

February 6, 2006

The Union County Board of Commissioners met in a regular meeting on Monday, February 6, 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, Senior Staff Attorney, Don Perry, County Attorney, Christie Putnam, Assistant to the Manager/Interim Public Works Director, Kai Nelson, Finance Director, Brett Vines, Public Information Officer, members of the press, and other interested citizens

**OPENING OF MEETING:**

Chairman Lane opened the meeting, welcomed everyone present, and reviewed the public charge for the audience.

*a. Invocation*

Chaplain Major Kevin Wainwright, Senior Pastor of the First Presbyterian Church of Monroe, presented the invocation.

*b. Pledge of Allegiance*

Vice Chairman Sexton introduced Kendall Cooper, a sixth grade student at Union Academy. He stated that he had met Kendall on January 14 at the banquet honoring Dr. Martin Luther King where Kendall had given a very inspiring and moving speech.

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

*Recognition of Employees*

Mike Shalati, County Manager, presented service awards to Lynn West, Clerk to the Board of Commissioners, for 15 years of service, and Wanda Smith, Director, Parks and Recreation, for 25 years of service.

*c. In formal Comments*

Jeff Gerber addressed the Board regarding the Veterans Day Holiday. He stated that he believed it was appropriate to honor the veterans by making the Veterans Day a holiday for County employees. However, he stated that if the Veterans Day holiday were added to the other County holidays, it would be expensive. He suggested that the Veterans Day holiday should be substituted for another holiday observed by the County with no additional expense incurred by the County.

Carroll Rushing spoke concerning the appointments to the Planning Board. He stated that he has had a surveying practice in Union County for approximately 30 years and served on the Planning Board for 13 years representing Buford Township. Mr. Rushing said that with the Planning Board members residing in the individual townships, they were abreast of the needs of the residents in the townships. He further said that the western sections of the County have mostly been developed or incorporated into municipalities, and the northern, eastern, and southern areas of the County would be the areas of future development. He stated that the Planning Board is currently comprised of members mostly from the western side of the County. He requested that the Board return the Planning Board representation to the townships.

Cody Helms also addressed the Board concerning the Planning Board. He stated that he is a residential builder and developer. He spoke in favor of each of the townships having representation on the Planning Board. He said that he believed there are plenty of qualified persons to serve on that board. Mr. Helms stated that although the population in all of the townships is not equal, he encouraged the Board to vote for representation from all of the townships on the Planning Board.

**PLANNING DEPARTMENT - PUBLIC HEARING:**

*a. Text Amendment to Section 50(c) - Staff Consultation before Formal Application*

Chairman Lane recognized Richard Black, Planning Division Director, and Jim King, Chairman, Union County Planning Board, to explain the following proposed text amendment to Section 50(c) of the Union County Land Use Ordinance:

Amend Section 50 (c) Staff Consultation before Formal Application by deleting Union County Soil Conservation Service and replace with "Union County Stormwater Department".

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**Text Amendment - Amend Section 50 (c) Staff Consultation before Formal Application**

Amend Section 50 (c) Staff Consultation before Formal Application by deleting Union County Soil Conservation Service and replace with "Union County Stormwater Department".

- c. Following a review of the sketch plan and other materials by the planning staff, the Union County Health Department, the Union County Schools System, the Union County Public Works Department, and ~~the Union County Soil Conservation Service~~ **the Union County Stormwater Department**, the planning staff shall advise the developer of the results of this review. The application for a major development permit for a project requiring sketch plan review may not be submitted until after the staff has provided the developer with its comments and recommendations based upon this review.

Chairman Lane stated that there would be no comments or questions by the Board during the public hearing.

Mr. Black stated that Section 50 is associated with sketch plans and explained that currently when a sketch plan for a subdivision is received by the County, it is distributed to various County departments for review and comment. He said that currently the Union County Soil Conservation Service is one of the reviewers of the sketch plans, and it is believed that it would be better for the Stormwater Department to review and comment on the floodplain and drainage problem situations. Mr. Black pointed out that the proposed text amendment shows the Stormwater Department, and Mr. Crook, the County's Senior Staff Attorney, had advised that at the present time there is not a County Stormwater Department, and, therefore, it should be changed to Stormwater Engineer.

Mr. King added that the proposed text amendment is a routine housekeeping item, and it makes more sense to have the Stormwater Engineer review the plans. He stated that the vote by the Planning Board regarding the text amendment had been seven to zero to recommend the text amendment.

With there being no one present who wished to address the Board either in favor of or in opposition to the text amendment, the Chairman closed the public hearing at 7:21 p.m.

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

Commissioner Stone requested to delete Item 14 on the regular agenda - Life Skills Ex Offender Tracking Program.

Chairman Lane stated that an item would need to be added to the regular agenda after Commissioners' Comments for a closed session for the purpose of discussing acquisition of property.

Commissioner Rushing requested to move the following items from the Consent Agenda: Item 5 - Union Village Lease Extension and Item 9 - Resolution to Revise Regular Meeting Schedule for March 2006 to the regular agenda.

Chairman Lane stated that if the agenda were adopted with these modifications, Consent Agenda Items 5 and 9 would become Items 14 and 14a on the regular agenda.

With there being no further additions or deletions to the agenda, Vice Chairman Sexton moved to adopt the agenda as modified. The motion was passed unanimously.

**CONSENT AGENDA:**

Commissioner Stone moved approval of the items listed on the Consent Agenda as modified. The motion was passed by a vote of four to one. Chairman Lane, Vice Chairman Sexton, Commissioner Pressley, and Commissioner Stone voted in favor of the motion. Commissioner Rushing voted against the motion.

**Minutes:** Approved minutes of regular meeting of January 9, 2006

**Tax Administrator:** Approved Sixth Motor Vehicle R e h d Register for the Period of December 1,2005-December 3 1,2005 in the net grand total amount of \$1,754.93-.

**Tax Administrator:** Approved Sixth Motor Vehicle Release Register for the Period of December 1,2005-December 3 1,2005, in the net grand total amount of \$18,438.86-.

**Tax Administrator:** Approved releases for December 2005 in the grand total amount of \$46,5 17.95

RELEASES FOR MONTH OF DECEMBER, 2005		
NAME	ACCOUNT NO.	TOTAL
Phoenix Group III LLC	02114136	\$ 14.49

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Tomberlin, Charles & Sue A.	02310035	\$ 90.78
Belk, Thomas L.	04198004	\$ 24.62
Craver, Robert W. & Shirley B.	07069117	\$ 183.71
Holly Farms Poultry Industries	09117001	\$ 205.75
Imperial Investments	09189004D	\$ 404.40
Murray, Kevin D. & Martha R.	09189149	\$ 246.28
Creech Properties LLC	09197025F	\$ 288.91
Brookgreen Arms, Inc.	09198002	\$ 262.89
Babb, John C.	09223043B	\$ 84.79
EMC Mortgage Corporation	09223043C	\$ 84.79
Griffin, Franklin Devoy & Sally M.	09223057	\$ 43.08
Jordan, Donnie B. & Betty A.	09228067	\$ 468.09
Terrell, Kitty P.	09232005	\$ 206.21
Crider, Richard H. & Susan J.	09232017	\$ 101.68
Sizer, LLC	09232024	\$ 43.79
McCauley, James D. & Cynthia M.	09232034	\$ 64.82
Lawrence, F. Donald & Deborah O.	09232036	\$ 115.86
M. C. Shroeder Co. Inc.	09232052	\$ 94.57
Terrell, Kitty P.	09232059	\$ 162.28
Thetford Properties III Ltd. Partners	09271034	\$ 1,680.41
Williams, Noel M.	09366037	\$ 233.60
Pope, James C.	02310008	\$ 26.39
White, Eugene F. & Frances H.	04117069	\$ 53.67
Heinbaugh, Kenneth H.	05113058	\$ 71.87
Wood, James W. & Judith H.	05113060	\$ 70.12
Olde Sycamore LLC % B. V. Belk, Jr.	08309010C	\$ 126.56
First Connor Corporation	09024006B	\$ 465.01
Thompson, Jesse C. & Brenda	09158027	\$ 33.01
VMD, Inc.	09192095	\$ 195.04
Greene, Dwain M. & Penny E.	09192095A	\$ 65.01
Boggs Properties, LLC	09225040	\$ 146.09
Smith, Raymond George	09229007	\$ 210.61
Christ Community church	07093003J	\$ 2,163.61
Friends of Troop/Pack 276, Inc.	07021001E	\$ 272.72
Heda, Howard J.	50090032	\$ 43.91
Living Church of Our Lord Jesus Christ	09195045	\$ 1,971.34
Stephenson Presbyterian Church	07009003D	\$ 332.96
Rocky River Organization of Pres.	01081001A	\$ 20.54
Rocky River Organization of Pres.	01081001B	\$ 283.82
RROPP, Inc.	01081010	\$ 401.24
Mackinnis, Nancy F.	50078184	\$ 64.59
Pfister, Patricia	50079868	\$ 6.93
Tietsort, Pauline Bonnie F. & Husband	08210007J	\$ 2,542.43
Jabber, Brenda B.	09188060	\$ 352.42
Isley, John F. & Eve C. Isley	0507501L	\$ 151.20
NVR	07090648	\$ 1,628.11
Norwood, Ruby M.	06126012A	\$ 446.46
Kati Homes, Inc.	06126012	\$ 841.53
Ryland Group, Inc.	07120263	\$ 1,401.12
Hall, Jerry E. & Jean A.	07027434	\$ 239.40
Griffin, Wendy Robin Turner	50050418	\$ 12.30
Phillips, Jack, Jr.	50071669	\$ 92.17
Rodriguez Concepcion	50090562	\$ 120.65
Monroe Ventures, LLC	09232062	\$ 41.96
Joe Ross Furniture Co. Inc.	09232068	\$ 238.46
Cook, William R.	09232249	\$ 114.72
Westdale Interstate Properties	09264027	\$ 3,194.87
Westdale Interstate Properties	09264028	\$ 935.23
Dickerson Ralty Corporation	09267124	\$ 274.05
Jenkins, Jackie Boyce, Jr. & Amanda	02136001	\$ 34.16
Laney, Peggy G. & Lexie G. Goodin	04231014D	\$ 26.53
Mar-Lou LLC	05113027	\$ 120.96
Miles, Harriet Walkup	05113063	\$ 70.11
Foard, Buren R. Jr. & Virginia c.	07003007	\$ 35.80
Tabor Grain Co. DBA Golden Grain	09084009C	\$ 7.37
Teledyne Allvac %Accounts Payable	09153001	\$ 79.63
Monroe Oil Co.	09192119	\$ 103.18
Wiggins, Carl M. & Clara P.	09226029	\$ 80.44
Murray, Kevin D. & Martha R.	09226029A	\$ 80.45

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Coldy Helms Construction, Inc.	09229013	\$ 193.66
Wiggins, Christian S. & Lisa S.	09229087	\$ 30.56
Wiggins, Carl M. & Clara P.	09229099	\$ 26.65
Holloway, Marion Le Grand & Ann	09232065	\$ 109.74
Gibson, Walter H. Jr. & Flora M.	09232066	\$ 63.00
Watts, John W. & Maggie M.	09232067	\$ 130.90
Forest Lawn Company	09232079	\$ 343.61
M. C. Shroeder Co., Inc.	09232086	\$ 87.96
Smith, Raymond George	09232096	\$ 24.88
313 North Main Street, LLC	09232099	\$ 68.87
Hartwick, Merry	09238146	\$ 134.63
Hartwick, Merry	09238148	\$ 406.42
Myers Family Enterprises, Ltd.	09259067B	\$ 213.94
Westside Partners Developers	09261012	\$ 456.07
Stegall Builder Mart, Inc.	09339026	\$ 31.81
Sakron, LLC	07084313N	\$ 72.66
Williams, John Vann & Vivian B.	09339159	\$ 67.22
Monroe III LLC %David Drye	09339165	\$ 2,345.68
Stokes, Kenneth W.	09396017A	\$ 314.88
Wilco #384	50076957	\$ 142.38
Prouty & Associates, Inc.	50046097	\$ 0.71
Hall, Willie	50073087	\$ 6.16
Brooks, Craven Jule & Mary Anne	50075890	\$ 26.59
Huneycutt, John F & Judy	50077854	\$ 1.93
Swafford, Carl Robert	50079782	\$ 46.93
Varner, Ronald Lee	50091677	\$ 35.22
Reliable Carpte Care of NC	50090745	\$ 42.40
ABC Promotions, Plus	50090635	\$ 42.40
St John's Photography	50093300	\$ 809.68
NDS Homes	50092722	\$ 177.38
Goodwin, Billy Franklin	50071989	\$ 87.67
Medical Manor/Biopulse Medical	50091545	\$ 571.73
Fast Fare, Inc. #NC631	50028537	\$ 124.54
Poly Plastics	50090312	\$ 71.97
Tomorrow's Carpet & Flooring	50092916	\$ 173.25
Universal Karate Studios	50073407	\$ 5.27
Affordable Pools, Inc.	50090448	\$ 407.97
DSM Promotion, Inc	50089559	\$ 9.53
Suncoty System Services	50090828	\$ 183.98
Quality Inspection & Estimating	50092764	\$ 184.36
Rodney's Lawn Service	50087500	\$ 71.11
Philemon Concrete, Inc.	50072559	\$ 96.87
State Farm Insurance Co.	50086009	\$ 10.67
U.S. Bancorp Equip Finance, Inc.	50072700	\$ 353.28
Baer Hutchinson Designs	50088118	\$ 16.69
Sylvan Learning Center	50075147	\$ 6.90
A & D Partnership	50088782	\$ 42.40
Anthony & Baleries Accessories	50089058	\$ 212.02
Dillon Race Cars & Parts	50083225	\$ 280.37
Supreme Auto Refinishing	50088402	\$ 199.24
Stonridge Properties LLC	50092369	\$ 91.97
Psalms One	50092931	\$ 177.38
Sonic Lte Builder.Com	50092848	\$ 177.38
Friends Tire & Hi-Tech Service	50070168	\$ 180.78
State of North Carolina	08216023A	\$ 104.65
State of North Carolina	08279005A	\$ 419.39
Crismark Properties LLC	07057773A	\$ 1,054.88
Fink, Calvin Lewis & Fay Fink	50090882	\$ 24.42
Henry, Howard E., Jr. & Remattie	07090635	\$ 1,560.07
Helms, Horace David & Evelyn	08219005	\$ 2,035.29
Village Commons Phase 1 LLC	06048007B	\$ 3,115.03
Whitlock Industrial Equipment, Inc.	540094075	\$ 325.82
Atlas Vending	50094074	\$ 12.60
Medlinn Investments	09188060	\$ 352.42
CNH Capital	50094073	\$ 539.67
Helms, Teresa Jane & Linda O.	09046010G	\$ 55.86
<b>2004</b>		
Reliable Carpet Care of NC	50090745	\$ 35.08
ABC Promotions, Plus	50090635	\$ 35.08

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Medical Manor/Biopulse Medical	50091545	\$ 490.88
Affordable Pools, Inc.	50090448	\$ 334.95
Supreme Auto Refinishing	50088402	\$ 231.91
<b>2003</b>		
Supreme Auto Refinishing	50022402	\$ 201.15
<b>TOTAL RELEASES FOR DECEMBER, 2005</b>		<b>\$ 46,517.95</b>

**Tax Administrator:** Rejected requests for waiver of late listing penalties as follows: 1) Charlotte Radiology Associates, P.A.; and 2) Radiator Specialty Company.

**Tax Administrator:** Approved late application for partial tax exemption on Parcel #50093484 owned by Caledonian Alloys, Inc.

**Tax Administrator:** Approved January Refunds in the total amount of \$8,024.39

REFUNDS MONTH OF JANUARY, 2006		
NAME	ACCOUNT NO.	TOTAL
<b>2005</b>		
Oak Master's Woodworking	50072324	\$ 106.33
Warren, Roy & Joyce	50077587	\$ 41.46
Rorie, Joseph Eugene	50079713	\$ 315.90
Arne, Nancy C.	50033838	\$ 66.96
Pritt, Jeanne Feldman & Terry d.	50080773	\$ 48.34
Reyna Capital Corp.	50049295	\$ 755.81
Squirtin Dirt, c/o Jerry Andrew Boswell	50090838	\$ 1.70
Ross, Danny Aaron & wife Ann	h1102016	\$ 51.10
Belk, John M.	05153033	\$ 5,391.54
Pittman, Curtis Eugene & Mary J.	06240005A	\$ 11.16
Pittman, Curtis Eugene & Mary J.	0624006	\$ 41.16
Bellini, Frank & Paige	07021065	\$ 330.29
Hampton Homes of South Carolina, Inc.	09345243	\$ 68.16
Hampton Homes of South Carolina, Inc.	09345245	\$ 122.54
Scott, Kevin L. & Beverly A.	09345248	\$ 95.71
Caring Hearts Animal Hospital	50090882	\$ 288.30
Carter, Kasey C.	50089866	\$ 5.42
Bennett's Dry Wall, Inc.	50044324	\$ 153.92
<b>2004</b>		
J. J. Jenkins, Inc	50045567	\$ 27.66
Whitaker, Randall W.	50089129	\$ 6.14
Smith, Max & Jimmy L. Smith & Wife	01153011	\$ 34.27
<b>2003</b>		
Smith, Max & Jimmy L. Smith & Wife	01153011	\$ 21.60
<b>2002</b>		
Smith, Max & Jimmy L. Smith & Wife	01153011	\$ 19.46
<b>2001</b>		
Smith, Max & Jimmy L. Smith & Wife	01153011	\$ 19.46
<b>TOTAL REFUNDS FOR JANUARY, 2006:</b>		<b>\$ 8,024.39</b>

**Tax Administrator:** Approved January 2006 Releases in the total amount of \$24,248.16

RELEASES MONTH OF JANUARY, 2006		
NAME	ACCOUNT NO.	TOTAL
<b>2005</b>		
Natural Awakenings of Charlotte, Inc	50092925	\$ 160.05
Laney, Joseph Lendon	50084394	\$ 88.43
Stephens, Gary Wayne	50065239	\$ 16.22
Adecock, Russell Eddie	50059645	\$ 36.36
Wilson, Carey Brent	50072881	\$ 11.51
Mullis Greenhouses	50068145	\$ 27.34
Quick Fit Express	50092769	\$ 175.07
Tech Knowledge Plus	50092864	\$ 166.12
Southern Cross Ranch LLC	50089622	\$ 5,440.05

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Crossroads Coffee House	50073332	\$ 23.25
LaFe Tienda Mexicana	50088184	\$ 160.68
Polysteel Unlimited	50092755	\$ 167.55
Blue Water Marine	50063894	\$ 51.08
Beaver, Larry G. & Mary J.	50085630	\$ 18.38
Ligon, Daniel C.	50078366	\$ 3.74
Switzer, John T	50089737	\$ 238.95
Monroe Church of God Trustees	09229039	\$ 2,189.06
Village of Lake Park	07042078	\$ 19.24
Village of Lake Park	07063252E	\$ 24.93
Village of Lake Park	07063253	\$ 30.97
Village of Lake Park	07063454	\$ 26.94
Village of Lake Park	07063661	\$ 21.45
Village of Lake Park	07063711	\$ 18.85
Village of Lake Park	07063714	\$ 32.52
Village of Lake Park	07063799	\$ 21.05
Village of Lake Park	07063800	\$ 19.31
Village of Lake Park	07063847	\$ 15.42
Village of Lake Park	07063927	\$ 34.19
Village of Lake Park	07066018	\$ 15.96
Village of Lake Park	07066019	\$ 27.36
Village of Lake Park	07084555	\$ 22.79
Elissa, Inc.	50090391	\$ 211.57
The Musicland Group, Inc. Store #884	50027103	\$ 379.84
Z. F. Meritor LLC	50070494	\$ 1,502.73
Neo Precious, Inc.	50090412	\$ 199.24
Smith, Freddy DBA F. Construction	50092846	\$ 173.25
Laney, Joseph, Septic Tank	50073644	\$ 262.08
Traywick, William F., Construction	50064381	\$ 1,319.05
Melton, Tim L.	50083806	\$ 51.91
Tucker, Joe, Jr.	50066956	\$ 45.90
Helms, Jeffrey Scott	50091846	\$ 130.44
Veenstra, Lawrence	50091678	\$ 31.34
Carpenter, Charles Jack and Wife	50076268	\$ 165.47
Patterson, Lawrence Edward, Jr.	50072680	\$ 19.41
Whitaker, Randal W.	50089129	\$ 18.15
Kirk, Clarence	50089166	\$ 48.09
Gaura, Jeffrey W. & wife Linda	01231006H	\$ 225.79
First National Acceptance Comp.	05183036	\$ 381.23
Lemmond, Thomas R. & wife Willene	08300054A	\$ 889.69
Robinette, Jay Alan	06174050	\$ 4,670.05
Sanger Clinic PA	50067274	\$ 78.51
J. J. Jenkins, Inc.	50045567	\$ 33.74
Hilton, Robert Jack and Hazel	50077715	\$ 86.41
Burnette, Meleah & James Burnette	07120268	\$ -
Pace/Dowd Properties LTD	N7090021R9	\$ 3,813.59
Lambert, Jennifer Nicole	50088956	\$ 42.23
<b>2004</b>		
Nep Precious, Inc.	50090412	\$ 163.63
<b>TOTAL RELEASES FOR JANUARY, 2006</b>		<b>\$ 24,248.16</b>

**Tax Administrator:** Approved Eighth Motor Vehicle Billing in the Grand Total Amount of \$794,466.34

**Tax Administrator:** Approved Departmental Monthly Report for December 2005

**Finance Department:** Approved Motor Vehicle Tax Refund Overpayments for December 2005 in the amount of \$2,976.03

**Finance Department:** Approved write-off of bad checks that have been returned for non-sufficient funds totaling \$124.40

**Finance Department:** Approved Budget Transfer Report for December 2005

**Library:** Authorized the Manager to approve and submit the following "We the People" Book Shelf Grant Applications (no County match): 1) Union County Public Library (Monroe); 2) Union West Regional Library; 3) Waxhaw Branch Library; and 4) Edwards Memorial Branch.

**Library - Library Services and Technology Act (LSTA):** Authorized the Manger to approve and submit Library Outreach Services Grant Application (Grant Funds of \$35,530 and Matching County Funds of \$3,553 with matching funds to come from existing Library Materials Budget)

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**Library - Library Sewices and Technology Act (LSTA):** Authorized the Manager to approve and submit Internet Infrastructure Improvement Grant Application (Grant funds of \$29,031 with matching County funds of \$14,674 to come from existing Library Supply Budget)

**Union Village Lease Extension:** This item was moved to the regular agenda at the request of Commissioner Rushing.

**Health Department - Family Planning Child-Health and Maternal Health Budget:** Approved increase in regular part-time Physician Extender II position from a 70-percent position to an 80-percent position (representing an additional four hours per week) for the remainder of FY 05/06 and approved Budget Amendment #21 increasing Personnel Expense by \$2,757 and Patient Fees by \$2,757 to request an increase in Physical Extender II hours (increases in caseload have also increased the Health Department's fees which will offset the funds needed for the increase in the position)

**Department of Juvenile Justice and Delinquency Prevention - Grant Application:** Authorized manager to approve and submit grant application to State (no county dollars requested In-Kind Match provided by Union County Public Schools; and cash match to come from fundraising)

**Department of Social Services - Crisis Intervention Program:** Approved Budget Amendment #24 increasing Operating Expenses by \$60,647 and Federal Revenue by \$60,647 and to appropriate additional funding for Crisis Intervention Program (CIP)

**Resolution to Revise Regular Meeting Schedule for March 2006:** This item was moved to the regular agenda at the request of Commissioner Rushing.

**Fire Services:** Authorized the Manager to approve Amendment to (Fire Tower) Interlocal Agreement with City of Monroe to add a provision for a fire truck pump testing site (\$75,000 approved in budget)

**Union County Criminal Justice Partnership Program:** Adopted bylaws as recorded below and approved eliminating vacated Union County Criminal Justice Partnership Board positions to reduce the membership of that board to 17 members

Union County Criminal Justice Partnership Program Advisory Board Bylaws

#### **ARTICLE 1. NAME AND PURPOSE**

Section 1.01 The name of this body shall be the Union County Criminal Justice Partnership Program Advisory Board. (CJPPAB)

Section 1.02 The purpose of the CJPPAB shall be to develop and implement local community-based corrections program, in accordance with the provisions of NCGS 143B, Article 6A.

#### **ARTICLE 2. RESPONSIBILITIES**

Section 2.01 The CJPPAB shall review and revise the annual implementation grant and make formal recommendation to the Union County Board of Commissioners (the "Commissioners") at least annually concerning the grant and its implementation and operation for the ensuing year.

Section 2.02 The CJPPAB shall continuously monitor and evaluate Union County's community-based corrections program, which is an adult (16 and above) satellite substance abuse program.

#### **ARTICLE 3. MEMBERSHIP**

Section 3.01 The CJPPAB shall consist of not fewer than ten members and shall, to the greatest extent possible, include:

- a. a county commissioner;
- b. the county manager or his designee;
- c. a judge of the superior court;
- d. a judge of the district court;
- e. the district attorney or his designee;
- f. a criminal defense attorney;
- g. a public defender;
- h. the county sheriff or his designee;
- i. the chief of a city police department or his designee;
- j. a probation officer;
- k. a community service coordinator;
- l. one member selected from each of the following service areas which are available in the county: mental health, public health, substance abuse, employment and training, community-based corrections, victims services programs;
- m. a member of the business community;

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- n. a member of the community who has been a victim of crime; members at large, including persons who are recovering from chemical dependency or are previous consumers of substance abuse treatment services.

- Section 3.02 Membership is defined as the number of people serving on the CJPPAB at any given time.
- Section 3.03 The Commissioners shall appoint the members of the CJPPAB and may, with cause, remove members.
- Section 3.04 The members of the CJPPAB shall serve three-year staggered terms. Members appointed by virtue of their office serve only while holding office or position held at the time of their appointment. A vacancy occurring before the expiration of the term shall be filled in the same manner as original appointments for the remainder of the term. Members may be reappointed without limitation.
- Section 3.05 The CJPPAB may, in its discretion, make recommendations to the Commissioners concerning the removal, with cause, of current members and the appointment of new members.
- Section 3.05.01 Failure to attend 50% of the CJPPAB meetings or two consecutive quarterly CJPPAB meetings shall constitute cause for removal in accordance with Section 3.05.
- Section 3.06 CJPPAB members who resign should do so by submitting a letter to the Clerk to the Board of County Commissioners. Unless specified otherwise, the resignation's effective date shall be the date of the letter.

#### **ARTICLE 4. OFFICERS**

- Section 4.01 The CJPPAB shall, at its January meeting, elect one member as Chairman and one member as Vice Chairman, for a term of one year beginning April 1 in the calendar year of the election. Each shall hold office until a successor has been duly elected and qualified. No member may serve more than three consecutive full terms as an officer. Prior to the election of officers, nominees will be accepted from the floor. The person with the highest number of votes for each office shall be deemed elected to that office. The Chairman elect will appoint a Member as Board Secretary, to serve for a one-year term beginning April 1.
- Section 4.02 The Chairman shall preside at all meetings of the CJPPAB and create special committees as may be needed from time to time.
- Section 4.03 In the absence of the Chairman or in the event of the Chairman's death, inability or refusal to act, the Vice Chairman shall perform the duties of the Chairman and when so acting shall have all the powers of the Chairman.
- Section 4.04 The Secretary, with the assistance of the Program Director, shall be responsible for notifying members in writing of regular meetings no less than five working days prior to each regular meeting's scheduled date and of special called meetings in writing or by phone no less than 48 hours prior to each special meeting's scheduled date; recording, mailing (emailing), and maintaining copies of meeting minutes to all members no more than thirty days after such meeting; maintain a current copy of the CJPPAB bylaws, members' addresses, and legislation governing the Criminal Justice Partnership Program.

#### **ARTICLE 5. MEETINGS**

- Section 5.01 The CJPPAB shall hold regular meetings at least quarterly. Notice of the time and place of each meeting shall be set no later than at the meeting prior to the one being set. Special meetings may be called by the Chairman or by a majority of the members.
- Section 5.02 No official business may be conducted unless a quorum is present. A majority of the CJPPAB membership shall constitute a quorum, pursuant to NCGS 143B-273.10(e).
- Section 5.03 Every member must vote unless excused by the remaining members of the Board. A member who wishes to be excused from voting must so inform the Chairman, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the Board or by law, or the member's official conduct, as defined by the board. In all other cases, a failure to vote by a member who is physically present in meeting, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.
- Section 5.04 Any member who has an interest in a governmental agency or unit or private or nonprofit agency which is offering to contract for services with the CJPPAB shall publicly disclose that interest on the record and shall take no part in any discussion or vote in regard to any matter directly affecting that particular applicant or grantee. "Interest" in a grant applicant or grantee shall mean a formal and direct connection to the entity, including, but not limited to,



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employment, partnership, board member, director, officer or trustee, or being an immediate family member of someone who has such a connection to the grant applicant or grantee.

Section 5.05 Minutes of all CJPPAB meetings shall include:

- a. date, time, and place of meeting;
- b. legal advertisement of the meeting;
- c. members/nonmembers attending, members absent;
- d. summary of reports given;
- e. decisions reached, actions taken, motions made;
- f. target dates for implementations or recommendations;
- g. date, time, and place of next scheduled meeting.

Section 5.06 The CJPPAB is subject to the North Carolina Open Meetings Law (NCGS 143-318.9 - 143-318.18).

Section 5.07 Pursuant to NCGS 143-3 18.12, unless the CJPPAB files a schedule of regularly quarterly meetings with the clerk to the board of county commissioners, it must publish notice of quarterly meetings in the same manner as notice of special meetings.

#### **ARTICLE 6. AMENDMENTS**

Section 6.01 These bylaws may be amended or repealed and new bylaws adopted at any regular or special meeting by the majority vote of the membership, subject to subsequent approval by the Commissioners.

Section 6.02 Any proposed changes to these bylaws shall be mailed to all members at least fourteen days prior to the CJPPAB's vote on these changes.

**Health Department:** Adopted Influenza Vaccine Supply Resolution as recorded below:

**Influenza Vaccine Supply Resolution  
Union County Board of Health  
Union County Board of County Commissioners  
Union County, North Carolina**

**Whereas**, each year, a substantial proportion of vaccine-preventable diseases occur among adults, despite the availability of safe and effective vaccines; and

**Whereas**, adult immunization levels continue to lag far behind childhood rates, and adult morbidity and mortality from vaccine-preventable diseases remain distressingly high; and

**Whereas**, adults form the core infrastructure needed to respond to any emergent public safety and health need; and

**Whereas**, the burden of and responsibility for vaccinating high-risk and vulnerable populations often falls upon public health departments and their public partners; and

**Whereas**, public health is often unable to serve the high-risk and vulnerable populations within a community because of a lack of timely distribution of vaccine, especially influenza vaccine; and

**Whereas**, commercial vaccinators make early bulk purchases of influenza vaccine and are able to offer mass flu campaigns before public health can vaccinate high-risk populations; and

**Whereas**, the federal government and local medical providers look to the public health infrastructure to be prepared to respond to and coordinate the response of any communicable disease outbreak, including an influenza pandemic; and

**Whereas**, the federal government has provided support for the childhood immunization program nationally that has resulted in dramatic reductions in childhood vaccine preventable diseases; and

**Whereas**, an adult immunization infrastructure is needed prior to implementation of a national universal influenza vaccine recommendation; now

**Therefore**, in recognition of this compelling public health challenge, the Union County Health Department and the Union County Commissioners request that:

- ◆ Sufficient federal funding be identified to support a robust adult vaccine preventable disease vaccination infrastructure and program that would include influenza as a primary component;
- ◆ Guaranteed government prices for influenza vaccine be offered as an incentive for vaccine production to meet the demand;
- ◆ Federal government bulk purchase a base number of doses for public health;
- ◆ Regulations be created to guarantee distribution to public agencies first; and

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- ◆ Enforcement rules be developed for providers who disregard high-risk vaccination criteria.

S/Dr. John T. Phifer, Chair  
Union County Board of Health

S/Roger Lane, Chair  
Union County Board of Commissioners

**Public Works Department - Request for City of Monroe to Provide Sewer Service to Property Located at 11 04 Salem Church Road (Union County Public Works Department does not have existing sewer infrastructure located to meet the needs in this area):** Approved request for City of Monroe to provide sewer services to property located at 1 104 Salem Church Road.

**Information Only:** Department of Social Services: Community Child Protection Team Annual Report (No Action was required).

**PLANNING DEPARTMENT - CONSIDERATION OF TEXT AMENDMENTS TO UNION COUNTY LAND USE ORDINANCE (Public Hearings Held on January 9,2006:**

- a. *Sections 1,15, 23, 29, 32, 34, 60,114, 321,322, 323 and 324 to Secure Compliance with 2005 State Legislation*

Vice Chairman Sexton moved approval of the text amendments as proposed to Sections 1, 15, 23, 29, 32, 34, 60, 114, 321, 322, 323, and 324. The motion was passed by a vote of four to one. Chairman Lane, Vice Chairman Sexton, Commissioner Pressley and Commissioner Stone voted in favor of the motion. Commissioner Rushing voted against the motion.

The text amendments as adopted by the Board are recorded below:

**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.**

- (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.

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- (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.

**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 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).

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- ~~(e) 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*
- (d) *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.
- (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

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~~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
- (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.

## 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

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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.

#### 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.

**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;

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- (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.

## 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.

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

Commissioner Rushing moved approval to return to using townships as areas requiring residency of townships for appointing members to the Planning Board.

Chairman Lane asked if Commissioner Rushing's motion was to approve the following text amendment as proposed, which Commissioner Rushing responded was correct.

## 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.*

Commissioner Pressley stated that it concerned him that three of the seven Planning Board members had voted against recommending the proposed text amendments. He requested that he be allowed to ask Jim King, Planning Board Chairman, some questions for clarification purposes.



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Commissioner Pressley asked Mr. King why he had voted against recommending the text amendment during the Planning Board meeting. Mr. King explained why he did not believe the proposed text amendment was a fair method of appointing members to the Planning Board. He stated that, as a Planning Board member, he tries to represent the entire county and not just one township.

Commissioner Rushing stated that some of the arguments that Mr. King had made regarding as to why he believed that appointments to the Planning Board by townships were not fair could also be made for members of the Board of Commissioners. He said that he believed the representation on the Planning Board should be with some type of boundaries. He noted that the proposed text amendment had not been initiated by the Board of Commissioners, but the proposal had been sent to the Board of Commissioners from the Planning Board with a recommendation by a four to three vote. He said that he assumed that the Planning Board had gone through the different appointment options to the Planning Board and had weighed those options.

Mr. King replied that he had tried very hard to encourage the Planning Board to develop a fair solution for the appointments. He said that he had told the Planning Board member who had suggested that the appointments be from within the townships that if he could come up with a solution that would be fair and equitable, then he would go along with the recommendation. Mr. King stated that the three most heavily populated townships have 38,305 residents with the three eastern townships having a total of 5,083 residents. He countered that if the three eastern townships have equal representation on the Planning Board, then they would control a third of the membership of the Planning Board and it would disenfranchise 33,000 residents.

Commissioner Rushing responded that there are planning boards in all of the municipalities in those areas where they have their own planning and zoning.

Mr. King argued that the residents in areas where there are municipal planning boards are still paying county taxes and should have a voice in County government where planning and zoning are a part thereof. He said that several years ago, this same discussion took place with the Planning Board and originally he had agreed that if a resident lived within a municipality with its own zoning, then that resident probably should not have a seat on the County's Planning Board. He stated that the point had been brought up to him at that time, that a resident who lives in Indian Trail pays County taxes, and should have a voice in the County government.

Vice Chairman Sexton said that he rejects the argument that the residents of the western side of the County cannot make a decision that affects the entire County or one that affects the eastern side of the County. He said that was also the consensus of the previous Board on August 6, 2001, when this issue was discussed at length and a decision was made to eliminate the townships and appoint the best possible applicant. He further detailed that his statement meant the best possible applicant with no conflicts of interest should be the criteria for any appointments. Vice Chairman Sexton stated that he believed the Board has appointed the best applicants to the Planning Board and the Board of Adjustments and would continue to make appointments based on that criteria. He said that he was going to vote against the motion tonight for that reason, and he has confidence in the Planning Board to decide the tough issues for the County.

Commissioner Pressley said that he had a concern with some of the statements that had been made during the public hearing on January 9, 2006, such as it might be difficult to find good people who are willing to serve from smaller townships. He said that he found the arrogance of those statements to be offensive. He said that he believed there should be a more fair way for appointments to be made to the Planning Board and that was the reason he would be voting for the motion.

Chairman Lane said that he had made a statement to the newspaper sometime ago that there have been problems getting applicants from some of the townships, and it is difficult to get applications from the eastern part of the County for many of the boards. He said until a better plan for the appointments is determined, he would also reject the proposal.

Commissioner Stone commented that there is an option within the proposal also to change the number of terms that a Planning Board could serve. He said that he believed two terms is the correct number.

Commissioner Stone moved to call the question on the motion. [No vote was taken on the motion to call the question.]

Commissioner Rushing raised a point of order that a false statement had been made earlier about the best applicants being chosen. He stated that when the last two appointments were made for regular members of the Planning Board, they were made with no applications having been received by Union County.

Commissioner Pressley also raised a second point of order. He said that the statement had also been made that there were no applicants from the other townships. He provided copies of all applications that had been received for the vacancies on the Planning Board.

With there being no further comments, the motion failed by a vote of two to three. Commissioners Pressley and Rushing voted in favor of the motion. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted against the motion.

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PURCHASE OF VOTING EQUIPMENT:

The written documentation included in the agenda package for this item contained the following resolution as adopted by the Union County Board of Elections:

STATE OF NORTH CAROLINA  
COUNTY OF Union

Union County Board of Elections

RESOLUTION TO RECOMMEND THE PURCHASE OF VOTING EQUIPMENT

WHEREAS, the Union County Board of Elections has the authority and duty to recommend a voting system of a type, make, and model approved certified by the State Board of Elections for use in some or all voting places in the county at some or all elections in accordance with G.S. 163-165.9; and

WHEREAS, the Union County Board of Elections has witnessed a demonstration, in the county or at a site designated by the State Board of Elections, of the type of voting system being recommended and also witnessed a demonstration of at least one other type of voting system certified by the State Board of Elections;

WHEREAS, the State Board of Elections and the Office of Information Technology Services has a Statewide Term Contract with certified vendors;

WHEREAS, grants from the HAVA Election Fund may be used by the County Boards of Election for purchasing voting equipment from a certified vendor and the County is entitled to receive up to \$552,000 from the HAVA Election Fund based on the formula of \$12,000.00 per precinct, \$12,000.00 per One-Stop sites, plus \$1 .00 for each voter that turned out in the 2004 presidential election but not less than \$10,000.00 or more than \$100,000.00;

THEREFORE BE IT RESOLVED that the Union County Board of Elections hereby recommends the following certified voting equipment to the Board of County Commissioners;

Voting Type: Optical Scan with Direct Record for One-Stop  
Vendor: ES&S

Estimated Cost: \$262,3 13 .00

S/Bobby H. Griffin, Chairman  
Bobby H. Griffin  
Union County Board of Elections

Commissioner Stone moved to authorize the County Manager to approve a contract with Election Systems & Software for the purchase of optical scan equipment for use in Union County precincts and direct record equipment for use at one-stop polling sites as recommended in the resolution adopted by the Union County Board of Elections. The motion further included adoption of Budget Amendment #22 increasing: State Grant by \$448,938, Department Intergovernmental by \$60,000, and Fund Balance Appropriated by \$22,633 and decreasing: Financing Proceeds by \$796,970, Operating Expense by \$34,000, Other Equipment by \$49,899; and Debt Service Expense by \$181,500 to appropriate funds for State and Federal HAVA requirements.

Chairman Lane recognized Bobby Griffin, Chairman of the Union County Board of Elections, for comments.

Mr. Griffin expressed appreciation to the County Manager, Kai Nelson, Finance Director, and Carl Lucas, Information Technology Director, for their professionalism and cooperation with the Board of Elections and its staff on this matter. He said that these gentlemen had exhibited a professional approach to the Board of Elections in recognizing its authority and statutory responsibility to make a recommendation on the purchase of voting equipment to the Board of Commissioners. He commended Shirley Secrest, Board of Elections Director, and stated that she was one of the finest Elections Directors in the State, as well as her staff at the Board of Elections, who he said works so efficiently and effectively for the voting public, and the County's equipment technician.

He gave a brief overview of the sequence of events that led to the Board of Elections' recommendation.

Vice Chairman Sexton stated that he had concerns about the vendors when there were only two vendors and now that there is only one vendor what is the probability of one vendor supplying the voting machines for all 100 counties and the fall back position should the required machines not be fulfilled.

Mr. Griffin responded that the Board of Elections was to make a recommendation for the purchase of the equipment, and he believed that the Board of Elections had fulfilled that obligation and he did not want to get into waters or streams that he should not be in swimming.

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Following the presentation, the motion was passed unanimously.

**ELEMENTARY SCHOOL SITE "G" LAND ACQUISITION:**

Commissioner Stone moved approval of the purchase price of approximately 58 acres of land at a price of \$66,000 per acre located near the intersection of Rea Road and Reid Dairy Road for the purpose of constructing Elementary School "G." The motion further included adoption of Capital Project Ordinance Amendment #44 to establish FY06 school capital project budget with the project budget established by the Board of Commissioners pursuant to N.C.G.S. 115C-429b.

Chairman Lane recognized Dr. Ed Davis and Dave Burnette from the Union County Public Schools for comment.

Dr. Davis explained that in 2004, the citizens of Union County in order to finance the construction of new school facilities approved a bond referendum, and Elementary School "G" was one of the schools approved in that bond referendum. He stressed the need for this property in an effort to continue to provide relief for the schools in that area and primarily Marvin Elementary and possibly Weddington Elementary. Dr. Davis discussed the difficulty that the school system has faced in finding property in this area on which to construct schools. He said that when they had identified land that was an optimal location, Dave Burnette of the schools entered into discussions and expressed interest to the owners in purchasing the property, and no agreement was reached. He further said that the Board of Education voted to proceed with condemnation of the property on January 3, 2006, in order that the schools could acquire the land and proceed with the construction of the school.

Dr. Davis pointed out that in accordance with the schools' Capital Improvement Plan schedule Elementary School "G" was due to be open in the fall of 2006, but it will not open until fall of 2007. He said that representatives of the schools' staff met with representatives of the County's staff and expressed interest in moving forward with condemnation. He expressed appreciation for the strong working relationship that the school administration has with Mr. Shalati and Mr. Nelson. He added that the school board liaison and the Board of Commissioners' liaison have met and are aware of the situation with this particular property. He then recognized Dave Burnette, Director of Facilities and Planning, to give some of the specifics of this project.

Mr. Burnette provided the Board with a handout showing a site map of the property and a possible layout. He stated that the elementary school site is the property that the schools want to pursue first. He said that as part of a master planning effort to maximize the use of that site, the schools have looked at what could possibly fit on the remainder of the property and how it would be arranged. Mr. Burnette stated that the second school, which is a middle school shown on the layout, is not funded at this time, but it is a project that the schools want included on its Capital Improvement Plan.

In response to a question by Commissioner Pressley, Mr. Burnette stated that it is the owners' desire that the schools purchase the entire 68-acre tract. Commissioner Pressley suggested that the property would seem to be an excellent location for commercial on Rea Road and asked if this might be an option to help the owners to get out of the property completely. Mr. Burnette responded that this would be a possibility, but emphasized that the school system would prefer that the property not be used for commercial. He stated that the property is expensive and the house located on the property is expensive. Commissioner Pressley asked if the owners wanted monetary value for the house located on the remaining property, and Mr. Burnette stated that they did want monetary value for the house.

Commissioner Rushing asked if any thought had been given to rezoning the 10 acres so the owners could possibly sell that property at a higher value. Mr. Burnette replied that it was possible that the current owners could request a rezoning of the 10 acres. Commissioner Rushing stated he has been concerned about condemnations. He said that he had been asked to support the approval of the purchase price of this property for a school. He said that he knows the need for schools in that area, but he is hesitant to support it because of the condemnation issues. He suggested that either party could request that the Clerk of Court appoint three Commissioners of Appraisal.

Mr. Burnette stated that the schools have been very concerned about the appraisal and making sure that it is for the fair market value. He said that the school system has asked that the appraiser revisit the appraisal and, in addition, has requested a second appraisal from a different firm. He pointed out that through any condemnation, if contested, that a court action could increase the purchase price.

At the request of Vice Chairman Sexton, Mr. Burnette shared the details of the decision-making process as to why the schools chose to purchase 58 acres rather than the entire tract. Mr. Burnette said that the Board of Education was trying to be very sensitive to the landowners. He explained that the decision to purchase 58 acres was a way of leaving the house and a certain amount of acreage surrounding the house. Further, he added that there had been direction from a subcommittee of the Board of Education to consider the sketch plan shared with the Board of Commissioners to see if it could utilize a little less than the 58 acres.

Following the presentation and discussion, the motion passed unanimously.

Dr. Davis thanked the Board for its support of the schools.

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**SHERIFF'S OFFICE:****a. Juvenile Gang Intervention Unit 2006 Grant Pre-Application (Matching Grant Funds will be requested in new budget)**

Commissioner Stone moved to ratify the submission of the pre-grant application to the Governor's Crime Commission for the Juvenile Gang Intervention Unit Project.

It was noted in the written information submitted in the agenda package that if the grant is awarded to Union County, there would be matching funds required of \$28,015.64 in the first year and \$19,192.69 in the second year of the grant.

Commissioner Stone commented that everyone was aware of the fact that Union County is facing some serious situations with gang activity, as it has been well advertised by the media. He said that Union County needs to get a handle on this situation before it becomes a major problem for the County.

The motion was passed unanimously.

**GENERAL SERVICES:****a. Government Center Roof Replacement Bid Award**

Commissioner Pressley moved to accept the bids as recorded below, to award the bid to the low bidder, Interstate Roofing, in the amount of \$498,500.00, and to authorize the County Manager to execute the contract documents with the low bidder. The motion further included approval of Budget Amendment #23 increasing Operating Expenses by \$238,500 and Fund Balance Appropriated by \$135,000 and decreasing Operating Expenses by \$103,500.

The bids, as received, are recorded below:

GOVERNMENT CENTER ROOF REPLACEMENT  
BID TABULATION  
December 20, 2005

Contractor	License No.	Bid Bond	Total Bid	Alt. 1 Ladder	Alt. 2 9 <sup>th</sup> Floor	Alt. 2 4 <sup>th</sup> Floor	Alt. 2 3 <sup>rd</sup> Floor	Days to Complete	Affidavit
Weathergard	11867	Yes	\$549,100.00	\$3,950.00	\$183,600.00	\$163,000.00	\$202,500.00	72	
Interstate Roofing	10143	Yes	\$495,000.00	\$3,500.00	\$180,000.00	\$165,000.00	\$165,000.00	90	Yes
Roofing Service	15230	Yes	\$526,270.00	\$2,500.00	\$182,800.00	\$179,900.00	\$214,720.00	180	Yes
Gardner Roofing	99057	Yes	\$545,783.00	\$2,300.00	\$255,748.00	\$154,875.00	\$151,246.00	90	Yes

The motion was passed unanimously.

**VETERANS DAY HOLIDAY:**

Commissioner Stone moved to approve the Veterans Day holiday as a consideration to be placed on the 2006-2007 budget process so that the County may observe and celebrate this November the Veterans holiday.

Commissioner Rushing questioned if the intent was to add another holiday to the schedule for County employees. Chairman Lane responded that it was his understanding that these issues would be discussed during the budget, and then the Board could take action at the next regular board meeting following the budget discussions.

Commissioner Rushing commented that when the floating holiday was eliminated last year, there was some concern by employees who had already utilized their floating holiday for the year. He said that the employees need to know upfront what is going on with the holiday.

Commissioner Pressley asked why the Veterans Holiday had been eliminated from the holiday schedule. Mr. Shalati offered to answer Commissioner Pressley's question although he said he was not the County Manager at the time this occurred. He stated that at one time the County offices were closed in observance of Veterans Day, and the Board wanted to consider making other holidays available to all County employees, so, therefore, Veterans Day was made an optional holiday along with the employee's birthday, Martin Luther King's Day, or other holiday. He clarified that it had been mentioned earlier tonight in the informal comments that Union County observes President's Day or Columbus, but he stated that Union County Government does not observe either one of these days.

Commissioner Pressley stated that he would like some clarification on why Veterans Day would have been sacrificed for any day. Mr. Shalati responded that in all fairness to the Board at that time, there was no formally observed Veterans Day that was changed to the Martin Luther King Day. Commissioner Pressley

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noted that the floating holiday was eliminated at that time of which Veterans Day was one of the optional floating holidays that could have been used.

Mr. Shalati stated that as a statement on his part, the County has the utmost respect for both the Martin Luther King holiday and Veterans Day. Commissioner Pressley stated that he believed there should have been two holidays: Martin Luther King Day and Veterans Day.

Commissioner Rushing offered a substitute motion that beginning January 1, 2007, that the Martin Luther King holiday be removed from the County Government holiday schedule and that a floating holiday be reinstated so that Veterans Day can be one of the choices that employees might observe along with other holidays that might be important to employees for different reasons. He said that by reinstating the floating holiday, it not only serves the purpose of allowing the employees to choose their floating holiday, but it also allows the taxpayers to save some money by keeping the County offices open one more day during the year.

Vice Chairman Sexton said that he would be voting against the substitute motion. He stated that he thought the original motion to discuss the Veterans Day holiday during the budget sessions to determine the costs, impact, and feasibility is exactly how the Board should proceed. He said that with Veterans Day being in November, there was plenty of time for the staff to bring options and costs to the Board for consideration at the appropriate time.

Following further discussion, the substitute motion failed by a vote of one to four. Commissioner Rushing voted in favor of the substitute motion. Chairman Lane, Vice Chairman Sexton, and Commissioners Pressley and Stone voted against the substitute motion.

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

**COPYING SERVICES AGREEMENT:**

Chairman Lane recognized Barry Wyatt, General Services Director, to explain this item.

Mr. Wyatt stated that currently Union County is leasing approximately 66 copy machines with lease terms ranging up to five years. He stated that approximately 4.2 million copies per year are being made of which 4 million copies are black and white and approximately 150,000 are color copies at a cost of about \$229,000.

He said that the staff had taken a hard look at the current arrangement to determine if there could be cost savings. Mr. Wyatt explained that a Request for Proposals (RFP) had been developed in an effort: 1) reduce the per copy price; 2) consolidate service and obtain invoicing from a single vendor; 3) have a single contract agreement; 4) uniformity in copying machine manufacturer; and 5) have a single, future coterminous date for copying services. He stated that ten proposals were received from eight different firms, and the lowest cost per copy was quoted by Charlotte Copy Data. He further stated that this vendor met all of the County's requirements for providing a nationally recognized brand of copiers (Konica-Minolta) and has demonstrated in some current leases its ability to provide adequate service.

Mr. Wyatt stressed that over a five-year period, the County would save \$488,000 with a cost per copy arrangement.

Commissioner Stone moved to authorize the Manager to approve a copying services agreement with Charlotte Copy Data. The motion was passed unanimously.

**CENTRALINA ECONOMIC DEVELOPMENT COMMISSION (CEDC) - Recommendation for Board Member:**

Chairman Lane recognized Commissioner Stone to address this item since he is currently serving a one-year term on this commission.

Commissioner Stone stated that he had been very pleased to serve the Board and the County on the Centralina Economic Development Commission. He said that since he had served a staggered term, he would ask the Board to reappoint him to that commission for a two-year term.

Chairman Lane moved to reappoint Commissioner Stone to serve a two-year term on the Centralina Economic Development Commission (CEDC).

Vice Chairman Sexton moved to nominate Commissioner Stone to a two-year term on the Economic Development Commission (CEDC) ending February 28, 2008.

Chairman Lane stated that he had already made a motion, which was currently on the floor, for reappointment of Commissioner Stone to that board.

Commissioner Rushing nominated Commissioner Pressley to serve a two-year term on the Economic Development Commission (CEDC) provided that he would be willing to serve.

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Commissioner Pressley declined the nomination. Commissioner Rushing then withdrew his motion.

Commissioner Stone stated that he believed Commissioner Pressley's decision to decline the nomination was a wise decision in the respect that the meetings of the Commission are held during the middle of the day and take a considerable amount of time.

Following the discussion, the motion was passed by a vote of four to one. Chairman Lane, Vice Chairman Sexton, Commissioner Pressley, and Commissioner Stone voted in favor of the motion. Commissioner Rushing voted against the motion.

**FINANCE DEPARTMENT - COMMERCIAL PAPER FINANCING TEAM:**

***a. Resolution of the Board of Commissioners of the County of Union, North Carolina, Approving the Financing Team for Amending the County's General Obligation Commercial Paper Program***

Vice Chairman Sexton moved that the following resolution, a copy of which was available with the Board and which was read by title, be adopted:

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, APPROVING THE FINANCING TEAM FOR AMENDING THE COUNTY'S GENERAL OBLIGATION COMMERCIAL PAPER PROGRAM.**

*WHEREAS*, the Board of Commissioners (the "*Board*") of the County of Union, North Carolina (the "*County*") has previously authorized the issuance, sale and delivery of \$71,230,000 in aggregate principal amount of the County's General Obligation Commercial Paper Bond Anticipation Notes, Series 2004 (the "*Notes*") under the terms of a resolution adopted by the Board on May 3, 2004 (the "*Note Resolution*");

*WHEREAS*, the County has issued all of the Notes previously authorized and the Board has determined to proceed with the planning and implementation of supplementing and amending the Note Resolution in accordance with its terms to add additional authorization for the issuance of additional Notes (the "*Additional Notes*") to finance the capital costs of acquisition, construction, renovation and equipping of public school facilities in the County;

*WHEREAS*, the Board has determined to retain Parker Poe Adams & Bernstein LLP of Charlotte, North Carolina, as bond counsel for the Additional Notes;

*WHEREAS*, the Board has determined (1) to retain Wachovia Bank, National Association, of Charlotte, North Carolina to serve as the dealer and the liquidity provider for the Additional Notes, (2) to retain US Bank of Charlotte, North Carolina to serve as the issuing and paying agent for the Additional Notes and (3) to approve the selection of Helms Mulliss & Wicker, PLLC, of Charlotte, North Carolina, as dealer and liquidity provider's counsel for the Additional Notes;

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

**Section 1.** That Parker Poe Adams & Bernstein LLP shall hereby be retained to serve as bond counsel for the Additional Notes.

**Section 2.** That (1) Wachovia Bank, National Association shall hereby be retained to serve as the dealer and the liquidity provider for the Additional Notes, (2) US Bank shall hereby be retained to serve as issuing and paying agent for the Additional Notes and (3) Helms Mulliss & Wicker, PLLC, shall hereby be approved as dealer and liquidity provider's counsel for the Additional Notes.

**Section 3.** That this Resolution shall become effective on the date of its adoption.

Chairman Lane explained that the resolution authorizes the County's General Obligation Financing Team to begin work on securing \$110 million in funds for the schools. He said that the resolution reflects the Board of Commissioners' commitment to meeting the schools' capital needs for the community. He stated that among other projects, the proceeds from these bonds will be used in part to construct five spectator gymnasiums and health and education classrooms at five high schools: Monroe, Parkwood, Piedmont, Sun Valley, and Forest Hills, and to acquire land in the Marvin area and construction of Elementary School "G" scheduled to open in August of 2007, complete the construction of middle and high school "B" in the Marvin area opening January of 2007 and August of 2007 and commence construction of Elementary Schools "H" and "I" opening in August of 2007 in the Sun Valley and Weddington cluster. Chairman Lane said that the Board of Commissioners welcomes the opportunity to partner with the Union County Public Schools.

The motion was passed unanimously.

**LIFE SKILLS EX OFFENDER TRACKING PROGRAM:** This item was deleted from the regular agenda at the request of Commissioner Stone.

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**UNION VILLAGE LEASE EXTENSION - This item was moved from the Consent Agenda to the Regular Agenda at the Request of Commissioner Rushing:**

Chairman Lane stated that this amendment extending the Union Village Lease Agreement would save the County a total of approximately \$818,000.

Commissioner Stone moved to authorize the Manager to negotiate and approve the Amendment Extending the Union Village Lease Agreement.

Commissioner Rushing explained that he had requested to move this item from the Consent Agenda to the Regular Agenda because it involved large amounts of money. He asked that the Finance Director provide the Board with some explanation regarding the Amendment.

Mr. Nelson explained the terms of the lease agreement for the space at Union Village. He pointed out that pursuant to the lease renewals, the monthly rental payments would increase based on the Consumer Price Index (CPI) every year. He stated that in August the staff had brought to the Board for consideration a new lease agreement that would lock in the monthly rental payments at the current rate with some minor annual adjustments of approximately \$4,000. Mr. Nelson noted that there were approximately \$90,000 in retroactive rent payments that were being contested. He stated that the rental payments had not been increased retroactively for several years pursuant to the lease agreement, so the property owner had made a demand for back payment of rents. He said that the owner had agreed to waive all of the retroactive rent payments and agreed to a fixed rental payment for the balance of the term of the lease.

Mr. Nelson stated that following the Board's action in August, the owner in having some property in other parts of the nation went through some re-evaluation experiences in other jurisdictions. He said that the owner had requested some modifications in the provisions that had been negotiated. Mr. Nelson further said that the staff has worked with the owner for a number of months and agreed on the terms of the proposed Amendment contained in the agenda package which are approximately \$18,000 less than the transaction presented to the Board in August. He explained that the staff was bringing the amendment to the Board again on tonight's agenda because when it was presented to the Board in August, the terms were very specific in regards to the Manager's authorization, the financial conditions, and the re-evaluation adjustment was not included in the August discussion.

He stated that as had been noted by the Chairman, that over the current lease, there would be savings of approximately \$818,000.

At the request of Commissioner Rushing, Mr. Nelson explained the provisions of the Amendment as they relate to reevaluations.

Following the discussion, the motion was passed unanimously.

**RESOLUTION TO REVISE REGULAR MEETING SCHEDULE FOR MARCH 2006 (This item was moved to the regular agenda at the request of Commissioner Rushing:**

Chairman Lane stated that three of the Board members would be attending the National Association of Counties (NACo) Legislative Conference in Washington.

Commissioner Stone moved adoption of the following resolution which was passed unanimously:

**RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE  
OF THE UNION COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Union County Board of Commissioners has heretofore established the regular meeting schedule of the Board such that regular meetings are held on the first and third Monday of each month at 7:00 p.m. in the Commissioners' Boardroom; and

WHEREAS, the Board now desires to revise the regular meeting schedule to delete a meeting.

NOW, THEREFORE, be it resolved by the Union County Board of Commissioners as follows:

The Board does hereby revise its regular meeting schedule to delete from the schedule the regular meeting of March 6, 2006. Except as herein amended, the regular meeting schedule shall remain in full force and effect.

Adopted this the 6th day of February, 2006.

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

Chairman Lane announced that there would be two vacancies on the Nursing Home Advisory Committee as of March 2006.

**APPOINTMENT TO BOARDS AND COMMITTEES:**

*a Union County Board of Equalization and Review*

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Commissioner Rushing moved to reappoint Harry Cosgrove to serve on the Board of Equalization and Review.

With there being no further nominations, Mr. Cosgrove was appointed by acclamation.

**b. Fire Commission**

Commissioner Stone moved to reappoint Richard Williams and to appoint Jack B. Barr to serve on the Fire Commission.

With there being no further nominations, Mr. Williams and Mr. Barr were appointed by acclamation.

**c. Parks and Recreation Advisory Committee**

Vice Chairman Sexton moved to reappoint Glendoria Bention, David Arone, and Tom Appenzeller and to appoint Sheila Crunkleton to serve on the Parks and Recreation Advisory Committee.

With there being no further nominations, Ms. Bention, Mr. Arone, Mr. Appenzeller, and Ms. Crunkleton were appointed by acclamation.

**d. Union County Home and Community Care Block Grant Advisory Committee**

Commissioner Stone moved to reappoint Nancy D. Brantley and to appoint Trish Campbell to serve on the Union County Home and Community Care Block Grant Advisory Committee.

With there being no further nominations, Ms. Brantley and Ms. Campbell were appointed by acclamation.

**MANAGER'S COMMENTS:**

Mr. Shalati reported that Jenny Kirksey took over as Director of the Health Department on February 1st.

He shared that Union County was recognized as one of the United Way's 2005 Top 10 Accounts at the 2006 Thank You Breakfast held on February 2nd at Rolling Hills Country Club. He stated that Union County Government employees pledged \$36,128.37 during the 2005 United Way Campaign ranking Union County as the seventh highest contributor in the county. He expressed appreciation to the employees for their pledges and also to Pat Beekman, Homeland Security Director, who served as Union County Government's United Way Chairman.

Mr. Shalati said that Union County Government's 2005 Annual Report will be sent to the residents' homes later in February, and he hopes to have an advanced copy of the report available at the February 20<sup>th</sup> Board meeting to show the citizens what to expect. He noted that a copy of the annual report was included in the agenda package marked as information.

Mr. Shalati stated that the times that the Board meetings are now being aired on Time Warner Cable Channel 9 are Saturdays at 10:00 a.m., Mondays at 10:00 p.m., and Tuesdays at 10:30 a.m.

**COMMISSIONERS' COMMENTS:**

Commissioner Rushing said that he was concerned with the new times that the Board meetings are being aired on the cable channel. He said that he hoped that Time Warner would revisit these changes.

He also expressed concern that he had been approached this week with questions of whether he was a graduate of North Carolina State University. Commissioner Rushing said that he was told that Chairman Lane had called North Carolina State University to inquire about this matter. He said that he wanted to provide the Chairman with a copy of his diploma from the University, where he graduated with honors, a copy of one of his report cards, a scholarship form that he had received, information regarding his membership in the Agricultural Institute Club, and a brochure from North Carolina State University which included his photograph.

Vice Chairman Sexton offered his congratulations to Weddington High School as the winner of the 26th Annual Quiz Bowl. He said that it was his understanding that this year's Quiz Bowl was the last one, and hopefully there would be a way to continue the Quiz Bowl competition.

Commissioner Pressley congratulated Ms. West and Ms. Smith on receiving their service awards from the County.

Commissioner Stone stated that the Board needs to be planning to deal with the issues of the Fire Departments very aggressively during this budget cycle. He said that Commissioner Pressley, as Fire Commissioner last year, had set up a committee to look at those issues and to bring information to the Board of Commissioners.



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He provided a handout to the Board members regarding a workshop being sponsored by the North Carolina Association of County Commissioners entitled "Working for Results as a Board" to be held on February 23 in Hickory, North Carolina. Commissioner Stone suggested that the Board as a whole should attend that workshop. He further suggested that if the entire Board does not attend the workshop, then he believed it would be a waste of time for only a few of the Board members to attend. He stressed the importance for all of the Board members to attend the workshop. He asked that the Board members contact Chairman Lane with their decision of whether or not they would attend the workshop.

Chairman Lane offered his congratulations to Monroe High School as being the first high school in Union County to ever receive the Safe School Award.

He shared that he has been sharing information with civic clubs and other organizations on what is good about Union County. He referred to the County's annual report, which will be shared with the citizens depicting what is good about the County. Chairman Lane said that there are a lot of good things happening with Union County. He stated that his presentations have gotten good reception from the attendees at the meetings. He said that many of those attending the meetings had not heard about some of the good things.

Chairman Lane expressed his appreciation to the Board for its conduct this evening.

**CLOSED SESSION:**

Commissioner Pressley moved that the Board go into closed session to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating price and other material terms of a contract for the acquisition by purchase, option, exchange or lease of real property identified as follows: property owned by Lois E. Ellwanger located on Ridge Road for the potential construction of an elevated storage tank, a booster pumping station, and future ground storage tank pursuant to G. S. § 143-318.1 l.(a)(5). The motion was passed unanimously.

The Board members then moved to the Conference Room, ninth floor, Union County Government Center, where the Chairman convened the closed session.

At the conclusion of the closed session, Commissioner Pressley moved to adjourn the closed session and to reconvene the regular meeting. The motion was passed unanimously.

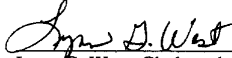
The Board members then returned to the Board Room, ninth floor, Union County Government Center, where the Chairman reconvened the regular meeting.

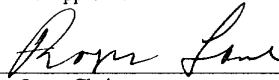
There was no action reported from the closed session.

With there being no further comments or items for discussion in the regular meeting, at approximately 8:48 p.m., Commissioner Stone moved to adjourn the regular meeting. The motion was passed unanimously.

Attest:

Read and Approved:





Lynn G. West, Clerk to the Board

Roger Lane, Chairman

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