

September 5, 2006

The Union County Board of Commissioners met in a regular meeting on Tuesday, September 5, 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 (joined the meeting at approximately 7:10 p.m.), 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, Public Works Director, Kai Nelson, Finance Director, Brett Vines, Public Information Officer, Don Perry, County Attorney, 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.

***b. Informal Comments***

Lisa Bennett, a resident of Grover Moore Place, asked to be placed on the agenda to request a sewer permit for that neighborhood and to develop a plan to make it affordable for the residents of Grover Moore Place to be hooked onto the County's sewer.

She stated that the development around their neighborhood has dumped more water into their neighborhood, which has worsened the condition in their community. Ms. Bennett stated that the name of the subdivision where she resides is Indian Trail Park.

Ron Bennett also addressed the Board regarding the request of the residents of Grover Moore Place for County sewer. He asked that the Board consider this community for a sewer permit.

David Gordon also spoke regarding a sewer permit for the Grover Moore Place community. He asked that the County and the Town of Indian Trail review the request to determine if there is anything that can be done to help the residents.

Commissioner Pressley joined the meeting at this time.

Fern Shubert addressed the Memorandum of Understanding discussed by the Board during the August 14<sup>th</sup> meeting. She stated that the towns met without County representation during part of the meetings, which she said had led to some confusion. She said that during the August 14<sup>th</sup> meeting the issue was raised as to whether or not the towns recognized that the Memorandum that they were signing stated "no fill in the floodplain jurisdiction wide." Ms. Shubert stated that the towns did understand that language was in the Memorandum.

She stated that Indian Trail has adopted that ordinance and that she understands that the County has adopted an ordinance. She commended the Board for adopting the ordinance, because she stated it is a fact of nature that if it is filled in the floodplain in one place, the water is going somewhere else. Ms. Shubert further said that people are filling the floodplain with building and flooding land that has never flooded before. She stated that she believes it is important to protect the existing residents before accommodating new construction. She reiterated that the Towns have addressed the language in the Memorandum, and recommended that since the language of the Memorandums that all of the towns have adopted is consistent with what the County has adopted in its ordinance on no fill in the floodplain, that the language in the Memorandum to be signed by the County not be modified.

**PUBLIC HEARING - TEXT AMENDMENT TO ARTICLE X, SECTION 146 TABLE OF USES - AMPHITHEATER AND UTILITY FACILITIES, ELECTRIC SUBSTATIONS:**

At approximately 7:14 p.m., the Chairman opened the public hearing and recognized Richard Black, Planning Division Director, to explain the proposed amendment to the County's Land Use Ordinance.

***Proposed Text Amendment: Amend under Article X, Section 146 Table of Uses, as follows:***

***Amphitheater: in zoning districts RC-80, RA-40, R-40, R-20, RA-20, R-15, R-10, R-8 and R-6 change to S (special use), the remaining districts shall stay as listed.***

***Utility Facilities, Electric Substations: in zoning districts R-20, RA-20, R-15, R-10, R-8, and R-6 change to S (special use), the remaining districts stay as listed. Supplemental regulations apply in all zoning districts.***

Mr. Black stated that on August 2, 2006, the Planning Board had requested that staff pull together all of the non-residential uses allowed by right in residential districts.

He said that there were approximately 31 non-residential uses that were allowed by right in residential districts. He stated that the Planning Board reviewed those uses to determine if the uses were appropriate by right in residential districts, and from the 31 uses, the Planning Board selected two uses that it thought should have more strenuous requirements.

Mr. Black pointed out that the first use selected by the Planning Board to have more strenuous requirements was amphitheatres which are currently allowed by right in all residential districts and in all business districts but not allowed in office or industrial. He stated that the Planning Board had recommended that amphitheatres change from by right to a special use permit in all residential districts.

He said that the Planning Board had also selected utility facilities, electric substations to have more strenuous requirements. Mr. Black stated that currently electric substations are allowed by right in all districts, and the Planning Board recommended that electric substations still be allowed by right in the RA-40 and the R-40 and in all of the non-residential districts. Further, he stated that the Planning Board recommended that electrical substations change from being allowed by right to a special use permit in the RA-20, R-20, R-15, R-10, R-8, and R-6, all of the residential districts except RA-40 and R-40. Mr. Black said that the vote for the Planning Board's recommendation to amend the Table of Permitted Uses under the County's Land Use Ordinance at the August 2<sup>nd</sup> meeting had been a five to zero vote.

Mr. Black stated that the Planning Board had asked staff also to look at these uses in surrounding counties. He said that Iredell and Lincoln Counties do not allow electrical substations in residential districts, and Gaston and Cabarrus Counties allow electrical substations in all residential districts with a conditional use permit. Further, he said that Anson County allows electrical substations in all residential districts with supplemental regulations similar to Union County, and Mecklenburg County allows them in all residential districts with supplemental regulations that are somewhat less strenuous than Union County. He explained that Stanly County is a combination whereby it allows electrical substations in RA districts and big R-40 districts and by a special use permit in the RA-20, R-15, R-10 and R-8.

Following the explanation by Mr. Black, the Chairman asked if there was anyone in the audience who wished to speak in favor of or in opposition to the proposed text amendment. With there being no one wishing to comment during the public hearing, at approximately 7:18 p.m., the Chairman closed the public hearing.

**PUBLIC HEARING CONCERNING THE APPROVAL OF THE EXECUTION AND DELIVERY OF THE CONTRACT AND THE DEED OF TRUST IN CONNECTION WITH AN INSTALLMENT FINANCING CONTRACT FOR THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF CERTAIN UNION COUNTY PUBLIC SCHOOLS PROJECTS:**

At approximately 7:19 p.m., the Chairman opened the public hearing and recognized Kai Nelson, Finance Director, to introduce this item.

Mr. Nelson advised the Board that later on the agenda, the Board would be requested to adopt a Resolution authorizing the Chairman and various other county officials to execute an installment financing contract which provides for the construction of various school projects. He noted that North Carolina General Statutes require the Board to conduct a public hearing concerning that contract in advance of formally taking votes.

Following the introduction of the item by Mr. Nelson, the Chairman asked if there was anyone in the audience who wished to speak in favor of or against this matter. With there being no one who wished to address the Board during the public hearing, at approximately 7:20 p.m., the Chairman closed the public hearing.

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

Chairman Lane moved to add an item to the regular agenda to designate Commissioner Stone as the voting delegate at the North Carolina Association of County Commissioners' annual conference in the Chairman's absence. The motion was passed unanimously. Chairman Lane stated that this item would become 12a on the regular agenda.

Commissioner Rushing moved to add an item to the regular agenda for discussion and direction to staff regarding the request by the residents of Grover Moore Place heard during the informal comments. The motion was passed by a vote of four to one. Chairman Lane, Vice Chairman Sexton, and Commissioners Pressley and Rushing voted in favor of the motion. Commissioner Stone voted against the motion.

Commissioner Stone stated that he had wanted to add that request to the Board's September 18<sup>th</sup> agenda and have it to be a meaningful discussion rather than to discuss it tonight when there was no information to discuss.

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

**CONSENT AGENDA:**

Commissioner Stone moved to approve the items listed on the Consent Agenda. The motion was passed unanimously.

***Minutes:*** Approved minutes of regular meetings of July 24, 2006, and August 14, 2006, and Special Meeting of June 5, 2006

***Sheriff's Office:*** Approved Budget Amendment #10 increasing Operating Expense by \$106,248 and Revenue by \$95,627 and decreasing Operating Expense by \$10,521 and

approved an increase in position authorization for the Sheriff's Office from 221.8 FTE to 223.8 FTE.

***Sheriff's Office:*** Approved Contract Amendment #1 to an Agreement with the Village of Lake Park to add an additional contract deputy for Lake Park; approved Budget Amendment #9 increasing Operating Expense by \$55,920 and Revenue by \$50,330 and decreasing Operating Expense by \$5,590; and approved increasing position authorization from 223.8 FTE to 224.8 FTE.

***Health Department-Family Planning Program:*** Approved Budget Amendment #11 increasing Operating Expense by \$14,572 and Revenue by \$14,572 to appropriate additional revenue received from the State.

***Tax Administrator:*** Approved Third Motor Vehicle Billing in the grand total amount of \$1,023,443.72.

***Tax Administrator:*** Approved monthly departmental report for July 2006.

***Proclamation Proclaiming September 2006 as Union County Preparedness Month:*** Adopted the following Proclamation:

**PROCLAMATION BY THE UNION COUNTY  
BOARD OF COMMISSIONERS  
PROCLAIMING SEPTEMBER 2006  
UNION COUNTY PREPAREDNESS MONTH**

WHEREAS, the Atlantic Ocean is half way through a 20 year periodic cycle of heightened hurricane activity; and

WHEREAS, in the last five years North Carolina has been struck by nearly 200 tornadoes, more than 3000 severe thunderstorms, 14 tropical systems, and numerous blizzards, crippling ice storms and intense heat, and;

WHEREAS, Union County is vulnerable to all types of severe weather and is also at risk for earthquakes, contagious diseases, and terrorism; and

WHEREAS, Union County citizens must be ready year-round for natural and man-made disasters that might disrupt their normal daily activity; and

WHEREAS, people should be prepared in their homes, businesses and schools and have a plan for each location on what to do and where to go if a disaster occurs; and

WHEREAS, citizens should help the elderly and those who cannot help themselves; and

WHEREAS, citizens should include the safety of their pets or livestock in their emergency plans;

WHEREAS, the state has developed a website – [ReadyNC.org](http://ReadyNC.org) and [ListoNC.org](http://ListoNC.org) – to help residents with their emergency preparedness plans; and

WHEREAS, the N.C. Department of Crime Control and Public Safety, the Union County Emergency Management Department, Citizen Corps and the U.S. Department of Homeland Security have collaborated to recognize September as National Preparedness Month to inform and educate North Carolinians about the importance of being prepared;

NOW, THEREFORE, let it be resolved that the Union County Board of Commissioners does hereby proclaim the month of September 2006 as "**Union County Preparedness Month**" and call upon our citizens interested groups to observe the month with appropriate ceremonies and activities that promote citizen preparedness and staying safe.

Adopted this 5<sup>th</sup> day of September, 2006.

ATTEST:

s/Lynn G. West, Clerk to the Board

s/Roger Lane, Chairman

**Information Only:** The Personnel Report for August 2006 was included in the agenda package which required no action by the Board.

**PUBLIC SCHOOLS INSTALLMENT FINANCING CONTRACT:**

Vice Chairman Sexton moved adoption of the following resolution (the "*Resolution*"), a copy of which was available with the Board and which was read by title:

**RESOLUTION OF THE COUNTY OF UNION, NORTH CAROLINA  
APPROVING AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR  
THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF  
CERTAIN PROJECTS SET FORTH THEREIN**

*WHEREAS*, the County of Union, North Carolina (the "*County*") is a political subdivision validly existing under the Constitution, statutes and laws of the State (the "*State*");

*WHEREAS*, the County has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment financing contracts to finance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

*WHEREAS*, the Board of Commissioners of the County (the "*Board of Commissioners*"), has previously determined that it is in the best interest of the County to enter into (a) an installment financing contract with the Union County Public Facilities Corporation, a North Carolina nonprofit corporation (the "*Corporation*"), in order to pay all or a portion of the capital costs of the (1) acquisition of land for elementary schools

“G,” “H” and “I,” (2) construction and equipping of elementary schools “G,” “H” and “I,” Rock Rest Elementary School, Wolfe Elementary School, Marvin Ridge Middle School, Marvin Ridge High School and middle and high schools “C” and (3) construction and equipping of health and education classrooms as Forest Hills, Monroe, Parkwood, Piedmont and Sun Valley High Schools (collectively, the “*Projects*”) and (b) a deed of trust and security agreement (the “*Deed of Trust*”) related to the County’s fee simple interest in the real property on which Marvin Ridge Middle School and Marvin Ridge High School will be located (the “*Site*” and collectively with Marvin Ridge Middle School and Marvin Ridge High School, the “*Mortgaged Property*”);

*WHEREAS*, the County has determined that it would be in the best interest of the County to enter into an Installment Financing Contract dated as of October 1, 2006 (the “*Contract*”) between the County and the Corporation in order to pay the capital costs of the Projects;

*WHEREAS*, in order to secure the County’s obligations under the Contract, the County will enter into the Deed of Trust and will execute North Carolina Uniform Commercial Code Financing Statements related to the Mortgaged Property;

*WHEREAS*, the Corporation will execute and deliver Certificates of Participation, Series 2006, Evidencing Proportionate Undivided Interests in Rights to Receive Certain Revenues Pursuant to the Contract (the “*2006 Certificates*”);

*WHEREAS*, in connection with the sale of the 2006 Certificates by the Corporation to Wachovia Bank, National Association, Citigroup Global Markets Inc. and Banc of America Securities LLC (the “*Underwriters*”), the Corporation will enter into the Contract of Purchase (hereinafter defined) and the County will execute a Letter of Representation to the Underwriters (the “*Letter of Representation*”);

*WHEREAS*, there have been described to the Board of Commissioners the forms of the following documents (collectively, the “*Instruments*”), copies of which have been made available to the Board of Commissioners, which the Board of Commissioners proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

- (1) the Contract;
- (2) the Deed of Trust;
- (3) the Indenture of Trust dated as of October 1, 2006 (the “*Indenture*”) between the Corporation and Branch Banking and Trust Company, as trustee;
- (4) the Lease dated as of October 1, 2006 (the “*Lease*”) County to the Union County Board of Education;

(5) the Contract of Purchase to be dated on or about October 26, 2006 between the Corporation and the Underwriters (the “*Contract of Purchase*”); and

(6) the Letter of Representation;

*WHEREAS*, the County and the Union County Board of Education have entered into an Amended and Restated Contract dated August [ ], 2006, providing, among other matters, for the construction and other accomplishment of the schools in the County, including the Mortgaged Property; and

*WHEREAS*, to make an offering and sale of the 2006 Certificates, there will be prepared a Preliminary Official Statement (the “*Preliminary Official Statement*”), a draft thereof having been presented to the Board of Commissioners, and a final Official Statement (collectively with the Preliminary Official Statement, the “*Official Statement*”) with respect to the 2006 Certificates, which Official Statement will contain certain information regarding the County;

*WHEREAS*, it appears that each of the Instruments and the Preliminary Official Statement is in an appropriate form and is an appropriate instrument for the purposes intended;

*WHEREAS*, the Board of Commissioners did conduct a public hearing on September 5, 2006, to receive public comment on the proposed Contract to acquire the Projects; and

*WHEREAS*, the County has filed an application to the LGC for approval of the Contract;

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

*Section 1. Ratification of Instruments.* That all actions of the County, the Chairman of the Board of Commissioners (the “*Chairman*”), the Clerk to the Board of Commissioners (the “*Clerk*”), the County Manager, the Finance Director of the County, the County Attorney and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

*Section 2. Authorization of the Official Statement.* That the form, terms and content of the Preliminary Official Statement to be dated on or about October 18, 2006 are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and of the final Official Statement to be dated on or about October 26, 2006 by the Underwriters in connection with the sale of the 2006 Certificates is hereby in all respects authorized, approved and confirmed.



*Section 3. Authorization to Execute the Contract.* That the County approves the acquisition of the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the County in accordance with its terms. The form and content of the Contract shall be and the same hereby are in all respects authorized, approved and confirmed, and the Chairman, the Clerk and the County Manager and their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the Board of Commissioners, and that from and after the execution and delivery of the Contract, the Chairman, the Clerk, the County Manager and the Finance Director of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

*Section 4. Authorization to Execute the Deed of Trust.* That the County approves form and content of the Deed of Trust and that the Deed of Trust shall be and is in all respects authorized, approved and confirmed, and the Chairman, the Clerk and the County Manager and their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Deed of Trust, including necessary counterparts, in substantially the form and content presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, specifically including the removal of any property from the Mortgaged Property that the Underwriters determine is not needed in order to proceed with the execution and delivery of the 2006 Certificates. Execution by the Chairman, the Clerk and the County Manager or their respective designees shall constitute conclusive evidence of the County's approval of any and all such changes, modifications, additions or deletions therein from the form and content of the Deed of Trust presented to the Board of Commissioners and from and after the execution and delivery of the Deed of Trust, the Chairman, the Clerk, the County Manager and the Finance Director of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

*Section 5. Authorization to Execute the Lease.* That the County approves the form and content of the Lease and the Lease shall be and is in all respects authorized, approved and confirmed, and the Chairman, the Clerk and the County Manager and their respective designees shall be and they hereby are authorized, empowered and directed to execute and deliver the Lease, including necessary counterparts, in substantially the form and content presented to the Board of Commissioners, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the

form and content of the Lease presented to the Board of Commissioners, and that from and after the execution and delivery of the Lease, the Chairman, the Clerk, the County Manager and the Finance Director of the County are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Lease as executed.

*Section 6. **Contract of Purchase and Letter of Representation.*** That the form and content of the Contract of Purchase shall be and the same hereby is in all respects approved, and the Chairman or the County Manager is authorized to execute the Letter of Representation for the purposes stated therein;

*Section 7. **County Representative.*** That the Chairman, the County Manager and the Finance Director of the County are hereby designated as the County's Representative to act on behalf of the County in connection with the transactions contemplated by the Instruments and the Preliminary Official Statement, and the Chairman, the County Manager and the Finance Director are authorized to proceed with the acquisition of the Projects in accordance with the Instruments and to seek opinions as a matter of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The County's representative and/or designee or designees are in all respects authorized on behalf of the County to supply all information pertaining to the County for use in the Official Statement and the transactions contemplated by the Instruments or the Preliminary Official Statement. The Chairman, the Clerk, the County Manager and the Finance Director of the County or their respective designees are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Instruments or the Preliminary Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

*Section 8. **Severability.*** That if any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

*Section 9. **Repealer.*** That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

*Section 10. **Effective Date.*** That this Resolution is effective on the date of its adoption.

On motion of Vice Chairman Sexton, the foregoing resolution entitled **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF CERTAIN PROJECTS SET FORTH THEREIN”** was duly adopted by the following vote:

AYES: CHAIRMAN LANE, VICE CHAIRMAN SEXTON, COMMISSIONER PRESSLEY, COMMISSIONER RUSHING, AND COMMISSIONER STONE

NAYS: NONE

**SWIMMING POOL BARRIER ORDINANCE:**

Chairman Lane stated that he had asked the Manager to include this item on the agenda. He said that he had found out that swimming pools in the County were not required to have barriers to keep out children and animals.

Following his comments, Chairman Lane moved adoption of the following:

**SWIMMING POOL BARRIER ORDINANCE**

WHEREAS, according to information and estimates published by the U.S. Consumer Protection Safety Commission, the U.S. Center for Disease Control and Prevention, and the National Safety Council:

- Drowning is the second-leading cause of injury related death for all children under the age of 15 and is the leading cause of death nationally for children under the age of five.
- Of the nearly 5,000 children under age 15 who are admitted to hospitals every year for drowning or near-drowning incidents, 15% will die and another 20% will suffer severe, permanent brain damage.
- In 2005, over 2,000 children under the age of five were treated for pool submersion injuries, most of which occurred in residential swimming pools.
- Approximately 300 children under the age of five will drown each year in swimming pools.

WHEREAS, based on the foregoing, the Union County Board of Commissioners has determined that swimming pools which are easily accessible pose a significant danger to young children, and that barriers and gates which obstruct access to swimming pools by children are therefore necessary to protect the public health and safety; and

WHEREAS, Union County has broad authority under N.C.G.S. § 153A-121 to regulate, prohibit, and abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens; and

WHEREAS, pursuant to N.C.G.S. § 153A-140, the Union County Board of Commissioners may order the removal of a swimming pool upon a finding that it is dangerous or prejudicial to public health or safety; and

WHEREAS, N.C.G.S. § 153A-123 authorizes Union County to enforce its ordinance through a variety of mechanisms including civil, criminal, and injunctive remedies; and

WHEREAS, pursuant to N.C.G.S. § 153A-363, the Union County Inspection Department may deny a certificate of compliance for any project that fails to comply with all State and local laws and local ordinances and regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE UNION COUNTY BOARD OF COMMISSIONERS that access to swimming pools be protected as follows:

**Section 1: Definitions**

As used in this Ordinance, the following terms shall have the meanings set forth below.

*Barrier* means a fence, wall, building wall, or combination thereof that completely surrounds and obstructs access to a swimming pool.

*Swimming Pool* means an outdoor artificial structure intended for swimming or recreational bathing which contains water over 24 inches deep at any point and which is fitted with a filter for clarifying the pool water or is designed to be fitted with a filter, whether installed or not. This term does not include public swimming pools (which are regulated under N.C.G.S. § 130A-280, et seq. and 15A N.C.A.C. § 18A.2500), hot tubs, or spas.

**Section 2: Requirements for In-Ground Swimming Pools**

A. Barriers. It shall be the responsibility of any person owning or maintaining an in-ground swimming pool to ensure that the pool is completely surrounded by barriers that conform to the requirements set forth below:

1. The top of the barrier shall be at least forty-eight (48) inches above grade measured on the side of the barrier that faces away from the swimming pool.

2. The maximum vertical clearance between the bottom of the barrier and grade shall be two (2) inches measured on the side of the barrier that faces away from the swimming pool.
  3. Openings in the barrier shall not allow passage of a sphere that is four (4) or more inches in diameter.
  4. Solid barriers which do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions (except for normal construction tolerances and tooled masonry joints) that could be used to climb such barriers.
  5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the barrier. Spacing between vertical members shall not exceed one and three-quarter (1.75) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarter (1.75) inches in width.
  6. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (45) inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarter (1.75) inches in width.
  7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.
  8. Maximum mesh size for chain link fences shall be a one and one-quarter (1.25) inch square unless the barrier is provided with slats fastened at the top or the bottom which reduce the openings to not more than one and three-quarter (1.75) inches.
  9. Barriers shall be located so as to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers.
- B. Gates. It shall be the responsibility of any person owning or maintaining an in-ground swimming pool to ensure that any gate through which access to the pool may be gained complies with all of the requirements set forth in Section 2, above, and also complies with the following:
1. Access gates shall be equipped to accommodate a locking device.

2. Access gates shall open outward away from the pool, be self-closing, and have a self-latching device.
3. Where the release mechanism of a self-latching device is located less than fifty-four (54) inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
  - a. The release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate; and
  - b. The gate and barrier shall have no opening greater than one-half (.5) inch within eighteen (18) inches of the release mechanism.

**Section 3: Requirements for Above-Ground Swimming Pools**

- A. Barriers. The outer walls of an above-ground swimming pool shall serve as barriers preventing access to the pool. It shall be the responsibility of any person owning or maintaining an above-ground swimming pool to ensure that no permanent structures, equipment, or other objects, other than the ladder, steps, or other intended means of gaining access to the pool, are located near the pool such that they could be used to climb over the pool walls.
- B. Gates. Any means of access to an above-ground swimming pool, such as a ladder or steps, shall be capable of being secured, locked or removed to prevent access, or the ladder, steps, or other access shall be surrounded by a barrier which meets the requirements of Section 2 of this Ordinance. When the ladder, steps, or other access are secured, locked or removed to prevent access, any opening created shall not allow the passage of a sphere four (4) or more inches in diameter.

**Section 4: Penalties and Remedies for Violations or Failure to Comply**

- A. Denial of Certificate of Compliance or Other Final Approval. Failure to comply with this Ordinance shall constitute grounds for the Union County Inspection Department to deny a certificate of compliance or other final inspection approval.
- B. Civil Penalties. Violations of this Ordinance or failure to comply with any of its requirements shall be subject to the following civil penalties for each offense:

Warning Citation:	10 Days to Correct Violation
First Citation:	\$50.00
Second Citation:	\$200.00
Third & Subsequent Citations:	\$500.00

- C. Equitable Relief from a Court of Law. Union County may seek equitable relief from a court of competent jurisdiction pursuant to N.C.G.S. § 152A-123, which

relief may include but is not limited to a mandatory or prohibitory injunction and order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises.

- D. Removal by Order of the Board. The Union County Board of Commissioners may order the removal of a swimming pool and its appurtenances upon adequate notice, the right to a hearing, and the right to appeal, in accordance with N.C.G.S. § 153A-140. The expense of any such action shall be paid by the person in default and if not paid, shall be a lien upon the land or premises upon which the pool is located, and shall be collected as unpaid taxes
- E. Criminal Penalties. Violations of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or up to thirty (30) days imprisonment.
- F. Continuing Violations. Each day that any violation continues after notification of such violation by, or on behalf of, the Union County Inspection Department may be considered a separate violation for purposes of the penalties and remedies set forth in this Section.
- G. Combination of Penalties. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

**Section 5: Statutory Amendment**

References in the Ordinance to a particular section of the North Carolina General Statutes are intended to refer to such section as it may have been amended and as it may be amended in the future or to any successor statute. Therefore, if any section referenced herein is amended or superseded after adoption of this Ordinance, this Ordinance shall be deemed to refer to the amended section or to the section that most closely corresponds to the superseded section.

**Section 6: Effective Date**

This Effective Date of this Ordinance shall be the day following adoption by the Union County Board of Commissioners. The provisions of this Ordinance shall not apply to swimming pools for which a general permit has been issued by the Union County Inspections Department prior to the Effective Date.

Adopted this 5th day of September, 2006.

Chairman Lane stated that this Ordinance is patterned very similar to the City of Monroe's ordinance.

Vice Chairman Sexton asked if it were accurate to assume that grandfathering is not applicable and the ordinance would apply to all swimming pools built from tomorrow forward.

Jeff Crook, Senior Staff Attorney, responded that Vice Chairman Sexton was correct.

Following the brief discussion, the motion was passed unanimously.

**UPDATE ON LEGAL COUNSEL RELATED TO ENVIRONMENTAL ISSUES:**

Christie Putnam, Public Works Director, informed the Board that she had spoken with Mr. Bromby, legal counsel in this matter, and he had provided her with an update of his work. She said that Mr. Bromby has found all of the counteroffers that the County has made to U.S. Fish and Wildlife but notes that he has seen no responses from Fish and Wildlife in his research and documentation.

Ms. Putnam said that Mr. Bromby is continuing to review the information and is at the point now where he wants to speak with representatives of the North Carolina Department of Transportation and the Army Corps of Engineers to determine their perception as far as determining what roadblocks might exist related to the Monroe Bypass. She stated that the next issue that Mr. Bromby wants to look into is how the secondary, indirect, and cumulative impacts were identified that are required to be addressed.

Vice Chairman Sexton asked if Mr. Bromby has a schedule of when he might want to bring his findings and options to the Board.

Ms. Putnam responded that she would have the requested information for the Board by the September 18<sup>th</sup> meeting.

Commissioner Rushing stated that there has been information in the newspaper and through other media means about the proposed bypass problems and delays in Raleigh. He asked Ms. Putnam to give the Board a status report on the information that she has regarding the bypass.

Ms. Putnam informed the Board that her understanding of the bypass was that Section A has been abandoned and Sections B and C, the Monroe Bypass and the Carolina Connector Project are considered as one. She explained that Section A has had so many impacts in the initial alignment that they would have to redo the entire environmental impact statement for just the Monroe Bypass itself. She further explained that if both projects were considered together, a complete environmental impact would have to be done. She stated that it required the same timeframe to do just the bypass or the bypass and connector. Ms. Putnam added that there is still consideration as to whether or not it will be a toll road.



Commissioner Rushing questioned how much these delays have put the project behind. Ms. Putnam responded that there is nothing on the ground on the project now, and there has never been a permit for the bypass. She said that she did not know whether it has put the project behind, since there has never been an actual construction schedule to which to adhere. She stated that she believed that progress still was being made.

Vice Chairman Sexton said that he was confident that Mr. Bromby would be able to help the County in this matter. He stated that the I-485 interchange study completed in 1999 would hopefully help him narrow the focus on the bypass project. He said that there would be a MUMPO meeting on Wednesday, September 20, 2006, and if Mr. Bromby were available to attend that meeting, there would be a number of Department of Transportation representatives attending along with some elected officials from Mecklenburg and Union Counties.

### **SCHOOLS' LAND BANKING:**

Commissioner Stone moved to direct the County Manager to work in conjunction with School Board staff to identify opportunities to purchase school property for the future use in an aggregate amount of \$25 million and to identify financing options thereto.

Commissioner Rushing questioned if there was a particular piece of property that the school system was considering purchasing at this time that would make action by the Board necessary at this time.

Commissioner Stone responded that Dr. Davis, Superintendent of the Union County Public Schools, indicated that there are two tracts of land being considered currently. He said that the key to this process is to provide the schools with money to purchase land early so that the land prices do not become astronomical, and, thereby save the taxpayers money. He further said that it also provides an opportunity for the schools to purchase land without it becoming public information until such time as there is a contract pending on the properties.

Vice Chairman Sexton voiced his wholehearted support for Commissioner Stone's initiative in this matter. He said that if Union County was ever going to get in front of the curve on acquiring available land on which to construct future schools, then land banking is needed. He stated that this initiative hopefully would help prevent future condemnations for school construction or at least minimize it as much as possible.

Commissioner Pressley asked Don Hughes, Director of Construction and Facilities for the Schools, how much land the schools currently have in land banking. Mr. Hughes responded that there are approximately 150 acres at this time.

Commissioner Pressley stated that several weeks ago when the Board was discussing the schools' Capital Improvement Program, Dr. Davis had stated that the schools do not know within the next few years where the sites need to be for new schools.

He asked Mr. Hughes if another school has come on line since the previous discussions. Mr. Hughes responded "no" to this question.

Mr. Hughes added that some of the 150 acres currently held in land banking dates back to several years ago, which was donated land. He said that when he and Dr. Davis had come before the Board at the last meeting, he could not talk about a tract of land that was being considered for purchase by the schools. He stated that the schools are considering the purchase of one of two tracts of land. Mr. Hughes said that the two owners had come to the school system through attorneys to discuss the sale of their land. He said that because these discussions have taken place in a closed session by the schools, he was not able to share the location of the properties. He noted that these properties are located within an area where the schools are fairly certain that an elementary school would be needed within no more than six years. Further, Mr. Hughes shared that the schools have pinpointed three viable geographical areas for future schools. He said that they know with the development that is now occurring and would be coming in the future, that it is fairly certain elementary schools will be needed in those three areas.

Commissioner Pressley questioned the difference in the current process of the schools locating land for purchase and coming to the Board with the request to purchase versus earmarking a large sum of money to purchase property where the schools' staff and the County Manager sees fit.

In response to Commissioner Pressley's question, Chairman Lane stated that it was his understanding that the values of lands in certain sections of the County are increasing approximately 20 to 30 percent per year. He said that passage of the motion would in no way cost the taxpayers money. He stated that the schools have identified certain areas for future school sites.

Commissioner Stone commented the motion would allow the monies to be approved as requested through the school system and eliminate the need to continually come before the Board with requests since the School Board recognizes the necessity to purchase land at an economical rate. Further, he said that by the monies being reserved, the taxpayers would not have to pay the exorbitant prices as a result of the desperate need for schools. Commissioner Stone further said that the other part of the equation is that there are 7,500 students in the County going to classes in trailers.

Commissioner Pressley asked with the County Manager and the school board having the authority to purchase land for the schools, would the purchases be brought to the Commissioners.

Commissioner Stone responded that the Commissioners would not have to appropriate the money, because the money would already be appropriated. He stressed that the motion is not approving new money, but it would be new money when the land is purchased.

Commissioner Pressley said that he thought the Commissioners would be left out of the loop on purchasing school property. He said that the Board wants to be involved in the process. He asked if the schools were looking at alternate ways of financing the purchase of land. He specifically asked if the schools had considered a lease back process that is being done in Charlotte.

Mr. Hughes responded that the schools were looking at the lease back process. Commissioner Pressley offered that he knew of two persons who would build schools in the County and lease them back to the schools.

Commissioner Rushing questioned if the money was included in the bonds that would be voted on in November. Mr. Hughes stated that land banking and land acquisition are two different matters.

Commissioner Rushing stated that he hoped the motion did not pass tonight. He said the land could be purchased at any time with bond money approved by the voters.

At this time the Chairman declared the discussion to be completed. Chairman Lane then moved to call the question on the motion. 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.

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

**GOOSE CREEK MEMORANDUM OF UNDERSTANDING:**

Christie Putnam, Public Works Director, explained that during the development of the Memorandum of Understanding, the County was represented at all meetings to which it was invited. She stated that in accordance with the Board's direction at the August 14<sup>th</sup> meeting, the language in the Memorandum of Understanding has been modified in Paragraph 2 on Page 3. She said that the prior language in the last sentence of Paragraph 2 stated "prohibit any fill within the 100-year floodplain jurisdiction wide." Ms. Putnam noted that the new language in this sentence states "prohibit any fill within the 100-year floodplain within the Goose and Duck Creek watersheds."

She stated that a communication was sent to all participating towns to ask if they would ratify the modification. She said that the only comment that had been received from the towns had been that of Mrs. Shubert earlier in tonight's meeting.

Commissioner Stone moved to authorize the Chairman to consult with the staff attorney and to sign the Memorandum of Understanding addressing the impacts in the Goose Creek and Duck areas.

Following the brief discussion, the motion was passed unanimously.

**WATER AND SEWER CAPITAL PROJECT ORDINANCE:**

Kai Nelson, Finance Director, stated that on August 28<sup>th</sup> at the special meeting, the Board approved a modified water and sewer master plan as well as the modified water and sewer capital improvement plan which eliminated the northern Union County wastewater treatment plant and all of the related conveyance lines. Mr. Nelson referred to the attachments included in tonight's agenda package. He explained that Capital Project Ordinance #57 implements a number of those projects approved in the water and sewer capital improvement plan. He stated that the items that are highlighted in yellow in the attachments include the funding of those projects through construction. Further, he stated for the projects highlighted in blue, generally construction is not anticipated in this fiscal year but is anticipated in subsequent fiscal years, so the blue colors will provide sufficient soft cost, engineering, easements, etc.

Following the explanation, Chairman Lane moved adoption of Capital Project Ordinance (CPO) #57.

Commissioner Pressley asked Mr. Nelson to explain the statement contained on the Agenda Abstract included in the agenda package for this item which states "This level of equity contribution exceeds Board of County Commissioners and rating agency standards."

Mr. Nelson responded that generally the equity contribution is from current operations, Paygo, the bulk of which represents capacity fees. He said that as the Board is aware, capacity fees are intended specifically for the major backbone infrastructure such as plants, major water lines, and major sewer lines. Further, he said that the Board's policy generally in terms of its total Capital Improvement Plan is approximately one-third of the total Capital Improvement Plan will be funded via PayGo (equity contributions, cash contributions). He explained that the cash contributions come from two sources: capacity fees and rates with the bulk of the money coming from capacity fees. Mr. Nelson said that represents roughly one-third of the funding is from PayGo with the other two thirds being debt.

Commissioner Pressley noted that approximately two-thirds of the project costs is from PayGo. Mr. Nelson stated that this amount was excellent and is an indication of a very strong capital improvement program.

Commissioner Rushing asked for an explanation of the Clear Creek Trunk, Sewer and Package Plant.

Ms. Putnam responded that this project is to provide sewer capacity: 1) to replace the existing Tallwood Wastewater Treatment Plant located in Clear Creek that needs replacing; and 2) to provide additional capacity for potential industry and business that have been identified in the 601 Corridor.

Following the discussion, the motion was passed unanimously.

**DISCUSSION REGARDING SEWER IN GROVER MOORE PLACE:**

Commissioner Rushing asked if the staff could provide information to the Board at the September 18<sup>th</sup> meeting about which sewer plant discharge from this area flows into and other information similar to what was provided on the Dodge City project.

Ms. Putnam responded that the self-help program was designed for both water and sewer projects. She said that the information regarding Grover Moore Place could be applied for sewer and provided to the Board.

Commissioner Rushing said that he believed that this area flows into the Twelve-Mile Creek Plant. He suggested that capacity might need to be reserved at this plant until there is a plan with which the residents of Grover Moore Place can work. He also suggested that once there is a solution for other neighborhoods in the north, that this project could be used as a pilot project for future projects.

Vice Chairman Sexton said that he thought having staff bring the available information at the next meeting with options for the Grover Moore community is exactly what needs to be done rather than discussing it tonight without any information. He said that the Board has heard tonight from some of the residents of that area. He stated that the Board needs staff to review the situation and bring the options to the Board at the September 18<sup>th</sup> meeting.

**ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO) TIMELINE/PUBLIC HEARING DATE:**

Vice Chairman Sexton referred to the revised APFO Process Timeline included in the agenda package.

Vice Chairman Sexton moved to revise the APFO process timeline, to call for the Public Hearing on September 18, 2006, with consideration of the APFO being before the Board at the October 2, 2006, meeting, and to authorize the Clerk to the Board to advertise said hearing for September 18, 2006.

**APFO PROCESS TIMELINE  
(Revised)**

- **June 5: BOCC receives draft APFO and selects process timeframe.**
- **July 10: BOCC conducts APFO Work Session.**
- **August 21: Planning Board issues APFO recommendations.**
- **August 30: Town Officials APFO Workshop**
- **September 5: BCC calls for Public Hearing for APFO**
- **September 6: APFO amendment available for public review**

- **September 7: 1<sup>st</sup> Published Notice of Public Hearing.**
- **September 12: 2<sup>nd</sup> Published Notice of Public Hearing**
- **September 18: BOCC holds APFO Public Hearing.**
- **October 2: Consultant/Staff Finalize APFO for BOCC Decision\***
- **October 3: Moratorium Extension Expires**

**NOTES:**

**\*If the APFO requires significant changes based on Public Hearing comments, BOCC decision date may shift to the October 16 meeting. Then the moratorium extension will expire on October 17.**

Commissioner Pressley asked when the Board would be able to discuss the APFO and have its questions answered.

Chairman Lane responded that would take place on October 2, 2006.

Commissioner Pressley stated the Board had made some recommendations on the APFO, which were turned down by the Planning Board. He again questioned if there did not need to be some discussion by the Board prior to the Board's decision. He said that he would really like to give the ordinance a lot of consideration and stated that he had a number of questions.

Vice Chairman Sexton responded that the APFO process has been ongoing for two and a half years, and the public hearing is the next procedure in the process.

After further discussion by Commissioner Pressley, he asked if the Board could call for a special meeting with the consultant prior to the public hearing so that the questions could be answered.

It was stated that the Board would have an opportunity to ask questions on October 2<sup>nd</sup>.

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

**DESIGNATION OF VOTING DELEGATE TO NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS' ANNUAL CONFERENCE:**

Vice Chairman Sexton moved to approve a change in the voting delegate to the Association's annual conference from Chairman Lane to Commissioner Stone. [Chairman Lane would be unable to attend the conference.] The motion was passed by a vote of four to one. Chairman Lane, Vice Chairman Sexton, Commissioner Stone, and Commissioner Rushing voted in favor of the motion. Commissioner Pressley voted against the motion.

**RESOLUTION APPROVING THE FINANCING FOR THE PURCHASE OF LAND BY WESLEY CHAPEL VOLUNTEER FIRE DEPARTMENT:**

Pat Beekman, Homeland Security Director, explained that the Wesley Chapel Volunteer Fire Department is requesting adoption of a resolution to be able to secure funding at a lower interest rate as a tax exempt entity. He said that the fire department has purchased and paid for the two acres adjoining its current station for the purposes of replacing its 31 year old fire station. He stated that the fire department wants to finance the purchase and recoup its money paid for the land.

Mr. Beekman pointed out that during this year's budget deliberations; the staff recommended deferring all capital improvements by volunteer fire departments until such time as the County staff had hired an outside consultant to develop a strategic fire plan for Union County. He explained that the study would look at three primary areas: 1) to define adequate fire service for all 18 volunteer fire departments; 2) to look at the existing boundaries for the 19 fire districts; and 3) to look at funding of fire service for the 2007 budget year and forward.

Mr. Beekman shared that today the committee had preliminarily selected the consultant, and it is anticipated that once a contract is signed with the consultant, it would take four months for the study to be completed. He stated that this study would be the first strategic fire plan for Union County.

Commissioner Stone moved to deny the request by Wesley Chapel Volunteer Fire Department, Inc. and like actions by other volunteer fire departments equally throughout the County until such time as the fire service study is complete. He added that the motion hinged on the answer to when the study would be completed.

Mr. Beekman reiterated that the study would be completed four months from the time the contract is signed. He noted that the completion date of the study was a part of the Request for Proposals (RFP). He stated that two proposals were received on August 23<sup>rd</sup>, and a committee of five had reviewed those proposals today and selected a Maryland firm to conduct the study.

Following Mr. Beekman's response to Commissioner Stone's question regarding the completion date of the study, Commissioner Stone said the motion stood as stated.

Commissioner Rushing said that at the time the fire tax was voted on for Wesley Chapel Volunteer Fire Department, he had not voted in favor of the fire tax. However, he said that it seemed to him that once the fire tax was given to the department, then the department had received a green light to do what it felt was necessary to provide for the betterment of the fire department. He stated that he wished that the motion had been made differently to allow a vote to approve the resolution before bringing in the results of the study. Commissioner Rushing said that he was not going to support the motion as made, because he would rather for the resolution to be adopted.

Vice Chairman Sexton asked if action were taken on the resolution, would it pre-empt any study. Mr. Beekman responded that it would not pre-empt the study. He stated that there are two other fire departments that have made similar requests, and they have been asked to defer their requests until the study is completed. He said that he would prefer not to tie the hands of the Board as to where the ideal locations are for these particular stations and its impact. Mr. Beekman said that during the budget deliberations, the staff had asked the Board to place a temporary freeze on capital improvements so that money would not be spent that possibly would tie the hands of whatever recommendations are made through the study.

Vice Chairman Sexton stated that there are similar circumstances with other fire departments that are ongoing elsewhere in the County, and in order to be fair, he thought the prudent action tonight is to defer action until the study has been completed. He said that he had supported the fire tax for all five departments that had come to the Board in 1993. He stated that his position was not in opposition to anything regarding the fire departments but was to give the consultants an opportunity to define where the County needs to go with fire service.

Commissioner Pressley asked when the land had been purchased by the fire department and when the Board had voted to conduct the study. Mr. Beekman responded that the land was purchased by the fire department in June of this year, and the Board had approved for the study to be done in this year's budget.

Butch Plyler, Chief of Wesley Chapel Volunteer Fire Department, said that the land purchase had originated in June but was finalized in late July or early August.

Commissioner Pressley asked what happens to the land if the study's conclusions are not in favor of Wesley Chapel Volunteer Fire Department's land purchase. Mr. Beekman responded that the study would be brought to the Board of Commissioners, and it would ultimately be the Board's decision if any changes are made to the district boundaries. He said where the fire department builds its department would be exactly where it has purchased the land.

Commissioner Pressley said that the fire department has an obligation to the public, and its plan was to purchase the property and use the department's money and come to the Board of Commissioners for approval to get a loan with as low an interest rate as possible. He said that his point was regardless as to whether the department pays for the purchase of the land from its funds or approval is given by the Board of Commissioners to get financing, the department still owns the land. He stated that he did not see where denying the department the opportunity to obtain the low interest loan would have any impact, since the land has already been purchased.

Commissioner Rushing noted that the land purchased by the fire department is land adjoining its current fire station. He said if the land purchase process by the fire department began in June, before the Board voted to conduct the study, then he saw no reason why adoption of the resolution should be deferred.



In response to a question by Commissioner Rushing whether the properties that other departments wanted to purchase would be adjoining property, Mr. Beekman responded "no." Mr. Beekman added that these properties had to be away from the main stations because of annexations.

Chairman Lane suggested, since there were two other departments in similar situations as the Wesley Chapel Volunteer Fire Department, the Board should wait for its decision until the study is completed.

Vice Chairman Sexton stated that the Board was not denying the request but deferring action until the study is completed. He said that the only thing that would be lost in deferring action until the study is completed would be a little bit of interest on the loan, but it would keep a level playing field for all the departments and would maintain a consistent policy while being fair to everyone.

Commissioner Pressley countered that it was not a level playing field, because the property recently acquired by Wesley Chapel Volunteer Fire Department connects to its existing property. He said that there was no way that Wesley Chapel would move and rebuild another fire station with an already established fire station in place. He asked for the Board to hear from Butch Plyler, Chief of the Wesley Chapel Volunteer Fire Department.

Chief Plyler discussed the process that the fire department has gone through with BB&T to receive a lower interest rate loan. He said that he thought the rate that the department had received was 4.84 percent, and if the department has to obtain a loan at 7.5 or 8.5 percent, then it would cost the residents in that district extra money. He reported that the fire department held the public hearing required in order to receive the lower interest rate loan. Chief Plyler stated that there was no opposition voiced at the public hearing, and all 13 members of the fire department's Board of Directors voted 100 percent to purchase this property.

He confirmed that the recently purchased property adjoins the fire department's property. He assured the Board that the purpose of Wesley Chapel's request tonight is not to try and take remedy over any other departments whatsoever, but they are trying to save the fire taxpayers in Wesley Chapel as much money as possible. He stated that with the resolution it would not be costing any taxpayers in any other part of the County money.

Chairman Lane asked if Wesley Chapel had obtained an appraisal of the land, and Chief Plyler answered that there had not been an appraisal. He stated that there would be an appraisal at the time the loan application is made.

Chief Plyler stressed that the opportunity for the fire department to purchase the land came along very hurriedly. He said that it is hard to purchase land in Wesley Chapel and noted that the department was very fortunate to obtain this land which adjoined the

fire department's present station. He stated that whether or not the department remains in this location, the purchase of the additional property had been a good move for the fire department and the residents in that district.

Vice Chairman Sexton stated that he applauded the efforts of Wesley Chapel with its new fire station on New Town Road near Providence. He said that he was going to support the motion tonight because of the level playing field that it provides to all others and the policies and procedures that need to be consistent across the Board.

Chief Plyler said that he appreciated Vice Chairman Sexton's comments while he disagreed with him. He stated that he believes the taxpayers in the district are the ones that deserve the approval by the Board

Following further discussion, Vice Chairman Sexton moved to call the question on the motion. 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.

The Chairman then called for a vote on the motion. 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.

#### **VACANCIES ON BOARDS AND COMMITTEES:**

Chairman Lane announced vacancies on the following Boards and Committees:

- a. Union County Adult Care Home Community Advisory Committee (two vacancies)
- b. Union County Nursing Home Advisory Committee (one vacancy)
- c. Library Board of Trustees (one vacancy representing the Weddington Region due to a resignation)

#### **MANAGER'S COMMENTS:**

Mike Shalati, County Manager, updated the Board on the request to begin posting minutes of the Board of Commissioners on the County's website. He said that the minutes have been placed on the website beginning in January 2005. Further, he said that Information Technology proposed that after posting the last year's minutes on the website, to continue to add the newest set of minutes as they are approved until the Singularity Program is online. He stated that the proposal by Information Technology further stated that once the Singularity Program is online, it would have all of the minutes, agendas, and resolutions available via the web. Mr. Shalati further stated that this process could take up to eight to nine months to complete once the software has been budgeted for and purchased.

**COMMISSIONERS' COMMENTS:**

Commissioner Rushing stated that the minutes on the website would be very helpful to the citizens when they want to find out what is going on their government. He expressed appreciation to the Clerk for her work with the Board.

Vice Chairman Sexton shared that Union County Schools SAT scores are through the rooftops again. He said last year the SAT scores had the steepest decline nationwide in 30 years. He stated that although Union County's SAT scores declined, they did not decline by nearly the level of those nationwide or the state. Further, he said that Union County scored once again better than the state and national average. Vice Chairman Sexton stated that given the opportunity, the County's young people could compete on a level playing field with any other region in America.

There were no comments by Commissioners Pressley or Stone.

Chairman Lane announced that the Patriot Day Ceremony in recognition of September 11, 2001, would be held on Sunday, September 10, 2006, beginning at 5 p.m. at Belk-Tonawanda Park.

Chairman Lane commended the Manager and staff who have worked on the Real Estate Integrated Data System. He said that the staff began working on the program immediately. He stated that once the program has been implemented, the schools will know how many lots have been platted and how many students will be coming into the schools with greater accuracy than ever before.

He shared with the audience the number of Board meetings that have taken place over the summer months and thanked the staff for their work.

With there being no further comments or discussion and the time being approximately 8:33 p.m., Chairman Lane moved to adjourn the meeting. The motion passed unanimously with the Board members rising from their chairs.