

June 4, 2007

The Union County Board of Commissioners met in regular session on Monday, June 4, 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 A. Parker Mills, Jr., 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:

The Chairman convened the meeting and welcomed everyone.

Invocation:

He recognized the Rev. Shad Hicks, Pastor of Mount Pleasant Baptist Church. Rev. Hicks said he had been a resident of Union County for ten years and expressed his appreciation to the Board members for their work and actions. Rev. Hicks explained that he benefited from the County's water when he first moved to Union County, but since his move to Stack Road he has not had the opportunity to do so. He said there are a lot of contaminated wells in that area and asked that in the future the Board give the residents of his community consideration when planning waterline extensions.

Rev. Hicks presented the invocation.

Pledge of Allegiance:

Vice Chairman Baucom led the body and audience in reciting the Pledge of Allegiance to the Flag.

PUBLIC HEARING – MANAGER’S PROPOSED BUDGET FOR 2007-2008:

The Chairman announced the first item of business is the advertised public hearing on the County Manager’s recommended budget for 2007-2008. He explained the three-minute limitation for speakers and the system used to notify speakers of the time.

He recognized Al Lylerly, Chairman of the HealthQuest Board, who introduced Harry Sherwood, Executive Director. Mr. Lylerly explained that HealthQuest is a non-profit organization dedicated to improving the health of the community by assisting those who cannot afford prescription drugs. He said the organization provides support to those individuals living in areas of services met by CMC-Union. He noted the continued existence of HealthQuest is dependent upon the generosity of the community that is served. Therefore, on behalf of HealthQuest, he requested the Board of Commissioners to consider financial support in the amount of \$125,000 to assist HealthQuest in its ongoing operations. He presented statistics that indicated that in 2006 HealthQuest distributed \$4,237,000 in prescription drugs and of that amount \$3,051,000 were distributed to Union County’s residents. He said that there is one other statistic for which he is very proud and that is for every dollar of HealthQuest’s budget, it provided \$12 worth of free medications. He said of these funds Union County’s residents receive 72 percent, Anson County’s residents receive 10 percent and Chesterfield County’s residents receive about 18 percent.

Mr. Lylerly further stated that a partnership has been created with rural churches in Union and Anson counties to help grow the client base and \$127,000 has been distributed into that partnership. He noted that since its inception in 1999, HealthQuest has filled 238,680 prescriptions, which represents \$20,519,000 in medication costs.

He thanked the Board for its time and expressed his hope that the Board will give the request consideration.

Commissioner Mills asked what contribution is made by Anson County. Mr. Lylerly said that HealthQuest has submitted a request to the Anson County Board of Commissioners for the 2007-2008 fiscal year, but noted that in the past HealthQuest has not received funding from Anson County. Commissioner Mills next asked if Chesterfield County provides any funding for HealthQuest. Mr. Lylerly said that the organization has not received any funding from Chesterfield County, but has met with the Chesterfield County Commissioners to ask for funding. Also, in response to a question from Commissioner Mills, Mr. Lylerly stated that Union County has not provided funding for HealthQuest either.

The Chairman next recognized Werner Thomisser, a resident of Weddington. He stated that Union County faces many challenges: sewer, water, over-crowded schools, and insufficient roads. He said that as a result residents are faced with a proposed 10

cent tax increase. Mr. Thomisser said he did not like the tax increase because for him it will amount to about \$400. He explained that perhaps some of the proposed tax increase is necessary but that raising taxes is not creative. Mr. Thomisser reminded that the Commissioners' campaign literature stated the positives of business management accounting. He asked the Board to look at ways to answer the dollar challenge.

Mr. Thomisser said one way would be economic development for the Monroe Regional Airport area. He reported that Mr. Carpenter, President of the Chamber of Commerce, was quoted as saying that only industrial and commercial properties pay enough property taxes to cover such items as schools, etc. He said Union County needs to attract substantive manufacturing companies such as drug companies, airplane parts companies, pump manufacturing companies, clothing manufacturers, cigarette makers, health and bio-tech companies, technology and communications companies. Mr. Thomisser said Union County also needs to develop corporate parks with offices and pointed to Ballentyne as a perfect example. He said these are examples that could add to the tax base.

He pointed out that Chairman Pressley had said that Union County could eliminate costs. Mr. Thomisser asked if the County is eliminating programs that it cannot afford. He pointed out as an example that there are two towns in western Union County, six miles apart, that both want a \$5 million library. He questioned if a \$7.5 million library could service both areas; thereby, saving \$2.5 million.

Mr. Thomisser said Union County needs to develop an attitude with the managers in Union County, such as Sheriff Cathey, who have the courage to say "I don't need a \$70 million jail right now, maybe some time in the future."

Next, Mr. Thomisser stated that Union County needs to develop a working relationship with developers and builders. He reported there is a developer in Weddington who is willing to build the Rea Road extension and give the Department of Transportation right of way for an additional two lanes. He said there is also talk of land donation for schools. Mr. Thomisser pointed out that Crosland either built or gave the land for Audrey Kell Road and the developers and builders are giving \$500 per home to help build that school.

Mr. Thomisser stated that all that is being requested is that builders and developers do their fair share. The voters of Union County elected this board to have a vision and manage; he said it was time for the Board to start its engine.

The next speaker recognized was Dan Galloway of Waxhaw. Mr. Galloway said that he has enjoyed living in Union County for the last four years. He agreed with Werner Thomisser's comments. Mr. Galloway said that he too would suggest that the Board

find more creative means of spreading the tax burden. He suggested that Union County finds and entices more substantive businesses into this community. Mr. Galloway stated that he did not think retail businesses work as well, particularly large retail operations that can result in local economic decline, traffic issues, as well as havens for crime.

The Chairman recognized Walter Staton, a resident of Weddington, who agreed with the comments of Messrs. Thomisser and Galloway and said he could not have said it better.

Chairman Pressley next recognized Ed Davis, Superintendent of Union County Public Schools, who thanked the Board for allowing him to have the opportunity to address it tonight. He said he also appreciates the challenge that is facing the Commissioners in meeting the needs of this fast-growing county. He stated that the Commissioners have been very responsive in the past to the needs of the schools, especially in recent years, and commended that action. He noted that Union County Public Schools is an excellent school system with a very good reputation throughout the state. Dr. Davis said the success of the school system can be viewed as a double edge sword—on the one hand it is a real strength for the county and economy but on the same token, it draws people from other parts of the state and country who want to come and live in Union County with all that it has to offer.

He stressed that the Union County Public School system did not create this problem of growth, but is only the recipient of it. He assured the system is trying to respond to it. The Superintendent said that the school system is projecting next year a growth rate of 12.5 percent in student enrollment which equates to about 4,500 students. He said this number would fill six new elementary schools or four new middle schools or four new high schools. Dr. Davis said in August, Union County will open three new elementary schools, Marvin Ridge High School, Marvin Ridge Middle School, five new high school gymnasiums, and the Wolfe School will be opened in 2008. He said this is unprecedented in Union County to open this many schools at one time. Dr. Davis said funding is going to be necessary for operating costs for these schools and pointed out that each will require electricity, gas, water, sewer, garbage, maintenance and custodial staff. He said these are budget items that are growth generated and are essential and cannot be deferred. He said the funding that goes toward these items comes from the same pot of funding that goes for things such as nurses, additional exceptional children's teachers, ESL teachers, recruiting and retention bonuses for the high-priority schools. He noted that the Schools' budget process is a very involved process, which began in December 2006 and has worked itself to this point. Dr. Davis said that if the school system does not get the funds as requested, the school system will be hurt. He said the current proposal shorts the systems about \$3.5 million on the operating side and stressed that money is essential. Dr. Davis noted that if the schools do not get that extra money, it will hurt the programs within the schools. He pointed out that if the Manager's recommendation is adopted, it will be the schools' smallest increase in its operating and expense budget since 2003-2004. He also noted that it would be less per pupil money than was received last year. He stressed that the school system cannot afford to do that at a time when Union County is the

fastest growing system in the State of North Carolina and one of the fastest growing systems in the entire United States. He said this reduction would impact the classroom. Dr. Davis also noted that he had not even mentioned the needs within the regular capital outlay. He said the Board has been very supportive, and he appreciates the challenges that it has, but the public demands and expects great schools. He reminded the Board how the citizens have supported the school system with their overwhelming approval of the bond referendum. Dr. Davis asked the Board to take all of this information into due consideration as it deliberates on the Budget for 2007-2008.

Lisa Downs was next recognized. Mrs. Downs stated that she has two children in the Union County Public Schools – one in middle school and one in elementary school. She said she moved here ten years ago not knowing what to expect, but she has been very happy with the school system. Mrs. Downs said until she was involved with her local schools' budget preparation that she had not known of the difficult decisions that must be made. She said as a parent she has seen the progress that those funds have afforded the schools and thanked the Board for the funding. She stated that there are two points she wants to address tonight. The first is the ESL (English as a second language) teachers. She explained she lives on the eastern side of the county and has two of the high-priority schools there and lots of Hispanic students attend these schools. Mrs. Downs said that people will say – “if they come to this country, they need to speak English.” She said that might be one point of view, but these children didn't make that decision: they are here and we need to educate them. The second point she addressed was the recruitment and retention benefits at the high-priority schools. Mrs. Downs said that both of her children attend the high-priority schools; they are wonderful schools, but have high challenges.

She said she realized that the Board of Commissioners has a hard challenge in meeting the growth needs on the western side of the County and the high-priority needs of the eastern side. Mrs. Downs said it is a vast difference, vast opinions on it, and vast voting on it, but the school system needs the retention bonuses. She pointed out that the retention of these teachers can make a difference in the lives of the students.

Mrs. Tammy McKee addressed the Board stating that she teaches sixth grade math at Parkwood Middle and feels very fortunate to have been employed with Union County Schools for three years. She also reported that she has a daughter who attended Waxhaw Elementary, Parkwood Middle and now attends Parkwood High. Mrs. McKee said she has been extremely pleased both professionally and personally with the quality of education that the students in Union County receive. She explained that many of the educational benefits this county offers to its students are due in part to the Board's generosity and support. She appealed to the Board to fully fund the Union County Public Schools' budget request. Mrs. McKee said that without the full funding she is concerned that the County's reputation as a superior school system will suffer. She assured that she, as a classroom teacher, is committed to

providing the best instruction possible and keeping up with the demands of public education. She said this means that she uses hands-on material in the class and these materials help her students to understand abstract math concepts. She explained that she once considered the materials extra but now believe that they are essential to the students' understanding of math. She pointed out that without the full funding of the budget, the school would not be able to supply teachers with the instructional material needed to keep the county's students competitive with other systems in the state and nation. Mrs. McKee said the County needs to find a way to provide for the facility needs of the county, but not compromise on instructional material. She said another area that potentially would be affected without full funding would be the support staff. She stressed the importance of the support staff to the operation of the schools and asked the Board to consider fully funding the schools' budget.

Mike Webb, a parent of a 15-year old and an educational leader of Monroe High School, stated he recognized and understood the funding challenges facing the Board as it addresses the many important programs and functions that go along with a rapidly growing county such as Union. He said that there are three factors placing pressure on the county and school system: growth, high-priority schools, and the expectations that the citizens have of the schools here in Union County. He stated that it was his opinion that the parents, community, the Board of Education, and business leaders have become to expect excellence from all the schools in the system. He emphasized that he thought all those earlier named expected highly-qualified teachers in all classrooms regardless of the physical location of the school; they expect highly-qualified teachers in program areas that the state is not funding. He said without fully funding the schools' budget, there will be shortfalls in the areas funded by local dollars which reduce the classrooms population and provide the quality of instruction required for those classrooms. He further said that in the high-priority schools, it is a must that the county recruit and retain quality teachers. He stressed that the Union County School System is in a competitive market. He pointed out that the job fairs are shopping the school system and putting Union's bonuses against Cabarrus County's, Charlotte Mecklenburg's, and Gaston County's; it is an employee market. Mr. Webb expressed his fear that without full funding of the budget some of the incentives such as bonuses for retention of teachers in high-priority schools will disappear. He also addressed the need for increased funding for instructional supplies for not only student growth but also academic growth. Mr. Webb revealed that there are 200 students a day in tutoring at Monroe High School. He said with that comes the additional cost of operating the facility; it is not a 7:00 a.m. to 5:00 p.m. building but is a 7:00 a.m. to 9:00 p.m. building, Mondays through Thursdays, normal hours on Fridays, and from 8:00 a.m. to noon on Saturdays. Mr. Webb said a decision is not important except when it has an impact on others and the budgetary decision for Union County Public Schools will have an impact on approximately 40,000 students next year.

Malinda Price of Weddington stated that she had been involved in various levels of volunteer activities at four Union County schools and assisted in the opening of four schools. She said she has lived here for 19 years and has witnessed the massive development and growth explosion. She stated that although she had done most of her volunteer work in the Weddington and Sun

Valley areas that she has worked on various committees and task forces that involved all of Union County. Ms. Price further noted that she has worked on the last six school bond referendums and most recently for the last five or so she has worked as the bond treasurer for Citizens for Better Schools. She stressed that she has a concern for all Union County schools but currently is a parent of a Weddington High School student and a college student. Ms. Price said she felt very confident in saying that her college-aged child, educated in Union County schools for 13 years, was clearly prepared to handle the academic requirements of a very large university. She pointed out that excellence is expected in Union County and needs to continue. Ms. Price said that the growth issue isn't the fault of the system except that the school system's excellence has caused parents to want to move here for their children's education. She pointed out that as the system grows that all costs go up – maintenance, operating, salaries, construction, benefits, facilities, the list is endless. She stated her questions are: If the proposed budget is not fully funded, what happens next? How does the system maintain the excellence that citizens have come to expect? Ms. Price reported that there are 18 nurses in the system for 39,000 students. She pointed out the changes that she has witnessed through the years and the benefits from volunteers who assist with the schools' programs. She also said that she had seen limited budgets cause mailings to be canceled and failed computers sitting idle because the technicians can't get to the schools for a few weeks. Ms. Price said she has worked with the last three superintendents and has witnessed the fiscal conservation in every facet. She urged the Commissioners to fund the schools' budget as requested.

Jeff Bass, a resident of Stallings, thanked the Board for allowing him to speak on behalf of the school system. He said he has a son, Chad, who will be graduating from the eighth grade at Porter Ridge Middle School this week and has also had the opportunity to have an exchange student from Russia living with his family who attended twelfth grade at Porter Ridge High School. He stated that as a past President of Monroe Rotary he organized an Interact Club at Porter Ridge High School and has seen first hand the quality of students, teachers, and faculty. Mr. Bass said he and his family moved here 12 years ago and the main reason for their move was the quality of education that his son could receive in this county. He thanked the Board for all its past support for the school system. He said it is the Board of Commissioners that allowed the school system to reach the greatness that it has today. Mr. Bass noted that Union County is the fastest growing county in North Carolina and is one of the fastest growing counties in the United States, and it must have necessary personnel to provide the education needed for these students.

Lisa Taylor, a second grade teacher at Shiloh Elementary School, stated that Union County is her home and that she has a child who was graduated from the system and is now in college and also has a junior at Sun Valley High School. She thanked the Board for its support of the schools acknowledging that the Board of Commissioners helped to make the school system excellent. Ms. Taylor said the Commissioners' support also made it possible for the system to continue to provide quality education despite the overwhelming growth that the community is experiencing. She asked the Board to continue to make the funds available to meet these needs. Mrs. Taylor said an average school in North Carolina serves 505 students, but the population at Shiloh is 1, 246. Ms. Taylor

said that although there is a plan in place with buildings to offset the growth. She pointed out that there must also be personnel provided at the sites to offer the best education possible and to meet the needs of a very diverse group of learners. Ms. Taylor reported that the number one priority in the schools is the children and providing the very best education possible, guiding them to be active and respectful members of society. She stressed that education of children is vital to the community and should be a critical part of the budget. Ms. Taylor briefly spoke on three programs needed to physically assist learners who are either considered at risk or those who are functioning above grade level.

Karen McDougall stated that she and her husband had recently moved to Waxhaw. She said that she thought everyone wants excellent schools and excellent county government; however, she reported that she had concerns about how that is accomplished. She explained that Union County is in a blip of growth and that affects everything. Mrs. McDougall said there is nothing that said the tax has to go up if you have growth. She stated there might be blips of certain needs that are different and maybe builders need to be affected by that, but, basically, if there is a 12 percent growth, there will also be a 12 percent growth in income.

Secondly, she complained that copies of the budget were not distributed tonight and that she had been unable to find it on line and asked where it could be obtained. Mrs. McDougall said communications is a real problem and government needs to become more open and citizens need to be better informed on what is going on in Union County.

The web site address for the proposed 2007-2008 budget was given to Mrs. McDougall, and it was announced that the budget had been on the site since it was submitted to the Commissioners.

Andy Cranfill, representing the North Carolina Forest Service, described the services provided by the North Carolina Forest Service and asked the Board to fund the budget as requested.

Jim Yanacsek stated he lives in the far eastern side of Union County and receives no county services whatsoever—no water, no sewer, however, occasionally the Sheriff might drive near there. He also said he lives on a dirt road and does not have any children in the school system, but yet the Board wants to increase his property taxes to help everybody who lives on the western side of the County. Mr. Yanacsek emphasized that he did not agree with that. He said some of the present members, past members, and the former county manager have gotten the County in a hole whereby the County is facing a situation where Union County doesn't have any water. He noted that the sewer system's problems are very evident in the newspapers. Mr. Yanacsek said the Board has to get itself out of its situation and asked that in doing so that it not put it on his back with a tax increase.

Pam Caskey representing United Family Services expressed her appreciation for the Board's support last year for the United Family Services programs—Rape Crises and Tree House Children's Advocacy Center. Ms. Caskey presented statistics that one in four girls and one in six boys will be sexually abused by the age of 18 and stressed that those statistics are not unique to this community. She provided statistics of sexual abuse in Union County and itemized some of the benefits of these programs.

Laura Minsk of Marvin, a taxpayer and a parent, encouraged the Commissioners to fund the proposed school budget as requested. She said she attended many of the school board's finance committee meetings and witnessed the painstaking procedures used in paring the budget down as tight as it can be. Mrs. Minsk said she thought the overwhelming support of the bond referendums indicates the citizens' mandate for school funding. She emphasized that the facts are that Union County is the fastest growing county in North Carolina yet because of the diligence of the school personnel, Union County has one of the lowest administration overhead and per pupil expenditures. She agreed that the school system is asking for \$13 million more than last year but pointed out that \$5 million are for expenses related to growth in terms of opening new schools; it is nothing the school system could control. She pointed out that if Union County does not have good schools, businesses and industries will not locate in this county.

Donald Alteri, Executive Director of New Ventures Business Development, Inc., explained that New Ventures Business Development, Inc. is a non-profit organization that serves Anson and Union Counties by working with small business, helping people start a business, maintain a business, or grow a business. He said in early spring of 2005, he appeared before the Board and received seed funding in the amount of \$5,000 and with a grant of the same amount from the City of Monroe, he was able to do the necessary research and prepared a proposal that resulted in major funding for this project. He quoted statistics that indicated that 80 percent of new jobs will come from small businesses with 15 or less employees. He further elaborated that small businesses employ half of all private sector workers and pay 43 percent of the U.S. payroll and that approximately 53 percent of those are home-based business. He briefly reviewed the budget request of \$25,000 for the continued support of the program in Union County. Dr. Alteri said he thought the 21st century economic development strategy has three parts – recruitment, retention, and entrepreneurship. He thanked the Board for its consideration,

In response to a question from the Vice Chairman asking the amount contributed by Anson County, Mr. Alteri responded that Anson County was going to fund it with \$20,000 this year and \$20,000 next year.

Tom Dillon endorsed New Ventures Business Development, Inc. and stated that the market is big and that 80 percent of those he has been dealing with in this program are women. He stressed his work is to help the participants write business plans, find funding, and provide encouragement,

The Chairman stated there was no one else who wished to speak and, therefore, he closed the public hearing on the proposed County Manager's Budget for 2007-2008.

INFORMAL COMMENTS:

The Chairman stated that there are three people who have registered to speak. He recognized Laura Minsk who addressed the Board on a proposed leash law. She said that as a resident and animal lover she does not support a strict leash law for all of Union County. However, she said she does support a containment law or ordinance. Mrs. Minsk explained that her thinking is that anyone who owns a dog has the responsibility to keep that dog on their land and cited examples of animals' behavior that she has experienced when dogs were not on their own land. She reiterated that she did not support a leash law because Union County is still rural in many areas. She said there are some dog owners who have sufficient land and want to train their dogs. Mrs. Minsk said it is taking away property owners' rights to require that dogs stay on a leash when they have adequate land to do otherwise. She asked the Board to please not adopt a strict leash law.

John Evans, a resident of Indian Trail, said he was a newcomer to the county only having been here for about a year and a half. He said that in due respect to others' opinions, it is the needs of the many that outweigh the needs of the few when discussing a leash law. He said in subdivisions when children are waiting for buses and kids are playing, the dogs can roam and injure children. Mr. Evans explained that there are reports all the time about children being ripped up by dogs, and pointed out that Union County has a problem with people training dogs to be vicious, to be fight dogs. He said that in his neighborhood there are five or six dogs roaming around all the time and that his dogs have been attacked by dogs whose owners didn't have control of their animals. He stated a leash law is about public safety and for doing the right thing to protect children.

Mike Harper thanked the Board for the opportunity to address the animal containment law. He said he is a builder around the Lake Norman area and had thought if he ever came to speak at a Commissioners' meeting that it would be for something more than a leash law. He said his dog was mentioned in *The Charlotte Observer* yesterday as a vicious, English bulldog. He explained that he does well to get his dog out of the house in 90 degree temperatures. Mr. Harper said he was attending the meeting tonight to dispute the allegations in the newspaper and to set the record straight. He pointed out that the Commissioners have more important items to address than whether or not he kept his dog on a leash. Mr. Harper said the day that the incident occurred he had taken the dog into the garage and disconnected her leash. He said his dog sensed another dog was outside and took off. He said he stopped the dog before it got there and assured that there was not an attack. Mr. Harper said Deputy Starnes had been to his house and she stated the

dog was not vicious. He also assured that he complied the next day with the letter and installed a ten by ten, six foot high chain link fence so he could get his dog back. He emphasized that it was ridiculous that Sheriff Cathey has to be hiring a couple more deputies to see whether or not he walks his dog on a leash. Mr. Harper said he thought it time that people step up, be responsible for their animals, and emphasized that he also has grandchildren and would not want them hurt by dogs. He stated that trivial issues such as this should not be brought before the Board and the Commissioners' time wasted when there are other issues of importance to consider. Mr. Harper said whether or not an ordinance is adopted, his dogs will continue to be on a leash.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

The Chairman stated there is one addition to the Consent Agenda, which is a quit claim need for Consolidated Metro. He reported that Commissioner Mills has requested that Item 1A be moved from the consent agenda to the regular agenda and that it was also requested that item 2A be moved from the consent agenda to the regular agenda.

Chairman Pressley requested that Item 13 of the regular agenda be moved to Item 6B.

The Vice Chairman requested that Item 10 be moved from the consent agenda to the regular agenda,

Commissioner Openshaw requested that Item 3d of the consent agenda be moved to the regular agenda.

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

The Chairman announced that Item 13 from main agenda will become 6B, consent agenda item 1a will become 6c, item 2a will become 6d, item 10 will become 6e, and 3d will become 6f.

CONSENT AGENDA:

Motion was made by Commissioner Baucom that the items as included on the modified consent agenda be approved. The motion passed unanimously.

Deed Transfer: Approved Quit Claim Deed for Consolidated Metco to replace lost deed

Tax Administrator: Releases for May 2007 in the grand total of \$249,502.54.

RELEASES MAY 2007

Acct #	Name	Release #	Total
2007			
50077106	ALLEGHENY TECHNOLOGIES	2742	245,750.39
			-
Totals			245,750.39
2006			
04291080	RAPE JAMES DENNIS & HELENA	2741	941.04
50066499	BAUCOM HEIDI O	2743	157.09
50073063	DAVIS RONNIE	2744	26.27
50092875	INDIAN TRAIL	2750	216.03
50094725	FLORIST INC ROBINSON CONSTRUCTION SERVICES	2752	151.32
50072725	TOSHIBA EASY LEASE	2753	63.64
50076942	TUCKER LOGAN	2754	824.55
50092570	CMH CONTRACTING INC	2755	367.41
50092324		2756	155.92
06045106	LENNAR CAROLINAS LLC	2757	404.17
50090185	WRIGHT STEVEN H	2761	112.59
50082408	SCOTT CLARENCE R & ANGELA	2763	12.76
			-
			-
Totals			3,432.79

2005			
50092442	PETTY JAMES DAVID	2739	46.74
50073063	DAVIS RONNIE	2745	27.38
50087166	DAVIS JEFFREY S	2749	6.23
50092875	INDIAN TRAIL FLORIST INC	2751	184.36
			-
			-
Totals			264.71
2004			
50073063	DAVIS RONNIE	2746	27.21
			-
Totals			27.21
2003			
50073063	DAVIS RONNIE	2747	27.44
			-
			-
Totals			27.44
GRAND TOTALS			249,502.54

Contracts Over \$5,000:

- a.) Carolina Communications – maintenance agreement renewal for radio equipment in the amount of \$600 monthly
- b.) State of North Carolina Crime Control and Public Safety – lease agreement for the state to use space on the communication tower located at the Sheriff’s office – State to pay for electric service to the building
- c.) Cintas Corporation – standard uniform rental service agreement for Public Works
- d.) Carpenter Construction Company, Inc. – Change Order G-9 provides for the renovation of the Bistro area, code requirements in computer data rooms, and other minor work in the amount of \$28,975.

- e.) Thomson West – on-line research (NC Cases, Statutes and municipal law advisor) in the amount of \$662.20 monthly for a three-year contract.
- f.) Neighborhood Nurses Health Care Services, Inc. to provide in-home aide services to DSS clients in an estimated cost of \$14,976
- g.) Motorola – consolidated maintenance agreement renewal in the amount of \$60,641

Department of Social Services: Budget amendment #59 to increase Operating Expense in the DSS – Share the Warmth Budget by \$1,700 and to increase State revenue in the same amount. In the write up, it was noted that the purpose of this program is to provide emergency heating assistance to needy families and is completely funded by the State.

Juvenile Justice and Delinquency Prevention: Approved the DJJDP County Funding Plan for submission to the State in the total amount of \$513,673 and approved Budget amendment #58 to increase the Juvenile Justice & Delinquency Prevention Operating Expense Budget by \$5,892 and increase State revenue by the same amount.

Minutes: Approved the minutes of regular meeting of May 21, 2007

Finance Department: Approved the April 2007 Budget Transfer Report

Stop Loss Insurance Renewal – Employee Group Medical Plan: Accepted the Specific and Aggregate Stop-Loss Insurance renewal proposal of Sun Life Assurance Company and authorized the Interim County Manager to execute the renewal documents and have them delivered to Sun Life on or before June 16, 2007. Renewal agreement effective July 1, 2007 is in the amount of \$498,503 (18.5%).

Health Department – Termination of Contract dated July 30, 2004, with Dr. Percy Walters: Authorized the Interim County Manager to send a 30-day written notice to Dr. Percy Walters that his dental services are no longer needed due to the employment of a full-time dentist in July 2006.

Monthly Subdivision Report: Included as information the report dated from January 2007 to May 2007

UNION COUNTY PUBLIC SCHOOLS:

Kai Nelson, Finance Director, reviewed that the Board of County Commissioners authorized condemnation acquisition of 55.224 acres and 1.45 acres located on Reid Dairy Road for construction of two schools. He noted that Elementary School G, also known as Rea View Elementary School, is currently under construction. Mr. Nelson reported that the owner and the Board of Education had reached a settlement, and it is in the amount of \$105,000 per acre. He further stated the proposed settlement of both claims requires an additional \$2,153,466 for the Holland property (55.224 acres @ \$105,000 per acre less the initial deposit of \$3,644,784 based on \$66,000 per acre) and \$55,000 for the Reid property (initial deposit was \$100,000). Mr. Nelson reported that the 2006 CIP contains funds in the land acquisition and land banking accounts sufficient to provide funds for this proposed settlement. He recommended the Board adopt CPO #77 which provides additional funding for this school site.

Commissioner Lane asked if the owner has the option to build on 11 more lots with sewage access being the responsibility of the owner. Mr. Nelson deferred to the County Attorney explaining the Board’s approval tonight is strictly for the appropriation of funds for the purchase of the sites and settling the condemnation.

The Chairman replied that the question before the Board is a settlement for money and the other question would be in the jurisdiction of another municipality.

The Staff Attorney advised the Commissioners to limit its action to the amount and not to address any other issue at this time.

Commissioner Lane concurred with the advice of the attorney.

In response to a question from Commissioner Openshaw relative to a letter dated May 14th and addressed to Koy Dawkins, School Board Attorney, Mr. Nelson reiterated that the county’s action is solely for the appropriation of funds and is not a party to the settlement and emphasized that the letter of May 14th is not for consideration by the Commissioners. However, he pointed out that the School Board could not offer any terms outside of its own jurisdiction, and it could not speak for the Board of Commissioners in terms of its Public Works Extension Policy, etc.

Motion was made by Commissioner Baucom that CPO #77 be approved. The motion was passed unanimously.

CAPITAL PROJECT ORDINANCE AMENDMENT							

EXPLANATION:	Funding request submitted by UCPS for land and construction of Rea View "G" Elementary School pursuant to 115C-429b.						
DATE:				APPROVED BY:			
					Bd of Comm/County Manager Lynn West/Clerk to the Board		
FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
G.O. Bond Proceeds	351,395,645	2,208,466	353,604,111	Rea View "G" Elementary School (115C-429b project allocation) - Land	18,990,619	2,208,466	21,199,085
55491100-4710-530				55559200-5570-519			

	351,395,645	2,208,466	353,604,111		18,990,619	2,208,466	21,199,085
Prepared By	aar						
Posted By							
Date						Number	CPO - 77

RESOLUTION IN SUPPORT OF HOUSE BILL 1138 ENTITLED “AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND REPAIR CONTRACTS FOR UNION COUNTY PUBLIC SCHOOLS”

Don Hughes explained that Union County Schools has proposed legislation that grants to the Union County School System authority to do design-build for construction projects up until 2011 or 2012 without having to go to the State Building Commission. He said the legislation has passed the House and is going to the Senate. He reported that the schools can now do the design-build construction, but it has to go to the State Building Commission by individual project, and it is about a two to three month process. He said this is similar legislation to that authority granted to CMS. He said this could save the schools time and money and would provide benefits to the County as well.

He requested a resolution by the Board of Commissioners to support HB1138.

Motion was made by Commissioner Lane that a resolution supporting HB1138 be adopted.

Vice Chairman Baucom stated that he had genuine concerns about this process. He said as he understands the legislation, the Board of Education would be authorized to award a contract even if only one bid is received.

Mr. Hughes said that in design-build, the schools does its due diligence and gets at least five bidders to quote on the construction of a project. Vice Chairman Baucom pointed out that the Board of Education contracts with only one entity to do land procurement. Mr. Hughes said there is not an agreement at this time for a land broker but a recommendation will be presented to the Board of Education tomorrow night.

Vice Chairman Baucom asked what the request is that will be going to the Board tomorrow night.

Superintendent Davis responded that the first time the schools went with a land broker, it did not use a RFQ process; the land brokers approached the schools with the idea. He said this time the schools did an RFQ process, and he will be recommending tomorrow night that the Board of Education enter into a dual agreement with two land procurers. He said the Wake County School System has done this with great success, and he believes this will serve the school system well.

Vice Chairman Baucom pointed out some areas of concern. After discussion on the discrepancies between the proposed legislation and changes that would be preferred by some of the Commissioners, Dr. Davis said the Board of Education has adopted some cost saving principles and the schools are only asking for the Board of Commissioners' endorsement of this Bill so there will be one more tool in the tool box. He assured that the school system is not going to do anything that is unethical or anything that is not in the best interest of Union County. He stressed that the schools are in an environment where it needs to be able to have this tool to use when it is appropriate to use. He said it is not something that will be used often, but there could be a situation that might call for it. Dr. Davis stated that if the Board of Commissioners is uncomfortable with the wording of the Bill he thought it was unfortunate, and it might have to be revisited next year, but the Board of Education would miss a golden opportunity if the legislation is not approved this year. He said the request for a resolution is to arm Senator Goodall with a resolution indicating the County Commissioners' support for the proposed legislation. He said that the school system is trying to add as many tools to the tool box as it can to be able to do things in the most efficient and cost effective manner for the citizens of Union County.

Vice Chairman Baucom assured that he did not want to be adversarial, but that he had not seen the School Board step forward and utilize present construction, financing or ownership opportunities, and wondered why this proposed legislation is so important when Mr. Hughes has said it is not going to be used. He said, however, there are other options that could be used that would potentially save considerable money and these have not been brought to the table.

The Superintendent stated that he, his staff, and Board of Education recognize that fact and assured there have been on-going conversations with Commissioner Mills, the liaison from the Commissioners, as well as the Board of Education's liaison. He said

these discussions have also involved County staff and one option discussed has been a public-private partnership. Dr. Davis said he understood that these are viable options that the schools need to study and when the time is right, the school system will be back to talk with the Board about these options. He assured that the proposed legislation has been thoroughly investigated.

Vice Chairman Baucom questioned why in all the thoroughness this proposed legislation had not been presented to the Board of Commissioners before. Dr. Davis said this was part of the cost-saving principles that were established last summer and the Board of Education asked Representative Gibson to introduce legislation, and he did. The Superintendent stated that as it worked through the process, Representative Gibson came back to the schools and asked how the Board of County Commissioners felt about this proposal. He said they talked with the Chairman of the Board of Education, and he talked with Chairman Pressley, and they thought there was support for it. Dr. Davis said the request was brought tonight to obtain a formal resolution in support of HB1138.

Vice Chairman Baucom said he wished it had been done differently because he would have liked to have supported it.

After lengthy discussion concerning the terms and conditions of the proposed legislation and the authority granted to award contracts when there is only one bid, Jeff Crook, Staff Attorney, interjected that he could address that concern for the Vice Chairman. He said that Vice Chairman Baucom had talked with the Interim County Manager today who in turn had discussed it with him, but Mr. Black had not had an opportunity to get back with the Vice Chairman. Mr. Crook said he thought the provision of concern is Section 1, second paragraph, that addresses the issue of not receiving three bids and awarding a contract on the second bid process if only one bid is received. The Vice Chairman agreed. Mr. Crook said that section is intended to allow the prequalification of bidders and selection from a pool. The statement refers to the three-bid rule in current law that if three bids are not received, the bids can be rejected, and the project rebid. At that point, even if only one bid is received, it could be accepted and the contract awarded. He said the proposed law follows the same language as is in G. S. 143-132.

Dr. Davis said if the Board of County Commissioners would articulate to the schools what process it wants them to follow in future situations like this, the schools would be happy to try to accommodate that.

Commissioner Openshaw said that if the Bill were being formulated at this time would the schools have any problem with the points being mentioned by the Vice Chairman.

Don Hughes responded that there have been occasions on gymnasiums where three bids were not received, the bids were rejected, and the projects were rebid. He said at that time two bids were received and the contract was awarded to the low bidder. Mr.

Hughes said that was provided for in the existing law and would be the same law in the Bill being introduced. He addressed the point as to “should be designed” by an architect by stating that by law all public buildings are required to be designed by an architect regardless of the word "should" being a part of the proposed legislation. Mr. Hughes said that he thought that at present the schools could build multiple projects through change orders, but the school system does not do that because it is not prudent with taxpayers’ dollars.

Commissioner Mills called for the question. The Chairman called for the vote on calling for the question. The motion passed unanimously.

The Chairman repeated that there is a motion by Commissioner Lane to support House Bill 1138 as recorded below. The motion passed by a vote of four to one. Vice Chairman Baucom voted against the motion.

RESOLUTION OF THE UNION COUNTY BOARD OF COMMISSIONERS
SUPPORTING HOUSE BILL 1138

WHEREAS, due to continuing rapid population increase in Union County, the County’s public school system faces a large influx of new students every year; and

WHEREAS, Union County Public Schools (“UCPS”) recently reported:

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

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

WHEREAS, House Bill 1138, which is currently pending in the General Assembly of North Carolina, would allow for greater flexibility in public school construction and repair contracts by authorizing the Union County Board of Education to: (i) bid and award school facility construction projects to certain prequalified bidders; (ii) contract with a construction manager to manage and assume liability for completing such projects; (iii) utilize design-build construction methods; and (iv) award single contracts covering multiple projects; and

WHEREAS, House Bill 1138, a copy of which is attached hereto, would, therefore, provide the opportunity to reduce the time needed to successfully accomplish the task of completing construction of 25 new school facilities, along with multiple additions and renovations, over the next eight years; and

WHEREAS, the Union County Board of Education has heretofore indicated its support for passage of House Bill 1138 and has requested similar action by the Board of Commissioners.

NOW, THEREFORE BE IT RESOLVED that the Union County Board of Commissioners supports passage of House Bill 1138, and directs that the Clerk to the Board forward a copy of this Resolution to each member of Union County's legislative delegation.

This resolution is adopted by the Union County Board of Commissioners this the 4th day of June, 2007.

TAX ADMINISTRATOR - REFUNDS

The Chairman announced that Commissioner Mills asked that this item be moved from the Consent Agenda to the Regular Agenda. He recognized Commissioner Mills.

Commissioner Mills pointed out that through error he had paid his taxes twice and would ask to recuse himself from the vote because it is to repay himself the taxes that he paid twice.

Commissioner Lane moved that Commissioner Mills be recused from voting on this item. The motion passed unanimously.

Motion was made by Commissioner Lane that the Tax Refunds from May 2007 be approved as recommended by the Tax Administrator. The motion passed by a vote of four to zero. Commissioner Mills was recused from the vote.

REFUNDS MAY 2007

Acct #	Name	Release #	Total
2006			
07096359	BOWDEN DEBORAH & GELON	2735	102.73
09298275	WELLS FARGO	2740	1,422.83
50087166	DAVIS JEFFREY S	2748	2.10
50091206	ONE HOUR MODERNIZING OF NC INC	2759	524.94
50093494	HATCHELL TIFFANY & JOHN	2762	19.36
			-
			-
TOTALS			2,071.96
2005			
07096359	BOWDEN DEBORAH & GELON	2736	101.66
50087776	RAY ROBERT M	2738	73.41
50091206	ONE HOUR MODERNIZING OF NC INC	2760	570.05
			-
			-
TOTALS			745.12
2004			
07144004C	PLEASANT PLAINS BAPTIST CHURCH	2734	128.58
07096359	MERCEDES HOMES OF THE CAROLINAS INC	2737	95.99
TOTALS			224.57
2001			
6213022	MCLEOD RALPH O & WF MARTA ALICIA	2758	179.88
TOTALS			179.88
GRAND TOTAL - ALL YEARS			3,221.53

GENERAL SERVICES – GOVERNMENT CENTER PHASE IV RENOVATIONS

The Chairman recognized Crystal Crump, Register of Deeds, who addressed the Board requesting additional space. She said everyone has been saying that this is the fastest growing county in the State, and agreed that it has been for several years. Mrs. Crump stressed that she needs more space than that approved in the renovation plans. She said the office has been in the same area on the second floor of this governmental center for 30 years and has not been up-fitted or renovated. She said her staff stumble over each other trying to do the best it can to accommodate the public. Mrs. Crump stated that it has been said that her space is the biggest renovation in the plan. She said she thought it should be, because the Register of Deeds' office has never been expanded. Mrs. Crump said that in her opinion it would save money to renovate the former Clerk of Court's office and allow her office to move there because no additional vault construction would be required.

Mrs. Crump stated that although she has only 12 staff, including herself, she has 20 to 30 paralegals that come everyday and work in this space to earn their living. She said there are also paralegals and attorneys from Charlotte who also come and research as well as others who visit to research. She listed the types of recordings in her office and pointed out that this year her office made \$599,000 in the month of May and that was \$13,000 more than was made last May.

She said she is not asking for the entire floor but is asking for half of the hallway. Mrs. Crump explained that she has been trying to work back and forth and has real concerns about the décor that is being placed into this project. She stated she and her staff help the public, and she needs for it to feel secure in their work environment. Mrs. Crump stressed she needed functional equipment.

Commissioner Mills stated that he visited with the Register of Deeds in her office and that he had been under the impression from the previous manager that the drawings showed the court side being up-fitted and the Register of Deeds being moved there until the up-fitting of the Register of Deeds' office is completed.

The Finance Director interjected that he thought the Board should hear from the General Services Director as to the project timelines, bids, etc. before making a decision.

Barry Wyatt, General Services Director, stated that bids were taken on May 1st, and the County has 45 days in which to award the contract otherwise the contractor probably will not honor his prices. Mr. Wyatt said the Board has until June 16 to approve the bids

and let the contract. He pointed out that the second low bidder was \$160,000 higher than the low bidder. The General Services Director said if the County has to rebid the project, it will cost the county. He pointed out that the architects have essentially redesigned this building 16 times, and if there are any other changes made at this time, there will be redesign fees. If it is a total redesign, the cost will be approximately \$34,000 to redesign and rebid. Mr. Wyatt said that action would probably delay the process by about three months. In response to a question, he said that the courtrooms are still in place. He reported that the Register of Deeds now is housed in a little over 3,600 square feet and the new design will provide her office with 8,290 square feet. Mr. Wyatt pointed out that it is 226 percent of their current space. He also noted that some things were provided within the design that would not have to be provided—work space and a separate room for paralegals to work in. He said the County is facing increasing electronic technology and basically they are doing away with deed books that will have to be stored inside the office. He said this would avoid high dollar storage of deed books.

Commissioner Lane questioned why the proper height for counters could not be supplied. Mr. Wyatt said that the Tax Collector's office has the low level counters, and that department handles even more money than does the Register of Deeds' office. He also reviewed security methods in the Tax Collector's office that can also be supplied to the Register of Deeds office. He agreed, however, that the height of counters could be easily addressed.

Commissioner Lane further asked if the architect had discussed with the Register of Deeds her needs prior to completing the design.

Mr. Wyatt asked the architects to respond to that question.

The Chairman asked the length of time required to advertise for a special meeting. He pointed out there is a budget session Thursday, June 7, and asked if it would be possible to recess the special meeting and visit the Register of Deeds' office, review plans, and make a decision at that time. He pointed out that action Thursday would not delay the award date past the 16th of June.

Commissioner Openshaw pointed out that it appeared the Technology Training Room was the disputed square footage and questioned if the room would be used daily. He asked if there is an offsite area where there could be a tech training room. Mr. Wyatt said at this time he would say that there is not. He said the room is listed as an IT Training Room and will be set up with computers. He explained that in the early stages of design, he was instructed to put a large meeting room on that floor. He said the architectural layout of the Register of Deeds' space called for a need for about 5,800 square feet and with that square footage there was still room to put a large meeting room on the second floor. Mr. Wyatt said as they continued with the design phase, they kept reducing the size of

the meeting room to give the Register of Deeds more and more space. He said that is how the design got to having the small piece left over. He said information technology is not even getting the space they were programmed to receive even with the IT Training Room on the second floor. He said if more space is given to the Register of Deeds' office, then area is being taken away from IT. He pointed out that as the County grows, IT will be growing too, and reiterated that the IT Department is not even getting space to cover its current need.

Bill Burgin, Architect, said that he and Donahue Shaw were here for the purpose of making everyone happy. He said that he certainly has nothing to gain by not. He further said that at the last meeting he reviewed what they understood their assignment was which was to take a fixed amount of space and put all the departments in the county within that space and distribute the remainder of square footage in some reasonable fashion. Mr. Burgin said he could guarantee that everybody did not get the space they wanted. Mr. Burgin explained that something has to be given up in order to get the space and with some direction, he would assign whatever space is requested. He assured that the Register of Deeds received the largest area for growth plus planned space for the staff to grow from 12 to 20 employees.

Commissioner Mills asked if the Register of Deeds signed off on the plans that were sent out for bid.

Mr. Burgin said he did not have a letter from her saying it was approved, but reminded that he did come before the Commission with the design plan and thought that he had received the approval from the Board at that time.

Commissioner Baucom asked if the number of redrawings were unusual. Mr. Burgin said they have had about four major changes and then a number of other changes. He said that once they got past the seventh or eighth redrawings, they were basically looking at one piece of cabinetry. He said that they can easily change the cabinet height from 36 from 42 inches, but to be at this point and then say that another section of floor is needed, which will require another department's program to be displaced is a major change, would be a big move for the architects.

The Chairman asked if the IT space could be jointly used with the paralegals. Mr. Burgin said it could be done, and, if that is the direction the Board wants, it will be done. However, he said he wanted to point out that the Register of Deeds' office currently has 15 workstations and the new designed space allows for 33 workstations. He said this more than doubles the number of workstations without going into the IT area. He stated his opinion is that when the 33 stations are reached, the county could then look at taking over the IT space because there might be another area in which it could be located. Mr. Burgin also pointed out that it might be the Tax Administrator's office that reaches its space capacity before the Register of Deeds' office does and at that time, the Tax

Administrator might request the IT Training Room space. Mr. Burgin said if that space is assigned now to the Register of Deed's office that when people walk into the office, they will be rattling around in it. He said they deliberately tried to move people and offices only one time so there could be an empty space to renovate.

The Chairman moved that the Board of Commissioners advertise for a special meeting one hour earlier on Thursday at 4:00 o'clock p.m to allow time for the Commissioners to visit the Register of Deeds' office prior to making a decision on awarding the construction contract for renovating the second floor. The motion was passed unanimously.

RESOLUTION TO REVISE REGULAR MEETING SCHEDULE OF JULY 2007:

The Commissioners discussed their individual time conflicts within the month of July. In response to a request for information about meeting on the schools' CIP, Mr. Nelson stated that he thought the Board of Commissioners should review the Schools CIP prior to the joint meeting with the Board of Education. He said the Schools new CIP has come in very different from the current one – many more schools and probably \$100 million more requested. Mr. Nelson said it would take the staff time to review the CIP and prepare recommendations for the Board of Commissioners' consideration.

The Chairman moved that the following resolution be adopted to cancel the second regular meeting of July. The motion was passed unanimously.

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

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

WHEREAS, the Board desires to change its regular meeting schedule by canceling the second regular meeting in July 2007, previously scheduled for Monday, July 16, 2007.

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

- The Board does hereby revise its regular meeting schedule by canceling the second regular meeting of July 2007, previously scheduled on Monday, July 16, 2007.

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

Adopted this the 4th day of June, 2007.

CONTRACT – CHARLOTTE TRANSIT OPERATING BUDGET

Commissioner Openshaw asked for an explanation of this agenda item.

The Finance Director stated that this was the regional transit service for the 74X Union County Express that runs from Marshville to Charlotte with several express stops. He said the bus runs about four times in the mornings and afternoons/evenings. He said the total cost of the services is roughly \$300,000 but there is a federal grant of approximately \$42,000, which means there is a net cost of \$248,000. Mr. Nelson said half of the \$248,000 comes from passenger fares, which leaves an operating deficit of roughly \$153,000 and that amount is shared by Union County and CATS.

Motion was made by Commissioner Mills that the Contract with Charlotte Area Transit System in the amount of \$76,815 to cover the county's portion of the cost of the regional transit service for the 74X Union County Express Service Line be approved. The motion was passed unanimously.

The Chairman declared a five-minute recess. At the conclusion of the break, the Chairman reconvened the meeting and recognized Sheriff Cathey to discuss animal containment.

ANIMAL CONTAINMENT POLICY

The Sheriff stated that he had discussed with the Vice Chairman an animal containment law. He said a leash law, as far as he knows, has not been discussed and that he is not in favor of a leash law. He said there are already laws on the books and most of the complaints that Animal Control receives would not be addressed by an animal containment law. He stated another problem that might need to be addressed tonight or in the future is that an ordinance adopted by the Commissioners would not be effective in unincorporated areas of Union County and that if a containment law is passed, it will basically be applicable to the east side of the

county. The Sheriff pointed out that there are already ordinances in place for dangerous dogs, dogs that bite, dogs that threaten, and dogs that bark as well as State laws, which addresses many of the concerns of the people who support a leash law. He defined a containment law as one that says “keep your dogs on your property, if the people around you want you to.” The Sheriff explained that in the neighborhood where he lives, it doesn’t bother him that a dog gets in his yard, and he wouldn’t want an officer going out and worrying about his property; however, if that dog comes in his yard and visits once a day, he might be concerned about that. He said the containment ordinance requires a property owner to keep his dogs on his own property, if there is a complaint. But, he assured that the County is not going to go out and look for dogs visiting in people’s yards.

The Vice Chairman asked if there were sufficient strength in the existing ordinances to enable the officers to do their job to protect the citizens’ with primary concern being protection of children and then to the protection of property.

The Sheriff said there are laws on the books both local and State laws to protect people from vicious animals. He said he did not know of anything that needs to be added to strengthen the ordinances.

He said that since the Sheriff’s Office has taken over animal services that he has changed the way the department has been doing business, and it has enabled his office to use a lot of State laws instead of civilian laws. The Sheriff suggested that the County might want to study the large number of animal ordinances and to review these with the legal staff to see if these could be revised to better fit the needs of Union.

In response to a timeline question, the staff attorney responded that the study could take at least four months.

Vice Chairman Baucom moved that the legal staff in cooperation with the Sheriff’s office and whoever he wants from Animal Services review all of the ordinances to determine if any changes need to be made to the existing ordinances to better meet the demands of this county.

In response to a question from the Chairman about previous Board’s discussion about a leash law or containment law, Mr. Crook stated that the municipalities had requested the County enforce their leash laws within their municipalities, but the legal staff’s advice at the time was not to enforce municipal ordinances but to have a county ordinance that would apply only within the municipal limits.

The Sheriff stated that Marshville, Wingate, and Monroe have their own animal programs and have leash laws in their cities, but the County's officers do not enforce them. He said the police officers enforce the leash law, if there is a need to enforce it.

Commissioner Openshaw stated that one of his questions had been whether or not the towns could adopt their own leash laws, and he was glad to hear that they can. He said there are 200 or 300 percent more people in the unincorporated area around Marvin than there are within the Village of Marvin. He noted there are some other neighborhoods along Highway 16 that are not in Waxhaw.

Commissioner Openshaw reported that he has received complaints from all areas of the County and believed safety should be a major concern. He agreed that it should be by complaint only with the containment law and a warning if there is no physical damage, but he thought some kind of leash law should be required.

The Sheriff stated that he would disagree in that if the County adopts an ordinance that requires an animal be on a leash then the owner and animal would be in violation of the law even on their own property. He said that containment on the owner's property or under control would provide a better service to the citizens.

With there being no additional discussion, the motion passed unanimously.

WATER CONSERVATION ORDINANCE:

The Chairman stated that the next item is a proposed amendment to the Water Conservation Ordinance.

Christie Putnam, Public Works Director, explained her recommendations for fines for violators of the ordinance. She said the first violation would be a written notification by direct mail. The second occurrence would be a hundred dollar fine; third occurrence would be a \$500 fine; fourth occurrence would be \$500 fine and the water will be disconnected. Ms. Putnam stated that the fines will be added to the water bill and any partial payment of the water bill will first be applied to the fine so if the customer has not paid for the water, the County will disconnect the water per the normal cut-off schedule.

She said their intent is that each violator will get a door hanger and then her office will do direct mailings after each violation.

Commissioner Mills asked Ms. Putnam if she knew the County's water usage. She stated that on Friday the usage was 14.9 million gallons, Saturday's usage was 12.3 million gallons and Sunday's was 11.3 million gallons per day.

Commissioner Lane asked if the fact that it rained those two days had anything to do with the reduction of water use. Ms. Putnam stated in her opinion it had everything to do with it.

Commissioner Mills asked the usage on Memorial Day. She said that on the 27th the usage was 19 million gallons per day and on the 28th the usage was 21.3 million gallons per day, which was the maximum use day.

The Chairman asked what would be the effect if the County required all watering to be done at night and asked what change would occur if an additional night is added. Ms. Putnam replied that the peak usage is between 5 a.m. – 9 a.m. in the morning and at night the County is recovering its tank levels to be prepared for five o'clock in the morning. She said she could not say what effect another night of watering would have on the level of water. She said it could be done, if the Board opts to do so.

Commissioner Openshaw asked Ms. Putnam if she could identify the choke points. Ms. Putnam stated the first choke point is the treatment capacity with the Catawba River Plant. She explained that the County purchased 18 million gallons per day so every time that number is exceeded, the County is borrowing from Lancaster County. She said they are letting the County do so, but it is still exceeding the County's capacity.

Commissioner Openshaw asked how soon could the improvements that are needed including the water tower at Weddington be addressed. Ms. Putnam said a tank in the Weddington area is an issue that the County could move forward with. Commissioner Openshaw asked how long would it take to build that tank, if it could be sited quickly. Ms. Putnam stated it would take about a year to design-build. She said that would help the hydraulic operations.

Commissioner Openshaw stated that what he understood is that Union County is going to be having these problems at high-peak times for at least a year. Ms. Putnam agreed that the Weddington tank will not solve the problem. Commissioner Openshaw said that it appears to him that the County cannot get the water to them without lowering the water pressure; and, therefore, it becomes a safety, fire problem. He reported that what he is proposing is that the County stop issuing water permits or issuing meters because if the County is in a crisis, it is not going to be improved. He pointed out that every time a new meter is added, the County is adding to the problems of the existing users. Ms. Putnam stated that was correct, but she said she would hesitate to not issue any more water meters because as much as she agrees, she already has halted the issuance of water availability letters and the subject is on the agenda for the next meeting of the Public Works Advisory Commission to discuss slowing down to allow time for the system to catch up.

He said Concord has said that their water usage is up minimally because they have taken steps to address conservation of water. Commissioner Openshaw said he was surprised to see the statistics. He pointed out that they have gone up only about 200,000 gallons per day. He asked what Union County could learn from what they are doing. In other words, he asked, what conservation measures can Union County use? Ms. Putnam stated that for the last two years, Union County has its conservation rate structure in place, which is much more aggressive than what Concord has in place, but Union County has not had the support of the customers that Concord has had. She said Union County's customers prefer to pay the rate. Ms. Putnam stated that Union County will be in the same situation next year because it is not something that can be fixed overnight; it is going to be something that Union County will have to work together with the customers to meet the demand.

Commissioner Mills said that he appreciated all Ms. Putnam was doing to get these demands met, but suggested that the Board proceed with the amendment to the Water Conservation Ordinance.

Motion was made by the Chairman that the WATER CONSERVATION ORDINANCE as amended and restated below be adopted effective June 4, 2007.

WATER CONSERVATION ORDINANCE

AN ORDINANCE PROVIDING FOR CONSERVATION OF WATER AND RESTRICTIONS ON THE USE OF WATER DURING A WATER SHORTAGE OR IMPENDING WATER SHORTAGE

BE IT ORDAINED by the Union County Board of Commissioners that water conservation is deemed to be necessary when water demand by customers connected to the Union County water system reaches the point where continued or increased demand will equal or exceed the treatment and/or transmission capacity of the system. When water demand results in the condition whereby customers cannot be supplied with adequate water to protect their health, safety, or property, then the demand must be substantially curtailed to relieve the water shortage.

Article I Declaration of Water Shortage

Section I: Applicability of Ordinance

In the event it appears there is a sustained demand of 80% of the Union County water system treatment and/or transmission capacity (average daily flow), the Director of the Union County Public Works Department, hereinafter referred to as the “Director,” may recommend to the County Manager that voluntary water conservation measures be implemented. The County Manager, following consultation with the Board of Commissioners, may declare a Stage I Voluntary Water Shortage Condition requesting voluntary water conservation by consumers. The County Manager, following consultation with the Board of Commissioners, may, with or without the recommendation of the Director, declare that a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition exists and require mandatory conservation measures upon occurrence of any conditions precedent for declaring such Condition, as hereinafter set forth. In declaring any Water Shortage Condition pursuant to this Ordinance, the County Manager may limit the applicability of the requirements of this Ordinance to certain sections of the County, whether by township or other description. For purposes of this Ordinance, the phrase “following consultation with the Board of Commissioners” shall mean consultation during a regular or special meeting of the Board of Commissioners when possible, but where delay would endanger the public health, safety, or welfare, as determined by the County Manager, such consultation may be made by the County Manager with members of the Board of Commissioners on an individual basis outside the confines of a formal meeting. The County Manager shall report the declaration of a Water Shortage Condition to the Board at its next regular meeting.

The declaration of a Water Shortage Condition becomes effective immediately upon issuance by the County Manager. Upon declaration of any stage of Water Shortage Condition, the County Manager shall issue press releases to local television, radio and/or print media to inform the public of the voluntary or mandatory water use restrictions. Upon declaration of a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition, the County Manager shall also cause notice of such restrictions to be either inserted into customers’ water bills or separately mailed to customers as soon as reasonably practicable.

Article II

Stage I Voluntary Water Shortage Condition

Section I

In the event a Stage I Voluntary Water Shortage Condition is declared, the following guidelines shall apply:

- a. An extensive publicity campaign will be initiated using public media to inform the public of an impending or existing water shortage.

- b. Conservation measures will be encouraged and recommended.

Section II

In the event a Stage I Voluntary Water Shortage Condition is declared, the following guidelines shall apply, and the public shall be encouraged to adhere to the following:

- a. Limit car washing to the minimum.
- b. Limit lawn and garden watering to that which is necessary for plants to survive.
- c. Do not wash down outside areas such as sidewalks, patios, parking lots, service bays or aprons, etc.
- d. Do not leave faucets running while shaving or rinsing dishes.
- e. Water shrubbery to the minimum required, reusing household water when possible.
- f. Limit use of clothes washers and dish washers and when used, operate fully loaded.
- g. Use of showers for bathing, rather than bathtub, and limit showers to no more than four (4) minutes.
- h. Limit flushing of toilets by multiple usage.
- i. The use of disposable and biodegradable dishes is encouraged.
- j. The use of flow-restrictive and water-saving devices is encouraged.
- k. Limit hours of operation of water-cooled air conditioners.
- l. All residents, businesses, and institutions are requested to temporarily delay new landscape work until the water

shortage has ended.

- m. Use only hoses with spring-activated nozzles when watering lawns and gardens.

Article III

Stage II Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage II Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system in a manner inconsistent with the declaration until such time as the declaration of a Stage II Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage II Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage I Voluntary Water Shortage Condition declaration is ineffective in adequately reducing demand; (ii) maintenance of the system (whether preventive or breakdown maintenance, or due to an event of force majeure) requires a reduction in demand; (iii) mandatory restrictions are required to comply with any permit for the system issued by applicable state or federal authorities; or (iv) sustained water demand exceeds 95% of the Union County water system treatment and/or transmission capacity (average daily flow), then in such event the County Manager may issue a declaration that a Stage II Mandatory Water Shortage Condition exists. Such declaration may prohibit any one or more of the types of water uses regulated under a Stage I, Stage III, or Stage IV Water Shortage Condition, provided that the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address. After consultation with the Board, the County Manager may also take such other measures as deemed necessary to give effect to the intent of this Ordinance.

Article IV

Stage III Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage III Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of a Stage III Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage III Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event a Stage II Mandatory Water Shortage Condition is in effect and the system demand still exceeds system capacity, then a Stage III Mandatory Water Shortage Condition may be declared. In addition to any voluntary and mandatory guidelines already in effect, it shall be unlawful to use water supplied by the Union County water system in the following manner:

- a. To water lawns, grass, shrubbery, trees, flowers and vegetable gardens.
- b. To fill newly-constructed swimming and/or wading pools or refill swimming and/or wading pools which have been drained.
- c. To wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, including commercial washing, except where such washing is required by applicable law for health-related purposes.
- d. To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly-constructed homes or apartments, sidewalks, or patios, or to use water for other similar purposes.
- e. To use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.

- f. To operate or induce water into any ornamental fountain, pool or pond or other structure making similar use of water.
- g. To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.
- h. To operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
- i. To use water for any unnecessary purpose or to intentionally waste water.

Article V
Stage IV Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage IV Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a water shortage condition, consideration shall be given, as applicable, to water storage levels and available sources of supply, available usable storage on hand, draw-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event a Stage III Mandatory Water Shortage Condition exists and the system demand still exceeds system capacity, then a Stage IV Mandatory Water Shortage Condition may be declared. In addition to the restrictions for Stage I, Stage II, and Stage III Water Shortage Conditions, the following restrictions shall also apply:

- a. To induce water into any pool.

- b. Use water outside a structure for any use other than an emergency involving a fire.
- c. Fire protection to be maintained by drafting of ponds, rivers, etc., wherever possible.
- d. The use of throw-away utensils and plates is encouraged and recommended at all eating establishments.
- e. To operate an evaporative air conditioner which recycles water except during operating hours of business.
- f. Use potable water for road construction practices, i.e. compaction and washing.

Article VI

Section I: Lifting of Restrictions Imposed During a Water Shortage

- a. Water Shortage Conditions will expire when the County Manager, after consultation with the Board of Commissioners and upon recommendation of the Director, deems that the condition which caused the water shortage condition has abated.
- b. The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

Article VII

Section I: Enforcement

- a. Compliance with the provisions of this Ordinance shall be enforced by personnel of the Union County Public Works Department, hereinafter referred to as “UCPW,” independent contractors engaged by UCPW for such purpose, the Union County Sheriff’s Office, and such other personnel as designated by the County Manager.
- b. The use of water from the Union County water system by a customer in violation of any mandatory water conservation control imposed pursuant to this Ordinance is unlawful. For purposes of this Ordinance, the term “customer” shall mean any person or entity in whose name Union County Public Works maintains an account for water use. Further, the refusal or failure of a

customer or other person acting on the customer's behalf to cease immediately a violation of a water conservation control, after being directed to do so by a person authorized to enforce the provisions of this Ordinance, is unlawful. Each customer is responsible for any use of water that passes through the service connection associated with the customer's account or otherwise passes through the customer's private water system.

- c. Any customer who violates or permits the violation of any mandatory water conservation control imposed pursuant to this Ordinance shall be subject to civil penalties as follows: (i) a warning for the first offense; (ii) a civil penalty in the amount of one hundred dollars (\$100) for the second offense; and (iii) a civil penalty in the amount of five hundred dollars (\$500) for the third and subsequent offenses. Each day that a violation of a mandatory water conservation control occurs shall be considered to be a separate and distinct offense.
- d. Violations shall be accumulated by customers so long as this Ordinance, in any of its stages, is continuously in effect and until no stage of this Ordinance has been in effect for a period of one (1) calendar year. Violations of any mandatory water conservation control of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.
- e. Each civil penalty assessed against a customer pursuant to this Ordinance shall be added to the customer's water bill and shall be paid in the same manner as the payment of water bills. A customer's partial payment of a water bill shall be applied first to satisfaction of the civil penalties. Failure to pay all or any portion of a water bill, including any civil penalty assessed pursuant to this Ordinance, in a timely manner may result in the termination of water service.
- f. Any violation of the provisions of this Ordinance shall constitute a Class 3 misdemeanor, punishable upon conviction by a fine not to exceed Five Hundred Dollars (\$500.00) or imprisonment not exceeding twenty (20) days as provided by N.C.G.S. 14-4.
- g. The violation of any water conservation control or provision of this Ordinance may be enforced by all remedies authorized by law for noncompliance with county ordinances, including without limitation all remedies authorized pursuant to N.C.G.S. 153A-123.

Article VIII

Section I: Discontinuance of Service

In addition to the payment of any civil penalty assessed pursuant to Article VII of this Ordinance, a customer shall be subject to termination or restriction of water service following four or more violations of any water conservation control imposed pursuant to this Ordinance. Water service will not be restored at such service connection until the customer agrees to such terms as determined by the Director to be reasonably necessary or advisable to ensure the customer's compliance with such water conservation controls as are then in effect or may be imposed pursuant to this Ordinance and the payment of all the customer's obligations, including, without limitation, all outstanding charges for water service, civil penalties and all other fees, amounts and penalties charged in accordance with the provisions of this Ordinance. If a customer violates such a term or condition, the customer shall be subject to a civil penalty of up to \$1,000.00 in addition to any other remedy that may be authorized by law or agreement and termination of water service through such service connection for up to a minimum period of 15 days. Service may be restored thereafter in accordance with the provisions of this Article.

A customer whose water service is terminated pursuant to this Article shall not be entitled to notice and an opportunity for a hearing in advance of such termination. Although service of notice and an opportunity for hearing are not conditions precedent to termination of service, UCPW will endeavor to provide such notice as soon as reasonably practicable after a decision is made to terminate such service. A customer whose service is terminated pursuant to this Article or who receives notice of such a termination shall have five calendar days after termination of service or receipt of notice of termination, whichever is later, to appeal such termination to the Director, or his/her designee, by delivering a written notice of appeal. A hearing shall be held on such appeal within three business days of receipt of the notice of appeal, or by such other date as approved by the Director, or his/her designee, and the customer.

Article IX

The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems. By January 1, 2008, all irrigation systems equipped with a timer shall be equipped with rain sensors as approved by UCPW. Rain sensors shall be activated to prevent the system from operating after one fourth (1/4) inch of rain has fallen.

Article X

Section I: Severability

If any section, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause or provision so adjudged, and the remainder of this Ordinance may be declared valid once effective.

Article XI

Section I: Effective Date

This Ordinance originally became effective on July 13, 1992, and was subsequently amended and restated effective August 5, 2002.

This second amendment and restatement of this Ordinance shall become effective upon adoption by the Board of Commissioners on June 4, 2007 (the "Effective Date"). Any declaration of a Water Shortage Condition made prior to the Effective Date and not rescinded shall remain in full force and effect, and any warnings issued prior to the Effective Date shall constitute a warning for first offense under Section 1(c) of Article VII.

The motion was passed unanimously.

Richard Black, Interim County Manager, stated that the majority of issues that he has been receiving related almost entirely to the installation of new lawns or turf. He said that he had discussed this with the Staff Attorney and Public Works Director and the reason it is being brought to the Board tonight is that these lawns are under water restrictions now. He read the following: New lawns or turf installed on or after May 1, 2007, but before June 1, 2007, shall be watered through June 30, 2007, on Tuesdays, Thursdays, Saturdays and Sundays excluding only the hours from 5 a.m. to 9 a.m. and 5 p.m. to 9 p.m. Customers watering such lawns or turfs who receive a notice of violation for watering during permitted hours may contact Union County Public Works, and substantiate that the lawn or the turf was installed on or after May 1 and before June 1. Upon presentation of satisfactory evidence, the violation will be removed from the customer's account.

Mr. Black said that basically three types of issues have been raised. Mr. Black said most have been residential; the people who have installed lawns or are just trying to get a new lawn started. He said the kind of information that the county has been given is that

the new lawn or sod is difficult to get started with only watering two days a week. Also, he said Marvin Ridge School has about eight ball fields and the school is trying to get these started. He said another project is Union County's Parks and Recreation's efforts to install lawn on some soccer fields at Jesse Helms Park. He said the policy revision will address the residential situation, the fields at Marvin Ridge, but it does not address the County's situation with Parks and Recreation. Mr. Black said this project will be postponed until July with hopes that the situation will improve.

Mr. Black said he offered this as a revision to the mandatory water shortage for the Board's consideration mainly to address the new residential lawns and Marvin Ridge's ball field.

The Chairman asked Mr. Black if this is his recommendation.

Mr. Openshaw said that his preference is that people should come in and obtain a permit. They can make the effort to come in and document what they have and be given a sign to post it in their lawn to make it easier for enforcement. He also said that schools and parks are public money and benefits all the residents of the county whether they have irrigation systems or not, whether they have wells or ponds to irrigate their lawns. He said the seeding at Jesse Helms Park is \$100,000 for the sprigging and seeding and so as a county taxpayer he would have to ask how he wanted his \$100,000 spent. He questioned if the County taxpayers would want the fields seeded and die or would they want it seeded later and not have a long enough growing period to take root or would they want the grass watered.

Mr. Black said it was a gamble but the sprigs could still be obtained as late as July and still meet the schedule. He offered another alternative would be to hold off planting until the fall. Commissioner Openshaw countered that Bermuda grass can only grow when the weather is hot.

Commissioner Openshaw asked when the fields are due to open. Mrs. Smith said if it is not planted this summer, then it will be the next summer. Commissioner Openshaw asked how that affects the grant. Mrs. Smith said she talked with the consultant in Raleigh and Union County is not the only county in this water situation. She noted that Cabarrus County is also in this same situation, and they have agreed that Union County will not be in jeopardy of losing its grant, but the County will not be able to close its grants because the project has not been completed. Mrs. Smith pointed out that Union County has a substantial over-match on this project so they would accept the project; however, it would jeopardize future grants for which the County has made application. She said these would be held until the grant is closed.

In response to a question from the Chairman, Mrs. Smith stated that grants are awarded in July. She stated that if the seeding is completed in July that as far as the State is concerned, the county will have met the lawn caring obligation.

Commissioner Mills asked the Interim County Manager if his recommendation is only for 30 days and after that time, the County would fall back into the regular schedule. He agreed this would get the new lawns established that have recently been installed.

Commissioner Lane asked Mr. Black if he were going to address any other exemptions. He said, if not, he was going to do so. Commissioner Lane said he wished the Board had gone to voluntary water conservation for two weeks while the Board mulled over the possible exemptions. He said he did not know anybody in the business but he thought that pressure washer business should be exempted. Commissioner Lane said a pressure washer uses little water but the ordinance would put these individuals out of business.

Chairman Pressley questioned that impact on the pressure washing business. The Vice Chairman interjected that if they have a permit, the business could haul the water since they use a small amount.

Commissioner Lane asked Ms. Putnam if he is not correct that these businesses could not go to a person's home and use the homeowner's water. Ms. Putnam stated that he was correct. She said that if it is not for safety or health purposes, the water cannot be used.

Commissioner Lane said that is what he understood, and he would like to exempt that business since it is a low-water business and probably does not use five gallons in an hour. The Vice Chairman stated he thought the usage would be more like three to five gallons per minute. Commissioner Lane said with his pressure washer that much water is not used. He said that he had a nephew that was in the business and he told him how much water was used, and it was not very much.

Vice Chairman Baucom asked if the Manager is recommending that schools be exempt. Mr. Black responded that he is not recommending that but recommended a possible exceptions for individuals or entities that were starting new lawns within that given period prior to the County's water restriction. He said this exemption happened to accommodate one of the schools in the County to allow them to water those fields that it started within the authorized period of time.

Vice Chairman Baucom stated that he understood the concerns of Commissioners Lane and Openshaw for exemption, but that he is also concerned that if the County is going to have mandatory water reduction in place that it needs to be mandatory and the

County does not need to be carving out exemptions that can be perceived as being for the County's own good. He said he would vote for the ordinance exemption recommended by the Interim Manager but without further exemptions.

Commissioner Mills agreed that Commissioner Lane had valid comments particularly about the pressure washing. He said he does know some people who make their living by pulling a trailer with a tank on the back for washing trucks, etc. Commissioner Mills asked if these people were exempt or not exempt.

Ms. Putnam said that if the individuals have an active hydrant permit that has not been excluded at this time.

Commissioner Mills asked if these individuals should come get a permit to continue their pressure washing. Ms. Putnam replied that Union County has quit issuing hydrant permits.

Commissioner Baucom said that an option would be to fill their tanks from a well.

Ms. Putnam stated that if the businesses are operated that way now, it would indicate that they already have an active hydrant permit.

In response to the Chairman's question, Ms. Putnam stated that she has had complaints about the Water Conservation Ordinance from people operating a pressure washer business.

Vice Chairman Mills asked if the County Manager wanted a friendly amendment to cover these businesses. He said he would hate to see anyone lose their livelihood because of the mandatory water restrictions.

Ms. Putnam stated that the only thing that would be excluded would be a connection to a residential meter to pressure wash a house. She said if it is a safety or health issue, and she noted that a muddy driveway would be a safety issue, it is allowed, but not strictly for cleaning a house. She said if the pressure washing is by using a water tank on a truck or trailer, it would be allowed under the current ordinance.

Motion was made by Vice Chairman Baucom that the Board adopt the County Manager's revisions to the Declaration of Stage II Mandatory Water Shortage Conditions. The motion passed unanimously.

DISPOSITION OF OLD ANIMAL SHELTER:

Pat Beekman, Homeland Security, stated that the staff brought this item to the Board once before and at that time the Humane Society wanted to lease the facility at no cost to the County. He said subsequently to that the Humane Society of Union County decided not to pursue leasing the old animal shelter, so the staff reverted to its original plan to demolish the facility and use the land for future County purposes.

He reported that General Services has sought informal quotes on the demolition and the low quote is \$18,800.

Mr. Beekman recommended that the Interim County Manager be authorized to contract with M. L. Winchester Grading, Inc. to demolish the old animal shelter at a cost of \$18,800.

Chairman Pressley asked why demolish the building at this time. Mr. Beekman stated the building is a safety hazard.

Motion was made by Vice Chairman Baucom that the recommendation to dispose of the old animal shelter be accepted and that the Interim County Manager be authorized to contract with M. L. Winchester Grading, Inc., to demolish the facility at a cost of \$18,800. The motion was passed unanimously.

ENVIRONMENTAL HEALTH:

The Chairman recognized David Cunningham to present the Environmental Health's proposed service and fee adjustment recommendation for the On-Site Wastewater Program, the Private Use Well Program, and the Food, Lodging and Institutions Program.

Commissioner Lane moved that the recommended fees be adopted.

ENVIRONMENTAL HEALTH FEE SCHEDULE

(Effective July 1, 2007)

On-Site Wastewater Program Fees

Site Evaluation	\$100.00 (1-1.99 Acres)
	\$150.00 (2-4.99 Acres)
	\$200.00 (5+ Acres)
Construction Authorization Permit	\$175.00
Re-Flagging Fee	\$ 75.00
Permit Re-Design Fee	\$125.00
Inspection of Existing System	\$ 50.00
Evaluation for Decentralized Wastewater System	\$900.00 (for 3,000 – 9,999 gallons per day and \$.10 per gallon for all systems above 10,000 gallons per day.)

Water Sample and Well Fees

Bacteria Water Sample	\$ 60.00
Petroleum Water Sample	\$ 60.00
Pesticide Water Sample	\$ 60.00
Nitrate Water Sample	\$ 50.00
Inorganic Water Sample	\$ 60.00
Inorganic Test Kit	\$ 5.00
Well Permit	\$ 275.00
Well Re-Evaluation Fee	\$ 50.00
Water Panel Test	\$ 110.00
(Bacteria, Inorganic, Nitrate Water Sampling)	

Food Service Plan Review Fees

Food Stands and Restaurants	\$200.00
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Swimming Pool Fees

Seasonal Public Swimming Pool	
(submitted before April 15)	\$100.00
(submitted after April 15)	\$150.00

Year Round Public Swimming Pool Application	\$150.00
Public Swimming Pool Plan Review	\$250.00
Public Swimming Pool Re-Inspection Fee	\$ 75.00

Other Fees

Mass Gathering	\$375.00
Tattoo Artist Fee	\$150.00

Mr. Cunningham stated that as requested the last time this information was presented to the Board, he had met with Jeff Crook, Staff Attorney, the Interim County Manager, the Finance Director and the fees presented are those that the Board of Health approved for adoption.

The Vice Chairman stated he believed that he was the one who moved to defer this item and after having met with the Board of Health, he moved that the fee schedule as recommended be adopted.

Commissioner Lane stated that he had already made the motion. The Vice Chairman stated that he would then endorse the motion.

The motion passed unanimously.

Commissioner Mills praised the work of the staff of the Environmental Health Department.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

The Chairman announced vacancies on the following boards and committees:

- a. Nursing Home Advisory Committee – one vacancy
- b. Home and Community Care Block Grant Advisory Committee
- c. Juvenile Crime Prevention Council (JDPC) 1.) District Attorney or designee; 2.) Substance Abuse Professional; 3.) Two (2) Persons under age 18; 4) Juvenile Defense Attorney; 5.) Representative of United Way/other non-profit; 6.) 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. Regional F Aging (3 vacancies for regular members and one vacancy for alternate member)
- g. Criminal Justice Partnership Program Advisory Board (Judge of Superior Court appointee, District Court Judge, Employment and Training Vacancy, four members at large, Health Department representative) as of June 2007.

The Chairman stated that some of these vacancies have been reported several times and the Board needs some qualified individuals to serve on these boards.

APPOINTMENT TO BOARDS AND COMMITTEES:

The Chairman announced that there is one vacancy on the Jury Commission and one vacancy on the Social Services Board.

Motion was made by Commissioner Lane that George Hendry be reappointed to the Jury Commission and Nathel O. Hailey be reappointed to the Social Services Board. The motion was passed unanimously.

MANAGER'S COMMENTS:

Mr. Black pointed out that included in the Board's package is the first subdivision report that included the municipal reports. He said that Fairview, Unionville, and Wingate have not issued any permits this year and that Marvin's report indicates that it has not approved any at this time but does have a few in the process. He said thus far of the 769 lots approved this year, 526 were in the towns.

Commissioner Openshaw asked the report be divided between preliminary and final subdivisions.

COMMISSIONERS' COMMENTS:

Commissioner Openshaw said that he had problems with the public hearing on the County Manager's Recommended budget being held tonight before the schools had an opportunity to present its request to the Board. He said he did not think it was in their best interest or in the best interest of this Board.

He further stated he thought the right action had been taken tonight on the settlement of the claim for the land purchase for Rae View Elementary School. Commissioner Openshaw said he thought the price was low to begin with. He said the school had basically been built for two neighborhoods and the cost of that elementary school is now up \$21.2 million. Commissioner Openshaw said that although there is extra land available for another school which would reduce the price by \$3 or \$4 million, the cost of constructing the elementary school equates to \$14,000 per house, which was a huge subsidy to the developers.

Commissioner Lane asked for consideration for funding the U. S. Army Jazz Band which is coming in August. He said they were going to give a workshop for the schools' bands. He said he would bring that question up at the next meeting.

He further said he recently had a letter in *The Enquirer Journal* in which he said that Larry Helms had moved money from Hwy. 601 S to another project. He said that was a complete error, and he said he sent a letter of apology to the editor, but that he understands that only one paper published the letter. Commissioner Lane said that Larry Helms was not even involved with the road projects at that time and apologized for the error.

Vice Chairman Baucom asked Mr. Crook if he knew the status of the Real Estate Transfer Tax in Raleigh. Mr. Crook responded that he was not aware of the status, but would check on the proposed legislation tomorrow. Vice Chairman Baucom stated he thought there were three or four Bills that have made crossover and in saying that he would urge the public to take time to let their legislators know if they support Real Estate Transfer Tax or other funding options for Union County.

The Vice Chairman stated that tonight the Board made some additional mandates on water. He referred to a 16-page article in the **U. S. News** devoted to water, its shortage, and the significance. He said that this Board is not trying to hurt anyone but is taking actions with all responsibility.

He congratulated the American Red Cross for its 90th Year in Union County.

Commissioner Mills stated that the water has been a very contentious issue and that he had messages left on his email and phone that were not nice, but said as he left church yesterday an elderly lady told him that she appreciated what the Board had done on issuing mandatory water restrictions because the Board showed God that people here are trying to look after ourselves. He said those words meant a lot to him. He assured that the Commissioners take their jobs seriously, and it is very tough to make decisions of this nature. He assured that the Board is going to work for the betterment of Union County.

Chairman Pressley stated that the County is facing some difficult times and the point that needs to be brought out is that if Union County shuts down any more inter-basin transfers, the County might be harming itself. He said that Union County is looking forward to the Yadkin-Pee Dee Water Basin. Commissioner Pressley noted that Catawba River is not making any more water and the draws that come from that source may be decreasing. He said it might be that Union County will be pumping water from the Yadkin-Pee Dee River across the ridge line and serving some who live in the Catawba basin. Chairman Pressley said he would rather get another million gallons for transfer across the ridge to get rid of another five million. He said he thought the county should keep all its options open.

He said the Board has a tight budget, but assured that the County will consider each budgetary request. Chairman Pressley said that in explanation to the County's budget request, the schools were previously scheduled and had to reschedule and move to the last day.

Motion was made by Commissioner Baucom that the meeting be adjourned. The motion was passed unanimously.