

October 1, 2007

The Union County Board of Commissioners met in a regular meeting on Monday, October 1, 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. He introduced the leaders of Cub Scout Pack #175 with the Union Grove United Methodist Church which meets at Fairview, North Carolina: Oscar Outen, Roland Rowell, Tammy Braswell, J. R. Braswell, Robin Donaldson, Randy Williams, Michelle Ruby. He also introduced the members of the wolf den as follows: Gaston Outen, Lewis Oropesa, Colby Lowder, Spencer Kupniwski; members of the Tigers: Trevor Kupniwski and Dakota Braswell; members of the Bears: Gregory Weese and Duane Braswell; the members of the Webolos: Daniel Donaldson, Will Ruby, and Landon Williams.

a. Invocation

Colby Lowder offered the invocation.

b. Pledge of Allegiance

Roland Rowell led the body in reciting the Pledge of Allegiance to the American flag.

INFORMAL COMMENTS:

Stony Rushing stated that he is the Union District Chairman for the Boy Scouts. He expressed appreciation to the Board for its continued support and the time allowed for Boy Scouts to be involved in the Board of Commissioners' meetings.

He stated that last week a member of the Monroe City Council had indicated that the Council was unaware of the reason why the Board of Commissioners had moved the Agri Business Center to the Presson Road site. He requested that the Board consider releasing the contents of closed session minutes of the previous Board in which there were discussions on the acquisition of the Scott Aviation property located on Charlotte Avenue. He explained that he believed the urgency to release any closed session minutes which might pertain to discussion of that property was due to the fact that an election is scheduled next week on the proposed civic center which might be located on that site. Mr. Rushing requested that the Board add an item to tonight's agenda to consider the release of any closed session minutes associated with the purchase of the Scott Aviation property.

Chairman Pressley asked Jeff Crook, Senior Staff Attorney, to look into whether there are any closed session minutes pertaining to this subject that should be released prior to the election. Mr. Crook responded that either he or the County Attorney reviews closed session minutes to determine whether the purpose of the closed session would be frustrated by the release of the minutes.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

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

Consent Agenda Item #1 – Contracts over \$5,000

- a. New Ventures Business Development, Inc. – Agreement to provide technology, education services and resources to area businesses, entrepreneurs and citizens
- b. Administrative Office of the Courts – Agreement to provide funding for two Assistant District Attorneys, one investigator and one Victim/Witness Assistant
- d. Camp Dresser and McKee – Engineering services related to East Side Sewer System, City of Monroe WWTP meter and tie-in (Task Order #5B)

f. Health Quest – Local Program Agreement

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

CONSENT AGENDA:

Commissioners Lane and Mills moved approval of the items listed on the consent agenda as modified. The motion was passed unanimously.

Contracts Over \$5,000:

- a. New Ventures Business Development, Inc. – Agreement to provide technology, education services and resources to area businesses, entrepreneurs and citizens – This item was moved to the regular agenda at the request of Commissioner Openshaw.
- b. Administrative Office of the Courts – Agreement to provide funding for two Assistant District Attorneys, one investigator and one Victim/Witness Assistant – This item was moved to the regular agenda at the request of Commissioner Openshaw.
- c. Jordan, Jones & Goulding, Inc. – Design of Waterline to Serve Oak Brook Subdivision (self-help project) (Task Order #1) – Authorized the Interim County Manager to approve contract
- d. Camp Dresser and McKee – Engineering services related to East Side Sewer System, City of Monroe WWTP meter and tie-in (Task Order #5B) – This item was moved to the regular agenda at the request of Commissioner Openshaw
- e. S&ME, Inc. – Engineering services related to new regulatory permitting requirements for continued C&D landfill operations (Task Order #16) – Authorized the Interim County Manager to approve contract.
- f. Health Quest – Local Program Agreement – This item was moved to the regular agenda at the request of Commissioner Openshaw.

Tax Administrator: Approved the Departmental Monthly Report of the Tax Administrator for August 2007.

Tax Administrator: Approved releases for September 2007 in the amount of \$103,668,99 as set out below:

RELEASES SEPTEMBER 2007

Acct #	Name	Release #	Total
2007			
50093212	SECURITYCO INC	3003	7.82
08195019	VUNCANNON SCOTT B & NAN H	3019	1,379.55
50094686	JACK ROCK HOLDINGS LLC	3020	471.10
50096682	IBM	3021	195.56
50094661	F & D CONSTRUCTION INC	3023	466.35
50094522	MULTICRAFT HOMES INC	3026	26.29
50090445	MGBB ENTERPRISE INC	3027	268.13
50059562	HELMS TOMMY O CONSTRUCTION	3030	16.00
08312122	HONEYCUTT CODY ARNEZ	3031	144.49
06159377	PROVIDENCE GROVE HOMEOWNERS ASSOCIATION		93.93
H3159063A	MEDLIN FARMS INC % TERRY L LITTLE		
07033008B	BULLARD TOMMY	3034	1,153.15
07129225	SMITH CHRISTOPHER ALAN	3035	441.13
01159009	MASKE MARY LOUISE	3036	263.42
09153031	LEE PARK BAPTIST CHURCH	3037	1,764.17
08087029	LITTLE JAMES WATT & WIFE ALICE R		1,626.65
H2242027B	DAVIS ARTHUR	3039	107.11
H7027383	BLANEY ANDREA B	3040	270.66
50097288	BLANEY ANDREA	3041	274.06
09216042	SENIOR COMMUNITIES LLC	3046	13,904.51
09378012	HELMS MICHAEL L ET AL	3047	12,273.07
08075015	MEDLIN BRAYNON LEANDER & SABINA		
02239009M	TRULL OLLIE P HEIRS	3049	246.35
02239009P	TRULL OLLIE P HEIRS	3050	254.03
02239009R	TRULL OLLIE P HEIRS	3051	290.93
04036021	HOWEY FRANK W JR & WF ALISON S		
06189038	DYER JOSEPH D & WF LINDA S	3053	132.41
04033008D	BEAVER BILLY GRIGGS & WF DORIS C		
04285089	GLASER DAVID M & MILDRED S	3060	1,407.76
06108462	PACE/DOWD PROPERTIES LTD	3061	2,454.40
09194011	UNION MEMORIAL REGIONAL MEDICAL CENTER INC		2,049.39

09024005A	HUNTLEY JAMES & CYNTHIA RAMSAY HUNTLEY		
08129008	R L RUSHING & COMPANY	3064	1,140.40
09111008	CITY OF MONROE	3068	1,266.68
07117502	COLTON RIDGE OF INDIAN TRAIL HOA		1,633.86
07114418A	COLTON RIDGE OF INDIAN TRAIL HOA		1,669.54
02139014C	BEAVER CARLA LYNN	3071	482.78
04033009	BEAVER JOHNNY ANDERSON & WF SUSAN		
04033008A	BEAVER JOHNNY ANDERSON & WF SUSAN		
09397084	CASCADES PROPERTY OWNERS ASSOCIATION INC		
09321288	SOUTHWINDS HOMEOWNERS ASSOCIATION INC		6.04
09321389	SOUTHWINDS HOMEOWNERS ASSOCIATION INC		12.23
H3159043	MCMANUS HOMER WILSON HEIRS % DOROTHY SCA		
06207001F	CRADDOCK LARRY WAYNE & WIFE JIIMI C		
06207001G	CRADDOCK LARRY WAYNE & WIFE JIIMI C		
04204019F	STOEHR SHARON L & WILLIAM	3083	132.89
H7144177	PETTY ALICE	3084	182.04
09195051	THOMAS RICHARD D & COLON S MCLEAN		617.66
07081001W	EXTREME ICE PROPERTIES LLC	3086	11,510.93
04198016	BLACKWOOD AUDREY L	3087	391.36
05138062 01	SHATTUCK MICHAEL G & KAREN	3088	266.85
05138062 02	ROGERS INVESTMENTS % LINDA MAE ROBINSON		
05144014A	WILLIAMS DOROTHY COCHRELL	3090	84.02
08075013B	RON R RUSHING D/B/A RON RUSHINGN CONSTRUCTION		
02192007	KNIGHT JERRY DENNIS & WIFE GAIL		
07063252M16	MATHISEN COMPANY (THE)	3095	187.58
04063008H	PARKER DOCK E	3096	318.98
06159312	MAZZA GEORGE & MELISSA A	3097	2,064.88
01087006	HINSON ESTELE A	3098	3,031.16
09216141	CHERRY HOMES INC	3099	1,057.41
09216191	CHERRY HOMES INC	3100	925.78
08129085	PINNACLE HOMES LLC	3101	1,474.71
06036020	CARTER CHARLES & PENNY	3102	649.14
07081240	PROCTOR DAVID G	3103	31.82
07081241	PROCTOR DAVID G	3104	31.82

06174186	LONGVIEW LOT LLC	3105	7,200.71
07144423	HOFMANN ANGELES	3106	81.84
09231021	SEABOARD RAILROAD	3107	328.31
01102017B	MEDLIN GAIL THOMAS & JIMMY LEE		
Totals - 2007			88,319.67

2006

50092123	AMHURST HOMES INC	2999	215.41
50092123	AMHURST HOMES INC	3000	173.25
50092230	LYCO ENTERPRISES INC	3001	201.36
50092597	SECURITY NETWORKS LLC	3002	216.03
50092597	SECURITY NETWORKS LLC	3002	184.36
50083099	TRIDENT MANAGEMENT LIMITED PARTNERSHIP		49.30
50089384	PALMER JENNIFER & JEFFERY	3009	38.98
50092255	NORTH AMERICAN METAL ROOFING INC		183.98
50092305	HELMS MILES N ATTORNEY AT LAW		186.20
50092643	KIBBE LINKS	3012	201.36
50092643	KIBBE LINKS	3013	173.25
50038650	C R NESBIT CO INC	3014	35.02
50095094	US EQUIPMENT LEASING LLC	3015	68.66
50096682	IBM	3022	2,046.48
50090445	MGBB ENTERPRISE INC	3028	215.41
09321003	BROWNING ROBERT LOCKE JR	3065	3,073.93
50092078	TAR HEEL OUTDOOR DESIGN GROUP INC		173.25
06207001F	CRADDOCK LARRY WAYNE &	3080	661.68
06207001G	CRADDOCK LARRY WAYNE &	3082	661.68
			-
Totals - 2006			8,759.59

2005

50089875	CARVER MICHAEL R	2998	70.39
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50083099	TRIDENT MANAGEMENT LIMITED PARTNERSHIP		39.85
50075464	M & M DISTRIBUTION CO INC	3016	211.57
50090445	MGBB	3029	183.98
50068955	JOHNSON JO ANNA	3042	75.73
09321003	BROWNING ROBERT LOCKE JR	3066	2,899.07
Totals - 2005			3,480.59

2004			
50083099	TRIDENT MANAGEMENT LIMITED PARTNERSHIP		32.73
09321003	BROWNING ROBERT LOCKE JR	3067	2,738.01
			-
Totals - 2004			2,770.74

2003			
50083099	TRIDENT MANAGEMENT LIMITED PARTNERSHIP		189.76
			-
			-
Totals - 2003			189.76

2002			
50083099	TRIDENT MANAGEMENT LIMITED PARTNERSHIP		-
			-
Totals - 2002			148.64

GRAND TOTALS			103,668.99
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Tax Administrator: Approved refunds for September 2007 in the amount of \$3,523.07 as set out below:

REFUNDS SEPTEMBER 2007

Acct # 2007	Name	Refund #	Totals
50092264	F & L INTERIORS INC	3024	2.97
50066426	HERITAGE PROPANE #1903	3025	18.83
TOTAL - 2007			21.80
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2006			
50093484	CALEDONIAN ALLOYS INC	3017	366.79
50088555	IGBINADOLOR U PHILLIP DMD & ASSOC PA	3018	704.28
06189038	DYER JOSEPH D & WF LINDA S	3054	118.55
08075013B	RON R RUSHING D/B/A RON RUSHING CONSTRUCTION	3092	886.43
			0.00
TOTAL - 2006			2,076.05
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2005			
06189038	DYER JOSEPH D & WF LINDA S	3055	117.32
08075013B	RON R RUSHING D/B/A RON RUSHING CONSTRUCTION	3093	873.25
			0.00
TOTAL - 2005			990.57
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2004			
50068955	JOHNSON JO ANNA	3043	24.30
06189038	DYER JOSEPH D & WF LINDA S	3056	110.79

				0.00
TOTAL -				135.09
2004				
<hr/>				
2003				
50068955	JOHNSON JO ANNA		3044	58.64
06189038	DYER JOSEPH D & WF LINDA S		3057	96.12
				0.00
TOTAL -				154.76
2003				
<hr/>				
2002				
50068955	JOHNSON JO ANNA		3045	58.21
06189038	DYER JOSEPH D & WF LINDA S		3058	86.59
				0.00
TOTAL -				144.80
2002				
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GRAND TOTAL - ALL YEARS				3523.07
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Reclassify Attorney I Position in Legal Department to Full-Time: Approved increasing full-time equivalent (FTE) from 80 percent to 100 percent (Regular Part-Time to Full-Time).

Candidate Forums in Board of Commissioners' Room: Approved use of the Board of Commissioners' Room located on the first floor of the Government Center for municipalities to hold candidates' forums sponsored by WIXE and *The Union County Weekly*.

Social Services Department: Approved Budget Amendment #11 increasing Operating Expense by \$443,355 and State Revenue by \$443,355 to appropriate additional funds in the DSS/Day Care Budget (No additional County Monies Requested).

Union County Juvenile Crime Prevention Council's (JCPC) Disproportionate Minority Contact (MacArthur Foundation Grant): Approved application for submission and acceptance for a grant up to \$100,000 for three years (No Matching County Funds Requested).

Health Department – Request to Transfer Membership Appointments of Current Health Director to New Health Director (effective October 8, 2007) on Union Smart Start Board, Juvenile Crime Prevention Council, Criminal Justice Partnership Program, and Local Emergency Planning Committee (LEPC): Authorized the transfer of membership appointments from Jenny Kirksey to Phillip Tarte to the Union Smart Start Board, Juvenile Crime Prevention Council, Criminal Justice Partnership Program, and Local Emergency Planning Committee (LEPC).

Resolution Approving the Incurrence by the Town of Unionville Volunteer Fire Department, Inc. of Up to \$1,100,000.00 in Indebtedness from First Charter Bank to Finance the Construction of a New Fire Station: Adopted resolution.

RESOLUTION APPROVING THE INCURRENCE BY THE TOWN OF UNIONVILLE VOLUNTEER FIRE DEPARTMENT, INC. OF UP TO \$1,100,000.00 IN INDEBTEDNESS FROM FIRST CHARTER BANK TO FINANCE THE CONSTRUCTION OF A NEW FIRE STATION.

WHEREAS, Union County has been advised that the Town of Unionville Volunteer Fire Department, Inc. (the “Department”) intends to borrow up to \$1,100,000.00 (the “Loan”) from First Charter Bank to finance the construction of a new fire station to be located at 4919 Unionville Road in Unionville, North Carolina (the “Project”); and

WHEREAS, neither Union County nor any agency thereof shall be liable in any event for the repayment of the Loan, and the Loan does not constitute an indebtedness of Union County or any agency thereof and does not constitute or create in any manner a debt or liability of Union County or any agency thereof; and

WHEREAS, under applicable federal income tax laws, the interest on the Loan will not be exempt from federal income taxation unless, among other things, the Board of Directors of the Department has, by resolution after having held a public hearing on behalf of Union County, approved the loan and the proposed Project and then the Board of Commissioners (the “Board”) by Resolution approves the Loan and the proposed Project; and

WHEREAS, the Board of Directors of the Department on behalf of the Board, pursuant to public notice duly given (the “Notice”), held a public hearing on the proposed Loan and Project and considered the comments of persons who requested to be heard; and

WHEREAS, the Board desires to approve the Loan and approve the Project.

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

(1) The publication of the Notice and the designation of the meeting held by the Town of Unionville Volunteer Fire Department, Inc. Board of Directors on September 20, 2007, as a public hearing on the Loan and the Project is hereby approved, provided that Union County makes no representation as to the sufficiency of the public hearing for any purpose whatsoever.

(2) The incurrence by Town of Unionville Volunteer Fire Department, Inc. of indebtedness of up to \$1,100,000.00 to First Charter Bank to finance the Project is hereby approved.

(3) The Project is hereby approved.

(4) This resolution shall take effect immediately upon its passage.

The resolution was passed by the following vote:

AYES:

NAYS:

Grant Application for Enhancement of EMD (Emergency Medical Dispatch): Authorized the Interim County Manager to submit a grant application for the enactment of Emergency Medical Dispatch (EMD) Program currently being used in Emergency Communications (County Match Provided by E-911).

Chairman Pressley stated that Items a, c, d, and f from the Consent Agenda would become Items 7a – d.

COUNTY RADIO COMMUNICATIONS SYSTEM:

Kai Nelson, Finance Director, stated that at the September 17, 2007, meeting of the Board of Commissioners, the Board received a presentation regarding the Radio Communications System. He said that it was discussed at that time that the Board needed to make various decisions regarding the financing of this project, specifically who pays. He explained the matrix contained in the agenda package which sets forth various scenarios. He said that in Scenarios #1 - #4 on the matrix, the County would pay 100 percent of the infrastructure costs in connection with the Public Works Department, volunteer fire departments, Emergency Medical Services, municipal fire and municipal law. Mr. Nelson stated that municipal other as referred to on the matrix is the host of other municipal departments such as Parks and Recreation, municipal utilities, non first responder, etc. He stated that in Scenario 4a, he had suggested that the County would pay the vast majority of the costs but essentially it would pay 80 percent of the costs, and 20 percent of the infrastructure costs would be passed on to the users.

Mr. Nelson said that the questions posed for Scenarios #2, #3, and #4, respectively, are the subscriber units for capital, the infrastructure for maintenance, and the subscriber units for maintenance as well. He stated that generally in terms of models, quite often subscriber units are borne by individual agencies. He said that sometimes the host government pays most, if not all, of the access charges for the infrastructure. He pointed out on the matrix, depending on how the Board answers the various questions in Scenarios #1 - #4 plus #4A, the cost to the County's General Fund, the annual costs range from slightly over two million dollars to close to three million dollars.

Commissioner Mills stated that he appreciated all of the work that Mr. Nelson had done on this issue. He said from his discussions with numerous fire chiefs, firemen, and volunteers, trying to find a fair and equitable way to distribute the costs is going to be difficult.

He moved that the County fund the infrastructure and that the municipalities and all users other than the 18 volunteer fire departments pay for their own subscriber units. The motion further included that the subscriber units for the volunteer fire

departments would be funded by the County including the five volunteer fire departments that have tax service districts, and that the maintenance of the subscriber units purchased by the County will be maintained by the County, and the County will retain control over those units and will work through Fire Services and Emergency Management to decide which subscriber units go to which departments.

Chairman Pressley questioned under which scenario the motion would fall. It was stated that the motion did not fall under either of the proposed scenarios.

Mr. Nelson stated that his understanding of the motion was that: 1) Infrastructure Costs – the County would pay 100 percent of the capital costs of the infrastructure for all users; 2) Subscriber Units – Capital – The County would pay for the County subscriber units; Public Works would pay for its units; volunteer fire departments' subscriber units would be paid for by the County; Emergency Medical Services – the County would ultimately pay for those units; and all the municipalities would pay for 100 percent of the capital costs. He stated that it would be essentially the same for the maintenance. He said that in connection with the infrastructure maintenance, the County would pay 100 percent of all the costs for everyone. Commissioner Mills stated that Mr. Nelson's summation was correct.

Mr. Nelson stated that what was not included in the motion is, if, when the community is using Homeland Security funds in connection with the radio system if the County is an applicant and the funds are available for subscriber units, those funds would be applied to the units. He said that if there is a Homeland Security grant for the infrastructure costs, it would be accruing to the County's general fund, because it is paying 100 percent of the infrastructure costs.

Commissioner Mills stated that he hoped the municipalities would understand that it is a situation where the County could not fund all of the subscriber units and maintenance.

Commissioner Lane commented that Commissioner Mills' motion pretty much followed the first Scenario #4. Mr. Nelson concurred that he believed that was correct.

Commissioner Openshaw said that he wanted clarification of what the Board was voting on and questioned the purpose of the radios. Mr. Nelson responded that there are two primary purposes. He said that by the year 2012, the current frequencies will no longer be functional.

Commissioner Mills said that the new radio system would allow the firemen, police, EMT, and all users to be able to communicate with the other users.

Mr. Nelson noted that the third purpose was that the current system does not have countywide coverage, because there are dead spots in areas of the county.

Commissioner Openshaw asked who the users need to be. Mr. Nelson said that in terms of the first responder, fire services, law enforcement, emergency medical services, they would need to be included. Secondly, he said since the infrastructure is installed and there are no additional incremental marginal costs associated with adding users, it would move the users from a frequency that is no longer available to an available frequency. He stated that excluding the police, fire, and emergency medical services, the whole issue of the number of portables and mobiles needs to be thoroughly determined. Mr. Nelson pointed out the County's Public Works Department would not move to the system until 2011 or 2012, because the existing system works fine for that department.

Commissioner Openshaw asked if all the users would be on the same network. Pat Beekman, Homeland Security, responded to his question by stating that as a result of 9/11, it was determined during the response in New York City that various agencies such as emergency medical services, fire and police could not communicate with each other. He stated that was true in Union County as well. Mr. Beekman explained that the technology of the new system would allow various agencies to be set up on talk groups to meet their needs. He stated that the current radio system has significant dead spaces in the county and the paging system has even greater dead spaces. Further, he said that in the year 2013, when narrow banding of the frequencies occur of the current UHF and VHF technology, it will make the County's current radio system basically obsolete. He stated that for the southwest corner of the County, the radio system is only 50 feet off the ground located on the old Waxhaw Water Tank and cannot reach the Cane Creek Park area. Mr. Beekman projected that the new system should have probably been built 15 to 20 years ago.

Commissioner Openshaw said that the radio system is another cost of growth. He questioned why the municipalities would be paying for their subscriber units and maintenance, since it seemed to him that would be double taxation, because the ones that have their own fire departments or police departments are providing an additional service to the County. Mr. Beekman replied that the municipalities have purchased their own units in the past. Commissioner Openshaw asked the cost of the radios in the past versus the cost of the new units. Mr. Beekman responded that the previous radios had been approximately \$400 as opposed to \$2,800 per unit for the new units. Commissioner Openshaw noted that there is a significant difference in the costs and suggested that the policy needs further refining. He questioned that while there are a number of volunteer firemen, is it necessary for all of them to have a radio.

Mr. Beekman stated that there is a Radio Communication Council consisting of all the customers of the radio system that meets monthly to discuss issues and questions such as what is the optimal number of radios for the various agencies. He said that the radios would be distributed based on the needs of the service and needs of the incident. Further, he said that there would be some extra units should a situation dictate that it goes beyond the norm. He noted that the current radio system is not only inoperable within the County, but also it is inoperable within the entire State of North Carolina.

Mr. Beekman said that given the increased costs of the new subscriber units, that non first responder agencies will look at their current communication needs to determine whether they really need as many radios as they have currently. Mr. Beekman stated that in non first responder agencies, it would probably be possible to reduce the number of radios, but on the number of units for police, fire, and emergency medical services, those numbers would be fairly accurate.

Commissioner Openshaw asked if the updated number of units shown in the agenda package as 1,931 included all of the users. Mr. Nelson stated that he needed to clarify that number. He said that the information indicates that at the time the information in the agenda package was written, there were 1,578 units. He stated that based on 1,578 units, using 10 years to amortize the infrastructure costs and five years to amortize the capital costs for the subscriber units, the average cost at the time the information in the package was written was approximately \$2,000 per unit. He said that the figure was updated on September 23, 2007, and there were more units. Mr. Nelson said that he thought that number was closer to 1,600 units, which equates to approximately \$1,931 per unit.

Commissioner Openshaw stated that there would be tax ramifications to this project of between 1.4 cents and 1.7 cents. He said that he had concerns using the rationale that the County does not have the money to provide units to people who are going to need them and to hit the taxpayers of those municipalities with additional costs. He said that he thought the County needed to find a better way to fund the unit.

Commissioner Mills pointed out that Union County would be paying 100 percent of the infrastructure costs, plus the annual maintenance fees and annual fees of the software system.

Following further comments, Commissioner Openshaw offered as a substitute motion to table action on this matter until such time as a resolution can be reached with the municipalities on the costs of the radios and maintenance. The substitute motion failed by a vote of one to four. Commissioner Openshaw voted in favor of the substitute motion. Chairman Pressley, Vice Chairman Baucom, Commissioner Lane, and Commissioner Mills voted against the substitute motion.

The Chairman called for a vote on the original motion which passed by a vote of four to one. Chairman Pressley, Vice Chairman Baucom, Commissioner Lane, and Commissioner Mills voted in favor of the motion. Commissioner Openshaw voted against the motion.

RESOLUTION EARMARKING LAND TRANSFER TAX PROCEEDS FOR SCHOOL CAPITAL OUTLAY:

Kai Nelson, Finance Director, stated that at the August 20, 2007, meeting, the Board took action requesting that the Board of Elections conduct a non-binding advisory referendum on November 6, 2007, regarding the imposition of a land transfer tax. The information contained in the agenda package stated that additionally at that meeting the Board directed the earmarking of any proceeds from the land transfer tax exclusively for school capital outlay purposes. He stated that the proposed resolution memorializes that action. Chairman Pressley said that the Board had asked Commissioner Openshaw to take a lead on this matter, and he noted that the budget amendment included for this item was for \$20,000 for production and delivery costs to educate the public about the transfer tax. He noted that it was not to spend taxpayers' money on a position regarding the land transfer tax. Commissioner Openshaw clarified that individually the Commissioners could take a position on the tax but not as the County. It was noted that the information provided would not take a position on the issue but present facts.

Mr. Nelson said that the brochure included in the agenda package was a draft and continues to be modified. He stated that additional revisions have been made to the draft since the agenda package was completed.

Vice Chairman Baucom asked what revisions had been made since the time the agenda package was completed. Jeff Crook, Senior Staff Attorney, responded that there had been a number of revisions from the legal perspective. He said that the staff was trying to make sure that the information provided is readily understandable to the public since it is intended for the public's reading. Vice Chairman Baucom asked if the revised handout provided to the Board tonight was the final product. Commissioner Openshaw stated that it was not citing that there were some typographical errors contained in the information.

Commissioner Openshaw stated that the draft contained in the agenda package was a rough draft resulting from the Land Transfer Tax Steering Committee meeting on Wednesday evening. He said that they would have worked further on the draft but Brett Vines, Public Information Officer, was away from the office attending a funeral. He stated that this draft was the best that could be done at this time.

Mr. Crook stated that Mr. Vines is the point person on this matter, and the information would be finalized upon his return.

Commissioner Openshaw stated that the information to be disseminated to the public does not include some data sent to him by a gentleman in Wake County that adjusts the numbers in accordance with Union County's information, 66 percent of revenues from the land transfer tax would come from new sales or sources other than existing homes. He said that the school board would be considering this matter at its meeting tomorrow night. He shared that the information would be distributed to the public through utility billings, the libraries, and hopefully through the schools.

Commissioner Openshaw proposed that the Board authorize him to interact with the staff to make any necessary changes to the informational brochure and that those changes be reviewed by Jeff Crook, Senior Staff Attorney, in order to expedite printing of the brochures. He said that this information needs to go to the printer as soon as possible. He offered that the Steering Committee could meet again on Thursday to review the changes which would delay the printing by a day or so.

Commissioner Mills commented that he thought that Commissioner Openshaw and Mr. Vines should be able to take care of the changes.

Discussion ensued regarding the methods by which the information would be distributed to the public. Commissioner Openshaw stated that it would be distributed in the utility bills, at libraries, and through the elementary school students. He said that approximately 20,000 copies could possibly be distributed through the schools; 29,000 copies through the utility bills; and 14,000 copies through the libraries.

Following the discussion, Commissioner Mills moved to adopt the Resolution Earmarking Land Transfer Tax Proceeds for School Capital Outlay as recorded below and to adopt Budget Amendment #12 to the Board of Commissioners' budget increasing Operating Expense by \$20,000 and decreasing Contingency by \$20,000 to appropriate funds for informational brochure in connection with the land transfer tax. The motion further included authorization for Commissioner Openshaw to work with Brett Vines, Public Information Officer, to make any necessary changes to the brochure and that any changes made to the information be reviewed by the Senior Staff Attorney. The motion was passed unanimously.

RESOLUTION EARMARKING LAND TRANSFER TAX PROCEEDS
FOR SCHOOL CAPITAL OUTLAY

WHEREAS, according to U.S. Census Bureau data, between the years 1980 and 2006, Union County's population increased dramatically from 70,380 to 175,272; and

WHEREAS, due to this continuing rapid population increase, Union County's public school system faces a large influx of new students every year, and its public school facilities have become increasingly overcrowded as a result; and

WHEREAS, Union County Public Schools ("UCPS") reports that:

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

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

WHEREAS, in 2006, approximately 59% of the County's local unrestricted resources (property tax, sales tax, investment income, etc.) was allocated to education, and this amount increased to 65% in Union County's 2008 budget; and

WHEREAS, County appropriations for public school current expenses are consuming a greater portion of the County's local unrestricted resources and in recent years have exceeded by two to three times the growth in property valuations thereby placing an even greater burden on the local property tax to fund public school capital improvements; and

WHEREAS, in order to more equitably distribute the burden of financing public school capital improvements, Union County has requested authorization for additional revenue sources from the Legislature; and

WHEREAS, pursuant to Section 31.17(a) of Session Law 2007-323, the “Current Operations and Capital Improvements Appropriations Act of 2007,” the General Assembly has authorized counties to impose a land transfer tax of up to a rate of four-tenths percent (0.4%) if a majority of those voting in a referendum vote for levy of this tax; and

WHEREAS, the Union County Board of Commissioners, by action taken on August 20, 2007, has requested that the Board of Elections conduct such referendum on November 6, 2007; and

WHEREAS, the Board of Commissioners desires to earmark use of any proceeds from the land transfer tax for school capital outlay purposes.

NOW, THEREFORE, BE IT RESOLVED by the Union County Board of Commissioners that the proceeds of the land transfer tax, if approved by the voters of Union County and imposed by the Board, shall be used solely for public school capital outlay purposes and to retire indebtedness incurred for such purposes.

This resolution is unanimously adopted this the 4th day of September, 2007.

USER FEE POLICY AND REVISIONS TO VARIOUS FEES:

Chairman Pressley stated that Vice Chairman Baucom had proposed to table action on these matters since these are not time sensitive issues. He asked if there were any objections to tabling action on these matters.

Following discussion, Vice Chairman Baucom moved to table action on these matters. The motion was passed unanimously.

CONTRACTS OVER \$5,000 – THE FOLLOWING ITEMS WERE MOVED FROM THE CONSENT AGENDA TO THE REGULAR AGENDA AT THE REQUEST OF COMMISSIONER OPENSHAW:

- a. New Ventures Business Development, Inc.* – Commissioner Openshaw said that he had called the Clerk requesting a copy of this contract and was told that a copy of the contract was not available. He said that he did not want to approve anything that he has not had an opportunity to review. He stated that he was in favor of New Ventures but would like to see it funded from the Union County Partnership for Progress’ funds. Commissioner Openshaw said that because the contract was not available for review at this time, he believed it was inappropriate for the Board to approve it.

Jeff Crook, Senior Staff Attorney, stated that the purpose of tonight's action would be to authorize the Interim County Manager to approve the contract.

Commissioner Openshaw commented that he had not seen the particulars of this contract but had seen the particulars of the Partnership for Progress' contract and was most distressed by it. He said that he wanted to see the contract as well as the contract with Health Quest. He pointed out that there was no contract available for review with Health Quest. He stated that he was concerned about the Board approving contracts before they are written or available for review.

Chairman Pressley said that he understood Commissioner Openshaw's concerns but questioned when the Board approves budget amendments and contracts, does it not approve the conditions that legal includes in the contracts. He said that both the contract with New Ventures and Health Quest were approved during the budget sessions.

Kai Nelson, Finance Director, said that he thought it would be helpful for the Staff Attorney and Mr. Nelson to clarify what the staff refers to as agency contracts. He said that the contracts with New Ventures, the Administrative Office of the Courts, and Health Quest are agency contracts. He asked Mr. Crook to explain the content of agency contracts.

Mr. Crook stated that the Board provides funding to a number of different agencies. He said that the contracts are fairly standard and in the recitals, the public purpose of the respective agency is established. He said that the contract also establishes that the County is authorized by law to engage in that public purpose which is required of the County by law. He stated if that is the case, then the Board can fund that agency, and it is required that the agency support that public purpose contractually and requires fairly extensive auditing requirements, which become more extensive depending on the value of the contracts, and the contract requires that the monies be refunded to the County if the result of the audit is that the public purpose has not been met. He said that the Board could offer additional standards to the contracts.

Mr. Nelson cited some examples of agency contracts such as the volunteer fire departments.

Commissioner Mills moved to authorize the Interim County Manager to approve the following contracts:

- a. New Ventures Business Development, Inc.
- b. Administrative Office of the Courts

f. Health Quest

Commissioner Openshaw offered a substitute motion to vote on these three contracts individually.

Chairman Pressley asked Mr. Crook if it would be appropriate to vote on these separately. Mr. Crook responded that it would be discretionary with the Chair, and it would be appropriate.

Commissioner Mills withdrew his motion and the Chair called for a vote on the contracts as follows:

a. New Ventures Business Development, Inc.

Vice Chairman Baucom moved to authorize the Interim County Manager to approve the contract with New Ventures Business Development, Inc. to provide technology, education services and resources to area businesses, entrepreneurs and citizens.

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

b. Administrative Office of the Courts

Commissioner Mills moved to authorize the Interim County Manager to approve the agreement with the Administrative Office of the Courts to provide funding for two Assistant District Attorneys, one investigator and one Victim/Witness Assistant.

Following discussion, the motion was passed unanimously.

f. Health Quest

Vice Chairman Baucom moved approval of the local agreement with Health Quest.

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

d. Camp Dresser and McKee

Commissioner Openshaw stated that he did not know what this contract was about.

Richard Black, Interim County Manager, stated that Mark Tye from the Public Works Department was available to answer any questions that the Board might have about this contract.

Mr. Tye stated that the east side sewer system serves the Towns of Marshville, Wingate, Pilgrim's Pride and a handful of county customers. He said that the system was constructed in the 70's and the collected wastewater is pumped to the City of Monroe's Wastewater Treatment Plant. Mr. Tye stated that a short time ago, the County elected to purchase 700,000 additional gallons of treatment capacity from the City of Monroe at a very favorable rate. He said that the system needs to be upgraded in order to be able to move that quantity of wastewater to the City of Monroe for treatment. He stated that the existing pumps, stations, and controls do not meet today's standards as well as not being able to pump the needed capacity. Mr. Tye said that the design of the major parts of the improvements is complete, and most of the permits are in hand to construct the project. He noted that what is missing is connecting the project to the City of Monroe's treatment plant. He offered that issues to be considered include: how is the flow going to be monitored; how is it going to be recorded; and how to tie it to the existing Monroe plant which was constructed around 1964. He said that the pipes would need to be connected to the City's facility without causing any upset conditions in order that it would work as efficiently as possible. He stated that the task order before the Board is to complete the last part of the design to connect the east side improvement project to the City of Monroe's treatment plant.

Following the explanation, Commissioner Mills moved to authorize the Interim County Manager to approve Task Order #5B with Camp Dresser and McKee for engineering services related to the East Side Sewer System,

The motion was passed unanimously.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Pressley announced vacancies on the following Boards and Committees:

- a. Juvenile Crime Prevention Council (JCPC) – 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two persons under the age of 18; 4) Juvenile Defense Attorney; and 5) Member of the Business Community

- b. Board of Adjustment – one vacancy for an alternate member for an unexpired term ending in May 2009)
- c. Parks and Recreation Advisory Committee – one vacancy to fill unexpired term due to a resignation
- d. Adult Care Home Advisory Committee – one vacancy

APPOINTMENTS TO BOARDS AND COMMITTEES:

a. Nursing Home Advisory Committee

Commissioner Openshaw nominated Dr. Susan Syphard to serve on the Nursing Home Advisory Committee.

As a substitute motion, Chairman Pressley nominated in block Bonnie McManus, Pamela Hogue, Dale A. Louder, Gena Strough, and Susan Syphard to serve on the Nursing Home Advisory Committee. With there being no further nominations, Ms. McManus, Ms. Hogue, Ms. Louder, Ms. Strough, and Dr. Syphard were appointed by acclamation.

INTERIM MANAGER'S COMMENTS:

Richard Black, Interim County Manager, reminded the Board about the Employee Expo that would be held at the Agri Business Center on Friday, October 5, 2007, from 10:00 a.m to 3:00 p.m. He invited the Board members to visit the Expo on Friday.

COMMISSIONERS' COMMENTS:

Commissioner Lane commented that tonight's meeting had been one of the fastest meetings that this Board has held.

He complimented the members of the Cub Scout pack for their participation in the invocation and the Pledge of Allegiance tonight.

Commissioner Lane said that he had read in the newspaper that there is a multiple home development being constructed near Mineral Springs that will equal another new school, which distressed him. He said that one new school is being opened almost every week in some instances.

Commissioner Openshaw said that in reference to Commissioner Lane's comments about opening up one new school per week, he said that he has been attending a number of school openings. He complimented Commissioner Mills on his comments during the dedication of the Rocky River School.

He stated that his understanding of closed session minutes is that when the County is negotiating on a piece of property, that once those negotiations are concluded, those minutes can be released to the public. He asked Jeff Crook, Senior Staff Attorney, if this understanding were correct. Mr. Crook responded that this was correct as to elements regarding that property. However, he noted that there might be other issues included in the closed session minutes attendant to attorney-client privilege that were discussed during the closed session that would not be released.

Commissioner Openshaw said "thumbs down" to a Charlotte realtor CEO who came into Union County congratulating the County on its low property taxes, applauds the County's good schools, but yet opposes the transfer tax which would help keep the property taxes down and help to build and renovate the schools. He offered a "thumbs up" to Marvin Ridge High School which will be the site of the Bojangles Shoot Out which is a prestigious Christmas basketball tournament previously held at Charlotte Latin School. He described the event as a big time event that is drawing top teams from ten states around the country as far away as Alabama, Ohio, and New York.

He directed a question to Mr. Black and Mr. Crook regarding the animal control ordinance. He said that several months ago, Sheriff Cathey had attended a meeting regarding the animal control ordinance. He requested a brief update on the status of the ordinance.

Mr. Crook responded that he has had several conversations with some members of the Sheriff's staff. He said that his involvement has not been extensive at this point, but it is on the list. Mr. Crook said that he thought he had asked for four months in which to work on this matter at the time that Sheriff Cathey attended the Board's meeting.

Commissioner Openshaw offered congratulations to Marvin Ridge High School for its victory on Friday night. He said it was a very exciting game with a final score of 42 points to 35 points. He commented that it was the first time that a new high school with no senior class has beaten a high school with a senior class, which sets a new standard in Union County. He said that he thought both teams had played extremely well.

Commissioner Mills invited any area pastors who are interested in offering the invocation at a Board meeting to contact the Clerk to the Board. He said that he was very pleased that the Cub Scout Pack had contacted him and wanted to present the invocation and to lead the Pledge of Allegiance tonight.

He stated that he would be attending the school board meeting on Tuesday night, October 2, to address the issue of the possibility of obtaining the school board's permission to allow the County to locate a water tank on the Cox Road site. He said that he had had a very good meeting on Friday with the Facilities Committee.

Commissioner Mills said that tonight's meeting had been a good meeting.

Vice Chairman Baucom expressed appreciation to everyone involved for working together with the Wesley Chapel/Weddington Optimist Park to come to a resolution of the situation. He said that it was the desire of everyone to reach a resolution.

He said that the sewer moratorium has been lifted by the State. He thanked staff and his fellow Commissioners for working diligently to help the Board have a sewer allocation policy in place before the moratorium had been lifted.

Vice Chairman Baucom congratulated McGee Brothers for being recognized as 49th in the State of privately held companies. He gave a brief history of the company's growth. He said that McGee Brothers has been instrumental for doing good in the county.

He stated that he had received a brochure in the mail from Goodwill stating that it in cooperation with Dell Computers, it has sites where old computers, computer batteries, etc. can be taken where the equipment is disposed of properly and reused if possible.

Chairman Pressley reminded everyone that on September 4, 2007, the Board had adopted a proclamation for residents' rights week for October 7-13.

He said that Matthew Delk, Assistant County Manager, will be joining the county on October 8, 2007.

With there being no further discussion, Vice Chairman Baucom moved to adjourn the regular meeting. The motion was passed unanimously.

