

June 19, 2006

The Union County Board of Commissioners met on Monday, June 19, 2006, at 7:00 p.m. in the Commissioners' Formal Board Room, ninth floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

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

ABSENT: None

ALSO PRESENT: Mike Shalati, County Manager, Lynn G. West, Clerk to the Board of Commissioners, Jeff Crook, Staff Attorney, Kai Nelson, Finance Director, Don Perry, County Attorney, Brett Vines, Public Information Officer, members of the press, and other interested citizens

OPENING OF MEETING:

a. Invocation

Commissioner Rushing 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

James Patterson addressed the Board on behalf of a fire tax for Mineral Springs Fire Department. He stated that there were several facts that he wanted to clarify. He said that the property tax rate in the fire district would be based on rating from the North Carolina Department of Insurance. Mr. Patterson stated a lower insurance rating would mean lower property taxes, and in order to obtain the necessary equipment and training to lower that rating, he would be in favor of a fire tax. He further stated that he thought a fire tax would be more fair to the residents.

Mr. Patterson said that 60 percent of the department's calls are medical calls, and the training that is needed to run medical calls is as much as paid fire departments because of the liability. He stated that with the increased number of people in the district and the average age of the residents in that district increasing would result in even more medical calls for the department in the future.

Pat Kitto addressed the Board in regards to the rezoning request contained in Item #7 on the agenda as filed by Joseph D. Rogers, Petitioner. She stated that she resides on Waxhaw Highway, and some of her property is in a low area. She said if the property located above her property is filled in, then it would result in land erosion and would bring water onto her property. Ms. Kitto stated that she was opposed to the rezoning request.

Steve Kitto also addressed the Board in regards to the rezoning request by Joseph D. Rogers (Petition #001090). He stated that he believed it would be an adverse effect on the floodplain if Mr. Rogers' property is rezoned, and there is construction on the property.

Jim King addressed the Board regarding the Union County Partnership for Progress. He stated that he had addressed the Board several months ago about funding issues for the Union County Partnership for Progress. He said that he understands that the Board will be voting on the new budget tonight with the Union County Partnership for Progress being funded with matching funding of up to \$125,000. Mr. King said that his concerns are that there are no written policies in place for the incentives. He addressed an incentive grant for Parkdale Mills of March 14, 2005.

Darrell Hinnant, a member of the Kannapolis City Council, stated that he was representing both Kannapolis and Concord. He referred to a meeting held in Union County on May 31st regarding the request of Concord/Kannapolis for an interbasin transfer. Councilman Hinnant stated that during that meeting there had been discussion regarding a pending bill before the legislature that would change the Interbasin Transfer regulations. He said that bill has concerned many in the State and is still in committee.

Councilman Hinnant said that he believes there are a number of good reasons for concerns regarding the bill as it relates to the Interbasin Transfer petition of Concord/Kannapolis as well as Union County's Interbasin Transfer petition. He gave the Board an update of what has occurred with the bill since the May 31, 2006, meeting. He said that Mecklenburg County Commissioners met in their policy committee recently and invited Concord and Kannapolis to attend that meeting. Councilman Hinnant said that prior to Concord and Kannapolis' presentation before the Mecklenburg County Board of Commissioners, their water and sewer department

made a presentation of its review and evaluation of Concord and Kannapolis' petition and its impact on the Catawba River.

He stated that the staff's presentation revealed that the Concord and Kannapolis' petition would not have any impact at all on the Catawba River even at its lowest levels. Mr. Hinnant stated that as a result of the staff's study, the staff had recommended to the Mecklenburg County Commissioners that the Commission support the Kannapolis/Concord Interbasin Transfer Petition. He said that with a five to one vote, the Mecklenburg County Commission decided to not take any action regarding this petition except to ask the staff to send some favorable comments to the Environmental Management Commission during the public hearing process that is now open for a 60-day time period.

Councilman Hinnant stated that there had been comments that the petition of Concord and Kannapolis was the most consumptive petition before the Environmental Management Commission. He said that there had been three Interbasin Transfer petitions prior to Concord and Kannapolis' petition going before the Environmental Management Commission: 1) in Charlotte with an average flow of 23 million per day; 2) one in Cary with 16 million gallons per day; and 3) the Kannapolis/Concord petition for 22 million gallons per day; and 4) Union County's petition for 14 million gallons per day. He pointed out that Concord/Kannapolis' request is in the same ballpark as all the other petitions. He explained that the calculations are made on average day flows, but the requirement of a maximum day flow also has to be included. Councilman Hinnant said that Concord and Kannapolis' request for an Interbasin Transfer is 6 million gallons per day from the Yadkin Pee Dee Basin and 16 million gallons per day from the Catawba River Basin average flow. He stressed that because the petition requires a maximum per day calculation, Concord and Kannapolis have a maximum day requirement from the Yadkin Pee Dee Basin of 10 million gallons and a 26 million-gallon maximum day requirement from the Catawba River Basin.

Councilman Hinnant asked the Board to either support Concord and Kannapolis' petition or to ask the Environmental Management Commission to allow the process go forward and let science make the determination.

Charles Bowden addressed the Board regarding the proposed fire tax. He said that he hoped that his comments would not be construed that he did not support the fire department. He stated that he believed that since the Board of Commissioners already has plans to conduct a study on the fire needs for all of the departments throughout the County, that it is not a good idea to implement a fire tax in Mineral Springs and Waxhaw at this time. He said that he was afraid that once a fire tax is implemented, then the plans will be delayed and the taxes will increase. Mr. Bowden stated that there would be a tax increase for the residents living in the Mineral Springs and Waxhaw Fire Districts.

He referred to the comments by Mr. Patterson earlier in the meeting regarding the large percentage of medical calls for the Mineral Springs Fire Department. Mr. Bowden said that he believed a large percentage of those calls are from accidents occurring in the area and not from the residents of the area. He stated that there were a number of people on fixed income and those who own tracts of land in the Waxhaw and Mineral Springs areas not in farm programs who will be paying a significant amount of difference if the fire tax is implemented.

Mr. Bowden suggested that if funding is needed for the fire departments, that the County fund the departments through grants to meet their needs until the study is completed.

Maurice Ewing, President of the Union County Partnership for Progress, addressed the comments made earlier in the meeting about the Partnership for Progress. He stated that Union County's incentive program is entirely and completely under the control of the Union County Board of Commissioners. He said that the standards by which a company is likely to qualify is under the control of the Board of Commissioners, and the methods by which all of the calculations are completed are under the control of the Internal Auditor. Mr. Ewing stressed that the entire incentive program is completely and entirely the County's. He pointed out that the contract with Union County states that none of the Partnership's budget could be used for incentives. He stated that he thought it was a good idea to examine the County's incentive program periodically. He said that he would be glad to meet with the Board of Commissioners to discuss the incentive program and how it might be used in the future.

Wayne Ellis spoke about the schools' acquisition of a one-acre tract of land on Reid Dairy Road. He stated that his property ends at Reid Dairy Road. He questioned the location of the one-acre of land and if there would be buffers put up in Walden on Providence for the school to be built on the Holland property. He also asked if there would be discussions with the residents of the neighborhood regarding the type of buffers to be used.

ADDITIONS, DELETIONS, AND/OR ADOPTION OF AGENDA:

Vice Chairman Sexton moved to adopt the agenda as presented.

The motion was passed unanimously.

CONSENT AGENDA:

Chairman Lane requested the addition of an item to the Consent Agenda - Motor Vehicle Tax Refund Overpayments for May 2006 in the amount of \$5,243.52.

Commissioner Pressley moved to approve the items listed on the Consent Agenda with the addition of the Motor Vehicle Tax Refund Overpayments for May 2006.

The County Manager stated that there had been modified language to Consent Agenda 1a(3) requesting a refund of excise stamps to Griffin Burnson & Perle in the amount of \$423. He said that the agenda states that the reason for this request was due to a deed being recorded in the incorrect county, and the correct reason for the refund was because the amount of excise tax was overpaid.

The motion was passed unanimously.

Register of Deeds: Approved the following refunds of Excise Stamps due to deeds having been recorded in incorrect County: John R. Lynch, Jr., P.A. - \$428; Goodwin & Hinson - \$650; and approved the refund of excise stamps to Griffin Burnson & Perle - \$423 due to an overpayment for the excise stamps.

Tax Administrator: Approved Eleventh Motor Vehicle Refund Register for the period of May 1, 2006 - May 31, 2006, in the Net Grand Total of \$1,914.11-

Tax Administrator: Approved Eleventh Motor Vehicle Release Register for the period of May 1, 2006 - May 31, 2006, in the Net Grand Total of \$13,894.91-

Tax Administrator: Approved Tax Administrator's Monthly Report for May 2006.

Finance: Approved Budget Transfer reports for April and May 2006.

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

MINERAL SPRINGS VOLUNTEER FIRE AND RESCUE DEPARTMENT, INC. (Public Hearing Held on May 15, 2006):

- a. ***Resolution to Define a Tax-Supported Mineral Springs Fire and Rescue Service District and to Abolish the Existing Fee-Supported Mineral Springs Fire District***

Pat Beekman, Homeland Security Director, stated that the recommended action is to abolish the existing fee-supported Springs' Fire District and to create a fire service tax district for Mineral Springs Volunteer Fire Department.

Following Mr. Beekman's presentation, Vice Chairman Sexton moved adoption of a Resolution to Define a Tax Supported Mineral Springs Fire and Rescue Service District and to Abolish the Existing Fee-Supported Mineral Springs Fire District.

RESOLUTION TO DEFINE A TAX-SUPPORTED MINERAL SPRINGS
FIRE AND RESCUE SERVICE DISTRICT AND TO ABOLISH THE
EXISTING FEE-SUPPORTED MINERAL SPRINGS FIRE DISTRICT

WHEREAS, pursuant to The County Service District Act of 1973, G.S. §§ 153A-301 through 153A-310, (the "Act"), the Union County Board of Commissioners (the "Board") may define one or more county service districts within which the County may assess taxes to pay for the provision of fire protection and rescue services (Fire Services) within the district(s) if the Board finds that: (a) a demonstrable need for such service exists; (b) it is impossible or impracticable to provide those services on a county-wide basis; (c) it is economically feasible to provide those services in the district(s) without unreasonable or burdensome annual tax levies; and (d) there is a demonstrable demand for the services by the persons residing in the district(s); and

WHEREAS, in accordance with the Act, the Board held a duly noticed public hearing on May 15, 2006, to address funding of Fire Services within the proposed Mineral Springs Fire and Rescue Service District (the "Mineral Springs Fire Service District"), which district covers the geographic area currently included in the fee-supported Mineral Springs Fire District, as shown in Exhibit A, attached and incorporated herein by reference; and

WHEREAS, in determining whether to establish the Mineral Springs Fire Service District, the Board has considered the resident or seasonal population and population density of the proposed district; the present tax rates of the county and any cities or special districts in which the district or any portion thereof is located; and the ability of the proposed district to sustain the additional taxes necessary to provide the services planned for the district; and

WHEREAS, because the proposed Mineral Springs Fire Service District will include territory lying within the municipal limits of the Town of Mineral Springs, the Town of Waxhaw, and the Village of Wesley Chapel, resolutions from the governing bodies of these municipalities consenting to inclusion with the Mineral Springs Fire Service District have been adopted, and those resolutions are attached and incorporated herein by reference as Exhibit B; and

WHEREAS, pursuant to special legislation found in Chapter 883, § 1, 1991 N.C. Session Laws (the "Special Legislation"), the Board approved a resolution dated July 26, 1993, establishing the fee-supported Mineral Springs Fire District, in order to enable the collection of fees to pay for the provision of fire protection services within the district; and

WHEREAS, pursuant to the Special Legislation, the fee-supported Mineral Springs Fire District cannot include any area that is within a county service district established for fire protection services; and

WHEREAS, pursuant to the Special Legislation, upon a finding by the Board that there no longer exists a need for a fee-supported fire district, the Board may abolish such district by repealing the resolution establishing the district.

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

1. The Board does hereby make the following findings based on: (i) the report provided to the Board pursuant to G.S. 153A-301; (ii) comments made at the public hearing; and (iii) additional evidence and information received by the Board:
 - (a) A demonstrable need for Fire Services exists within the proposed Mineral Springs Fire Service District;
 - (b) It is impossible or impracticable to provide Fire Services on a county-wide basis;
 - (c) It is economically feasible to provide Fire Services in the proposed Mineral Springs Fire Service District without unreasonable or burdensome annual tax levies; and
There is a demonstrable demand for Fire Services by the persons residing within the proposed Mineral Springs Fire Service District.
2. Based on the foregoing findings and in accordance with the Act, the Board does hereby define a tax-supported service district for the provision of Fire Services, which district is named the Mineral Springs Fire and Rescue Service District and includes the territory shown in Exhibit A.
3. The Board hereby determines that due to the formation of the Mineral Springs Fire and Rescue Service District within which taxes will be levied for the provision of Fire Services, there no longer exists a need for the fee-supported Mineral Springs Fire District.
4. Therefore, pursuant to the Special Legislation, the Board does hereby abolish the fee-supported Mineral Springs Fire District by repealing the Board's July 26, 1993, resolution creating that district, for the reasons stated above.
5. This Resolution shall take effect at the beginning of the 2006-2007 fiscal year.
6. The County Manager is authorized at any time after adoption of this Resolution to negotiate, approve, and execute contracts for the provision of Fire Services within the Mineral Springs Fire Service District. Any monetary restrictions on the County Manager's authority to approve contracts shall be deemed inapplicable to these agreements.

This resolution is adopted this the 19th day of June, 2006.

Exhibit B
TOWN OF MINERAL SPRINGS
RESOLUTION CONSENTING TO INCLUSION IN THE
MINERAL SPRINGS FIRE AND RESCUE SERVICE DISTRICT
R-2006-03

WHEREAS, certain territory located within the municipal limits of the Town of Mineral Springs lies within the boundaries of the existing fee-supported Mineral Springs Fire District (the “Fee-Supported Fire District”), as shown on Exhibit A, attached and incorporated by reference herein; and

WHEREAS, provision of fire protection and rescue service (“Fire Services”) within the Fee-Supported Fire District is funded by a Fire Fee with a maximum allowable rate of \$50; and

WHEREAS, pursuant to The County Service District Act of 1973, G.S. §§ 153A-301 through 153A-310 (the “Act”), the Union County Board of Commissioners (the “Union County Board”) may define one or more county service districts within which the County may assess taxes to pay for the provision of Fire Services within the districts(s); and

WHEREAS, The Union County Board is considering abolishing the Fee-Supported Fire District and corresponding Fire Fee, and establishing a tax-based Mineral Springs Fire and Rescue Service District (the “Fire Service District”) to provide Fire Services within the same geographic areas currently served by the Fee-Supported Fire District; and

WHEREAS, in accordance with the Act, tax revenues collected to support a particular Fire Service District may be used only to provide Fire Services within that Fire Service District and may not be reallocated to any other County fund or program; and

WHEREAS, a resolution of the governing body of the Town of Mineral Springs consenting to inclusion in the proposed Fire Service District is required by the Act if such territory is to be included therein.

NOW, THEREFORE, BE IT RESOLVED that the Town of Mineral Springs supports Union County’s desire to abolish the Fee-Supported Fire District and establish the Fire Service District; and

BE IT FURTHER RESOLVED that the Town of Mineral Springs consents to inclusion within the Mineral Springs Fire and Rescue Service District of territory located within the municipal limits of the Town of Mineral Springs (including territory hereinafter annexed by the Town of Mineral Springs), if such territory lies within the boundaries of the fee-supported Mineral Springs Fire District, as shown in Exhibit A.

ADOPTED this 13th day of April, 2006.

S/Frederick Becker III, Mayor
Frederick Becker III, Mayor

ATTEST:

S/Vicky A. Brooks
Vicky A. Brooks, Town Clerk

**TOWN OF WAXHAW, NORTH CAROLINA
RESOLUTION CONSENTING TO INCLUSION IN THE
MINERAL SPRINGS FIRE AND RESCUE SERVICE DISTRICT**

WHEREAS, certain territory located within the municipal limits of the Town of Waxhaw lies within the boundaries of the existing fee-supported Mineral Springs Fire District (the “Fee-Supported Fire District”), as shown in Exhibit A, attached and incorporated herein by reference; and

WHEREAS, provision of fire protection and rescue service (“Fire Services”) within the Fee-Supported Fire District is funded by a Fire Fee with a maximum allowable residential rate of \$50; and

WHEREAS, pursuant to The County Service District Act of 1973, G.S. §§ 153A-301 through 153A-310 (the “Act”), the Union County Board of Commissioners (the “Union County Board”) may define one or more county service districts within which the County may assess taxes to pay for the provision of Fire Services within the district(s); and

WHEREAS, the Union County Board is considering abolishing the Fee-Supported Fire District and corresponding Fire Fees, and establishing a tax-based Mineral Springs Fire and Rescue Service District (the “Fire Service District”) to provide Fire Services within the same geographic areas currently served by the Fee-Supported Fire District; and

WHEREAS, in accordance with the Act, tax revenues collected to support a particular Fire Service District may be used only to provide Fire Services within that Fire Service District and may not be reallocated to any other County fund or program; and

WHEREAS, a resolution of the governing body of the Town of Waxhaw consenting to inclusion in the proposed Fire Service District is required by the Act if such territory is to be included therein.

NOW, THEREFORE, BE IT RESOLVED that the Town of Waxhaw supports Union County’s desire to abolish the Fee-Supported Fire District and establish the Fire Service District;

BE IT FURTHER RESOLVED that the Town of Waxhaw consents to inclusion within the Mineral Springs Fire and Rescue

Service District of territory located within the municipal limits of Waxhaw (including territory hereinafter annexed by Waxhaw) if such territory lies within the boundaries of the fee-supported Mineral Springs Fire District, as shown in Exhibit A; and

PROVIDED THAT this Resolution shall be voidable by the Town of Waxhaw if: (i) the Fee-Supported Fire District is not abolished and the Fire Service District is not created within six (6) months from the date of this Resolution or (ii) tax revenues collected to support the Fire Service District are reallocated to any other County fire service district, fund or program.

Adopted this 9th day of May 2006.

S/David G. Barnes

David G. Barnes, Mayor Pro Tem

ATTEST:

S/Bonnie B. McManus

Bonnie B. McManus, Town Clerk

RESOLUTION 2006-10
VILLAGE OF WESLEY CHAPEL
RESOLUTION CONSENTING TO INCLUSION IN THE
MINERAL SPRINGS FIRE AND RESCUE SERVICE DISTRICT

WHEREAS, certain territory located within the corporate limits of the Village of Wesley Chapel lies within the boundaries of the existing fee-supported Mineral Springs Fire District (the “Fee-Supported Fire District”), as shown in Exhibit A, attached and incorporated by reference herein; and

WHEREAS, provision of fire protection and rescue service (“Fire Services”) within the Fee-Supported Fire District is funded by a Fire Fee with a maximum allowable rate of \$50; and

WHEREAS, pursuant to The County Service District Act of 1973, G.S. §§ 153-01 through 153A-310 (the “Act”), the Union County Board of Commissioners (the “Union County Board”) may define one or more county service districts within which the County may assess tax to pay for the provision of Fire Services within the district(s); and

WHEREAS, the Union County Board is considering abolishing the Fee-Supported Fire District and corresponding Fire Fee, and establishing a tax-based Mineral Springs Fire and Rescue Service District (the “Fire Service District”) to provide Fire Services within the same geographic areas currently served by the Fee-Supported Fire District; and

WHEREAS, in accordance with the Act, tax revenues collected to support a particular Fire Service District may be used only to provide Fire Services within that Fire Service District and may not be reallocated to any other County fund or program; and

WHEREAS, a resolution of the governing body of the Village of Wesley Chapel consenting to inclusion in the proposed Fire Service District is required by the Act if such territory is to be included therein.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel supports Union County’s desire to abolish the Fee-supported Fire District and establish the Fire Service District; and

BE IT FURTHER RESOLVED that the Village of Wesley Chapel consents to inclusion within the Mineral Springs Fire and Rescue Service District of territory located within the municipal limits of the Village of Wesley Chapel (including territory hereinafter annexed by the Village of Wesley Chapel) if such territory lies within the boundaries of the fee-supported Mineral Springs Fire District, as shown in Exhibit A.

This resolution replaces Resolution 2006-06 adopted March 13, 2006.

This resolution is adopted the 10th day of April 2006.

S/Cheryl Bennett
Cheryl Bennett, Interim Clerk

S/Tracey Clinton
Mayor Tracey Clinton

Commissioner Pressley stated that there had been questions about who sets the tax rate for the districts. Mr. Beekman explained that each of the volunteer fire departments submit a budget to the Fire Marshal's Office for review. He said that an audit would be conducted of all 18 volunteer fire departments annually. He stated that the Board of County Commissioners would set the fire tax after receiving the recommendations from County staff.

Commissioner Pressley asked if there were plans with the proposed tax for the fire department to be manned during the daytime hours. Mr. Beekman responded that currently not, and they are not looking at making any significant changes in fire service until the study has been completed. He added that they would be looking at defining adequate fire service and funding adequate fire service in the future.

Following discussion, the motion was passed unanimously.

WAXHAW COMMUNITY VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD, INC. (Public Hearing Held on June 5, 2006):

- a. ***Resolution to Define a Tax-Supported Waxhaw Fire and Rescue Service District and to Abolish the Existing Fee-Supported Waxhaw Fire District***
- b. ***Resolution Defining a New Fire Fee District***

Pat Beekman, Homeland Security Director, stated that the staff is recommending abolishment of the existing fee-supported Waxhaw Fire Fee District, creation of a new Waxhaw Fire Fee District and creation of a new Fire Service Tax District for Waxhaw Volunteer Fire and Rescue. He explained that a new fire fee district was being created for the portion of Marvin that is currently in the Waxhaw Fire Fee District and to create a service tax district for the remainder of the portion.

Following the presentation by Mr. Beekman, Commissioner Stone moved in block the following:

a. Resolution to Define a Tax-Supported Waxhaw Fire and Rescue Service District and to Abolish the Existing Fee-Supported Waxhaw Fire District

RESOLUTION TO DEFINE A TAX-SUPPORTED WAXHAW FIRE AND RESCUE SERVICE DISTRICT AND TO ABOLISH THE EXISTING FEE-SUPPORTED WAXHAW FIRE DISTRICT

WHEREAS, pursuant to The County Service District Act of 1973, G.S. §§ 153A-301 through 153A-310, (the “Act”), the Union County Board of Commissioners (the “Board”) may define one or more county service districts within which the County may assess taxes to pay for the provision of fire protection and rescue services (“Fire Services”) within the district(s) if the Board finds that: (a) a demonstrable need for such service exists; (b) it is impossible or impracticable to provide those services on a county-wide basis; (c) it is economically feasible to provide those services in the district(s) without unreasonable or burdensome annual tax levies; and (d) there is a demonstrable demand for the services by the persons residing in the district(s); and

WHEREAS, in accordance with the Act, the Board held a duly noticed public hearing on June 5, 2006, to address funding for the fire protection needs of residents living in the proposed Waxhaw Fire and Rescue Service District (the Waxhaw Fire Service District), which district covers the geographic area currently included in the fee-supported Waxhaw Fire District, except that it does not include any territory within the municipal limits of the Village of Marvin, as shown in Exhibit A, attached and incorporated herein by reference; and

WHEREAS, in determining whether to establish the Waxhaw Fire Service District, the Board has considered the resident or seasonal population and population density of the proposed district; the present tax rates of the county and any cities or special districts in which the district or any portion thereof is located; and the ability of the proposed district to sustain the additional taxes necessary to provide the services planned for the district; and

WHEREAS, because the proposed Waxhaw Fire Service District would include territory lying within the municipal limits of the Town of Waxhaw, the Town of Mineral Springs, and the Village of Wesley Chapel, a resolution of the governing body of each of these municipalities consenting to such inclusion has been adopted, and those resolutions are attached and incorporated herein by reference as Exhibit B; and

WHEREAS, because the Village of Marvin has not consented to inclusion in the proposed Waxhaw Fire Service District, no territory lying within the municipal limits of the Village of Marvin will be included in the proposed Service District; and

WHEREAS, pursuant to special legislation found in Chapter 883, § 1, 1991 N.C. Session Laws (the “Special Legislation”), the Board approved a resolution dated July 26, 1993, establishing the fee-supported Waxhaw Fire Fee District, in order to enable the collection of fees to pay for the provision of Fire Services within that district; and

WHEREAS, pursuant to the Special Legislation, the fee-supported Waxhaw Fire District cannot include any area that is within a county service district

established for fire protection services; and

WHEREAS, pursuant to the Special Legislation, the Board may abolish the fee-supported Waxhaw Fire District, upon a finding that a need for the district no longer exists, by repealing the resolution establishing the district.

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

1. The Board does hereby make the following findings based on: (i) the report provided to the Board pursuant to G.S. 153A-301; (ii) comments made at the public hearing; and (iii) additional evidence and information received by the Board:
 - (a) A demonstrable need for Fire Services exists within the proposed Waxhaw Fire Service District;
 - (b) It is impossible or impracticable to provide Fire Services on a county-wide basis;
 - (c) It is economically feasible to provide Fire Services in the proposed Waxhaw Fire Service District without unreasonable or burdensome annual tax levies; and
 - (d) There is a demonstrable demand for Fire Services by the persons residing within the proposed Waxhaw Fire Service District.
2. Based on the foregoing findings and in accordance with the Act, the Board does hereby define a tax-supported service district for the provision of Fire Services, which district is named the Waxhaw Fire and Rescue Service District and includes the territory shown in Exhibit A.
3. The Board hereby determines that due to the formation of the Waxhaw Fire and Rescue Service District within which taxes will be levied for the provision of Fire Services, there no longer exists a need for the fee-supported Waxhaw Fire Fee District.
4. Therefore, pursuant to the Special Legislation, the Board does hereby abolish the fee-supported Waxhaw Fire District by repealing the Board's July 26, 1993, resolution creating that district.
5. This Resolution shall take effect at the beginning of the 2006-2007 fiscal year.
6. The County Manager is authorized at any time after adoption of this Resolution to negotiate, approve, and execute contracts for the provision of Fire Services within the Waxhaw Fire and Rescue Service District. Any monetary restrictions on the County Manager's authority to approve contracts shall be deemed inapplicable to these agreements.

This resolution is adopted this the 19th day of June, 2006.

Exhibit "B"

TOWN OF WAXHAW, NORTH CAROLINA

**RESOLUTION CONSENTING TO INCLUSION IN THE
WAXHAW FIRE AND RESCUE SERVICE DISTRICT**

WHEREAS, certain territory located within the municipal limits of the Town of Waxhaw lies within the boundaries of the existing fee-supported Waxhaw Fire District (the “Fee-Supported Fire District”), as shown in Exhibit A, attached and incorporated herein by reference; and

WHEREAS, provision of fire protection and rescue service (“Fire Services”) within the Fee-Supported Fire District is funded by a Fire Fee with a maximum allowable residential rate of \$50; and

WHEREAS, pursuant to The County Service District Act of 1973, G.S. §§ 153A-301 through 153A-310 (the “Act”), the Union County Board of Commissioners (the “Union County Board”) may define one or more county service districts within which the County may assess taxes to pay for the provision of Fire Services within the district(s); and

WHEREAS, the Union County Board is considering abolishing the Fee-Supported Fire District and corresponding Fire Fees, and establishing a tax-based Waxhaw Fire and Rescue Service District (the “Fire Service District”) to provide Fire Services within the same geographic areas currently served by the Fee-Supported Fire District; and

WHEREAS, in accordance with the Act, tax revenues collected to support a particular Fire Service District may be used only to provide Fire Services within that Fire Service District and may not be reallocated to any other County fund or program; and

WHEREAS, a resolution of the governing body of the Town of Waxhaw consenting to inclusion in the proposed Fire Service District is required by the Act if such territory is to be included therein.

NOW, THEREFORE, BE IT RESOLVED that the Town of Waxhaw supports Union County’s desire to abolish the Fee-Supported Fire District and establish the Fire Service District;

BE IT FURTHER RESOLVED that the Town of Waxhaw consents to inclusion within the Waxhaw Fire and Rescue Service District of territory located within the municipal limits of Waxhaw (including territory hereinafter annexed by Waxhaw) if such territory lies within the boundaries of the fee-supported Waxhaw Fire District, as shown in Exhibit A; and

PROVIDED THAT this Resolution shall be voidable by the Town of Waxhaw if: (i) the Fee-Supported Fire District is not abolished and the Fire Service District is not created within six (6) months from the date of this Resolution or (ii) tax revenues collected to support the Fire Service District are reallocated to any other County fire service district, fund or program.

Adopted this 9th day of May 2006.

S/David G. Barnes
David G. Barnes, Mayor Pro Tem

ATTEST:

Bonnie B. McManus, Town Clerk

S/Bonnie B. McManus

**TOWN OF MINERAL SPRINGS
RESOLUTION CONSENTING TO INCLUSION IN THE
WAXHAW FIRE AND RESCUE SERVICE DISTRICT
R-2006-04**

WHEREAS, certain territory located within the municipal limits of the Town of Mineral Springs lies within the boundaries of the existing fee-supported Waxhaw Fire District (the “Fee-Supported Fire District”), as shown on Exhibit A, attached and incorporated by reference herein; and

WHEREAS, provision of fire protection and rescue service (“Fire Services”) within the Fee-Supported Fire District is funded by a Fire Fee with a maximum allowable rate of \$50; and

WHEREAS, pursuant to The County Service District Act of 1973, G.S. §§ 153A-301 through 153A-310 (the “Act”), the Union County Board of Commissioners (the “Union County Board”) may define one or more county service districts within which the County may assess taxes to pay for the provision of Fire Services within the districts(s); and

WHEREAS, The Union County Board is considering abolishing the Fee-Supported Fire District and corresponding Fire Fee, and establishing a tax-based Waxhaw Fire and Rescue Service District (the “Fire Service District”) to provide Fire Services within the same geographic areas currently served by the Fee-Supported Fire District; and

WHEREAS, in accordance with the Act, tax revenues collected to support a particular Fire Service District may be used only to provide Fire Services within that Fire Service District and may not be reallocated to any other County fund or program; and

WHEREAS, a resolution of the governing body of the Town of Mineral Springs consenting to inclusion in the proposed Fire Service District is required by the Act if such territory is to be included therein.

NOW, THEREFORE, BE IT RESOLVED that the Town of Mineral Springs supports Union County’s desire to abolish the Fee-Supported Fire District and establish the Fire Service District; and

BE IT FURTHER RESOLVED that the Town of Mineral Springs consents to inclusion within the Waxhaw Fire and Rescue Service District of territory located within the municipal limits of the Town of Mineral Springs (including territory hereinafter annexed by the Town of Mineral Springs), if such territory lies within the boundaries of the fee-supported Mineral Springs Fire District, as shown in Exhibit A.

ADOPTED this 13th day of April, 2006.

S/Frederick Becker III, Mayor
Frederick Becker III, Mayor

ATTEST:

S/Vicky A. Brooks

**RESOLUTION 2006-09
VILLAGE OF WESLEY CHAPEL
RESOLUTION CONSENTING TO INCLUSION IN THE
WAXHAW FIRE AND RESCUE SERVICE DISTRICT**

WHEREAS, certain territory located within the corporate limits of the Village of Wesley Chapel lies within the boundaries of the existing fee-supported Waxhaw Fire District (the “Fee-Supported Fire District”), as shown in Exhibit A, attached and incorporated by reference herein; and

WHEREAS, provision of fire protection and rescue service (“Fire Services”) within the Fee-Supported Fire District is funded by a Fire Fee with a maximum allowable rate of \$50; and

WHEREAS, pursuant to The County Service District Act of 1973, G.S. §§ 153-01 through 153A-310 (the “Act”), the Union County Board of Commissioners (the “Union County Board”) may define one or more county service districts within which the County may assess tax to pay for the provision of Fire Services within the district(s); and

WHEREAS, the Union County Board is considering abolishing the Fee-Supported Fire District and corresponding Fire Fee, and establishing a tax-based Waxhaw Fire and Rescue Service District (the “Fire Service District”) to provide Fire Services within the same geographic areas currently served by the Fee-Supported Fire District; and

WHEREAS, in accordance with the Act, tax revenues collected to support a particular Fire Service District may be used only to provide Fire Services within that Fire Service District and may not be reallocated to any other County fund or program; and

WHEREAS, a resolution of the governing body of the Village of Wesley Chapel consenting to inclusion in the proposed Fire Service District is required by the Act if such territory is to be included therein.

NOW, THEREFORE, BE IT RESOLVED that the Village of Wesley Chapel supports Union County’s desire to abolish the Fee-supported Fire District and establish the Fire Service District; and

BE IT FURTHER RESOLVED that the Village of Wesley Chapel consents to inclusion within the Waxhaw Fire and Rescue Service District of territory located within the municipal limits of the Village of Wesley Chapel (including territory hereinafter annexed by the Village of Wesley Chapel) if such territory lies within the boundaries of the fee-supported Waxhaw Fire District, as shown in Exhibit A.

This resolution replaces Resolution 2006-05 adopted March 13, 2006.

This resolution is adopted the 10th day of April 2006.

S/Cheryl Bennett
Cheryl Bennett, Interim Clerk

S/Tracey Clinton _____
Mayor Tracey Clinton

b. Resolution Defining a New Fire Fee District

RESOLUTION DEFINING A NEW FIRE FEE DISTRICT

WHEREAS, pursuant to special legislation found in Chapter 883, § 1, 1991, N.C. Session Laws (the “Special Legislation”), the Union County Board of Commissioners (the “Board”) is authorized to establish one or more fee-supported fire districts in order to enable the collection of fees to pay for the provision of fire protection services within such district(s); and

WHEREAS, by resolution dated July 26, 1993, the Board established a fee-supported fire district for which the Waxhaw Volunteer Fire Department (“Waxhaw VFD”) would provide fire protection services (the “Waxhaw Fire District”), as shown on Exhibit A, attached and incorporated herein by reference; and

WHEREAS, on June 5, 2006, the Board adopted a resolution establishing a tax-based Waxhaw Fire and Rescue Service District (the “Waxhaw Fire Service District”), pursuant to N.C.G.S. §§153A-301 through 153A-310, as an alternative means of financing the provision of fire and rescue services within that district; and

WHEREAS, pursuant to the Special Legislation, when the Board established the Waxhaw Fire Service District, it simultaneously abolished the fee-supported Waxhaw Fire District; and

WHEREAS, because the Village of Marvin did not consent to inclusion in the Waxhaw Fire Service District, that new service district does not include property located within the municipal limits of the Village of Marvin that was included in the former fee-supported Waxhaw Fire District; and

WHEREAS, the Board has received a request signed by two-thirds of the members of the board of directors of the Waxhaw VFD, a copy of which is attached as Exhibit B and incorporated herein by reference, for creation of a new fee-supported fire district (the “New Waxhaw Fire District”), a map of which is attached as Exhibit C and incorporated herein by reference, to enable the collection of fees to pay for the provision of fire protection services for property within the municipal limits of the Village of Marvin that was included in the former Waxhaw Fire Fee District, but is not included in the new Waxhaw Fire Service District; and

WHEREAS, the Village of Marvin has consented to inclusion in the proposed New Waxhaw Fire District.

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

1. Pursuant to the Special Legislation, the Board does hereby establish the New Waxhaw Fire District, as shown in Exhibit C.
2. This Resolution shall take effect at the beginning of the 2006-2007 fiscal year.

3. The County Manager is authorized at any time after adoption of this Resolution to negotiate, approve, and execute contracts for the provision of Fire Services within the New Waxhaw Fire District. Any monetary restrictions on the County Manager's authority to approve contracts shall be deemed inapplicable to these agreements.

This resolution is adopted this the 19th day of June, 2006.

Vice Chairman Sexton stated that he had more concerns with this request than he did with the request from Mineral Springs, because it sets a rate for one area and another level in the new fire fee district. He said the consistency and the message that it sends to the residents and the entire county is a convoluted and mixed message. He asked if it would be better served to postpone this request considering the redrawing of the fire district that Providence Volunteer Fire Department will go through in the near future with Charlotte taking probably two-thirds of its fire district and with Providence in Union County probably redrawing Wesley Chapel and possibly some of Mineral Springs and Waxhaw's Fire District.

Mr. Beekman responded by stating that the earliest the redrawing of the districts could occur would be 2007. He said that the Waxhaw Volunteer Fire Department of all of the volunteer fire departments is in the tightest financial bind. He stated that Waxhaw Volunteer Fire Department is the one department that needs a service tax district. He further stated that the Village of Marvin is located in two service districts (Wesley Chapel and Waxhaw), and it did not want to pay two different amounts, so the compromise was that Marvin would remain on the fire fee this year, and the lines would be considered to be withdrawn effective July 1, 2007. He said that the staff believes that this is a good compromise until the Board can look at redrawing the lines for next year and also redrawing the underlying insurance district lines which requires action by the Department of Insurance in Raleigh.

Vice Chairman Sexton asked if the redrawing of lines has been agreed to by the fire department and the municipalities involved. Mr. Beekman explained that would be a part of the study on fire services beginning next month if the Board adopts the budget.

Commissioner Pressley pointed out that the Resolution in Part B of this item is a resolution to define a new fire fee district for Waxhaw. Mr. Beekman responded that it was redefining the current district, but added that he still envisioned that district would be redrawn for 2007.

Following the discussion, the motion was passed unanimously.

FINANCE DEPARTMENT:

a. Amended and Restated FY 2005-2006 Budget Ordinance

Kai Nelson, Finance Director, stated that as customary over the past few years, the Board had been presented with an Amended and Restated FY 2005-2006 Budget Ordinance. He stated that the amended budget ordinance reflects all of the changes in the current year's Budget Ordinance that the Board has authorized during the course of the year and provides a final amended and restated budget ordinance. Mr. Nelson pointed out that the amended budget ordinance does include the item that the Manager recommended in his 2007 budget message with respect to the transfer of the General Fund excess reserves to the County Capital Improvement Program.

Commissioner Pressley moved adoption of the Amended and Restated FY 2005-2006 Budget Ordinance. The motion was passed unanimously.

Fiscal Year 2005-2006

Amended & Restated Budget Ordinance

Union County, NC

SECTION I. GENERAL FUND

- A.** The following amounts are hereby appropriated in the GENERAL FUND for the operation of the county government and its activities for the fiscal year beginning July 1, 2005 and ending June 30, 2006 in accordance with the chart of accounts heretofore established for this county.

General Government:

Board of Commissioners	356,191
Central Administration	602,967
County Dues & Memberships	104,900
Internal Audit	84,464
Legal	290,037
Personnel	531,777

Finance	818,476	
Tax Administration	3,507,943	
Court Facilities	3,518,617	
Elections	1,684,120	
Register of Deeds	1,103,614	
Information Technology	2,018,467	
General Services	2,283,483	
Manager Reductions	-	16,905,056
Public Safety:		
Law Enforcement	16,313,000	
Communications	1,899,099	
Homeland Security	308,226	
Fire Services	1,263,492	
Inspections	2,121,904	
Animal Control	76,916	
Outside Agencies	3,874,869	25,857,506
Economic & Physical Development:		
Planning	792,004	
Economic Development	695,687	
Cooperative Extension	1,500,577	
Soil Conservation	162,196	
Community Development	200,000	
Outside Agency	45,918	3,396,382
Human Services:		
Public Health	6,596,296	
Social Services	25,737,181	
Transportation and Nutrition	1,352,327	
Veterans' Services	209,035	
Outside Agencies	1,681,338	35,576,177
Education:		
School Current Expense	31,219,598	
School Capital Outlay	6,167,924	
School Debt Service	27,098,874	
Community College		

Operations	920,500	
Debt Service	295,295	
Outside Agency	2,000	65,704,191
Cultural and Recreational:		
Library	4,300,183	
Parks & Recreation	3,090,487	
Outside Agencies	55,000	7,445,670
Contingency/Nondepartmental		
CIP Capital Transfer	20,604,795	
Contingency/Nondepartmental	252,053	20,856,848
		<u>175,741,830</u>

- B.** It is estimated that the following revenues will be available in the GENERAL FUND for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

Ad Valorem Taxes	81,436,991	
Local Option Sales Tax	25,016,175	
Intergovernmental	19,505,695	
Miscellaneous	19,520,390	
Fund Balance Appropriated	30,262,579	
	<u>175,741,830</u>	-

SECTION II. HEMBY BRIDGE FIRE DISTRICT

- A.** The following amounts are hereby appropriated in the HEMBY BRIDGE FIRE DISTRICT FUND for the operation of fire protection services for the fiscal year beginning July 1, 2005 and ending June 30, 2006 with the chart of accounts heretofore established for this county.

Public Safety:	<u>778,400</u>
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- B.** It is estimated that the following revenues will be available in the HEMBY BRIDGE FIRE DISTRICT FUND for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

Ad Valorem Taxes	559,006
Local Option Sales Tax	196,558
Fund Balance Appropriated	22,836

778,400

SECTION III. STALLINGS FIRE DISTRICT

A. The following amounts are hereby appropriated in the STALLINGS FIRE DISTRICT FUND for the operation of fire protection services for the fiscal year beginning July 1, 2005 and ending June 30, 2006 with the chart of accounts heretofore established for this county.

B. It is estimated that the following revenues will be available in the STALLINGS FIRE DISTRICT FUND for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

Public Safety: 768,614

Ad Valorem Taxes	469,078
Local Option Sales Tax	205,223
Fund Balance Appropriated	94,313
	<u>768,614</u>

SECTION IV. WESLEY CHAPEL FIRE DISTRICT

A. The following amounts are hereby appropriated in the WESLEY CHAPEL FIRE DISTRICT FUND for the operation of fire protection services for the fiscal year beginning July 1, 2005 and ending June 30, 2006 with the chart of accounts heretofore established for this county.

B. It is estimated that the following revenues will be available in the WESLEY CHAPEL FIRE DISTRICT FUND for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

Public Safety: 517,213

Ad Valorem Taxes	361,201
Local Option Sales Tax	124,662
Fund Balance Appropriated	31,350
	<u>517,213</u>

SECTION V. FEE SUPPORTED FIRE DISTRICTS

A. The following amounts are hereby appropriated

B. It is estimated that the following revenues will be

Public Safety:	<u>1,462,576</u>	Fire Fees	1,413,648
		Fund Balance Appropriated	<u>48,928</u>
			<u>1,462,576</u>

SECTION VI. EMERGENCY TELEPHONE SYSTEM

- A. The funds in this budget shall arise from subscriber charges set at ninety-six cents (\$.96) per month per telephone line. These funds are collected by the telephone companies in the County and remitted to the County for operation of an E-911 system.
- B. The following amounts are hereby appropriated in the EMERGENCY TELEPHONE SYSTEM FUND for the operation of emergency 911 services for the fiscal year beginning July 1, 2005 and ending June 30, 2006 with the chart of accounts heretofore established for this county.
- C. It is estimated that the following revenues will be available in the EMERGENCY TELEPHONE SYSTEM FUND for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

Public Safety	1,231,072	Service Charges	989,040
Contribution to Fund Balance	-	Miscellaneous	60,170
	<u>1,231,072</u>	Fund Balance Appropriated	<u>181,862</u>
			<u>1,231,072</u>

SECTION VII. WATER AND SEWER

- A. The following amounts are hereby appropriated in the WATER AND SEWER FUND for the operation of water and sewer services for the fiscal year beginning July 1, 2005 and ending June 30, 2006 with the chart of accounts heretofore established for this county.
- B. It is estimated that the following revenues will be available in the WATER AND SEWER FUND for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

Water & Sewer	<u>37,045,509</u>
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Fees for Services	24,904,140
Miscellaneous	1,290,480
Retained Earnings Appropriated	<u>10,850,889</u>
	<u>37,045,509</u>

SECTION VIII. SOLID WASTE

A. The following amounts are hereby appropriated in the SOLID WASTE FUND for the operation of solid waste services for the fiscal year beginning July 1, 2005 and ending June 30, 2006 with the chart of accounts heretofore established for this county.

B. It is estimated that the following revenues will be available in the SOLID WASTE FUND for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

Solid Waste	<u>4,173,368</u>
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Fees for Services	3,000,210
Miscellaneous	268,480
Retained Earnings Appropriated	<u>904,678</u>
	<u>4,173,368</u>

SECTION IX. STORMWATER

A. The following amounts are hereby appropriated in the STORMWATER FUND for the operation of stormwater services for the fiscal year beginning July 1, 2005 and ending June 30, 2006 with the chart of accounts heretofore established for this county.

B. It is estimated that the following revenues will be available in the STORMWATER FUND for the fiscal year beginning July 1, 2005 and ending June 30, 2006.

Stormwater	<u>201,888</u>
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Miscellaneous	127,688
Retained Earnings Appropriated	<u>74,200</u>
	<u>201,888</u>

SECTION X. TAX RATES

- A. GENERAL FUND:** That there is hereby levied for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following county-wide rate of tax on each one hundred dollars (\$100) valuation of taxable property situated in the County, as listed for taxes as of January 1, 2005, for the purpose of raising the revenue from current year's taxes, as set forth in the foregoing county-wide estimates of revenue, and in order to finance the foregoing county-wide appropriations:

General Fund - County-wide Rate .5600

- B. SPECIAL DISTRICTS:** That there is hereby levied for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following Special District tax rate on each one hundred dollars (\$100) valuation of estimated taxable property situated in each Special District, as listed for taxes as of January 1, 2005, for the purpose of raising the revenue from current year's taxes, as set out in the foregoing District estimates of revenue, and in order to finance the foregoing District appropriations:

Monroe Special School District - Current Expense	<u> .07 </u>	Hemby Bridge Fire Protection District	<u> .0404 </u>
County Special School District - Current Expense	<u> .07 </u>	Stallings Fire Protection District	<u> .0390 </u>
		Wesley Chapel Fire Protection District	<u> .0150 </u>

SECTION XI. FIRE FEES

These fees will be collected by the County Tax Administrator's Office and remitted to the various fee supported fire districts by the Finance Department on a monthly basis. Remittances may not exceed the budgeted amount for any given department. In the event that revenues exceed expenditures, those funds shall be withheld and used in the next year's budget appropriation as a fund balance added to the appropriation from fees collected in that year. The fees are as follows:

FIRE FEES 2005-2006

Allens							
Cross-		Beaver		Griffith		Lanes	New
Roads	Bakers	Lane	Fairview	Road	Jackson	Creek	Salem

Percentage per request or maximum		100.00%	79.54%	100.00%	89.72%	94.43%	96.35%	100.00%	81.99%
Single Family Dwelling (SFD) (max fee of \$50)		50.00	39.77	50.00	44.86	47.22	48.18	50.00	41.00
Unimproved Land-per acre		0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
-minimum (10% of fee)		5.00	3.98	5.00	4.49	4.72	4.82	5.00	4.10
Animal/Horticulture (20% of fee)		10.00	7.95	10.00	8.97	9.44	9.64	10.00	8.20
Commercial < or = 5000 sq ft (100% of fee)		50.00	39.77	50.00	44.86	47.22	48.18	50.00	41.00
Commercial > 5000 sq ft (200% of fee)		100.00	79.54	100.00	89.72	94.43	96.35	100.00	81.99
Mobile Home (same as SFD)		50.00	39.77	50.00	44.86	47.22	48.18	50.00	41.00
Duplex (same as SFD)		50.00	39.77	50.00	44.86	47.22	48.18	50.00	41.00
Triplex (150% of fee)		75.00	59.66	75.00	67.29	70.82	72.26	75.00	61.49
Other Family Dwellings (200% of fee)		100.00	79.54	100.00	89.72	94.43	96.35	100.00	81.99
Cultural Facilities (same as SFD)		50.00	39.77	50.00	44.86	47.22	48.18	50.00	41.00
Educational Facilities (same as SFD)		50.00	39.77	50.00	44.86	47.22	48.18	50.00	41.00
Governmental Facilities (same as SFD)		50.00	39.77	50.00	44.86	47.22	48.18	50.00	41.00
Religious Facilities (same as SFD)		50.00	39.77	50.00	44.86	47.22	48.18	50.00	41.00
Fire Protection Facilities (same as SFD)		50.00	39.77	50.00	44.86	47.22	48.18	50.00	41.00

% of Legislated maximum of \$50.00 100.00% 79.54% 100.00% 89.72% 94.43% 96.35% 100.00% 81.99%

	Provi- dence	Sandy Ridge	Springs	Stacks Road	Stallings	Unionville	Waxhaw	Wingate
Percentage per request or maximum	100.00%	100.00%	66.17%	99.49%	100.00%	94.64%	100.00%	100.00%
Single Family Dwelling (SFD) (max fee \$50)	50.00	50.00	33.09	49.75	50.00	47.32	50.00	50.00
Unimproved Land-per acre	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
-minimum (10% of fee)	5.00	5.00	3.31	4.97	5.00	4.73	5.00	5.00
Animal/Horticulture (20% of fee)	10.00	10.00	6.62	9.95	10.00	9.46	10.00	10.00
Commercial < or = 5000 sq ft (100% of fee)	50.00	50.00	33.09	49.75	50.00	47.32	50.00	50.00
Commercial > 5000 sq ft (200% of fee)	100.00	100.00	66.17	99.49	100.00	94.64	100.00	100.00
Mobile Home (same as SFD)	50.00	50.00	33.09	49.75	50.00	47.32	50.00	50.00
Duplex (same as SFD)	50.00	50.00	33.09	49.75	50.00	47.32	50.00	50.00
Triplex (150% of fee)	75.00	75.00	49.63	74.62	75.00	70.98	75.00	75.00
Other Family Dwellings (200% of fee)	100.00	100.00	66.17	99.49	100.00	94.64	100.00	100.00
Cultural Facilities (same as SFD)	50.00	50.00	33.09	49.75	50.00	47.32	50.00	50.00
Educational Facilities (same as SFD)	50.00	50.00	33.09	49.75	50.00	47.32	50.00	50.00

Governmental Facilities	(same as SFD)	50.00	50.00	33.09	49.75	50.00	47.32	50.00	50.00
Religious Facilities	(same as SFD)	50.00	50.00	33.09	49.75	50.00	47.32	50.00	50.00
Fire Protection Facilities	(same as SFD)	50.00	50.00	33.09	49.75	50.00	47.32	50.00	50.00
% of Legislated maximum of \$50.00		100.00%	100.00%	66.17%	99.49%	100.00%	94.64%	100.00%	100.00%

SECTION XII. SEVERABILITY

- A. If any clause, phrase, sentence, paragraph, appropriation, or section of this Ordinance shall be held invalid, it shall not affect the validity of this Ordinance or the remaining phrases, clauses, sentences, paragraphs, appropriations, or sections.

This Amended and Restated Budget Ordinance is adopted on June 19, 2006.

**BOARD OF COMMISSIONERS
UNION COUNTY, NORTH CAROLINA**

By: _____
CHAIRMAN

b. Ordinance Amending the Solid Waste Schedule of Fees and Charges

Chairman Lane moved to adopt the Ordinance Amending the Solid Waste Schedule of Fees and Charges.

**Union County
Solid Waste
Schedule of Fees and Charges
Effective July 1, 2006**

Municipal household waste - \$39.00 per ton

Construction and demolition waste - \$24 per ton (FY2005 was \$20/ton)

Yard waste and pallets - \$30 per ton

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

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

Following brief discussion, the motion was passed unanimously.

c. FY 2006-2007 Budget Ordinance

Kai Nelson, Finance Director, stated that the document before the Board was an exact duplicate of the document provided to the Board earlier today.

In response to a question by Chairman Lane if the proposed Budget Ordinance incorporated all the changes the Board had requested during the budget deliberations on Thursday night, Mr. Nelson stated that this was correct.

At approximately 7:48 p.m., Commissioner Rushing requested a five-minute recess to review the proposed budget ordinance.

Mr. Shalati stated that the ordinance reflected the wishes of the Board of Commissioners as directed to the staff. He said that during the last budget deliberations meeting, the wishes of the Board of Commissioners were taken by the staff and translated into an ordinance that was faxed to the Board for its review this morning.

Vice Chairman Sexton moved approval of the FY 2006-2007 Budget Ordinance with the following changes:

- a. Addition of \$1,025,000 for the schools and increase the tax rate by .0067 to cover that addition in order to keep public education where it needs to be in Union County.

At 7:53 p.m., Commissioner Pressley asked for a five-minute recess, which was granted by the Chairman.

At approximately 8:02 p.m., the Chairman reconvened the meeting.

Commissioner Pressley stated that there is an ongoing effort where monies are being received from other agencies which will continue through the entire year, and these funds would be used directly for school funding.

Mr. Shalati stated that one of those efforts was the sales tax. He said that he and Chairman Lane had met with representatives from the schools to address this issue, and he believed good progress was being made on this effort.

Commissioner Pressley said that with the good discussions that the Board of Commissioners has had with Dr. Davis, wherein Dr. Davis has agreed to look at what could be done to delay certain items included in the schools' budget, he felt confident that there is an ongoing process with these monies being received such as from sales tax, and hopefully, it would add up to the one million dollars. He said that he was going to recommend that the Board support the budget ordinance as presented without the changes by Vice Chairman Sexton. Commissioner Pressley said that the taxpayers of the County need a break.

Commissioner Rushing said that he wanted badly to be able to vote for a budget one time as a County Commissioner. He said that this year he finally thought he would be able to vote for a budget. He stated that he wanted to vote for the budget that had been discussed on Thursday even though he did not agree with everything included in the budget. He said that he believed there was a lot of room for improvement in the budget and that taxes possibly could have been cut, but he stated that he also did not want to set up the next board for higher tax increases or more problems. Commissioner Rushing stated that he thought the County Manager had done what he could to bring a budget that people could live with. He said that the Manager had stated in his budget message that it is time for people to have a break from the tax increase, which he stated he agreed with the Manager. He said that the County should work with its senior citizens. He stated that the County's schools are great not because of the money spent on the schools but the parents have put so much into the schools. Commissioner Rushing said that he believed there would become a resentment point, which was seen with the last bond vote where several precincts in Union County voted against the bonds. He said that with the upcoming bond vote, it is very important to show the senior citizens in eastern Union County and in other parts of the County who are concerned with the bond issues that the County can meet its commitments with a reasonable amount of money. He stated that he would be voting against the motion and hoped that a motion would pass to adopt the budget that the Board agreed to last week.

Commissioner Stone referred to the map displayed on the wall of the Board Room showing the Current and Proposed Residential Lots in the County. He stated that the dots that appear in the quadrant of the County representing 26 percent of the landmass of the County represents more than half of the taxable income of the County. He said that if there were a minor tax increase as referred to previously, the majority of the money raised from that tax increase would go from Monroe east to help those schools. Commissioner Stone stated that he was in full support of the motion and explained it is because the proposed tax increase would help

close the educational gap.

Chairman Lane said that the proposed tax increase would result in a very small increase on a \$100,000 home. He said he would rather have a tax increase this year to ensure two years from now perhaps the County would have a good chance of receiving \$2.3 million more in lottery money. He stated that this year the County would receive approximately \$2.5 million from the lottery money.

Commissioner Pressley encouraged the Board to find ways other than a tax increase to fund the additional monies for the schools and not to place this one million dollar burden on the taxpayers for the items that he suggested could be delayed without affecting the educational needs. He said that the County has schools of excellence and would continue to have schools of excellence because of the teachers and the parents.

Vice Chairman Sexton stated that he thought what was being proposed was what was right for the children and the parents and would keep the schools moving in the right direction. He said that there were excellent schools in Union County, and the schools along with the low tax rate and quality of life that exists in the County are what attracts people to Union County.

Commissioner Rushing responded that it was said earlier that the reason for increasing taxes is because it increases the County's chances of getting more of the lottery money. He urged the Board to give the citizens a break from a tax increase this year.

Commissioner Stone stated that there is a potential of the lottery bringing \$2.2 or \$2.3 million in the budget year a year from now. He said that money would keep contractors building schools in the County for nine days. He said that there is documentation that proves the initiative started by Vice Chairman Sexton, Commissioner Standridge, and himself four years ago to close the gap is actively working.

Chairman Lane stated that while it was true that he would be working with a different Board of Commissioners in the upcoming year, as was mentioned earlier, he could not go along with not voting for the motion.

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

Union County, NC

SECTION I. GENERAL FUND

- A. The following amounts are hereby appropriated in the GENERAL FUND for the operation of the county government and its activities for the fiscal year beginning July 1, 2006 and ending June 30, 2007 in accordance with the chart of accounts heretofore established for this county.

General Government:

Board of Commissioners	319,661
Central Administration	688,682
County Dues & Memberships	108,843
Internal Audit	86,158
Legal	291,235
Personnel	542,484
Finance	841,347
Tax Administration	3,620,160
Court Facilities	3,228,281
Elections	708,917
Register of Deeds	1,113,574
Information Technology	2,251,018
General Services	229,897

Public Safety:

Law Enforcement	16,673,208
Communications	1,901,888
Homeland Security	262,601
Fire Services	888,930
Inspections	2,149,758
Outside Agencies	3,763,071

Economic & Physical Development:

Planning	467,587
Economic Development	627,729

Cooperative Extension	908,048
Soil Conservation	70,181
Outside Agency	53,607
Human Services:	
Public Health	7,026,074
Social Services	24,657,760
Transportation and Nutrition	1,321,173
Veterans' Services	211,020
Outside Agencies	1,849,660
Education:	
School Current Expense	57,104,364
School Capital Outlay	11,043,050
School Debt Service	28,217,511
Community College	1,162,040
Outside Agency	2,500
Cultural and Recreational:	
Library	4,371,538
Parks & Recreation	3,617,821
Outside Agencies	68,000
Contingency/Nondepartmental	2,319,920
	<u>184,769,296</u>

- B.** It is estimated that the following revenues will be available in the GENERAL FUND for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

Ad Valorem	100,668,439
Local Option Sales Tax	34,639,409
Other Taxes	3,716,000
Intergovernmental	20,069,557
Functional Revenues	12,816,087
Miscellaneous	5,924,937
Fund Balance Appropriated	6,934,867

184,769,296

-

SECTION II. FIRE TAX DISTRICTS

A. The following amounts are hereby appropriated in the various FIRE TAX DISTRICT FUNDS for the operation of fire protection services for the fiscal year beginning July 1, 2006 and ending June 30, 2007 with the chart of accounts heretofore established for this county.

Wesley Chapel	<u>727,113</u>
Hemby Bridge	<u>925,000</u>
Stallings	<u>854,676</u>
Springs	<u>212,110</u>
Waxhaw	<u>347,055</u>

B. It is estimated that the following revenues will be available in the FIRE TAX DISTRICT FUNDS for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

Ad Valorem Taxes	440,161
Local Option Sales Tax	217,795
Fund Balance Appropriated	<u>69,157</u>
	<u>727,113</u>
Fire Tax	659,900
Local Option Sales Tax	207,662
Fund Balance Appropriated	<u>57,438</u>
	<u>925,000</u>
Ad Valorem Taxes	587,342
Local Option Sales Tax	171,232
Fund Balance Appropriated	<u>96,102</u>
	<u>854,676</u>
Ad Valorem Taxes	<u>212,110</u>
Ad Valorem Taxes	<u>347,055</u>

SECTION III. FEE SUPPORTED FIRE DISTRICTS

A. The following amounts are hereby appropriated in

B. It is estimated that the following revenues will be

Public Safety:	<u>1,128,693</u>	Fire Fees	1,125,693
		Fund Balance Appropriated	<u>3,000</u>
			<u>1,128,693</u>

SECTION V. EMERGENCY TELEPHONE SYSTEM

- A. The funds in this budget shall arise from subscriber charges set at ninety-six cents (\$.96) per month per telephone line. These funds are collected by the telephone companies in the County and remitted to the County for operation of an E-911 system.
- B. The following amounts are hereby appropriated in the EMERGENCY TELEPHONE SYSTEM FUND for the emergency 911 services for the fiscal year beginning July 1, 2006 and ending June 30, 2007 with the chart of accounts heretofore established for this county.
- C. It is estimated that the following revenues will be available in the EMERGENCY TELEPHONE SYSTEM FUND for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

Public Safety	<u>1,092,300</u>	Service Charges	1,033,000
		Miscellaneous	<u>59,300</u>
			<u>1,092,300</u>

SECTION VI. WATER AND SEWER

- A. The following amounts are hereby appropriated in the WATER AND SEWER FUND for the operation of water and sewer services for the fiscal year beginning July 1, 2006 and ending June 30, 2007 with the chart of accounts heretofore established for this county.
- B. It is estimated that the following revenues will be available in the WATER AND SEWER FUND for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

Water & Sewer 42,049,888

Fees for Services 33,148,483
Miscellaneous 1,684,000
Retained Earnings Appropriated 7,217,405
42,049,888

SECTION VII. SOLID WASTE

A. The following amounts are hereby appropriated in the SOLID WASTE FUND for the operation of solid waste services for the fiscal year beginning July 1, 2006 and ending June 30, 2007 with the chart of accounts heretofore established for this county.

B. It is estimated that the following revenues will be available in the SOLID WASTE FUND for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

Solid Waste 3,994,719

Fees for Services 3,695,734
Miscellaneous 298,985
3,994,719

SECTION VIII. STORMWATER

A. The following amounts are hereby appropriated in the STORMWATER FUND for the operation of stormwater services for the fiscal year beginning July 1, 2006 and ending June 30, 2007 with the chart of accounts heretofore established for this county.

B. It is estimated that the following revenues will be available in the STORMWATER FUND for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

Stormwater 158,367

Transfer from Enterprise Fund 158,367

SECTION IX.

A. GENERAL FUND: That there is hereby levied for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following county-wide rate of tax on each one hundred dollars (\$100) valuation of taxable property situated in the County, as listed for taxes as of January 1, 2005, for the purpose of raising the revenue from current year's taxes, as set forth in the foregoing county-wide estimates of revenue, and in order to finance the foregoing county-wide appropriations:

General Fund - County-wide .6367

B. SPECIAL DISTRICTS: That there is hereby levied for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following Special District tax rate on each one hundred dollars (\$100) valuation of estimated taxable property situated in each Special District, as listed for taxes as of January 1, 2006, for the purpose of raising the revenue from current year's taxes, as set out in the foregoing District estimates of revenue, and in order to finance the foregoing District appropriations:

Wesley Chapel Fire Protection District	<u>.0152</u>	Springs Fire Protection District	<u>.0313</u>
Hemby Bridge Fire Protection District	<u>.0464</u>	Waxhaw Fire Protection District	<u>.0413</u>
Stallings Fire Protection District	<u>.0444</u>		
Monroe Special School District - Current Expense	<u>.0000</u>	County Special School District - Current Expense	<u>.0000</u>

SECTION X. FIRE FEES

These fees will be collected by the County Tax Administrator's Office and remitted to the various fee supported fire districts by the Finance Department on a monthly basis. Remittances may not exceed the budgeted amount for any given department. In the event that revenues exceed expenditures, those funds shall be withheld and used in the next year's budget appropriation as a fund balance added to the appropriation from fees collected in that year. The fees are as follows:

FIRE FEES 2006-2007	Allens		Beaver		Griffith		Lanes	New
	Cross-Roads	Bakers	Lane	Fairview	Road	Jackson	Creek	Salem
Percentage per request or maximum	100.00%	97.56%	100.00%	90.18%	100.00%	99.41%	100.00%	88.80%

Single Family Dwelling (SFD)	(max fee of \$50)	50.00	48.78	50.00	45.09	50.00	49.71	50.00	44.40
Unimproved Land-per acre		0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
-minimum	(10% of fee)	5.00	4.88	5.00	4.51	5.00	4.97	5.00	4.44
Animal/Horticulture	(20% of fee)	10.00	9.76	10.00	9.02	10.00	9.94	10.00	8.88
Commercial < or = 5000 sq ft	(100% of fee)	50.00	48.78	50.00	45.09	50.00	49.71	50.00	44.40
Commercial > 5000 sq ft	(200% of fee)	100.00	97.56	100.00	90.18	100.00	99.41	100.00	88.80
Mobile Home	(same as SFD)	50.00	48.78	50.00	45.09	50.00	49.71	50.00	44.40
Duplex	(same as SFD)	50.00	48.78	50.00	45.09	50.00	49.71	50.00	44.40
Triplex	(150% of fee)	75.00	73.17	75.00	67.64	75.00	74.56	75.00	66.60
Other Family Dwellings	(200% of fee)	100.00	97.56	100.00	90.18	100.00	99.41	100.00	88.80
Cultural Facilities	(same as SFD)	50.00	48.78	50.00	45.09	50.00	49.71	50.00	44.40
Educational Facilities	(same as SFD)	50.00	48.78	50.00	45.09	50.00	49.71	50.00	44.40
Governmental Facilities	(same as SFD)	50.00	48.78	50.00	45.09	50.00	49.71	50.00	44.40
Religious Facilities	(same as SFD)	50.00	48.78	50.00	45.09	50.00	49.71	50.00	44.40
Fire Protection Facilities	(same as SFD)	50.00	48.78	50.00	45.09	50.00	49.71	50.00	44.40
% of Legislated maximum of \$50.00		100.00%	97.56%	100.00%	90.18%	100.00%	99.41%	100.00%	88.80%

		Provi- Dence	Sandy Ridge	Stacks Road	Stallings	Union- ville	Waxhaw/ Marvin	Wingate
Percentage per request or maximum		100.00%	99.76%	97.10%	100.00%	77.96%	100.00%	94.96%
Single Family Dwelling (SFD)	(max fee \$50)	50.00	49.88	48.55	50.00	38.98	50.00	47.48
Unimproved Land-per acre		0.02	0.02	0.02	0.02	0.02	0.02	0.02
-minimum	(10% of fee)	5.00	4.99	4.86	5.00	3.90	5.00	4.75
Animal/Horticulture	(20% of fee)	10.00	9.98	9.71	10.00	7.80	10.00	9.50
Commercial < or = 5000 sq ft	(100% of fee)	50.00	49.88	48.55	50.00	38.98	50.00	47.48
Commercial > 5000 sq ft	(200% of fee)	100.00	99.76	97.10	100.00	77.96	100.00	94.96
Mobile Home	(same as SFD)	50.00	49.88	48.55	50.00	38.98	50.00	47.48
Duplex	(same as SFD)	50.00	49.88	48.55	50.00	38.98	50.00	47.48
Triplex	(150% of fee)	75.00	74.82	72.83	75.00	58.47	75.00	71.22
Other Family Dwellings	(200% of fee)	100.00	99.76	97.10	100.00	77.96	100.00	94.96
Cultural Facilities	(same as SFD)	50.00	49.88	48.55	50.00	38.98	50.00	47.48
Educational Facilities	(same as SFD)	50.00	49.88	48.55	50.00	38.98	50.00	47.48
Governmental Facilities	(same as SFD)	50.00	49.88	48.55	50.00	38.98	50.00	47.48

Religious Facilities	(same as SFD)	50.00	49.88	48.55	50.00	38.98	50.00	47.48
Fire Protection Facilities	(same as SFD)	50.00	49.88	48.55	50.00	38.98	50.00	47.48
% of Legislated maximum of \$50.00		100.00%	99.76%	97.10%	100.00%	77.96%	100.00%	94.96%

SECTION XI. WATER AND SEWER RATES

A. One-time Charges for New Service:

	<u>Meter Size</u>	<u>Capacity Ratio to 3/4 inch</u>	<u>Water User Fees</u>	<u>Sewer User Fees</u>
			\$ 500	
Capacity Fee - charged for all	3/4"	1.00		\$ 2,650
new service (based on	1"	2.52	1,250	6,675
meter size):	1.5"	5.01	2,500	13,275
	2"	8.01	4,000	21,225
	3"	22.54	11,250	59,725
	4"	50.09	25,050	132,725
	6"	70.12	35,050	185,825
			\$ 400	
Water Tap Fee - charged for	3/4"			
county provided taps	1"		525	
(based on meter size):	1.5"		2,600	
	> 1.5" meter		Cost	

Line

	<u>Size</u>	
Sewer Tap Fee - charged for	4"	630
county provided taps	6"	825
(based on line size):	> 6" line:	Cost

B. Monthly Service Charges:

	<u>Meter Size</u>	<u>Capacity Ratio to 3/4 inch</u>	<u>Water User Fees</u>	<u>Sewer User Fees</u>
Base Facility Charge - fixed amount (based on meter size):	3/4"	1.00	\$ 5.00	\$ 9.25
	1"	2.52	12.60	23.31
	1.5"	5.01	25.05	46.34
	2"	8.01	40.05	74.09
	3"	22.54	112.70	208.50
	4"	50.09	250.45	463.33
	6"	70.12	350.60	648.61
Volume Charge - per 1,000 gallons (monthly metered water usage):			\$ 2.45 *	\$ 3.30 **

** A year round sewer billing cap is applicable to all metered water consumption over 12,000 gallons per month for residential customers using 3/4" meter.

* Volumetric rates for residential 3/4" and irrigation meters shall be \$2.10/1,000 gallons for the first 3,000 gallons, \$2.45/1,000 gallons for the next 5,000 gallons, \$3.45/1,000 gallons for the next 4,000 gallons, \$5.45/1,000 gallons for the next 6,000 gallons and \$9.45/1,000 gallons greater than 18,000 gallons.

C. Payment Distribution:

Payments will be applied first to late charges or fees, then to sewer charges, and then to water charges.

SECTION XII. PAY PLAN

- A. The Pay Plan, incorporated herein by reference and approved as “Union County, North Carolina Grades and Salary Ranges 2006-2007 Effective June 24, 2006” for fiscal year 2007 reflects an adjustment of 5 percent (5%) to the grades and ranges previously approved by the Board of Commissioners for fiscal year 2006 with the adjustments necessary to remain in compliance with requirements of the State Personnel Act.

The County Manager is authorized, effective June 24, 2006, to provide a five percent (5%) market adjustment to the compensation of eligible employees, appointed and elected officials in an aggregate amount not to exceed five percent (5%) of total payroll and an inflationary adjustment to the in region travel allowance of elected officials.

SECTION XIII. SEVERABILITY

- A. If any clause, phrase, sentence, paragraph, appropriation, or section of this Ordinance shall be held invalid, it shall not affect the validity of this Ordinance or the remaining phrases, clauses, sentences, paragraphs, appropriations, or sections.

This Budget Ordinance is adopted on June 19, 2006 and is to become effective July 1, 2006.

**BOARD OF COMMISSIONERS
UNION COUNTY, NORTH CAROLINA**

By: Roger Lane
CHAIRMAN

PLANNING DEPARTMENT - PETITION #001090, JOSEPH D. ROGERS (R-20 to L-1) (Public Hearing Held on June 5, 2006):

Commissioner Rushing moved to approve the request filed by Joseph D. Rogers in Petition #001090 requesting a rezoning

classification from R-20 (Residential) to L-I (Light Industrial) for Tax Parcel #05-087-012F containing 4.17 acres located on N.C. Highway 75 near the town limits of Waxhaw.

Commissioner Pressley stated that when property is developed, there are certain stormwater regulations that must be met. Christie Putnam, Interim Public Works Director and Assistant to the Manager, responded that the County's current land use regulations do not apply to this site.

Chairman Lane stated that it was his understanding that Mr. Rogers had turned down the conditional use rezoning which would have limited light industrial use specifically to the mini warehouses.

Jim King, Chairman of the Planning Board, stated that was correct and that the Planning Board had debated that issue, because it was believed that would be an ideal solution. He said that it had become known that the owner was wanting to sell the land, and the purchaser was going to construct mini warehouses on the property. Mr. King stated that had a conditional use zoning been done, then a site plan could have been required and the only use for the land would have been mini warehouses. He said that much of the land is floodplain, and the County could have controlled the fill-in and the floodplain, but the owners were not willing to agree to the conditional use the night of the Planning Board meeting.

Chairman Lane said that he visited the property and did not personally believe the land could be used for residential.

Mr. King stated that if the land were rezoned to L-I (Light Industrial), then the land could be used for anything that Light Industrial zoning allows.

Richard Black, Planning Division Director, explained that under the conditional use rezoning, there would be a recommendation from the Planning Board, and the Board of Commissioners would be the Board to work with the applicant on the conditions. He stated that under the conditional use process, the uses could be limited, but conditions could be added such as the amount of square footage, the screening, access, etc.

The County Manager pointed out that the conditional use was no longer an option, as that process should have been done through the Planning Board. He stated that the Board's decision was either to rezone or not to rezone the property. He said that any request for conditional use would need to go back to the Planning Board and there would be a year's waiting period before the applicant could make application.

Commissioner Pressley then offered a substitute motion to delay action on this request until the Board's next scheduled meeting.

Commissioner Stone stated that the Board is bound by the County's ordinances to act on this specific issue with a "yes" or a "no" and there is not any other choice. He said that he would also bring to the Board's attention that the shopping center on Lawyers Road is a very attractive shopping center. He stated that was the first time that the Board of Commissioners actually went through the process and specified how that shopping center should look. Commissioner Stone said that it was an attractive shopping center because it was "adjusted."

Following the discussion, Commissioner Pressley withdrew his substitute motion.

Chairman Lane called for a vote on the original motion. 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.

DISPOSITION OF REAL PROPERTY:

Mike Shalati, County Manager, stated that Union County owns a parcel of land located on Roland Drive and Highway 74 behind Prudential Realty (containing approximately 2500 square feet in size, Tax Parcel No. 09301061C). He stated that the property is a former pump station that was abandoned several years ago. He noted that the agenda package contains a letter from the Public Works Department indicating that it has no use for the property. Mr. Shalati explained the upset bid process. He recognized Martha Parris, representing PMS Enterprises, which has submitted an unconditional bid of \$1,000 to acquire the property.

Mrs. Parris stated that the property has not been maintained through the years, and PMS Enterprises would like to acquire the property so that it could maintain the property and make it more attractive.

Mr. Shalati stated that Mr. Crook, Senior Staff Attorney, has included in the package a Resolution Authorizing Upset Bid Process; however, since the agenda package was completed, language in the resolution has been modified, and the revised resolution was handed out tonight for the Board's consideration.

Mr. Crook clarified that there was a technical correction in Paragraph 4 of the Resolution which should read "A qualifying

higher bid is one that raises the existing offer by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder."

Following the presentation, Commissioner Rushing moved adoption of the following Resolution Authorizing Upset Bid Process, and the motion was passed unanimously:

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, Union County is the owner of a vacant parcel of real property, approximately 2500 square feet in size and bounded on one side by Roland Drive, Union County Tax Parcel No. 09301061C (the "Subject Property"), as shown on the map attached as Exhibit A and incorporated herein by reference; and

WHEREAS, pursuant to N.C.G.S. § 160A-269, Union County is authorized to dispose of real property by upset bid after receipt of an offer for the property; and

WHEREAS, Union County has received an offer to purchase the Subject Property in the amount of \$1,000.00, submitted by PMS Enterprises; and

WHEREAS, PMS Enterprises has paid the required five percent (5%) deposit on its offer.

NOW, THEREFORE, BE IT RESOLVED by the Union County Board of Commissioners (the "Board") as follows:

1. The Board proposes to accept the offer of PMS Enterprises and authorizes sale of the Subject Property through the upset bid procedure of N.C.G.S. § 160A-269; provided that final acceptance of the final high offer shall be subject to approval by the Board. The Board reserves the right to withdraw the Subject Property from sale at any time before the final high bid is accepted and further reserves the right to reject at any time all bids.
2. The Clerk to the Board shall cause a notice of the proposed sale to be published. Such notice shall include a general description of the Subject Property, the amount and terms of the offer, and a statement that within ten (10) days any person may raise the bid in accordance with the procedure outlined in this Resolution.

3. Persons desiring to upset the offer that has been received shall submit a sealed bid with their offer to the office of the Clerk to the Board within ten (10) days after the notice of sale is published. Bids shall be submitted no later than 5:00 p.m. on the last day of the 10-day period, and the Clerk shall date-stamp bids upon receipt. The mailing and physical address of the Clerk to the Board is as follows:

Ms. Lynn West, Clerk to the Board
500 N. Main St., Room 925
Monroe, NC 28112

The envelope containing the bid shall be clearly marked "Sealed Bid for Property Located at the Intersection of Roland Drive and Lancelot Drive." It shall be the specific responsibility of the bidder to deliver his bid to the Clerk to the Board at the appointed place and prior to the announced time for the opening of bids. Late delivery of a bid for any reason, including delivery by United States Mail or other carrier, will disqualify the bid.

4. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid. The deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. If the Board agrees to sell the Subject Property, the County will return the deposit of the final high bidder at closing. If, after acceptance by the Board of the final high bid, the final high bidder fails to close the sale in accordance with the terms of this Resolution and any purchase agreement, then in such event the bid deposit of the high bidder shall be forfeited. In the event the high bidder intends to seek a rezoning of the Subject Property prior to closing, as discussed below, the County reserves the right to require an additional deposit to be held in escrow upon execution of the purchase agreement.
5. At the conclusion of the 10-day period, the Clerk to the Board shall open the bids, if any, and the highest such qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer. If a qualifying higher bid is received, the Clerk to the Board shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners. The Board shall determine whether or not to accept the final high bid not later than ninety (90) days

after the final upset bid period has passed.

6. Bidders shall not attach any conditions to their bids. Any conditions attached to bids received for purchase of the Subject Property shall render the bid nonresponsive, and such bid shall not be considered by the Board.
6. The buyer must pay with cash at the time of closing.
7. Title to the Subject Property shall be transferred to the buyer by Quitclaim Deed.

Adopted this the 19th day of June, 2006.

SUBLEASE OF HOSPITAL PROPERTY AND INDEMNIFICATION AGREEMENT:

John Roberts, President of Carolinas Medical Center-Union, explained the request by the hospital for approval of sublease and indemnification agreements. He stated that it was the hospital's intent to construct a physician medical office building on the campus of Carolinas Medical Center-Union, and the building would be situated on the property so that it would be connected directly to the current facility. Mr. Roberts stated that the hospital does not intend to own the real estate related to the medical office building, and, therefore, after the office building is constructed, the hospital will enter into a ground lease, which will be a very long lease, with a professional office building developer and operator, and then the funds received from the lease will be used by the hospital for such purposes as advancement of clinical technology, etc.

Mr. Roberts stressed the need for additional medical office space in the community and its importance as a recruitment tool for physicians.

Following Mr. Robert's explanation of the request, Chairman Lane moved to authorize the County Manager to approve the Sublease and Indemnification Agreements.

Mr. Roberts addressed Commissioner Rushing's concern that the sublease of the building might be perceived as competing with the private sector. He stated that Carolinas Medical Center-Union has less medical office space available on its campus than any other hospital that he is aware of in the region.

Mr. Roberts stated that questions also have been asked whether the hospital would have unfair advantage and be able to rent space to physicians at below market rates. He stated that the fraudulent abuse regulations of Medicare nationwide would prevent the hospital from renting medical office space at below market rates. He said that it would be required that the space be rented at competitive market rates.

Commissioner Rushing stated that it was his understanding that the sublease would extend beyond the hospital's lease with the County. Mr. Roberts stated that this was correct, but he pointed out that there are provisions in the documents regarding the sublease that address that issue. He said that should the hospital's operating lease not be renewed, then the County would be protected.

Commissioner Rushing asked about the time sensitivity of the request. Mr. Roberts responded that it is time sensitive and said

that the hospital has been working on this matter with County staff for awhile. He said that he would like the Board to take action prior to construction beginning on the building. He explained that the actual sublease of the building would not occur for another 18 to 24 months after construction has been completed and they have tenants in the building.

Commissioner Stone commented that he was ready to support the motion. He said that he hoped the hospital could bring in more Emergency Room Surgeons so that the Emergency Room would not continue to be backed up.

Vice Chairman Sexton asked for substantiation of how the on-campus medical facility would attract and benefit the surgeons that Union County is trying to attract. Mr. Roberts responded that the most likely tenants for a medical office building of this type would be procedural oriented physicians who would need to have their offices down the hallway from where they might be performing procedures or specialists who are caring for patients in the critical care or intensive care units who could more frequently be with their patients. He said that the type of specialists who would not need office space on the campus would be primary care physicians. He stated that he has firm evidence that Union County does not have the number of physicians per capita per population compared to other communities such as Cabarrus, Stanly, Rowan and other counties around Union County. He further stated that the tenants of the building would be physicians on the medical staff of Carolinas Medical Center-Union.

Following the discussion, the motion was passed unanimously.

GENERAL SERVICES:

- a. ***Contract Amendment #9 to Agreement with The Keith Corporation for Property Management Services (FY 2006-2007)***

Chairman Lane moved to authorize the County Manager to approve Contract Amendment #9 with The Keith Corporation for property management services (FY 2006-2007) in the amount of \$1,410,297. The motion was passed unanimously.

NOTICE BY BOARD OF EDUCATION OF ITS INTENT TO PURSUE POWER OF EMINENT DOMAIN FOR ONE ACRE OF LAND LOCATED ON REID DAIRY ROAD:

Dr. Ed Davis, Superintendent of the Union County Public Schools, stated that during the June 5, 2006, meeting, the schools had shared with the Board the schools' need for 1.09 acres of property off Reid Dairy Road that is located adjacent to school site "G." He

stated that a certified appraisal on the property was completed by T. B. Harris and Associates in May which indicated that the market value of the property was \$100,000 per acre. Dr. Davis stated that the schools had made an offer based on that appraisal. He said that he had provided documentation of the chronology of the schools' negotiations, correspondence, and communications with the owners of that particular property. He said that a firm offer was made through correspondence from Koy Dawkins, Attorney for the Schools, dated June 6, 2006, with the attorney for the owners. He further said that there was no response from the owners by the deadline. Dr. Davis stated that he had spoken with Mr. Dawkins on Friday afternoon who had communicated with the owners' attorney, who had indicated that the owners were going to reject the offer.

He said that due to the need for this particular tract for access to school site "G" and due to the time sensitive nature of this issue with the schools going out to bid for school site "G", the Board of Education has approved pursuing eminent domain with regard to this property.

Commissioner Pressley asked why the Board was receiving this information tonight. He said that he would like to have been able to talk with the owners about the property.

Dr. Davis responded that Commissioner Pressley had raised a good point, and he assured the Board that in the future, the schools would try to be more timely in providing information regarding land purchases to the Board of Commissioners.

Dr. Davis explained that the Board of Education had given the schools' staff the direction of looking at a dual tract of land along with the 1.09 acres, because if it had not worked out with the other piece of property that the schools were considering, they wanted to have the option to put at least one school on the property, and the 20 acres that they were looking at initially would have barely allowed enough space to have done so. Further, he said it would have offered some flexibility if they had wanted to go to a multiple-school site to combine the two sites. Dr. Davis stated that the schools had pursued the other tract that is currently in the eminent domain process, and the 1.09 acre is needed for access to that property.

No action was taken on this item, as it was presented for informational purposes only.

CATAWBA LANDS CONSERVANCY (Presentation Made on June 5, 2006):

- a. Land for Tomorrow Resolution***
- b. Request for Support of Conservancy's Regional Trail Initiative***

The County Manager stated that there were three requests from the Catawba Lands Conservancy as a follow-up from the presentation on June 5, 2006, as follows: 1) Adoption of the Land for Tomorrow Resolution; 2) Consideration of Financial Support for the Catawba Lands Conservancy in the amount of \$15,000, which would allow for a person to be added to the Conservancy that would spend the majority of his/her time in Union County; and 3) Support of the Conservancy's Regional Trail initiative by allowing them to coordinate with the Parks and Recreation Department. Mr. Shalati recommended that the Conservancy be allowed to coordinate with the staff of the Parks and Recreation rather than directly with the consultant. He said that the staff did not have a problem with either of the three requests based on the discussions during the budget deliberations.

Commissioner Stone moved approval of Items a - c in block.

Commissioner Rushing stated that the documentation shows a trail going down Rocky River into Anson County, Mecklenburg County, and then to York County and also a trail in southern Union County going across people's lands. He said that the discussion that the Board had was to not support any initiatives that would require condemnations, and he said that he did not see how those trails could be completed without condemnations. He stated that he did not see where a regional trail concept would work with those logistics. He said that unless the items could be voted on individually, he would be voting against all three items.

Vice Chairman Sexton stated that he did not hear anything in Ms. LeBlanc's presentation of June 5 that involved going through anyone's backyards. He said that he thought the Conservancy's working closely with Parks and Recreation and reserving open space would be beneficial for everyone.

Commissioner Pressley stated it was his understanding that in talking about the Regional Trails project, it would utilize existing easements. Mr. Shalati said Item c only states requesting permission to work with the County's consultant. He stated that his recommendation modifies that request to enable the Conservancy representatives to work with the County's Parks and Recreation's staff who would work with the consultant so that the Board and staff would have a great deal of input on the project.

Commissioner Pressley stated that in light of the budget situation, he did not support spending \$15,000 for the Conservancy when the Board was trying to find other funding means.

Mr. Shalati stated that the item regarding the Regional Trail Initiative does not approve any trail. He said that the Conservancy representatives would have to present their ideas, and those ideas would be evaluated and if they are beneficial to Union County, then

the staff would bring those ideas to the Board with recommendations. He said that at this time he did not support any specific trailway, and he would not support any trail before knowing what specific projects or locations that are being considered.

Following further discussion, Chairman Lane offered a substitute motion to adopt the Land for Tomorrow Resolution separately. It was suggested that each of the items be voted on separately. The substitute motion was passed unanimously.

a. Land for Tomorrow Resolution

LAND FOR TOMORROW RESOLUTION

WHEREAS the Union County Board of Commissioners is committed to protecting lands critical to the future of North Carolina's drinking water, economy, and quality of life; and

WHEREAS North Carolina is losing more than 100,000 acres of those special places to population pressures each year; and

WHEREAS North Carolina's population is expected to grow by 50 percent in the next 25 years; and

WHEREAS the important tourism industry can only survive with natural beauty, clean water and scenic vistas; and

WHEREAS there is inadequate funding for protecting stream banks and floodplains, legacy forests, prime farmlands, local parks and recreation, state parks, greenway and inactive rail corridors, game lands, natural, scenic and historic places; and

WHEREAS there is no second chance to protect North Carolina's great resources and costs will only increase in the future; and

WHEREAS additional state funding will leverage twice as much funding from federal, private and local sources.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of County Commissioners urges the 2006 General Assembly to enact legislation authorizing a bond referendum to increase conservation spending in North Carolina by \$200 million per year.

Adopted this the 19th day of June, 2006.

The motion was passed unanimously.

b. Financially Support Catawba Lands Conservancy

Mr. Shalati explained that this item had not been included on the agenda. He said that this item had occurred since Thursday's budget deliberation. He reminded the Board that during the budget deliberations, there was a request for a \$57,000 appropriation for trailway initiatives, and the Board decided not to make the appropriation. He said that he thought there had been discussions to provide the \$15,000, in accordance with the Conservancy's request. Mr. Shalati stated that the \$15,000 would help to have a person to work closely on projects to pursue land conservancy projects in Union County. He said that the staff proposes if the Board wants to make a contribution to this initiative, that the Board consider the \$15,000 in lieu of the \$57,000.

He further explained that Item c requests permission to allow the Land Conservancy representatives to work with Union County's consultant, and his recommendation to the Board would be that if the Board considers that request, to allow the Land Conservancy representatives to work with the County staff who will work with the consultant.

Commissioner Stone moved approval of an appropriation of \$15,000 to assist in supporting another staff person for the Conservancy dedicated solely to Union County to assist the Conservancy's efforts in working with local landowners to preserve their lands and authorize the County Manager to sign the necessary budget amendment to effect this appropriation. The motion was passed by a vote of three to two. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted in favor of the motion. Commissioners Pressley and Rushing voted against the motion.

c. Request for Support of Conservancy's Regional Trail Initiative

Commissioner Stone offered a motion to approve moving forward with the process giving authorization for the Conservancy to work closely with the Manager and Union County Parks and Recreation Director in supporting the Conservancy's Regional Trail initiative.

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.

PARKS AND RECREATION DEPARTMENT:

- a. *Cane Creek Improvements Phase III Bid Award*
- b. *Resolution Requesting Abandonment of a 200-Foot Section of State Road 1212*

Commissioner Stone moved to accept the bids, award the bid to the low bidder, Maxco, Inc., in the amount of \$367,500; and authorize the County Manager to approve contract documents with Maxco, Inc.

Commissioner Pressley questioned if this contract included contingency funds. He stated that he supported this motion, but said it had been discussed during budget expending dollars to promote Cane Creek Park. He suggested that if there were contingency money left from the contract, that those monies be used to promote Cane Creek Park, if possible.

A tabulation of the bids received for the Cane Creek Park Improvements, Phase III is recorded below:

Cane Creek Park Improvements Phase III
Bid Tabulation
June 1, 2006

Contractor	License No.	Bid Bond	Addenda 1	Base Bid	Contingency Allowance	Total Lump Sum Bid
T. K. Browne Construction	5246	Yes	No	\$324,204.00	\$16,210.20	\$340,414.20*
Maxco	26001	Yes	Yes	\$350,000.00	\$17,500.00	\$367,500.00
Morlando-Holden	49389	Yes	Yes	\$542,479.45	\$27,123.07	\$569,603.42

*Note: T.K. Browne did not acknowledge receiving Addenda 1 which required add alternates to be included in the base bid; therefore, their base bid did not include \$91,070.00 for the add alternates and their bid is non-responsive. Had they been included, they would not have been the low bidder.

[Commissioner Stone was out of the room at the time of the vote.]

With there being no further discussion, Chairman Lane called for a vote on Commissioner Stone's motion and included Item b - Resolution Requesting Abandonment of a 200-Foot Section of State Road 1212. The motion to approve Items a and b as called by the

Chairman was approved unanimously.

**RESOLUTION REQUESTING ABANDONMENT
OF A 200-FOOT SECTION OF STATE ROAD 1212**

WHEREAS, pursuant to N.C.G.S. § 136-63, the Union County Board of Commissioners (the “Board”) may, upon its own motion or on petition from a citizen or group of citizens, request the Board of Transportation to change or abandon any road in the secondary system when the best of interest of the people of the county will be served thereby; and

WHEREAS, on March 28, 2006, the Union County Legal Department received a request from Wanda Smith, the County's Parks and Recreation Director, for a resolution from the Board requesting abandonment of a small section, approximately 200 feet in length, of Cane Creek Road/S.R. 1212 (the “Subject Roadway”) which currently serves as the main entranceway into the Cane Creek Park campground as shown on Exhibit A, attached and incorporated herein by reference; and

WHEREAS, when current construction of a new entranceway into the Cane Creek Park campground is completed, the Subject Roadway will be demolished; and

WHEREAS, following a recent acquisition by Union County of the real property across which Subject Roadway runs, recorded with the Union County Register of Deeds at Book 3776, Page 394, the County is the only property owner with land directly adjacent to the Subject Roadway; and

WHEREAS, Union County Public Works Department has confirmed that Union County has no existing or planned facilities in the Subject Roadway, as indicated in the e-mail attached as Exhibit B and incorporated herein by reference; and

WHEREAS, based on the foregoing, Union County knows of no public interest that would be served by the State’s continued upkeep and maintenance of the Subject Roadway.

NOW, THEREFORE, BE IT RESOLVED that pursuant to N.C.G.S. § 136-63, the Union County Board of Commissioners does hereby request that the Board of Transportation abandon for purposes of upkeep and maintenance that section of S.R. 1212 indicated in Exhibit A.

This resolution is adopted this the 19th day of June, 2006.

PUBLIC WORKS DEPARTMENT:

- a. C & D Landfill Cell Closure***

Vice Chairman Sexton questioned the disparity between the two bids received for the project.

Christie Putnam, Interim Public Works Director, responded that she believed the general philosophy is that L. J., Inc. really did not want the bid. She explained that two bids were received, and the bids were not opened under the first bid acceptance. She said that the bids were readvertised in order to meet the bid laws.

The County Manager added that a sufficient number of bids was not received the first time the bids were advertised, and, therefore, the second time that the bids were received, the bids could be opened with only one bid.

Chairman Lane moved to accept the bids, award the bid to the low bidder, Boggs Paving, Inc. in the amount of \$681,798.31; and to authorize the County Manager to approve contract documents with Boggs Paving, Inc. The motion was passed unanimously.

A report of the bids is listed below:

Rank	Bidder	Bid Price
1	Boggs Paving, Inc.	\$ 681,798.31
2	L. J., Inc.	\$ 1,677,257.54

LIBRARY:

a. 2006-2007 Application for Smart Start Funding

Chairman Lane moved approval to submit a grant application by the Library for Smart Start Funding in the amount of \$47,300 with a local match of \$2,560 to come from the FY 07 Operating Budget. The motion was passed unanimously.

DESIGNATION OF VOTING DELEGATE TO NACO ANNUAL CONFERENCE:

Vice Chairman Sexton nominated Chairman Lane to serve as the Board's voting delegate for the NACo Annual Conference. The Chairman declined the nomination stating that he would not be attending the conference.

Chairman Lane nominated Commissioner Stone to serve as the Board's voting delegate for the NACo Annual Conference.

Commissioner Stone stated that a designated delegate for the County needed to be present at the conference to vote on issues involving Medicaid and illegal immigration.

The motion was passed unanimously.

ESTABLISH MEETING SCHEDULE FOR BALANCE OF JUNE 2006 AND THE MONTH OF JULY 2006:

a. Resolution to Revise Regular Meeting Schedule for July 2006

b. Establish Meeting Dates

Commissioner Pressley moved in block: a) the adoption of a Resolution to Revise Regular Meeting Schedule for July 2006; and b) to establish the meeting schedule for the balance of June 2006 and the month of July 2006 as set forth below. The motion 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 desires to cancel the first and second regular meetings of July, 2006, and to schedule two regular meetings for intervening times.

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 July 3, 2006, and the regular meeting of July 17, 2006; and to add new regular meetings to occur on July 10, 2006, and July 24, 2006, at the customary place and time. Except as herein amended, the regular meeting schedule shall remain in full force and effect.

Adopted this the 19th day of June, 2006.

LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) APPOINTMENTS:

Commissioner Stone moved to appoint Jenny Kirksey, Health Director (replaces Lorey White); Norcott D'Esterre, representing Union County Emergency Management Planner (replaces Tabitha Mills); and Kyle Bilafer, representing Tyson Foods (replaces Nick Griffin). It was noted on the agenda that these appointments are by position and are not advertised positions. The motion was passed unanimously.

UNION COUNTY TRANSPORTATION SERVICES:

a. Appointments to the Transportation Advisory Board (These appointments are by position representing the "Core Agencies" to which services are provided and are not advertised positions.)

Commissioner Pressley moved to appoint the following persons to serve on the Transportation Advisory Board, as recommended by the Transportation Director, representing the various Core Agencies:

1. Roy Young - Department of Social Services Director
2. Jenny Kirksey - Health Director
3. Steve Ramsey - Work First Supervisor
4. Sandy Nemer - ARC of Union County
5. Revella Nebit - Piedmont Behavioral Healthcare
6. Annette Sullivan - Transportation Director for Union County
7. Mary Walls - Vocational Rehabilitation
8. Ken Rogers - Veterans Services
9. Mike Young - Union Diversified Industries
10. Phyllis Smith - Department of Social Services

The motion was passed unanimously.

b. Establishment of a Community Transportation Improvement Plan Steering Committee and Appointments to Committee

Chairman Lane moved approval to establish a Community Transportation Improvement Plan Steering Committee in connection with the Community Transportation Improvement Planning process and to appoint the following persons to serve on the committee as recommended by the Transportation Director. With there being no further nominations, the following persons were elected by acclamation:

1. Member of Board of Commissioners - Chairman Lane (volunteered)
2. Mike Shalati - County Manager
3. Pat Beekman - Homeland Security
4. Annette Sullivan - Transportation
5. Roy Young - Department of Social Services
6. Mike Young - Union Diversified Industries
7. Steve Ramsey - Transportation Advisory Board
8. Phyllis Smith - Transportation Advisory Board
9. Ken Rogers - Veterans Service
10. Julia Mitchell - Ellen Fitzgerald Senior Center
11. Charles Marsh - Monroe Housing Authority
12. Jenny Kirksey - Health Department
13. Sandy Moore - Town of Indian Trail
14. Craig Meadows - City of Monroe
15. Brian Matthews - Town of Stallings
16. Martin Irvine - Town of Waxhaw
17. Carl Webber - Town of Marshville
18. Nancy Anderson - Town of Weddington
19. Tracey L. Clinton - Town of Wesley Chapel
20. Dryw Blanchard - Town of Wingate
21. Larry Simpson - Town of Unionville
22. Rick Becker Town of Mineral Springs
23. Richard Williams - Town of Fairview
24. Mike Cognac - Village of Marvin
25. James Simpson, Jr. - Town of Hemby Bridge
26. John Ross - Village of Lake Park

27. Barbara Bryant - Barb's Speciality Transport
28. Mary Walls - Vocational Rehabilitation
29. Renee Hartis - Home and Community Care Block Grant Committee
30. Jim Trowbridge - Home and Community Care Block Grant Committee
31. Jim Carpenter - Chamber of Commerce
32. Brett Vines - Union County
33. Kai Nelson - Union County

APPOINTMENTS TO BOARDS AND COMMITTEES:

a. Planning Board (One Vacancy for an Unexpired Term Due to a Resignation)

Chairman Lane nominated Ernest Daniel Wooten to fill the unexpired term on the Planning Board.

Vice Chairman Sexton offered a substitute motion to move Nathan Hopper from the alternate position on the Planning Board to fill the unexpired term of a regular member and to appoint Ernest Daniel Wooten to fill the alternate position.

The motion was passed unanimously.

b. Board of Adjustment (Vacancies for Two Regular Members and One Alternate)

Chairman Lane moved to reappoint Adel Miles and Brian Rogers as regular members and to reappoint Bob Wingate as an alternate member on the Board of Adjustment.

Commissioner Rushing nominated Jeff Gerber. He stated that he was nominating Mr. Gerber because of his contributions to the community, and because Mr. Gerber wanted to show an involvement in the community. He requested that Mr. Gerber's nomination be voted on first.

Chairman Lane called for a vote on the nominations of Adel Miles and Brian Rogers for reappointment as regular members on the Board of Adjustment and the nomination of Bob Wingate for reappointment as an alternate member. The motion was passed by a vote of three to two. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted in favor of the motion. Commissioners

Pressley and Rushing voted against the motion.

c. Criminal Justice Partnership Advisory Board (Appointments are by Position and are not advertised)

Commissioner Stone moved to appoint: Pat Beekman as the County Manager Designee; Regina Griffin, Community Service Coordinator; Marianne Broadway, Mental Health Agency Representative; Sheriff Eddie Cathey, County Sheriff, and reappointment of Libby Ruth as a member at large. With there being no further nominations, Mr. Beekman, Ms. Griffin, Ms. Broadway, Sheriff Cathey, and Libby Ruth were elected to serve on the Criminal Justice Partnership Advisory Board by acclamation.

MANAGER'S COMMENTS:

The County Manager stated that legislation has been introduced to allow for a one-mile extraterritorial jurisdiction (ETJ) for the Towns of Marshville and Wingate. He pointed out that an additional statement had been added to the proposed legislation "without the consent of the Board of County Commissioners." Mr. Shalati said that the legislation was introduced by Representative Pryor Gibson. He stated that he believed the Board should be concerned about the additional language to the proposed legislation which would exclude input by the Board of Commissioners in ETJ requests. He stated that he believed that the Board of Commissioners should have an opportunity to provide input into requests by municipalities for ETJ. Mr. Shalati shared with the Board that he had not had anyone to ask him for any input.

He stated that he had received some additional information at a presentation that was made to the Managers of the Charlotte region regarding Concord/Kannapolis' request for an Interbasin Transfer. He said that the presentation had been made by Mr. Morris, who is the head of the water supply division for the State of North Carolina, Division of Environmental Health and Natural Resources, where he raised some issues about misrepresentation of the facts. Further, he said that he had also received some additional information from Concord today regarding this matter. Mr. Shalati said that he would like direction from the Board about what it wanted the staff to bring for its consideration.

The Manager concluded his comments by expressing his appreciation to the Board for its hard work relating to the budget this year.

COMMISSIONERS' COMMENTS:

Vice Chairman Sexton stated that it was a delight to travel to Lincoln County with members of the schools' staff, School Board Chairman, Board of Commissioners' Chairman, the County Manager, the County's Finance Director, and others to see some of the innovative ideas that Lincoln County has implemented involving school construction. He said that he believed it was a very beneficial trip where many good ideas were received.

Commissioner Pressley said that he would like to heed to the Manager's Comments regarding the proposed legislation for ETJ for the Towns of Marshville and Wingate. He then moved that the Board draft a letter stating that the Board would like to have input in the decision.

Jeff Crook, Senior Staff Attorney, stated that for local legislation to pass in the General Assembly's short session, it is supposed to be non-controversial. He suggested that if the Board opposes the proposed legislation that it make its desire known to the local legislators by official action.

Mr. Shalati suggested that if the Board wanted to take formal action at this time, it could suspend its Rules of Procedure.

Vice Chairman Sexton moved to suspend the Rules of Procedure to discuss the proposed legislation regarding ETJ. The motion was passed unanimously.

Vice Chairman Sexton stated that at the time he served as a member of the Weddington Town Council, they had approached Union County for ETJ in 1998, and the request was denied. He said that Weddington followed the process and came to the Board of Commissioners first for ETJ approval and then went to Raleigh to try and obtain legislation. Vice Chairman Sexton said that the Board of Commissioners was not informed regarding Wingate and Marshville's requests until the proposed legislation was filed in Raleigh. He said that he wholeheartedly supported Commissioner Pressley's motion and Union County's attempt to oppose the proposed legislation.

The motion to suspend the Rules of Procedure was passed unanimously.

Mr. Shalati asked that Mr. Crook suggest language opposing the proposed legislation for the Board's action.

Mr. Crook suggested that the Board authorize the Manager to send a letter to all members of the local legislative delegation in opposition to the proposed bill to grant ETJ without Board of Commissioners' approval.

Commissioner Stone offered an amendment to the motion that the Chairman be authorized to sign the letter.

Commissioner Pressley agreed to amend his motion to include the language as suggested by Mr. Crook and to accept the amendment by Commissioner Stone to authorize the Chairman to sign the letter rather than the Manager.

The motion was passed unanimously.

[The following letter was sent to each of the members of the County's legislative delegation.]

June 20, 2006

Re: Opposition to Section 1 of House Bill 2726

Representative Curtis Blackwood recently apprised me of House Bill 2726 filed on May 24, 2006, entitled "An Act Providing that the Towns of Marshville and Wingate May Exercise Extraterritorial Jurisdiction Over an Area Extending One Mile from Their Respective Limits Without the Approval of the Union County Board of Commissioners and Providing for a Delay of the Monroe City Referendum Authorized by S.L. 2005-261." For the reasons outlined below, the Union County Board of Commissioners took action on June 19, 2006, requesting that I register with you the Board's strong opposition to Section 1 of House Bill 2726 pertaining to the exercise of extraterritorial jurisdiction.

As you know, Union County has experienced tremendous growth in population. U.S. Census Bureau data shows that during the 20-year period between 1980 and 2000, Union County's population increased by more than 75%. By the year 2020, North Carolina State Demographics project Union County's population to reach 244,044, representing a 97% increase during the 20-year period between the years 2000 and 2020.

This rapid growth in population has led to many challenges that require countywide, comprehensive solutions. As you know, Union County has 14 municipalities, 12 of which exercise independent zoning and land use authority. The County is currently working hard to coordinate county and municipal growth management efforts.

Pursuant to N.C.G.S. § 160A-360, the General Assembly has previously granted to county boards of commissioners the role of approving requests by municipalities for extraterritorial jurisdiction. The vesting of this authority in the county board reflects an understanding by the Legislature that the county board must carefully weigh the interests of the entire county in determining whether it is judicious to give municipalities zoning authority over persons outside municipal limits. Section 1 of House Bill 2726 would deny the Board of Commissioners this important oversight at a critical time in Union County's history. It would also establish an unfortunate precedent that would enable municipal leaders to bypass involvement by the county board.

On behalf of the Union County Board of Commissioners, I strongly urge you to oppose Section 1 of House Bill 2726.

Sincerely,

Roger Lane, Chairman
Union County Board of Commissioners

Copies to: Members of Union County Board of Commissioners
Pete Hovanec, The Enquirer-Journal
Mike Donila, The Union Observer

Chairman Lane stated that he felt much better tonight about the schools' budget than he had at the last budget meeting when he did not think there would be three votes for the additional one million dollars.

With there being no further comments or discussion, at approximately 9:50 p.m., Commissioner Pressley moved to adjourn the regular meeting. The motion was passed unanimously with the Board members voting by rising from their chairs.