

May 7, 2007

The Union County Board of Commissioners met in regular session on Monday, May 7, 2007, at 7:00 p.m. in the Board Room, first floor, Union County Government Center, 500 N. Main Street, Monroe, NC. The following were:

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

ABSENT: None

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

**OPENING OF MEETING:**

Chairman Pressley convened the meeting and welcomed everyone. He opened the meeting with invocation and led the body and audience in reciting the Pledge of Allegiance to the Flag of the United States.

**JOINT PUBLIC HEARING WITH UNION COUNTY HISTORIC PRESERVATION COMMISSION:**

The Chairman recognized Mrs. Virginia Bjorlin, Chairman of the Union County Historic Preservation Commission, to present the information on the request for designation of the Perry-McIntrye farm. She stated the Union County Historic Preservation Commission is proud to recommend intact the Perry-McIntrye Farm as historic landmark property. She further explained that the Commission seeks to have the entire farm designated as a historic landmark and has obtained an opinion from the State Historic Preservation Office that this property qualifies for such a designation. Mrs. Bjorlin further elaborated that the designation would include the exterior of the farmhouse, certain interior features of the house, adjacent buildings, and 11 acres of farm land. She also distributed pictures of the exterior and interior of the home, outbuildings, and the farm land. Mrs. Bjorlin stated that the land has been a working farm for about 130 years and is still in operation.

The Chairman stated that no one else had signed to speak during the hearing. He declared the public hearing adjourned.

## **INFORMAL COMMENTS:**

The Chairman asked the Clerk for the list of those who have registered to address the Board during informal comments.

Gary Hibler, President of the Wesley Chapel-Weddington Athletic Association, addressed the Board stating that WCWAA is a non-profit, all volunteer organization, mostly self-supported by the fees charged members. He explained that in the past, WCWAA applied for and received grants from Union County which helped with new fields and expansion of current fields.

He said in 2007, WCWAA again applied and was approved for a grant, but this time the organization was denied the money by Mr. Shalati just before he left office because a few neighbors on the other side of the creek complained and said that the athletic association was causing flooding in their backyards. He explained these people claimed that WCWAA altered the land. He assured that when WCWAA built these fields, its representatives went to the county and asked for all the necessary permits, the work was inspected and approved by the county, and the records are on file.

Mr. Hibler further stated that WCWAA hired an engineering firm, Yarbrough-Williams and Houle, to look into the matter and the firm determined that WCWAA was not at fault. He said that representatives of WCWAA met with the neighbors and told them what the engineers had said: "WCWAA raised the land some in the center of the baseball fields but had lowered the land in the outfields so the net volume of water retained is the same."

He said the WCWAA believes that the money was taken from the organization wrongly. He reported WCWAA had planned to use the grant funds to add another football field and multipurpose field. Mr. Hibler said the organization was told last year by the Pop Warner Organization that if it did not add another field, WCWAA would have to cut six of its football teams. He stated with this new proposed field, WCWAA would be able to keep those six teams and would be able to add six teams. He said the organization was also told by the NCYSA that it would have to add more soccer fields because of the growth in soccer. Mr. Hibler stated that it had also been included in the long-range plan to use future grant funds to help purchase additional land, but was told that WCWAA would not only not get this year's grant but also would not receive future grants. He also explained that two of its board members had been talking to Union County schools about partnering with the new schools to build fields that could be used by both the schools and WCWAA. He noted that future grants were to also have been used for these fields. Mr. Hibler reiterated that these fields would have been utilized by both the schools and WCWAA.

Mr. Hibler asked the Board to review the informational packet and area pictures presented and to reinstate the grant funds for the Wesley Chapel-Weddington Athletic Association.

Chairman Pressley thanked Mr. Hilber for the information he presented.

The Chairman next recognized Jean Altilano, President of the Union County branch of the NAACP, who addressed the Board on the subject of district representation. She stated that this is a non-partisan issue and should be a concern of all residents of Union County – all democrats and all socio-economic groups in all areas of Union County and should not be ignored. She stressed that this is an important issue for one of the fastest growing counties in the state. She said the Board of Commissioners is a five-person board, elected at large, and she thinks this method should be changed.

The Chairman thanked Mrs. Altilano for her comments.

The Chairman recognized John Roberts, President of Carolinas Medical Center – Union, who reminded that in August of 1995, Union County government entered into a long-term lease agreement with Carolinas Healthcare System to lease and operate the hospital. He said the lease requires an annual payment, and it has been a practice to issue a prepayment in January of each year, and if an additional amount is due, it is paid annually about this time of year. He said he was pleased to present another payment for the 2006 lease in the amount of \$1,432,472, which brings the total lease payment for 2006 to \$2,832,472. Mr. Roberts reported this was the largest annual lease payment over the last 12 years.

Mr. Roberts also shared that since 1995, lease payments have totaled \$25,762,686. He said he hoped the County thought this was a good return on its action.

In response to a question from Commissioner Mills, Mr. Roberts said that after his retirement here, Carolinas Healthcare has given him an opportunity to help with the construction and development of a new facility in Mount Holly.

Mr. Roberts said he would be continuing to live in Union County and only wanted continued success for the Carolinas Medical Center – Union.

In response to a request for information by the Vice Chairman, Mr. Roberts stated that the hospital would be receiving a leadership award in May for its Rapid Response Team, which has improved the outcome of care in the local hospital.

The Chairman and Commissioners thanked Mr. Roberts for his work in Union County.

Judy Chapman endorsed HB1226. She stated that Union County was probably served well with only five commissioners when it was a small, rural county, but now with its fame of being the fastest growing county in the State, with its growing population and diversity, Union County would be better served with district representation. She said the Commissioners also must support district representation since it is implementing it on many of its other boards. Ms. Chapman said she believed that the Board should allow the citizens to vote on this question.

Chairman Pressley thanked Mrs. Chapman for her comments.

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

Commissioner Lane moved that the agenda be adopted. The Chairman stated that Item 4D on the consent agenda is related to the Animal Shelter and although he did not want to remove it from the Consent Agenda, he requested to add to the Agenda discussion of euthanasia of animals at the shelter and allow the Board to give the staff direction.

Commissioner Openshaw asked to move Consent Agenda Item 4B (1) to the main agenda – Arcadis G&M of North Carolina.

The Chairman also requested to add to the agenda the Certificate of Need for the expansion of the Emergency Room at Carolinas Medical Center – Union.

With there being no other additions, the vote to adopt the agenda as amended was unanimously approved.

The Chairman announced that he was moving Item 9 to the position of 5A due to an out-of-town presenter, and the other three items added would become 5B, 5C, and 5D.

**CONSENT AGENDA:**

Commissioner Openshaw moved that the items on the consent agenda be approved as amended. The motion was passed unanimously.

**Minutes:** Approved minutes of Work session at 9:00 a.m. on April 20, 2007, regular meetings of November 20, 2007, regular meetings of April 16, 2007

**Tax Administrator – Tax Payment from Debtor in Bankruptcy:** Authorized County Manager to approve payment agreement in the amount of \$111.71

**Tax Administrator – Eleventh Motor Vehicle Billing:** Approved billing report dated April 17, 2007, in the grand total of \$1,137,031.33

**Tax Administrator:** Approved the collector’s monthly/yearly to date collections report for the period ending March 31, 2007 for regular and motor vehicle tax collections showing an overall collection rate of 95.64 percent for 2006, 99.29 percent for the year 2005, and 99.60 for the year 2004

**Tax Administrator:** Approved Tax Refunds for the month of April 2007 in the grand total amount of \$4,738.21

**April 2007 Refunds**

<b>Acct #</b>	<b>Name</b>	<b>Release #</b>	<b>Total</b>
<b>2006</b>			
06228104	FINK JAMES E & WIFE CYNTHIA D	2686	<b>3,489.68</b>
08150010	TUCKER COLON C	2687	<b>300.21</b>
07064146	WALTERS PIKEY L	2689	<b>81.98</b>
50083370	CAROLINA MOST FAMOUS HOMES	2709	<b>51.06</b>
07036037	CLONTZ MICHAEL TODD & WIFE TAMMIE A	2726	<b>117.56</b>
			-
<b>TOTAL - 2006</b>			<b>4,040.49</b>

<b>2005</b>			
07064146	WALTERS PIKEY L	2690	<b>80.45</b>
50066775	FIRST CARE MEDICAL CLINIC INC	2692	<b>51.69</b>
07036037	CLONTZ MICHAEL TODD & WIFE TAMMIE A	2727	<b>115.38</b>
<hr/>			-
<b>TOTAL - 2005</b>			<b>247.52</b>

<b>2004</b>			
07064146	WALTERS PIKEY L & DIANA K WALTERS	2691	<b>76.53</b>
07036037	CLONTZ MICHAEL TODD & WIFE TAMMIE A	2728	<b>109.75</b>
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<b>TOTAL - 2004</b>			<b>186.28</b>

<b>2003</b>			
02208002 04	CAHAL VIRGINA B	2693	<b>50.00</b>
07036037	CLONTZ MICHAEL TODD & WIFE TAMMIE A	2729	<b>38.54</b>
<hr/>			
<b>TOTAL - 2003</b>			<b>88.54</b>

<b>2002</b>			
50064325	TICE DAWN (PREVIOUSLY	2713	<b>99.88</b>

07036037	DAWN HOUGH) CLONTZ MICHAEL TODD & WIFE TAMMIE A	2730	<b>32.75</b>
<b>TOTAL - 2002</b>			<b>132.63</b>

<b>2001</b>			
07036037	CLONTZ MICHAEL TODD & WIFE TAMMIE A	2731	<b>4.24</b>
7036037	CLONTZ MICHAEL TODD & WIFE TAMMIE A	2732	<b>28.51</b>
<b>TOTAL - 2001</b>			<b>32.75</b>

<b>GRAND TOTAL - ALL YEARS</b>			<b>4,728.21</b>
			<b>4,728.21</b>

**Tax Administrator:** Approved Tax Releases for the month of April 2007 in the grand total amount of \$21,037.41

RELEASES APRIL 2007			
Acct #	Name	Release #	Total
<b>2006</b>			
09150213	ALLEN WALLACE & WIFE BETTIE L	2684	<b>133.71</b>
09298074	ALL ABOUT STORAGE LLC	2685	<b>3,530.06</b>
06021005	DEESE RANDY NELSON & BRENDA P	2688	<b>502.68</b>

H8192007	MULLIS CONNIE G & HUSBAND JAMES	2695	<b>173.89</b>
06228216	MARVIN-WAXHAW ASSOCIATES LLC	2696	<b>909.40</b>
06228215	MARVIN-WAXHAW ASSOCIATES LLC	2697	<b>909.40</b>
50091406	V F S LEASE RESIDUAL HOLDING LLC	2700	<b>60.04</b>
50091410	V F S LEASE RESIDUAL HOLDING LLC	2701	<b>23.05</b>
50091411	V F S LEASE RESIDUAL HOLDING LLC	2702	<b>31.63</b>
50091417	V F S LEASE RESIDUAL HOLDING LLC	2703	<b>159.23</b>
50089384	PALMER JENNIFER & JEFFERY	2704	<b>357.19</b>
07129338	SQUIRES VIRGINIA H	2705	<b>291.17</b>
09268047	HELMS JEREMY LANE	2707	<b>177.01</b>
50094311	INSURA LEAD	2708	<b>175.10</b>
50092596	GOLDSTREET PROPERTIES INC	2711	<b>173.25</b>
50092339	SAFE HAVEN FAMILY SERVICES INC	2712	<b>173.25</b>
50096649	GE CAPITAL	2714	<b>35.02</b>
H6015032	FAIRCLOTH SPRING DAVIS	2715	<b>141.55</b>
50092596	GOLDSTREET PROPERTIES INC	2716	<b>201.36</b>
50067271	SUNTRUST BANK	2717	<b>12.81</b>
09253051	HELMS THURMAN LEE & WF TULA DIANNE	2718	<b>91.47</b>
07129338	CEM CORPORATION	2719	<b>577.17</b>



09268053	HELMS MARTY MICHAEL	2720	177.00
06093011 02	MORRIS GERALD LEE	2721	494.88
	HEIRS % WANDA MOBROY		
06093011 01	KILLOUGH DOROTHY	2722	2,454.13
	MORRIS % CATHY		
	KILLOUGH BOWN		
50079430	SHAW JEFFERY N & WIFE	2723	127.77
	ANGELA H		
50067286	GRIFFIN INDUSTRIES INC	2724	3,976.08
50096737	CYRIL BATH COMPANY	2733	467.44
			-
			-
<b>Totals - 2006</b>			<b>16,536.74</b>

**2005**

06228216	MARVIN-WAXHAW	2698	899.77
	ASSOCIATES LLC		
06228215	MARVIN-WAXHAW	2699	899.77
	ASSOCIATES LLC		
07129338	SQUIRES VIRGINIA H	2706	286.00
50083370	CAROLINA MOST FAMOUS	2710	43.93
	HOMES		
50067286	GRIFFIN INDUSTRIES INC	2725	2,321.20
			-
			-
<b>Totals - 2005</b>			<b>4,450.67</b>

**2003**

02208002 06	CAHAL VIRGINA B	2694	50.00
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<b>Totals - 2003</b>	<b>50.00</b>
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<b>GRAND TOTALS - ALL YEARS</b>	<b>21,037.41</b>
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**Tax Administrator:** Approved Tenth Motor Vehicle Release Register for the period of April 1, 2007 – April 30, 2007 in the negative grand total of \$10,610.91

**Tax Administrator:** Approved Tenth Motor Vehicle Refund Register for the period of April 1, 2007 – April 30, 2007 in the negative grand total of \$1,688.90

**Homeland Security:** Approved submission of the FY07 Grant Application for the Criminal Justice Partnership Program in the amount of \$113,992 [No county match required].

**Contracts over \$5,000:**

Parks and Recreation: Authorized the Interim County Manager to approve the Athletic Association Grant Agreements for the following: Indian Trail Athletic Association, \$8,886.73; Marshville Athletic Association, \$4,167.32; Piedmont Recreation Association, \$22,579.77; Porter Ridge Athletic Association, \$36,801; Prospect Athletic and Recreation Association, \$7,381.32; South Union Athletic Association, \$6,455.25; Waxhaw Athletic Association, \$6,809.34; Wesley Chapel Weddington Athletic Association \$53,385.21

**Public Works Department:** Authorized the Interim County Manager to approve Task Order #21 with Camp Dresser McKee (Sanitary sewer system computer modeling through the development of a computer hydraulic Sewer CAD model) in the amount of \$42,000.

**Health Department:** Authorized the Interim County Manager to approve agreement with Mecklenburg County MOU in the amount of \$10,000 (State Funding Reimbursement) for development of a Medical Reserve Corp (MRC) database

**Sheriff:** Authorized the Interim County Manager to approve agreement with Dr. Brent Glenn to provide veterinarian services in an amount not to exceed \$12,000

**Risk Management:** Authorized the Interim County Manager to approve renewal with St. Paul Travelers for various lines of property and casualty insurance coverage in the amount of \$583,036

**Risk Management:** Authorized the Interim County Manager to approve renewal of Third-party Administration of Workers' Compensation Claims in the following amounts: \$2,500 Annual Administration Fee; \$13,500 Claims Administration; \$595 per indemnity claim; \$125 per medical claim

**Register of Deeds:** Authorized an over hire position be established and funded from within the Register of Deeds' 2006-2007 fiscal year budget pending the return to full staffing levels or the establishment of an additional position in the FY2008 budget authorization

**Included in the Package as Information Only/No Action Requested:** 1) Inspection Department's Monthly report for April 2007; 2) Personnel Department's monthly report for April 2007; and 3) Report on subdivision approvals for the period of 2001 through April 2007

### **REAL ESTATE TRANSFER TAX:**

The Chairman recognized Donnie Charleston, a Policy and Research Analyst at the North Carolina Association of County Commissioners, to present a report on the Real Estate Transfer Tax in North Carolina.

The Vice Chairman explained that Mr. Charleston is the author of a brief that was not written to render an opinion but to present information relative to the Land Transfer Tax and the history of the Land Transfer Tax in North Carolina. Vice Chairman Baucom stated that this is an impartial opinion brought forth by Mr. Charleston, and that he had asked Mr. Charleston to present the opinion tonight.

Mr. Charleston stated that prior to the meeting he had submitted for inclusion in the Commissioners' package the North Carolina Association of County Commissioners Policy Brief on Land Transfer Taxes: The NC Experience. He assured that the opinion was designed to be an objective assessment of the Land Transfer Tax and the experience of the six counties in North Carolina that currently have the authority to levy the tax. He said that the Association had been requested by Managers and Commissioners to study the impact of the tax to those counties who have the authority. He said different variables had been considered to examine the total economic health of these communities both before and after the implementation of the transfer tax. He noted that the report

examines their performance on a range of indicators including: population growth, economic development, property taxes, school construction, and human capital. He explained that these counties have not experienced negative consequences as a result of implementing the transfer tax. He said to the contrary, as a whole, these counties are among the fastest growing in the state and possess more than sufficient infrastructure capacity to meet the demands of this growth. He stressed this report is an informative publication that the Association hopes can be of benefit to the County as it discusses the Land Transfer Tax.

Mr. Charleston said that four of the six counties that have the Land Transfer Tax had implemented it through a resolution of the Board of County Commissioners. The Land Transfer Tax, Mr. Charleston stated, was set by the legislators at \$1 per \$100 valuation or one percent on instruments conveying interest in real estate. He reported that Pasquotank County, Perquimans County, and Washington County received approval to hold public referendums on the issue and that Pasquotank and Perquimans counties had received authority via the referendum, but twice Washington County has been unable to get the Land Transfer Tax approved by its voters. Mr. Charleston stated that since implementation, the land transfer tax has allowed these counties to: 1) reduce property taxes; 2) increase funding for economic development; 3) reduce reliance on borrowing to build schools; and 4) reduce the funding disparities between these school districts and the remainder of the state.

He further stated that the big story in this funding is that schools will benefit greatly from the Land Transfer Tax. Mr. Charleston stated that in these counties the land transfer tax has completely changed how taxpayers fund public schools and has increased the capital expenditures to public schools tremendously. By a power point graph, he illustrated the capital expenditures per pupil in these counties. He explained that in 2006-2007, four of the six transfer tax counties ranked in the top 10 in outlays for school capital expenditures per capita and have consistently outranked similarly sized counties since instituting the tax. He pointed out that all six of these counties rank among the top 45 in the state in county education spending per pupil based on 2006-07 budgets.

Mr. Charleston also stated that with the imposition of a new tax, a local tax structure should reflect balance so that the total burden on taxpayers remain fair. He noted that these counties have generally provided their citizens with significant property tax relief. He reviewed the statistics and stated that taken as a whole, these numbers indicate there is no direct correlation between land transfer taxes and the total tax burden; that is, for the most part, counties have achieved a balance in the overall tax structure even with the levying of an additional tax.

It was reported by Mr. Charleston that according to figures from the North Carolina Department of Treasury, five years following the enactments, this group of counties increased contributions to economic development activities by an average of 55 percent. He said these investments were made across a range of areas consistent with the diversity shown in the economies of the

region. Mr. Charleston also pointed out that in 2005 the unemployment rate for each of these counties was lower than the state average.

He said that according to the 2000 census, the median home value in four of the six counties was below the state average but that the counties of Currituck and Dare have values that exceeded the state average, principally due to an increase in the number of high-cost seasonal and retirement homes. He said that because of the positive indicators, the region has enjoyed a healthy economic picture for quite sometime. Mr. Charleston said the report indicated that the presence of consistently strong growth in the tax base, moderate debt levels, a low tax rate and the ability to fund essential projects have allowed each of these counties to achieve moderate to high bond ratings.

Mr. Charleston stated that adhering to the three guiding principles has allowed these counties to contend with the challenges of growth while simultaneously exhibiting sound fiscal stewardship:

1. Taxpayer protection through tax limitation
2. Focus on continued economic development
3. Maintain cognizance of total tax picture

He said that it is evident that North Carolina's experience with the land transfer tax shows this is a valuable tool for counties. He noted that a balanced approach to taxation clearly benefits elderly citizens and those on fixed incomes by lessening the pressure on property taxes.

The Chairman thanked Mr. Charleston for visiting Union County to make the presentation. He pointed out that this is only one tax that Union County has requested the legislators to allow it to implement.

### **ANIMAL CONTROL:**

The Chairman pointed out that he had talked with the Sheriff briefly, and they agreed that as the County proceeds with a spay and neuter program, the County should consider changing the method of euthanizing animals to injection.

Chairman Pressley moved that the County direct the staff to move toward 100 percent injection for euthanizing animals. After brief comments, the Chairman withdrew his motion and said he would defer any action until the Sheriff gets to the meeting, and, if it

needs to be brought back up, he would do so. He said that while the County is moving forward with the spay and neuter program he did not want the county to build any walls that would need to be removed.

**PUBLIC WORKS:**

The Chairman recognized Commissioner Openshaw to ask any questions on the Arcadis G&M of North Carolina contract. Commissioner Openshaw asked the purpose of this project and who was paying.

The Public Works Director stated this is hydraulic improvements to the system and the County is paying. She further explained the project is to provide for hydraulic reliability for the water system. In response to a question, she stated this would service everything west of Highway 16 by providing secondary infrastructure into that area. She said the contract would provide design services, regulatory review and construction bidding for 4,700 feet of 16-inch waterline along Cureton Parkway.

Motion was made by Commissioner Mills that Task Order #7 for Arcadis G&M of North Carolina be approved in the amount of \$23,535. The motion was passed unanimously.

**CAROLINAS MEDICAL CENTER – UNION:**

Chairman Pressley stated that the next item on the agenda is a request for a Certificate of Need for Expansion of the Emergency Department of Carolinas Medical Center – Union.

Motion was made by Commissioner Lane that the County endorse and request a Certificate of Need for Expansion of the Emergency Department of Carolinas Medical Center – Union. The motion was passed unanimously.

**UNION COUNTY HISTORIC PRESERVATION COMMISSION:**

Motion was made by Vice Chairman Baucom that the following ordinance be adopted to declare as a historic landmark the property known as the Perry-McIntyre Farm. The motion was passed unanimously.

**ORDINANCE DESIGNATING AS A HISTORIC LANDMARK  
PROPERTY KNOWN AS THE PERRY-MCINTYRE FARM**

WHEREAS, on November 3, 1992, the Union County Board of County Commissioners (the “Board”) adopted the “Ordinance Creating Union County Historic Preservation Commission” (the “Ordinance”); and

WHEREAS, pursuant to N.C.G.S. §§ 160A-400.1 through 160A-400.14, Union County may designate one or more historic landmarks following a finding by the Union County Historic Preservation Commission (the “Commission”) that the property has special significance in terms of its historical, prehistorical, architectural, or cultural importance and possesses integrity of design, setting, workmanship, materials, feeling and/or association; and

WHEREAS, the Commission has found that the Perry-McIntyre Farm, located at 1001 Ansonville Road in unincorporated Union County, meets the above criteria, and it has recommended that the Board designate this property as a historic landmark; and

WHEREAS, the owners of the Perry-McIntyre Farm, David M. Kenerley and Bonnie O. Kenerley, have requested designation of their farmhouse and adjacent outbuildings, as described more fully below; and

WHEREAS, the Commissioner has complied with all applicable requirements of the General Statutes and the Ordinance for such designation; and

WHEREAS, the North Carolina Department of Cultural Resources, State Historic Preservation Office, has described the Perry-McIntyre farmhouse as among the finest surviving late nineteenth century and early twentieth century farmhouses in Union County and notes, among other things, that the porch features some of the finest picturesque carpentry in the county.

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

1. In accordance with the requirements of the Ordinance, the Perry-McIntyre Farm, located at 1001 Ansonville Road in unincorporated Union County, the deed to which is recorded in Book 0388, Page 588 of the Union County Registry, is hereby designated as historic landmark. **For purposes of this designation, the “Perry-McIntyre Farm” shall refer to: (i) the exterior of the farmhouse; (ii) the following interior features of the farmhouse: parlor mantel, dining room mantel, kitchen door, dining room floor, parlor ceiling, inscribed door dated 1906, and two (2) grained doors opening into the**

**parlor from the hall; (iii) the following outbuildings: barn, grainery, chicken coop, corn crib; and (iv) eleven acres of farmland.**

2. From and after the designation of the Perry-McIntyre Farm as a historic landmark, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) or any interior feature consented to by the owners as part of the historic landmark, nor any above-ground utility structure or any type of outdoor advertising sign, shall be erected, altered, restored, moved or demolished on such landmark until after an application for certificate of appropriateness has been submitted to and approved by the Commission in accordance with the Ordinance. The waiting period specified in Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes shall be observed prior to any demolition of the Perry-McIntyre Farm.
3. Upon consent by the owners, the Commission may post a suitable sign on the property comprising the Perry-McIntyre Farm indicating its designation as a historic landmark. If the owners object to such sign, the Commission may place the sign on a nearby right-of-way.
4. Nothing in this ordinance shall be construed to prevent: (i) ordinary maintenance or repair of any exterior architectural feature of the Perry-McIntyre Farm that does not involve a change in design, material, or outer appearance thereof; (ii) construction, reconstruction, alteration, restoration, or demolition of any such feature which the building inspector or similar official shall certify is required for public safety because of an unsafe or dangerous condition; (iii) use of the property by the owner not prohibited by other statutes, ordinances, or regulations; or (iv) maintenance, or in the case of an emergency, the immediate restoration, of any existing above-ground utility structure without approval by the Commission.
5. Upon adoption of this ordinance, the Commission shall provide written notice of landmark status to the owners and occupants of the Perry-McIntyre Farm. The Commission shall also provide a copy of this ordinance, and any subsequent amendments thereto to: (i) the Union County Register of Deeds Office, requesting that the designation landmark be indexed according to the name of the property owners in the grantee and grantor indexes; (ii) the Clerk to the Union County Board of Commissioners, for the purpose of public inspection at any reasonable time; (iii) the Union County Building Inspections Department, and (iv) the Union County Tax Assessor's Office.

Adopted by Union County this 7th day of May, 2007.



ATTEST:

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Lynn G. West, Clerk to the Board

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Kevin Pressley, Chairman  
Union County Board of Commissioners

**PRESENTATION OF COMMUNICATIONS ASSESSMENT:**

Mrs. Estelle Snyder stated that she had given notice to terminate her consultant agreement with Union County, effective May 8, 2007, to allow her to devote more time to her grandchildren.

Mrs. Snyder compared the growth of Union County to that experienced by Wingate College/University several years ago and the reputation it had to change to become known as a great university with now three graduate programs. She reported that Union County is one of the fastest growing counties in the United States but its reputation is not equal of its reality. She said this County needs to be known not only as one of the fastest growing counties but also as one of the best counties in the United States. She reported that those persons who want Union County to be perceived as poorly governed and out of control have been more persistent in their efforts to perpetuate misconceptions than those who are involved in the reality of reform, progress, and improvements. She stressed that those people have not been making sure that the full facts have been made available to the public. She stated that whatever the motivation, the by-product of stereotyping and insinuations is insulting to the citizens of Union County especially to those who invest themselves in the life of this county through their careers, their business enterprises, and their volunteer services. She said that contrary to the spin that has been given, improving the reputation of Union County and Union County government has nothing to do with shading information and everything to do with simply telling the truth—all of the truth, without delay, and without editing. She said that job cannot be done by any entity other than the county itself, and it must be done to assure that the highest goals of this county, the quality of life, economic opportunity, educational excellence and citizens' support can be achieved. Mrs. Snyder said it could be achieved even in the face of opposition if there is focus and determination—Truth always prevails.

Mrs. Snyder stated that she has some recommendations based on her time as a consultant and many meetings and much research. She reviewed them briefly.

- 1.) To elevate the responsibility of the Public Information Officer and to make sure that he is fully apprised of all issues

- that will be of interest to the public so he might fully prepare responsible persons in the most direct and effective way to get all the information to the public in the shortest amount of time and the most understandable language.
- 2.) Make it standard operating procedure to provide the PIO with information in advance of meetings and hearings so he might render appropriate assistance with fact sheets and other things of value to those leading the meeting.
  - 3.) Assure that the PIO provides the public with a complete report on board meetings and other actions of government in the most-timely manner possible through the web site and other county outlets. She said this should be accomplished by the end of the following business day and even sooner, when possible.
  - 4.) Assure that the PIO is the contact point for all media inquiries with staff to assure that those who interact with the media are fully prepared to give an appropriate and documented response to questions and to assure that questions are also properly documented and properly routed.
  - 5.) Establish a policy of preference to written questions and written responses to minimize staff interruptions and maximize accuracy of information. Mrs. Snyder said that no professional reporter resents the idea that they have to put into writing what they want to know.
  - 6.) Maximize the use of available resources to expand information availability.
  - 7.) Establish a communications-intern program in cooperation with Wingate University and/or with South Piedmont Community College. She said that the County could investigate program options with these schools to help provide public service announcements, web feature information, etc.
  - 8.) Establish relationships with high school students involved in video productions to do short tapes in connection with county programming.
  - 9.) Establish a schedule of advertising to inform citizens of the availability of the county's web site and video programs and encourage their regular use of this resource.
  - 10.) Maximize resources to expand public access information. She recommended that board meetings be restructured to prioritize items by the level of citizens' impact and interest. She said the items relative to the most people should be positioned at the head of the line. She further recommended that Commissioners' and Manager's comments be moved to the beginning of the meeting and put the emphasis at that time on the goals of the meeting and specific information from assigned liaison boards.
  - 11.) Assure to the extent possible, that the staff is fully apprised of agenda items well in advance of public meetings and prepared to respond to anticipated questions from board members.
  - 12.) Establish a schedule of town hall meetings throughout the county so every citizen has easy access to ask questions or gain information.
  - 13.) Introduce regular press conferences with all the commissioners and all interested reporters.

- 14.) Expand the use of these rules to assist viewers of board meetings to raise awareness of that audience and improve the product, if you will, with more explanations of jargon, location, and decision options. Identify on screen the names of the speakers, subject, etc.
- 15.) Clearly and regularly differentiate between local, county, state, and federal responsibilities and resources. She said that although the commissioners know this because they are professionals, the citizens with whom the Board is communicating does not necessarily know or understand.
- 16.) Review the minutes to assure that previously unresolved items or issues raised in a public meeting are reported back during a meeting.
- 17.) Prepare the Board's agenda with a focus on triage so that you know what items are most important and what items could be held for a later meeting without creating a problem.
- 18.) Encourage the adoption of best practices in use of other government entities.
- 19.) Create lots of public services announcements—keep them timely, add pod cast of all pertinent meetings to the subject.
- 20.) Provide links to important internet resources for citizen convenience. She said that Union County has a wonderful web site, probably one of the best county web sites that she had gone to in her research, but a web site is never done—more things can be added.
- 21.) Set an expectation of excellence—lead by example—insist on truth telling and remember the full impart of the Board's work.

Commissioner Mills asked if the definition of town meeting is not to hold a meeting in the town but to advertise a location and be in the town to answer questions or provide information to the citizens. She agreed and stated this meeting would provide for two-way communication between the citizens and the commissioners.

The Vice Chairman thanked Mrs. Snyder for serving the county and for the work she performed during this time.

### **FIRE SERVICES:**

The Chairman recognized Neal Speer, Fire Marshal, to provide information about HB262 and SB238 which, if enacted, would provide additional funds for and improve eligibility of fire departments for statewide grants.

Mr. Speer explained the two proposed Bills currently being considered by the North Carolina Legislators would increase the population cap for the volunteer fire grant programs. He said the population cap currently restricts the grant program to volunteer fire

departments with a 6,000 population and the proposed Bills would raise the population cap to 12,000. He said that if the legislation is passed, it would allow four additional fire departments in Union County to participate in the grant program. He noted in his written information that the Bills would also increase the matching grants by \$10,000 from \$20,000 to \$30,000.

Mr. Speer reported the Union County Fire Commission has unanimously recommended that the Board of Commissioners support this proposed legislation.

Motion was made by Commissioner Mills that the following resolution be adopted to support proposed HB262 and SB238. The motion passed unanimously

**A RESOLUTION IN SUPPORT OF HOUSE BILL 262 AND SENATE BILL 238,  
LEGISLATION THAT PROVIDES NECESSARY, ADDITIONAL FUNDS FOR AND IMPROVES ELIGIBILITY OF FIRE  
DEPARTMENTS FOR STATEWIDE GRANTS**

WHEREAS, the Commissioner of Insurance of North Carolina is also the State Fire Marshal;

WHEREAS, as Insurance Commissioner and State Fire Marshal he and the North Carolina Department of Insurance administer the volunteer fire department grant funds and firemen's relief funds;

WHEREAS, fire departments in every county have counted on these annual fire grants for many years to purchase necessary equipment and supplies up to \$20,000 (with an additional match of \$20,000);

WHEREAS, there are approximately 1,400 volunteer fire departments in the State, a number which translates each year into greater grant requests than the current grant formula is able to bear;

WHEREAS, the current grant formula is also inadequate in that more and more volunteer fire departments are becoming ineligible due to the current caps on population in the respective fire districts, the number of employees in a fire department, and the overall grant cap of \$20,000 annually has not kept up with inflation;

WHEREAS, adjusting the formula and statutes for these grant funds would ensure that more departments are eligible and, furthermore, that they are eligible for larger matching grants, facts which will translate into better ratings for those fire departments and lower homeowners' insurance premiums for homes within the respective fire districts;

WHEREAS, these changes can be accomplished without raising taxes on insurance companies or citizens;

WHEREAS, legislators this year filed House Bill 262 and Senate Bill 238 upon request of the Commissioner of Insurance and the recommendation of the Revenue Laws Committee of the North Carolina General Assembly, legislation that is necessary for the proper administration of these grant funds and for the vitally needed improvements above; and,

WHEREAS, the Department of Insurance and the Office of State Fire Marshal estimate that more than 200 additional fire departments may become eligible for fire grants by this legislation alone.

THEREFORE BE IT RESOLVED that the Union County Board of Commissioners expresses its strong support for House Bill 262 and Senate Bill 238 and respectfully requests and fervently encourages that its legislative delegation do all in its might to attain passage of either or both bills during the 2007 session of the North Carolina General Assembly.

BE IT FURTHER RESOLVED that the Union County Board of Commissioners, because of pending deadlines for legislative action this session, will hereby notify its legislative delegation in the State House and State Senate by fax, email or by hand delivery, whichever method provides the most prompt communication of this resolution.

Adopted this the 7<sup>th</sup> day of May, 2007.

ATTEST:

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Lynn G. West, Clerk to the Board

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Kevin Pressley, Chairman  
Union County Board of Commissioners

Commissioner Mills, Fire Commissioner for Union County, reported that he and Mr. Speer had learned from the North Carolina Department of Insurance that previous line changes requested for the Wesley Chapel VFD and Waxhaw VFD have a flaw.

He said that part of the line change for Waxhaw VFD caused a part of their service area to be six miles out instead of the allowed five miles. He said these lines would have to be changed later because there is not time to get these corrected now.

Commissioner Mills also said that to be fair to Bakers, the Fire Commission is recommending that Bakers be given until February 2008 to present a recommended plan to solve some of the problems in that area. He said that the County needs to look at the big picture for all departments because there are areas where the County needs to assure service is adequately provided; some areas lie outside the five-mile jurisdiction. Commissioner Mills said that if lines need to be adjusted to allow everyone to receive a good insurance rating, it needs to be done timely. He said the recommendation of the Fire Commission is for the County to work with Bakers' VFD as it works with other departments to come up with ideas to solve the area's problems. Commissioner Mills said that one of the great assets in this County is the volunteer system and the volunteer fire departments are the backbone of this community.

The Vice Chairman extended his thanks to Bakers for working with the County and for their services to its citizens.

Pat Beekman recommended the County proceed with the public hearing dealing with the service tax district on May 21, but assured the Board would not have to vote on the issue until the next calendar year.

After discussion, Commissioner Mills restated the recommendation of the Fire Commission: to delay action and to allow Bakers' VFD the opportunity to work with other departments to create a solution to the area's problems. He then moved its acceptance. The motion passed unanimously.

**RESOLUTION IN OPPOSITION TO HOUSE BILL 1226 (An Act to Allow the Citizens of Union County to Determine if District Representation Should be Implemented for the Union County Board of Commissioners):**

Motion was made by Vice Chairman Baucom that the following resolution be adopted. The motion was passed unanimously.

RESOLUTION BY THE UNION COUNTY BOARD  
OF COMMISSIONERS IN OPPOSITION TO HOUSE BILL 1226 ("AN ACT TO ALLOW THE CITIZENS OF UNION COUNTY  
TO DETERMINE IF DISTRICT REPRESENTATION SHOULD BE IMPLEMENTED FOR THE UNION COUNTY BOARD OF  
COMMISSIONERS")

THAT WHEREAS, Representative Pryor Gibson is the Sponsor of House Bill 1226 that would provide for a county-wide vote regarding County Commission Representation by Districts in Union County; and

WHEREAS, while the Union County Board of Commissioners believes that the County voters should have a vote in determining what is best for Union County, the Union County Commissioners are elected at large, and the voters can now vote for all members of the Board of Commissioners; and

WHEREAS, under the current structure of County Commission representation in Union County, each Commissioner is accountable and accessible to all voters in the County, not just individual districts; and

WHEREAS, the current Commissioners live within a broad area of the County, and, therefore, geographic representation is proportionate throughout the County; and

WHEREAS, the Union County Board of Commissioners does not believe that district representation would be in the best interest of Union County and, therefore, opposes the enactment of House Bill 1226.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners opposes House Bill 1226 providing for County Commission Representation by Districts in Union County; and

BE IT FURTHER RESOLVED that the Union County Board of Commissioners believes that the current structure of County Commission representation meets the citizens' needs and this Board of Commissioners hereby reaffirms the current form of county representation.

Adopted this 7th day of May, 2007.

ATTEST:

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Lynn G. West, Clerk to the Board

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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

**DISCLOSURE STATEMENT:**

Commissioner Lane reported that he, Commissioner Mills, and Jeff Crook, Staff Attorney, met on the proposed Disclosure Statement for the Planning Board and the Board of Adjustment. He reminded that there is one already in effect for the Board of County Commissioners. Commissioner Lane stated that this proposed disclosure statement follows closely the State's Ethics Commission Statement and moved that the Board adopt the Disclosure Statement.

Vice Chairman Baucom asked why this disclosure statement applies or is limited to only two boards if it is appropriate for those boards.

Commissioner Lane responded that it was thought that the disclosure statement would be superfluous to many of these boards because their actions do not affect the finances of individuals.

Vice Chairman Baucom asked if it is superfluous to other boards why is it not superfluous to these two as well.

Commissioner Lane replied that these two boards have the ability to approve or change the size and locations of various subdivisions and that action influences many people. He said that when the Planning Board changes rules, it affects people differently than decisions and rule changes made by the Parks and Recreation Commission.

The Vice Chairman questioned that statement. He also asked if this Disclosure Statement is any stricter than the one adopted for the Board of Commissioner.



Commissioner Lane noted that these are the only two boards required to attend classes to learn their duties and responsibilities.

Commissioner Mills explained the State does not require any advisory board to fill out a statement of economic impact, and that he questioned why this was developed now and not with prior boards. He said he too had some questions of why one board over another would be required to sign a Disclosure Statement. He pointed out that the Board of Equalization and Review is a huge board that will be hearing appeals and deciding citizens' property values. He pointed out that the Board of Health also has a huge role because it has the authority to make decisions on the issuance of septic tank permits. He said he was not sure that he is ready to adopt a Disclosure Statement for these two boards. Commissioner Mills stated that it was in 1991, the Board of Commissioners adopted a Canon of Ethics that required all Commissioners to complete an economic impact statement and that until only recently he had not been aware of the requirement. He pointed out that neither Commissioner Lane nor Chairman Pressley who served on the prior board had submitted these forms. He said he completed his today, Vice Chairman Baucom has submitted his, and he did not know if Commissioner Openshaw had completed his or not. He questioned if the Board of Commissioners is just now complying with the 1991 Canon of Ethics, is there sufficient staff to monitor these requirements. He recommended that this issue be given additional thought and discussion before adoption. Again, he emphasized that the State does not require advisory committees to complete such a form.

The Chairman asked Commissioner Lane if he wanted to withdraw his motion until such time the whole board is prepared to act.

After discussion, Commissioner Lane withdrew his motion and moved to defer the item until the next meeting. The motion passed by a vote of four to one. Chairman Pressley, Commissioners Lane, Mills and Openshaw voted for the motion and Vice Chairman Baucom voted against the motion.

### **UNION COUNTY TRANSPORTATION PRIORITIES:**

Christie Putnam, Public Works Director, requested input from the Commissioners on road priorities for the County. She distributed a list of road priorities previously developed. Ms. Putnam stated that the Chamber of Commerce has a Transportation Committee whose function is to facilitate discussion among all the municipalities and the county's representative to prioritize a consolidated list of road priorities for submission to MUMPO to thus be included in the TIP. She said this starts the process for the 2009-2113 TIP.

Vice Chairman Baucom stated that he would like to see the Monroe-Bypass added, the present Bypass—Hwy. 218. Ms. Putnam stated that she would assume that he is referring to the widening of Hwy. 218 and the expediting the widening of Hwy. 218.

In response to a question by the Chairman, Ms. Putnam stated the Board could email her a list of recommendations or any comments.

She said that there is some discussion from the Turnpike Authority about building the Bypass as a toll road. Ms. Putnam explained that the way it is being discussed is the connector portion is basically being assumed to be a toll road. The question is: Should the remainder of the original 74 Bypass, which would be through Hwy. 601 to Marshville, also be a toll road?

The Vice Chairman stated that his answer is “no” because this money has previously been approved and the money is sitting in Washington, and it is funded. He said that the County is not looking for additional appropriations to complete that portion of the highway bypass; it is only the section from Hwy. 601 to I-485.

Ms. Putnam stated that since last year the entire road from Marshville to I-485 is being reviewed as one environmental document by the Turnpike Authority.

Commissioner Openshaw stated that he is totally against the toll road and the length of it. He said the road benefits the State and that he thought the name coastal connector was particularly appropriate in that it connects Charlotte, whose main industry is not financial, but is distribution. He said the port at Wilmington is being expanded, and he questioned why Union County should pay for one small section of a road that is going to benefit the entire state. Secondly, he said he did not understand why the Chamber of Commerce gets to weigh in, other than to make a recommendation to the Board, on what roads the Board of County Commissioners chooses to prioritize. He said one of the problems of Union County is that roads have been going either to special interest or areas with new developments instead of where the roads need to go to move traffic. Commissioner Openshaw said he thought it was time to move traffic back to the top priority instead of getting roads for individuals. He recommended a meeting on how Union County could get additional money for its roads. Commissioner Openshaw also recommended and briefly reviewed the roads that he requested be added to the priority list: (1) Expanding Providence Road from I-485 to Rae Road. He said he would recommend that a portion of approximately two miles of Providence Road to Newtown Road be expanded to four lanes. (2) Widening of Old Monroe Road – I-485 to Sun Valley High School.

The Chairman stated that he would recommend the Commissioners take time to review the list presented and, as the County's representative to MUMPO, he would take the recommendations to it.

Ms. Putnam stated the next meeting of the group that facilitated this list would be a week from Thursday and asked for comments by that date.

Chairman Pressley moved that the roads mentioned tonight be added to the list as well as any others that are brought forward prior to Thursday one week. The motion passed unanimously.

**PUBLIC WORKS:**

***Western Union School Project:*** The Chairman stated the first item is to review the bids on the Wastewater Pumping Station and Force Main to service Western Union Elementary School. It was noted in the package that this project will connect Western Union School to the Blythe Creek trunk sewer and provide relief to the failing school's on-site septic tank. It was noted the project consists of approximately 10,000 linear feet of three-inch force main and a pump station. The bids were as follows:

Dawn Development Company, Inc. -	\$441,546.00
Buckeye Construction Company, Inc.	\$645,059.95
R. F. Shinn Contractor, Inc. -	\$646,238.00
Dellinger, Inc. -	\$655,014.00
Concord Builders, Inc.	\$574,070.00
State Utility Contractors, Inc.	\$484,131.00
Fuller Contracting Company	\$608,936.00

He explained the next portion would be to accept the low bidder, to authorize award of the construction contract, and to authorize the Interim County Manager to execute construction agreement upon legal review.

Vice Chairman Baucom moved to accept the bids, award the contract to the low bidder, Dawn Development Company, Inc., in the amount of \$441,546 and to authorize the Interim County Manager to approve the contract with the low bidder.

During discussion, Commissioner Openshaw asked why a three-inch main was chosen, and what is the carrying capacity of the three-inch main versus a two-inch main. Ms. Putnam replied that she did not have that information available. Commissioner Openshaw asked if there has been a comparison made. He said he thought it was a reasonable consideration if the force main is being installed only for the school. Commissioner Openshaw asked if this project has been reviewed by the Public Works Advisory Board. Ms. Putnam responded that it had not. He pointed out that the County doesn't know the carrying capacity and the project had not been reviewed by the Public Works Advisory Board. He asked how much flow would be from gravity flow into the line. Ms. Putnam said that the permit is not proposing to serve any area with gravity flow through this system. Ms. Putnam assured that extra capacity has not been permitted into this project.

In response to a question on the design engineering firm, Ms. Putnam responded that Eagle was the project's engineer.

Commissioner Mills said that he would agree with Commissioner Openshaw about the three-inch line but questioned what would be the cost to increase the line size for future capacity.

Ms. Putnam responded that the project was previously designed to serve additional capacity in that area, but the previous Board's direction was to take it back to serve only the school.

The Chairman pointed out that if the Board decides to change the size of the line, the pumps and pump stations must also be changed.

Commissioner Openshaw interjected that he was more interested in downsizing than increasing the size.

The Chairman explained that the project had already been downsized from including future development to service only for the school site.

Ms. Putnam responded to a question from Commissioner Lane with assurance that a three-inch line is the size required to service the school site.

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

**Self-Help Projects:** Ms. Putnam explained that three water project applications were submitted in the first part of this year and are being submitted to the Board for its review and for the appropriation of the \$2,000 per customer from the General Fund Budget, if the Board so desires. She noted that all three of these water projects recorded below were in existing neighborhoods and are viable projects, pending participation from the residents:

- 1.) Cyrus Lee Lane - \$ 83,815 - 12 customers
- 2.) Polk Mountain - 252,300 - 55 customers
- 3.) Wellington Woods I - 165,000 - 32 customers

Jim Long, resident of the Polk Mountain project, was recognized by the Board. Mr. Long stated that they have a fairly high level of arsenic in their area, although, it may not be that all wells have arsenic. He said it is the number of homes with wells that have a high arsenic rate that initiated this self-help project.

Commissioner Openshaw stated that since he last mentioned assisting homeowners with a filter to remove arsenic, he had received information from representatives of firms that supply these. He said there is a five-step arsenic removal system that installed would cost \$840. He noted that this is clearly a less expensive option because the line extension participation from public funds is \$2,000 not including funds from the Enterprise fund or customers. He said another issue that the filters could not help would be low water flow rate from the wells and asked the flow rate of water from their wells.

Mr. Long answered he had five gallons per minute while the flow from others' wells in the neighborhood range between one to 25 gallons per minute. He said their wish is to see how the County could help with the water and then determine the participation of the residents in the development.

Commissioner Openshaw pointed out that the dollar participation required from this development is low because of the number of homeowners, but in the other two developments, the filter would be a cheaper alternative, if the problem is the level of arsenic and not flow.

Commissioner Mills suggested that filters be installed on two wells to determine the efficiency of the filter to remove arsenic.

The Vice Chairman suggested that this question be referred to the health department to study the options available.

Motion was made by Commissioner Mills that the three self-help projects – Cyrus Lee Lane, Polk Mountain, and Wellington Woods I be approved. The motion passed unanimously.

***Utility Conservation Measures:*** The Chairman suggested a mailer be prepared to be sent with the bills that would outline for customers how to conserve water.

Commissioner Lane stated that he would request customers to try the recommended methods and see if it would reduce the monthly flow.

Ms. Putnam stated that water conservation is always good because water is a precious resource. She stressed that this year it appears that conservation is going to be needed more than normal.

Commissioner Mills questioned if there is a device that can be installed on irrigation systems to cut off the system when it is raining. He said he had received complaints about the lawn irrigation systems operating during a rain. Commissioner Mills stated that from all information he receives water conservation is going to be a major issue this summer. He asked Ms. Putnam if she could prepare a plan of action as to when the county should implement voluntary and/or mandatory restrictions. He said he wanted Union County to be proactive.

Ms. Putnam stated that Union County has a Water Conservation Ordinance in place that outlines the steps to implement and in what increments.

The Chairman moved that a mailer be prepared and sent with the next water billing requesting the users to implement water conservation measures.

Commissioner Openshaw asked what percentage of water goes to irrigation of lawns. Ms. Putnam stated that the annual average water usage last year was nine million gallons per day and the peak day last year was 18 ½ million gallons per day.

The motion passed unanimously.

**CAPITAL IMPROVEMENT PLAN:**

The Chairman recognized Nancy Anderson, Mayor of Weddington, to address the issue of the Library proposed for Weddington which is a part of the CIP. She introduced L. A. Smith, Council member. She said they are present to advocate for the regional library to be located in Weddington. Mrs. Anderson said this project had been in the process for eight years, and she knows how hard it is to fund things when a governmental entity is strapped for cash and when these projects don't appear to be essential. However, Mrs. Anderson stated this is a quality of life issue. She said that Weddington has donated \$150,000 of tax dollars plus a parcel of land which is valued at about \$250,000. She also noted that at a recent work session there was consensus from the Weddington Town Council that it would be willing to contribute another \$350,000 over ten years. She also noted that Marvin had agreed to contribute \$5,000 for 10 years for a total of \$50,000. Mrs. Anderson said that Wesley Chapel had not agreed to participate but she was certain they would make a contribution. Mrs. Anderson said that of the \$235,690 contributed by corporate and private donations the majority had come from the residents of Weddington and \$100,000 from Harris Teeter. She said she believes Weddington has done its part in funding a library in its town.

Ms. Martie Smith, Library Director, interjected that Mrs. Anderson is reviewing the figures that she had presented to the Board of Commissioners during its planning retreat. She said for the construction of the library, the shortfall is \$1,061,310 based on its 2007 estimate. She said the 2008 estimate adds another \$517,000 to the \$1,061,310 shortfall and is included in the Library's CIP for this year. She said the Library is trying to raise the \$1,061,310. Mrs. Smith said that the \$350,000 additional pledge from Weddington is not yet reflected in the budget.

The Chairman stated that he had talked with the Sheriff today and learned there were 70 empty beds in the jail. He said the District Attorney is doing a good job of moving the cases through the system, Chairman Pressley said that after talking with the Sheriff today, he thought the Board should not vote on the CIP tonight. He explained that it might be that a new jail is not immediately needed and asked the Sheriff to address this issue.

Sheriff Cathey reported that everything on the jail project has been approved and at some point in July, the design-development phase will be completed and everything to this point has been finished and paid or money appropriated. He said he thought that the Board could look at the chart included with his letter that depicted how the jail population has dropped, basically since January. He reported that today there were roughly 180 inmates in the jail and that it was hard for him to claim that jail space is needed when there are 60 to 70 empty beds. However, he said he did not want to stop the project because if the numbers go back to where they were last summer, he would be back requesting the jail project be started again. He emphasized that if the project is completed through July, there will be a finished plan that could be put on the shelf and taken off the shelf, if demand requires it. In response to a question from the Chairman, the Sheriff stated funds are already appropriated for the project and no additional funds will

be required in the CIP. He said it is known that a jail will have to be built, but that he thought it best to wait until it is required to assure that it is a technically efficient jail.

Commissioner Mills stated that he had talked with John Snyder, District Attorney, on this subject. He said he realized the State supplies the prosecutors, but that the District Attorney believes if the county could fund two district attorneys for two years that he could greatly reduce the numbers in the jail. He said he hoped the Board would consider this request at budget time even though these are normally state funded positions. He stressed if it could delay the jail construction, it would be money well spent.

The Sheriff stated that his department is making arrests in 47 percent of the calls it receives. He said if this is not the highest rates in North Carolina, it is one of the highest rates.

The Chairman modified his motion to accept the Union County CIP for the 2008-2112 with the exception of the jail expansion so the County could move forward with the other projects.

Commissioner Openshaw questioned what impact the ICE program will have on jail beds.

The Sheriff stated that it would increase the number of required beds but explained that it is thought they will be housed only for a short period time. He said that after they are accepted by ICE, they will be moved out. He said he thought they would be moved to Mecklenburg, then to Atlanta, and then to wherever. Sheriff Cathey said that of the 180 people in jail there are only seven persons serving time; the others are awaiting trial.

After additional discussion on the proposed jail project, costs escalation, etc., the Chairman called for a vote on the motion. The Vice Chairman interjected that he wanted to amend the motion to state that funding the Weddington Library Project in the CIP be contingent upon Wesley Chapel and Marvin contributing their equitable share.

Mrs. Anderson interjected that she thought Weddington is being held hostage. She said that the town had done way far above what any other municipality has been asked to do. Mayor Anderson said they are a donor municipality and their property taxes have built far more school seats than the residents of the municipality use; Weddington bought an ambulance and donated it to the county so the residents in the town would have good response times. She stressed that Weddington does a lot for this county. She said in her opinion Weddington is being held hostage because other municipalities are not stepping up to the plate. She asked the Board to consider funding the proposed library at Weddington.



The Vice Chairman amended the motion to state the funding in the CIP for the Weddington Library Project be contingent upon Wesley Chapel and Marvin contributing the levels that Weddington has contributed and pledged.

The Chairman repeated the substitute motion: To accept the Union County CIP for the 2008-2112 with the exception of the jail expansion and the Weddington Library pending equitable contributions from the towns of Weddington and Wesley Chapel.

Commissioner Openshaw stated that Weddington has been fantastic in its contribution to the community. He said that Mrs. Anderson failed to mention the town's contribution to the athletic association. Commissioner Openshaw said that one of the big problems is that this is considered a regional library and every community wants a library. He said he would like to see what the other municipalities contributed to the regional library in Indian Trail, but stated he doubted that they contributed to this level. Commissioner Openshaw said he thought Wesley Chapel's position is that this is a county obligation and its council does not feel responsible to make a contribution. He said he looked at it that a library is a tremendous asset, and he is glad to be the liaison to the Library. Commissioner Openshaw said libraries are not just a quality of life issue but they are also educational issues for growth, sense of community, and he personally does not see why Weddington should have to step up to the extent that it has. He said that the town has been overly generous. He said his big problem with growth is that the County is willing to promote growth but is not willing to pay the cost of it. He pointed out that quality of life issues such as libraries and parks and recreation are a part of the growth process.

Commissioner Mills stated that along similar lines he thought the Board needs to be fair and consistent and the proper thing to do is to sit down with Wesley Chapel and Marvin and talk with them about contributing to the library. He said he did not feel that the library project funding should be deferred in the CIP until these municipalities contribute. Commissioner Mills said he thought such action would have a negative impact on both municipalities. Commissioner Mills stated he could not support the motion although he supported the intent to get the other municipalities to contribute.

Commissioner Lane agreed with Commissioners Openshaw and Mills that the Library did not need to be deferred because one community has not seen fit to contribute. He said he understood that Wesley Chapel has not done so because it wants to build a town hall

The Vice Chairman clarified that his substitute motion was not about Weddington; he appreciates what Weddington has done and what Weddington will continue to do. He said the intent of his amendment was to require the municipalities to step up to the plate and do the right thing. He said it has been vocalized, and he will withdraw his amendment to the motion.

The Chairman called for the vote on the original motion to accept the Union County CIP for the 2008-2112 with the exception of the jail expansion.

Vice Chairman asked for an explanation on how the county could develop ten miles of equestrian trails in the 400-acre North District Park Development Program and still have a park.

Wanda Smith, Parks and Recreation Director, said this is a recommendation through the Master Plan and the consultants who did the work on the project. She said it would be a minimum of ten miles of travel. She said it would probably be designed similarly to the trails that are in Cane Creek Park. She reported there are about 15 miles in Cane Creek Park which criss-cross each other, run parallel to the lake and around the lake in different configurations. She said this recommendation came from the consultants.

Vice Chairman Baucom asked if this equestrian trail would utilize any private lands. Mrs. Smith responded that it would not.

He said it also mentions linking to regional trails. Mrs. Smith said that Parks and Recreation would only be purchasing land from willing sellers and would not be condemning land or use land unwillingly.

The motion passed unanimously.

### **VACANCIES ON BOARDS AND COMMITTEES**

The Chairman announced the following vacancies: one vacancy on the Nursing Home Advisory Committee; three vacancies on the Home and Community Care Block Grant Advisory Committee; one district attorney or his designee, two substance abuse professionals, two persons under age 18, juvenile defense attorney, representative of United Way/other non-profit, and two county commissioner appointees to serve on the Juvenile Crime Prevention Council.

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

**Board of Adjustment:** Commissioner Lane moved that the Board reinstate Walter M. David, James Edwin Webb and James B. Burnett, as alternate. He said these individuals had only served for two years and all were appearing to be doing a good job.

Vice Chairman Baucom moved to nominate Frank Howey, Jr., Darren Green, and Phil Williams, as alternate.

The Chairman nominated Frank Howey, Jr., Darren Green, and Jeff Gerber, as alternate.

The Chairman asked the staff attorney for the proper procedure for voting. He asked if the first motion should be voted on first or should the substitute motions be voted on first. The Attorney replied that these were nominations and the vote should be individually in order of nomination.

The Chairman then called for a vote in order nominated:

Walter M. David. The vote was two for and three against—Commissioners Lane and Openshaw voted in favor and Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted against.

James Edwin Webb – The vote was two for and three against – Commissioners Lane and Openshaw voted in favor and Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted against.

James H. Burnette – The vote was two for and three against—Commissioners Lane and Openshaw voted in favor and Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted against.

Frank Howey, Jr. – The vote was three for and two against – Chairman Pressley, Vice Chairman Baucom and Commissioner Mills voted in favor and Commissioners Lane and Openshaw voted against.

Darren Greene – The vote was three for and two against – Chairman Pressley, Vice Chairman Baucom and Commissioner Mills voted in favor and Commissioners Lane and Openshaw voted against.

Phil Williams – The vote was two for and three against – Vice Chairman Baucom and Commissioner Openshaw voted in favor and Chairman Pressley, Commissioners Lane and Mills voted against.

Jeff Gerber – The vote was two for and three against – Chairman Pressley and Commissioner Mills voted in favor and Vice Chairman Baucom, Commissioner Lane, and Commissioner Openshaw voted against.

Commissioner Mills moved that Phil Williams be appointed alternate. The Chairman called for a revote on Phil Williams. The motion passed by a vote of four to one. Vice Chairman Baucom, Commissioner Mills, Commissioner Lane and Commissioner Openshaw voted in favor and Chairman Pressley voted against.

The Chairman announced that Frank Howey, Jr., and Darren Green were elected as regular members to the Board of Adjustment and Phil Williams was elected to serve as an alternate to the same board.

***Centralina Workforce Development Board:*** Vice Chairman Baucom nominated Janet Hudson. With there being no other nominations, the Chairman called for a vote to appoint Janet Hudson. The motion was passed unanimously.

***Home and Community Care Block Grant Advisory Committee:*** Motion was made by Vice Chairman Baucom that Elisa Gregorich be appointed to the Home and Community Care Block Grant Advisory Committee. The motion passed unanimously.

The Chairman read into the minutes the resolution opposing HB 1226, which was adopted earlier in the meeting.

He also informed the Sheriff that the Staff has been requested to work with his office to study euthanizing animals in the Animal Shelter by injection. The Sheriff agreed and stated that information pertaining to costs, changes in design, staff, etc., would be reported to the Board.

#### **INTERIM MANAGER’S COMMENTS:**

The Interim County Manager announced that the County is accepting applications for the fall semester of Union University, which will begin on September 11 and run every Tuesday through November 6 from 6:00 p.m. – 8:00 p.m. He provided the necessary data for registering for the program.

Mr. Black announced that Jerry Simpson, Ag Extension Director, recently was awarded the Outstanding Extension Agent in North Carolina. He said this award goes to the outstanding field faculty member in the North Carolina Cooperative Extension.

He announced that anyone who wishes to receive news and information about the county could visit the County's web site and register to receive the Union County Update, which is a weekly newsletter that the county publishes to educate people about what is going on in the county.

Mr. Black said that at the last meeting, the Board asked the staff to start providing information on subdivision approvals. He reported that at the end of tab five in the agenda package there is a map and spread sheet of the approvals in the unincorporated areas of Union County, including Hemby Bridge and Lake Park since January 2001 through April of this year. He said he is working with the other municipalities and hopes to have a similar list in the June meeting. He noted that the last new major subdivision that came through the County was in August 2005. Mr. Black stated that even during that time period there are finals that come through because of the back log of the preliminaries. He said in 2005 and 2006, the County averaged over a thousand final lots a year. Mr. Black said that this year to date the County has accrued 220 final lots. He reported the Commissioners need to keep in mind both the preliminary and final plats and noted that at this time there are a little over two thousand vacant lots, or lots that have not been finalized, in the subdivision inventory.

#### **COMMISSIONERS' COMMENTS:**

Commissioner Openshaw reported on a news article in the *Raleigh News and Observer* how Judge Manning has ruled against mandatory year round schools. He said that was an option that could be taken off the table for dealing with schools in the future.

He said he would again ask when the Board is going to begin to plan for the County's future. He said the Board needs to get together and figure out what it wants Union County to be, what the Board wants it to look like, where the Board wants it go, and what is appropriate.

Commissioner Openshaw announced that at the Museum of the Waxhaws on Saturday will be bluegrass and barbecue, hot air balloons, etc. He said the \$7.50 entrance fee will include the Barbecue.

Commissioner Mills thanked Mrs. Snyder for her recommendations and said he would like to set up a town meeting and perhaps one area to visit would be Fairview and discuss with the residents the arsenic levels in their wells.

He also said that he was pleased with the subdivision information provided in this package.

Commissioner Mills also thanked Mr. Beekman for the work he had done with him on the Bakers Volunteer Fire Department. He thanked the Board for appointing him to serve as Fire Commissioner because it is a special area of interest to him. He said that the Fire Commission is moving forward to make sure that Union County's citizens have adequate fire protection.

Vice Chairman Baucom reported the Union County Red Cross had been recognized as one of the 80 top chapters in the United States. He said this is a tremendous honor and thanked Kathy Bragg, Michelle Sarno, and their tremendous staff.

He reiterated the honor received by Carolinas Medical Center-Union that had been earlier mentioned.

Vice Chairman Baucom thanked Bill Price and his family for their contribution to Hospice from the Steeple Chase proceeds. He said the Price family annually selects organizations to assist from proceeds from the Steeple Chase event.

He, too, congratulated Jerry Simpson, a Union County native, for receiving the Outstanding Extension Agent Award and spoke of the significance of this prestigious award.

Vice Chairman Baucom recognized and congratulated Beth Little Walker, a Union County native who attended Piedmont High School and now teaches at Piedmont High School, for being named Union County Teacher of the Year. He said that Beth's parents are Ed and Brenda Little.

Commissioner Lane said that he attended Union County's job fair at South Piedmont Community College. He said it was well attended by many employers as well as various service organizations. Commissioner Lane said it was good to have such events so it can be learned what Union County has to offer for the people.

He noted that building permits were still not good in that 89 percent went to residential construction while only 11 percent were for commercial construction permits. Commissioner Lane pointed out that when talking about final plats, it demonstrates that the sewer moratorium has not completely stopped growth in Union County.

The Chairman stated that the Town of Indian Trail has submitted their subdivision information quite efficiently with a good tracking system. He said he appreciated the town's work.

Chairman Pressley thanked Mrs. Snyder for her comments and wished her pleasure with her grandchildren. He also acknowledged that she should be proud of her son's work here in Union County as its District Attorney.

The Chairman thanked each Commissioner for all his work on the various boards and committees.

The Chairman moved for the Board to go into a closed session for the following purposes: (1) to consider the qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of an individual public officer or employee or prospective public officer or employee in accordance with G. S. 143-318.11 (a) (6) and (2) to consult with an attorney employed or retained by Union County in order to preserve the attorney-client privilege between the attorney and Union County and to consider and to give instructions to an attorney concerning the handling or settlement of a claim in accordance with G. S. 143-318.11 (a) (3).

The Board approved the motion by a unanimous vote.