

July 10, 2006

The Union County Board of Commissioners met in a regular meeting on Monday, July 10, 2006, at 7:00 p.m. in the Commissioners' Formal Board Room, ninth floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

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

ABSENT: None

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

OPENING OF MEETING:

Chairman Lane opened the meeting, welcomed everyone present, and asked that all cellular telephones be silenced during the meeting.

a. Invocation

Chairman Lane 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

Todd Smith addressed the Board regarding the sewer rates charged the residents of Country Woods Subdivision by Heeter Utilities. He stated that he was still awaiting answers to the questions that he had asked during the Board of Commissioners' meeting of June 5, 2006, and acknowledged receipt of a copy of a letter written by Chairman Lane to Jo Anne Sanford, Chair of the North Carolina Utilities Commission.

Brian Stickley spoke concerning the need for lights on the softball and baseball fields at Weddington High School. He stated that a committee was established in connection with this matter with the Weddington Middle School Booster Club serving as the support team. Mr. Stickley provided the Board with a package containing information for a loan to provide lighting for the ballfields at the Weddington High School. He pointed out that the photographs included in the package were representative of South Mecklenburg High School, which is also in the same baseball conference as Weddington High School. He stated that Weddington High School plays in the 4A

Conference and has no lights on its baseball fields. He pointed out some of the hardships caused by the lack of lighting on the fields such as the difficulty of parents trying to travel from their work to attend the games starting at 4:00 p.m., the danger factors to the players during the games, and the Junior Varsity team having disbanded because of insufficient time to practice on the ballfields.

Mr. Stickley stated that the informational package included a plan to raise funds to provide lighting for the ballfields. He requested that the County back a loan in the amount of \$135,000 to be signed by the Weddington Booster Club, which would be responsible for the loan repayment.

Larry Sain also addressed the Board in support of the need for lighting on the ballfields at Weddington High School.

Rich Pilkington spoke concerning the lighting on the Weddington High School ballfields. He stated that he believed that having lights on the ballfields would allow both the varsity and junior varsity teams to compete at the same level with other high schools in the area and state.

Dr. Ron Hunt also addressed the Board concerning the need for lighting at the Weddington High School ballfields. He stated that he was a physician, and it was a hardship for him to attend games at 4:00 p.m. He said that he believed the loan package that the committee prepared is outstanding because it does not ask for money from the County but asks for its support. He stated that having lighting on the ballfields at Weddington High School could open up the possibility of tournaments being held at the school.

Sarah Hunt registered to address the Board during the informal comments but declined when she was called upon for her comments.

Cheryl Bennet also had registered to address the Board during the informal comments but stated that she did not wish to address the Board.

PUBLIC HEARINGS:

a. Re: Amendment to Land Use Ordinance Extending the 12-Month Moratorium on Major Residential Development

At approximately 7:38 p.m., the Chairman opened the public hearing and recognized Richard Black, Planning Division Director, to explain the proposed Amendment.

The Chairman noted that the Board would neither be asking questions of the speakers nor answering questions during the public hearing.

Mr. Black explained that the Planning Board held a special meeting on June 20, 2006, and by a vote of six to one recommended adoption of the following Amendment to the County's Land Use Ordinance:

AMENDMENT TO THE UNION COUNTY LAND USE ORDINANCE

**EXTENDING THE 12-MONTH MORATORIUM
ON MAJOR RESIDENTIAL DEVELOPMENT**

WHEREAS, pursuant to N.C.G.S. § 153A-121, the Union County Board of Commissioners (the "Board") may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, pursuant to N.C.G.S., Chapter 153A, Article 18, the Board may enact zoning and land use regulations; and

WHEREAS, pursuant to N.C.G.S. § 153A-340(h), effective September 1, 2005, the Board is expressly authorized to adopt and extend temporary moratoria on any county development approval required by law; and

WHEREAS, on August 15, 2005, the Board adopted a twelve (12) month moratorium (the "Moratorium") on Major Residential Development (defined below in Section 1 of this Amendment) based on the following conditions, which continue to exist and have, in some instances, worsened:

■ **Population Growth.** U.S. Census Bureau data shows that during the 20-year period between 1980 and 2000, Union County's population rose from 70,380 to 123,677 residents, an increase of more than 75%. For the year beginning July 1, 2003, and ending June 30, 2004, Union County's population increased from 145,980 to 153,652, making Union the 12th fastest growing county in the United States by percentage growth among counties with populations exceeding 100,000. By the year 2020, North Carolina State Demographics project Union County's population to reach 244,044, representing a 97% increase between the years 2000 and 2020.

■ **Public School Overcrowding.** Union County's rapid population increase has led to overcrowding in the County's public schools. During the 2004-2005 school year, student enrollment at over 70% of Union County's public schools exceeded capacity levels, according to an "Out-of-Capacity" worksheet prepared by the Operations Research Education Laboratory (OR/Ed. Lab) at North Carolina State University in October, 2004.

■ **New School Construction Costs.** The Union County Public Schools' Capital Improvement Plan reflects expenditures for school construction between July 1, 2006, and June 30, 2011, currently estimated at approximately Six Hundred Million Dollars, up almost Eighty Million Dollars from the Capital Improvement Plan for July 1, 2005 through June 30, 2010, in effect at the time of adoption of the Moratorium.

■ **Revenue Deficit.** According to a study completed in December, 2004 (Local Government Fiscal Impacts of Land Uses in Union County, Dorfman Consulting, December 2004), for every additional \$1.00 that Union County collects in revenues as a result of new residential growth, the County spends approximately \$1.30 in public facilities and services to accommodate that growth.

■ **Majority of Tax Revenues Spent on Education.** Educational expenditures are expected to account for 63% of the property tax revenues the County collects in 2007, as reflected in the Manager's Recommended Budget 2006-2007. This is up from 59% of property tax revenues for the 2006 budget, in effect at the time of adoption of the Moratorium. Educational expenditures account for similar percentages of the County's local option sales tax revenues and interest income.

■ **Inability to Regulate Residential Growth Within Municipalities.** There are 14 municipalities located in Union County, 12 of which have independent zoning and land use authority. Municipal governments, however, share none of the County's responsibility for funding public school facilities.

■ **Need for New Growth Strategies.** The Board has determined that a critical need exists for more effective residential growth strategies in Union County, and it is committed to developing land use regulations that will enable the County to better coordinate residential growth with the County's ability to provide adequate public

school facilities, in order to protect and promote the public health, safety, and welfare, and to maintain a high quality of life for Union County residents; and

WHEREAS, prior to adopting the Moratorium, the Board attempted alternative courses of action to address the conditions described above, including the following:

- **Impact Fees.** Adopted resolutions in 1998, 2000, and again in 2005, supporting special legislation that would enable Union County to impose impact fees upon new residential development. Authority for impact fees has not been granted.
- **Impact Tax.** Adopted a resolution in May of 2005, in support of legislation that would allow North Carolina counties to impose an impact tax on new residential development. Authority for an impact tax has not been granted.
- **Economic Development.** Established Union County Partnership for Progress, an economic development corporation, and supported the County's economic development efforts in order to encourage a greater percentage of commercial and industrial development in Union County, which would lead to increased tax revenues without the increase in demand for public schools created by residential development. UCPP has recently cautioned that its progress will be slow.
- **Density Bonus Repealed.** Repealed "Smart Growth" provisions of the Union County Land Use Ordinance that allowed subdivision developers to increase density if their projects conformed to certain subdivision design requirements, such as sidewalks, street lights, street connectivity, and storm water controls; and

WHEREAS, the Board adopted and now seeks to extend the Moratorium in order to temporarily halt further Major Residential Development approvals while the Board works to complete development of an Adequate Public Facilities Ordinance ("APFO") for public schools and to explore other possible mechanisms that would enable Union County to manage residential growth so that the demand for public school facilities created thereby does not continue to outpace the County's ability to provide such facilities; and

WHEREAS, the Board adopted and now seeks to extend the Moratorium to prevent the approval and ultimate construction of an unlimited number of Major Residential Development projects that would otherwise be approved and constructed without taking into consideration Union County's ability to provide adequate public school facilities to accommodate the demand for public schools generated by such projects, and to thereby prevent a further widening of the existing gap between increased demand for public schools and the County's ability to keep pace with that demand; and

WHEREAS, since adopting the Moratorium, the Board and its staff have worked diligently toward development of an APFO, including but not limited to the following steps:

- After mailing Requests for Proposals to 19 professional consulting firms and interviewing the top two firms, Union County engaged White & Smith, LLC (the "Consultant") to assist in the development of an APFO;
- Union County staff gave at least one APFO presentation to each of the following: Union County Homebuilders Association; Union County Board of Education; Union County Planning Board; Union County Chamber of Commerce; and Union County Partnership for Progress;
- Union County obtained a Resolution of Participation in the APFO Study Process from each of the 12 municipalities in Union County with independent zoning authority (the "Participating Municipalities");
- Representatives from Union County, the Union County Public Schools, and the Participating Municipalities formed an APFO Task Force (the "Task Force");
- The Task Force held four meetings with the Consultant, and the Task Force held an additional meeting without the Consultant, to work on APFO-related issues, including but not limited to: adequacy standards and formulas, service districts, procedures, remedies, mitigation, reservation of capacity, and exemptions;
- Union County staff also held a total of four meetings with the Consultant, in person and via teleconference, to work on APFO-related issues;
- Union County staff held two meetings with representatives from the Union County Board of Education, one of which included the Consultant, to work on APFO-related issues;
- Union County staff met an additional two times to work on the APFO;
- The Consultant presented the Board a draft APFO at the Board's meeting on June 5, 2006; and

WHEREAS, although the Board has taken all reasonable and feasible steps to adhere to the 12-month schedule set forth in the Moratorium for addressing the problems and conditions leading to adoption of the Moratorium, the APFO development process has required more meetings of the Task Force and more meetings with the Consultant than initially contemplated, the process of developing an APFO in final draft form, an exceedingly complex document, has taken longer than anticipated, and thus provision of the APFO for consideration and implementation by the Participating Municipalities, whose cooperation is critical, has been unavoidably delayed; and

WHEREAS, on June 5, 2006, and June 19, 2006, the Board approved a revised schedule for completing development of an APFO that includes the following key dates:

- July 10: Board holds APFO work session with Consultant, to include involvement of Participating Municipalities and Planning Board
- August 1: Planning Board considers APFO
- August 2 – Sept. 4: Planning Board holds additional meetings, as it deems necessary
- Sept. 5: Planning Board issues recommendations

- Sept. 6-26: Consultant finalizes and formats APFO
- Oct. 3 & 10: Notice of public hearing is published
- Oct. 16: Board holds public hearing
- Nov. 6: Board takes final action on APFO
- Nov. 7: Moratorium, as extended, expires.

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

1. The Moratorium adopted by the Board on August 15, 2005, which is currently scheduled to expire on August 15, 2006, shall be extended until November 7, 2006, or until the day following final action by the Board on the APFO if final action occurs prior to November 6, 2006 (the "Extension Period").

For purposes of this Amendment, the term "Major Residential Development" refers to any undertaking that would result in the creation of more than five residential lots or more than five dwelling units, including by way of illustration but not limitation: major subdivisions; multi-family dwellings; duplexes; apartment houses; and manufactured home parks and subdivisions. This term also refers to any undertaking that would result in the creation of more than five residential lots or more than five dwelling units if the proposed project were combined with any adjacent project approved during the Moratorium period, including the Extension Period, and sharing a common owner or developer.

The Moratorium does not apply to the following:

- A. Those projects for which a valid zoning/building, special use, conditional use, or major development permit was issued before the Board adopted the Moratorium. Such projects may be constructed in accordance with the terms of such permit, so long as the issued permit remains unexpired and unrevoked; provided, however, that if a project is intended to be constructed in phases or sections, the project may move forward only with respect to those phases or sections for which a valid zoning/building, special use, conditional use, or major development permit was issued before the Board adopted the Moratorium.
- B. Those projects for which a completed application for a zoning/ building, special use, conditional use, or major development permit was filed before the Board adopted the Moratorium, but for which the requested permit was not issued before such date, so long as the requested permit is or was issued within one year from the date of application. Such projects will be treated as though the requested permit was issued before the Board adopted the Moratorium. If a project is intended to be constructed in phases or sections, the project may move forward only with respect to those phases or sections for which a completed application was submitted before the Board adopted the Moratorium. An application shall be considered completed if the application fee has been paid, if required, and the application is in appropriate form and contains sufficient information so that it would normally be accepted for processing by the County. If the permit applied for is validly denied, or if no final action is taken on the permit application within one year of the application date due to lack of diligence on the part of the applicant, or if the permit is issued but later expires or is revoked, then all future applications regarding the subject property shall be subject to the Moratorium throughout the Moratorium period, including the Extension Period.
- C. Nursing Care Homes or Institutions; Handicapped, Aged or Infirm Homes or Institutions; Group Care Homes or Facilities; Family Care Homes; Independent Living Centers; Continuing Care Facilities; Intermediate Care Homes and Facilities; Housing for Older Persons (as defined in N.C.G.S. § 41A-6(e)(3)); Continuing Care Retirement Communities (as defined in N.C.G.S. § 58-64-1); Half-way houses; Orphanages; Sorority or fraternity living quarters; and Dormitories associated with colleges or universities.

2. Throughout the Moratorium period, including the Extension Period, all Union County departments and boards, all divisions and agencies therein, and all officers, employees, and members of the same (including but not limited to: the Planning Division Director and his staff; the Director of Inspections and his staff; the Land Use

Administrator; the Planning Board and its members; and the Board of Adjustment and its members) shall cease accepting and processing all applications or other forms of requests ("applications") for permits or other forms of approval ("permits" or "approvals") associated with Major Residential Development. Applications subject to the Moratorium include, by way of illustration but not limitation: sketch plans for major subdivisions submitted to Planning Staff; applications for major development permits for major subdivisions submitted to the Planning Board; applications for building permits for multi-family dwellings submitted to the Inspections Department; applications for special use permits for residential development projects not permitted by right in the applicable zoning district submitted to the Board of Adjustment; and sketch plans for minor subdivisions exceeding five lots submitted to the Planning Director.

3. This Amendment for an extension of the Moratorium shall become effective upon adoption and shall be incorporated into the Union County Land Use Ordinance as Appendix I.
4. To the extent that any provision of this Amendment is inconsistent, or could be construed as inconsistent, with any provision of the Union County Land Use Ordinance, such inconsistency shall be resolved in favor of the provision that most closely serves the goals of the Moratorium and this Amendment.

Adopted this the ___ day of _____, 2006.

Mr. Black stated that the proposed text amendment would extend the moratorium until November 7, 2006, or until the day following final action by the Board of County Commissioners if final action occurs prior to November 6, 2006. Mr. Black stated that the current moratorium would terminate on August 15, 2006. He explained the reason that an extension is needed on the moratorium is because the Adequate Public Facilities (APFO) process has required more meetings of the task force and the consultant than originally anticipated.

Mr. Black pointed out that the Planning Board had offered a suggestion during its meeting that if the Board decides to extend the moratorium until November 7, 2006, that the Board consider expanding the number of lots or dwelling units from five to fifteen in a development before the moratorium would be applicable. He stated that this modification was a suggestion and not a recommendation for the Board of Commissioners to consider to be effective after August 15, 2006, until November 7, 2006.

With there being no one wishing to speak either in favor of or in opposition to the amendment, the Chairman closed this public hearing.

b. Amend Section 114 Penalties and Remedies for Violations

Richard Black, Planning Division Director, stated that the Planning Board had recommended the following proposed amendment to Section 114 - Penalties and Remedies for Violations by a vote of seven to zero:

Section 114 Penalties and Remedies for Violations.

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

- (b) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special or conditional use permits, shall be subject to penalties. The following penalties are hereby established:

Warning Citation - Correct Violation Within 10 days
First Citation - ~~\$25.00~~ **\$50.00**
Second Citation - ~~\$50.00~~ **\$200.00**
Third and Subsequent Citations
For Same Offense - ~~\$100.00~~ **\$500.00**

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

- (c) This ordinance may also be enforced by any appropriate equitable action.
- (d) Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (e) In addition, pursuant to North Carolina Statute 160A-175, the County may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises.
- (f) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Mr. Black stated that the Planning Board had requested that the Land Use Administrator provide information on the amount of penalties charged by surrounding counties for violations of their ordinances. He said that the Planning Board's recommendation was to bring Union County's penalties for violations of the ordinance more in line with the surrounding counties.

With there being no one wishing to speak in favor of or in opposition to the proposed amendment, the Chairman closed the public hearing.

c. Amend Article XVI - Floodplains, Drainage, Storm Water Management

Richard Black, Planning Division Director, stated that the Planning Board by a vote of six to one had recommended the following proposed amendment to Article XVI to the Land Use Ordinance:

**ARTICLE XVI
FLOODPLAINS, DRAINAGE, STORM WATER MANAGEMENT**

Part I. Floodways and Floodplains

Terms used in Article XVI, Part I are defined in Section 15 of this Ordinance.

Section 251 Reserved

Section 252 Encroachments Artificial Obstructions Within Floodways and Floodplains Prohibited.

- (a) No artificial obstruction may be located within any floodway, except as provided in Section 253.
- (b) **No encroachments, including but not limited to (i) fill, (ii) new construction, (iii) substantial improvements (as defined in Section 254(a)), (iv) new development, and (v) artificial obstructions, may be permitted within floodways and floodplains, except as provided in Section 253.** For purposes of this section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood carrying capacity of a stream or may accumulate debris and thereby reduce the flood carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway **or floodplain** by a non-human cause.

Section 253 Permissible Uses Within Floodways and Floodplains.

- (a) Notwithstanding Article X of this chapter (Table of Uses), no permit to make use of land within a floodway **or floodplain** may be issued unless the proposed use is listed as allowed both in the Table of Uses and in the following list: **below:**
 - (1) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife and related uses.
 - (2) Ground level streets, roads, loading areas, parking areas, rotary aircraft ports, and other similar ground level area uses.
 - (3) Lawns, gardens, play areas, and other similar uses.
 - (4) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.
 - (5) **Limited crossings for driveways, streets, roads, highways, and railroad crossings and associated bridge components.**
 - (6) **Overhead and underground utility crossings where crossings should be made perpendicular to the stream to the extent practicable.**

(7) Gravity flow municipal sanitary sewers where no practicable alternative exists.

(8) Stormwater best management practices.

(9) Fences, provided that disturbance is minimized and where installation does not result in the removal of vegetation.

(10) Dam maintenance activities.

(11) Stream restoration activities.

(12) Water dependent structures.

- (b) The uses listed in subsections (a)(1) to (a)(4) are permissible only if and to the extent that they do not cause ***neither*** any increase in base flood levels, ***nor change in floodway widths or floodplain widths.***

(c) The uses listed in subsections (a)(1) to (a)(12) are permissible only if approved by FEMA, provided that such approval is required.

Section 254 Construction Within Floodways and Floodplains Restricted.

- (a) No zoning, special use or conditional use permit may be issued for any development within a floodplain until the permit issuing authority has reviewed the plans prepared by a registered architect or engineer, and bears a registered seal, for any such development to assure that:
- (1) The proposed development is consistent with the need to minimize flood damage; and
 - (2) All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to minimize or reduce exposure to flood hazards; and
 - (4) All necessary permits have been received from those agencies from which approval is required by federal or state law.

- (b) ~~(a)~~ No building may be constructed and no substantial improvement of an existing building may take place within any floodway **or floodplain**. With respect to manufactured home parks that are nonconforming because they are located within a floodway, manufactured homes may be relocated in such parks only if they comply with the provisions of subsection (i). **For purposes of this section, "substantial improvement" means any repair, reconstruction, or improvement of a building the cost of which equals or exceeds fifty percent of the market value of the structure either (i) before the improvement or repair is started or (ii) if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" occurs when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to insure safe living conditions, or (ii) any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.**
- (c) — No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated no lower than two (2) feet above the base flood level. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.
- (1) — Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent flotation, designed to have low flood potential and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (2) — Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over the top ties. When bolting to a concrete slab, one-half inch bolts six feet on center with a minimum of two per side shall be required. If over the top ties are used a minimum of two ties with a force adequate to secure the building is required.
- (3) — Service facilities such as electrical and heating equipment shall be elevated or flood-proofed.
- (d) — No new nonresidential building may be constructed and no substantial improvements of a nonresidential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated or flood-proofed no lower than two (2) feet above the base flood level. Structures located in A-zones may be flood-proofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that standards of this section are satisfied.

- (e) ~~When base flood elevation data is not available from a federal, state or other source, the lowest floor including basement, in subsection (c) or (d) above, shall be elevated at least two (2) feet above the highest adjacent grade.~~
- (f) ~~No new construction and no substantial improvements of a structure may take place within any floodplain unless fully enclosed areas below the lowest floor that are subject to flooding are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum requirements:~~
- (1) ~~A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided,~~
- (2) ~~The bottom of all openings shall be no higher than one foot above grade; and~~
- (3) ~~Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~
- (g) ~~For purposes of this section, "substantial improvement" means any repair, reconstruction, or improvement of a building the cost of which equals or exceeds fifty percent of the market value of the structure either (i) before the improvement or repair is stated or (ii) if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" occurs when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to insure safe living conditions, or (ii) any alteration of a building listing on the National Register of Historic Places or a State Inventory of Historic Places.~~
- (h) ~~No zoning, conditional, special use or major development permit may be issued for any development within a floodplain until the permit-issuing authority has reviewed plans prepared by a registered architect or engineer, and bear a registered seal, to assure that any new construction or substantial improvements shall be:~~
- (1) ~~Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.~~
- (2) ~~Constructed with materials and utility equipment resistant to flood damage.~~
- (3) ~~Constructed by methods and practices that minimize flood damage.~~
- (4) ~~Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

- (i) ~~Notwithstanding any other provision of this ordinance, no manufactured home may be located or relocated within that portion of the floodplain outside of the floodway unless the following criteria are met:~~
- (1) ~~Manufactured homes are anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the Regulations for Manufactured Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to N.C.G.S. 143.143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of this chassis is above 36 inches in height an engineering certification is required. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.~~
 - (2) ~~Lots or pads are elevated on compacted fill or by any other method approved by the administrator so that the lowest floor of the manufactured home is at or above the base flood level.~~
 - (3) ~~Adequate surface drainage and easy access for manufactured home movers is provided.~~
 - (4) ~~Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten feet apart, and if the support height is greater than seventy-two inches, the support must contain steel reinforcement.~~
 5. ~~An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the local administrator and the local Emergency Management Coordinator.~~
 6. ~~The plans for meeting the requirements of subsection 254 (b) (1) through (5) shall be prepared by a registered architect or engineer, and bear a registered seal.~~
- (j) **(b)** Whenever, **pursuant to section 253**, any portion of a floodplain is filled, ~~in with fill dirt,~~ slopes shall be adequately stabilized to withstand the erosive force of the base flood.
- (k) **(c)** A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites with special flood hazard, zones A1-30, AH, and AE on the community's FIRM, shall either:
- (1) be on site for fewer than 180 consecutive days;
 - (2) be fully licensed and ready for highway use;

- (3) meet the permit requirement and the elevation and anchoring requirements for manufactured homes in this Article, to satisfy compliance with paragraphs (b)(1) and (c)(6) of the National Flood Insurance Program Regulations, 44 C.F.R. 60.3.

Section 255 Special Provisions for Subdivisions.

- (a) An applicant for a major development permit authorizing a major subdivision and an applicant for minor subdivision final plat approval shall be informed by the administrator of the use and construction restrictions contained in Sections 252, 253, and 254 if any portion of the land to be subdivided lies within a floodway or floodplain.
- (b) Final plat approval for any subdivision containing land that lies within a floodway or floodplain may not be given unless the plat shows the boundary of the floodway or floodplain and contains in clearly discernible print the following statement: "Use of land within a floodway or floodplain is substantially restricted by Article XVI of the Union County Land Use Ordinance."
- (c) Subject to the following sentence, a major development permit for a major subdivision and final plat approval for any subdivision may not be given if:
 - (1) The land to be subdivided lies within a zone where residential uses are permissible and it reasonably appears that the subdivision is designed to create residential building lots; and
 - (2) Any portion of one or more of the proposed lots lies within a floodway or floodplain; and
 - (3) It reasonably appears that one or more lots described in subsections (1) and (2) of this subsection could not practicably be used as a residential building site because of the restrictions set forth in Sections 252, 253, and 254.

The foregoing provision shall not apply if a notice that the proposed lots are not intended for sale as residential building lots is recorded on the final plat, or if the developer otherwise demonstrates to the satisfaction of the authority issuing the permit or approving the final plat that the proposed lots are not intended for sale as residential building lots.

Section 256 Water Supply and Sanitary Sewer Systems in Floodways and Floodplains.

Whenever any portion of a proposed development is located within a floodway or floodplain, the agency or agencies responsible for certifying to the county the adequacy of the water supply and sewage disposal systems for the development (as set forth in Sections 239 and 241 of this ordinance) shall be informed by the developer that a specified area within the development lies within a floodway or floodplain. Thereafter, approval of the proposed system by that agency shall constitute a certification that:

- (a) Such water supply system is designed to minimize or eliminate infiltration of flood waters into it.

- (b) Such sanitary sewer system is designed to eliminate infiltration of flood waters into it and discharges from it into flood waters.
- (c) Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

Section 257 Additional Duties of Administrator Related to Flood Insurance and Flood Control.

The administrator shall:

- (a) Where base flood elevation data is available:
 - (1) Verify the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
 - (2) Verify, for all structures that have been flood-proofed (whether or not such structures contain a basement), the actual elevation (in relation to mean sea level) to which the structure was flood-proofed; and
 - 3) Maintain a record of all such information.
- (b) Where base flood elevation data has not been provided:
 - 1) Obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source for enforcing the requirements set forth in Part I of this article; and
 - 2) Verify and record the actual elevation constituting the highest adjacent grade, to which all new or substantially improved structures are elevated or floodproofed.
 - (3) Notify, in riverine situations, adjacent communities and the N.C. Department of Crime Control and Public Safety prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Insurance Administrator.
 - (4) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

Section 258 Location of Boundaries of Floodplain and Floodway Districts.

As used in this article, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts whose boundaries are the boundaries of the floodways and floodplains shown on the maps referenced in ~~Subsections 251(2) and (3)~~ **Section 15 Definitions of Basic Terms: Floodplain and Floodways and Section 142 Official Zoning Map**, which boundaries are intended to correspond to the actual, physical location of floodways and floodplains. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy, rather than physical, criteria.) Therefore, the administrator is authorized to make necessary interpretations as to the exact location of the boundaries of floodways or floodplains if there appears to

be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the administrator, may be appealed to the board of adjustment in accordance with the applicable provisions of this ordinance.

Section 259 Setbacks from Streams Outside Designated Floodplains.

In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to twenty feet on each side.

Section 260 Reserved.

Part II. Drainage, Erosion Control, Storm Water Management

Mr. Black explained that currently there is a no fill/no build provision within the floodway area. He stated that the Planning Board was recommending that the no fill/no build also be extended to the floodplain. He noted that there are some permissible uses under certain conditions and/or FEMA approval, such as general farming, ground level streets, parking lots, gardens, play areas, recreational areas, limited crossings for driveways and roads, overhead and underground utilities, sewer structures, fences, and things of that nature.

With there being no one wishing to address the Board either in favor of or in opposition to the proposed amendment, the Chairman closed the public hearing.

ADDITIONS, DELETIONS, AND/OR ADOPTION OF AGENDA:

Commissioner Pressley requested the addition of an item to the regular agenda to discuss the lighting proposal for the ballfields at Weddington High School. Chairman Lane stated that this item would become Item 7a on the regular agenda.

Chairman Lane requested to add an item to the regular agenda to complete the discussion and approve the Union County Public Schools' Capital Improvement Program (CIP). He stated that this item would become Item 4A on the regular agenda.

Chairman Lane moved to adopt the agenda as modified. The motion was passed unanimously.

CONSENT AGENDA:

Commissioner Stone moved to approve the items listed on the Consent Agenda. 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.

Home Land Security - Emergency Communications: Approved adding Public Safety Information Technology Manager Position, Pay Grade 70, to the County's Pay Plan and Classification System with the GIS Technician in Emergency Communications to be deleted from the County's Pay Plan and Classification System (no net increase in positions).

Health: Approved the Consolidated Agreement by and between the State of North Carolina and Union County for the period of July 1, 2006, to June 30, 2007, which specifies the responsibilities of Local Health Departments in administering programs, funding stipulations, fiscal control, personnel policies, confidentiality and civil rights.

Soil Conservation: Approved adding District Director Position, Pay Grade 69, to the County's Pay Plan and Classification System and eliminating Soil Conservation Specialist Position, Pay Grade 64, from the County's Pay Plan and Classification System (no net increase in positions).

Social Services: Approved renewal of Contract with HomeCare Management Corporation for staffing services in the amount of \$878,750.

Agreement with Union County Partnership for Progress: Authorized Chairman to execute Agreement with the Union County Partnership for Progress which provides for the continuation of the funding level contained in the prior agreement (\$62,500 quarterly) with a term of 13-months from July 1, 2006, July 31, 2007. The agreement also provides for a dollar for dollar matching provision for economic development contributions received by the Partnership beyond the annual membership dues with the County's matching contribution to be limited to \$125,000.

Register of Deeds: Approved refund of excise stamp to Griffin Brunson & Perle in the amount of \$266 because deed was filed in incorrect county.

2006 Emergency Management Performance Grant (Assists in the Cost of Developing and Maintaining a "Comprehensive Emergency Management Program): Authorized Manager to approve Agreement subject to legal approval.

Sheriff's Office: Approved renewal and amendment to Prison Health Services Agreement to continue providing onsite inmate medical care and offsite care management services extending the term of the Agreement from July 1, 2006, through June 30, 2007.

Finance Department: Approved request to write-off eight checks received by either the Health Department, Library, or Solid Waste that were returned by the banks due to non-sufficient funds totaling \$552.62.

Public Works Department: Approved Amendment #3 with EMA Resources, Inc. extending the contract period for an additional one-year period from June 6, 2006, to June 5, 2007.

Tax Administrator: Approved refunds for June 2006 in the grand total amount of \$7,050.34

REFUNDS JUNE 2006

Acct #	Name	Release #	Total
2005			
01123010	RUSSELL CECIL EARL & WIFE FLOSSIE ANN	1365	120.85
50086115	WILKES BOBBY JEAN	1370	12.71
50092986	JAX LLC	1371	3,201.30
02189001B	HAIGLER DORIS ELIZABETH	1372	12.85

03138025	FAIRCLOTH KEITH JUNIOR	1373	161.47
01123010C	RUSSELL TIMOTHY NEAL & WIFE CONNIE D	1375	562.78
01123010C	RUSSELL TIMOTHY NEAL & WIFE CONNIE D	1403	45.09
			-
Totals			4,117.05

2004			
50079847	PENNINGTON GARY D & SYLVIA H	1363	67.44
01123010	RUSSELL CECIL EARL & WIFE FLOSSIE ANN	1364	114.51
50079847	PENNINGTON GARY D & SYLVIA H	1369	50.00
03138025	FAIRCLOTH KEITH JUNIOR	1374	152.50
01123010C	RUSSELL TIMOTHY NEAL & WIFE CONNIE D	1376	531.51
50076982	FAIRCLOTH KEITH JUNIOR	1390	99.27
50081028	ASHFIELD JOHN THOMAS	1392	145.58
50077922	HART LESLIE O JR & BETTY	1394	3.18
01123010C	RUSSELL TIMOTHY NEAL & WIFE CONNIE D	1404	43.96
			-
Totals			1,207.95

2003			
01123010	RUSSELL CECIL EARL & WIFE FLOSSIE ANN	1366	311.77
01123010C	RUSSELL TIMOTHY NEAL & WIFE CONNIE D	1377	236.94
50077922	HART LESLIE O JR & BETTY	1401	3.18
01123010C	RUSSELL TIMOTHY NEAL & WIFE CONNIE D	1405	11.10
50088919	GAULDIN PATRICK W	1408	165.34
			-
Totals			728.33

2002			
01123010	RUSSELL CECIL EARL & WIFE FLOSSIE ANN	1367	275.17
01123010C	RUSSELL TIMOTHY NEAL & WIFE CONNIE D	1378	213.44
01123010C	RUSSELL TIMOTHY NEAL & WIFE CONNIE D	1406	8.45
			-
Totals			497.06

2001			
01123010	RUSSELL CECIL EARL & WIFE FLOSSIE ANN	1368	277.44
01123010C	RUSSELL TIMOTHY NEAL & WIFE CONNIE	1379	213.44
01123010C	RUSSELL TIMOTHY NEAL & WIFE CONNIE D	1407	9.07
			-
Totals			499.95

GRAND TOTAL			7,050.34
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Tax Administrator: Approved Releases for June 2006 in the grand total amount of \$2,733.43

RELEASES JUNE 2006

Acct #	Name	Release #	Total
2005			
08075014	MEDLIN THELMA H LTD PARTNERSHIP	1358	108.80
50084220	TURNER JEFFREY PAUL	1359	2.77
H8117005B	CONNELL HOYTE S & PHYLLIS	1361	107.98
50079847	PENNINGTON GARY D & SYLVIA H	1362	121.34
50089350	INTEGRATED LEASING CORPORATION	1380	6.18
50082157	THOMPSON JESSIE JAMES	1381	156.52
50091180	AUTRY DONNA CHARLENE	1383	146.72
50084535	MYRCIK NANCY	1384	134.64
50091803	COATS MICHAEL RAY	1386	10.15
50081090	CRAIG SHEILA H	1387	23.02
07129337	SQUIRES JOE HEATH & FRANCES Y	1388	138.48
50076982	FAIRCLOTH KEITH JUNIOR	1389	105.12
50081028	ASHFIELD JOHN THOMAS	1391	146.48
50077922	HART LESLIE O JR & BETTY	1393	13.64
H7144177	PETTY ALICE	1395	165.17
50074964	ELEGANT CREATIONS & CUSTOM SEWING	1396	18.02
50083377	MASTER WINDOW CLEANERS	1397	39.85
			-
Totals			1,444.88
2004			
50084220	TURNER JEFFREY PAUL	1360	2.64
50082157	THOMPSON JESSIE JAMES	1382	100.60
50084535	MYRICK NANCY	1385	136.44
50083377	MASTER WINDOW CLEANERS	1398	32.73
			-
Totals			272.41
2003			
50083377	MASTER WINDOW CLEANERS	1399	189.76
50082157	THOMPSON JESSIE JAMES	1402	116.92
			-
Totals			306.68
2002			
07006004B	HOWEY FRANKLIN W JR & SYLVIA HOWEY BYRD	1358	560.82
50083377	MASTER WINDOW CLEANERS	1400	148.64
			-
Totals			709.46
GRAND TOTAL			2,733.43

Tax Administrator: Approved First Motor Vehicle Billing in the grand total amount of \$1,021,460.60.

Tax Administrator: Approved Twelfth Motor Vehicle Refund Register in the net grand total of \$1,960.76-.

Tax Administrator: Approved Twelfth Motor Vehicle Release Register in the net grand total of \$17,214.10-.

Minutes: Approved minutes of regular meeting of May 15, 2006.

Resolution Revising Regular Meeting Schedule for August 2006: Adopted the following resolution:

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 August, 2006, and to schedule one regular meeting for an intervening time.

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 August 7, 2006, and the regular meeting of August 21, 2006; and to add a regular meeting to occur on August 14, 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 10th day of July, 2006.

Disposition of Real Property: Accepted high bid of \$1,000 from PMS Enterprises for purchase of a vacant parcel of real property owned by Union County, Tax Parcel No. 0930106C, and being a portion of Lot No. 1 of the Wriston L. Crooke Subdivision, and authorized the County Manager to enter into a purchase agreement with the buyer.

Engagement Letter with Hunton & Williams LLP for Legal Representation Associated with the Monroe Bypass Permitting Efforts: Approved engagement letter.

UNION COUNTY PUBLIC SCHOOLS CAPITAL IMPROVEMENT PLAN (CIP) (Addition to Agenda):

Chairman Lane recognized Kai Nelson, Finance Director, to address this item.

Mr. Nelson provided the Board with several versions of the Schools' Capital Improvement Plan which were designated as Plans A, B, and C. He stated that the staff acknowledges the facility needs of the Union County Public Schools as well as the academic success of the system in its ranking among the top ten percent of highest performing school systems in the State. He reminded the Board that the County must balance the school systems' needs and the needs of other County programs for which the County has the responsibility to fund with the financial capacity of the County's taxpayers. Mr. Nelson stated that the schools' CIP, as originally submitted, is far beyond the capacity of the County's financial ability to fund. He pointed out that the alternate submission of the schools labeled as "C" appears very much like Plan A except for adjustments deleting land acquisition and landbanking. He said that the schools' CIP is well beyond all measures of debt and tax burden established by the Board, credit rating agencies, and the Local Government Commission.

Mr. Nelson stated that while the County staff agrees with the facilities contained in the schools' CIP, it remains concerned over the size of the CIP and the timing sequencing of several projects. He further stated that the County staff has advocated for several years a reduction in the size of the schools' CIP through the use of facility programming changes, instructional programming modifications, such as multi-tracking, year-round schools and joint sharing of various facilities. He said that in reviewing the CIP as submitted by the schools, no tangible results are found that achieve a reduction in the size of the CIP.

Mr. Nelson reviewed proposals A (submitted by the schools), B (County's alternate submission), and C (schools' submission of July 6, 2006). He explained the tax rate implications of each of the three scenarios and reviewed some comparison benchmarks.

He addressed the request by Commissioner Stone that the staff look at the acceleration of the construction of new schools. Mr. Nelson stated that the acceleration was modeled after Plan "C" which is the adjusted Union County Public Schools' alternate submission. He noted that Elementary Schools G, H, I, (opening dates August 07), and J and K (opening dates August 08) are already included in the CIP. He stated that recognizing that design construction for elementary schools takes approximately two years and in trying to avoid a mid-year opening, these schools are not practical to accelerate. He said that Elementary Schools L, M, and N all have later scheduled opening dates, and in the model, those were accelerated to the earliest possible opening date which would be August 08. Mr. Nelson stated that Middle and High Schools C already have a scheduled opening of August 09, and with a three-year design construction, these two schools would not be practical for acceleration. He pointed out that Middle and High Schools D could be accelerated from August 09 to August 08. He stated that by accelerating construction of these five schools, there would be a savings of approximately \$7 million in construction costs. He further stated that the schools' CIP would increase to \$628 million, and if construction of the five schools were accelerated, the size of the 2006 bond referendum would increase dramatically.

Mr. Nelson explained that if these schools were constructed earlier, the net impact would be higher tax rate increases in the earlier years. He stated that two decisions were needed from the Board: 1) approve the schools' CIP; and 2) determine the size of the November 2006 bond referendum.

Following Mr. Nelson's comments, Commissioner Rushing moved to approve Alternate Submission "C" and to set the amount of the 2006 School Bond Referendum in the amount of \$254.5 million.

Mr. Nelson clarified that the motion should have an additional statement in connection with the fiscal plan to include a total tax rate increase in connection with the bonds of 11.75 percent as follows: FY 2007-2008 - 4.25 cents increase; FY 2008-2009 - 4.50 cents increase; and FY 2009-2010 - 3.00 cents increase.

Commissioner Rushing asked if these tax increases included an offset for increased growth. Mr. Nelson confirmed that the increases included the debt service management plan, which requires some estimation of growth and requires allocating approximately 25 percent of the growth for debt service.

Vice Chairman Sexton stated that education is certainly not an option, and the great school of tradition needs to be continued in Union County. He stated that he believed if Union County were ever going to get in front of the power curve, there would have to be available sites which land banking could provide which could avoid the condemnation process altogether. He said that he was going to refer to Alternate Submission "C" as Alternative "B", because that is how the Board has studied it since July 6.

Vice Chairman Sexton offered a substitute motion to approve Alternative Plan "B" to include line item 34b from Plan "A" for land banking.

Commissioner Stone stated that the basis of what makes this county great is education, whether it is schools, SPCC, or the libraries and to back away from that issue would be sad. He further stated it is also sad that the County has reached this point with its school construction, and it has taken so long to get this issue somewhat under control. Commissioner Stone said that now the County is paying the price, but the price has a good answer and that is that the quality of education is increasing every year. He stated that he was in support of Alternate Plan "B" and also for including the funds for land banking to assure that land can be purchased ahead of time and have it available so the parents know where schools will be constructed which will minimize the problems of the school board having to deal with redistricting so often.

Commissioner Pressley asked for clarification of Vice Chairman Sexton's substitute motion. He asked if the substitute motion were for Plan "C" on the information given to the Board tonight. Vice Chairman Sexton stated that his substitute motion was to approve Alternative "B" as given to the Board on July 6. Mr. Nelson stated that Alternate "C" was Alternative "B" as given to the Board on July 6.

Mr. Shalati stated that Alternate Plan "C" represents the letter and the proposal given by the school superintendent at the July 6th meeting. He explained that Plan B and Plan C are very similar. He further explained that the difference in Alternate B is that it excluded New Salem Elementary School but the letter by Dr. Davis requested that New Salem be included. Mr. Shalati stated that Alternate B also excluded Benton Heights; however, Dr. Davis had requested that Benton Heights

also be included. He further stated that CATA had been deleted from Alternate B, but Dr. Davis requested that it also be included in the CIP with the comment that it would be discussed in the future.

Mr. Nelson stated that he wanted to ask Vice Chairman Sexton if when he was referring to Alternative B was he referring to Dr. Davis' request of last Thursday. Vice Chairman Sexton stated that this was correct, and Mr. Nelson said that this was now Alternative C.

Mr. Nelson asked for a clarification of Vice Chairman Sexton's substitute motion of whether the land banking included the entire amount of \$25.32 million. Vice Chairman Sexton stated that his motion included the entire amount of \$25.32 million to not only get in front of the power curve on the land banking but also to accelerate the opening of the schools in order to eliminate redistricting so parents will know from one year to the next where their children will be attending school.

Mr. Shalati asked if the \$25.32 million were to be included in the 2006 bond referendum. Vice Chairman Sexton confirmed that this would increase the 2006 bond referendum to \$281 million.

Commissioner Rushing stated that Alternative C was what had been requested by Dr. Davis during the meeting of July 6. He said that in the discussions and questions that were asked during that meeting, it was shown that the schools are now saving two to three million dollars on the cost of construction of elementary schools. Commissioner Rushing gave the example if the schools were to save two million on construction of seven elementary schools, there would be a savings of \$14 million plus. He said that he believed the Board of Commissioners should challenge the schools to continue saving money on school construction and to allow them to spend the savings as they choose. He stated that education is not in the bricks and mortars but is in the classrooms and teachers. Further, he stated that if all the money were spent on school construction, then future Boards of Commissioners would have to make the decision to cut the funding in the classrooms, and he would choose the classrooms, not the bricks and mortars. He urged the Board to approve Alternate Plan C and not include land banking.

Chairman Lane addressed School Board Chairman Phil Martin and asked if the schools did in fact realize cost savings on school construction in the future, did Chairman Martin believe the school board would use those dollars for acquiring additional land for the future.

Chairman Martin deferred to Dr. Ed Davis, Superintendent for the Union County Public Schools, for his input on Chairman Lane's question.

Dr. Davis responded that there are no guarantees that costs savings would be realized on school construction in the future, but he assured that the schools would look at this as well as other ways in which to reduce costs. He stated that he believed the schools would look seriously at using any savings that they might realize toward land banking, because land is not only getting out of control as far as affordability but also it is becoming very scarce, particularly in those parts of the county where school construction is needed. Dr. Davis said that the schools would work as a team together with the County staff when construction cost savings are realized, after working through

the school board and the schools' facility committee, that if land banking were a priority at that particular point in time, then he did not see any reason why the schools would not exercise good judgment and do so.

Commissioner Pressley commended Dr. Davis, his staff, and the school board for the task forces that have been established to study ways to save money. He expressed his concern over the size of the proposed bond referendum. He said that he was concerned over the possibility that the bonds might fail and also about being good stewards of the taxpayers' dollars. He stated that because of these concerns, he would be supporting Alternate C without the addition of the land banking.

At approximately 8:19 p.m., Jeff Crook, Staff Attorney, requested a brief closed session with the Board.

Chairman Lane moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege pursuant to G.S. § 143-318.11(a)(3). The motion was passed unanimously.

The Board members moved to the Conference Room on the ninth floor of the Union County Government Center, where the Chairman convened the closed session. At the conclusion of the closed session, with the time being approximately 8:40 p.m., the Board members moved back into the Board Room, ninth floor, Union County Government Center, and the Chairman reconvened the regular meeting and again recognized Kai Nelson, Finance Director, for further comments.

Mr. Nelson reminded the Board of the decisions needed tonight: 1) approval of the schools' CIP; 2) set the bond referendum amount; and 3) the fiscal statement. He pointed out that if the Board chooses a plan option different from A, B, or C, he would need a brief recess to calculate the fiscal impact of that particular plan.

Dr. Davis offered that he and Chairman Martin both wished to address the Board at this time.

Chairman Martin pointed out that the school board could certainly work with Plans A, B, or C, or whatever plan the Board of Commissioners approves tonight. He said that if at all possible the Board should be in agreement, because when the bonds are presented to the community, it is very important to show that both boards are united on this issue.

Dr. Davis reiterated the comments of Chairman Martin. He said that he thought this issue was so important to the county and to the children that both boards should be united. He stated that he understood the issues involved with land banking as well as the issues concerning the size of the bond referendum. Dr. Davis said, as superintendent, he is also concerned with the size of the bond issue. He said that he thought that going to approximately a \$255 million bond referendum is a logical next step in the progression to keep up with the growth. Dr. Davis stressed that it is crucial that the two boards be united as the schools move forward in promoting the bond referendum to the public.

Commissioner Stone said that he thought he could comfortably say that the Board of Commissioners is united at least on Plan C but the question is whether the plan includes the extra component of land banking.

Chairman Lane stated that he too believed that the Board was in agreement on C, but it was a matter of whether or not to include \$25 million for land banking. He then offered a friendly amendment to Vice Chairman Sexton's substitute motion to decrease the amount included in Plan C for land banking from \$25.32 million to \$10 million.

Vice Chairman Sexton accepted the friendly amendment to his substitute motion as offered by the Chairman.

The Chairman then called for a vote on the substitute motion as amended to approve Alternate Plan C with an additional \$10 million for land banking. The substitute motion as amended passed by a vote of three to two. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted in favor of the amended substitute motion. Commissioners Pressley and Rushing voted against the amended substitute motion. [Mr. Nelson came back later in the meeting and presented the fiscal impact of Alternate Plan C adding \$10 million for land banking. See item below entitled "Continuation of Union County Public Schools' Capital Improvement Plan (CIP)].

In order to allow the Finance Director the opportunity to calculate the fiscal impact of the Board's previous action, Chairman Lane proceeded to Item #7 on the agenda.

INFORMATION LETTER REGARDING SURVEY OF STREAMS IN GOOSE CREEK AND DUCK CREEK WATERSHEDS:

Included in the agenda package was the following information letter regarding survey of streams in Goose Creek and Duck Creek Watersheds:

June 24, 2005

Re: Survey of Streams in Goose Creek and Duck Creek Watersheds

To Whom It May Concern:

The Catena Group, Inc. will be compiling information for the Towns of Fairview, Hemby Bridge, Indian Trail, Stallings, and Union County in the Goose and Duck Creek Watersheds. The purpose of this information gathering is to complete a comprehensive survey of all ditches and streams in the Goose Creek Watershed in our jurisdiction. We recognize the value in knowing more precisely how each stream is classified so that any possible future implications for our property owners will be clearly and thoroughly understood.

It is our understanding that this work will take place throughout the summer and that the information will be gathered from the public right-of-way, where possible, but that oftentimes it will be necessary to request access to private property to assess the streams on that land.

We ask for your cooperation in this important effort and thank you in advance for your efforts.

Sincerely,

Mayor/Chairman
Town of _____/Union County Commission

Commissioner Stone moved to authorize the Public Works Department to distribute the above-referenced letter to the public.

Christie Putnam, Interim Public Works Director, offered as a point of clarification that Centralina Council of Governments would be distributing the letters rather than the Public Works Department.

Commissioner Stone amended his motion to include this modification.

The motion as amended was passed unanimously.

WEDDINGTON HIGH SCHOOL LIGHTING PROPOSAL (Addition to Agenda):

Brian Stickley provided a package to the Board earlier in tonight's meeting regarding a proposed loan package to provide lighting at the Weddington High School's ballfields.

Chairman Lane asked Jeff Crook, Senior Staff Attorney, if the documents included in the package provided by Mr. Stickley were in order. Mr. Crook responded that he had not been aware that this issue would be addressed tonight. He asked for the opportunity to review the documents prior to the Board taking any action. He said that he was aware that there are limitations on guarantees by local governments.

Commissioner Pressley stated that his recommendation would be to ask Mr. Crook, the County Manager, and the Finance Director to review the documents and to ask them to bring recommendations to the Board at a future meeting. He said that he thought the proposed plan was good, and he was very proud that Mr. Stickley and the others have brought this plan forward.

Commissioner Pressley then moved to authorize Mr. Crook, Mr. Shalati, and Mr. Nelson to review the documents regarding the proposed loan package and to bring recommendations to the Board regarding their findings.

Commissioner Rushing asked Dr. Davis if there would be a way that the schools could back a loan to provide lights at Weddington High School's ballfield.

Dr. Davis, Superintendent of the Union County Public Schools, acknowledged that lights are needed for the ballfields at Weddington High School. He said that he would need clarification of whether or not Mr. Stickley and the others represent the Boosters Club. He pointed out that it has been the practice of the schools that the Booster Clubs fund these kinds of projects, and if the school system were to assist with this particular project, it would be setting a precedent. Dr. Davis said that he has had discussions with the principal at Weddington High School, and is aware that this project is on the Booster Club's list, but he is not sure where this project is on the priority list of fundraisers. He stated that if this group does not represent the Booster Club, he did not know whether they have approached the Booster Club to seek support. He said that he would follow-up tomorrow with the principal at Weddington High School. Dr. Davis emphasized that his biggest concern would be the precedent that would be set with this project. In further response to a question by Commissioner Rushing, Dr. Davis said that any time additions are made to any school property, any group has to work through the schools' maintenance department or the facilities' department, whichever the case might be, to make sure all the codes and standards are met.

Commissioner Pressley offered to provide Dr. Davis with his copy of the proposal and commented that the Weddington Middle School Athletic Booster Club is planning to donate \$10,000 as a down payment on the lights for the Weddington High School ballfields for the sixth, seventh, and eighth grades to be able to use the ballfields also.

Dr. Davis stated that he would be more than happy to review the proposal.

Commissioner Stone expressed his appreciation to Dr. Davis for addressing the Board on this issue. He said that he would argue that if the Booster Club installs lights on those fields, that it makes the day time use for the middle and elementary schools much more logical. He said that more importantly, he believed that there are several questions to be answered: 1) whether the County can in fact become involved in this project; and 2) whether or not the Parks and Recreation grant process could be a part of the equation.

Following the discussion, the motion was passed unanimously.

WORK SESSION SCHEDULED FOR 4:00 P.M. ON MONDAY, JULY 24, 2006, TO DISCUSS WATER AND SEWER MASTER PLAN AND WATER AND SEWER CAPITAL IMPROVEMENT PLAN:

Vice Chairman Sexton requested that the time of the work session scheduled for Monday, July 24, 2006, at 4:00 p.m. to discuss the water and sewer master plans and the water and sewer capital improvement plan be changed from 4:00 p.m. to 6:00 p.m. He said that it was difficult for those who work to attend meetings at 4:00 p.m.

Mr. Shalati stated that the discussion on the water and sewer issues would take a minimum of three hours and that is why staff had suggested that the meeting begin at 4:00 p.m.

By consensus, the Board agreed to change the scheduled time of the work session on Monday, July 24, 2006, from 4:00 p.m. to 6:00 p.m. with the regular meeting to begin at 7:00 p.m. and then continue the work session following the regular meeting.

At approximately 8:50 p.m., the Chairman called for a short recess.

Following the recess, the Chairman reconvened the regular meeting at 8:55 p.m.

CONTINUATION OF UNION COUNTY PUBLIC SCHOOLS CAPITAL IMPROVEMENT PLAN (CIP) (Addition to Agenda):

The Chairman recognized Mr. Nelson to continue with the presentation of the Union County Public Schools Capital Improvement Plan (CIP). Mr. Nelson stated that the schools' CIP total is now \$10 million more than shown on the Alternate Plan C which is now \$645,100,000 and the bond referendum size is now \$264,500,000. He noted that the 2008 bond referendum remains unchanged at this time. Mr. Nelson noted that the fiscal impact statement in regards to the 2006 bond referendum would be a total tax increase of 12.25 cents (increase of one-half cent with the addition of the \$10 million for land banking). He reviewed what the tax increases would be for the years of 2008 - 2010.

Mr. Nelson presented the Board with the summary of the Plans, which included "C" with Land UCPS Alternate Submission, with the fiscal impact statement as reflected in the last column on the right.

Chairman Lane moved approval of "C" with Land - Union County Public Schools Alternate Submission as recorded below which contains \$645.1 million for the Capital Improvement Plan, sets the 2006 Bond Referendum at \$264.5 million, and the 2006 bond referendum fiscal impact statement of 12.25 cents total tax increase between the years 2007 and 2011. The motion passed by a vote of three to two. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted in favor of the motion. Commissioner Rushing and Commissioner Pressley voted against the motion.

	'A' UCPS Initial Submission	'B' UC Alternate Submission	'C' UCPS Alternate Submission	'C' With Land UCPS Alternate Submission
CIP Total (Millions)	\$686.5	\$583.5	\$635.1	\$645.1
Non-Facility Capital (Millions)	\$70.4	\$59.6	\$59.6	\$59.6
% Pay Go	12%	14%	13%	13%
2006 Bond	\$383.2	\$254.3	\$254.5	\$264.5
2008 Bond	\$64.9	\$91.8	\$142.4	\$142.4
New Salem A/R	July-08	Deleted	July-10	July-10
Benton Heights A/R	July-09	Deleted	July-10	July-10
Wesley Chapel A/R	September-08	September-08	September-08	September-08
MHS Athletic Stadium	June-08	June-08	June-08	June-08
WHS Stadium Upgrade	July-08	July-08	July-08	July-08
Land Banking	Yes	No	No	Yes - \$10M
Land Acquisition	Complete 07/08	Complete 07/08	Complete 07/08	Complete 07/08
CATA Stadium	January-10	Deleted	January-10	January-10
ES 'M'	July-10	July-11	July-10	July-10

ES 'N'	July-10	July-12	July-10	July-10
Tax Rate				
Total Tax Rate	19.5	14.5	17.25	17.75
Increase				
Percent Increase	31%	23%	27%	28%
FY2007-2008	5.00/68.67	4.25/67.92	4.25/67.92	4.50/68.17
FY2008-2009	5.25/73.92	4.50/72.42	4.50/72.42	4.50/72.67
FY2009-2010	5.25/79.17	4.00/76.42	4.25/76.67	4.50/77.17
FY2010-2011	4.00/83.17	1.75/78.17	4.25/80.92	4.25/81.42
Tax Rates (FY2005/2006)				
Union	63.00	63.00	63.00	63.00
Effective Rate	59.60	59.60	59.60	59.60
Counties > 100,000	67.44	67.44	67.44	67.44
Effective Rate	63.94	63.94	63.94	63.94
P&I/Expenses (< 20%)	26.68%	24.39%	25.58%	25.79%
Debt Per Capital (< \$2,500)	\$3,849	\$3,375	\$3,620	\$3,663
% Debt Paid in 10 yrs (> 50%)	50.89%	51.94%	51.26%	51.21%
LGC - Per Capita (at 6/2005)				
100,000 to 249,999 Average	\$1,073	\$1,073	\$1,073	\$1,073
100,000 to 249,999 High	\$2,604	\$2,604	\$2,604	\$2,604
250,000 and Over Average	\$1,957	\$1,957	\$1,957	\$1,957
250,000 and Over High	\$2,704	\$2,704	\$2,704	\$2,704
2006 Bond Referendum				
Total Tax Rate	16.5	11.75	11.75	12.25
Increase				
Percent Increase	26%	18%	18%	19%
FY2007-2008	5.00/68.67	4.25/67.92	4.25/67.92	4.50/68.17
FY2008-2009	5.00/73.67	4.50/72.42	4.50/72.42	4.50/72.67
FY2009-2010	5.00/78.67	3.00/75.42	3.00/75.42	3.25/75.92
FY2010-2011	1.75/80.42			

UNION COUNTY PUBLIC SCHOOLS - November 7, 2006, General Obligation Bond Referendum:

Jeff Crook, Senior Staff Attorney, referred to Item 5a and recommended the following change in the resolution:

"WHEREAS, the Board of Commissioners (the "Board") of the County of Union County Carolina (the "County") is considering the issuance of general obligation bonds of the County which shall be for the following purposes and in the following maximum amounts:

\$264,500,000 of bonds to pay the costs of providing for the construction, renovation, improvement, equipping and furnishing of public school facilities within the County, including the acquisition of land or rights-of-way *for current or future use*, if necessary"

Chairman Lane moved to amend the following resolutions contained in Agenda Items a, b, and c to include the suggested change by Mr. Crook: a) Resolution of the Board of Commissioners of the County of Union, North Carolina Authorizing the Finance Director to Apply to the Local Government Commission for Approval of the County's Proposed General Obligation School Bond Financing and to Submit Such Application to the Local Government Commission; b) Resolution of the Board of Commissioners of the County of Union, North Carolina Directing the Publication of Notice of Intention to Apply to the Local Government Commission for Approval of Bonds; and 3) Resolution of the Board of Commissioners of the County of Union, North Carolina Making Certain Statements of Fact Concerning Proposed Bond Issue.

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.

Mr. Crook requested that the approved language be changed accordingly in each of the resolutions.

Commissioner Stone moved adoption of the following resolutions in block, and 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.

a. Resolution of the Board of Commissioners of the County of Union, North Carolina Authorizing the Finance Director to Apply to the Local Government Commission for Approval of the County's Proposed General Obligation School Bond Financing and to Submit Such Application to the Local Government Commission

RESOLUTION

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION,
NORTH CAROLINA AUTHORIZING THE FINANCE DIRECTOR TO APPLY TO THE
LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE COUNTY'S PROPOSED
GENERAL OBLIGATION SCHOOL BOND FINANCING AND
TO SUBMIT SUCH APPLICATION TO THE LOCAL GOVERNMENT COMMISSION**

WHEREAS, the Board of Commissioners (the "*Board*") of the County of Union, North Carolina (the "*County*") proposes to set a public hearing on the following Bond Order entitled:

**"BOND ORDER AUTHORIZING THE ISSUANCE OF \$264,500,000 GENERAL
OBLIGATION SCHOOL BONDS OF THE COUNTY OF UNION, NORTH
CAROLINA"**

WHEREAS, it is necessary, as a condition to the consideration and adoption of the Bond Order, to submit an Application to the Local Government Commission for Approval of the Bonds, all in the manner required by The Local Government Bond Act.

NOW, THEREFORE, be it resolved by the Board that the Finance Director of the County is hereby directed to file with the Local Government Commission an application for its approval of the general

obligation school bonds hereinbefore described, on a form prescribed by said Commission, and (1) to request in such application that said Commission approve the County's use of Parker Poe Adams & Bernstein LLP of Charlotte, North Carolina, as bond counsel for the County, and (2) to state in such application such facts and to attach thereto such exhibits in regard to such general obligation school bonds and to the County and its financial condition, as may be required by said Commission.

BE IT FURTHER RESOLVED that this Resolution is effective on the date of its adoption.

READ, APPROVED AND ADOPTED this 10th day of July, 2006.

S/Lynn G. West

s/Roger Lane

Clerk to the Board of Commissioners

Chairman of the Board of Commissioners

**b. Resolution of the Board of Commissioners of the County of Union, North Carolina
Directing the Publication of Notice of Intention to Apply to the Local Government
Commission for Approval of Bonds**

RESOLUTION

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE COUNTY OF UNION, NORTH CAROLINA
DIRECTING THE PUBLICATION OF NOTICE OF INTENTION
TO APPLY TO THE LOCAL GOVERNMENT
COMMISSION FOR APPROVAL OF BONDS**

WHEREAS, the Board of Commissioners (the "*Board*") of the County of Union, North Carolina (the "*County*") is considering the issuance of general obligation bonds of the County which shall be for the following purposes and in the following maximum amounts:

\$264,500,000 of bonds to pay the costs of providing for the construction, renovation, improvement, equipping and furnishing of public school facilities within the County, including the acquisition of land or rights-of-way for current or future use, if necessary

NOW, THEREFORE, BE IT RESOLVED by the Board that the Clerk to the Board is hereby directed to cause a copy of the "**NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS**" to be published in *The Enquirer-Journal* on or about July 12, 2006.

READ, APPROVED AND ADOPTED this 10th day of July, 2006.

Clerk to the Board of Commissioners

Chairman of the Board of Commissioners

**NOTICE OF INTENTION TO APPLY TO THE
LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS**

NOTICE IS HEREBY GIVEN of intention of the undersigned to file application with the Local Government Commission, Raleigh, North Carolina for its approval of the issuance of general obligation bonds of the County of Union, North Carolina which shall be for the following purposes and in the following maximum amounts:

\$264,500,000 of bonds to pay the costs of providing for the construction, renovation, improvement, equipping and furnishing of public school facilities within the County, including the acquisition of land or rights-of-way for current or future use, if necessary

Any citizen or taxpayer of the County of Union, North Carolina objecting to the issuance of any or all of said bonds, within 7 days after the date of publication of this notice, may file with the Local Government Commission, 325 N. Salisbury Street, Raleigh, North Carolina 27603, Attention: Secretary, and with the undersigned a written statement setting forth each objection to the proposed bond issue and such statement shall contain the name and address of the person filing it.

BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA

/s/ Lynn West
Lynn West
Clerk to the Board of Commissioners
County of Union, North Carolina

c. Resolution of the Board of Commissioners of the County of Union, North Carolina Making Certain Statements of Fact Concerning Proposed Bond Issue

RESOLUTION

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE COUNTY OF UNION, NORTH CAROLINA
MAKING CERTAIN STATEMENTS OF FACT
CONCERNING PROPOSED BOND ISSUE**

WHEREAS, the Board of Commissioners (the "*Board*") of the County of Union, North Carolina (the "*County*") is considering the issuance of bonds of the County which shall be for the following purposes and in the following maximum amount:

\$264,500,000 of bonds to pay the costs of providing for the construction, renovation, improvement, equipping and furnishing of public school facilities within the County, including the acquisition of land or rights-of-way for current or future use, if necessary

WHEREAS, certain findings of fact by the Board must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Section 159-52 the North Carolina General Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Board, meeting in open session on the 10th day of July, 2006, has made the following factual findings in regard to this matter:

A. **Facts Regarding Necessity of Proposed Financing.** The proposed bonds are necessary and expedient to pay the costs of providing for the construction, renovation, improvement, equipping and furnishing of public school facilities within the County, including the acquisition of land or rights-of-way, if necessary.

B. **Facts Supporting the Amount of Bonds Proposed.** The sums estimated for these bonds are adequate and not excessive for the proposed purposes. Estimates for the proposed construction, renovation, improvement, equipping and furnishing have been carefully analyzed and determined by persons knowledgeable about the construction and renovation.

C. **Past Debt Management, Procedures and Policies.** The County's debt management procedures and policies are excellent and have been carried out in compliance with law. The County employs a Finance Director to oversee compliance with applicable laws relating to debt management. The Board requires annual audits of County finances. In connection with these audits, compliance with laws is reviewed. The County is not in default in any of its debt service obligations. The County Attorney reviews all debt-related documents for compliance with laws.

D. **Past Budgetary and Fiscal Management Policies.** The County's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the Board before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the Board at regular Board meetings. The Finance Director presents financial information to the Board which shows budget to actual comparisons annually and otherwise as the County Manager deems necessary or as a member of the Board may request.

E. **Increase in Taxes; Retirement of Debt.** The schedule for issuing the bonds will require a property tax increase to pay principal and interest on the bonds, but the increase in taxes necessary to pay the proposed debt service will not be excessive. The schedule for issuance anticipates issuing all of the bonds in one or more series in fiscal years 2007 through 2009.

F. **Schedule for Special Referendum.** A special referendum for the approval of the bonds by the voters of the County will be scheduled for November 7, 2006.

READ, APPROVED AND ADOPTED this 10th day of July, 2006.

S/Lynn G. West
Clerk to the Board of Commissioners

s/Roger Lane
Chairman of the Board of Commissioners

COUNTY CIP 2006-2011:

a. Capital Project Ordinance Amendment and Budget Amendment Providing for the Partial Funding of the Approved CIP

Chairman Lane moved adoption of Capital Project Ordinance (CPO) Amendment #53 to provide partial funding of the County's 2006 CIP and approval of Budget Amendment #1 to the General Fund and Debt Service Reserve Fund Budget increasing **General Fund:** Interfund Transfer from General CPO Fund by \$263,178 and Interfund Transfer to General CPO Fund by \$263,178 and **Debt Service Reserve Fund:** Fund Balance Appropriated by \$4,136,882 and Interfund Transfers to General CPO Fund by \$4,136,882. Explanation: **General Fund:** Appropriate balance

of COP's projects' proceeds savings to the General Fund to cover COP's debt service and appropriate transfer to General CPO Fund for Government Facilities' renovations. **Debt Service Reserve Fund:** Appropriate fund balance for transfer to General CPO Fund for Government Facilities' renovations related to UCPS usage.

Commissioner Pressley asked Mr. Nelson to explain this item. Mr. Nelson stated that on June 26, 2006, the Board approved the County's Capital Improvement Plan. He explained that Capital Project Ordinance #53 appropriates partial funding to various projects including the Government Complex renovations, engineering and land associated with the relocation of the EOC, E-911, and Fire Marshal's Office, approves architect and engineering contract of approximately \$350,000 only in connection with the southwestern regional library, continues the design portion of the Union County Jail Expansion, funds not only the purchase of the property for the firearms range but also the construction of facility, and miscellaneous other projects such as North District Park etc.

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

MANAGER'S COMMENTS:

There were no comments by the Manager.

COMMISSIONERS' COMMENTS:

There were no comments by Commissioner Rushing.

Vice Chairman Sexton stated that there had been a number of difficult decisions made by the Board tonight. He said that he believed that the Board has made those decisions with as much due diligence as possible. He stated that there had been monumental efforts put forth by the staff, consultant, and the towns in connection with the draft Adequate Public Facilities (APFO) document. He expressed appreciation to everyone who has had a part in working on the proposed APFO document thus far.

Commissioner Pressley thanked the Manager for providing him with the information necessary to make decisions regarding the County's CIP and the Schools' CIP, since he had been unable to attend several of the special meetings where this information was presented, because he was on a mission trip to Florida assisting some of the victims of Hurricane Katrina.

Chairman Lane stated that after receiving several letters from citizens, he had investigated for himself and was pleased to say that he has great confidence that the method of using concentrated carbon monoxide is the most efficient and most humane system possible to put down animals at the County's shelter.

Chairman Lane shared statistics on the building permits for June 2006 showing that approximately 84 percent of the total \$95 million in building permits issued for new construction was for residential and 16.2 percent was for commercial.

Suspension of Rules of Procedure to Discuss Sewer Service to School:

Commissioner Stone moved to suspend the Board's Rules of Procedure to discuss sewer service to the schools.

He stated that Commissioner Rushing had commented on this issue during past meetings. Commissioner Stone said that he had become involved with this issue as it related to the Crane Road Schools.

The motion to suspend the Board's rules of procedure was passed unanimously.

Commissioner Stone stated that he wanted to continue the discussion that had been brought up by Commissioner Rushing in previous meetings that if major sewer lines are run alongside of schools, large amounts of residential growth is encouraged, which would immediately take up the available student school capacity.

Following his comments, Commissioner Stone moved that the County move forward with a process, which would be to the County's advantage, to require that all schools not being built directly over or next to an existing gravity flow sewer line utilize a pressure main, wherever possible, that would leave the school and go straight to the sewer line, making it unaffordable or impossible for anyone to connect to the sewer line.

Mr. Shalati responded that while he agreed with Commissioner Stone, the County staff and school staff met today to discuss another issue, whereby the City of Monroe is requiring the schools to extend a gravity sewer line as a condition for the schools to connect to the City's sewer. He suggested that Commissioner Stone consider amending his motion to make it applicable to "all schools within the County's control." He explained that if the statement is made to apply to all county schools, the County might not be able to enforce that condition. Mr. Shalati further suggested that the Board could direct the staff to follow this direction where the utilization of a pump station and a force main would be more economical. He stated that there might be situations where manholes are located 100 or 200 feet away, and it would be more economical to extend a gravity line versus having a pump station and a force main which would have to be maintained.

Mr. Shalati said that he supported Commissioner Stone's motion from the staff's standpoint, but cautioned against creating conditions that the County might not be able to meet.

At Mr. Shalati's suggestion, Commissioner Stone amended his motion to state "within the purview of where the County is not asked to do anything as it relates to municipalities." He stated that installing a two-inch sewer line is infinitely less expensive than installing a twelve-inch line. He said that if a school is extremely close to a gravity main, the sewer flow could go by gravity but the gravity main has to be located within a very short distance of the school.

Mr. Shalati asked if the intent of Commissioner Stone's motion was to use a pump station and force main if it would be less expensive. Commissioner Stone responded that his intent was the use of a pump station and force main, because it would never be more expensive to use a force main.

Mr. Shalati pointed out that it would be more expensive if a pump station had to be built. Commissioner Stone stated that he believed he had been very clear that gravity mains would be used only when they are located close enough to the schools to make it feasible.

Commissioner Rushing questioned who would be responsible for maintaining the pump stations. Mr. Shalati responded that the County would have to be in charge of maintaining the pump stations.

Commissioner Pressley commented that he thought the Public Works Department wanted to get out of the pump station business. He said that the pump stations have to be monitored and manned. Mr. Shalati stated that Public Works would do whatever the Board directs. He said that he understood the spirit of Commissioner Stone's motion and suggested that the Board direct the Manager to follow the spirit of the Board's intent and he would make sure that the staff follows that intent. He stated that he was concerned that there might be situations where it would not be feasible to use force mains and pump stations every time.

Vice Chairman Sexton said that he supported the spirit and intent of the motion because if it is not a pressurized line, there could be another 300-home subdivision creating the boon doggle that the County has been trying to resolve for the last two years with the APFO and other growth management tools. He said that this was one way that the County could have its destiny in its hands by implementing some requirements and not allow any more piggybacking on the backs of the taxpayers. He stated that he thought the motion was a good idea and should have been done long ago.

Commissioner Rushing said that a pressurized line would limit commercial development along the line. He suggested allowing the staff to provide sewer service to the schools in the most efficient way.

Commissioner Pressley stated that he did not believe the State would allow a pump station to be constructed if a gravity line could be used.

Mr. Shalati responded that the State might question why a pump station should be constructed, but said that the State would allow the County to construct pump stations. He said the point was that a pump station might not be economically feasible in all situations.

Commissioner Pressley stated that he did not believe that pump stations are the right answer. He further said that he thought there were other ways to accomplish the same spirit intended in the motion.

Commissioner Rushing stated that there have been proposals about reimbursement of costs for connecting to the sewer lines. Mr. Shalati responded that a policy would need to be in place for

cost reimbursement that could be applicable to everyone. He stated that if a policy were to allow the schools to receive reimbursement, then the private sector should also be allowed to receive reimbursements. Mr. Shalati confirmed that no such policy was in place at this time.

Chairman Lane stated that he wanted sewer to be provided to the schools in the most efficient and cost containing way.

Commissioner Stone shared that recently with the Crane Road school projects, there was to be a gravity sewer line run through three very nice tracts of property that would have split the property and ruined its value. He said that by simply adding a pressure line from those schools across the intersection to another line eliminated the problem and the possibility of other flows discharging into that sewer system. He stressed that it would be to the County's advantage to reduce the ability of mandatory connections to gravity lines whenever possible.

Following further discussion, Commissioner Stone called the question on the motion. [no vote was taken on the motion to call the question.]

A vote was then taken on the motion. 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.

With there being no further comments or items for discussion, at approximately 9:35 p.m., Commissioner Pressley moved to adjourn the meeting. The motion was passed unanimously with the members voting by rising from their chairs.