

October 15, 2007

The Union County Board of Commissioners met in a regular meeting on Monday, October 15, 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: Matthew Delk, Assistant County Manager, Lynn G. West, Clerk to the Board of Commissioners, Jeff Crook, Senior Staff Attorney, John Burns, County Attorney, Kai Nelson, Finance Director, members of the press, and other interested citizens

OPENING OF MEETING:

Chairman Pressley opened the regular meeting and welcomed everyone present.

a. *Invocation*

Chairman Pressley recognized Commissioner Lane to introduce Reverend Les Everett. Commissioner Lane stated that he had known Reverend Everett for many years.

Following his introduction, Reverend Everett offered the invocation.

b. *Pledge of Allegiance*

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

c. Introduction of New Employees

Chairman Pressley introduced Matthew Delk, Assistant County Manager, who began employment with Union County on Monday, October 8, 2007.

Mr. Delk stated that he was glad to be in Union County and was excited about his first six days with the County.

Bobby Griffin, Chair, Union County Board of Elections, stated that Shirley Secrest has provided exemplary service for 22 years to the voters of Union County as Director of the Board of Elections. He said Ms. Secrest has decided to retire as of December 31, 2007, and the Board of Elections by a unanimous recommendation to the Director of the State Board of Elections nominated John W. Whitley to be her successor. He stated that Mr. Whitley grew up in the New Salem community and has been in textile management.

Mr. Whitley stated that he looked forward to working with the County.

INFORMAL COMMENTS:

Chairman Pressley reminded everyone of the guidelines for Informal Comments.

Kent Hayes addressed the Board in opposition to the Cox Farm Road Water Tower site in connection with the Weddington Water Tower. He stated that his concerns are that there were seven sites approved by the engineering study, and the Cox Farm site was not one of the seven sites approved originally. He said that in his opinion, all the sites approved by the engineers had been bypassed for no solid reason.

Mr. Hayes said that the top two sites approved by the engineers are owned by a North Carolina State Senator and the Weddington Town Mayor. He said that together these two landowners own hundreds of acres of open, undeveloped land. He stated that the Cox Farm site is not a good site and is a poor location for a water tower. He noted that the site's elevation is too low and the site is too far from the 24-inch water supply line. Mr. Hayes said that placing a water tower at this site would be too expensive for the enterprise fund and the taxpayers. He stated that using this site would cost approximately \$1.3 million more than the other sites.

He said that the Cox Farm site was purchased by the Union County Board of Education using voter approved school bond funds. He stated that using that site for any reason other than school related use is a little more than backroom bait and switch. He stated that the reason he believed this was because it is kind of a land swap that allows a school board to come in and then allows the Board of Commissioners to

come after that to place industrial facilities in residential areas. Mr. Hayes stated that the Cox Farm site adjoins existing homes and neighborhoods, and the Cox Farm site is next to a soon-to-be built elementary school. He said that the Board of Education had rejected a water tower at one of the elementary schools as a potential hazard, and a potential hazard at one elementary school is still a potential hazard at another elementary school.

He stated that an industrial site next to any residential area is a negative impact to property values. He said if a water tower is not acceptable to a State Senator and a Weddington Town Mayor who own a lot of open, undeveloped land, then how could it be acceptable to his neighbors, the taxpayers, and a school full of children. He said that instead of relying on the professional site engineers, this process seems to have become a game of political football.

In closing, he said that for the reasons he had stated as well as a number of other reasons, he would request that the Cox Farm site be permanently removed from the list of potential Weddington water tower sites.

R. J. Ciecero said that he would not have purchased his home had he known that a water tower might be located in his back yard. He said that the water tank is not what he wants in his back yard. He stated that he understood that there was a need for a water tank but suggested looking for a place that does not impact families and the school in that area. He said that he hoped the Board would consider his comments and look for a better location.

Tony Klincatsis said that he is an Executive Vice President at Wachovia. He said that he has been living at his present location for two years. He stated that when he purchased his home, he had done due diligence to assure that the properties around him were zoned residential. He said that he had found out on Friday that the County was considering placing a water tower behind his property. He stated that he had sent an e-mail to all of the Board members.

Mr. Klincatsis said that he, too, was concerned about the safety of his neighbors and his family. He stated that the proposed water tower site on Cox Farm Road would be only a couple of hundred yards behind his property. He said that he was concerned about whether the County has done due diligence. He stated that he did not understand why the County is considering this location. He said the reason that there had not been a greater number of citizens to address this issue is because no one knew about it.

He said that he is worried that the water tower development plans have not been properly thought through including the impact on the local residents in the surrounding area.

In closing, he said that he thought it was the Board's fiduciary responsibility to fully examine the potential for agreement on one of the original sites.

Dudley Wass urged the Board to implement Stage III water restrictions as previously announced except to allow for hand watering of trees and shrubs. He said that given the severe drought, all outdoor water use except for hand watering, should be prohibited until there is sufficient water to remove the Stage III. Secondly, he requested that effective immediately, the Board approve zero new construction, i.e., issue no new building permits until a comprehensive water plan is prepared and accepted by the Board and sufficient water capacity exists per that plan to meet the needs of thousands of public works department customers and to provide reserve water capacity to protect against future drought as well as future business opportunities but not for routine building. Mr. Wass stated that only when these two conditions are met should new building permits be issued. He said that by that time, the County must have a capacity planning and commitment process in place, which it has not had and still does not have today. Thirdly, he stated that consideration should be given immediately to canceling or placing on hold existing building permits.

In closing, Mr. Wass reiterated his request to allow zero new construction until there is an official comprehensive water plan and sufficient water supply exists per that plan to commit to additional growth.

Blane Neubauer said that he bought his home in Weddington approximately four years ago. He stated that he had done his due diligence when purchasing his home, and his property was zoned residential. He stated that at the time he purchased his home, he understood that the property would remain zoned residential. Mr. Neubauer said that he believed that a water tower would diminish and destroy property values in the surrounding area.

Neil Forrest addressed the Board regarding implementing Phase III water restrictions. He said that a Phase III would mean all outside watering would be banned. He stated that he thought implementing a Phase III would be a mistake. He offered that hand watering and drip irrigation on trees and shrubs should be permitted. Mr. Forrest said that many people have invested a lot of time and money in their landscaping, and if done properly, drip irrigation only takes a fraction of the amount of water a typical sprinkler system uses. He said that this not only preserves the value of landscaping that homeowners have invested in, but it also has long-term benefits as well. Mr. Forrest said if hand watering and drip systems continue to be allowed, many people may be encouraged to remove turf and plant water saving shrubs instead, which has the benefit of lowering water usage for years to come.

He said that regardless of the decision on the level of water restrictions forthcoming, he still has concerns as to the future of water delivery in the County. He said that with the current drought aside, the County was heading into problems months ago, because it was lacking

infrastructure to deliver water. He said that if growth continues it is inevitable that one day, even with normal amounts of rainfall, the County will exceed its 18 million gallons per day capacity from the Catawba Plant due to the increasing number of homes tapping into that allotment. He urged that it is imperative that Union County enact a responsible growth plan to increase the County's water supply as well as its infrastructure needs. He said that in his opinion, new permits into the current system need to be stopped, and only after the capacity issues have been addressed should new growth be permitted. Mr. Forrest said that without a clear plan, it is wrong to ask the current residents to be accepting of continued new growth.

He said that he worked for a hardwood floor finishing company that recently relocated to Monroe. He stated that water is used in their manufactured product, and, if a time comes when water has to be rationed because not enough can be delivered, then his company would be forced to move.

In closing, he said that he hoped the Board would encourage alternative landscaping and responsible growth.

Walter Staton addressed the Board regarding the Weddington water tower. He stated that he has resided in Weddington for 37 years. He said that he is against the Cox Road site for the Weddington water tank for the following reasons: 1) Union County Public Works paid \$30,000 to HDR Engineering Company, the experts, for recommended site locations, and Cox Road was not on the list.; 2) the County would have to pay an additional \$1.3 million of taxpayers' money to run a 24-inch main water line and increase the elevation of the water tower; 3) where would the 1.5 million gallons of water be dumped in the event the water becomes contaminated; 4) if the Board of Education disapproved the Rea View Elementary site for the water tower, a site recommended by the experts, why would they suddenly change the course and choose a site not recommended by the experts; 5) three members of the Board of Education cited three water tower disasters, which includes leaks and overflowing. He said that the safety of the Weddington school children should be very high on the priority list.

Werner Thomisser addressed the Weddington water tower. He said that on September 17, 2007, the Board voted three to two in favor of Site 1A which is the Old Mill Road location. He stated that the cost for that site was approximately \$100,000 per acre for a total cost of \$361,000. He noted that site had the 720 foot elevation, had access to a 24-inch watermain, and was easily accessed to Providence Road. He questioned what has changed since September 17. He said that he understood that the Cox Road site was being considered. He stated that the Cox Road site does not have the correct elevation, which would cost more money; it does not have a 24-inch water main; and it will cost \$1.3 million more of taxpayers' money to run a 24-inch water main and make the tower higher. He referred to the safety concerns cited by Walter Staton.

Mr. Thomisser stated that he had also heard that a location across the street from the Weddington town hall is being considered. He said that HDR had rated that site next to the last of the five locations. He further said that he had heard that the property owner wanted \$400,000 per acre which he said is four times the current going price for land in Weddington. Mr. Thomisser stated that as a taxpayer in Union County, he wanted justification for spending \$1.3 million more for a water tower site and four times the going price of land in Weddington.

Laura Minsk said that today Governor Easley has asked all North Carolinians to sacrifice and conserve water. She stated that she lives within Marvin, and her community is on wells and does not have access to County water. She said that she has been alarmed to hear that over 200 permits have been issued for wells to water lawns and shrubs. She stated that she understood property rights to dig wells, but that right versus the rights of her neighboring families to have water for basic needs. Ms. Minsk asked that the Board address this issue before many of the wells are in crisis. She issued a plea for residents to stop using well water for irrigating lawns.

Steve Capelle stated that his company does pressure cleaning. He said that his company does not use a lot of water but it does hook up to residents' water supplies. He commented that in Mecklenburg County there are amendments to its watering restrictions that allow people who do pressure cleaning for hire to be able to continue to work. He said that he has dealt with watering restrictions in Mecklenburg County for approximately 15 years, and he has never been stopped from doing pressure washing.

He requested that the Board consider allowing pressure washing for hire.

Chairman Pressley stated that there were no other persons registered to address the Board during the informal comments.

Chairman Pressley explained the new electronic voting system for the Board of Commissioners. He stated that the votes would be displayed on the monitoring screens.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

Matthew Delk, Assistant County Manager, stated that there was a requested addition to the consent agenda for the ratification and approval of the Cost Overrun Certificate of Need Application for CMC-Union Materials Management Expansion Project.

Jeff Crook, Senior Staff Attorney, stated that there was an engagement letter for an attorney if the Board wanted to consider it.

Commissioner Lane asked for the addition of an item to discuss the use of well water for lawn irrigation. Chairman Pressley suggested that this item be discussed under Item 5e-Water Conservation Ordinance Amendments.

Chairman Pressley moved adoption of the Agenda as modified. The motion was passed unanimously.

CONSENT AGENDA:

Commissioner Mills moved approval of the items included on the Consent Agenda as modified. The motion was passed unanimously.

Contracts Over \$5,000: Authorized the Interim County Manager to approve Agreement with North Carolina Department of Transportation for Wesley Chapel-Stouts/Tanyard/Goldmine Roads water line relocation and upgrade/betterment (8” to 12”) due to Department of Transportation project at this location.

Contracts Over \$5,000: Authorized the Interim County Manager to approve contract with Maxim Staffing Solutions, Inc. for LPN Services within inmate facility.

Tax Administrator: Approved Fourth Motor Vehicle billing in the grand total amount of \$1,195,913.96.

Tax Administrator: Approved Third Motor Vehicle Release Register for the period of September 1, 2007, through September 30, 2007, in the net grand total amount of \$9,429.84-.

Tax Administrator: Approved Third Motor Vehicle Refund Register for the period of September 1, 2007, through September 30, 2007, in the net grand total amount of \$1,433.48-.

Tax Administrator: Approved departmental monthly report for September 2007.

Finance Department: Approved Motor Vehicle Tax Refund Overpayments for September 2007 in the amount of \$4,213.19.

Veterans Services: Adopted proclamations for Patriot Awards for Outstanding JROTC members to be presented at the November 10, 2007, Veterans Day Program as follows:

PROCLAMATION

BY THE UNION COUNTY BOARD OF COMMISSIONERS

FOR

THE 2007 PATRIOT AWARD

THAT WHEREAS, Union County is very fortunate to have active Junior Reserve Officers' Training Corps units in several of the high schools throughout the County; and

WHEREAS, the Junior Reserve Officers' Training Corps is an exceptional national youth program that promotes leadership, scholastic achievement, and patriotism; and

WHEREAS, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

WHEREAS, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS does hereby proclaim

Cadet Captain Jesus C. King

being a son of the County of Union and member of the **Air Force Junior Reserve Officers' Training Corps** of **Monroe High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to him the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 15th of October, 2007.

ATTEST:

Lynn G. West, Clerk to the Board of
Commissioners

Kevin Pressley, Chairman
Union County Board of Commissioners

PROCLAMATION

BY THE UNION COUNTY BOARD OF COMMISSIONERS

FOR

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WHEREAS, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

WHEREAS, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS does hereby proclaim

Cadet Colonel Aaron L. Gordon

being a son of the County of Union and member of the **Air Force Junior Reserve Officers' Training Corps** of **Piedmont High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to him the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 15th day of October, 2007

ATTEST:

Lynn G. West, Clerk to the Board of
Commissioners

Kevin Pressley, Chairman
Union County Board of Commissioners

PROCLAMATION

BY THE UNION COUNTY BOARD OF COMMISSIONERS

FOR

THE 2007 PATRIOT AWARD

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WHEREAS, the Junior Reserve Officers' Training Corps is an exceptional national youth program that promotes leadership, scholastic achievement, and patriotism; and

WHEREAS, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

WHEREAS, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS does hereby proclaim

Cadet Master Sergeant David J. Floyd

being a son of the County of Union and member of the **Air Force Junior Reserve Officers' Training Corps** of **Porter Ridge High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to him the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

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ATTEST:

Lynn G. West, Clerk to the Board of
Commissioners

Kevin Pressley, Chairman
Union County Board of Commissioners

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FOR

THE 2007 PATRIOT AWARD

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WHEREAS, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

WHEREAS, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS does hereby proclaim

Cadet Lieutenant jg Luqman Tariq Smith

being a son of the County of Union and member of the **Navy Junior Reserve Officers' Training Corps** of **Sun Valley High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to him the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 15th day of October, 2007.

ATTEST:

Lynn G. West, Clerk to the Board of
Commissioners

Kevin Pressley, Chairman
Union County Board of Commissioners

PROCLAMATION

BY THE UNION COUNTY BOARD OF COMMISSIONERS

FOR

THE 2007 PATRIOT AWARD

THAT WHEREAS, Union County is very fortunate to have active Junior Reserve Officers' Training Corps units in several of the high schools throughout the County; and

WHEREAS, the Junior Reserve Officers' Training Corps is an exceptional national youth program that promotes leadership, scholastic achievement, and patriotism; and

WHEREAS, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

WHEREAS, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS does hereby proclaim

Cadet Commander Kay Cunius

being a daughter of the County of Union and member of the **Navy Junior Reserve Officers' Training Corps** of **Forest Hills High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to her the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 15th day of October, 2007.

ATTEST:

Lynn G. West, Clerk to the Board of
Commissioners

Kevin Pressley, Chairman
Union County Board of Commissioners

PROCLAMATION

BY THE UNION COUNTY BOARD OF COMMISSIONERS

FOR

THE 2007 PATRIOT AWARD

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WHEREAS, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

WHEREAS, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS does hereby proclaim

Cadet Major Jeffrey Newell

being a son of the County of Union and member of the **Air Force Junior Reserve Officers' Training Corps** of **Parkwood High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to him the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 15th of October, 2007.

ATTEST:

Lynn G. West, Clerk to the Board of
Commissioners

Kevin Pressley, Chairman
Union County Board of Commissioners

Report of Fire Conditions: Volunteer Fire Departments

A. Appointed Trustees to Firemen's Relief Fund as follows:

1. Allens Crossroads VFD: 1) Thomas Baker and 2) Dwayne Cook
2. Bakers VFD: 1) Tommy Neal Secrest and 2) William T. McCain
3. Beaver Lane VFD: 1) Baxter Jordan and 2) Shelley Maness
4. Fairview Fire and Rescue: 1) Brian C. Austin and 2) Jody Mills
5. Griffith Road VFD: 1) Steve Brooks and 2) David Fuss
6. Hemby Bridge VFD: 1) Kevin Tice and 2) Paul Ramsey
7. Jackson Community Center VFD: 1) Albert J. Starnes and 2) T. C. Carter
8. Lanes Creek VFD: 1) Jackie Price and 2) Shirleen Tucker
9. Mineral Springs VFD: 1) Robert L. Belk and 2) Tony Belk
10. New Salem VFD: 1) Larry R. Clontz and 2) Garry S. Moore
11. Providence VFD: 1) Andrew Ansley and 2) Daryl Matthews

12. Sandy Ridge Fire and Rescue: 1) Teresa McBride and 2) Jamil Hudson
13. Stack Road VFD: 1) Tony Helms and 2) Ralph Funderburk
14. Stallings VFD: 1) Jimmy Younts and 2) James E. Hinson
15. Unionville (Town of): 1) Billy Canupp and 2) Johnny Griffin
16. Waxhaw VFD: 1) Ron McGarvey and 2) Fred DeRuiter
17. Wesley Chapel VFD: 1) James Kuback and 2) James Mullis
18. Wingate (Ames) VFD: 1) R. Braddock Sellers and 2) W. Elliott Ward

Register of Deeds: Approved refunding of excise stamp in the amount of \$1,121 to Goodwin & Hinson, P.A. for deed that was recorded in incorrect county.

Health Department: Approved Budget Amendment #13 to the Health Promotions Budget increasing Operating Expense by \$5,000 and Donations by \$5,000 to appropriate funds from Dr. Ann F. Wolfe Endowment for parenting education.

Union County Public Schools Partial Elementary School Funding: Adopted Capital Project Ordinance (CPO) #87 which provides funding for Elementary School K (media retrieval/capacity fees) and Elementary School L (architect and other related soft costs) as follows:

| CAPITAL PROJECT ORDINANCE AMENDMENT | | | | | | | |
|-------------------------------------|-----------------------|---------------|---------|-------------------------|------------------|---------------|---------|
| BUDGET | School Bond Fund - 55 | | | REQUESTED BY | Kai Nelson | | |
| FISCAL YEAR | FY 2007-2008 | | | DATE | October 15, 2007 | | |
| PROJECT SOURCES | | | | PROJECT USES | | | |
| Source | Project | Requeste d | Revised | Project | Project | Request ed | Revised |
| Description and Code | To Date | Amendme nt | Project | Description and Code | To Date | Amendme nt | Project |
| | | | | | | | |

| | | | | | | | | |
|-------------|-----|--|--|--|--|--------|----------|--|
| Prepared By | Dhc | | | | | | | |
| Posted By | | | | | | | | |
| Date | | | | | | Number | CPO - 87 | |
| | | | | | | | | |

Minutes: Approved minutes of the regular meetings of June 18, 2007, and October 1, 2007.

The following were included for Information only with No Action Requested: 1) Department of Inspection’s Monthly Report for September 2007; 2) Personnel Department’s Monthly Report for September 2007; and 3) Child Fatality Prevention Team Reports for 2004 and 2005.

PUBLIC WORKS DEPARTMENT:

a. Modification of Sewer Allocation Policy

Christie Putnam, Public Works Director, stated that the Board recently adopted a Sewer Allocation Policy for wastewater treatment capacity within the Twelve-Mile Creek, Crooked Creek, and Six-Mile Creek areas. She explained that in the development of the policy, two amenity facilities were omitted from the listing, both of which would be in the Tier I category, if approved. She said that the first would be for Fieldstone Farms which was identified as reserved capacity in the agreement between the County and Centex Homes for 700 gallons per day. Further, she said that the second would be Fair Haven Development for 3500 gallons per day, and the infrastructure is currently in place to serve this facility.

Chairman Pressley questioned the 3500 gallons per day for Fair Haven Subdivision as being a high number. Ms. Putnam responded that she would request that if it were approved that the approval be for 3500 gallons per day as a maximum. She said that she would like to confirm that number, because Public Works does not agree with the developer’s estimation. She offered that Fair Haven would not be allowed to use the allocation at any other location should the actual amount be determined to be lower than 3500 gallons. Ms. Putnam stated that she does not have the authority to change the amounts listed in either the Tier I or Tier II projects, and, therefore, it had to be brought to the Board for approval.

Vice Chairman Baucom questioned whether these two amenity facilities were clubhouses or swimming pools. Ms. Putnam responded these were either clubhouses or swimming pools. She stated that Fair Haven Development's correspondence to date shows 3500 gallons; however, she said that Public Works is requesting that they go back and justify this amount.

Commissioner Mills asked if the Board wanted to wait to vote on these until the justification has been received. Ms. Putnam replied that it would be acceptable for the Board to wait and vote on these after the justification has been received or she suggested in the alternative that the Board could approve Fair Haven's pending justification with the understanding that the flow would not be reallocated anywhere else within the development should the flow be determined to be lower.

Chairman Pressley asked if it were time sensitive that these requests be approved. Vice Chairman Baucom and Chairman Pressley both agreed that they preferred to have the actual flow numbers prior to approval by the Board.

Commissioner Mills moved to table the modification of the Sewer Allocation Policy to allocate sewer capacity for two amenity facilities, one for Fieldstone Farms and one for Fairhaven Development until such time as the actual flow numbers for Fairhaven Development have been determined.

Ms. Putnam requested that the Board approve the request for the amenity facility for Fieldstone Farms at 700 gallons per day, which she said that she believed was reasonable.

Commissioner Mills amended his motion accordingly to modify the sewer allocation policy to include approval of allocation of sewer capacity for the amenity facility for Fieldstone Farms at 700 gallons per day.

The motion as amended was passed unanimously.

b. Grassy Branch Sewer Allocation

Christie Putnam, Public Works Director, stated that this request was not part of the recently adopted allocation policy. She said that previously the Board had been given information indicating that there are 8,800 gallons per day remaining of uncommitted flow within the Grassy Branch Wastewater Treatment Plant which is a 50,000 gallons per day facility serving two existing neighborhoods and the school system. Ms. Putnam stated that during the review of the outstanding permits, it showed 16,000 gallons per day of uncommitted flow at the Grassy Branch Wastewater Treatment Facility. She said that one of the existing residents of the development Smithfield Farms has requested

700 gallons per day allocation to be able to build an amenities center to serve his existing development. She stated that the request was to approve the requested 700 gallons per day allocation to Smithfield Farms' amenity center and asked if the Board wishes to provide direction for the outstanding balance of the capacity, which would be 79,000 gallons per day.

Vice Chairman Baucom moved approval to allocate up to 700 gallons per day in the Grassy Branch Wastewater Treatment Facility to Smithfield farms' amenity center and reserve 15,300 gallons per day in that facility for commercial and industrial use.

Ms. Putnam asked if non-residential would fit the needs of the motion. Vice Chairman Baucom agreed that non-residential would fit the needs and amended his motion accordingly.

Commissioner Openshaw asked why the capacity numbers for the uncommitted flow were so far from what was originally stated of 8,800 gallons per day. Ms. Putnam responded that when everything was permitted, they were permitted at 360 gallons per day, and as the development has built out, it has not built out and contributed 360 gallons per day of flow. She also noted that at the time the schools were permitted, they were permitted at 9,000 gallons per day, and the schools do not discharge that much flow. She said that she did not know the exact flow for the schools.

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

c. Weddington Elevated Storage Tank

Christy Putnam stated that at the September 17, 2007, meeting, the Board had directed staff to pursue the Old Mill Road site. She said that since that time, the Board of Education has approved locating the tank on the Cox Road School site, and there are now two willing sellers for sites. As clarification, Ms. Putnam noted that there has been some discerning information tonight that any land that would be used for a tank site would have to be purchased by the utility fund and reimbursed to school funds. Also, she said that less than \$10,000 has been spent to date for site selection services. At the request of Chairman Pressley regarding the funding source for the tank and land, Ms. Putnam stated that money is strictly from water and sewer ratepayer money and does not come from residential taxes.

Ms. Putnam explained that she was bringing this item before the Board again tonight because at the September 17, 2007, meeting the staff was directed to pursue the Old Mill Road site, and since that time, the Cox Road site has been offered for consideration. She said that the question would be does the Board want to alter its recommendation or does the Board still prefer the Old Mill Road site. She said that there are two willing sellers now, the Cox Road site and the site across from town hall.

Commissioner Mills interjected that, as the school board liaison, he met with the School Board and talked with it about the Cox Road site. He said that on Friday before the last meeting, he was in discussions with the schools about that site and the Board of Education had not granted its permission for the Cox Road site at the October 1, 2007, meeting. He said that after he met with the Board of Education, it was extremely helpful and understood the crisis and immediate need to have the tank. He stated that the Board of Education did grant its permission for the Cox Road site. Commissioner Mills said that there are now two willing sellers. He said that he did not want to condemn land and take somebody's property. He stated that some of the other sites did not have willing sellers, and, therefore, it was going to be very expensive to take that land and go to work.

Ms. Putnam added that some preliminary analysis has been done on the Cox Road site, and it does work from a hydraulic standpoint. Commissioner Mills said that he recalled that the site across from town hall does have a better elevation. Ms. Putnam said that both sites are acceptable from a hydraulic standpoint, and the elevation is a little higher on the site across from town hall. In response to a question by Commissioner Mills regarding Ms. Putnam's recommendation on the sites, she stated that if it were the desire of the Board to avoid condemnation, she recommended abandoning the Old Mill Road site and proceed to Weddington for a conditional use permit for either the Cox Road site or the site across from town hall.

Following the recommendation, Commissioner Mills moved to abandon the Old Mill Road site and proceed with the Public Works Department pursuing a conditional use permit with the Town of Weddington on one or the other sites of the two willing sellers, the Cox Road Site and the one across from Weddington Town Hall.

Commissioner Openshaw questioned who had approved the action of the Board for Commissioner Mills to go and interact with the Board of Education regarding the Cox Road site particularly after the Board had chosen a site. Commissioner Mills responded since work had been done on the Cox Road site prior to the September 17, 2007, meeting, he was following upon on that work. Commissioner Openshaw questioned if there was any formal Board action asking Commissioner Mills to present himself to the school board. Commissioner Mills concurred that this was correct.

Commissioner Openshaw said that when the discussion first began on this matter, he had encouraged negotiations with the owners of the sites chosen by the engineers. He said that if the Board were going to spend an extra \$1.3 million, there might be more sites than those sited by the engineer as the optimal sites. He said that there might also be more willing sellers. He noted that the town hall site was chosen as number four by the engineers, and the Public Works Advisory Board selected that site as its number two site. Commissioner Openshaw said that he still believed the number one site and number two site are the sites that should be pursued first rather than sites that were ranked lower

on the engineer's list. Commissioner Mills responded that he respected Commissioner Openshaw's comments; however, the other sites do not have willing sellers.

Commissioner Openshaw commented that there is extra money on the table now to use for the Cox Road site, which might be an inducement to initiate conversations with other sellers. Commissioner Mills said that he did not have a problem with what Commissioner Openshaw was suggesting.

Chairman Pressley suggested that Commissioner Openshaw be appointed to negotiate with some of the landowners. Commissioner Openshaw responded that was great but he did not represent the majority of the Board; and, therefore, he would respectfully decline. Chairman Pressley said that he would go and talk with Senator Pittenger to see if he would be a willing seller.

Chairman Pressley then offered a motion to table action on this matter until the November 5, 2007, meeting.

Commissioner Mills said that since there are two willing sellers, he did believe that the Old Mill Road site should be released since it does not have a willing seller.

Commissioner Mills offered an amendment to the motion to include releasing the Old Mill Road site.

Ms. Putnam clarified that the Board had not voted to condemn the Old Mill Road site but had taken action for the Public Works Department to move forward with it. Commissioner Mills reiterated that he believed the Board should release the Old Mill Road site.

Commissioner Lane questioned how many acres were included in the site across from the Weddington town hall. Ms. Putnam responded that the site contained approximately five and one-half acres. Commissioner Lane noted that the \$1.3 million which was the extra money needed for the Cox Road site would actually purchase the majority of the site across from town hall. He said that would bring the purchase price of that site down to a more presentable figure, and noted that it was ranked as number two by the advisory board. He said of the two sites with willing sellers, he would favor the one across from the town hall.

Ms. Putnam said that her suggestion would be to look at both sites and see what is available and what it would take to make the sites acceptable.

Commissioner Mills offered to withdraw his motion and allow the Chairman to go and talk with some of the landowners who are willing sellers.

At the request of Vice Chairman Baucom, Chairman Pressley repeated the motion was for the Chairman to talk with the owners of Sites 1 and 2 to see if they could become willing sellers.

Commissioner Mills interjected that it might include talking with more than one seller, because there might be several landowners with which to negotiate. Commissioner Openshaw further suggested that the landowners be approached in the order ranked by the engineers. Commissioner Mills stated that the motion still included abandoning the Old Mill Road site. Vice Chairman Baucom said that at the next meeting, the Board would then come with the intent of selecting a site.

Following the discussion, the motion was passed unanimously.

d. Water Management Group Resolution

Commissioner Mills moved adoption of the Resolution of the Union County, North Carolina, Board of County Commissioners, as Joint Venturer in the Catawba River Water Treatment Plant, an Eligible Participant, Authorizing Joining the Catawba-Wateree Water Management Group.

RESOLUTION OF THE UNION COUNTY, NORTH CAROLINA,
BOARD OF COUNTY COMMISSIONERS,
AS JOINT VENTURER IN THE CATAWBA RIVER WATER TREATMENT PLANT, AN ELIGIBLE PARTICIPANT,
AUTHORIZING JOINING THE CATAWBA-WATEREE
WATER MANAGEMENT GROUP

WHEREAS, various parties entered into the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) bearing the date of December 22, 2006 (“Agreement”). Parties to that Agreement include Duke Energy Carolinas, LLC (“Duke”), who is seeking to renew a license to operate FERC Project No. 2232 (“Project”) in proceedings currently pending before the Federal Energy Regulatory Commission (“FERC”), many local governments in North and South Carolina who operate public water systems and other governmental and private entities who are interested in the Catawba-Wateree River (“River”). The purpose of that Agreement is, in part, to address and manage the many, competing demands placed upon the River; and

WHEREAS, the Agreement includes provisions for the formation of the Water Management Group for the purposes identified in the Agreement. The Water Management Group is to be composed of Duke and public water systems that have the installed capacity to withdraw 100,000 gallons per day or more from the Project's reservoirs and/or regulated river reaches; and

WHEREAS, pursuant to the Agreement, the Water Management Group Convening Committee ("Convening Committee") is responsible for recommending the terms for forming the Water Management Group as set forth in the Agreement; and

WHEREAS, the Convening Committee has recommended that the Water Management Group form as a tax-exempt, non-profit corporation in accordance with the provisions of the Agreement on or before December 15, 2007. The Convening Committee has also recommended that the eligible members who form the Water Management Group adopt a standard resolution authorizing the formation of the Water Management Group using the Articles of Incorporation, Bylaws and Conflicts of Interest Policy approved by the Convening Committee, all of which are attached to the Attorneys' Memo dated September 21, 2007 to all eligible members of the Water Management Group as identified in the Agreement ("Organizational Documents"); and

WHEREAS, the Catawba River Water Treatment Plant is eligible to join in the formation of the Water Management Group and approves the formation of the Water Management Group as recommended by the Convening Committee.

NOW, THEREFORE, BE IT RESOLVED by the governing body of Union County, North Carolina, as joint venturer in the Catawba River Water Treatment Plant, that:

1. On behalf of the Catawba River Water Treatment Plant, Mike Bailes is authorized and directed to take all actions reasonably necessary or convenient to join the Catawba-Wateree Water Management Group in accordance with the terms of the Organizational Documents, including without limitation, authorizing the filing of the Articles of Incorporation (as set forth in the Organizational Documents) listing the Catawba River Water Treatment Plant as an initial member on or before December 15, 2007; and
2. Mike Bailes is hereby designated as the Member Representative and Eric Robinson is hereby designated as the Alternate of the Catawba River Water Treatment Plant, and the same are hereby authorized and directed to: attend the organizational meeting of the Water Management Group; adopt the Bylaws and Conflicts of Interest Policy (as set forth in the Organizational Documents); elect officers and at-large directors; consider, vote and take action on such other matters as may come before the Water Management Group at that meeting; and discharge the duties and responsibilities of such positions as set forth in the Organizational Documents

so long as each shall hold such position without any requirement for further approval or authorization from the Catawba River Water Treatment Plant, or its joint venturers. Without limiting the foregoing, said Member Representative and Alternate are authorized to consider, vote and take action on those matters set forth in the agenda for said organizational meeting attached hereto as Exhibit A. The incorporator of the Catawba-Wateree Water Management Group may add one or more items to said agenda, in accordance with applicable law. Said organizational meeting shall be held on December 6, 2007, at 10:00 AM at The Baxter Hood Center, 452 S. Anderson Road, Rock Hill, SC 29730. The Catawba River Water Treatment Plant Board is authorized to remove Member Representatives and Alternates and appoint replacement Member Representatives and Alternates.

This the 15th day of October, 2007.

Name: Kevin Pressley

Title: Chairman, Union County Board of Commissioners

Christy Putnam, Public Works Director, explained that this resolution is a part of the Duke Relicensing Agreement that the County signed on December 22, 2006. She stated that the relicensing agreement included the formation of a water management group. She described the group as a financial participatory group that will use the finances as it sees fit to better ensure the water quality and availability within the Catawba River. She stated that her recommendation was to authorize Mike Bailes, the Director of the Catawba River Plant as the member representative, Eric Williamson, as an alternative, and authorize the Catawba River Plant Board to remove and appoint replacement member representatives.

The motion was passed unanimously.

e. *Water Conservation Ordinance Amendments*

Chairman Pressley stated that at the time the agenda was being reviewed, he had directed the staff to prepare a breakdown of what Union County's Stage III restrictions included. He said that under the current Stage II, the County is using an average of 14 million gallons per day. He stated that Union County residents are complying.

Ms. Putnam explained that what had initiated this matter was part of the comprehensive relicensing agreement for Duke Power's relicensing was a development of a low inflow protocol. She said that Duke Power monitors groundwater, wells, river flows, as well as lake levels, and there were some predetermined elevations of all of those items that when they reached a certain point, Duke Power would declare the various stages conditions based upon those monitoring issues.

Chairman Pressley said that the County's Stage III is much more restrictive than Duke Power's. Ms. Putnam said that the County's was more restrictive than those required in the low inflow protocol. Chairman Pressley said that as a part of the County's obligation of being with Duke Energy that if Duke Energy declares various stages of water restrictions, then Union County has to declare at least Duke's level of restrictions. Ms. Putnam agreed that was correct.

Commissioner Openshaw asked Ms. Putnam to explain more specifically how Duke Power is monitoring groundwater. Ms. Putnam responded that there are a number of groundwater monitors up and down the Catawba River throughout the basin. She said that she did not believe there were any sites in Union County.

Chairman Pressley read from the County's restrictions should the Board choose to implement Stage III requirements. He also read the minimum requirements for Stage 3 as required by Duke Power. He said that the minimum requirements would leave drip irrigation for shrubs and would allow residents to water their lawns one day per week rather than two days per week.

Chairman Pressley moved to adopt the minimum requirements for Stage 3.

Ms. Putnam explained that the language modifies the County's ordinance to include Duke's declaration of a stage as an initiator of the County's various stages. She further explained that as the County's ordinance is currently written it is based on the County's usage and capacity.

Chairman Pressley asked if the Board accepted the minimum requirements tonight would the County be complying with Section II. Jeff Crook, Senior Staff Attorney, explained that the intent was not only to change the provisions for Stage III but also to add the triggering of each one of the stages to make the County's ordinance consistent with the relicensing agreement.

Commissioner Mills said that the County's Stage III is much more restrictive. He asked if these changes in any way would place people out of work such as landscapers and nurseries. Vice Chairman Baucom responded that hand held and drip irrigation are still allowed.

Chairman Pressley commented that had Duke Energy not initiated the Stage III, the County would not be initiating a Stage III because it is below the water usage level of where it needs to be.

Commissioner Mills asked if these changes would affect Mr. Capelle who spoke during the informal comments. Ms. Putnam stated that this would eliminate pressure washing for public buildings, sidewalks, and streets and does not address residential.

Commissioner Openshaw said that it was still allowing drinking water in restaurants. He said if a customer wanted water to drink, why not just ask for water rather than having it put on the table and not used. He asked about hydrant permit holders. Ms. Putnam said that the only hydrant permits that have been issued since Stage II was implemented were for agricultural use. She stated that there have been no additional hydrant permits issued for construction, etc.

Commissioner Lane said that during this discussion, he wanted to bring up digging new wells while already on municipal water system to irrigate new lawns. He said that if these are within close proximity to neighbors, it is drawing down the water table of neighbors, and they might run out of water. He stated that in areas where there are a lot of homes, neighbors could be impacted. He stated that people need to be encouraged not to dig wells to irrigate lawns.

Vice Chairman Baucom said that he had spoken with Matthew Delk, Assistant County Manager, regarding this issue, and he asked that Mr. Delk share with the Board his findings. Mr. Delk stated that he has had conversations with several of the Board members today concerning well water being used for non-essential purposes. He said that the Legal Department and other staff members will look at the legal and regulatory environment and what the County can and cannot do. He stated that the staff would prepare a full report and bring to the Board for its consideration.

Commissioner Openshaw requested that once this information has been determined that a special meeting be explored in order that the Board might address that issue.

Chairman Pressley reiterated that the motion had been to adopt the minimum standards for Stage III requirements as requested by Duke Power.

Jeff Crook, Senior Staff Attorney, requested that the Board consider adding to its motion the other changes, such as the triggering mechanisms for the various stages, in the Water Conservation Ordinance.

Commissioner Openshaw asked if the changes would include the customer having to request that water be served in restaurants. Ms. Putnam responded that Duke Power's designation for Stage III does not address water being served in restaurants. Commissioner Openshaw said that serving water in restaurants is a little impact, but it is the little things that add up, and he did not believe anyone would be harmed by not having water served.

Mr. Crook stated that since the Board was adopting a new ordinance he would amend the Water Conservation Ordinance to reflect that change.

Following the discussion, the motion was passed unanimously.

WATER CONSERVATION ORDINANCE

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

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

Article I

Declaration of Water Shortage

Section I: Applicability of Ordinance

In the event (i) it appears there is a sustained demand of 80% of the Union County water system treatment and/or transmission capacity (average daily flow); or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 1 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain voluntary water use restrictions by Union County, then in either

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

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

Article II

Stage I Voluntary Water Shortage Condition

Section I

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

- a. An extensive publicity campaign will be initiated using public media to inform the public of an impending or existing water shortage.
- b. Conservation measures will be encouraged and recommended.

Section II

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

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

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

Article III

Stage II Mandatory Water Shortage Condition

Section I: Compliance

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

Section II

In the event (i) a Stage I Voluntary Water Shortage Condition declaration is ineffective in adequately reducing demand; (ii) maintenance of the system (whether preventive or breakdown maintenance, or due to an event of force majeure) requires a reduction in demand; (iii) mandatory restrictions are required to comply with any permit for the system issued by applicable state or federal authorities; (iv) sustained water demand exceeds 95% of the Union County water system treatment and/or transmission capacity (average daily flow); or (v) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 2 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then upon occurrence of any such event the County Manager may issue a declaration that a Stage II Mandatory Water Shortage Condition exists. Such declaration may prohibit any one or more of the types of water uses regulated under a Stage I, Stage III, or Stage IV Water Shortage Condition, provided that the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address. After consultation with the Board, the County Manager may also take such other measures as deemed necessary to give effect to the intent of this Ordinance.

Article IV

Stage III Mandatory Water Shortage Condition

Section I: Compliance

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

Section II

In the event (i) a Stage II Mandatory Water Shortage Condition is in effect and the system demand still exceeds system capacity; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 3 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage III Mandatory Water Shortage Condition may be declared. In addition to any voluntary and mandatory guidelines already in effect, it shall be unlawful to use water supplied by the Union County water system in the following manner:

- a. To irrigate lawns and landscaping more than one (1) day per week, which day may vary for individual customers as specified by the County Manager in the declaration of a Stage III Mandatory Water Shortage Condition.
- b. To conduct residential vehicle washing.
- c. To wash public buildings, sidewalks, and streets, except as required for safety and/or to maintain regulatory compliance.
- d. To use water for dust control during construction.

- e. To conduct flushing or hydrant testing programs, except to maintain water quality or other special circumstances approved by the Director in advance.
- f. To fill new swimming pools.
- g. To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.

Article V
Stage IV Mandatory Water Shortage Condition

Section I: Compliance

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

Section II

In the event (i) a Stage III Mandatory Water Shortage Condition exists and the system demand still exceeds system capacity; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 4 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage IV Mandatory Water Shortage Condition may be declared. In addition to the restrictions for Stage I, Stage II, and Stage III Water Shortage Conditions, the following restrictions shall also apply:

- a. To induce water into any pool.
- b. Use water outside a structure for any use other than an emergency involving a fire.

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

Article VI

Section I: Lifting of Restrictions Imposed During a Water Shortage

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

Article VII

Section I: Enforcement

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

person authorized to enforce the provisions of this Ordinance, is unlawful. Each customer is responsible for any use of water that passes through the service connection associated with the customer's account or otherwise passes through the customer's private water system.

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

Article VIII

Section I: Discontinuance of Service

In addition to the payment of any civil penalty assessed pursuant to Article VII of this Ordinance, a customer shall be subject to termination or restriction of water service following four or more violations of any water conservation control imposed pursuant to this

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

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

Article IX

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

Article X

Section I: Severability

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

Article XI

Section I: Effective Date

This Ordinance originally became effective on July 13, 1992. It was subsequently amended and restated effective August 5, 2002. It was amended and restated a second time on June 4, 2007, with the proviso that any declaration of a Water Shortage Condition made prior to June 4, 2007, and not rescinded was to remain in full force and effect and that any warnings issued prior to June 4, 2007, would constitute a first offense under Section 1(c) of Article VII.

This third amendment and restatement of this Ordinance shall become effective upon adoption by the Board of Commissioners on October 15, 2007 (the “Effective Date”). The Ordinance is restated in this manner solely to facilitate review by the reader by obviating the need to integrate multiple documents. Any declaration of a Water Shortage Condition made prior to the Effective Date and not rescinded shall remain in full force and effect. Though amended, this Ordinance shall be deemed to be continuously in effect such that enforcement of violations committed prior to the Effective Date shall continue unaffected.

Ms. Putnam stated that the Manager would be the one to declare the Stage III requirements. She said that Mr. Black would be back in town on Wednesday, and she would recommend that it become effective on Wednesday. She said that her recommendation would further include that the one day of the week that people can irrigate would reflect that the people who can currently water on Saturday will water on Saturday and those that can water on Sunday will water on Sunday and there will be no watering Monday thru Friday. Chairman Pressley asked if these amendments would maintain the dusk to dawn hours for watering. Ms. Putnam responded that would be up to the Interim County Manager.

USER FEE POLICY AND REVISIONS TO VARIOUS FEES:

a. User Fee Policy and Schedule of Fees

b.

Kai Nelson, Finance Director, stated that several actions are being requested of the Board tonight, one of which is the adoption of the User Fee Policy. Further, he said that the request involved fees and charges for Parks and Recreation and Solid Waste.

He said that this item had also appeared on the last agenda and in June. He stated that the Board at that time had asked that the Parks and Recreation fee proposals be sent to the Parks and Recreation Advisory Committee for further review. He said that these fees are before the Board tonight after having been reviewed by the Parks and Recreation Advisory Committee twice.

Mr. Nelson said that in connection with the solid waste fees, those fees were proposed to be adjusted in the budget process. He stated that the staff has spent a considerable amount of time reviewing in detail the components for C&D as well as MSW. Additionally, he stated in connection with the user fee policy, it occurred to the staff following deferral of these actions in June that it would be advantageous to have a framework in which the staff is proposing fee recommendations. He said that staff is requesting that the Board consider this user fee policy as the framework for establishing fees. He explained that there are two kinds of fees: 1) regulatory fees which are limited by statute in terms of recovering those costs relative to the regulatory activities and the County is only permitted to recover its costs. The second type of fees addressed by Mr. Nelson was non-regulatory fees such as library fees, parks and recreation fees, water and sewer. He said that generally the staff is recommending in the non-regulatory fee area, that the Board establish those fees based upon two criteria. He said that in an effort to influence the use of the service and to increase equity and to look at what fees the competitors in the market place are charging.

Vice Chairman Baucom noted that Mr. Nelson had not addressed the resident versus non-resident aspect of the parks and recreation fees. Mr. Nelson stated that the parks and recreation staff was available and could speak to that if the Board wished to do so.

Vice Chairman Baucom moved to adopt the revisions to the Solid Waste and Construction and Demolition (C&D) fees as recommended with the exception of the C & D fees. His motion included that the amount charged for C & D fees would increase to \$34 and that the revisions become effective January 1, 2008.

He explained his rationale for proposing the increase in C & D fees to \$34 is because this amount is halfway between the amount determined by the survey and because there is limited capacity on C& D, and there is no reason to be giving anything away for C & D with its limited capacity.

Mr. Nelson stated that it might be helpful for the Board to have information in terms of the County's costs on the C & D and Solid Waste. He said that the County's costs on operating and maintenance of C & D is approximately \$16 per ton. He explained that the closure and post closure costs are the costs that the County will incur for the next 20 years and are approximately \$12.50 per ton. He stated that the costs of closure and post closure have been presented values into today's dollars. Further, he said that admittedly, next fiscal year when the County goes through another closure and post closure analysis, it will probably be marginally higher. He stated that the Solid Waste fund is operated as an enterprise fund and to the extent that a fee in excess of that amount is being charged, those funds would remain in the Solid Waste fund and only be available for use on solid waste activities. Vice Chairman Baucom stated that would be the intent of his motion. He added that those funds would be available for additional costs as they might be incurred. Mr. Nelson noted that the C & D site has a limited life, and said that the question for the Board would be "What are we going to do in terms of providing C & D once the C & D site is

exhausted?" He said if the County were to continue to be in the C & D business, then presumably those resources, if they are indeed there and available, could be used to acquire additional land to continue to remain in the C & D business.

Following the discussion, Vice Chairman Baucom clarified his motion included to increase the C & D fees to \$34 per ton with the municipal solid waste fees to be as recommended. Vice Chairman Baucom reviewed the fees as provided for surrounding counties. He stated that the \$34 per ton proposed was an average of the fees charged by surrounding counties.

Matthew Delk, Assistant County Manager, asked for clarification of the motion if it were the Board's intent to add \$2.00 coming in from state regulations when the next year's budget was prepared so that it would come back at \$36.00 per ton. Vice Chairman Baucom responded that was the intent of the motion.

The motion was passed unanimously.

Mr. Nelson asked for clarification whether Vice Chairman Baucom had included in his motion the User Fee Policy. Vice Chairman Baucom stated that was part of his motion.

County of Union User Fee Policy

User fees are an allowable manner of paying for services that generate direct benefits to persons who receive the service. The County encourages the establishment of fees at a level that maximizes revenues. Fees shall be developed based on the cost of providing services and countywide goals and objectives as set by the Board of Commissioners. All user fees shall be evaluated annually with adjustments, if any, included as part of the annual budget process and presented to the Board of Commissioners.

Fees charged to individuals or organizations for participation in government- regulated activities, such as building permits, land disturbance fees, and code enforcement permits, are considered "regulatory fees." Regulatory fees shall be set at a level that strives to recover full costs (direct and indirect costs, such as depreciation or usage costs associated with capital assets) of providing the service, unless statutory restrictions limit the fee amount.

Non-regulatory fees are charged for a wide variety of services; therefore, more in depth criteria must be used in establishing the fees. There are two primary purposes for non-regulatory fees: 1) to influence the use of the service and 2) to increase equity. The determination of the level of cost recovery varies based on the degree to which each purpose applies.

In the broadest terms, the primary cost recovery principle is that users pay for private goods or services and that the public pays for public goods or services. This primary cost recovery principal shall be moderated by the following:

1. Goods or services provided to specific, identifiable recipients shall be self-sustaining and therefore, shall be financed through user fees
2. User fees shall be set at a level that is competitive in the marketplace and strives to recover full costs (direct and indirect costs, such as depreciation or usage costs associated with capital assets) except when:
 - a. free or subsidized service provides a significant public benefit;
 - b. the County has determined that it should influence personal choice to achieve community-wide public benefits;
 - c. full cost recovery would result in reduced use of the service or limit access to intended users thereby not achieving community-wide public benefits;
 - d. the cost of collecting the user fees would be excessively high;
 - e. ensuring the users pay the fees would require extreme measures.

Modification to full cost recovery principles shall be made only after considering the anticipated impact of an exception on the users of a service, the cost of making an exception and whether it would be practical to provide the required financial relief through a grant to a user group or groups.

Union County
Solid Waste
Schedule of Fees and Charges
Effective January 1, 2008

Municipal household waste - \$39.00 per ton [unchanged from current \$39.00 per ton]

Construction and demolition waste - \$34.00 per ton [from \$24.00 per ton]

Yard waste and pallets - \$30 per ton

Recyclable materials from commercial haulers - \$40 per ton credit

Municipal household waste deposited at convenience sites - \$0.25 cents per bag

b. Parks and Recreation Fees

Wanda Smith, Director of Parks and Recreation, recognized Andy Williams, Chairman of the Parks and Recreation Advisory Committee.

Mr. Williams stated that in reference to the fee revisions, the Parks and Recreation Advisory Committee had looked at the comparisons to the parks and recreation departments in surrounding counties. He said that while the proposed fees represent an increase, they are still less than those of surrounding counties. Mr. Williams said that Cane Creek has been able to maintain a 48 percent return on its investment of the revenue collections this past year. He said typically that number would be 10 to 15 percent.

Commissioner Openshaw clarified that the 48 percent referred to by Mr. Williams is not a 48 percent profit, but for every dollar invested, the County receives 48 cents in return.

Mr. Williams said that the Cane Creek facility is a great asset to the County and helps draw thousands of people every year to this County. He stated that the staff is doing a great job of marketing this silent and hidden vacation spot. He said that personally he believed what generates revenue is the camping sites. He referred to the resident and non-resident fees. He said that the non-resident fees are high which indicates that more people are coming to the County to use the facility.

Following Mr. Williams' comments, Commissioner Lane moved to adopt the Schedule of Fees and Charges for Parks and Recreation as recommended to become effective January 1, 2008.

Vice Chairman Baucom expressed appreciation for the efforts of the Parks and Recreation Advisory Committee on these fees. He said that he wanted to make sure that the residents of Union County are not subsidizing the non Union County citizen.

Mrs. Smith added that approximately three years ago, a survey was done on the number of residents and non-residents who were coming into Cane Creek, and it was actually about a 50/50 rate at that time. She said that no survey has been done since that time, but the staff believes that the percentage rate is still close to the 50/50 rate.

The motion was passed unanimously.

UNION COUNTY PARKS & RECREATION
Cane Creek Park / Day Use Area

BOCC
APPROVED
10/15/2007

ENTRANCE

| | |
|------------------------|---------|
| Pedestrian | \$1.00 |
| Trail (bike or horse) | \$3.00 |
| Vehicle | \$4.00 |
| Vehicle (15 capacity) | \$15.00 |
| Vehicle (16+ capacity) | \$20.00 |

BOAT ACCESS

\$4.00

FISHING

\$2.00

SWIMMING

| | |
|-----------------|--------|
| 6 & older | \$4.00 |
| 2-5 yrs. of age | \$2.00 |
| under 2 | FREE |

ROWBOAT/CANOE RENTAL

| | |
|---------|---------|
| 1 hour | \$5.00 |
| 2 hours | \$9.00 |
| 4 hours | \$18.00 |
| 8 hours | \$30.00 |

NOTE:

- | | |
|--|---------|
| 1. \$10.00 deposit charged in addition to rental fee | \$10.00 |
| 2. Rental includes paddles and life jackets | |
| 3. Renter must be at least 18 yrs. of age | |

and occupy boat at all times. Renter must comply with conditions of boat's capacity plate which may vary depending on size of boat selected.

| | | |
|--|---------------|---------------|
| LIFE JACKET/PADDLE RENTAL | \$3.00 | |
| NOTE: | | |
| 1. \$10.00 deposit charged in addition to rental fee | \$10.00 | |
| PEDALBOAT | \$3.00 | |
| EQUIPMENT RENTAL | \$5.00 | |
| NOTE: | | |
| 1. \$10.00 deposit charged in addition to rental fee | \$10.00 | |
| Game Court (Reservation Fee) | <u>1 Hour</u> | <u>2 Hour</u> |
| (Rules for Use Attached) | \$10.00 | \$20.00 |
| Volleyball Court (Reservation Fee) | <u>1 Hour</u> | <u>2 Hour</u> |
| (Rules for Use Attached) | \$8.00 | \$16.00 |
| Horseshoes Pit (Reservation Fee) | <u>1 Hour</u> | <u>2 Hour</u> |
| (Rules for Use Attached) | \$4.00 | \$8.00 |
| SOFTBALL FIELD (See Athletic Field Rental Fee Schedule) | SAME | |
| MINIATURE GOLF | \$2.00 | |
| UNION COUNTY PARKS & RECREATION | | |
| Cane Creek Park / Day Use Area | | |
| SENIOR CITIZEN PERMIT | \$5.00 | |

NOTE:

1. Union County Residents 65+ yrs. of age
2. Covers entrance and fishing
3. Does not cover State License Requirements

INDIVIDUAL ANNUAL PERMIT

\$150.00

NOTE:

1. Union County Residents only
2. Covers entrance/fishing/boat access/miniature golf/
bike & horse trails
3. Does not cover State License Requirements

FAMILY ANNUAL PERMIT

\$225.00

NOTE:

1. Union County Residents/immediate household only
2. Maximum 5 people - \$20.00 ea. Additional
3. Covers entrance/fishing/boat access/miniature golf/
bike & horse trails
4. Does not cover State License Requirements

NON-RESIDENT INDIVIDUAL ANNUAL PERMIT

\$225.00

NOTE:

1. Covers entrance/fishing/boat access/ miniature golf/
bike & horse trails
2. Does not cover State License Requirements

NON-RESIDENT FAMILY ANNUAL PERMIT

\$300.00

NOTE:

1. Non-Residents/immediate household only
2. Maximum 5 people - \$20.00 ea. Additional
3. Covers entrance/fishing/boat access/miniature golf/
bike & horse trails
4. Does not cover State License Requirements

DAY PASS / AGES TWO & OLDER \$10.00

NOTE:

1. Purchase at Operation Center Only
2. Covers unlimited day swim/pedalboats/miniature golf
3. NO REFUNDS!
4. Rain checks issued only if beach closes for day with less than 2 hours of use

Replacement Copy \$5.00

NOTE:

1. Park Permits

LATE DEPARTURE / EARLY OPENING FEE \$40.00

NOTE:

1. Per hour (non-prorated) departure after posted closing time
2. Gate Opening/Closing times are posted at main entrance

ADMIN. FEE (Reservation/Change/Cancellation) \$4.00

**UNION COUNTY PARKS & RECREATION
CANE CREEK PARK / CAMPGROUND**

VISITOR/GUEST ENTRANCE FEE Flat rate of
Per car/Plus per person 10.00/car

NOTE:

1. Visitors must leave campground prior to 10:30 p.m.

FAMILY CAMPING AREA (FCA)

Water/Electric Nightly \$25.00

Water/Electric/Sewer Nightly \$30.00

NOTE:

1. Maximum 6 people including guests
2. 1 camper and 1 tent, or 2 tents maximum (includes pup tents)

3. Canopy may be used over picnic tables

FCA WEEKLY RATE

| | |
|----------------------|----------|
| Water/Electric | \$150.00 |
| Water/Electric/Sewer | \$180.00 |

NOTE:

1. Must be paid in advance for 7 nights

GROUP CAMPING AREA (GCA)

NOTE: GCA is by reservation only unless FCA/WCA

Have no vacancies

| | |
|------------------------------------|---------|
| Small Site (E,G,I,K,L,M,O) nightly | \$30.00 |
|------------------------------------|---------|

NOTE:

1. Maximum 20 people/4 Tents **(4 vehicles due to limited parking)**

| | |
|------------------------------|---------|
| Large Site (F,H,J,N) nightly | \$40.00 |
|------------------------------|---------|

1. Maximum 30 people/6 tents **(6 vehicles due to limited parking)**

NOTE: Utility or Boat Trailer counts as one vehicle

WILDERNESS CAMPING AREA (WCA)

| | |
|-----------------------------------|---------|
| Maximum 5 people/2 tents per site | \$20.00 |
|-----------------------------------|---------|

HORSE CAMPING AREA (HCA)

| | |
|---|---------|
| Maximum 5 people/2 tents/1 trailer per site | \$20.00 |
|---|---------|

**UNION COUNTY PARKS & RECREATION
CANE CREEK PARK / CAMPGROUND**

CABIN RENTAL

| | |
|--|----------|
| March - November (Nightly Monday - Thursday) | \$50.00 |
| (Nightly Friday - Sunday) | \$65.00 |
| (7 nights Monday - Sunday) | \$345.00 |

NOTE:

1. *Rate covers 4 people
2. Additional per person/nightly \$8.00
3. Maximum 6 people per cabin
4. One (1) four (4) person tent may be set up on site for additional group rate (small)

DISCOUNTS

NOTE:

1. Union County, North Carolina residents with valid I.D. receive a 25% discount on camping rates
2. Veterans with an Honorable Status may receive a 50% discount for D.U.A activities with proper I.D (Military I.D. / DD214 / Official Veterans Card / Letter from Office of Veterans Affairs)

CABIN RENTAL FEE

| | |
|-------------------------------|---------|
| December - February (Nightly) | \$30.00 |
|-------------------------------|---------|

NOTE:

1. No other discounts apply

SECURITY/KEY DEPOSIT \$40.00

ANNUAL CAMPSITES

Resident

Waterfront 3,5,7,9,11,13,15,17,19,21,23,25,27
29,31,33,35 \$2000/YR.

Non-Waterfront 2,4,6,8,10,12,14,16,18,20,22 \$1750/YR.

Non-Resident

Waterfront 3,5,7,9,11,13,15,17,19,21,23,25,27
29,31,33,35 \$2500/YR.

Non-Waterfront 2,4,6,8,10,12,14,16,18,20,22 \$2250/YR.

ANNUAL CAMPSITE SECURITY/KEY DEPOSIT \$200.00

CAMPGROUND SHELTERS

NOTE:

1. Shelters are for registered campers only and may be Shared at no charge.
2. Camping groups may reserve a shelter if **all** individuals are camping.
3. Groups not camping and requesting use of these Shelters will be referred to the Day Use Area.
4. Published shelter and entrance fees will be required.

FESTIVAL AREA

(See Rental Worksheet)

SAME SAME
(Admin. Fee will change if approved by the BOCC)

ATHLETIC FIELDS

(See Rental Fee Schedule)

SAME SAME
(Admin. Fee will change if approved by the BOCC)

SHELTER / GAZEBO / CANOPY / PICNIC PADS

(See Information Sheet)

SAME SAME
(Admin. Fee will change if approved by the BOCC)

ENGAGEMENT OF ATTORNEY (THIS ITEM WAS ADDED TO THE AGENDA):

Commissioner Mills moved to approve the engagement letter with Akin Gump who specializes in Supreme Court litigation to seek intervention in the case of South Carolina vs. North Carolina which seeks to have a special master, appointed by the Court, to apportion the water allocated to North Carolina and South Carolina from the Catawba River. The motion further included that the hourly fee for the services proposed by Thomas Goldstein with Akin Gump be shared between Union County and the Lancaster County Water and Sewer District and the Interim County Manager be authorized to execute the letter on behalf of Union County. The motion was passed unanimously.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Pressley announced the following vacancies on Boards and Committees:

- a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two members under the age of 18; 4) Juvenile Defense Attorney; and 5) Member of the Business Community
- b. Adult Care Home Advisory Committee (1 Vacancy)

APPOINTMENTS TO BOARDS AND COMMITTEES:

- a. ***Board of Adjustment*** (1 vacancy to fill the unexpired term of alternate member due to a resignation)

Vice Chairman Baucom nominated Mark Tilley to fill the unexpired term of an alternate member on the Board of Adjustment. The motion was passed unanimously.

- b. ***Parks and Recreation Advisory Committee*** (1 vacancy to fill unexpired term due to a resignation)

Chairman Pressley nominated Rick Davis to fill the unexpired term on the Parks and Recreation Advisory Committee.

Commissioner Lane nominated Robert (Bobby) Jones to fill the unexpired term on the Parks and Recreation Advisory Committee.

Rick Davis received three votes: Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills.

Chairman Pressley declared Mr. Davis to have been appointed to serve on the Parks and Recreation Advisory Committee.

INTERIM COUNTY MANAGER'S COMMENTS:

Matthew Delk, Assistant County Manager, stated that he was glad to be in Union County and hoped that he could be of help to the Board.

COMMISSIONERS' COMMENTS:

Commissioner Openshaw stated that there would be a voters' forum in Waxhaw on Monday, October 22, 2007, at the Women's Club.

He referred to an article in *The Enquirer-Journal* regarding the transfer tax and how it is not needed. He said that he had read the article as well as the associated studies. He stated that the only place he felt there had been any validity was when the article referred to the monies spent on incentives to attract industry. He said that amount had been understated and there are pros and cons on that issue. Commissioner Openshaw said that from his perspective, the information contained in the article was not applicable to Union County.

Commissioner Openshaw said that the drought presents an opportunity for the County to examine its growth policies. He stated that he believed it was time to ask "How much growth is too much growth?" and "What is sustainable growth?" He said that even if the County gets an extra water source, water is still going to be a finite source. Commissioner Openshaw said that he would like to be proactive and suggested that the County look at its building codes to change them to water conserving methods and devices. He said that he would like to have had an update on the purple pipe. He stated that Cabarrus County should be commended in that it is in the same situation as Union County and does not have its own river or water source, and it has growth significantly but its water usage has grown very minimally. He said that Cabarrus County uses reclaimed water on its lawns and it is mandated in the toilets by bringing a separate pipe into the house. He said that he thought it was time for Union County to begin requiring that any new subdivision or commercial entity put the purple pipe in the ground now because it is going to be prohibitively expensive to go in an retrofit it. Further, he suggested that as that service reaches properties, that those properties must hook up to the purple pipe, which would be a significant savings over potable water and it would not go into groundwater depletion with wells.

Commissioner Openshaw said that he would also like for the County to build a lake to handle the water in the off season that would come from reclaimed water. He said that an example shows that one million gallons of water could be saved per day of potable water if reclaimed water were being used from just one or two large residential customers. He said that one of the problems is that in the off seasons the reclaimed water would have to be stored because it is not being applied to the ground. He said that he would suggest that the County consider building a lake to store the water in the off seasons which creates water front property or water view property. He stated that this is being done in other parts of the country. Lastly, he said he thought the County should look at building a reservoir which could also become a recreational opportunity for the County.

Commissioner Mills stated that tonight's meeting had been a good meeting. He congratulated Piedmont High School, which won an award for its outstanding FFA at the Farm City Banquet.

He stated that the idea of a reservoir has been discussed for many years, and hopefully, it might come to fruition on the Rocky River. He said the State officials are being asked to reclassify the river so that it could be used for that system.

Commissioner Mills said he thought Reverend Les Everett had done a good job tonight presenting the invocation. He said that he has had numerous calls since the last meeting and he invited local pastors and boy scout troops that want to come forward and open the meetings in prayer. He stated that arrangements have been made for the first and second meetings in November.

He expressed appreciation to the citizens of the County for conserving water. He said that Commissioner Lane had made a good point about wells being dug for irrigation purposes.

Vice Chairman Baucom said that October 7-13 was National 4-H week. He said that Union County has for many years had a premier 4-H organization. He stated that there are over 5,000 participants in Union County in 4-H with over 300 volunteers. He encouraged any one who would like to serve as a 4-H volunteer or any one who would like to know more about 4-H to contact Cooperative Extension in Union County.

He stated that during the Farm City event, not only the Piedmont FFA Chapter won, but also the Piedmont 4-H chapter received the award for the best 4-H organization.

He expressed appreciation to Matthew Delk for attending the Farm City Banquet as well as Phillip Tarte, the new Health Director.

Vice Chairman Baucom offered congratulations to Ray Cook as the recipient of Union County's Farm Family of the Year and to I. F. Plyler for his induction into the Union County Agriculture Hall of Fame. He said that this was the first year that an industry had been chosen to receive an award and that industry was Charlotte Plastics.

Commissioner Lane said that about 30 years ago it was suggested that a recreational lake be built southeast of Marshville. He said that land is less expensive in that area compared to other parts of the county. He stated that would be an excellent place to have a recreational lake as well as a great reservoir for the drought periods.

He commented that 4-H is a great organization and said that his son had two 4-H steers while he was growing up, and his family enjoyed with working with them.

He noted that the building permits are down considerably. He said that could be due to the fact that people are unable to sell their homes from where they are moving in order to move to Union County. He said that would give a respite on school building some time in the future. He said that it was showing that there are not as many children in the school projections as anticipated, but he said that he disagreed with the Chairman somewhat in that he believed that the monies that have been collected will be used to get the schools to where they should be quicker and to get more schools quicker.

Commissioner Lane referred to a newspaper article that indicated that Porter Ridge is expected to increase to 1,750 students next year and Sun Valley is expected to increase by 150 students.

He said that he took exception to a recent article that discussed the APFO and "the first victim." He stated that he did not like that idea because the APFO is voluntary and is set up strictly as a tool to control growth and not to raise money. He said that the APFO is the only thing standing between the County and economic chaos at this time. He said that it is voluntary and the gentlemen referred to in the article did not have to build in that area but could have built in another area where the schools are not impacted. He stated that he would be glad to never have anybody have to pay a cent on the APFO because it would mean that the schools would all be built, and there would not be students in mobile units.

Chairman Pressley recognized LynnWest, Clerk to the Board, for special comments.

Mrs. West stated that Tuesday, October 16th is National Boss' Day and she wished the Commissioners a Happy Boss' Day and thanked them for what they do for the County and its citizens.

At this time, Jeff Crook, Senior Staff Attorney, interjected that in order for an ordinance to be adopted, it must be adopted at the meeting at which it is first introduced, and it must be adopted unanimously. He stated that was the one vote that failed to work on the new voting system. He asked if that vote had been a unanimous vote. It was clarified that the Ordinance passed via a unanimous vote of the Board.

Chairman Pressley noted that October is Breast Cancer Awareness month.

He mentioned that there was going to be a raffle for a collectors' edition of one of the Union County commemorative rifles. Vice Chairman Baucom interjected that there were 11 rifles made as Union County editions. He said that the 4-H Foundation will be raffling one of the rifles and the cost of the tickets are \$10 each with all of the proceeds going to the 4-H Foundation. Commissioner Mills said that the drawing will take place on February 16 at the Wild Turkey Federation Banquet at the Agri Services Center.

With there being no further comments or discussion, at approximately 8:53 p.m., Vice Chairman Baucom moved to adjourn the regular meeting. The motion was passed unanimously.