

Subject: MACK Roll-Off Truck

Dear Nicole,

We are pleased to inform you that Mack Trucks of Charlotte was recently awarded a bid for a roll-off truck for the County of Mecklenburg.

The award was made for the 2009 MACK GU813 truck chassis equipped with Allison Automatic Transmission and the Galbreath 60,000 lbs rated Model U5-IO-174 hoist system with tarp system.

We understand that Union County may be in the market for a new truck this year.

We have been in contact with Francis Baucom lately offering Union County the opportunity to piggyback onto this contract.

For your review, we are including a copy of the bid specifications for the County of Mecklenburg, their summary of bids and recommendation for award, and purchase order dated 3/26/08 confirming the award to Mack Truck Sales of Charlotte, Inc. for \$128,530.81.

Since the award of this bid there have been various price increases from the vendors, hoist manufacturers and Mack Trucks in the form of material surcharges and freight.

We have trimmed margins and have negotiated additional discounts to be in a position to honor the above price for Union County. We want your business.

Thank you for giving us this opportunity to serve you. Please call us at 704-227-6824 if you should have questions or need additional information.

Sincerely and with kindest regards,

A. Nelson Whisnant, Jr., "The Mack Man"
MackTruck Sales of Charlotte, Inc.

ATTACHMENT B**Mack Truck Sales of Charlotte, Inc.**

October 2, 2008

To: Nicole Hatch, Union County Purchasing
County Of Union
400 N. Church Street
Monroe, NC 28112

Subject: MACK Roll-Off Truck- Hoist option

Dear Nicole,

The Mecklenburg County unit was awarded with the Galbreath U5-IO-174 60,000 LB "inside/outside rail" (IO) style hoist system. This was necessary for Mecklenburg County as they operate both inside rail type and outside rail type roll off box containers.

The IO style hoist design is more expensive than the more common "outside rail" (OR) style system.

The OR style system (Galbreath model U5-OR-174, 60,000 lb capacity) is currently \$1,750.00 less than the IO system furnished on the Mecklenburg unit. It is the same in all other performance aspects to the IO type unit.

Union County has historically used the "outside rail" (OR) style system as they operate only outside rail style container boxes.

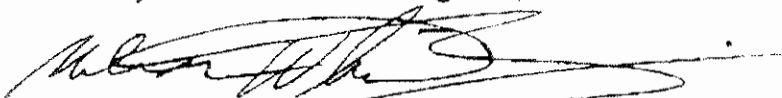
Either style will work for you but the OR style system cost less, weighs less, and requires less maintenance in the long term.

We would like to offer Union County the option to save this amount if it chooses.

We look forward to serving you with either system.

Thank you for giving us this opportunity to serve you. Please contact us if you should have questions or need additional assistance.

Sincerely and with kindest regards,



Nelson Whisnant, "The Mackman"
Mack Truck Sales of Charlotte, Inc.

07/30/2005 08:51 FAX

ATTACHMENT C

PULASKI CO GARAGE

07/30/2005 08:51 FAX

PUBLIC SERVICE AUTHORITY
NORTH BRUNSWICK TOWNSHIP
PO BOX 2116
DUBLIN VA 24084

PUBLIC SERVICE AUTHORITY
NORTH BRUNSWICK TOWNSHIP
PO BOX 2116
DUBLIN VA 24084

PUBLIC SERVICE AUTHORITY
NORTH BRUNSWICK TOWNSHIP
PO BOX 2116
DUBLIN VA 24084
DATE 7/30/2005

704
933
4088

ORDER NO: YOUNG ON BUSY TRACK 2004 11120
P O BOX 2116
DUBLIN VA 24084

SHIP TO: PUBLIC SERVICE AUTHORITY
PO BOX 2116
NORTH BRUNSWICK TOWNSHIP
101 DUBLIN PARK ROAD
DUBLIN VA 24084

ORDER DATE: 7/25/2005 SHIP VIA:

DELIVERY DATE: 06000000 REFERENCE:

ITEM NO.	STOCK#	QUANTITY	UNIT	DESCRIPTION O/L NUMBER	UNIT COST	EXTENDED COST
L	001	1.00	EA	2007 VOLVO CHASSIS 4-500-094100-6101-000-	102,025.00	102,025.00
<p>Title must be made out as follows: Pulaski County Board of Supervisors 143 3rd St. NW Suite 1 Pulaski VA 24301</p>						
TOTAL COST					\$102,025.00	

PULASKI COUNTY PER WILL NOT EXECUTE ACKNOWLEDGEMENT FORMS. PULASKI COUNTY PER RESERVES THE RIGHT TO WITHHOLD PAYMENT UNTIL THE MERCHANDISE IS RECEIVED AND ACCEPTED. ALL PRICES SHOWN ARE NET AND INCLUDE PREPAID FREIGHT TO THE SHIPPING ADDRESS. REFER TO THE PURCHASE ORDER NUMBER IN ALL CORRESPONDENCE AND INVOICES.

APPROVED BY:

DATE:

07/30/2005 12:27 FAX 704 597 7938

VOLVO GMC FRI DEPT

07/30/2005

**CAVALIER
EQUIPMENT CO.**

P. O. BOX 310 • CLOVERDALE, VIRGINIA 24077
Walk In Address - 1975 Lee Hwy., Cloverdale, Virginia 24077
540-992-3355
FAX 540-992-2150

Proposal

To: VOLVO AND GMC TRUCKS OF CAROLINA CHARLOTTE, NC Date: September 18, 2008

Attn: BRUCE STADLER Terms: NET

FOB: UNION COUNTY, NC

Delivery: HOIST IN STOCK

Note: This Proposal Subject to Acceptance in 30 Days.

Item(s): NEW GALBREATH 60,000LB CAPICITY ROLLOFF HOIST MODEL U5-OR-174 WITH ALL STANDARD FEATURES TO INCLUDE HOT SHIFT PTO MARRIED TO PUMP, FULL STEEL FENDER, INSIDE/OUTSIDE AIR CONTROLS, LOWER LIFT SHAFT, BUMPER WITH RECESSED LIGHTS, AUTO/MANUAL FOLD-UP ICC BUMPER, LARGE TOOL BOX, WORK LIGHTS, PIONEER RP4500SARG AUTO TARP SYSTEM, ALL ITEMS MOUNTED AND PAINTED.

TOTAL UNIT PRICE EACH \$ 27,339.00

NO TAXES STATE OR FEDERAL INCLUDED
FREIGHT TO UNION COUNTY, NC IS INCLUDED

Cavalier Equipment Corporation

By: 
DAVID L. WILLS/SALES DEPT.

Attachment D

Piggyback Options

Cost

The Volvo piggyback is within the time frame but is for the truck only which is 2007 for \$102,025.00 and he submitted a separate quote for the hoist which is \$27,339.00. (This would require us to get two more quotes on the hoist) *Currently the hoist is already on this truck	\$	129,364.00
The Mack piggyback is within the time frame and is for the 2009 truck and hoist	\$	128,531.81
The Mack piggyback with the alternate hoist which is an additional savings to Union County.	\$	126,781.81

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 20, 2008

Action Agenda Item No. 4/7

(Central Admin. use only)

SUBJECT: Identity Theft Prevention Program

DEPARTMENT: Public Works
Department (UCPW)
Health Department

PUBLIC HEARING: No

ATTACHMENT(S):
Identity Theft Prevention Program

INFORMATION CONTACT:
Jeff Crook, Staff Attorney

TELEPHONE NUMBERS:

704-283-3673

DEPARTMENT'S RECOMMENDED ACTION: Adopt Identity Theft Prevention Program

BACKGROUND: Recent federal regulations, adopted to implement the Fair and Accurate Credit Transactions (FACT) Act, require creditors (those persons/entities which regularly extend, renew, or continue credit or who arrange for the same) who offer or maintain "covered accounts" to adopt and implement a written Identity Theft Prevention Program by November 1, 2008. A "covered account" is defined by the regulations to mean an account that a creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks. The purpose of the Identity Theft Prevention Program is to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or any existing covered account. In short, the Program proposed for adoption is intended to help Union County reasonably verify the identity of the person who is opening a covered account (or making changes to an existing covered account) as well as identify, detect, and respond to any patterns, practices, or activities that indicate the possible existence of identity theft. The Program refers to these patterns, practices, and activities as "Red Flags." UCPS, as a utility provider, must be covered by this Program. Because the Health Department allows for deferred payment on some of its services, services that are primarily for personal, family, or household purposes, it too will be covered by this Program. The regulations

require that the initial written Program be adopted by the entity's governing board. The regulations do, however, allow the Board to designate an "employee at the level of senior management" to oversee, develop, implement, and administer the Program as well as to approve material changes to the Program. The Program presented to the Board for adoption does in fact grant this authority to the County Manager. In addition, the Program requires staff to report to the County Manager at least annually on the departments' compliance with the regulations (i.e. the effectiveness of the Program in addressing identity theft, recommendations for material changes to the Program). The Program is designed to be periodically updated to reflect changes in risks to customers, the safety and soundness of departments from identity theft, as well as to incorporate additional red flags and identify covered accounts maintained by Union County departments. Finally, the Program requires departments who engage service providers to perform an activity in connection with one or more covered accounts to take steps to ensure that the activity is conducted in accordance with reasonable policies designed to detect, prevent, and mitigate the risk of identity theft.

FINANCIAL IMPACT: At present, UCPW plans to use Online Utilities Exchange to assist in identity verification under the Identity Theft Prevention Program (particularly from those customers who do not wish to appear in person to open a utility account). UCPW estimates that it will cost \$15,000 to use Online Utilities Exchange for compliance with the Identity Theft Prevention Program during this budget year, and UCPW has thus budgeted for this amount. The Health Department does not expect a noticeable financial impact from the adoption of the Identity Theft Prevention Program.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

UNION COUNTY'S IDENTITY THEFT PREVENTION PROGRAM

This program shall become effective November 1, 2008.

Adopted this the ____ day of _____, 2008.

I. PREFACE

The purpose of this program is to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or any existing covered account with a Union County department. This policy is intended to satisfy the requirements of 16 CFR §681.2 which was adopted pursuant to the federal Fair and Accurate Credit Transactions (FACT) Act. According to 16 CFR §681.2, Union County's Identity Theft Prevention Program must include reasonable policies and procedures to: (1) Identify relevant Red Flags for the Covered Accounts that a Union County Department offers or maintains, and incorporate those Red Flags into this Program; (2) Detect Red Flags that have been incorporated into this Program; (3) Respond appropriately to any Red Flags that are detected to prevent and mitigate identity theft; and (4) Ensure this Program (including the Red Flags determined to be relevant) is updated periodically to reflect changes in risks to customers of Covered Accounts and to the safety and soundness of a Union County Department from identity theft. The guidelines found in Appendix A to 16 CFR PT. 681 and the size and complexity of the Department covered by this program and the nature and scope of Union County's activities were considered in the formulation of this Program.

II. DEFINITIONS

1. Covered Account – an account that a Department offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a utility account; and any other account that a Department offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of a Department from identity theft, including financial, operational, compliance, reputation, or litigation risks.
2. Department – a Union County department which is a Creditor under 16 CFR §681.2 and which maintains Covered Accounts as that term is defined under this policy or under 16 CFR §681.2.
3. Identity Theft – the illegal use of the identifying information of another person without authority.
4. Notice of Address Discrepancy – a notice sent to a Department by a consumer reporting agency pursuant to 15 U.S.C. 1681c(h)(1), that informs the Department of a substantial difference between the address for the customer that the Department provided to request a consumer report

and the address(es) in the consumer reporting agency's file for the customer.

5. Personal Identifying Information – name, address, telephone number, date of birth, Social Security Number, an authenticating password established by a Department for a customer's Covered Account
6. Program – Union County's Identity Theft Prevention Program
7. Red Flag – a pattern, practice, or specific activity that indicates the possible existence of identity theft.

III. IDENTIFICATION OF RELEVANT RED FLAGS

Following each of these subheadings is a list of those patterns, practices, and activities considered to be relevant Red Flags under this Program. Some Red Flags may be more relevant to one Department than they are to another given the nature of the Covered Accounts maintained. The title of each subheading is intended only to categorize the list therein and is not intended to be, in and of itself, a Red Flag under this Program. In identifying these Red Flags, the following factors were considered: the types of covered accounts offered or maintained; the methods provided to open Covered Accounts; the methods provided to access Covered Accounts; and previous experiences with identity theft. In updating this Program, these factors should again be considered with the following additional considerations: identified instances of identity theft that reflect changes in identify theft methods/risks and applicable supervisory guidance from state or federal agencies.

A. Notifications or Warnings from a Consumer Reporting Agency *(the Red Flags under this subheading are more relevant for Public Works)*

- i. A fraud or active duty alert is included with a consumer report.
- ii. A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
- iii. A consumer reporting agency provides a notice of address discrepancy.
- iv. A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant for a Covered Account or a customer such as: a recent and significant increase in the volume of inquiries, an unusual number of recently established credit relationships; a material change in the use of credit, especially with respect to recently established credit relationships; or an account that was closed for cause or identified for abuse of account privileges by Union County.

B. Suspicious Documents

- i. Documents provided for identification appear to have been altered or forged.
- ii. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
- iii. Information on the documents provided for identification is not consistent with other information provided by the person opening a new Covered

Account or customer presenting the identification (e.g. date of birth on a driver's license does not match date of birth given by customer/applicant for a Covered Account).

C. Suspicious Personal Identifying Information

- i. Personal identifying information provided by the customer to the Department is inconsistent with other information provided by the customer to the Department (e.g. customer provides two different Social Security Numbers or two different dates of birth or there is a lack of correlation between the Social Security Number range and the date of birth).
- ii. Personal identifying information provided by the customer is inconsistent when compared against external information sources (e.g. a credit report or other public database) used by the Department.
- iii. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the Department.
- iv. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the Department. For example, the address on an application is fictitious, a mail drop, or a prison; or the phone number is invalid, or is associated with a pager or answering service.
- v. The Social Security Number provided is the same as that submitted by other persons opening a Covered Account with the Department or other customers of the Department.
- vi. The person opening the Covered Account or the customer fails to provide all required personal identifying information (with the exception of Social Security Numbers) on an application or in response to notification from the Department that the application is incomplete.
- vii. The person provides personal identifying information which is inconsistent with personal identifying information that is on file for the person with the Department.
- viii. When using challenge questions, the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report (e.g. cannot provide the authenticating password previously agreed to by customer and the Department in regards to the Covered Account).

D. Unusual Use of, or Suspicious Activity Related to, the Covered Account

- i. Mail sent to the customer by the Department is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's Covered Account with the Department.
- ii. The Department is notified that a customer is not receiving paper account statements.

- iii. A Covered Account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the expected pattern of usage and other relevant factors). *This Red Flag is only relevant for Public Works.*
- iv. The Department is notified of unauthorized activity in connection with a Covered Account.

E. Notices

- i. The Department is notified by a customer, a victim of identify theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

IV. DETECTION OF RED FLAGS

In order to detect Red Flags identified under Section III of this Program, the Department will use the following procedure to verify, to the extent reasonable and practicable, the identity of each customer of or applicant for a Covered Account such that the Department will be able to form a reasonable belief that it knows the true identity of each customer.

A. When Opening a Covered Account for a Customer Who is an Individual

- i. The Department will obtain the following information from the customer:
 - a. Name
 - b. Date of Birth (for an individual)
 - c. Street Address
- ii. The Department will then verify the identity of the customer either before the Covered Account is opened or within a reasonable time after the Covered Account is opened through the use of an unexpired government-issued identification evidencing nationality or residence and bearing a photograph or similar safeguard (examples: a driver's license or passport). The customer must show the identification in person.
- iii. If a customer does not want to appear in person for the verification of identity, the customer may choose to provide the Department with his/her taxpayer identification number. The Department may then verify identity by comparing the information provided by the customer with information obtained from a consumer reporting agency, public database, or other source.

B. When Opening a Covered Account for a Business Customer (such as a corporation, partnership, or trust)

- i. The Department will obtain the following information from the customer:
 - a. Name
 - b. Street Address
 - c. Address of Principal Place of Business
- ii. The Department will then verify the identity of the customer before the Covered Account is opened or within a reasonable time after the Covered

Account is opened through documents showing the existence of the entity, such as certified articles of incorporation, a government-issued business license, a partnership agreement, or trust instrument.

C. When Dealing With Existing Covered Accounts

- i. The Department will authenticate customers who request information about their Covered Account or who request a change of mailing address by asking them to provide their name, address, date of birth (if an individual), and an authenticating password (if one has been established by the Customer and the Department) and then comparing the provided information with that information on file for the Customer.
- ii. The Department will monitor transactions to detect the Red Flags listed in Section III.

V. **RESPONSE TO RED FLAGS**

The Department shall respond appropriately to the detection of a Red Flag identified in Section III of this Program such that the response is commensurate with the degree of risk posed. The director of the Department or his/her designee shall decide the appropriate response under the guidance of this Program.

A. Appropriate Responses

- i. Appropriate responses for the detection of a Red Flag associated with an existing Covered Account may include the following:
 - a. Monitoring a Covered Account for evidence of identity theft;
 - b. Contacting the customer;
 - c. Changing an authenticating password that may have been established for the Covered Account;
 - d. Closing an existing Covered Account;
 - e. Not attempting to collect on a Covered Account or not selling a Covered Account to a debt collector;
 - f. Notifying law enforcement;
 - g. Other appropriate action to prevent or mitigate identity theft; or
 - h. Determining that no response is warranted under the particular circumstances.
- ii. Appropriate responses for the detection of a Red Flag associated with the opening of a new Covered Account may include the following:
 - a. Requesting additional identifying information from the applicant;
 - b. Not opening a new Covered Account;
 - c. Notifying law enforcement;
 - d. Other appropriate action to prevent or mitigate identity theft; or
 - e. Determining that no response is warranted under the particular circumstances.

B. Aggravating Factors

- i. In deciding the appropriate response, the Department shall consider aggravating factors that may heighten the risk of identity theft, such as:
 - a. a data security incident that results in unauthorized access to a customer's Covered Account records held by the Department, or
 - b. a customer has provided notice to the Department that he or she has been a victim of identity theft.

VI. ADMINISTERING AND UPDATING THIS PROGRAM

A. Periodic Updates

This policy will be periodically updated to reflect changes in risks to customers or to the safety and soundness of Department(s) from identity theft, based on factors such as:

- a. Experiences with identity theft
- b. Changes in methods of identity theft
- c. Changes in methods to detect, prevent, and mitigate identity theft;
- d. Changes in the types of covered accounts offered or maintained
- e. Changes in an applicable service provider arrangement

B. Oversight

The County Manager will be responsible for overseeing this Program. He will be responsible for, among other things:

- a. Assigning specific responsibility for the Program's implementation;
- b. Reviewing reports prepared by Department staff regarding Department's compliance with 16 C.F.R. §681.2.; and
- c. Approving material changes to the Program as necessary to address changing identity theft risks.

C. Reporting

The [Department Director or Internal Auditor] shall report to the County Manager at least annually on the Department's compliance with 16 C.F.R. §681.2. The report should address material matters related to the Program and evaluate issues such as: the effectiveness of this Program in addressing the risk of identity theft in connection with the opening of Covered Accounts and with respect to existing Covered Accounts; service provider arrangements; significant incidents involving identity theft and the Department's response; and recommendations for material changes to the Program.

D. Service Providers

Whenever the Department engages a service provider to perform an activity in connection with one or more covered accounts, the Department will take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft (e.g. may contractually require the service provider to have policies and procedures to detect relevant Red Flags that may arise in the performance of the service provider's activities, and either report the Red Flags to the Department, or take appropriate steps to prevent or mitigate identity theft).

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 20, 2008

Action Agenda Item No. 4/8a
(Central Admin. use only)

SUBJECT: ADDITIONAL SMART START FUNDING

DEPARTMENT: HEALTH

PUBLIC HEARING: No

ATTACHMENT(S):
Funding Letter

INFORMATION CONTACT:
Phillip Tarte

TELEPHONE NUMBERS:
704-296-4801

DEPARTMENT'S RECOMMENDED ACTION: Accept \$54,000 in additional Smart Start funding for the Smart Start Smiles program.

BACKGROUND: Union Smart Start has awarded the Smart Start Smiles program an additional \$54,000 in funding to be used for the treatment of uninsured children under five (not yet in kindergarten) and pregnant women being treated in the Health Department's Dental Clinic.

FINANCIAL IMPACT: No financial impact to the county.

Increase revenue:
10451150-4447-13341 \$54,000

Increase expenditures:
10551150-5381-13341 \$54,000

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



September 30, 2008

Mr. Phillip Tarte, Director
Union County Health Department
1224 W. Roosevelt Blvd
Monroe, NC 28112

Dear Mr. Tarte:

Union Smart Start received an additional allocation for FY 2008-2009. The Board of Directors unanimously approved some additional funds for your Smart Start Smiles program in the amount of \$54,000 to be used for treatment of uninsured children under five (not yet in kindergarten) and pregnant women being treated in the dental clinic.

Please note that these funds are one time only funds and will only be available this year. As soon as we amend our contract with the North Carolina Partnership for Children and have an executed contract amendment, the funds will be available for use. Please have Ms. Maier prepare and submit appropriate budget change forms.

If you have any questions, please do not hesitate to call me. Thank you and your staff for all that is being done to support the children and families of Union County.

Sincerely,

Mary Ann Rasberry
Executive Director

c: Patsy Walden
Finance/Contract Director

BUDGET AMENDMENT

BUDGET Health Department - Smart Start Smiles REQUESTED BY Phillip Tarte

FISCAL YEAR FY2009 DATE October 20, 2008

INCREASE

Description

Operating Expenses 54,000

State Revenue 54,000

DECREASE

Description

Explanation: Appropriate funds for additional Smart Start Smiles Grant.

DATE _____

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

FOR POSTING PURPOSES ONLY

DEBIT

CREDIT

<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	<u>Amount</u>
10551150-5381-13341	Professional Services	54,000	10451150-4447-13341	Smart Start Smiles	54,000
Total		54,000	Total		54,000

Prepared By bl
Posted By _____
Date _____

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 20, 2008

Action Agenda Item No. 4/9a
(Central Admin. use only)

SUBJECT: Classificaton Plan Amendment

DEPARTMENT: Personnel

PUBLIC HEARING: No

ATTACHMENT(S):
1. Job Description

INFORMATION CONTACT:
Mark Watson

TELEPHONE NUMBERS:
(704) 283-3869

DEPARTMENT'S RECOMMENDED ACTION: Approve the addition of job classification Processing Assistant II, pay grade 53 to the 2008-2009 Union County Pay Plan.

BACKGROUND: This request, made on behalf of the Department of Social Services (DSS), would add the job classification of Processing Assistant II to the Union County Pay Plan.

If approved, DSS will have the option of reclassifying current, higher level Processing Assistant positions to a lower levels. This will allow them to appropriately hire or re-assign employees based on changing responsibilities and accountabilities.

There are four (4) different levels of Processing Assistants within the NC Salary Plan for Local Classifications - Subject to the State Personnel Act. They are PA II, PA III, PA IV, and PA V.

All classification changes requested by DSS must first receive the approval of the NC Office of State Personnel (OSP).

Once OSP approval is received, Union County must revise it's Pay Plan in order to remain in compliance with OSP directives concerning local government employees subject to the State Personnel Act.

NOTE: Union County's Pay Plan is reviewed annually by the State Personnel Commission and is full compliance.

FINANCIAL IMPACT: None. The number of positions allocated to the department in the 2008-09 Budget is not changed by this action.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

POSITION DESCRIPTION FORM (PD-OSS-92)

STATE OF NORTH CAROLINA
OFFICE SUPPORT SERVICES OCCUPATIONAL GROUP
(PD-OSS-92)

Approved Classification: _____
Effective Date: _____
Analyst: _____

(This Space for Personnel Dept. Use Only)

1. Present Classification Title of Pos.	7. Present Position No.	Proposed Position No.
2. Usual Working Title of Position Processing Assistant III Part Time PA II	8. Dept., University, Commission, or Agency Social Services	
3. Requested Classification of Position Processing Assistant III PA II	9. Institution and Division	
4. Name of Immediate Supervisor Joyce Whitaker	10. Section and Unit Clerical	
5. Supervisor's Position Title & Pos. No. Processing Unit Supervisor V	11. Street Address, City and County 1212 W. Roosevelt Blvd	
6. Name of Employee	12. Location of Workplace, Bldg, & Room No. 392-J	

See specific instructions attached for completion of Section I through V.

CERTIFICATION: Signatures indicate agreement with all information provided, including designation of essential functions.

Supervisor's Certification - I certify that (a) I am the Immediate Supervisor of this position, that (b) I have provided a complete and accurate description of responsibilities and duties and (c) I have verified (and reconciled as needed) its accuracy and completeness with the employee.

Signature: Joyce Whitaker Title: Processing Unit Supv. Date: 9-02-08

Employee's Certification: I certify that I have reviewed this position description and that it is a complete and accurate description of my responsibilities and duties.

Signature: _____ Title: _____ Date: _____

Section or Division Manager's Certification: I certify that this position description, completed by the above named immediate supervisor, is complete and accurate.

Signature: Carol Larimore Title: Staff Development Coordinator Date: 9/2/08

Personnel Director's Certification: I certify that this is an authorized, official position description of the subject position.

Signature: D. Stog Title: Director Date: 9/10/08

STATE OF NORTH CAROLINA
OFFICE OF STATE PERSONNEL

SECTION I: GENERAL INFORMATION

The Central Support Unit consists of 2 front desk processing assistant IV, 1 Foreign Language Interpreter and one screener/receptionist Interpreter, 2 file room processing assistant III and 1 data entry operator, 2 general utility workers, 2 data entry operators and 1 on-site Sheriff's Deputy. It is the core of an agency that employs over 200 people. Three Foreign Language Interpreters also help support the Clerical Department with the increasing needs of the Latino community. All workers have a substantial knowledge of DSS, their computer programs, and office machines, along with the responsibility of knowing how to communicate with the public in order to be able to screen for the appropriate services and give out all the forms for the various departments such as : Work First Family Assistance, Family & Children's Medicaid, Adult Medicaid, Food Stamps, Special Assistance for Adult/Family or Children, or Day Care. The Clerical Dept. maintains various brochures/forms in English and Spanish for the public, i.e., voter registration, social security, and they also process worker permits. The workers are required to set up all necessary files, maintain the file room, maintain WFFA checks and Medicaid's cards, key various state forms-meeting required county/state deadlines, direct incoming calls/answering a multitude of questions/paging as needed, and distribute incoming and outgoing client mail, postal mail, courier mail, and courthouse mail. The Clerical Department is also responsible for enforcing security regulations for our state computer system, as well as security for around two hundred employees by ensuring that only authorized persons are allowed entrance through lock hallway doors. The Clerical department has the responsibility of ordering office supplies, envelopes, letterhead, copy paper, construction paper, toner and print cartridges: and maintenance of seven copy machines, fax machines, duplicator and the mail machine for metering all outgoing mail for all workers in the agency. All clerical workers are cross-trained to cover the front desk, file room and switchboard. The switchboard operator has to have the same knowledge as the rest of the Clerical Department as many of the clients calling the agency do not know their worker's name and know little about the services they are asking about or receiving. The operator has to have substantial knowledge of the agency, its programs, and the ability to key information into the various systems in order to retrieve it properly, and answer the client's and worker's questions. The operator also has the responsibility of keying in the agency's large volume of incoming mail and has to have extensive knowledge of the agency's organizational structure.

SECTION II: DUTIES AND RESPONSIBILITIES

A. Description of Responsibilities and Duties: Method Used (Check One) Order of importance X

This position will expand the capacity to deliver effective services during peak times and reduce the telephone reception time.

Work hours will be from 10:00 a.m. until 2:00 p.m. Monday thru Friday, but must be willing to be flexible.

1. 75 % This position is the main telecommunications operator at the agency switchboard. The primary responsibility of this position is answering the switchboard, paging, making public announcements, referring calls to appropriate personnel, and taking messages when necessary for approximately 200 people. This position communicates with clients, the general public, and other agencies and organizations. This position is responsible for reporting all telephone problems to the information System Department and for fixing/finding problems with local phones. This position keeps updated telephone lists for the agency, the switchboard at the Courthouse. A positive attitude and ability to work well with people in a fast paced environment is needed as this position creates a first impression of the agency to the caller and is very important for this individual to have good customer service skills. This position is required to have general knowledge of all programs offered by DSS so that the caller's request can be directed to the proper unit or employee in an efficient, timely, courteous manner. It is also of utmost importance that this position be aware of the confidentiality involving client information. The agency has several data lines and this position must know the locations/numbers when repair is needed. This position is responsible for monitoring the agency weather alert radio and responding to emergency situations as they arise.
2. 20% The switchboard operator functions independently answering/directing incoming calls and paging, but also has the responsibility for seeing that the agency mail is date stamped and distributed timely and correctly. Over 50% of the mail coming to the agency requires the switchboard operator to search for information in the various programs in order to determine who it should be delivered to. This worker is required to have a wide knowledge of the agency so that mail is processed correctly. This position is responsible for logging client dropped off mail into the AS400.

Client Mail:

Many clients receive their mail at the DSS mailing address. This may be due to DSS being the payee for client bills or the client does not have a physical address. Adult Services Provides a list of clients whose mail should be directed to their unit. All other clients Should be checked in the AS400 to see if they have a worker who would get their mail. All mail sent to Adult Services is logged, date received, who the mail is from and who The mail is addressed to.

For Medicaid cards that are mailed to the DSS address, workers check the Adult Services List to see if this is one of their clients, and if not, check the AS400 to see if they have a Caseworker. All other mail is logged and taken to the front desk after the afternoon mail Has been received. This mail is placed in a locked file cabinet and the client signs the log When picking up their mail. Any mail that is not picked up within 30 days is returned to Their caseworker, if case is closed it is put in the closed file.

Courier Mail

Courier mail is picked up from the agency courier box each morning at 8:a.m. This mail is Sorted according to the type of mail received.

Reports are sorted either by supervisor or the worker district number and then placed in Supervisor's mailbox. Mail that is marked "Do Not Open" or Personal or confidential is Not opened, just date stamped.

Other items received through courier mail: Request for transfer of records in/out: Manual Changes, manual materials, Dear County Director letters, fund authorizations, child placement information/tracking system.

Mail placed in the droop box outside the agency is picked up daily, date stamped with current

Drop Box Mail

Mail placed in the drop box outside the agency is picked up daily, date stamped with current

day's date and placed in workers box.

3. 5% This position updates and maintains the agency telephone listing and the agency units listings.

B. PUBLIC CONTACT:

This position must have the ability to screen communications based on predetermined guidelines in order to independently respond or route to proper destination. This position is able to assist customers on the telephone on a rotation basis among clerical staff. Ability to work with people with courtesy and tact in performing public contact duties must be upheld.

C. RECORDS AND REPORTS:

This position updates and maintains the agency telephone listing and the agency units listing.

D. FILES:

N/A

E. COMPOSITION

N/A

F. OFFICE EQUIPMENT OPERATION:

Computer with various Microsoft software; State computer system; County AS400; Meridian Switchboard; Copier; Laminator; Fax Machine; Scanner

G . MAIL:

The switchboard operator functions independently answering/directing incoming calls and paging, but also has the responsibility for seeing that the agency mail is date stamped and distributed timely and correctly. Over 50% of the mail coming to the agency requires the switchboard operator to search for information in the various programs in order to determine who it should be delivered to. This worker is required to have a wide knowledge of the agency so that mail is processed correctly. This position is responsible for logging client dropped off mail into the AS400.

Client Mail

Many clients receive their mail at the DSS mailing address. This may be due to DSS being the payee for client bills or the client does not have a physical address. Adult Services provides a list of clients whose mail should be directed to their unit. All other clients should be checked in the AS400 to see if they have a worker who would get their mail. All mail sent to Adult Services is logged, date received, who the mail is from and who the mail is addressed to.

For any Medicaid cards that are mailed to the DSS address, workers check the Adult Services list to see if this is one of their clients, and if not, check the AS400 to see if they have a caseworker. All other client mail is logged and taken to the front desk after the afternoon mail has been received. This mail is placed in a locked file cabinet and the client signs the log when picking up their mail. Any mail that is not picked up within 30 days is returned to their caseworker, if case is still open, and if closed, is put in the closed file.

Courier Mail

Courier mail is picked up from the agency courier box each morning at 8:00 a.m. This mail is sorted according to the type of mail received.

Reports are sorted either by supervisor or the worker district number and then placed in supervisor's mailbox. Mail that is marked "Do Not Open" or Personal or Confidential is not opened, just date stamped.

Other items received through courier mail: Request for transfer of records in/out: Manual changes, manual materials, Dear County Director letters, fund authorizations, child placement information/tracking system.

Drop Box Mail

Mail placed in the drop box outside the agency is picked up daily. The mail is date stamped with current day's date and placed in workers box.

H. SUPERVISION RECEIVED:

This position executes all tasks and functions by worker's own initiative in compliance with agency policies and procedures. This employee works independently with limited supervision provided and performs tasks with verbal and handwritten instructions given.

I. RESOURCE AND GUIDELINE AVAILABILITY:

Resources used for clarification and problem-solving are: clerical supervisor, memos, e-mail, individual conferences, unit meetings and agency staff meetings. Every clerical worker must have the ability to review new information at a moments notice and be able to apply it to their daily routine.

Work Enviroment & Conditions

There are periods of time when all of the outside lines of the switchboard are ringing at the same time. This is very stressful, and requires a lot of patience.

The most repetitious work performed is searching for a client's worker and transferring calls and sitting for long periods of time.

IV: SUPERVISION EXERCISED (If Applicable)

N/A

V. Knowledges, Skills And Abilities

General knowledge of office or work unit procedures, methods and practices.

**General knowledge of and ability to use correct spelling, punctuation and
Specialized vocabulary; ability to proofread.**

**General knowledge of office accounting and record keeping procedures,
Mathematics and their application in the work environment.**

Ability to learn and apply a variety of guidelines.

Ability to use a variety of office equipment.

Ability to work with people with courtesy and tact.
Ability to screen communications based on predetermined guidelines to
Independently respond or route inquires.
Ability to record and compile information based on general guidelines.
Ability to gather and give information and instructions regarding the work
Process or procedures.
Ability to balance and reconcile figures.
May require ability to coordinate work of other support staff, student workers
Or volunteers.
Ability to learn to use specialized office equipment.

VI: Qualifications Required

Graduation from high school and demonstrated possession of knowledge, skills
And abilities gained through at least one year of office assistant/secretarial
Experience, or an equivalent combination of training and experience.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: 10/20/08

Action Agenda Item No. 4/10
(Central Admin. use only)

SUBJECT: Picturing America Grant Applications

DEPARTMENT: Library

PUBLIC HEARING: No

ATTACHMENT(S):
Grant Application

INFORMATION CONTACT:
Dana Eure

TELEPHONE NUMBERS:
704-283-8184 x237

DEPARTMENT'S RECOMMENDED ACTION: Authorize County Manager to sign grant application

BACKGROUND: Picturing America is an innovative program that helps teach American history and provides students with a gateway to the entire universe of the humanities. Picturing America is a free resource that provides each participating institution with a comprehensive package of materials that includes:

- Forty large, high-quality color reproductions of the selected masterpieces (24" x 36").
- A Teachers Resource Book providing a wide range of ideas and background information to support educators using the works of art in core subject areas.
- Additional resources and lesson plans available through PicturingAmerica.neh.gov.

The Library plans to set up a series of 3 programs and invite Latino families with elementary school age children to learn together about the artwork and the country in which we live. We plan to launch the series of programs after we had a "showing" of all of the pictures on or around Día de los niños/Día de los libros (April 30, 2009) since it is a time when we always try to incorporate art and music.

FINANCIAL IMPACT: None.

Legal Dept. Comments if applicable: _____

Picturing America



NATIONAL
ENDOWMENT
FOR THE
HUMANITIES



Application

OMB# 3136-0134

Expires: 6/30/09

Project Director Information

We have made an effort to validate recipient addresses to ensure delivery. If you feel that the validated address below is in error, you may click "Edit" and adjust your address as needed.

Please note that this message is not an error message—it is meant to direct your attention toward a possible change to your address and will not prevent you from successfully submitting the application

*Susan Suarez Webster
Hispanic Services Librarian
Union County Public Library
316 E Windsor St
Monroe, North Carolina 28112-4842
swebster@union.lib.nc.us
(704) 283-8184 ext. 243*

Recipient School or Library Information

*Union County Public Library
316 E Windsor St
Monroe, North Carolina 28112-4842*

*Susan Suarez Webster
swebster@union.lib.nc.us
(704) 283-8184 ext. 243*

*Library Type: Public Library
Population Served: > 100,000*

Collection Use

Types of courses in which it is anticipated the posters will be used:

- N/A

Does your school or library agree to use the Picturing America collection in its curriculum or to conduct public programs?

Yes

Does your school or library agree to keep as much of the Picturing America collection on display as possible during the grant term (April 2009 - April 2010)?

Yes

Does your school or library retain the Picturing America materials for future educational programming and use?

Yes

Certify Application

Al Greene
County Manager
(704) 292-2625 ext.
AlGreene@co.union.nc.us

Submitted on: 10/08/2008 11:55:54 AM



UNION COUNTY PARKS & RECREATION DEPARTMENT CANE CREEK PARK

5213 HARKEY ROAD, WAXHAW, NORTH CAROLINA 28173
PHONE • 704-843-3919 FAX • 704-843-4046
WANDA M. SMITH, DIRECTOR

AGENDA ITEM

4/11a-g

MEETING DATE 10-20-08

MEMORANDUM

TO: AL GREENE, COUNTY MANAGER

**FROM: WANDA SMITH, DIRECTOR
PARKS AND RECREATION**

DATE: OCTOBER 7, 2008

RE: ATHLETIC ASSOCIATION GRANTS 2009 (\$166,143.43)

The Parks and Recreation Athletic Association met on September 17, 2008 at their regularly scheduled meeting and discussed Athletic Association Grants. A copy of the minutes (from this meeting) is enclosed for your reference. Action was taken on each of the Association's request as follows:

INDIAN TRAIL ATHLETIC ASSOCIATION

See attached Narrative of Project (pages 2-3), Amount Requested, Status of Previous Grants, and Staff Recommendation. The Advisory Committee voted unanimously to approve the request from Indian Trail with contingencies as provided in Staff Recommendations. Contingencies (1) and (2) have been fulfilled, and there appears to be no current restrictions addressing contingency (3) in the County's Water Use Policy.

Amount Requested From Union County: **\$33,028.94**

PIEDMONT RECREATION ASSOCIATION

See attached Narrative of Project (pages 5-6), Amount Requested, Status of Previous Grants, and Staff Recommendation. The Advisory Committee voted unanimously to approve the request from Piedmont with contingencies as provided in Staff Recommendations. Contingencies (1) and (2) have been fulfilled, and there appears to be no current restrictions addressing contingency (3) in the County's Water Use Policy.

Amount Requested From Union County: **\$15,196.81**

PROSPECT ATHLETIC AND RECREATION ASSOCIATION

See attached Narrative of Project (pages 8-9), Amount Requested, Status of Previous Grants, and Staff Recommendation. The Advisory Committee voted unanimously to approve the request from Prospect with contingencies as provided in Staff Recommendations. All contingencies have been fulfilled.

Amount Requested From Union County: **\$8,462.86**

SOUTH UNION ATHLETIC ASSOCIATION

See attached Narrative of Project (page 10), Amount Requested, Status of Previous Grants, and Staff Recommendation. The Advisory Committee voted unanimously to approve the request from South Union with contingencies as provided in Staff Recommendations. All contingencies have been fulfilled.

Amount Requested From Union County: **\$5,823.10**

WAXHAW ATHLETIC ASSOCIATION

See attached Narrative of Project (page 11), Amount Requested, Status of Previous Grants, and Staff Recommendation. The Advisory Committee voted unanimously to approve the request from Waxhaw with contingencies as provided in Staff Recommendations. All contingencies have been fulfilled.

Amount Requested From Union County: **\$7,172.34**

PORTER RIDGE ATHLETIC ASSOCIATION

Project: Build a new football practice field on the Porter Ridge High School campus. The field will be 50 yards wide by 75 yards in length. This project will be turn key construction and will be completed within two months of approval by Union County Parks and Recreation.

See attached Narrative of Project (page 7-7a), Amount Requested, Status of Previous Grants, and Staff Recommendation.

Amount Requested From Union County: **\$41,542.64**

Advisory Committee Recommendation: The 2009 project was to build another field at PRHS. Since the 2008 project has not been started because of a lack of water for irrigation at the school, the Advisory Committee made a motion to ask Porter Ridge for a new grant application for the 2009 grant cycle and extend their deadline to November 15, 2008.

(Porter Ridge Athletic Association has made a request to address issues with the 2008 grant project at the Advisory Committee's October 15th meeting. The 2008 project request will be brought to the BOCC at a future meeting.)

WESLEY CHAPEL/WEDDINGTON ATHLETIC ASSOCIATION

2007 Project: Construction of a multi-purpose complex that includes one baseball/softball field and one football/lacrosse/soccer field (agreement in the amount of \$53,385.21 was mailed to WCWAA 2/13/08 but has not been returned to Union County).

2008 Project: Purchase of six (6) acres of land (\$55,000 was paid to WCWAA on 2/27/08). The Advisory Committee was informed at their meeting on 9/17/08 that WCWAA now did not intend to purchase this land and wanted to use these funds to have Astroturf installed on a heavily used field that

2009 Project: WCWAA has submitted a grant application (\$54,916.74) which does not meet grant criteria. (This request was to build a parking lot on property that was not owned by WCWAA, a school, or a municipality, as stated in the grant guidelines.)

See attached Narrative of Project (page 12-13), Amount Requested, Status of Previous Grants, and Staff Recommendation.

Amount Requested From Union County: **\$54,916.74 (2009 Request)**

Advisory Committee Recommendation:

Since the **2007** Grant agreement (construction of a multi-purpose complex of one baseball/softball field and one football/lacrosse/soccer field) has not been returned to Union County from WCWAA (in the amount of **\$53,385.21**), and therefore not started;

and since WCWAA has informed the Advisory Committee that the land for the **2008** project was not going to be purchased (**\$55,000 paid to WCWAA on 2/27/08**);

and since the **2009** grant application (**\$54,916.74**) does not meet grant criteria as stated above;

a motion was made by the Advisory Committee to approve (2009 grant) contingent upon having WCWAA submit a letter of cancellation for the 2007 grant, declining the funds (thereby releasing the funds back to the general fund); contingent upon submitting a modification for the 2008 grant application; and contingent upon reapplication for the 2009 grant, with an extension until November 15, 2008, for the 2009 grant application. The Advisory Committee unanimously approved with all contingencies.

Funds are available in the current budget in 10-561372-5699 to cover these expenditures (\$166,143.43). On behalf of the Parks and Recreation Advisory Committee and the Parks and Recreation Department, I request your approval of these Athletic Association Grants for the 2009 cycle, and further request your authorization for the County Manager to execute upon completion of the agreements from Legal.

2009 UCAC Grant Request
For
INDIAN TRAIL ATHLETIC ASSOCIATION

Name of Project: Water, Lights, and Natural Privacy Barrier for EDNA LOVE PARK

Narrative of Project:

Build a self sustaining water system to irrigate the athletic fields. This water system will include a 6" well and possible holding tank to eliminate the need for "city water" (as per e-mail dated 8/27/2008). This project will allow year round irrigation to help sustain the athletic fields, to ensure the playing fields can be maintained at a high level of safety.

U-10 Field Lights:

ITAA will install a set of lights for our 10-U and 8-U soccer fields which allow practice and games during the fall seasons. These lights will provide enough light to ensure a safe area for soccer practice and games during night hours.

U-10 Natural Privacy Barrier:

With the new lights for the U-10 field, ITAA will build a natural barrier along the perimeter of the 10-U soccer fields using plants, bushes and evergreen trees to shield adjacent homes from the new lights, plus this barrier will be used to reduce traffic sounds along the outer perimeter of the park where existing homes stand. Approximate height 6' at time of planting.

First Aid:

ITAA will purchase an automated external defibrillator (AED) for our main park facility at Edna Love Park for use by first responders during health emergencies. In addition, ITAA will purchase individual first Aid Kits for team coaches to be distributed throughout 2009, an additional set of first aid kits will be stored in each building throughout the park for easy access by volunteers, parents, coaches, and each sport commissioner.

Amount Authorized: \$ 36,240.39

Amount Requested: \$ 33,028.94

Association's Funding for Project: \$ 33,028.94

Overmatch: Yes No

Status of FY-2007 Grant:

Staff member has received close-out information. All information has been reviewed. Needs Association's Elected Officer to sign report so that it can be forwarded to Legal for close-out of contract.

Status of FY-2008 Grant:

No feedback report has been received as of this date (8/20/08). Project = John Deere Mower, John Deere Gator and safety equipment.

Staff Recommendation:

A review of the application was made. Site check has been completed. Plan calls for a 6" well to be installed.

Staff recommends approval of this grant request if the following conditions are met by October 1, 2008.

- (1) FY-2007 Grant Close-Out Report signed and returned to staff.
- (2) Update on FY-2008 Grant completed on standard form and returned to staff.
- (3) That the project meets the County's Water Use Policy. (If the project is rejected for the well, it is recommended that the association be allowed until October 31, 2008 to submit an "updated" grant request.)

Advisory Committee's Recommendation:

FY-2009 UCAC Grant Applications were scheduled to be reviewed on August 20, 2009 at the regularly scheduled Advisory Committee Meeting. Meeting was cancelled due to a lack of a quorum. Due to the importance of moving forward with recommendations (as per the published guidelines) to the BOCC on the FY-2009 UCAC Grants, a special meeting was called for August 27, 2009 to obtain the Advisory Committee's recommendation.

The staff read their recommendations and explained the basis for each. The "attending" Advisory Committee Members indicated support for the staff recommendations. Support for abiding by the set guidelines was apparent with a strong emphasis on closing all previous grants (FY-2007 & FY-2008). No motions/votes could be taken since the meeting was not called to order (lack of quorum).

2009 UCAC Grant Request
For
PIEDMONT RECREATION ASSOCIATION

Name of Project: Renovate U7-8 & micro fields.

Narrative of Project:

This project will correct grading and field size issues in our soccer area, and provide a new playing surface for our U7-8 and micro fields. We will be installing an irrigation holding tank and pump system that will supply soccer fields, and in the future softball and T-ball fields.

Amount Authorized: \$ 15,196.81

Amount Requested: \$ 15,196.81

Association's Funding for Project: \$ 10,637.77

Overmatch: Yes No

Status of FY-2007 Grant:

Staff member has received close-out information. All information has been reviewed. Needs Association's Elected Officer to sign report so that it can be forwarded to Legal for close-out of contract.

Status of FY-2008 Grant:

No feedback report has been received as of this date. (8/20/08)

Project= Laser grade field, increase field size, improve drainage, seed and mulch

Staff Recommendation:

A review of the application was made. Site check has been completed. Grant calls for an irrigation system to be installed.

Staff recommends approval of this grant request if the following conditions are met by October 1, 2008:

- (1) FY-2007 Close-Out Report signed and returned to staff.
- (2) Update on FY-2008 completed on standard form and returned to staff.
- (3) That the project meets the County's Water Use Policy. (If the project is rejected for the irrigation system, it is recommended that the association be allowed until October 31, 2008 to submit an "updated" grant request.)

Advisory Committee's Recommendation:

FY-2009 UCAC Grant Applications were scheduled to be reviewed on August 20, 2009 at the regularly scheduled Advisory Committee Meeting. Meeting was cancelled due to a lack of a quorum. Due to the importance of moving forward with recommendations (as per the published guidelines) to the BOCC on the FY-2009 UCAC Grants, a special meeting was called for

August 27, 2009 to obtain the Advisory Committee's recommendation.

The staff read their recommendations and explained the basis for each. The "attending" Advisory Committee Members indicated support for the staff recommendations. Support for abiding by the set guidelines was apparent with a strong emphasis on closing all previous grants (FY-2007 & FY-2008). No motions/votes could be taken since the meeting was not called to order (lack of quorum).

2009 UCAC Grant Request
For
PROSPECT ATHLETIC AND RECREATION ASSOCIATION

Name of Project: Continuation of Field #5 Project (2009 UCAC Grant)

Narrative of Project: Project A consists of completion of outfield fencing on field #5 (drawing in packet) in order to completely enclose playing area. This is to include material and installation by professional fencing contractor. It will be a continuation of the buck stop and dugout fencing installed in 2008. Project B consists of the purchase of bleachers of field #5. These will be a commercially purchased item that will meet all safety requirements. They will provide safe viewing areas around field #5 for spectators. Project C consists of the purchase of two (2) refrigerators for concession stands. They will be commercially purchased items that meet all safety and electrical requirements. They are needed to replace one unrepairable unit in the main concession stand and to equip the second concession stand with a new unit (note: the second concession needs expansion of equipment in order to service the additional field #5, as well as the majority of fields at the complex).

Amount Authorized: \$ 9,208.05

Amount Requested: \$ 8,462.86

Association's Funding for Project: \$ 3,385.14

Overmatch: Yes No

Status of FY-2007 Grant:

Staff member has received close-out information. All information has been reviewed. Refund of \$ 701.42 needs to be returned to the County and the Association's Elected Officer needs to sign report so that it can be forwarded to Legal for close-out of contract.

(Requested \$7,381.82 / Union County's Share Spent on Project = \$6,680.40)

Note: The Special FY-2007 ADA Grant must also be closed out with refund of \$566.88.

(Requested \$ 2,834.40 / Union County's Share Spent on Project= \$ 2,267.52)

Status of FY-2008 Grant:

No feedback report has been received as of this date (8/20/08).

Project: Install new fencing on Field #5. Purchase Field Drags. Purchase Safety Equipment

Staff Recommendation:

Staff has reviewed the grant request information. Site check has been completed. No copy of "Certificate or Accord of Insurance" at this time but will seek one from the applicant prior to next meeting Advisory Committee Meeting.

Staff recommends approval of this grant request if the following conditions are met by October 1, 2008.

- (1) FY-2007 UCAC Close-Out Report signed and returned to staff and refund made.
- (2) Update on FY-2008 completed on standard form and returned to staff.
- (3) Close-Out for the 2007 Special ADA Grant funding is closed out and refund made.
- (4) A "Certificate or Accord of Insurance" is received.

Advisory Committee's Recommendation:

FY-2009 UCAC Grant Applications were scheduled to be reviewed on August 20, 2009 at the regularly scheduled Advisory Committee Meeting. Meeting was cancelled due to a lack of a quorum. Due to the importance of moving forward with recommendations (as per the published guidelines) to the BOCC on the FY-2009 UCAC Grants, a special meeting was called for August 27, 2009 to obtain the Advisory Committee's recommendation.

The staff read their recommendations and explained the basis for each. The "attending" Advisory Committee Members indicated support for the staff recommendations. Support for abiding by the set guidelines was apparent with a strong emphasis on closing all previous grants (FY-2007 & FY-2008). No motions/votes could be taken since the meeting was not called to order (lack of quorum).

2009 UCAC Grant Request
For
SOUTH UNION ATHLETIC ASSOCIATION

Name of Project: New Bleachers

Narrative of Project: To provide new factory built, aluminum bleachers at softball/baseball field #2. We currently have old treated lumber bleachers that are not in very good condition and the wood that is used is not safe. These bleachers are not used very often; most of the time spectators bring their own chairs, which is sometimes an inconvenience. The new bleachers will allow for spectators to have better seating and be able to enjoy the game. Also, as more and more associations come to our park to play they are unaware of the fact that we do not have very good seating arrangements.

Amount Authorized: \$ 5,823.10

Amount Requested: \$ 5,823.10

Association's Funding for Project: \$ 2,351.00

Overmatch: Yes No

Status of FY-2007 Grant:

Staff member has received close-out information. All information has been reviewed. Needs Association's Elected Officer to sign report so that it can be forwarded to Legal for close-out of contract.

Status of FY-2008 Grant:

No feedback report has been received as of this date (8/20/08).
Project = Rotate to bring field within property lines, rework field, relocate and rework existing dugouts

Staff Recommendation:

Application packet complete. Site check has been completed.

Staff recommends approval of this grant request if the following conditions are met by October 1, 2008:

- (1) FY-2007 Close-Out Report signed and returned to staff.
- (2) Update on FY-2008 completed on standard form and returned to staff.

Advisory Committee's Recommendation:

FY-2009 UCAC Grant Applications were scheduled to be reviewed on August 20, 2009 at the regularly scheduled Advisory Committee Meeting. Meeting was cancelled due to a lack of a quorum. Due to the importance of moving forward with recommendations (as per the published guidelines) to the BOCC on the FY-2009 UCAC Grants, a special meeting was called for August 27, 2009 to obtain the Advisory Committee's recommendation.

The staff read their recommendations and explained the basis for each. The "attending" Advisory Committee Members indicated support for the staff recommendations. Support for abiding by the set guidelines was apparent with a strong emphasis on closing all previous grants (FY-2007 & FY-2008). No motions/votes could be taken since the meeting was not called to order (lack of quorum)

2009 UCAC Grant Request
For
WASHAW ATHLETIC ASSOCIATION

Name of Project: Providence High School Basketball Goals and Wall Pads

Narrative of Project: For the 2009 project we intend to purchase two basketball goals for a practice gym at South Providence High School and included in this project we are purchasing two height adjusters. (Replacing old ones.) Also we are purchasing 24 wall pads to keep our players safe from hitting the concrete walls in the gym.

Amount Authorized: \$ 7,172.34

Amount Requested: \$ 7,172.34

Association's Funding for Project: \$ 2,868.94

Overmatch: Yes No

Status of FY-2007 Grant:

Staff member has received close-out information. All information has been reviewed. Association required to refund \$1,179.64 in unused funding. In addition, Association's Elected Officer needs to sign report so that it can be forwarded to Legal for close-out of contract. (Requested \$ 6,809.34 / Union County's Share Spent on Project= \$ 5,629.70)

Status of FY-2008 Grant:

No feedback report has been received as of this date (8/20/08).
Project = Purchase of three storage buildings and new batting cage.

Staff Recommendation:

Application was complete. Site check has been completed.

Staff recommends approval of this grant request if the following conditions are met by October 1, 2008:

- (1) FY-2007 Close-Out Report signed and returned to staff with refund check attached
- (2) Update on FY-2008 completed on standard form and returned to staff.

Advisory Committee's Recommendation:

FY-2009 UCAC Grant Applications were scheduled to be reviewed on August 20, 2009 at the regularly scheduled Advisory Committee Meeting. Meeting was cancelled due to a lack of a quorum. Due to the importance of moving forward with recommendations (as per the published guidelines) to the BOCC on the FY-2009 UCAC Grants, a special meeting was called for August 27, 2009 to obtain the Advisory Committee's recommendation.

The staff read their recommendations and explained the basis for each. The "attending" Advisory Committee Members indicated support for the staff recommendations. Support for abiding by the set guidelines was apparent with a strong emphasis on closing all previous grants (FY-2007 & FY-2008). No motions/votes could be taken since the meeting was not called to order (lack of quorum).

2009 UCAC Grant Request
For
PORTER RIDGE ATHLETIC ASSOCIATION

Name of Project: PRHS Football Practice Field

Narrative of Project: See attached sheet behind this sheet.

Amount Authorized: \$ 41,542.64

Amount Requested: \$ 41,542.64

Association's Funding for Project: \$ 43,457.36

Overmatch: Yes No

Status of FY-2007 Grant:

Staff member has received close-out information. All information has been reviewed. Needs Association's Elected Officer to sign report so that it can be forwarded to Legal for close-out of contract.

Status of FY-2008 Grant:

No feedback report has been received as of this date (8/20/08).

Construct new soccer/multi-purpose field @ Porter Ridge Elementary School.

Staff Recommendation:

A review of the application was made. Site check has been completed. This project calls for an irrigation system.

Staff recommends approval of this grant request if the following conditions are met by October 1, 2008:

- (1) FY-2007 Close-Out Report signed and returned to staff.
- (2) Update on FY-2008 completed on standard form and returned to staff.
- (3) That the project meets the County's Water Use Policy. (If the project is rejected for the irrigation system, it is recommended that the association is allowed until October 31, 2008 to submit an "updated" grant request.)

Advisory Committee's Recommendation:

FY-2009 UCAC Grant Applications were scheduled to be reviewed on August 20, 2009 at the regularly scheduled Advisory Committee Meeting. Meeting was cancelled due to a lack of a quorum. Due to the importance of moving forward with recommendations (as per the published guidelines) to the BOCC on the FY-2009 UCAC Grants, a special meeting was called for August 27, 2009 to obtain the Advisory Committee's recommendation.

The staff read their recommendations and explained the basis for each. The "attending" Advisory Committee Members indicated support for the staff recommendations. Support for abiding by the set guidelines was apparent with a strong emphasis on closing all previous grants (FY-2007 & FY-2008). No motions/votes could be taken since the meeting was not called to order (lack of quorum).

PRAA

Porter Ridge Athletic Association

PO Box 707

Indian Trail, NC 28079

www.PorterRidgeAA.com



FY 2008/2009 Union County Parks and Recreation Grant

Project Narrative

The Porter Ridge Board of Directors has approved the construction of a new football practice field on the Porter Ridge High School campus. The field will be 50 yards wide by 75 yards in length. This project will be turn key construction and will be completed within two months of approval by Union County Parks and Recreation. The estimated cost of this project will be \$85,000. Specifics on construction details are included on the quote by Furr's in Quality Athletic Fields included in the grant package. The project is consistent with the overall vision of the school system with regard to use of the school's property and their desire to have athletic fields developed on the school's campus.

Porter Ridge Athletic Association has a history of working with the local schools in developing athletic fields and maintaining these fields in excellent shape for the school, Union County residents, and the athletic association to use. Porter Ridge Athletic Association serves a geographical area of Northwestern Union County from approximately Hwy 601 North going west to I-485 and North of Hwy 74. As we all know this area has seen a tremendous amount of population growth. With this growth more children are becoming involved in local recreation athletic associations. Started in 2005 the Porter Ridge Athletic Association's football program now has over 250 children participating. The program serves children from the ages of 7-13 years of age. The program is affiliated with the Pop Warner national football program and maintains a high level of standards with regard to coaching and educating the youth participants.

Currently the program has no designated practice field. Home games are held at the football field at Hemby Bridge Elementary School and away games are at various other local Pop Warner leagues. Practices are held on our soccer fields when not in use by our soccer program, our baseball outfield areas when not in use by our baseball program, and any field that can be rented or that is available. The program has a great deal of equipment that is needed to accommodate a successful and productive practice. The constant moving of this equipment is difficult but they have managed to do so to successfully run the program. The development of this dedicated practice field will be tremendous help to this program. It will give the program a "home."

This field will be a tremendous asset to Union County, Union County Public School System, the community, and Porter Ridge Athletic Association. We appreciate the opportunity to submit this package for your consideration and urge your continued support of the programs we provide for our children.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lane Edwards", written over a horizontal line.

Lane Edwards

Porter Ridge Board of Directors

2009 UCAC Grant Request
For
WESLEY CHAPEL-WEDDINGTON ATHLETIC ASSOCIATION

Name of Project: Parking Lot Development

Narrative of Project: Grading a new parking lot to serve WCWAA football field and three fields to be constructed in the future. We have a very serious shortage of parking spaces at Optimist Park. During our football season that problem is even worse because of the number of children per team and the length of time each team is at the park.

The parking lot is to be constructed on property owned by Southbrook Community Church. We have a signed and executed (TWENTY YEAR - PLUS 10 YEAR FIRST OPTION) land lease agreement with SCC. This property is immediately adjacent to Optimist Park and our football field.

Amount Authorized: \$ 54,916.74

Amount Requested: \$ 54,916.74

Association's Funding for Project: \$ 91,918.26

Overmatch: Yes No

Status of FY-2007 Grant:

At the present time, the contract has not been signed so the funding has not been issued. The contract was released from the County Manager's desk on Feb. 11, 2008. The contract is for \$53,385.21 and needs to be signed and returned. Any corrections to the grant must be presented to the Advisory Committee and approved by the BOCC prior to installing/constructing same. Project: Construction of Multi-Purpose Complex that includes one field for Baseball/Softball and one field for Football/Lacrosse/Soccer.

Special Note: Guidelines state, "Grant recipients will have eighteen (18) months from the date of award to complete the project as outlined on the approved application form. However, if the current project has not been completed one year from the date of award, the Association will not be eligible to apply for funding the following year. In addition, if the Association has not started the project within six (6) months of the award date, and has not submitted a report to the Parks and Recreation Department, a representative of the group will be asked to appear before the Parks and Recreation Advisory Committee and explain why the project has not been started and why no report has been filed. If the project has not been started and proper reports filed within twelve (12) months of award, the Parks and Recreation Advisory Committee may (unless just cause can be shown to continue the project) notify the Board of County Commissioners who may request repayment of all County funds involved."

Status of FY-2008 Grant:

No feedback report has been received as of this date (8/20/08). Purchase of six-acres of land. A letter was forwarded to Al Greene from a board member of WCWAA and that was then forwarded to Wanda Smith, Director Parks and Recreation, on 8/25/08. The letter stated that WCWAA wanted to make a request for a change in the 2008 grant in the amount of \$53,385.21. The Change was to not buy the six-acres of land as originally planned but to purchase turf for a field. The amount of the 2008 grant is \$55,000 which has been paid to WCWAA and the \$53,385.21 is for the 2007 Grant which has not been signed or returned to Union County.

Staff Recommendation:

Staff states that the application does not meet the guidelines of the grant in that the project is not on property owned by the association, a municipality, or a school. It is located on private property. It would be the best interest of the county to have tax dollars invested on property that was owned as per the grant guidelines.

Special note: Upon review of WCWAA's draft application (submitted for the staff's early review process), staff contacted WCWAA and voiced its concerns of the project and asked them to look for a different project for the grant request. WCWAA stated that was the only project that they were considering at the time.

Staff is also concerned about the funding that is tied up with the FY-2007 Grant Request. This project should have been started by now, but it appears that the contract has not been signed or returned to the County as of this date.

Based on this information, staff recommends that the association be required to complete the following prior to October 1, 2008 to be considered for 2009 Grant Funding:

- (1) Although staff previously requested that WCWAA submit another project that meets the grant criteria with no avail, we suggest allowing WCWAA to complete a new packet that meets the guidelines of the FY-2009 Grant Application. However it must be completed and delivered to staff prior to the the above-mentioned deadline.
- (2) WCWAA must take immediate action to resolve any issues with the FY-2007 Grant Application to allow for the monies to be awarded or return designated dollars to the general fund. Any changes to the original grant application must be presented to the Advisory Committee and approved through the BOCC prior to installing or constructing same.
- (3) WCWAA must resolve issues with floodway and floodplain prior to investing any grant dollars in those areas.

Advisory Committee's Recommendation:

FY-2009 UCAC Grant Applications were scheduled to be reviewed on August 20, 2009 at the regularly scheduled Advisory Committee Meeting. Meeting was cancelled due to a lack of a quorum. Due to the importance of moving forward with recommendations (as per the published guidelines) to the BOCC on the FY-2009 UCAC Grants, a special meeting was called for August 27, 2009 to obtain the Advisory Committee's recommendation.

The staff read their recommendations and explained the basis for each. The "attending" Advisory Committee Members indicated support for the staff recommendations. Support for abiding by the set guidelines was apparent with a strong emphasis on closing all previous grants (FY-2007 & FY-2008). No motions/votes could be taken since the meeting was not called to order (lack of quorum).

**UNION COUNTY PARKS AND RECREATION
ADVISORY COMMITTEE MEETING**

MINUTES

SEPTEMBER 17, 2008

**PERSONNEL TRAINING ROOM #131- FIRST FLOOR
UNION COUNTY GOVERNMENT CENTER- 6:00 P.M.**

Committee members present: Lyncoya Simpson, Rick Davis, Eric Little, Caroline Hasty, Glendora Bention, Irvin Brewbaker, Michael Starnes, Lanny Openshaw, Vonn Stone, Andy Williams, Kimberly Morrison-Hansley

Staff present: Wanda Smith, Bill Whitley, Jim Chaffin, Chris McLamb, Lindsey Fowler

Visitors present: Melody Graham and Ray Williams from the Village of Marvin, Lane Edwards from Porter Ridge Athletic Association, Tracey Clinton and Scott Wahlers from Wesley Chapel/ Weddington Athletic Association

1. Welcome- Lyncoya Simpson

Lyncoya Simpson, Chairman, called the meeting to order at 6:15 p.m. He welcomed members and guests. Wanda Smith then proceeded with meeting.

2. Explanation from Previous Grant Recipients

Lyncoya Simpson read the guidelines highlighted in the 2008/2009 UCAC Grant Application packet. (Pages 3, 4, 6 of attachment 1)

A) Village of Marvin

Melody Graham, Temporary Acting Administrator, and Ray Williams, Chairman of Parks and Greenway, took the floor. Ray began by thanking the Advisory Committee for all money awarded in the grant to them and explained that the money was to be used for a portion of the Marvin Loop. They did not receive as much money as they thought originally so they are asking the Advisory Committee to agree to redirect these funds to another area of the Greenway. The requested area would be directly in front of Marvin Elementary School and would be a safe walking route for children to the school. Ray asks if there are any questions.

Lanny Openshaw stated that the existing .6 miles of the greenway has been very well received by the community. Rick Davis asked if there are any disadvantages to redirecting the funds in which Ray answers that there are none, only a different order to the completion of the loop. Andy Williams suggested that the Village of Marvin have the

prices locked in on asphalt due to escalation in petroleum prices. Wanda Smith asked if the school easement already received gives them all the easements for the entire loop. Melody answered that there are many that they have not even begun to get. To this Wanda Smith asked what they will do if they are not able to get certain pieces and Ray answered that they will then use the DOT right-of-way. Rick Davis asked how the Parks and Recreation staff feels about this in which Wanda Smith stated that they feel good. With no other questions the committee is introduced to the next visitor.

B) Porter Ridge

Lane Edwards, Treasurer and member of Porter Ridge Athletic Association, was introduced and began his presentation. He stated that PRAA has spent over \$700K for its fields. They had anticipated receiving the funds from the grant to build on school owned land. They received the money and they needed a letter from the school principal of Porter Ridge Elementary School. They had spoken with Dr. Webb from the School Board, who had expressed concerns regarding the water restrictions and suggested that they phase the project. This would allow the sod to be laid later and not be wasted due to the watering issues. Lane Edwards stated that in June they were still waiting on the paperwork from the principal of the elementary school, and it was finally completed in late June. Mr. Edwards followed up with the School Board in early July and they had planned to start the project on July 15th. Mr. Edwards called Dr. Webb on the 14th of July and was informed that all construction would be put on hold. A School Board meeting was held on August 5th in which none of the Porter Ridge Athletic Association was able to attend. Lane Edwards stated that he thought the decision was made to allow wells to be put in to get fields started (the first four months) and then they would be cut off. No paperwork was present regarding this speculation. Lane Edwards also stated that they had planned to use the existing well in place for the baseball field to water this new field, but it did not produce enough water for both.

Bill Whitley stated that the problem is not necessarily the project itself, but the fact that PRAA is almost at its one year deadline to start projects and this would prevent them from receiving any money for 2009. PRAA's 2008 contract was released by Union County in October 2007. Lanny Openshaw asked how we can hold them accountable for something not in their control. Kimberly Morrison-Hansley stated that we need to find out what is true about the meeting of the School Board on August 5th and that we need documentation on this. She also stated that the representative for the schools should be someone who is in the planning and construction committee so that they will know the decisions made on these types of issues. Rick Davis asked what would happen if we extended them for six months in which Wanda Smith said that we do not have to make a decision on this tonight, but we have to go by the guidelines in the grant application packet that we have. Rick Davis stated that he does not think it is fair to penalize them for water restrictions. Caroline Hasty pointed out that the money could be used somewhere else. Lanny Openshaw suggested that if we put money aside for them it may be 2-3 years before this type of field will be allowed to be built. Mr. Edwards stated that they could use the money for other projects. Wanda Smith answered to this by saying that we would have to do research on our options because this is the first time anything

like this has happened. Andy Williams asked Lane Edwards if they have objections to freezing the money in which Mr. Edwards answered no. Wanda Smith ended Porter Ridge's presentation by stating that we would have to ask the Finance Department about our options for this situation.

C) Wesley Chapel/ Weddington Athletic Association

Tracey Clinton, Vice President of the WCWAA, and Scott Wahlers, Basketball Commissioner, presenting. Tracey Clinton started by giving some background about their situation saying that in 2005 they were issued a violation because WCWAA added dirt into the floodway/floodplain. They are presently unaware of the status of this violation and grant money cannot be invested in this area due to this fact. The county did not release any money for the 2007 grant because the signed agreement was never returned to Union County from WCWAA. The 2008 grant money was given to them to help in the purchase of buying six acres that cost over \$600K. Tracey Clinton stated that there were problems within the association's leadership and the committee has new officers now. The new committee has chosen not to purchase this land and instead wants to use the money to replace the grass on a heavily used field with AstroTurf. They have done a lot of research (attached packet) and asked that the Advisory Committee allow them to use both the 2007 and the 2008 grant monies for this project.

Lyncoya Simpson asked the price for the AstroTurf. Tracey Clinton stated that it would be \$543K for an estimated twelve years of use. The price includes a new drainage system. Wanda Smith stated that the issue is the reallocation of money from the 2007 and 2008 grants, which was released in February to WCWAA, seven months ago, with only one agreement being signed and returned. If County funds were used initially for placing the fill in the floodway/floodplain, then it would be irresponsible to allow these funds to be used to clean up the same fields. Tracey Clinton asked that the committee take into consideration the issues that WCWAA has been having. Rick Davis stated that if we allow them to have "special circumstances" then we would have to look at all grants the same way.

3. UCAC Meeting Review

Jim Chaffin addressed this item and told the committee that all 2007 grants are closed except for a signature from Prospect that is in the works. Waxhaw and Prospect have returned unused monies and have been cleared. He then said that the 2008 grants are going well and that the feedback reports have been received. All projects have been started with the exception of Porter Ridge and WCWAA. Bill Whitley added that both Marshville and Wingate Athletic Association's attended the UCAC meeting and planned to take part in the next grant application process for funding.

4. 2009 UCAC Grant Applications

Lyncoya Simpson stated that because of the lack of a quorum at the previous meeting we have to readdress the UCAC Grant Application and asked that everyone take a moment to read the request and then we will discuss and vote.

a) Indian Trail Athletic Association

Lyncoya Simpson stated that he has a problem with the self sustaining water system and Wanda Smith reminded him that our staff took this into consideration with the contingency recommended. Jim Chaffin stated that he believes that the well will take over the irrigation, rather than use of county water. Rick Davis reiterated that if denied they will have until October to ask for another project. Andy Williams asked if the light will affect any of the nearby homes in which Jim Chaffin answered that he does not believe so. Lyncoya Simpson made a motion to accept the grant request with the staff's recommendations. Eric Little seconds. The committee unanimously approved.

B) Piedmont Recreation Association

Lyncoya Simpson asked for questions or concerns. Rick Davis asked where the water will come from and Wanda Smith again stated that this too is in the staff's contingency recommendations. Lyncoya Simpson made a motion to accept, Andy Williams seconded, and the committee unanimously approved.

C) Porter Ridge Athletic Association

Lyncoya Simpson asked for any discussion and stated that he believes we should set up a fund to hold the money for Porter Ridge until the water restrictions are eased. Glendora Bention asked that we resolve 2008 before we move to 2009. Lanny Openshaw suggests that we make retaining the 2008 money a condition of accepting the 2009 request. Bill Whitley addressed the committee by clarifying that the 2008 grant was given to Porter Ridge in October 2007 after they made a request to the BOCC for approval in advance of the actual grant cycle. This was requested by Porter Ridge so that they could build both fields at the same time, thereby saving money. Parks & Rec. has repeatedly asked for status reports with no response. If we approve to save their money for later it will say to other associations that this is o. k. to do and that they do not have to follow our guidelines. Wanda Smith stated that if the funds come back to the county then they could be opened for other associations to use. Caroline Hasty asked when they could reapply for more money at which Bill Whitley answered that their year deadline is up on October 7th. Vonn Stone made a motion that the PRAA 2008 grant money be put into an escrow account until the county's water issues are resolved. Lanny Openshaw made an addendum to that motion, that we put a note in their file as a warning. Rick Davis seconded the motion with the addendum. Vonn Stone, Caroline Hasty, Irvin Brewbaker, Rick Davis, and Michael Starnes voted for the motion. Andy Williams, Eric Little, and Glendora Bention voted against this motion. The motion was approved(5/3).

Bill Whitley made a recommendation to the chairman to ask Porter Ridge for a new grant application for 2009 and to move the deadline to November 15th since it was also tied to the water issue. Lyncoya Simpson made a motion to accept this with an extension of the 2009 grant application until November 15th and contingent upon the BOCC approving to put the 2008 grant money into an escrow account. Rick Davis seconded the motion. Vonn Stone, Glendora Bention, Irvin Brewbaker, Rick Davis, Michael Starnes, Eric

Little, and Andy Williams voted for this. Caroline Hasty voted against. The motion was approved(7/1).

D) Prospect Athletic and Recreation Association

Lyncoya Simpson asked if all stipulations have been met. Bill Whitley replied that all have except a signature on the 2007 close-out report for Prospect. Lyncoya Simpson made a motion to approve contingent upon the signature on the 2007 close-out report. Vonn Stone seconded. The committee unanimously approved.

E) South Union Athletic Association

Lyncoya Simpson made a motion to approve, Andy Williams seconded, and the Advisory Committee unanimously approved.

F) Waxhaw Athletic Association

Vonn Stone asked if all the conditions have been met. Jim Chaffin answered that they have. Lyncoya Simpson made a motion to approve, Caroline Hasty seconded, and the Advisory Committee unanimously approved.

G) Wesley Chapel/ Weddington Athletic Association

Lyncoya Simpson asked that we, the committee, receive clarity on the situation. Wanda Smith said that the 2007 grant has not been returned to Union County. Lyncoya Simpson stated that in order to have the 2007 money released WCWAA should send a letter declining the funds. Wanda Smith stated that we would need to have a letter from WCWAA to void the 2007 contract and they would have to submit new application for 2008 and 2009. Bill Whitley clarified by saying that WCWAA is not in the one year window for the 2007 grant money, but they do have enough time to request a change for the 2009 request because this request does not meet grant criteria. He also stated that we should not herd money from different years into one project. Wanda Smith read and excerpt from the grant guidelines, "Any Grant Project will only receive a one fiscal year commitment from the County, therefore, any Athletic Association cannot expect continuous funding of one specific project". Rick Davis made a motion to approve contingent upon having WCWAA submit a letter of cancellation for the 2007 grant, contingent upon resubmitting a modification for the 2008 grant application, and contingent upon reapplication for the 2009 grant with an extension until November 15th for the 2009 grant application. Andy Williams seconded. The Advisory Committee unanimously approved with all contingencies.

Village of Marvin Request

The Advisory Committee revisited the Village of Marvin's request for a change to use the 2008 funds for a different part of the Greenway. Lyncoya Simpson made a motion to allow them to do this, Caroline Hasty seconded, and the Advisory Committee approved.

5. CIP 2009-2013 Map and Summary

Map was given to the committee and explained that this map showed their prioritized decision as to where we need to allocate funds if a Bond Referendum is approved. Andy Williams asked if there has been any construction on the passive area at Jesse Helms Park. Wanda Smith answered that we have to complete the bridge and that this was tabled by the BOCC on Monday night, until a hydro engineer can answer some questions for the BOCC. Wanda Smith reminded the Advisory Committee that there will be a public forum on September 29th at 7:00 p.m. at the Agricultural Center to review and discuss the Revision of the Union County Land Use Plan.

6. Next meeting will be held on October 15, 2008

7. Adjournment

Vonn Stone made a motion to adjourn, Irvin Brewbaker seconded, and the Advisory Committee adjourned at 8:45 p.m.

Respectfully Submitted,
Wanda Smith, Secretary
Parks and Recreation Advisory Committee

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 20, 2008

Action Agenda Item No. 4/12
(Central Admin. use only)

SUBJECT: UCPS Elementary School L (formerly Cuthbertson now Poplin Road near Bonterra) - Off-Site Sewer Construction

DEPARTMENT: Finance
UCPS

PUBLIC HEARING: No

ATTACHMENT(S):
Capital Project Ordinance Amendment
109

Correspondence from UCPS dated
October 8, 2008

INFORMATION CONTACT:
Dr. Davis
Don Hughes
Kai Nelson

TELEPHONE NUMBERS:
704.283.3647
704.296.5960
704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Adopt Capital Project Amendment 109 which provides additional funding for off-site sewer construction for UCPS Elementary School L

BACKGROUND: At the Commission's September 15 meeting, the BOCC provided funds to UCPS for off-site sewer construction at Elementary School L in the amount of \$365,000. Subsequent to the award by the BOE and funding by the Commission, UCPS determined that allowance requirements were not included in the two lower bidders. The third low bidder's bid complied with the bidding requirements. Additional funding in the amount of \$51,290 is necessitated in order to award the bid to the lowest, most responsive bidder.

FINANCIAL IMPACT: Costs are included in the CIP 2008 and the debt service management plan issued in connection with the CIP 2008 and 2006 Bond Referendum. The current project estimate of construction costs, to include off-site, is within budget.

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____



UNION COUNTY PUBLIC SCHOOLS

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

Fax: 704/289-1536

Dr. Ed Davis
Superintendent

L. Dean Arp, Jr., Chairman
John Collins, Vice Chairman

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

MEMORANDUM

TO : Al Greene, County Manager

FROM: Dr. Ed Davis, Superintendent *ZED*

SUBJECT: Funding for the Elementary School L Construction

DATE: October 8, 2008

We are requesting additional funding for the construction for Elementary School L to be located on Poplin Road. This school is scheduled to open in August 2009.

The County Commissioners approved the funding for the off-site sewer at their meeting on September 15, 2008. Subsequent to the funding action the two low bidders for the project have refused to sign the contract due to them omitting a substantial allowance from their bids.

Consequently the Board of Education voted to award the sewer project to the third low bidder, Hunter Construction Group, Inc., at their Regular Meeting on October 7, 2008 contingent upon funding from the County. Therefore, we are seeking additional funding of \$51,290.05 which is the difference between the original low bid and Hunter Construction.

This project is a part of the 2006 CIP and was included with the 2006 Bond Referendum and is within budget.

We hope you agree with our findings and provide the additional funds for the project.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 20, 2008

Action Agenda Item No. 6a & b
(Central Admin. use only)

SUBJECT: PBH (Piedmont Behavioral Healthcare)

DEPARTMENT: _____ **PUBLIC HEARING:** No

ATTACHMENT(S): None **INFORMATION CONTACT:**
Al Greene
County Manager

TELEPHONE NUMBERS:
704-283-3810

DEPARTMENT'S RECOMMENDED ACTION: Receive as information

BACKGROUND: Dan Coughlin of Piedmont Behavioral Healthcare (PBH) has requested time on the agenda to present the Annual Report by PBH and also to provide an update on the Crisis Center.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 20, 2008

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

SUBJECT: Water Allocation Policy

DEPARTMENT: Public Works

PUBLIC HEARING: No

ATTACHMENT(S):
Copy of proposed Water Allocation Policy

INFORMATION CONTACT:

TELEPHONE NUMBERS:

DEPARTMENT'S RECOMMENDED ACTION: Adopt recommended Water Allocation Policy

BACKGROUND: On September 22, 2008, the draft allocation policy was presented to the Board. During the October 6, 2008, regular meeting of the Board, a public hearing was held at which 13 speakers addressed the Board. Since the draft policy was initially presented, it has been modified as follows:

a. Under the definition of "One Tap Projects" clarification has been made that those projects do not include existing residences that are served by wells at this time.

Note: should a homeowner experience failure of an existing well they would be allowed to connect to existing water as a health, safety and welfare issue without having to use the One Tap process.

b. Under Section 2.16, language has been added that provides that the schedule for outdoor water use may be varied in accordance with the Water Conservation Ordinance. Please note that the Water Conservation Ordinance requires consultation with the Commission prior to making modification in outdoor water use restrictions.

c. Under Section 6.1, fourth bullet point, situations under which a non-residential or governmental project would qualify for service under this provision have been better defined.

d. Total estimated demand for Priority A projects has been adjusted from 2.3 mgd to 2.4 mgd.

e. Under Section 6.2, fifth bullet point, clarifying language has been provided that the section

does not apply to projects that are currently on wells.

f. Total estimated demand for Priority A and B projects has been adjusted from 3.4 mgd to 3.5 mgd.

g. In Section 6.3, the demand for Priority C projects has been adjusted from .9 mgd to 1.0 mgd.

h. Section 8 has been deleted from the recommended draft. Previously that section provided a mechanism for those projects not listed as a priority A, B or C project to be placed on a waiting list. After considerable discussion of how that process might work and the advantages and disadvantages of providing for such a "waiting list", staff recommends that it not be included. Staff will provide a more detailed summary of concerns with a waiting list if requested. Perhaps the greatest concern is that developers and others will place speculative projects on the list simply as not much more than a place holder and that the list will quickly reflect demand for new capacity that may not be realistic in terms of project feasibility, but those projects would then be in line before other, more worthy projects. In this scenario projects that may be feasible would be delayed wait for extended periods once new capacity is obtained.

i. Modifications to Table 1, including:

- Added several Priority A active residential projects that already have permits.
- Modified several projects based on recent review of actual project status.
- Added, modified, and/or consolidated several Priority C residential projects that were included in the Sewer Allocation Policy.

Under the draft policy, a 30 day appeal period begins upon adoption. Those who may feel aggrieved by the policy may appeal to the public works director and present documentation in an effort to justify inclusion of projects in the policy. In addition, appeals from the decision of the public works director will be heard by the county manager.

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: Approve the Water Allocation Policy

UNION COUNTY

POLICY FOR ALLOCATING WATER TREATMENT CAPACITY

DATE: OCTOBER 20, 2008

PREFACE

In February 2008, Union County's Board of Commissioners adopted a resolution that, among other requirements, tasked the County Manager and Public Works Department, with developing a Water Supply Plan and Water Allocation Policy. This resolution acknowledged that, at times, the Union County Water System (UCWS) peak day demands have exceeded available water treatment capacity. As a result, the opportunity to provide water service to new customers is limited. The Water Supply Plan and Water Allocation Policy are intended to provide a roadmap for the County as it seeks to provide new water service for continued population and economic growth.

This Water Allocation Policy (Policy) seeks to document current water use by UCWS customers and quantify the amount of capacity that is available for system expansion. As presented herein, the short-term available capacity for new customers to the UCWS is a function of the type of water use restrictions implemented on the current customer base. In developing this Policy, the County has sought:

- to retain flexibility to make adjustments during the term of the Policy,
- to be fair and equitable in allocation of future water service; and,
- to be consistent with the County's recently adopted Sewer Allocation Policy.

The Union County Public Works (UCPW) Department is actively pursuing additional water treatment capacity, and is currently in the planning, permitting, engineering design, and/or construction phase of numerous projects that are intended to secure additional water supply and delivery capacity to current and future residents of the County. However, until several of these projects are completed, it is necessary to have this Policy in place to establish guidelines for allocating water treatment capacity.

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List of Attachments

- Figure 1 - UCWS Service Area Map
- Figure 2 - UCWS Daily Water Demand from the CRWTP (5/1/07 - 9/08)
- Table 1 - Union County Water Allocation - Future Use Projections

1.0 DEFINITIONS

Unless otherwise specified herein, or unless clearly required by context, the words and phrases defined below shall have the meaning indicated when used in this Policy.

- **Accessibility Letter** - refers to a letter issued by UCPW that describes the proximity of a proposed Development Project to existing UCWS water infrastructure and the requirements for obtaining water service.
- **Anson County Water Treatment Plant (ACWTP)** - refers to Anson County's water treatment facility. The ACWTP has a rated capacity of 16 MGD. Union County has a contracted capacity for 4 MGD from the ACWTP. However, current hydraulic system limitations restrict the available water capacity to 2 MGD from the ACWTP. Union County Public Works has several ongoing projects to eliminate these hydraulic restrictions and make fully available the 4 MGD contract capacity.
- **Average Daily Flow** - refers to the annual average daily water demand (estimated or actual) placed on a single connection, portion, or all of the UCWS.
- **Catawba River Water Treatment Plant (CRWTP)** - refers to the water treatment facility that is jointly owned by Union County and Lancaster. The CRWTP has a rated capacity of 36 million gallons per day (MGD). Union County has ownership rights to 50% of this capacity, or a total of 18 MGD.
- **County** - refers to Union County.
- **Development Project, or Project** - refers to an undertaking involving real property improvement, One Tap Projects, and Self Help Projects for which a new or expanded connection to the UCWS is requested.
- **Effective Date** - refers to the date this Policy is adopted by the Union County Board of Commissioners.
- **Government Facilities** - refers to facilities owned or operated by Union County, Union County Public Schools, or a municipality located within Union County, and facilities funded in whole or in part by Union County.
- **Lancaster** - refers to the Lancaster County Water and Sewer District.

- **Maximum Day (Max. Day or Peak Day) Capacity** – refers to the highest daily water demand placed on a single connection, portion, or all of the UCWS. For the purposes of this Policy, the total Max. Day capacity available is 18 MGD. This value represents Union County’s contracted supply from the CRWTP.
- **MGD** – is million gallons per day.
- **New Development Projects** – refers to all future Development Projects that are brought forward to Union County Public Works for review on or after August 12, 2008.
- **Nonresidential Development Projects** – refers to all Development Projects other than Residential Development Projects and Government Facilities Projects.
- **Notice Period** – refers to the public notification period during which UCPW requested owners of any Development Projects, or others, who had received documentation from the County regarding the availability of water service to a potential site or parcel to show evidence of the same. This correspondence may, but need not, be referred to as an Accessibility Letter. This notification period occurred between February 26, 2008 and March 27, 2008.
- **One Tap Projects** – refers to a Project where the owner of an existing parcel (as of the Effective Date) requests a single residential tap by a service line from the UCWS. One Tap Projects shall not include existing residences served by well.
- **Policy** – refers to this Water Allocation Policy document.
- **Project** – has the same meaning as Development Project.
- **Residential Development Project** – refers to Development Projects for residences such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc., and their associated outbuildings including garages, storage buildings, gazebos, etc., and customary home occupations. For purposes of this Policy, a Retirement Community shall not be deemed a Residential Development Project.
- **Retirement Community** – refers to a housing development that is designed for and restricted to occupancy by households having at least one member who is fifty – five (55) years of age or older, and in which children under

eighteen (18) years of age shall not reside for more than ninety (90) days per calendar year.

- **Self Help Project** - refers to a Project that is derived from the County's Self Help Program. The Self Help Program targets residents who face an existing or imminent threat to public health or to the environment due to poor water quality or insufficient water supply.
- **Sewer Allocation Policy** - refers to the County's Policy for Allocating Wastewater Capacity (dated September 17, 2007) and all current amendments.
- **UCPW** - refers to the Union County Public Works Department.
- **UCWS** - refers to the potable water system owned by Union County and operated and maintained by UCPW.
- **Water Permit** - refers to the permit secured for a Development Project from the North Carolina - Department of Environment and Natural Resources (NC-DENR). After approval by UCPW staff, Development Projects are typically submitted to NC-DENR for water permitting by the County.

2.0 RECITALS

- 2.1. The UCWS is operated by UCPW and is supplied with potable water by the CRWTP and the ACWTP. Union County has ownership rights in the CRWTP that includes a Maximum Day capacity of 18 MGD. Considering current hydraulic restrictions, the UCWS has a Maximum Day capacity of 2 MGD available from the ACWTP. While the current total Maximum Day capacity available in the UCWS is 20 MGD, water from each of these sources is isolated to distinct service areas of the UCWS. That is, water supply from the CRWTP cannot easily be utilized in the UCWS served by the ACWTP, and vice-versa. These service area boundaries are generally outlined as shown on attached Figure 1.
- 2.2. Given the location of population growth, proposed Development Projects, and increasing water demands within the County, this Policy applies to the allocation of available water treatment plant capacity from the CRWTP and the UCWS served by this water supply source. A review of historical water use data indicates that the peak demands in the CRWTP service area have been exceeded

due to high peak demands associated primarily with outdoor irrigation.

- 2.3. The UCWS has interconnections with Charlotte-Mecklenburg Utilities and the City of Monroe. These interconnections are utilized for emergency purposes only and do not offer an increase in short-term available water treatment capacity to the County's water system.
- 2.4. Due to varying topography throughout the County, the UCWS operates on four distinct pressure gradients, or pressure zones. While these pressure zones are interconnected, universal movement of water throughout the UCWS is not possible.
- 2.5. For a number of years, high population growth, coupled with other commercial, industrial, and institutional growth has placed increasing water demands on the UCWS, particularly in the western part of the County. These demands have stressed the limits of available water treatment capacity and the hydraulics of moving this water through the piping distribution network to the County's customers.
- 2.6. The UCWS has also observed significant peak demands in water use associated with a hot, dry climate and numerous drought years since 1998. These peak demands are indicative of water systems with a heavy residential component and predominantly larger residential lot sizes with high outdoor water use, particularly for irrigation.
- 2.7. Union County recently participated in Duke Energy's Federal Energy Regulatory Commission (FERC) relicensing process for the Catawba River. Union County was one of many regional governments who became a signatory stakeholder for Duke Energy's Comprehensive Relicensing Agreement (CRA). This CRA establishes rules and guidelines for how the Catawba River system will be operated for the next 50 years, ending in year 2058. One major element of the CRA is the implementation of a Low Inflow Protocol (LIP) that establishes a policy for how Duke Energy and other stakeholders will operate during periods of drought. This LIP requires regional water users to move through a series of staged water use restrictions during worsening drought conditions. While the CRA is not expected to be in place until 2009, Union County, like many other regional water utilities, is currently

participating in the LIP. It should be noted that the LIP establishes minimum requirements for water use restrictions. Each water utility has the flexibility to impose greater restrictions, if desired. Regional cooperation between Duke Energy and large water users along the Catawba River has helped preserve and protect available water supply during the extreme drought of 2007 and 2008.

- 2.8. While UCWS customers were under no water restrictions and had unlimited water use available, the Union County Water System experienced eight days in May of 2007 where water demand exceeded the Max. Day Capacity of 18 MGD from the CRWTP. The highest daily usage measured was 19.5 MGD. To supply adequate water to meet these demands, UCPW had to utilize, on a temporary basis, water capacity from the CRWTP that is designated to Lancaster.
- 2.9. In June of 2007, UCPW instituted Stage 2 water restrictions, which required its customers to limit outdoor water use (including irrigation) to two days per week. While under these water use restrictions, the UCWS experienced two days where water demand exceeded the Max. Day Capacity of 18 MGD from the CRWTP, again reaching 19.5 MGD. To supply adequate water to meet these demands, UCPW again had to utilize water capacity from the CRWTP that is designated to Lancaster.
- 2.10. During the latter part of 2007 and through the first quarter of 2008, as the regional drought continued to worsen, UCPW instituted stricter Stage 3 water use restrictions including the elimination of outdoor irrigation. These restrictions showed a measurable reduction in water use by the County's customers.
- 2.11. In April of 2008, UCPW continued Stage 3 water restrictions, and modified provisions to require its customers to limit outdoor water use (including irrigation) to one day per week. Even under these water use restrictions, the UCWS has experienced numerous days where water demand exceeded the Max. Day Capacity of 18 MGD from the CRWTP, with the highest daily demand reaching 19.5 MGD. To supply adequate water to meet these demands, UCPW has continued to utilize water capacity from the CRWTP that is designated to Lancaster.
- 2.12. The information presented in Articles 2.8 - 2.11 is illustrated in the attached Figure 2.

- 2.13. Continued use of Lancaster's allocated capacity is not considered a viable alternative to increasing available water treatment plant capacity. Reliance on this capacity would put in jeopardy continued reliable service to the UCWS existing customer base.
- 2.14. Without strict water use restrictions, there would be no (0 MGD) additional water treatment capacity to allocate to new customers.
- 2.15. Prior efforts by UCPW to limit outdoor water use to one day per week, have typically included weekend watering on Saturday or Sunday based on odd/even addresses. A review of water use data indicates that while this approach reduces overall total water use, it increases the peaking factor between Maximum Day conditions and average conditions. Analysis of water use data indicates that spreading this one day per week 'irrigation' demand over more than two days will decrease the peaking factor. If Maximum Day usage can be lowered below 18 MGD, additional water treatment capacity can be allocated to new customers.
- 2.16. With outdoor water use restrictions set at a mandatory 1-day per week requirement - but spread over a five-day period - it is estimated that 1.9 MGD (Average Daily Flow) of additional capacity is available for allocation to new customers. As such, the Union County Manager has set as a precedent to this Policy, water use restrictions to all customers at 1-day per week for outdoor water use; provided, however, that the County Manager may vary the schedule for outdoor water use in accordance with the Union County Water Conservation Ordinance, depending on local conditions, including but not limited to those factors set out in Section 2.20.
- 2.17. As a contingency, and to protect water quantity and quality for its customers, the County may increase water use restrictions to no outdoor water use (irrigation) while this Policy is in effect. In addition, the County will continue to cooperate with Duke Energy and other regional water utilities to implement and comply with the LIP as required.
- 2.18. The Policy set forth herein is intended to provide guidelines for allocating, in a fair, rational, and lawful manner among competing interests the available water treatment capacity. Subject to approval of the County Manager, the UCPW Director may

authorize a departure from these guidelines when strict adherence would frustrate the purpose of these guidelines or endanger the health, safety or welfare of the citizens of Union County. The County Manager shall report any such departure to the Board of County Commissioners no later than the Board's next regular meeting.

2.19. This Policy creates no legal right to receive, nor any legal duty on the part of Union County or UCPW to provide any amount of existing or future water treatment capacity from the CRWTP, or other sources.

2.20. Many factors can affect the amount of available water treatment capacity and the UCWS during the term of this Policy. These factors include, but are not limited to:

- The impact on water demand of moving to a one-day per week outdoor irrigation schedule, distributed over five days.
- Climate change/weather patterns and departures from drought conditions that have been prevalent in North Carolina over most of the past 10 years.
- The impact of recently adopted Water Conservation Rate Structures on water system demand.
- The pace to completion of Development Projects active or permitted within the County.
- The potential to secure some short-term peak demand capacity allocation from Lancaster.

As such, this Policy has been purposefully developed for flexibility to make adjustments and amendments as additional data is available or significant changes in water treatment capacity or demand occur.

3.0 SCOPE

This Policy applies to the allocation of approximately 1.9 MGD (Average Daily Flow) that is estimated to be available through the UCWS under the revised water use restrictions and schedule. Except as otherwise stated herein, this Policy applies to all Development Projects located in the CRWTP service areas served by the UCWS for which the owner or developer requests a new or expanded connection thereto but for which the authorization necessary to do so has not yet been obtained.

4.0 PURPOSE

This Policy is intended to establish guidelines for allocating the limited water treatment capacity in a fair, rational, and lawful manner, taking into consideration, among other things:

- The need to fulfill outstanding legal obligations Union County has, if any, to provide water system service;
- The need to reserve capacity to serve public school facilities, County projects, and other Governmental Facilities;
- The desire to treat alike all Development Projects that are similarly situated as to: (i) type of Project; and (ii) stage of progress in the procedures required for obtaining a permit or otherwise connecting to the Union County Water System.
- The desire to promote Nonresidential Development Projects in Union County in order to increase the County's employment and property tax base while imposing fewer demands (than those imposed by Residential Development Projects) on the County's already overburdened schools;
- The desire to coordinate this Policy with the Sewer Allocation Policy and provide water service to those receiving wastewater capacity;
- The desire to incorporate flexibility into the Policy to allow adjustments as deemed necessary by changes in water demand or water treatment capacity available; and,
- The need to protect the public health, safety, and welfare.

5.0 EFFECTIVE DATE

This Policy shall become effective upon adoption by the Union County Board of Commissioners and may be repealed or modified at any time, without notice.

A public hearing was held on October 6, 2008 regarding this Water Allocation Policy.

6.0 WATER ALLOCATIONS

The attached Table 1 provides a summary of the Projects identified during development of this Water Allocation Policy. These Projects are categorized into Priorities A, B, C, and D as described in the sub-sections below.

Table 1 also outlines the estimated Average Daily Flow and Priority level assignment for each Project. Residential flow allocation is based on a calculated average use for the UCWS of 250 gallons per day (gpd) per unit. Non-Residential and Government Facilities were assigned flow either from actual flow estimated by the Development Project as determined during the Sewer Allocation Policy, or from the calculated average use for current UCWS Non-Residential customers of 1,500 gpd per connection.

The following sub-sections provide a more detailed explanation of each Priority level assignment.

6.1 Priority A Projects

Priority A Projects include:

- Development Projects where water permits have been secured, or where water permits have been applied for by the County on behalf of the owner.
- A reserve allocation for residential One Tap Projects.
- A reserve allocation for Self Help projects.
- A reserve allocation for Non-Residential/Government Facilities Projects not otherwise listed in Table 1. This allocation will be utilized for Projects that are estimated to use 5,000 gallons/day or less. This allocation shall be assigned to new Non-Residential/Government Facilities Projects on a first come, first serve basis. To qualify for consideration, the owners or developers of these Projects shall:
 - Confirm that existing water lines are contiguous to the Project site directly or through an existing right of way.
 - Confirm zoning compliance from the proper jurisdiction.
 - Submit sketch plans of the Project to UCPW for approval (sketch plans shall be sealed by a registered Professional Engineer).

Failure to obtain a building permit within 180 days of sketch plan approval shall result in a forfeiture of the water allocation for the Project. Failure to have the Project under construction within 180 days of obtaining a building permit shall also result in a forfeiture of the water allocation for the Project.

These Priority A Projects account for an estimated total of 2.5 MGD of water capacity. While Priority A Projects exceed the estimated available capacity of 1.9 MGD, this Policy directs UCPW to provide water service to these Projects. Given the actual timing for completion of these Projects and other impacts to overall UCWS demand and available capacity, mandatory water use restrictions that permit no outdoor irrigation may need to be imposed to allow for this continued development.

6.2 Priority B Projects

Priority B Projects include:

- Non-Residential and Residential Projects designated as First Priority in the County's recently adopted Sewer Allocation Policy that did not have a water permit (or a permit applied for) on August 12, 2008.
- Government Facilities that did not have a water permit (or a permit applied for) on August 12, 2008.
- Third Priority Non-Residential Projects designated in the County's recently adopted Sewer Allocation Policy that did not have a water permit (or a permit applied for) on August 12, 2008.
- Third Priority Residential Projects designated in the County's recently adopted Sewer Allocation Policy that did not have a water permit (or a permit applied for) on August 12, 2008, and that fall within the following categories:
 - Projects in the 6 Mile Creek service areas.
 - Projects that are within the 12 Mile Creek or Crooked Creek service areas to the extent allocated wastewater capacity pursuant to Section 8.3 of the Sewer Allocation Policy.
- Projects in the 6 Mile Creek, 12 Mile Creek, or Crooked Creek service areas that have approved permits (or a permit applied for) on August 12, 2008 for alternative wastewater disposal (e.g. septic tanks). This exception is not intended to apply to properties served by existing wells.

These Projects account for an estimated total of 1.1 MGD of capacity. While estimated water demand of Priority A and Priority B Projects (3.6 MGD) exceeds the estimated available capacity of 1.9 MGD, this Policy directs UCPW to provide water service to these Projects. Given the actual timing for completion of these Projects and other impacts to overall UCWS demand and available capacity, mandatory water use restrictions that permit no outdoor irrigation may need to be imposed to allow for this continued development.

6.3 Priority C Projects

Priority C Projects include:

- Third Priority Residential Projects, or portions thereof, designated in the County's recently adopted Sewer Allocation Policy that did not have a water permit (or a permit applied for) on August 12, 2008, and that are not included as a Priority B Project.

These Projects account for an estimated total of 1.0 MGD of capacity. There is no current additional water treatment capacity to allocate to Priority C Projects. As new capacity is identified, Priority C Projects will be given the highest priority to receive water service behind Priority A and B Projects.

6.4 Priority D Projects

Priority D Projects include:

- All remaining Projects that were documented during the County's Notice Period.

There is no current additional water treatment capacity to allocate to Priority D Projects. As new capacity is identified, Priority D Projects will be given the highest priority to receive water service behind Priorities A, B, and C Projects.

6.5 Adjustment of Water Allocations

During the term of this Policy, UCPW will continually update water use trend data and other variables to determine the effectiveness of the Policy. Should sufficient data become available to support revisions to the water allocations as outlined herein, the County Manager shall make amendment recommendations to the Board of Commissioners for approval.

7.0 ACCEPTANCE OF NEW ENGINEERING PLANS AND WATER PERMIT APPLICATION PROCESS

UCPW shall continue to accept new engineering plans and make application for water permits for Projects requiring connection to the Union County Water System in the Anson County Service Area.

Except as noted below, effective August 12, 2008 UCPW shall not accept any new engineering plans or make any application for water permits for Projects other than Priority A and B Projects listed in Table 1. For Projects where engineering

plans have been received, but application for a water permit has not been made, UCPW staff shall provide comments on the proposed Project, but shall not apply for a water permit.

Exception – UCPW will review engineering plans and make application for a water permit for:

- One Tap Projects
- Self Help Projects
- Projects approved from the Priority A reserve allocation for Non-Residential/Government Facilities
- Residential Projects that are in the review process that were initiated prior to August 12, 2008 for which the number of residential units was 5 or less.

8.0 NOTIFICATION PERIOD FOR OMISSIONS/CORRECTIONS

The owner or developer of any Project not appearing in Table 1 but for which UCPW has issued correspondence regarding water availability prior to August 11th, 2008, may within 30 days of the Effective Date submit written documentation of the same to the UCPW Director. The Director may ask for additional corroborative evidence in support of the request, and may consider such additional evidence in making his or her determination regarding water availability and priority status. If the Director denies the request, or fails to respond within thirty (30) days of receipt of the request, the owner or developer may seek review by the County Manager, whose decision shall be final.

The owner or developer of any Project listed in Table 1 that contends that the information listed to be in error, may within 30 days of the Effective Date submit written documentation of the proposed correction to the UCPW Director. The Director may ask for additional information if deemed necessary, and may consider such additional evidence in making his or her determination regarding water availability and priority status. If the owner or developer objects to the Director's decision, or Director fails to respond within thirty (30) days of receipt of the request, the owner or developer may seek review by the County Manager, whose decision shall be final.

**UNION COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 20, 2008

Action Agenda Item No. 8

(Central Admin. use only)

SUBJECT: Funding for Legal Review and Valuation Assistance in Connection with the Proposed Hospital Lease

DEPARTMENT: Finance

PUBLIC HEARING: No

ATTACHMENT(S):
Budget Ordinance Amendment # 11

INFORMATION CONTACT:

Al Greene
Jeff Crook
Kai Nelson

TELEPHONE NUMBERS:

704.292.2625
704.283.3673
704.292.2522

DEPARTMENT'S RECOMMENDED ACTION: Adopt Budget Ordinance Amendment #11 which provides funding for legal and valuation assistance in connection with the proposed hospital lease

BACKGROUND: At the Commission's September 15 meeting, the BOCC authorized the County Manager to engage an attorney with expertise in hospital law and a consultant with hospital valuation experience to value the hospital asset and lease. The attorney has been engaged based on an hourly rate with a provision in the contract that total fees and disbursements shall not exceed \$90,000 without the County's written consent. The valuation consultant has been engaged based on a fixed fee in the amount of \$25,000 with disbursements not to exceed \$5,000.

FINANCIAL IMPACT: Appropriate \$120,000 from Contingency

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: _____

BUDGET AMENDMENT

BUDGET BOCC REQUESTED BY Kai Nelson
 FISCAL YEAR FY2009 DATE October 20, 2008

INCREASE

Description

Operating Expenses 120,000

DECREASE

Description

Contingency 120,000

Explanation: Appropriate contingency funds for hospital lease legal review and valuation.

DATE _____

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

FOR POSTING PURPOSES ONLY

DEBIT

CREDIT

<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10540100-5382	Legal Services	120,000	105920000-5920	Contingency	120,000
Total		120,000	Total		120,000

Prepared By aar
 Posted By _____
 Date _____

**UNION COUNTY
BOARD OF COMMISSIONERS**

**ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 20, 2008**

Action Agenda Item No. 9a-e
(Central Admin. use only)

SUBJECT: Announcements of Vacancies on Boards and Committees

DEPARTMENT: Board of Commissioners **PUBLIC HEARING:** No

ATTACHMENT(S): _____ **INFORMATION CONTACT:**
Lynn G. West
Clerk to the Board of Commissioners
TELEPHONE NUMBERS:
704-283-3810

DEPARTMENT'S RECOMMENDED ACTION: Announce vacancies

- BACKGROUND:** Vacancies exist on the following Boards and Committees:
- a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two Persons Under Age of 18; and 4) Juvenile Defense Attorney
 - b. Adult Care Home Community Advisory Committee
 - c. Nursing Home Advisory Committee
 - d. Board of Health (Vacancy as of January 2008 for a Licensed Optometrist)
 - e. Union County Home and Community Care Block Grant Advisory Committee

FINANCIAL IMPACT:

Legal Dept. Comments if applicable: _____

Finance Dept. Comments if applicable: _____

Manager Recommendation: