

January 9, 2006

The Union County Board of Commissioners met in a regular meeting on Monday, January 9, 2006, at 7:00 p.m. in the Commissioners' Formal Board Room, ninth floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

**PRESENT:** Chairman Roger Lane, Vice Chairman Hughie Sexton, Commissioner Kevin Pressley, Commissioner Stony Rushing, and Commissioner Richard Stone

**ABSENT:** None

**ALSO PRESENT:** Mike Shalati, County Manager, Lynn G. West, Clerk to the Board of Commissioners, Jeff Crook, Staff Attorney, Kai Nelson, Finance Director, Christie Putnam, Assistant to the Manager/Interim Public Works Director, members of the press, and other interested citizens

**OPENING OF MEETING:**

Chairman Lane convened the meeting and welcomed everyone present.

**a. Invocation**

Chairman Lane offered the invocation.

**b. Pledge of Allegiance**

Vice Chairman Sexton introduced Max Halverson, who is the son of Jay and Sonia Halverson. He stated that Max is a member of Scout Troop 502, sponsored by Harrison United Methodist Church in Pineville. He said that Max earned his Eagle Scout Award in September 2005 at the age of 13. Vice Chairman Sexton said Max chose as his project to build a 1,100-foot section for a new trail linking Kings Mountain to Crowders Mountain for walking and hiking. He further said that Max's Eagle Scout Project totaled 311 hours.

Following his introduction, Max Halverson led the body in reciting the Pledge of Allegiance to the American flag.

**c. Informal Comments**

Chairman Lane stated that two Commissioners had registered to speak during Informal Comments. However, he said that he would ask that those Commissioners hold their comments until Item 5 - Consideration of the Text Amendments regarding scrap materials.

The Manager stated that two persons had registered to address the Board during the Informal Comments: Doug Hall and Commissioner Rushing.

Mr. Hall stated that he is a resident of Crane Road in Waxhaw. He spoke in favor of the proposed text amendments regarding scrap materials. He stated that the current Land Use Ordinance prohibits the establishing of junkyards, but only defines a junkyard as an area over 600 square feet. He said that any scrap heap or automobile graveyard less than 600 square feet is permitted and not considered a violation of the ordinance. Mr. Hall said it is his opinion that a junkyard is a junkyard no matter how small. He stated that the current square footage text is being used as a loophole and a green light for some developers to dump their construction waste throughout the county rather than to dispose of it properly.

He further stated in his case that a developer has created a junkyard directly in front of the Hall residence and along side of the driveway. Mr. Hall said that he has fought the battle to have the junkyard removed for two years and further he has worried about his children and neighborhood children leaving their properties and being injured on the hazardous pile of waste. In addition, he stated he has worried about this eyesore diminishing his property value or destroying the viability of selling his property. Mr. Hall shared photographs of these materials to which he was referring and described each of the photographs for the Board and the audience.

He stated that he believed any ordinance that allows the creation and storage of such an unnecessary, unsightly, unsafe and hazardous eyesore does not benefit the citizens of Union County. He said that his intention is not to limit legitimate storage of useable materials by farmers who are protected on the first page of the Land Use Ordinance but to stop the abuse as detailed by his particular circumstances. Mr. Hall requested that the Board adopt the text amendment to change the wording of the definition of a junkyard to include all sizes of junkyards.

**d. Introduction of New Health Director**

Dr. John Phifer, Chairman, Union County Board of Health, introduced Ms. Jeanette (Jenny) Kirksey, as the new Health Director. He stated that Ms. Kirksey is a native of Burke County where she served as the Health Director for four years and since 1998 has been with Winston-Salem's Baptist Hospital as Director of Community Health.

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Ms. Kirksey stated that she was looking forward to coming to Union County and becoming a part of the Health Department. She shared that she had the opportunity to tour the Health Department today and was impressed with what is already in place.

**PLANNING DEPARTMENT - PUBLIC HEARING:**

- a. *Text Amendments to the Union County Land Use Ordinance - Sections 1, 15, 23, 29, 32, 34, 60, 114, 321, 322, 323 and 324 to Secure Compliance with 2005 State Legislation*

Chairman Lane opened the public hearing and emphasized that there would be no exchange of comments by the Board during the public hearing. He recognized Richard Black, Planning Division Director, to introduce the proposed text amendments. Chairman Lane stated that there would be no questions or answers during the public hearing and no comments from the public except those who wished to address the Board either in favor of or against the proposed text amendments.

Mr. Black explained that in 2005, the North Carolina General Assembly adopted two major bills, Senate Bill 518 and Senate Bill 814, that amended the State's Planning and Development regulations. He stated that due to this new legislation, there are possible changes in the zoning, subdivision, and development ordinance that need to be considered. He noted the importance that the local ordinances not be in conflict with the State statutes. Mr. Black said that during the December 6, 2005, meeting of the Union County Planning Board, the members voted unanimously to recommend the adoption of the following amendments to bring the County's ordinance into compliance with the 2005 State Planning Development Regulations:

**ARTICLE I  
GENERAL PROVISIONS**

**Section 1 Short Title and Purpose.**

This ordinance shall be known and may be cited as the Union County Land Use Ordinance.

**These regulations shall be designed to promote the public health, safety, and the general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration as to, among other things, the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the county. In addition, the regulations shall be made with consideration of expansion and development of any cities within the county, so as to provide for the orderly growth and development.**

**ARTICLE II  
BASIC DEFINITIONS AND INTERPRETATIONS**

**Section 15 Definitions of Basic Terms.**

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this ordinance.

**Subdivision:** The ~~All~~ divisions of a tract of land into two or more lots, building sites, or other divisions ~~when any one or more of those divisions are created~~ for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; ~~but however,~~ the following shall not be included within this definition ~~nor be~~ **and is not** subject to ~~the any~~ regulations of this ordinance applicable strictly to subdivisions: ~~(i)~~ (1) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this ordinance, ~~(ii)~~ (2) the division of land into parcels greater than ten acres where no street right-of-way dedication is involved; or ~~(iii)~~ (3) the public acquisition by purchase of strips of land for widening or opening streets; or ~~(iv)~~ (4) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this ordinance. ~~or (v) in residential districts only, the division of one lot into two lots so as to create one new lot.~~

**ARTICLE III  
ADMINISTRATIVE MECHANISMS**

**Section 23 Quorum and Voting.**

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- (a) A quorum for the planning board shall consist of four members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.
- (b) All actions of the planning board shall be taken by majority vote, a quorum being present.
- (c) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (d) or has been allowed to withdraw from the meeting in accordance with subsection(e).
- (d) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
  - (1) ~~If the member has a direct financial interest in the outcome of the matter at issue; or~~
  - (1) ***If the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.***
  - (2) If the matter at issue involves the member's own official conduct; or
  - (3) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
- (e) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
- (f) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- (g) A roll call vote shall be taken upon the request of any member.

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**ARTICLE III  
 ADMINISTRATIVE MECHANISMS**

**Part II. Board of Adjustment**

**Section 29 Appointment and Terms of Board of Adjustment.**

- (a) There shall be a board of adjustment consisting of five regular members and two alternates all appointed by the board of commissioners. All regular members and alternates shall reside within the county.
- (b) Board of adjustment regular members and alternates shall be appointed for three-year staggered terms, but both regular members and alternates may continue to serve until their successors have been appointed. On the effective date of this ordinance, the staggered term arrangement previously in effect shall continue and new members shall be appointed, or current members re-appointed, for three year terms as the terms of current members expire.
- (c) Members may be re-appointed to successive terms without limitation.
- (d) Regular board of adjustment members may be removed by the Board at any time for failure to attend three consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Board shall hold a hearing on the removal before it becomes effective.
- (e) If a regular or alternate member moves outside the county, that shall constitute a resignation from the board, effective upon the date a replacement is appointed.
- (f) ~~An alternate member may sit in lieu of any regular member.~~ ***An alternate member may serve on the board in the absence or temporary disqualification of any***

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*regular member or to fill a vacancy pending appointment of a member.* When so seated, alternates shall have the same powers and duties as the regular member they replace.

**ARTICLE III  
ADMINISTRATIVE MECHANISMS**

**Section 32 Voting.**

- (a) All actions of the board of adjustment shall be taken by majority vote, a quorum being present.
- (b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member *(i) is unable to vote for the reasons stated in subsection (c), or (ii)* has been allowed to withdraw from the meeting in accordance with subsection (d).
- (c) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
- ~~(1) If the member has a direct financial interest in the outcome of the matter at issue; or~~
- ~~(2) If the matter at issue involves the member's own official conduct; or~~
- ~~(3) If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.~~
- ~~(e) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.~~
- '(c) A member shall recuse himself or herself and shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.*
- (d) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting *or the impermissible conflicts described in subsection c.*
- (e) A roll call vote shall be taken upon the request of any member.

**ARTICLE III  
ADMINISTRATIVE MECHANISMS**

**Section 34 Powers and Duties of Board of Adjustment.**

- (a) The board of adjustment shall hear and decide:
- (1) Appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in Section 91.
- (2) Applications for special use permits, as provided in Subsection 46(a)(3).
- (3) Applications for variances, as provided in Sections 92 and 93.
- (4) Any other matter the board is required to act upon by any other county ordinance.
- (b) The board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.

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*(c) The board of adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the board of adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor.*

ARTICLE IV  
PERMITS, CONDITIONAL USE REZONING, AND FINAL PLAT APPROVAL

Section 60 Authorizing Use, Occupancy, or Sale Before Completion of Development.

- (a) In cases when, because of weather conditions or other factors beyond the control of the zoning, special use, conditional use, or major development permit recipient (exclusive of financial hardship) it would be unreasonable to require the permit recipient to comply with all of the requirements of this ordinance before commencing the intended use of the property or occupying any buildings, the permit issuing board or the administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance bond or other security established by the board or the administrator ~~guarantee from the range of options specified by the county in Section 60 (b) (1).~~ **For any specific development, the type of performance guarantee from the range specified by the county shall be at the election of the developer.** The amount of such security shall be equal to 1.25 times the cost of installing all required improvements. Such amount, furnished by the subdivider, shall be verified by the appropriate County staff.
- (b) When the board of adjustment imposes additional requirements upon the permit recipient in accordance with Section 59 or when the developer proposes in the plans submitted to any permit issuing authority (administrator, planning board, or board of adjustment) to install amenities beyond those required by this ordinance, the permit issuing authority or the administrator may authorize the permittee to commence the intended use of the property or to occupy any building before the additional requirements are fulfilled or the amenities installed if it or he specifies a date by which or a schedule according to which such requirements must be met or each amenity installed and if it or he concludes that compliance will be ensured as the result of any one or more of the following:
- (1) ~~A performance bond or other security satisfactory to the board or planning division director is furnished.~~ **A letter of credit, using a form prescribed by the Planning Department; cash; cashier's check on a bank or trust company insured by the Federal Deposit Insurance Corporation; or certified check on a bank or trust company insured by the Federal Deposit Corporation is furnished.** **For any specific development, the type of performance guarantee from the range specified by the county shall be at the election of the developer.** The amount of such security shall be equal to 1.25 times the cost of installing all required improvements. Such amount, furnished by the subdivider, shall be verified by the appropriate County staff.
  - (2) The nature of the requirements or amenities is such that sufficient assurance of compliance is given by Section 114 (Penalties and Remedies For Violations) and Section 115 (Permit Revocation).
- (c) With respect to subdivisions in which the developer is selling developed lots (i.e. lots with buildings on them), the Planning Department (for major subdivisions) or the planning division director (for minor subdivisions) may grant final plat approval and authorize the sale of lots before the completion of all improvements required by this ordinance if it or he concludes that (i) completion of such improvements has been delayed because of weather conditions or other factors beyond the control of the developer and (ii) it would be unreasonable to require the completion of such improvements before granting final plat approval, and if the developer provides a performance bond or other security satisfactory to **guarantee from the range of options specified by the county in Section 60 (b) (1)** to ensure that all such improvements are completed within a reasonable period (not to exceed six months) after final plat approval. The amount of such **security performance guarantee** shall be equal to 1.25 times the cost of installing all required improvements. Such amount, furnished by the subdivider, shall be verified by the appropriate County staff; or

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- (d) With respect to subdivisions in which the developer is selling only undeveloped lots, the Planning Department (for major subdivisions) or the planning division director (for minor subdivisions) may grant final plat approval and authorize the sale of lots before all the requirements of this ordinance are fulfilled if the subdivider provides a performance bond or other security **guarantee from the range options specified by the county in Section 60 (b) (1)** to ensure that all of these requirements will be fulfilled within not more than forty-eight months after final plat approval. The amount of such security shall be equal to 1.25 times the cost of installing all required improvements. Such amount, furnished by the subdivider, shall be verified by the appropriate County staff; or
- (e) A ~~security instrument~~ **performance guarantee** provided under this section shall not be acceptable if it expires less than one (1) year after the date of issuance. Once it is determined that all improvements have been made and approved as provided for in this ordinance, any request to release such ~~security~~ **performance guarantee** shall be subject to approval by two of the following: Planning Division Director and/or his assignees.

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**ARTICLE VII  
ENFORCEMENT AND REVIEW**

**Section 114 Penalties and Remedies for Violations.**

- (a) Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, or conditional use permits shall constitute a misdemeanor, punishable by a fine of up to five hundred dollars or a maximum thirty days imprisonment as provided in G.S. 14-4.
- (b) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special or conditional use permits, shall be subject to penalties. The following penalties are hereby established:

Warning Citation - Correct Violation Within 10 days  
 First Citation - \$25.00  
 Second Citation - \$50.00  
 Third and Subsequent Citations  
 For Same Offense - \$100.00

If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the board of adjustment if the offender was sent a final notice of violation in accordance with Section 113 and did not take an appeal to the board of adjustment within the prescribed time.

- (c) This ordinance may also be enforced by any appropriate equitable action.
- (d) Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (e) In addition, pursuant to North Carolina Statute 160A-175, the County may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises.
- (f) ***Building permits may be denied for lots that have been illegally subdivided.***
- (g) ***In addition to other remedies, a county may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.***
- (h) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.
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**ARTICLE XX  
AMENDMENTS**

**Section 321 Initiation of Amendments.**

- (a) An amendment to the text of this ordinance or to the zoning map may be initiated by the board of commissioners, the planning board, the planning staff, or any other interested person.
- (b) Any petition for rezoning property must be signed by the petitioner, who shall indicate the capacity in which he filed the petition. In the event the party filing the petition is someone filing the same on behalf of the owner, such party shall attach his authority to execute said petition on behalf of the owner to the petition. If the applicant is seeking to have rezoned less than the entire lot or tract, the application for the rezoning shall be accompanied by a survey map and description. If the applicant is seeking to have rezoned an entire lot or tract for which a tax parcel identification number is assigned, said tax parcel identification number shall be sufficient for public notice of the area requested for rezoning. ***The petitioner shall provide a statement analyzing the reasonableness of the proposed zoning for each petition for a rezoning to a special or conditional use district, or a conditional district, or other small-scale zoning.***
- (c) Notice of the planning board's consideration of a proposed minor map amendment shall be sent to the owner of the property to be rezoned and to adjoining property owners as provided in Subsection 22(e).
- (d) Unless the board of commissioners finds that there have been substantial changes in conditions or circumstances bearing on the application, the county shall not accept for consideration a petition for a text or map amendment if:
  - (1) Within one year prior to the date the petition is
    - (a) denied by the board of commissioners, or
    - (b) withdrawn by the applicant after planning board consideration, or
    - (c) the board of commissioners has approved a rezoning on the same parcel to a more restrictive classification than requested.
  - (2) Within one year prior to the date the petition is submitted, the board of commissioners has denied a substantially similar request for a text amendment.

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**ARTICLE XX  
AMENDMENTS**

**Section 322 Planning Board Consideration of Proposed Amendments.**

- (a) Every proposed map or text amendment shall be referred to the planning board for its consideration. ***The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the Board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board.***
- (b) The planning board shall endeavor to review the proposed amendment in such a timely fashion that any recommendations it may have can be presented to the Board at the public hearing on the amendment. However, if the planning board is not prepared to make recommendations at the public hearing, it may request the Board to delay final action on the amendment until such time as the planning board can present its recommendations.
- (c) The board of commissioners may not take final action approving a proposed amendment until it has received the recommendation of the planning board or until forty-five days have passed since the proposal was first heard by the planning board, whichever occurs first. However, the board of commissioners is not bound by the recommendations, if any, of the planning board.

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**ARTICLE XX  
AMENDMENTS**

**Section 323 Hearing Required; Notice.**

- (a) No ordinance that amends any of the provisions of this ordinance (including the zoning map) may be adopted until a public hearing has been held on such ordinance.
- (b) Such notice shall be published once a week for two successive weeks in a newspaper having general circulation in the county. The first notice shall be published not less than ten days nor more than twenty-five days before the date fixed for the hearing. In computing this period the date of publication shall not be counted but the date of the hearing shall be.
- (c) With respect to minor map amendments, whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing shall be mailed a notice of the proposed classification by certified mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. One or more notices of the public hearing shall also be posted on or immediately adjacent to the property rezoned by the proposed amendment. Said posted notice(s) shall each be at least six (6) square feet in area.

With respect to major map amendments, the County shall either mail first class mail notices or the County may elect to publish notice of the public hearing once a week for ~~four~~ **two** successive calendar weeks in a newspaper having general circulation in the County. If first class mailing is elected, the person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud. If the published notice is elected, said newspaper notice shall show a map showing the boundaries of the proposed map amendment and explain the nature of the proposed map change. Such notice shall be at least one-half of a newspaper page in size. Persons residing outside the general circulation area of the newspaper shall be sent notice of the public hearing by first class mail 10-25 days prior to the public hearing. ~~In addition to any published notice, the County shall post one or more prominent signs on or immediately adjacent to the subject property(ies) reasonably calculated to give public notice of the proposed rezoning.~~ **When a zoning map amendment is proposed, the county shall prominently post a notice of the public hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting for each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.** Such posted notice shall comprise sign surface area of not less than six (6) square feet.

- (d) Any certified or first class mail notice or any published notice required by this section shall include the following information:
  - (1) State the date, time, and place of the public hearing;
  - (2) Summarize the nature and character of the proposed change;
  - (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;
  - (4) State that the full text of the amendment can be obtained from the planning department; and
  - (5) State that substantial changes in the proposed amendment may be made by the board of commissioners following the public hearing.
- (e) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Board's intention that no failure to comply with any of the notice provisions that are not statutorily required shall render any amendment invalid.



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**ARTICLE XX  
AMENDMENTS****Section 324 Board Action on Amendments.**

- (a) **Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.** At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, refer it to the planning board for further study, or take any other action consistent with its usual rules of procedure.
- (b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

Following a brief explanation by Mr. Black of each of the proposed amendments, Vice Chairman Sexton requested that the Board hear any additional comments that Jim King, Chairman of the Union County Planning Board, might have before hearing comments from the public.

Mr. King stated that the Planning Board had reviewed the amendments thoroughly. He said that it was his understanding that these amendments are state requirements and the County really does not have a lot of choice in the text amendments.

Chairman Lane asked if there was anyone in the audience who wished to speak in favor of or in opposition to the proposed text amendments. The County Manager responded that no one had registered to speak during the public hearing.

Chairman Lane closed the public hearing at this time and stated that the Board could take action on these amendments tonight, if the Board wished to do so by suspending its Rules of Procedure.

Vice Chairman Sexton stated that he preferred that the Board continue with its tradition of waiting to take action on text amendments until the next regular meeting of the Board.

Jeff Crook, Staff Attorney, interjected that it is the will of the Board whether to take action on the text amendments tonight. He explained that the changes in the state laws went into effect on January 1, 2006. He stated that since there was no opposition displayed tonight to the text amendments and if the Board were comfortable in doing so, he would encourage the Board to go ahead and take action tonight. He added that delaying the Board's decision for two weeks would not do any damage, but since the state law has already changed, he would prefer that the Board act on the amendments tonight.

Vice Chairman Sexton replied that he had no qualms with the Board taking action on these amendments tonight, but he did not want there to be a precedent on future situations where the Board might not take action on text amendments where there is no opposition.

The Manager stated that in the past the Board has acted on text amendments during the same meeting in which the public hearing was held and there were no controversial issues or opposition. Further he stated that the Board has in the past refrained from taking action at the same meeting when the public hearing was held when there was public opposition. He said if the Board chooses to take action on these text amendments tonight, it would not be inconsistent with what this Board and prior Boards have done in the past.

Commissioner Rushing moved to delay action on consideration of text amendments to Sections 1, 15, 23, 29, 32, 34, 60, 114, 321, 322, 323, and 324 of the Union County Land Use Ordinance until the February 6, 2006, meeting.

Vice Chairman Sexton responded that he believed that he had already made a motion to delay action on this item until the next regular meeting.

Chairman Lane stated that a motion to delay action was not necessary.

**b. Section 21 - Appointment and Terms of Planning Board Members**

Chairman Lane opened the public hearing regarding the proposed text amendments to Section 21 of the Union County Land Use Ordinance entitled "Appointment and Terms of Planning Board Members" and recognized Richard Black, Planning Division Director, to explain the proposed text amendment.

Mr. Black stated that the following text amendment had been proposed by the Planning Board:

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**ARTICLE III  
ADMINISTRATIVE MECHANISMS**

**Part I. Planning Board**

**Section 21 Appointment and Terms of Planning Board Members.**  
***(Amended by BCC on July 9, 2001)***

- ~~(a) There shall be a planning board consisting of seven regular members and two alternates, all appointed at large by the board of commissioners. All members, whether regular or alternate members, must reside within the county and not more than two members shall reside within the same municipality.~~
- (a) There shall be a planning board consisting of nine regular members and two alternates, all appointed by the board of commissioners. One regular member shall be a resident of each of the county's nine townships, and the alternate members may reside anywhere within the county.**
- ~~(c) Members are limited to two successive terms.~~
- (c) Members are limited to three successive terms.**
- ~~(e) If a regular planning board member or if an alternate member moves outside the county, that shall constitute a resignation from the planning board, effective upon the date a replacement is appointed by the Board. Upon occurrence of an event resulting in more than two members residing in the same municipality, whether by annexation, incorporation, or relocation, such member(s) will be allowed to complete his or her term.~~
- (e) If a regular planning board member moves outside the township he or she represents or if an alternate member moves outside the county, that shall constitute a resignation from the planning board.**
- (g) Section 21 (a) shall be implemented as the terms of current members expire. Current members would not be eligible for reappointment if another member is also a resident of the same township.**

Mr. Black stated that during its December 6, 2005, meeting, the Planning Board had approved recommending the text amendment by a vote of four to three. He explained that the primary changes that are being recommended by the Planning Board are: 1) that the membership of the Planning Board be increased from its present seven members to nine regular members with one regular member from each of the County's nine townships; 2) that the limit of successive terms be increased from two terms to three terms; and 3) current members would not be eligible for reappointment if another current member not scheduled for reappointment is also a resident of that same township. Mr. Black advised the Board that the Planning Board had a lot of discussion regarding the third change. He said that the Planning Board had also considered an option that the present members could be reappointed without regard to townships, but that particular option did not pass.

Chairman Lane asked Mr. King, Chairman of the Planning Board, if he had any additional comments. Mr. King reiterated that the vote on the proposed text amendment was four to three.

The Chairman asked if there was anyone in the audience who wished to speak in favor of the proposed text amendment. There was no one to speak in favor of the proposed text amendment.

Chairman Lane then called for those persons in the audience who wished to speak in opposition to the proposed amendment.

Mrs. Liza Kravis stated that she is a member of the Union County Planning Board. She expressed her appreciation to the Board for allowing her the opportunity to serve on that board. She assured the Board that she takes her responsibilities of serving on this board very seriously and serves the entire county's interest and not only of the township in which she lives.

Mrs. Kravis said that she was one of the three Planning Board members who voted against the recommended changes. She stated that she had voted against the changes for several reasons.

She said that the Planning Board did not have the opportunity to review the objective of a change in Planning Board makeup and then to determine if the proposed recommendation met that objective. Mrs. Kravis stated that the proposal came to the board members in their agenda package a few days before the meeting with no background or information about why the recommendation was being proposed. Further she stated that when some of the Planning Board members had suggested that they would like to see the eastern side of the County being fairly represented, she had stated that she was not opposed to that concept but she did not believe using townships as districts made sense. She noted that she had also suggested that it might be difficult to find good people who were willing to serve from some of the smaller townships. Mrs.

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Kravis said that she had suggested that the vote be delayed and allow the Planning Board time to discuss and evaluate alternatives.

She stated that there are many ways to construct a Planning Board and she certainly wanted to be fair and equitable for all citizens. She said that the township recommendation is not fair and equitable. Mrs. Kravis explained the reasons why she did not believe that the recommendation is fair and equitable. She referred to the map displayed on the Board Room wall showing the existing and planned residential development. She said that if the townships were overlaid on that map, it would show that almost all of the planned residential development and growth is located in four townships: Sandy Ridge, Vance, Jackson, and Monroe with there being no red dots in New Salem, Buford, or Lanes Creek Townships and very few in Marshville and Goose Creek.

Mrs. Kravis stated that she also thought the location of the County's population should be considered. She stated that along with houses, the population is growing in the northwest quadrant of the County. Mrs. Kravis suggested that if there were to be fair and equitable representation, then representation should be considered based on population which she stated is not evenly balanced across the townships. She further said that she thought the County should carefully consider any move to district representation. She questioned what type of precedent this would set for the County and other boards. She said that the issue with district representation is that it becomes political and people will always try to set up districts that benefit their own personal agendas.

She stated that the Planning Board has much critical work in front of it over the next two years with the upcoming APFO as well as updates to the Land Use Plan and Ordinances. Mrs. Kravis said that the members would be asked to contribute a lot of time and to really be engaged with the planning process. She noted that several of the existing Planning Board members who are strongly in favor of township representation complain when the meetings go over two hours and say they have other responsibilities at home. She stated that there needs to be applicants and members who are willing to take on the responsibilities that go with this position. She concluded by asking the Board to vote no to the proposed recommendation. Mrs. Kravis suggested that if the Board would like for the Planning Board to consider options to change the Planning Board's makeup to assure fairness across the County, that direction be given to the Planning Board.

Lee Godwin, a resident of Indian Trail, also addressed the Board in opposition to the proposed text amendment. Mr. Godwin stated that he is also currently serving as a member of the Planning Board and was recently moved from an alternate position on that board to a regular member.

He said that as a person who has been involved with the Planning Board for the past year, some of the comments that have been published in the newspapers have gotten under his skin somewhat. He said that he had only met the Commissioners very few times and when he submitted his application to serve on the Planning Board last year, it was done so because of his desire to help the entire county.

Mr. Godwin said that he has acquired an immense amount of knowledge while serving as an alternate and feels that he is ready to move up to a regular position. He assured the Board that his votes would be made based on an unbiased recommendation that is put before him and will so based upon his experience and years, and will be as fair as possible no matter in what part of the County a decision is needed. He said it is not about the quantity but is about the quality of the people who are appointed to the County boards. Mr. Godwin stated each and every one of the Planning Board members takes their responsibilities personally.

He said speaking as a County citizen, he believes it is important that the Board of Commissioners reject the proposed amendment because as he had previously stated it is not about the quantity of the Board members but the quality of the members sitting on that board, whether or not they will make an honest decision based on the facts, and if they are willing to learn.

Mr. Godwin expressed his appreciation to the Commissioners who had voted to move him into a regular position on the Planning Board. He assured the Board that his decisions would be based on fact and what is best for the whole county and not what is best for a few people.

With there being no one else wishing to address the Board during the public hearing, the Chairman closed the public hearing.

**ADDITIONS, DELETIONS, AND/OR ADOPTION OF AGENDA:**

Vice Chairman Sexton moved to adopt the agenda as presented. The motion was passed unanimously.

**CONSENT AGENDA:**

Commissioner Stone moved to approve the items listed on the Consent Agenda as presented. The motion was passed unanimously.

**Minutes:** Approved minutes of regular meeting of December 19, 2005.

**Tax Administrator:** Approved Seventh Motor Vehicle Billing in the grand total amount of \$843,211.44.

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*Tax Administrator:* Approved corrected refunds for November 2005 in the total amount of \$4,881.56

CORRECTED REFUNDS				
MONTH OF NOVEMBER, 2005				
NAME	ACCOUNT NO.	TOTAL	As Corrected	Difference
<b>2005</b>				
Logos Enterprises, INC.	50092113	\$ 420.48	\$ 420.48	
Friendship Baptist Church	09228112	\$ 81.90	\$ 81.90	
Friendship Baptist Church	09228112		\$ (81.90)	\$ (81.90)
Albemarle District of the United Methodist Church	09267034	\$ 1,126.32	\$ 1,126.32	
Holzlohner, Patricia A. & Wayne R.	02310084	\$ 62.56	\$ 62.56	
Wingate University	09019020	\$ 8.39	\$ 8.39	
Yarborough, Agnes W., Trustee	07084320A	\$ 270.97	\$ 270.97	
Batista, Cesar K.	07069207	\$ 233.35	\$ 233.35	
Baxter, Richard P., Trustee	09049006A	\$ 155.79	\$ 155.79	
Triangle Prop Assoc. LLC	07054715	\$ 878.02	\$ 878.02	
Chandler, Bobby W. & Lorraine B.	02315019	\$ 62.37	\$ 62.37	
Trull, Tammy Denise	02239009H	\$ 838.88	\$ 838.88	
America's Home Place, Inc.	09286010	\$ 781.01	\$ 781.01	
<b>2002</b>				
Sanders, William Alden	50072984	\$ 43.42	\$ 43.42	
<b>GRAND TOTAL</b>		\$ 4,963.46	\$ 4,881.56	\$ (81.90)

*Tax Administrator:* Approved corrected releases for November 2005 in the total amount of \$33,346.31

CORRECTED RELEASES				
MONTH OF NOVEMBER, 2005				
NAME	ACCOUNT NO.	TOTAL	As Corrected	Difference
<b>2005</b>				
Imperial Investments of Monroe, dba Holiday Inn	50072022	\$ 2,691.04	\$ 2,691.04	
Imperial Investments of Monroe, dba Holiday Inn	50081653	\$ 766.49	\$ 766.49	
Wells Fargo Financial Leasing	50087882	\$ 6.75	\$ 6.75	
Diversified Financial Services, LLC	50087378	\$ 72.44	\$ 72.44	
Smith, Cecil & wife Janie	06102224	\$ 27.93	\$ 27.93	
Calhoun, John Andres	02164008B	\$ 1,560.25	\$ 1,560.25	
Helms, Terry Dale & wife Diane	08273003 01	\$ 1,079.77	\$ 1,079.77	
Helms, Rickie Harris	08273003 02	\$ 1,079.77	\$ 1,079.77	
McLain, Bobby Neil & Ethel K.	0514100S	\$ 132.70	\$ 132.70	
City of Monroe	09229015B	\$ 422.48	\$ 422.48	
Phifer, Kenneth W. & Patricia	03039006	\$ 577.84	\$ 577.84	
Phifer, Kenneth W. & Patricia	03021001	\$ 1,133.31	\$ 1,133.31	
Phifer, Kenneth W. & Patricia	03039009	\$ 100.56	\$ 100.56	
Ritter, Clarence M.	06117027	\$ 606.44	\$ 606.44	
Duncan, Martha Jane and Laura Christie	08234003A	\$ 221.00	\$ 221.00	
Wells Fargo Financial Leasing, INC	50093523	\$ 5.06	\$ 5.06	
Wacky Vending	50092899	\$ 173.25	\$ 173.25	
Flooring Celarance Center	50092735	\$ 13.25	\$ 13.25	
Price, James R.	50015432	\$ 225.23	\$ 225.23	
Victory, Timothy M. & Owanna B	50074123	\$ 37.80	\$ 37.80	
James, Gregory M. & Tracy T.	50072514	\$ 401.24	\$ 401.24	
McRorie, Eugene L.	50087016	\$ 85.81	\$ 85.81	
Wells Fargo Financial Leasing Tax Dept.	50069133	\$ 98.69	\$ 98.69	
Atlantic Maintenance Service	50090654	\$ 39.85	\$ 39.85	
Stegall, Randy Scott	50074313	\$ 146.75	\$ 146.75	
Medlin, Freddie Martin	50078915	\$ 18.59	\$ 18.59	
Ledford, Ronald Kevin	50072987	\$ 10.01	\$ 10.01	
Breedlove, Larry Mont	50092961	\$ 16.92	\$ 16.92	
York, John R.	50090187	\$ 22.97	\$ 22.97	
Autry, Richard, Sr.	50083875	\$ 29.45	\$ 29.45	
Teo, Bruce Walters Estate	50083644	\$ 190.19	\$ 190.19	
Honeycutt, Jimmy Roger & wife Sharon	50077669	\$ 5.42	\$ 5.42	

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Miramontes, Alvaro	50091132	\$ 175.90	\$ 175.90	
Jones, Linda Diane	50070782	\$ 170.04	\$ 170.04	
Matt Elliott Homes, Inc.	50090511	\$ 177.38	\$ 177.38	
Victory Native American United Methodist Church	07114080	\$ 391.96	\$ 391.96	
NJV Investments, LLC	07081290A	\$ 2,734.77	\$ 2,734.77	
Helms, Tony F. D. & Sue D.	08102042	\$ 503.69	\$ 503.69	
Smith, Raymond G. dba R. G. Smith Properties	09153034	\$ 943.11	\$ 943.11	
J. M. Wallace Land Company, LLC	06141044 01	\$ 89.02	\$ 89.02	
Rainbow Trout Properties, LLC	07129311A	\$ 224.92	\$ 224.92	
Southern Concrete Materials, Inc.	07126282	\$ 6.96	\$ 6.96	
Treece, Mary Helen	07102032E	\$ 259.99	\$ 259.99	
Purser, James R. % Reynolds Fence & Guardrail	08249004 03	\$ 227.92	\$ 227.92	
Haigler, Aubrey L. & Shirley L.	08270006	\$ 64.95	\$ 64.95	
Hill, George Randy & wife Athenia C.	09019036	\$ 89.95	\$ 89.95	
Hagin, Nancy C. & W.A. Hagin, Jr. Trustee	07063868	\$ 457.07	\$ 457.07	
Williams, Jack W. % Forest Lawn Co. East, Inc.	07153004 02	\$ 410.64	\$ 410.64	
Herr, William & wife Song Vang	02310098B	\$ 59.41	\$ 59.41	
Rorie, John Dale & wife Jenny C.	03159027	\$ 103.45	\$ 103.45	
Divide Gold Club LLC % Rav Marvin Poer	07054004A	\$ 289.08	\$ 289.08	
Friendship Baptist Church	9228112		\$ 81.90	\$ 81.90
Davis, Carey B. & Kathye A.	02310030	\$ 34.14	\$ 34.14	
McBryde, Mane M. Heirs	02310040	\$ 80.07	\$ 80.07	
Plumer, Stephen W. & Barbara A & Ralph Dougherty	05115043	\$ 101.43	\$ 101.43	
Ventilation Properties, LLC	07048025	\$ 138.16	\$ 138.16	
Murray, Kevin D. & Martha R. %Murray Properties	09150094	\$ 49.70	\$ 49.70	
Okwara Properties	09194137	\$ 554.09	\$ 554.09	
Weiner, Richard N.	09194138	\$ 203.86	\$ 203.86	
Hinson, George Wilson & Lois C.	09194148	\$ 46.69	\$ 46.69	
Stegall, Jimmy L. & Cynthia	09195020A	\$ 161.59	\$ 161.59	
First Connor Corporation	09195024	\$ 79.44	\$ 79.44	
Living Church of Our Lord Jesus Christ, Inc.	09195045	\$ 128.77	\$ 128.77	
Burgess, Marvin Ray	09197039	\$ 635.86	\$ 635.86	
Jordan Donnie & Betty & John Amend, Jr. & Elisabeth	09197046	\$ 978.77	\$ 978.77	
Wilson, R. M. & Anne W, Wilson	09222058	\$ 786.04	\$ 786.04	
CSW-MDM Properties, LLC	09223014A	\$ 165.06	\$ 165.06	
Austin, Joe E.	09223021	\$ 234.43	\$ 234.43	
Braswell, James Bengie & Virginia K.	09223036	\$ 229.77	\$ 229.77	
Babb, John C.	09223043A	\$ 84.81	\$ 84.81	
Griffin, Faye Brewer	09006011	\$ 1,763.68	\$ 1,763.68	
Preferred Equities, LLC	02120002B	\$ 1,446.36	\$ 1,446.36	
Burgess, Jean C.	09231102	\$ 214.76	\$ 214.76	
Smith, Raymond G. & Carolyn T.	09232038	\$ 120.47	\$ 120.47	
Riggins, Virginia Haney	0923053	\$ 102.31	\$ 102.31	
M. C. Schroeder Co., Inc.	09232056	\$ 107.86	\$ 107.86	
Helms, Janice Aycocok	09235014	\$ 48.70	\$ 48.70	
Real-Art Property Investments	09237056	\$ 489.76	\$ 489.76	
Hatrack, Merry R.	09237056A	\$ 201.34	\$ 201.34	
Tilman John Q.	09267063	\$ 277.51	\$ 277.51	
Moore, Jimmy Franklin & Jo M.	09351002A	\$ 698.04	\$ 698.04	
Turner, Mary Ann H.	02117002	\$ 2,246.58	\$ 2,246.58	
Smith, Donald R. & Eunice C.	03054003	\$ 859.64	\$ 859.64	
State of North Carolina	08279006A	\$ 97.27	\$ 97.27	
		\$32,746.42	\$ 32,828.32	
<b>2004</b>				
Rushing, Madeline	09012005	\$ 213.25	\$ 213.25	
Stegall, Amy Price Nicole & Husband Randy Scott	50074313	\$ 134.09	\$ 134.09	
		\$ 347.34	\$ 347.34	
<b>2003</b>				
Rushing, Madeline	09012005 01	\$ 60.91	\$ 60.91	
<b>2002</b>				
Rushing, Madeline	09012005 01	\$ 54.87	\$ 54.87	
<b>2001</b>				
Rushing, Madeline	09012005 01	\$ 54.87	\$ 54.87	
<b>GRAND TOTAL:</b>		\$33,264.41	\$ 33,346.31	\$ 81.90

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**Union County Disproportionate Minority Contact Implementation Grant Pre-Application for 2006-2007 (no County match) - requesting match waiver from the Governor's Crime Commission:** Authorized submission of grant pre-application in the amount of \$65,013.00 in federal funding with request for match waiver

**Health Department:** Approved Budget Amendment #19 to the Smart Start Bilingual Health Check Program Budget increasing Operating Expense by \$15,790 and State Revenue by \$15,790 to appropriate additional funding for Smart Start Bilingual Health Check.

**Health Department:** Approved Budget Amendment #20 to the Health - WIC Budget increasing Operating Expense by \$5,172 and Federal Revenue by \$5,172 to appropriate additional funding for WIC Program.

**Department of Social Services:** Approved Budget Amendment #18 to the CIP Disaster Funds Budget increasing Operating Expense by \$38,529 and State Revenue by \$38,629 to appropriate funding for CIP Disaster funds.

**Reclassification of Positions - Parks and Recreation Department:** Approved reclassification of Recreation Supervisor Position, Pay Grade 69 to Recreation Coordinator Position, Grade 65 (resulting in a slight decrease in personnel budget)

**Reclassification of Position - Soil Conservation:** Approved adding new job classification of Soil Conservation Specialist, Pay Grade 54, to the County's Pay Plan

**Hemby Bridge Fire Department - 2005 Annual Certification of Firemen to North Carolina State's Firemen Association** - Approved annual certification as provided by Hemby Bridge Fire Department and authorized the Chairman to execute the certification listing the following members: Matthew G. Hinson, Derrick P. Carnes, Michael M. Catoe (designated as new members), Thomas N. Amann, Jr., Robert W. Bagley, Ben Bailey, Jr., John M. Blythe, Rob Bowlin, Corey Burrows, Heather Byrum, Chris Craig, Ed Crowell, Jody Damron, Jeff Dixon, Anthony Falco, Corey Kirby, Mark Ligon, Kevin Marwitz, Joey McManus, Jeffrey Perkel, Kevin Philemon, Carter Plyler, Don C. Porter, II, Paul Ramsey, Ralph Rowell, Justin Self, Jennifer Smith, John Smith, Adam Speer, Keith Starnes, Lisa Surratt, Kevin Tice, Kevin Walling, Mike O. Watts, David J. Weaver, Danny West, and Chris Yates

**Departmental Monthly Reports:** Approved Tax Administrator's Monthly Report for November 2005.

**Positive Impact - Governor's Crime Commission Grant Pre-Application (No County Match Required) to be Used for H.Y.P.E. (Helping Youth Perform and Excel):** Authorized submission of Grant Pre-Application to the Governor's Crime Commission in the amount of \$55,474.69 in federal funding.

**The following items were included in the information section with no Board action required:** Department of Inspection Monthly Report for December 2005 and Personnel Report for December 2005.

**PLANNING DEPARTMENT:**

- a. **Consideration of Text Amendments to the Union County Land Use Ordinance (Public Hearing Held on December 19, 1005)**
  1. **Amendment to the Definition of Scrap Materials, Salvage Yards, Junkyards, and Automobile Graveyards**

Chairman Lane stated that a proposed text amendment had been distributed to the Board tonight for review.

Commissioner Stone moved to adopt the text amendment as submitted with reference being made to the handout distributed at tonight's meeting.

After listing the exemptions under the text amendment for clarification purposes, Vice Chairman Sexton subsequently made a second substantive motion to: 1) to adopt the text amendment to Section 15 - Definitions; and 2) the addition of Alternative 2 amendment for Section 129, which was not ruled out of order at the time. [No vote was taken on the second substantive motion.]

Commissioner Rushing initiated discussion opposing the proposed text amendment. He suggested that the Board could send this matter back to the Planning Board for a recommendation on something more reasonable. He stated that he did not believe the zero square foot limitation was reasonable.

Chairman Lane gavelled the discussion at this point requesting that Commissioner Rushing refrain from discussing the square foot limitation until later when Section 129 would be discussed.

Commissioner Rushing made reference to the revised language for the text amendment that was distributed tonight. He said that he was pleased to see the new language tonight versus what was presented at the December 19 meeting.

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Commissioner Stone pointed out for the audience that the revised language very clearly states that not only are bona fide farm purposes exempted from the ordinance but also the "production and activities relating or incidental to the production of crops . . ." He said it is a very open and comfortable document. He noted that there is no other county around Union County that has a 600-foot square foot junk pile allowance.

Chairman Lane stated that Commissioner Stone was also getting into the provisions of Section 129.

Commissioner Pressley requested that he be allowed to ask certain questions of Lee Jenson, Land Use Administrator. In response to a question by Commissioner Pressley, Mr. Jenson listed the steps that he follows under the current ordinance after receiving a complaint relating to junk on properties.

Commissioner Pressley questioned if any of the language of the proposed text amendment had changed since the public hearing on December 19.

Mr. Shalati referred to the document that was distributed tonight by Commissioner Stone. He stated that the language in the revised document is different from what was included in the agenda package that was presented at the last meeting.

Commissioner Pressley requested permission to share photographs via a computer presentation of several examples of vehicles, farm equipment, and materials being stored on property, and he asked the Land Use Administrator to give his opinion on whether or not each of those scenarios would constitute a legitimate complaint of a violation of the County's ordinance. Mr. Jenson responded that it would be difficult to give a definitive answer on any photograph, because part of the process that is followed on the ordinance involves completing an investigation into the complaint. Commissioner Pressley then showed photographs of how the vehicles and materials that he had previously shown had been restored or used.

Commissioner Pressley stated that he had used the photographs in an effort to show that he believed there are other ways to handle situations such as the one that Mr. Hall had described during the Informal Comments.

Vice Chairman Sexton stated that the pictures that had been shared by Mr. Hall are an unbelievable violation and have been there for over two years. He said that for him personally he has never seen such incidents of construction abuse and scrap yard abuse. He then called the question on the motion and stated that he thought the ordinance should be tightened up before a catastrophe occurs or a child is hurt or fatally injured.

The Chairman then called for a vote on the motion by Commissioner Stone. The motion was passed by a vote of three to two. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted in favor of the motion. Commissioners Pressley and Rushing voted against the motion.

The amendment as adopted is recorded below:

1. AMEND Section 15, Definitions of Basic Terms, by deleting the definition of Scrap Materials, Salvage Yards, Junkyards, and Automobile Graveyards and replacing such definition with the following:

Scrap Materials, Salvage Yards, Junkyards, and Automobile Graveyards: The use of any lot for the storage, keeping, or abandonment of junk, including scrap metals, or other scrap materials or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, and any salvage yards or junkyards, or any additional such usage as defined under Standard Industrial Classification 5015 and 5093.

2. AMEND the Table of Uses by adding to the Use described as "Junkyard, Automobile Salvage Yard, Scrap Materials" a reference to Section 180 O in the column which reads "Supplemental Regulation Section Number or Article."

3. ADD a new Section 180 O to the Land Use Ordinance to read as follows:

Section 180 O - Junkyard, Automobile Salvage Yard, Scrap Materials

The regulations regarding junkyards, automobile salvage yards, and scrap materials, shall not apply to property used for bona fide farm purposes, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market. This section does not limit regulation with respect to the use of farm property for nonfarm purposes.

4. This Amendment shall become effective upon adoption.

*2. Amendment to Section 129*

Vice Chairman Sexton moved the adoption of Alternative Amendment #2 for Section 129 which eliminates the storage area completely to read as follows:

**Amend Section 129 to add the following...**

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Within thirty days after an amendment to this ordinance, any violation of Section 149 (c) (3) or Section 146 Scrap Materials, Salvage Yards, Junkyards, and Automobile Graveyards shall cease, and thereafter any situation in violation of that Section shall no longer be treated as a lawful nonconforming situation.

Commissioner Rushing initiated discussion regarding Section 129 and following several comments by Commissioner Rushing, Chairman Lane gaveled the discussion stating that the discussion was off the subject and ruled Commissioner Rushing's discussion out of order. The Chairman called a five-minute recess of the meeting.

At approximately 8:11 p.m., Chairman Lane reconvened the meeting.

Commissioner Pressley questioned if the language proposed for the text amendment to Section 129 had changed also from that which was included in the agenda package. Mr. Shalati responded that the language before the Board had been proposed by Commissioner Stone, and at his request it was placed before the Board prior to the commencement of tonight's meeting. Commissioner Pressley questioned if the language was changing from what had originally been proposed, should the Board conduct another public hearing on the newly revised language.

Mr. Crook, Staff Attorney, stated that at the request of Commissioner Stone he had prepared the language that had been presented to the Board tonight, and the nature of the changes was not such that another public hearing would be required. He said that the changes were not substantial.

Vice Chairman Sexton stated that he wanted to clarify his motion did not include the language of the proposed text amendment presented to the Board tonight. He said that his motion included Alternative 2 that was provided to the Board in the agenda package for the December 19, 2005, meeting.

The Chairman then called for a vote on the motion. The motion was passed by a vote of three to two. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted in favor of the motion. Commissioners Pressley and Rushing voted against the motion.

**b. Floodplain Text Amendment**

The County Manager stated that Richard Black, Planning Division Director, was available to answer any questions that the Board might have regarding this item. He explained that this item had been initiated by the Board of Commissioners originally and forwarded to the Planning Board for consideration. He stated that the Planning Board had recommended unfavorably on this item and the staff wanted to bring it back to the Board for discussion and direction on how to proceed.

Vice Chairman Sexton moved to refer this matter back to the Planning Board for further review and language for the text amendment to reflect the Board of County Commissioners' direction for a no fill, no build provision in the floodplain area and to defer the elevated zone issue until FEMA completes its mapping procedure this summer, probably in July 2006.

Commissioner Pressley said that he had suggested in a prior Board meeting that the Planning Board look at other provisions and asked Jim King, Planning Board Chairman, if he had done so. Mr. King responded that he had discussed this matter with a couple of engineers. He stated that he had brought it before the Planning Board that there was an engineer who had volunteered his time to conduct a hydraulic study. He said that he had brought this suggestion before the Planning Board because the engineer had wanted three one and one-half hour sessions before the Planning Board. However, he said that he had verified that the Planning staff is qualified to provide the same information.

Commissioner Rushing asked what has been the consensus of the Planning Board on this matter and questioned the delay on this matter. Mr. King assured the Board that he did not take orders from any one member of the Board of Commissioners but if the majority of the Board gives him directions, then he would try to do what has been asked of him in his capacity as Chairman of the Planning Board.

Mr. King explained that the Planning Board's last vote had been a vote of four to three to turn it down with almost no discussion having taken place. He stated that part of the problem had been because of the 100-foot elevated zone. He assured that all of the information regarding this item that has come before the Planning Board has come from the majority of the Board of Commissioners.

Following further discussion, Commissioner Pressley offered a substitute motion to go with the Planning Board's recommendation and reject it until the needed information is available.

Chairman Lane asked the staff attorney if the substitute motion was a substantive motion. Mr. Crook responded that was correct if the substitute motion were directly contrary to the original motion. He stated that a motion to defer consideration would be a procedural motion and would be in order.

Commissioner Pressley then restated the substitute motion to defer consideration on this matter until FEMA has completed its mapping.

At the request of Chairman Lane, Vice Chairman Sexton restated his motion to refer the matter back to the Planning Board for further review and language for the text amendment to reflect the Board of County



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Commissioners' direction for a no fill, no build provision in the floodplain area and to defer the elevated zone issue until FEMA completes the mapping in the summer.

Commissioner Stone asked if Union County would be mandated to follow the elevation number set by FEMA. Mr. Black explained that more than likely the floodplain itself would change, and then the Board could set an elevation above base flood elevation. He said that FEMA would indicate the new boundaries for the floodplain and the floodways.

Mr. King added that the Planning Board had based its recommendation on the 100-foot elevated zone and the four feet on studies conducted by Mecklenburg County. He said that the staff attorney had recommended that Union County needs its own study to justify the elevated zone. Mr. King stated that the elevated zone issue had nothing to do with the no build, no fill in the floodplain. He suggested that they could still proceed with the no build, no fill in the floodplain. He said that in July when the maps have been completed, the Planning Board could recommend the 100-foot zone which would be based on the FEMA study, so there would be a legal criteria on which to base the height elevation.

Commissioner Stone clarified that the mapping that is to be completed by FEMA this August is the Catawba River Basin not the Yadkin Pee Dee Basin.

Mr. Black said that when the Catawba River Basin study is completed, it will define the Catawba River Basin and at that time, Union County could use the Catawba study as a pilot study for the remainder of the county.

Mr. King further stated that Mecklenburg County had studies on two creeks that were used as the basis of its recommendation. He said that he felt fairly comfortable that with the study of the Catawba River Basin and with there only being two basins in Union County, that Union County could base its recommendation countywide on the Catawba River Basin study.

Following further discussion, the Chairman called for a vote on the substitute motion which failed by a vote of two to three. Commissioner Pressley and Commissioner Rushing voted in favor of the substitute motion. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted against the substitute motion.

Chairman Lane then called for a vote on the original motion by Vice Chairman Sexton which was passed by a vote of three to two. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted in favor of the motion. Commissioner Pressley and Commissioner Rushing voted against the motion.

**CAROLINAS MEDICAL CENTER - UNION: REQUESTS FOR APPROVAL OF PROJECTS/PURCHASES IN EXCESS OF \$500,000 IN ACCORDANCE WITH LEASE AGREEMENT WITH UNION COUNTY:**

- a. *Renovations and equipment purchases to establish an outpatient Chronic Pain Treatment Center*
- b. *Renovations and routine maintenance of the second floor patient care areas, including patient rooms*

Chairman Lane recognized John Roberts, President of Carolinas Medical Center-Union, to explain these items.

He stated that the Lease Agreement with Union County, which is now in its eleventh year, requires Carolinas Medical Center Union to seek the Board's approval for projects/purchases in excess of \$500,000.

Mr. Roberts assured that both projects are included in Carolinas Medical Center-Union's budget and have been reviewed and approved by both the hospital's Finance Committee and the Community Trustee Council.

He stated that the first project is for renovations and equipment purchases related to the Women/Children's Center located on the second floor of the hospital. Mr. Roberts said that it has been approximately ten years since there have been any significant improvements or renovations to this area. He further said that this project could easily be placed in a category of routine maintenance; however, the scope of the project includes renovation of 22 patient rooms, 13 rooms for pediatrics area, and 6 labor and delivery and recovery rooms; and a 20-bed newborn nursery. Mr. Roberts stated that the renovations are mostly for amenities, and will include upgrades to the patient rooms and improvements in workflow for the nursing unit. He said that the cost of this project is \$601,518. He emphasized that the current facility where the second floor patient care area is located has served the patients well, but it is time to renovate this area since it has received little attention in the last several years.

The second project described by Mr. Roberts was the renovation and equipment purchase for an outpatient Chronic Pain Treatment Center. He stated that this is a new service for Union County. He said that chronic pain is a very significant issue in the United States and certainly in Union County. Mr. Roberts shared that many Union County citizens have to seek treatment for chronic pain outside Union County. He stated that the hospital would be establishing a freestanding, hospital based, outpatient center to treat chronic pain. He explained that this project would require the renovation and purchase of some expensive x-ray and radiology imaging equipment. He said that the cost of this project would be \$650,000.

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Mr. Roberts stated that, if approved by the Board, both of these projects will be completed during 2006 and would be available for use by the citizens in the coming year.

Following the presentation, Commissioner Pressley moved approval in block the following projects by Carolinas Medical Center Union which exceed the cost of \$500,000 each, in accordance with its Lease Agreement with Union County:

- a. Renovations and equipment purchases to establish an outpatient Chronic Pain Treatment Center at a cost of \$650,000.
- b. Renovations and routine maintenance of the second floor patient care areas, including patient rooms at a cost of \$601,518.

The motion was passed unanimously.

Mr. Roberts presented the County's Finance Director with a check in the amount of \$1,400,000 as a down payment on the hospital's lease payment for 2005. He said that when the hospital's books are audited in March and April of 2006, there would be a settlement of the remaining lease payment for 2005. He added he believed that the hospital's lease payments to the County during the ten-years that the lease has been in effect have exceeded \$20 million.

**SENATE BILL 223, PUBLIC CONFIDENCE IN ELECTIONS:**

Chairman Lane recognized the County Manager to address this issue.

Mr. Shalati stated that less than 60 days ago, the County's staff was informed that the state has come up with extremely challenging legislation that would require counties to approve and purchase new voting machines from among very limited qualified vendors. He said that the staff had requested permission from the Board of Elections for the opportunity to participate and provide suggestions on the purchase of the new machines. He stated that the County was impacted by the new legislation from two standpoints: technology, as the equipment would have to be maintained, and financial. Mr. Shalati stated that the Board of Elections had provided the staff with the opportunity to participate and provide suggestions on the purchase of the new machines, and the representatives from Union County were Carl Lucas, Director of Union County Information Technology Department, and Kai Nelson, Finance Director, who serves as the liaison for the Board of Elections.

Mr. Nelson recognized Ms. Shirley Secrest, Supervisor, Board of Elections, and stated she was available to answer any questions of fact that the Board might wish to ask. He referred to the draft letter contained in the agenda package addressed to the Governor and the local legislative delegation requesting a modest delay in implementation of Senate Bill 223, Public Confidence in Elections. Mr. Nelson referred to a copy of a Timeline for Purchase of Voting Equipment that was provided to the Board during tonight's meeting. He stated that the handout did not contain the date August 2005, which is the month in which the new Senate Bill was passed and signed into law by the Governor. He said that he believed it was important to note the August date because that date was after the time when the Board had set the annual budget. Mr. Nelson said that since the County is required to comply with the new legislation, there is an unfunded mandate from the State.

He pointed out that in November 2005, the State Board of Elections decertified all of the County's current voting machines, approximately 180 to 185 units, and this equipment cannot be used in the upcoming May primaries. Further, he said that on November 16, 2005, the State certified three vendors from which to acquire future voting equipment. He pointed out that by December 22, two of the three vendors certified by the State withdrew their names from the approved vendor list, which resulted in one vendor meeting all the needs for voting machines of County Election Boards across the state. Mr. Nelson stated that the remaining vendor is a firm that has no track record in North Carolina in connection with the voting machines that it is proposing. Shirley Secrest, Supervisor for the Union County Board of Elections, added that the proposed equipment has never been used in any true election. Mr. Nelson also pointed that the firm is a relatively small firm.

He stated that the North Carolina Association of County Commissioners has recommended: 1) more time is needed to make decisions concerning voting equipment purchases; 2) there should be more than one certified vendor; and 3) Counties need additional funding to purchase new equipment. He referred to a copy of correspondence from the Association to Governor Michael Easley requesting consideration of those three points. He explained that the action requested of the Board tonight is to authorize the Chairman to execute a letter to Governor Easley and members of the local legislative delegation asking for those three considerations.

Following the discussion, Commissioner Stone moved to authorize the Chairman of the Board of Commissioners to execute correspondence to Governor Easley and the local legislative delegation calling for a special legislative session.

Commissioner Rushing questioned if the new legislation would involve the replacement of all of the County's existing voting machines. Mr. Nelson referred to State Board of Elections' action on November 16, 2005, whereby the County's existing voting machines were decertified. He stated that based on those

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actions, the County would be required to purchase new equipment in its entirety. He explained that the Board of Commissioners' action reflected in the approved Capital Improvement Program (CIP) as well as the first year of the budget had a gradual replacement of the County's existing voting machines over a number of years through a combination of adding to the existing machines (approximately 180 machines). Mr. Nelson stated that the intent relative to that purchase was not to do a one-for-one replacement, but the replacement was to continue to use the County's existing equipment and to add another 180 machines and between now and the 2009 fiscal year (2008 Presidential Election), all of the machines would have been replaced.

Following the discussion, the motion was passed unanimously.

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The Honorable Michael F. Easley  
Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301

The Honorable Eddie Goodall, Jr.  
North Carolina Senate  
1414 Legislative Building  
Raleigh, NC 27601-2808

The Honorable David Almond  
North Carolina House of Representatives  
1025 Legislative Building  
Raleigh, NC 27601-1096

The Honorable Curtis Blackwood  
North Carolina House of Representatives  
1317 Legislative Building  
Raleigh, NC 27601-1096

The Honorable Pryor Gibson  
North Carolina House of Representatives  
419A Legislative Office Building  
Raleigh, NC 27603-5925

Dear Sirs:

On behalf of the Union County Board of Commissioners, we are seeking your support for a special session of the General Assembly to enact a modest delay in implementation of Senate Bill 223, Public Confidence in Elections. We are asking you to take this drastic step because we have serious concerns over the State Board of Elections process in:

- a.) decertifying proven and successful voting equipment,
- b.) a certification process for new voting equipment which ultimately led to a single vendor providing most of the counties voting equipment, and
- c.) the time constraints within which we must make costly decisions that could impact the integrity of the 2006 primary election.

In Union County, we use digital record equipment. We have a history of managing elections in a timely, efficient and fair manner. While we agree that it is important to maintain the integrity of the democratic process by ensuring that every citizen's vote is accurately tabulated, the Union County taxpayers will pay over \$1,300,000 to upgrade and replace our voting machines.

We are asking you to use the weight of your office to initiate a call for a special legislative session to allow the counties to use their current voting equipment, if it meets the federal HAVA requirements, for the May primary. The present process allows negligible time for vendor delivery, installation and testing of the equipment, and training. Funds to completely replace all of the County's voting equipment were not budgeted in the current fiscal year. We are concerned that the short timeframe for implementation will actually destroy what the legislature was admirably trying to accomplish - improved voter confidence. While we support the accountability intent of this legislation, we oppose the flawed implementation process. We need your support for legislative intervention.

Sincerely,

Chairman  
Union Board of County Commissioners

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**PUBLIC WORKS DEPARTMENT:****a. Secrest Short Cut/Idlewild Road Water Main Improvements**

Chairman Lane recognized Christie Putnam, Interim Public Works Director, to explain this item.

Ms. Putnam explained that this project is the waterline replacement for the Secrest Short Cut/Idlewild Road Water Main, which will provide increased reliability to water service in the area of Hemby Bridge, Indian Trail, and Fairview.

It was noted on the written documentation provided in the agenda package that the total cost of the project would be \$1,923,228.97 which was previously approved with Capital Project Ordinance No. 28. The written documentation further stated that Union County would receive reimbursement cost from both the North Carolina Department of Transportation (\$184,175.36) and the Tyson Group (\$170,628.48).

A summary of the bids as received for this project is recorded below:

Contractor	Address	Total Amount of Bid
Buckeye Construction	654 Buckeye Cove Road Canton, NC 28716 (828) 648-4511 Fax (838) 665-9374	\$1,923,228.97
Ronny Turner Construction	3571 NC Hwy. 127 South Hickory, NC 28602 (828) 294-0042 Fax (828) 294-1844	\$1,941,914.52
State Utility	4417 Old Charlotte Highway Monroe, NC 28110 (704) 289-6400 Fax (704) 282-0590	\$2,108,440.55  (1) error noted
Dellinger, Inc.	2631 Old Charlotte Hwy. Monroe, NC 28111 (704) 283-7551 Fax (704) 289-8217	\$2,222,212.70
R. F. Shinn Contractors	2931 Armentrout Drive Concord, NC 28025	\$2,231,551.20
7 Star Construction	1286 Holland Road Rock Hill, SC 29730 (803) 329-2664 Fax (803) 329-8652	\$3,264,371.00  (2) errors noted

\*Several minor bid irregularities were found in the bids and are listed below:

<u>Contractor</u>	<u>Description of Irregularities</u>
State Utility Contractors (1)	Payment Item No. 6, \$900.00 entered; should be \$2,250.00. From above item, Subtotal should be \$1,956,831.30. Total bid item should be \$2,107,540.55.
7 Star Construction (2)	Payment Item 11, \$1,000.00 entered; should be  Payment Item 28D, no value entered. From above item, Subtotal should be \$3,268,371.00 From above items, Total should be \$3,506,876.97

These bid irregularities did not affect the order of the bids.

Following the presentation by Ms. Putnam, Commissioner Pressley moved to accept the bids, waive the bid irregularities as noted by the engineer in the bid summary, award the bid to lowest responsible bidder, Buckeye Construction Co., Inc. in the amount of \$1,923,228.97, and authorize the County Manager to approve a contract with the low bidder. The motion was passed unanimously.

**PARKS AND RECREATION TRUST FUND GRANT (PARTF) APPLICATION FOR PASSIVE AREA OF JESSE HELMS PARK NOT TO EXCEED \$500,000 (if awarded, requires matching county funds):**

Chairman Lane recognized Christie Putnam, Assistant to the Manager, to explain the item regarding the Parks and Recreation Trust Fund Grant (PARTF) Application.

Ms. Putnam stated that the Board had been provided with a copy of the previously approved Master Plan for the Jesse Helms Park which highlights the proposed projects for inclusion in the Parks and Recreation Trust Fund Grant Application if the grant application is approved by the Board. She said that the Parks and Recreation staff and consultants have held public meetings and conducted surveys in an effort to identify what the citizens of Union County are looking for in terms of parks and recreation. She pointed out

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that the following projects have been identified on the master plan for inclusion in the grant application: a passive picnic area, a festival area, hiking, biking and walking trails, and equestrian trails.

Ms. Putnam stated that the consultant is in the process of completing a review of the surveys and preparing cost estimates to include in the grant application. She stated that until the cost estimates are completed, the specific, identified portions of the grant application could not be presented to the Board. She noted that the grant application is due by the end of the month.

Following Ms. Putnam's presentation, Commissioner Rushing moved to delay action on this item until such time as the Board has received more information.

Ms. Putnam responded that while the projects highlighted on the Master Plan have been identified for inclusion on the grant application, should these four projects total more than the one million dollars in grant and matching funds, then the County would not be able to apply for all four projects. She stated that if all of the identified projects could be done within the one million dollar amount, then all of the projects would be included in the grant application.

Commissioner Rushing stated that he would like to know what the Board was voting on. Ms. Putnam said that she understood Commissioner Rushing's concerns, but the grant application deadline is the end of this month. [No other regular board meeting is scheduled for the month of January.]

Following Ms. Putnam's comments, Commissioner Rushing then withdrew his motion.

Vice Chairman Sexton asked if the funds, if awarded, would be targeted toward the four projects highlighted on the master plan. Ms. Putnam replied that these are the projects that the funds would target.

Vice Chairman Sexton moved approval to submit a PARTF grant application for the Passive Area of the Jesse Helms Park, not to exceed \$500,000, and authorization for the Manager to execute the grant application upon completion. The motion was passed unanimously.

**NORTH CAROLINA PUBLIC SCHOOL FACILITY NEEDS SURVEY:**

Chairman Lane recognized Dave Burnett of the Union County Public Schools to present this item.

Mr. Burnett explained the State requires that every five years the Board of Education and the Board of Commissioners need to sign off on a ten-year North Carolina Public School Facility Needs Survey. He stated that the survey has been executed on behalf of the Board of Education.

He explained that the survey is a ten-year projection using state data; however, he stated that there is no obligation to do the specific projects as a result of this study. He stated that it is hoped that this study will come into play as a part of a state bond referendum for K-12 capital improvements as was the case in the 1995 study.

Following the presentation, Commissioner Stone moved to authorize the Chairman and County Manager to execute the North Carolina Public School Facility Needs Survey Certification. The motion was passed unanimously.

**ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:**

The Chairman announced vacancies on the following Boards and Committees:

- a. Board of Equalization and Review - one vacancy as of February 2006
- b. Fire Commission - two vacancies for members at large as of February 2006
- c. Parks and Recreation Advisory Committee - four vacancies as of February 2006

No action was required.

**APPOINTMENTS TO BOARDS AND COMMITTEES:**

**a. Board of Health**

Vice Chairman Sexton moved to reappoint Mary Cleveland (Nurse's Position), Keith West (Engineer), and Elizabeth Steelman (Citizen Representative) to the Board of Health.

With there being no further nominations, Ms. Cleveland, Mr. West, and Mrs. Steelman were appointed by acclamation.

**b. Library Board of Trustees**

Vice Chairman Sexton moved to reappoint Lane Vickery, Margaret Sowden, Starr Shaffer, and appoint Gustavo Arevalo to the Library Board of Trustees.

With there being no further nominations, Ms. Vickery, Ms. Sowden, Ms. Shaffer, and Mr. Arevalo were appointed by acclamation.

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*c. Parks and Recreation Advisory Committee - Appointment of Ex Officio Member*

Vice Chairman Sexton stated that three years ago, he was asked by Mayor Davis of Monroe to serve as ex officio member on the Board of Directors for Downtown Monroe, Inc. He said that he believed it would be a kind gesture for Union County to do a like manner with the Parks and Recreation Advisory Committee to appoint the Tourism Board Director for the City of Monroe as an ex officio member.

Vice Chairman Sexton then moved to appoint Debra Korb, who serves as the Tourism Board Director for the City of Monroe, as an ex officio member of the Union County Parks and Recreation Advisory Committee. The motion was passed unanimously.

**MANAGER'S COMMENTS:**

The Manager extended a welcome to Jenny Kirksey, the County's newly hired Health Director.

He shared that Gloria Haney, Volunteer Services Coordinator for the Department of Social Services, was recognized by *The Charlotte Observer* for her work in 2005 with the Union County Christmas Bureau. In addition to her work with the Christmas Bureau, he said Ms. Haney also works with other Department of Social Services' programs including the Volunteer Income Tax Assistance Program that teaches people how to file their taxes. Mr. Shalati said that earlier in 2005, Ms. Haney was named as Volunteer Administrator of the Year by the North Carolina Association of Volunteer Administrators.

He also shared that the Centralina Council of Governments has chosen the Union County Public Library as one of the recipients of its first annual Region of Excellence Awards for excellence in local government, effectiveness, and efficiency for services and programs provided by Union County to its Hispanic community. He stated that Union County and the Library will be honored during a special ceremony at the Centralina Council of Government's annual meeting on January 11.

Mr. Shalati commented that it is unfortunate when the staff is thrown in the middle of discussions and trying to pit Commission members against the staff. He said that the staff works hard for each and every one of the Board members.

**COMMISSIONERS' COMMENTS:**

Commissioner Rushing responded with lengthy comments to the Manager's previous statements denying that he had placed employees between members of the Board of Commissioners.

Mr. Shalati added that there had been a number of comments by Commissioner Rushing tonight without any response by him to those comments. He said that he was certainly prepared to respond to those comments, if the Board wished for him to do so. Chairman Lane replied that there has been no proof brought forth on the allegations that have been made.

Vice Chairman Sexton stated that he wanted to hear what the Manager had to say.

Mr. Shalati said that during the budget deliberations, he had placed calls to each of the Board members offering to answer any questions about the budget that the Board members might have of him.

At this time (9:22 p.m.), Commissioner Pressley said that he was tired of attending the Board meetings and not being effective. He said that he thought he deserved respect and the right to be heard. After offering further comments, he left the meeting.

Mr. Shalati continued with his comments by stating that when he offered assistance to the Board members, that four of the members had taken him up on the opportunity but that Commissioner Rushing had never taken advantage of that opportunity.

Vice Chairman Sexton said that he looked forward to the New Year with a lot of enthusiasm. He acknowledged Max Halverson, the recipient of the Eagle Scout Award, and Jeanette Kirksey, the new Health Director. He also commented about the excellence award given to the Library by Centralina Council of Governments. He said receipt of this award has much to do with the leadership of Martie Smith, the Library Director, and also Susan Webster who was the grant applicant winner who represents the Hispanic and Latino communities.

Commissioner Stone had no comments.

Commissioner Rushing left the meeting at this time (9:26 p.m.).

Chairman Lane commented that 99 percent of the construction permits issued last month, as reported in the Board's agenda package, was residential with one percent of the construction permits being for commercial and/or industrial.

He also offered his congratulations to Martie Smith, Library Director, on the award recognizing the library.

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With there being no further comments or discussion, at approximately 9:28 p.m. Vice Chairman Sexton moved to adjourn the meeting. The motion was passed unanimously. Commissioners Pressley and Rushing left the meeting earlier without being excused.

Attest:

Lynn G. West  
Lynn G. West, Clerk to the Board

Read and Approved:

Roger Lane  
Roger Lane, Chairman

\*\*\*\*\*