

September 18, 2006

The Union County Board of Commissioners met in a regular meeting on Monday, September 18, 2006, at 7:00 p.m. in the Commissioners' Formal Board Room, ninth floor, Union County Government Center, 500 North Main Street, Monroe, NC 28110. 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, Jeff Crook, Staff Attorney, Kai Nelson, Finance Director, members of the press, and other interested citizens

OPENING OF MEETING:

Chairman Lane convened the regular meeting and welcomed everyone present.

a. Invocation

Commissioner Stone offered the invocation.

b. Pledge of Allegiance

Commissioner Stone led the body in reciting the Pledge of Allegiance to the American flag.

Chairman Lane welcomed Betsy Land, the new reporter with *The Enquirer-Journal*.

Commissioner Pressley introduced his new daughter that he and his wife adopted from South Korea, who is five and a half months old.

c. Informal Comments

Tim Gauze, Customer Relations Manager for Duke Energy, spoke regarding Item 5 on tonight's agenda: Text Amendment to Union County Land Use Ordinance - Article X Section 146 Table of Uses - Amphitheater and Utility Facilities, Electric Substations. He said that substations are an integral part of the infrastructure needed and support the growth that occurs in the County. He further said that substations are vital to economic development and an investment on the part of utilities.

Mr. Gauze stated that the irony of placing more restrictions on substations where growth is occurring is that the growth area is where electric substations are needed. He said that Duke Energy would not invest in a new substation if there were not new growth. Mr. Gauze emphasized that electric utility companies are charged by the North Carolina Utilities Commission to make sure that the utilities are providing safe, reliable electric service.

In conclusion, Mr. Gauze asked that as the Board considers changes in the Land Use Ordinance impacting and affecting substations, that it does not need to be made harder on utilities to do business in Union County.

Bobby Sullivan, attorney for Union Power, also spoke regarding the proposed text amendment to the Land Use Ordinance regarding substations. He stated that Union Power wanted to make the Board aware of some concerns that it has had after reviewing the proposed changes. He said that Union Power is concerned that taking the general requirements for a special use permit and applying to substations might create some unintended difficulties in building and locating substations and might actually prevent building substations in some areas where they will be needed in the future. Mr. Sullivan stated that Union Power is going to try to put together an alternative proposal that will address some of the concerns that might have prompted this proposed text amendment that might be better tailored and better suited to the unique needs and issues that substations create. He asked that the Board postpone its consideration of the amendment and give an opportunity for Union Power to bring its input and alternative before the Board.

Mr. Shalati announced that two additional speakers had registered to speak during the informal comments: Ms. Sondra Bradford and Ms. Sydell Conniglio. Ms. Conniglio stated that she was going to give her time to Ms. Bradford.

Ms. Bradford also spoke about the proposed changes to the text amendments to the Land Use Ordinance. She said that the current ordinances of the County are designed primarily to protect and affect rural areas. She further said that the ordinances have not been updated to reflect the phenomenal growth that the County has experienced and the dense residential population that is occurring especially in the northwestern quadrant of the County.

Ms. Bradford stated that the special use permits suggested by the Planning Board would not prevent substations from being placed in these areas but merely involve the citizens that are impacted by their placement and give them input. She pointed out that in the seven counties that were listed in the Planning Board's proposal, two of those counties do not allow substations in residential areas; two of the counties require conditional use permits in all residential areas; and Stanly County requires a special use permit in residential areas which also include R-40. Ms. Bradford stated that she hoped the Board would approve the Planning Board's recommendation and also consider adding allowing R-40 to also have special use permits for this particular use.

PUBLIC HEARING - PROPOSED AMENDMENT TO THE UNION COUNTY LAND USE ORDINANCE THAT WOULD ESTABLISH AN ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):

Chairman Lane recognized Mark White, an attorney with White and Smith, and Richard Black, Planning Division Director, to review the proposed APFO and to allow the Commissioners to ask questions of the consultant.

Jeff Crook, Staff Attorney, pointed out the Board's Rules of Procedure and legal practice require that any changes to the ordinance be in writing. He requested that if the Board should reach a consensus tonight on any changes to the draft ordinance, that the Board instruct staff tonight to begin working on bringing those changes to the Board at the next meeting to adhere to the Board's revised schedule. Further, he said that the Board might have to adjust its schedule further if those changes are not known tonight since the changes do have to be in writing.

Mr. Black provided the Board with background on the process that has been conducted on the APFO. He then introduced Mark White to discuss the proposed APFO.

Mr. White thanked the staff for the hard work that it has undergone in reviewing the ordinance as well as the members of the APFO task force. He provided a review on the structure of the proposed ordinance, how it works, and why the present draft is written the way that it is written.

Mr. White explained that an APFO basically times and sequences development consistent with the available capacity of public facilities. He pointed out that an APFO is designed to neither eliminate congestion nor eliminate growth. He said that an APFO tries to achieve equilibrium between when schools come on line and when new growth comes on line and minimize the huge spikes between new growth and the availability of public facilities and services. He noted that an APFO is not a funding mechanism.

He said that in developing the structure of the proposed ordinance, there are a number of policies that it tries to implement. He explained that the major purpose is to minimize school congestion. Mr. White said that what the proposed ordinance is trying to create is the most effective ordinance with the least intrusion possible on the private sector and the most flexibility. He said what is wanted is an ordinance that: 1) works consistent with the school districts; 2) is administratively convenient; and 3) is legally defensible.

Mr. White said that an APFO is not a plan amendment but is an actual ordinance and becomes the law of the land on the day it is adopted. He said that landowners do not have to pay the county anything under the Ordinance. He stressed that it is a timing and sequencing ordinance. He said that the Ordinance does not effectuate a redistricting of any school districts.

Mr. White explained to the Board how the Ordinance works. He said that the Ordinance is designed to apply to residential development in Union County and also exempts minor subdivisions with five or fewer lots.

He pointed out that two key concepts in the Ordinance are demand and supply (or capacity). Mr. White said that the most important concept in the APFO is the student generation, which is spelled out in the ordinance and differs for elementary, middle and high schools.

He discussed existing demand (enrollment in the system) and permitted demand (vacant lots). He said that there is a large inventory of vacant platted lots in the County. Mr. White stated that some jurisdictions count all of the vacant lots in the potential demand against the capacity in the system today. He explained that they had thought this would be unreasonable in the proposed ordinance, because the vacant lots would not all build out tomorrow or within a year but would build out over a period of time. He said that the proposed ordinance looks at the last three years of building permit issuance to forecast what is expected to happen over the next year.

Mr. White explained that there are several different capacity issues dealt with in regards to school district. He said that rated capacity is classroom capacity and is the maximum number of students that a school can accommodate based on the number of classrooms. He further said that core capacity is the maximum capacity that can be accommodated with the cafeteria facilities and the media facilities. Mr. White explained that maximum capacity is the capacity after adding portable classrooms and temporary enhancements such as split school sessions. He said that these three capacities are measurement concepts.

He stated that existing capacity represents schools that are in the ground today. He said that planned capacity is new schools identified in the five-year Capital Improvement Program (CIP).

Mr. White stated that the Ordinance sets up a formula which measures available capacity by taking the existing capacity, planned capacity (two years), and subtracting the existing demand (enrollment) plus what the applicant is proposing and committed demand (three-year weighted average of building permit issuance).

Mr. White stated what is important to note in Union County, in terms of how schools are planned and where they are located, is the high school attendance areas and elementary school clusters. He explained that in the ordinance when capacity fills up in an elementary school cluster, then it would look at adjacent clusters which does not occur with high school attendance areas.

Mr. White discussed how the proposed Ordinance has changed since its beginning. He said one change is how to count adjoining school clusters, and another change is the maximum capacity test. He stated that the Planning Board had said to count it, but he recommended that it be taken out of the Ordinance. Mr. White said that

he had recommended that if the improvements are in the first two years of the CIP, that they are counted. He stated that the Planning Board's recommendation was to count the improvements only if they are actual construction. He noted that the proposed ordinance does not retest when the applicant comes in for the final plat. He outlined that the new items added to the proposed Ordinance are: 1) phasing or waiting period; 2) given applicants the option of deferring their plats for five years subject to what has been determined to be a reasonable sustainable rate of growth (somewhat less than what the County has been experiencing); 3) subtract the negatives from the positives in planned capacity in the adjacent school districts; 4) added planned capacity in the adjoining clusters; and 5) giving a phasing schedule based on a very constrained outlook for capacity as the CIP existed when the applicant filed the application and subsequently new schools are added, allowing the applicants to come back in and revise the phasing schedule without having to reapply for a completely new subdivision plat.

Mr. White noted that one of the recommendations in July had been to eliminate the test for currently available revenue sources. He stated that the proposed Ordinance states that if capacity is counted in years three to five in the CIP, it has to be backed by currently available revenue sources (property taxes, etc. that are in existence today and not subject to a referendum). Mr. White said that based on discussions with staff and the Finance Department, it was determined that when projects are in the CIP, they typically get built anyway, so, therefore, it was not believed that test was necessary.

He explained that the County has countywide building permits for the past three years, but it only has building permits within each elementary district cluster for the last 27 months as the ordinance currently exists. Mr. White said that he would like to add a simple statement that if this data is not available, the Planning staff can annualize that data for the third year.

He mentioned that at the special meeting held on August 30, 2006, some alternatives were suggested to what has been proposed in the ordinance with counting adjacent elementary clusters. He noted that one suggestion raised was that if adjacent clusters have to be counted, only count 50 percent of the capacity and not all of it. Mr. White said it had also been suggested that there be a distancing requirement.

He said the during the August 30th workshop, a Memorandum of Understanding was proposed to begin working with the municipalities. He said one of the reasons for that is for the ordinance to be more effective. He further said that it would be less effective if the County is the only one with an ordinance and the towns are issuing permits without considering school capacity.

Mr. White said that the municipalities are free to adopt a version different than the County's. He pointed out that the Ordinance has a procedure for the schools to coordinate and provide their input into the process as well.

He stated that the next steps in the ordinance process would be County Commission approval, municipal government approval of the Memorandum of Understanding, and their own versions of the APFO, and implementation.

Chairman Lane opened the discussion for questions by the Commissioners to Mr. White.

Commissioner Rushing questioned if the Ordinance gave the County any teeth to require that the school system build schools in areas where they are needed.

Mr. White stated that the system would work the way it currently does where the County provides the funding and the school district has a state mandated procedure for preparing its capital improvements program. He said that it is hoped that the Ordinance will provide better coordination of the timing of school improvements and when new growth is anticipated to occur. He explained that mandating schools to be built in areas where needed would probably not be workable because it would depend on the County having adequate funding in future years, and the funding may or may not be available.

Vice Chairman Sexton asked Mr. White to explain the fairness factor and the logic of adjoining school districts, how it impacts the current, and future school districts and how the fairness factor works with the formula. Mr. White stated that the fairness factor is how school systems always work. He explained that if there was a huge spike in growth in one of the districts, and the schools determine that they are going to have to build new elementary schools in those areas, eventually the lines will change. He said that it was thought it would be unrealistic to look at each elementary cluster as if its boundaries would never change. He said that it was thought it made the whole system fairer and more defensible by accounting for that and building that flexibility into the system.

In response to a question by Commissioner Pressley, Mr. White stated that if an applicant failed all the tests under the ordinance, the applicant could build ten units per year. He said that the Ordinance gives the applicant the option to use a development agreement. Commissioner Pressley further questioned if mitigation would be an option if an applicant failed all the tests under the ordinance.

Mr. White responded that was correct. Commissioner Pressley asked where the money would go if mitigation were used. Mr. White stated that the money would go to the County and would be applied to capital improvements. He said that it is provided in the Ordinance that it has to be applied in the school district within a reasonable distance of the development.

Commissioner Pressley expressed his concerns with mitigation. He asked if a developer gives the County a check under mitigation to buy capacity, it does nothing but worsen the conditions when the children are sent to the schools. Mr. White reiterated that the Ordinance does not eliminate congestion but tries to minimize it. He said that while the amount of dollars that are collected under mitigation might not build an

elementary school today, but as more development comes in, typically what happens is a lot of developers chose to mitigate and as other property tax revenues come in, the more money that is received, it will accelerate the improvements and keep the situation from getting permanently out of hand.

Commissioner Stone said that at one time there had been discussion of approximately 6,000 students being in mobile units when school started this year, and the rough guess on the day of enrollment was that there were about 7,500 children in mobile units. He stated that the actual count after ten days was 8,056 students in mobile units.

Commissioner Rushing said that he did not see any way in the ordinance to hold the schools accountable for building schools where they are needed. He stated that if the schools are not built where needed, then that is not the fault of any homebuilder or anyone else in the County who wants to build in these areas. He stated that in 2001, Bill McCoy said that if an APFO were challenged in court, the courts would look at Union County as a whole. He said that he thought that the Ordinance needed to be looked at from an angle of how to require the schools to build the schools on time in the places where they are needed. He questioned if Dr. McCoy were correct that the courts would look at Union County as a whole if the APFO were challenged in court.

Mr. White responded that what the courts would look at would be whether the County is making a good faith effort to provide the facilities that are needed to accommodate new growth and how reasonable the County has tried to be. He noted that there are no set requirements in the North Carolina General Statutes or in any case law that relates to adequacy of public facilities. He said that the courts will also recognize that there might be a need for new school districts that are not in the CIP for next year, but the County is doing the best it can with its limited finite fiscal capacity and to impose an absolute requirement that when the population occurs, the school district capacity has to be there to serve it means that the County will have to always raise taxes and revenues. He said that he believed the courts would understand that it is not always possible to raise taxes and revenues.

Vice Chairman Sexton stated that he could not conceive any possible scenario where the school board would build a school where it is not needed. At the request of Vice Chairman Sexton, Mr. White discussed briefly the triggering mechanism of the mitigation payments and the fairness that was factored in with the triggering mechanisms that initiate mitigation payments.

At this time, Vice Chairman Sexton asked that the Board members hold their second questions until the public has had an opportunity to comment.

At approximately 8:10 p.m., Chairman Lane opened the public hearing for comments by the public.

Rick Becker, Mayor of the Town of Mineral Springs, expressed his appreciation to the members of the Board of Commissioners who have supported and endeavored for

several years to bring an APFO to reality and also the task force members and stakeholders who have put many hours into the proposed ordinance. He urged the Board to adopt the APFO without further delay. He said that he had noticed in the summary provided that most of the changes in the APFO appear to be geared toward making approval easier. He said that he urged the Board to look at it in that context and to decide whether it is a good idea to weaken the ordinance to that extent.

Mayor Becker addressed the adjoining clusters issue. He stated that perhaps that should not be considered on a one to one basis. He said that in many regards it might be approved based on capacity tens of miles away from the proposed subdivision, and in reality even if there were no redistricting by the school board as a result, it could be looking at capacity that will not be used. He stated that he would urge the Board to find some way to mitigate the impact of allowing all the additional capacity to be considered. He said that he had suggested giving 50 percent credit and another suggestion by the stakeholders' group had been to not just limit the adjoining clusters but to also look at a geographical distance to not go beyond five miles. Mayor Becker said he had been told that many of the provisions in the proposed ordinance had been added for defensibility, and he believed that was very important. He stated that Mr. White had been very helpful in explaining the APFO and was present for much of the work of the task force and the stakeholders. He said that the task force and stakeholders had a great deal of time to come up with the original ordinance, and it was very close to the end but suddenly it looked indefensible and the additional capacity considerations had to be added. He said that this concerned him and it looked like it was too much. He suggested that a few changes be made to the ordinance to create a little less overbuilding.

Liza Kravis was the next speaker to address the Board in favor of the proposed APFO. She stated that she was speaking tonight not as a Planning Board member but as a parent of a Union County student. She said that her daughter has been living in an overcrowded, over capacity situation for her entire education. Ms. Kravis said that she had attended several of the task force meetings and the one with the municipalities last month. She thanked Mr. White for his presentation tonight. She said that she was pleased to see so many participants from across the county come together to work on the ordinance. She encouraged the Board to support the APFO and stated that it was an important step to planning properly for the future. Ms. Kravis said that the ordinance is not perfect, and she agreed with Mayor Becker and also had some questions about adjacency. She shared that one of her concerns is with the school district lines moving, that some of the children on the margin who are in the established communities, and she does not want them to have to suffer. She said a distance solution or a potential ratio for outside the high school attendance zone is an important factor. Ms. Kravis stated that the APFO is one of many tools that the County can use to plan and manage growth. She expressed appreciation to the Board for its support of the real estate data integration project, which will also help manage and work along with the APFO to planning growth and sequencing school capacity. She expressed further appreciation to the Board for its support of the recent school bonds. She said that she believed the bonds were another important step to making sure that adequate classrooms are in place for the children.

Denise Milliken, representing the Union County Association of Realtors, spoke in opposition of the APFO as written. She said that the Union County Association of Realtors is opposed to the increases that it will cause in the housing costs in Union County as well as the detrimental effect on the supply of homes in the County. Ms. Milliken stated that when the substantial amount of money is amortized over the life of a normal loan, it would price the first-time homebuyers out of the market. She said that the Union County Association of Realtors would suggest that the Board establish a growth committee made up of Commissioners, county staff, builders, realtors and anyone else who is affected by the ordinance.

With there being no one else registered to address the Board regarding the proposed ordinance, the Chairman stated that he would resume with the Commissioners' questions to Mr. White.

Commissioner Pressley said that if the option is there for national builders to come in and write a check, it is whoever has the money first, and it is going to increase the problem. He said that one of his concerns is that there is the possibility of adding more children before the schools can be built if the national builders make the mitigation payments. He asked Mr. White to discuss briefly other legislation that could be considered and split school times.

Mr. White said that the additional legislation that he had mentioned earlier in the meeting that is written into the ordinance as part of the update of the County and City and planning and zoning enabling legislation called "a development agreement." He stated that development agreements are common in other states such as Florida, Nevada, and California, which is a regulatory agreement that typically has contributions that developers are going to make for on and off site infrastructure. He stated in return for the contributions, the developer is vested for a certain period of time.

Mr. White stated that there are some clusters that are split between two high school attendance areas. For example, he stated that Antioch Elementary is split between the Weddington High School District and the Sun Valley High School District.

Chairman Lane asked Mr. White from his past experience working with APFO's had he found a rush to build homes with the mitigation process with the national builders coming in and, therefore, resulting in a huge influx of new students. Mr. White stated that he had not seen or heard of that being an effect of any of the ordinances. He said he did not know for sure whether it has or has not. He further said that the Planning staffs that he has kept in touch with in the different areas have not reported to him any change between local and national homebuilders in those areas.

Commissioner Pressley asked how many counties Mr. White had worked with implementing APFO's. Mr. White responded between 15 to 20 counties. Commissioner Pressley further asked if any of those counties had 14 municipalities. Mr. White stated that he did not believe he had worked with any other counties with this many municipalities.

Commissioner Rushing said if any of the towns do not approve the APFO, then it would probably encourage annexations. For example, he said if he had land that the County said that he could not build on or he would have to wait and build ten homes per year, then he would probably approach a town that had not approved the APFO and ask to be annexed into the town. He questioned what the County could do to prevent that from happening.

Mr. White responded that he thought sewer was the only hook for the County and explained that under North Carolina law, the towns are the permit issuing authority once land comes within the towns' jurisdictions. He said that along with the ordinance, a Memorandum of Understanding has also been prepared and creates a framework for the towns to work with the County. He stated that to date, all of the towns have indicated that they want to participate in the APFO at one level or another. Mr. White stated that at the present time most of the towns are much more limited in terms of land area than the County, so the impact of one town not going along might be insignificant in terms of the whole scheme of things.

Commissioner Stone stated that the towns have legislative action that has put them in place, and they have responsibilities to their citizens. He reiterated that the County cannot tell the towns what to do. However, he said that he has been very, very impressed with the towns helping Mr. White and the Board come up with a solution.

Commissioner Pressley stated that at the beginning of the APFO process, he had two concerns. He said the first concern had been what are the legal ramifications and the legal ramifications of the municipalities. He asked that Mr. White touch on this issue briefly. Commissioner Pressley said that he also had concerns with busing, and tonight they had heard that adjoining clusters was the biggest issue. He stated that both Mr. White and citizens have made some recommendations. He asked Mr. White to explain how he had made his decisions.

Mr. White responded that he had worked with the task force to come up with a draft ordinance which they had read and reread from the legal perspective. He said that they sat down and ran the numbers under the ordinance with individual districts, and it became apparent that there were a few tweaks that were needed. He said that he would not say that the changes that had been recommended were major changes, but he believed that the changes were tweaks that will help the ordinance work better and more flexibly. He stated that when it came to the legalities of the APFO or the potential for legal challenges, it is a judgment call.

Vice Chairman Sexton asked if the homebuilders or realtors had participated in the crafting of the draft ordinance. Mr. White said that no one that he had met during the process had identified himself or herself as a member of the homebuilding industry. The County Manager noted that on three different occasions, letters were sent to the homebuilding industry. Mr. Shalati said that there were some representatives of the

homebuilding industry who sat in the audience and elected not to sit at the stakeholders' table.

Chairman Lane asked Mr. White to explain the issue that was discussed by Mayor Becker and seconded by Ms. Kravis regarding only counting 50 percent of an adjacent elementary school cluster. Mr. White said that Mayor Becker and others had mentioned instead of counting all of the capacity in that district, only count a portion of it. He stated that no specific percentage had been given or to impose some sort of distancing requirement so in order to count a school in that adjacent district, it would have to be within a certain distance of the proposed development. He said that he thought one of the reasons for that suggestion is that some of the school districts are fairly large.

Chairman Lane asked Mr. Crook, staff attorney, if the Board could vote on these changes tonight. Mr. Crook stated that the Board could vote to amend the draft ordinance so that the staff can work on the draft ordinance and bring it to the Board for adoption.

Vice Chairman Sexton asked for a brief clarification on a 50 percent consideration rather than the entire adjoining district and how it would affect the numbers. Mr. White responded that he would need to bring the numbers through the spreadsheet formulas.

Chairman Lane asked Mr. White if he had a recommendation on a percentage to use. He said that his personal recommendation would be to count the whole district and not play numbers with percentages. He stated that he believed the distancing test would be more defensible.

Vice Chairman Sexton moved to bring a revised draft before the Board for adoption at the October 2, 2006, meeting, with the possibility of the 50 percent consideration on adjoining school districts and the distance factor.

Mr. Shalati stated that the motion would require two ordinances to be prepared, because the Board would need to vote on the exact ordinance that the Board is willing to consider. He said that he would encourage the Board to hear recommendations from Mr. White.

Vice Chairman Sexton requested to hear the consultant's recommendations at this time.

Mr. White recommended not adding the percentage consideration. He said if the Board chose to add some adjacency tests, he believed the distancing factor made more sense than an arbitrary percentage. He stated that he would like the ability to consult with the schools on busing distances because it usually differs from county to county. He said that he would also like for the Board to consider other issues such as the currently available revenue sources and giving the County staff direction on that issue. Also, he asked the Board to consider the ability of the Planning staff to annualize the building permit data for the older years where all twelve months of data is not available.

Vice Chairman Sexton amended his motion to direct the staff and consultant to bring forward the revised draft that the Board participated in back in July to the Board at the October 2, 2006, meeting.

Mr. Shalati asked for clarification that the revised draft would have the modifications that the consultant had recommended. For example, he said one of the recommendations had been to eliminate currently available revenue sources, annualize older building permit data, and the adjacency. Vice Chairman Sexton responded that he wanted the adjacency component excluded and it would be the revised draft as the Board had participated in back in July.

Mr. Crook further asked for clarification if the motion included leaving the adequacy and the adjacent districts as they currently are in the draft ordinance. Vice Chairman Sexton responded "yes."

Commissioner Rushing said that he had voted against the APFO when it went to the Planning Board because he did not like the adjacency, and he would be voting against it again tonight.

The motion as amended 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 closed the public hearing at this time.

DELETIONS, ADDITIONS, AND ADOPTION OF AGENDA:

Commissioner Stone stated that he would encourage the audience to hear the statement that the Board did not pass the APFO tonight but approved for it to be reviewed by the staff and brought back to the Board for consideration.

Commissioner Rushing asked to move Item #6 from the Consent Agenda involving ag districts to the regular agenda. He stated that Allan Baucom was in the audience tonight and would give a brief description of that program.

Chairman Lane stated that this item would be moved to Item 6a.

Commissioner Pressley stated that the Board had delayed action at the last meeting on a Resolution approving the financing of the purchase of land by the Wesley Chapel Fire Department. He said that it was his understanding that there is a possibility that the strategic development fire plan has been withdrawn at this time. He asked that the Wesley Chapel Resolution be added to the agenda to allow the fire department to proceed with its financing resolution.

Chairman Lane stated that this item would become Item 7a on the Regular Agenda.

Commissioner Rushing asked about the request by the residents of Grover Moore Place which was discussed at the last meeting. Mr. Shalati stated that he had the information and was prepared to give the Board a report during the Manager's Comments. Commissioner Rushing asked that the report be held tonight and the item placed on the agenda for the October 2, 2006, meeting.

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

CONSENT AGENDA:

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

Finance Department: Approved Budget Transfers reports for June, July, and August 2006, as presented.

Motor Vehicle Tax Refund Overpayments for August 2006: Approved Motor Vehicle Tax Refund Overpayments for August 2006 in the amount of \$3,806.68

Health Department: Adopted Budget Amendment #12 to the Health-Health Check Budget increasing Operating Expense by \$7,216 and Revenue by \$2,870 and decreasing Contingency by \$4,346 to appropriate additional funding and match for Smart Start Health Coordinator.

Health Department: Adopted Budget Amendment #14 to the Health-Smart Start Breastfeeding Program increasing Operating Expense by \$14,314 and Revenue by \$13,013 and decreasing Contingency by \$1,301 to appropriate additional funding and match for Smart Start Breastfeeding Program.

Social Services: Adopted Budget Amendment #12 increasing Public Assistance by \$1,673,749 and Revenue by \$1,673,749 to appropriate additional funding for Child Day Care.

Tax Administrator: Approved the Second Motor Vehicle Release Register for the Period of August 1, 2006-August 31, 2006 in the net grand total amount of \$21,550.81-.

Tax Administrator: Approved the Second Motor Vehicle Refund Register for the Period of August 1, 2006 - August 31, 2006 in the net grand total amount of \$2,443.13-.

Tax Administrator: Approved Release for August 2006 in the grand total amount of \$187,480.55

RELEASES August 2006

Acct #	Name	Release #	Total
2006			
07027434	HALL JERRY E & JEAN A	1412	1,130.53
08042023C	BAUCOM NOLLIE BUREN	1413	686.83
04180004A	MCELWEE DAVID G & MOLLY M	1414	2,298.86
H2208002A	CAHAL DONALD I & WF VIRGINIA B	1415	159.08
H5042016	MORRIS PHILLIP E	1416	181.08
50076918	WARP DEVELOPMENT	1417	4,228.91
50081554	CYRIL BATH COMPANY		3,360.02
50082738	LOGIC MANUFACTURING INC		1,065.37
09304008B	COX HOMER HOUSTON SR	1420	83.66
02303016B	PEE DEE ELECTRIC MEMBERSHIP CORPORATION	1421	125.81
06183020A	UNION ELECTRIC MEMBERSHIP CORP	1422	1,172.31
07015019E	NORTH CAROLINA NATURAL GAS CORPORATION	1423	0.27
07066407	ALLTELL CAROLINA INC	1424	6.49
08012001E	UNION ELECTRIC MEMBERSHIP CORP	1425	240.67
08237004B	GTE SOUTH INCORPORATED	1426	1.72
09185013	NORTH CAROLINA NATURAL GAS CORPORATION	1427	1.66
01228005	UNION ELECTRIC MEMBERSHIP CORP	1428	154.78
02092003A	PEE DEE ELECTRIC MEMBERSHIP CORPORATION	1429	56.73
02307004	MID CAROLINA TELEPHONE CO % RASH	1430	4,209.54
02307028	ALLTEL CAROLINA INC % RASH	1431	287.02
02310073	SEABOARD COASTLINE RAILROAD DEPOT	1432	281.04
02311040	NORTH CAROLINA TELEPHONE COMPANY % RASH	1433	4,466.83
02318005 80	DUKE POWER - DUKE ENERGY CORPORATION	1434	294.98
02318005 90	DUKE POWER - DUKE ENERGY CORPORATION	1435	43.36
04066034	GTE SOUTH INCORPORATED	1436	5.03
04132016A	UNION ELECTRIC MEMBERSHIP CORP	1437	75.58
04252007A	UNION ELECTRIC MEMBERSHIP CORP	1438	17.84
04252008	DUKE POWER - DUKE	1439	295.59

04279006A	ENERGY CORPORATION GTE SOUTH INCORPORATED	1440	72.14
04282003B	UNION ELECTRIC MEMBERSHIP CORP	1441	82.30
05087011	DUKE POWER - DUKE ENERGY CORPORATION	1442	259.06
05115022A	NORTH CAROLINA TELEPHONE COMPANY % RASH	1443	201.30
05115023B	N C TELEPHONE CO	1444	707.50
05123054	DUKE POWER - DUKE ENERGY CORPORATION	1445	300.56
05141006A	SEABOARD COASTLINE RAILROAD CO	1446	71.39
05168018A	SEABOARD COAST LINE RAILROAD CO	1447	109.30
06003004B	DUKE POWER - DUKE ENERGY CORPORATION	1448	101.11
06093001B	UNION ELECTRIC MEMBERSHIP CORP	1449	523.67
06096007A	UNION ELECTRIC MEMBERSHIP CORP	1450	498.31
06120003A	ALLTEL MOBIL COMMUNICATIONS OF CAROLINA	1451	916.34
06147002	DUKE POWER - DUKE ENERGY CORPORATION	1452	3,993.76
07060063A	N C TELEPHONE CO	1453	435.48
07060084A	NORTH CAROLINA TELEPHONE CO	1454	273.24
07069123B	DUKE POWER - DUKE ENERGY CORPORATION	1455	1,250.16
07069204	NORTH CAROLINA NATURAL GAS CORPORATION	1456	4,372.98
07075001A	UNION ELECTRIC MEMBERSHIP CORP	1457	117.15
07084332C	NORTH CAROLINA NATURAL GAS CORPORATION	1458	4.70
07114060	N C TELEPHONE CO	1459	257.59
07129545	DUKE POWER - DUKE ENERGY CORPORATION	1460	5,973.45
07141007A	DUKE POWER - DUKE ENERGY CORPORATION	1461	387.89
08042017A	GTE SOUTH INCORPORATED	1462	19.80
08102003A	DUKE POWER - DUKE ENERGY CORPORATION	1463	92.64
08261010	UNION ELECTRIC MEMBERSHIP CORP	1464	245.58
08303015	UNION ELECTRIC MEMBERSHIP CORP	1465	319.37
08315002C	NORTH CAROLINA NATURAL GAS	1466	0.55

	CORPORATION		
09022117	NORTH CAROLINA TELEPHONE COMPANY	1467	349.04
09114003	GENERAL TELEPHONE OF NC	1470	1,995.74
09134001G	GTE SOUTH INC	1471	8.15
09149005A	DUKE POWER - DUKE ENERGY CORPORATION	1472	639.76
09177023A	DUKE POWER - DUKE ENERGY CORPORATION	1473	11.33
09231021	SEABOARD RAILROAD	1474	293.96
09232116	GENERAL TELEPHONE CO	1475	7,155.62
09268030	UNION ELECTRIC MEMBERSHIP CORP	1476	31.84
09268052	UNION ELECTRIC MEMBERSHIP CORP	1477	89.14
09268056	UNION ELECTRIC MEMBERSHIP CORP	1478	106.97
09270108	DUKE POWER - DUKE ENERGY CORPORATION	1479	870.11
09271011	DUKE POWER - DUKE ENERGY CORPORATION	1480	89.14
09336030C	N C NATURAL GAS CORP	1481	6.37
09339017	GENERAL TELEPHONE CO OF THE SOUTHEAST	1482	568.25
09342114B01	UNION ELECTRIC MEMBERSHIP CORP	1483	2,782.76
09342114B02	UNION ELECTRIC MEMBERSHIP CORP	1484	2,422.20
09351040	GTE SOUTH INC	1485	15.50
09363025	DUKE POWER - DUKE ENERGY CORPORATION	1486	12.73
09393012A	DUKE POWER - DUKE ENERGY CORPORATION	1487	871.01
09311008A	UNION ELECTRIC MEMBERSHIP CORP	1488	14.36
09411008D	GTE SOUTH INC	1489	15.63
09402509	KNOTTTS-PROVIDENCE LLC	1490	666.57
09150174	RUBIO NORADELY B & CLEMENTE R GALEANA	1491	583.98
09402510	KNOTTTS-PROVIDENCE LLC	1492	183.16
09402511	KNOTTTS-PROVIDENCE LLC	1493	669.69
09402512	KNOTTTS-PROVIDENCE LLC	1494	183.16
09402513	KNOTTTS-PROVIDENCE LLC	1495	183.16
07147405	GIBSON REECE	1505	1,674.76
H5042016	MORRIS PHILLIP E	1516	48.18
50068669	BRATTON CHRISTOPHER	1517	144.43
50070967	HANSON	1518	157.11

CONSTRUCTION SERVICES			
50091134	ESQUIVEL EFRAIN	1519	153.28
09063025	KIRKLAND EUGENE & WF PATRICIA	1520	441.21
01078004	NANCE DENNIS LEE	1523	1,249.63
01075011A	THOMAS EDWIN LYNN	1524	540.72
01078004A	THOMAS RANDY	1525	1,246.00
01102004	CLAYTON & AMANDA ESTEP MARK ANDREW & KATHY	1526	3,258.86
01114006	VON EGIDY DENNIS W & WIFE ANGELA	1527	2,975.94
01141001A	LITTLE KENNETH JERRY	1528	783.78
02021003	MARSH MARY	1529	4,527.27
02074004D	JEANETTE MOORE BAUCOM ROBERT EUGENE JR & MELISSA	1530	2,070.33
02214028	HELMs CHARLES C & CAROLE P HELMS	1531	1,210.40
02223011C	BROOKS J HILTON & JOAN P	1532	678.50
02233003	BRASWELL BILL G JR & WF CAROLYN B	1533	344.11
02303050 92	HORNE CRESFUL W & BILLIE JOE	1534	704.86
03165004	ROBINSON WILLIAM TATE & WIFE	1535	468.47
04036001	DILL KERRY MELINDA	1536	101.38
04159010	OLD HOMEPLACE LIMITED PARTNERSHIP	1537	1,660.54
04255034	CLARY JONATHAN C & WF MICHELE	1538	1,145.45
04264016	STARNES TOMMY EDDISON	1539	189.25
04288020	EUDY BILLY R SR & RACHEL M EUDY TRUSTEE	1540	131.70
05072026	COOK VIOLET T ET AL	1541	2,078.77
05116008	TYSON HARRY S & JAMES M TYSON	1542	888.73
05138050	GRADY EDWARD ELOIS	1543	261.98
05153033	JMB LAND COMPANY LLC	1544	5,934.87
05153059	WAGNER ELWOOD W & DOROTHY L	1545	277.84
05171003B	MCGIRT ROBERT MILLS & WIFE SHARON	1546	3,020.42
05171004	MCGIRT ROBERT MILLS & WIFE SHARON	1547	1,348.00
06015053	DEESE DAVID J & WF W JANE	1548	155.51
06102120	VALENTINO BUILDERS INC	1549	4,796.74
06066150	MCBRIDE BRIAN G & ALBERT E CHIONG	1550	2,709.81

06084124	PRUITT JOE B	1551	247.47
06102099	MANNING COMPANIES LLC	1552	4,700.85
06105025 01	BYRUM INEZ J	1553	79.99
06120012F	KILLOUGH DOROTHY M	1554	30.47
06135001 01	PFISTER WALTER ROBERT & EMIL ALBERT	1555	10,074.07
06135001 02	PFISTER WALTER ROBERT & EMIL ALBERT	1556	4,796.58
06198486	OVERCASH CHRISTA A	1557	775.11
06207389	METRO JOSEPH ALAN & JENNIFER LISA	1558	338.98
06225090	DWIGHT HUNTER	1559	951.77
07003011	HOMES INC FOARD SANDRA E & BARBARA A FOARD	1560	2,728.78
07006004B	HOWEY FRANKLIN W JR	1561	53.29
06120001A	O'HARA SCOTT S & WIFE DEBRA S	1562	1,880.00
08120011	FREEMAN JE HEIRS % JAMES R HILTON	1563	2,167.24
08075014D	HIGH FRED LEONIDAS ET AL	1564	785.89
08045017E	POLK JAMES BOYD & WIFE JOAN PURSER	1565	1,554.38
08033006	ALEXANDER EUGENE F & AMY B	1566	25.71
07144802	SMITH LOIS P	1567	789.12
07144761	PANGALOS CHRIS	1568	1,463.48
07075022	PHARR HENRY N II TRUSTEE	1569	484.32
07069157	GARNER AMY MICHELLE	1570	588.36
07021007J	POPLIN ROAD PARTNERS LLC	1571	312.45
08237027	OLD GATE HOMEOWNERS ASSOCIATION INC	1572	0.25
08153002C	TUCKER MILDRED P & JAMES LOGAN TUCKER	1573	586.52
08234018A	BROOKS ERIC V & WIFE JULIE P	1574	5,910.71
08237027A	OLD GATE HOMEOWNERS ASSOCIATION INC	1575	4.35
08237038	OLD GATE HOMEOWNERS ASSOCIATION INC	1576	258.58
08267002F	STALLINGS PAUL DEMONT HEIRS	1577	103.35
08267013	BAUCOM JAMES TERRELL & WF HELEN W	1578	369.06
08279003	COZZENS DAVID M & BENITA W	1579	3,844.01
09134007	HELMS COY CECIL JR & CONNIE C	1580	1,177.14

09134007A	HELMS HELEN H	1581	585.52
09147047	STATON HARVEY L & WIFE IRENE C	1582	578.57
09229104A	HELMS WANDA M	1583	344.58
09231090	HISTORIC MONROE FOUNDATION INC	1584	328.60
09231179	RABON JAMES L & PATRICIA H RABON	1585	295.68
09286007	DAMON DIANE S	1586	778.11
09286012	HAYES TODD F & ANDREA S	1587	884.31
09286018	HARRILL THIRBY G & WF KAY	1588	2,449.19
09342102	DODD CLAUDE JAMES & WF CAROLYN C	1589	469.38
09345294	HAMPTON HOMES OF SOUTH CAROLINA INC	1590	1,061.00
09411005A	FOWLER MARGERET NEAL	1591	1,091.04
09279055	BRAGG CHRISTOPHER W & WF KATHY	1592	701.01
09342149	BRAGG CHRISTOPHER W & WF KATHY	1593	801.41
03015012	HOWARD BYRUM MELVIN % MILDRED	1594	17.57
N9210010M	PRICE KEMP NEAL	1596	218.72
08195007B	KURTZ DAVID A & WIFE LORI L	1599	35.27
09274030	HOWARD HENRY FRANK	1600	752.71
09363006G	WHITE JERALD L & NANETTE K	1601	393.16
03015009	RORIE MARTHA H & JAMES H	1602	122.27
07147379	GIBSON E REECE	1604	265.63
07147394	BROOKWOOD HOMES BUILDERS INC	1605	371.88
01156007	CAMERON JOHN		
01159001	HELMS JAMES D & LENORIA G	1607	871.36
04231032A	RICHARDSON GENERAL S HEIRS	1608	179.25
09171014	HINSON PAUL B & ARMA LEE	1609	2,404.65
08033006	ALEXANDER EUGENE F & AMY B	1610	598.51
50094299	MCDONALD JIMMIE LUSTER	1611	44.01
H8039013	SMITH ALLIE MAE	1612	44.40
03159076 02	MEDLIN FARMS INC % RANDY & KAREN	1613	408.53
06105051	SMITH GEORGE P & ROXANNE J	1616	1,549.96
06036023	PARKER LONNIE WILSON & JEAN B	1617	497.79
04009008D	THOMAS JEREMY	1618	171.74

04030020H	DANIEL NANCE JEREMY DAVID & JENNIFER L	1619	166.45
50067767	TAYLOR WILLIAM EARL	1623	126.83

TOTALS - 2006 **182,223.20**

2005

50082667	GARDNER DESIGN GROUP INC	1410	279.78
50082597	COOPER DAVID L ATTY AT LAW	1411	29.87
04249010	MCGUIRT BERNICE S	1510	387.33
50070967	HANSON CONSTRUCTION SERVICES	1513	134.16
50068669	BRATTON CHRISTOPHER	1515	144.62
05069005	STARNES DANNY WAYNE	1521	257.23
09112006A02	PINE KNOLL ESTATES LLC ERMA	1597	171.74
H8039013	SMITH ALLIE MAE	1621	188.35
03159076 02	MEDLIN FARMS INC % RANDY & KAREN	1614	404.76
50067767	TAYLOR WILLIAM EARL	1624	128.50

Totals - 2005 **2,126.34**

2004

03054003A	FUNDERBURK DORIS S	1506	717.39
04249010	MCGUIRT BERNICE S	1511	365.81
50070967	HANSON CONSTRUCTION SERVICES	1514	112.32
05069005	STARNES HAZEL C	1522	242.94
09112006A02	PINE KNOLL ESTATES LLC ERMA	1598	162.20
03159076 02	MEDLIN FARMS INC % RANDY & KAREN	1615	385.05

Totals - 2004 **1,985.71**

2003

03054003A	FUNDERBURK DORIS S	1507	281.40
04249010	MCGUIRT BERNICE S	1512	242.52

Totals - 2003 **523.92**

2002

50082157	THOMPSON JESSE JAMES	1409	114.40
03054003A	FUNDERBURK DORIS S	1508	253.49
Totals - 2002			367.89

2001			
03054003A	FUNDERBURK DORIS S	1509	253.49
Totals - 2001			253.49

GRAND TOTAL ALL YEARS	187,480.55
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Tax Administrator: Approved refunds for August 2006 in the grand total amount of \$2,500.37

Refunds for August 2006

Acct #	Name	Release #	Total
2005			
50093940	FREMIN EARL E	1496	37.74
50080686	RAPE GEORGE EDWARD	1497	37.52
50091585	PATRIOT COMMERCIAL LEASING	1498	173.25
50091458	GE CAPITAL INFORMATION TECH SOLUTIONS IN	1499	41.98
06075003	BOATRIGHT BONNIE DEXTER ETAL	1500	384.03
50076435	COLLINS THOMAS A	1502	34.63
03015012	HOWARD BYRUM MELVIN % MILDRED	1595	17.38
03015009	RORIE MARTHA H & JAMES H	1603	121.50
09078012	MYERS CHARLES HARRY & JEAN	1620	509.35
Totals - 2005			1,357.38

2004			
06075003	BOATRIGHT BONNIE DEXTER ETAL	1501	362.59
50076435	COLLINS THOMAS A	1503	27.08
09078012	MYERS CHARLES HARRY & JEAN	1622	476.56
50067767	TAYLOR WILLIAM EARL	1625	74.14
Totals - 2004			940.37

2003			
50076435	COLLINS THOMAS A	1504	27.72
50057767	TAYLOR WILLIAM EARL	1626	88.15
Totals - 2003			115.87
2002			
50067767	TAYLOR WILLIAM EARL	1627	86.75
GRAND TOTAL ALL YEARS			2,500.37

Amended Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Planning Organization: Authorized the Chairman to execute the Amended Memorandum of Understanding.

**AMENDED
MEMORANDUM OF UNDERSTANDING
FOR
COOPERATIVE, COMPREHENSIVE AND CONTINUING
TRANSPORTATION PLANNING
AND THE ESTABLISHMENT
OF A RURAL PLANNING ORGANIZATION
FOR**

The **County of Anson** and the participating municipalities therein; the **County of Stanly** and the participating municipalities therein; the **County of Union** and the participating municipalities therein; and the North Carolina Department of Transportation (NCDOT) (hereinafter collectively, “the Parties”).

WITNESSETH

Whereas, on September 16, 2002, the Parties entered into a Memorandum of Understanding which created the Rocky River Rural Planning Organization (hereinafter, “RPO”); and,

Whereas, the RPO provides rural areas the opportunity to work in partnership with the NCDOT toward development of sound, short and long-range transportation planning for rural areas; and,

Whereas, the Parties have agreed to amend the original Memorandum of Understanding.

Now, therefore, the following Amended Memorandum of Understanding is made on this the _____ day of _____, 2006.

Section 1. It is hereby agreed, that the **County of Anson** and the participating municipalities therein; the **County of Stanly** and the participating municipalities therein; the **County of Union** and the participating municipalities therein; and the NCDOT intend to establish and participate in a RPO created for the general purposes and responsibilities outlined in the following:

1. To develop long-range local and regional multi-modal transportation plans in cooperation with the area Metropolitan Planning Organization (MPOs) and the NCDOT.
2. To provide a forum for public participation in the rural transportation planning process.
3. To develop and prioritize suggestions for transportation projects that the RPO believes should be included in the State Transportation Improvement Program (STIP).
4. To provide transportation related information to local governments and other interested organizations and persons.
5. To conduct transportation related studies and surveys for local governments and other interested entities/organizations.
6. To undertake mutually agreed upon transportation related tasks to enhance transportation system development, coordination and efficiency.

Section 2. It is hereby further agreed that transportation plans and programs and land use policies and programs for the RPO will be coordinated by Stanly County, an agency selected on behalf of participating local governments and the NCDOT, to be the administrative entity and to serve as the lead local planning agency for coordinating transportation planning in the three-county planning area. The RPO hereby authorizes Stanly County to be the recipient of any funds appropriated to the RPO by the NCDOT pursuant to North Carolina General Statute 136-213(c).

Section 3. Establishment of Transportation Advisory Committee (TAC). A TAC is hereby established with the responsibility for serving as a forum for cooperative transportation planning decision-making for the RPO. The TAC shall have the responsibility for keeping the local elected governing boards informed of the status and requirements of the transportation planning process; to assist in the dissemination and clarification of the decisions, inclinations, and policies of the local elected governing boards and the North Carolina Board of Transportation; and to help ensure meaningful public participation in the rural transportation planning process.

1. The TAC will be responsible for carrying out the following:

- A. Establishment of goals, priorities, and objectives for the rural transportation planning process.
 - B. Endorsement and review of changes to adopted comprehensive transportation plans within the RPO.
 - C. Endorsement, review, and approval of a Planning Work Program (PWP) for transportation planning which defines work tasks and responsibilities for the various agencies participating in the RPO.
 - D. Endorsement and review transportation improvement projects that support and enhance intra-county transportation within the three county RPO.
2. The membership of the TAC shall consist of the following:
 - A. One Commissioner representing the County of Anson and one elected official from each of the RPO member municipalities therein.
 - B. One Commissioner representing the County of Stanly and one elected official from each of the RPO member municipalities therein.
 - C. One Commissioner representing the County of Union and one elected official from each of the RPO member municipalities therein.
 - D. One member from the North Carolina Board of Transportation representing Division 10.
 3. The Commissioner representing each county on the TAC shall be elected every two years by the Board of County Commissioners of each county in regular session. The municipal member representing each municipality on the TAC shall be elected every two years by the governing body of the municipality in regular session. All terms of appointment to the TAC shall be for two years. Reappointment is possible. One alternate may be designated for each member providing they meet the same criteria as the original appointee.
 4. An RPO TAC membership roster will be compiled, and updated as least annually, listing each attendee and alternate, if applicable, for each member county or municipality. The membership of a county or municipality member who fails to send the appointee or alternate to two consecutive RPO meetings will be designated as a vacant seat and will not count towards quorum. Attendance at future meetings will reinstate the member.
 5. A quorum is required for the transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of 51% of the members of the TAC, plus as many additional members as may be required to ensure that

51% of possible votes are present. The TAC will meet as often as it is deemed necessary, appropriate and advisable. On the basis of majority vote of its membership, the TAC may elect a member of the committee to act as chairperson with the responsibility for coordination of the committee's activities.

6. The Lead Planning Agency will provide staff to the TAC.

Section 4. Establishment of Transportation Coordinating Committee (TCC). A TCC shall be established with the responsibility of general review, guidance, and coordination of the transportation planning process for the RPO and the responsibility for making recommendations to the respective local, state, and federal government agencies and the TAC regarding any necessary actions relating to the continuing transportation process.

1. The TCC shall be responsible for development, review, and recommendation for approval of the PWP for the RPO, and development and review for STIP requests and revisions to the STIP.
2. Membership of the TCC shall include technical representatives from all local and state governmental agencies directly related to and concerned with the transportation planning process for the RPO planning area. Initially, the membership shall include, but may not be limited to, the following:
 - A. The Manager, Assistant Manager, Planner, Clerk, or Engineer from each of the three counties of the RPO planning area, or his/her designated representative.
 - B. The Chief Administrative Official, Planner, Clerk, or Engineer from each member municipality in the RPO planning area, or his/her designated representative.
 - C. Division Engineer serving Highway Division 10, NCDOT, or his/her designated representative.
 - D. Manager, Transportation Planning Branch, NCDOT, or his/her designated staff representative.
3. Membership of the TCC may be altered on the basis of a majority vote of its membership and approval of the TAC of the RPO. One Alternate may be designated for each member providing they meet the same criteria as the original appointee. Membership may be further defined in duly adopted bylaws. A RPO TCC membership roster will be compiled, and updated at least annually, listing each attendee and alternate, if applicable, for each member county or municipality. The membership of a county or municipality member who fails to send the appointee or alternate to two consecutive RPO meetings will be

designated as a vacant seat and will not count towards quorum. Attendance at future meetings will reinstate the member.

3. A quorum is required for the transaction of all business, including conducting meetings or hearings, participating in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of 51% of the members of the TCC, plus as many additional members as may be required to ensure that 51% of possible votes are present. The TCC shall meet when it is deemed necessary, appropriate and advisable. Stanly County will staff the TCC. The TCC shall by majority vote of the membership elect one member to serve as a Chairman with the responsibility for coordinating the committee's activities. Membership of the TCC may be altered on the basis of a majority vote of its membership and approval of the TAC of the RPO.

Section 5. It is further agreed that all participating agencies will assist in the rural transportation planning process by providing planning assistance (where possible), data, and inventories in accordance with the approved PWP.

Section 6. Each municipality or county agrees that they will, as a part of their membership in the RPO, fund their portion of the required local match.

Section 7. Each county and its RPO member jurisdictions shall have the support of the RPO staff in developing local transportation projects and priorities. Each member agrees to coordinate its transportation plans with those of other RPO members. Additionally, by consensus, the RPO may identify projects of a regional nature for development and presentation to NCDOT for consideration.

Section 8. Parties to this Memorandum of Understanding may terminate their participation in the continuing transportation planning process by giving 90 days written notice to the other parties to the date of termination.

Section 9. Municipalities desiring to join the RPO following the signing of this Memorandum of Understanding must do so no later than 90 days after the date given below in Section 10 by submitting a fully executed Municipal Statement of Adoption. Any municipality desiring to join the RPO after the initial 90-day period must notify the lead planning agency and the other members of the RPO in writing of its intent to join, and provide each with a copy of a fully-executed Municipal Statement of Adoption. New memberships will become effective July 1st of each year.

Section 10. This Amended Memorandum of Understanding supersedes and replaces any prior memorandum(s) of understanding between the Parties regarding the RPO.

Section 11. In witness whereof, the Parties have been authorized by appropriate and proper resolutions, and/or legislative authority to sign this amended Memorandum of Understanding, this the _____ day of _____, 2006

BY:

COUNTY OF ANSON

Chairman

Clerk to the Board

COUNTY OF STANLY

Chairman

Clerk to the Board

COUNTY OF UNION

Chairman

Clerk to the Board

NCDOT

Approved as to form and execution

Secretary

Assistant Attorney General

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

**The “AMENDED MEMORANDUM OF UNDERSTANDING FOR
COOPERATIVE, COMPREHENSIVE, AND CONTINUING
TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL
PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF
STANLY, AND COUNTY OF UNION” and the participating municipalities in each
county is hereby adopted by the Albemarle City Council, this _____ day of
_____, 2006.**

BY:

Mayor of the City of Albemarle

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

**The “AMENDED MEMORANDUM OF UNDERSTANDING FOR
COOPERATIVE, COMPREHENSIVE, AND CONTINUING
TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL
PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF
STANLY, AND COUNTY OF UNION” and the participating municipalities in each
county is hereby adopted by the Badin Town Council, this _____ day of
_____, 2006.**

BY:

Mayor of the Town of Badin

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Locust City Council, this _____ day of _____, 2006.

BY:

Mayor of the City of Locust

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Marshville Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of Marshville

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the New London Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of New London

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Norwood Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of Norwood

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Wadesboro Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of Wadesboro

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each

county is hereby adopted by the Peachland Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of Peachland

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
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FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Oakboro Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of Oakboro

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF

STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Ansonville Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of Ansonville

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Lilesville Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of Lilesville

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each

county is hereby adopted by the McFarlan Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of McFarlan

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Morven Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of Morven

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF

STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Polkton Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of Polkton

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Stanfield Town Council, this _____ day of _____, 2006.

BY:

Mayor of the Town of Stanfield

Clerk

**MUNICIPAL STATEMENT OF ADOPTION
OF THE
AMENDED MEMORANDUM OF UNDERSTANDING REGARDING
THE RURAL PLANNING ORGANIZATION
FOR
ANSON, STANLY, AND UNION COUNTIES**

The “AMENDED MEMORANDUM OF UNDERSTANDING FOR COOPERATIVE, COMPREHENSIVE, AND CONTINUING TRANSPORTATION PLANNING AND THE ESTABLISHMENT OF A RURAL

PLANNING ORGANIZATION FOR THE COUNTY OF ANSON, COUNTY OF STANLY, AND COUNTY OF UNION” and the participating municipalities in each county is hereby adopted by the Village of Misenheimer Council, this _____ day of _____, 2006.

BY:

Mayor of the Village of Misenheimer

Clerk

Recommendations from the Union County Agricultural Advisory Board to Establish Voluntary Agricultural Districts (Forrest V. and Carol Jones and Dennis and Ronda Austin): This item was moved to the regular agenda.

Minutes: Approved minutes of the regular meeting of September 5, 2006.

TEXT AMENDMENT TO UNION COUNTY LAND USE ORDINANCE - ARTICLE X, SECTION 146 - TABLE OF USES - AMPHITHEATER AND UTILITY FACILITIES, ELECTRIC SUBSTATIONS (Public Hearing Held at the September 5, 2006, Meeting)

Vice Chairman Sexton questioned why the amphitheater was the only use that was included the RC-80, RA-40, and R-40. He said that those zoning classifications were excluded from the utility facilities and electric substations.

Vice Chairman Sexton moved to approve the text amendments with the inclusion of the RC-80, RA-40, and R-40 in the amphitheater, utility facilities, and electric substations. He said that he liked the special use process that would accompany those three classifications.

Commissioner Pressley asked if these changes should go before the Planning Board before adoption by the Board.

Jeff Crook, Staff Attorney, stated that these modifications could be sent to the Planning Board; however, he did not think it was required. Mr. Crook said that whether or not to have a second hearing is a separate issue. He further said that he believed that the same people who would have come out tonight in opposition to the change also would have come for the other one, and if the Board wanted to be safe, it could choose to have a second hearing; otherwise, he thought it would be defensible to go ahead and vote on the text amendment.

Commissioner Stone stated that he would rather err on the side of the citizens and go ahead and have a second hearing.

Commissioner Pressley offered a substitute motion to defer action on this item tonight with the presentation from Union Power to see the impacts and what can be done to work together.

Commissioner Stone said he was not opposed to the substitute motion but did oppose to tying it to Union Power.

Commissioner Pressley agreed to amend his substitute motion not to relate it to Union Power but anyone who wished to make an alternate presentation along with Union Power would be acceptable.

Commissioner Rushing questioned whether the proposed text amendment would affect any projects currently pending.

Mr. Shalati said that if Commissioner Rushing were referring to the substation that has been applied for and heard by the Board of Adjustment, from an administrative standpoint, he thought it would be grandfathered. He deferred to Mr. Crook for his legal opinion. Mr. Crook stated that since it was referring to a specific case, he would recommend that this discussion take place in a closed session. He said that he thought the question was generally if there were other pending applications, and suggested that Mr. Black provide a response.

Mr. Black responded that pending applications would be processed through the Inspection Department and would not have to come through the Planning Department. He said that there could be some applications in the Inspection Department of which he was not aware.

Vice Chairman Sexton stated that he was voting against the substitute motion because due process has been afforded to everyone, not only at the Planning Board level but also in the Board of Adjustment process, and he did not know what other information could be brought now that would enlighten the Board any more than what has already been brought.

Commissioner Rushing said that possibly no one was opposed to R-20 or RA-20 for the electrical substations, but when going to R-40, it encompasses pretty much the majority of the County.

Commissioner Pressley stated that he would like to know when Union Power's presentation would be available to the Board.

Commissioner Stone moved to call the question. The motion was passed unanimously.

The Chairman then called the vote on the substitute motion to defer. The motion failed by a vote of two to three. Commissioners Pressley and Rushing voted in favor of

the motion. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted against the motion.

A vote was then called on the original motion which passed by a vote of three to two. Chairman Lane, Vice Chairman Sexton, and Commissioner Stone voted in favor of the motion. Commissioner Pressley and Commissioner Rushing voted against the motion.

DISCUSSION OF AGRICULTURAL CENTER'S LETTERING: POSSIBILITY OF ADDING "UNION COUNTY" ABOVE THE EXISTING LETTERING AT THE REQUEST OF THE AGRICULTURAL COMMUNITY:

Commissioner Stone stated that he had been approached by Don Kerr, who wanted to add the lettering "Union County" to the existing Agricultural Center which Commissioner Stone had helped to place on the facility at no cost to the County.

Commissioner Rushing said that he thought it was a good idea. He shared that another suggestion that has been made is having a sign out front, possibly an event's sign, making people aware of upcoming events at the Agricultural Center. He suggested using Union County on the event's sign, and he also suggested that the staff obtain the cost for such a sign.

Commissioner Rushing moved that the Board study adding "Union County" to the existing building and ascertain the cost of an event's sign in front of the facility to make people aware of the upcoming events at the Agricultural Center.

Commissioner Stone said that he thought that an event's sign was part of the plan to be placed in the driveway entrance to the Agricultural Center property. Mr. Shalati responded that he would review the plans with the Facilities Director. He stated that the Agricultural Center is a large facility and he asked the Board to consider if from a Homeland Security standpoint, it wanted to announce upcoming events.

Commissioner Rushing repeated that his motion would be for staff to bring to the Board options and prices on signage announcing upcoming events at the Agricultural Center.

Chairman Lane said that he would like for the sign to be located closer to the highway so that motorists could immediately know where the Agricultural Center is located.

With there being no further discussion, the motion was passed by a vote of four to one. Chairman Lane, Vice Chairman Sexton, Commissioner Pressley, and Commissioner Rushing voted in favor of the motion. Commissioner Stone voted against the motion.

RECOMMENDATIONS FROM THE UNION COUNTY AGRICULTURAL ADVISORY BOARD TO ESTABLISH VOLUNTARY AGRICULTURAL DISTRICTS (Forest V. and Carol Jones and Dennis and Ronda Austin):

Chairman Lane recognized Allan Baucom, Chairman of the Union County Agricultural Advisory Board, to present the recommendations from the Agricultural Advisory Board. He said that the Agricultural Advisory Board was seeking the approval of the Board of Commissioners to establish voluntary agricultural districts.

Mr. Baucom said that Union County is in a unique situation in that agriculture creates more jobs, more GDP, than any other facet of the County. He further said that it does this while at the same time Union County is the fastest growing county. He explained that for every dollar that agriculture pays, it only requires approximately forty-three cents of infrastructure from tax dollars. He noted that agriculture supplies open space, green space, air quality, and water quality.

He thanked the Board for its support of agriculture. Mr. Baucom provided an explanation to the Board of what is meant by a voluntary agricultural district. He stated that the request tonight is for approval by the Board of Commissioners of two parcels that have been reviewed and recommended by the Agricultural Advisory Board for approval to be included as voluntary agricultural districts in accordance with the Union County Voluntary Farmland Preservation Program Ordinance.

Commissioner Stone asked Mr. Baucom if the Agricultural Advisory Board were requesting that the County provide more signs so that the voluntary agricultural districts would be more noticeable. Mr. Baucom responded that he was not asking the Board for more signs but added it would be a great opportunity for the Board to volunteer to provide more signs for the districts.

Following further discussion, Commissioner Stone moved to accept the recommendations of the Agricultural Advisory Board and approve the establishment of voluntary agricultural districts as follows in accordance with the Voluntary Farmland Preservation Program Ordinance:

1. Forrest V. and Carol Jones - 24 acres (reviewed by Natural Resources Conservation Service (NCRS), Cooperative Extension, and the Tax Administrator's Office.
2. Dennis and Ronda Austin - two tracts: 27.773 acres and 36.800 acres (reviewed by Natural Resources Conservation Service (NCRS), Cooperative Extension, and the Tax Administrator's Office.

The motion further included approval of funding to come from Contingency to allow two signs to be placed on each parcel of property designated as voluntary agricultural districts, because so many of the parcels have adjacent angles. The motion was approved by a vote of four to one. Chairman Lane, Commissioner Pressley,

Commissioner Rushing and Commissioner Stone voted in favor of the motion. Vice Chairman Sexton voted against the motion.

FUNDING REQUEST FOR MONROE/UNION COUNTY FIREFIGHTER MEMORIAL:

Commissioner Stone explained that the City of Monroe would be considering appropriating approximately \$2,500 for locating and placing an old 1800's bell outside for citizens to view. He said that the bell would probably be placed in the veranda in front of the Government Center, since there are restrictions on what can be placed on the grounds of the historic courthouse.

Commissioner Stone moved to appropriate \$2,500 from Contingency (Budget Amendment #21) and apply it with the funds anticipated to be appropriated by the City of Monroe for sponsorship of the Monroe/Union County Firefighter Memorial recognizing that the Monroe Rotary Club will be providing over \$10,000 to assist with this project.

Commissioner Rushing offered to add a friendly amendment to the motion to direct staff to provide the Board with an update on the historic Gold Star Mother's Cross that was originally located on top of the historic courthouse.

Commissioner Stone called for a point of order stating that the requested amendment was contrary to the original motion and said that it would not be part of the motion.

Commissioner Stone said that he would request an update on the historic Gold Star Mother's Cross during his Commissioner's comments.

The motion was passed unanimously.

RESOLUTION APPROVING THE FINANCING FOR THE PURCHASE OF LAND BY WESLEY CHAPEL VOLUNTEER FIRE DEPARTMENT, INC.

Commissioner Pressley asked Pat Beekman, Homeland Security Director, for an update on the strategic fire plan for Union County.

Mr. Beekman explained that it had been the recommendation of the staff to defer consideration of the resolution for Wesley Chapel Volunteer Fire Department approving financing for the purchase of land based on the fact that the study would be completed within four months. He stated that subsequent to that meeting, that he, along with the Fire Marshal, received a number of telephone calls from fire chiefs and there have been discussions with fire chiefs, about some confusion with the current fire study that is anticipated to be completed. Mr. Beekman said that he wanted to visit all the fire chiefs in the County and explain the purpose of the fire plan and listen to their concerns and determine if any changes need to be made to the RFP.

He stated that staff had made a recommendation to the County Manager today to restart the process over for the study. He said that as a result of that recommendation, it would probably be substantially longer than four months for the completion of the study. He further said that since staff was not certain when the study would be completed and the fact that Wesley Chapel Volunteer Fire Department has already bought the land, the staff is going to recommend adoption of the resolution as requested by Wesley Chapel Volunteer Fire Department.

Following the explanation by Mr. Beekman, Commissioner Pressley moved adoption of the following resolution:

County Board Resolution

Resolution Approving the Financing by Wesley Chapel Volunteer Fire Department, Inc. of up to \$205,000.00 for the purchase of land.

WHEREAS:

Wesley Chapel Volunteer Fire Department, Inc. has determined the need to finance an amount of up to \$205,000.00 for the purchase of land. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing. The VFD has held a public hearing on the financing after published notice, as required by the Code. The VFD has reported the proceedings of the hearing to this Board.

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

1. The County approves the VFD's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The VFD's conduct of the required public hearing is approved, provided that Union County makes no representation as to the sufficiency of the public hearing for any purpose whatsoever.
2. Union County's approval of the VFD's entering into the financing does not obligate the County or its Board of Commissioners in any way regarding repayment of the debt.

Attest:

Lynn G. West, Clerk to the Board

Roger Lane, Chairman

Vice Chairman Sexton asked Mr. Beekman to explain how his recommendation would affect the other two fire departments that possibly had similar circumstances. Mr. Beekman responded that staff has learned about one of those two departments that when it submits a request for a resolution, that staff would probably recommend adoption of that resolution as well. He said that the time he made the presentation at the September

5, 2006, meeting, he did not know that Bakers Volunteer Fire Department has paid to purchase property as well. Mr. Beekman said that the department would be submitting a request for similar approval at the next Board of Commissioners' meeting, and staff would be recommending adoption of that resolution. He stated that staff has not had discussions with Unionville, which is the third station requesting a resolution, to determine if it has already purchased its land. He stated that it was staff's understanding that Unionville has not purchased its property, and it could wait until the study has been completed.

Commissioner Stone said that as Fire Commissioner he, too, was just tonight receiving this information. Mr. Beekman responded that staff received this information today and had wanted to brief the County Manager first.

Vice Chairman Sexton said his only concern was the precedent that is being set. He stated that had been his concern at the previous meeting and also at tonight's meeting. He said that he certainly applauded the efforts of Wesley Chapel Volunteer Fire Department.

Mr. Beekman said that the key information that staff did not have last meeting was that Bakers Volunteer Fire Department had purchased its land.

Following the discussion, the motion was passed unanimously.

APPOINTMENTS TO BOARDS AND COMMITTEES:

- a. *Union County Adult Care Home Community Advisory Committee*
- b. *Community Child Protection Team*

Chairman Lane moved in block that Carolyn Baucom be reappointed to serve on the Union County Adult Care Home Community Advisory Committee and that Michelle Phipps be appointed to replace Valerie Laney, who serves as the Court Improvement Project/Community Resource Representative, on the Community Child Protection Team.

The motion was passed unanimously.

REQUEST FOR CLOSED SESSION BY STAFF ATTORNEY:

Jeff Crook, Staff Attorney, requested that the Board hold a brief closed session tonight and asked if the Board wished to recess to go into closed session at this time or whether it wanted to wait until the conclusion of the Commissioners' Comments. The Chairman stated that it would wait until after the conclusion of the Commissioners' Comments.

MANAGER'S COMMENTS:

Mike Shalati, County Manager, offered condolences from him and the staff on the passing away of Vice Chairman Sexton's father.

He expressed congratulations to Commissioner Pressley and his family on the adoption of his new baby daughter.

Mr. Shalati stated that there would be a public meeting held on September 19, 2006, at 7:00 p.m. in the Jefferson Room to review the new Flood Insurance Rate maps for the Catawba River Basin. He announced that the comment period for the maps ends on November 15th and more information is available on the County's website.

COMMISSIONERS' COMMENTS:

Commissioner Rushing stated that while looking at the Internet, he saw that some counties provide an opportunity for Scouts to earn badges by participating in events in those counties. He said that he would like for Union County to design a badge possibly called "Discovering Union County" where Boy Scouts or Cub Scouts are encouraged to participate in events to earn the badge. He stated that it would be a great opportunity for new families moving to the County to become involved in understanding the history of the County and the opportunities available to the citizens.

Secondly, he said he would like to have an update from the staff on the historic Gold Star Mother's Cross.

He stated the last item that he would like to see on October 2nd agenda is an update from the Tax Administrator on why churches are being assessed property taxes. Mr. Shalati said that staff could respond to the Commissioners much quicker than at the next meeting, so the Commissioners could address the telephone calls that they are receiving from the citizens.

Chairman Lane asked if the Girl Scouts also have badges. Commissioner Rushing said that he was not as familiar with the Girl Scouts and he was with the Boy Scouts, but he believed that they could also earn badges.

Vice Chairman Sexton expressed his appreciation for the cards and prayers that he had received during his father's illness.

He shared that he had attended the dedication on Sunday afternoon of the Central Academy of Technology and Arts. He said that it is patterned after nothing else in the State of North Carolina. Vice Chairman Sexton stated that the unique curriculum along with the creative minds and teachers that are now a part of this facility have made it such that a lottery for students who want to attend the school will most likely be necessary next year.

Commissioner Pressley thanked Allan Baucom for his presentation about agriculture and the important role that it plays in Union County. He said that it is

important when the Board chooses a sewer plant site that the agricultural property is protected and preserved.

He shared that he and his wife, Julie, picked up their new daughter on Wednesday. He talked about the adoption process and how it changes lives.

Commissioner Stone shared that he was proud to have attended the military funeral of Vice Chairman Sexton's father.

Chairman Lane stated that he also attended the dedication of the Central Academy of Technology and Arts. He said that there is a lottery in place now for one of the classes where there had been approximately 250 applicants for 60 or so slots.

He shared that he had also attended Constitution Day at Hemby Bridge School where approximately 1,000 students participated in honoring Constitution Day.

CLOSED SESSION:

In open session, at approximately 9:50 p.m., Commissioner Stone 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 then moved to the Conference Room located on the ninth floor of the Union County Courthouse, and the Chairman convened the closed session.

With there being no further comments or discussion in closed session, at approximately 9:55 p.m., Commissioner Stone moved to adjourn the closed session and to reconvene the open session. The motion was passed unanimously.

The Board members then returned to the Board Room, and the Chairman convened the open session. Commissioner Stone then moved to adjourn the regular meeting. The motion was passed unanimously.