

December 18, 2006

The Union County Board of Commissioners met in regular session on Monday, December 18, 2006, at 7:00 p.m. in the Board Room, first floor, Union County Government Center, 500 N. Main Street, Monroe, NC. The following were

PRESENT: Chairman Kevin Pressley, Vice Chairman Allan Baucom, Commissioner Roger Lane, Commissioner Parker Mills and Commissioner Lanny Openshaw

ABSENT: None

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

The Chairman convened the meeting and asked Commissioner Lane to present the invocation.

OPENING OF MEETING:

- a. **Invocation:** Commissioner Roger Lane presented the invocation.
- b. **Pledge of Allegiance:** The Chairman led the Commissioners and audience in reciting the Pledge of Allegiance to the American Flag.
- c. **Informal Comments:**

The Chairman announced that there are five persons who have registered to speak during informal comments. He first called Brian Stickley and after him would be Ron Hunt.

Mr. Stickley asked to defer his position to Mr. Dan Schallenkamp. Mr. Schallenkamp, Mayor Pro Tem of Indian Trail, addressed the Board stressing that he was speaking not for the council but of his own personal opinions. He said he had one question and then a comment on zoning and landowner's rights. He said his question was about a statement in a local paper that reported the Chairman consulted an outside attorney on the issue of repealing the Wesley Chapel ETJ. He said that since the Union County's

taxpayers would ultimately be responsible for the bill for legal advice given and/or acted upon, and since the Commissioners declined to consult with the county's attorney, he thought it was fair for the citizens of Union County to know the identity of the outside attorney. Therefore, he said, he respectfully requested Chairman Pressley to share with him the name of the attorney with whom he consulted.

Mr. Schallenkamp said his second comment was to do with zoning and landowner's rights. He said that there were some misconceptions voiced during the ETJ issue. Mr. Schallenkamp explained his understanding of zoning and how it affects the rights of landowners. He said he brought that up because of an article of December 14th in the *Neighbors of Union County* entitled Wesley Chapel in a Battle Zone. He read an excerpt from the article on the subject of Union County repealing ETJ in Wesley Chapel and a quote by Dean Harrell, local developer, on the possibility that a higher-density zoning will be allowed in the county. He said he hoped that there had not been any decisions made by the Board on this issue. He reminded the Commissioners that they represented all the citizens not only those who voted for them.

The Chairman stated that he failed to remind Mr. Schallenkamp of the three-minute rule for public comments, and asked that future speakers adhere to this rule.

He next recognized Mr. Brian Stickley who introduced Rick Cookington, Dr. Ron Hunt, Nancy and Tony Mangum. Mr. Stickley welcomed the new commissioners to the board and thanked them for allowing them to be here tonight. He also thanked Dr. Ed Davis, Superintendent of Schools, Dr. Dave Clark, Dean Arp, Kevin Pressley, Parker Mills, Allan Baucom, Roger Lane, and Lanny Openshaw for being open and not just putting forth lip service to addressing the dangerous conditions that existed at Weddington High School. He thanked them for their attentiveness to this situation. Mr. Stickley said that the students participating in sports have been in dangerous situations and he appreciates that this Board is entertaining a thought process to try to help get through this situation. He said that he is present to say thank you.

Dr. Hunt added that he had been before the Board before with proposals of why lights are needed for the athletes' safety and stressed that Weddington is the only 4A high school in the County that does not have lights. He said all the other teams that Weddington plays have lights and Weddington is at a disadvantage as far as scheduling and safety.

Tony Mangum said he and his wife Nancy are here because they have had two sons who played through the system since the year 2000. He said as a 3A high school, Weddington had won two championships, and he couldn't count the number of games which ended at dusk/dark. He explained that one son had fractured his nose and the other had his teeth pushed back into his mouth. He

stressed that lights are imperative for the safety of the students. He reviewed the ball schedule and pointed out that the games begin at 4:00 p.m. and Weddington's players are not given the same opportunity as other schools to have batting practice; they are barely able to get their arms warmed up. He reported on other medical problems experienced by his sons. Mr. Mangum said that the parents and the athletes of Weddington have waited six years for lights.

The Chairman announced that this concluded the informal comments.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

The Chairman asked if there were any additions or deletions.

Commissioner Parker Mills requested to add to the agenda discussion on a funding mechanism for lights at the high schools in Union County – present and future construction. He reported he had met with Chairman Arp of the Union County Board of Education, and they developed a possible solution. He said the proposal would definitely need discussion among the Commissioners so it could be communicated to the Board of Education.

The County Manager stated that the staff wanted to request that Item 6 – Parks and Recreation – be removed from the agenda. He said that the staff requested time to update the new Commissioners on this Master Plan.

Commissioner Lane moved that the agenda be approved as amended. The motion passed unanimously.

CONSENT AGENDA:

Vice Chairman Baucom moved that the items as included on the consent agenda be approved. The motion was passed unanimously.

Minutes: Approved minutes of regular meetings of November 20, 2006, and December 4, 2006

Department of Social Services: Budget Amendment #30 – DSS – Work First Demonstration Grant to increase Federal Revenue and Operating Expense by \$15,600 to be used for quarterly seminars for DSS customers.

	3,564,300	(3,564,300)	-		3,564,300	(3,564,300)	-		
EXPLANATION:	Close out of various completed projects for which expenditures and revenues have been audited.								
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	
IFT From General Fund	764,300.31	(764,300.31)	-		FY2002 Rollover of Capital Outlay	764,300.31	(764,300.31)	-	
40459200-4010-PR005					40559200-5630-PR005				

IFT From General Fund	2,800,000	(2,800,000)	-	FY2003 Capital Outlay Allocation	2,800,000	(2,800,000)	-
40459200-4010-PR006				40559200-5630-PR006			
	3,564,300	(3,564,300)	-		3,564,300	(3,564,300)	-
Prepared By	dhc						
Posted By							
Date							
						Number	CPC - 1

c.) Capital Project Ordinance Closeout #2 (Capital Project Fund – 58) for various completed projects for which expenditures and revenues have been audited

CAPITAL PROJECT CLOSEOUT									
BUDGET		Capital Project Fund - 58			REQUESTED BY		Kai Nelson		
FISCAL YEAR		FY 2006-2007			DATE		December 4, 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		
G O Bond Proceeds	52,700,000	(52,700,000)	-	Capital Outlay	52,700,000	(52,700,000)	-		
	52,700,000	(52,700,000)	-		52,700,000	(52,700,000)	-		

EXPLANATION:	Close out of various completed projects for which expenditures and revenues have been audited.									
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	Requeste d	Revised		
Description and Code	To Date	Amendment	Project		Description and Code	To Date	Amendme nt	Project		
G O Bond Proceeds	26,700,000	(26,700,000)	-		Bldgs & Improvements	5,004,305.1 5	(5,004,30 5.15)	-		
58491100-4710-530					58-559200-5586-521 Bldgs & Improvements	5,017,572.8 9	(5,017,57 2.89)	-		
G O Bond Proceeds	26,000,000	(26,000,000)	-		58-559200-5586-522 Bldgs & Improvements	4,001,652.0	(4,001,65)	-		

)			5	2.05)	
58491100-4910					58-559200-5586-523			
					Bldgs & Improvements	5,497,397.81	(5,497,397.81)	-
					58-559200-5586-524			
					Bldgs & Improvements	5,750,603.93	(5,750,603.93)	-
					58-559200-5586-525			
					Bldgs & Improvements	674,118.50	(674,118.50)	-
					58-559200-5586-526			
					Bldgs & Improvements	5,816,099.38	(5,816,099.38)	-
					58-559200-5586-531			
					Bldgs & Improvements	2,433,167.85	(2,433,167.85)	-
					58-559200-5586-532			
					Bldgs & Improvements	4,368,864.15	(4,368,864.15)	-
					58-559200-5586-533			
					Bldgs & Improvements	6,329,296.86	(6,329,296.86)	-
					58-559200-5586-534			
					Bldgs & Improvements	3,609,795.53	(3,609,795.53)	-

				58-559200-5586-535				
				Bldgs & Improvements	2,997,197.66	(2,997,197.66)		-
				58-559200-5586-536				
				Bldgs & Improvements	672,909.60	(672,909.60)		-
				58-559200-5586-542				
				Bldgs & Improvements	420,868.23	(420,868.23)		-
				58-559200-5586-545				
				G O Bond Issuance Costs	54,349.67	(54,349.67)		-
				58-559200-5715-520				
				G O Bond Issuance Costs	51,800.74	(51,800.74)		-
				58-559200-5715-530				
	52,700,000	(52,700,000)	-		52,700,000	(52,700,000)		-
Prepared By	dhc							
Posted By								
Date							Number	CPC - 2

d.) Capital Project Ordinance Closeout #3 (Capital Project Fund – 58) for various completed projects for which expenditures and revenues have been audited

CAPITAL PROJECT CLOSEOUT							
BUDGET	Capital Project Fund - 58			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2006-2007			DATE	December 4, 2006		
PROJECT SOURCES				PROJECT USES			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
Investment Earnings	2,387,488	(2,385,103)	2,385	IFT to General Fund	3,572,067	(3,569,682)	2,385
IFT from General Fund	1,184,579	(1,184,579)	-				
	3,572,067	(3,569,682)	2,385		3,572,067	(3,569,682)	2,385
EXPLANATION:	Close out of various completed projects for which expenditures and revenues have been audited.						

DATE:				APPROVED BY:			
				Bd of Comm/County Manager			
				Lynn West/Clerk to the Board			
FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
58493000-4810	1,437,713	(1,437,713)	-	58-598000-5010-520	2,622,292	(2,622,292)	-
				58598000-5010-530	949,775	(947,390)	2,385
58493000-4810-530	949,775	(947,390)	2,385				-
							-
58498000-4010	1,184,579	(1,184,579)	-				-
							-
							-

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	School Bond Fund - 55			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2006-2007			DATE	December 18, 2006		
PROJECT SOURCES				PROJECT USES			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
G.O. Bond Proceeds	360,435,550	300,000	360,735,550	Hwy 200 Widening Project	600,000	300,000	900,000
All Other Revenue	1,363,308	-	1,363,308	All Other School Projects	361,198,858	-	361,198,858
						-	-
	361,798,858	300,000	362,098,858		361,798,858	300,000	362,098,858

EXPLANATION:	Funding for Hwy 200 Widening Project pursuant to 115C-429b.						
DATE:					APPROVED BY:		
						Bd of Comm/County Manager	
						Lynn West/Clerk to the Board	
FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source Description and Code	Project To Date	Requested Amendmen t	Revised Project	Project Description and Code	Project To Date	Requested Amendme nt	Revised Project
G.O. Bond Proceeds 55491100-4710-530	360,435,550	300,000	360,735,550	Hwy 200 Widening Project 55559200-5586-511	600,000	300,000	900,000

fees on behalf of certain organizations that it would ordinarily agree to waive fees. He said the estimated required fees in connection with the Unionville VFD construction project is \$11,272 with \$9,320 relating to utility connections and \$1,952 with permit and inspection fees. Mr. Nelson stated it is the staff's recommendation to appropriate funds from contingency to the Fire Services budget for payment of these required fees.

Motion was made by Commissioner Lane that Budget Amendment #31 to appropriate \$11,272 from Contingency to Fire Service Budget – Contracts, Grants and Subsidies to cover utility and inspection fees relating to the construction project of Unionville VFD be approved. The motion passed unanimously.

UNION COUNTY PUBLIC SCHOOLS:

Land Purchase on Cox Road: The Finance Director explained that during a meeting of the Union County Board of Commissioners on November 6, 2006, the Board voted to approve \$100,000 in earnest money for an examination period in connection with the acquisition of two real parcels aggregating 38.25 acres on Cox Road. He noted that the property is located at the southeast quadrant of Cox and Matthews-Weddington Roads. Mr. Nelson detailed that the property has been appraised at \$109,346 per acre and the sellers and the Board of Education have agreed to a purchase price of \$110,000 per acre for a total purchase price of \$4,307,500. The Finance Director explained that since the Board had previously appropriated \$100,000 that the amendment to cover the purchase price of this property would be in the amount of \$4,207,500. He said this property would be for elementary school N or O.

Motion was made by Commissioner Lane that the County Manager be authorized to approve the purchase contract for 38.25 acres on Cox Road for an elementary school site and to approve Capital Project Ordinance No. 68.

CAPITAL PROJECT ORDINANCE AMENDMENT										
BUDGET	School Bond Fund - 55				REQUESTED BY	Kai Nelson				
FISCAL YEAR	FY 2006-2007				DATE	December 18, 2006				
PROJECT SOURCES					PROJECT USES					

Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
G.O. Bond Proceeds	360,735,550	4,207,500	364,943,050	Land Banking (115C-429b project allocation)	566,500	4,207,500	4,774,000
All Other Revenue	1,363,308	-	1,363,308	All Other School Projects	361,532,358	-	361,532,358
	362,098,858	4,207,500	366,306,358		362,098,858	4,207,500	366,306,358
EXPLANATION:	Additional funding for land costs (Cox Rd. Elementary School) associated with projects listed above pursuant to 115C-429b.						
DATE:				APPROVED BY:			
					Bd of Comm/County Manager		
					Lynn West/Clerk to the Board		

The motion was passed unanimously.

Weddington High School Lights: Commissioner Mills stated in an effort to provide a workable solution to the lack of stadium/athletic lights for Weddington High School that he and the Chairman of the Board of Education had worked all weekend. He said it had not been possible for him to discuss the proposal with the Commissioners and/or staff and asked if it would be possible for the Commissioners to go into a closed session to confer with the attorney and the Finance Director or should it be discussed in public.

The Chairman stated that he thought the idea had been discussed previously in a meeting with the attorneys but he would agree to go into a closed session. The attorney agreed that it would be appropriate to go into closed session.

Commissioner Mills moved that the Board go into closed session in accordance with G. S. 143-318.11 (a) (3) in order to preserve the Attorney-Client privilege. The motion passed unanimously.

At the conclusion of the closed session, the Chairman reconvened the meeting and stated that the Board had some good news and a request of staff. He recommended that the County Manager along with the staff and the Superintendent of Public Schools create a funding grant program for the Union County Booster Clubs with funds loaned to be repaid over a given period of time. Commissioner Mills moved approval of the recommendation of the Chairman for the County Manager, staff, and Superintendent of Public Schools to create a funding grant program for the Union County Schools Booster Clubs with funds loaned to be repaid over a given period of time. The motion passed unanimously.

The Chairman stated that during the November meeting the Board delayed appropriation of funds for the lights, and he was recommending that these funds be appropriated tonight for the planning and design of the lights for the Weddington High athletic fields. Vice Chairman Allan Baucom moved that the funds as needed for the planning and design of the lighting system for the athletic fields be appropriated. The motion was passed unanimously.

PUBLIC WORKS DEPARTMENT:

The Chairman stated the next item of business was an update and status of wastewater treatment in Union County. He recognized Christie Putnam, Director of Public Works.

Ms. Putnam stated that the County currently owns and operates five treatment facilities and has three contracts for service with neighboring providers. She said of the five plants that the county owns and operates, three of those are smaller facilities. She further said that Grassy Branch has remaining capacity of 9,000 gallons per day. She said this was previously identified and reserved for commercial development. She said the other two facilities are Olde Sycamore in the edge of Mecklenburg County and Tallwood in the Brief Road area near Cabarrus County. Ms. Putnam said that the Crooked Creek facility, which is off the Sardis Church Road/74 area, is a 1.9 million gallon facility and is currently at 74 percent capacity. She noted that the Twelve Mile Creek Facility, north of Waxhaw, is a 2.5 million gallon per day facility, and it is over 100 percent capacity. She said the three “contracts for service” – (1) Charlotte-Mecklenburg Utilities, which is for 3 million gallons per day and the County is probably flowing 600,000 gallons; City of Monroe, which is 2.65 million gallons per day, and the County is currently flowing on an average about 1.4 million gallons per day; and Lancaster County is about 20,000 gallons per day. She explained that there are several expansions underway. She said one expansion is the Twelve Mile Creek Plant and it has two issues – one is to increase to six-million gallons per day. She said this project is ahead of schedule and due for completion in the summer of 2007. She pointed out that the contractual date is 2008, but the contractor is running ahead of schedule. She said that also associated with the Twelve Mile Creek Facility is a permit modification to increase from three million gallons per day from its current two and one half mgd now. She said she already has a permit issued from the State, but it is contingent upon an engineering report review by another State agency and that phase one of construction is completed. Ms. Putnam stated that the permit modification looks favorable but is not guaranteed.

Also, the Director noted that the previous Board had approved an expansion to nine million gallons per day for the Twelve Mile Creek Facility. She said Public Works is currently in the permitting phase of that expansion. Commissioner Mills asked what would be the time-frame for permitting and construction. Ms. Putnam stated that current estimate is about five years. She noted that this application has to go through South Carolina, and it is not in a favorable position to receive anymore waste treatment flow from North Carolina so Union County along with CMUD are having discussions with South Carolina about limits it would want imposed on discharge. She said that is the reason for the five-year time frame.

Ms. Putnam said that Union County has contracted with CMUD for three million gallons per day. She said that the system is not using that much capacity but there are some opportunities to make use of their facilities.

The Public Works Director stated that Union County had recently acquired additional capacity with Monroe for the Wingate and Marshville areas, but it will be necessary to increase the infrastructure in order to get the flow to that plant.

The Chairman asked if Lancaster County is an option for Union County. Ms. Putnam responded that they are currently permitted to capacity, and although they do not believe they will be using this flow, they have to justify that to their permitting agency.

Ms. Putnam stated that there have not been any permits issued by the State since August. She said that her department has since gone in-house and reviewed all outstanding permits for the Twelve Mile Creek Facility. She said the department was over-permitted on paper per house at 360 gallons per day, because the system only receives about 220 gallons per day per house. The Director said she is providing this supporting information to the state as well as reviewing the number of permits that have been built out. She said that currently there is an outstanding permitted flow of 2.4 million gallons per day. Ms. Putnam stated that based on an annual average there is about a million gallons per day that have not been allocated and/or permitted.

In response to a question from the Chairman on whether or not any of the gallons are reserved for commercial development, Ms. Putnam stated that her department has met all the reservations defined by previous boards. She said the latest one was to reserve 600,000 gallons per day for commercial out of the six million gallons. Chairman Pressley asked if she saw commercial permits increasing and what percentage is there on usage of reserved flow for commercial. Ms. Putnam said that about 10 percent is reserved for commercial. She said there has been an increased commercial interest and more of an increase now than there has been in the past.

Vice Chairman Baucom asked the Public Works Director if what she is saying is that the County is currently at about 10 percent billing on the commercial. Ms. Putnam responded that currently 10 percent of the flow that is received today is billed out as commercial and with a review of total permits that have been issued there is more than 10 percent. She noted that outstanding permitted commercial flow is about 450,000 to 600,000 of usable flow. Vice Chairman Baucom said he thought that a 10 percent reserve allocation is low for commercial and economic development. Ms. Putnam said her department is developing better means for keeping track of commercial permits. The Chairman asked if her definition of commercial was non-residential construction and development. Ms. Putnam confirmed that was the definition under which her department is working.

Ms. Putnam said her presentation has been an update on the current status of wastewater treatment, but the last remaining piece of the wastewater treatment plan that has not been reviewed is the proposed construction of a facility in the Yadkin basin. She said there previously had been talk about a facility in the Yadkin- Pee Dee River Basin but a decision was put on hold. The Director said the consultant is present tonight to present the alternatives, if the Board wants to hear them. She said the staff has reviewed the alternatives that were presented in the past and have added an additional alternative that is believed to be worth considering.

Commissioner Mills said that he thought there is an in-house planning conference scheduled soon, and he would prefer to hear this presentation during that conference. There was agreement to this recommendation and the Chairman delayed hearing the alternatives on a proposed facility for the Yadkin-Pee Dee River Basin until that date.

DRAFT GUIDELINES FOR UNION COUNTY PUBLIC WORKS ADVISORY BOARD:

The Chairman reviewed that during the Board's last meeting held on December 4, the Commissioners decided to create a Public Works Advisory Board and requested the staff attorney to prepare guidelines for the establishment of same.

Vice Chairman Baucom noted that the instruction in the motion of December 4th was to have appointments by township and that he did not see that stipulation as part of the document presented. The staff attorney responded that the guidelines presented were the results of collective efforts of the County Manager, Public Works Director, Finance Director and Staff Attorney in 2004, prior to the terms of service of any current board member. He said that at that time, although geographical representation was considered, it was deemed by staff to be more important to secure relevant expertise to the advisory board; thus, the required appointment of an engineer, a contractor, a developer, and finance specialist. He said the geographic component of sorts was incorporated by allowing appointment of one member by each municipality that had conveyed its water and/or wastewater systems to Union County. He said these guidelines had been slightly revised for presentation tonight.

Mr. Shalati stated that the Board could make its appointment from the townships without having to specify within the guidelines that the appointments be by township.

Vice Chairman Baucom stated that he personally preferred that guidelines be established based on township representation and not as is included in the proposed guidelines although he has no problem with the recommendations for specified qualifications remaining a part of the organization guidelines, but only as a recommendation. He stressed that as was said at the last meeting it is very important that representation be across the entire county. Vice Chairman Baucom stressed that the areas that were not impacted in the past will be impacted in the future.

Mr. Shalati assured that this could be easily corrected and brought to the Board at the next meeting or it could be brought to the Board during the Planning Conference.

Commissioner Roger Lane said that he liked the recommendations presented such as appointments by each municipality that sends its water and/or wastewater system to Union County and would recommend that all municipalities who do so in the future be also granted a position on the Advisory Board.

The Chairman stated that when an advisory board was being discussed several years ago, there was discussion about municipal representation from each municipality and then two members at large. He agreed it would be a sixteen-member board but noted there are a lot of different zonings throughout these municipalities. He also noted there are some towns in which Union County has sewer but does not control the sewer. Commissioner Lane asked the Chairman if he were agreeing with him. The Chairman agreed he was partially in agreement.

Commissioner Openshaw pointed out that with the municipalities there would be 14 members plus two representatives at large, and asked would the categories as recommended within the staff's guidelines still be applicable? The Chairman stated it was his understanding that these would not be specified.

Vice Chairman Baucom suggested and moved the Board revert to its original motion that there be one representative from each township with two at large making a total of 11 individuals on the advisory committee.

Commissioner Lane made a substitute motion that the Board include any municipality that comes on line as big users of the utility system.

The Vice Chairman stated that he would respond that any municipality within a township could be given the opportunity for their representative to be appointed through a township appointment.

Commissioner Lane asked if the Board of Commissioners would be the body making the appointments. The Vice Chairman responded in the affirmative and said that anyone living within the townships would have the opportunity to apply for appointment to serve on the Advisory Board.

Commissioner Openshaw pointed out that the Sandy Ridge Township has within its geographical boundaries Marvin, Weddington, Wesley Chapel, part of Waxhaw and perhaps even Monroe. He said there would be one person to represent all of those divergent interests. He also noted that 70 percent of the population is within three townships. Commissioner Openshaw noted that one from each township sounds fair and logical but there is on the other hand the need for equal representation through population. He said both plans are right, but he believed that something could be done to achieve refinement of his recommendation to create a board with 11 persons, two of whom are alternates: no more than two people can come from any township, and the three largest townships may have up to two members. He said if his math is correct that proposal would provide an automatic coverage for each of the townships and the Board of Commissioners would make the appointments. He said his proposal would allow more flexibility in appointments and still guarantee that at least eight townships would be represented and the larger townships would be given more representation.

Commissioner Lane stated he would withdraw his substitute motion if Commissioner Openshaw wanted to make his recommendation a substitute motion.

Commissioner Openshaw agreed and Commissioner Lane withdrew his substitute motion. Commissioner Openshaw offered as a substitute motion that there be nine members, two alternates, the three most populated townships may have two members, and the others be appointed from

townships. He said, however, if preferred by the Board, he would amend his motion to state that the three largest townships based on population could have no more than two on the Board and one on the alternate list.

The Chairman stated the recommendation created a fairly extensive advisory board and pointed out the length of service terms need to also be determined. Chairman Pressley said he was not sure that the Board could complete review and acceptance of the guidelines as recommended by staff during tonight's meeting.

The Vice Chairman stated that the original motion on December 4th spelled out that the terms of office would be three-year staggered terms. He said he noted that the terms within the staff's guidelines do not comply with the original motion.

Commissioner Mills called the question on the substitute motion. The Chairman called for a vote on calling the question. The motion passed unanimously.

The Chairman called for a vote on the substitute motion. The motion failed by a vote of two to three. Commissioners Lane and Openshaw voted for the motion. Chairman Pressley, Vice Chairman Baucom and Commissioner Mills voted against the motion.

Vice Chairman Baucom restated his motion that there are to be eleven members – a member per township with two members at large who can be selected from any township with all appointments made by the Board of County Commissioners. During discussion, Vice Chairman Baucom agreed to include within his motion that after the Guidelines are amended to reflect the necessary change of number of members and composition of the advisory board that the remaining Articles of the Guidelines for Union County Public Works Advisory Board be approved and adopted. The motion passed by a vote of three to two. Chairman Pressley, Vice Chairman Baucom and Commissioner Mills voted for the motion. Commissioners Lane and Openshaw voted against the motion.

STATE OF THE UNION REPORT:

The Chairman recognized Kai Nelson, Finance Director to present the State of the Union report.

Vice Chairman Baucom expressed appreciation to the department heads for providing the financial information and, in the interest of time, recommended the Board accept the information as submitted and express the Board's intent to accept additional information at the In-County Planning Conference in January.

The Chairman agreed with the recommendation and complimented the Finance Director and staff for preparation of the detailed information. He noted that there might be additional information requested of the Finance Director during the planning conference.

Commissioner Mills stated he did not know what a penny of ad valorem tax generates in Union County but requested Mr. Nelson and Ms. Putnam to develop a scenario that demonstrates what a penny of ad valorem tax each year could accomplish in running waterlines out in the county to areas that need the water. He said this is just an item on which he would request additional information.

EXPLORATION OF REVENUE SOURCES INCLUDING POTENTIAL LEGISLATION TO PROVIDE TRANSFER TAX OPTIONS FOR UNION COUNTY AND SURROUNDING COUNTIES:

The Chairman recognized the Vice Chairman. Vice Chairman Baucom moved the staff be directed to explore revenue sources including transfer tax options as potential legislation for Union County, to look at working with surrounding counties in preparing a proposal, and to bring back to the Board of Commissioners the effect that a transfer tax would have on the county.

Commissioner Openshaw applauded Vice Chairman Baucom for putting this item on the table, not because he agreed with the transfer tax but because there is a problem that needs to be addressed. He said that hopefully in addressing this problem, the Board will examine the cause of the problem. He said there has been a lot of speculation, but, if you are operating a business, you have to ask yourself if you are overspending, not charging enough for your product, or paying too much to your supplier. He pointed out a transfer tax will hit anyone who sells his property in Union County. He said in reality the County is facing a tax increase within the next few years to a \$1 and the County will have to take tough action.

The Chairman stated that Charlotte City Council gave direction to its staff and Mecklenburg County will be meeting tomorrow night and may give direction to its staff to work together along with the Charlotte Chamber of Commerce to establish these same revenue options. He pointed out that there is already a transfer tax in six counties in North Carolina. He said the press is advocating that developers and builders will be arguing to the legislators against this tax. He said that nobody likes the transfer tax but, after a symposium last Monday night and a meeting on Tuesday in the Planning Department with developers and representatives from the school of government, it seems that the consensus of the development community and the building community is that it will be accepted on their raw land, and they would pay it on the lots that are sold to the builders. He said he hoped that Raleigh will look at this and see that there are some serious issues that Union County must take care of. The Chairman stated that if it could be balanced with houses traded and sold, he thought it is something that should be considered.

Commissioner Mills asked if this tax is supposed to be designated for schools. Vice Chairman Baucom said he did not designate the usage in his motion but asked that the staff bring information back to the Board. Commissioner Mills asked if it is to be a one percent across the board transfer tax across the board on everything, would it also apply to the population development of over 55 or is farm land exempted.

Vice Chairman Baucom stated he did not like the word tax, but this tax may be one of the most equitable venues that the County has for generating a revenue stream. He said he thought it to early to look at exemptions but would like to see the information come from the staff stating the facts and what it can potentially do. He said it might be something that the Board would elect not to do, but as part of the motion, he wanted the staff to seek other revenue sources it deems appropriate.

Chairman Pressley said that the fear of the building community is that the customers will go across the line instead of building in Union County. However, he said that he thought it was a golden opportunity because other surrounding counties are also looking for alternative funding sources. He said Union County is the fastest growing and Mecklenburg County is the largest. He said if these two go to Raleigh, he thought there is a good possibility an alternate tax might be approved.

Commissioner Lane questioned why the motion left out the words ‘fund school debt service’.

Vice Chairman Baucom stated that he had wanted to see what other options the staff might bring forward.

After brief comments about use of the proposed funds, Commissioner Openshaw moved to amend the motion to read: Direct staff to explore revenue sources including opportunities to join other counties in the Charlotte region in requesting legislative authorization to utilize a transfer tax for Union County as a revenue source to fund school debt service.

The Vice Chairman stated he did not have any problem with the Commissioner Openshaw’s amendment and withdrew his motion.

The motion passed unanimously.

VOTING DELEGATE FOR THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS LEGISLATIVE GOALS CONFERENCE:

Commissioner Mills moved that Vice Chairman Baucom be the voting delegate to represent Union County at the North Carolina Association of County Commissioners’ Conference to be held January 11-12 at Pinehurst, NC. After the Vice Chairman’s comments that he thought it was

appropriate for the Chairman to be the voting delegate, Commissioner Mills withdrew his motion stating that he had thought the Chairman was not going to be in attendance at the meeting.

Commissioner Openshaw moved that the Chairman be appointed the voting delegate at the North Carolina Association of County Commissioners Conference to be held January 11-12 at Pinehurst, NC, and the Vice Chairman be appointed the alternate. The motion passed unanimously.

APPOINTMENT OF COMMISSIONERS TO BOARDS AND COMMITTEES:

- 1.) ***UMRMC, Inc.*** – The Chairman stated that the Vice Chairman had been appointed on December 4th, but that a second appointment is needed.

Commissioner Lane nominated the Chairman.

Chairman Pressley accepted the nomination.

- 2.) ***Catawba River Plant Advisory Board*** – Chairman Presley stated that Commissioner Mills is currently on this Board, and it needs an alternate slot filled. Commissioner Lane volunteered to accept the alternate position.

- 3.) ***MUMPO*** – Chairman Pressley stated he is currently the appointee to this Board. He recommended the Vice Chairman be appointed the alternate member to MUMPO.

- 4.) ***Farmers Market Advisory Committee*** – The Chairman stated this appointment was deferred from the December 4th meeting. The Vice Chairman volunteered to accept this appointment.

- 5.) ***Piedmont Behavioral Healthcare*** – Chairman Pressley reported that this appointment was also deferred on December 4th until this meeting. Commissioner Mills volunteered to accept this appointment.

- 6.) ***Rocky River RPO*** – The Chairman stated that this was an alternate position. The Chairman nominated the Vice Chairman to serve on this committee.

Motion was made by Commissioner Lane that the appointments as agreed to above be approved in block. The motion passed unanimously.

APPOINTMENTS OF ALTERNATE MEMBERS TO THE LOCAL EMERGENCY PLANNING COMMITTEE:

The Chairman moved that Veronica McKinney be appointed an alternate member representing Gouston Technologies, Inc., that Frank Speer, Sr., be appointed as alternate member to represent the American Red Cross and that David Stephens be appointed as alternate to represent Harris Teeter on the Local Emergency Planning Committee. With there being no other nominations, the motion passed unanimously.

RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE OF JANUARY 2007:

The Chairman stated that as discussed with staff it is the Board's request to amend its schedule to meet on the second and fourth Mondays in January due to holidays falling on the first and third Mondays.

Motion was made by Commissioner Lane that the following resolution be adopted:

RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE OF UNION COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Union County Board of Commissioners has heretofore established the regular meeting schedule of the Board such that regular meetings are held on the first and third Mondays of each month at 7:00 p.m. in the Commissioners Boardroom; and if a regular meeting is a holiday on which county offices are closed, then the meeting would be held on Tuesday rather than Monday; and

WHEREAS, the Board desires to cancel the first regular meeting of Tuesday, January 2, 2007 (Monday, January 1, 2007, is a holiday) and the second regular meeting of Tuesday, January 16, 2007 (Monday, January 15, 2007, is a holiday), and to schedule two regular meetings for intervening times.

NOW, THEREFORE, be it resolved by the Union County Board of Commissioners as follows:

The Board does hereby revise its regular meeting schedule to delete from the schedule the regular meeting of Tuesday, January 2, 2007, and the regular meetings to occur on Monday, January 8, 2007, and on Monday, January 22, 2007, at the customary place and time. Except as herein amended, the regular meeting schedule shall remain in full force and effect.

Adopted this the 18th day of December, 2006.

ATTEST:

Lynn G. West, Clerk to the Board

Kevin Pressley, Chairman

The motion passed unanimously.

MANAGER'S COMMENTS:

County Manager Mike Shalati wished the Commissioners and audience Merry Christmas and happy holidays.

COMMISSIONERS' COMMENTS:

The Chairman recognized Commissioner Openshaw to begin comments.

Commissioner Openshaw reported on the Waxhaw parade and congratulated the promoters on such a nice event and turnout. He also expressed appreciation to the Rotary Club for its event which was held before the parade.

He said that four Commissioners had gone to government school this week and that it was a joy to be back in school. Commissioner Openshaw stated that the Manager also joined the Board at this session. He said six counties were represented and everyone had the same primary problem despite the fact that their economies are so different, and that is residential growth. He said not one county there when asked the question wanted to encourage more residential growth because they were already having trouble paying for the basic services. He said the mountain counties were mainly concerned with emergency medical services, hospitals, and larger schools. Commissioner Openshaw said it was a great opportunity to get to know other people. He thanked all the Commissioners who took time out of their schedule to attend.

Commissioner Openshaw wished everyone a Merry Christmas.

Commissioner Mills also wished Merry Christmas to everyone. He said there is a cook off event entitled the Sugar Plum Bakeoff of which is a judge and he gets to sample about 100 cakes at the new Hendricks' Car Dealership. He said the bake goods are sold after the judging and the money goes to local charities.

Commissioner Mills said that he was graduated from ASU in 1983, and it was a real pleasure to see the school win National Championships back to back. Commissioner Mills reported that Neal Spears' son, Camp, graduated from Piedmont and is a starting middle linebacker for ASU. He said ASU's team did an awesome job and that he was sure that Neal is extremely proud. Commissioner Mills said that he thought the county should be proud of one of its own players too.

Commissioner Mills said that being back in school was tough but there was time to sit down and talk with other counties about mutual problems. He said they agreed that this Board would govern civilly; that it's alright to disagree, but to do so civilly.

Vice Chairman Baucom stated that he planned to talk about the governing school but that most everything has been said. He reported that it was good and that he had learned from the experience. He said the interaction that the Commissioners had with one another and with other attendees was good. He thanked the County Manager for taking the time to attend.

Vice Chairman Baucom wished each and everyone – the county staff, the county management, everyone in the audience and at home – a very Merry Christmas and a very prosperous new year. He urged that the reason for the season not be forgotten and the economic side not be the main point.

Commissioner Lane said that it was agreed that the schools in all counties have similar problems but also the mountain counties do have a unique problem of second-home ownership. He pointed out that growth was at the top of all the counties' lists. He said he had attended the school of government before, but that he thought it was important for all to attend. He said what was stressed most was that decisions should be based on four core public values – liberty, community, prosperity, and equality. Commissioner Lane said that he also learned some things he didn't necessary agree with but it is the way that the laws are established. He said that conflicts of allegiance will interfere even if conflicts of interest are absent. He said conflict of interest is narrow and was spelled out very nicely for them at that meeting. Commissioner Lane said it was also pointed out there that Union County's budget for schools is much higher than the State level average. The state average is only 28 percent and Union County's average is 62 percent of its budget. He said it was going to be brought up at the Legislative Conference the need for counties to have other revenue sources such as impact fees. Commissioner Lane said citizens are often asking why Union County does not have impact fees. He said that is simple – the North Carolina Legislators will not allow it. He said he personally thought that impact fees would be a better source of revenue than would transfer fees. Commissioner Lane wished all a Merry Christmas and wished those of Jewish persuasion a Happy Hanukah.

The Chairman thanked the Clerk and the IT department for getting the staff the USB external drive. He said that the money the county spends on copies would be reduced if the Board goes to this technology.

He extended his sympathy to the Bickett family. He said this was a tremendous tragedy for the County.

Chairman Pressley encouraged people to assist the volunteer organizations with gifts for the needy children and encouraged everyone not to forget the reason for the season. He mentioned in particular the Christmas Bureau which is opened through the 22nd or 23rd of the month.

Commissioner Mills moved the meeting be adjourned. The motion passed unanimously by the standing of all Commissioners.