

May 15, 2006

The Union County Board of Commissioners met in a regular meeting on Monday, May 15, 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, Pat Beekman, Homeland Security 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

Commissioner Pressley offered the invocation.

b. Pledge of Allegiance

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

c. Informal Comments

Jeff Gerber addressed the Board regarding eminent domain. Mr. Gerber stated that eminent domain should only be used for infrastructure such as schools and highways and only as a last resort when all other options have been exhausted. He referred to the comments that were made during the May 1, 2006, Board meeting in regards to the Holland property.

PUBLIC HEARING - RE: ESTABLISHMENT OF A FIRE SERVICE TAX DISTRICT WITHIN THE MINERAL SPRINGS VOLUNTEER FIRE AND RESCUE DEPARTMENT, INC. FIRE DISTRICT:

At approximately 7:10 p.m., the Chairman opened the public hearing regarding the establishment of a fire service tax district within the Mineral Springs Volunteer Fire and Rescue Department, Inc. Fire District. He called for those persons who had registered to speak in favor of the establishment of a fire service district.

Victor Shaw said that he resides within the Mineral Springs Fire District and has served with that fire department for approximately 35 years. He stated that he thought a fire tax would be the fairest way for all of the residents in the fire district because of the sizes of some of the homes that are being constructed in the district. Mr. Shaw asked the Board's support for establishing a fire service tax district for Mineral Springs.

Donald Gaddy, Fire Chief for the Mineral Springs Volunteer Fire Department, spoke in favor of the establishment of a fire service tax district. He stated that there were several reasons why the fire department had requested the establishment of a fire service tax district: 1) it would be a more fair way to provide fire protection to the residents within the district; 2) the money could be used as the department sees fit for its needs such as paying fire department personnel, which is not permitted with the fire fee; and 3) the Board of Directors of Mineral Springs Volunteer Fire and Rescue Department has proven to be frugal with the monies that it receives and in remodeling its buildings and receiving the best purchase prices on trucks and other equipment. He encouraged the Board to vote in favor of establishment of a fire service tax district.

Tony Belk also spoke in favor of the establishment of a fire service tax district. He thanked the Board for its past support of the fire department. He said that a fire service tax would assist the department in providing better service for the community. He stated that he believed a fire tax would be the fairest way. He further stated that with the area's growth, it would not be long before paid personnel will be needed in the station during the daytime hours in order to provide fire protection for the residents. He requested that the Board vote in favor of establishing a fire service tax district for Mineral Springs.

Michael Corley had registered to address the Board during the public hearing; however, when his name was called, he stated that he did not wish to address the Board.

John Roddey stated that he resides on Chambwood Road in Wesley Chapel. Mr. Roddey stated that he was concerned about the boundary lines for Wesley Chapel and Mineral Springs. He further stated that it was his understanding that there is a Chambwood Drive in the Mineral Springs district. Mr. Roddey said that he thought there could be a conflict of interest in the way that the map is drawn.

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Mr. Shalati stated that the staff would follow-up later with Mr. Roddey to make sure that his questions were answered.

Mr. Charles Bowden stated that he resides on Pleasant Grove Road in the incorporated area of Mineral Springs. He said that he had mixed emotions regarding a fire tax. Mr. Bowden stated that he understood the position of the firemen and acknowledged their hard work; however, he stated that he has concerns with any private/non-profit group having the ability to tax citizens. He said that in his opinion the citizens were being taxed without representation, and the citizens would not have any say over how the monies are used and whether or not the County is overseeing how the monies are being spent. Mr. Bowden suggested that it would be more prudent if the Board of Commissioners approves a fire tax district, that the County move in the direction of taking over at least some of the fire department functions such as the buildings and equipment maintenance and staffing the department with paid personnel. He said that a fire tax would in effect be a tax increase for all the residents in the district. He stated that the Town of Mineral Springs provides monies to the Mineral Springs Fire Department. He said that he believes the fire department needs equipment and additional space. Mr. Bowden stated that he did not believe it was in the best interest of the County for fire departments to build large facilities just for the sake of building large departments. He said that it would be better to have smaller facilities spread throughout the County. He stated that he thought if a fire tax were approved for Mineral Springs Fire Department, then a larger facility would be built to house the department. He said that he has been a volunteer for the Sheriff's Office for approximately 30 years and has served as a Scout Leader. Mr. Bowden stated that he believed that because of the growth in the County, that this issue needs to be viewed from a standpoint of what the County can do.

The last speaker to address the Board during the public hearing was Stanly Schwartz who resides in the Silver Creek Subdivision in the unincorporated area of Union County. He referred to the map that was mailed to the residents along with the Notice of Public Hearing. Mr. Schwartz pointed out the location of Silver Creek Subdivision on the map. He stated that while he did not have an objection to a fire tax per se, he did have an objection to how the tax has been proposed. He stated that he has resided in Silver Creek Subdivision for three and a half years and has been told that Wesley Chapel Station #26 is the department of first response for his residence. Mr. Schwartz stated that his residence is located approximately two miles from Wesley Chapel Station #26 and is approximately seven miles from the Mineral Springs Fire Department. Further, he again referred to the map and said that the way the line cuts diagonally south across New Town Road, the line actually runs alongside his property line. He stated that his next door neighbor on one side is within the Wesley Chapel Fire District, and his next door neighbor on the other side is within the Springs Fire District.

Mr. Schwartz said that the lines were drawn prior to the subdivisions being built and were based on logical break points for fire districts. He stated that if a fire tax district were established, he would prefer that his taxes benefit the station responding to his house; otherwise, he said that it is taxation without representation.

Pat Beekman, Homeland Security Director, certified that the required mailing of notice has been completed.

Mr. Beekman addressed several of the issues that had been brought up during the public hearing. He noted that only the Board of Commissioners has taxing authority, which is done through the normal budgetary process. He stated that there is a budget review conducted of every volunteer fire department by the Fire Marshal's Office and the Homeland Security Director, in conjunction with the Manager and Finance Director. Mr. Beekman said that after review of these budgets, recommendations are made to each of the volunteer fire departments relative to their budgets.

He stated that the original district lines were drawn in 1982. He noted that there are two sets of lines: 1) the underlying insurance district lines which can only be changed by the Department of Insurance and; 2) in this case either a fire fee district or a service tax district. He said that the fire fee district or service tax district lines could be changed by the Board of County Commissioners but would require a rather extensive process. Mr. Beekman stated that there is not sufficient time to change these lines this fiscal year. Further, he noted that if changes were made to the district lines, these changes would not become effective until the following fiscal year. He said that he wanted to look at the district lines in the upcoming year and possibly propose some changes because a number of the fire stations have moved and towns have annexed, etc. since the time that the original district lines were drawn. Further, he said he also wanted to change the underlying insurance district lines, which would go before the Department of Insurance.

With there being no further comments or discussion, Chairman Lane closed the public hearing at approximately 7:26 p.m.

PUBLIC HEARING - RE: LAND ACQUISITION FOR ELEMENTARY SCHOOLS H AND I:

At approximately 7:27 p.m., Chairman Lane opened the public hearing regarding land acquisition for Elementary Schools H and I.

Mr. Shalati stated that Dr. Ed Davis, Superintendent of the Union County Public Schools, would be briefing the Board regarding this issue. A copy of a memorandum from the Union County Board of Education dated May 12, 2006, was provided to the Board.

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Dr. Davis stated that the schools are on schedule to begin construction of three elementary schools this summer, which are needed in the western part of the County to relieve overcrowding situations. He said that he could not make many comments on property for Elementary School G, known as the Holland property, because that matter is now with the courts.

In regards to Elementary Schools H and I, Dr. Davis said representatives from the schools came to the Board of Commissioners at the May 1st meeting to request funding of land for these two schools. He said that the schools had negotiated acceptable purchase prices for the sites with willing sellers based on certified appraisals. Dr. Davis requested that the Board authorize the purchase of the two properties on behalf of the schools so that the construction of Elementary Schools H and I could proceed this summer.

With there being no one else wishing to address the Board during the public hearing, at approximately 7:28 p.m., the Chairman closed the public hearing.

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

Commissioner Stone moved adoption of the agenda as presented. The motion was passed unanimously.

CONSENT AGENDA:

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

Minutes: Approved minutes of the regular meeting of May 1, 2006.

Resolution to Approve Financing by Providence Volunteer Fire Department for Purchase of a Fire Truck: Adopted the following resolution:

RESOLUTION APPROVING THE INCURRENCE BY PROVIDENCE VOLUNTEER FIRE DEPARTMENT, INC. OF UP TO \$293,534.00 IN INDEBTEDNESS FROM BRANCH BANKING AND TRUST (BB&T) TO FINANCE THE ACQUISITION OF A FIRE TRUCK

WHEREAS, the Board of Directors of the Providence Volunteer Fire Department, Inc. (the "Department"), pursuant to public notice duly given (the "Notice"), held a public hearing on April 3, 2006, regarding its intent to borrow up to \$293,534.00 (the "Loan") from Branch Banking and Trust to finance the acquisition of a fire truck (the "Project") and considered the comments of persons who requested to be heard on the advisability of the Loan and the Project; and

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

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

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

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

- (1) The publication of the Notice and the designation of the meeting held by the Providence Volunteer Fire Department, Inc. Board of Directors on April 3, 2006 as a public hearing on the Loan and the Project is hereby ratified and approved, provided, however, that Union County makes no representation as to the sufficiency of the public hearing for any purpose whatsoever.
- (2) The incurrence by Providence Volunteer Fire Department, Inc. of indebtedness of up to \$293,534.00 by Branch Banking and Trust to finance the Project is hereby approved.
- (3) The Project is hereby approved.
- (4) This resolution shall take effect immediately upon its passage.

Adopted this the 15th day of May, 2006.

ATTEST:

S/Lynn G. West, Clerk to the Board

s/Roger Lane, Chairman

Tax Administrator: Approved Tenth Motor Vehicle Refund Register for the period of April 1, 2006 - April 30, 2006, in the grand total amount of \$967.65-

Tax Administrator: Approved Tenth Motor Vehicle Release Register for the period of April 1, 2006 - April 30, 2006, in the grand total amount of \$8,602.31-

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Public Works Department: Approved request to allow City of Monroe to provide water service to 2410 Silverthorne (Tax Parcel #09-177-027F). Union County Public Works does not have existing water infrastructure located to meet the needs in this area.

Juvenile Crime Prevention Council: Approved 2006-2007 JCPC Certification in the amount of \$7,990.00.

Finance Department: Approved motor vehicle tax refund overpayments for April 2006 in the total amount of \$4,703.29.

Information Only/No Action Required: The following reports were provided to the Board with no action required: Department of Inspection's Report for April 2006 and Personnel Report for April 2006.

UNION COUNTY PUBLIC SCHOOLS:

a. Land Acquisition for Elementary Schools H and I

Commissioner Pressley moved to authorize the Manager to proceed with the purchase of land for Elementary Schools H and I (approximately 32 acres per site located south of the intersection of New Town Road and Waxhaw-Indian Trail Road and the intersection of Weddington and Rocky River Roads respectively at the agreed upon purchase prices of \$75,000 per acre (Waxhaw-Indian Trail Road) and \$40,000 per acre (Rocky River Road). The motion was passed unanimously.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Lane announced the following vacancies on Boards and Committees:

1. Social Services Board (one vacancy for an unexpired term due to a resignation);
2. Centralina Workforce Development Board (two vacancies as of June 30, 2006, as follows: one vacancy representing vocational rehabilitation and one vacancy representing Community Based Organization);
3. Adult Care Home Community Advisory Committee (three vacancies as of June 2006);
4. Agricultural Advisory Board (three vacancies as of June 2006).

APPOINTMENTS TO BOARDS AND COMMITTEES:

1. Union County Industrial Facilities and Pollution Control Financing Authority

Commissioner Pressley nominated Jeff Ennis to serve on the Industrial Facilities and Pollution Control Financing Authority. With there being no further nominations, Mr. Ennis was appointed by acclamation.

2. South Piedmont Community College

Commissioner Stone nominated Charles Palmer for reappointment to the South Piedmont Community College Board of Trustees. With there being no further nominations, Mr. Palmer was appointed by acclamation.

3. Parks and Recreation Advisory Committee

Vice Chairman Sexton nominated Lyncoya Delrease Simpson to serve on the Parks and Recreation Advisory Committee. With there being no further nominations, Ms. Simpson was appointed by acclamation.

4. Nursing Home Advisory Committee

Chairman Lane nominated Ruth Davis to serve on the Nursing Home Advisory Committee. With there being no further nominations, Ms. Davis was appointed by acclamation.

5. Agricultural Advisory Board

It was noted in the written documentation provided to the Board that on February 20, 2006, Greg Hargette was appointed to serve on the Agricultural Advisory Board; however, Mr. Hargette had indicated that he would be unable to fulfill this appointment.

Commissioner Stone nominated Travis Starnes to serve on the Agricultural Advisory Board. With there being no further nominations, Mr. Starnes was appointed by acclamation.

MANAGER'S COMMENTS:

Mr. Shalati stated that the staff has informed the citizens through newspaper articles and in utility billings that Duke Energy has declared a Stage I drought for the Catawba Water Basin which includes Union County. He suggested that the residents visit the County's website at www.co.union.nc.us to view water conservation guidelines to be followed during the drought.

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The Manager advised the Board that the North Carolina Finance Officers' Certification Committee has announced that Andrea Robinson, Assistant Finance Director, has renewed her Local Government Finance Officer Certification.

Mr. Shalati reminded the Board that the Catawba River Keeper would be addressing the Board on Wednesday, May 31, 2006, at 5 p.m.

He stated that there has been much discussion in the legislature about capping Medicaid expenses for counties. Mr. Shalati said that North Carolina is at a great disadvantage in comparison with other states. He noted that North Carolina is one of the few remaining states, if not the only one, in the nation that is heavily burdened with Medicaid costs. He stated that the North Carolina Association of County Commissioners has requested that all Commissioners and Managers descend on Raleigh early Wednesday, May 17th to advocate and support the current measures under consideration by the legislators to cap the Medicaid funds. He pointed that this was a change in the previously published schedule of events for County Assembly Day. Mr. Shalati explained that this would help a number of counties in the region and throughout the State, but stated that Union County is facing a decrease this year in Medicaid.

The Manager informed the Board that the North Carolina Joint Regional Forum has extended an invitation to the Board to attend the annual Regional Legislative Day. He explained that this would be an informal meeting with the North Carolina General Assembly scheduled on Wednesday, May 31st in the Museum of History from 5:30 p.m. to 7:30 p.m.

He wished Commissioner Stone a happy birthday today.

COMMISSIONERS' COMMENTS:

Commissioner Rushing referred to the requests by the Mineral Springs and Waxhaw Fire Departments. He stated the concerns that he had heard tonight during the public hearing and in telephone calls he has received are not necessarily about the tax itself but the accountability factor. He said that he believed those concerns had been addressed tonight. He stated that he thought there had been misunderstandings that the fire departments would set the tax rates rather than the Board of Commissioners. He suggested that perhaps the County could work with the individual fire departments in setting up a page on the County's website where the fire departments' budgets could be posted and viewed by the residents. He expressed appreciation to the members of the two fire departments for attending tonight's meeting and stated that these volunteers provide a valuable service to the County.

Vice Chairman Sexton stated that it was a pleasure to support the volunteer firemen in the County who provide an incredible service to the community. He said that there is not sufficient time to thank all of the volunteer firemen to the depths that they have committed their time, energy, resources, and volunteerism over the years. He further stated changes would need to be made in the future about the way that the fire departments are funded and how they raise funds.

Commissioner Pressley said that he would echo the comments of his fellow Commissioners regarding the fire departments. He stated that it is comforting to drive by the fire station in his community and know that the department is being manned. He expressed his appreciation to the volunteer fire departments.

Commissioner Stone said that he believed it would be appropriate for the Board to vote on the request by the Mineral Springs Fire Department at the June 5, 2006, meeting. He also expressed his appreciation to the volunteer firemen.

Chairman Lane reported on the results of a meeting that he and the County Manager attended on May 3 in Winston Salem on Intergovernmental Collaboration and School Facilities Siting. He said that Union County had been selected to participate in the meeting because it is the fastest growing county in the state. He stated that representatives from Waxhaw and Marvin along with representatives of the schools had attended that meeting. Chairman Lane said that he and the County Manager were happy to learn that Union County is already following the majority of the recommendations that had been made to facilitate school sitings and to construct schools in an orderly, timely, and economically feasible manner. He stated that the recommendations included an Adequate Public Facilities Ordinance (APFO) such as the one that the County is currently working on, land banking, and making sure that municipalities notify the school officials of the particulars on any foreseen or in-progress developments for homes so school sitings are not rushed projects. He said interestingly enough all of the counties came up with the same thoughts on how to deal with the schools.

He reminded the Board that this week is National Police Week and a ceremony honoring law enforcement is scheduled for Friday, May 19, at 10:00 a.m. in the courtyard plaza. He also said the Union County Symphony Society would be presenting a tribute to the troops and veterans on Saturday, May 20, at 7:30 p.m. at the CATA (Career Center) on Brewer Drive.

Chairman Lane stated that on Tuesday, May 30, from 9:30 a.m. to 12 o'clock noon at the Union County Agricultural Services and Conference Center, one of five regional meetings will be held regarding the Avian Flu.

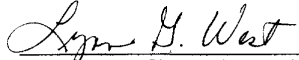
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He reminded the Board that the deliberations on the County's budget would begin on June 7.

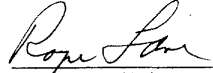
With there being no further comments or discussion, at approximately 7:44 p.m., Vice Chairman Sexton moved to adjourn the regular meeting. The motion was passed unanimously with the members voting by rising from their chairs.

ATTEST:

Read and Approved:



Lynn G. West, Clerk to the Board



Roger Lane, Chairman
