

May 1, 2006

The Union County Board of Commissioners met in a regular meeting on Monday, May 1, 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, Christie Putnam, Assistant to the Manager/Interim Public Works Director, Kai Nelson, Finance Director, 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**

Chairman Lane offered the invocation.

**b. Pledge of Allegiance**

Chairman Lane introduced Jim Puschell, Scout Master for Boy Scout Troop 51.

Mr. Puschell stated that the members of Scout Troop 51 were attending tonight in order to fulfill one of their requirements for second class scout rank and also one of their requirements for the communications merit badge.

Following the introduction, the members of Scout Troop 51 led the body in reciting the Pledge of Allegiance to the American flag.

**c. Informal Comments**

Susan Milliones addressed the Board regarding eminent domain. She referred to the Cal Holland property and stated that if the schools want to build a school on the Holland property, then fair market value should be paid for the property or find another site.

Pamela Saladino also addressed the Board regarding the Holland property and eminent domain. She stated that Cal and Betty Holland own the property that consists of 68 acres located at the intersection of Reid Dairy Road and Rea Road. Ms. Saladino asked the Board to reconsider condemnation of this property. She said that the condemnation could be rescinded because it is not in the court at this time. She suggested that there be additional discussion with the Hollands to try and find a way to have an elementary school in the area without taking land from them.

Cal Holland stated that he and his wife are the owners of the property that has been the subject of tonight's informal comments. He reviewed the sequence of events in connection with this matter and provided the Board with a written summary of this information. He stated that when he and his wife were contacted by the schools about selling 25 acres of their property, they told the schools they were not interested whatsoever in selling 25 acres of land and relocating at that time. Mr. Holland said that he had received a letter in August 2005 from Dave Burnette of the schools, which stated that Mr. Burnette had been directed to negotiate with the Hollands regarding the sale of their property.

He stated that Mr. Burnette had said that the schools had been looking for property but had not found anything financially feasible. Mr. Holland said that during a telephone conversation when he asked Mr. Burnette what financially feasible meant in terms of dollars, Mr. Burnette had said he believed it would be approximately \$100,000 per acre.

Mr. Holland said that he had begun negotiations with a national developer to sell the properties including his home and agreed on a price for the property. However, he stated that the developer had said that the Hollands could retain their house and two acres of land. He explained that the schools had an appraisal done on December 6 which showed the property valued at \$66,000 per acre. Mr. Holland said that he discussed the appraisal with Mr. Burnette and provided him with comparables using other properties which he said that he believed showed that the property was worth a great deal more than \$66,000 per acre. He stated that it is his understanding that the original appraisal was revised, and he did not believe that the proposed condemnation is based on the revised appraisal.

He stated that during his meeting with Mr. Burnette, Mr. Burnette had asked specifically for what dollar amount the Hollands would sell their property. He said that he had given Mr. Burnette the exact price that the developer had offered per acre and took the amount of the appraisal for the house and added the two amounts together and said that they would sell for that dollar amount. Mr. Holland said all of this

May 1, 2006

information had been furnished to the attorney for the school board, Kevin Bringewatt. He stated that included in the written information was a copy of an e-mail from Mr. Bringewatt rejecting the offer.

Mr. Holland said that the next communication from the school board was from Mr. Bringewatt to an attorney in Charlotte via voice mail that said that he understood the Board of Commissioners had authorized the issuance of the 30-day letter for condemnation.

In summary, Mr. Holland said that he and his wife have never stated that they would sell willingly any portion of their property. He said that he has no interest in living on the property with a school being located on the property. He said that he does not believe that the proposed price by the condemnor is anywhere like fair market value. Mr. Holland said that if the condemnation goes through as proposed with the schools obtaining 58 acres, the damages to the residual property, which includes the home and the remaining ten acres, has not been addressed, which he believes will be quite severe. He stated that he requested and is again requesting negotiations prior to any condemnation proceedings in the courts.

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

Commissioner Pressley moved to add an item to the regular agenda to consider a Resolution Opposing Federal and State Legislation that Would Eliminate or Reduce Local Authority Over Cable or Broadband Video Broadcasting. Commissioner Pressley further moved to add an item to the regular agenda regarding the Holland property which was referred to in the informal comments.

The Chairman called for a vote on the motion to add to the regular agenda for consideration the Resolution Opposing Federal and State Legislation that Would Eliminate or Reduce Local Authority Over Cable or Broadband Video Broadcasting. The motion was passed unanimously.

A vote was then taken on Commissioner Pressley's motion to add an item to the agenda regarding the Holland property. The motion failed by a vote of two to three. Commissioner Pressley and Commissioner Rushing voted in favor of the motion. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted against the motion.

Vice Chairman Sexton moved adoption of the agenda as modified. The motion was passed by a vote of three to two. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted in favor of the motion. Commissioner Pressley and Commissioner Rushing voted against the motion.

**CONSENT AGENDA:**

Commissioner Stone moved approval of the items listed on the Consent Agenda. The motion was passed unanimously.

**Minutes:** Approved minutes of regular meeting of April 3, 2006.

**Juvenile Crime Prevention County (JCPC) Funding FY 2006-2007:** Approved DJJP County Funding Plan and program agreement for FY 2006-2007 as follows: DJJDP County Funding Plan for FY 2006-07 in the total amount of \$293,784; Restitution Services, Psychological/Clinical Program and Structured Day Care Program through Positive Impact of Union County, Inc. in the amount of \$189,939; JCPC Council in the amount of \$7,990; Youth and Family Support Counseling through United Family Services in the amount of \$31,265; In-Home Program Counseling through Daymark Recovery Services in the amount of \$40,416; and Union County Shelter Care program through the Department of Juvenile Justice in the amount of \$24,174. (No additional funding necessary on behalf of the County. Total appropriations are funded by the State of North Carolina, Juvenile Crime Prevention Funds.

**Tax Administration:** Approved Ninth Motor Vehicle Refund Register for the period of March 1, 2006 - March 31, 2006 in the net grand total of \$2,533.16-

**Tax Administration:** Approved Ninth Motor Vehicle Release Register for the period of March 1, 2006 - March 31, 2006 in the net grand total of \$14,964.39-

**Tax Administration:** Approved Tax Administrator's Monthly Report for March 31, 2006.

**Tax Administration:** Approved Corrected refunds for March 2006 Changing Tax Year from 2005 to 2004:

**REFUNDS MARCH 2006 (as approved 3-20-06 )**

	Approved March	Corrected	Incr/(Decr)
2005 County Tax	83.53	-	(83.53)
2005 County LLP	11.14	-	(11.14)
2004 County Tax	-	83.53	83.53
2004 County School Tax	-	11.14	11.14
			-
Grand Total	94.67	94.67	-

May 1, 2006

When the REFUNDS for MARCH were reported to the Board of Commissioners, they had not been reconciled to the Outstanding Balance Report. When the OBR was reconciled, corrections had to be made to comply with the transactions that had occurred on the accounts up until that point in time. These adjustments were made and are being reported on this report.  
(April 11, 2006, Debbie Cox)

**Tax Administration:** Approved corrected releases for March 2006 Changing Tax Year from 2004 to 2005:

**RELEASES, MARCH 2006 (as approve 4-03-06)**

	Approved March	Corrected	Incr/(Decr)
2005 County Tax	55,253.45	55,336.98	83.53
2005 County LLP	1,243.67	1,243.67	-
2005 County School Tax	4,578.52	4,589.66	11.14
2005 County School LLP	144.77	144.77	-
2005 Monroe School Tax	2,448.68	2,448.68	-
2005 Monroe LLP	10.71	10.71	-
2005 Hemby Bridge Fire Tax	231.94	231.94	-
2005 Hemby Bridge LLP	8.16	8.16	-
2005 Stallings Fire Tax	156.24	156.24	-
2005 Stallings LLP	2.16	2.16	-
2005 WESLEY CH FIRE DISTRICT TAX	99.18	99.18	-
2005 WESLEY CH FIRE DISTRICT LLP	4.77	4.77	-
2005 Bakers FF	767.57	767.57	-
2005 Beaver Lane FF	395.00	395.00	-
2005 Fairview	89.72	89.72	-
2005 Jackson FF	53.00	53.00	-
2005 Lanes Creek FF	45.00	45.00	-
2005 New Salem FF	41.00	41.00	-
2005 Springs FF	628.71	628.71	-
2005 Unionville FF	236.60	236.60	-
2005 Waxhaw FF	250.00	250.00	-
2005 Wingate FF	300.00	300.00	-
2004 County Tax	83.53	-	(83.53)
2004 County School Tax	11.14	-	(11.14)
2003 County Tax	641.09	641.09	-
2003 County School Tax	84.67	84.67	-
2003 Wingate FF	5.00	5.00	-
<b>Grand Total</b>	<b>67,814.28</b>	<b>67,814.28</b>	<b>(0.00)</b>

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(April 11, 2006, Debbie Cox)

**Tax Administration:** Approved Refunds for April 2006 in the Grand Total Amount of \$3,743.12

Acct #	Name	Release #	Total
<b>2005</b>			
06192106	STEPHEN NORMAN S & ROSLYN L	1263	148.94
50089681	CNC ASSOCIATES INC	1266	544.14
01039003C	MELTON LESTER KEMP & KAY E & C W HORNE	1270	1,351.16
			<u>2,044.24</u>
<b>2004</b>			
50088971	RAPP JENNIFER	1264	67.83
50089681	CNC ASSOCIATES INC	1267	606.67
			<u>674.50</u>

May 1, 2006

<b>2003</b>			
50088971	RAPP JENNIFER	1265	75.31
50071647	MARVIN DEV GROUP II LLC	1269	388.71
			<u>464.02</u>
<b>2002</b>			
50047894	WAL-MART STORES EAST LP		560.36
50047894	WAL-MART STORES EAST LP		560.36
			<u>560.36</u>
<b>GRAND TOTAL</b>			<u><u>3,743.12</u></u>

**Tax Administration:** Approved Releases for April 2006 in the Grand Total Amount of \$9,264.58.

RELEASES APRIL 2006

Acct #	Name	Release #	Total
<b>2005</b>			
50073113	KIKER TONY DANIEL	1237	26.55
03156017B	HOWEY FRANKLIN W JR	1238	1,028.79
50092889	VINES LAWN MANAGEMENT	1239	148.79
04213006 02	BETTY RICHARDSON % C V NEWSOME	1240	270.25
09402366	HAYNES WILLIAM J	1242	39.77
50074240	WELLS FARGO FINANCIAL LEASING TAX DEPT	1243	110.04
50069101	WELLS FARGO FINANCIAL LEASING TAX DEPT	1244	182.15
50079353	WELLS FARGO FINANCIAL LEASING TAX DEPT	1245	35.21
50082965	TAYLOR & SONS LANDSCAPING	1246	353.92
50091138	ANGEL STACI	1247	163.71
05138062A	ROGERS INVESTMENTS	1248	677.41
50088381	STEVENS CONSTRUCTION INC	1249	199.24
50091800	CHRISTENBURY WALLACE M	1250	43.12
50089582	YODER WILLIAM	1251	409.66
50090549	BRA BUSTER GOLF INC	1252	199.24
50069075	MARTINEZ JOSEPH	1255	146.87
50088573	HAPL LEASING CO INC	1256	581.99
50091787	BLACK KEVIN W	1257	125.94
H8234003	REDDING ROBERT	1259	90.60
04081010	EMERSON JAMES W & WF KAREN J	1260	236.61
50090568	POWERHOUSE CONCRETE & ASPHALT INC	1261	173.25
K8294054J	LIPIRA BARBARA A	1262	1,372.65
50093739	KEY EQUIPMENT FINANCE	1272	742.72
06072012K	PLYLER JOE CAROL & WIFE CHARLOTTE	1273	1,365.66
<b>Totals</b>			<u><u>8,724.14</u></u>
<b>2004</b>			
04213006 02	BETTY RICHARDSON % C V NEWSOME	1241	258.01
50090549	BRA BUSTER GOLF INC	1253	163.63
50091787	BLACK KEVIN W	1271	118.80
<b>Totals</b>			<u><u>540.44</u></u>
<b>GRAND TOTAL</b>			<u><u>9,264.58</u></u>

**Tax Administration:** Approved Eleventh Motor Vehicle Billing in the Grand Total Amount of \$1,380,205.97.

**Finance:** Approved Motor Vehicle Tax Refund Overpayments for March 2006 in the Amount of \$10,241.79.

**Finance:** Approved Budget Transfers for February and March 2006.

**Health Department:** Approved conversion of Dentist Position I from a contract position to salaried position and moving the position from 32 hours to 40 hours per week.

**The following items were included in the information section with no Board action required:** Department of Inspection's Report for March 2006 and Personnel Report for March 2006.

May 1, 2006

**FIRE SERVICES - REPORT TO THE BOARD:****a. *Establishment of a Fire Service District and a Fee Supported Fire District within the Waxhaw Community Volunteer Fire Department and Rescue Squad, Inc. Fire District***

Pat Beekman, Homeland Security Director, explained the action requested of the Board tonight.

Following the explanation, Commissioner Stone moved to: 1) accept the report for the proposed creation of a service tax district for the Waxhaw Community Volunteer Fire Department and Rescue Squad, Inc. and a fee supported fire district for the portion of the Village of Marvin that lies within the current fee district for the Waxhaw Volunteer Fire Department; 2) call for a public hearing on June 5, 2006; 3) authorize staff to issue required notice of public hearing and designate Pat Beekman as the person responsible for mailing notice to property owners; and 4) authorize staff to attend to all other prerequisites for establishment of the new fire service district and the new fee-supported fire district.

After brief discussion, the motion was passed unanimously.

**UNION COUNTY PUBLIC SCHOOLS:****a. *Conveyance by Union County to the Board of Education of 1.61 Acres at Kensington Elementary School***

Kai Nelson, Finance Director, stated that the Board had previously authorized funds for the expansion of classrooms at Kensington. He said that a portion of that classroom addition would encroach upon property owned by Union County, and the proposed deed would convey 1.61 acres to the school system so that the classroom addition can be completed at this location.

Following the explanation, Commissioner Stone moved to authorize the Chairman to execute a warranty deed to the Union County Board of Education as the Grantee for 1.61 acres located in Sandy Ridge Township. The motion was passed unanimously.

**b. *Land Acquisition for Elementary Schools H and I***

Ed Davis, Superintendent of the Union County Public Schools, thanked the Board for the opportunity to present the schools' recommendations and requests for funding for the purchase of sites for two elementary schools. He explained that the recommendation for property for Elementary School H contains approximately 32 acres located near the intersection of the Waxhaw-Indian Trail Road and New Town Road at the purchase price of \$75,000 per acre. He further explained that the recommendation for the property for Elementary School I contains approximately 32 acres located near the intersection of Weddington Road, Highway 84, and Rocky River Road at the purchase price of \$40,000 per acre. He stated that there were willing sellers for both tracts.

Dr. Davis introduced Don Hughes, Facilities Director for the schools.

Dr. Davis stated that it is hoped that construction will begin on the two elementary schools in late July with the opening to occur in August 2007.

Following the presentation by Dr. Davis, Commissioner Pressley moved to authorize the County Manager to approve the purchase of properties for Elementary Schools H and I and to adopt Capital Project Ordinance #48 with discussion to follow.

By way of discussion, Commissioner Pressley pointed out that this was the first transaction to take place utilizing the schools' land broker, The Moser Group. He noted that as a result of the actions of the Board of Education and Dr. Davis, that this transaction was possible by utilizing a Union County firm as the land broker; the sites were located within a 30-day period; these are willing sellers and the acquisition would not have to go through condemnation. He stated that the main point he wanted to make was that the CIP contains \$6 million for land acquisition for these two schools, and the final purchase price after the broker fees and closing costs is approximately \$3.9 million, which has saved the taxpayers of Union County \$2.1 million. Commissioner Pressley expressed appreciation to the Board of Education, Dr. Davis, and The Moser Group for making the idea of a land broker work for Union County.

The motion was passed unanimously.

**c. *Gyms and Health Education Classrooms***

Dr. Davis explained that this item is for the construction of five gymnasiums and health education classrooms at Monroe High School, Parkwood High School, Forest Hills High School, Piedmont High School, and Sun Valley High School. He stated that these projects were approved in the November 2004 bond referendum. Dr. Davis said that since approval of the bond referendum, these projects have been bid, and some additional funding is needed in order to build the five gymnasiums. He further said that originally the CIP contained approximately \$37.3 million for these projects, and the cost is now approximately \$41.3 million in order to meet the construction costs associated with these projects.

May 1, 2006

Following the explanation, Vice Chairman Sexton moved adoption of Capital Project Ordinance #49 with discussion to follow.

Vice Chairman Sexton expressed appreciation to Dr. Davis for being present tonight and offering insight on the cost overruns. He said that he believed Union County has one of the best school systems in the State and the envy of most of the other systems in the State.

Mr. Shalati offered that the County staff has been working with the school administration's staff for a long time on these projects. He stated that these projects were approved in the November 2004 bond referendum; however, due to the increase in oil prices and the competition for raw materials, pipe and steel, not only in Union County but also on the international level as well as the natural disasters that the country has faced during the past year, all of these events have contributed to higher prices. Further, he stated that there are only a few people who are willing to perform this work which also results in higher prices. Mr. Shalati said that while the amounts for these projects are above and beyond the annual budget and what was included in the CIP, these projects were promised to the citizens, and the schools' staff is trying to do everything it can to provide the projects as promised. He stated that he would recommend approval of the projects.

Vice Chairman Sexton asked if all of the projects for the high schools were moving forward on time. Dr. Davis responded that as soon as the schools receive the funding, these projects will be able to move forward.

Chairman Lane stated that equity is needed in the schools throughout the County. He said that while new schools cannot be constructed throughout the County where there are not enough students to merit new schools, efforts can be made to certainly bring the other schools up to the same standards as the new schools. He questioned where the additional funding would come for these projects.

Mr. Shalati commended the Board for the financial policies that have been adopted. He explained that in Union County projects are financed through a capital improvement plan versus specific bond or specific projects; otherwise, the County would not have been able to assist the schools in these projects. He said that the County would not be able to do that in every future situation. He further said that the staff is working with the schools on a new CIP and possibly an upcoming bond referendum that would help move forward the important projects for the schools.

Commissioner Rushing congratulated the schools for their efforts toward resolving the equity issues in the schools. He said that he recalled there were 13 or so precincts in the eastern part of the County that voted against the bond referendum, because the gymnasiums were left out of the bond package. He stated that he was glad that his fellow Commissioners saw fit to put those back in and bring some equity to eastern Union County.

Commissioner Stone said that he thought it was important for everyone in the audience to know that the reason for this item is to assure these schools can have fairness in their gymnasiums like all of the other schools. He said that fairness makes it a considerable issue for him. He stated that he believed that the schools getting the gymnasiums would be far superior as a result of providing physical education to the students.

Mr. Shalati commented that the Board has done a great job in its support of the schools and the education of the children. He reminded the Board of its actions over the past month involving the schools including mobile classrooms and additional classroom space. He stressed that there is only so much of this type action that the Board can provide.

Following the lengthy discussion, the motion was passed unanimously.

**d. Wolfe Development Center Design**

Dr. Davis stated that the CIP also includes the construction of a new facility for the Wolfe Development School, which includes \$245,000 in soft costs for design work, etc. He said that the schools have engaged a design firm and the cost of the design work is approximately \$489,700, and additional funding is needed for the design work. He stated that Wolfe School was scheduled originally to open its new facility in August 2007; however, because the project is behind, it is probably not going to open in January or February 2008.

Following the presentation, Vice Chairman Sexton moved adoption of Capital Project Ordinance #47.

At the request of Commissioner Pressley, Dr. Davis explained that the Wolfe School is for developmentally handicapped students which is located currently on two sites. He said that the principal of that school has to work from both sites. He stated that it has been problematic to have the school located on two sites, but the new school would bring both locations to one site and give them a more state-of-the-art facility. Dr. Davis said that it is the philosophy of the Board of Education that the children who attend the Wolfe School are deserving of a state-of-the-art facility just like all of the children.

Commissioner Pressley questioned why there had been a 40 percent increase in the cost of the facility from what was included in the CIP. Dr. Davis responded that he believed that part of the reason was that the cost had been underestimated and also the scope of the work has been expanded somewhat. Further, he said

May 1, 2006

that the costs have escalated. He said that while he could not make any promises, he has asked the schools' staff to go back and try to get the cost under \$5 million. He said that they were trying to bring the cost down as much as possible and trying to construct the school in such a way that additional square footage could be added later.

Vice Chairman Sexton asked for confirmation that no matter to what amount the final cost is adjusted it would not change the direction for the facility to be under one roof. Dr. Davis stated that this was correct, the facility would be on one site under one roof.

Following the discussion, the motion was passed unanimously.

Dr. Davis expressed appreciation to the Board for its support of the schools. He commented on the great working relationship between the schools' staff and the County's staff. He complimented the County's staff in partnering with the schools' staff in trying to serve the needs of the citizens of the County.

**AGREEMENT WITH CITY OF CHARLOTTE FOR CHARLOTTE AREA TRANSIT SYSTEM (CATS) TO CONTINUE PROVIDING REGIONAL TRANSIT SERVICE BETWEEN CHARLOTTE AND UNION COUNTY (Funds will be included in the Manager's FY 07 Recommended Budget):**

Commissioner Stone moved to authorize the Manager to approve the Agreement No. 06-XXX Union County Regional Transit Service by and between the City of Charlotte and Union County with the funding of \$70,712 to be included in the Manager's FY 07 Recommended Budget.

Christie Putnam, Assistant to the Manager, stated that this Agreement allows the opportunity for Union County to continue its partnership with the City of Charlotte to provide regional transit service to the residents of Union County. She reported that ridership has increased approximately 35 percent compared to this same time last fiscal year with an estimated 42,000 riders this year.

Commissioner Stone said that there have been several times in the last few weeks when riders had to wait for the next bus because the buses are full, and this is very positive.

Chairman Lane questioned when the service would be provided to Marshville. Ms. Putnam responded that the Town of Marshville has submitted a grant application to help fund the service and extend it to Marshville.

Mr. Shalati interjected that the reason that the service was not extended initially to Marshville was because the transit system was unable to locate a parking lot so that the buses could have the turnaround required with the radius and the park and ride. However, he said that because of funding shortages, it was reduced. He said that the service is not only needed for people who cannot afford the increased gasoline prices, but also for those who want to make better use of their time and have quality time as they travel, and to improve the air quality for Union County.

Following the discussion, the motion was passed unanimously.

**PROGRESS REPORT ON MONROE BYPASS:**

Christie Putnam, Assistant to the Manager, stated that the original environmental analysis for the Monroe Bypass was completed in 1997 with the right-of-way purchased in 1999. She said that since that time, the County has been and is currently in discussions with the regulatory agencies to develop the Memorandum of Understanding between the local jurisdictions, the transportation divisions, and the wildlife agencies. Ms. Putnam stated that the Federal Highway Administration is now re-evaluating the environmental documents due to the length of time that has passed since they were prepared and it is now considering new information to verify the original determination of a finding of no significant impact.

She explained that the specific issues that they are focusing on are the endangered species, air quality, and public involvement input regarding consideration for Section A to be put back on the long-range transportation plan. She stated that there have been meetings with Senator Burr, Congressman Hayes, Congresswoman Myrick and representatives from Senator Dole's office, all gathering support from the County's Washington delegation. These individuals are all encouraging and willing to help Union County. However, she pointed out that the question is "How can they help us?" Ms. Putnam stated that this is the answer that is unknown.

She stated that in accordance with the Board's direction, the Manager, the Staff Attorney, and she had solicited recommendations and evaluated potential attorneys to help answer these questions and recommend any other ways that this project can be moved off dead center especially in light of the permit that has been issued along Goose Creek. She stated that they have met with and solicited a plan of action proposal from the most qualified attorney that the staff interviewed, and a proposal is expected this week showing the plan of action that he believes can help move the project forward.

Mr. Shalati commented that during the April 3, 2006, Board meeting, Vice Chairman Sexton made a motion, approved by the Board requesting the staff to explore the possibility of obtaining legal advice to help move the project forward and create some fairness. He stated that the County received qualifications from five top-notch attorneys in the State, and Mr. Crook, Ms. Putnam, and he have evaluated these

May 1, 2006

qualifications. He said that the attorney selected has a great deal of expertise in dealing with the Army Corps of Engineers, and he has visited Union County to review the correspondence in this matter.

Vice Chairman Sexton moved to accept the report by staff. He said that he had introduced this initiative at the last meeting to determine where this project is going. He said this needed to be done because of the track record for the past six or seven years of jumping through hoops and capitulating to what the County has been asked to do and constantly finding that there is yet another hoop through which to jump. He stated that the process is taking too long because the standards that the County must abide by seem to be much different than the standards that Mecklenburg County had to encounter with the I-485 interchange study especially with regard to environmental issues.

Vice Chairman Sexton said that last week the County learned of the possibility of re-evaluating the process and going back to square one after all these years of the County capitulating and doing what it has been asked to do. He said he believes that this is the frustration that the County faces with wondering what is the objective when there is not a clear picture from the regulatory agencies. He stated that he thought the agencies that are now going to initiate the re-evaluation are the very agencies that seem to be creating the delays. He said that he hoped that an action plan would be ready for the June 5 meeting.

Commissioner Pressley questioned if Union County is being held to a different standard than the I-485 study. Mr. Shalati responded that he thought that Union County is actually suffering for some of the things that should have been done when I-485 was approved and constructed. He said that the Board had directed the staff to do whatever it could to reasonably accommodate the agencies' requests, and the staff has done so. He noted that the frustration of the business community and its leadership and citizens in Union County is that the project continues to be a moving target. Mr. Shalati said that if the County knew exactly what is needed, then the County would try to meet those requests. He stated that every time the County provides the information requested, something else is needed.

Commissioner Pressley said his point was that at the last meeting, the discussion was looking at comparing what the governmental agencies must go through versus the mall issue that the private sector would not have to go through. He says that tonight's discussion sheds a glimmer light that Union County is still held to double standards and I-485 (Mecklenburg County) was not held to the same standards. He said that he wanted to make it clear that there is some discrepancy between county versus county.

Mr. Shalati stated that is not what Union County is aiming to achieve, but Union County is aiming to achieve fairness in the process.

Commissioner Rushing stated that the only thing that he is aware of that Union County has not done that Fish and Wildlife has asked is in regards to the sewer facility in the northern part of the County. He said that in 2004, the Board was told by the Manager that one of the problems that Fish and Wildlife had was the County was not going to drop that facility. He stated that before he would vote to hire an attorney, he wanted to know what Fish and Wildlife is asking for and what the County has not given to them.

Ms. Putnam responded that Fish and Wildlife had never asked the County not to build the sewer plant.

Mr. Shalati stated that he was referring to the regional facility that the Board of Commissioners has given up on at the confluence of Goose Creek and Rocky River.

Commissioner Rushing stated that he did not recall a specific list of requests from Fish and Wildlife. He said that he would like to see the list. Ms. Putnam noted that there had been a matrix provided to the Board that outlined their requests, but she stated that the problem with the matrix and the requests is that they are rather vague. She said that the vague requests might seem reasonable on the surface, but when delving down into the details of what Fish and Wildlife would actually sign off and approve is where the target moves.

Commissioner Rushing suggested that representatives of Fish and Wildlife come and talk with the Board. Ms. Putnam stated that while she was sure that they would talk with the Board, she noted that Union County is a minor player in this matter and that Fairview is the major player. She said that Fairview is 75 percent of the watershed, and the County is trying to work with Fairview to provide the comfort level that they need.

Ms. Putnam stated that her understanding of the need for an attorney is that the County is looking more for guidance in the process and how to move the project forward.

Mr. Shalati offered for clarification purposes and for the record that there has not been a recommendation that the County file a lawsuit. He said the County has not talked about suing anyone, but it just wants to be treated fairly and to make sure that there are legal advisors to assure that is taking place. He stated that a lawsuit has not been recommended nor is the County at a point where it is considering a lawsuit.

Vice Chairman Sexton said that he supports the bypass and knows the economic benefits that will be derived by the County when the bypass is built. He stated that the air quality issue alone would require the development of the bypass to be hastened. He further stated that his biggest concern is the way that Union County has been, in his opinion, unfairly treated during the process and the obvious double standard and the play book that was used in Mecklenburg County versus the one that Union County has had applied to it. He



May 1, 2006

said this is where he would like the best environmental counsel to advise the County if there is reason to believe that there was a standard being applied to the west different than the standard that is being applied in Union County. He stated that he thought that would be ultimately the determination that decides in which direction the County goes. Vice Chairman Sexton said that was the crux of his motion at the April 3, 2006, meeting and his interest tonight.

Chairman Lane shared that he was privileged to be included in a meeting this morning where he had learned a great deal that he did not know regarding the bypass. He said that he felt the attendees had come away with a consensus about the plan of action that needs to be taken and basically it is to give Fairview a comfort level so that it will come on board and then present the plan to the Highway Administration and Fish and Wildlife.

Following the lengthy discussion, the motion was passed unanimously.

**RESOLUTION OPPOSING FEDERAL AND STATE LEGISLATION THAT WOULD ELIMINATE OR REDUCE LOCAL AUTHORITY OVER CABLE OR BROADBAND VIDEO BROADCASTING:**

Commissioner Pressley introduced the Resolution by stating that the Revenue Laws Study Committee of North Carolina Legislature is now considering legislation that would destroy public access in North Carolina. He stated that the proposed bill would allow telecommunication companies to provide cable television service by obtaining a statewide franchise rather than a traditional local franchise and would end financial and technical support for public, educational, and government access channels. Commissioner Pressley noted that currently local governments have the ability to negotiate support for the PEG in local franchise agreements; however, the proposed legislation removes franchising from the local level and places it in Raleigh. He stated that the bill allows for communities to have PEG channels but only allows \$16,000 in annual financial support. He stated that the information that he had shared had been sent by TV Access 21. He noted that TV 21 alone televises 22 of the County's church services.

He moved adoption of the following resolution which was passed unanimously:

**RESOLUTION OPPOSING FEDERAL AND STATE LEGISLATION  
THAT WOULD ELIMINATE OR REDUCE LOCAL AUTHORITY OVER  
CABLE OR BROADBAND VIDEO BROADCASTING**

WHEREAS, pursuant to G.S. § 153A-137, a county may by ordinance grant franchises for the operation of cable television systems within any portion of the county, exclusive of incorporated areas, and make it unlawful to operate such a system without a franchise; and

WHEREAS, counties engage in a variety of activities related to rights-of-way, including but not limited to: protecting public investments; minimizing disruption of services; protecting vital communication networks, and protecting consumers' interests and community needs, and they may charge for use of their rights-of-way; and

WHEREAS, the Union County Board of Commissioners (the "Board") seeks to encourage public access to government information and decision-making and to provide all Union County residents with the capacity for advanced communication services, regardless of race, ethnicity, or income; and

WHEREAS, on April 26, 2006, the United States House of Representatives Committee on Energy and Commerce approved the Communications, Opportunity, Promotion, and Enhancement Act of 2006 ("COPE"); and

WHEREAS, according to the National Association of Counties, COPE would strip away the authority of local governments to franchise the use of their rights-of-way for cable video broadcasting and give that franchising authority, along with the authority to oversee and second-guess all local rights-of-way management practices and all customer service issues, to the Federal Communications Commission in Washington; and

WHEREAS, opponents of COPE assert that it would also enable broadband-video providers to pick and choose which neighborhoods within a community they wish to serve and to bypass other neighborhoods completely; and

WHEREAS, the North Carolina League of Cities recently reported that the North Carolina Legislature's Revenue Laws Study Committee is considering legislation that would allow telecommunications companies to provide cable television service by obtaining a statewide, as opposed to a local, franchise; and

WHEREAS, the end of local franchise agreements would mean the end of: (i) local franchise fees; (ii) local government's ability to require "build-out" schedules that ensure timely availability of service to all county residents; and (iii) local government's ability to require provision of adequate public, education, and government access channels.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners opposes adoption of the Communications, Opportunity, Promotion, and Enhancement Act of 2006, as well as any other federal or state legislation that would serve to: eliminate a local government's ability to franchise use

May 1, 2006

of its public rights-of-way for cable-video broadcasting; reduce local control over management of local rights-of-way and customer service issues; eliminate local franchise fees; reduce financial and technical support for public, educational, and government access channels; and/or allow a cable or broadband provider to make services available in a discriminatory manner.

This resolution is adopted this the 1st day of May, 2006.

Attest: s/Roger Lane, Chairman  
 S/Lynn G. West, Clerk to the Board s/Hughie Sexton, Vice Chairman  
 S/Kevin Pressley, Commissioner s/Stony Rushing, Commissioner  
 S/Richard Stone, Commissioner

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

Chairman Lane announced the following vacancies on boards and committees:

- a. Union County Industrial Facilities and Pollution Control Financing Authority - One vacancy as of May 2006
- b. Centralina Workforce Development Board - Two vacancies as of June 30, 2006: one representing Vocational Rehabilitation and one representing Community Based Organization
- c. Adult Care Home Community Advisory Committee - Three vacancies as of June 2006
- e. South Piedmont Community College - One vacancy as of June 30, 2006

**APPOINTMENTS TO BOARDS AND COMMITTEES:**

**a. Adult Care Home Community Advisory Committee**

Commissioner Pressley moved to reappoint Elizabeth Little to serve on the Adult Care Home Community Advisory Committee. With there being no further nominations, Ms. Little was appointed by acclamation.

**b. Parks and Recreation Advisory Committee**

Commissioner Stone moved to appoint Sherry Cantrell to serve on the Parks and Recreation Advisory Committee. With there being no further nominations, Ms. Cantrell was appointed by acclamation.

**c. Centralina Workforce Development Board**

Vice Chairman Sexton moved to appoint Janet Hudson to serve as the private sector/business representative on the Centralina Workforce Development Board to fill an unexpired term which will expire June 30, 2007. With there being no further nominations, Ms. Hudson was appointed by acclamation.

**MANAGER'S COMMENTS:**

Mr. Shalati offered his congratulations to Ms. Kelly Irvin who was named Union County's Telecommunicator of the Year on April 12, 2006. He shared that Ms. Irvin has worked for Union County for five years and currently serves as Interim Shift Supervisor in the County's 911 Center.

The Manager provided the Board with an update on the County's discount prescription card. He said that the discount card continues to save the residents money, and since last September, there have been 2,758 cardholders who received discounts on their prescriptions. He stated that the total retail price for all prescriptions filled was \$388,025, and the total price paid by the cardholders was \$317,320 for a savings of \$71,000 by the participants.

Mr. Shalati referred to the Resolution Opposing Federal and State Legislation that Would Eliminate or Reduce Local Authority Over Cable or Broadband Video Broadcasting adopted by the Board tonight. He noted that last fiscal year, Union County received \$330,000 from the cable franchise fees, and it is projected that this year, the County would receive approximately \$271,000.

He applauded the Board for its support of the schools. He said that so far the Board has approved \$20 million to support the children of the County who are receiving some of the best education available in the state.

**COMMISSIONERS' COMMENTS:**

Commissioner Rushing complimented Reid Helms and the Rusty Pistons Antique Tractor Show. He said that it is nice to see how young children can connect to the agricultural heritage in Union County.

May 1, 2006

Vice Chairman Sexton responded to the recent headline in the newspaper "Wal-Mart Costs County \$200,000." He said that he believed the headline should have been "Defending the Ordinances Costs \$200,000." He stated that he believed the Board's decision to dissolve the Board of Adjustment in 2005 was reaffirmed and validated this past week by Judge Chris Collier.

Commissioner Pressley commented that he thought there was also an obligation to defend the citizens of Union County. He said that the Board makes the best decisions that it can based on the information that is provided, but when only part of the information is provided, and there is an opportunity to go back and make those decisions right the Board should do so. He said that in his opinion the Board did not do that tonight with regards to the Holland property. Commissioner Pressley said that he had made a decision along with the other members of the Board based on the information as presented to the Board. He stated that although Mr. Holland was allowed to speak tonight, the Board did not analyze the situation.

There were no comments by Commissioner Stone.

Chairman Lane announced that there would be a work session on May 31 at 5:00 p.m. with the Catawba River Keeper and representatives of Concord and Kannapolis.

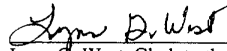
He stated that the Hospital Board was presented with a report on the Emergency Medical Services. He shared that the emergency response time since 2000 has decreased slightly, which he said was good considering the increased traffic in the county and the number of emergency calls being received. Further, he said that the collection rate for the county has decreased from \$604 per transport in 1996-97 down to \$412 per transport now. He commended the Emergency Medical Services for the fine work that it provides.


Chairman Lane said that he was at a Red Cross Volunteer BBQ yesterday and noted that the Union County Red Cross has a satellite office in Stallings.

With there being no further comments or discussion, at approximately 8:11 p.m., Commissioner Stone moved to adjourn the regular meeting. The motion was passed unanimously by the Commissioners rising from their chairs.

Attest:

Read and Approved:

  
Lynn G. West, Clerk to the Board

  
Roger Lane, Chairman

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