

**MINUTES**  
**UNION COUNTY BOARD OF COMMISSIONERS**  
**April 16, 2007**

The Union County Board of Commissioners met in a regular meeting on Monday, April 16, 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, Kai Nelson, Finance Director, members of the press, and interested citizens

**OPENING OF MEETING:**

**a. Invocation:**

The Chairman thanked Perry Brown for his work with Samaritan International and asked him to present the invocation. At the conclusion of the invocation, Mr. Brown explained briefly some of the work of this organization since he became involved with it in 2001. He said he has committed his time toward feeding children in third-world countries; presently 22,000 children are being fed. Mr. Brown assured that all the money he receives for Samaritan International goes toward feeding children; he pays all of his own expenses. He said he is working now to raise \$5,000 to send one container of donated food from Feed My Starving Children, which contains one-quarter of a million meals.

**b. Pledge of Allegiance:**

Commissioner Lane led the Commissioners and audience in reciting the Pledge of Allegiance.

**c. Informal Comments:**

Mr. Tad Dunn spoke in reference to the agenda item-- alternative revenues. He said he worked for the Real Estate and Building Industry Coalition which represents commercial and residential builders and realtors in Charlotte and surrounding areas. He assured his comments would be constructive and solution oriented. He said his first question would be: what would the Board do with more, same or a lesser amount of money? He said the first step that could be done at the county level is a review of school construction, and prove to the taxpayers that the County is already doing the best it can with what it has. He suggested, since 63 percent of the county's dollars go to schools, that the Commissioners meet with the Board of Education to appoint a panel to review school construction. The second solution would be property taxes. He pointed out that property taxes are already within the command of the Union County Board of Commissioners and that taxes in Union County were once higher than they are now. He said that in Raleigh the officials would be asking if Union County is doing all that it can locally to generate as much revenue as it can. He said the third suggestion, if all options are exhausted, would be that the Board support Senate Bill 563--one cent option sales tax. He said he thought this particular Bill has a better chance for passage than does a menu-option tax. Mr. Dunn said that a menu-option Bill, to his knowledge, had never passed in Raleigh.

The Chairman announced that there were no others to sign to speak during informal comments.

#### **ADDITIONS, DELETIONS AND/OR ADOPTION OF THE AGENDA**

The Chairman requested to add to the regular agenda recognition of National Telecommunicators Week. He asked if there were other additions or deletions to either the regular or consent agenda.

Commissioner Openshaw asked to remove item one from the consent agenda, which is a Resolution Authorizing Lease of Real Property to the Humane Society of Union County. With there being no other additions or deletions, the Chairman asked for a motion to approve the agenda with the two amendments.

Commissioner Lane moved that the Agenda be adopted with modifications as presented. The motion was passed unanimously.

#### **CONSENT AGENDA:**

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

#### ***Agreements Over \$5,000:***

- a.) Natural Concepts, Inc., to cover Law Enforcement Lawn Services in the amount of \$12,051 per year, renewable annually, paid monthly;
- b.) Memorandum of Understanding among North Carolina Cooperative Extension Service, NCSU, NC A&T, and Board of County Commissioners in the conduct and funding of the Extension Service.

***Disposition of Real Property Located on Goose Creek Drive in the Country Hills Subdivision:***

Accepted the high bid of \$5,000 from Sharon R. Smith on real property known as Lot #10, Parcel ID #08222056 (Well Lot), located on Goose Creek Drive in the Country Hills Subdivision and authorized the Interim County Manager to enter into a purchase agreement with the buyer.

***Finance Department:***

- a.) Approved the Budget Transfer Report dated March 2007 as presented by the Finance Department.
- b.) Approved the Motor Vehicle Tax Refund Overpayments for March 2007 in the amount of \$4,747.80 as presented by the Finance Department

***Juvenile Crime Prevention Council (JCPC) Funding FY 2007-2008: No appropriation of county tax dollars is required.*** Total appropriations are funded by the State of North Carolina, Juvenile Crime Prevention Funds with in-kind matches.

- a.) DJJDP County Funding Plan in the amount of \$516,626 with the breakdown as follows: DJJDP funding \$293,784, Local Cash Match \$68,316, Local In-Kind Match \$147,526, Other \$7,000 (Daymark Recovery)
- b.) JCPC Program Agreement - Restitution Services, Structured Day, After School Program, and Psychological Evaluation through Positive Impact of Union County - \$361,081 (\$195,000 DJJDP funding, local cash match \$51,786, and local in-kind of \$114,295)
- c.) JCPC Program Agreement – JCPC Council - \$7,900 DJJDP Funding
- d.) JCPC Program Agreement – Youth and Family Support - \$27,305 (\$21,004 DJJDP funding and \$6,301 local cash match)
- e.) JCPC Program Agreement – In-Home Program, Youthful Sex Offender Recovery, Clinical Assessment through Daymark Recovery Services in the amount of \$73,340 (\$45,706 DJJDP funds, \$10,229 local cash match, \$10,405 local in-kind match, & \$7,000 state/federal funds)
- f.) JCPC Program Agreement – Union County Shelter Care Program through the Department of Juvenile Justice in the amount of \$47,000

***Tax Administrator:***

- a.) Ninth Motor Vehicle Refund Register for the Period of March 1, 2007 – March 31, 2007, in the net grand total amount of -\$1,499.61
- b.) Ninth Motor Vehicle Release Register for the Period of March 1, 2007 – March 31, 2007, in the net grand total release of -\$18,348.43
- c.) Releases for March 2007 in the grand total amount of \$13,629.06

RELEASES MARCH 2007

<b>Acct #</b>	<b>Name</b>	<b>Release #</b>	<b>Total</b>
<b>2007</b>			

09180023	MARBAN ADELMIRA N & HILDA	2681	<b>644.28</b>
09019014	PARMALEE HENRY & ANNIE MARIE	2682	<b>621.74</b>
<b>Totals -</b>			<b>1,266.02</b>
<b>2007</b>			

<b>2006</b>			
09046005	LINDER LILLIAN & ROGER J	2619	<b>1,045.02</b>
02319027	STATON PEARLINE	2620	<b>132.65</b>
H2208002A	CAHAL DONALD I & VIRGINIA	2624	<b>200.00</b>
50092309	HOME OWNERS SERVICES	2626	<b>183.98</b>
50092309	HOME OWNERS SERVICES	2626	<b>215.41</b>
50088873	DYKE TIM S	2627	<b>22.85</b>
50035837	D M TRULL GRADING CO INC	2628	<b>221.40</b>
09168015	STEGALL WALTER BROCK	2629	<b>172.80</b>
50095113	SUNTRUST LEASING CORP	2630	<b>2,801.17</b>
50082936	SITE PREP INC OF NC	2631	<b>651.42</b>
50082936	SITE PREP INC OF NC	2631	<b>519.26</b>
09019014	BARNES-WAXLER BETTY H	2633	<b>621.74</b>
50000954	TROWBRIDGE EDWIN L	2636	<b>6.78</b>
50094302	MORRIS MICHAEL	2638	<b>129.03</b>
50094270	BASS JESSICA	2639	<b>72.05</b>
50088930	BORYSOFF MIKE	2640	<b>14.68</b>
50094326	STEGALL KRISTINA	2641	<b>50.00</b>
50084768	O'KEEFE CHRISTINE M	2642	<b>12.76</b>
50094300	MCKEOWN JAMES RUSSELL JR	2643	<b>97.80</b>
50083128	ADVANTAGE LAND SURVEYING	2644	<b>122.56</b>

50084420	PROCARE AUTO SERVICE	2645	628.11
50091280	ALLSTARS OF MECKLENBURG INC	2646	17.76
50095965	UNION MAIL STOP	2647	187.31
50082263	PRESSLEY MARVIN TIMOTHY	2648	4.51
06174004	LARSON FRANK P JR & PETER F &	2652	290.36
N7024041A	HEGGINS ZENOBIA ANN QUICK & TERRY	2660	863.10
K7024041A	HEGGINS ZENOBIA ANN QUICK & TERRY	2662	361.09
50093585	BANCMORTGAGE	2666	700.37
50034079	BENNETT CHERYL MAE & ROBERT	2670	92.92
08321030	FARRAR ERIC REIN & WIFE MARIE	2683	482.11

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**Totals -** -  
**2006** **10,921.00**

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**2005**

50034079	BENNETT CHERYL MAE & ROBERT	2671	136.35
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**Totals -** -  
**2005** **136.35**

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**2004**

50073768	KNIGHT CYNTHIA BROOME	2635	123.03
50034079	BENNETT CHERYL MAE & ROBERT	2672	81.55

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**Totals -** -  
**2004** **204.58**

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**2003**

02208002 06	CAHAL VIRGINA B	2621	<b>248.82</b>
02208002 05	CAHAL VIRGINA B	2632	<b>359.36</b>
50034079	BENNETT CHERYL MAE & ROBERT	2673	<b>95.08</b>

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<b>Totals - 2003</b>			<b>703.26</b>
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**2002**

50034079	BENNETT CHERYL MAE & ROBERT	2674	<b>93.41</b>
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<b>Totals - 2002</b>			<b>93.41</b>
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**2001**

50034079	BENNETT CHERYL MAE & ROBERT	2675	<b>91.94</b>
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<b>Totals - 2001</b>			<b>91.94</b>
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**2000**

50034079	BENNETT CHERYL MAE & ROBERT	2676	<b>46.53</b>
50034079	BENNETT CHERYL MAE & ROBERT	2678	<b>50.00</b>

<b>Totals - 2000</b>	<b>96.53</b>
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<b>1999</b>			
50034079	BENNETT CHERYL MAE & ROBERT	2677	<b>67.86</b>
50034079	BENNETT CHERYL MAE & ROBERT	2679	<b>48.11</b>

<b>Totals - 1999</b>	<b>115.97</b>
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<b>GRAND TOTALS - ALL YEARS</b>	<b>13,629.06</b>
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d.) Refunds for March 2007 in the grand total amount of \$13,104.25

<b>Acct #</b>	<b>Name</b>	<b>Release #</b>	<b>Total</b>
<b>2006</b>			
09180023	PLYLER DEWEY ALAN	2623	<b>644.28</b>
08072011D	J P SHAW CAPITAL LLC	2634	<b>227.38</b>
07060077	HARTIS JOHNSIE	2637	<b>207.42</b>
50094909	A & G LAUNDROMAT	2649	<b>17.51</b>
50070188	SNUG SEAT INC	2650	<b>8.31</b>
50064482	FIRST CITIZENS BANK LEASING	2651	<b>600.94</b>
N7024041 90	QUICK LIZIE LOU OXNER	2656	<b>864.19</b>
N7024041 80	QUICK LIZIE LOU OXNER	2658	<b>132.47</b>
N7024041 90	QUICK LIZIE LOU OXNER	2664	<b>102.44</b>
50084360	HILL MICHAEL LEE	2667	<b>26.96</b>
06018045D	GRADY DEITRICH	2668	<b>1,030.19</b>
50047894	WALMART STORES EAST LP	2680	<b>5,001.52</b>

			<b>0.00</b>
<b>TOTALS</b>			<b>8,863.61</b>

<b>2005</b>			
06174004	LARSON FRANK P JR & PETER F &	2653	<b>287.28</b>
N7024041	QUICK LIZIE LOU OXNER	2657	<b>855.10</b>
90			
N7024041	QUICK LIZIE LOU OXNER	2659	<b>130.23</b>
80			
N7024041A	HEGGINS ZENOBIA ANN QUICK & TERRY	2661	<b>847.06</b>
K7024041A	HEGGINS ZENOBIA ANN QUICK & TERRY	2663	<b>354.38</b>
N7024041	QUICK LIZIE LOU OXNER	2665	<b>83.52</b>
90			
06018045D	GRADY DEITRICH	2669	<b>1,001.37</b>
			<b>0.00</b>
<b>TOTALS</b>			<b>3,558.94</b>

<b>2004</b>			
06174004	LARSON FRANK P JR & PETER F &	2654	<b>271.26</b>
			-
<b>TOTALS</b>			<b>271.26</b>

<b>2003</b>			
02208002	CAHAL VIRGINA B	2622	<b>369.84</b>
04			
06174004	LARSON FRANK P JR & PETER F &	2655	<b>40.60</b>
<b>TOTALS</b>			<b>410.44</b>

			-
<b>GRAND TOTAL</b>			<b>13,104.25</b>



***Feasibility of Establishing Regional Human Service Transportation System:***

Authorized Interim County Manager to execute correspondence to the North Carolina Department of Transportation agreeing to participate in a study to determine the feasibility of a Regional Human Service Transportation System to service Union County.

***Union County Transportation:***

Increased by two the number of regular part-time positions and transferred funds to cover these positions including benefits from temporary part-time funding.

The following items were included in the package for information only, with no action required: Personnel Report for March 2007 and Inspection Department's Report for March 2007

**DISPOSITION OF OLD ANIMAL SHELTER:**

Commissioner Openshaw stated he had transferred this disposition resolution to the regular agenda so the public would be informed of the proposed action. He said he certainly supported it and moved its approval. Commissioner Openshaw asked for an explanation of the fifth "Whereas" which read "provided that a lease for a term of longer than 10 years including options to renew or extend, shall be treated as a sale of property." Mr. Crook explained that paragraph was to give the Board a statutory reference, but assured that this provision does not apply to non-profits in any way.

In response to a question from Vice Chairman Baucom, the staff attorney interjected that the lease would be for a period of ten years but would include a cancellation notice by either party with a six-month notice. He again reiterated that the draft lease that he sent to the Humane Society included a six-month cancellation provision.

Vice Chairman Baucom again asked for confirmation that at any time within the ten-year lease that the Board could get the property back with a six-month notice. Mr. Crook replied that was the intent but the lease had not been finally negotiated. He assured that if the Board directs the cancellation provision be included in the lease that it will certainly be in the final lease. Vice Chairman Baucom asked if the Attorney needs an amendment to include the provision. The Attorney said he would if that is the Board's formal direction.

The Vice Chairman moved an amendment to the Resolution Authorizing Lease of Real Property to the Humane Society of Union County to require a provision that allows either party to terminate the contract with not less than six-month written notice, without cause, and further moved that the resolution as recorded below be adopted. The motion passed unanimously.

**RESOLUTION AUTHORIZING LEASE OF REAL PROPERTY  
TO THE HUMANE SOCIETY OF UNION COUNTY**

WHEREAS, Union County owns real property, including land and a building, located at 4600 Goldmine Road in unincorporated Union County, between the towns of Monroe and Wesley Chapel, a survey of which is attached as Exhibit A and incorporated herein by reference; and

WHEREAS, the above-referenced building, known as the Union County Animal Shelter (the “Old Shelter”), formerly served as an animal services facility where animals impounded by Union County Animal Control personnel, Union County Sheriff’s Office personnel, or by others pursuant to court order, were temporarily housed, and also served as an adoption center for domestic animals (primarily dogs and cats) that were picked up as strays or were otherwise impounded at the Old Shelter and never claimed; and

WHEREAS, Union County has completed construction of a new animal services facility located on Presson Road in unincorporated Union County between the towns of Monroe and Wingate (the “New Shelter”), and shelter operations have been transferred to the New Facility; and

WHEREAS, the Humane Society of Union County, Inc. (the “Humane Society”), a non-profit organization with its headquarters in Monroe, desires to lease the Old Shelter from Union County for the purpose of reducing the number of unwanted animals by (i) housing stray and other unclaimed domestic animals on a temporary basis pending adoption, and (ii) operating a spay/neuter clinic; and

WHEREAS, pursuant to N. C. G. S. 160A-272, Union County is authorized to lease property that the County no longer needs, provided that a lease for a term of longer than 10 years, including options to renew or extend, shall be treated as a sale of property; and

WHEREAS, pursuant to N. C. G. S. 160A-279(a) and 160A-267, Union County is authorized to convey by private sale to any public or private non-profit entity which carries out a public purpose any real or personal property which it owns whenever the County is authorized to appropriate funds to such public or private entity; and

WHEREAS, pursuant to N.C. G. S. 153A-442, Union County is authorized to establish, equip, operate, and maintain an animal shelter or may contribute to the support of an animal shelter, and for these purposes may appropriate funds not otherwise limited as use by law.

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

1. The Old Shelter is hereby declared surplus.
2. The Interim County Manager is authorized to lease the Old Shelter to the Humane Society in accordance with North Carolina law, and to execute all such documents as may be necessary to effectuate that lease. The lease shall run for a term not to exceed ten years.
3. The Humane Society shall not be required to pay rent for lease of the Old Shelter. Consideration for lease of the Old Shelter shall be the Humane Society’s continuing obligation to operate the Old Shelter for the public

- purpose of reducing the number of unwanted animals by (i) housing stray and other unclaimed domestic animals on a temporary basis pending adoption, and (ii) operating a spay/neuter clinic.
4. That either party can terminate the contract without cause with a six-month written notice.
  5. A notice summarizing the contents of this Resolution shall be published once after its adoption, and no lease shall be consummated hereunder until ten (10) days after publication.

This the 16<sup>th</sup> day of April 2007.

### **LEGISLATION GRANTING UNION COUNTY ALTERNATIVE REVENUE-GENERATING AUTHORITY:**

The Chairman thanked Senator Eddie Goodall for addressing the Board tonight. Senator Goodall in return thanked the Chairman, Vice Chairman, and Commissioners Lane, Mills and Openshaw for allowing him to be on the agenda and for their service to the citizens of Union County. He said the request for legislation to provide Union County with alternative revenue sources already provided to some North Carolina counties and municipalities is a significant issue and one he thought should be discussed tonight. He said he had some questions and in turn the Commissioners might have some questions in order to make sure that he and the Board of Commissioners are on the same page before he returns to Raleigh and introduces this Bill.

The Senator said he had listened to the Board's voice, particularly as it relates to the Wesley Chapel ETJ issue, on which he took a position on. He reminded the Board that if the Commissioners' negotiation with Wesley Chapel or the lawsuit brings the issue to a hasty conclusion, he would be happy.

Senator Goodall stated that he had always acknowledged that local decision makers should make local decisions and so the request for alternative revenue sources made by Union County's Commissioners is one that he will carry forward for the County. He said, however, one issue complicates it for him; and, that is that he had signed "no new tax pledge." He explained that when local governing bodies request tax increases from senators and representatives of the area they represent that he supported those bills when they came before the Senate so he believed he should do the same for his county, even if it means a new tax. He reiterated this is not a statewide tax; this is a Union County tax that local people will make a decision about at a referendum.

Senator Goodall said that there are two revenue sources he is not excited about and wants to make it public. One is the impact tax or impact fee, which he believes is in effect in five or six North Carolina counties and perhaps some municipalities. He said the other one is transfer fees, which he believes is in seven counties in the northeastern portion of this state. Senator Goodall said that his concern is not merely the amount, but that they are new streams of revenue. He said if the new streams of revenue could be eliminated, even if other streams have to be increased, that would be preferable to him; but, again, he reiterated that would be the Commissioners' decision.

He reported that he and Representative Blackwood have continued to file Bills that would help Union County and other counties in respect to school construction. He said if there were three new Charter schools in western Union County or tax credits

available that families could use, 300 students or one tenth of the new students would opt to go to private schools; it could save \$12 million a year in construction. He admitted that option is not on the table, and he understood that but wanted the Commissioners to know that is an issue he and Representative Blackwood were going to continue to work on.

The Senator said there is also a \$2 billion bond referendum proposed, which he co-sponsored, and of that Union County's portion would be \$61.5 million, and, based on population, Union County would pay back approximately \$36 million.

He agreed that he was ready to proceed with the Commissioner's request even though the Resolution was received nine days after the local bill filing deadline of March 3. He said he had filed blank Bills so he could substitute the language the Board of Commissioners needs and wants into those bills. Senator Goodall pointed out that there is also a Tax Modernization Committee that is studying various ways to solve some of the problems. He said one of the things the committee indicated is that it wants a fairly systematic or uniform approach rather than some counties having different ways to solve the problems. He said he realized Union County could not wait on committees, but wanted to point out that it could delay the process.

Senator Goodall asked if he proceeds with this and Union County gets the authority is there a step two. He asked what would be the next step, if the Bill were passed.

Before addressing his position, Chairman Pressley read the following portion of the resolution adopted on March 12, 2007, to allow those in the audience and the viewers at home to know what request was submitted to the Senator:

**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.**

He said his opinion is that the Board wants to have a fair playing field with other counties and have all the options that are available to others. He explained if Union County is granted all the options, he would think the Board would then look at the top two or three and bring these to the people at a referendum to determine their preference. He said that ad valorem tax is his last choice and thinks alternative revenue streams should be made available.

Commissioner Lane said he thought it would be great to have some of the options and asked what Senator Goodall thought the odds would be for getting it passed.

Senator Goodall said that to his knowledge a blanket bill such as this has never been passed and he could not predict the odds of passing. He said the only Senator he had talked with was Senator Janet Cowell from Wake County who has introduced a similar legislation, and she is not excited about the possibility of its passage. He said that Senator Cowell had agreed that if her Bill gets out of committee, Union County could attach to it.

Senator Goodall asked if there is not a specific plan or timetable for implementation would the Board be amenable to including a sunset on the authority. Chairman Pressley said he thought the Board would be excited and would quickly move forward with calling a referendum.

The Vice Chairman agreed and said he would suspect that on the next referendum date there would be something before the public.

Senator Goodall also asked if there would need to be a sunset placed on the length of the tax enacted through the referendum. The Vice Chairman replied that he thought the sunset would be inherent in the resolve in that it says “all revenue shall accrue to Union County to be used solely for the public school capital outlay purposes and to retire indebtedness incurred for such purposes.” The sunset being when the indebtedness is retired for capital school outlay; the sunset would have occurred. Senator Goodall said that it would obviously be a long date. Vice Chairman Baucom said that he did not like contracts without a sunset provision but did not know of any sunset that could be placed on this that would be amenable or realistic.

He said he appreciated the opportunity to discuss this proposed legislation and of letting the public know what the Board of Commissioners has requested of him.

Commissioner Mills thanked the Senator for coming to the meeting and pointed out that Union County has many challenges caused by being the fastest growing county in the state and one of the top 15 in the country. He said he had spoken with Representative Blackwood about another area from which Union County needs relief and that area is Medicaid. He said Union County is going to be spending \$5.5 million next year up from \$4 million this year, which is the third highest increase in the State of North Carolina. Commissioner Mills said it would be a relief if Union County could get this amount reduced. Senator Goodall said that is uniform around the state and one of his concerns is that State’s Medicaid cost is also increasing. He said the tradeoff might be the state asking for ½ cents sales tax back. Vice Chairman Baucom noted that the Bill being proposed by the State is not a good tradeoff for Union County.

Commissioner Openshaw stressed that there is a sense of urgency. He said that in the last school year, one in every ten students who enrolled in North Carolina public schools enrolled in Union County. He said in the last two years there have been approximately 2,800 and 3,000 students enrolled and noted that 3,000 new students equals four new elementary schools, three middle schools, and two high schools.

Vice Chairman Mills asked if there is anything that the Board could do to assist. Senator Goodall said he would introduce the Bill, and he would also speak with the people co-sharing the Finance Committee and see what could be done.

Again, Senator Goodall was thanked for his work.

### **PROCLAMATION HONORING TELECOMMUNICATORS**

Chairman Pressley moved that the Resolution recognizing the telecommunicators be moved to this point on the agenda. The motion passed unanimously.

The Chairman stated that he had talked with the Clerk about this issue Saturday night, and she had worked to get this recognition prepared for tonight's meeting. He read a tribute to dispatchers as written by Chief Thomas Wagner of the Loveland, Colorado, Police Department.

Chairman Pressley then read the Proclamation into the minutes. He next presented Certificates of Appreciation to the employees of the Communications Department. Gary Thomas, Director of Emergency Communications, thanked the Board of Commissioners for recognizing these very professional, dedicated dispatchers of Union County. He said that by their dedication, these employees sacrifice their time, weekends and holidays to provide the citizens of Union County reliable emergency services. He said his hat was off to his team.

Vice Chairman Baucom moved the adoption of the proclamation as read into the minutes and recorded below. The motion was passed unanimously.

**PROCLAMATION  
FOR  
PUBLIC SAFETY  
TELECOMMUNICATORS WEEK 2007**

**WHEREAS**, each day many citizens in Union County dial 9-1-1 for help in emergencies ranging from house fires, vehicle accidents, heart attacks, domestic violence, and severe weather conditions; and

**WHEREAS**, the men and women who answer these calls for help, gathering vital information to dispatch the appropriate equipment and personnel, can make the difference between life and death for persons in need; and

**WHEREAS**, our county's 9-1-1 telecommunicators are among more than 500,000 emergency telecommunicators nationwide who work daily to protect and promote the public safety; and

**WHEREAS**, public safety telecommunicators are more than a calm reassuring voice on the other end of the telephone, they are knowledgeable and well-trained individuals who work closely with Law Enforcement, Fire, and EMS personnel, as well as with other agencies whose operations affect the health and safety of our citizens; and

**WHEREAS**, emergencies can strike at any time causing citizens to rely on the vigilance and preparedness of these dedicated individuals 24 hours a day, 365 days a year.

**NOW, THEREFORE, BE IT RESOLVED** that the Union County Board of Commissioners does hereby proclaim the week of April 8 - 14, 2007, as "Public Safety Telecommunicators Week" in honor of all the emergency telecommunicators who help protect our health and safety.

Adopted this 16<sup>th</sup> day of April, 2007.

ATTEST:

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Lynn G. West, Clerk to the Board

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

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Allan Baucom, Vice Chairman

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Roger Lane, Commissioner

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A. Parker Mills, Jr., Commissioner

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Lanny Openshaw, Commissioner

Chairman Pressley stated that it gave him great honor to present tonight **The 2007 Union County 9-1-1 Telecommunicator of the Year Award** to Sharon Zingg.

Mr. Thomas stated that the Telecommunicator of the Year was chosen by her peers by secret ballot.

## **AMENDMENT TO SWIMMING POOL BARRIER ORDINANCE**

The Chairman recognized Commissioner Lane to make the presentation on this agenda item. Commissioner Lane stated that some time ago he had received a call from Terry McDonnell, Sales Manager for Blue Haven Pools and Spas, who brought to his attention the ordinance that he [Commissioner Lane] initiated last year and that was adopted by the Board of Commissioners on swimming pool barriers did not conform with the ordinance in effect in Mecklenburg and surrounding counties. He stated Mr. McDonnell said the inconsistencies made it a problem for contractors and homeowners to comply with the ordinance when making such installations. Commissioner Lane said Mr. McDonnell made a few suggestions to bring the ordinance into compliance with Mecklenburg County, and, after consulting with Jeff Crook, Staff Attorney, he requested and moved that the Union County Swimming Pool Barrier Ordinance be amended to comply with Mecklenburg and surrounding counties.

After confirmation by Commissioner Lane that this amendment did not diminish the safety provided through the previously adopted Union County Swimming Pool Barrier Ordinance, the motion was passed unanimously.

**(As Amended on April 16, 2007)**

### **SWIMMING POOL BARRIER ORDINANCE**

WHEREAS, according to information and estimates published by the U.S. Consumer Protection Safety Commission, the U.S. Center for Disease Control and Prevention, and the National Safety Council:

- Drowning is the second-leading cause of injury related death for all children under the age of 15 and is the leading cause of death nationally for children under the age of five.
- Of the nearly 5,000 children under age 15 who are admitted to hospitals every year for drowning or near-drowning incidents, 15% will die and another 20% will suffer severe, permanent brain damage.
- In 2005, over 2,000 children under the age of five were treated for pool submersion injuries, most of which occurred in residential swimming pools.
- Approximately 300 children under the age of five will drown each year in swimming pools.

WHEREAS, based on the foregoing, the Union County Board of Commissioners has determined that swimming pools which are easily accessible pose a significant danger to young children, and that barriers and gates which obstruct access to swimming pools by children are therefore necessary to protect the public health and safety; and



WHEREAS, Union County has broad authority under N.C.G.S. § 153A-121 to regulate, prohibit, and abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, pursuant to N.C.G.S. § 153A-140, the Union County Board of Commissioners may order the removal of a swimming pool upon a finding that it is dangerous or prejudicial to public health or safety; and

WHEREAS, N.C.G.S. § 153A-123 authorizes Union County to enforce its ordinance through a variety of mechanisms including civil, criminal, and injunctive remedies; and

WHEREAS, pursuant to N.C.G.S. § 153A-363, the Union County Inspection Department may deny a certificate of compliance for any project that fails to comply with all State and local laws and local ordinances and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE UNION COUNTY BOARD OF COMMISSIONERS that access to swimming pools be protected as follows:

**Section 1: Definitions**

As used in this Ordinance, the following terms shall have the meanings set forth below.

*Barrier* means a fence, wall, building wall, or combination thereof that completely surrounds and obstructs access to a swimming pool.

*Swimming Pool* means an outdoor artificial structure intended for swimming or recreational bathing which contains water over 24 inches deep at any point and which is fitted with a filter for clarifying the pool water or is designed to be fitted with a filter, whether installed or not. This term does not include public swimming pools (which are regulated under N.C.G.S. § 130A-280, et seq. and 15A N.C.A.C. § 18A.2500), hot tubs, or spas.

**Section 2: Requirements for In-Ground Swimming Pools**

A. Barriers. It shall be the responsibility of any person owning or maintaining an in-ground swimming pool to ensure that the pool is completely surrounded by barriers that conform to the requirements set forth below:

1. The top of the barrier shall be at least forty-eight (48) inches above grade measured on the side of the barrier that faces away from the swimming pool.

2. The maximum vertical clearance between the bottom of the barrier and grade shall be four (4) inches measured on the side of the barrier that faces away from the swimming pool.
3. Openings in the barrier shall not allow passage of a sphere that is four (4) or more inches in diameter.
4. Solid barriers which do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions (except for normal construction tolerances and tooled masonry joints) that could be used to climb such barriers.
5. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.
6. Maximum mesh size for chain link fences shall be a one and one-quarter (1.25) inch square unless the barrier is provided with slats fastened at the top or the bottom which reduce the openings to not more than one and three-quarter (1.75) inches.
7. Barriers shall be located so as to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers.

B. Gates. It shall be the responsibility of any person owning or maintaining an in-ground swimming pool to ensure that any gate through which access to the pool may be gained complies with all of the requirements set forth in Section 2(A), above, and also complies with the following:

1. Access gates shall be equipped to accommodate a locking device.
2. Access gates shall open outward away from the pool, be self-closing, and have a self-latching device.
3. Where the release mechanism of a self-latching device is located less than fifty-four (54) inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
  - a. The release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate; and
  - b. The gate and barrier shall have no opening greater than one-half (.5) inch within eighteen (18) inches of the release mechanism.

**Section 3: Requirements for Above-Ground Swimming Pools**

- A. Barriers. The outer walls of an above-ground swimming pool shall serve as barriers preventing access to the pool. It shall be the responsibility of any person owning or maintaining an above-ground swimming pool to ensure that no permanent structures, equipment, or other objects, other than the ladder, steps, or other intended means of gaining access to the pool, are located near the pool such that they could be used to climb over the pool walls.
- B. Gates. Any means of access to an above-ground swimming pool, such as a ladder or steps, shall be capable of being secured, locked or removed to prevent access, or the ladder, steps, or other access shall be surrounded by a barrier which meets the requirements of Section 2 of this Ordinance. When the ladder, steps, or other access are secured, locked or removed to prevent access, any opening created shall not allow the passage of a sphere four (4) or more inches in diameter.

**Section 4: Penalties and Remedies for Violations or Failure to Comply**

- A. Denial of Certificate of Compliance or Other Final Approval. Failure to comply with this Ordinance shall constitute grounds for the Union County Inspection Department to deny a certificate of compliance or other final inspection approval.
- B. Civil Penalties. Violations of this Ordinance or failure to comply with any of its requirements shall be subject to the following civil penalties for each offense:

Warning Citation:	10 Days to Correct Violation
First Citation:	\$50.00
Second Citation:	\$200.00
Third & Subsequent Citations:	\$500.00

- C. Equitable Relief from a Court of Law. Union County may seek equitable relief from a court of competent jurisdiction pursuant to N.C.G.S. § 152A-123, which relief may include but is not limited to a mandatory or prohibitory injunction and order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises.
- D. Removal by Order of the Board. The Union County Board of Commissioners may order the removal of a swimming pool and its appurtenances upon adequate notice, the right to a hearing, and the right to appeal, in accordance with N.C.G.S. § 153A-140. The expense of any such action shall be paid by the person in default and if not paid, shall be a lien upon the land or premises upon which the pool is located, and shall be collected as unpaid taxes
- E. Criminal Penalties. Violations of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or up to thirty (30) days imprisonment.

- F. Continuing Violations. Each day that any violation continues after notification of such violation by, or on behalf of, the Union County Inspection Department may be considered a separate violation for purposes of the penalties and remedies set forth in this Section.
- G. Combination of Penalties. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

**Section 5: Statutory Amendment**

References in the Ordinance to a particular section of the North Carolina General Statutes are intended to refer to such section as it may have been amended and as it may be amended in the future or to any successor statute. Therefore, if any section referenced herein is amended or superseded after adoption of this Ordinance, this Ordinance shall be deemed to refer to the amended section or to the section that most closely corresponds to the superseded section.

**Section 6: Effective Date**

This Effective Date of this Ordinance shall be the day following adoption by the Union County Board of Commissioners. The provisions of this Ordinance shall not apply to swimming pools for which a general permit has been issued by the Union County Inspections Department prior to the Effective Date.

Adopted this 16<sup>th</sup> day of April, 2007.

**LIBRARY – UNION WEST PUBLIC LIBRARY PARKING LOT EXPANSION**

After the Chairman's brief explanation on the history of this item, Vice Chairman Baucom moved that the Interim County Manager be authorized to approve and execute Change Order G-1 in the total amount of \$9,032 for removal of unsuitable soil and for the installation of steel plates for the existing storm water retainage system. The motion passed unanimously.

**FIRE SERVICES**

Jon Williams, Deputy Fire Marshal, addressed the board on the Village of Marvin's request to be in the Wesley Chapel VFD Fire Insurance District and Fire Service District. He distributed a map which more clearly defined the proposed changes to the Wesley Chapel VFD Fire Insurance District and the Waxhaw VFD Insurance District as well as the service districts for both departments and the timeline for changes to these districts. He explained that last year the Waxhaw VFD approached the Board of Commissioners to request a fire service tax district be created for them rather than the fire fee district through which they had previously operated. He said during this process, the Waxhaw VFD obtained resolutions from all municipalities for which they provided services to for inclusion in the fire service district. Mr. Williams stated that the Council of the Village of Marvin adopted a

resolution on April 27, 2006, resolving that they did not want to be a part of the Waxhaw Fire Service District and specifying that it wants all of the Village's residents to be serviced by the Wesley Chapel Fire Department. He pointed out that currently the majority of the Village of Marvin is serviced by the Wesley Chapel Fire Department.

Mr. Williams reminded that last year the Board of County Commissioners did create the fire service district for the Waxhaw VFD that excluded the residents in the Village of Marvin that were in the Fire Insurance District for Waxhaw. He said that simultaneously the Board also created a new Waxhaw Fire Fee District that included the residents in the Village of Marvin that were in the Waxhaw VFD Fire Insurance District. He emphasized that there are two changes: one is for the fire insurance district, which is the volunteer fire department's response area, and the second is the fire service district, which is their funding mechanism. He reported that changes in the Fire District must be registered to take effect by July 1, 2007, at the beginning of the County's fiscal year, and the changes in the Fire Insurance District must be submitted to the Department of Insurance for its approval. The Deputy Fire Marshal said he had met with chiefs and the Chairmen of the Boards of Director for both departments, and they have agreed to request the changes to the Marvin area and to also request additional changes along their fire insurance district lines. He stated this was done because some of the areas within Wesley Chapel were serviced by the Waxhaw Fire Department and some of the area within Waxhaw was serviced by the Wesley Chapel Fire Department. He said these changes were basically to clear the confusion in these areas and to keep the municipality within the appropriate fire district. Mr. Williams reiterated that both fire departments supported these resolutions and the Fire Commission also gave its unanimous support.

Mr. Williams requested the Board of County Commissioners call for a public hearing on May 21 to receive citizens' comments to the proposed changes in the Waxhaw and Wesley Chapel Fire Service Districts. He explained that North Carolina General Statutes require the Board to hold a public hearing before adopting any resolution that extends boundaries of a service district.

Commissioner Mills asked Chief Byrum of the Wesley Chapel VFD if he had comments to make. He responded that both fire departments are in agreement and believe it would help the residents of both municipalities.

Vice Chairman Baucom moved that a public hearing be called to receive citizens' comments on the proposed changes in the Waxhaw and Wesley Chapel Fire Service Districts for May 21, 2007, at 7:05 p.m. in the Board Room, First Floor, Union County Government Center. The motion passed unanimously.

#### **CHILD ABUSE PREVENTION AND SEXUAL ASSAULT AWARENESS MONTH PROCLAMATION:**

The Chairman acknowledged attendance of representatives from United Family Services and recognized Pam Caskey, South Region Director, and Brandy Redmile, Coordinator of the Tree House Children's Advocacy Center and Rape Crisis Center.

He introduced the Proclamation and asked for any questions. Vice Chairman Baucom moved the Proclamation be adopted declaring the month of May to be Child Abuse Prevention and Sexual Assault Awareness Month. The motion was passed unanimously.

At the request of the Chair, Brandy Redmile read the following Proclamation, as adopted, into the minutes.

***Child Abuse Prevention and  
Sexual Assault Awareness Month  
Proclamation***

***Whereas***, child maltreatment is a community problem and finding solutions depends on involvement among people throughout our community;

***Whereas***, child maltreatment occurs when parents find themselves in stressful situations without community resources and unable to cope;

***Whereas***, approximately 111,000 children are reported as abused and neglected in North Carolina each year;

***Whereas***, 37 children in North Carolina died as a result of child abuse during the year 2005. Two of these child victims were from Union County, a newborn and 5 month old;

***Whereas***, over 73% of the sexual assault victims served by the United Family Services' Rape Crisis/Tree House Children's Advocacy Center programs during 2006 were children under the age of 18;

***Whereas***, the Union County Department of Social Services accepted 1,642 reports of child abuse in Union County representing over 3,531 children in 2006;

***Whereas***, 1 in 4 girls and 1 in 6 boys will be sexually abused before they reach the age of 18;

***Whereas***, the majority of child maltreatment cases stem from situations and conditions that are preventable in an engaged and supportive community;

***Whereas***, the effects of child maltreatment are felt by whole communities, and need to be addressed by the entire community;

***Whereas***, effective child maltreatment prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

***Therefore***, the Union County Board of Commissioners does hereby proclaim April as Child Abuse Prevention and Sexual Assault Awareness Month in Union County, and calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to prevent child maltreatment and strengthen the communities in which we live.

Adopted this 16<sup>th</sup> day of April, 2007.

Attest:

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

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

\_\_\_\_\_  
Allan Baucom, Vice Chairman

\_\_\_\_\_  
Roger Lane, Commissioner

\_\_\_\_\_  
A. Parker Mills, Jr., Commissioner

\_\_\_\_\_  
Lanny Openshaw, Commissioner

**PROCLAMATION TO NAME APRIL 24, 2007, EQUAL PAY FOR WOMEN IN UNION COUNTY:**

The Chairman stated the next item on the agenda was a request for the Board to adopt a proclamation naming April 24, 2007, Equal Pay For Women in Union County.

Commissioner Lane moved that the Proclamation declaring April 24, 2007, as EQUAL PAY DAY in Union County be adopted. The motion was passed unanimously.

The Chairman asked the Clerk to read the Proclamation as adopted into the official record.

*PROCLAMATION*

**WHEREAS**, forty years after the passage of the Equal Pay Act and Title VII of the Civil Rights Act, women and people of color continue to suffer the consequences of inequitable pay differentials; and

**WHEREAS**, according to statistics released in 2006 by the U.S. Census Bureau, year-round, full-time working women in 2005 earned only 77% of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and

**WHEREAS**, according to a January, 2002 report released by the General Accounting Office (the investigative arm of Congress), women managers in 7 of 10 industries surveyed, actually lost ground in closing the wage gap between 1995 and 2000; and

**WHEREAS**, according to an analysis of data in over 300 classifications provided by the U.S. Department of Labor Statistics in 2001, women earn less in *every* occupational classification for which enough data is available, including occupations dominated by women (e.g., cashiers, retail sales, registered nurses and teachers); and

**WHEREAS**, higher education is not free from wage discrimination according to a U. S. Department of Education analysis, reporting that after controlling for rank, age, credentials, field of study and other factors, full-time female faculty members earn nearly 9% less than their male counterparts; and

**WHEREAS**, over a working lifetime, this wage disparity costs the average American woman and her family an estimated \$523,000 in lost wages, impacting Social Security benefits and pensions; and

**WHEREAS**, fair pay equity policies can be implemented simply and without undue costs or hardship in both the public and private sectors; and

**WHEREAS**, fair pay strengthens the security of families today and eases future retirement costs, while enhancing the American economy; and

**WHEREAS**, Tuesday, April 24<sup>th</sup> symbolizes the time in the new year in which the wages paid to American women catch up to the wages paid to men from the previous year,

**NOW, THEREFORE**, We, the Union County Board of Commissioners, do hereby proclaim Tuesday, April 24, 2007:

### **EQUAL PAY DAY**

in Union County and urge the citizens and businesses of Union County to recognize the full value of women's skills and significant contributions to the labor force.

Adopted this 16<sup>th</sup> day of April, 2007.

ATTEST:

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

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

\_\_\_\_\_  
Allan Baucom, Commissioner

\_\_\_\_\_  
Roger Lane, Commissioner

\_\_\_\_\_



A. Parker Mills, Jr., Commissioner

Lanny Openshaw, Commissioner

### **SUBDIVISION TRACKING AND REPORTING:**

Kai Nelson, Finance Director, stated that County staff is present tonight to briefly update the Board on the status of Real Estate Data Integration Project (REDIP), and the staff believe that after the presentation that Commissioner Mills has a proposal he wants to put forward to the Board in connection with reporting of subdivision plats.

Phil Every stated he had been acting as the Project Director for REDIP. He explained the project's purpose is to develop a means to oversee the entire real estate process from development through construction and taxation. He said that presently Union County does not have the ability to see the big picture and that is what is being developed. He said the method established for creating the project is to establish a common database to track milestones for each subdivision, phase of subdivision and parcels created. The project will eventually establish common keys to tie together the data bases among departments, which currently cannot be done. He said there are approximately 25 players in this project, just for planning, and listed the departments, agencies, and other municipalities involved.

Mr. Every admitted there are some limitations to this system; the primary one being that it is a point forward system. The data that will be put into the project will be for a date certain, but it will not be able to report activities of any day before the point forward date. He explained the process and current status of the project.

The Chairman stated that he realizes that this system does not collect and store history data but emphasized the importance of such a data collection system so this board and future boards can have a handle on the growth and be able to project growth.

Commissioner Lane said that he was proud last year when this project was first discussed at the speed of the organization of a committee to enact such a program and to also see that all municipalities participated in the plan. He asked Mr. Every when he thought the County would be able to start using some of the data.

Mr. Every responded that it was a tough question to answer but it is anticipated that it will be implemented in a very short frame, but when it will be able to be used effectively, he couldn't answer. He said his response is because it will provide a limited picture until more data is included in the project.

In response to another question from Commissioner Lane, Mr. Every estimated that it would be four years before there would be sufficient information for a complete picture.

Commissioner Mills explained that when he previously served on the Board of County Commissioners, the Board had more of a handle on subdivisions and approvals coming from the staff and the Planning Board. He questioned if a step in the process has been removed or how it evolved that the Commissioners are not provided with first-hand knowledge of new subdivisions. He said that last week when he met with school personnel, there were subdivisions pointed out to him in areas where new schools would be required, and of which he had no knowledge. Commissioner Mills stated that he was shocked. He reviewed that in the 1990s all plats – preliminary and final – came through the Board, and the Commissioners had a handle on these approvals; he stressed that he thought the Board of Commissioners has lost touch with what is happening in the County. He compared today's process to the previous policy explaining that preliminary plats are now approved by the Planning Board and the final approvals are granted by staff. Commissioner Mills stressed that the Commissioners need knowledge of what is being approved. He said the Board needs a monthly progress report including a map showing the pending subdivisions as well as approved subdivisions.

Mr. Black, Interim County Manager, agreed that prior to 2001 all final plats came to the Board of County Commissioners for approval. In 2001 that policy changed to allow the Planning Board to approve preliminary plats, and, if all conditions of the Planning Board are met, the final plat is approved by the staff. He said that what he and the staff are recommending is that each month, similar to the report received from Inspections or Personnel, that the Board would be provided a list of all subdivisions that were granted preliminary or final approval with details of the subdivision. Mr. Black assured that a map could be provided to accompany the report.

Commissioner Mills asked why the step of presenting the plats to the Board was taken out of the process. Mr. Black said he thought the reason it was removed is that at the point that the preliminary plat is approved, it is a very technical decision. He stated that either the developer meets the standards or they do not and at that point there is no discretionary action to be taken. He said the method used after 2001 sped up the process for developers. Mr. Mills reiterated that this change resulted in Commissioners losing touch with the growth. Mr. Black assured that the report being proposed would provide the necessary information for the Board to stay informed. Commissioner Mills said that he thought if the Board had this information it possibly would not be in the situation that it is in today. He said the Commissioners need to be knowledgeable and, if the reporting will help, that is good but, if not, this issue might need to be revisited with final plats being brought to the Board. The County Manager suggested that the reporting process be tried for several months and a determination be made as to whether or not it meets the level of expectation of the Board. He said that in the beginning it would be the County's information and then municipalities would be added as the project is developed.

The Chairman interjected that it will be necessary to get the municipalities involved or the reports and maps will not be of planning value. He asked if there is any action the Board needs to take tonight to get the project implemented. The Interim County Manager stated that he thought the municipalities are all excited about the project because it will also be beneficial to them in their planning. He said that REDIP is moving forward, but assured that if there is something that needs to be done, he would bring it to the Board.

Mr. Every said that he has part of the information now and a snapshot could be presented. He gave more details on how this information will be captured and placed into the project and extensive data will be provided.

The Chairman responded that the Board is making big decisions on budget requests, sewer allocations, etc. and the Board cannot wait four years for a big picture; he asked what can be made available to the board next month.

The Commissioners discussed the approval process of municipalities, and Commissioner Openshaw responded to a question by Commissioner Mills that when he was on the Marvin Planning Board, the Planning Board approved the final plats but when he was on the Council, the Council approved the final plat. Commissioner Mills stated he thought that was the process of all municipalities and that process has been taken away from the Commissioners, and the Board has lost touch with growth. He asked what would be the process for including that step back in the County's system.

After additional discussion, Vice Chairman Baucom stated that he would prefer to see the reporting process tried first and see if it provides the information that the Commissioners need to stay informed about growth in Union County.

Chairman Pressley asked if it would be possible to request a monthly report from the municipalities listing the preliminary and final subdivisions approved by the municipality as well as a listing of all preliminary and final plats approved by the County from this date forward. He said he realized the report might be 30 days old, but it would be better than the information the Commissioners now have available to them.

Commissioner Mills asked that the municipalities be polled to obtain information as to which board – Planning or Council – approves the preliminary and final plats.

Chairman Pressley moved that the municipalities be contacted and request a monthly report of the preliminary and final plats approved by the municipality.

Vice Chairman Baucom asked to amend the motion to include that the information obtained from the municipalities and the county could be shared with any committee that might need the information.

Commissioner Pressley agreed to the friendly amendment and said that the information could also be shared with the municipalities. The motion passed unanimously.

At 8:52 p.m., the Chairman called for a five minute recess.

The Chairman reconvened the meeting at 8:56 p.m.

**WEDDINGTON HIGH ATHLETIC BOOSTER CLUB BASEBALL AND SOFTBALL LIGHTING:**

The Chairman stated that the next item of business is authorization for the Interim County Manager to contract with the Weddington High School Athletic Booster Club and for the County to adopt a budget ordinance to permit completion of the lighting of baseball and softball fields for Weddington High School.

Motion was made by Commissioner Mills that the interim County Manager be authorized to enter into a ten-year contract with Weddington High School Athletic Booster Club for repayment of \$149,592 loaned to the booster club for the installation of lights for the school’s baseball and softball fields. The motion included approval of Budget Amendment 54 to appropriate from fund balance \$149,592 to cover costs of loan to the booster club. The motion passed unanimously. [Vice Chairman Baucom was not in the room at the time of the motion and vote, but vote was counted in the affirmative in accordance with the Rules of Procedure.]

**UNION COUNTY PUBLIC SCHOOLS CAPITAL CONSTRUCTION ADMINISTRATION:**

Commissioner Mills moved approval of the Capital Project Ordinance Amendment No. 76 – School Bond Fund – 55 for FY 2006-2007 for additional funding for school administrative costs pursuant to 115C-429b and Budget Amendment No. 55 in the amount of \$153,028 to fund UCPS capital project management support for second half of fiscal year. The motion passed unanimously.

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	School Bond Fund - 55			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2006-2007			DATE	April 16, 2007		
PROJECT SOURCES				PROJECT USES			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
G.O. Bond Proceeds	351,092,981	302,664	351,395,645	School Administrative Costs (115C-429b project allocation)	1,746,554	302,664	2,049,218



	351,092,981							302,664	2,049,218
		302,664		351,395,645				1,746,554	
Prepared By	dhc								
Posted By									
Date								Number	CPO - 76

**2007 COUNTY CAPITAL IMPROVEMENT PLAN (CIP):**

The Chairman stated this item is to set work sessions for the purpose of reaching consensus and adoption of the CIP. He recognized the Finance Director and asked if there were any recommended dates.

Mr. Nelson assured the staff would be available on the dates set. He admitted that there had been an unreasonable expectation on your staff's part for the Board to be able to receive the CIP at the April 2<sup>nd</sup> meeting and adopt it. The Finance Director stated that he is asking for a meeting to answer any additional questions the Board may have in connection with the County's CIP and for the Board to adopt a CIP.

Commissioner Lane suggested and moved the meeting be scheduled for April 24<sup>th</sup> at 9:00 a.m. The Chairman stated he would be unable to be present but if he had questions he could direct them to the Finance Director; he said he would not want to delay the process.

The Vice Chairman stated that he wanted to see how much additional revenue the county projects for the next fiscal year. Mr. Nelson responded that he shared that information with the Board during its planning conference, and he will be happy to review it again. He said that there had been no questions on the revenue side, but quite a few place holders on the expenditure side of the CIP. He said when looking at general fund revenue funds there are two primary sources: the property tax and sales tax. Mr. Nelson said those were the two major sources of revenue that were reflected during the planning conference. He also requested similar information on the Enterprise Fund.

Commissioner Openshaw requested that when the information on the Enterprise Fund is presented that it be broken down by category of water, sewer, etc.

Commissioner Mills interjected that he and the Finance Director had a good meeting with the schools and requested that during the next meeting Mr. Nelson present part of the program to the Commissioners.

By unanimous vote, the Board agreed to meet Tuesday, April 24, at 9:00 a.m.

**ESTABLISHMENT OF FY 2008 BUDGET CALENDAR:**

The Finance Director presented a proposed budget calendar beginning with the presentation of the proposed budget on May 21<sup>st</sup>.

After the Chairman received confirmation from the attorney that the dates could be changed during the budget process, motion was made by Vice Chairman Baucom that the Budget Calendar as presented by the Finance Director be accepted:

- May 21, 2007 - Receipt of budget from staff
- May 22, 2007 - Work Session #1 – General Government
- May 29, 2007 - Work Session #2 – Public Safety, Economic & Physical Development, Human Services
- June 4, 2007 - Public Hearing on 2007-2008 Budget
- June 5, 2007 - Work Session #3 – Education, Library and Recreation
- June 7, 2007 - Work Session #4 – Proprietary Funds and Development of Consensus Budget
- June 18, 2007 - Adoption of Budget

The motion passed unanimously.

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

The Chairman announced the vacancies on the following boards and committees and requested interested persons to make application to serve on these boards:

- a.) Nursing Home Advisory Committee - one vacancy
- b.) Home and Community Care Block Grant Advisory Committee - four vacancies
- c.) Juvenile Crime Prevention Council (JCPC) (1) District attorney or his designee; (2) Substance Abuse Professional; (3) two persons under age 18; (4) Juvenile Defense Attorney (5) Representative of United Way/other non profit; and (6) two County Commissioner appointees
- d.) Board of Adjustment – two vacancies for regular members and one vacancy for an alternate as of May 2007
- e.) Centralina Workshop Development Board - one vacancy representing private sector as of June 30, 2007

## **INTERIM MANAGER'S COMMENTS**

Mr. Black did not have any comments.

## **COMMISSIONERS' COMMENTS**

The Chairman recognized Commissioner Openshaw. Commissioner Openshaw said that at the last meeting he mentioned some problems with creek flooding, and Commissioner Mills made an excellent suggestion on the creek on Hwy. 84. He asked the procedure for getting the creeks cleaned.

The Chairman stated that the Army Corps of Engineer is in charge of creek clearing.

Mr. Black stated that some counties have volunteer groups or organizations. He said Union County does not have in place a mechanism for cleaning creeks or reconstituting banks or whatever. The Interim Manager said that a Storm Water Ordinance will be coming to the Board shortly.

Commissioner Openshaw asked if this Board notifies the Army Corps of Engineers of streams that are in need of clearing or does the individual citizen notify the Corps of problems.

Secondly, Commissioner Openshaw said he was pleased with the subdivision tracking software and agreed the County needs to know these numbers so that it can plan appropriately and these numbers can be tied in with the audit of Public Works. He said this information would also be beneficial to the schools.

Next, recognized was Commissioner Mills who extended his sympathy to the families and students of Virginia Tech and also the Monroe Police Chief who had been chief at that educational institution. He also mentioned random acts of kindness that he witnessed twice this weekend.

Vice Chairman Baucom extended his heartfelt thoughts to those affected at Virginia Tech. He also thanked the community for their participation and support for the Red Cross Heroes Campaign that he and Sheriff Cathey co-chaired this last weekend. He said their goal of \$50,000 had been exceeded. He pointed out that all of these funds are used in Union County.

Commissioner Lane thanked the staff for the building permit statistics which provides a picture of what is happening in Union County. He pointed out that 94 percent of the building/construction value went to residential and only 6 percent went to commercial/industrial.

Commissioner Lane said that the Board had a good briefing on water and sewer earlier this afternoon. He pointed out that nothing had happened yet on the northern sewer plant and criticized this Board's delay in taking action. He also presented a status



report on the work to finalize the financial disclosure form and the procedure that should be followed for implementation of the financial disclosure form for county commissioners.

He announced the Antique Tractor Show will be held April 26<sup>th</sup>, 27<sup>th</sup>, and 28<sup>th</sup> in Marshville, and the Steeplechase will be held on April 28<sup>th</sup>.

Chairman Pressley responded to Commissioner Lane's criticism on lack of action on the northern sewer plant by saying that he had watched two years of "fly by the seat of your pants" decisions and believes that is why the county is having its problems. He said he wants to tread lightly and make the right decision and not build a sewer plant on a dry creek. He assured the Board will continue to work through that problem and that is why the CIP is here so this Board can do what is best for Union County.

The Chairman also extended his sympathy, thoughts and prayers to the students and families of students at Virginia Tech. He spoke briefly about the Antique Tractor Fair. The Chairman said that he and Commissioner Openshaw represented the Board of Commissioners at a baseball game at Weddington High School and extended his appreciation to the Board for taking action that allowed the students of that school to compete and play ball with the safety of lights.

The Chairman thanked Perry Brown for being present at tonight's meeting and presenting the invocation. He praised the work of Mr. Brown with feeding the children and reminded those present that the DVDs of Mr. Brown's work will be available at the end of tonight's meeting.

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