

June 18, 2007

The Union County Board of Commissioners met in a regular meeting on Monday, June 18, 2007, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

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

ABSENT: None

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

OPENING OF MEETING:

Chairman Pressley convened the regular meeting and welcomed everyone present.

a. Invocation

Commissioner Lane presented the invocation.

b. Pledge of Allegiance

Vice Chairman Baucom led the body in reciting the Pledge of Allegiance to the American flag.

PUBLIC HEARING – RE: TOWN OF MARSHVILLE'S ETJ – APPOINTMENTS TO MARSHVILLE'S PLANNING BOARD AND BOARD OF ADJUSTMENT:

At approximately 7:05 p.m., Chairman Pressley opened the public hearing regarding the Town of Marshville's request for the Union County Board of Commissioners to Appoint Extraterritorial Jurisdiction Members as set forth in the resolution below. Said public hearing was duly advertised in accordance with the provisions of NCGS 160A-362.

RESOLUTION
REQUEST UNION COUNTY BOARD OF COMMISSIONERS APPOINT ETJ
MEMBERS

WHEREAS, the Marshville Town Council wishes to comply with NCGS 160A-362 which states that as a result of extraterritorial jurisdiction, a means of proportional representation based on population for residents of the extraterritorial area be provided, and;

WHEREAS, the Union County Board of Commissioners is the appointing authority for the extraterritorial jurisdiction area of Marshville; and

WHEREAS, two such representatives shall be appointed to the Marshville Planning Board and two such representatives shall be appointed to the Marshville Board of Adjustments;

THEREFORE BE IT RESOLVED that the Marshville Town Council hereby requests the Union County Board of Commissioners appoint two representatives from the extraterritorial jurisdiction area to the Marshville Planning Board and two representatives from the extraterritorial jurisdiction area to the Marshville Board of Adjustments in accordance with NCGS 160A-362.

Adopted this 2nd day of April 2007.

s/Franklin Deese, Mayor

Attest:

s/_____, Town Clerk

With there being no one wishing to address the Board regarding the selection of applicants who reside within the Town of Marshville's ETJ area to serve on the Town of Marshville's Planning Board and/or Board of Adjustment, Chairman Pressley moved to continue the public hearing until the July 2, 2007, regular meeting of the Board of Commissioners. The motion was passed unanimously.

INFORMAL COMMENTS:

There were no informal comments.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

Commissioner Lane moved to adopt the agenda as presented.

Commissioner Openshaw requested to add to the agenda an item to consider amendments to the water conservation restrictions. He further requested that the following items be moved from the Consent Agenda to the Regular Agenda: 1c. Parks and Recreation – Expenditure of Remaining Community Grant Funds in the Amount of \$25,833.72 for Recreation Equipment at the Union County Group Home; Item 8 – FY 2008 Compensation Adjustments; and Item 10 – The One North Carolina Fund Application.

Chairman Pressley stated that the item to consider amendments to the water conservation restrictions would become Item 9b to the Regular Agenda. He placed the items from the Consent Agenda on the Regular Agenda as follows:

Item 1c – Parks and Recreation – Expenditure of Remaining Community Grant Funds in the Amount of \$25,833.72 for Recreation Equipment at the Union County Group Home – Regular Agenda Item 5a

Item 8 – FY 2008 Compensation Adjustments – Regular Agenda Item 5b

Item 10 – The One North Carolina Fund Application – Regular Agenda Item 5c

With there being no further additions or deletions to the agenda, Commissioner Mills moved adoption of the agenda as modified and approval of the items listed on the Consent Agenda as modified. The motion was passed unanimously.

CONSENT AGENDA:

Parks and Recreation: Approved ADA funding request from remaining Athletic Association Funds for Prospect Athletic Association and South Union Athletic Association totaling \$5,854.

Parks and Recreation: Approved Community Grant Applications for the Town of Waxhaw Public Services Department and the Town of Marshville totaling \$24,166.29.

Parks and Recreation: Expenditure of Remaining Community Grant Funds in the amount of \$25,833.72 for Recreation Equipment at the Union County Group Home – This item was moved to the Regular Agenda at the request of Commissioner Openshaw.

Finance Department: Approved Motor Vehicle Tax Refund Overpayments for May 2007 in the amount of \$1,602.63.

Sheriff's Office: Authorized Interim County Manager to submit the FY 2007 Justice Assistance Grant (JAG) to the Bureau of Justice Assistance.

Tax Administrator: Approved the Eleventh Motor Vehicle Refund Register for the period of May 1, 2007 – May 31, 2007, in the net grand total of \$1,557.79-.

Tax Administrator: Approved the Eleventh Motor Vehicle Release Register for the period of May 1, 2007 – May 31, 2007, in the net grant total of \$17,627.06-.

Health Department: Adopted Budget Amendment #60 for the Health-Bioterrorism Budget increasing Operating Expense by \$10,000 and Donations by \$10,000 to approve funding from Mecklenburg County for Cities Readiness Initiative.

Contracts Over \$5,000: Authorized the Interim County Manager to approve a contract with Natural Concepts, Inc., for lawn services at the Animal Services Center.

Communications/Radio Tower Lease Agreement (Piedmont Site): Authorized the Interim County Manager to terminate the existing lease and approve a new lease or to approve an amendment to the current lease allowing for month-to-month occupancy.

FY 2008 Compensation Adjustments: This item was moved to the Regular Agenda at the request of Commissioner Openshaw.

Amended and Restated Budget Ordinance for FY 2006-2007: Adopted Amended and Restated Budget Ordinance for FY 2006-2007 as follows:

Fiscal Year 2006-2007										Amended & Restated Budget Ordinance
										Union County, NC

SECTION I. GENERAL FUND										
A. The following amounts are hereby appropriated in the GENERAL FUND for the operation of the county government and its activities for the fiscal year beginning July 1, 2006 and ending June 30, 2007 in accordance with the chart of accounts heretofore established for this county.										
General Government:										
		Board of Commissioners								541,187
		Central Administration								732,390
		County Dues & Memberships								108,843
		Internal Audit								92,662
		Legal								318,102
		Personnel								608,002
		Finance								897,487
		Tax Administration								3,975,790
		Court Facilities								1,744,842
		Elections								1,416,481
		Register of Deeds								1,198,138
		Information Technology								2,354,445
		General Services								1,658,674
Public Safety:										
		Law Enforcement								18,214,046
		Communications								2,001,791
		Homeland Security								362,301
		Fire Services								958,489
		Inspections								2,278,160
		Outside Agencies								3,896,970
Economic & Physical Development:										
		Planning								738,473
		Economic Development								682,165
		Cooperative Extension								1,026,855
		Soil Conservation								72,265
		Community Development								300,000
		Outside Agency								53,607

	Ad Valorem Taxes						101,813,192		
	Local Option Sales Tax						35,091,009		
	Other Taxes						3,716,000		
	Intergovernmental						23,949,236		
	Functional Revenues						12,850,022		
	Miscellaneous						6,045,432		
	Interfund Transfers						263,178		
	Fund Balance Appropriated						10,779,465		
							194,507,534		-
SECTION II. FIRE TAX DISTRICTS									
	A. The following amounts are hereby appropriated in the various FIRE TAX DISTRICT FUNDS for the operation of fire protection services for the fiscal year beginning July 1, 2006 and ending June 30, 2007 with the chart of accounts heretofore established for this county.					B. It is estimated that the following revenues will be available in the FIRE TAX DISTRICT FUNDS for the fiscal year beginning July 1, 2006 and ending June 30, 2007.			
	Wesley Chapel		727,113			Ad Valorem Taxes		440,161	
						Local Option Sales Tax		217,795	
						Fund Balance Appropriated		69,157	
								727,113	
	Hemby Bridge		925,000			Fire Tax		659,900	
						Local Option Sales Tax		207,662	
						Fund Balance Appropriated		57,438	
								925,000	
	Stallings		854,676			Ad Valorem Taxes		587,342	
						Local Option Sales Tax		171,232	
						Fund Balance Appropriated		96,102	

										854,676
	Springs			212,110			Ad Valorem Taxes			212,110
	Waxhaw			347,055			Ad Valorem Taxes			347,055
SECTION III.	FEE SUPPORTED FIRE DISTRICTS									
	A. The following amounts are hereby appropriated in the FEE SUPPORTED FIRE DISTRICTS FUND for the operation of fire protection services for the fiscal year beginning July 1, 2006 and ending June 30, 2007.					B. It is estimated that the following revenues will be available in the FEE SUPPORTED FIRE DISTRICTS FUND for the fiscal year beginning July 1, 2006 and ending June 30, 2007.				
	Public Safety:			1,164,850			Fire Fees			1,161,850
							Fund Balance Appropriated			3,000
										1,164,850
										Continued on next page.
Fiscal Year 2006-2007										Amended & Restated Budget Ordinance
										Union County, NC

SECTION V. EMERGENCY TELEPHONE SYSTEM																																																
<p>A. The funds in this budget shall arise from subscriber charges set at ninety-six cents (\$.96) per month per telephone line. These funds are collected by the telephone companies in the County and remitted to the County for operation of an E-911 system.</p>																																																
<p>B. The following amounts are hereby appropriated in the EMERGENCY TELEPHONE SYSTEM FUND for the emergency 911 services for the fiscal year beginning July 1, 2006 and ending June 30, 2007 with the chart of accounts heretofore established for this county.</p>																																																
<p>C. It is estimated that the following revenues will be available in the EMERGENCY TELEPHONE SYSTEM FUND for the fiscal year beginning July 1, 2006 and ending June 30, 2007.</p>																																																
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 35%;"></td> <td style="width: 15%; text-align: right;">3,182,200</td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> <tr> <td></td> <td>Public Safety</td> <td></td> <td></td> <td>Service Charges</td> <td style="text-align: right;">1,047,354</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Intergovernmental</td> <td style="text-align: right;">31,840</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Miscellaneous</td> <td style="text-align: right;">59,300</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>Fund Balance Appropriated</td> <td style="text-align: right;">2,043,706</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right; border-top: 1px solid black;">3,182,200</td> </tr> </table>															3,182,200					Public Safety			Service Charges	1,047,354					Intergovernmental	31,840					Miscellaneous	59,300					Fund Balance Appropriated	2,043,706						3,182,200
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					3,182,200																																											
SECTION VI. WATER AND SEWER																																																
<p>A. The following amounts are hereby appropriated in the WATER AND SEWER FUND for the operation of water and sewer services for the fiscal year beginning July 1, 2006 and ending June 30, 2007 with the chart of accounts heretofore established for this county.</p>																																																
<p>B. It is estimated that the following revenues will be available in the WATER AND SEWER FUND for the fiscal year beginning July 1, 2006 and ending June 30, 2007.</p>																																																

	Water & Sewer		42,950,000		Fees for Services		33,668,902
					Loan Proceeds		294,118
					Miscellaneous		1,684,000
					Retained Earnings Appropriated		7,302,980
							42,950,000
SECTION VII.	SOLID WASTE						
	A.	The following amounts are hereby appropriated in the SOLID WASTE FUND for the operation of solid waste services for the fiscal year beginning July 1, 2006 and ending June 30, 2007 with the chart of accounts heretofore established for this county.			B.	It is estimated that the following revenues will be available in the SOLID WASTE FUND for the fiscal year beginning July 1, 2006 and ending June 30, 2007.	
	Solid Waste		4,950,000		Fees for Services		3,928,063
					Miscellaneous		298,985
					Retained Earnings Appropriated		722,952
							4,950,000
SECTION VIII.	STORMWATER						
	A.	The following amounts are hereby appropriated in the STORMWATER FUND for the operation of stormwater services for the fiscal year beginning July 1, 2006 and ending June 30, 2007 with the chart of accounts heretofore established for this county.			B.	It is estimated that the following revenues will be available in the STORMWATER FUND for the fiscal year beginning July 1, 2006 and ending June 30, 2007.	
	Stormwater		241,253		Transfer from Enterprise Fund		158,367

	Monroe Special School	.0000	County Special School	.0000
	District - Current Expense		District - Current Expense	

The One North Carolina Fund Application: This item was moved to the Regular Agenda at the request of Commissioner Openshaw.

\$150,000 Grant Money from HAVA Electronic Access System: Accepted grant funding to provide \$3,000 per precinct (total \$150,000) to purchase an electronic access system and adopted Budget Amendment #62 increasing Capital Outlay by \$150,000 and State Grant by \$150,000 to appropriate State HAVA Grant for the purchase of an electronic access system.

Information Included in the Agenda Package with No Action Required: 1) Department of Inspection’s Monthly Report for May 2007; and 2) Personnel Department’s Monthly Report for May 2007.

PARKS AND RECREATION/EXPENDITURE OF REMAINING COMMUNITY GRANT FUNDS IN THE AMOUNT OF \$25,833.72 FOR RECREATION EQUIPMENT AT THE UNION COUNTY GROUP HOME – This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw:

Commissioner Openshaw stated that at the time this matter was presented to the Parks and Recreation Advisory Committee, it was a \$6,000 item, and he did not believe it should be included in the Parks and Recreation Budget since the Department of Social Services submits its own budget. He stated that he was not opposed to the idea at \$6,000, however, he pointed out that the amount is now \$25,800.

Chairman Pressley requested that Wanda Smith, Director of Parks and Recreation, offer clarification of this item. Mrs. Smith stated that she recently visited the Group Home as a member of the Juvenile Crime Prevention Council (JCPC) to do some monitoring at the group home. She said that she was so impressed with the facility and the leaders, but she noticed that there was one sliding board, one swing set, which probably does not meet the current safety standards, a basketball goal, and a volley ball court. Mrs. Smith said that she believed with the number of citizens that the facility serves, that it should have some recreational equipment that would serve the population better. She stated that the Parks and Recreation budget has \$25,000 left in the Community Grant Fund Budget that has not been used. She said that she had taken the idea of using these funds to provide some equipment to the Group Home to the Parks and Recreation Advisory Committee. She stated that she had received estimates from a company for some equipment as outlined in the agenda package which totals approximately \$20,000.

At the request of Chairman Pressley, Mrs. Smith explained the purpose of the Group Home and the community that it serves.

Kai Nelson, Finance Director, interjected that if Commissioner Openshaw's concern is in part the fact that this expense is more appropriately reflected as an expenditure in the Department of Social Services' budget where the other Group Home expenditures are reflected, the staff would be delighted to reflect this expenditure in that budget and not as a Parks and Recreation program expense.

Commissioner Openshaw responded that his concerns were both the amount and the line item.

Commissioner Mills asked Mrs. Smith to explain the recommendation of the Parks and Recreation Advisory Committee. Mrs. Smith replied that the Committee's recommendation was to bring a favorable recommendation to the Board of Commissioners to proceed with the request. She stated that the recommendation has been discussed with Roy Young, Director of Social Services, and with the representatives of the Group Home. She said that this item was brought to the Advisory Board at its May meeting.

Commissioner Openshaw said that at the time it was presented to the Parks and Recreation Advisory Board, it was discussed that there was \$6,000 remaining in the Community Grants Budget. He said that he was surprised that the amount had increased to \$25,800. He said that in looking at the plan presented in the agenda package, one of his concerns was that it looks like an outdoor gymnastics facility. He said that he believed repairing the basketball goal should be done first.

Commissioner Mills questioned if there was a timeframe in which this item had to be acted upon. Mrs. Smith indicated that action could wait on this matter.

Commissioner Mills moved to table action on this matter to allow additional time to resolve the concerns of Commissioner Openshaw and then to bring it to the Board for consideration.

Vice Chairman Baucom questioned if the County would receive more credit if the funding came from the Department of Social Services' budget. Mr. Nelson responded that if Vice Chairman Baucom were suggesting that there might be federal or state financial assistance to the program, the answer is "no", the County would not receive credit.

Following the discussion, the motion was passed unanimously.

FY 2008 COMPENSATION ADJUSTMENTS (This item was moved from the Consent Agenda to the Regular Agenda at the request of Commissioner Openshaw):

Commissioner Openshaw asked for an explanation of this item.

Kai Nelson, Finance Director, explained that this item was comprised of two separate items. He stated that the County’s pay plan establishes salary grades and the minimum, mid point, and maximum grades. He said the pay plan is the one in which the County uses in recruiting vacant positions. He further said that the adjustment to the pay plan does not affect the three and one-half percent increases.

Mr. Nelson stated that the three and one-half percent increase would be applicable to the following eligible employees meeting various conditions: regular, regular part-time, and temporary part-time employees, and all appointed and elected officials effective with compensation on July 12, 2007. He said that if an employee was hired in the month of April 2007, that individual would not be eligible for the three and one-half percent increase, because they had not been on the County’s payroll for enough time. He stated that this particular action formalizes the Board’s adopted budget which included a three and one-half percent increase for those employees.

Commissioner Openshaw asked Mr. Nelson what a three and one-half percent increase would translate to in cost to the taxpayers. Mr. Nelson responded that percentage translates to \$1,260,000 million and includes all aspects of compensation.

Following the discussion, Vice Chairman Baucom moved to amend the Pay Plan schedule of grades and ranges and provide for a three and one-half percent (3.5%) market adjustment to the compensation of eligible regular, regular part-time, and temporary part-time employees, and all appointed officials, and the Sheriff and the Register of Deeds effective with the compensation paid on July 12, 2007.

Chairman Pressley noted that the motion did not include an increase for the Commissioners. Vice Chairman Baucom stated that was the thrust of the motion.

With there being no further discussion, the motion was passed unanimously.

Union County, North Carolina
 GRADES AND SALARY RANGES
 2007-2008
 EFFECTIVE June 23, 2007

PAY GRADE	SALARY RANGE		
	Minimum ANNUAL SALARY	Mid-Point ANNUAL SALARY	Maximum ANNUAL SALARY
50	17,713	22,142	26,570
51	18,526	23,159	27,790
52	19,370	24,212	29,054

53	20,265	25,331	30,397
54	21,186	26,483	31,780
55	22,164	27,703	33,245
56	23,195	28,994	34,792
57	24,253	30,316	36,380
58	25,364	31,706	38,047
59	26,504	33,129	39,756
60	27,698	34,623	41,548
61	28,974	36,217	43,462
62	30,304	37,880	45,456
63	31,687	39,610	47,531
64	33,126	41,407	49,688
65	34,645	43,306	51,968
66	36,219	45,273	54,327
67	37,845	47,307	56,768
68	39,582	49,478	59,373
69	41,402	51,752	62,102
70	43,272	54,092	64,909
71	45,227	56,532	67,839
72	47,289	59,111	70,934
73	49,432	61,791	74,148
74	51,683	64,605	77,525
75	54,045	67,556	81,068
76	56,487	70,608	84,729
77	59,037	73,796	88,555
78	61,696	77,120	92,545
79	64,492	80,615	96,737
80	67,423	84,278	101,133
81	70,462	88,076	105,691
82	73,635	92,044	110,452
83	76,973	96,217	115,460
84	80,473	100,591	120,708
85	84,108	105,135	126,164
86	87,908	109,885	131,862
87	91,868	114,836	137,803
88	95,993	119,992	143,989
89	100,334	125,418	150,502
90	104,892	131,115	157,338
91	109,642	137,052	164,463
92	114,579	143,223	171,868
93	119,761	149,702	179,642
94	125,160	156,450	187,740
95	130,805	163,506	196,207
96	136,720	170,899	205,079

97	142,879	178,600	214,319
98	149,336	186,670	224,004
99	156,039	195,048	234,058

THE ONE NORTH CAROLINA FUND APPLICATION – Tensylon High Performance Materials, a Division of Armor Holdings:

Commissioner Openshaw asked if this application had been approved by the Board. Mr. Nelson responded that was the purpose for this item today because this application has not been executed by the Interim County Manager. In response to a question by Vice Chairman Baucom whether the previous Board of Commissioners had approved the incentive grant funding for Tensylon, Mr. Nelson stated that the incentive grants in connection with this project have been approved.

Vice Chairman Baucom stated that his impression of this application is that it is a housekeeping item. Mr. Nelson said that the County’s incentive grants are separate from The One North Carolina Fund Application. Commissioner Openshaw noted that the County’s incentive grant award was referenced in the application.

Commissioner Openshaw moved to authorize the Interim County Manager to submit an Application to The One North Carolina Fund for financial assistance in connection with the expansion of Tensylon High Performance Materials contingent upon verification that there has been approval by the Board of Commissioners. Mr. Nelson asked for clarification on the motion. He noted that on Page 3 of the application, there is reference to the cash grants which he said that he believed were the grant incentive payments approved by the County. Commissioner Openshaw stated that Mr. Nelson’s comments were correct.

Following the discussion, the motion was passed unanimously.

UNION COUNTY PUBLIC SCHOOLS

- a. *Weddington High School Stadium Upgrade Construction Contract in the Amount of \$1,499,100*
- b. *Elementary School K Construction Contract in the Amount of \$13,745,400*

Commissioner Lane moved adoption of Capital Project Ordinance (CPO) #78 as set forth below, and the motion was passed unanimously.

CAPITAL PROJECT ORDINANCE AMENDMENT											

BUDGET	School Bond Fund - 55			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2006-2007			DATE	June 18, 2007		
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	353,604,111	15,244,500	368,848,611	Weddington High School Athletic Facilities (115C-429b project allocation)	150,000	1,499,100	1,649,100
All Other Revenue	1,363,308	-	1,363,308	New Elementary School K (115C-429b project allocation)	840,700	13,745,400	14,586,100
				All Other School Projects	353,976,719	-	353,976,719
					-	-	-
					-	-	-
						-	-
	354,967,419	15,244,500	370,211,919		354,967,419	15,244,500	370,211,919
EXPLANATION:	Additional funding requests submitted by UCPS associated with projects listed above pursuant to 115C-429b.						
DATE:				APPROVED BY:			
					Bd of Comm/County Manager		
					Lynn West/Clerk to the Board		

Date								Number	CPO - 78

Kai Nelson, Finance Director, explained that the action that the Board had taken represents the Board’s continued commitment to meeting its responsibilities under the approved Capital Improvement Program (CIP) and the bond referendums that the community has voted on in the past and the Board has supported. Chairman Pressley asked Mr. Nelson to share with the Board and the audience the bid savings represented on these projects. Mr. Nelson stated that in connection with the Elementary School “K”, which will be located next to the existing Shiloh Elementary School, that the bid was approximately two million dollars under budget. He further said that the bid savings on the Weddington High School stadium upgrade reflect it was \$900 under budget.

Commissioner Mills asked if Elementary School K would be a year round school. Dr. Dave Clarke of the Union County Public Schools stated that whether or not a school becomes a traditional or year round school is a site based decision by the schools. He said that there is a construction timeline on this school that will not allow it to be a year round school in the very beginning, but it is possible that it could go year round at a later time.

HOMELAND SECURITY:

a. Radio Project

Vice Chairman Baucom moved adoption of Capital Project Ordinance (CPO) #79 as set forth below, which provides \$59,110 for costs associated with obtaining approval of four tower sites. The motion was passed unanimously.

CAPITAL PROJECT ORDINANCE AMENDMENT									
BUDGET	General CPO Fund				REQUESTED BY	Kai Nelson			
FISCAL YEAR	FY 2006-2007				DATE	June 18, 2007			
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
Installment Financing	-	59,110	59,110	Radio Project	-	59,110	59,110
	-	59,110	59,110		-	59,110	59,110
EXPLANATION:	Appropriate installment financing proceeds for the radio project.						
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
Installment Financing	-	59,110	59,110	Radio Project	-	59,110	59,110
40443200-4730-PR039				40543200-5550-PR039			

The Chairman commented that several weeks ago, he had attended a meeting with Martie Smith, the Library Director, Mayor Anderson, Mayor Pro Tem from Weddington, Mr. Gilmartin, Commissioner Openshaw, and some staff members and discussed various options available on the library.

Commissioner Lane stated that he was concerned that the citizens of the Town of Weddington have provided a considerable amount of monies to construct a library in the Town of Weddington. He questioned what would happen to those funds if a regional library were constructed on another site. He stated that he did not want a smaller library but wanted a larger library.

Martie Smith, Library Director, responded that monies have been raised, some from the municipalities and some from private donations. She said that she believed that the course of action would be to inform the citizens if the site were going to change. She stated that this would be an item for discussion at the Library Board of Trustees' meeting on Tuesday. She said that if the site did change, there would still be a library constructed for use by the citizens in that region, and it is hoped that they would want their donations to go toward a library regardless of its location.

Chairman Pressley stressed that the discussions were very preliminary at this time, and a regional library is just an idea at this time.

Following the discussion, the motion was passed unanimously.

STORMWATER:

a. Permits Required by the State

Richard Black, Interim County Manager, stated that this was an informational item that the staff wanted to bring before the Board. Through the use of maps, he explained the location of the Heelsplitter habitat that is within the County's jurisdiction and the total habitat. The map also showed the ridge lines for the various basins. He said that beginning on July 1, 2007, the North Carolina Division of Water Quality (DWQ) will begin review of plans and issue permits for new development and redevelopment that will cumulatively disturb one acre or more of land. Mr. Black said that this was a new requirement under 2006 Legislative Session Laws – 246.

He stated that Union County qualifies as an urban area under the 1990 or 2000 federal decennial census and has a growth rate greater than the State's growth rate. He said that this would also include any unincorporated areas that do not currently have a NPDES Phase II permit.

Mr. Black explained the requirements were broken down into low density and high density which would cover all the drainage basins in the County. He stated that a project is a low-density project if it contains less than twenty-four (24) percent built-upon area or no more than two dwelling units per acre. He explained the definition of the built-upon area.

Mr. Black stated that under the low density requirements, stormwater runoff must be conveyed by some type of vegetated conveyance: i.e., grass swells. He noted that the big addition to this provision is that a 30-foot buffer is required on each side of the perennial and intermittent streams. He said that the perennial and intermittent streams are defined on either the most recent topographical maps for the United States Department of Agriculture or the most recent version of the soil survey maps from the Department of Agriculture.

He noted another requirement for the low-density projects is that there must be deed restrictions and protective covenants required such that they run with the land so if the land changes hands, it would ensure if the land is developed or redeveloped, it is in concurrence with the approved plans.

Mr. Black explained that a high-density project would be one that contains more than twenty-four (24) percent built-upon area or more than two dwelling units per acre. He said that for high-density projects, there must be some type of structural stormwater management system such as wet ponds, or sand filters. He said that there is also a design manual setting out the criteria of how these projects are to be designed. He pointed out that all built-upon areas shall have a minimum of 30-foot buffers on perennials and intermittent streams, deed restrictions and protective covenants. In addition, he said that in the high-density projects, there must be a recorded Operations and Maintenance Agreement to ensure that there is some type of long-term measurement to handle the stormwater structures, annual inspections by the homeowners, and annual maintenance reports by the homeowners that are submitted to DWQ, and record-keeping. He stated that these requirements cover all of the streams.

Mr. Black explained that when Mecklenburg County, the Town of Stallings, and the Town of Indian Trail were applying for their NPDES Phase II permits, an environmental group challenged them, because they said it did not protect the Carolina Heelsplitter. He said that as a result of that challenge, the Administrative Law Judge ruled in favor of the environmental group, and based on the recommendation by the Law Judge, the Environmental Management Commission incorporated those findings into its requirements stating that the 30-foot buffers and 24 percent impervious cover did not in fact protect the endangered species. He said that the Environmental Management Commission ordered permit modifications, and the more restrictive requirements would apply in the four habitat areas of Duck Creek, Goose Creek, Six-Mile, and Waxhaw Creek. Mr. Black stated that instead of a 30-foot buffer on each side, a 200-foot undisturbed buffer would be required on perennial streams and a 100-foot buffer on intermittent streams. Further, he said a 10-percent built-upon surface would be required rather than a 24 percent built-upon surface.

He stated that these new regulations would become effective on July 1, 2007, and the State will be in charge of regulating these requirements. Mr. Black reiterated that this presentation was being made for informational purposes only.

Vice Chairman Baucom stated that it was his understanding that the County did not have options regarding these requirements. Mr. Black responded that was his understanding as well.

There was no action taken regarding this item.

WATER RESTRICTIONS – This item was added to the Agenda at the request of Commissioner Openshaw):

Commissioner Openshaw said that he was glad to see that the Board had been given an update on the County implemented water restrictions and the water usage flows which shows that the use has not exceeded 18 million gallons per day since implementing the restrictions. He said that he had a few suggestions regarding the restrictions and shared that he had received a number of e-mails regarding this matter. He proposed for consideration, that the hours for watering be changed to 7:00 p.m. in the evening for those people with sprinklers. Commissioner Openshaw asked if the County had been under the restrictions long enough to determine whether residents could be allowed to water every night from 7:00 p.m. to 5:00 a.m. Commissioner Openshaw said that he had heard from several people that the residents are watering defensively. He said that although there might be some rain, the residents know it will be several days before they can water again, so they feel that they must water on the nights they are allowed to water, which exacerbates the problem. He said that because of this defensive watering, the residents are experiencing their highest water bills ever.

Commissioner Openshaw also suggested for consideration to allow the hand-held spring loaded devices. He said that he would think the biggest problem for washing cars would be someone leaving the water hose running while washing their car.

Chairman Pressley asked Christie Putnam, Public Works Director, for her thoughts as to the current status on water usage. Ms. Putnam said that it has been raining, and the County has not yet seen the worse months for water usage of July and August. She stated that realistically, she believed that the restrictions implemented are watering habits that need to be instilled in the County's customers. She stressed that these restrictions are not a "this summer" answer but are "summers' answers. She said that another recommendation that has been brought up repeatedly that she would put forth for consideration is pressure washing as a business.

She addressed the recommendation of Commissioner Openshaw to allow watering every night from 7:00 p.m. to 5:00 a.m. She said that she would propose every other day and to allow watering the entire day without restricted hours.

Commissioner Lane added that he learned from a class on grass management that watering the lawn every day actually hurts the grass because it does not develop the long-root system. He said that watering the grass every other day is more than enough and proposed that watering every third day would probably be better for new lawns.

Commissioner Mills said that the recommendations discussed tonight would probably need to go before the Public Works Advisory Board. He said that he thought if the Board made too many hasty decisions now, it would regret them later. He, too, said that it involved getting customers to change habits, and if the requirements are changed back and forth, it would send mixed signals to the customers.

Following his comments, Commissioner Mills moved to leave the restrictions currently in place and to take the proposed recommendations to the Public Works Advisory Board for consideration at its next meeting, which would allow more time to evaluate the situation.

He asked Ms. Putnam if she thought the water usage had decreased because people were adhering to the restrictions or because of the rain. Ms. Putnam responded that she thought it was a combination of both the restrictions and the rain.

Commissioner Openshaw stated that he was asking for consideration of refinements to the restrictions and not abandoning the system. He said that the purpose of having half the customers watering on two nights and the other half watering on two different nights was to allow the system to recover and build pressure back and put water in the containment areas. He questioned whether allowing watering every night would actually smooth out the cycle instead of having spikes on four days. He stressed that he was not advocating abandoning the system, because he said he felt that would be premature, and he was suggesting some refinements to the restrictions. He stated that he was agreeable with the recommendations being taken to the Public Works Advisory Board for consideration.

Following the discussion, the motion was passed unanimously.

Vice Chairman Baucom asked for clarification on the motion. He asked whether it was the intent for any recommended change by the Public Works Advisory Board to be brought to the Board of Commissioners. Commissioner Mills stated that he believed any changes should go before the Advisory Board and reported to the Board of Commissioners. Vice Chairman Baucom stated that the Public Works Advisory Board would be monitoring the situation constantly, and if it believed there was any need for change, then those changes would automatically be coming to the Board of Commissioners without the Board of Commissioners having to ask for those changes. He questioned if this is the motion's intent. Commissioner Mills responded "yes."

AMEND VARIOUS FEE SCHEDULES:

a. Solid Waste

Chairman Pressley stated that these items were discussed during budget. He reviewed the proposed changes to the Solid Waste fee schedule.

Vice Chairman Baucom moved to table action on amending the fee schedules for the Solid Waste and to ask the Public Works Advisory Board to investigate the competitiveness of the fees and the amount of fees charged by neighboring counties to ensure that if the proposed fees are changed, that they are being changed fairly and accurately and reflect the fees in other areas.

Chairman Pressley said that the solid waste fees pertain to the municipalities and questioned whether these fees have been reviewed by the municipalities. Kai Nelson, Finance Director, responded that he did not know if the municipalities had reviewed the changes.

Following the discussion, the motion was passed unanimously.

b. Parks and Recreation

Vice Chairman Baucom moved to table action on amending the fee schedule for Parks and Recreation and to look at the competitiveness of the fees and usage, and directed that the Parks and Recreation Advisory Board study the opportunity of any changes to the fees and that any opportunity for changes in the funding remain in the budget for the Parks and Recreation Department.

Commissioner Openshaw noted that the proposed fees per vehicle for the park entrance was increasing from three dollars to four dollars, and the fee for senior citizens was increasing from two dollars to five dollars, which included the fee for fishing. He asked Wanda Smith, Parks and Recreation Director, to explain this proposed change.

Ms. Smith responded that most of the recreation departments across the State do not charge entrance fees. She said they let the individuals into the park and charge for the activities in which they participate. She stated that most recreation departments across the State take in an average of between eight and 20 percent of their costs versus their revenues. Ms. Smith commented that in the current budget year, the County's Parks and Recreation Department has taken in an excess of 40 percent of its costs versus its revenues.

Vice Chairman Baucom said that he would suggest that these changes be revisited and reiterated that if it is feasible to increase the fees, he would be in favor of allowing the increases to remain in the department's budget for other Parks and Recreation uses.

Mrs. Smith stated that she appreciated the suggestion that any increased revenues would remain in her department. She stressed that she wanted to ensure that the Board understood that many of the fees charged by Union County Parks and Recreation are not charged by most other counties. She said that the County's current fees are already higher than other places.

Commissioner Openshaw said that Commissioner Mills had suggested some time ago that the County consider allowing the veterans to enjoy reduced fees. Mrs. Smith said that one of those fee structures was included in the proposed changes.

Vice Chairman Baucom said that he did like the proposed change to offer a 25 percent discount to County residents for camping fees. He said that he thought it might be appropriate to extend that same discount to County residents to other areas of the park. He stated that he was looking for usage of the park by Union County areas.

Mrs. Smith noted that it was proposed that "veterans with an honorable status may receive a 50 percent discount for day use area activities with proper identification."

Vice Chairman Baucom stated that he believed that the Board members were reading from a different page than what Mrs. Smith was reading from. She determined that this language had been omitted from the top of the page of the copies provided to the Board.

Commissioner Lane questioned whether it was legal for the increased revenues to remain in the Parks and Recreation budget. Mr. Nelson stated that he would defer this question to the staff attorney, Jeff Crook.

Mr. Crook stated these were user fees, and he would be glad to look into this question for the Board.

Following the discussion, the motion was passed unanimously.

2007 VARIABLE RATE GENERAL OBLIGATION SCHOOL BONDS:

Commissioner Lane moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION,
NORTH CAROLINA, APPROVING THE FINANCING TEAM FOR THE COUNTY'S
VARIABLE RATE GENERAL OBLIGATION BONDS.**

WHEREAS, the Board of Commissioners (the "*Board*") of the County of Union, North Carolina (the "*County*") has determined to proceed with the planning and implementation for the issuance of up to three series of County of Union, North Carolina Variable Rate General Obligation Bonds in an aggregate principal amount of approximately \$110,730,000 (the "*Bonds*") to finance and refinance the capital costs of acquisition, construction, renovation and equipping of public school facilities in the County;

WHEREAS, the Board has determined to retain Parker Poe Adams & Bernstein LLP, as bond counsel for the Bonds;

WHEREAS, the Board has determined to retain Regions Bank, as paying agent for the Bonds;

WHEREAS, the Board has determined (1) to retain Banc of America Securities LLC, Wachovia Bank, National Association, and Citigroup Global Markets Inc. to serve as underwriters and remarketing agents for the Bonds and (2) to approve the selection of Robinson, Bradshaw & Hinson, P.A., as underwriters' counsel for the Bonds;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, AS FOLLOWS:

Section 1. That Parker Poe Adams & Bernstein LLP, shall hereby be retained to serve as bond counsel for the Bonds and Regions Bank shall hereby be retained to serve as paying agent for the Bonds.

Section 2. That (1) Bank of America Securities LLC, Wachovia Bank, National Association, and Citigroup Global Markets Inc. shall hereby be retained to serve as underwriters and remarketing agents for the Bonds and (2) Robinson, Bradshaw & Hinson, P.A., shall hereby be approved as underwriters' counsel for the Bonds.

Section 3. That the Finance Director of the County is hereby authorized and directed to retain a financial institution that in his discretion offers the most favorable terms to the County to serve as liquidity provider for the Bonds.

Section 4. That this Resolution shall become effective on the date of its adoption.

Commissioner Openshaw questioned how the attorneys, underwriters, and paying agents chosen and whether it were through a competitive bidding process.

Kai Nelson, Finance Director, responded that all members of the financing team are identified based on firms that have called upon the County and continued to express an interest in working with the County. For instance, he said that if a particular investment

firm brings a refunding opportunity to the County for saving monies, he tries to recognize the intellectual capacity and the time that has been expended in sharing that information with the County.

He shared that on this particular transaction, CitiGroup, Bank of America, and Wachovia are one, two, and three on doing negotiated North Carolina transactions. He explained that the reason he was recommending that Bank of America be the lead in this particular transaction was because on its remarketing efforts, it has been marketing the County's bonds at rates marginally lower.

On Motion of Commissioner Lane, the foregoing resolution entitled "**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, APPROVING THE FINANCING TEAM FOR THE COUNTY'S VARIABLE RATE GENERAL OBLIGATION BONDS**" was duly adopted by the following vote:

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

NAYS: None

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Pressley announced vacancies on the following boards and committees:

- a. Nursing Home Advisory Committee (one vacancy)
- b. Juvenile Crime Prevention Council (JCPC) – 1) District Attorney or designee; 2) Substance Abuse Professional; 3) Two persons under age 18; 4) Juvenile Defense Attorney; 5) Representative of United Way/other non-profit, and two (2) County Commissioner appointees.

APPOINTMENTS TO BOARDS AND COMMITTEES:

- a. Adult Care Home Community Advisory Committee (two vacancies)
- b. Agricultural Advisory Board (three vacancies as of June 2007)
- c. Region F Aging (three vacancies for Regular Members and one vacancy for Alternate member)
- d. Criminal Justice Partnership Program Advisory Board (Judge of Superior Court Appointee, District Court Judge, Employment and Training Vacancy; four members at large, and a Health Department Representative as of June 2007)

Chairman Pressley said that he had received requests that on two of these boards, there are some members who are vacation. He asked if these appointments were time sensitive or if the appointments could be done at a later time.

Vice Chairman Baucom moved to table action on these appointments. The motion was passed unanimously.

INTERIM MANAGER'S COMMENTS:

There were no comments by the Interim County Manager.

COMMISSIONERS' COMMENTS:

Commissioner Openshaw said that at the last meeting, he had omitted mentioning that the Unionville Team in the Odyssey, the Mind Finals came in fifth out of more than 800 international teams. He said that was incredible.

He referred to a "Thumbs Up" published in *The Enquirer-Journal* about the Central Academy for Technology and the Arts which designed and built a house for Habitat for Humanity. He said that was a worthwhile effort.

He also referred to an article in *Ballantye* magazine that discusses a development in Union County that refers to "Union County's tax rate and excellent Union County schools."

In closing, he said that the Board members had received an e-mail from a school nurse who currently takes care of three schools which consist of 2,700 K – 5 children with over 300 medical concerns. He said the nurse had stated that the recommended ratio was one nurse to 750 children. Commissioner Openshaw shared that he has never lived in a community that did not have a school nurse in every elementary school.

Commissioner Lane shared that a Union County soldier, Sergeant Jonathan Roberts, was injured very seriously in August 2005. He said that Homes for our Troops would begin building a home for him on Monday, June 25, at JAARS in Waxhaw. He provided information on how to contact the County's Veterans Service Officer, Ken Rogers, if anyone wanted to donate money, building supplies or labor toward the construction of Sergeant Roberts' home.

Commissioner Lane also referred to the building inspections report included in the agenda package which showed 92 percent of the building permits issued in the County were for residential dwellings and eight percent of the permits issued were for commercial. He said that the building permits have decreased approximately 27 percent from last May.

Vice Chairman Baucom congratulated the graduates in Union County. He said that the high schools have held their graduation exercises.

He recognized Carolyn Broadway (Union County Library/22 years of service) and Greg Carpenter (Sheriff's Office/29 years of service) on their retirement from the County.

Commissioner Mills commented that tonight had been a good meeting and to the point. He said that he was very pleased with the mediation process with the schools, and he felt confident that it could be resolved very soon.

He offered congratulations to his daughter who graduated a year early as a junior and will be attending UNCC. He said he was very proud of her.

Chairman Pressley said that he thought the mediation had gone well, and he was hopeful that a resolution would be reached this week.

With there being no further comments or discussion, at approximately 8:15 p.m., the Chairman moved that the Board go into closed session to consult with an attorney employed or retained by Union County in order to preserve the attorney-client privilege and to consider and to give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure, in accordance with G.S. § 143-318.11(a)(3).

The motion was passed unanimously.

The Board members then moved to the Conference Room, first floor, Union County Government Center. Following the closed session, the regular meeting was adjourned.