

MINUTES
UNION COUNTY BOARD OF COMMISSIONERS
August 20, 2007

The Union County Board of Commissioners met in a regular session on Monday, August 20, 2007 at 7:00 p.m. in the Board Room, First Floor, Union County Government Center, 500 North Main Street, Monroe, NC. The following were:

PRESENT: Chairman Kevin Pressley, Vice Chairman 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, Jeff Crook, Senior Staff Attorney, Kai Nelson, Finance Director, members of the press, and interested citizens

OPENING OF MEETING:

Invocation: The Chairman recognized the Reverend Harrison Hinson, pastor of Waxhaw United Methodist Church, to present the invocation. He thanked Rev. Hinson for taking his time to attend the meeting tonight to present the invocation.

Pledge of Allegiance: Chairman Pressley led the body and audience in reciting the Pledge of Allegiance to the Flag of the United States.

Closed Session:

At approximately 7:09 p.m., in open session, Commissioner Mills moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege pursuant to G.S. 143-318.11(a) (3). The motion was passed unanimously.

The Board members moved from the Board Room into the Conference Room, first floor, Union County Government Center, and the Chairman convened the closed session.

At the conclusion of the closed session, at approximately 7:12 p.m., the Chairman moved to adjourn the closed session and to reconvene the regular meeting. The motion was passed unanimously.

The Board members then moved to the Board Room, first floor, Union County Government Center.

PUBLIC HEARING:

The Chairman reconvened the regular meeting and stated the first item of business was a public hearing on Rezoning Petition No. 001092 filed by Linda R. & Harry J. Kelly to rezone a parcel of land containing 1.518 acres from R-40 (Residential) to B-2 (Community Business) being tax Map 06-183007 located on NC Hwy 16 just south of Ennis Road and being in Sandy Ridge Township.

He recognized Joe McCollum, attorney representing Mr. & Mrs. Kelly. Mr. McCollum explained that presently his clients reside on the property and operate a grading and paving business on this site. Mr. McCollum stated that the business has existed there for a long time and is designated as a non-conforming use on the County's Land Use Plan. He noted that if the property were zoned as it is used, it would probably be designated light-industrial.

Mr. McCollum explained his clients are experiencing some health problems and have decided to sell the property; however, there has not been interest in the property with the zoning of residential. He said that is the reason his clients are requesting the zoning designation be changed to B-2. He pointed out that many of the uses allowed in the B-2 designation would not suit this site because of the limited acreage.

He described the growth of the area and pointed out that although the area is zoned residential, not many houses are being built along Hwy. 16, but are being built in subdivisions off the major corridor. He distributed pictures of the commercial growth along Hwy. 16 to Waxhaw, and said he and his clients believe this site would be better suited for B-2 zoning. He noted that water is available and the purchaser would have to comply with whatever sewer service is available in the area.

Attorney McCollum stated he had researched the minutes of the Board of Commissioners and it has been over a year since anyone requested a residential zoning designation be changed to a commercial zoning district. He stressed this is a good site for a small business, and it would benefit the area. He also pointed out that the business zoning would not impact the schools, but it would increase the tax base. Mr. McCollum asked the Board to give careful consideration to his clients' request. He offered himself and his clients to answer any questions.

The next person to speak was John Robicsek who spoke against the rezoning request of the 1.5 acres from residential to commercial. Mr. Robicsek explained that his family's farm surrounds this property on three sides and in his opinion a commercial operation would damage the value of his family's land as well as the property of others in the community. He further pointed out that the Union County Planning Staff and the Planning Board had reviewed this request and had voted to deny the rezoning. Mr. Robicsek stated that neither he nor his father had been contacted by the Kellys or their attorney to discuss a master plan for the property. He stressed the area is not conducive to commercial zoning and pointed out a recent sale of property along Hwy. 16 for a home site.

He encouraged the Commissioners to do the right thing and follow the recommendation of the Planning Board and deny the zoning request.

Dr. Frances Robicsek stated he purchased the property about 40 years ago for his children's college education and now his son wants to hold onto the property for his children's college education. He said he had put the farm together piece by piece, and it is now cultivated farmland along with pristine forest. He said they did not believe a gas station, or whatever might be built on the property would be conducive with his land which surrounds the 1.5 acre site on three sides nor would it be compatible with the nice housing development that is across the street. He respectfully requested the Commissioners to deny the rezoning request.

Vice Chairman Baucom moved to uphold the recommendation of the Planning Board and deny the request.

The Chairman pointed out that this is a public hearing and action on the petition could not be taken tonight.

With there being no one else to speak to the zoning amendment, the Chairman declared the public hearing adjourned.

PUBLIC HEARING – SOLID WASTE MANAGEMENT PLAN OF 2006-2016:

The Chairman opened the public hearing to receive comments on the Solid Waste Management Plan. He recognized Albert Glenn.

Mr. Glen stated he was an employee of S&ME who had updated the plan and began his overview of it.

The Chairman interrupted and stated that no citizen had registered to speak to the Solid Waste Management Plan of 2006-2016. He explained to Mr. Glenn that the purpose of the hearing is to receive comments from the public and not to have dialogue between the Board

and the presenter. He told Mr. Glenn that he was sure the Board would have questions and asked that he delay his presentation until that time. Mr. Glenn was agreeable.

With there being no other persons wishing to speak, Chairman Pressley declared the public hearing adjourned.

INFORMAL COMMENTS:

The Chairman explained the procedure used during the informal comment portion of the meeting. He next recognized Dr. Pat Hodges.

Dr. Hodges introduced herself as Chieftain of the Scottish Society of the Waxhaws. She said the purpose of the association is to educate the public on the cultural and historical environmental heritage of their Scottish heritage. She reported that the Scottish games in Waxhaw are the third oldest in the State and this October it will host its 38th annual games. She described the relationship with the staff at Cane Creek Park where the games are now held. Dr. Hodges noted that the games are getting expensive and that tonight she is asking for a financial contribution from the County. She also announced that the society is soliciting volunteers to assist with setting up the tents and to help put the games together. She announced that for two hours of volunteer work, the volunteer will receive free admission to the games.

In response to a question from Commissioner Mills, Dr. Hodges replied they have between two and three thousand visitors annually to attend the event.

Dr. Hodges introduced Rick Pierce, Second Lieutenant, Vivian Rebleman, Secretary, and Jim and Dana Banta, Guardian.

The next speaker introduced was Warner Thomiser. Mr. Thomiser stated he was from Weddington and wished to address Public Works Agenda Item 12C, the elevated water storage tank. He stated that after HDR reviewed and ranked the sites, the engineer recommended Site No. 2 for the following reasons: It is the least cost alternative; it contains the highest elevation of all sites considered; it can be easily accessed from Providence Road; it can easily connect to the 24-inch water main along Providence Road; the surrounding area contains little to no development or dwellings; an existing nearby stream can make an excellent receptor of emergency tank draining; and it's near the location proposed in the Master Plan.

He said that last Friday he was reading *The County Edge* newspaper and saw that a site along Providence Road is the second best site for the proposed elevated storage tank. He pointed out that this site is not even one of the five selected by the County's engineers. He encouraged the Commissioners to accept the site as recommended by HDR engineers.

The next person to speak was Steven Wood. Mr. Wood stated that he represents several homeowners along Hwy. 84 and the west fork of Twelve Mile Creek and is present to discuss the fill of the floodway of Weddington-Wesley Chapel Athletic Association's Optimist Park. He said it was his understanding that nothing is happening and Union County is not enforcing the notice of violation dated July 2005. He said that the WCWAA should be held accountable for the development of the park and stressed that nothing grants them immunity from what has occurred. He stressed the safety needs of the homeowners and the need for protection from flooding caused by the development of the park. Mr. Wood stated that any meetings between County staff and the officers of WWCAA should be open to the public and encouraged the Commissioners to take the appropriate action.

The Chairman recognized Jeff Gerber who addressed the Board on school construction savings. He said he had waited patiently for the Union County School Board to step up to the plate with a proposal to reduce school construction costs and to date nothing has happened. Therefore, he said he was presenting to the Board an alternative to financing school construction through the traditional method of school financing school bonds. He said he believed the method of building schools through public-private partnerships would build public school facilities faster, better, and would be less expensive. He elaborated that private sector investors could fund construction and then lease the facilities to the public school systems at annual costs below the costs the county would incur if it built the schools.

Mr. Gerber stated that the North Carolina General Assembly has already approved this method as a means for county governments to reduce construction costs, which would ultimately save taxpayers' dollars.

He also discussed some alternatives that could be approved by the General Assembly that would lighten the burden for counties.

With there being no other persons to address the Board, the Chairman moved to the next item.

ADDITIONS, DELETIONS AND/OR ADOPTION OF THE AGENDA:

Chairman Pressley requested to add to the regular agenda the 2008 Home and Community Care Block Grant Agreement.

Commissioner Openshaw requested to move items 6 and 7a from the Consent Agenda to the regular agenda.

Commissioner Lane moved that the agenda as modified be adopted. The motion was passed unanimously.

CONSENT AGENDA:

Motion was made by Commissioner Lane that the items included on the Consent Agenda as amended be approved:

Minutes: May 29, 2007

Contracts Over \$5,000 and Related Budget Amendment: Authorized the County Manager to approve the following contracts and approved BA #5 as recorded below:

- a.) Library - Union Smart Start- Revenue Reimbursement Contract for Literacy in the amount of \$83,880 and Budget Amendment #5 to increase Personnel Expense by \$62,395, increase Operating Expense by \$21,485; and State Grant Revenue is the amount of \$83,880
- b.) Time Warner Cable – Addendum to Contract for fiber from Government Center to Board of Elections in the amount of \$826 monthly for a period of 36 months
- c.) Tec Data Systems – Vehicle valuation software and service agreement in the estimated amount of \$11,600 for one year. [Amount is based on the number of vehicles valued.]
- d.) QS/1 Data Systems – Pharmacy system software and license and maintenance agreement; \$5,305 one-time license cost and \$3,000 for software updates
- e.) HDR Engineering, Inc. – Task Order #38 for water resource modeling in the lump sum amount of \$50,000
- f.) Pease Associates, Inc. – Contract for programming, master planning and conceptual design for operations center expansion in the lump sum amount of \$25,200.

Home and Community Care Block Grant: Approved Additional funding from HCCBG, Funding Plans for Nutrition, DSS and Council on Aging, and Budget Amendment #4 to increase Centralina –HCCBG’s Operating Expense by \$22,584 and Federal Revenue by the same amount.

Tax Administrator: Tax Collections Report for July 2007 indicating collections rates for 2007 at 35%, 2006 at 97.97%, 2005 at 99.39% and 2004 at 99.63%

Finance Department: Motor Vehicle Tax Overpayment Refunds for July 2007 in the amount of \$3,325.25

Communications: Authorized Interim County Manager to execute all documentation necessary relative to securing conditional/special use permits for all radio sites necessary to secure proper zoning for citing of radio towers which are on the following school sites: Old Fairview Elementary School, Crow Road, and Cuthbertson Road.

Union County Preparedness Month Resolution:

RESOLUTION

DESIGNATION OF SEPTEMBER AS UNION COUNTY PREPAREDNESS MONTH

WHEREAS, Union County should be ready year-round for natural and man-made disasters including hurricanes, tornadoes, winter storms, lightning, heat, fire, floods, chemical spills, infectious diseases and acts of terrorism; and

WHEREAS, studies show that only 40 percent of the state's citizens have assembled an emergency preparedness kit that will sustain them with food, water, medicine and personal hygiene needs for at least 72 hours either in their homes or to take with them if they must evacuate; and

WHEREAS, emergency preparedness is a responsibility every citizen shares and people should be prepared in their homes, businesses and schools and have a plan for each location on what to do and where to go if a disaster occurs; and

WHEREAS, confusion immediately following a disaster can be alarming and the best protection is to stay calm and have a plan that you and your family will follow; and

WHEREAS, citizens should keep a family list of work and school addresses, phone numbers and other important information such as doctors' names and insurance policies and update that information yearly; and

WHEREAS, citizens should include the safety of their pets or livestock in their emergency plans; and

WHEREAS, agencies throughout government led by the Union County Emergency Management Department, the Union County Department of Homeland Security, the N.C. Department of Crime Control and Public Safety, the U.S. Department of Homeland Security and the American Red Cross have collaborated to recognize September as National Preparedness Month to inform and educate North Carolinians about the importance of being prepared;

NOW, THEREFORE, let it be resolved that the Union County Board of Commissioners does hereby proclaim the month of September 2007 as “**Union County Preparedness Month**” and call upon our citizens and interested groups to observe the month with appropriate ceremonies and activities that promote citizen preparedness and staying safe.

Adopted this the 20th day of August, 2007.

ATTEST:

Lynn G. West, Clerk to the Board

Kevin Pressley, Chairman

Information Only: Monthly reports from the Department of Inspection for month of July 2007.

MONROE CONNECTOR/BYPASS:

The Chairman announced that the next item was a presentation from the North Carolina Turnpike Authority regarding the Monroe Connector/Bypass project to include an update on progress, funding, and feedback from two public meetings.

Steve DeWitt, Chief Engineer with the Turnpike Authority, introduced Reid Simons, Director of Communications and Public Outreach, and Jennifer Harris, leader of Planning and Environmental work group. He said this is a synopsis of what has been previously presented throughout the community in workshops. Mr. DeWitt assured that he was not present to promote toll roads but was here to present the information. He stressed that a toll road is one way to solve some of the road problems being encountered in Union County. Mr. DeWitt noted that the Legislature was not generous this year with its funding for roads. He said the Turnpike Authority was established in 2002 primarily to find alternative ways for financing roads.

He stressed that he was sure the Board was aware of the road problems in Union County but pointed out some of the problems of Hwy. 601 and Hwy. 74. Mr. DeWitt explained that the purpose of the Monroe Connector/Bypass is to improve mobility, provide high speed regional travel, and to maintain fast property access.

Mr. DeWitt explained the study began in 1990 and has since evolved with many problems being encountered including the heelsplitters. He stated the alternatives are being carefully studied to assure that the road will carry the traffic through the year 2030 for the purpose of improving mobility.

He reviewed the tolling options available and assured that there would not be toll booths with coins tossed in but would be high-tech where the cars could drive through and their accounts would be charged and a bill would be issued to the driver. Mr. DeWitt assured that the design would not allow for traffic to back up for drivers to pay tolls for traveling the road.

Mr. DeWitt stated that the road construction schedule at this time indicates the following:

- Summer 2008 – Draft Environmental Document Completed
- Summer 2009 – Final Environmental Document Completed
- Winter 2009 – Award Construction Contract on a design-build project
- Winter 2013 – Project opened for public

Mr. DeWitt further reviewed the project financing which will be a decision of MUMPO. He reviewed both options and outlined the cost of each considering funding through tolls and without tolls or a combination of both. It was noted that only the toll option with the available TIP funds for covering the gap allows for sufficient funds for road construction. He stressed that both the schedule and funding will be made by MUMPO. He explained that by funding the connector and bypass through tolls, the bypass could be opened by 2012 and the Connector opened by 2013. He also noted that if Option 2 is followed and the connector constructed through tolls and the bypass constructed through no tolls, the bypass could be opened by 2013 and it's questionable when the connector would open.

Mr. DeWitt also pointed out how a five or ten year delay would increase the project costs because of inflation. He explained that if Option 1 is accepted, there will not be a need for any additional funds, and there possibly could remain \$30 million to be spent on other road projects in Union County. He said the complete road will be opened in 2012-2013. Mr. DeWitt also reviewed that if Option 2 is accepted there will need to be \$109 million in additional funds located and delay could cause the costs to increase expedientially.

Mr. DeWitt explained that out of the 480 respondents at the workshops held throughout the county that 400 addressed tolling and 90 percent of those were either in favor of toll roads or were not opposed. He noted that only 17 were firmly against a toll road.

At the conclusion of his presentation, he offered to answer any questions from the Commissioners.

Chairman Pressley asked if the \$30 million in funds would be returned to Union County. Mr. DeWitt responded that decision would be made by DOT and members of MUMPO.

Mr. Pressley next asked if there is technology to allow the taxpayers of Union County to receive a reduced toll when traveling the roads. Mr. DeWitt replied that he was sure the technology is available but that he is not aware of that being a policy of any toll road. He said he had heard of a frequent user discount, which might be considered for this road.

Vice Chairman Baucom asked about the funding that had been available for the section from Hwy. 601 to Marshville. Mr. DeWitt stated that with the delay caused by environmental concerns including the heelsplitters, the delay and inflation had basically eroded the fund to the point of not being beneficial to the project.

Chairman Pressley asked if there are any other options that might be coming forward. Mr. DeWitt stated that these are the two options but there might be changes in the segments of the options.

Commissioner Lane asked if there is a map that more clearly delineates the options and the roads as they are proposed. Mr. DeWitt stated that because there are many segments that could comprise the final options such as a map do not exist at this time.

It was pointed out that the only guidance being sought tonight is for the County's staff and not for the Turnpike Authority since the decision will be made by MUMPO. The Chairman assured that as a member of MUMPO, he would seek the Board's input.

Commissioner Openshaw informed Mr. DeWitt that he could add him to the number of persons who firmly oppose the toll road. He said it seems a bit disingenuous to ask residents of Union County to pay for a toll road that is so obviously needed by the State. He said there is no way he could support the toll road and that he is concerned this road will only facilitate the growth of Union County to make it even more of a bedroom community for Mecklenburg County.

The Chairman agreed that he too was against a toll road and would like to have a study to determine if the rates could be reduced for the taxpayers of this county.

Vice Chairman Baucom moved that the Board of Commissioners gives its support to expedite the construction of the Monroe Bypass and connector road even if it is required to be a turnpike. He further stated that he would accept the recommendation that the transponder be modified to be receptive to reduce tolls to citizens of Union County. The Vice Chairman included in his motion that if possible that the generated savings be returned to Union County and used to help the Marshville area address issues that will develop with the increased traffic.

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

REGISTER OF DEEDS:

The Chairman recognized Crystal Crump, Register of Deeds. Mrs. Crump explained that when she was elected in 2004 that she worked with Mark Watson, Personnel Director, to establish a job description and statement for each position in the office, as well as to reclassify and adjust compensation for all employees in the office. The adjustment was based on years of service and certification accomplishments by various employees who had never been recognized. At the same time, she and Mr. Watson looked at her compensation, but said she decided that at the time she did not have the certifications to justify an increase in her salary.

She reported that she completed the certification for Deputy Register of Deeds as well as the certification program for Register of Deeds and in April, 2007, she completed her certification for Advanced Register of Deeds.

Mrs. Crump stated that she now feels there is justification to request that her salary be adjusted from \$65,972 to \$70,000.

Motion was made by Commissioner Lane that the request be approved and the salary of the Register of Deeds be set at \$70,000.

After comparing salaries of Register of Deeds in other counties, the growth, number of recordings, and size of Union County, the Commissioners discussed the timing of the request. The Finance Director pointed out that the law requires that changing the salaries of the Register of Deeds must be by separate action of the Board of Commissioners.

FISCAL YEAR FY 2007-2008

DATE 8/202007

PROJECT SOURCES

PROJECT USES

Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
G.O. Bond Proceeds	450,835,704	9,780,100	460,615,804	Monroe High School Athletic Facilities (115C- 429b project allocation)	597,000	5,891,667	6,488,667
All Other Revenue	1,363,308	-	1,363,308	WC Elem.Sch Additions & Renovations (115C-429b project allocation)	447,653	3,888,433	4,336,086
		-		All Other School Projects	451,154,359	-	451,154,359
	<u>452,199,012</u>	<u>9,780,100</u>	<u>461,979,112</u>		<u>452,199,012</u>	<u>9,780,100</u>	<u>461,979,112</u>

EXPLANATION: Funding request submitted by UCPS for Monroe High School Athletic Facilities and Wesley Chapel Elementary School Classroom Additions and Renovations 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

<u>Source Description and Code</u>	<u>Project To Date</u>	<u>Requested Amendment</u>	<u>Revised Project</u>	<u>Project Description and Code</u>	<u>Project To Date</u>	<u>Requested Amendment</u>	<u>Revised Project</u>
G.O. Bond Proceeds 55491100-4710-530	450,835,704	9,780,100	460,615,804	Monroe High School Athletic Facilities (115C- 429b project allocation) 55559200-5586-514	597,000	5,891,667	6,488,667
				WC Elem.Sch Additions & Renovations (115C-429b project allocation) 55559200-5586-512	447,653	3,888,433	4,336,086
	<u>450,835,704</u>	<u>9,780,100</u>	<u>460,615,804</u>		<u>1,044,653</u>	<u>9,780,100</u>	<u>10,824,753</u>

Prepared By dhc
Posted By
Date

Number CPO – 84

Commissioner Openshaw requested that Don Hughes explain the request. Mr. Hughes stated that construction bids for the additions and renovations at Wesley Chapel Elementary School have been received and the award made by the Board of Education in the amount of \$3,809,900 subject to appropriation funding provided by the Commission. He noted that the 2006 CIP includes \$7.9 million for the total project and current costs are estimated to be at \$4.7 million, inclusive of contingencies. He said the project budget savings are anticipated to be \$3.2 million at Wesley Chapel.

Mr. Hughes further stated that he had only five minutes to prepare a cost estimate for the Monroe High Stadium project and Weddington High Stadium project. He said that the 2006 CIP includes \$7 million in total project costs for the two stadium improvements. He reported that he was within \$900 on the Weddington Stadium but the project for Monroe High exceeded his expectation by approximately \$1.7 million. He explained that it will be necessary to increase the funding in the CIP to cover the Monroe High stadium by \$1.7 million.

It was noted that between the savings at Wesley Chapel and the \$1.7 over bid of Monroe Stadium there would be a net savings of \$1.5 million.

After brief discussion, the motion was passed unanimously.

Commissioner Mills asked Mr. Hughes if he had discussed with the Facilities Committee the possibility that the schools drill wells to irrigate the athletic fields. Mr. Hughes agreed that it is good idea, and assured it will be brought to the committee’s attention.

PUBLIC SCHOOLS:

The Chairman stated the next item of business was an amended and restated agency agreement for the schools sales tax.

Motion was made by Vice Chairman Baucom that the Interim County Manager be authorized to approve and execute the Amended and Restated Agency Contract, subject to legal review and approval.

Commissioner Openshaw asked why the contract is being amended. Mr. Nelson stated that in 2005, the General Assembly terminated the ability of local school systems to receive reimbursements of State and local sales tax and later in the year partially restored the local school systems authority to recover only the local portion of the taxes. He pointed out that this action increased the County's cost associated with building schools by approximately \$1.3 million each year.

He further stated that while the General Assembly removed the local school systems' ability to claim the sales tax reimbursements, counties continued to have the authority to claim such refunds if the counties retained title to the real estate and improvements thereon. He said at that time, both the North Carolina Department of Revenue and the Local Government Commission supported this method as long as the County paid the bills. Mr. Nelson stated that last year, the Department of Revenue and the LGC advised that the County could still qualify for the sales tax reimbursements if the contract clearly states that the Board of Education is the County's agent in awarding bids and in paying the bills. He stressed this would save time for both entities.

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

DONATION FOR VIETNAM MOVING WALL MEMORIAL:

The Chairman moved that \$5,000 be approved from General Fund Contingency to the Sheriff's operating expense budget to provide traffic control and emergency medical services in connection with moving the Vietnam Wall Memorial to VFW Post 2423 in Indian Trail.

After brief comments, the motion passed unanimously.

The Chairman declared a five minute recess. At the conclusion of the recess, the Chairman reconvened the meeting and recognized the veterans attending tonight's meeting: Brian Stafford, Marines; William Chadwick – Navy; Steve Keefer, Marines; Fanny Young, Women's Honor Corp; Willie Ingram, Vietnam; Ken Rogers, US Air Force; and Lee Godwin, U. S. Army.

In response to a question from Commissioner Openshaw, Mr. Godwin stated that between the years 1986-1988 he served in the Communications Agency in the White House under President Reagan.

ADDITIONAL REVENUE AUTHORITY:

The Finance Director presented information on conducting an advisory referendum on November 6, 2007, on the question of whether to levy a local land transfer tax and/or a local sales and use tax. He reported the Board of Elections has confirmed, after consulting with the state, that a request to hold an advisory or a non-binding referendum on November 6 would be approved if the information is received by the Board of Elections by its August 13th meeting.

He stated that at this time Chatham, Gates, Hoke, Macon and Washington counties intend to hold an advisory referendum on the land transfer tax question, Pitt and Sampson counties will hold a referendum on the Sales Tax issue, while Davie, Harnett and Johnston counties will hold a referendum November 6th on both questions.

Commissioner Openshaw asked the Finance Director what would have been the effect on the 11.7 percent tax increase that the County had this year if the transfer tax had been in place. The Finance Director stated that if the transfer tax had been in place that instead of an 11.7 percent tax increase, the tax increase would have been about 2.8 percent increase.

After discussion on the pros and cons of the two questions and the binding effect of the referendum, motion was made by Commissioner Lane to request that the Board of Elections hold a special referendum to be held in said County on November 6, 2007, for the purpose of permitting qualified voters of the County to approve or disapprove a ballot question more fully described below.

The ballots to be used at said referendum shall contain the following words:

Real property transfer tax at the rate of up to four-tenths percent (0.4%) of value or consideration.
with squares labeled "FOR" and "AGAINST" beneath or beside such words in which squares the voter may record his or her choice on the question presented.

Vice Chairman Baucom stated that he supports the land transfer tax and believes that it will help those who are creating the most infrastructure demands to help pay for the infrastructure. He offered a friendly amendment to Commissioner Lane's motion that a steering committee be established and that Commissioner Openshaw chair the committee.

Commissioner Openshaw said he was a realtor who moved here from a state that has a transfer tax, and he never heard any complaints about the tax which was higher than what is being proposed in Union County. He suggested that the land transfer tax be earmarked to be spent on school construction.

Commissioner Lane accepted the amendments to his motion and designated the land transfer tax to be spent on school construction.

Mr. Nelson stated that a resolution to be sent to the Board of Election will be prepared for the Board's adoption at its next meeting.

Chairman Pressley asked Commissioner Openshaw if he would accept the Chairmanship of the steering committee. Commissioner Openshaw agreed.

The motion as amended was passed unanimously.

PUBLIC WORKS:

Waterwater Flow Alternative: It was noted by the Chairman that this item had been discussed during the work session with the Public Works Advisory Board and no other discussion or action is needed at this time.

Weddington Elevated Water Storage Tank: The Chairman asked the Board to delay action and discussion on the Weddington Elevated Water Storage Tank until the next meeting.

Commissioner Openshaw asked why the County is not accepting the first choice of its paid consultants. Ms. Putnam replied that a decision on the location has not been made at this time.

The Chairman moved to delay action on the Weddington Elevated Storage Tank until the next meeting. The motion passed unanimously.

Solid Waste Management Plan:

Ms. Putnam recognized Albert Glenn with S&ME to present the three-year mandated update on the Solid Waste Management Plan.

Mr. Glenn explained that in 1997, in accordance with N.C. G. S. 130A-309A (b), a Solid Waste Management Plan (SWMP) for Union County was prepared for a ten-year planning period to meet solid waste needs for the county and protect public health and environment. He further explained that the statute requires an update to the plan every three years. He noted that the SWMP Coverage Area is all of Union County including all the municipalities except for the City of Monroe that developed its own separate management plan.

Mr. Glenn reviewed the County's current operations including satellite collection centers and the one transfer station. He reported that the long-range planning goals of the updated SWMP are as follows:

1. To protect public health and the environment
2. To provide everyone in the community with solid waste disposal capacity, solid waste collection services or reasonably accessible disposal facilities, and solid waste reduction opportunities.
3. To meet the established waste reduction goals.
4. To decrease solid waste disposal through waste reuse and recycling.

He further reviewed the current waste reduction programs included in the Solid Waste Master Plan. Mr. Glenn reported that in the 2003 update, the County set a ten percent waste disposal reduction goal from 1998-1999 to 2004-2005, and he was pleased to announce that Union County has exceeded its goal by reaching a 12.6 percent reduction rate. He noted that the future waste disposal goal for reduction by 2012 and 2013 is a 25 percent reduction. Mr. Glenn outlined the goals set forth for meeting the reduction objective.

After discussion on additional recycling measures and private companies becoming involved, Mr. Tye stated that the Public Works Department is working to establish a RFP to receive quotes for recycling.

The Vice Chairman asked when the fee schedules for C&D will be brought to the Board. Mr. Nelson stated that his objective is to bring before the Board the fee schedules for C&D, Solid Waste, and Parks and Recreation in November.

Commissioner Lane moved that the following resolution be adopted. The motion passed unanimously.

RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE MANAGEMENT PLAN OF 2006 - 2016 FOR UNION COUNTY

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Union County recognizes its role in the encouragement of recycling markets by purchasing recycled products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste;

WHEREAS, N.C.G.S. 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, the Union County Public Works Department has undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF *UNION COUNTY*:

That Union County's 2006 – 2016, Ten Year Comprehensive Solid Waste Management Plan, is accepted and endorsed and placed on file with Clerk to the Board on this 20th day, August, 2007.

ATTEST:

Lynn G. West, Clerk to the Board

Kevin Pressley, Chairman

PUBLIC WORKS:

The Chairman stated that the Board had received a request for an addition to the agenda from the Public Works Director that would limit for 30 days any action by her department to accept applications, issue accessibility letters or accept engineering plans. He recognized Ms. Putnam to explain her recommendation.

She said that as the Board is deliberating the issues facing Union County and how best to serve the people of Union County with the available capacity, this action provides it the opportunity to make a decision on service without any limits or commitments that she could potentially make without the motion in place.

Chairman Pressley stated that the statistics and information presented today by Public Works is current and is the amount the Board has to distribute within its policy.

The Attorney informed the Chairman that prior to taking any action there would need to be a suspension of the Board's Rules of Procedure to add this item to the agenda.

Motion was made by Commissioner Mills that the Rules of Procedure be waived to allow the addition of an item for the Public Works Department. The motion passed unanimously.

Commissioner Mills moved that for 30 days or until otherwise directed by the Board the Public Works Director and her staff not accept applications, issue accessibility letters or accept engineering plans. The motion passed unanimously.

HOME AND COMMUNITY CARE BLOCK GRANT AGREEMENT: [Added to the Agenda]

The Chairman stated that this agreement is time sensitive and requested that the Board authorize the Interim County Manager to execute the said agreement.

Motion was made by Commissioner Mills that the Home and Community Care Block Grant Agreement be approved and the Interim County Manager be authorized to execute same. The motion passed unanimously.

PIEDMONT BEHAVIORAL HEALTHCARE (PBH) LOCAL BUSINESS PLAN: [Moved from Consent Agenda]

Commissioner Openshaw asked for an explanation on the proposed resolution. After being reminded that this was the request received last week from Piedmont Behavioral Healthcare, Commissioner Openshaw stated support of the item. Chairman Pressley moved that the following resolution be adopted:

RESOLUTION

BE IT RESOLVED that the Union County Board of Commissioners accepts the PBH Local Business Plan 2007 as presented at the Board's special meeting on August 13, 2007.

The motion to adopt the resolution passed unanimously.

PARKS AND RECREATION:

Commissioner Openshaw presented history that some of the athletic associations have not been submitting all the required information with their applications causing the application to be incomplete; some of the documents missing are legal documents. He said the staff has held two public meetings and provided sample letters and sample documentation that the departments need to submit with their applications. The majority of the Parks and Recreation Board agreed to allow seven days to complete the documentation. He said the general consensus is that the Board wants the money to go the associations and to help them provide amenities for the children, but it is getting time to make the associations promptly provide all the required information.

Commissioner Mills asked how far behind schedule is the application process. Bill Whitley, representing Parks and Recreation, provided information as to the delays and the requirements for allocating and dispensing the funds.

Mr. Nelson stated that, subject to the conditions, if Parks and Recreation does not get the information within the time allowed, Parks and Recreation will return to its Advisory Board and ask that the award be rescinded.

After discussion, motion was made by Commissioner Mills that the grants as recorded below be approved and the Interim County Manager be authorized to execute said grants, subject to the associations complying with the specified conditions.

- a. Award UCAC Grant in the amount of \$8,474.65 to Indian Trail Athletic Association subject to satisfactory receipt by the Union County Parks and Recreation Department of all required grant application information.
- b. Award UCAC Grant in the amount of \$18,850 to Piedmont Recreation Association
- c. Award UCAC Grant in the amount of \$43,350 to Porter Ridge Athletic Association subject to satisfactory receipt by the Union County Parks and Recreation Department of all required grant application information
- d. Award UCAC grant in the amount of \$9,612 to Prospect Athletic and Recreation Association subject to satisfactory receipt by the Union County Parks and Recreation Department of all required grant application information.
- e. Award UCAC grant in the amount of \$6,400 to South Union Athletic Association
- f. Award UCAC grant in the amount of \$6,809.34 to Waxhaw Athletic Association subject to satisfactory receipt by the Union County Parks and Recreation Department of all required grant application information.
- g. Defer award UCAC Grant in the amount of \$55,000 to Wesley Chapel Weddington Athletic Association pending further action by the Board of Commissioners
- h. Award UCAC Grant in the amount of \$4,350 to Wingate Community Recreation subject to satisfactory receipt by the Union County Parks and Recreation Department of all required grant application information.

The motion passed unanimously.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

Pat Beekman, Homeland Security, described the requirements of the Juvenile Crime Prevention Council and requested volunteers to serve on this committee so that a quorum can be met and grant funds can be received.

- a.) Juvenile Crime Prevention Council – 11 vacancies
- b.) Nursing Home Advisory Committee – 3 vacancies
- c.) Public Works Advisory Board – 1 vacancy to represent Goose Creek Township

Commissioner Mills asked Ms. Smith, Director of Parks and Recreation, to explain the Highland Games. She said that two employees of her department assist the group in setting up for their games and setting up tents. Mrs. Smith said her staff also assists them in their mailings. Mrs. Smith noted that at this time the Scottish Society only pay 25 percent of the reservation rate.

INTERIM COUNTY MANAGER'S COMMENTS:

Mr. Black stated that he did not have any comments.

COMMISSIONERS' COMMENTS:

Commissioner Lane stated that he had attended the Scottish Games and they are well worth a person's time to attend. He pointed out that there is also a good spectator viewing area in the new section of the park.

He further reported that he and Commissioner Openshaw attended the North Carolina Association of County Commissioners' Conference for County Commissioners and briefly described some of the classes that he and Commissioner Openshaw attended.

Commissioner Openshaw stated that he would need direction from the board and would be willing to receive input from others on the activities of the Transfer Tax Steering Committee.

He said this had been a long day but there had been some serious discussion among the Commissioners and staff. Commissioner Openshaw stated that wells are needed at Jesse Helms Park to irrigate the athletic fields.

Commissioner Openshaw agreed with Commissioner Lane that the North Carolina Association of County Commissioners' Conference had many enlightening and informative sessions.

He requested the staff address an issue of misuse of water in one of the three developments under the Wesley Oaks Homeowners Association. He said he did not think the two developments should be penalized because of the action of one of the developments.

Commissioner Openshaw congratulated *The Enquirer Journal* for asking tough questions on expenditures of the Partnership for Progress. He said he hoped the paper would do a series of articles on it.

Commissioner Mills agreed that it had been a long day with many very important issues discussed. He said today the County stepped up and did the right thing and Union County is now in Stage 2 of mandatory water restrictions. He said next week the Board will look at whether or not it will have to declare a Stage 3.

Vice Chairman Baucom reported that the North Carolina Cooperative Extension Service is conducting a statewide survey to determine Cooperative Extension's future focus. He reviewed the purposes of Cooperative Extension and pointed out it is an educational partnership with the County and the State to deliver unbiased information to the citizens of this county.

Chairman Pressley stated that this has been a long day with lots of information received from the staff. He too mentioned the water shortage and that most of this day was devoted to how Union County is going to meet the needs of its customers.

Chairman Pressley congratulated Commissioner Lane for his upcoming marriage in November.

Commissioner Lane moved that the meeting be adjourned. The motion passed unanimously.