

**Minutes  
Union County Board of Commissioners  
March 12, 2007**

The Union County Board of Commissioners met in regular session on Monday, March 12, 2007, at 7:00 p.m. in the Board Room, First Floor, Union County Government Center, 500 North Main Street, Monroe, NC. The following were:

**PRESENT:** Chairman Kevin Pressley, Vice Chairman Allen Baucom, Commissioner Roger Lane, Commissioner Parker Mills and Commissioner Lanny Openshaw

**ABSENT:** None

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

**OPENING OF MEETING:**

**a. Invocation:** At the request of the Chairman, Vice Chairman Baucom presented the invocation.

**b. Pledge of Allegiance:** The Chairman led the Commissioners and audience in reciting the Pledge of Allegiance.

**Informal Comments:** The Chairman explained the guidelines for the informal comments and recognized the first speaker.

Dr. Susan Syphard introduced herself and stated she represented the Humane Society and expressed thanks to the Commissioners and some of the County's representatives such as Mr. Crook and Mr. Beekman in working with the Humane Society to help the organization occupy the old animal shelter facility. She said that unfortunately the lease agreement between the County and Humane Society is not completed but, hopefully, it will be completed by the end of the week. She stressed that there is an overpopulation of dogs and cats in this county as well as across the entire country and that 70,000 kittens and puppies are born every day in comparison to 10,000 babies. Dr. Syphard stated that there are 10 to 12 million pets euthanized annually with the majority being healthy, adoptable pets with no physical or mental deformities. She stated that for the Humane Society to do what it can to assist with the pet overpopulation problem, it has begun a transport to a low-cost spay and neuter clinic in Spartanburg, SC. Dr. Syphard stated that within the two and one half months that the Humane Society has been operating this program that 188 pets have been altered. She said that the cost in 2005 to shelter an animal at the Animal Shelter Facility was \$230. She compared that amount to future savings provided through the spay and neuter program. Dr. Syphard also reviewed the vaccinations administered through its program this year. Dr. Syphard stated the Humane Society has applied for and been approved by the National Spay/Neuter Response Team, Asheville, NC, to develop a low-cost spay/neuter clinic here in Union County, which, hopefully, will be located in the old animal shelter facility. She distributed a manual that provides all information needed for opening a low-cost

spay/neuter clinic and training program. Dr. Syphard presented a budget showing that the spay/neuter clinic would be self-sufficient although during the first year it may be operating at a loss because of the up fitting that will be required. She stressed it is self-sufficient operation.

Next, Mr. B. B. Haigler addressed Item 13 on the Commissioners' agenda. He stated that he is present because the Fairview Town Council had a called meeting tonight with the Board of Education and its members are unable to be present. He said he is present and available to answer questions when that item is discussed.

The Chairman introduced Romaine Horn. Mr. Horn stated he realized the local commissioners do not have authority to implement supplemental tax, but that is the subject he wanted to address. He proposed that the Board of Commissioners go to the State legislature and ask them to enforce supplemental taxes. He said there are a large number of people who are moving into this community and are getting by free by buying a \$400,000 house that is built on a \$50,000 lot and could end up paying taxes only on the lot. Mr. Horn pointed out that it is the existing home owners who have to pick up the difference in taxes. He said he came from a state that had supplemental taxes and was prepared to pay his supplemental taxes when he moved here and could not believe there were none. He said with the need for taxes in this State he thought that the Board should request that the North Carolina Legislature allow Union County to charge supplemental taxes.

Next, Chairman Pressley introduced Larry Porter. Mr. Porter addressed the need for impact fees. He said he knew that this Board of Commissioners had come out against impact fees, and realized that Raleigh would have to grant permission to impose these fees. But, he said, on the same line as Mr. Horn that he moved here about a year ago and was surprised that he did not have to pay impact fees. He said that Union County is a wonderful county but his concern is how the citizens are going to pay for new schools, sewer, roads, and other infrastructure. He said it is not fair to raise property tax, which is the county's only source of income, to provide this infrastructure. He said the new developments should be paying the impact fees: commercial, industrial, and residential. He encouraged the Commissioners to strongly reconsider their opposition to impact fees.

Chairman Pressley introduced the Rev. Bob Sturge, pastor of Union Grove Methodist Church, located on the corner of Lawyers Road who also addressed Item 13 on the Commissioners' agenda. He explained that the well providing water to his church has been determined to have inappropriate levels of arsenic. He said the church is the only public institution on that segment of road between Highway 218 and Lawyers Road. Rev. Sturge reported that the State of North Carolina is basically telling the church two things. One the church must test its water quarterly to meet the standards for public usage and, yet, because of the high arsenic level, the State is telling the church not to use the water. He said the church provides a whole spectrum of children's activities. He said the church is exploring allowing local athletic associations to use the nine acres adjoining its church, but explained that what would prohibit that use is the church could not provide drinking water on the site. He said he would appreciate the Commissioners' consideration of the item.

The next person introduced by the Chairman was Sondra Bradford on the ETJ resolution. Mrs. Bradford stated that she lived in Wesley Chapel and her comments are regarding Item 18 of the Agenda. She said she found it disappointing that Senator Goodall would get involved in this dispute and would find it more disappointing if the Board votes to support his involvement. She asked that the Commissioners' allow the court to decide the outcome of this dispute.

The Chairman next introduced Todd Hedgepath who addressed the Board on funding for the Wolfe School, Item 8. He said that over ten years ago his son was diagnosed with autism and it was devastating. He said that he and his wife ran into every brick wall in Mecklenburg County, and it was very difficult working with the school system there. He explained that finally someone said the best words he had ever heard, "Off the record, check out Union County." He said that he and his wife contacted the Union County School System. He said these officials did everything but roll out the red carpet, and he and his wife thought they were on a different planet by the reception and the results experienced with the Union County School System. He said he is very impressed with the service his son receives as well as the other children. He said this school is a shining star in this community that many people do not know about. He said there is a lot of excitement about getting a new school and all of its services being housed under one roof.

**Public Hearing - Proposed Economic Incentive Grant (Project Franklin):**

The Chairman declared open the first public hearing as advertised on March 6, 2007, in *The Enquirer Journal* on economic development incentives pursuant to G. S. 158-7.1 on Project Franklin in a total amount not to exceed \$2,183,353.

He stated that no one registered to speak for or against this subject. He recognized Maurice Ewing, President of Union County Partnership for Progress, to comment on this request.

Mr. Ewing presented to the Board that this is an opportunity for a rather large, extraordinary expansion of a local company that continues to be a vital pillar of Union County economic. He reminded the Board that this had been discussed with the Commissioners previously during closed sessions.

He read the following short statement into the record: ***"ATI Allvac is a manufacturer of metal alloys for industrial applications including aerospace and medical components. They are considering a major expansion to be located in either Monroe or Richburg, South Carolina. When ATI Allvac was founded 50 years ago in Monroe, it made magnets but it has evolved into much more today. Now, owned by Alleghany Technologies, Allvac is currently the largest manufacturer of nickel alloys in the world, plus they are also a major supplier of specialized steel and titanium alloys. Clients include Airbus and Boeing and many, many others. Today in Monroe they employ 1,107 people and there will probably be more by tomorrow. The company has petitioned the State of North Carolina, the City of Monroe, and Union County for approval of incentives for the project. And, while the company has expressed a firm and sound interest in expansion in Union County, they have stated that continuing discussions on the Monroe location are contingent upon support through the incentive packages currently under discussion. Improvements to the facility are expected to be in the neighborhood of 396,000 square feet and costing \$34 million with the initial investment in machinery and equipment to be around \$156,000,000 for a total new investment of around \$190,000,000. The Company expects to employ 125 new full-time people at an average wage of \$17 per hour. The total payroll in Union County is expecting to be around \$3,500,000. If this project is undertaken here in Union County, it is expected to be the largest, single economic development project either new or expanded ever undertaken by a private business in Union County. This project is in addition to the \$38 million expansion which was approved in 2005. It is extraordinary growth for any company in any community."***

Mr. Ewing reported that the Board of Directors of Union County Partnership for Progress has reviewed this project on January 9, 2007, and is recommending the County approve incentives consistent with the current incentive guidelines. He further stated that the Monroe City Council is expected to consider this project shortly.

Mr. Ewing said he would be happy to answer any questions and stated he was proud that Tom Williams, President of the Allvac, and Mr. Pat DeCourcy are present as well as Chris Plate' of the City of Monroe.

The Chairman asked if there was anyone present to speak for or against this incentive. With there being no one, Chairman Pressley declared the public hearing closed.

**Public Hearing – Proposed Amendments to Sections 21, 23, 27, 29, 31, 33 and 35 of the Union County Land Use Ordinance:**

The Chairman opened the public hearing to receive comments on the proposed amendments to Sections 21, 23, 27, 29, 31, 33 and 35 of the Union County Land Use Ordinance. He recognized Richard Black, Planning Director and Interim County Manager, to present the details.

Mr. Black explained that on December 4, 2006, the Board of County Commissioners initiated several amendments to the Land Use Ordinance that would generally serve to increase the membership of the Planning Board and the Board of Adjustment from seven to nine members and to provide that membership would be based on geographical representation, which in this case would be townships. He explained that the Planning Board discussed the proposed amendments at its January and February meetings and recommended some different language. Mr. Black reported that the Planning Board recommended that the number of members for both the Planning Board and Board of Adjustments not be increased from seven to nine but to remain at seven and that the membership be appointed from the six school board districts. Mr. Black compared the original proposed amendment and explained how it differs to the existing ordinance and then reviewed the Planning Board's recommended amendment and compared how it differs to the existing ordinance and to the Commissioners' proposed amendment. He noted that the Planning Board was recommending members of that board receive a minimum of three hours training within one year from the date of appointment. He explained that it is requested that the Board of Adjustment members also receive three hours of training. The practice for providing training in the past was discussed.

After Mr. Black presented a detailed explanation and comparison, the Chairman opened the floor for comments from the public.

The first to speak was Jeff Kravis, Hunters Oak, 1208 Glynwater Lane, who expressed his opposition against the township idea for determining the composition of the boards. He presented a map showing the concentration of the homes and proposed homes in Union County. He said the map is about a year out of date, but thought it gave a very good representation of the concentration of existing homes and to be built homes. He said he had superimposed the township map over the first map. He explained that if you used the criteria of the number of people, the disparities are huge between the townships and the number of existing homes in the townships as well as growth within the townships. He said it had been mentioned that most of the heavy growth areas in Sandy Ridge are in municipalities that have their own zoning and that these individuals should not have a say as to

how matters in the county are determined. First, he said the subdivision that he lives in, which is Hunter Oaks, is in the unincorporated area, and has nearly as many homes as does all of Lanes Creek. He said there are 993 homes in Lanes Creek versus 950 homes in Hunter Oaks and if the 450 homes in an adjoining subdivision are added, then the two heavily outnumber the homes in Lanes Creek. Therefore, he said, if Lanes Creek gets membership on those boards that he believes Hunter Oaks should get their membership on those boards. Conversely, Mr. Kravis said if you go into the Goose Creek Township and take out Unionville then it has very few homes. He encouraged the Board not to go the township route but to appoint the members at large.

The next speaker was Ron Salimao, 8310 Woodmont, Marvin, who strongly recommended that the Board not go the township route. He said what perplexed him was that when he looked at the program and compared the population variations among townships he could not support that method. He encouraged the Commissioners to look at the question in that way and to do what is best for all the people.

Sondra Bradford, 1613 Crestgate Drive, Wesley Chapel, pointed out that under the township proposal that 900 homes in the Goose Creek township would get one vote on the Planning Board and Board of Adjustment and the 12,000 plus homes in the Sandy Ridge Townships would get one vote on the Planning Board and Board of Adjustment. As a resident of Wesley Chapel, she said she knew all too well that the unincorporated areas of our county impact municipalities. She strongly encouraged the Board to make a decision to have representation based on school districts which are based on population.

George Hendry of 201 Belvedere Lane spoke against the reconstitution of the Planning Board and Board of Adjustment as the method for appointing members. He said just because this procedure may have been used 50 years ago or even 10 years ago does not make it right for Union County today. He said in his opinion this method is archaic in today's world. Mr. Hendry said that Union County's townships are neither equal in size (square miles) or by population. He said about all townships do in today's world is contribute the first two digits in parcel numbering for the GIS system. He said much better and defensible would be the appointment of all members at large as you the Board of Commissioners are chosen or by census districts as school board members are chosen. He said now primaries have about a 10 percent turnout, but if these amendments are adopted, that he predicted subsequent primaries would have voter turnout of 20 or 30 percent as each side votes the merits of this decision. He strongly encouraged the Commissioners to reconsider this proposed change and to go with either at large or census districts for appointments to these boards.

The Chairman next called Sydell Coniglio of 1700 Crestgate Drive, Wesley Chapel, who spoke against the amendments. Ms. Coniglio explained that she did not feel that she would be adequately represented if the Planning Board was chosen from townships rather than chosen from either school board districts or at large.

Next introduced was Mr. Nathan Hopper, 613 Sunnybrook, Monroe, and current member of the Planning Board. He stated he was not present to argue for or against how the Board of County Commissioners represents the members but wanted to express concern over training and experience. He urged the Board not to wipe both boards clean of the experienced members.

Chairman Pressley introduced Cody Helms. Mr. Helms said that he lives in the unincorporated area of Monroe Township. Mr. Helms spoke in support of the township method and said he thought it would be the best method for the county. He said this had been introduced once before but failed because of politics.

William Godwin, 240 Raintree Drive, Indian Trail, who is both a current member of the Union County Planning Board and a current member of the Planning Board for the Town of Indian Trail addressed the board. He said he had been a county Planning Board member for three years after having served as an alternate. Mr. Goodwin said that he believed that neither the Planning Board's proposal nor the Commissioners' proposal is adequate. He said the question the Commissioners need to ask on this particular subject is: Is it really right for Union County? He said it might have been 50 years ago, but he does not think it is necessarily right in 2007. Mr. Goodwin said these boards should not be about politics or retribution. He pointed out that after this Board makes its decision that in two years, if the majority of the board changes, there could be another ordinance change based on retribution. He said when this was first being discussed he thought it was a fairness issue. Mr. Goodwin said there were already six townships of the nine represented on the Planning Board, and with the increase in number of members that two other townships could be represented. He said he was then told this was not about fairness and now it seems that it is more of a political quagmire. Mr. Goodwin said that while some new blood and experience might be good that he suspected it would be retreads being brought back on board.

The Chairman introduced Liza Kravis, 1208 Glynwater Lane. Mrs. Kravis said that she lives in an unincorporated area of Sandy Ridge and thanked the Board for letting her speak. She said she, too, is a current member of the Planning Board but is speaking as a regular citizen. Mrs. Kravis said she took issue with this recommendation a year ago and that she still disagrees with district representation as a way of operating. She pointed out that all the Commissioners are elected at large and she believed that the Planning Board and Board of Adjustment should be appointed in the same way. Mrs. Kravis said that she thought that when this amendment came before the Commissioners that there were no written copies and there was an intent to slam something in and disregard the processes in place. Mrs. Kravis said the current Planning Board and Board of Adjustment did not have any communication from this Board. Mrs. Kravis discussed the rotation of board members and explained that when such action of abolishing boards is undertaken that it discourages good, honest citizens from participating in the governmental process. She asked who would want to volunteer and join a board when they think they are going to be kicked out by the next government or not thanked properly. Mrs. Kravis said that as a taxpayer she and others in the developments are concerned with some of the outcomes of recommendations that come from these boards. She pointed out the affect of decisions made by these boards on the citizens and their children and said that all citizens should have an equal say in these boards. She said that township representation is so far from fair that it is unbelievable. Mrs. Kravis said that action would be going in the wrong direction and would be even more unfair as the densely populated areas become more populated. Mrs. Kravis said that she believed the membership should be appointed at large but, if it has to be approved by district, then the school board districts would be a more fair way. She agreed that there should be a rotation of members.

With there being no one else wishing to speak, the Chairman declared the public hearing closed.

**Additions, Deletions and/or Adoption of Agenda:**

The Chairman read the following statement into the record concerning mediation with Mr. Shalati. ***"The day before last year's election, the old Board of County Commissioners amended County Manager Shalati's contract to provide him a new severance package worth approximately \$500,000 more than his original severance package. This enormous sum of money, in fact, almost equals the value of all the salary that the County had paid Mr. Shalati as of the date of the amended contract. After conferring with our lawyers, we firmly believe that the amendment to Mr. Shalati's contract negotiated by the old Board was contrary to law, not for a proper purpose, and invalid. As stewards of our taxpayers' money, your new Board of County Commissioners cannot acquiesce to Mr. Shalati's demand that we pay him for this invalid golden parachute given to him by the old board. North Carolina laws generally prohibit the Board from explaining the reasoning for ending Mr. Shalati's service as County Manager outside of legal proceedings. Should Mr. Shalati choose to challenge the termination of his services in court, the Board will be pleased to explain those reasons to the court. We are confident in our position. Thank you.***

Commissioner Mills requested to delete Item 17 from the regular agenda.

The Chairman stated that he wanted to add to the agenda the per diem for the Interim County Manager and would add that as Item 17.

Commissioner Openshaw requested to add an item to the regular agenda for Parks and Recreation to discuss sewer problem at Jesse Helms Park. The Finance Director explained this issue was brought to the staff's attention late Friday afternoon, and it was determined that this request could be placed on the April 2<sup>nd</sup> agenda. Mr. Openshaw agreed with the delay until that date.

Motion was made by Commissioner Mills that the regular agenda be adopted as modified. The motion was passed unanimously.

**Consent Agenda:** Commissioner Openshaw requested that Items 5/2a, 5/6a, 5/11b, 5/12 and 5/13 be removed for discussion. Commissioner Mills requested that 5/2h be removed. The Chairman agreed to remove all contracts listed in 5/2 to the regular agenda to allow for discussion. He stated that these items will be added to the regular agenda 5 a – e and asked for a motion to approve the consent agenda with the exception of the items so noted above. Motion was made by Commissioner Baucom that the Consent Agenda as submitted with the exception of 5/2, 5/6a, 5/11b, 5/12 and 5/13 be approved. The motion passed unanimously.

***Budget Amendments to approve Additional Funding from Centralina's Home and Community Care Block Grant as follows:*** (a) BA#49 to appropriate \$36,053 in federal revenue to the operating expense of the DSS – Adult Day Care Budget to assist with coordination of in-home and community based services for older adults and (b) BA #48 to appropriate \$17,809 in federal revenue to the Transportation operating expense budget to offset cost of transporting senior citizens.

Governmental Accounting Standards Board (GASB) 45 Actuarial Services – Agreed to release of personnel information as authorized under G. S. 158A-98 (c) 2, for the purpose of conducting the actuarial valuation as approved in (t) of listed agreements.

**Tax Administrator:**

- a. **Seventh Motor Vehicle Release Register for the period of January 1, 2007 – January 31, 2007 in the net grand total of minus \$22,133.39**
- b. **Seventh Motor Vehicle Refund Register for the period of January 1, 2007 – January 31, 2007 in the net grand total of minus \$1,619.75**
- c. **Eighth Motor Vehicle Release Register for the period of February 1, 2007 – February 28, 2007 in the net grand total of minus \$19,351.64**
- d. **Eighth Motor Vehicle Refund Register for the period of February 1, 2007 – February 28, 2007 in the net grand total of minus \$662.38**
- e. **Department Monthly Report showing overall percentage of collections for 2006 as of January 31, 2007 as 91.89%.**
- f. **Ninth Motor Vehicle Billing in the grand total of \$919,150.31**
- g. **Refunds for February 2007 in the amount of \$3,080.10**

**REFUNDS FEBRUARY 2007**

<b>Acct #</b>	<b>Name</b>	<b>Release #</b>	<b>Total</b>
<b>2006</b>			
07114023	GARMON JERRY W	2570	354.45
06192140	MAXWELL ROBERT G III & SHELLEY	2571	98.00
02089020	MARSHVILLE COTTON MILLS INC	2572	628.42
04347025B	FLORIAN DONALD & JOHN D FINCHER	2573	12.23
06213022	MCLEOD RALPH O & WF MARTA ALICIA	2574	379.16
50071120	CLYBURN WOOD PALLETS	2598	153.25
			-
<b>Total</b>			<b>1,625.51</b>
<b>2005</b>			
06213022	MCLEOD RALPH O & WF MARTA ALICIA	2575	375.17
50091308	A & A COMMUNICATIONS INC	2596	27.65
50071120	CLYBURN WOOD PALLETS	2597	164.43
H9375164	CRUNKLETON BILLY GENE & MELISSA	2618	153.46
			-
<b>Total</b>			<b>720.71</b>
<b>2004</b>			
06213022	MCLEOD RALPH O & WF MARTA ALICIA	2576	354.32
			-
<b>Total</b>			<b>354.32</b>
<b>2003</b>			
06213022	MCLEOD RALPH O & WF MARTA ALICIA	2577	199.68
			-
<b>Total</b>			<b>199.68</b>
<b>2002</b>			
06213022	MCLEOD RALPH O & WF MARTA ALICIA	2578	179.88
			-
<b>Total</b>			<b>179.88</b>



---

---

**GRAND TOTAL****3,080.10**

---

---

**h. Releases for February 2007 in the amount of 13,399.57.**

RELEASES FEBRUARY 2007

<b>Acct #</b>	<b>Name</b>	<b>Release #</b>	<b>Total</b>
<b>2006</b>			
06123003A	SUMRELL IVEY J & JAMES G	2564	<b>2,802.91</b>
H2208002A	CAHAL DONALD I & WF VIRGINIA B	2565	<b>1,237.48</b>
09204011G	WILTSEE WILLIAM P & PATRICIA P	2566	<b>22.19</b>
09397062	CASCADES PROPERTY OWNERS ASSOC	2567	<b>104.46</b>
06159151	PROVIDENCE GROVE HOMEOWNERS ASSOC	2568	<b>7.05</b>
06174323	HARRINGTON-DOWD REALTY COMP	2569	<b>1,004.62</b>
09304001B	DAVIS NELDA JEAN W INC	2579	<b>111.93</b>
09304001D	DAVIS NELDA JEAN W	2583	<b>400.61</b>
09301002B	DAVIS NELDA JEAN W	2587	<b>31.84</b>
09304001E	DAVIS NELDA JEAN W	2591	<b>87.10</b>
04114021B	HASTY ERIC & ROBIN HASTY	2594	<b>415.61</b>
H2208002A	CAHAL DONALD I & WF VIRGINIA B	2595	<b>1,036.54</b>
50073688	SITE DEVELOPMENT SVCS INC PMB 310	2599	<b>422.55</b>
50094685	TOM RATLIFF BUILDERS INC	2600	<b>10.96</b>
50095682	HARPER MICHAEL E	2601	<b>479.02</b>
50072355	METROLINA SURGICAL	2602	<b>62.19</b>
50089603	HEWLETT PACKARD FINANCIAL SVCS CO	2603	<b>18.73</b>
50094864	PASSIONATE LIFE MINISTRIES INC	2604	<b>35.86</b>
50093198	GRUPO AZTECA	2605	<b>201.36</b>
50090427	BODEGA & TIENDA IDEAL INC	2607	<b>231.54</b>
50092901	WAXHAW FOOT CARE	2610	<b>214.42</b>
50058749	BENNETT CAROL KEZIAH		
50096463	UNION REGIONAL MEDICAL CENTER	2615	<b>1,633.45</b>
05129007A	BURGESS JOHNNY WILSON	2616	<b>25.79</b>
50089152	BURGESS JOHNNY WILSON	2617	<b>130.20</b>
			<b>-</b>
<b>Totals</b>			<b>10,848.17</b>

**2005**

09304001B	DAVIS NELDA JEAN W INC	2580	<b>110.76</b>
09304001D	DAVIS NELDA JEAN W	2584	<b>396.39</b>
09301002B	DAVIS NELDA JEAN W	2588	<b>31.50</b>
09304001E	DAVIS NELDA JEAN W	2592	<b>86.19</b>
50093198	GRUPO AZTECA	2606	<b>173.25</b>
50090427	BODEGA & TIENDA IDEAL INC	2608	<b>199.24</b>
50092901	WAXHAW FOOT CARE	2611	<b>173.25</b>
50058749	BENNETT CAROL KEZIAH		
			<b>-</b>
<b>Totals</b>			<b>1,286.16</b>

**2004**

09304001B	DAVIS NELDA JEAN W INC	2581	<b>104.60</b>
09304001D	DAVIS NELDA JEAN W	2585	<b>374.37</b>
09301002B	DAVIS NELDA JEAN W	2589	<b>29.75</b>

09304001E	DAVIS NELDA JEAN W	2593	81.40
50090427	BODEGA & TIENDA IDEAL INC	2609	163.63
50058749	BENNETT CAROL KEZIAH		-
<b>Totals</b>			<b>824.18</b>

<b>2003</b>			
09304001B	DAVIS NELDA JEAN W INC	2582	74.70
09304001D	DAVIS NELDA JEAN W	2586	336.36
09301002B	DAVIS NELDA JEAN W	2590	30.00
<b>Totals</b>			<b>441.06</b>

<b>GRAND TOTAL</b>			<b>13,399.57</b>
--------------------	--	--	------------------

**Register of Deeds:**

- a. Refund of excise stamp to Trinity Title LLC in the amount of \$256 due to Trinity recording deed in incorrect county. The deed should have been filed in Gaston County, NC.
- b. Refund of excise stamp to Griffin Brunson & Perie LLP in the amount of \$488 due to deed being recorded in incorrect county. The deed should have been filed in Cabarrus County, NC.

**Finance:**

- a. Moved to 5b on Regular Agenda.
- b. Write off of uncollectible checks totaling \$231.31 received by Parks and Recreation, Register of Deeds and Transportation
- c. Motor Vehicle Tax Refunds for January 2007 totaling \$4,532.90
- d. Motor Vehicle Tax Refunds for February 2007 totaling \$5,540.81
- e. Union County Public Schools' Capital Project Ordinance Closeout #4 to Capital Project Fund - 55 relating to expenditures/revenues incurred in connection with the 2000 GO School Bond Referendum

**Social Services:**

- a. Budget Amendment #47 to appropriate \$42,667 from donations received to the operating expense budget of DSS - Christmas Bureau
- b. The Annual Report from the Community Child Protection Team as required by North Carolina General Statute 143-576.2 (Carolina General Statute 7B-1406).

**General Services:** Authorized conveyance of 1977 Dodge Army truck which was declared surplus by the Union County Sheriff's Department to the Cherokee County Sheriff's Department. It was detailed that this vehicle is in non-running condition and was donated to Union County from Law Enforcement Support Services.

**Union County Transportation:** Accepted additional funding in the amount of \$80,754 awarded to Union County by NCDOT for the transport of the general public to various destinations and disabled

individuals/senior citizens to various destinations and approved budget amendment #45 to appropriate said funds.

**Sheriff:**

- a. Approved budget amendment #46 to appropriate \$1,000 grant received from the Wal-Mart Foundation for the purpose of purchasing crime scene equipment.
- b. Approved the addition of two new job classifications to more accurately reflect the assigned duties of the two current staff members in the Sheriff's Office: Payroll Technician at pay grade 61 and Law Enforcement Information Systems Manager at pay grade 68

**Public Works Department:**

- a. Approved CMUD to provide service to Pebble Run Drive Subdivision project on Tilley Morris Road. Explanation for request is that Union County does not have sewer services planned for this area and water is available at the entrance from CMUD. All lots within the subdivision are partially or completely within Mecklenburg County.
- b. Moved to 5c on Regular Agenda.

**Library:** Moved to 5d on Regular Agenda

**Resolution Authorizing Upset Bid Process for sale of Lot #10, Parcel #056 in the Country Hills Subdivision:** Moved to 5e on the Regular Agenda.

**Report on Settlement of Claims by H. Ligon Bundy, attorney for Union County:**

- a. Union County v. Inez Byrum – File No. 05 CVS 01239 – mediated settlement in the amount of \$1,889.01
- b. Union County v. Dr. Irvin Naylor, et al - File No. 03 CVS 01927 – mediated settlement in the amount of \$35,000.

The following were included as information with no action required:

**Personnel:** Personnel Department's Monthly Report for February 2007.

**Department of Inspection:** Monthly Reports of the Department of Inspection for the months of January and February 2007.

The Chairman recognized Commissioner Openshaw to address his questions about the decommissioned pump stations in the Blythe Creek Sewer area. He asked where the flow will go after the pump stations are decommissioned. Ms. Putnam stated the flow from the pump stations will flow by gravity lines into the collection system that feeds into the Twelve Mile Creek facility. She also responded that these pump stations are part of a smaller system the county took over when it obtained the Waxhaw Sewer system. She responded to a question that a single tap for a parcel will not require a line extension but any multiple taps will require line extensions and permits. In response to another question, Ms. Putnam stated that Union County would be paying for the smaller lines. She said that Union County already provides sewer services to most of the smaller lots on the map. Commissioner Openshaw asked for clarification that gravity lines can feed into a pump station and then it will be pumped from there. He asked if this would be creating new areas that could be serviced with sewer. Ms. Putnam answered that there are only two parcels that would have sewer

service available that do not currently have service. Commissioner Openshaw asked if in the future lines would be sized appropriately to carry potential future loads. The Public Works Director answered in the affirmative.

The Chairman asked if decommissioning the smaller pump stations would make the county's sewer system look better to the State. She replied that it was always favorable to take pump stations off line because these are the first places where sewer overflow can occur. However, she noted, that there is not a history of overflows at these locations, but agreed that any pump station removed is positive to the State.

Commissioner Mills stated that during the retreat the Board talked about a line that Public Works was considering moving flow to Six Mile Creek. She replied that this option was a long way off in the future. Commissioner Mills asked if these pumps could be used elsewhere. Ms. Putnam stated that it was unlikely, but that her department would study their potential use before requesting these pumps be declared surplus.

The Chairman stated the next item moved to the regular agenda was the contract with Carpenter Construction Company, Inc. for phase II renovations to the Government Center.

Commissioner Mills directed his request to the Finance Director. He asked if plans are available that could be given to this Board detailing where offices are to be relocated in this building and any planned usage for the old Courthouse.

Mr. Nelson suggested that the plans for renovations of the complete government complex as well as plans for the historic post office and the Public Works Building be given to the Board at its CIP Workshop planned for April 2.

Commissioner Mills suggested that the third floor also be studied for potential space for housing a new communications system. Mr. Nelson agreed that this would be available.

Vice Chairman Baucom addressed 5/2 v through ab - CAD project. He said he thought that a project of \$2.5 million deserves public recognition. Mr. Nelson stated that in November the Board approved a budget ordinance and contract with SunGard HTE, Inc. to replace the existing inadequate CAD system with a new state-of-the-art system. Mr. Beekman said that the new computer aided dispatch will provide the necessary tools and technology for dispatchers to do their job. The Vice Chairman asked that a brief explanation be given to the public on this investment.

Mr. Beekman stated that when a call comes in from the citizen, the computer aided dispatch helps the telecommunicator identify what resources need to go to the aid of the citizen either to protect their lives or property. It also allows for a quick response of the appropriate agencies to the citizens in need. In response to a question, Mr. Beekman said the current system does not effectively meet the needs of the county and the new system will meet the needs of Union County for "ever and a day." Gary Thomas said this system is not only a CAD system but it is mobile cad, mobile field reporting, records management, jail management and there is a module for animal control. He stressed this system will meet the requirements and needs of all the emergency agencies.

Commissioner Openshaw referred to 5/2 p and q and asked for an explanation of the Interlocal agreement to enforce Union County's Land Use Ordinance, Article XVI, Part 1, Flood Damage Prevention Ordinance within Lake Park and Hemby Bridge.

The Chairman deferred to the Staff Attorney. Mr. Crook stated these Interlocal Agreements were requested by the attorney for both towns. He explained the county currently enforces the County's Land Use Ordinance within the municipalities, but this formal agreement will allow the citizens of these municipalities to be able to purchase flood insurance.

The Chairman stated the next item moved from the Consent Agenda was the budget transfer reports for January and February as submitted by the Finance Office.

Commissioner Openshaw asked about the \$150,000 transfer for Highway 84 waterline relocation.

Ms. Putnam explained that Twelve Mile Creek near the Optimist Park turns and runs parallel with Highway 84 and has washed away the bank along Highway 84 which subsequently washed away the 24-inch water main, which blew out. The County now has to go back and install restraint joint pipes so as the creek continues to meander and continues to wash away the bank, the water line will now blow out again.

Commissioner Mills questioned why the County could not install large pipes to take care of the flow of Twelve Mile Creek so the wash out would not happen again. Ms. Putnam stated that she could prepare a budget but the project would take approval and cooperation of the Department of Transportation since it is DOT road. She also questioned the legality of placing county funds into this type project. The Chairman asked if the Board of Commissioners could make an official request to consider this option.

After consulting with the staff attorney, motion was made by Commissioner Mills that a letter be written to the Department of Transportation requesting that at the time the county repairs its water main that the Department of Transportation be requested to consider a joint effort to install large pipes to carry the water of Twelve Mile Creek under Highway 84. The motion passed unanimously.

The Chairman stated the next item is the Stallings Road Water Line item that was moved to the Regular Agenda.

Commissioner Openshaw stated that one of the big issues at his house and at the homes of many of his neighbors was that with the increasing pressure in the water line there was a lot of old pipes ballooned, weakened and leaked. He noted that Public Works has a rebate program on pressure reducing valve installation. Commissioner Openshaw noted that the material stated that the existing pressure will be boosted approximately 60 pounds per square inch. He asked if the customers along that stretch of road will be notified of pressure increase and that such leaks could happen to them. Ms. Putnam stated that the residents along this area have been notified of the pressure increase and of potential problems that this increase could cause. They were also notified of the PRV replacement program. She said these residents will be notified again before it actually occurs.

Commissioner Openshaw pointed out that the widening of Stallings Road has become an issue in that town and asked if the location of the waterline will be coordinated with DOT so that the County will not have to go back and retrofit the line. Ms. Putnam stated that unfortunately there are no official plans as of this time to widen the road. Therefore, she explained that the only coordination that has been done is with the existing plans because the county cannot anticipate their design.

The Chairman stated that there is a meeting tonight on the widening of the road and asked if this issue is time sensitive. Ms. Putnam responded that the residents of the area would definitely say it was a time sensitive issue.

Chairman Pressley stated the next item moved from the consent agenda was the capital project ordinance for the South Western Regional Library. Vice Chairman Baucom asked for more details.

Kai Nelson, Finance Director, stated this project approaches almost \$5 million and the County's contribution is \$3,483,000. He explained the balance of the project funding is coming from the Library Foundation. He said the difference between \$3,483,000 and \$3,685,000 is the amount the Foundation has turned over to Union County as of this date. In response to a question on the total cost of this project, Mr. Nelson stated the project cost is \$4,980,000. He explained that when the project was established, it was included in the general capital project fund and should have been created in the Library Capital Project fund. This action is essentially moving the county's portion over from the General Capital Project Ordinance to the Library Capital Project Ordinance and placing the county's portion in the Library Capital Fund. The Vice Chairman asked if this funding is contingent upon the Foundation raising the \$1,497,000 and also asked if the other municipalities in that area have agreed to contribute. Commissioner Openshaw responded that Marvin had made a pledge, and he thought Wesley Chapel will be discussing it soon.

Mr. Nelson stated that the only funds expended at this time have been for architectural plans and that the Foundation has been instructed that no plans can be released for bidding until all project funds are received and budgeted by the county.

The Chairman stated that the next item removed from the consent agenda is the resolution authorizing an upset bid. Mr. Openshaw questioned the size of the lot and value. It was explained by Ms. Putnam that the lot is less than one acre and, after brief comments, Mr. Petrosky admitted that a valuation mistake had been made and the value listed is not correct.

Vice Chairman Baucom moved that all items as removed from the consent agenda and discussed be approved.

**5/2 Contracts Exceeding \$5,000:**

- a.) Camp Dresser & McKee – Engineering services agreement for design and surveying associated with Blythe Creek sewer improvements as included in the Water and Sewer Master Plan of 2005, the CIP of 2006, and the Capital Project Ordinance. Contract in the total amount of \$39,900 (\$21,450 Lump sum amount for design; \$18,450 for surveying services). No budget amendment necessary.
- b.) Arcadis G & M of North Carolina – Engineering services contract for Waxhaw-Marvin Road waterline connector, design of 5,200 feet of 16-inch waterline (Task Order #6) in the

- amount of \$24,535 as included in the Water and Sewer Master Plan of 2005, the CIP of 2006, and the Capital Project Ordinance. No budget amendment necessary.
- c.) ITRON – Amendment to annual maintenance agreement that includes a price increase for automated meter reading equipment and software. Agreement amount of \$7,088 was included in the 2006-2007 budget.
  - d.) Carolina Recording Systems – Renewal of annual maintenance agreement for 911 systems digital recording equipment and software in the budgeted amount of \$7,600.
  - e.) ROK Technologies – Support services agreement on an as-needed basis for internet and intranet web applications in the budgeted amount of \$5,200.
  - f.) Union County Public Schools – Renewal of Memorandum of Understanding between Union County Public Schools and the Health Department for the said department to provide and monitor health services in the schools.
  - g.) State of North Carolina, Division of Public Health – Renewal of Consolidated agreement for FY 2007-2008 for maintaining and promoting the advancement of public health in North Carolina.
  - h.) Carpenter Construction Company in the amount of \$21,241 for Government Center Phase II change order which addresses wall installation required by building inspector and replacement of existing plumbing piping as stipulated in Change Order G-5. No budget amendment required.
  - i.) Blessed Assurance Adult Day Care and Health Care Services, Inc. agreement in the amount of \$168,068 to adjust as needed rate per unit of service for adult day care services as included in the 2006-2007 budget.
  - j.) New Testament Adult Day Care agreement in the amount of \$168,068 to adjust as needed rate per unit of service for adult day care services as included in the 2006-2007 budget.
  - k.) Tracy's Home Adult Day Care agreement in the amount of \$168,068 to adjust as needed rate per unit of service for adult day care services as included in the 2006-2007 budget.
  - l.) Turning Point – Domestic Violence Assistance Agreement amendment to increase funding from \$13,922 to a not to exceed amount of \$21,326 as included in the 2006-2007 budget.
  - m.) Grant agreement with the North Carolina Department of Environment and Natural Resources in the amount of \$30,000 as included in the 2006-2007 budget to partially fund the Urban Forester position.
  - n.) Verizon South, Inc. – Renewal of three-year agreement for frame relay service in the amount of \$64,200 to be paid monthly. Budget amendment not required.
  - o.) Central Council of Governments – Amendment to Home and Community Care Block Grant for FY2007 to increase funding from \$583,023 to \$652,543 as included in the 2006-2007 budget and budget amendments #48 and 49.
  - p.) Interlocal Agreement with the Village of Lake Park to enforce Union County's Land Use Ordinance, Article XVI, Part 1, and Flood Damage Prevention Ordinance within Lake Park. No budget amendment required.
  - q.) Interlocal Agreement with the Town of Hemby Bridge to enforce Union County's Land Use Ordinance, Article XVI, Part 1, and Flood Damage Prevention Ordinance within Lake Park. No budget amendment required.
  - r.) HDR Engineering Services Agreement associated with water resource modeling (Task Order #36) in an amount of \$15,000 based on various hourly rates. Funds included in the 2006-2007 budget.

- s.) Camp Dresser & McKee Agreement associated with waste water resource modeling (Task Order #9) in an amount of \$15,000 based on various hourly rates. Funds included in the 2006-2007 budget.
- t.) Mercer Human Resource Consulting, Inc. Agreement in the amount of \$25,000 to provide actuarial services –GASB Statement 45. Funds included in the 2006-2007 budget.
- u.) Agreement with Ligon Bundy to provide legal services on an as-needed basis based on applicable service rates to services provided. Funds included in the 2006-2007 budget.
- v, w, x, y, z, aa, ab (seven (7) agreements) for CAD projects in the amount of \$2,500,000. No budget amendment required.
- ac.) Inmate physician services agreement with Dr. Anderson in an hourly rate applicable to services provided. Funds included in the 2006-2007 budget.
- ad.) Inmate psychiatrist services agreement with Dr. McEwe in an hourly rate applicable to services provided. Funds included in the 2006-2007 budget.

5/b. Finance: Budget Transfer Report for January and February 2007

5/c Accepted bids as follows for the Stallings Road Water Line Project (NC 218 connection)for 5,900 linear feet of twelve-inch water line and awarded the construction contract to the low bidder of Dellinger, Inc. Authorized the County Manager to execute contract following legal review:

Dellinger, Inc.	\$487,851.00
Sealand Contractors Corporation	\$494,726.50
Buckeye Construction Co., Inc.	\$496,093.85
State Utility Contractors	\$518,896.00
Sanders Utility Construction Co.	\$542,503.00
RF Shinn Contractor, Inc.	\$566,052.00

5 d. Library: Adopted Capital Project Ordinance #72 to reallocate the project funds from the General Capital Project Fund to the Library Capital Project Fund to reflect a total revised project of \$7,168,500.

5 e. Resolution Authorizing Upset Bid Process for sale of Lot #10, Parcel #056 in the Country Hills Subdivision:

**RESOLUTION AUTHORIZING UPSET BID PROCESS**

WHEREAS, Union County is the owner of a vacant parcel of real property known as Lot #10, Parcel ID #08222056 (Well Lot) located on Goose Creek Drive in the Country Hills Subdivision in Union County, North Carolina (the "Subject Property"), as shown on the attached map marked as Exhibit A and incorporated herein by reference; and

WHEREAS, pursuant to N.C.G.S. § 160A-269, Union County is authorized to dispose of real property by upset bid after receipt of an offer for the property; and

WHEREAS, Union County has received an offer to purchase the Subject Property in the amount of \$5,000.00, submitted by Sharon R. Smith; and



WHEREAS, Ms. Smith has paid the required five percent (5%) deposit on her offer.

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

1. The Subject Property is hereby declared surplus.
2. "The Board proposes to accept the offer of Sharon R. Smith and authorizes sale of the Subject Property through the upset bid procedure of N.C.G.S. § 160A-269; provided that final acceptance of the final high offer shall be subject to approval by the Board. The Board reserves the right to withdraw the Subject Property from sale at any time before the final high bid is accepted and further reserves the right to reject at any time all bids.
2. The Clerk to the Board shall cause a notice of the proposed sale to be published. Such notice shall include a general description of the Subject Property, the amount and terms of the offer, and a statement that within ten (10) days any person may raise the bid in accordance with the procedure outlined in this Resolution.
3. Persons desiring to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Clerk to the Board within ten (10) days after the notice of sale is published. Bids shall be submitted no later than 5:00 p.m. on the last day of the 10-day period, and the Clerk shall date-stamp bids upon receipt. The mailing and physical address of the Clerk to the Board is as follows:

Ms. Lynn West, Clerk to the Board  
500 N. Main St., Room 925  
Monroe, NC 28112

The envelope containing the bid shall be clearly marked "Sealed Bid for Property Located on Goose Creek Drive in Country Hills Subdivision " It shall be the specific responsibility of the bidder to deliver his bid to the Clerk to the Board at the appointed place and prior to the announced time for the opening of bids. Late delivery of a bid for any reason, including delivery by United States Mail or other carrier, will disqualify the bid.

4. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid. The deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. If the Board agrees to sell the Subject Property, the County will return the deposit of the final high bidder at closing. If, after acceptance by the Board of the final high bid, the final high bidder fails to close the sale in accordance with the terms of this Resolution and any purchase agreement, then in such event the bid deposit of the high bidder shall be forfeited.

5. At the conclusion of the 10-day period, the Clerk to the Board shall open the bids, if any, and the highest such qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer. If a qualifying higher bid is received, the Clerk to the Board shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners. The Board shall determine whether or not to accept the final high bid not later than ninety (90) days after the final upset bid period has passed.
6. Bidders shall not attach any conditions to their bids. Any conditions attached to bids received or purchase of the Subject Property shall render the bid non-responsive, and such bid shall not be considered by the Board
7. The buyer must pay with cash at the time of closing.
8. Title to the Subject Property shall be transferred to the buyer by Quitclaim Deed.

Adopted this the 12th day of March, 2007.

ATTEST:

\_\_\_\_\_  
Lynn G. West, Clerk to the Board

\_\_\_\_\_  
Kevin Pressley, Chairman

#### **CONSIDERATION OF INCENTIVE GRANT**

Vice Chairman Baucom moved to approve the incentive grant with ATI Allvac in a total amount not to exceed \$2,183,353 to be paid in six (6) annual payments as follows: 2009 - \$237,406; 2010 - \$546,504; 2011 - \$716,008; 2012 - \$483,059; 2013 - \$186,012 and 2014 - \$14,364 based on the company's capital investment for the expansion of one of its current facilities of \$34,021,000 (to be expended over a three-year period from 2007-2009) and for machinery and equipment of \$155,989,000 (to be expended over a four-year period from 2007-2010) for a total capital expenditure of \$190,010,000. The motion was passed unanimously.

#### **CAROLINAS MEDICAL CENTER – UNION**

The Chairman stated this request is for approval to permanently close a portion of Faulk Street on the hospital campus. He recognized Ken Nanny, representing CMC-Union. He said for a number of years it has been the wish of the hospital to close a portion of Faulk Street, which is immediately in front of the hospital. He said it is the belief that closing this street will allow for future growth to move forward more efficiently and that closing the street is in the best interest of the hospital.

In response by the Chairman, the Staff Attorney stated that a public hearing is not required in this case.

Motion was made by Commissioner Lane that the following resolution be adopted:

**A Resolution Regarding  
Approval to Close a Portion of a Public Street Known as  
Faulk Street on the Hospital Campus**

WHEREAS, the County of Union has an Agreement with Union Memorial Regional Medical Center, Inc. (the "Corporation") for the lease of the County Hospital Facility, in Monroe, North Carolina; and

WHEREAS, the Corporation desires to file a petition with the City of Monroe, to permanently close a portion of a public street known as Faulk Street on the Hospital Campus as shown on Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the approval of the petition requires approval by the owner(s) of property adjoining the public street to be closed; and

WHEREAS, Union County is the owner of land adjoining the public street in question; and

WHEREAS, Union County's approval of the petition is a prerequisite to close the public street in question.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Union County Board of Commissioners hereby approves the closing of a portion of Faulk Street on the Hospital Campus, and directs the Interim County Manager to execute such documents as necessary to give effect to this resolution.

Adopted this 12<sup>th</sup> day of March, 2007.

ATTEST:

By: \_\_\_\_\_  
Lynn G. West, Clerk to the Board      Kevin Pressley, Chairman

The motion passed unanimously.

**UNION COUNTY PUBLIC SCHOOLS – Wolfe Development School**

The Chairman explained that this item is a request to award construction contract to Sam Tyson Builders in the amount of \$6,343,875 as recommended by the Union County Public Schools. He further reported that it will be necessary to amend the capital project ordinance to cover the costs associated with the school construction project.

Motion was made by Commissioner Mills that the Board of Commissioners awards the construction contract for Wolfe Development School to Sam Tyson Builders in the amount of

\$6,343,875. The motion included that Capital Project Ordinance Amendment #74 for FY 2006-2007 be approved. The motion was passed unanimously.

### **COMMUNICATIONS – 800 MHz Radio Project**

The request as submitted by Pat Beekman explained that the Division of Highway Patrol is requesting permission to utilize space on the tower located in Wingate at the Sheriff's office for construction of the state communication system. In turn, the State Highway Patrol will purchase and install a 12-foot by 36-foot shelter to house their equipment. In addition, Union County will have use of the shelter to house all additional equipment for the proposed 800 MHz radio project. The background information explained that time is of the essence to order equipment prior to expiration of grant funding.

In response to a request by the Chairman on the impact financially to Union County, Mr. Beekman said it would remain the county's responsibility to continue paying the monthly power bill for the tower and shelter. The Staff Attorney explained that the Highway Patrol is asking for a long-term, no cost lease in return for the equipment and services they have agreed to in their letter of February 21, 2007 (e.g., UPS, Generator, HVAC, maintenance of equipment including fuel for generator.) It was noted by the Staff Attorney this will be submitted to the Board.

Motion was made by Commissioner Mills that the Division of State Highway Patrol be authorized to proceed in accordance with its letter of February 21, 2007, to order communications shelter and equipment. The motion was passed unanimously.

### **PUBLIC WORKS DEPARTMENT**

The Chairman explained the Public Works' request to add to the Department's pay plan and classification a new position of Wastewater Treatment Plant Chief Operator, Grade 69, and that there be an addition of five full-time regular positions authorized as follows: one Wastewater Treatment Plant Chief Operator and four Wastewater Treatment Operator II positions. It was noted by the Chairman that funds are available within the FY 2007 budget to cover the cost of the additional positions for the final quarter of this fiscal year.

In response to a request from the Chairman, Ms. Putnam stated that funding for these positions are included in FY 2007 Enterprise Fund.

Motion was made by Commissioner Mills that the request be approved and that five positions be added to the Public Works Department as follows: One Wastewater Treatment Plant Chief Operator at Grade 69 and four Wastewater Treatment Operator II positions.

At the request of the Vice Chairman, Ms. Putnam explained the duties and responsibilities of the Wastewater Treatment Plant Chief Operator. She further stated this request is to maintain the county's compliance with its permits. Also, in response to a question, the Public Works Director stated there would not be a request this year for additional vehicles, but there could be one in the 2007-2008 fiscal year budget.

After additional discussion, the motion was passed unanimously.

**TAX ADMINISTRATOR**

John Petoskey, Tax Administrator, requested the Board of Commissioners adopt a resolution authorizing a 2008 revaluation be conducted to improve equity, to bring assessed values to market, and to prevent revenue loss from utilities. He explained the larger, more rapidly growing counties elect to conduct revaluations more often than eight years. In fact, he stated there are 40 counties in North Carolina that conduct revaluations every four years.

Mr. Petoskey stated that it is his recommendation that the Board adopt the resolution allowing for revaluation of property in Union County in 2008.

In response to a question concerning the savings of conducting the revaluation in-house, Mr. Petoskey stated that the savings is the difference between \$2.5 million and \$350,000.

After discussion, motion was made by Commissioner Mills that the following resolution be adopted:

**RESOLUTION TO ADVANCE REAPPRAISAL  
OF REAL PROPERTY IN UNION COUNTY  
FROM 2012 TO 2008**

WHEREAS, under the General Statutes of North Carolina, Union County is scheduled for its next Octennial reappraisal of real property for the year 2012; and the Board of County Commissioners deems it advisable to advance the date for said reappraisal and to adopt the schedules of values, standards and rules required by the General Statutes of North Carolina for the reappraisal of real property.

**BE IT RESOLVED** by the Board of Commissioners of Union County:

1. That Union County hereby advances the scheduled Octennial reappraisal of real property from 2012 to 2008. The Tax Administrator for Union County is directed to conduct a reappraisal of said property to become effective January 1, 2008, for the fiscal year beginning July 1, 2008.
2. The Tax Administrator for Union County is directed to forward promptly to the Department of Revenue a copy of this Resolution, as required by the provisions of North Carolina General Statutes, Chapter 105, Section 286.

Adopted this 12<sup>th</sup> day of March, 2007.

ATTEST:

---

Lynn G. West, Clerk to the Board

Kevin Pressley, Chairman

The motion was passed unanimously.

### **NEW E-911 and EDC Facility**

Pat Beekman requested that the recommendation of the Architectural Selection Committee be approved to select Hayes, Seay, Mattern & Mattern, Inc. (HSMM) and authorize the interim County Manager to execute a contract in the amount of \$47,000 (fixed fee of \$43,000 plus a not to exceed reimbursable expenses of \$4,000) to conduct architectural program and site selection analysis for a new E-911/EOC Facility.

Mr. Beekman stated that based on the Board's guidance he is only asking HSMM to analyze four sites—the Porter Ridge school site, a site on Crow Road, both of these would be property donated by the Union County Schools, the jail expansion site and the governmental center. He assured that the firm would only analyze up to the programming portion of the project.

Commissioner Lane said that two of those sites would not be practical if there were a train wreck. Mr. Beekman said that this would be taken into consideration and he would report on how the fire and brimstone would occur at two of these sites if a wreck would happen.

Commissioner Mills stated that this Board recognizes the seriousness of the relocation, but the Board has some huge monetary restraints. He reminded the Board that the original cost of the radio equipment had been substantially less, in fact three times less – \$6.2 to \$18.9. He stressed that the Board is trying to provide the best service while trying to save money. He said it might be necessary to work with what is available. He pointed out that the Communications Department had been housed in the government center for a long time without any problems.

Vice Chairman Baucom asked if there were any other sites that should be considered. Mr. Beekman responded that after eliminating 15 or 20 sites, the committee had chosen the two—Crow Road and Porter Ridge. He said that if a wreck would occur, this building would have to be evacuated including the Communications Center.

The Chairman expressed his concern with spending \$47,000 for a study when within three months the Board might have to determine that the building could not be built. He said this would be a year of budget cuts. He said if the Board could provide protection with the new equipment while still housing it in the Government Center that it might be more feasible.

Commissioner Mills said he understood that this study would also be used to assist with the housing of equipment within the governmental center.

Mr. Beekman agreed that this building would be one component of the study.

The Chairman said that although he would want to build a new building for communications that he did not believe that the funds will be available in this year's budget. He said that a study for locating the equipment in this building might not cost more than \$5,000.

Commissioner Lane asked how long it would take for a new building to be built and in place. Mr. Beekman replied that it would take two years. Commissioner Lane said there were two things he held dear—one was schools and the other personal protection. He voiced his opinion that the County should proceed with the study.

Vice Chairman Baucom asked when the county board would be looking at the architectural design of the jail expansion. After comments, the Interim Manager interjected that the jail architects could not be available either on April 2<sup>nd</sup> or April 16<sup>th</sup>. He said it might be necessary to schedule a special meeting.

The Vice Chairman stated that he tends to agree with Chairman Presley in that the Board knows it has tremendous obligations for funds this year and the Board will have to be very judicious in how it approaches capital projects. He said if it would work in this building, this would be his first choice. If not, his second choice would be the jail expansion.

The Vice Chairman moved that this item be tabled until the next meeting and the staff bring to the Board a proposal for the evaluating this building only.

Commissioner Openshaw asked if this project would be funded through bonds. Mr. Nelson responded that it would. Commissioner Openshaw then asked when the Board of Commissioners will be receiving the budget information. Mr. Nelson replied that later tonight it is hoped that meetings will be scheduled to review its capital improvement program, comprehensively, in context of all the county's project at that time. He said he would be sharing the 2006 CIP and this will be the 2007 update on April 2. Mr. Nelson said that he realizes there are some projects on the CIP on which the Board might want more information.

Commissioner Openshaw asked if this decision is time sensitive. Mr. Beekman said that it is because it will take at least eight weeks for the architect to prepare this plan and cost estimate for inclusion in the CIP Program.

Mr. Nelson interjected that even if the E-911 and EOC remains in the governmental center there are issues that must be resolved about compatibility to accommodate all of the equipment. He said at some level, the county will need architectural assistance.

Commissioner Mills agreed that it could be a waste of money to prepare a study for sites other than this building or the jail expansion.

Mr. Beekman stated that as far as cost and safety, the jail expansion site is four of four in preferences. He said in talking with general services, the staff there did not believe there would be much of a cost savings between that site and building a structure on Porter Ridge property or Crow Road.

Vice Chairman Baucom asked if Motorola's employees could provide assistance in evaluating sites and asked if any of them had evaluated this building as far as housing the equipment in this structure. Gary Thomas said there has been some concern about concrete and steel, but that he did not believe an in-depth study had been conducted. Mr. Beekman said he was not sure that Motorola had ever built a 911 building.

The Vice Chairman asked if the architect is the only one qualified to evaluate the sites and location of the equipment.

Commissioner Lane asked if there were a disaster outside this building would there be any 911 contact. Mr. Beekman responded that it would be closed down for a minimum of 45 minutes. The Vice Chairman interjected that the Sheriff has a mobile facility. Mr. Beekman said that it could handle radio equipment but not 911 equipment. The Vice Chairman stated that he had been told by the Sheriff's staff that it could be up fitted to accommodate 911.

Mr. Openshaw said he wanted to hear the comments of emergency personnel. He said that he did not have enough information to make the decision tonight. He said this is the most serious issue – the safety of lives. He said he wanted to study this issue more before making the decision.

Commissioner Mills noted that the equipment is \$18.9 plus \$7.2 to build a center at another location.

The Chairman stated he thought everyone agreed that the safety of citizens is the most important issue, and agreed that additional study is needed. He said that was why Vice Chairman Baucom moved to table action until the next meeting.

The motion passed unanimously.

#### **TOWN OF FAIRVIEW REQUEST REGARDING DRINKING WATER CONCERNS**

The Chairman stated that he received a letter from Richard Williams, Mayor of Fairview, in which he reported that at the last Fairview Town Council meeting, his Council had learned the seriousness of arsenic in the wells in the three-plus miles along Indian Trail-Fairview Road from Highway 21 to Lawyers Road.

The Commissioners discussed with the Public Works Director the self-help program and the projects that have applied to participate in same. Ms. Putnam explained that several years ago she had been contacted by the church about a self-help project, but nothing had materialized on it. The Chairman, with the concurrence of the Commissioners, requested that Ms. Putnam evaluate the request and to contact Fairview's Mayor to determine what level of financial participation the town would be willing to provide to help with the problems experienced on this road and Union Grove United Methodist Church. Ms. Putnam was also asked to determine if there are any federal grant funds available to correct health hazards associated with the water for which either the town or the county could make application.

At this time, the Chairman announced there would be a conference telephone call with Representative Hayes and requested that the information be compiled by that time to allow for discussion with Senator Hayes. Chairman Pressley stated the clerk would advertise the date and time of this call and invited the public to attend.

#### **CONSIDERATION OF CHANGE TO RULES OF PROCEDURE FOR INFORMAL COMMENTS**



The Chairman stated the purpose of the proposed amendment to Rule 10. Informal Public Comments is to make this portion of the meeting run more smoothly.

The Staff Attorney stated that when the Board's Rules of Procedure were adopted there was no Statutory requirement for having public comments. He said there is now such a requirement and the purpose of the proposal is to update the rules and get a little more structure and formality and make the rule more closely parallel State Statute. He said the Board has a lot of flexibility and can modify it as it so desires.

Commissioner Baucom moved that the Rule 10. Informal Public Comment as proposed be approved.

Commissioner Openshaw commented that he did not like limiting the informal comments period to fifteen minutes, but did not have a problem with limiting individual's comments to a maximum of three minutes. He said that if the public shows up in large numbers to make an effort to address the Board he thought the Board should give the time needed to hear their remarks. He stressed he did not believe the public should be limited to 15 minutes.

Commissioner Lane agreed with the comments of Commissioner Openshaw. He said that with there being 165,000 people in Union County that he did not think comments should be limited to 15 minutes. He said this has not been done in the past even though efforts have been made to hold on to the three minutes per speaker.

Commissioner Mills stated that he agreed with Commissioner Openshaw and Commissioner Lane. He said if a lot of citizens show up at a meeting perhaps the Board should schedule a workshop. Commissioner Mills said he thought the more input received, the better.

The Vice Chairman asked if anyone was making a motion to amend his previous motion.

Commissioner Lane moved to approve the proposed Rule 10. Informal Public Comments as presented with unlimited time available within the constraints of the Board's schedule.

After discussion among the Commissioners, the Staff Attorney suggested that he be given an opportunity to revise Proposed Rule 10. Informal Public Comments and bring it to the Commissioners for consideration at their next meeting.

The Chairman stated the Board had never denied anyone the opportunity to address the Commissioners and he agreed the time should not be limited to 15 minutes. He said he would like to see the staff attorney revise the Rule.

Commissioner Lane and Vice Chairman Baucom withdrew their amendment and motion and the Board, by acclamation, tabled the consideration of the Proposed Rule until the next meeting. The vote was unanimous.

## **LEGISLATION REGARDING ALTERNATIVE REVENUE SOURCES**

Chairman Pressley stated that the Board had been seeking alternative funding sources and expressed appreciation to the Staff Attorney for his work in compiling information regarding legislation that would result in alternative revenue sources.

He asked Mr. Crook to explain his findings. He briefly commented on two public bills that would provide alternative revenue sources for Union County and found yet another one this morning, Senate Bill 563, that would allow for a second one-cent sales tax for all county governments. He said there are several local bills that the Board could request its delegation to include Union County in the legislation. He said that he had prepared resolutions for the Boards consideration on these Bills with space for Commissioners to specify which Bills they would want to request.

Commissioner Openshaw suggested that the County consider the one percent transfer tax that Charlotte-Mecklenburg was requesting. He said he would like to see one similar to it with one-half of one percent transfer tax up to a certain dollar amount and one percent from that point forward. He said the one percent would have less of an impact on the less expensive homes. He said he would be glad to make that in form of a motion.

The Vice Chairman asked would the impact fee proposed by Commissioner Openshaw have a more difficult time being approved because it was on the outside of the realm of the existing Bills.

The Staff Attorney responded that he was not sure that particular change would. He said the Acts he had seen adopted had been for one percent but he thought there was some latitude for the Board to put less than that on a referendum. He suggested the Board request the one percent and request less than that amount on the referendum. He said that it might be the two step proposal should be included in a local Bill.

The Chairman stated that what he thought this Board was asking is for legislation that would allow options be made available to Union County that are already in place and available for any other county in North Carolina.

Vice Chairman Baucom stated that he would like to see the County have the privilege or the right to take any of the methodology in any type of approach that is available to any county within the State.

Motion was made by Chairman Pressley that a resolution be adopted requesting the Legislators introduce on the behalf of Union County a Bill that would provide Union County with any of the alternate revenue sources that are available to any North Carolina County.

The Staff Attorney also asked that the Chairman be authorized to review the final draft of this resolution. The Chairman stated that he would submit this to all commissioners.

Vice Chairman amended the motion to include that the Chairman be authorized to review the final draft of this resolution.

The motion passed unanimously.

#### **RESOLUTION REQUESTING SUBMISSION TO THE GENERAL ASSEMBLY**

**OF A LOCAL ACT GRANTING UNION COUNTY  
ALTERNATIVE REVENUE-GENERATING AUTHORITY**

WHEREAS, according to U.S. Census Bureau data, between the years 1980 and 2000, Union County's population increased dramatically from 70,380 to 123,677 residents, and increased by an additional 39,252 residents between the years 2000 and 2005; and

WHEREAS, due to this continuing rapid population increase, Union County's public school system faces a large influx of new students every year, and its public school facilities have become increasingly overcrowded as a result; and

WHEREAS, Union County Public Schools ("UCPS") reports that:

- UCPS leads the state in student enrollment growth;
- Last school year, one in every ten students who enrolled in North Carolina public schools, enrolled in UCPS;
- In the last ten years, student enrollment at UCPS has increased 79%, from 19,264 to 34,564 students;
- UCPS is the 6<sup>th</sup> largest school system in the state;
- 2,765 new students enrolled in UCPS for the 2005-2006 school year;
- 2,984 new students enrolled in UCPS for the 2006-2007 school year;
- 3000 new students = 4 new elementary schools, 3 new middle schools, or 2 new high schools; and

WHEREAS, UCPS' Capital Improvements Plan for the years 2006 to 2011 calls for the construction of 17 new schools and numerous school building additions and renovations at a cost of \$645 million, and an additional eight (8) new schools are being planned for the years 2012 to 2015; and

WHEREAS, in 2006, approximately 59% of the County's local unrestricted resources (property tax, sales tax, investment income, etc.) were allocated to education, and this amount increases to 63% in Union County's 2007 budget; and

WHEREAS, in order to generate additional revenue to support public school capital improvements, Union County sought legislation authorizing the imposition of impact fees in 1998, 2000, and again in 2005; and

WHEREAS, in 2005, Union County also sought legislation authorizing levy of an impact tax and legislation authorizing levy of an excise tax on instruments conveying real property; and

WHEREAS, Union County continues to pursue alternative revenue options in order to curb escalating property taxes and to more equitably distribute the burden of financing public school capital improvements.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners hereby requests submission to the General Assembly for the 2007 Session of a local act granting Union

County authority to exercise any alternative means of generating additional revenue previously granted to any other local government in North Carolina. The Board requests that such act (i) include provision for local adoption and implementation of additional revenue sources only if approved by a majority of those voting in a referendum held for such purpose; and (ii) specify that all revenues shall accrue to Union County to be used solely for public school capital outlay purposes and to retire indebtedness incurred for such purposes.

This resolution is unanimously adopted this the 12<sup>th</sup> day of March, 2007.

---

Kevin Pressley, Chairman

Vice Chairman Baucom interjected that if the Staff Attorney sees another Bill that the Commissioners should take action on that he contact them.

The Staff Attorney stated that he would question if the Commissioners want to adopt the revenue in your packet in support the Public Bills that are applicable throughout the State.

Vice Chairman Baucom moved that the following resolution be adopted:

**RESOLUTION IN SUPPORT OF HOUSE BILL 153 AND HOUSE BILL 66**

WHEREAS, according to U.S. Census Bureau data, between the years 1980 and 2000, Union County's population increased dramatically from 70,380 to 123,677 residents, and increased by an additional 39,252 residents between the years 2000 and 2005: and

WHEREAS, due to this continuing rapid population increase, Union County's public school system faces a large influx of new students every year, and its public school facilities have become increasingly overcrowded as a result; and

WHEREAS, Union County Public Schools ("UCPS") reports:

- UCPS leads the state in student enrollment growth;
- Last school year, one in every ten students who enrolled in North Carolina public schools, enrolled in UCPS;
- In the last ten years, student enrollment at UCPS has increased 79%, from 19,264 to 34,564 students;
- UCPS is the 6<sup>th</sup> largest school system in the state;
- 2,765 new students enrolled in UCPS for the 2005-2006 school year;
- 2,984 new students enrolled in UCPS for the 2006-2007 school year;
- 3000 new students = 4 new elementary schools, 3 new middle schools, or 2 new high schools; and

WHEREAS, UCPS' Capital Improvements Plan for the years 2006 to 2011 calls for the construction of 17 new schools and numerous school building additions and renovations at a cost of \$645 million, and an additional eight (8) new schools are being planned for the years 2012 to 2015; and

WHEREAS, in 2006, approximately 59% of the County's local unrestricted resources (property tax, sales tax, investment income, etc.) were allocated to education, and this amount increases to 63% in Union County's 2007 budget; and

WHEREAS, in order to generate additional revenue to support public school capital improvements, Union County sought legislation authorizing the imposition of impact fees in 1998, 2000, and again in 2005; and

WHEREAS, in 2005, Union County also sought legislation authorizing levy of an impact tax and legislation authorizing levy of an excise tax on instruments conveying real property; and

WHEREAS, Union County continues to pursue alternative revenue options in order to curb escalating property taxes and to more equitably distribute the burden of financing public school capital improvements; and

WHEREAS, House Bill 153, currently pending before the North Carolina General Assembly, would give North Carolina local governments several funding options, including but not limited to, a second one-cent (1¢) sales and use tax, an impact tax, and a land transfer tax, all of which would be subject to voter approval; and

WHEREAS, House Bill 66, also currently pending before the North Carolina General Assembly, would give North Carolina local governments the option of levying a fourth one-half cent (1/2¢) sales and use tax, subject to voter approval.

NOW, THEREFORE BE IT RESOLVED that the Union County Board of Commissioners supports adoption by the General Assembly of House Bill 153 and House Bill 66, copies of which are attached and incorporated herein by reference.

This resolution is unanimously adopted this the 12<sup>th</sup> day of March, 2007.

---

Kevin Pressley, Chairman

The motion passed unanimously.

**COUNTY MANAGER RECRUITMENT:**

Vice Chairman Baucom suggested that the Board hold a work session and the Commissioners determine the attributes, qualities, qualifications, and from that meeting take appropriate action as to

how the County should proceed. He explained that in his opinion the first step in looking for a new County Manager is to determine exactly what is needed and then be able to look far and wide.

Mark Watson, Personnel Director, stated that there are many recruitment activities that the Board could enter into and ways that it could pursue recruitment. He said one way would be to engage a professional executive recruiter and, if the Board chose to do that, the firm would come in and interview each Board member because each Commissioner has a different perspective and a different set of attributes and the firm would compile a profile. The firm would also interview staff and look at the organization and would be able to market Union County to those individuals that would be interested in being County Manager.

Mr. Watson said he would be glad to do an RFP process and noted that Charlotte-Mecklenburg just went through this process and they have now narrowed the firms to seven ranging in price from \$20,500 plus expenses to \$44,000-\$45,000 to recruit a city manager for Charlotte.

He said with the Board's permission he could issue an RFP and bring the qualified firms to the Board for selection.

Vice Chairman Baucom moved that the Personnel Director be authorized to issue an RFP and bring the list of qualified firms to the Board at its meeting on April 2. The motion passed unanimously.

#### **INTERIM COUNTY MANAGER:**

The Chairman asked the Personnel Director to present information on per diem pay for the Interim County Manager.

Mr. Watson stated that Richard Black's salary has not been adjusted commensurate with the duties that he is performing on an interim basis and has been performing since January 8. He recommended that Mr. Black's base compensation not be increased but that he be paid a monthly per diem of \$5,000 for each month that he performs those duties for the Board and, at the time a County Manager is employed, the fee would be prorated through that month. Mr. Watson said he would also recommend it be retroactive to January 8, 2007. He further requested the Chairman be authorized to execute the personnel action form in order to activate the pay increase.

Motion was made by Vice Chairman Baucom that Richard Black, Interim County Manager, be paid \$5,000 per month per diem retroactive to January 8, 2007, through the time that a County Manager is employed and on staff. He included in his motion that the Chairman be authorized to execute a personnel action form. The motion was passed unanimously.

#### **RESOLUTION OF SUPPORT OF A BILL TO BE ENTITLED "AN ACT TO VALIDATE ACTION TAKEN BY THE BOARD OF COMMISSIONERS OF UNION COUNTY TO RESCIND A GRANT OF EXTRATERRITORIAL JURISDICTION TO THE VILLAGE OF WESLEY CHAPEL:**

The Chairman stated that the proposed resolution is included in the Board's package.

Commissioner Lane stated this resolution concerns him in that the newspaper quoted Senator Goodall as stating that he had talked with the Chairman and the Chairman said he represented the majority of Commissioners. He asked when the Commissioners met or were polled to give authorization to Senator Goodall's proposed Bill. He said he was not approached on this question. He said he had talked with Senator Goodall and indicated that it was a local issue that is now in the courts and will be decided by the court. He reported that Senator Goodall said that if the court decides it that the Bill will not be voted on in the legislature. Commissioner Lane said he did not think the Board should approve the Resolution as it was interference and moved to deny.

The Chairman stated that it was December 4, 2006, that the majority of this Board of Commissioners took a stand to repeal Wesley Chapel's ETJ. He said he thought the Bill reflects exactly the motion and the spirit of the Commissioners on that date. The Chairman read the Bill as proposed into the minutes:

**A BILL TO BE ENTITLED  
AN ACT TO VALIDATE ACTION TAKEN BY THE BOARD OF COMMISSIONERS OF UNION COUNTY  
TO RESCIND A GRANT OF EXTRATERRITORIAL JURISDICTION TO THE VILLAGE OF WESLEY CHAPEL**

The general Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding the two-year notice requirement of G. S. 160A-360(g) for rescission of extraterritorial zoning jurisdiction granted by a county to a municipality, the action by the Board of Commissioners of Union County on December 4, 2006, to repeal a Resolution Granting the Village of Wesley Chapel Extraterritorial Jurisdiction (that resolution having been adopted on November 6, 2006) is in all respects validated and confirmed. An ordinance adopted by the Village of Wesley Chapel on January 18, 2007, to extend its extraterritorial jurisdiction in reliance on the November 6, 2006, ordinance of Union County shall have no force or effect.

**SECTION 2.** The act is effective when it becomes law.

The Chairman explained that he and the Vice Chairman had made efforts to negotiate with the Village of Wesley Chapel and placed two proposals on the table. He said Wesley Chapel took the proposals back to the Council and its response was a law suit filed by the village.

Commissioner Openshaw spoke against the resolution stating that he thought the Bill to be offensive. He said that since that action by Wesley Chapel, the Board has discussed, and the Court issued an injunction as to how one entity could not grant zoning without approval of the other. He said that Mr. Goodall's primary point was that he was going to save the taxpayers money, but if Senator Goodall's Bill is moved forward, it is reasonable to assume that Wesley Chapel will sue to stop that. He said he would have thought that there should have been a formal resolution prior to the Bill being prepared. He said he saw this as a way to circumvent State law and noted that The Enquirer Journal condemns both Senator Goodall and Representative Pryor for their introduction of legislature. He said he hoped that Senator Goodall would decide that it is not wise for him to go forward with this Bill.

The Chairman gave the gavel to the Vice Chairman to conduct the business surrounding this item.

The Chairman stated that he had learned the mistake with Representative Pryor Gibson's action was that Mayor Deese of Marshville had given a lengthy request to the County Manager requesting to be placed on the agenda and then it was given to Chairman Lane. This request was never included in the agenda. He said he supports the resolution and Bill against the Wesley Chapel ETJ although he had also supported the negotiation.

The Chairman called the question.

Commissioner Openshaw again spoke against the proposed resolution and the Bill introduced by Senator Goodall.

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

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

Chairman Presley moved that the following resolution be adopted. The motion passed by a vote of three to two. Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted for the motion and Commissioners Lane and Openshaw voted against the motion.

**RESOLUTION BY THE UNION COUNTY BOARD  
OF COMMISSIONERS IN SUPPORT OF A BILL ENTITLED  
"AN ACT TO VALIDATE ACTION TAKEN BY THE BOARD OF  
COMMISSIONERS OF UNION COUNTY TO RESCIND A GRANT OF  
EXTRATERRITORIAL JURISDICTION TO THE VILLAGE  
OF WESLEY CHAPEL"**

**THAT WHEREAS, Senator Eddie Goodall has submitted a Bill Entitled "An Act to Validate Action Taken by the Board of Commissioners of Union County to Rescind a Grant of Extraterritorial Jurisdiction to the Village of Wesley Chapel"; and**

**WHEREAS, the bill provides that "Notwithstanding the two-year notice requirement of G.S. 160A-360(g) for rescission of extraterritorial zoning jurisdiction granted by a county to a municipality, the action by the Board of Commissioners of Union County on December 4, 2006, to repeal a Resolution Granting the Village of Wesley Chapel Extraterritorial Jurisdiction (that resolution having been adopted on November 6, 2006) is in all respects validated and confirmed"; and**

**WHEREAS, the bill further provides that "An ordinance adopted by the Village of Wesley Chapel on January 18, 2007, to extend its extraterritorial jurisdiction in reliance on the November 6, 2006, ordinance of Union County shall have no force or effect."**



NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners supports adoption by the General Assembly of the bill entitled "An Act to Validate Action Taken by the Board of Commissioners of Union County to Rescind a Grant of Extraterritorial Jurisdiction to the Village of Wesley Chapel" and strongly encourages its passage.

Adopted this 12<sup>th</sup> day of March, 2007.

The Vice Chairman returned the gavel to Chairman Pressley.

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

The Chairman announced that there are vacancies on the following boards and committees: Nursing Home Advisory Committee – 1 vacancy; Home and Community Care Block Grant Advisory Committee – 4 vacancies; Juvenile Crime Prevention Council (1) District Attorney or designee (2) Substance Abuse Professional (3) Two persons under age 18; (4) Juvenile Defense Attorney (5) Representative of United Way/other non-profit; and two (2) County Commissioner appointees.

#### **APPOINTMENTS TO BOARDS AND COMMITTEES**

**Board of Equalization and Review:** Commissioner Mills stated that the Board of Equalization and Review is an important Board and said that at the Planning retreat Mr. Littleton who is a member of that Board requested a farmer be added to this Board. He said he did not have the necessary information at this time and requested to delay the appointment until the next meeting. By acclamation, the Board agreed.

**Adult Care Home and Community Care Advisory Committee:** The Chairman stated that one application has been received for appointment to the Adult Care Home and Community Care Advisory Committee from Lisa M. Leach.

**Home and Community Care block Grant Advisory Committee:** He also said that there are five vacancies on the Home and Community Care Block Grant Advisory Committee and that only one person had applied for appointment and that is Paul E. Johnson, M. D.

Motion was made by Commissioner Lane that Lisa M. Leach be appointed to serve on the Home and Community Care Advisory Committee and that Paul E. Johnson, M. D. be appointed to serve on the Home and Community Care Block Grant Advisory Committee. The motion passed unanimously.

#### **SET DATES FOR WORK SESSIONS – CAPITAL IMPROVEMENT PROGRAM**

After discussion of the proposed work sessions, motion was made by Commissioner Baucom that a work sessions be set for the Board of Commissioners at 4:00 p.m. on April 2, 2007, to discuss the County CIP and at 4:00 p.m. on April 16, 2007 to discuss the Water and Sewer CIP. The motion was passed unanimously.

#### **RESOLUTION REVISING REGULAR MEETING SCHEDULE FOR MARCH 26, 2007**

After a brief explanation, Commissioner Baucom moved that the following resolution be adopted;

**RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE  
OF THE UNION COUNTY BOARD OF COMMISSIONERS  
FOR MARCH 2007**

WHEREAS, the Union County Board of Commissioners has heretofore established the regular meeting schedule of the Board such that regular meetings are held on the first and third Monday of each month at 7:00 p.m. in the Commissioners' Boardroom; and

WHEREAS, the Union County Board of Commissioners adopted a resolution on January 8, 2007, revising the regular meeting schedule to reschedule the March 2007 meetings for the second and fourth Mondays of the month; and

WHEREAS, the Union County Board of Commissioners desires to further revise the regular meeting schedule for March 2007 by deleting its second regular meeting, previously scheduled for March 26, 2007.

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

- The Board does hereby revise its regular meeting schedule by canceling the second regular meeting of March 2007, previously scheduled for Monday, March 26, 2007.

Except as herein amended, the regular meeting schedule shall remain in full force and effect.

Adopted this the 12th day of March, 2007.

ATTEST:

\_\_\_\_\_  
Lynn G. West, Clerk to the Board

\_\_\_\_\_  
Kevin Pressley, Chairman

The motion passed unanimously.

**INTERIM MANAGER'S COMMENTS:**

Mr. Black explained that the Department of Social Services is providing tax preparation for individuals who qualify.

Secondly, he said that Parks and Recreation will be holding Senior Games in April 3 through May 1. He said this schedule will be available on the County's web site.

**COMMISSIONERS' COMMENTS:**

Commissioner Openshaw said that one thing he would like to accomplish in the work session on either April 2 or April 16 is discussion on the item requested by the Public Works Director at the

Planning Retreat which was a system for prioritizing all types of permits in place, commercial, schools, residential, industrial. He said the County needs a system of fairness and equity that would be posted on line for public information with rules so it is clear how someone is placed on a list and where that person stands on the list, etc.. He said this should also include the legal aspects of the system.

He further suggested that as far as appointments to the Planning Board and Board of Adjustment that the Commissioners consider not allowing people in leadership positions in the political parties to participate on either one of those boards and also no county employees.

Commissioner Openshaw said that lastly he would suggest that the Commissioners go back to the action of a previous board to invite ministers of the county to present the invocation.

Commissioner Mills said he was pleased with the business conducted at the meeting tonight and realized that there will all ways be differences among the Commissioners on action taken.

Commissioner Mills announced that he was going to have the annual kick off banquet of Friends of Scouting at his house on March 29 and that Brad Hoover of Western Carolina University will be there to help along with other numerous football players.

He also announced that Siler Presbyterian Church has its first Eagle Scout and the Scoutmaster will be calling and, hopefully, on April 2<sup>nd</sup> the Board will be able to have a presentation for him.

Commissioner Mills said that Wes Cook, the owner of the Monroe Channel Cats, called him and asked to bring a presentation to the April 2<sup>nd</sup> meeting on summer baseball that will take place in Monroe.

Commissioner Mills mentioned that he had been contacted by a gentleman who requested that disabled veterans be given a discount card for Cane Creek Park. He further stated that he had been requested that hours at the park be extended with daily savings time.

The Chairman stated that he was working on the discount cards for Cane Creek Park for disabled veterans and that it is hoped this will be ready by the April 2<sup>nd</sup> meeting.

Commissioner Baucom reported on his trip to Australia and New Zealand and witnessing water harvesting.

Commissioner Lane noted that on the Inspections Report for the month he noted that there were 95 percent for resident and 5 percent commercial.

He further said that he and Commissioner Mills had reviewed the Financial Disclosure form with the Staff Attorney and the Interim Manager and that a disclosure form will be brought to the Board in the near future.

Commissioner Lane said he was hosting on his farm about 150 scouts for a camporee.

Chairman reported that he attended Indian Trail's Hundredth Anniversary and Jesse Helms Day.

Chairman Pressley said that he realized that ETJ will be a hot issue along with other things coming before the Board but he believed in standing up for what is right and supporting the people in jeopardy who are surrounding Wesley Chapel and will be losing their property rights.

With there being no other items for discussion, Commissioner Mills moved that the meeting be adjourned. The motion passed unanimously.