

October 23, 2006

The Union County Board of Commissioners met in a special meeting on Monday, October 23, 2007, with proper notice having been duly given of the special meeting as required by the North Carolina General Statutes, in the Board Room, ninth floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were:

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

ABSENT: None

ALSO PRESENT: Mike Shalati, County Manager, Lynn G. West, Clerk to the Board of Commissioners, Jeff Crook, Senior Staff Attorney, Kai D. Nelson, Finance Director, members of the press, and other interested citizens

OPENING OF MEETING:

a. Invocation

Commissioner Rushing presented the invocation.

b. Pledge of Allegiance

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

c. Informal Comments

No one registered to address the Board during the informal comments portion of the meeting.

d. Presentation by Ron Sumrow, President of Union County Community Arts Council

Mr. Sumrow expressed appreciation to the Board for its support for the cultural arts programs and services that the Union County Community Arts Council provides. He said that the County's support has enabled the Arts Council to provide many services that contribute to both Union County's quality of life and economic development. Mr. Sumrow stated that the Arts Council has been able to reach thousands of Union County residents through the arts. He noted that the County's financial support of the Arts Council has strengthened the Arts in Education Program by providing grade level arts program to over 35,000 Union County students. He said that the Arts Council provides various community arts programs that serve the general population, art exhibits with renown North Carolina artists, cooperate with many other businesses and non-profits in partnerships for the arts. Mr. Sumrow said that the Arts Council also serves special populations in the County in area senior care facilities and daycare facilities with arts programs.

He presented the Board with a plaque for its support of the Arts Council.

PUBLIC HEARING:

a. Text Amendment to Section 78 of the Union County Land Use Ordinance - Minor Subdivision Approval and Section 79 Major Subdivision Final Plan Approval Process

At approximately 7:08 p.m., Chairman Lane opened the public hearing regarding the proposed text amendment to the Union County Land Use Ordinance pertaining to Section 78 – Minor Subdivision Approval and Section 79 – Major Subdivision Final Plan Approval Process.

Richard Black, Planning Division Director, explained the following proposed amendments:

Section 78 Minor Subdivision Approval.

- (a) The planning division director or his designee shall have the authority to approve or disapprove minor subdivision final plats in accordance with the provisions of this section.
- (b) The applicant for minor subdivision plat approval, before complying with subsection
- (c), may submit a sketch plan to the planning division director for a determination of whether the approval process authorized by this section can be and should be

utilized. The planning division director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land since February 14, 1978.

(c) Before granting minor subdivision approval, the planning division director shall refer the application to the county health director for a recommendation as to the proposed water supply and sewage treatment systems as well as the other appropriate county departments and agencies for their review. All such agencies shall be given a reasonable period to submit their recommendations to the planning division director.

(d) Before an application is reviewed by the planning division director, applicants for minor subdivision approval shall submit to the planning division director a copy of a plat conforming to the requirements set forth in Sections 79(b) and (c)(as well as three prints of such plat), and containing the endorsements set forth in Sections 80(b), 80(c), and (if road or street improvements are involved) 80(d), and 80(e), 80(f), 80(g), as well as the following Certificate of Approval:

Certificate of Approval

I hereby certify that the minor subdivision shown on this plat is in all respects in compliance with the Union County Land Use Ordinance, and that therefore this plat has been approved by the Union County planning division director, subject to its being recorded in the Office of the Union County Register of Deeds within ninety days of the date below.

Date

Planning Division Director

(e) If the subdivision involves the installation of improvements, the minor subdivision approval process may not be used if the subdivision results in the creation of more than a total of five lots out of one tract since February 14, 1978, regardless of whether the lots were created at one time or over an extended period of time.

(f) The planning division director shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in Section 15 or the application or the proposed subdivision fails to comply with subsection (e) or any other applicable requirement of this ordinance.

(g) If the subdivision is disapproved, the planning division director shall promptly furnish the applicant with a written statement of the reasons for disapproval.

(h) Approval of any plat is contingent upon the plat being recorded within ninety days after the date the Certificate of Approval is signed by the planning division director and/or his designees.

(i) All minor subdivision plats containing greater than fifteen (15) lots shall be provided in digital format. Digital information shall be submitted in a format specified by the Union County Information Systems Department, GIS Division, and the Union County Tax Office, Tax Mapping Division.

Section 79 Major Subdivision Final Plan Approval Process.

- (a) The Planning Department is hereby designated the Planning Agency for the purpose of approving or disapproving major subdivision final plats in accordance with the provisions of this section. The Planning Division Director and/or the senior planners shall review and approve or disapprove each major subdivision final plat. The final plat shall be signed by two of the above officials before recording in the Register of Deeds Office.
- (b) The applicant for major subdivision final plat approval shall submit to the Planning Department a final plat, drawn to scale and otherwise acceptable to the Union County Register of Deed's Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The applicant shall also submit six prints of the plat.

All major subdivision plats shall also be provided in digital format. Digital information shall ~~satisfy the following criteria:~~ **be submitted in a format specified by the Union County Information Systems Department, GIS Division, and the Union County Tax Office, Tax Mapping Division.**

~~(1) Files shall be submitted in Auto CAD DXF, DWG or ESRI Arc Info Export format;~~

~~(2) Data submitted shall be exchanged on IBM formatted floppy disk, IBM formatted Zip Disk, or CD-ROM in ISO 9660 format.~~

(c) In addition to the appropriate endorsements, as provided in Section 80, the final plat shall contain the following information:

- (1) A vicinity map;
- (2) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Union County Registry;
- (3) The name of the subdivision owner or owners;
- (4) The township, county and state where the subdivision is located;
- (5) The name of the surveyor and his registration number and the date of survey;
- (6) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;
- (7) The date of the survey and plat preparation;
- (8) The location of all rights-of-way, easements and areas to be dedicated to public use with the purpose of each stated;
- (9) The ~~sections~~ lots numbered consecutively throughout the entire subdivision ~~and the lots numbered consecutively throughout each section~~ regardless of phase or section; and
- (10) The number of square feet or acreage of each lot shown on the plat;

(11) All of the additional information required by G.S. 47-30(f).

(12) If the subdivision is located within a floodway or floodplain, the statement required under Section 255(b) of this ordinance.

(13) Delineation of any on-site waste disposal areas.

(14) The location of all existing buildings on the tract to be subdivided.

(15) If the subdivision is located in a drinking water supply watershed, the appropriate statement required per Section 339.

(16) The property identification number(PIN),as provided by the Union Tax Office.

(d) The Planning Department shall approve the proposed plat unless it finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of this ordinance or that the final plat differs substantially from the plans and specification approved in conjunction with the compliance permit that authorized the development of the subdivision.

(e) If the final plat is disapproved by the Planning Department the applicant shall be furnished with a written statement of the reasons for the disapproval.

(f) Approval of a final plat is contingent upon the plat being recorded within ninety days after the approval certificate is signed by the Planning Department.

He provided the Board with a brief background regarding the proposed amendments. He stated that this was a simple but important text amendment. Mr. Black said that the proposed text amendment was initiated by the County staff which was a joint effort of the Planning Department, Inspections Department, Tax Administrator's Office, Public Works Department, and Environmental Health. He further said that the proposed text amendment was a part of the Real Estate Data Integration Project. He stated that the Real Estate Data Integration Project is a data base that will allow tracking of the creation of subdivisions from their

creation all the way to when the Certificate of Occupancy is issued. Mr. Black said that the proposed text amendment was presented to the Planning Board at its September 6, 2007, meeting, and it was passed by the Planning Board unanimously. He explained that the proposed text amendment requires all minor subdivisions greater than 15 lots and all major subdivisions to provide the requested information in digital form so that the various County departments have access to it so it can be tracked for water and sewer, building permits, creation of lots, etc. Further, he explained that the proposed text amendment requires that the parcels are to be numbered consecutively throughout the subdivision regardless of the phase.

No persons registered to speak either in favor of or in opposition to the proposed text amendments. Chairman Lane asked if there was anyone present who had not registered to speak who would like to comment at this time.

With there being no one wishing to address the Board on this matter, at approximately 7:09 p.m., the Chairman closed the public hearing.

PUBLIC HEARING – REQUEST BY VILLAGE OF WESLEY CHAPEL FOR EXTRA TERRITORIAL JURISDICTION (ETJ):

At approximately 7:10 p.m., Chairman Lane opened the public hearing regarding the request by the Village of Wesley Chapel for Extra Territorial Jurisdiction (ETJ). He stated that in order to be fair, the Board would hear first from three speakers who were in favor of the request and six speakers who were opposed to the request because that was the ratio of those who had registered to comment.

Vice Chairman Sexton requested that in addition to the name and address of the speaker, that the speaker also state whether he or she resided inside or outside of the ETJ area and whether or not the speaker received notification of the public hearing held by Wesley Chapel.

Yaffa Dratman spoke in favor of the request and said that she lived in the Village of Wesley Chapel and was not in the proposed ETJ area. She said that personally she was in support of Wesley Chapel's request for the doughnut holes. Ms. Dratman said speaking as a representative of the Champion Forest community she was pleased to inform the Board that thanks to the good offices of Dr. Ed Davis, Dr. Dave Clarke, and Don Hughes of the schools there is a process that has been put in place, and it would be acceptable without the ETJ designation for the school property that is located off of Cuthbertson Road.

Ms. Dratman pointed out a concern about the width of Cuthbertson Road, which she said was still in the process of being addressed. She said that she hoped that working with the North Carolina Department of Transportation would help to achieve safer conditions along Cuthbertson Road.

Chairman Lane stated that Ms. Dratman had kept her comments under three minutes, and he requested that the remaining speakers also keep their comments to three minutes.

Jennifer Viohl spoke in favor of the request and stated that she lived inside the proposed ETJ area and confirmed that she did receive notification from the Village of Wesley Chapel. She stated that the Village of Wesley Chapel incorporated in order to protect the residents who chose to join Wesley Chapel from outside annexation and to make the Town a great place to live and raise a family.

She said that those who have lived in Union County for a short time share the same dream as those who have lived here their whole lives. She stated that they love the farms and want to protect the picturesque community, the quaint rural town. Ms. Viohl said that the quaint town will cease to exist if the Board chooses not to support the Town's request for ETJ. She further said that the Town needs a master plan with good zoning laws and none of it will work unless the Town has ETJ.

In closing, she urged the Board to support the Town's request for ETJ.

In response to a question by Commissioner Pressley, Ms. Viohl stated that she had received an e-mail from the Town but confirmed that she did not receive a formal notice of the public hearing.

Tracey Clinton, Mayor of Wesley Chapel, spoke in favor of the request for ETJ. She reiterated her comments from the October 2, 2006, meeting. She explained the reason that the Town needs ETJ by stating that the Town's borders are very irregular. She said that it is not easy for the Town to plan for its long-term future with its present borders. She stated that a recent Supreme Court decision has made involuntary annexation not possible for small towns like Wesley Chapel. She said the Town Council believed that the only option for the Town to be able to execute its plan for growth was requesting ETJ. She introduced George Sistrunk, the attorney for the Village of Wesley Chapel, to comment about the notification process that occurred for ETJ.

Mr. Sistrunk said that the North Carolina General Statutes require when a municipality is seeking ETJ that notice of the public hearing before the municipality be advertised in the local paper. He stated that the notice for the public hearing was advertised in *The Enquirer-Journal* in a timely manner in accordance with the statutes, and in addition, each affected landowner is entitled to receive

notice, to be delivered by first-class mail to the address last listed in the County's tax records. Mr. Sistrunk said that such notice was given and said that the statutes also provide for a certification by the persons mailing the notices and that certification is conclusive as to the delivery of notice. He stated that he had a copy of the certification and shared that there is a full copy of record with the Village's records.

Mr. Shalati asked that a copy of the certification be provided to Mrs. West, Clerk to the Board of Commissioners.

Mayor Clinton concluded her comments and stated that the statutes gives the Town the ability to request ETJ on parcels up to one mile outside its current boundaries. She said that the Town's scope is very narrow compared to what is allowed by the statutes. She stated that the Town thought it was important to focus its request on parcels that met one or more of the following criteria: 1) parcels that were internal to the Town's current borders; 2) parcels surrounding significant intersections near the Village; 3) parcels near the Town's designated commercial area; and 4) parcels that border the Town's existing neighborhoods.

She said that the Town is committed to including ETJ property owners in its government. Mayor Clinton said that the Town has formed two committees that include members of the proposed ETJ areas: the Master Plan Committee and the Safety Committee. Further, she noted that the state statutes require that if the Town is granted ETJ, that citizens be appointed from the proposed ETJ area on the Town's Planning Board and its Board of Adjustment. She said that the Town would always welcome ETJ property owners to voluntarily annex into the Town and become full citizens.

Mayor Clinton said that the Town has been evaluating ETJ and its potential benefits to the community for the past four months. She stated that the Village's council made a decision that pursuing ETJ was critical to the future success to the community.

Mr. Shalati stated that in accordance with the Chairman's directions, the next speakers would be speaking in opposition to the proposed request for ETJ.

Larke Plyler spoke in opposition to the Village's request for ETJ. He said that he had in his possession a taped telephone conversation between Brad Horvath, Councilman for the Village of Wesley Chapel, and himself in which Mr. Horvath states that he alone did the notices without help from anyone else. Mr. Plyler said that he also has possession of copies of newspaper articles in which Mr. Horvath stated that he did the mailings alone without help from anyone. He said that Mr. Horvath also made these statements at the public hearing held by Wesley Chapel on September 7, 2006. Mr. Plyler referred to Mayor Clinton's comments at the Board of Commissioners' meeting on October 2, 2006, regarding mailing of the notices. He said that he also has a copy of an e-

mail from Councilman Horvath in which he tells the Mayor that he and his family will take care of the notices. Mr. Plyler said that he did not know who did the notices of the public hearing, but he has asked for a copy of that public record seven times. He stated that he and his mother and dad have nine tracts of land and should have received nine notices, but they did not receive any notices. He said that he and his family are not alone because there are a number of residents who did not receive notice. Mr. Plyler presented signed and notarized affidavits from residents who also stated that they did not receive notice for entry into the record.

He said that on October 2, 2006, Mayor Clinton had indicated that he had copies of all the public records that Wesley Chapel had regarding this matter. He stated that he had asked seven times for public records from the Town which have not been supplied to him. He said that he asked for a copy of the notice from Wesley Chapel since August 28, and still has not received a copy of the notice. He contended that the notice period was faulty and suggested that the Town should have utilized Centralina Council of Governments or its own zoning and planning staff.

Mr. Plyler urged the Board to vote against the ETJ request by the Town. Following his comments, he presented originals of affidavits and letters as follows:

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF WILLIAM B. & CAROLYN R. RICHARDS

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

William B. & Carolyn R. Richards, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area

that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 20th day of October, 2006.

s/William B. Richards
s/Carolyn R. Richards

Sworn to and subscribed before me,
This the 20th day of October, 2006.

s/Peggy S. Harrison
Notary Public

My Commission expires:1/02/2008

County of Mecklenburg
State of North Carolina

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF SCOTT O'BRIEN RODDEN

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Scott O'Brien Rodden, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 13th day of October, 2006.

s/Scott O. Rodden
Parcel ID # 094050045

Sworn to and subscribed before me,
This the 13th day of October, 2006.

s/Janice M. Evans
Notary Public

My Commission expires:11/15/2007

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF MICHAEL C. RODDEN & MARGARET R. RODDEN

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Michael C. Rodden and Margaret Ruth Rodden, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 14 day of October, 2006.

s/Michael C. Rodden
s/Margaret R. Rodden
Parcel ID #09405004

Sworn to and subscribed before me,
This the 14 day of October, 2006.

s/Janice M. Evans
Notary Public

My Commission expires:11/15/2007

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF MICHAEL C. RODDEN & MARGARET RUTH RODDEN

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Michael C. Rodden and Margaret Ruth Rodden, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 14 day of October, 2006.

s/Michael C. Rodden
s/Margaret R. Rodden
Parcel ID #09405004D

Sworn to and subscribed before me,
This the 14 day of October, 2006.

s/Janice M. Evans
Notary Public

My Commission expires:11/15/2007

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF KENNETH A. RODDEN & BONITA B. RODDEN

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Kenneth A. Rodden and Bonita B. Rodden, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 15th day of October, 2006.

s/Kenneth A. Rodden
s/Bonita B. Rodden
Parcel ID #09405004E

Sworn to and subscribed before me,
This the 15 day of October, 2006.

s/Janice M. Evans

Notary Public

My Commission expires: 11/15/2007

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF KENNETH A. RODDEN & BONITA B. RODDEN

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Kenneth A. Rodden and Bonita B. Rodden, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 15th day of October, 2006.

s/Kenneth A. Rodden

s/Bonita B. Rodden
Parcel ID #09405004U

Sworn to and subscribed before me,
This the 15 day of October, 2006.

s/Janice M. Evans
Notary Public

My Commission expires:11/15/2007

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF KENNETH ALLEN RODDEN & BONITA RODDEN

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Kenneth A. Rodden and Bonita B. Rodden, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 15th day of October, 2006.

s/Kenneth A. Rodden
s/Bonita B. Rodden
Parcel ID #09405004T

Sworn to and subscribed before me,
This the 15 day of October, 2006.

s/Janice M. Evans
Notary Public

My Commission expires: 11/15/2007

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF MICHAEL S. & BRENDA S. ESTEP

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Michael S. & Brenda S. Estep, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 20 day of October, 2006.

s/Michael S. Estep
s/Brenda S. Estep

Sworn to and subscribed before me,
This the 20 day of October, 2006.

s/Tammy F. Wright
Notary Public

Parcel #06069203
Steve & Brenda Estep

My Commission expires: 2/19/08

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF LARKE AND CHERYL PLYLER

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Larke and Cheryl Plyler, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 12th day of October, 2006.

s/Larke Plyler
s/Cheryl H. Plyler

Sworn to and subscribed before me,
This the 12th day of October, 2006.

s/Susan P. Dellinger
Notary Public

Parcel #06069007A
Larke & Cheryl Plyler

My Commission expires: 2/8/2009

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF EDWARD H. AND SUSAN G. ROBINSON

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Susan G. Robinson, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 19th day of October, 2006.

s/Susan G. Robinson

Sworn to and subscribed before me,
This the 19th day of October, 2006.

s/Sandra Smith McKoy

Notary Public

My Commission expires: May 28, 2010

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF R. DEAN HARRELL

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

R. Dean Harrell, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 5th day of October, 2006.

s/R. Dean Harrell

Sworn to and subscribed before me,
This the 5 day of October, 2006.

s/Karen A. McLain
Notary Public

My Commission expires:10/08/2007

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF JANICE M. PLYLER

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Janice M. Plyler, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 12th day of October, 2006.

s/Janice M. Plyler

Sworn to and subscribed before me,
This the 12 day of October, 2006.

s/Susan P. Dellinger
Notary Public

Parcel #06069007
Janice Plyler

My Commission expires: 2/8/2009

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF MICHAEL G. AND LYNETTE K. RAHALL

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Rahall, Lynette Kay, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 10th day of October, 2006.

s/Lynette K. Rahall

Sworn to and subscribed before me,
This the 10 day of October, 2006.

s/Amanda Pressley
Notary Public

My Commission expires:03/18/2008

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF EVAN AND JANICE M. PLYLER
CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Evan and Janice M. Plyler, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 12th day of October, 2006.

s/Minor Evan Plyler, Sr.
s/Janice M. Plyler

Sworn to and subscribed before me,
This the 12 day of October, 2006.

s/Susan P. Dellinger
Notary Public

Parcel #06069009
Evan & Janice Plyler

My Commission expires: 2/8/2009

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF THE MANNING COMPANIES

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Travis Manning, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 18th day of October, 2006.

s/Travis Manning

Sworn to and subscribed before me,
This the 18th day of October, 2006.

s/Marie K. Garris
Notary Public

Parcel # 06012070
Ward Manning

My Commission expires:04-02-2010

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF _____

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Robert Kent Flippin Jr., first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 18 day of October, 2006.

s/Robert Kent Flippin Jr.

Sworn to and subscribed before me,
This the 19 day of October, 2006.

s/Christopher D. McRorie
Notary Public

My Commission expires: June 15, 2011

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF EVAN AND JANICE PLYLER

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Evan and Janice Plyler, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 12th day of October, 2006.

s/Janice M. Plyler
s/Minor Evan Plyler, Sr.

Sworn to and subscribed before me,
This the 12 day of October, 2006.

s/Susan P. Dellinger
Notary Public

Parcel #06069002G
Evan & Janice Plyler

My Commission expires: 2/8/2009

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF NANCY KLUTZ ROGERS

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Nancy Klutz Rogers, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 18th day of October, 2006.

s/Nancy Klutz Rogers

Sworn to and subscribed before me,
This the 18th day of October, 2006.

s/Erica S. Bridges
Notary Public

My Commission expires: October 18, 2010

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF EVAN AND JANICE PLYLER

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Evan and Janice Plyler, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 12th day of October, 2006.

s/Minor Evan Plyler, Sr.
s/Janice M. Plyler

Sworn to and subscribed before me,
This the 12 day of October, 2006.

s/Susan P. Dellinger
Notary Public

Parcel ID # 06069023
Janice & Evan Plyler

My Commission expires: 2/8/2009

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF THE MANNING COMPANIES

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Travis Manning, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 18th day of October, 2006.

s/Travis Manning

Sworn to and subscribed before me,
This the 18th day of October, 2006.

s/Marie K. Garris
Notary Public

Parcel #06102099
Ward Manning

My Commission expires: 04/02/2010

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF M. WAYNE ROBINSON

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Wayne Robinson, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 16th day of October, 2006.

s/Wayne Robinson

Sworn to and subscribed before me,
This the 16th day of October, 2006.

s/Kristy A. Derrick
Notary Public

My Commission expires:3/24/2009

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF MINOR PLYLER

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Minor Plyler, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 17 day of October, 2006.

s/Minor E. Plyler, Jr.

Sworn to and subscribed before me,
This the 17 day of October, 2006.

s/Susan P. Dellinger

Parcel #05069007

Notary Public

Minor Evan Plyler, Jr.

My Commission expires: 2/8/2009

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF _____

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Michael Maxson, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 13th day of October, 2006.

s/Michael Maxson

Sworn to and subscribed before me,
This the 13 day of October, 2006.

s/Laura Glanville
Notary Public

My Commission expires:11/20/2010

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF JIM AND EVA ROBINSON

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Eva Robinson, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 17 day of October, 2006.

s/Eva Robinson

Sworn to and subscribed before me,
This the 17 day of October, 2006.

s/Cheryl M. Reidy
Notary Public

My Commission expires: August 15, 2007

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF JOHN EVAN ROGERS

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

John Evan Rogers, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 19 day of October, 2006.

s/John E. Rogers

Sworn to and subscribed before me,
This the 19 day of October, 2006.

s/Frances Birmingham
Notary Public

My Commission expires: June 18, 2008

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF MICHAEL S. & BRENDA S. ESTEP

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Michael S. & Brenda S. Estep, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 20 day of October, 2006.

s/Michael S. Estep
Brenda S. Estep

Sworn to and subscribed before me,
This the 20 day of October, 2006.

s/Tammy F. Wright
Notary Public

Parcel #06069204
Steve & Brenda Estep

My Commission expires: 2/9/08

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF EVAN AND JANICE M. PLYLER

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON

EXTRATERRITORIAL JURISDICTION

Evan and Janice M. Plyler, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 12th day of October, 2006.

s/Minor Evan Plyler, Sr.
s/Janice M. Plyler

Sworn to and subscribed before me,
This the 12 day of October, 2006.

s/Susan P. Dellinger
Notary Public

Parcel #06069007C
Evan and Janice Plyler

My Commission expires: 2/8/2009

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF TERESA ANN ROSS

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Teresa A. Ross, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 5th day of October, 2006.

s/Teresa Ann Ross

Sworn to and subscribed before me,
This the 5 day of October, 2006.

Parcel #0606018

s/Andrea Helms
Notary Public

My Commission expires: 7/31/2010

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF TERESA ANN ROSS

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Teresa Ann Ross, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.
3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 5th day of October, 2006.

s/Teresa Ann Ross
Parcel #06006018B

Sworn to and subscribed before me,

This the 5 day of October, 2006.

s/Andrea Helms
Notary Public

My Commission expires: 7/31/2010

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF JOHN WINCHESTER

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

John Winchester, first being duly sworn, deposes and says:

3. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

4. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 23 day of October, 2006.

s/John Winchester

Sworn to and subscribed before me,
This the 23 day of October, 2006.

s/Teresa A. Ross
Notary Public

My Commission expires: May 24, 2011

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF TIM & BETTY ROSS

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Tim R. Ross and Betty Ross, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.
2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 19th day of October, 2006.

s/Tim R. Ross

Sworn to and subscribed before me,
This the 19 day of October, 2006.

s/Teresa A. Ross
Notary Public

My Commission expires: May 24, 2011

STATE OF NORTH CAROLINA

COUNTY OF UNION

AFFIDAVIT OF LANCE BROSCH

CONCERNING THE VILLAGE OF WESLEY CHAPEL'S PUBLIC HEARING ON
EXTRATERRITORIAL JURISDICTION

Lance Brosch, first being duly sworn, deposes and says:

1. I am over eighteen years of age and suffer from no known disability. The Statements in this affidavit are made based upon my personal knowledge.

2. I own property within the proposed extraterritorial jurisdiction (ETJ) area that was considered at the Village of Wesley Chapel's public hearing on September 7, 2006.

3. I never received any notice from Wesley Chapel telling me about the September 7, 2006 public hearing.

Further Affiant sayeth not.

This 18 day of October, 2006.

s/Lance Brosch

Sworn to and subscribed before me,
This the 18 day of October, 2006.

s/Teresa A. Ross
Notary Public

My Commission expires: May 24, 2011

October 20, 2006

Mr. Larke Plyler

Reference: Wesley Chapel ETJ

Dear Larke,

Per our recent conversation regarding the Wesley Chapel ETJ, I have contacted 9, (10 including myself) residents in the Wedgewood subdivision. Out of the 10, 4 said that they did not receive the notice from the Village of Wesley Chapel concerning the ETJ. I am enclosing 3 notarized affidavits stating this, with the forth (sic) [fourth] unable to get theirs back to me in time.

Considering there are at least 60 residents in the Wedgewood subdivision, and I contacted 10 with 4 not receiving letters, that would equate to 40% of the residents that were not properly notified. Even if you just consider the 3 out of 10 that returned notarized affidavits, it is still 30% that did not receive notices.

I find it hard to believe that Wesley Chapel can legally acquire property without giving residents the opportunity to voice their opinion at a town meeting. In my opinion, proper notice to all affected property owners should be the first step in any ETJ.

If you have questions or I can be of further assistance, please do not hesitate to contact me at any time.

Sincerely,

s/M. G. Rahall
Michael G. Rahall

Dan Clodfelter, Attorney with the firm of Moore and Van Allen in Charlotte, stated that he represents Larke Plyler as well as several members of his family and other property owners who own property in the proposed ETJ area.

Mr. Clodfelter stated that he had sent a letter to the Board on October 2, 2006, regarding the notice process. He said his review of the public records produced by the Town reveals a great deal of confusion about the proper addresses to be used, the proper mailing procedures, and to which property owners the notices should be sent.

He stated that he would leave the subject of the notice process to others to address but he wanted to address the basic point of whether Wesley Chapel qualifies under the statute to have ETJ granted. Mr. Clodfelter referred to the Supreme Court's decision in the case of Nolan vs. the Village of Marvin. He said that in that case, the court ruled that a municipality that does not offer a meaningful

level of urban services is not eligible to annex property. He explained the effects of this decision as it relates to ETJ. He said that ETJ is itself premised upon annexation. Mr. Clodfelter said that the 1958 study commission that recommended both the annexation statutes and the ETJ statute linked the two together, and the rationale for ETJ was to enable the city to plan in an orderly fashion for areas that it would annex. He quoted that “The Commission said it recognizes that municipalities have a special interest in the areas adjacent to their limits because these areas in the normal course of events will at some time be annexed into the city.” He referred to the *Nolan* decision and suggested that if a municipality such as Wesley Chapel cannot annex the area, does not qualify because it fails to offer meaningful urban services, then the premise for the exercise of ETJ fails. He stated that he would submit that the logic of the Supreme Court’s decision in the *Nolan* case requires one to say that a municipality that cannot annex property may not be granted ETJ over that same property.

Mr. Clodfelter said that he had completed some very brief research and found policies in three other counties regarding ETJ. He stated that he would submit his comments in writing at the end of his presentation which attached copies of those policies. He noted that he thought one of the policies was particularly interesting because it comes from Brunswick County which is much like Union County in terms of the rate of very rapid growth. He said that Brunswick County, Wake County and Nash County were the three policies that his research found require that in order for a municipality to exercise ETJ show an annexation plan for the area and show a plan for the provision of public services in the area, including a Capital Improvements Programs and a funded budget for that Capital Improvements Program. He stated that he did not think the Board should expect anything less from the municipalities in Union County, and commented that he thought Mayor Clinton might agree with him on that point. He shared he had found an e-mail in the public records request that Mayor Clinton sent to Council Member Horvath on August 3, 2006, entitled ETJ stuff where she wrote “Found this link [meaning a website link] to Wake County about the process they use for ETJ. It sounds a lot more logical than the way we are doing it.” Mr. Clodfelter said he agreed with Mayor Clinton’s comments in the e-mail. He stated that the request before the Board from Wesley Chapel does not meet the standards set by the Supreme Court in the *Nolan* case and conforms to none of the procedural steps or the substantive criteria in a published written policy like other counties in North Carolina have adopted.

He suggested that the citizens of Wesley Chapel and those in the ETJ proposed area would be spared a great deal of expense and probable litigation if the Board first determines what the County’s policies are for ETJ, write those policies, and publish them so everyone will know what the rules are and not make a hasty ad hoc decision.

Mr. Clodfelter provided his written comments to the Clerk to the Board.

Eddie Poe spoke in opposition to the Town's request for ETJ. He stated that he was an attorney in Charlotte, North Carolina, with the firm of Parker Poe Adams Bernstein, and he was speaking on behalf of Union Power Company. He said that at the October 2, 2006, meeting Mayor Clinton had appeared before the Board of Commissioners on behalf of the Village of Wesley Chapel and confirmed that Wesley Chapel considers Union Power's substation to be grandfathered, protected from the ETJ proposal. Mr. Poe stated that although Wesley Chapel has promised not to interfere with the development of that substation at Will Plyler Road, Union Power still has several major concerns about ETJ.

He explained that the first concern is ETJ's long-term impact on the County's electric needs and the second concern is that the ETJ request has not received adequate consideration or study by the Village of Wesley Chapel. Mr. Poe addressed both of these concerns and noted that Wesley Chapel believes that substations should be far from residential areas. He said that belief is simply not realistic. He further said that substations have to be near the end users of electricity. He stated that ETJ would expand Wesley Chapel's philosophy about placing substations remotely to other places in a large part of the county, the potential result of which he shared is insufficient electrical infrastructure in an area that has 23 subdivisions either planned or already approved. He noted that area is where the growth is and where the substation has to be located.

Mr. Poe addressed the second concern that the proposal has not received enough study or consideration by the Village itself. He said that four months, as stated by Mayor Clinton, is not nearly long enough under the scheme set forth in the North Carolina General Statutes. He stated that ETJ residents are not allowed to vote in the Village of Wesley Chapel's elections, so, therefore, it is absolutely critical that a conversation take place between the Village officials and the residents who will be affected by the ETJ proposal now and not after ETJ is adopted. He said such a conversation has not taken place, and the officials have not learned what the residents in the proposed ETJ area want in terms of regulation for the area. He stated there have been only two public hearings at which a few residents have been allowed to comment for a few moments. He stressed that there needs to be a more in depth conversation between the people affected by ETJ and the Village officials.

Secondly, he contended that Wesley Chapel has not studied this area itself until recently. He noted that the ETJ statute contemplates that a town study an area and adopt plans that identify areas of growth and concern, which he said the Town has not done. He said that the Town has not presented the County or the ETJ residents with plans justifying this request.

Further, he said that ETJ residents are entitled to more information before they can comment intelligently on the proposal. He stated that the Village has not disclosed a proposed ordinance for ETJ. He noted that technically the Village is not required to disclose such an ordinance, but he stated the residents do not know how their properties would be zoned. He questioned how the residents

could comment intelligently on the proposal until they know what the Village officials are thinking about how the properties are to be zoned.

Lastly, he said that the residents desire a lot more information about the proposed benefits of ETJ. He asked if the Village has compared the benefits of Wesley Chapel's zoning against the County's zoning, and if the Village has made this comparison, he said that the ETJ residents are entitled to review the results of that study. He questioned that if the Village has not completed that study, how could the Village officials claim that ETJ will benefit the area. He said that Wesley Chapel's ETJ proposal at this point in time is hurried, half baked, and is likely to spawn or propagate litigation if it is approved. He urged the Board to send the request back to the Village for appropriate study.

Mr. Poe provided his comments in a letter to the Commissioners which he provided at the conclusion of his comments.

Joe Evans spoke against the Village's request for ETJ. Mr. Evans stated that he received a notice of the ETJ public hearing. Mr. Evans said that he has been a resident of Union County since 1965 and has enjoyed a quality of life in the County without all the new housing developments. He stated that there are 540 tracts of land included in the proposed ETJ area. He said that he would like to know what will be done about water and sewer if the ETJ request is approved. He urged the Board to deny the ETJ request. Mr. Evans said that he did not want to be in any city or town.

Mr. Shalati stated that two speakers, Harry Martin and Mary Martin, who reside in the same household had registered to address the Board. He asked that they designate one speaker to comment.

Mary Martin said that she resided in the Fairfax Farms Subdivision, which is included in ETJ proposed area. She said that she supported the comments from those who have spoken tonight in opposition to the ETJ proposal. She stated that as a resident of Union County, she has the right to vote for the members of the Board of Commissioners, and if the ETJ proposal is adopted, then she would have no right to vote for any issues in Wesley Chapel. Ms. Martin referred to the comments earlier in the evening that the residents in the proposed ETJ area could apply for voluntary annexation. She said that her property is not contiguous to any of the area in Wesley Chapel, and, therefore, she is located on a lot that does not have any right to apply for annexation or the right to vote within Wesley Chapel. She noted that there are residents within the proposed ETJ area that will not be taken into consideration. She asked the Board to consider the right of representation and urged that this right not be taken away. She said that if the school system believes that it should not be a part of the ETJ proposal, she would like to have some explanation of what Wesley Chapel can add to her property and her quality of life that she does not already enjoy.

Teresa Ross spoke in opposition to the ETJ proposal by Wesley Chapel. Ms. Ross shared that she owns two tracts of land, one 25 acres and one 2.5 acres. She said that she did not receive notification from Wesley Chapel about the public hearing on either of the two tracts. She stated that she had been informed about the ETJ two days before the public hearing, and she did attend the hearing and voiced her opinion. She said that her opinion has not changed and she remains opposed to the ETJ. Ms. Ross said that she is a farmer and would like to have the right to construct a barn on her property if she desires to do so for her cattle. She stated that she has lived at her residence for 43 years and has had the privilege to vote for Union County issues. She further stated that if ETJ is approved, then that right will be taken away from her. She said that she had signed two affidavits and provided those to Larke Plyler stating that she did not receive notice of the meeting.

Cathy O'Brien stated there had been several other persons who had arrived and had not registered to speak in favor of the request. She asked if those persons could register to speak at the end of the comments.

Chairman Lane agreed to allow the ones who had not registered to comment to sign in to speak after those residents who had registered. Mr. Shalati stated that the same opportunity would be given also to anyone who had come in late but wished to speak in opposition to the request.

Ms. O'Brien said that she has lived in Wesley Chapel for five and one-half years. She said that they had moved to Wesley Chapel from northwest Union County to avoid the development that was beginning off I-485 in her previous neighborhood. She said she had chosen Wesley Chapel because it seemed to be growing at a slower and a more controlled pace than many other parts of the County. She stated that when a new shopping center was built in Wesley Chapel several years ago she was glad because they needed a grocery store and she liked the size and scope of the project. However, she said that the development at that intersection did not stop with just that one shopping center. She said that before they knew it, the center of their Village was slated to become the site of a massive shopping complex that would dramatically alter the character of their community.

Ms. O'Brien said that while many of the Village's citizens supported the development, many more did not and in part, that is why a new mayor and town council were elected. She stated that the residents wanted a government that would listen to more of the people and based on the community input, develop a comprehensive plan for the future of the community which would result in controlled growth and would not prevent growth. She said that in order for the town council to develop and implement a master plan, it needs to have control over those bordering plots.

She said that she has three children at Wesley Chapel Elementary School and the entire third, fourth, and fifth grades are in trailers this year. She stated that as her son goes to Weddington Middle School next, she understands that it will continue to be overcrowded even after the new Marvin School is open in January.

Ms. O'Brien said that the Town Council wants to ensure that the development that does occur is in harmony with the desires of as many of its citizens as possible. She urged the Board to approve the ETJ request.

Vice Chairman Sexton reiterated the request that the speakers indicated whether or not they reside within the proposed ETJ area and if they received notification of the public hearing.

Ms. O'Brien stated that she is within the Village of Wesley Chapel.

George Sustrunk stated that he did not have any further comments.

Sidell Coniglio stated that she resides within the proposed ETJ area and did receive notification of the public hearing. She said that she resides within a 262-home community in the Village of Wesley Chapel and she supports the Town Council in its decision to pursue ETJ. She stated that the proposed ETJ would not affect the power substation being built near their homes but with ETJ in place, the Town Council would have influence over future decisions that impact Wesley Chapel.

Ms. Coniglio urged the Board to approved the Town's proposal.

At the conclusion of Ms. Coniglio's comments, Commissioner Pressley questioned if she were located in the proposed ETJ area. She responded that she was in the proposed ETJ area. Commissioner Lane asked if she could vote currently on the Town Council, and she stated that she could. Commissioner Pressley asked if Ms. Coniglio's property would be affected by the proposed ETJ, and it was stated that it would not be affected by the ETJ.

Mr. Shalati offered that since the Board was willing to hear speakers other than the ones that had originally registered to comment during the public hearing, that Mr. Martin could comment if he so desired.

Harry Martin stated that he resides within the proposed ETJ area and confirmed that he did receive notification of the public hearing. He said that he had received the notification within seven days of the meeting. He stated that his family had moved to Union

County approximately 17 years ago and they understood the zoning and that is what he wanted. He said that now the Village officials, who he would not be able to vote for, are trying to have say over what occurs on his property. He stressed that he was in total opposition to the Village's request. He said that he was satisfied with the representation by the Commissioners and the County's zoning. He described the process followed by the Village for its ETJ request as haphazard and poorly planned.

Betty Ross spoke in opposition to the ETJ request and stated that she is within the one mile of the ETJ. She stated that she has lived on her farm since she was three years old. She said that it disturbs her that the people moving in the housing developments are coming to Union County and trying to tell the landowners what to do on their land. Ms. Ross said they have horses and cows and enjoy their land.

She stated that she did not receive notification of the public hearing. She said the way she knew about the meeting was her aunt called and said that her daughter had received a notice. Further, Ms. Ross said her son received a letter but her daughter did not receive notice.

Jim King spoke in opposition to the Village's request and said that his property is not included in either Wesley Chapel or in the ETJ area. He spoke in opposition to the Village's request. He said that when the municipalities incorporated in Union County, they wanted to control their own areas and not everybody else's. He stated that the landowners in the ETJ area are being basically offered nothing.

He questioned the rights and wants of the people within the ETJ area. He pointed out the citizens would have no vote in the matter and cannot vote for the municipal officials. He stated that he thought at a minimal, the ETJ issue should be put to a vote by the residents affected.

Mr. King stated that if this ETJ request is granted, more than likely there will be other municipalities coming forward and making the same request.

Steve Pitt spoke in opposition to the ETJ request and said that he had not received any communication from Wesley Chapel regarding the ETJ. He stated that he had learned on Saturday that his property is within the proposed ETJ area. He further stated that he lived on Waxhaw-Indian Trail Road which is just north of Wesley Chapel and just south of Indian Trail. Mr. Pitt noted that his property borders both towns. He said that several months ago he attended a meeting at which Indian Trail showed its master plan, and his property was included in that plan.

He said that his wife was born on the property and they inherited it from her parents at their death. He stated that they had maintained a farm on the property for the last 23 years and currently raise ornamental trees. He urged the Board to deny the Town's request for the proposed ETJ, and if it is approved, he asked that any reference to his property be omitted.

Tracey Kuehler spoke against the proposed ETJ request and said that she lives inside the proposed ETJ area for Wesley Chapel. She confirmed that she did receive notification of the public hearing. She said that she had not come tonight to argue the legality of the ETJ or the validity of its requirement, but she has concerns regarding the scope of the proposed ETJ. Ms. Kuehler commended Wesley Chapel on its vision as she believes it has proven to be one of the more forward thinking municipalities in western Union County and continues to take great strides for protecting its appeal and small town feel. However, she said that this proposal comes on the heels of the substation plight and is a knee jerk reaction to a perceived threat of additional development concerns. She commented that while she understood the desire for the Village to control contiguous undeveloped properties, Wesley Chapel is attempting to place jurisdiction over already developed mature, existing residential neighborhoods. Ms. Kuehler stated that the statutes allowed for towns to protect areas of critical concern, and it further states that the areas of minimal impact may be excluded. She said that if the goal is to protect against unwanted and potentially conflicting development, she questioned the justification for including already developed residential neighborhoods.

Ms. Kuehler stated that by her information, the proposed ETJ area contains approximately 12 residential neighborhoods that already have zoning and subdivision regulations on them. She alluded to the requirement in the statutes for representation on the Village's Planning Board and the Board of Adjustment if the ETJ is granted.

Lastly, she said that if the Village is including properties in its resolution of consideration for future annexation but anxious to exercise that control now over already developed property through the ETJ, she questioned why the Village would not offer to waive the annexation fees. She stated that would give the residents in the proposed ETJ area an opportunity to voluntarily annex into the Village and give them the right to vote for the Village officials and to run for office. She said that the ETJ does not protect the residents from annexation into another municipality, and she stated that her property also borders the Town of Waxhaw. Ms. Kuehler stated that she would be willing to consider annexing into the Village and paying the property taxes in exchange for waiving the annexation fee.

In summary, she said that while she understood the intent of the ETJ, she submitted that the scope of the proposed ETJ area is over reaching and it includes already developed residential neighborhoods that propose no threat to the future plans of Wesley Chapel.

Further, she said that based on the extensive scope, she had not seen any population numbers to substantiate that one representative on the Planning Board and the Board of Adjustment is adequate representation. She reiterated her request that the Village consider waiving the annexation fees if the ETJ is granted for properties that are willing to voluntarily annex themselves in lieu of being controlled just by the ETJ giving the residents the right to vote.

Dr. Ed Davis, Superintendent of the Union County Public Schools, said that the Board of Education has no position on ETJ per se. He said that it is the potential ramifications of granting ETJ and what it does to the schools and its very aggressive building program that is of concern.

He stated that he had seen information within the last few days that confirms that the Union County Public Schools is the sixth largest school district in the State of North Carolina out of 115 school districts. He said that possibly within five years at the schools' current rate of growth, Union County will be in the top five. He explained that there is a large gap between Union County and the fifth largest district, which is the Winston-Salem/Forsyth County Schools.

Dr. Davis said that the aggressive growth program that the Union County schools have been involved in is designed to meet the ever-growing needs of the expanding student population. He stated that any time the schools work with a municipality, the schools have the municipality's zoning ordinances and conditional use permit provisions that have to be worked through. He said that with the 14 municipalities in the County and the County's building regulations, there are 15 sets of rules that the schools have to follow. He further said that the schools try to construct schools in the unincorporated area because they are accustomed to working with the County's rules and regulations, and they are able to move quicker to construct the schools. He noted that it is discouraging when the public judges the schools by how quickly they build schools and how efficiently and affordably they are able to build schools. He reiterated his comments from the October 2, 2006, meeting that by following local zoning ordinances and conditional use permit provisions during the past year, the costs to the taxpayers have been \$419,000 and 90 working days. He said that the 90 working days have monetary equivalents as well.

Dr. Davis said that he is a resident of Wesley Chapel and he recognizes that there are good people on both sides of Wesley Chapel's ETJ issue. However, he asked that if the Board grants the ETJ request, that the schools be exempted from the zoning ordinances of Wesley Chapel for development that they would have within this ETJ area so they can move to build the schools quickly and affordably. He said that the schools want to be good neighbors and want to live in harmony with those around the schools.

He stated that a long-term solution for the schools is to try and work with the municipalities to develop some type of Memorandum of Understanding or some other agreement whereby the schools can have one set of building regulations to follow. He noted that this is one of the schools' cost saving principles that were established through community input to try to come up with one set of rules that the schools have to follow in regards to school construction.

Dick Raby spoke in favor of the Village's ETJ request and stated that he is a resident of Wesley Chapel. He noted that some of the objections stated tonight to the ETJ have been related to farm land. He said that farm land is some of the most protected land in the state. He addressed the growth in Union County. He stated that ETJ is in use in more than half of the municipalities in North Carolina.

He stated that landowners need to be protected from people building beside them. He said that when a farmer decides to sell his land, that is when the residents beside him need protection and not when he is conducting agricultural business.

Commissioner Pressley interjected that he would like to know if the statement made by Mr. Raby regarding protecting of farmland in the ETJ area were a true statement. Chairman Lane responded that he had checked with the attorneys, and they are researching that question.

Sondra Bradford spoke in favor of the ETJ request, and she stated that she lived inside of Wesley Chapel. She said that the County is experiencing explosive growth and its ordinances are outdated reflecting the past rural character of the area. She commented that the areas of unincorporated county land in and around Wesley Chapel mean that uses appropriate to a low density residential area are being placed around major subdivisions and often the ordinances do not require formal community input before decisions impacting residents are made. Ms. Bradford said that many companies and entities have already taken advantage of this irrevocably impacting Wesley Chapel residents and rendering the Town's land use plan useless.

She referred to the Union County Land Use Plan and its goal "to designate compatible land uses between municipal boundaries and the County to ensure development is seamless." She stated that until this goal is implemented in the processes of the Union County zoning department, the residents are at the mercy of inadequate ordinances that in many cases deny them a voice in the process. She commented that it was wrong to exclude citizens' input on decisions that affect them. Ms. Bradford stated that Wesley Chapel's ordinances more accurately reflect the character of the area. She urged the Board to approve the Town's ETJ proposal.

Tim Reichart spoke in favor of the ETJ request and stated that he resides within the corporate boundaries of Wesley Chapel. He said he has lived in Wesley Chapel for seven years and is in full support of the request because it is imperative that the community has influence in those area that abut or are encircled by the town. He stated that as a resident within the corporate boundaries of Wesley Chapel, ETJ does have a direct effect on his property as much as it does on the landowners that surround it. He said that there needs to be control on what is built and how it is built as it pertains to the land use plan and the community. He stated that it does not mean that residents that own farm land cannot build barns, but it pertains more to high density housing and large shopping developments.

Mr. Reichart said that he had moved to Union County because he liked the rural nature of the community and wanted to keep in that way.

Eric Sowers spoke in opposition to the ETJ request and said that he lived in the unincorporated area. He stated that his property is within the proposed ETJ area. He confirmed that he and his wife did receive a notice from the Town. He said that he is President of a Homeowners' Association, and to his knowledge, five residents within the Homeowners' Association who did not receive the letter that would be included in the proposed ETJ area. Mr. Sowers said that it was his understanding that Wesley Chapel would not be providing any services in addition to what they receive from the County. He stated that if the ETJ is granted, he would be included in Wesley Chapel with increased taxes and not be provided any additional services. He addressed the fact that if the ETJ were approved, the residents within the proposed area would not have voting ability for the officials of the town.

Mr. Sowers said that should the residents be given the opportunity, that volunteer annexation takes precedent over ETJ, and he hoped that is the case.

Sherry Killion spoke in support of the ETJ request and said that she is inside the current boundaries of the Village of Wesley Chapel. She addressed the explosive growth in the County, packed schools and traffic. She said that with the upside of growth comes the downside. She asked that the residents in Wesley Chapel be given the ability to build toward a master plan for the Village and to work toward a common community goal. She said that it is her opinion that the ETJ decision is critical in determining the quality of life for the residents.

Mr. Shalati stated that this concluded the list of persons who had requested to speak during the public hearing.

At approximately 8:28 p.m., Chairman Lane closed the public hearing and called for a short recess.

Following the recess, the Chairman reconvened the meeting and asked for any additions or deletions to the agenda.

ADDITIONS, DELETIONS, AND/OR ADOPTION OF AGENDA:

Chairman Lane noted that there an addition to the Regular Agenda for the Award of a Bid for Cane Creek Park Phase III Project. He stated with the Board's concurrence he would like to place this item as 5a on the Regular Agenda.

Commissioner Rushing requested to move Item 4 from the Consent Agenda – Proclamation for Residents' Rights Week 2006 so that it could be read.

Vice Chairman Sexton stated that Item 4 was for ratification and was after the fact. Commissioner Rushing withdrew his request.

Commissioner Rushing requested that Item 8 – Request to Allow City of Monroe to Provide Water Services to Residents Along White Store Road via the Water Main Extension Serving Rock Rest Elementary School to the Regular Agenda for clarification and background on this item.

Chairman Lane stated that this item would become Item 5b on the Regular Agenda.

Commissioner Pressley requested that Item 2 on the Consent Agenda – General Services, a and b, be moved to the Regular Agenda. Chairman Lane stated that these items would become 6a.

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 as modified. The motion was passed unanimously.

Minutes: Approved minutes of the special meeting of August 28, 2006

General Services – Resolution Requesting Surplus Property Sale: This item was moved to the Regular Agenda at the request of Commissioner Pressley.

General Services – Purchase of Sheriff’s Office 2007 Vehicles: This item was moved to the Regular Agenda at the request of Commissioner Pressley.

Tax Administrator: Approved request for write-off of outstanding fire fees associated with the 1995 Tax Levy in the Total Amount of \$2,678.14 and approved request to have these fees relieved from the charge.

Tax Administrator: Approved the Third Motor Vehicle Refund Register for the period of September 1, 2006 – September 30, 2006, in the net grand total amount of \$870.74.

Tax Administrator: Approved the Third Motor Vehicle Release Register for the period of September 1, 2006 – September 30, 2006, in the net grand total amount of \$19,554.30-

Tax Administrator: Approved the departmental monthly report for September 2006.

Proclamation for Residents’ Rights Week 2006: Ratified adoption of proclamation as follows:

PROCLAMATION

RESIDENTS' RIGHTS WEEK 2006

WHEREAS, residents of long term care facilities are one of our greatest resources; and

WHEREAS, the federal Nursing Home Reform Act of 1987 guarantees residents their rights in order to promote and maintain their dignity and autonomy; and

WHEREAS, these residents should be aware of their rights so they may be empowered to live with dignity and self-determination; and

WHEREAS, we wish to honor and celebrate these citizens, to recognize their rich individuality, and to reaffirm their rights as community members and citizens; and

WHEREAS, residents across the country will be celebrating Residents' Rights Week to emphasize the importance of affirming these rights around the clock every day to promote resident respect and dignity.

NOW, THEREFORE, the Union County Board of Commissioners does hereby proclaim October 9-13 as Residents' Rights Week in Union County and encourages all citizens to join in these important observances.

Adopted this 23rd day of October, 2006.

Finance Department: Approved Motor Vehicle Refunds for September 2006 in the amount of \$3,480.10.

Finance Department: Approved Budget Transfers for September 2006.

Health Department: Approved Budget Amendment #20 to the Health Department – Environmental Health Budget increasing Operating Expenditure by \$5,850 and State Grant by \$5,850 to appropriate NC DENR grant funds for mosquito control activities.

Department of Social Services: Approved the Work First Biennial Plan for FY 2007-2009 as presented.

Request to Allow City of Monroe to Provide Water Services to Residents along White Store Road via the Water Main Extension Serving Rock Rest Elementary School: This item was moved to the Regular Agenda at the request of Commissioner Rushing.

The following items were included in the package as Information Only – No Action Required: 1) Personnel Report for September 2006; and 2) Department of Inspection's Report for September 2006.

AWARD OF BID – CANE CREEK PARK PHASE III PROJECT – This item was added to the agenda.

Chairman Lane stated that the funding for this item is included in the budget.

Mr. Shalati commented that this amount is part of the approved Capital Improvement Plan and is to meet ADA requirements as it relates to the bathhouse reconstruction.

Following the explanation, Commissioner Rushing moved to: a) Adopt Capital Project Ordinance #60; b) Accept bids as recorded below; c) Award bid to lowest responsible bidder, Camps Construction Company in the amount of \$311,850; and d) authorize the County Manager to approve a contract with the low bidder, Camps Construction Company. The motion was passed unanimously.

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	General CPO Fund			REQUESTED BY	Wanda Smith		
FISCAL YEAR	FY 2006-2007			DATE	October 23, 2006		
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
Interfund Transfer	250,000	282,872	532,872	This General CPO Project	500,000	282,872	782,872
State Grant-PARTF	250,000	-	250,000				
	-	-	-				

	500,000	282,872	782,872		500,000	282,872	782,872
EXPLANATION: Appropriate General Fund transfer to Cane Creek Park Bathhouse renovations project.							
DATE:							
APPROVED BY:							
Bd of Comm/County Manager							
Lynn West/Clerk to the Board							
FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
PR021 - CCP Bathhouses				PR021 - CCP Bathhouses			
IFT from General	250,000	282,872	532,872		500,000	282,872	782,872
Fund				40-561371-5580-PR021			
40-461372-4010-PR021							

	250,000	282,872	532,872		500,000	282,872	782,872
Prepared By	aar/aj						
Posted By							
Date						Number	CPO - 60

The bids received on this project are recorded below:

Cane Creek Park Restroom Building ADA Improvements Phase III			
Vendor	Bid Price	Cont.	Lump Sum
Maxco, Inc.	\$ 358,000.00	\$ 17,900.00	\$ 375,900.00
Camps Construction Co.	\$ 297,000.00	\$ 14,850.00	\$ 311,850.00
Morlando-Holden Construction, Inc.	\$ 370,000.00	\$ 18,500.00	\$ 388,500.00
Streamline, LLC	\$ 436,000.00	\$ 21,800.00	\$ 457,800.00

REQUEST TO ALLOW CITY OF MONROE TO PROVIDE WATER SERVICES TO RESIDENTS ALONG WHITE STORE ROAD VIA THE WATER MAIN EXTENSION SERVING ROCK REST ELEMENTARY SCHOOL: This item was moved from the Consent Agenda to the Regular Agenda at the Request of Commissioner Rushing.

Commissioner Rushing stated that last week he had the opportunity to meet with the schools and a member of the Public Works' staff and a church located on White Store Road, which was going through an easement with the schools for the Rock Rest Elementary School. He shared that during those discussions, he learned that the City of Monroe, even though that school and those parcels are not located in the City of Monroe, will be providing the water service to the school as well as those houses along that road. He said that because these customers are outside the City of Monroe, the tap-on fee for the church would be \$5,200 versus the County's tap-on fee in the range of \$900. Commissioner Rushing suggested that it might save the County money on the school project if the County could work with the City of Monroe and authorize the staff to talk with the City of Monroe and ask if the County could purchase the water from the City. He stated that the County would have to maintain the line through the school system, and the school system owns the lines. He said that he thought if the County could work with the City of Monroe and ask staff to find a way that would benefit the residents along that line without having to pay almost double or more the rate.

Mr. Shalati responded that the staff would be delighted to explore this suggestion for the Board. He summarized what he believed Commissioner Rushing was asking staff to enter into discussions with the City of Monroe about the possibility of owning the line serving the Rock Rest Elementary School along White Store Road so the residents along that route could potentially connect to that water line as a County customer rather than a City customer. He said that, obviously, the staff could make no guarantees on this proposal, but the staff would be delighted to enter into discussions with the City of Monroe.

Commissioner Rushing said that it was his understanding that the lines are now owned by the schools. Mr. Shalati responded that the water lines would be constructed by the schools and owned by the City of Monroe. He said that Commissioner Rushing was asking that staff explore the possibility of the County owning that line through an agreement whereby the County would allow the residents to connect to the line. Commissioner Rushing interjected that it would be to allow the residents to connect to the line at the County's rates.

Following the discussion, Commissioner Rushing moved to direct staff to work with the City of Monroe to determine if an agreement could be reached regarding the water line for the next meeting.

Vice Chairman Sexton asked if Commissioner Rushing's request was different than the action requested on the Consent Agenda. Commissioner Rushing stated that his request was different than stated on the Consent Agenda. He said that the request stated on the Consent Agenda was to allow the City of Monroe to provide water services to the residents along White Store Road. He stated that the City is now providing those services, and his request was that the County provide those services and not the City of Monroe.

Mr. Shalati stated for clarification that any time the City of Monroe would like to serve someone outside the incorporated limits of the city or within the County, the unincorporated areas, the City of Monroe has to have the Board of Commissioners' approval. He stated that was the reason that the item appeared on the Consent Agenda; however, he pointed out that what Commissioner Rushing was requesting is that the staff explore the possibility of the County owning the line and potentially serve those customers so they could have the benefit of the countywide rate.

Vice Chairman Sexton questioned which method would have the school opening on time without any other problems. He said that he did not want to pre-empt the City since it has already offered to provide the service to the school and has the service in place.

Mr. Shalati said that whether or not the City is agreeable, it should not make a difference. He stated that the County could not provide water and sewer to this area because it is through a connection to the City of Monroe's water and sewer system.

Commissioner Rushing added that the schools are in the final phase of trying to obtain easements through certain properties. He explained that this proposal would be a good faith gesture to those residents that they would not have to pay the \$5,200 City's rate, but the County is going to assist them in receiving the \$900 rate that the County would offer.

Following the discussion, the motion was passed unanimously.

TEXT AMENDMENT TO ARTICLE X, SECTION 146 TABLE OF USES – AMPHITHEATER AND UTILITY FACILITIES, ELECTRIC SUBSTATIONS (Public Hearing Held on October 2, 2006)

Vice Chairman Sexton stated that the Board had held two public hearings on this text amendment. He then moved to amend Article X, Section 146 Table of Uses which includes amphitheater, utility facilities, and electric substations.

Mr. Shalati asked that the motion include adoption of the Compliance Statement included in the package in accordance with North Carolina General Statutes 153A-341.

Vice Chairman Sexton agreed to amend his motion to include adoption of the Compliance Statement.

Commissioner Pressley asked Richard Black, Planning Division Director, if reference to utility facility, does that include water, sewer, pump stations, transfer stations, etc.

Mr. Black responded that in the County's Ordinance, the electrical substation is broken out as a separate utility. He said that the other category that has utility facilities, both community, and regional includes all the other. He clarified that this section only refers to electrical substations.

Jim King, Chairman of the Planning Board, added that it does not apply to natural gas and is strictly electrical substations and amphitheater.

Following the discussion, 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.

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.

COMPLIANCE STATEMENT:

Whereas, in accordance with provisions of N.C.G.S. 153A-341, the Board of County Commissioners does hereby find and determine that adoption of the proposed text amendment is consistent with the adopted Union County Land Use Plan, and that adoption of the proposed text amendment is reasonable and in the public interest because it provides an additional level of review with the possibility of imposing additional conditions when placing an amphitheater or electric substation in a residential area.

GENERAL SERVICES:

- a. Resolution Requesting Surplus Property Sale***
- b. Purchase of Sheriff's Office 2007 Vehicles***

Commissioner Pressley stated that he was seeking clarification on the purchase of vehicles.

Mr. Shalati stated that the vehicles are recycled and some of the older vehicles are returned to departments that do not need the newer vehicles.

Commissioner Pressley stated that a policy had been discussed several years ago that vehicle purchases should be reviewed by the County's Garage. Mr. Shalati responded that the County has a retirement program for its vehicles and every five years, vehicles are retired. He explained that the good vehicles are sent to other departments where newer vehicles would not have to be purchased, and the Sheriff's Office would always have the newer vehicles with lower mileage. Commissioner Pressley said that he agreed that the Sheriff's Office should have the best vehicles that the County can offer. He noted on the list a 1995 Crown Vic with 71,000 miles. He suggested that vehicle could be placed in another department rather than being sold at surplus. He reiterated his question of whether the vehicles have been signed off by the Garage verifying that they cannot be placed in any other department.

Mr. Shalati responded that he would be delighted to verify that information for Commissioner Pressley.

Commissioner Pressley moved adoption of the Resolution Requesting Surplus Property Sale and approval of the purchase of 18 2007 Model Crown Vics from the State Contract (Capital Ford) at the cost of \$21,526.80 each and to authorize the County Manager to execute the contract documents (purchase orders) for purchase of these vehicles upon verification by the County Manager that the County Garage has confirmed that the vehicles listed to be surplus cannot be placed for use in any other County department.

Mr. Shalati stated that while he was authorized to execute the contract documents under the State Contract, he wanted to bring this item to the Board for action.

Following the discussion, the motion was passed unanimously.

RESOLUTION REQUESTING SURPLUS PROPERTY SALE

WHEREAS, the County has certain items of personal property that it is no longer using and is wanting to sell these items to the highest bidder; and

WHEREAS, the Purchasing Agent has developed a list of these items as shown on Attachments "A" and "B" for review by the Board of Commissioners for disposal;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Union County Board of Commissioners that the items of personal property included on the list as presented by the Purchasing Agent be declared surplus and sold at public auction to the highest bidder.

BE IT FURTHER RESOLVED that the Purchasing Agent be authorized to sell said property at public auction at 10:00 a.m. on Saturday, October 28, 2006, at 610 Patton Avenue, Monroe, North Carolina, and that the Purchasing Agent or his designated agent be authorized to execute any and all documents necessary to transfer title to said property on behalf of Union County.

BE IT FURTHER RESOLVED that the terms of the sale shall be as follows:

1. Sale to the highest bidder with all sales final on the day of the auction.
2. All items sold "as is" and "where is" with no warranty, express or implied, which extends beyond the description of the item.
3. Purchasers shall bear sole risk of loss for all items remaining on county premises after 3:00 p.m. on the day of the sale.
4. Payment by cash or credit card; no checks will be accepted.

BE IT FURTHER RESOLVED that payment of advertising and miscellaneous expenses be paid from the proceeds of the sale.

BE IT FURTHER RESOLVED that Classic Enterprises of Locust, Inc. is authorized to conduct the sale and charge a five (5) percent buyer's premium to buyer.

Adopted this 23rd day of October, 2006.

SEE EXHIBITS "A" AND "B" ATTACHED HERETO.

FIRE SERVICES:

a. Training Center for Fire Departments' Practice Tower

Commissioner Stone, who serves as Fire Commissioner, stated that for years, there have been discussions about the possibility of constructing a training facility where the Fire Department's Practice Tower is located. He said that there are no classrooms for training, and it is very inconvenient for the volunteer fireman in the County and the fireman in the City of Monroe to go to a class

when they are doing an exercise and then come back to critique. In addition, he said there is a desperate need for restrooms in that location, and they would also like to have a storage area on the sides so they do not have to store all the extra panels in the fire tower.

Commissioner Stone moved that the Board direct the County Manager to investigate this matter and determine how a cooperative agreement could be made between the County and the City of Monroe to construct a metal building for a training center for the fire departments' practice tower.

Vice Chairman Sexton asked if there were any preliminary costs available. Commissioner Stone stated that he did not have that information, but needed to have the input from the fire departments to decide how much space is needed. He said that he knew what amount of space is needed for the storage area and the number of restrooms that are needed. He stated that the one issue would be the size of the classroom, and he would guess that it would need to be the approximately size of a double wide classroom mobile unit.

Following the discussion, the motion was passed unanimously.

UNION COUNTY TRANSPORTATION DEPARTMENT:

a. FY 08 Community Transportation Program Assistance Grant Application - No public hearing requested

Mike Shalati, County Manager, explained that this is a grant application with a local match of \$43,352.

Commissioner Rushing moved to authorize the submission of the FY 08 Community Transportation Program Assistance Grant Application in the total amount of grant funding of \$350,484 with a local share of \$43,352 included in the FY 08 Budget and adoption of the Community Transportation Program Resolution. The motion was passed unanimously.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

FY 2007-2008 RESOLUTION

Applicant Seeking Permission to Apply for Community Transportation Program Funding,
Enter Into Agreement with The North Carolina Department Of Transportation

And to Provide the Necessary Assurances.

A motion was made by (*Board Member's Name*) Commissioner Rushing and seconded by (*Board Member's Name*) N/A for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis);

WHEREAS, (*Legal Name of Applicant*) Union County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relates to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)* Chairman of the Union County Board of Commissioners (*Name of Applicant's Governing Body*) is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (*Certifying Official's Name*)* Lynn G. West (*Certifying Official's Title*) Clerk do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) Union County Board of Commissioners duly held on the 23rd day of October, 2006.

s/Lynn G. West
Signature of Certifying Official

****Note that the authorized official, certifying official, and notary public should be three separate individuals.***

b. Request for Additional Appointments to the Transportation Advisory Board (includes the appointment of a local elected official)

Chairman Lane stated that he was appointed some months ago to the Community Transportation Improvement Plan Committee, which is different than the Transportation Advisory Board. He noted that the Board was being asked to consider additional appointments to this board as required by the new FY 2008 grant package. He stated that the following persons had been recommended by Annette Sullivan, the Transportation Director for the County:

1. Scott Rowell – Anson County Transportation Director and RPO Member
2. Amy Helms – Assistant Director of Infrastructure and Environment (representing MPO)
3. Lorey White – Rotary and Partnership for Children
4. Andrea Coleman – DSS and Private Citizen from Minority Community

Vice Chairman Sexton moved to appoint Mr. Rowell, Ms. Helms, Mr. White, Ms. Coleman, and Chairman Lane, as the Local Elected Official, to serve on the Transportation Advisory Board. The motion was passed unanimously.

APPOINTMENTS TO BOARDS AND COMMITTEES:

a. Union County Nursing Home Advisory Committee (two vacancies)

Chairman Lane stated that there were two vacancies on this Committee with only an application received from Mr. Lukens J. Isobel.

Commissioner Stone moved to appoint Mr. Isobel to serve on the Nursing Home Advisory Committee.

b. Library Board of Trustees (one vacancy to fill an unexpired term representing the Weddington Region)

Chairman Lane stated that one application had been received from Jeffrey Kravis.

Commissioner Stone amended his motion to include in block both the appointment of Mr. Isobel to serve on the Nursing Home Advisory Committee and Mr. Jeffrey Kravis to fill the unexpired term on the Library Board of Trustees representing the Weddington Region.

The motion as amended was passed unanimously.

MANAGER'S COMMENTS:

Mike Shalati, County Manager, shared the following comments:

- Reminded the citizens and audience that flu shot vaccinations are available.
- Reminded the citizens that early voting began on October 19, 2006, and encouraged the citizens and audience to exercise their privilege to vote.
- Recognized the Health Department for receiving a 2006 GlaxoSmithKline Child Health Recognition Award in the Local Health Health Department category. It was honored for its Bilingual Health Check Coordinator Program which is funded by the Union County Partnership for Children.

COMMISSIONERS' COMMENTS:

Commissioner Rushing said that there were people on both sides of the ETJ issue tonight who came and shared passionate arguments for and against. He stated that he had not been in favor of but one ETJ request since he has been on the Commissioner and that was a mall project in Stallings. He said that he did not believe in taking people's property without giving them a vote for who controls their property. Commissioner Rushing stressed that the property rights issue is very important to him. He said that hopefully in the future there would be a better discussion about ETJ, and that the ones in Wesley Chapel who are in favor of ETJ will communicate with those residents within the proposed ETJ area and try and resolve the matter. He said that he looks forward to the next Board meeting to have further discussion on the ETJ issue and encouraged everyone who is concerned about the proposed ETJ

area to attend that meeting to see what action the Board takes. He expressed appreciation to everyone who attended the public hearing tonight.

Vice Chairman Sexton thanked everyone who had participated in the meeting tonight. He noted that the public hearing held by the county tonight was strictly optional and was not statutorily required as the one held by Wesley Chapel. He said that he thought it was important that the County hold a public hearing on the issue.

Commissioner Pressley expressed sympathy to the family of David McLean from Hemby Bridge. He stated that Mr. McLean passed away recently.

Commissioner Stone had no comments.

Chairman Lane noted that the inspections' report was included in the package for both residential and commercial. He said that last month's report was not very good with 90 percent residential and a small percentage for commercial. He stated that this month the percentage has been reduced to 56 percent of the monies being expended on new residential and 44 percent for commercial.

He said that *The Charlotte Observer* had reported no new development requests have come through since the moratorium was lifted.

Chairman Lane reminded everyone that the County is wholeheartedly supporting the NACO Drug Prescription Card Plan and it is mentioned in *The County News* that Union County was one of the first counties in the nation to implement the program. He said that at the time it was printed in *The County News* that 510 counties had signed for the program.

CLOSED SESSION:

Chairman Lane moved that the Board go into closed session for the following purposes: 1) to consider the qualifications, competence, performance, character, fitness, conditions of employment or conditions of initial employment of an individual public officer or employee or prospective public officer or employee or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee pursuant to G.S. 143-318.11(a)(5); 2) to establish and/or instruct the public bodies staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the amount of compensation and other material terms of an employment contract or proposed employment contract pursuant to G.S. 143-318.11(a)(6), and 3) to

consult with an attorney in order to preserve the attorney client privilege pursuant to G.S. 143-318.11(a)(3). The motion was passed unanimously.

The Board members moved to the Conference Room, ninth floor, Union County Government Center where the Chairman convened the closed session.

At the conclusion of the closed session and the time being approximately 9:09 p.m., Vice Chairman Sexton moved to adjourn the closed session and reconvene the open session.

The Board members moved from the Conference Room to the Board Room, ninth floor, Union County Government Center and the Chairman reconvened the regular meeting.

Vice Chairman Sexton moved to increase the salary of Lynn West, Clerk to the Board, by seven (7) percent and to approve a \$1,000 one-time bonus for Mrs. West. The motion further included authorization for the Manager to execute the necessary paper work to effect the increase and bonus for Mrs. West to become effective immediately. The motion was passed unanimously.

With there being no further comments or items for discussion, Vice Chairman Sexton moved to adjourn the regular meeting. The motion was passed unanimously.