

**MINUTES**  
**UNION COUNTY BOARD OF COMMISSIONERS**  
**January 22, 2008**

The Union County Board of Commissioners met in a regular session on Tuesday, January 22, 2008, at 7:00 p.m. in the Board Room, First Floor, Union County Government Center, 500 North Main Street, Monroe, NC. The following were:

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

**ABSENT:** None

**ALSO PRESENT:** Richard Black, Interim County Manager, Lynn G. West, Clerk to the Board, Matthew Delk, Assistant County Manager, Jeff Crook, Senior Staff Attorney, Kai Nelson, Finance Director, members of the press, and interested citizens

**OPENING OF MEEETING:**

Chairman Baucom recognized the Rev. Waymon Jordan, Sr, pastor of Greater Blessed Hope Baptist Church, to present the invocation. After the invocation, Commissioner Mills complimented him on his singing performance last year at Bridging the Gap.

Chairman Baucom recognized the members of Scout Pack 99, Den 2, of Weddington United Methodist Church, to lead the Commissioners and audience in reciting the Pledge of Allegiance to the Flag of the United States. He introduced the following: Chris Laush, Mark Lausch, Carter Hissam, Matt McGady, Robby Leblanc, Austin Phillips, Ryan David, and Spencer Rubottom. Chairman Baucom thanked the scouts and their leaders for participating in tonight's meeting.

**INFORMAL COMMENTS:**

The Chairman stated the next item was informal comments and briefly explained the rules of presentation. He recognized Robert Allen. Mr. Allen stated that he lives at 5347 Courtfield Drive, Indian Trail. As a member of the Land Use Steering Committee, he presented a petition asking for a permanent representative to the Land Use Steering Committee from the Public Works Department. He said the volunteer-steering committee along with the Planning Board met last week and unanimously determined that it was a necessity that someone be appointed from Public Works to the steering committee because Public Works represents the skeleton on which the meat of the Land Use Plan will be hung. He said it was the committee members' opinions that they need to know where water and sewer lines are and where they are going because if the county controls the pipe, it controls the growth, and if growth is controlled, the county will also know where the schools are going to be needed. Mr. Allen said it is not a convenience but a necessity that someone from Public Works attends these meetings.

He said the second item he wished to address was Item No. 8—the Disclosure Statement. He said he did not understand the necessity of it. Mr. Allen said he thought the final result of the disclosure statement being required of board volunteers is going to decimate it. He said that there will be lots of people who will protest it based on principal. Mr. Allen said the information requested is public record and if the Board wants it badly enough, it could get it.

The Chairman announced that the Interim County Manager had just told him that there is now someone from Public Works appointed to serve on this steering committee.

Mr. Allen thanked him for the prompt attention.

The Chairman next introduced Reid Phifer who lives at 609 Forest Hills School Road, Marshville. Mr. Phifer said Union County at one time had litter officers and now it does not, and this County's roads are nasty. He said he personally picked up trash on three-quarters of a mile and keeps the grass mowed on that distance. Mr. Phifer said he deals with the Department of Transportation on a regular basis. He said there are three prison crews working in Union County now and two more coming in. He said the State is talking of bringing in eight crews to clean the whole county. He agreed that is a wonderful plan of action but the County has to stop the littering from happening. Mr. Phifer said there are no teeth in the laws and presented information to the Board outlining that West Virginia fines people up to \$25,000 for littering. He said West Virginia requires professional trash service with written documentation on where the trash goes. Mr. Phifer said that in Union County if trash is found with a name, the person is required to pick up the trash or there will be a citation written. These fines need to be at a level that gets the attention of those who litter. He suggested that those who litter should be required to pick up trash on highways in an orange jump suit with the words "I littered Union County;" these individuals need to be embarrassed. He thanked the Board for allowing him to speak.

Chairman Baucom next introduced JoAnn Bergman, a resident of 1416 Standish Drive, Monroe, who thanked the Board for another opportunity to address the Board on the proposal for a first “off-lead dog park” for Union County. She said she had prepared a proposal with hand-written schematics, which is self-explanatory, along with proposed dog park rules and regulations including dog park liability, which is a key factor when addressing undertakings such a park. Mrs. Bergman emphasized that the rules and regulations must be acknowledged and enforced by local entities, the State, as well as the County that enables the development. She assured that the plan she is presenting is a highly, effective model. She briefly outlined the plan and its requirements. Mrs. Bergman further explained that the dog park would be open year round for the citizens of Union County and their families, including the families’ pets. Mrs. Bergman noted that, as she proposed, it could be easily visited from dawn until dusk in conjunction with many of the other amenities located within Cane Creek Park. Mrs. Bergman said that a dog park is relatively self maintaining and the cost of the development is relatively inexpensive considering the benefits that it would provide. Mrs. Bergman stressed that Union County cannot afford not to have a “off-lead dog park” and requested the Board’s consideration of the plan and expressed appreciation for same.

The Chairman next recognized Reece Gibson of Stanfield, North Carolina. Mr. Gibson thanked the Board for allowing him to make a few comments on his subdivisions. He said that he has subdivisions Chestnut Place and Chestnut Oak in Stallings. He explained these developments started back in 1999 and 2000 and that Dick Black and Public Works have the planned documents that indicate the last phase started in 2003. Mr. Gibson said the sewer plans were submitted in 2006 and, at the time, Public Works discontinued accepting plans, and he had not been made aware that the department started accepting plans again. He stressed that he would like to complete this development as it has been a long-time, drawn out process. He showed the plans and explained the needed connections.

Chairman Baucom next recognized Tom Caldwell who explained that he had made a formal request several weeks ago to be on the agenda tonight on behalf of The Woods to ask the Board for approval of a pump station to provide sewer service for the proposed development. He reported that he did not get any formal communication as to whether or not he was on the agenda. Mr. Caldwell said he noted when he arrived tonight that his item was not included on the agenda, and took this opportunity to notify the Board that he and his clients are present to discuss this item tonight, if the Board would choose to add the item to the agenda.

The next person introduced was Roland Bibeau, Senior Director of Growth and Development and Administrator, Ballantyne Medical Plaza, to follow up with answers to questions asked by the Board when he made a presentation in December. He presented a package of information with an architect’s rendering of the proposed Presbyterian Medical Plaza Monroe along with pictures of the construction progress. He said that Rocky River Family Practice will anchor on one side and the other side will be anchored by the Center for Children and Adolescents. Mr. Bibeau said those two buildings are projected and are on schedule to open the first quarter of 2009. Also, he responded to questions previously asked about the connection to community agencies that are not-for-profit much like Presbyterian Health Care is not-for-profit. He explained that

he has been in communication with the American Red Cross, the Public Health Department, Hospice, and HealthQuest. He noted that he had also been in communication with the Affordable Healthcare Committee, which is comprised of United Way and other agencies within Union County, to work toward a free health clinic in Union County. Mr. Bibeau reported that as the Board was aware there is not a free health clinic in Union County, and assured that they are working toward partnering with that committee to bring a free health clinic here. Also, he said that part of that partnership is with the Matthews' free clinic to bring their knowledge base to Union County on how to partner with United Way and other agencies to bring free health care clinics to this community.

Mr. Bibeau said that as requested by the Chairman he would give a quarterly update on their project as to where they are in the medical process and the status of working and partnering with these agencies.

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

Commissioner Lane requested to pull Item #8 from the regular agenda, which was placed on the agenda at his request.

Commissioner Openshaw requested the Board discuss tonight the issue of littering and also requested to pull from the consent agenda – Item 1A – and add that to the regular agenda as 6-A, and to also pull from the Consent Agenda Items 8 and 9 to be added to the regular agenda.

The Chairman requested to add discussion on the Schools CIP and a presentation by the North Carolina Turnpike Authority regarding the Monroe By-Pass.

Vice Chairman Pressley requested to add to the Agenda discussion on The Woods Subdivision.

Motion was made by Commissioner Mills that the additions and deletion be approved and the agenda be adopted.

Commissioner Lane requested to vote individually on the items.

It was noted by the Vice Chairman that there was a motion on the table.

Commissioner Lane withdrew his request.

The vote to adopt the agenda passed unanimously.

The Chairman designated the location of the above items on the agenda.

### **TURNPIKE AUTHORITY UPDATE:**

The Chairman introduced Carl Gibilaro and Reid Simons from the North Carolina Turnpike Authority. At the request of the County's staff, Ms. Simons updated the Board on the Monroe Connector Bypass. She said a similar presentation was given to the Town of Stallings and also to the County's representative on MUMPO. She noted that due to inflation, the cost estimates on the project have increased from \$553,000,000 in March 2007 to \$583,000,000 now. However, Ms. Simons explained that the good news is that the project is still fully funded. She said that \$180,000,000 was reserved in the County's TIP process to cover the gap of the project. She stated that when the legislature comes into session in May and June, the North Carolina Turnpike Authority will be asking for the legislators to fund this project gap along with a gap in another road project being proposed by the Turnpike Authority. It was pointed out by Ms. Simons that if the Legislators choose not to fund the gap, the \$180,000,000 or \$12.5 million annually for forty years is available within the division to pay for the project. Ms. Simons reviewed the preliminary study corridors and explained the first step is NEPA, the National Environmental Policy Act, which is a federal law that required the Turnpike Authority with DOT to study a reasonable range of alternatives. She said they are now involved in the process. She assured that the Turnpike Authority will work closely with federal, state, and local regulatory and permitting agencies to identify and evaluate these alternatives. She identified the preliminary study corridor that was first unveiled in June 2007 in the workshops and noted that there are a number of segments on the map including Hwy. 74 and some south of Hwy. 74. Ms. Simons said there was lots of conversation with citizens about the segments under consideration – 18 and 2 – generated lots of discussion. She said both were developed as part of the original DOT study. Ms. Simons said the comments received indicated that there is 90 percent of the public in favor of the project. Ms. Simons said that segments 18 and 22 received a substantial number of negative comments. She said comments were that segment 18 was too close to Fairhaven and segment 22 greatly impacted Bonterra Village. She explained that because of those comments, they developed 18a and 22a to minimize the impact of those two neighborhoods and presented a drawing indicating the new alignment.

Ms. Simons explained from that process they did the alternative screening, the alternative screening report, and some very conceptual design work, and 22a is just outside Bonterra Village, but that is just one option. She said that what she had learned from the developer and residents in that area is that they seem very satisfied with the new alignment for study and believe that will be a good decision for the turnpike and for the agencies to study. She said that segment 18 had been eliminated, but there is study of segment 18a. Ms. Simons said that at the end of segment 2 is the Old Hickory Industrial Park and that presents some concern to Indian Trail. Ms. Simons presented a comparison of facts between segment 18a and segment 2. She emphasized that the information received from 22A is positive, but there is still a lot of opposition to 18A

including opposition from the Town of Stallings. She said there were about 29 comments in opposition received last week from Mayor Paxton. She said about two weeks ago, she met with MUMPO to discuss the roll of MUMPO in choosing those alignments. She pointed out the number of businesses impacted by each of the two options.

Commissioner Pressley asked for the main concern or opposition to 18a. Ms. Simons said the main concern is the proposed school site. She said it does not encroach on its property but is fairly close and assured that they were still working to minimize impacts to that location, if that location is chosen. She said that also in the minds of many people 18a is still too close to the Fairhaven community. She noted that everyone they have met with wants the road, but they do not want the road at certain locations.

She said it was too early to tell exactly what these segments will look like and the exact impacts, but this presentation is sort of a first draft of what it will be.

Carl Gibilaro said that at the request of the Town of Stallings they have compared the total project for 18a and 2, depending on what is important to an individual, it is easy to determine which alternative would be chosen. He said it is necessary that they look at the project as a whole and no one impact will have precedence over another. He described the comparison and stated that segment 18a begins at approximately I-485 and segment 2 begins at Stallings.

He identified the steps that had to be followed to determine the segments and the impacts on the community. He assured that there are alternatives being studied and pointed out that he is now in the process of meeting with the necessary agencies on the environmental impacts.

In response to a question from the Chairman, Mr. Gibilaro explained that although the rights-of-way have been purchased between Hwy. 601 and Marshville, the study has to include options and the fact that rights-of-way are already owned cannot affect the decision of the Turnpike Authority.

Mr. Gibilaro stated that sometime next month, the Authority should have defined which of the detailed study alternatives will be given more study and consideration. He described some of the study areas that will be performed in each area before a recommendation can be made. He assured that the Turnpike Authority is not leaning one way or the other, but will study the impacts and make the best recommendation. Mr. Gibilaro said that everything will be documented and the study will be available for public review and the data and analysis will be available. He stressed that the Turnpike Authority requests citizens' input and information at any time and welcomes it through mail, phone or email.

In response to a question about the Carolina Heelsplitter, Mr. Gibilaro stated that their study area was reduced on purpose to stay out of the Goose Creek River Basin where heelsplitters are known to exist. He assured that a survey will have to be done to make sure that they have not moved into the study area, but at this time, he is not anticipating any direct impact to the heelsplitters.

The Commissioners thanked the representatives for their status report, explanation of the proposed turnpike, and the impacts to the County's citizens.

**CONSENT AGENDA:**

The Chairman moved that the items on the Consent Agenda as amended be approved. The motion was passed unanimously.

***Union County Public Schools:*** Adopt Capital Project Ordinance Amendment 93 in the amount of \$11,000,000 and Capital Project Ordinance Amendment 94 in the revised project amount of \$478,878,039.

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	General Capital Project Ordinance Fund			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2007-2008			DATE	January 22, 2008		
PROJECT SOURCES				PROJECT USES			
Source	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
IFT From General Fund	-	11,000,000	11,000,000	FY2008 School Capital Outlay	-	11,000,000	11,000,000









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**Union County Public Works:** Authorized Union County Public Works to pursue a grant from the North Carolina Division of Pollution Prevention and Recycling Grant to purchase a needed box truck to initiate a basic office waste paper recycling program for Public Works, General Services, the Board of Elections, Inspections, Register of Deeds, Environmental Health and the Library. It was also agreed that the County would provide a cash match equivalent to 10 percent of the requested grant funding of \$25,000, the Manager was authorized to execute the application and to approve grant agreement should Union County be awarded the \$25,000 grant.

**Tax Administrator:** Eighth Motor Vehicle Billing Valuation in the grand total amount of \$1,147,516.83.

**Tax Administrator:** Sixth Motor Vehicle Refund for the period of December 1, 2007, through December 31, 2007, in the grand total of minus \$2,593.48-

**Tax Administrator:** Sixth Motor Vehicle Release Register for the period of December 1, 2007 through December 31, 2007, in the grand total of minus \$24,477.76-

**Department of Social Services:** Approved Budget Amendment No. 28 for the DSS – Crisis Intervention Program Budget to increase Operating Expenses by \$107,475 and Federal Revenue by the same amount to appropriate additional funds received for said program.

**Health Department:** Approved Budget Amendment #27 for the Health – Kate B. Reynolds Charitable Trust Grant to increase Personnel Expense by \$48,320, Operating Expense by \$24,632, and Donations by \$72,952.

**Finance Department:** Approved Motor Vehicle Tax Refund Overpayments for December 2007 in the amount of \$3,029.60.

**Report for Information Only:** Department of Inspections' Monthly Report for December 2007.

**VISIONING CONFERENCE REPORT:**

The Chairman recognized Matthew Delk, Assistant County Manager, to discuss an activity that has now occupied four days of the Commissioners' time as a Board. He explained the Visioning Conference began at UNC-Chapel Hill on Thursday, January 10, at the Kennan-Flagler Business School Conference Center. He reminded that the conference began by working with a prioritization list that all Commissioners

had previously worked on individually. Mr. Delk said that the Board began with over 50 items, some of which had been placed on the list by staff and some of which were identified by the Commissioners, and topics that come before the board. He said that list through the initial identification was reduced to about 30 items and finally reduced to a list of about 18. He explained the Board went through a time consuming, but valuable exercise, where it prioritized that list. He said as a second step the staff members gave presentations on each of those priorities. Mr. Delk listed them for the benefit of the public in order of priority.

<b><u>PRIORITY</u></b>	<b><u>ITEM</u></b>
1	Water Supply: Sources, Allocation Effectiveness
2	School Funding: Operating and CIP, Revenue Sources
3	Wastewater Collection and Treatment: Pump Station Policy, System Capacity
4	Growth Management: APFO Effectiveness, Building Moratorium
5	Water Conservation: Purple Pipe, Irrigation Wells
6	Utility Extension: Self Help, Rural Water Service
7	Radio Communications System and Dispatch
8 (tie)	High Quality Industrial Park
8 (tie)	VFD Rural Fire Protection and Financing
9	Board Governance: Policies and Ordinances, Updates and Development
10	Law Enforcement Facility
11 (tie)	Relationships between elected officials, Legislature, municipalities and neighboring counties
11 (tie)	Tax Rate: Revenue Neutral, Lower
12	Succession Planning: Staff and Management
13 (tie)	High Speed Internet Rural Areas
13 (tie)	Library Master Plan: Bonds, Financing
14	Parks and Recreation Master Plans: Bonds, Financing
15	Stormwater utilities: Education, Construction, Clearing

He explained that later during the Visioning Conference the Board was able to go back through these items and learn what expectations the Board has for what it would like see accomplished this year as well as long-range items requested to come back before the Board with new initiatives that the staff can oversee to help the Board meet those priorities and goals. He said there was also discussion as to what each Commissioner individually meant when prioritizing those goals. He noted that this afternoon during a special meeting, the Board came back and concluded the discussion on these items.

Mr. Delk said another important aspect of the Board's Visioning Conference was a day-long discussion on governance and governance policies by Dr. John Carver. He explained that Dr. Carver is a world-known expert in board and policy governance particularly as to how non-profit as well as for-profit boards' manage themselves and how they effectively manage organizations.

He noted there was also lengthy discussion on legislative issues that will affect Union County's future regarding decisions that are pending in Raleigh and how the County can make its voice heard in those issues.

Mr. Delk stated that up to concluding these items of business this afternoon, the conference has given the staff direction that it can use to develop a detailed executive report for the Board to see at a later time, and it also has been enlightening to see the governance model and to hear it presented. He recommended that the Commissioners consider a governance policy and the staff is prepared, if the Board so directs, to help coordinate taking the county toward a governance policy.

Vice Chairman Pressley moved the staff continue on with the steps to provide a governance policy model for Union County. The motion passed by a vote of four to zero. Commissioner Openshaw had left the room at this time.

Mr. Delk stated that it didn't take him long to present a brief synopsis of the Visioning Conference, but he thought the Visioning Conference was well worth it for Union County's citizens.

The Chairman thanked the staff for taking time to attend and participating in the Visioning Conference.

Commissioner Mills thanked the staff for planning the Conference and commended them for jobs well done.

#### **SCHOOLS CAPITAL IMPROVEMENT PROGRAM:**

Kai Nelson, Finance Director, stated that the Board spent almost four hours reviewing the Union County Public Schools Capital Improvement Program. He reminded that at the conclusion of that effort, he presented a series of next steps to the Board that focused on the impact of potential new enrollment projections on the Schools' CIP. He said that about three-quarters of the school system's CIP, amounting to approximately \$870,000,000 for the period ending 2012, focused on capacity generated projects. Mr. Nelson said that tonight the Board of Education is receiving a report from its demographer which includes some interesting enrollment projections which show a declining elementary school enrollment. He recommended to the Board that based on building permit activities during the last year, the national housing issues on

new construction, and credit prices, that the Board of Commissioners should view a re-submitted school CIP especially in light of the declining enrollment projections. He said there are a lot of issues relative to debt affordability, operation maintenance cost; and, finally, if this Board is to have a referendum consistent with its policy, it would be held November 2008 with the Presidential election. Mr. Nelson said that in order to place it on the ballot, the question would have to be finalized no later than May 2008. He said that he and his staff proposed a number of next steps for the Board's consideration at its meeting last Wednesday, and it did adopt one of those next steps, which was to engage the services of a financial advisory firm to assist the County in determining what its debt affordability level is. He said this would answer the question of: What is our community's credit card limit? He said he was meeting with representatives of the firm on Thursday and does not anticipate having any problem in getting a report to the Board by the end of February 2008.

Mr. Nelson suggested that since the Board of Education is receiving an update from the lead demographer, in terms of enrollment projections, that a meeting with the Board of Education might be a little premature. He said he had indicated to the Union County Public Schools' senior staff that before any discussion is begun on revising the numbers in the CIP, there needs to be an agreement in terms of enrollment projections. He said he thought they were receptive to that recommendation; and, therefore, he did not know if a meeting with the Board of Education at this particular point is necessary.

He assured that the County's staff is available to assist the Board in any way. He suggested that Item 6 on the list of next steps be delayed for several months.

Vice Chairman Pressley pointed out that the Finance Director had noted that UCPS "costs" are \$5.81 per square foot and \$5.59 per square foot for elementary and middle high schools which contrasts with Wake County's and Mecklenburg County's published rates of \$4.12 square foot and \$4.17 per square foot. He asked if it is a true comparison.

Mr. Nelson said that it might not be apples to apples and reminded that this was an issue to the staff back in May and June during mediation and has been an issue for some time. He questioned if the difference is a case where the county is comparing different budgetary methods or is it a function that UCPS has a much higher level of service standard for maintenance. He said he was not sure of the answer and has renewed the question in all ways that he can to the schools' staff to get an answer.

Vice Chairman Pressley asked when the Board of Commissioners could expect the answer to that question. Mr. Nelson responded that he did not know. He said the operations and maintenance costs have been on the agenda for some time and remains on the County's agenda. He pointed out that it costs roughly \$2 million to open a middle and/or high school in Union County—paying for lights, maintenance, and cleaning. He said to open an elementary school is roughly \$500,000 to \$600,000. Mr. Nelson said to contrast that to the \$4.17 and \$4.12 for Wake and

Mecklenburg counties, it would be \$1.5 million as opposed to \$2 million. He stressed that it could be a different way that the counties budget and account for the funds differently or it could be truly different costs. Mr. Nelson said if these are different costs, the County should know why. Mr. Nelson said that the answer to this question should be answered between the staffs of the two boards.

Commissioner Lane moved that the County's Finance Director investigate the difference in operations and maintenance costs between Union County and those of Wake and Mecklenburg Counties and to establish Union County Public Schools system wide and individual facility operations and maintenance costs based on audited financials to gain understanding of cost differentials. The motion passed unanimously.

Commissioner Openshaw stated that at the last meeting the Finance Director stated that Union County has the highest debt per person of any county in the State. He asked Mr. Nelson how he arrived at that determination.

Mr. Nelson stated that the Office of the State Treasurer compiles that figure and that was the latest figures as of the end of June 30, 2006, which is the most recent data available. He said that at the end of June 2006, Union County on a debt per capita basis ranked number two in the State—only Mecklenburg County has more debt on a per capital basis than Union County. He said those indicators at the end of June 2006 did not include the County's referendum in November 2006 so those figures are brought forward to 2007, "I'm quite confident that Union County has surpassed Mecklenburg County as the community with the most debt per person in this state." Mr. Nelson said that with Mecklenburg's \$500 million referendum in November and Wake's \$1 billion referendum, neither Wake nor Mecklenburg would eclipse Union County. He stated the Office of the Treasurer includes in the report all the debt that has been issued as well as any debt that has been authorized and unissued.

### **WOODS SUBDIVISION:**

The Chairman stated the next item is the Woods Subdivision and recognized Tom Caldwell, attorney representing Woods Subdivision.

Vice Chairman Pressley stated that this issue has been looked at from all different angles and asked exactly what is going on and what do the developers need to do. He also asked what the County's responsibility is at this time and noted that there are questions that need to be answered.

Mr. Caldwell said he and the principals of Woods Subdivision are present to seek to move this issue forward.

Vice Chairman Pressley asked the planned number of houses and the average cost of a house in this development. He also asked for more information on the road extension, etc. He said he wanted the general information and the timeline involved.

Commissioner Mills said he thought the Public Works Advisory Board had recommended a pump station but with the conditions of a policy coming forth.

Attorney Tom Caldwell stated that as he understood it, the policy was to address operation and maintenance. He said he prepared and submitted a couple weeks ago a request for this with some conditions attached. He said the conditions were not unlike any other developer that has built and turned over to the county a pump station and has agreed to be responsible for eternity for the operation and maintenance of that pump station. He said he did not know exactly how it was to be done but with maintenance bonds there are ways to back it up and guarantee it.

Commissioner Mills said currently the county has 60 pump stations, and there is not a policy in place and there needs to be one that sets forth the reasons and rationale of why the County was approving a pump station. Mrs. Broadus, member of the Public Works Advisory Board, said the policy was on its agenda.

Sidney Sandy, Chairman of the Public Works Advisory Board, said it was approved concerning the operation and maintenance part of it. He said the developer basically agreed to adopt whatever policy the Board adopted. He said the Public Works Advisory Board is waiting for Mrs. Putnam's policy from Public Works and to critique this policy and possibly make some changes to the recommended policy as far as operation and maintenance.

In response to the question from the Vice Chairman, developer Ashley Campbell stated it is a gated development with 203 lots on 285 acres with the average home price starting at \$1.2 million with the average lot costing \$350,000. He said there has already been \$22 million in presales in the subdivision. He said they were ready to go with final plat approval in Weddington, but he could not submit the final plat until the sewer plans are submitted to Public Works. Mr. Campbell said the State had approved their development for water with a tap off Hwy. 84 and installation of a 16-inch waterline along the proposed Rae Road Extension.

Attorney Caldwell stated that he understood that the Rae Road Extension is on the MUMPO plan as #92 from Highway 16 to Hwy. 84 and to Wesley Chapel. He said there is disagreement all over Union County as to whether Rae Road Extension, as proposed is a wise thing to do. Mr. Caldwell said they had been advised that the majority of the members of the Weddington Town Council are not in favor of the Rae Road Extension as it is now proposed.



Vice Chairman Pressley stated that as he understood from comments that the developer has agreed to designate the right-of-way and had also agreed to participate in the paving of Rae Road Extension. He asked the developer why he was agreeing to help in the development of the road. The Vice Chairman stated that Union County, as part of its Subdivision Ordinance, does not require developers to build roads and questioned why the opposition to the road. He also said that what he is hearing from other municipalities is that they fear the road will be constructed only halfway and the money will be taken from other communities' road projects.

Mr. Campbell responded that the history is that the roadway was protected and the development was going to use two of the four lanes. He said they were going to grade and pave from their property so they could access the two different phases of the community, which will be gated. He said that two completed lanes may or may not be a catalyst as to whether or not Rae Road Extension would ever be completed. He said that if it were recommended that their gated community be accessed from Hwy. 84 with two lanes, it would not be a problem to them. He said the roadway is protected and there is nothing that can be built on that property.

Attorney Caldwell stated that he thought the only thing holding up this project is the Board of Commissioners' approval of the pump station. He described why this property could not be served by gravity flow and must have a pump station for sewer service.

There was discussion about why a letter was written in 2006 by Charlie O'Cain that recommended a pump station instead of gravity flow to the Six-Mile Creek Wastewater Treatment Plant. It was noted that if the area was service with gravity flow lines, it would go through Aero Plantation.

Mr. Caldwell reiterated that the property could only be provided sewer service through a pump station with flow being directed to the Six Mile Creek Wastewater Treatment Plant.

Vice Chairman Pressley asked when the County changed its policy to specify no pump stations or has it always been the Public Works Director's call.

Ms. Putnam said the policy of no pump stations was adopted prior to the issuance of the letter. The Vice Chairman responded that with that being the fact a letter should not have been issued when the County was not allowing pump station.

Christie Putnam stated that the letter was written as a result of a meeting with the County Manager at the time and the developer who proposed to install the two lanes of Rae Road Extension, preserve the four-lane right-of-way, and donate a school site in consideration of being allowed to install a pump station to pump to Six Mile Creek because there was no capacity in Twelve Mile Wastewater Treatment Plant. She

said if the property qualified for gravity flow, it would have gone to the Twelve Mile Creek Wastewater Plant which was over capacity and would have been transported through Aero Plantation.

The Vice Chairman clarified that the developer was allowed to build a pump station in consideration of what he was willing to do for the county. He stressed that Union County does not require any other developers to pave a road or make these other concessions.

Mr. Sandy stated that the existing policy is one of “no pump stations” but what the Public Works Advisory Committee was looking at is operation and maintenance as well as design standards so they can be expanded to allow others to use a pump station if one is approved for construction. He said the committee is trying to write guidelines to set forth how the service will be maintained.

Attorney Caldwell said that the “will serve letter” sets forth that the developer will size and locate the pump station to treat the entire drainage basin, Mundy Run.

Ms. Putnam interjected that part of the consideration of permitting the pump station was for the economic impact of the Rea Road Extension.

Ms. Putnam said there is no pump station in this area.

Mr. Caldwell stated that the school site was never part of the “will serve letter” and has not been a part of the agreements. He said that he had talked with Don Hughes of the school system who says there is not a school site needed in the area.

Commissioner Openshaw stated that he would have appreciated some public notice on this subject instead of adding this item to the agenda tonight. He said he understood that Indian Trail and Stallings have both issued resolutions against Rae Road Extension for one reason and Weddington is against it for another reason.

Vice Chairman Pressley stated he had an email that states that Weddington is against it in its current conditions.

Commissioner Openshaw asked if the October 2006 letter states the pump station is approved contingent on approval of the Board of County Commissioners. He asked if that provision had been included in letters issued before.

Ms. Putnam stated that Public Works will not approve pump stations that are not part of the Master Plan unless the station is approved by the Board of Commissioners.

Commissioner Openshaw said he also had questions about it having to be sized for the build out because in reviewing the engineering report it specifies .7 houses per acre in the 1200 acre basin. He said the engineer may have missed the fact that part of that basin is R-20 and is not all R-40. He stressed he did not have any problem with the project because he thought it would be a great addition to the county; however, he said he does have a problem with the fact there is no storm water retention on the property and after having driven that property, there is no way to say that it is not going to cause a flooding problem downstream. He said he saw nothing in the report that requires drilling through Aero Plantation. He asked for the documentation for that question. Commissioner Openshaw said he had not seen such a study and asked if the County had considered installing a gravity flow line.

Mr. Campbell responded that he was not an engineer but had recently learned that the issue about whether or not there was an engineering justification for installing a pump station versus going gravity and boring through dams had been discussed for several years in Union County. He noted that this discussion had taken place in advisory board meetings on multiple occasions, and, it has been discussed, as he understand now and did not know before he purchased the property, for about four years. He explained that he was told the letter was written the way that it was – “that you will put in a pump station and you will pump to Six Mile Creek” because that is the only way sewer could be accessed.

Commissioner Openshaw said that as far as he was aware there has not been such a study, and he had not heard of such a study existing. He asked Ms. Putnam if Union County has studied putting a gravity flow line through the dam because it is on the Master Plan as a gravity feed system.

Mr. Campbell again said that the Public Works Advisory Board has discussed this issue but that he had recently learned that it had been discussed for at least four years by Union County. He stressed that he had not been aware of this when he purchased the land.

Ms. Putnam agreed that the County had not prepared such a study. Commissioner Openshaw stated that Aero Plantation has never been contacted in reference to a gravity flow line.

Attorney Caldwell said that Charlie O’Cain recommended on behalf of Union County and the Union County Department of Public Works that this property be served with a pump station back to Six Mile Creek. He said it seems to him that Mr. O’Cain would not have recommended that it be served in this method if there had been another means through use of an existing county ordinance. He said they were not requesting this as a short-cut for either time or expense.

Mr. Campbell stated that he was specifically asked if this was a means to save the developer time and cost. He said that he had waited for a year, even though they would be going to Six Mile Creek, to try to get the right recommendation and check the boxes. He assured that they are not trying to build a pump station as a means to shorten its time line or to reduce its cost. Mr. Campbell stated that as a matter of fact the cost for the size of pump station to serve the basin is over \$1 million and the lump sum of the concessions that have been discussed eclipse \$5 million. Therefore, he said he could assure the Board that he is not trying to take a short cut in time or expense to try to go pump versus gravity.

Commissioner Openshaw again stressed that Aero Plantation, where these dams are located and where this gravity flow line would go through, has never been contacted about the gravity line.

Mr. Campbell said that he could not speak to that but that he had talked with individuals in Aero Plantation but had not appeared before its homeowners association.

Commissioner Lane said he was in favor of the development but the county would be creating a very bad precedent if the County allowed a developer to install a pump station if they agreed to pay for operation and maintenance. He asked what would prevent other developers from requesting and taking such action.

Mr. Campbell said that everything they have done has been following the directions of the staff of Weddington in their process and the recommendation and directions of the County's staff. He said that under the "will serve letter", his development is required to build a pump station to serve the entire area and also pay the cost of operation and maintenance of the pump station. He explained that as far as the density, the size of the lots of his proposed development is one unit per acre. He emphasized that subject to the Board's approval and subject to a policy being written, his development would pay for the cost by posting a letter of credit, certificate of deposit, or performance bond to assure that the expenses of the pump station are covered.

Mr. Caldwell stated that one reason another developer could not request the same option in that this is a unique piece of property in that the only way it can be served is with a pump station. He said the question is not whether it would be cheaper, but the fact is that a pump station is the only way it can be served.

The Chairman declared a five-minute recess. At the conclusion of the break, the Chairman reconvened the meeting.

Upon return, the Chairman recognized the Vice Chairman who asked Ms. Putnam if she took the recommendation of Charlie O’Cain, Deputy Director, and asked if he was qualified to make those recommendations. Ms. Putnam responded that Mr. O’Cain was directed to write that letter. The Vice Chairman next asked who directed him to write the letter. She replied that the County Manager at the time directed him to write the letter.

Commissioner Mills asked what was the time frame stipulated in the letter. Ms. Putnam responded that it was valid for one year approval.

Commissioner Mills next asked what that meant. The Public Works Director stated it was up to the Board on how it wanted to proceed.

The Vice Chairman stated that there were lots of question but the Board had accomplished what he wanted and that was to air out the problem and determine what is the responsibility of the County in this process. He moved that action on this item be placed on the next agenda and that Ms. Putnam supply the Board with the documentation needed.

Commissioner Mills said that he thought it would be premature to act on this request prior to the Public Works Advisory Committee adopting a policy.

The Vice Chairman stated he agreed but the developer has a letter written by a representative of Union County authorizing sewer service through a pump station. He said the letter should be the county’s bond.

Attorney Caldwell interjected that based on the letter from Union County, the developers purchased the property.

Commissioner Mills said that as he understood the comments of the Public Works Director that the “will serve” letter expired in October 2007.

The Chairman responded that the developer had made several requests prior to October 2007 and that he was not comfortable in using that one-year window as a method of delaying this issue.

Commissioner Mills said he did not want to dissolve the issue but wanted to make sure the policy is in place prior to taking action.

The Chairman reiterated that he knew there was a one-year window, but was not willing to accept that as a reason to deny action on this request.

The Vice Chairman said that he did not want the Board to be perceived as changing the policy to accommodate one developer.

Ms. Putnam stated that the policies being considered by the Public Works Advisory Board is one – what would be the conditions that would allow approval of a pump station and secondly what would be the responsibilities of payment of operations and maintenance if a pump station is approved.

Mr. Campbell said that they were ready to bring the plan to the Board in March 2007 but the County was doing an audit, and he was asked to wait. He said next, the county was working on its policy and they were asked to wait. He stated the next delay was caused by the request for contract outlining concession, which they were willing to do, and the final delay was a request that he go before the advisory board. He said they had willingly complied with every request of the County but was at the point he needs a decision.

Attorney Caldwell stated that several weeks ago he made a request to be on the agenda and submitted the information to all Commissioners. He said he thought it was on the agenda and that is why he was in attendance tonight.

The Vice Chairman reminded that he had a motion on the floor.

Commissioner Openshaw stated that there is a policy of “no pump stations” and he would be voting against the issue.

Commissioner Mills said he knew that some of the people in Aero Plantation do not want a gravity flow line built through their properties, and could agree to receive more information on the request.

The Vice Chairman emphasized that if the developer did not have a letter from Public Works approving the construction of a pump station that he would not entertain the question; however, he understood that as stated by Attorney Caldwell that purchase of the property was based on the letter from Union County.

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

**LITTERING DISCUSSION:**

The Chairman stated the next item was discussion on the question of littering control and recognized Commissioner Openshaw.

Commissioner Openshaw said that he was impressed by Mr. Phifer's letter and that he, too, had been noticing lots of litter throughout the county and agreed it is getting worse. He said there are communities that pick up litter once or twice a year and that he thought all the road litter was detrimental to the image of Union County.

Commissioner Mills said that he had talked with Mr. Phifer several months ago and with the Sheriff. He said he understood that there is a litter control position in the budget but has not been funded in several years. He said the Sheriff is agreeable to transfer this position to his department to be deputized to enforce the Litter Ordinance, to also organize work release of the Department of Prisons for clean up of the roads in Union County, and coordinate volunteers. He recommended that Mr. Delk be directed to talk with the Finance Director and the Sheriff and to bring a recommendation to the Board at a future meeting.

Commissioner Lane agreed with Commissioner Mills and stated that he too picks up garbage along his road. He said most of the time it is the citizens of this county littering the highways.

The Chairman stated that he too had talked with the Sheriff who understood that there is an unfilled position and had agreed to take this position under his jurisdiction for enforcement and coordination of litter control in Union County.

Commissioner Mills stated that since the Chairman had also talked with the Sheriff, he would move that the Assistant County Manager talk with the Finance Director and the Sheriff and if the position is funded but unfilled that the county staff proceeds with the transfer of the position from Public Works to the Sheriff's Office.

Mr. Phifer asked to address the Board. He said the position was in the Public Works Department but that the position should be in the area of law enforcement and assigned to the Sheriff's Office. He said that he had talked with the Sheriff who had said that he would like to have the position and asked Mr. Phifer to work on getting the position for him. Mr. Phifer emphasized that Union County needs more than one position.

Mr. Delk interjected that before action is taken on the motion that he would recommend the staff be allowed to bring to the Board a report on how Union County can solve its littering problem using the County's available resources in keeping with the governance policy.

Commissioner Openshaw asked to add to Commissioner Mills' motion that the process be refined to add fines as levied by West Virginia to the Litter Ordinance.

After brief comments, Commissioner Mills withdrew his motion until Mr. Delk brings a report to the Board on ways and means of solving the littering problems in Union County.

## **FINANCE DEPARTMENT**

The Chairman recognized Commissioner Openshaw who had requested this item be transferred from the Consent Agenda to the Regular Agenda.

Commissioner Openshaw asked Mr. Nelson about the proposal for replacement of the paying agent in connection with County's 2005 variable rate General Obligation Bonds, Series 2005.

Mr. Nelson stated in connection with the County's variable rate bonds, Union County is required to have credit support. He said because the County is required to have credit reporting it is also required to have an issuing paying agent that makes sure that the semi-annual interest made to the bond holders are paid correctly. He said that Union County has employed a number of issuing and credit agents. He further said that with this item, his department has had some trouble with U. S. Bank who bought the business from Wachovia. Mr. Nelson stated because there has been some trouble with their calculating of interest, he thought it time to make a change. He further stated because the County is currently doing business with Regions Bank, he called them and asked for a quote and received a very good response.

He said because the next item – Emergency Radio Communication System Reimbursement Resolution and Establishment of Budget for Infrastructure Costs – is a \$10 million project, the county will send out an RFP to receive the best quote possible.

Commissioner Mills moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, REPLACING THE PAYING AGENT COUNTY'S VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2005**

*WHEREAS*, the County previously issued its \$50,000,000 Variable Rate General Obligation Bonds, Series 2005A, \$20,000,000 Variable Rate General Obligation Bonds, Series 2005B and \$20,000,000 Variable Rate General Obligation Bonds, Series 2005C;



*WHEREAS*, U.S. Bank National Association serves as the paying agent and registrar for the Bonds;

*WHEREAS*, the Finance Director recommends to the Board of Commissioners (the “*Board*”) of the County that the County remove U.S. Bank National Association as the paying agent and registrar for the Bonds and appoint Regions Bank as the paying agent and registrar for the Bonds;

*WHEREAS*, the County has requested that the Local Government Commission approve such change;

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

***Section 1.*** That, subject to the approval of the Local Government Commission, the Finance Director of the County is hereby authorized and directed to take such action as may be necessary to remove U.S. Bank National Association as the paying agent and registrar for the Bonds and appoint Regions Bank as the paying agent and registrar for the Bonds.

***Section 2.*** That this Resolution shall become effective on the date of its adoption.

On motion of Commissioner Mills the foregoing resolution entitled “**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA, REPLACING THE PAYING AGENT COUNTY’S VARIABLE RATE GENERAL OBLIGATION BONDS, SERIES 2005**” was duly adopted by the following vote:

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

NAYS: None

Commissioner Mills moved that the following resolution (the "*Resolution*"), a copy of which was available with the Board and which was read by title, be adopted and Capital Project Ordinance Number 95:

**RESOLUTION OF THE COUNTY OF UNION, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF UNION, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, INSTALLATION AND CONSTRUCTION OF AN EMERGENCY COMMUNICATIONS SYSTEM IN THE COUNTY FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2008.**

**WHEREAS**, the Board of Commissioners (the "*Board*") of the County of Union, North Carolina (the "*County*") has determined that it is in the best interests of County to acquire, install and construct a communications system to be utilized by emergency personnel in the County (collectively, the "*Projects*");

**WHEREAS**, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Projects with proceeds of tax-exempt obligations and reasonably expects to execute and deliver an installment financing contract (the "*Obligations*") to finance, or to reimburse itself for, all or a portion of the costs of the Projects; and

**WHEREAS**, the County desires to proceed with the Projects and will incur and pay certain expenditures in connection with the Projects prior to the date of the execution and delivery of the Obligations (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

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

Section 1. ***Official Declaration of Intent.*** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Projects and the County reasonably expects to reimburse itself in an amount not to exceed \$12,000,000 from the proceeds of the Obligations.

Section 2. **Compliance with Regulations.** The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. **Itemization of Capital Expenditures.** The Finance Director of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of the execution and delivery of the Obligations.

Section 4. **Effective Date.** This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner Mills the foregoing resolution entitled **“RESOLUTION OF THE COUNTY OF UNION, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF UNION, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, INSTALLATION AND CONSTRUCTION OF AN EMERGENCY COMMUNICATIONS SYSTEM IN THE COUNTY FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2008.”** was duly adopted by the following vote:

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

NAYS: None

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	General CPO Fund			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2007-2008			DATE	January 22, 2008		
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
Installment Financing	59,110	10,292,900	10,352,010	Radio Project	59,110	10,292,900	10,352,010
	59,110	10,292,900	10,352,010		59,110	10,292,900	10,352,010
EXPLANATION:	Appropriate installment financing proceeds for the radio project.						
DATE:				APPROVED BY:			
					Bd of Comm/County Manager Lynn West/Clerk to the Board		
FOR FINANCE POSTING PURPOSES ONLY							
<b>PROJECT SOURCES</b>				<b>PROJECT USES</b>			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
Installment Financing	59,110	10,292,900	10,352,010	Radio Project	59,110	10,292,900	10,352,010
40443200-4730-PR039				40543200-5550-PR039			



4.) A new 4 mgd pump station, a 16-inch waterline to the Marshville Tank, and a new 2 mgd pump station along Olive Branch Road as described in Alternative 3, but conveys water to the Northwest Elevated Storage Tank at an estimated cost of \$9,660,000.

The Public Works Director stated that Alternative #4 is the one recommended by the staff and pointed out that the cost of the land and easement acquisition is not included in the \$9,660,000 figure as that it is an unknown number at this time.

Chairman Baucom moved that (1) Supply Alternative Number 4 be approved, (2) the Interim County Manager be authorized to approve HDR Task Order No. 42, (3) and that Capital Project Ordinance Amendment No. 96 to General CPO Fund and Water and Sewer CPO Fund to increase the budget by \$717,242 to cover the payments to the engineer as outlined in Task Force No. 42 be adopted.

**CAPITAL PROJECT ORDINANCE AMENDMENT**

BUDGET General CPO Fund and Water & Sewer CPO Fund REQUESTED BY Kai Nelson  
 FISCAL YEAR FY 2007-2008 DATE January 22, 2008

<b>PROJECT SOURCES</b>				<b>PROJECT USES</b>			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
<b>Water &amp; Sewer CPO Fund</b>							
IFT W&S Operating Fd	61,718,168	717,242	62,435,410	Anson Water Supply	-	717,242	717,242
All Other Revenue	70,525,725	-	70,525,725	All Other Projects	132,243,893	-	132,243,893







Commissioner Openshaw asked the Public Works Director if the engineering contracts were competitively bid. She responded that it is an engineering services contract and these are not bid. She pointed out that the qualifications are on file in her office and are reviewed before the contracts are let.

The motion was approved by a vote of three to two. Chairman Baucom, Vice Chairman and Commissioner Mills voted for the motion and Commissioners Lane and Openshaw voted against the motion,

**PUBLIC WORKS** – [Removed from the Consent Agenda]

***HDR, Inc. - Task Order #41***

Commissioner Pressley moved that the Interim County Manager be authorized to execute Task Order #41 with HDR to prepare a preliminary engineering report to identify the long-term eastern distribution system service area boundary and the associated improvements needed to isolate the eastern southern and western distribution systems as outlined in Task Order #41 at the cost of \$74,364. The motion passed by a vote of three to two. Chairman Baucom, Vice Chairman Pressley and Commissioner Mills voted for the motion and Commissioner Lane and Openshaw voted against the motion.

**PUBLIC WORKS:**

***Indian Trail Elevated Storage Tank***

Ms. Putnam explained that the County is now in contract with Southern Corrosion to repaint the Stallings Elevated Storage Tank and the elevated storage tank in Indian Trail. She said that the cost to paint the lettering on the tank at Indian Trail is \$3,225 and the Town of Indian Trail has requested to have its name painted on the tank. She said she would recommend allowing them to have the town's name painted on the tank and apply that expenditure toward the cost of the project.

Vice Chairman Pressley moved to approve the Town of Indian Trails' request to have its name printed on the elevated water storage tank with it paying the cost of \$3,225. The motion passed unanimously.

## **PUBLIC WORKS:**

### ***Interpretation of Sewer Allocation Policy***

The Chairman stated the next item on the agenda is the Sewer Allocation Policy Interpretation. Ms. Putnam stated that since the Board's approval of the Sewer Allocation Policy on September 17, Union County Public Works has received inquiries from developers regarding the reassignment of lots between the first and third priorities. Ms. Putnam recommended the following policy interpretation be adopted:

***Upon request by the owner(s) of an individual Development Project for which phases are accorded both First and Third Priority status for receipt of capacity at the Twelve-Mile Wastewater Treatment Plant or Crooked Creek Wastewater Treatment Plant pursuant to the Union County Policy for Allocating Wastewater Treatment Capacity, September 17, 2007, the Director of Union County Public Works may reassign lots between First and Third Priority phases of such Development Projects, provided that the reassignment of lots results in no net increase of allocated sewer capacity to lots having First Priority status and no net increase of allocated sewer capacity to lots having First Priority status and no net increase of allocated sewer capacity to the development Project as a whole. The owner(s) shall be required to consent to such reassignment in writing.***

Commissioner Openshaw voted to reject the recommendation of the Public Works Director and to not allow such a travesty.

The Vice Chairman asked for an explanation.

Commissioner Openshaw said that basically the developer is saying thanks for the contract but don't hold me to the contract. He said it appears to him that for the developer to go to First Priority and then to come back and ask for it to be moved around is not the County's policy.

Commissioner Mills said that as he heard the presentation, the revision was the recommendation of the staff. Ms. Putnam responded that it was. She said her position is that flow is flow, but it is a Board Policy and she will abide by its decision.

After discussion on the request and the question of whether the amendment changes the terms of the contract, Commissioner Mills moved to call the question on the motion. The vote passed by a vote of four to one. Chairman Baucom, Commissioner Lane, Commissioner Mills, and Commissioner Openshaw voted to call the question. Vice Chairman Pressley voted against the motion.

After debate on how to vote on a negative motion, the Chairman stated that if he votes “no” the Commissioner would be voting for the staff’s recommendation; if he votes “yes” he would be voting against the recommendation.

The Attorney recommended that if the vote is for support of the staff’s request, he would recommend another motion be made couched in the terminology of support of the policy interpretation.

The vote on the motion was two to three. Commissioners Openshaw and Lane voted yes and Chairman Baucom, Vice Chairman Pressley and Commissioner Baucom voted against the motion. The Chairman announced that the motion to reject the recommendation failed.

The Chairman moved that the recommendation of the staff as read be approved. The motion passed by a vote of three to two. Chairman Baucom, Vice Chairman Pressley, and Commissioner Mills voted for the motion and Commissioner Lane and Commissioner Openshaw voted against the motion.

**TRAFFIC SIGNAL AT THE INTERSECTION OF US 601 SOUTH AND LANDSFORD ROAD:**

Matthew Delk, Assistant County Manager, requested the Board of County Commissioners send a letter to the NCDOT recommending that a traffic light be installed at the intersection of US 601 and Landsford Road. He said that based on information that Pat Beekman, Homeland Security Director, has received from multiple sources, the DOT is considering a Michigan Left at this intersection which would require someone to basically turn and then U-turn further down the road in order to get back to the same intersection and then make another turn to get on the same road.

Mr. Delk also read a letter from the Farm Bureau as follows:

“To Whom It May Concern:

We request that an overpass be built at the junction of Landsford rd and hwy 601 south.

The first justification is safety first and foremost on these two major corridors. Secondly, this is a major agricultural corridor east and west and south and north. Thirdly, it will move traffic faster and safer. It would also be a great help in decreasing E.M.S. and fire department response time.

Brad Hargett, President  
Union County Farm Bureau

Don Kerr  
Legislative Director  
Union County Farm Bureau”

Motion was made by Commissioner Pressley that a letter be sent to the Department of Transportation requesting a traffic light be installed at the intersection of US 601 South and Landsford Road and/or the overpass as recommended by the Farm Bureau. The motion was passed unanimously.

**ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:**

The Clerk read the following boards on which there are vacancies:

- a. Juvenile Crime Prevention Council (JCPC) – (1) District Attorney or designee; (2) Substance Abuse Professional; (3) Two persons under age 18; and (4) Juvenile Defense Attorney
- b. Farmers Market Committee
- c. Union County Home and Community Care Block Grant Advisory Committee (2) Vacancies as of December 2007
- d. Nursing Home Advisory Committee
- e. Board of Health (Vacancy as of January 2008 for a licensed optometrist)
- f. Board of Adjustment (unexpired term)
- g. Board of Equalization and Review (two vacancies as of February 2008)
- h. Fire Commission (two vacancies as of February 2008)
- i. Parks and Recreation Advisory Committee (five vacancies as of February 2008)

**APPOINTMENTS TO BOARDS AND COMMITTEES:**

The Vice Chairman recommended that the Board appoint Randy Mosby to the Public Works Advisory Board to represent Jackson Township.

Commissioner Openshaw stated that he would vote for this person in spite of the fact that he is a member of the Homebuilders Association because he is also an engineer and this is the type of expertise that is needed on the Public Works Advisory Board.

The motion to appoint Randy Mosby passed unanimously.

**INTERIM MANAGER'S COMMENTS:**

Mr. Black reminded the Board that last Wednesday, the Finance Director had mentioned that any questions the Board of Commissioners wanted on the November ballot must be decided by the end of May. He also reminded the Board that shortly it would be entering into the budgeting and CIP season. Mr. Black announced that there will be some early sessions scheduled to allow the staff to present information. He requested that in March SPCC be given the opportunity to present its requested CIP for items to be included in the November bond referendum.

The Interim County Manager announced that on the 27<sup>th</sup> of February there will be a public input meeting at the Agricultural Center on the County's Comprehensive Plan.

**COMMISSIONERS' COMMENTS:**

Commissioner Lane thanked everyone for supporting the Crime Stoppers Barbeque and issued special appreciation to Ray Cook and his son Rusty Cook.

He also congratulated Bob Harris for receiving some well deserved awards from World War II when he served on Sullivan Islands.

He reported that the latest report on construction permits indicated that they were 85 percent for residential and 15 percent for commercial. Commissioner Lane said he would prefer to see more commercial growth in the county.

Commissioner Openshaw noted that there were no lists of committees or the people who give of their time to serve on the committees on the County's website. The Clerk responded that she would have the addition made to the site. He also noted that the last set of minutes of the Public Works Advisory Board was posted on October 23, 2007.

Commissioner Openshaw said it was time for the Commissioners to lead by taking tough steps to right the ship of Union County by lightening the load of rapidly escalating taxes and inadequate infrastructures from the shoulders of Union County's taxpayers. He said it would

take fortitude to go against the interest of the development community, but to not do so would reveal our ignorance or trumpet to all that we are willing accomplices to the fleecing of the vast majority of Union County's residents as evidenced by the fact that Union County will now have the highest debt per person in the State of North Carolina.

Commissioner Mills said he thought it was a good meeting and long day. He said he had ministers lined through the end of March, but the Board does need some scout troops – girls or boys – and asked that any willing leader contact him or the Clerk. He also requested that the Board approve a certificate to give to the scouts who take their time to come and participate in the meetings.

Commissioner Mills agreed that the Crime Stoppers barbeque was good and was a great success.

Vice Chairman thanked Mrs. West for the fine job she does and said that he thought the earlier comment made by Commissioner Openshaw was in poor taste and that he appreciates the work of the staff. He pointed out that there have been a lot of requests made of the Clerk and her workload has been tremendous with all the extra meetings that the Board has scheduled. He expressed appreciation to her for the job that she does.

The Chairman stated that there is information in the package on the NACo Legislative Conference. He asked each to look at the package and let the Clerk know if they will be attending.

Chairman Baucom thanked the Board for voting to move forward with the governance policy and for being pro-active.

The Chairman said at the next meeting there will be an agenda item to discuss “pre-agenda” meetings to review items on the agenda prior to the Board's regular meeting. He gave options on when the meeting could be held and said he thought it would result in better governance, better information, a more informed board and a more systematic meeting.

He thanked the Commissioners for their sympathy in the death of his sister this past Sunday. Chairman Baucom said she was a wonderful lady, who was an educator for 32 years, member of the Pilot Club for 20 plus years and had dedicated her life for the improvements of the quality of life in her community. He also detailed some of her other activities.

With there being no other business, the Chairman declared the meeting adjourned.