

January 22, 2007

The Union County Board of Commissioners met in a regular meeting on Monday, January 22, 2007, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were:

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

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board of Commissioners, Jeff Crook, Senior Staff Attorney, Kai Nelson, Finance Director, members of the press, and other interested citizens

OPENING OF MEETING:

a. Invocation

Vice Chairman Baucom offered the invocation.

b. Pledge of Allegiance

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

c. Informal Comments

Joe Evans stated that he appreciated the Commissioners rescinding Wesley Chapel's ETJ. He asked that the County Attorney go to Raleigh to receive clarification on Wesley Chapel's ETJ. Secondly, Mr. Evans stated that Lancaster and Chesterfield Counties have both water and natural gas run throughout the counties. He said that Union County should also provide county water throughout the County. Further, he said that he would suggest a bond referendum to pay for water being run throughout the County.

Kristin Blanc, a resident of Waxhaw, stated that contrary to information that has been printed in the newspapers and sent to the Board of Commissioners, there are volunteers at the Union County Animal Shelter. She said that she has been volunteering at the County's shelter for over two years. Ms. Blanc shared some of the activities that she has done while serving as a volunteer at the shelter. She stated that she has seen great improvements at the shelter from the time that the shelter was being operated by the Health Department until when the Sheriff's Office took over the operation of the shelter and now since it has moved into its new facility. She said that while the operations of the animal shelter have been controversial, to say the least, one issue that everyone agrees on is that all of the animals should be spayed and neutered before leaving the facility to be adopted. She encouraged the Board to provide the funding so that the animals could be spayed and neutered.

She noted that the Humane Society has started a spay and neuter commuter program to a high volume, low cost spay/neuter clinic in Spartanburg. Ms. Blanc stated that the general population of Union County deserves to have a low cost option to take their animals to be spayed and neutered. She said that such a clinic would greatly impact the number of animals that eventually might have to be euthanized. She stated that she looked forward to continuing to volunteer at the shelter in the future and spoke of a need for a volunteer coordinator.

Pat Shannon spoke concerning the need for a volunteer coordinator at the animal shelter. She said that it is vital to have this position at the shelter. Ms. Shannon presented the Board with a proposal on how to take the current shelter to a low kill (also known as a no kill shelter). She addressed the need for a spay/neuter program at the shelter. She also addressed the need for programs at the shelter such as an adoption program, a foster program for the animals, the need for rescue groups, pet retention programs, rehabilitation programs, and community involvement.

Ms. Shannon stated that if a 501C3 status could be granted, that when people hear there is going to be a spay/neuter clinic, they will make donations and volunteer. She addressed the need for the animal shelter to be separate from the Sheriff's Office through a SPCA, Humane Society, Animal Protection League, etc. and to have the deputies placed back into the Sheriff's Office for law enforcement and crime matters in the community.

Lastly, she said that a letter from her appeared in the newspaper yesterday, and since that time a personal attack has been launched against her character online. She stated that she would not respond to the personal attack. Ms. Shannon said that she is proposing a live video camera in the gas chamber room at the shelter with audio feed.

Cindy Poppino was the next speaker to address the animal shelter issue. She said that she was glad that the County was going to move forward with the spay/neuter clinic as she believed this issue was the root of the problem. She stated that she is with the Humane Society. She said that she believed if the spay/neuter clinics could be opened to private citizens at a low cost, the clinic would be overrun with people wanting to take advantage of it.

Reverend Tim Smith spoke regarding the animal shelter and what to do with the homeless animals in the County. He encouraged the Board to provide funding for a spay/neuter clinic for the shelter which he said was the primary way to address the number of homeless animals in the community.

Brenda Delabila stated that she had moved to Union County last summer. She also addressed the animal shelter. She said that the 12,000 square foot shelter has 102 cages with only 11 cages for adoptable dogs and a few for the adoptable cats. Further, she said that 90 percent of the cats and 75 percent of the dogs brought into the shelter are being killed, many of which are healthy or treatable. Ms. Delabila said that instead of the preferred method of euthanizing using EBI, the shelter utilizes the gas chamber. She stated that before moving to North Carolina, she was not aware of the gas chamber method being utilized.

Ms. Debalia stated that the shelter has no spay/neuter program and that with the gross over population of cats and dogs, it is imperative that a low-cost spay/neuter program be implemented. She stated that it had been stated in the newspaper that there is a fine line between strays and owner surrenders. Further, she said that it was stated that if anyone gives an animal food, water, or shelter, the animal needs to be turned over to the shelter as an owner surrender. She stated that she did not know that the owner surrender allows the shelter to euthanize the animal immediately rather than to wait the three-day period that the law requires. She said that this denies the true owner the right to find his or her pet.

Ms. Deabila said that broader attempts are needed for appropriate placement in adopting the animals. She recommended that all animals be microchipped prior to being released for adoption. Further, she said that animal control needs to focus on animal abuse and neglect. She said that she would like to see a group that is looking out for the welfare of the animals run the affairs of the shelter such as the Humane Society or SPCA in this role. She stated that she has reviewed Ms. Shannon's proposal and recommends it. Ms. Deabila deferred to Pat Shannon for further comments.

Ms. Shannon presented information to the Board showing that it is more cost effective to switch over to Sodium Pentobarb or Sodium Pentobarbital injections with one method being done by a veterinarian versus one method being done by a vet tech. She stated that the gas chamber method comes out to \$3.03 per animal and if a vet tech uses Sodium Pentobarbital, the cost is

approximately \$1.78 per animal. She stressed that a volunteer coordinator is desperately needed at the shelter. Ms. Shannon suggested that a person to fill that position be hired by the Board and answerable to the Board. She said that on several occasions she has requested the statistics from the shelter for November and December but has been refused this information.

The next speaker, Ms. Kelly, relinquished her time.

Michelle Clingingburg thanked the Board for addressing the ongoing concerns regarding the animal shelter. She said that she was not affiliated with any particular group and moved to Union County from Colorado approximately 18 months ago. She stated that she has volunteered for many years in various capacities for animal shelters and to rescue groups. Ms. Clingingburg said that when she moved to Union County, she had been anxious to continue her work in animal welfare. She stated that her experiences with the Union County animal shelter have been very disappointing at best. She said that in her opinion the current system under the direction of the Sheriff's Office does not seem to be functional and she hopes that some lines of communication can be opened between the existing animal control facility and the concerned citizens of the county.

She stated that she feels the issue of utmost importance is the proposal for the creation of an onsite spay/neuter clinic. Ms. Clingingburg said that the majority of the animals that are adopted from the shelter have not been spayed or neutered. She stated that it was her understanding that the adopter pays a \$75 adoption fee and signs a contract that the animal will be spayed or neutered by a participating veterinarian, but once the animal leaves the shelter, there is no follow-up with the adopter to insure the animal has been spayed or neutered as required by the contract. She questioned where the \$75 adoption fee goes.

She suggested that the long-term goal should be the creation of a spay and neuter clinic with the requirement that all animals of appropriate age be neutered and spayed prior to being adopted. Ms. Clingingburg also discussed the possible use of a mobile surgery vehicle that could be taken into the county to provide spay and neuter services. She said that this service should also be made available to the citizens of the County who cannot afford to have their pets spayed or neutered. She also addressed some short-term options such as having an adopter pay a "spay and neuter" deposit that would be refundable upon receipt that the surgery has been performed.

Ms. Clingingburg also addressed the proposal for a volunteer coordinator for the shelter. She said that she thought this would be an important step in improving communications with the citizens of the County. She cited examples how volunteer positions at the shelter could be utilized. She concluded her presentation by sharing with the Board an experience that she and her family had several

weeks ago during a visit to the animal shelter to tour the facility to look for adoptable cats and to educate herself on the shelter's policy. She stated that her experiences with the shelter have been negative.

Mary Robertson said that she is a volunteer with the Regional Equine Information Network System (REINS). She stated that she and her husband moved to Union County approximately eight years ago and everything she has learned about horse care has been through the support and educational training of Cooperative Extension. Ms. Robertson said she has served as President of the REINS Association for the past three years. She said that there is an equine professionals group that is made up of over 100 small businesses making their living in the training, boarding, or breeding of horses. Further, she said there are another 4,000 to 5,000 horses that are primarily for recreation of their owners. In Union County, she said that the best estimates are that the horse industry is approximately one million dollars.

Ms. Robertson stated that the number one need for recreational equine owners is trail riding. She provided information to the Board regarding the small business owners in the equine recreational industry.

Jim King stated that he had watched the tape of the last meeting and it seemed that there might be some confusion about the Planning Board's position on the APFO. He said that he had researched the minutes of the Planning Board's meetings and could find no APFO recommendation of increasing the number of lots in a subdivision exempt from the APFO. He said that it was suggested only by the Planning Board that the building moratorium only be changed so that 15 lots could be included in the same time frame as the building moratorium extending the exclusion up to 15 lots for major subdivisions.

He stated that in accordance with the minutes of June 20 and August 21 meetings of the Planning Board, the Planning Board actually recommended the original version of the APFO. He pointed out that 18.9 of all lots finalized from 2001 to 2005 were minor subdivision lots and that were five lots or less. Further, he said that in 2005, 34.6 percent of all lots finalized were minor subdivisions. He stated that therefore, an assumption could be made that minor subdivision lots have more of an immediate impact on all infrastructure because they are finalized faster. Mr. King said that the approval process for minor and major subdivisions is different.

He asked that the Board investigate increasing the number of lots from five to fifteen before making any changes to the APFO.

Rick Crofitt, Mayor Pro Tem of Wesley Chapel, presented a request on behalf of the Wesley Chapel Town Council. He stated that the Council has approved the ETJ boundary ordinance and is proceeding with the necessary steps to approve its zoning map and zoning ordinance text changes. He said that the Council understands that there is confusion around whether the County or Wesley

Chapel will have zoning authority in the ETJ area once the Council approves the zoning map and ordinance text changes. Mr. Crofitt presented the request by the Council that the Board of Commissioners meet in a joint session with both boards to review ETJ, the process that Wesley Chapel has followed, and review state statutes regarding ETJ in hopes of coming to a resolution of the differences without spending taxpayer dollars to resolve the differences in court.

He stated that if the Board of Commissioners did not want to hold a joint meeting of the two boards, then the Council was willing to hold a meeting with no less than two council members to meet with two of the Commissioners. Mr. Crofitt stated that the Council was requesting that a meeting be scheduled within the next two weeks.

Chairman Pressley shared that he had sent a letter to Mayor Clinton requesting that he and the Vice Chair meet with the Mayor and another representative from the Council.

Debra Korb of the Monroe Tourism and Visitors' Bureau reported that she currently holds an ex officio position on the Union County Parks and Recreation Advisory Board. She stated that at the last Parks and Recreation Advisory Board, the board had unanimously voted to accept the master plan presented by Woolpert. She said that it is important to note that the Parks and Recreation Advisory Board is made up of residents from various municipalities and also represent a variety of recreational interests.

Ms. Korb said that a number of the municipalities have surveyed residents in the recent past including Union County Parks and Recreation, and overwhelmingly at the top of the list is the need for green space, greenways, parks, trails, etc. She stated that the Parks and Recreation Board has had a consistent relationship with Woolpert, as it prepared the original master plans as well as subsequent updates to the master plan. Ms. Korb said that it seems logical that the Parks and Recreation Department should take a lead in creating a master plan and helping to collaborate efforts among the other communities to help the County move forward to get the recreation needed to help to contribute to the quality of life in Union County.

Sheila Crunkleton, a member of the Union County Parks and Recreation Advisory Board, said that she is a parent and a coach, and has been involved with youth sports in the County for a number of years. She said that more places are needed for the children to play. She shared that her team goes to four tournaments a year, all out of Union County and stays in hotels elsewhere and spends dollars elsewhere. She stated that she wants to see people spending their money in Union County. Ms. Crunkleton said while there are a number of individual soccer fields in the County, there is not a large complex. She stated that the master plan to be presented tonight is an aggressive plan for the future.

PUBLIC HEARING – PROPOSED ECONOMIC INCENTIVE GRANT: PROJECT ARMOR:

Maurice Ewing, President of Union County Partnership for Progress, stated that the proposed project is an expansion of an existing industry formerly known as ITS (Integrated Textile Systems) which was purchased by Armor Holdings last spring. He said that the company now operates under the name of Tensylon High Performance Materials, a division of Armor Holdings. He introduced Lisa Owen, Vice President and General Manager, and Kathy McCain from the company.

Mr. Ewing stated that the company manufactures ballistic fibers. He said that the facility is located on Piedmont Drive, and the company is considering voluntary annexation into the City but that has not been determined as yet. He further said that the company currently employs 18 people. Mr. Ewing stated that the anticipated expansion would occur at the site on Piedmont Drive with an 18,000 square foot expansion for a value of \$1.1 million. Further, he said that there will be \$7.6 million in new manufacturing equipment for a total of \$8.7 million in new investment in the County.

He explained that the proposed project is likely to take place over a two-year period. Mr. Ewing said that the Board is being requested to consider two incentive contracts for this company. He stated that the first contract would cover an expansion that has been approved and funded in the budget, and the second contract has not been approved at this time, and the management of the company does not want to commit to the second expansion at this time. He said that the new expansion would include 40 new jobs over the two-year period. He stated that the average wage paid by the company would be over \$37,000 per year which is well above the County average.

Mr. Ewing stated that the total proposed incentive grant package is estimated to be \$155,297 with a positive cash flow from the transaction to be \$128,000 over the grant period. He recognized John Roberts who was in the audience as a member of the Union County Partnership for Progress Board. Mr. Ewing said that the Partnership for Progress Board met on January 9 and reviewed the project and voted to recommend consideration of the project by the Board of Commissioners. He stated that there is competition with Jacksonville, Florida, for this project.

With there being no one wishing to address the Board either in favor of or in opposition to the proposed grant incentive, at approximately 8:09 p.m., the Chairman closed the public hearing.

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

Vice Chairman Baucom requested that Consent Agenda Items 3a – Parks and Recreation: Changes to Union County Athletic Council (UCAC) Grant Applications and Bylaws and 3b – Parks and Recreation: Athletic Association Grant Applications be moved to the Regular Agenda.

Commissioner Lane requested that Consent Agenda Item 7 – Clarification of Minutes of February 6, 2006, Regarding Amendment to Section 29 of the Union County Land Use Ordinance and Consent Agenda Item 8 – Guidelines for Public Works Advisory Board be moved to the Regular Agenda.

Commissioner Openshaw requested that Consent Agenda Item 1 – Public Works Department: Water Line Easements – Stallings Road Waterline Project, Consent Agenda Item 9 – Union County Public Schools – Monroe High School Athletic Facilities – Land, and Consent Agenda Item 6 – Contracts Over \$5,000 (a-m) be moved to the Regular Agenda.

Chairman Pressley stated that it has not been a practice of the Board to hold a public hearing and vote on the issue at the same meeting; however, since there was no opposition regarding the proposed incentive grant for Project Armor tonight, he moved that Item 5 – Consideration of Incentive Grants for Project Armor remain on the agenda.

He stated that he wanted to add an item for Discussion on the Holland Property and direction to the school liaison.

With there being no further additions or deletions to the agenda, Commissioner Mills moved adoption of the agenda as amended. The motion was passed unanimously.

CONSENT AGENDA:

Vice Chairman Baucom moved to approve the items listed on the Consent Agenda as modified. The motion was passed unanimously.

Public Works Department: Water Line Easements - Stallings Road Waterline Project (This item was moved to the regular agenda at the request of Commissioner Openshaw.)

Tax Administrator: Approved releases for December 2006 in the grand total amount of \$122,571.62

RELEASES DECEMBER 2006

Acct #	Name	Total
2006		
H3135026	Medlin Farms Inc	610.11
H2043006	M Marsh Farms Inc	53.18
03159063 02	Medlin Farms Inc	507.98
05144015C	Sims Arnold Carter & wf Jessie	1,220.20
50082430	Carlisle Flight Services Inc	58,258.11
06063112B	Hill Frank Lawson Jr & wf Sand	155.87
09168001	Bahl Arun K& wf Rayetta	522.98
09336564	Dan Moser Company Inc	1,548.26
09336565	Dan Moser Company Inc	1,429.14
09336602	Dan Moser Company Inc	191.01
06225120	Marvin Waxhaw Associates LLC	1,010.45
07090006A	Gold Medallion Homes LLC	1,310.50
07120130	Shea Homes LLC	1,603.22
08075112	Ron R. Rushing	1,442.20
09194003	Redwine William H Jr & wf Sandra	387.30
09301217	Petro Express Inc	115.43
09301242	Brown Joe C & wf Bobbie M	284.35
09354003E	Mountain Russell B & Judy S	754.30
05090010A	Sherin Stephen W & Kelly A	1,417.90
H9168020E	Rose James H & Wife Majorie A	
H8300040B	Mclester Tommy Blake & Teresa G	286.21
06123016	Cox W L	177.22
H2301050	Chandler Michael W	203.49
07132019	Edwards Brenda C	250.44
09273175A	Edwards Brenda C	326.95
09273176	Edwards Brenda C	324.21

H2301050 01	Chandler Philip N	102.89
H8192007	Mullis Connie G & husband James B	135.38
H8192007	Mullis Connie G & husband James B	134.20
01231006T	Witmore Johnny C	301.08
07084314 08	Bonterra Builders LLC	1,232.66
07147401	Dogwood Homes Inc	1,190.56
07129891	Durham Michael F & Kristina E	917.92
06036110	Prudential Relocation Inc	867.19
06048347	Shea Homes LLC	2,594.17
06102057	Carroll Scott P & Karen K	847.47
06102088	Weddington Capital LLC	847.47
06102216	Graham P C Investments LLC	847.47
50092659	Clark Tire & Auto Inc	75.78
50092016	Carolina Computer Networking	10.73
50015142	Eyecarecenter OD PA	39.90
06123003A	Sumrell Ivey J & James G	2,802.91
H6015032	Liever Darrell	141.55
02077001	U S Bank National Association Trustee	891.51
06141557	C P Morgan Communities of Charlotte LLC	1,008.93
06186141	Lennar Carolinas LLC	1,926.04
06204264	Nolan William J III & wf Louise C Hemphill	958.29
06207454	Woodhall Development Group LLC	1,382.02
02077001	U S Bank National Association Trustee	50.00
50083255	Tyson Donald & Rebecca	188.91
50093557	CRA Inc	137.40

50093557	CRA Inc	117.34
50067876	Bagley Harold Jeffrey & Renee'	100.97
50076969	Terrot Knitting Machines Inc	111.74
50094841	Tice Insurance Agency Inc	35.02
50095208	Perry Jesse G	162.36
50091131	Arant Jeffery	178.98
50090523	Gainey Richard A & Gale P	143.21
50092074	Central Carolina Outdoor Club Inc	173.25
50092468	Lippard Enterprises Inc	173.25
50083266	Titcomb Gordon	8.49
50095637	Gallinaro Enrico	64.02
50092012	The Potters Hand	74.92
50087854	Tampa John	148.72
50094049	New Living Word Discipleship & Worship Center	70.04
50094985	Kuehl Kenneth	88.52
50082157	Thompson Jesse James	107.65
50095016	Godwin Jimmy D	11.73
50083531	Allred Alex	10.36
50095964	Klydesdale Inc	187.86
50095973	Merrcal Builders LLC	358.55
50073943	Tetlow Debbie Lee	14.20
09321004 90	Secrest Drug Co Inc	245.02
09321002D	Southwinds of Monroe LLC	90.22
09321005	Southwinds of Monroe LLC	6.37
50091904	Providence Motors	183.98
50092159	Heaven Sent Florist & Gifts	173.25
50092226	Chase Plastic Services Inc	177.38
50092299	Groundworks Lawn Care	177.38
50092382	Critical Business Solutions LLC	173.25
50092384	Queen City Java LLC	177.38

50092386	Residence Recovery Inc	184.36
50092598	Philip Still Inc	183.98
50082157	Thompson Jesse James	50.00
50073866	Price Bengie Deshannon	9.26
50014901	Bank of America NA	532.95
50047381	Starnes Linda Ellen	160.61
50058350	Reflections Salon & Spa LLC	633.39
50069189	Rape Parley O	125.17
50073008	Mullis Robert Alan & Lori L	18.08
50077122	Freytag Charles P & Rosanne	142.75
50078962	Medlin Michael S & Judy S	12.10
50080023	Rowe David Barry & Ruth	4.46
50080540	Taylor J Carroll	15.26
50080842	Privette William Reid	10.25
50087534	Simth James L & Debra C	3.43
50085511	Polson Jerry & Twila	35.45
50086423	Sloan David Dwayne & Tracy	21.56
50088675	Jordan Jeffery S & wf Kathleen	74.00
50089245	Allen James	81.52
50089589	Mobile Mini Inc	12.97
50089590	Mobile Mini Inc	15.11
50090051	Tally Thomas B	59.46
50091452	Mobile Mini Inc	134.52
50091453	Mobile Mini Inc	17.99
50091652	Privette Henry	31.64
50091800	Christenbury Wallace M	39.62
50093272	Food Lion Store #2608	8,735.97
50093495	Mobile Mini Inc	36.43
50093496	Mobile Mini Inc	92.72
50093497	Mobile Mini Inc	56.96
50093498	Mobile Mini Inc	6.96
50093499	Mobile Mini Inc	12.23
50093501	Mobile Mini Inc	7.09

50094104	Rushing Kelly M	7.99
50094905	Smith Michael Andrew	72.75
50071647	Firethorne Country Club Inc	7,519.51
50095272	Xtra Lease LLC	10.77
06174005	Sage Homes Inc	5.28
50093539	Moree Ronnie L	101.55
50039157C	Hough Ronnie Lee	9.80
50063173	Citicorp Vendor Finance Inc Tax Dept	3.36
50063173	Citicorp Vendor Finance Inc Tax Dept	0.34
50063175	Citicorp Vendor Finance Inc Tax Dept	21.53
50063175	Citicorp Vendor Finance Inc Tax Dept	2.15
50064634	Tyson Gary Lewis	31.64
50065437	Petty Grady J	111.78
50070677	Preslar Michael	98.03
50070733	Laney Erby	184.61
05018021	Helfrich Daniel Jr & Daniel	977.19
02120002B	Greene Stephen Forest	1,269.84
50095963	LF & SS Fitness	358.55

2006 Totals **120,131.14**

2005

50083255	Tyson Donald & Rebecca	187.59
50091131	Arant Jeffery	168.57
50090523	Gainey Richard A & Gale P	142.20
50087854	Tampa John	146.10
50083531	Allred Alex	10.22
50073943	Tetlow Debbie Lee	14.69
06174005	Sage Homes Inc	5.23

50093539	Moree Ronnie L	101.02
50065437	Petty Grady J	109.75
06120003A	Alltel Mobile Communications	906.69

2005 Totals **1,792.06**

2004

50090523	Gainey Richard A & Gale P	87.09
50087854	Tampa John	140.69

2004 Totals **227.78**

2003

50090523	Gainey Richard A & Gale P	45.88
50087854	Tampa John	166.71
50090523	Gainey Richard A & Gale P	50.00

2003 Totals **262.59**

2002

50087854	Tampa John	158.05
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2002 Totals **158.05**

December Grand Totals **\$122,571.62**

Tax Administrator: Approved refunds for December 2006 in the grand total amount of \$12,028.63:

Acct #	Name	Refunds for December 2006 Release #	Total
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2006

04276031	Tierney Michael F & Lori A	2208	151.89
50093713	The Seed Company	2226	991.83
09066010	Morris Rex E & Kristine A M & Shirley	2238	41.70
06030117	Brown Bryan D & Amy Ann	2245	236.80
01225015	McCracken Paul	2269	40.47
50095715	Medlin Michael Rondell	2298	131.04
50094572	Neighborhood Handyman Service Inc	2299	13.00
01153009F	Rape Teresa R Craig & Christopher	2310	329.16
50092003	Nice Touch Construction Inc	2324	173.25
06180335	Corcoran John Francis & Elizabeth	2382	1,030.86
06207100	Rowe Norma J & David M	2383	4,595.84
06030303	Walther Paul T & Christa M	2384	1,225.52
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2006 Totals			8,961.36

2005

06063112B	Hill Frank Lawson Jr & wf Sand	2212	154.20
07081010	Sherin Roger W & wife Joyce P	2217	338.12
09066010	Morris Rex E & Kristine A M & Shirley	2239	41.26
09321005	Southwinds of Monroe LLC	2321	6.30
01225015	McCracken Paul	2270	40.04
50092838	Sherves Trucking	2300	150.26
09321004 90	Secrest Drug Co LLC	2313	231.08
09321002D	Southwinds of Monroe LLC	2318	89.27
50090267	Rowan Christopher	2352	34.34

2005 Totals			1,084.87
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2004

07081010	Sherin Roger W & wife Joyce P	2213	325.57
06063112B	Hill Frank Lawson Jr & wf Sand	2219	145.60
09321004 90	Secrest Drug Co LLC	2314	218.25
09321002D	Southwinds of Monroe LLC	2319	84.31
09321005	Southwinds of Monroe LLC	2322	5.95

2004 Totals			779.68
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2003

07081010	Sherin Roger W & wife Joyce P	2214	217.01
06063112B	Hill Frank Lawson Jr & wf Sand	2220	96.12
09321002 80	Southwinds of Monroe LLC	2311	73.98
09321004 90	Secrest Drug Co LLC	2315	122.64
09321004A	Southwinds of Monroe LLC	2316	19.92

2003 Totals			529.67
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2002

07081010	Sherin Roger W & wife Joyce P	2215	195.11
06063112B	Hill Frank Lawson Jr & wf Sand	2221	84.20
01225015	McCracken Paul	2285	17.46

2002 Totals			296.77
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2001

07081010	Sherin Roger W & wife Joyce P	2216	274.62
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06063112B	Hill Frank Lawson Jr & wf Sand	2222	84.20
01225015	McCracken Paul	2286	17.46
2001 Totals			376.28
December Grand Totals			\$12,028.63

Tax Administrator: Approved Departmental Monthly Report for December 2006

Tax Administrator: Rejected request for waiver of the late-listing penalty Assessed to Cryovac, Inc. for discovered property in the amount of \$4,778.16.

Parks and Recreation Department: Changes to Union County Athletic Council (UCAC) Grant Applications and Bylaws (Recommended by the Parks and Recreation Advisory Committee on June 21, 2006) - This item was moved to the regular agenda at the request of Vice Chairman Baucom.

Parks and Recreation Department: Athletic Association Grant Applications - This item was moved to the regular agenda at the request of Vice Chairman Baucom.

Finance Department: Approved November and December 2006 Budget Transfer Reports.

Finance Department: Approved motor vehicle tax refunds for December 2006 in the amount of \$3,830.49.

Juvenile Crime Prevention Council: Authorized Interim Manager to execute and submit the 2007 Disproportionate Minority Contact Grant Application (No additional County Money-Request Waiver of Local Match).

Juvenile Crime Prevention Council: Appointed the following persons to serve on the Juvenile Crime Prevention (JCPC) as recommended by the Council and authorized the Clerk to advertise vacancies for the remaining vacancies: 1) District Attorney or designee; 2) Substance Abuse Professional; 3) Two (2) Persons under Age 18; 4) Juvenile Defense Attorney; 5) Representative of United Way/other non-profit; and Two (2) County Commissioner Appointees.

Specified Member	Name	Title
1) School Superintendent or Designee	Dr. Mary Ellis	Assistant Superintendent
2) Chief of Police	Shawn Parler	Lieutenant
3) Local Sheriff or Designee	Cody Luke	Detective
4) Chief Court Counsel or Designee	Rebecca Smith	Court Counselor
5) Director, AMH/DD/SA, or designee	Revella Nesbit	Community Relations Manager
6) Director DSS or Designee	Faye B. Love	Supervisor
7) County Manager or Designee	Pat Beekman	Director of Homeland Security
8) Member of Faith Community	Jimmy Bention	Pastor
9) County Commissioner	Roger Lane	Commissioner
10) Chief District Judge or designee	Joseph Williams	Judge
11) Member of Business Community	Dr. Sherry Ginn	Professor
12) Local Health Director or Designee	Jenny Kirksey	Director
13) Representative/Parks and Rec.	Wanda Smith	Union County Parks and Recreation
14) County Commissioner appointee	Linda McCollum	Homemaker
15) County Commissioner appointee	Renee Hartis	Stallings Town Council

16) County Commissioner appointee	Kim Rogers	School Board Member
17) County Commissioner appointee	Richard Stone	Retired
18) County Commissioner appointee	Peter Breidt	Juvenile Court Counselor

Contracts Over \$5,000: This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw.

Clarification to Minutes of February 6, 2006, Regarding Amendment to Section 29 of the Union County Land Use Ordinance: This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Lane.

Guidelines for Public Works Advisory Board: This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Lane.

Union County Public Schools - Monroe High School Athletic Facilities - Land: This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw.

The Chairman stated that the items moved from the Consent Agenda to the Regular Agenda would become items 18e – j in the order in which they appeared on the Consent Agenda.

CONSIDERATION OF INCENTIVE GRANTS:

a. Project Armor – Two Grants

Vice Chairman Baucom moved approval of two incentive grants in regards to Tensylon High Performance Materials, a division of Armor Holdings, in regards to Project Armor in the following amounts: 1) not to exceed \$86,820 and 2) not to exceed \$64,163 contingent upon the information that was provided. The motion was passed unanimously.

CAROLINAS MEDICAL CENTER-UNION – APPROVAL OF PROJECTS OVER \$500,000:

a. *Expansion and Renovation of the Materials Management Department (Project Costs: \$2,839,445)*

John Roberts, President and CEO of Carolinas Medical Center-Union, presented a check in the amount of \$1.4 million as a down payment for the annual lease payment for the hospital. He stated that the remainder of the payment would be forthcoming in April after the hospital's audit has been completed.

He explained that under the lease agreement, the hospital must bring to the Board of Commissioners, for its consideration and approval, any capital expenditures that would exceed \$500,000.

Mr. Roberts explained that the first project is the expansion and renovation of the hospital's Materials Management Department at the approximate cost of \$2.8 million. He stated that the hospital is utilizing the same warehouse materials management supply processing area that the hospital used in 1953, which was expanded in 1985.

b. *Renovation and Aesthetics Upgrades to the Fourth Floor Surgical Inpatient Nursing Unit (Project Costs: \$1,201,171)*

Mr. Roberts explained that this area of the hospital was designed in 1984 and has had some minimal upgrades over time. He said that this is a very busy floor where most of the hospital's surgical patients are cared for. He stated that they wanted to make sure that this floor has the same appearance and the same working efficiency for the staff and patients as the rest of the medical center.

He pointed out that a significant portion of the renovation would be to the nursing station work area. He said that much of the nursing station will be significantly reconfigured, and much of the costs of this project will address issues that are necessary for the electronic processing of medical records and the safe areas that are required.

Mr. Roberts stated that both of these projects have been reviewed in detail by the Finance and Compliance Committee of Carolinas Medical Center-Union and by the Community Trustee Council, and both have approved for these projects to continue. He said that both projects are included in the budget for Carolinas Medical Center-Union, and they have no financial implications or responsibilities by the citizens of Union County.

Following the presentation, Commissioner Lane moved approval of the following projects by Carolinas Medical Center-Union, Inc. in accordance with the lease agreement with Union County: a) Expansion and renovation of the Materials Management Department (Project Costs: \$2,839,445) and b) Renovation and aesthetics upgrades to the Fourth Floor Surgical Inpatient Nursing Unit (Project Costs: \$1,201,171). The motion was passed unanimously.

Mr. Roberts introduced Dave Anderson, Vice President of Carolinas Medical Center-Union, and Donnie Baucom, who was recently appointed to the Community Trustee Council.

CONTRACT TO AUDIT ACCOUNTS:

Commissioner Lane moved to authorize the Chairman to execute a contract with Potter & Company in the amount of \$65,000 to audit the accounts of Union County for 2007.

At the request of Commissioner Mills, Kai Nelson, Finance Director, verified that the contract was for one year.

The motion was passed unanimously.

UNION COUNTY AGRICULTURAL SERVICES AND CONFERENCE CENTER:

Vice Chairman Baucom moved to authorize the Union County Agricultural Advisory Committee to advise Cooperative Extension and the Board of County Commissioners on a variety of matters, to include the Commission approved Conference Center operating rules and regulations.

The Vice Chairman clarified that Everett Medlin currently chairs this committee.

The motion was passed unanimously.

ANIMAL SHELTER:

Commissioner Mills moved to direct the County Manager to: (1) prepare a job classification and pay grade assignment for a Volunteer Coordinator position at the Animal Shelter; 2) identify an existing vacant position within the County's authorized full-time

equivalency positions to reclassify and transfer to the Animal Shelter function; and 3) to prepare cost estimates to modify the facility to provide for a spay/neuter clinic.

Sheriff Cathey stated that he had requested a Volunteer Coordinator position and this position is one that he feels is important for the shelter. He said that person would not only do volunteer coordinator duties but also that person would do work in the shelter itself. He stated that this position would add credence to the volunteer program currently in place.

Vice Chairman Baucom questioned whether the position would be a volunteer or paid position. Sheriff Cathey stated that the position would be paid and under his direction.

Sheriff Cathey addressed the need for a spay/neuter clinic at the shelter. He stated that when the facility was planned, a spay/neuter clinic was requested, which he supported. He said that after discussions with veterinarians, the room dimensions were built; however, once they moved into the new facility, the veterinarians advised him that they cannot perform spay/neutering services in the same room where preps are being done. He stated that one of the requests tonight is to cut a door through to another room which will provide both a spay/neuter room and a prep room.

Sheriff Cathey said he supports almost everything that was discussed during the informal comments tonight. He stated that many things that were discussed are already in place, and a large percentage of the proposal presented by Ms. Shannon is already in place. He said that there is a volunteer program in place at the shelter, but stated that it is not a volunteer program like what is needed to operate the shelter. He explained that the 501(3)(c) status has been received from the State but has not been received from the Internal Revenue Service, which needs to be in place before the shelter can receive donations.

He said that Ms. Shannon spoke concerning a behavioral specialist at the shelter. He stated that the shelter is using Maggie Bluetrak, who is well known in the area, who comes and works with the animals and provides educational training for the shelter employees.

Sheriff Cathey said that the shelter is currently taking in between 700 and 900 animals per month. He stated that before a foster program can be put in place, there has to be some place to foster the animals. He said that the low kill shelter operated in Mecklenburg County is a Humane Society operated shelter and is not operated by the County.

He said that operation of the adoption and euthanization program was offered to the SPCA to take over the adoption and euthanization program, but it has declined. He stated that it has also been offered to PETA, Humane Society, and the U.S. Humane Society. He stressed that the shelter is a County owned facility operated with taxpayer money and the enforcement of laws and necessary investigations cannot be assigned to volunteer organizations.

Sheriff Cathey stated that he agreed with extending the hours at the shelter to provide for adoptions at night and late afternoon. He addressed pet rescue associations.

He said that he did not know of any shelter in North Carolina that is run strictly by volunteers. Sheriff Cathey said that he did not have all the answers to the questions about the shelter, but he is willing to sit down and listen and do what needs to be done.

Commissioner Openshaw asked if anything else was needed for the spay/neuter clinic other than the door. Sheriff Cathey responded that the clinic would need to be stocked with tables and equipment to perform the services, but stressed that currently the need is a door.

Commissioner Mills said that he believed that cost estimates are needed for the tables and equipment before approving the funding.

Following the lengthy discussion, the motion was passed unanimously.

Commissioner Mills asked staff for an update regarding the revolving door at the Judicial Center. Jeff Crook, Senior Staff Attorney, stated that he had spoken with Barry Wyatt, Director of General Services, and a new door was ordered in early December and hopefully would be installed by the end of January.

PUBLIC WORKS DEPARTMENT – SELF-HELP PROJECTS:

- a. Oakbrook Subdivision***
- b. Lawyers Road***

Christie Putnam, Public Works Director, stated that there are two applications for consideration for self-help projects for the first half of the fiscal year. She explained that the self-help program provides for \$200,000 of general fund contribution to be made

available at the Board's discretion which was divided into two-semi annual awards of \$100,000 each. She referred to the summary sheets provided in the agenda packages.

Ms. Putnam stated that there are 58 participants in the two projects combined with 47 participants in the Oakbrook Subdivision Project and 11 participants in the Lawyers Road Project. She noted that the total 58 potential customers exceed the County's budgeted contribution of \$100,000. She stated that the shortfall is \$16,000 for the two projects assuming full participation in both projects by all residents. She said that she was seeking direction from the Board if it wanted to consider these projects for self-help and, if so, how the Board wanted to allocate the funds.

In response to a question by the Chairman, Ms. Putnam reiterated that the shortfall for the two projects would be \$16,000 assuming full participation in both projects by all residents. Ms. Putnam stated that a portion of the funds come from the enterprise fund, but noted that she was before the Board tonight seeking direction on how the Board wishes to allocate the general fund contribution. She said that the self-help program adopted by the Board in 2005 allowed for a maximum enterprise fund contribution of \$2,220 per customer based on what amount would be recouped from the customer over a 20-year period.

Vice Chairman Baucom questioned if the amount could be limited on a first come, first serve basis. Ms. Putnam stated that this could be done and explained that the program was set up to receive applications within the first quarter of the fiscal year which are reviewed and presented to the Board in the second quarter. She said that she could review her files and determine which project was submitted first, if the Board wanted her to do so. She offered another option that rather than to meet the maximum \$2,000 available is to fund all 58 participants at an equal share of \$1,724 per participant, which would require more contribution on the part of the participants to account for the difference. She noted that on the summary sheet, the contribution per customer for the Oakbrook Estates, if all residents participated, and the Board donated the entire \$2,000 per customer would be \$545. Further, she said if the Board elected to fund all 58 requests for both projects, it would increase the per customer share to \$821 and they could make up the shortfall. She said that if there is not reasonable participation, the project would fail or the staff would bring it back to the Board for reconsideration.

Commissioner Openshaw questioned the disparity in the cost per customer of \$545 for Oak Brook Estates and \$3,882 per customer for Lawyers Road. Ms. Putnam explained that there is less linear footage involved in the Lawyers Road project as well as fewer customers among which to divide the cost. She stated that the contributions from the enterprise fund and the general fund are based upon the number of customers to be served.

Chairman Pressley stated that he thought the Board should try and find the funding for the two projects.

Kai Nelson, Finance Director, noted that the annual general fund contribution for self-help projects is \$200,000 divided in two phases. He offered that the Board could take \$16,000 from the second phase for this fiscal year to fund these two projects.

Vice Chairman Baucom moved approval of the following self-help projects to provide water services: 1) Oak Brook Estates at a total cost of \$223,950 with a general fund contribution of \$94,000 (Enterprise Contribution of \$104,340) and remaining funding of \$25,610 to serve 47 potential customers at a cost per customer of \$545; and b) Lawyers Road at a total cost of \$89,125 with a general fund contribution of \$22,000 (Enterprise Contribution of \$24,420) and remaining funding of \$42,705 at a cost per customer of \$3,882. The motion further included that the \$100,000 allocated for the second phase of the semi-annual general fund contribution be reduced by the \$16,000 needed to complete both projects. The motion was passed unanimously.

INMATE HEALTHCARE:

Commissioner Lane moved to: 1) Assign the Union County Health Department as managing agency and primary service provider for inmate health services at the Union County Jail effective 12:01 a.m. on March 13, 2007; 2) Approve the addition of an inmate Health Services Budget within the Jail Program under the budgetary control of the Health Department; 3) Approve the Schedule of Personnel requested by the Union County Health Department needed to provide inmate health services on a 24-hour/7-day per week basis as listed below; and 4) Appropriate funding for personnel, professional services, equipment, operating expense, prescription medication, and medical services (Budget Amendment #38).

Estimated Cost of Additional Health Department Personnel			
FTE	Position	ANNUAL SALARY	HOURLY RATE
0.3	TPT Physician III	\$170,834	\$82.1317
1	Physician Extender II	\$ 71,838	\$34.5375
1	Liscensed Practical Nurse	\$ 38,012	\$18.2750
1	Liscensed Practical Nurse	\$ 38,012	\$18.2750
1	Liscensed Practical Nurse	\$ 38,012	\$18.2750

0.6	RPT-LPN (Weekends)	\$ 38,012	\$18.2750
0.6	RPT-LPN (Weekends)	\$ 38,012	\$18.2750
0.2	TPT-LPN prn	\$ 38,012	\$18.2750
1	Medical Office Assistant	\$ 29,399	\$14.1341
6.7	TOTALS		

Vice Chairman Baucom asked if the proposal were revenue neutral to the budget. Mark Watson, Personnel Director, responded that the County is currently under contract with Prison Health Services to provide inmate healthcare services. He said that the annual budget for these services at the beginning of this fiscal year was \$550,000, and on March 12, 2007, the amount of money available in the budget to provide the services would be zero. He explained that the reason for that is the unpredictable amount of large medical claims that have been incurred for inmate healthcare during this fiscal year. Mr. Watson noted that the amount of additional appropriation needed for this service for the remainder of this fiscal year is \$255,000.

He stated that the Sheriff is responsible for the medical care of all inmates under his jurisdiction. He further stated that there are federal and state guidelines that dictate the minimum amount of medical, dental and psychiatric care that must be provided for inmates. Mr. Watson said that there is an ever increasing jail population, and by his calculations there has been a 27 percent increase in the average daily population at the jail over the last six years. He explained that the cost of medical care has risen on an average of 14 percent over the last five years. He noted that currently it is costing \$3,096 per inmate to provide medical care. He said that it is the cost of services provided in the jail, and the services that cannot be provided in the jail infirmary are sent out to local physicians and the Health Department for maternal and dental care. Mr. Watson said that one of the costs that the County cannot fully control is when an inmate is ordered to be sent to Central Prison for safekeeping, and that prisoner incurs large medical claims, he or she would go to facilities such as the UNC Medical Hospital (under state contracts) for treatment, the County has no control over those costs.

He pointed out that the narrative in the agenda package reflects that the fixed costs of personnel, operating expenses, medical supplies, etc. are relatively constant and can be predicted with a fairly high degree of accuracy.

Jenny Kirksey, Health Director, added that she believed in the long run, the proposal to assign the Health Department as managing agency and primary service provide for inmate health services at the jail would save the County money. She stated that with the staffing pattern that is being proposed would hopefully reduce the number of inmates that would have to be referred out of the jail for medical care. Ms. Kirksey said that when inmates are referred outside the jail for medical care, an officer has to accompany the inmate and that takes the officer away from the jail and there are also transportation costs in addition to the personnel costs. She stated that it would be staffed 24 hours per day, seven days a week.

Mr. Watson pointed out that with the proposal, there would be expanded healthcare services in the jail, because currently it is being operated 16 hours per day, seven days per week, and the coverage would be increased to 24 hours per day, seven days per week, which he said would be a savings to the County. He explained that approximately 14 months ago, the County contracted with a third party administrator, who reviews every claim and bill for every inmate healthcare service provided outside the jail. He stated that when a claim can be discounted at the usual, reasonable, and customary fees, it is done so where there are discounts with providers in the County. He said that the Health Department is used to provide services where it is more cost effective than some alternative methods. Mr. Watson stated that by his calculations, this year alone the amount of bills for outside inmate medical services has been reduced by 18 percent before the amount is paid. He said that there would have been an additional \$80,000 in inmate healthcare if the County were paying retail for the claims.

Following the discussion, the motion was passed unanimously.

Kai Nelson, Finance Director, pointed out for clarification purposes that by the adoption of Budget Amendment #38 with \$105,477 from Contingency, that the Contingency Fund has now been depleted, and the balance of the \$255,732 necessary to fund these services for the remainder of this fiscal year would be from Fund Balance. He stated that the County's Fund Balance is already below the Board approved level of 16 percent in fund balance.

LAND TRANSFER TAX:

Vice Chairman Baucom stated that he believed the land transfer tax has merit and is a very viable option that the Board should consider; however, he said that the Board would be holding a planning conference in the near future, and to ensure that the Board does due diligence and explores all options as potential revenue sources, he would like to postpone any action regarding the land transfer tax until the time of the planning conference or after the planning conference has been held. He added that this would allow staff more time to bring information to the Board.

Vice Chairman Baucom moved to postpone any action on this item until the time of the Board's planning conference or after the planning conference.

Commissioner Openshaw questioned whether any calculations have been done on what a one-percent land transfer tax would yield for the County. Kai Nelson, Finance Director, responded that the real estate recordings in Union County have increased from \$1.6 billion of several years ago to approximately \$2.4 or \$2.5 billion. He said that it is not believed that the \$2.4 or \$2.5 billion is a sustainable figure, but if that amount were used as a base without exempting any properties, one percent of approximately \$2 billion is \$20 million.

Commissioner Openshaw noted that \$20 million would finance in excess of \$200 million in bonds. Mr. Nelson corrected that this amount would finance over the life of bonds roughly one time approximately \$220 million in bonds, which is approximately one-half of the schools' Capital Improvement Program.

Vice Chairman Baucom clarified that a land transfer tax would require legislative action and he knew it would be an uphill climb to have a transfer tax. He said that he was in no way advocating that the Board not consider a transfer tax, but was stating the facts.

Commissioner Lane stated that during the Legislative Conference that several Board members attended, several people had indicated that the legislators were not going to support a land transfer tax. He said that he did not believe that a land transfer tax would happen in the County, and as long as there is a strong lobby against it, the legislators are not going to support anything resembling an impact fee or transfer fee. Commissioner Lane said that the County was going to have to control growth and attract commercial growth in the County. He stated that he had voted for the land transfer tax initiative at the last meeting but did so in order for the Board to receive more information on it. He added that he was not pleased with the information that the Board has on a transfer tax.

Commissioner Openshaw stated that the County Commissioners' conference was very interesting on the point of transfer tax. He said that there was very strong anti-prodeveloper sentiment, because the County Commissioners are the ones who are faced with increasing taxes. He stated that there were some proponents for a transfer tax. He said that a transfer tax would be a tax increase on the citizens. He stated what really had to be considered was the root cause of the problem and how to deal with it. He said that he

thought the root cause of the problem is that residential growth does not pay for itself, so the question is "How are you going to pay for it?"

Following the discussion, the motion was passed unanimously.

AMENDMENT TO APFO:

Chairman Pressley referred to an article in the newspaper this past Sunday regarding real property owned by him. He stated that he had already obtained two opinions from the Institute of Government. He asked Jeff Crook, Senior Staff Attorney, if he saw any reason that he should recuse himself from voting on this issue.

Mr. Crook responded that he believed that the Chairman's interest was too remote for there to be a conflict of interest with the Chairman participating in the vote.

Vice Chairman Baucom moved that the Board consider initiating an amendment to increase from five to fifteen the number of dwelling units in a subdivision that are now exempt under the APFO.

Commissioner Mills stated that at the January 8, 2007, Board of Commissioners' meeting, there was discussion that minor subdivisions would not be a part of the amendment. Vice Chairman Baucom stated that minor subdivisions are not a part of his motion.

Commissioner Lane said that he felt the proposed amendment could benefit the small builder, but it would hurt the taxpayers especially in the construction of schools. He stated that by increasing the number from five to fifteen, it would increase by approximately 600 to 700 new students every year in the areas where the fifteen homes would be permitted, which he said would equate to a new elementary school every year. He stated that he did not think that was a good idea at this time.

Commissioner Openshaw stated that increasing the number from five lots to fifteen lots using the APFO mitigation figure of a little under \$15,000 figure per house equals \$150,000 that would come out of the taxpayers' pockets. He said that he was all for the concept, but he was very torn on this particular issue. Commissioner Openshaw said that he did not like putting the \$15,000 on the taxpayer. He said that because he was having a difficult time with this issue, he wanted to hear what the Board members had to say to convince him to support it.

Joe Evans asked permission to be allowed to address the Board on this subject. Chairman Pressley stated that the Board would allow Mr. Evans to speak about this issue.

Mr. Evans said that the question he has is if a developer is building five houses or 15 houses in a development would the property owner not be paying property taxes. Commissioner Openshaw responded that was what would be bringing the figure down to \$15,000. He questioned why the increase would be passed on to the taxpayer when the individual buying the house would be paying the taxes on the property.

Commissioner Openshaw replied that his point was that the taxes leave that gap, because the taxes do not cover themselves. He stated that the taxes on the average house in Union County do not cover the cost of sending one child to school for one year. Therefore, he said that if that were the case, then the County is losing money on every house that is built.

Chairman Pressley stated that he respectfully disagreed with Commissioner Openshaw on this matter, because he said he thought that houses are being constructed at \$600,000, \$700,000, and million dollar houses. Therefore, he did not believe it was a fair statement to say that the County is losing money on every house that is being built. He said that he did not want to argue, but he did not want the citizens to be led to believe that this Board, at least himself, believes that every house is a burden.

Commissioner Openshaw stated that if the price of houses reach a certain price point and depending on the number of children in that house, the County actually make money on houses that are built where there are fewer children or if the children attend private school. However, he said that he did not believe that the average house still pays for itself, and, in fact, if there is one child in that house, it does not.

Mr. Evans continued his comments by stating that there might be some houses where there are six or seven children, but he did not recall seeing many of those lately. He said that the majority of the people cannot afford to raise that many children.

Vice Chairman Baucom said that this amendment is to support the small homebuilder, which is an integral part of the commerce of Union County.

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

MEMORANDUMS OF UNDERSTANDING FOR SCHOOL FACILITIES PLANNING AND INTERLOCAL COOPERATION (MOU'S):

Chairman Pressley stated that there had been a motion at the January 8, 2007, meeting to delay action on the Memorandums of Understanding.

Vice Chairman Baucom moved to approve the Memorandums of Understanding for School Facilities Planning and Interlocal Cooperation with: a) Village of Marvin; b) Town of Mineral Springs; and c) Village of Wesley Chapel.

Commissioner Mills questioned what is the hurry on approving these memorandums. Chairman Pressley deferred to Richard Black, Interim County Manager, to provide a response to Commissioner Mills' question.

Mr. Black replied that the APFO adopted by the Board applies to the unincorporated areas of the County as well as to the Town of Hemby Bridge and the Village of Lake Park. He stated that he has had some discussion with the County's consultant on the APFO about how effective the APFO would be if it were only enforced in the unincorporated portion of the County. He said that the consultant did not provide an exact number of the towns that was needed for the APFO, but it was understood that more of the towns were needed to join in this endeavor with the County in order for it to be more effective. He stated that the purpose of moving ahead would be three more where the ordinance would apply in addition to the towns that remain under the County's jurisdiction.

Mr. Black informed the Board that he had spoken at Indian Trail last Tuesday night, and the Planning Board will have several discussions on it, and it has been referred to the City of Monroe's Planning Board. He said that he thought it was with the Weddington Planning Board, and he was in the process of trying to schedule a meeting with the Town of Waxhaw. Further, he stated that he has spoken with representatives of the Town of Fairview, and he thought that the Stallings' Town Council has stated that it would not join with the County. He said that the reaction he has received from both the Towns of Marshville and Wingate is that there are no actions forthcoming soon to move forward to approve it.

Commissioner Mills stated that there are lawsuits pending on the APFO, and he wanted to receive some clarification from the attorneys that the County will be hiring.

Chairman Pressley said that he understood from the articles in the newspaper, that the Weddington Town Council was not planning to take any action until it knows the outcome of two pending cases. He stated that he understands from speaking with some of Weddington's Council members, they might interpret their own ordinance instead of adopting the County's ordinance, and, therefore, Weddington would not have a memorandum of understanding with the County but would have its own.

Mr. Black agreed that was possible but explained that Weddington could have a memorandum of understanding, but instead of adopting the County's ordinance by reference, it could tailor make its ordinance to the Town. He pointed out the one big exception would be if Weddington were to adopt the County's ordinance as presented, if the Town were sued, with the indemnification clause, the County would help the Town. He said that if the Town adopted a more restrictive ordinance, and it was sued, then the Town would be on its own.

Chairman Pressley said there was going to be a meeting where representatives from the County would be meeting with representatives of Wesley Chapel. He asked if the Memorandum of Understanding would apply to Wesley Chapel's proposed ETJ area.

Mr. Black said that under the County's zoning, the APFO would apply, and since the Village of Wesley Chapel has approved the Memorandum of Understanding, then whatever jurisdiction the property might be under, the APFO would apply in the unincorporated area of Wesley Chapel if the Board approves the Memorandum of Understanding.

Commissioner Lane stated that as he had indicated at the January 8th meeting, these three municipalities have adopted their MOU's. He said that he thought not approving the MOU's was going to send the wrong signal to these towns who have worked for controlling growth in their towns. He stated that he thought the Board should approve these three Memorandums of Understanding.

Commissioner Mills referred to the current sewer moratorium and the Crooked Crook Wastewater Treatment Plant Facility. He said that he thought that construction is slowing down since there is no sewer capacity, and he was not sure if the APFO would have any effect at this time. He stated that all the projects already permitted are exempt, so it would only apply to new subdivisions. He asked Mr. Black if this were a fair statement.

Mr. Black said that the APFO was adopted on October 2, 2006, and the next day the moratorium was lifted. He stated that since October 3, 2006, there have been no new major subdivisions processed.

Commissioner Lane said that there would be new sewer capacity coming in July or August of this year. Ms. Putnam responded that there would be additional capacity coming on line sometime late this summer, and explained how that capacity would be allocated would be for the Board to decide. In answer to a question by Commissioner Lane, Ms. Putnam stated that in the 12-Mile Creek basin, there are currently 6,000 lots that are already permitted and would not be affected by the APFO.

Commissioner Lane said that without the APFO, there are still 6,000 lots in the 12-Mile Creek basin that could be built out incurring a large amount of students coming into the school system.

Chairman Pressley said that he did not want to get hasty in approving the MOU's. He asked how effective it would be to impose the APFO on part of the towns and not impose it on the other towns. Mr. Black responded that he did not get a definitive answer on this question. He stated that over the past several years, of the number of building permits generated in the County, about one-half of the permits were from the County, and the other half came from the towns. Mr. Black said that of the towns' 50 percent, two towns had generated between 65 or 70 percent.

Vice Chairman Baucom questioned if there would be a downside to approving the MOU's with the towns. Mr. Black responded that one downside as had been pointed out by Commissioner Lane would be what kind of message it would be sending to the other towns. He said that as the Chairman had pointed out, lots of people are in a wait and see mode because of the pending litigation and the uncertainty. He said that he thought to not approve the MOU's would add to that uncertainty. He noted that the upside would be that if the towns are processing subdivisions, then the APFO could be applied in the towns who have entered into the MOU's.

At this time (9:34 p.m.), Commissioner Mills requested that the Board take a five-minute recess. The Chairman recessed the meeting.

At approximately 9:41 p.m., the Chairman reconvened the meeting and recognized Commissioner Openshaw for his comments.

Commissioner Openshaw stated that Commissioner Mills had brought up a good point that if the County is running out of sewer capacity, then there would not be a whole lot more homes built. He said that one of the bigger challenges was going to be "what to do with all the permitted homes out there already?" He asked if that meant that the County would not even be accepting permits for new houses using that logic. He said that was clearly not the case. He stated that there are 1700 homes being built on the

Waxhaw border, and a force main has been run at the developer's expense seven miles from the Waxhaw-Marvin border to tap into the in Charlotte where there is additional capacity. He said that the reality is that there is still some sewer capacity available, and there would be new subdivisions. He reiterated his comments to the Board from the January 8th meeting that if the Board does not want the APFO, just say so. He said that the APFO was not going to solve all of the County's problems, but one of the biggest things it would do is it would begin to allow the County to collect data so that intelligent decisions can be made for the future. Commissioner Openshaw encouraged the Board to approve the MOU's.

Chairman Pressley said that he was looking at the legality of the APFO.

Following the lengthy discussion, the motion was passed unanimously.

PARKS AND RECREATION DEPARTMENT:

a. Union County Parks and Recreation Comprehensive Master Plan (2006 Update) Through the Year 2015

Due to technical difficulties in being able to show the Power Point presentation to be presented for this item, the Chairman stated that the Board would move forward with Item 16 on the Agenda - Board of Commissioners' Planning Conference (Rescheduling) and would take up Item 15 once the presentation was ready.

BOARD OF COMMISSIONERS' PLANNING CONFERENCE (Rescheduling):

Kai Nelson, Finance Director, stated the staff's recommendation is that the Board consider rescheduling the Planning Conference with some objectives in mind including that the Planning Conference should be rescheduled prior to the March 3-7 Conference, because there will be some information presented at the planning conference that may be valuable in the meetings with the delegation in Washington, DC. Additionally, he said that the staff believes it is important that all members of the commission be present, and finally, as was discovered this past week, there is difficulty in the staff preparing an agenda for a regular board meeting during the same week that the staff is working toward a planning conference. Mr. Nelson said that the staff's proposal to the Board is to consider rescheduling the planning conference for later in the week of February 26th.

Vice Chairman Baucom suggested that the Planning Conference be rescheduled for February 28 or March 1, whichever the case might be. He said his intent was to hold the Planning Conference on a Wednesday and a Thursday. Chairman Pressley asked

if it would follow the same agenda as originally scheduled. Mr. Nelson stated that this was correct with the Planning Conference being an all-day event both days beginning at 8:00 a.m. on each day in the Personnel Training Room, Room 131.

Chairman Pressley moved to reschedule the Board's Planning Conference for February 28-March 1 in the Personnel Training Room, Room 131, beginning at 8:00 a.m. on both dates. The motion was passed unanimously.

PARKS AND RECREATION DEPARTMENT:

a. Union County Parks and Recreation Comprehensive Master Plan (2006 Update) through the Year 2015

Wanda Smith, Director of the Union County Parks and Recreation, thanked the Board for the opportunity to bring to the Board the Union County Parks and Recreation Comprehensive Master Plan (2006 Update) through the Year 2015. She explained that the presentation would provide background information on previous master plans and also look at recommendations that come from the Master Plan update. She stated that a copy of the presentation had been provided for the Board along with a corrected copy of the Master Plan update.

Ms. Smith stated that the action requested of the Board tonight would include adoption of the Master Plan. She explained that there is an upcoming grant application due at the end of this month, and to submit the application without an updated Master Plan would be fruitless.

She pointed out that there are several key points in the presentation:

1. Buy land now before it is too late.
2. The County needs to take the lead in trail development.
3. An equestrian signature park will provide the county with its special niche and will bring outside revenue in to assist in the general fund.
4. A school parks' joint use agreement is highly sought by the citizens of Union County.
5. This plan can become a reality through implementing the action plan by continued support by the Union County Board of Commissioners and through use of appropriate funding sources that will be discussed during the presentation.

Ms. Smith stated that the County's Parks and Recreation consultant is Woolpert LLP based out of Charlotte, and Andrew Pack is the lead on the project along with his assistant, Carl Armanee. She deferred to Mr. Pack and Mr. Armanee to present the information.

Mr. Pack stated that he is a Union County resident with young children, and he said that the Master Plan update is an excellent planning tool to assist the county to meet the future needs of recreation and the quality of life stability in the community.

Mr. Armanee gave a brief history and origin of parks and recreation in Union County. He discussed the 1992 Master Plan for Parks and Recreation and stated that the 2000 Master Plan updated recommendations from the 1992 and established a park system that consisted of a variety of types of parks. He noted that the action plan included in the 2000 Master Plan was to complete a master plan for the individual side of Cane Creek Park with the upgrades and renovations; to develop three 200-400 acre district parks to be located in eastern, western, and northern part of County; and to assist with community and neighborhood sites through a grant program. Mr. Armanee stated that land was purchased for the Jesse Helms Park (eastern); a master plan was approved for the Jesse Helms Park and began Phase I of the active area for this year; received grants; performed major improvements at Cane Creek, and the County grant program continues and helps provide for community recreation.

He said land has not been purchased in the western part of the County. Mr. Armanee pointed out with the price of land in the western part of the County, primarily in the northwestern part of the County, purchasing land in that area will be very difficult. He said that even with the staff's ability to obtain approximately \$1.3 million in grant money, there is still a shortfall from the proposed recommendations from 2000 plan. He noted that a formal joint use agreement has not been achieved with the schools.

Mr. Armanee reviewed the process for updating the plan for 2006, which included five steps: 1) review the current projected factors; 2) update the existing facilities within the County; 3) revise the needs assessment, which he described as the most important aspect of the plan; 4) revise the plan proposals; and 5) develop a new action plan. He explained that the revision to the needs assessment was done through a series of meetings held within the County and with focus groups.

Mr. Armanee stated that there had been some existing sites to the facilities inventory, which are noted on the map and in the report. He said they had looked at standards as another means of reviewing needs, and all of those addressed the need for additional park acres. He stated that at the public meetings on needs assessment, number one on the list was "buy land now before it is difficult." He further stated that trail development has changed in terms of public perception, and most residents that they have encountered at public meetings were requesting that Union County play a role in development of trails.

He stated that there is a master plan for Cane Creek, and the County needs to continue with those improvements. Mr. Armanee said that they propose that Union County acquire land and develop a northern district park. He suggested that it be a signature park with equine facilities and mixed trails that would connect to schools and also the river. He stated another suggestion was to continue with the master plan improvements at Jesse Helms Park which are under way right now and to develop a western school park facility in coordination with the schools.

Mr. Armanee said that the public had spoken to say that it wants the County to be the major facilitator and coordinator of county trails and proposed that it be done so that there is no haphazard approach to implementing the trails and greenways. He said that the plan recommended hiring a recreation planner/trails coordinator who would report to Planning and to Parks and Recreation. He stated that it was important that the plan be presented to MUMPO and to make sure it is included in any future plans that include bypasses, etc. He recommended that all the towns within Union County that have linear parks should connect.

He reviewed the action plan and said that the total cost for capital improvements and grants funding is approximately \$38.2 million. He discussed how to fund the plan, which he said must be funded from various sources. Mr. Armanee stated that the plan includes a recommended bond referendum to cover the capital development and land acquisition. He reviewed the suggested sources of funding.

He introduced David Arrone, Vice Chairman of the Parks and Recreation Advisory Committee. He said that he was the Chair at this time due to the resignation of the Chairman. Mr. Arrone said that the Advisory Board has been working with the staff and the consultant since this project began and has been very involved in the project. He stated that the County has made a great deal of progress since the 2000 plan. He stressed that what has been stated at the public meetings is that the County needs to acquire more land.

He pointed out that greenways were also addressed in the master plan. He said that greenways were alluded to in previous plans, and there had been some opposition to greenways. Mr. Arrone said that the advisory board has heard that there is a strong interest in land preservation, linear trails, greenways, walking paths. He stated that in general attitudes have changed toward greenways. He stressed participation in matching grant programs awarded to Union County athletic associations for capital improvements. He stated that it has been emphasized in the plan that this program needs to be continued and expanded. He said that these monies have been used throughout the entire county to improve all types of youth facilities and community recreation facilities.

Mr. Arrone stressed that there needs to be use of school facilities after hours. He said that these facilities need to be made available to the youth and adults in the county for recreational purposes on a fair and equitable basis. He stated that the advisory committee is unanimous support of the plan and would request that the Board review the plan and consider adopting it as soon as possible.

At the request of Commissioner Mills, Ms. Smith explained that there are currently six cabins at Cane Creek and discussed the amount of revenue derived from rental of the cabins. Commissioner Mills suggested that Ms. Smith schedule a tour at sometime in the future for the Board to visit.

Chairman Pressley asked what steps needed to be taken to pursue the joint use agreements with the schools. Ms. Smith stated that they are working with the schools, and the current school administration seems to proactive in assisting parks and recreation. She added that she thought it would be beneficial to get a joint use agreement approved and then start in the planning process when the new schools are opened.

Chairman Pressley referred to the recommendation in the plan for a 2008 bond referendum in connection with parks and recreation. He asked if there was a suggested amount on that bond. Ms. Smith responded that she believed that amount was undetermined. Mr. Arrone said that the advisory board would ask the Board to make sure that the bond amount is enough to acquire land for the future.

There was discussion regarding the regional greenway shown on the master plan map. Vice Chairman Baucom asked what the use for the greenway would be. Mr. Armanee responded open space dedication, wild life, bicycling, etc. He stated that at the present time, it is a planned regional greenway that would connect Mecklenburg County, Cabarrus County, Union County and eventually the Pee Dee River.

Vice Chairman Baucom noted that the property for the greenway is privately owned and questioned how the property would be acquired for public use. Mr. Armanee replied the property would be acquired through easements and typically through land dedication and tax conservation easements. Vice Chairman Baucom asked for clarification whether the greenway was a part of the master plan and if adoption of the plan tonight would give confirmation to that use. Mr. Armanee responded that he thought it states that the County plans to connect to the regional greenway as they are best known today.

Vice Chairman Baucom stated that this comes across to him as taking private property for public use. He said that there was an earlier attempt in 2000 to do this on Rocky River. He further said that it was very adversarial then and he thought it would be again. He stated that he had a real concern with the greenways because it involved property rights.

In response to a question by Commissioner Mills, Mr. Armanee stated that at the present time, the easements are all voluntary. Commissioner Mills directed a question to Christie Putnam, Public Works Director, that if the greenway is installed along the way down the Rocky River, what effect would that have on a sewer plant or bringing water out of the Rocky River.

Ms. Putnam responded that she did not believe it would be anything that could not be worked around. She explained that some reservoirs are restrictive as to access, and some reservoirs are used more as an amenity and might enhance the greenways. Commissioner Mills questioned if approving the master plan tonight would in any way restrict the County from proceeding with a sewer plant or a water resource on the Rocky River.

Ms. Smith responded that there are some items in the master plan that might need to be adjusted. She said that adoption of the master plan would not mean that everything in the master plan has to be done exactly as stated. She stated that the parks and recreation advisory board would come back to the Board before undertaking an action. She said that they did not want landowners to think that the County is trying to take their land away from them, but there are many landowners in the County in the Waxhaw/Marvin area who have talked with parks and recreation and are interested in assisting any way they can. It is not their intention to give their land to the County but to allow rights of ways across their land.

Vice Chairman Baucom stated that he has had conversations with Jerry Simpson, County Extension Director, and he has discussed a multi-use 4-H facility at the Jesse Helms Park. He said the facility could be used for lamb shows, calf shows, but if there could be a multi-use open arena that could be used for outside events, Mr. Simpson believes that the revenue generated would more than pay for the cost of the facility. He asked if there were any recommendations in the plan along those lines. She said that the Board has approved the plan for the Jesse Helms Park, but those items are not being considered at the present time for the Jesse Helms Park. She stated that she had talked with Mr. Simpson today and saw a conceptual plan that they have on the property at the Agricultural Center where they will be constructing a facility of that nature. Further, she said it had not been included in the public comment that the public wanted those particular uses at the Jesse Helms Park with the exception of the trails. Ms. Smith said that with the lay of the Jesse Helms Park, the consultant advised that there could not be enough trails because the property is so narrow in certain places.

Ms. Smith stated that the Parks and Recreation Advisory Board would like to have a decision on the Master Plan tonight in order to move forward on the grant application submission.

Following the lengthy discussion, Vice Chairman Baucom moved that the master plan be adopted with the exclusion of the Rocky River Regional Greenway and any other greenways that would use private lands.

Commissioner Openshaw expressed appreciation to Mr. Arrone for his work in the community and complimented him on being a great chairman for the Parks and Recreation Advisory Board. He stated that Vice Chairman Baucom's concerns are legitimate, and he thought that with the master plan, there is no commitment of funds at this time but is essentially a vision. He said that he regarded it as voluntary. He stated that he considered parks to be assets and essential infrastructure. Commissioner Openshaw said that he and Commissioner Mills have discussed county-municipality links in terms of potentially funding projects. He stated that he hoped that the Board could discuss those options during the planning conference.

Ms. Smith stated that the plan could be adjusted when the lines are established for the bypass.

Chairman Pressley questioned if Vice Chairman Baucom's motion included part b of the item concerning the Parks and Recreation Trust Fund Grant Application. Vice Chairman Baucom confirmed that his motion did not include part b.

Following the lengthy discussion, the motion was passed unanimously.

b. Parks and Recreation Trust Fund (PARTF) Grant Application for 2007 Cycle to Begin Development of the Passive Area at Jesse Helms Park

Commissioner Openshaw moved approval for the Interim County Manager to execute and submit the 2006 PARTF Grant Application for the 2007 PARTF Cycle.

Vice Chairman Baucom questioned the source of the grant funding.

Wanda Smith, Director of Union County Parks and Recreation, said that because Union County had three active grants last year when the grant application was submitted, the County was not awarded the grant. She stated that now all of the County's grants are in process and one is nearing completion and the other has a nine month timeframe in which it will be complete, the Parks and

Recreation Advisory Board voted unanimously to resubmit the same grant application. She pointed out that the application contains an update from last year's application for inflation.

Chairman Pressley asked Ms. Smith if the grant is awarded, would it come back to the Board for acceptance. Ms. Smith responded that the County funding for the grant submitted last year remains in the budget because the grant was not awarded. She said that funding can apply toward this grant. She explained that grant application is a \$500,000 grant with a \$500,000 County match. She stated that the amount for inflation would not be covered in the budget which is estimated to be between \$70,000 and \$72,000.

Vice Chairman Baucom offered a substitute motion to table action on the grant application submission until the Board's planning conference.

Ms. Smith pointed out that the grant application is due by January 31st. She stated that this item had been submitted for the agenda, but there had been changes in meeting dates.

Commissioner Mills stated that this item was tabled until the planning conference, and then the original date of the planning conference had been changed. He said that he would support the grant application in that it is time sensitive.

Following discussion, the Chairman called for a vote on the substitute motion, which failed by a vote of one to four. Vice Chairman Baucom voted in favor of the substitute motion. Chairman Pressley, Commissioner Lane, Commissioner Mills, and Commissioner Openshaw voted against the substitute motion.

Ms. Smith said that if the grant were awarded, a contract would come from the State to be signed.

Kai Nelson, Finance Director, stated that because this project would take place in multiple years, it would have to be funded in a Capital Project Ordinance, so if the grant were awarded, the Board would need to approve a Capital Project Ordinance.

Chairman Pressley asked if the scope of services on the grant could be changed in the future. Ms. Smith responded that once the grant application is submitted, the State would hold the County to the items included in the application.

Vice Chairman Baucom asked if the vote on this item were in the affirmative, would the money be committed irrespective of the grant. Mr. Nelson stated that the local match would only be irrevocably committed once the Board accepts the grant award and adopts the Budget Amendment. He said he would urge the Board to use some caution that if it is moving forward with an application process with the State and the State spends its resources to prioritize this grant within the context of all of the other grants in the State and awards Union County the grant, and the Board decides it does not want to accept those funds, he did not believe the State would view it favorably.

Vice Chairman Baucom said that he wanted to be certain that if the vote is affirmative and the grant is not awarded, would the matching funds be committed. Mr. Nelson responded "It is not."

Vice Chairman Baucom asked Commissioner Openshaw if he would entertain a friendly amendment to his motion that the approval be contingent upon grant approval by the State. Commissioner Openshaw agreed to the amendment. The motion as amended was passed unanimously.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Pressley announced vacancies on the following Boards and Committees:

- a. Nursing Home Advisory Committee - one vacancy
- b. Adult Care Home Community Advisory Committee - one vacancy
- c. Home and Community Care Block Grant Advisory Committee - five vacancies
- d. Board of Equalization and Review - two vacancies as of February 2007

APPOINTMENTS TO BOARDS AND COMMITTEES:

a. Public Works Advisory Board

Chairman Pressley said that the votes for the appointments for the Public Works Advisory Board would be done by written ballots. He explained that each Board member would need to sign and date his ballot.

Commissioner Openshaw said that he had a concern with this because one of the consent agenda items was to ratify the guidelines for the Public Works Advisory Board. He asked if the guidelines reduced the alternate members.

Chairman Pressley said deleting the alternate members was discussed. He said he had no problem with deleting the alternate members. Vice Chairman Baucom suggested that the Board's appointments include two alternates.

Jeff Crook, Senior Staff Attorney, suggested that the Board consider Item 8 from the Consent Agenda - Guidelines for Public Works Advisory Board before making appointments.

GUIDELINES FOR PUBLIC WORKS ADVISORY BOARD: This item was moved from the Consent Agenda.

Vice Chairman Baucom moved ratification of the Guidelines for the Public Works Advisory Board with the modification to include two alternate members.

Commissioner Lane said that he found it interesting that several applicants for the Public Works Advisory Board do not know in which township they reside.

Chairman Pressley asked Richard Black to address Commissioner Lane's concerns.

Mr. Black stated that approximately eight years ago, the County's GIS Department, based on information received from the Board of Elections' Office, plotted the township boundaries. He said that at that time, it was assumed that the first two numbers of the tax parcel numbers signified the township. He stated that in most cases, the first two numbers of the tax parcel shows the township, but in discussions with the Tax Office, several years ago a number of the parcels were large tracts and were bisected by the township lines with one part of the parcel lying in one township, and another part of the same parcel lying in a different township. Mr. Black said that as the larger tract is subdivided over the years, the parent parcel stays with it, and the part that now lies in a different township did not change but it keep the number for the parent parcel.

Commissioner Openshaw said that there were a number of cases where the incorrect township was shown, but the staff had done a good job of reviewing those and indicating the correct township. He said that it is known from previous discussions, the townships have varying populations and, in addition, the townships have the same acreage. He stated that the townships are

dramatically different in size. Commissioner Openshaw said there was no budget consideration when this item was first placed on the Board's agenda and questioned the funding option relative to the Public Works Advisory Board.

Commissioner Lane stated that there is no information included that indicates whether or not there are conflicts of interest for the applicants to be appointed to the Board. For example, he said that he noticed that a couple of the applicants are in the garbage business, and he said that one of the responsibilities of the Public Works Advisory Board would be to advise on the rates of the garbage pick-up. He commented that in his opinion, this would be a conflict of interest. He said that he had noticed that there was a disproportionate share of applicants who are developers or who are known to be prodevelopment.

Commissioner Lane referred to the adopted Code of Ethics for the Board and provided copies of the Board members. He said that the North Carolina State Ethics Commission has a Statement of Economic Interests that he believes all applicants applying for appointment to boards such as the Public Works Advisory Board should be required to sign. He stated that he would like to have the Statement of Economic Interest included on the next Board agenda for consideration.

Commissioner Openshaw said that he had a concern with some people on the Public Works Advisory Board knowing first where sewer lines will be installed. He suggested that the Board discuss some sense of balance on the membership of the Public Works Advisory Board and, if so, should the Board review applicants individually from the townships and make appointments.

Vice Chairman Baucom said that he respected Commissioner Openshaw's opinion on the population approach of the townships, but he stated if the population factor is removed from the municipalities, what is left of the townships would be very even throughout the townships. He said that he still believed the township representation was fair, equitable, and appropriate in the county. He stated that it had been mentioned that the County is very populated on one side and not as populated on the other, and the township representation would allow the lesser-populated area to help influence its rate of growth.

Commissioner Openshaw agreed that it is good to have representative from as wide an area as possible. He said that was what he was talking about with not just having one special interest group essentially dominate a board that is as important as the Public Works Advisory Board but to also have essentially citizens' oversight. He stated that he had thought the Board was referring to a Water and Sewer Advisory Board until he read the draft guidelines and realized it is Public Works. Commissioner Openshaw said that he noticed the owners of the major waste disposal companies both have applied to be on the Public Works Advisory Board, which immediately raised a flag to him of a conflict of interest. He said that if he were totally concerned about population, then he would say then it should be done proportionate to population, but that would mean three or four townships could control everything. He

stated that only a few municipalities provide water and sewer, then every municipality is influenced by advice from this board. He said that he was glad that this is an advisory board and not a decision making board.

Commissioner Mills said that the Board needs to move on and he had no doubt that the people that are appointed to the Public Works Advisory Board will work hard. He urged the Board to move forward.

Commissioner Openshaw said he was not opposed to the concept but was just looking for some balance on the board.

Commissioner Lane stated that he believes that township representation on the Public Works Board is unfair because of the preponderance of population that will more or less be excluded. He suggested that the more fair way would be to appoint members by school districts.

Chairman Pressley reminded the Board that there was a motion on the floor. He said that he was going to make the appointments in the best way possible, but noted that he did take offense to Commissioner Lane's comments about the Board's Code of Ethics.

Commissioner Openshaw reiterated his question regarding the budgetary situation and how to address it.

In response to this question, Jeff Crook read from Section 6.3 on Page 6 of the draft guidelines as follows:

"6.3 Expenditures. Any expenditures by or on behalf of the Public Works Advisory Board shall be required to comply with the Local Government Budget and Fiscal Control Act (Chapter 159, Subchapter III, of the North Carolina General Statutes), and with the financial policies, rules, and regulations of Union County."

Mr. Crook stated that the intent of that passage was to prevent any expenditure of funds without going through the County process. He said that the Advisory Board would have no authority to expend funds itself, and it would have to go through the normal process of having the expenditures approved through the Public Works' staff.

Mr. Black offered that the Planning Board and the Board of Adjustment receive reimbursement for their mileage to and from the meetings. He said that the staff support to the Planning Board and copying costs are all a part of the Planning Department's budget, and the only additional costs incurred by the Planning Board is the reimbursement to travel to and from the meetings.

Chairman Pressley stated that there was a motion on the table to adopt the guidelines for the Union County Public Works Advisory Board. The motion was pass unanimously.

GUIDELINES FOR UNION COUNTY PUBLIC WORKS ADVISORY BOARD

ARTICLE I ESTABLISHMENT

The Union County Board of Commissioners through approval of these Guidelines does hereby resolve to establish the Union County Public Works Advisory Board. The purpose of the Advisory Board shall be to review policy issues relative to the County's provision of water, sewer, and solid waste services and to make recommendations to the Board of Commissioners.

ARTICLE II ADVISORY BOARD ORGANIZATION AND PROCEDURES

2.1 Appointment of Members and Composition of the Advisory Board. The Advisory Board shall be composed of nine (9) regular members and two alternates, all appointed by the Board of Commissioners. Alternates may sit in the absence of any regular member and shall, when so seated, have the same powers and duties as any regular member. One regular member shall be a resident of each of the County's nine townships, and the alternate members may reside anywhere within the County. The Board of Commissioners shall endeavor, but is not required, to appoint to the Advisory Board a civil engineer licensed in North Carolina, a utility contractor licensed in North Carolina, a real estate developer, and a finance specialist (MBA/Banker).

2.2 Qualifications. All members of the Advisory Board shall be residents of Union County. Selection of members shall be based on an individual's ability, with no restriction as to race, creed, or sex. The member must be willing to commit such time as may be reasonably requested and to participate in Advisory Board activities, especially those activities where the member has special expertise. Members must be above political influence. To the extent practicable, Advisory Board members shall include a broad

representation of the community served by Union County Public Works. Toward this end, not fewer than five (5) regular members shall be water or sewer customers of Union County Public Works.

2.3 Term. Five (5) initial Advisory Board regular members and one alternate shall serve one-year terms, and four (4) initial regular members and one alternate shall serve two-year terms, as determined by the Board of Commissioners. Thereafter, all members shall serve two-year terms. Except for the terms of initial members, all terms shall begin on January 1. All terms shall expire on December 31 of the last year of the member's term, provided that each member shall serve until his or her successor is appointed. The service of an initial member for less than a full calendar year shall not be counted as part of such member's term. A member can serve no more than two consecutive terms.

2.4 Vacancies. An Advisory Board member may resign at any time by tendering his resignation in writing to the Chairman of the Advisory Board. The resignation shall take effect on the date of receipt or at any later date specified in the written resignation.

Failure of a member to attend three regularly scheduled meetings during a calendar year without being excused shall be deemed adequate cause for a determination of vacancy. In the event a member fails to attend three meetings without being excused by the Advisory Board, the Advisory Board members shall take a vote on whether to recommend that member's continuation or termination of membership. If the vote results in a recommendation that membership be terminated, the Advisory Board Chairman shall report this recommendation to the Board of Commissioners. The Board of Commissioners shall give due consideration to any recommendation provided by the Advisory Board, but shall not be bound by such recommendation.

Any vacancy occurring in the Advisory Board membership shall be immediately communicated by the Chairman of the Advisory Board to the Clerk to the Board of Commissioners. The Board of Commissioners shall appoint a new member to serve for the remainder of the unexpired term.

Notwithstanding the foregoing, all members serve at the pleasure of the Board of Commissioners, which may remove a member, with or without cause, upon written notice to the Chairman of the Advisory Board and to such member.

2.5 Quorum. Five (5) members of the Advisory Board shall constitute a quorum for the transaction of business at any meeting of the membership.

2.6. Manner of Acting. The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Advisory Board.

ARTICLE III DUTIES

The Advisory Board shall serve in strictly an advisory capacity to the Board of Commissioners for the purpose of making recommendations relative to the establishment, development, revision, and update of the policies outlined in Sections 3.1 through 3.11. The execution and implementation of policies approved by the Board of Commissioners shall be the responsibility of Public Works staff. The written recommendations of the Advisory Board shall be forwarded to the Board of Commissioners by Public Works staff, or in the alternative and at the election of the Chairman of the Advisory Board, may be delivered to the Board of Commissioners verbally by the Chairman or his designee from among the Advisory Board members.

3.1 Capital Improvement Plan (ACIP@). The capital improvement plan, generally covering a 5-year planning period, encompasses facility expansion and equipment replacement, process upgrades, and installation of new systems, to effectively meet future regulatory requirements, demographic changes, and aging infrastructure needs. The capital improvement plan represents those major projects that are executable within the first 5-years of a master plan. An example of a subject about which the Advisory Board could make recommendation would be modification to the Public Works staff's proposed capital improvement plan, including the acceleration, deferral, addition or elimination of projects contained in the plan.

3.2 Water and Sewer Master Plans. The Master Plans provide for periodic updates of projected demands and needs for the overall utility systems. The Master Plans provide a program for location and sizing of necessary infrastructure to meet current and future demands, and they are updated every three to five years. Examples of subjects about which the Advisory Board could make recommendations would include the following: (i) wastewater treatment plant locations, upgrades, and expansion schedules; (ii) delineation of future service areas; and (iii) CIP requirements, funds, and schedule.

3.3 Solid Waste Management Plan. The purpose of the Solid Waste Management Plan is to project for a ten year period the methods by which solid waste from various sources in Union County will be managed within the County's solid waste planning area, currently defined as the unincorporated areas of Union County, plus all area within municipal limits excluding the City of Monroe. The solid waste management plan is updated every three years. Examples of subjects about which the Advisory Board could make

recommendations would include the following: (i) alternatives for the transportation and disposal of municipal solid waste; (ii) adjustment of tipping fees; (iii) recycling requirements for customers; (iv) recycling opportunities in the market place; (v) management of white goods and scrap tires; and (vi) construction and demolition waste disposal practices.

3.4 Sewer Use Ordinance. The Sewer Use Ordinance provides uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the County and enables the County to comply with applicable State and Federal laws, including the Clean Water Act and the General Pretreatment Regulations. The Ordinance provides for the regulation of direct and indirect contributors to the municipal system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for other users; authorizes monitoring and enforcement activities; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program. Examples of subjects about which the Advisory Board could make recommendations would include the following: (i) requirements for the installation and maintenance of grease traps; (ii) establishment of specific pollutant concentration limits; (iii) establishment of fees associated with an active industrial pretreatment program; (iv) the setting of penalties for violation of the Ordinance; and (v) issues that arise from time to time as a result of local conditions and/or legislative actions.

3.5 Water and Sewer Extension Policy. The purpose of this policy is to provide for the orderly development of water and wastewater systems to meet the needs of residents and businesses of Union County in an equitable manner. These standards and procedures are designed to control the quality and overall integrity of water and sewer main extensions for which Public Works assumes operational and maintenance responsibility.

3.6 Business Plan. The purpose of the business plan, updated annually, is to establish the financial roadmap of the utility for a 5-year planning period. The business plan projects revenues, operations and maintenance, debt service and capital expenditures for the planning period and ensures that there are sufficient revenues to adequately meet the plan's expenditures during the forecast period. The business plan incorporates fees and charges necessary to support the plan and is developed consistent with the financial policies of the Board of Commissioners. An example of a subject about which the Advisory Board could make recommendation would be modification to the significant assumptions underlying the business plan such as revenue (i.e. customer and consumption growth, fees and charges) and expenditure (i.e. operation and maintenance, personnel and capital) assumptions.

3.7 Billing and Collection Policies. These policies govern the extension of credit, deposit requirements, late penalty, billing frequency, grace periods and account fees such as new customer and re-connection fees. An example of a subject about which the

Advisory Board could make recommendation would be modification to those policies and practices to improve equity and fairness, ensure compatibility with accepted industry standards and improve operational efficiency.

3.8 Sanitary Sewer and Water Specifications for Construction. These specifications apply to projects constructed with private funds and intended for donation to Union County for inclusion as part of the County's utility system.

3.9 Self-Help Plan. This plan provides for partial County funding to extend utilities to existing neighborhoods, the remainder of the cost to be borne by the residents. Examples of subjects about which the Advisory Board could make recommendations would include the following: (i) establishment of criteria to determine which projects qualify for inclusion in the program; (ii) establishment of criteria for prioritizing projects; and (iii) formulas and sources of funding for the program.

3.10 Condemnation Policy. This policy prescribes the amount of compensation to be paid to property owners when an easement is required for the installation of utilities. Examples of subjects about which the Advisory Board could make recommendations would include the following: (i) the manner and frequency of notification to property owners; (ii) the method of compensation; and (iii) the manner of public education regarding new infrastructure projects.

3.11 Selection Policy for Service Providers. The procedure for selection of design professionals is prescribed by N.C.G.S. ' 143-64.31 et seq., and requires selection on the basis of qualifications. An example of a subject about which the Advisory Board could make recommendation would be the exemption by the Board of Commissioners of a given project from the statutory engineer selection requirements, as authorized by N.C.G.S. §143-64.32.

ARTICLE IV MEETINGS

4.1 Compliance with Law. All meetings of the Advisory Board shall be conducted in accordance with the Open Meetings Law, Chapter 143, Article 33C, of the North Carolina General Statutes.

4.2 Regular Meetings. Regular meetings of the Advisory Board shall be conducted at such place and times as agreed by the members, provided that regular meetings shall occur not less frequently than every calendar quarter. Notice of regular meetings shall be provided to the Clerk to the Board of Commissioners.

4.3 Special Meetings. Special meetings of the membership may be called by or at the request of the Chairman and shall be called by the Secretary at the request of a majority of the members. The authorized person or persons calling a special meeting of the membership may fix any appropriate place within Union County as the place for holding such meeting. The matters to be discussed at any special meeting of the Advisory Board shall be limited to those items set forth in the notice of the meeting.

4.4 Notice. Notice of meetings to the public and media shall be provided in accordance with the Open Meetings Law. Notice to the membership of any special meeting shall be given by not less than forty-eight (48) hours prior written notice delivered personally, or four days notice sent by mail or fax, to each member at his address as shown by the records of the Advisory Board, as well as to the Clerk to the Board. If mailed, such notice shall be deemed to be mailed when deposited in the United States Mails in a sealed envelope properly addressed, with postage prepaid. Any member may waive notice of any meeting. The attendance of a member at any meeting shall constitute a waiver of notice of such meeting, except where a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

4.5 Minutes. A written record of all Advisory Board proceedings, attendance, and actions shall be maintained by the Secretary. Such record shall be available to the public, except as otherwise provided by applicable law.

ARTICLE V
OFFICERS

- 5.1 Officers. The officers of the Advisory Board shall be a Chairman, Vice Chairman, and Secretary, each of whom shall be elected by the membership at the first regular meeting of each calendar year. Officers shall hold office for the term of one year, and until their successors are elected.
- 5.2 Chairman. The Chairman shall preside at all meetings of the Advisory Board and shall be the final arbiter of all questions regarding parliamentary procedure. The Chairman shall have authority to appoint subcommittees and to call special meetings, as set forth in Section 4.3. The Chairman shall have such other duties and responsibilities as may be determined by the Board of Commissioners.
- 5.3 Vice Chairman. In the absence of the Chairman of the Advisory Board or in the event of the Chairman's inability or refusal to act, the Vice Chairman shall perform the duties of Chairman and in so doing shall have all the powers of Chairman. The Vice Chairman shall perform such other duties as may be assigned by the Chairman.
- 5.4 Secretary. The Secretary shall (i) keep or cause to be kept all records of the Advisory Board; (ii) record or cause to be recorded the minutes of the meetings of the Advisory Board and any subcommittee; and (iii) send out all notices of meetings as required by law and these Guidelines. The Secretary shall forward copies of all minutes to the Clerk to the Board. The Secretary shall also maintain a record giving the names and current addresses of Advisory Board members. The Secretary shall perform such other duties as may be prescribed by the Advisory Board or the Chairman.
- 5.5 Vacancies. Any vacancies occurring in any office of the Advisory Board shall be filled by the membership of the Advisory Board.

ARTICLE VI
GENERAL PROVISIONS

- 6.1 Procedure. The most current edition of Suggested Rules of Procedure for Small Local Government Boards, edited by A. Fleming Bell, II of the Institute of Government, shall be the final source of authority in all questions of parliamentary procedure when such rules are not inconsistent with these Guidelines or the North Carolina General Statutes.
- 6.2 Amendment and Dissolution. These Guidelines may be modified, amended or repealed by resolution of the Board of Commissioners. Repeal of these Guidelines by the Board of Commissioners shall result in dissolution of the Advisory Board.
- 6.3 Expenditures. Any expenditures by or on behalf of the Public Works Advisory Board shall be required to comply with the Local Government Budget and Fiscal Control Act (Chapter 159, Subchapter III, of the North Carolina General Statutes), and with the financial policies, rules, and regulations of Union County.
- 6.4 Adoption. These Guidelines are adopted this the 18th day of December, 2006, by the Union County Board of Commissioners.

The written ballots, which contained the township list, were distributed to the Board members. The Chairman asked that each Board member fill in their nominees beside the township names.

After the Board members had completed, signed, and dated their ballots, the Chairman stated that the Board would consider the next item on the agenda while the votes were being tallied.

UNION COUNTY PUBLIC SCHOOLS - MONROE HIGH SCHOOL ATHLETIC FACILITIES - LAND - This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw)

a. *Capital Project Ordinance #70*

Commissioner Openshaw requested an explanation of the costs involved with this item.

Dr. Ed Davis, Superintendent of the Union County Public Schools, explained that the property is 1.58 acres located adjacent to Monroe High School. He said that Monroe High School is landlocked and is a land starved campus, and the Board of Education has voted to place a new athletic facility on that campus. He stated that some additional property is needed to support the stadium for

parking and for access to the stadium and possible relocation of the tennis courts. Dr. Davis noted that typically a high school would require about 50 acres, and Monroe High School has approximately 29 acres. He said that the asking price for the property was \$265,000, the certified appraisal was for \$275,000, and the seller is willing to sell the property for \$250,000.

In response to a question by Commissioner Openshaw, Dr. Davis said that the additional property would give the schools a lot more flexibility and make the site plan work much better.

Following the explanation, Commissioner Lane moved to adopt Capital Project Ordinance #70 which provides funding for the acquisition of 1.58 acres located on East Franklin Street and High School Drive (Parcel #09-194-054).

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	School Bond Fund - 55			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2006-2007			DATE	January 22, 2007		
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
G.O. Bond Proceeds	366,885,920	260,000	367,145,920	Monroe HS Athletic Facilities (115C-429b project allocation)	-	260,000	260,000
All Other Revenue	1,363,308	-	1,363,308	All Other School Projects	368,249,228	-	368,249,228

	368,249,228	260,000	368,509,228		368,249,228	260,000	368,509,228
EXPLANATION:	Funding for land costs (Monroe HS Athletic Facilities), 1.58 acres, Franklin Street, pursuant to 115C-429b.						
DATE:				APPROVED BY:			
					Bd of Comm/County Manager		
					Lynn West/Clerk to the Board		
FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
G.O. Bond Proceeds	366,885,920	260,000	367,145,920	Monroe HS Athletic Facilities (115C-429b project allocation)	-	260,000	260,000
55491100-4710-530				55559200-5570-514			

	366,885,920	260,000	367,145,920		-	260,000	260,000
Prepared By	Dhc						
Posted By							
Date						Number	CPO - 70

c. Discussion on Holland Property - This item was added to the agenda at the request of Chairman Pressley.

Dr. Ed Davis stated that the schools had done a quick take condemnation on that property and a school is well under construction on that property. He confirmed that this matter is in the courts at this time for the settlement of the purchase price. Dr. Davis said that if memory served him correctly, the price of the property had been \$70,000-\$71,000. He stated that the schools came to the Board of Commissioners and stated that subsequent to that approval, the property was probably going to be more expensive than that amount.

Chairman Pressley said he knew the owners had requested more money for the property and there had also been an issue with the additional ten acres. He stated that he understood that with the escalating cost of property, that an agreement on the purchase price might be reached with the Hollands. He asked if the Board's liaison with the schools could work with the schools on this matter and possibly keep this matter out of the courts.

Dr. Davis said that he thought if the liaisons wanted to speak about this issue, they should consult with the various attorneys to make sure that it would not be out of legal bounds. He stated that it was his understanding that a settlement could be reached at any point.

Chairman Pressley said as a courtesy he would like for the liaisons to work together. Dr. Davis commented that he thought they would need to look at the appraised value at the time the condemnation was filed and not the appreciation since that time.

Chairman Pressley offered an amendment to the motion, which was accepted by Commissioner Lane, to authorize the Board's liaison with the schools to have a dialogue with the schools' liaison and try to reach an agreement on the purchase price of the Holland property prior to the matter being heard before the court.

The motion as amended was passed unanimously.

Commissioner Mills asked Dr. Davis whether or not the Leston Hilton property had been sold. Dr. Davis stated that he was unsure if the property had been sold. He said that the schools had looked at that property and it was cost prohibitive.

Chairman Pressley asked at this time if the votes had been totaled for the Public Works Advisory Board. Lynn West, Clerk to the Board, asked that the Board move to the next agenda item to allow time for the votes to be confirmed.

APPOINTMENTS TO BOARDS AND COMMITTEES - CONTINUED:

b. Historic Preservation Committee - two vacancies

Commissioner Mills nominated Carolyn Funderburk for reappointment and Albert Diehl for appointment to the Historic Preservation Committee.

With there being no further nominations, Ms. Funderburk and Mr. Diehl were appointed by acclamation.

c. Fire Commission - three vacancies as of February 2007

Commissioner Mills asked for a point of clarification whether the Board was required to appoint someone who had submitted an application or if the Board could appoint someone other than those who had applied. Mr. Crook stated that the Board could appoint persons other than those who had submitted applications. He explained that the Board does have a process for initiating input, but it does not limit the appointments to those applicants. He suggested that the Board might want to go outside to solicit the application before making the appointment.

Commissioner Mills nominated Chris Griffin and Michael Glenn Black for reappointment and Larry Kindley for appointment to the Fire Commission.

With there being no further nominations, Mr. Griffin, Mr. Black, and Mr. Kindley were appointed by acclamation.

d. Parks and Recreation Advisory Committee - five vacancies as of February 2007

Commissioner Openshaw nominated Sherry Cantrell, Irvin E. Brewbaker, Lyncoya Simpson, and Vonn Ivy Stone for reappointment and Caroline B. Hasty for appointment to the Parks and Recreation Advisory Committee.

With there being no further nominations, Ms. Cantrell, Mr. Brewbaker, Mr. Simpson, Ms. Stone, and Ms. Hasty were appointed by acclamation.

a. Public Works Advisory Board

Chairman Pressley requested that the staff attorney explain the terms of the appointees on the Public Works Advisory Board. Mr. Crook stated that the guidelines were written such that the portion of the first year does not count against the appointees' terms, so the terms of those appointees serving a one-year term, their terms will expire on December 31, 2008, and the terms of those serving two-year terms will expire on December 31, 2009.

Chairman Pressley said that he was would go through the list of the votes and draw the terms. He announced the following:

The votes were as follows:

Buford Township: Carlton Tyson (Received four votes: Chairman Pressley, Vice Chairman Baucom, Commissioner Lane, and Commissioner Mills) (One-Year Term)

[Commissioner Openshaw did not indicate a nominee for this township]

Goose Creek Township: Rick German (Received three votes: Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills) (One-Year Term)

Goose Creek Township: Les Wandler (Received two votes: Commissioner Lane and Commissioner Openshaw)

Jackson Township: Darryl O. Mabe (Received three votes: Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills) (Two-Year Term)

[Commissioner Lane and Commissioner Openshaw did not indicate nominees for this township]

Lane Creek Township:

Butch Zimmerman (Frank): (Received five votes: Chairman Pressley, Vice Chairman Baucom, Commissioner Lane, Commissioner Mills, and Commissioner Openshaw) (Two-Year Term)

Marshville Township:

Larry Smith: (Received three votes: Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills) (Two-Year Term)

Phil Loudermilk (Received two votes: Commissioner Lane and Commissioner Openshaw)

Monroe:

Chris Boggs (Received three votes: Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills) (One-Year Term)

Albert M. Diehl (Received one vote: Commissioner Lane)

Commissioner Openshaw did not indicated a nominee for this township.

New Salem:

Donnie Baucom: (Received four votes: Chairman Pressley, Vice Chairman Baucom, Commissioner Mills, and Commissioner Openshaw) (One-Year Term)

Commissioner Lane did not indicate a nominee for this township.

Sandy Ridge Township:

Irene Broadus: (Received three votes: Commissioner Lane, Commissioner Mills, and Commissioner Openshaw) (Two-Year Term)

Stephen Helms (Received two votes: Chairman Pressley and Vice Chairman Baucom)

Vance Township:

Sidney Sandy (Received three votes: (Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills) (One-Year Term)

Todd C. Smith (Received two votes: Commissioner Lane and Commissioner Openshaw)

Alternates: At Large

Phil Loudermilk: (Received three votes: Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills) (Two-Year Term)

Robert Saks: (Received three votes: Commissioner Lane, Commissioner Mills, and Commissioner Openshaw) (One-Year Term)

Charles Greene: (Received two votes: Chairman Pressley and Vice Chairman Baucom)

Eugene Lamm: (Received one vote: Commissioner Openshaw)

Johnny R. Penegar (Received one vote: Commissioner Lane)

There was discussion regarding the selection of Chair and Vice Chair of the Board. Mr. Crook stated that it was not included in the guidelines that the Board of Commissioners would select the Chair and Vice Chair, but he offered that the Board could amend the guidelines if it wished to do so.

Chairman Pressley nominated Donnie Baucom as the Chair. Commissioner Mills nominated Irene Broadus to serve as Vice Chair.

Commissioner Openshaw asked if the Board should agree on the format before making the appointments of Chair and Vice Chair.

Vice Chairman Baucom moved that the Public Works Advisory Board select its own Chair and Vice Chair. The motion was passed unanimously.

PUBLIC WORKS DEPARTMENT:

a. Water Line Easements - Stallings Road Waterline Project (Moved to Regular Agenda at request of Commissioner Openshaw)

Chairman Pressley stated that Christie Putnam, Public Works Director, had advised him that this item needs to be deleted because of a pending sale.

Commissioner Openshaw stated that he liked the fact that in the past Chairman Pressley had gone out and personally talked with the landowners in condemnation matters.

Following the explanation, Chairman Pressley moved to delete this item from the agenda. The motion was passed unanimously.

PARKS AND RECREATION DEPARTMENT: (Moved to Regular Agenda at the Request of Vice Chairman Baucom)

a. Changes to Union County Athletic Council (UCAC) Grant Applications and Bylaws (Recommended by the Parks and Recreation Advisory Committee on June 21, 2006)

Vice Chairman Baucom said that it was indicated in the package that the recommended changes were highlighted, and, therefore, he did not know what changes were being requested or what the Board was being requested to approve.

Wanda Smith, Parks and Recreation Department Director, explained that one of the recommendations was to change the timeline of the grant cycle. She said that in the past the athletic associations received their funding in late winter, and it is recommended that the funding would come in August. She stated that this timeline would fit better with the athletic associations' cycles. Ms. Smith said that in prior years the funding would come to the athletic associations in the busiest part of their seasons, and this change would benefit the athletic associations as well as help the Parks and Recreation Department with its budget cycle.

Ms. Smith pointed out that the grant applications are also being provided on line which have not been available in the past. Also, she noted that the recommendations included the addition of Item 10 to the Bylaws for a mandatory grant workshop to assist the associations with having the necessary information to complete the applications. She said that recommendations changed two dates in the bylaws because of the change in the grant cycle.

She explained another change in the grants was that approval reverted back from the County Manager to the Board of Commissioners. Ms. Smith stated that the changes were minor and had been reviewed and approved by the County's legal department.

Vice Chairman Baucom said that he had a problem voting for items when he did not understand clearly what changes he was being requested to vote on. He asked if action on this item were time sensitive. Ms. Smith replied that it was time sensitive only from the standpoint of being able to have the grant documentation to the public for the athletic associations to complete and return for funding. She said that action could be delayed for one meeting.

Vice Chairman Baucom moved to defer action on "Item a" until the February 5th meeting.

Chairman Pressley asked if the motion also included deferring action on "Item b."

Vice Chairman Baucom stated that he had a question on Item b regarding the difference in the percentage participation.

b. Athletic Association Grant Applications

Mrs. Smith responded that the percentage participation was on a sliding scale. She explained that some athletic associations have a lot of membership and do not have trouble acquiring their matching funding. She said that there are other associations that barely meet the criteria for being an association of a minimum of 200 families and struggle to put their matching funding together. She stated that the athletic associations are on a sliding scale of 20, 35, and 50 percent depending on the size of the association. Ms. Smith said that this was brought before the previous Board for approval, and it was approved.

Vice Chairman Baucom asked Mrs. Smith to explain the rationale of giving the option under Item #2 for making improvements or upgrades to the facilities or for the purchase of the defibrillators. Ms. Smith responded that anything new that is constructed or any renovations have to be ADA accessible. She said that, however, if they have old facilities and the athletic associations want to upgrade them, it is not a requirement in the current application. She said they do not have to upgrade their facilities, but if they wish to do so, then Parks and Recreation would like to assist in doing so.

Ms. Smith stated that it was recommended that every association have an external defibrillator. She said that they wanted to give the athletic associations those options. Vice Chairman Baucom said that he thought it would be worthwhile to look at the situation so that every association would have its own defibrillator.

Following the discussion, Vice Chairman Baucom moved approval of the grant applications in the amounts listed below; authorization for the Interim County Manager to approve agreements; and 3) remaining Athletic Association Grant funds being made available to the Athletic Association for ADA improvements/upgrades to existing facilities or for the purchase of an Automated External Defibrillator (AED) by each Association; and 4) any unused funds by the Athletic Association to revert to the Parks and Recreation Department for continued ADA improvements/upgrades. The motion was passed unanimously.

<u>Association</u>	<u>Funds Requested</u>	<u>Association Match</u>	<u>Project Cost</u>
Indian Trail	\$ 8,886.73	\$ 8,886.73	\$ 17,773.46
Marshville	\$ 4,167.32	\$ 2,332.68	\$ 6,500.00
Piedmont	\$ 22,579.77	\$13,925.23	\$ 36,505.00
Porter Ridge	\$ 36,797.67	\$53,199.00	\$ 89,996.67
Prospect	\$ 7,381.32	\$ 1,476.26	\$ 8,557.58
South Union	\$ 6,455.25	\$ 1,291.05	\$ 7,746.30
Waxhaw	\$ 6,809.34	\$ 1,361.86	\$ 8,171.20
Wesley Chapel/ Weddington	\$ 53,385.21	\$ 53,385.21	\$106,770.42
Wingate	-		
Total	\$146,462.61	\$135,858.02	\$282,320.63

Vice Chairman Baucom moved to defer action on Item a until the February 5, 2007, meeting. The motion was passed by a vote of four to one. Chairman Pressley, Vice Chairman Baucom, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Commissioner Lane voted against the motion. He stated that he had voted against the motion, because he had been involved with the Parks and Recreation Advisory Board when it voted on the recommendations under Item a.

CONTRACTS OVER \$5,000: (This Item was moved from the Regular Agenda to the Consent Agenda at the request of Commissioner Openshaw):

Commissioner Openshaw asked that Kai Nelson, Finance Director, explain some of the Agreements. He stated that he did not know what Item c was on orthophotography.

Christie Putnam, Public Works Director, explained the orthophotography technology for the benefit of the Board.

Commissioner Openshaw asked for an explanation of Item e - HDR - Engineering Services for the Weddington Elevated Water Tank.

Mr. Nelson explained the contract summary sheet, which was included in the agenda package. He said that Item e is the construction of the elevated water storage tank to be located in the Weddington area, and HDR has been recommended for the selection to do that work, which includes the full array of engineering services from design to construction administration. He stated that the total cost is not to exceed \$225,912.

Vice Chairman Baucom asked for further information regarding Item g. Mr. Nelson stated that this was a contract with Technologies Edge, Inc. He said that there is a utility billing collection information system which has the customer bills generated for utility billing and collection. He said that the County is in the process of upgrading the Harris Utility Billing System. He said that a firm in Concord is a subcontractor for the corporate entity out of Canada, and instead of paying for travel, etc., it is more cost effective to contract with the firm in Concord to provide that service.

Mr. Nelson then explained Item I, which he said was an engineering contract with Hazen and Sawyer for odor control at 12-Mile Creek. He stated that it was for engineering only and not construction. Vice Chairman Baucom questioned whether the staff had inquired of NC State and Duke University for their assistance. He said that NC State in conjunction with Duke University has spent several millions of dollars dealing with eliminating odor control for the pork industry. He stated that he hated to see the County paying an engineering firm if there are land grant universities that have already done the work.

Mr. Nelson assured the Board that the staff would explore those suggestions and report its findings to the Board at the February 5, 2007, meeting.

Commissioner Openshaw asked for an explanation of Item m. Mr. Nelson stated that this was a contract with the Lancaster County Water and Sewer District. He explained that there are approximately 600 feet of two and one-half inch water line that originates in Lancaster and comes through North Carolina for approximately 590 feet and then goes back into South Carolina. He said that was the most expedient route and Lancaster needs Union County's permission to construct the water line.

Mr. Crook commented that the contract lays out the terms whereby the developer will install the line and the County will take ownership of the line and then it transfers back.

Ms. Putnam stated that it is an intermediate feed for a development in South Carolina that will be or can be abandoned in the future if it is so desired when there is an alternate feed to the development.

Mr. Nelson pointed out that under Item m, there is no expenditure of public funds.

Following the explanation, Vice Chairman Baucom moved to authorize the Interim County Manager to approve the following contracts over \$5,000, and the motion was passed unanimously.

Reference	Vendor Name	Purpose	Payment Terms	Compensation Plans
A	Darnell, Inc.	Economic development incentive grant Public hearing held 10.2.2006 Certified new investment values est. @ \$15.8M	Aggregate of \$164,442; payable 2009-2013 based on achieving certified new investment values	Operating Budget – future
B	Carolina Classifieds.com, LLC	Economic development incentive grant Public hearing held 11.20.2006 Certified new investment values est. @ \$8.6M	Aggregate of \$89,383 payable 2009-2012 based on achieving certified new investment values	Operating budget – future
C	NC Dept. of Environment and Natural Resources	State grant resources to assist County in collecting aerial orthophotography for	State grant of \$31,839.73 combined with the existing budget of \$93,160.27 for a	Operating budget – 2007

		development and enhancement of local government web map services for NC OneMap programs	total of \$125,000	
D	Marshville Propane	Home energy supplier in the Crisis Intervention Program (CIP) under DSS in which the vendor agrees to accept payments from DSS for household's certified to receive energy assistance	Limited to CIP funding and public utilities project share programs	Operating budget – 2007
E	HDR Engineering	Engineering services for a 1.5M gallon elevated water storage tank to be located in the Weddington area. Services include identification of tank sites, design, bidding and construction administration. Project will enhance water distribution system, maintain water pressure during summer peaks and meet fire flow demands	Aggregate amount of contract is \$225,912	Water & Sewer Master Plan 2005 CIP2006 Capital Project Ordinance
F	Carolinas Medical Center (CMC – Union)	Compensate physicians who provide professional services while on call, for the hospital, to unreferrred, uncompensated patients whom they are called in to see in the emergency department, and the	County pays 50% (CMC-Union pays 50%) of professional services rendered at 100% of the applicable NC Medicare and Medicaid Fee Schedule. Amount NTE \$250,000	Operating budget

		Women's & Children's Center.		
G* [Subject to Legal review and approval]	Technologies Edge, Inc	Computer software consulting services to provide project oversight for Harris Utility Billing software upgrade to NorthStar v6.2 Project work elements include provide guidance to assure efficient set-up of the core software and related add-ons, such as eCARE, IVR, EIS, coordinating limited parallel testing prior implementation of the project regarding collections, billing, customer service, financial interface processes and assisting end users to become proficient with software functionality	\$100/hour NTE \$16,000	Operating budget - 2007
H	Carpenter Construction Company, Inc.	+/- 16,376 s.f. office renovation, all new interior finishes, custom casework, asbestos removal, plumbing, HVAC, electrical and demolition work Work involves renovating balance of 1 st floor, 4 th and 5 th floors	\$827,871 BOCC approved construction contract 11.20.2006	CIP2006 Capital Project Ordinance
I	Hazen & Sawyer	Engineering services for a	Aggregate amount of contract	CIP2006

		new aerobic digester odor control facility at Twelve Mile Creek WWTP. Services include design, permitting, and bidding. Project will capture foul air typically experienced during warm weather conditions.	is \$187,400	Capital Project Ordinance
J	Hazen & Sawyer	Engineering services for the replacement of the existing obsolete mechanical barscreen at the Crooked Creek WWTP. Barscreens function as screening raw wastewater effluent prior to biological treatment. Services include design and bidding. Project will capture foul air typically experienced during warm weather conditions.	Aggregate amount of contract is \$15,980	Capital Project Ordinance
K	John Coleman	Services agreement to operate audio-visual equipment at all regular meetings (and special meetings subject to vendor's availability) of the BOCC	\$400/meeting	Operating budget – 2007
L	NC Department of Transportation	Federal/State Certifications and Assurances for transportation funds.	NA	NA
M* [Subject to Legal	Lancaster County Water and Sewer District (LCWSD)	LCWSD to operate and maintain approximately 590 linear feet of 2 1/2 " water	NA	NA

review and approval]		main in Union County, NC		
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CLARIFICATION TO MINUTES OF FEBRUARY 5, 2006, REGARDING AMENDMENT TO SECTION 29 OF THE UNION COUNTY LAND USE ORDINANCE: (This Item was moved from the Consent Agenda to the Regular Agenda at the Request of Commissioner Lane)

Richard Black, Interim County Manager, requested that Jeff Crook, Senior Staff Attorney, explain this item.

Mr. Crook stated that it was at his suggestion that this item was placed on the agenda for clarification. He said that the State had implemented a number of changes to the statutes regarding planning, and he and the Planning Director had reviewed the Land Use Ordinance and determined which parts of the Ordinance required modification to conform to the State's changes. He stated that Item 29(f) changed, and the modifications were shown in the item in the package with strikethroughs and underlinings. Mr. Crook said that when the changes were being processed, someone in the Planning Department had inadvertently used an older version of Section 29. He pointed out that Section 29(a) refers to five regular members which was changed prior to the changes to seven members. He said that the rationale for the Planning Department was to show it in context, so the entire section was shown. He noted that the only changes to this section was in Section 29(f) which were clearly marked, and he did not believe there was any legal consequence, but this was brought to the staff's attention by Jim King, Chairman of the Planning Board. Mr. Crook said that as a matter of housekeeping, he had requested that the Clerk clarify this for the minutes.

Following the explanation, Commissioner Lane moved to approve the clarification to the minutes of February 6, 2006, regarding the amendment to Section 29 of the Union County Land Use Ordinance to show that except for Section (f), Section 29 was not modified.

Commissioner Openshaw stated that he had looked at the Ordinance, and he thought there were other changes. He said that he agreed with Commissioner Baucom that he wanted to know what he was voting on. Mr. Crook re-emphasized that his understanding was that Subsection (f) was all that changed, but in light of what Commissioner Openshaw had found, that the language be modified that there were no changes to (a) through (e) of Section 29.

Following the discussion, the motion was passed unanimously.

INTERIM MANAGER'S COMMENTS:

There were no comments by the Interim Manager.

COMMISSIONERS' COMMENTS:

Commissioner Openshaw referred to the voluminous agenda package that the Board had to review for tonight's meeting. He suggested that if the agenda packages could be delivered a day earlier, he would ask the Board to consider doing so.

Chairman Pressley interjected that the Clerk had asked him about sending the package out on Friday since they were trying to put the agenda on the removable disk and were unable to send the package on Thursday. The Chairman stated that it had been his call to allow the packages to go out on Friday.

Commissioner Openshaw noted that five of the nine members on the Public Works Advisory Board are construction beneficiaries. He said that a legitimate argument could be made by saying that a number of the appointees to that board have expertise, which he thought was good as far as balance. He said that he had tried to encourage people to apply, but some of the public do not think it is a real inclusive board and if they are not going to have any say so, then why bother applying. He stressed that he was giving this comment as constructive.

He stated that he attended the County Commissioners' Legislative Conference. He said that a lot of interesting issues were on the table. Commissioner Openshaw said that he thought it was a very positive event.

He said that he had the opportunity to attend a Weddington High School basketball game recently. He stated that he loved to support the local high school events and congratulated the team on winning against Independence High School.

Commissioner Mills had no comments.

Vice Chairman Baucom thanked everyone for staying for the remainder of the lengthy meeting. He said he thought it had been a very positive meeting.

Commissioner Lane said that someone had mentioned that the horse industry in Union County brings in one million dollars. He stated that he thought this figure would be on the low side, and Union County would be the number one county in horses if it included all the ones registered in Mecklenburg County and housed in Union County.

He said that he hoped all the Board members would take a copy of the Code of Ethics to review.

Chairman Pressley said that he had the opportunity to attend Chairman's school and it was informative. He stated that the discussions that took place with the local and neighboring counties about possible water and sewer services had made a lot of headway, and it was worth the trip for that reason. He said that there had been two days of the Legislative Goals Conference. He stated that he thought the North Carolina Association of County Commissioners is pursuing some good goals, and he and Vice Chairman Baucom were able to introduce a new goal related to school construction. He said that recommended goal was with the steering committee and they would await the Committee's results.

With there being no further items for discussion, Commissioner Mills moved to adjourn the regular meeting. The motion was passed unanimously.