

May 21, 2007

The Union County Board of Commissioners met in a regular meeting on Monday, May 21, 2007, at 7:00 p.m. in the Commissioners' Board Room located on the first floor of the Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

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

ABSENT: None

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

OPENING OF THE MEETING:

At approximately 7:05 p.m., the Chairman convened the meeting and welcomed everyone.

a. Invocation

Commissioner Mills offered the invocation.

b. Pledge of Allegiance

Commissioner Lane led the body in reciting the Pledge of Allegiance to the United States flag.

FIRE SERVICES - PUBLIC HEARING TO CONSIDER:

- a. **Abolishing the New Waxhaw Fire Fee District**
- b. **Altering the boundaries of the Wesley Chapel Fire Service District to include property currently located within the new Waxhaw Fire Fee District and certain other property currently located in the Waxhaw Fire Service District and to exclude certain other property, in accordance with G.S. 153A-303 and 153A-304.3**
- c. **Altering the boundaries of the Waxhaw Fire Service District to include certain property currently located in the Wesley Chapel Fire Service District and to exclude certain other property in accordance with G.S. 153A-304.3**

At approximately 7:09 p.m. the Chairman opened the public hearing. No one had registered prior to the opening of the public hearing to address the Board during the hearing. The Chairman asked if there were anyone in the audience who wished to comment during the public hearing. With there being no one to come forward to address the Board at that time, the Chairman closed the hearing.

INFORMAL COMMENTS:

Don Garbison, who resides in Stallings, North Carolina, commented regarding the water master plan. He stated that he was new to the County, with this being his second year in the County. Mr. Garbison said that the water pressure in his neighborhood, Shanamara, in Stallings was at 20 psi at seven o'clock on Sunday night, which he stated was the minimum for fire flow as required by the State. He stated that the water pressure should be 30 psi for peak flow times. He suggested that the Board consider some short-term rules for voluntary water conservation measures. He said that he believed it was an almost dangerous situation until the county has additional water capacity in place. Mr. Garbison further said he had checked with a staff member at Public Works and was told that the water usage on Sunday was at peak demand of 25 million gallons, and he noted that the County's system was designed for 18 million gallons per day.

Following Mr. Garbison's comments, the Chairman asked that the Clerk to the Board provide a copy of his comments to the Public Works Advisory Board for its meeting on Tuesday, May 22.

Joan Botkzo, who resides at 4820 Mossy Cop Lane, addressed the Board regarding the Bakers Fire Department. She commented on the amount of development between Rocky River Road and Wesley Chapel Road which is serviced by the Bakers Volunteer Fire Department. She stated that the proposed closing of the Bakers Volunteer Fire Department would significantly increase the insurance costs of those residents in the area serviced by that department. Ms. Botkzo stated that closing the Bakers Volunteer Fire Department would be "penny wise and pound foolish." She urged the Board not to abolish the Bakers Volunteer Fire Department.

Bill Gale also addressed the Board concerning the Bakers Volunteer Fire Department. He stated that he serves on the Board of Directors of Bakers Volunteer Fire Department. Mr. Gale noted that on tonight's consent agenda an item was included for a Contract with Bakers Volunteer Fire and Rescue Department. He said as a homeowner, he was concerned about any possible merger involving Bakers Volunteer Fire Department. He further said that he was concerned that any change with the Bakers Volunteer Fire Department would cause problems in his neighborhood. He asked the Board to consider not closing that department.

Commissioner Mills responded that the contract in the consent agenda was in accordance with the agreement that had been reached at the Fire Commission meeting that included that Bakers Volunteer Fire Department would hold off on building a new department at this time.

ADDITIONS, DELETIONS, AND/OR ADOPTION OF AGENDA:

Chairman Pressley proposed to add the following additions to the Agenda:

1. Regular Agenda: Request for Assistance of Union County and the United States Army Corps of Engineers for Cleanup from the Waterways
2. Consent Agenda: Right of Way Agreement for Duke Energy to Run Power to the Jesse Helms Park Soccer Complex
3. Consent Agenda: Resolution for Wesley Chapel Volunteer Fire Department to Refinance up to \$400,000 for Existing Fire Trucks

At this time, the Clerk requested that should the Board adopt the resolution as requested by the Wesley Chapel Volunteer Fire Department, that the Board consider adopting it contingent upon revision so that its language conforms to standard language used in previous resolutions requested by the fire departments.

Upon consensus of the Board, the Chairman stated that if the resolution were adopted under the Consent Agenda, that its approval would be contingent on conformance with the Board's standard language for the fire department resolutions.

Chairman Pressley requested to delete Item 9 - General Services (Government Center Phase IV Renovations-Bid Award Recommendation) on the Consent Agenda. He stated that he had met this afternoon with Mr. Wyatt regarding this matter, and there are several small issues that need to be resolved. He said Mr. Wyatt had suggested deleting this item from tonight's agenda and including it on the June 4, 2007, agenda, which would allow more time for him to work with the architect to resolve these issues.

Chairman Pressley stated that the item requesting assistance on waterways cleanup would become Item 4a on the regular agenda.

Chairman Pressley moved adoption of the agenda as modified with the addition of the request for assistance on the waterways cleanup to the regular agenda; the deletion of Item 9 on the Consent Agenda; the addition of the resolution for refinancing of existing fire trucks requested by the Wesley Chapel

Volunteer Fire Department; and the addition of the Duke Energy Right of Way on the Consent Agenda. [No vote was taken on this motion.]

Commissioner Openshaw requested to add to the regular agenda for discussion the Wesley Chapel Athletic Association presentation that was provided to the Board during the May 7, 2007, meeting. Further, he said he would like to add the request by the Parks and Recreation Department to use \$5,000 for a feasibility study.

Commissioner Mills requested to add an item to the regular agenda for discussion to forward to the Public Works Advisory Board the possibility of implementing water conservation measures.

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

CONSENT AGENDA:

Vice Chairman Baucom moved to approve the items listed on the Consent Agenda as modified.

Commissioner Openshaw requested that the following items be moved from the Consent Agenda to the Regular Agenda:

1. Item #3 - Settlement of a Claim with the Tyson Group
2. Item #6 - Resolution to Request the North Carolina Department of Transportation to Use Small Construction Funds
3. Item 10 - Contracts Over \$5,000
 - a. Jordan Jones & Goulding - Master Agreement for Engineering Services
 - b. Maxco, Inc. - Jesse Helms Park Onsite Waste Water System (Change Order #1)
4. Item 12 - Request for Special Legislation
5. Item 13 - Interbasin Transfer Legislation

Commissioner Lane requested to move Item 10 g from the Consent Agenda to the Regular Agenda - Carolinas Union Healthcare, Inc. d/b/a EMS - Renewal of the EMS Agreement for a Two-Year Period from July 1, 2007, through June 30, 2009.

Chairman Pressley stated that the items to be added to the Regular Agenda would be numbered as follows:

1. Request for Assistance with the Cleanup of Waterways - Item #4a
2. Wesley Chapel Athletic Association Presentation - Item #4b

3. Parks and Recreation Feasibility Study - Item #4c
4. Water Conservation Measures - Item #4d
5. Settlement of Claim with Tyson Group (from Consent Agenda) - Item #4e
6. Resolution to Request the North Carolina Department of Transportation to Use Small Construction Funds (from Consent Agenda) - Item #4f
7. Contracts Over \$5,000:
 - a. Jordan Jones & Goulding (from Consent Agenda) - Item #4g
 - b. Carolinas Union Healthcare, Inc. d/b/a Union EMS (from Consent Agenda) - Item #4h
 - c. Maxco, Inc. - Jesse Helms Park Onsite Waste Water System Change Order #1 (from Consent Agenda) - Item #4i
 - d. Request for Special Legislation (from Consent Agenda) - Item #4j
 - e. Interbasin Transfer Legislation (from Consent Agenda) - Item #4k

With there being no further modifications to the Consent Agenda, the motion to approve the items listed on the Consent Agenda as modified was passed unanimously.

Tax Administrator: Approved Twelfth Motor Vehicle Billing in the grand total amount of \$1,104,192.14.

Tax Administrator: Approved the Departmental Monthly Report for April 2007.

Finance: Approved Motor Vehicle Tax Refund Overpayments for April 2007 in the amount of \$5,559.56.

Settlement of a Claim (Tyson Group): This item was moved to the Regular Agenda.

Communications: Amended the County's Pay and Classification System to reclassify Quality Assurance/Training Manager Position, Pay Grade 68 to Quality Improvement/Assurance Coordinator, Pay Grade 66.

Centralina Board of Delegates Meeting - August 8, 2007: Approved joint hosting and cost sharing (estimated expense of \$1,500) with the City of Monroe of the August 8, 2007, Board of Delegates Meeting.

Right-of-Entry Agreement to State for Sheriff's Radio Tower: Authorized Interim County Manager to approve agreement with State.

Contract with Bakers Volunteer Fire and Rescue Department: Authorized Interim County Manager to: 1) provide notice of termination of existing Bakers

Volunteer Fire Department Agreement; and 2) approve a new agreement for fiscal year 2007-2008.

General Services - Government Center Phase IV Renovations - Bid Award Recommendation (Upfitting the Second Floor of the Government Center for the Tax Administration, Assessment, and Reappraisal and Register of Deeds' Offices): This item was deleted from agenda.

Contracts Over \$5,000:

- a. Jordan Jones & Goulding - Master Agreement for Engineering Services - ***This item was moved to the regular agenda.***
- b. Authorized the Interim County Manager to approve Agreement with the NC Department of Crime Control and Public Safety for Federal Funding for Local Governments that Develop and Maintain a "Comprehensive Emergency Management Program" (Revenue Contract)
- c. Authorized the Interim County Manager to approve Memorandum of Agreement with the U. S. Department of Homeland Security-Immigrations & Customs Enforcement permitting qualified Union County Sheriff's Officers to perform certain functions of an immigration officer.
- d. Authorized Interim County Manager to approve Task Order #4 with Black and Veatch for the design, development of construction documents and bidding of Love Mill Road Waterline Project consisting of approximately 2,800 linear feet
- e. Authorized Interim County Manager to approve an Agreement with the Employment Security Commission for employment services for Work First Participants (Job Development, Search and Placement)
- f. Authorized Interim County Manager to approve agreement with South Piedmont Community College for education service to Work First Participants (Job Search Skills, Academic Skills Testing and Evaluation)
- g. Carolinas Union Healthcare, Inc.d/b/a Union EMS - Renewal of the EMS Agreement for a Two-Year Period from July 1, 2007, through June 30, 2009 - ***This item was moved to the regular agenda.***
- h. Maxco, Inc. - Jesse Helms Park Onsite Waste Water System (Change Order #1) - ***This item was moved to the regular agenda.***

Ratification of Weddington Booster Club Agreement as Approved by the Interim County Manager: Ratified Agreement.

Request for Special Legislation: ***This item was moved to the regular agenda.***

Interbasin Transfer Legislation: This item was moved to the regular agenda.

Town of Marshville's Request for Appointment of Members from the Extraterritorial Jurisdiction Area to the Towns' Planning Board (Two Members) and Board of Adjustment (Two Members): Authorized the Clerk to the Board to proceed with advertising for applicants who reside within the extraterritorial jurisdiction area to serve on these boards and publishing notice of a public hearing for Monday, June 18, 2007, at 7:00 p.m. to receive comments regarding the selection of members.

Union County School Construction on Indian Trail-Waxhaw Road: Authorized the Chairman to approve Right of Way Agreement after revision by the County Attorney (property titled in Union County's name).

Department of Social Services - Termination of Contract with United Family Services dated April 2, 2001: Authorized the Interim County Manager to send letter terminating Agreement.

Parks and Recreation: Authorized the Chairman to approve the Right of Way Agreement with Duke Energy for power to run the irrigation system at Jesse Hems Park Soccer Complex after revision by the County Attorney

Wesley Chapel Volunteer Fire Department: Adopted Resolution Approving Financing Terms by Wesley Chapel Volunteer Fire Department, Inc. of up to \$400,000 for Re-Financing of Existing Fire Trucks Project

**Resolution Approving Financing Terms
By Wesley Chapel Volunteer Fire Department, Inc.
Of Up to \$400,000.00 for Re-Financing of Existing Fire Trucks Project**

WHEREAS:

Wesley Chapel Volunteer Fire Department, Inc. (the "Fire Department") has previously determined to finance an amount of up to \$400,000 for the re-financing of existing fire trucks. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing. The Fire Department has held a public hearing on the financing after published notice, as required by the Code. The Fire Department has reported the proceedings of the hearing to this Board.

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

1. The County approves the Fire Department's entering into the financing, as required under the Code for the financing to be carried out on a tax-

exempt basis. The Fire Department's conduct of the required public hearing is approved, provided that Union County makes no representation as to the sufficiency of the public hearing for any purpose whatsoever.

2. Union County's approval of the Fire Department's entering into the financing does not obligate the County or its Board of Commissioners in any way regarding repayment of the debt.

ADDITIONS TO THE REGULAR AGENDA:

REQUEST FOR ASSISTANCE FROM UNION COUNTY AND THE ARMY CORPS OF ENGINEERS FOR WATERWAYS CLEANUP:

Shirley Howe, member of the Indian Trail Town Council, introduced Lynda Paxton, Mayor of the Town of Stallings and Chris Baker, member of Hemby Bridge Town Council. She stated that Elizabeth Long, Mayor Pro Tem for the Town of Fairview, was unable to attend tonight's meeting.

Ms. Howe presented the Board with the following Resolution adopted by the Town Councils of Indian Trail, Stallings, Fairview and Hemby Bridge:

A RESOLUTION TO REQUEST THE ASSISTANCE OF UNION COUNTY AND THE UNITED STATES ARMY CORPS OF ENGINEERS IN CLEANING OR CLEARING OBSTRUCTIONS AND DEBRIS FROM THE WATERWAYS KNOWN AS CROOKED CREEK, DAVIS MINE CREEK, PRICE MILL CREEK, AND THE EAST FORK OF TWELVE MILE CREEK IN UNION COUNTY, NORTH CAROLINA

WHEREAS, the above waterways have become obstructed with debris, fallen timber, and other obstructions to the natural passage of the water therein; and

WHEREAS, the obstruction of the natural flow of the passage of the water in Crooked Creek contributes to flooding, lack of adequate storm water drainage, and other ill effects to the citizens; and

WHEREAS, the Town of Indian Trail anticipates that similar or like resolutions will be considered by other local government jurisdictions in Union County, including but not limited to, The Towns of Hemby Bridge, Stallings, and Fairview; and

WHEREAS, the County government is recognized by the Army Corps of Engineers as the proper party to present such a broad geographical request;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA AS FOLLOWS:

1. The Town of Indian Trail requests the County Commissioners of Union County, North Carolina to petition, in the manner deemed most effective, the United States Army Corps of Engineers to clean and clear the debris and obstructions from the entire length of the waterways of Crooked Creek (including both the North and South Forks of Crooked Creek), Davis Mine Creek, Price Mill Creek, and the East Fork of Twelve Mile Creek in Union County, North Carolina.

2. This resolution shall be effective immediately upon adoption.

SO RESOLVED THIS THE 13TH DAY OF FEBRUARY, 2007

THE TOWN COUNCIL OF INDIAN TRAIL

BY: s/Dan Schallenkamp, Mayor Pro Tem

Attest:

By: s/Peggy Piontek, Town Clerk

A RESOLUTION TO REQUEST THE ASSISTANCE OF UNION COUNTY AND THE UNITED STATES ARMY CORPS OF ENGINEERS IN CLEANING OR CLEARING OBSTRUCTIONS AND DEBRIS FROM THE WATERWAYS KNOWN AS CROOKED CREEK, DAVIS MINE CREEK, PRICE MILL CREEK, AND THE EAST FORK OF TWELVE MILE CREEK IN UNION COUNTY, NORTH CAROLINA

WHEREAS, the above waterways have become obstructed with debris, fallen timber, and other obstructions to the natural passage of the water therein; and

WHEREAS, the obstruction of the natural flow of the passage of the water in Crooked Creek contributes to flooding, lack of adequate storm water drainage, and other ill effects to the citizens; and

WHEREAS, the Town of Indian Trail anticipates that similar or like resolutions will be considered by other local government jurisdictions in Union County, including but not limited to, The Towns of Indian Trail, Hemby Bridge, and Fairview; and

WHEREAS, the County government is recognized by the Army Corps of Engineers as the proper party to present such a broad geographical request;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA AS FOLLOWS:

3. The Town of Indian Trail requests the County Commissioners of Union County, North Carolina to petition, in the manner deemed most effective, the United States Army Corps of Engineers to clean and clear the debris and obstructions from the entire length of the waterways of Crooked Creek (including both the North and South Forks of Crooked Creek), Davis Mine Creek, Price Mill Creek, and the East Fork of Twelve Mile Creek in Union County, North Carolina.

4. This resolution shall be effective immediately upon adoption.

SO RESOLVED THIS THE 13TH DAY OF FEBRUARY, 2007

THE TOWN COUNCIL OF STALLINGS

BY: s/Lynda M. Paxton, Mayor

Attest:

By: s/Marie K. Garris, Town Clerk

A RESOLUTION TO REQUEST THE ASSISTANCE OF UNION COUNTY AND THE UNITED STATES ARMY CORPS OF ENGINEERS IN CLEANING OR CLEARING OBSTRUCTIONS AND DEBRIS FROM THE WATERWAYS KNOWN AS CROOKED CREEK, DAVIS MINE CREEK, PRICE MILL CREEK, AND THE EAST FORK OF TWELVE MILE CREEK IN UNION COUNTY, NORTH CAROLINA

WHEREAS, the above waterways have become obstructed with debris, fallen timber, and other obstructions to the natural passage of the water therein; and

WHEREAS, the obstruction of the natural flow of the passage of the water in Crooked Creek contributes to flooding, lack of adequate storm water drainage, and other ill effects to the citizens; and

WHEREAS, the Town of Indian Trail anticipates that similar or like resolutions will be considered by other local government jurisdictions in Union County, including but not limited to, The Towns of Indian Trail, Hemby Bridge, and Stallings; and

WHEREAS, the County government is recognized by the Army Corps of Engineers as the proper party to present such a broad geographical request;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA AS FOLLOWS:

5. The Town of Indian Trail requests the County Commissioners of Union County, North Carolina to petition, in the manner deemed most effective, the United States Army Corps of Engineers to clean and clear the debris and obstructions from the entire length of the waterways of Crooked Creek (including both the North and South Forks of Crooked Creek), Davis Mine Creek, Price Mill Creek, and the East Fork of Twelve Mile Creek in Union County, North Carolina.

6. This resolution shall be effective immediately upon adoption.

SO RESOLVED THIS THE 13TH DAY OF FEBRUARY, 2007

THE TOWN COUNCIL OF FAIRVIEW

BY: s/Richard Williams, Mayor

Attest:

By: s/Jan Carter, Town Clerk

A RESOLUTION TO REQUEST THE ASSISTANCE OF UNION COUNTY AND THE UNITED STATES ARMY CORPS OF ENGINEERS IN CLEANING OR CLEARING OBSTRUCTIONS AND DEBRIS FROM THE WATERWAYS KNOWN AS CROOKED CREEK, DAVIS MINE CREEK, PRICE MILL CREEK, AND THE EAST FORK OF TWELVE MILE CREEK IN UNION COUNTY, NORTH CAROLINA

WHEREAS, the above waterways have become obstructed with debris, fallen timber, and other obstructions to the natural passage of the water therein; and

WHEREAS, the obstruction of the natural flow of the passage of the water in Crooked Creek contributes to flooding, lack of adequate storm water drainage, and other ill effects to the citizens; and

WHEREAS, the Town of Indian Trail anticipates that similar or like resolutions will be considered by other local government jurisdictions in Union County, including but not limited to, The Towns of Indian Trail, Stallings, and Fairview; and

WHEREAS, the County government is recognized by the Army Corps of Engineers as the proper party to present such a broad geographical request;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA AS FOLLOWS:

7. The Town of Indian Trail requests the County Commissioners of Union County, North Carolina to petition, in the manner deemed most effective, the United States Army Corps of Engineers to clean and clear the debris and obstructions from the entire length of the waterways of Crooked Creek (including both the North and South Forks of Crooked Creek), Davis Mine Creek, Price Mill Creek, and the East Fork of Twelve Mile Creek in Union County, North Carolina.

8. This resolution shall be effective immediately upon adoption.

SO RESOLVED THIS THE 17TH DAY OF MAY, 2007

THE TOWN COUNCIL OF HEMBY BRIDGE

BY: s/James W. Simpson, Jr., Mayor

Attest:

By: s/Cheryl Bennett, Town Clerk

Mrs. Howe explained the purpose of the resolution was to request assistance from Union County and the United States Corps of Engineers in cleaning or clearing obstructions and debris from the waterways known as Crooked Creek, including the entire length of the waterway, north and south, Davis Mine Creek, Price Mill Creek, and the East Fork of Twelve Mile Creek in Union County.

She stated that the waterways' conditions deter the natural flow in these waterways, which contribute to flooding, lack of adequate stormwater drainage, and ill effects to the citizens. Mrs. Howe said that since the County Government was recognized as the proper party to present such broad geographical requests, the Town Councils of Indian Trail, Stallings, Fairview, and Hemby Bridge respectfully petition, in the manner most effective, that the County Commissioners of Union County, North Carolina, petition the United States Army Corps of Engineers to clean and clear the debris and obstructions from the entire length of the waterways of Crooked Creek (including both the North and South Forks of Crooked Creek), Davis Mine Creek, Price Mill Creek, and the East Fork of Twelve Mile Creek. She pointed out that the impact from the streams due to the runoff from new development and its impervious surfaces, coupled with trash in the streams, results in additional flooding in many areas that have never flooded in the past.

Mrs. Howe stated that it was her understanding that the Army Corps of Engineers was assigned to cleanup Crooked Creek following Hurricane Hugo in 1998 but was pulled out of Union County because of hurricane damages to

various beaches in North Carolina, and they never returned to continue the cleanup in Union County. She referred to the State's mandate to implement the Phase 2 Stormwater Management Program and stated that this was important. She said that the Town of Indian Trail has partnered with the Town of Stallings to develop a Stormwater Utility Program.

Commissioner Mills stated that he had mentioned to Mrs. Howe at the Indian Trail Town Council's last meeting about how well the information had been presented to the Board of Commissioners on subdivision approvals for the town. He further stated that he had spoken with Mayor Paxton about obtaining that information from the Town of Stallings.

Chairman Pressley asked Mr. Black to provide information on what steps need to be taken for the Army Corps of Engineers to begin work on this matter. Mr. Black responded that staff had done some investigation into this matter, and he believed the key word mentioned in Mrs. Howe's presentation had been "Hurricane Hugo." He added that if there is a natural disaster, the Army Corps of Engineers would come and remove debris from the waterways but stressed that this only occurs after a natural disaster. Mr. Black stated that there are grants for restoration programs, but these involve a lot of upfront costs. He said that the staff was investigating what role the Army Corps of Engineers, USDA, and NRC would play in the cleanup of the waterways. He further said that the staff has considered some of the volunteer programs such as Adopt-A-Stream. He stated that the staff would be bringing its recommendations on its findings and recommendations to the Board.

Chairman Pressley asked about the possibility of participants in the work release program assisting with this cleanup. He asked Mr. Black to look into this possibility as well.

Mrs. Howe noted that there are still a number of trees in the streams as a result of Hurricane Hugo.

Vice Chairman Baucom thanked Mrs. Howe, Mayor Paxton, and Councilman Baker for bringing this request to the Board. He agreed that there is still a great deal of debris in the streams from Hurricane Hugo. He asked Mr. Black if the Natural Resources Conservation Services (NRCS) would be contacted as well. Vice Chairman Baucom said that NRCS has some definitive directions on water quality, water conservation, soil conservation, and air quality. He suggested that NRCS be the first agency contacted to determine what funds might be available as well as the Army Corps of Engineers.

WESLEY CHAPEL ATHLETIC ASSOCIATION PRESENTATION:

Commissioner Openshaw stated that the Wesley Chapel Athletic Association's representative had made a presentation to the Board during the

May 7, 2007, Board meeting. He said that when this matter was first discussed, it was brought to the Board's attention that the road was caving in on the south side of Highway 84. He said that Commissioner Mills had suggested at that time, now would be a good time to increase the size of the culvert or to add a culvert at that location. He referred to the photographs that were provided to the Board during the May 7, 2007, meeting, and said that several of the photographs showed where a new road was being constructed for the Hollister Subdivision that would connect to Highway 84 across from Deal Road, which is basically acting as a levy to stop the flooding from dispersing. He suggested that if some remediation were needed for the culvert, it seems now would be the most cost-effective time to do so. He said that he believed clearly the culvert on Highway 84 should be taken care of first.

Chairman Pressley questioned whether or not this matter would fall under Weddington's planning and stormwater management. Mr. Black responded that would be correct if the Town of Weddington has stormwater management. Chairman Pressley suggested that the County and the Town of Weddington get together if the Board wanted to reach a resolution.

Commissioner Openshaw said that Commissioner Mills had suggested previously that the Department of Transportation be contacted. Commissioner Mills responded that the Department of Transportation is scheduled to close the road, and, hopefully, it could all be repaired at one time.

Chairman Pressley reiterated that he believed that the Town of Weddington's Planning Department would need to be involved. He said that he thought a letter should be sent on behalf of the Board of Commissioners to the town explaining the problem and that the County wants to work with the town, stressing this would be an optimal opportunity to resolve the problem.

Commissioner Openshaw offered that either Mr. Black or someone from the County staff should contact the Town of Weddington and the Department of Transportation to learn its schedule for closing the road.

PARKS AND RECREATION DEPARTMENT FEASIBILITY STUDY:

Commissioner Openshaw stated that there was \$5,000 in the budget for a feasibility study on moving forward on bonds for park land. Mrs. Wanda Smith, Parks and Recreation Director, added that the funds were earmarked specifically for a study for a northern district park and the possibility of a western district park. She explained that the request is that \$5,000 be applied to a feasibility study by the Trust for Public Land. Mrs. Smith said that she had provided information to the Board previously, and the Board had asked for additional information, which was also provided. She said that the feasibility study would provide information on whether a bond would be appropriate for parks and recreation. She requested the Board's authorization to use \$5,000 from monies included in the

budget to conduct the study and authorization for the Interim Manager to approve the agreement for the feasibility study.

Vice Chairman Baucom moved to authorize the use of \$5,000 included in the budget for a feasibility study to be conducted by the Trust for Public Land to determine if a bond would be appropriate for land for parks and recreation and to authorize the Interim County Manager to approve an agreement with the Trust for Public Land for the feasibility study. The motion was passed unanimously.

WATER CONSERVATION:

Commissioner Mills stated that the area is dry and it continues to be dry. As the Fire Commissioner, he said that the dry conditions present problems and the County should be proactive to the situation. He suggested that the need for some type of water conservation should be forwarded to the Public Works Advisory Board for discussion for a recommendation to the Board of Commissioners for immediate implementation. He said that he believed the conservation measures should go to Stage 2 automatically.

Following his comments, Commissioner Mills moved to place for consideration the implementation of up to Stage 2 water conservation measures and to forward this information to the Public Works Advisory Board for its input at its meeting on Tuesday evening, May 22.

Vice Chairman Baucom urged that this matter be expedited because of the dry conditions and the long-range weather forecast.

Chairman Pressley offered an amendment to the motion that this item be added to the Board of Commissioner's agenda for the June 4, 2007, for consideration.

Commissioner Lane shared information that he received while attending the Catawba River Board meeting concerning a discussion of building a reservoir adjacent to the Catawba plant that would provide one billion gallons of water at its completion. He added that the County's water woes have been exacerbated by watering of lawns during the summer months. He stated that the public must be educated about restraining the water usage for lawns.

Following the discussion, the motion as amended was passed unanimously.

ITEMS MOVED FROM CONSENT AGENDA TO REGULAR AGENDA:

- a. ***Settlement of a Claim (Item #3 from Consent Agenda)***

Commissioner Openshaw said that he had received a number of telephone calls regarding this item. He asked that the staff attorney provide an explanation of this item.

Mr. Crook stated that he would defer to the Board as to how much information it wanted provided during the open session, since this matter had been discussed in closed session. He said that this item is a report to the Board regarding settlement of the matter. He stated that that the County had received payment in the amount of \$170,628.48 for construction. Mr. Crook explained that the original billing from Public Works had omitted the engineering expenses. He further stated that the amount that had been in dispute was between \$4,000 and \$5,000.

Following the explanation, Chairman Pressley moved to receive the report as set forth below on settlement of a claim (Tyson Group) as presented. The motion was passed unanimously.

"TO: The Union County Board of Commissioners
FROM: Jeffrey L. Crook, Senior Staff Attorney
RE: Settlement of Claim
DATE: May 8, 2007

Pursuant to G.S. 143-318.11(a)(3), this memo shall constitute a report of settlement of a claim by Union County against the Tyson Group. In accordance with a letter agreement dated January 2, 2001, the Tyson Group agreed to "provide engineering design, subject to UCPW/DEM approval, and provide UCPW with funds to construct a 12" water main from the intersection of Idlewild Road and Stevens Mill Road to the project [Crismark Development] entrance on Idlewild Road." The parties have agreed to settle this matter for \$170,628.48, which amount represents the bid amount for the construction project."

b. Resolution to Request the North Carolina Department of Transportation to Use Small Construction Funds (Resolution Requested by NCDOT) (Item #6 from the Consent Agenda)

Commissioner Openshaw asked for an explanation concerning the small construction funds. He offered his apologies by stating that this was an item that he could have called and inquired of staff in advance. However, he said that since roads are such a big issue for the County, he would like to know if funds are available to the County for roads and how those funds could be accessed. He stated that he would like to sit down with the Manager or whoever he needed to talk with and discuss the possibility of funds being available for roads.

Following his comments, Chairman Pressley moved to adopt the following resolution, and the motion was passed unanimously:

STATE OF NORTH CAROLINA

COUNTY OF UNION

A RESOLUTION TO REQUEST THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO USE SMALL CONSTRUCTION FUNDS

WHEREAS, the Union County Board of Commissioners is concerned for the safety, health, and welfare of the citizens of Union County; and

WHEREAS, Highway 218 is a major thoroughfare through Union County and is a state-maintained roadway; and

WHEREAS, delays in construction of a bypass has placed increased demands on Highway 218, as a major thoroughfare through Union County; and

WHEREAS, increased traffic on this roadway has deteriorated the condition of this major thoroughfare; and

WHEREAS, this road should be repaired to accommodate the current traffic and increase safety conditions along the road; and

WHEREAS, the North Carolina Department of Transportation has the ability to request Small Construction Funds for improving roadways.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners supports the North Carolina Department of Transportation's request of \$200,000 in Small Construction Funds.

Adopted this 21st day of May, 2007.

c. Contracts Over \$5,000:

1. Jordan Jones & Goulding - Master Agreement for Engineering Services (Item 10a of the Consent Agenda)

Commissioner Openshaw asked for an explanation of the master agreement.

Jeff Crook, Senior Staff Attorney, responded that the County has approximately 15 or 16 master agreements with various engineering firms which

contain all of the terms and conditions. He said the master agreements are amended by task orders whenever there is work to be done by these firms. He stated that in the case of Jordan Jones & Goulding, the Public Works Director had requested approval of a master agreement, but she does not have a particular task to be performed at this time. Mr. Crook clarified that Jordan Jones & Goulding would be a consultant to the County.

1. Carolinas Union Healthcare, Inc. d/b/a Union EMS - Renewal of the EMS Agreement for a Two-Year Period from July 1, 2007, through June 30, 2009 (Item 10g from the Consent Agenda)

Commissioner Lane questioned if the fees were set for the EMS services such that the fees could not be raised.

Pat Beekman, Homeland Security Director, responded that he would need to bring that information to the Board at a future time unless either the staff attorney or finance director could answer Commissioner Lane's question.

Kai Nelson, Finance Director, replied that under the terms of the contract, the fee schedule is limited to 125 percent of the average surrounding counties. Therefore, he said that the contract limits the fee structure to a competitive market fee structure. He noted that while the County and the call for EMS services continue to grow dramatically as well as EMS' budget, most of the budget increase has been offset by charges for its services. He stated that the net costs for this budget is at the same level it was three to four years ago.

3. Maxco, Inc. - Jesse Helms Park Onsite Waste Water System (Change Order #1) (Item #h from Consent Agenda)

Commissioner Openshaw asked for an explanation of this change order.

Wanda Smith, Director of Parks and Recreation, explained that Maxco is the contractor for the entire Jesse Helms Park Soccer Complex. She stated that when this project was bid, the completion of the project was on a tight schedule because of the grants that the County had received. Mrs. Smith stated that because there was no sewer permit at that time, the funds for the sewer portion of the project were set aside. She said that the permit is now in hand, and Maxco would like to receive bids on the onsite wastewater system. Upon further inquiry by Commissioner Openshaw, Mrs. Smith stated that the system is an onsite conventional system.

Mrs. Smith stated that Maxco has started construction on the bathroom facilities at the soccer complex, and those facilities have to be treated. She further stated that there is no sewer service provided by the County to this facility. She stated that the system consists of drain fields and septic tanks.

Vice Chairman Baucom questioned whether or not the waste from this facility could go to the Ag Center. Mrs. Smith responded that they had looked into that, and it was almost cost prohibitive to do so.

Following the discussion, Chairman Pressley moved to authorize the Interim County Manager to approve the following agreements as listed on the Consent Agenda:

- a. Jordan Jones & Goulding - Master Agreement for Engineering Services
- f. Carolinas Union Healthcare, Inc. d/b/a Union EMS - Renewal of the EMS Agreement for a Two-Year Period from July 1, 2007, through June 30, 2009
- g. Maxco, Inc. - Jesse Helms Park Onsite Waste Water System (Change Order #1)

The motion was passed unanimously.

REQUEST FOR SPECIAL LEGISLATION (Item #12 from Consent Agenda):

Commissioner Openshaw asked for an explanation of this item. Chairman Pressley responded that he and Vice Chairman Baucom had met with Mayor Clinton and the Mayor Pro Tem of Wesley Chapel regarding the ongoing negotiations for Wesley Chapel's ETJ. He stated that if the County and Wesley Chapel could reach an agreement, there would have to be legislative approval. He stated that this item is to request special legislation that would allow the parties to enter into an agreement.

Commissioner Openshaw asked if it would be fair to characterize this request as the framework of a potential agreement. Chairman Pressley responded that if a potential agreement were reached, the special legislation would give the parties the ability to move forward. He reported to the Board that he believed the parties had a good meeting and had made some great strides.

Jeff Crook, Staff Attorney, clarified that there is not a resolution before the Board tonight. He said that the action the Board would be considering is to request special legislation similar to the 1987 Orange County legislation that is contained in the agenda package.

Following discussion, Chairman Pressley moved that the Board request special legislation substantially similar to Chapter 233, 1987 North Carolina Session Laws. The motion was passed unanimously.

INTERBASIN TRANSFER LEGISLATION (Item #13 from the Consent Agenda):

Commissioner Openshaw stated that he did not mind saying upfront that he was opposed to interbasin transfers and questioned why the County would need someone lobbying legislation for Union County on interbasin transfers. He said that the County has four elected officials in Raleigh who represent the County. He stated that the agenda package did not include any information explaining this item.

Chairman Pressley responded that there is legislation in Raleigh that requests restrictions on Interbasin Transfers. He stated that he opposed Interbasin Transfers, but this item was to make sure that the interests of Union County are protected by someone who can monitor what is going on in Raleigh. He said that Union County should not limit itself.

Commissioner Openshaw said that Ms. Putnam has told the Board numerous times that the County has an existing interbasin transfer. He questioned if that interbasin transfer was what was trying to be protected with this request. Chairman Pressley responded that he thought it was to try and protect future interbasin transfers.

Commissioner Openshaw questioned who the lobbyists would be and what the costs would be. Mr. Crook stated that there is a list of potential lobbyists, but none have been contacted and the terms of an agreement have not been resolved as to payment.

Commissioner Lane asked if there had been consideration given to sharing the lobbyist for Lancaster County. Mr. Crook replied that staff has been in communication with the Lancaster folks and their attorney, but they have not recommended their lobbyist for North Carolina.

Commissioner Mills stated that there has been criticism of members of the current Board of Commissioners about not constructing a treatment facility in the northern portion of the County on Grassy Creek. He said that action would require an interbasin transfer. Further, he stated that there was an agreement with the City of Monroe for two million gallons of water in exchange for the sewer at the Ag Center. Mr. Crook clarified that it was not a direct exchange, but there was a comprehensive agreement with the City of Monroe that includes the provision of water in 2013 or 2014. Commissioner Mills noted that would include an interbasin transfer from the Catawba River to the City of Monroe.

Vice Chairman Baucom said that "an ounce of prevention is worth a pound of cure." He said that he believed there has been a lot of money wasted in the past to conduct studies about interbasin transfers and treatment plants located in areas where interbasin transfers would be required without interbasin transfers being in hand. He stated that it was time that the County become fiscally responsible and quit wasting money, and he thought this was one step in that direction.

Chairman Pressley stated that he thought the point was that the Catawba is not making any more new water, and the County has obligations to everyone in Union County. He said that there is a very good possibility that there would have to be another water source in the future for the County's existing customers and a transfer of that water.

Commissioner Openshaw said that he thought the County should take a long-range look at if there needs to be another water source, and if the County wants to continue to grow, then the County would need to look at another water source. He said that in his opinion, interbasin transfers are bad policy.

Chairman Pressley moved to call the question. The motion was passed unanimously.

Chairman Pressley then moved to authorize the Interim County Manager to approve an agreement to engage an individual to monitor pending interbasin transfer legislation and to lobby legislators on behalf of Union County's interests. The motion was passed by a vote of four to one. Chairman Pressley, Vice Chairman Baucom, Commissioner Mills, and Commissioner Lane voted in favor of the motion. Commissioner Openshaw voted against the motion.

DISCLOSURE STATEMENT:

Commissioner Lane stated that this matter had been brought to the Board at a previous meeting and was deferred. He said he had met with Commissioner Mills, Mr. Black and Mr. Crook and had thought that an agreement had been reached on the disclosure statement, but during the May 7, 2007, meeting, Commissioner Mills had indicated that another meeting was needed. He noted that the disclosure statement had been intended for appointees of the Planning Board and the Board of Adjustment.

Commissioner Lane said that during the May 7, 2007, Board meeting, two of the Board members had stated that they were adamantly against using the disclosure statements. He stated that in his opinion not to approve the disclosure statement is to say that the public does not need open government and that backroom deals are good for Union County.

Following his comments, Commissioner Lane moved to approve the disclosure statement for appointees of the Planning Board and Board of Adjustment.

Chairman Pressley responded that he believed the statement about backroom deals was unfair to the Board, and he could not think of any backroom deals that this Board has done.

Commissioner Openshaw added that he believed that the use of the disclosure statement should be expanded to the members of the Public Works Advisory Board. He said that he failed to see why not disclosing the extent of real estate holdings of the members of those boards is bad for the County.

Vice Chairman Baucom stated that there was not any information requested in the disclosure statements that is not already available to the public.

Chairman Pressley asked the Clerk if she had received any responses from other Clerks in the State regarding the use of disclosure statements in other counties. Mrs. West stated that she did not receive any responses from the other Clerks when the inquiry was made.

Commissioner Openshaw said that he disagreed with Vice Chairman Baucom about the information being readily available. He said that there are a number of real estate situations where it is difficult to find out information. He stated that in the instance of a limited liability corporation (LLC), it is difficult to determine the owners of an LLC.

At approximately 8:21 p.m., the Chairman called for a five-minute recess. He reconvened the meeting at approximately 8:25 p.m.

Chairman Pressley stated that prior to the recess having been called, the Board had been discussing the Disclosure Statement. He said that during the recess, he had talked with the staff attorney and was advised that many of the situations of members of the Planning Board and the Board of Adjustment having to recuse themselves from voting on various matters are covered in the County's Land Use Ordinance.

Mr. Crook stated that there are provisions in the Land Use Ordinance that require members to recuse themselves from voting on particular issues if they have a direct financial interest which pertains to both the Planning Board and the Board of Adjustment.

Commissioner Mills stated that the County could require all of the information contained on the disclosure statement, but there is no one to verify or confirm that the information is accurate. He said that he thought it would discourage qualified citizens for applying to serve on boards.

Commissioner Lane said that he respectfully disagreed with Commissioner Mills and, if the applicants had nothing to hide, they would not mind completing the form.

Vice Chairman Baucom moved to call the question on the previous motion. The motion was passed unanimously.

Chairman Pressley called for a vote on the original motion which failed by a vote of two to three. Commissioners Lane and Openshaw voted in favor of the motion. Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted against the motion.

PRESENTATION OF THE MANAGER'S RECOMMENDED FY 2007-2008 BUDGET:

Richard Black, Interim County Manager, gave a brief introduction to the recommended budget for FY 2007-2008. He reviewed the four policy decisions to be considered by the Board.

1. To what extent should the County adhere to the fiscal impact statements issued in connection with the debt authorization for capital improvements and what are the consequences of non-compliance?
2. Is the budget responsible by directing resources to the community's high priority needs and programs and is it affordable?
3. Can our community sustain the level of funding increases for education and how rational are the budgetary and decisionmaking processes supporting public schools' funding requests?
4. What is the appropriate level of compensation and benefits in order to maintain, attract, and award the most highly qualified people?

Mr. Black stated that he was not entirely pleased with his budget recommendation regarding employee compensation. However, he said that the fiscal reality of the County's present situation limits his recommendation to this level. He stated that he believes that the County's total compensation and benefit program remains largely competitive in the market place.

He pointed out that the County's health costs continue to fall well below its competitors in the market place, but most recently those trends have not been as favorable as in the past. He said that based on recent claims experienced, an increase of approximately 10 percent in contributions from the County and its employees for dependent care is anticipated.

Mr. Nelson gave a brief overview of the recommended budget. He stated that the entire recommended budget would be available on the County's website on Tuesday morning at www.co.union.nc.us.

Chairman Pressley shared that the Board's first budget session is scheduled for Tuesday, May 22, at 5:00 p.m.

He noted that year-over-year increases in government services in the recommended budget are limited to \$1.6 million, approximately a two-percent increase. He further noted that the education program is proposed to increase by 23 percent.

Mr. Nelson stressed that one of the challenges for this Board and future Boards of Commissioners is how can the County continue to provide increases in the schools' current expense appropriations at amounts that are often two times the growth of the County's tax base. He stated that there is only one source of revenue available to fund the schools' current expenses and that is from the property taxes.

He said that the recommended tax rate for the new year is \$.6975 which is roughly a six-cents tax rate increase. He noted that five and one-half of that increase relates to education.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Pressley announced vacancies on the following boards and committees:

- a. Nursing Home Advisory Committee (1 Vacancy)
- b. Home and Community Care Block Grant Advisory Committee
- c. Juvenile Crime Prevention Council (JCPC) - 1) District Attorney for designee; 2) Substance Abuse professional; 3) Two (2) persons under age 18; 4) Juvenile Defense Attorney; 5) Representatives of United Way/other non-profit; and two (2) County Commissioner appointees
- d. Adult Care Home Community Advisory Committee (2 Vacancies)
- e. Agricultural Advisory Board (3 Vacancies as of June 2007)
- f. Jury Commission (1 Vacancy as of June 2007)
- g. Region F Aging (3 Vacancies for Regular Members and 1 Vacancy for Alternate Member)
- h. Social Services Board (1 Vacancy as of June 2007)
- i. Criminal Justice Partnership Program Advisory Board (Judge of Superior Court Appointee, District Court Judge, Employment and Training Vacancy, 4 members at large, Health Department Representative) as of June 2007

APPOINTMENTS TO BOARDS AND COMMITTEES:

- a. ***Home and Community Care Block Grant Advisory Committee***

Chairman Pressley nominated Ruth Helms and Judith Russell to serve on the Home and Community Care Block Grant Advisory Committee. With there

being no further nominations, Ms. Helms and Ms. Russell were appointed by acclamation.

INTERIM COUNTY MANAGER'S COMMENTS:

Richard Black, Interim County Manager, stated that the Sheriff's Office and the Pilot Club of Monroe launched Project LifeSaver. He explained that the program uses state-of-the-art technology to locate and return wandering adults and children to their families and caregivers.

He shared that Gene Herrell, retired Director of the Department of Social Services, received the lifetime achievement award from his peers during the annual meeting of North Carolina Association of Social Services Directors.

COMMISSIONERS' COMMENTS:

Commissioner Mills extended his sympathy to the family of Dick Pierce at his recent passing.

He said that it came to his attention on Friday that during one of the local radio broadcasts that it was said that Chairman Pressley, Vice Chairman Baucom, and he were definitely going to get the sewer problem corrected because of their buddies in the building community. Commissioner Mills stated that the problem was going to be corrected, because it is the right thing to do. He said that there have been mistakes brought forth in the past that this Board has had to deal with. He stated this Board is going to be proactive in getting the problems corrected.

He said that he would love to see this Board work in unison and, hopefully, it would work together in the future.

Commissioner Openshaw said that there were also some jabs issued about no growth commissioners on WIXE in the morning broadcast. He stated that the unrestrained and subsidized growth began occurring before the three no growth commissioners.

He complimented Carpenter Construction for the great job it has done on the renovations on the first floor of the Government Center.

Commissioner Openshaw said that the tax increase that is proposed in the new budget is over 9.7 percent. He stated that he hopes that the myth that growth pays for itself has now been put to bed. He referred to the numbers that have been presented by the Finance Director tonight and said the other myth is that revenue received is more than enough to stop taxes from being increased. He said that no one wants to raise taxes.

He thanked both the Towns of Indian Trail and Weddington for approving the Memorandums of Agreement for the APFO.

Commissioner Openshaw reminded everyone of the annual Senior Picnic at Cane Creek Park on Friday, June 8, from 10:00 a.m. to 1:00 p.m. open to all seniors in the County age 60 and older.

Commissioner Lane stated that Indian Trail and Weddington bring the total to five municipalities that have adopted the APFO along with Union County. He said that he hoped that Waxhaw would be next to enter into the Memorandum of Understanding.

He also extended his sympathies to the family of Mr. Pierce.

Vice Chairman Baucom offered his congratulations to Kathy Bragg, Executive Director of the Union County Chapter of the American Red Cross for being selected to represent Union County at the Regional American Leadership Forum, Class 8. He said that he had the honor to represent Union County during Class 1.

He congratulated Stonehenge Golf Course for its inclusion in the U.S. Air Flight Magazine. He said that it is one of four golf courses featured in the magazine from the Charlotte region and the only one from Union County.

Vice Chairman Baucom stated that CMC-Union has made application to expand its emergency room facilities. He further stated that he had the opportunity to assist in cutting the ribbon for the new Jesse Helms Nursing Center at CMC-Union.

Chairman Pressley shared that he had the honor of speaking at the Police Week Ceremony on Friday, May 18th.

He stated that he was disappointed in the comments when he heard them about the three commissioners who were going to get the sewer problems corrected because of their buddies in the building community.

With there being no further comments or discussion, at approximately 9:30 p.m., Vice Chairman Baucom moved to adjourn the regular meeting. The motion was passed unanimously.