

Approved: Special Meeting 11/26/2008

August 25, 2008

The Union County Board of Commissioners met in a regular meeting on Monday, August 25, 2008, at 7:00 p.m. in the Board Room, first floor, Union County Courthouse, Monroe, North Carolina. 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: Al Greene, County Manager, Lynn G. West, Clerk to the Board of Commissioners, Kai Nelson, Finance Director, Jeff Crook, Staff Attorney, members of the press, and interested citizens

At 7:00 p.m., the Chairman convened the meeting and welcomed everyone.

OPENING OF MEETING:

Invocation: Chairman Baucom presented the invocation.

Pledge of Allegiance: Commissioner Lane led the body and audience in reciting the Pledge of Allegiance to the American Flag.

Introduction of New Veterans Service Officer: The Chairman recognized the County Manager who explained that Ken Rogers is retiring as the Veterans Service Officer on August 29. Mr. Greene asked Ken Rogers to make the introductions of the new Veterans Service Officer. Mr. Rogers introduced Michelle Marcano who started work today in Union County and assured that Ms. Marcano has experience in this field with the US Army. He said he had briefed her on the special programs and awards here in Union County.

Mr. Greene praised Mr. Rogers for the tremendous job that he has done for the veterans of Union County. He assured him that he would be sorely missed.

Mr. Rogers said that he has not done the job alone; it takes a good team and assured that during the last fourteen years, he had a good team. He also praised the support and cooperation of the boards of commissioners and the new Veterans Council.

INFORMAL COMMENTS:

The Chairman stated the next item is informal comments and read the protocol to be followed during this segment of the meeting. He then recognized Phillip Tarte, Union County Public Health Director.

Mr. Tarte, Public Health Director, 1121 West Roosevelt Boulevard, updated the Board of Commissioners on an issue that the Board of Health considered several weeks ago. He said that issue was irrigation wells. Mr. Tarte said that in 2006 the General Assembly of North Carolina enacted legislation directing the Environmental Management Commission to adopt rules which govern the permitting and inspection by local health departments of private, drinking water wells. In addition, he said the legislation also directed the Commission for Public Health to adopt rules governing the sampling and testing of that water from private wells. He said that sampling requirement included 18 parameters. Mr. Tarte stated that the rules became effective July 1, 2008. He said that once the State's regulations went into effect, they were applicable statewide. He said that before the legislation was enacted there were approximately 35 counties that had local boards of health rules or ordinances in effect to govern private drinking wells; Union County was one of those 35 counties. Mr. Tarte said these rules included private, drinking water wells and irrigation wells. He said that during the writing of this legislation, the General Assembly neglected to include irrigation wells and only defined the inspection as drinking water wells. He said this legislation is inconsistent with Union County's rules and just about every other county in the State because it did not include irrigation wells. Therefore, during the Board of Health's meeting on June 9th, it took a proactive stance to continue the existing program of complete well inspections and adopted local rules for permitting, constructing, inspecting and testing irrigation wells. Mr. Tarte said this program went into effect July 1, 2008. He said it is understood by staff, the board, and others that wells, whether drinking or irrigation, are potential sources of groundwater contamination and no one could assure that those irrigation wells could not be used for human consumption. He reported that during the last year his department has had approximately 621 permits for well construction and about 46 percent of those were for irrigation wells. Mr. Tarte said the current fee is \$275 for the complete package for the well, including the sampling. He said that while SB845 was ratified during the short session, the Legislative Committee for Environment at the last minute included testing for volatile organic chemicals. He said these chemicals are used widely in cleaning, and as a liquefy agent in fuels, petroleum, etc. Mr. Tarte explained that in high dosage these chemicals could harm the kidneys, liver, central nervous system, etc. He further reported that the volatile chemical tests requirement did not go into effect with the new legislation but it has an effective date of October 1, 2009. He said that VOC testing is very expensive; in addition to the \$275 already charged, it is estimated that these additional parameters will cost an additional \$250. Mr. Tarte said if this goes through, Union County will see an increase to meet the cost of \$500 to \$600 per well test. The Public Health Director stated that while the Board of Health and staff

believe that it is good public health to have these tests, there is no evidence to identify where these requirements came from or who requested them. He pointed out that his staff has tested 12 wells for VOC contamination and none has come back positive.

Mr. Tarte assured that he would keep the Board informed as this new legislation unfolds and the testing requirements are completed.

In response to a question from the Chairman, Mr. Tarte said that unless the volatile chemical testing requirement can be removed from the legislation by October 1, it will also become State law. He said that while it is good public health, he and other directors would rather have that testing available when there is a known contaminate or a petroleum area but not widespread testing of volatile chemicals.

The Chairman asked Mr. Tarte if the Board of Commissioners supports his concerns, is there action that the Board of Commissioners should take. Mr. Tarte replied that the action from the Board would be to learn from the Senate Environmental Committee why the VOC testing was added and if it is needed statewide. He said it would be beneficial for the Board to help him with this request. He said the two committee co-chairs are Lucy Allen and Pryor Gibson. Mr. Tarte said he had attempted to obtain this information but had been unable to get an answer as to why these were included at the last minute, who introduced these, or why they were included. He said he agreed that the ability to test for these should be available when needed, but not a state-wide mandatory product of the testing. Mr. Tarte said the General Assembly could remove this in the long session, if it so desires.

The next person recognized was Pinky Marsh. Mr. Marsh introduced himself and stated that he lives at 1323 Lansford Road, Marshville, NC. Mr. Marsh requested the issue of his rodeo be resolved. He said he has been before this Board many times and has been told many times the argument about his rodeo is going to be resolved. Mr. Marsh said that at a meeting of June 4th, he was assured that it would be resolved and was given the procedure that would be followed for resolution; it was not done.

Mr. Marsh said he was beginning to wonder if anyone in this organization even tells the truth. He said when he was growing up he was told that "if your word is not good for anything that nobody was going to respect you." Mr. Marsh said he had no problem with settling this issue in court because he has nothing to hide. He said he did have a lot of questions to ask county officials and the opposition and he would assure that the Board would not want to know their answers. He presented a copy of his permit application and permit to conduct four rodeos. He assured he had not held but four rodeos. Mr. Marsh said the County did not have any way to zone or regulate his activity. He said the "commercial assessor" was the only classification that the County could give him. He read from a statement produced by USDA that farm based recreation includes farm rodeos and is known as agri-tourism. Mr. Marsh reported that Mr. Jensen said that his rodeo operation was more of a business. He asked the Chairman if his farm is not also a business; everyone is in business.

The Chairman next recognized Jerry Barrett who gave his address as 5007 Old Goldmine Road, Marshville, NC. Mr. Barrett said he agreed with Mr. Marsh. He said that he and Mr. Marsh had been dealing with this issue for over two years and noted that in a Board of Adjustments' meeting in 2007, it was stated that it was a racial issue with the neighbors but this County kept trying to deny it. He said he has personally witnessed the stress that Mr. Marsh and his family are experiencing, financially and mentally. Mr. Barrett says he heard people say in the meeting that they are Christians but the true Christian is Mr. Marsh's wife; not once has she said anything against anyone but assured that she, like everyone else, knows what is going on. He asked the Commissioners if they did not think it was time to get this issue settled. He said first it was the Indians, then the Blacks, and the Indians and Hispanics out west, the Chinese, and any other nationality that has come to America; they have all been discriminated against. Mr. Barrett said now it is the Hispanics. He noted that Mr. Marsh did not bring them to Union County but has given all a place to come together. He assured that Mr. Marsh did not have any intention of it being all Hispanics but with the economic impact, he has shown what his farm could produce on the eastern side of Union County. He said he thought everyone should be trying to help him. Mr. Barrett said he knew that Mr. Marsh sounded arrogant but believes that he has the right to do so with all he and his family have gone through. He encouraged the Board to either write the land use citation or abide by the State Statute and quit trying to cover up. Mr. Barrett said that the County officials are trying to make Mr. Marsh out to be a villain; he has not broken any laws but someone in the county has. He said that Mr. Marsh might have brought shame on this county but that this Board has brought greater shame and humiliation on this county.

The next person to speak was Reid Phifer. Mr. Phifer gave his address as 609 Forest Hills School Road, N., Marshville, NC. Mr. Phifer said he thought the Commissioners would agree that this land use situation with Mr. Marsh should have been resolved long ago. He said it has been said that the County is waiting on its legal minds to decide what the County should do. He said that if the North Carolina General Statutes had been followed as written pertaining to agricultural land use, Union County would not be in this predicament. Mr. Phifer said he knew there was a difference in opinion when the Board's legal counsel, Jeff Crook, said he respectfully disagreed with the interpretation of rodeo being defined under agriculture. He said this means that the County's attorney along with the Board of Adjustment's attorney, Bill Sturgis, are in agreement that rodeos are not associated with agriculture, but a separate business endeavor. Mr. Reid said a Superior Court Judge in Union County ruled in favor of the Board of Adjustment having authority to revoke a special use permit. He said he is in total disagreement with that ruling for the fact that he contends that there is no legal permit to revoke without authority of issuance. Mr. Phifer said the United States Department of Agriculture uses rodeo under a specific definition of agri-tourism and the North Carolina Department of Agriculture also recognizes rodeos as being designated as agriculture-tourism. He said it is fact that Union County's legal counsel totally disregards the USDA or the NCDA definition of rodeos as agriculture. Mr. Phifer stated that he thought Union County's legal counsel is unsure of the direction that he would want the Board to follow to keep Union County from moving into a more precarious situation; Mr. Crook is aware that there is case law on record in the State of Ohio ruling in favor of a rodeo owner with an appellant court stating that a "county governing body has no regulating authority over agricultural property." He pointed out that Mr. Marsh clearly has broken county law

when he continued the operation of his rodeo, and in the United States of America, in which Union County, NC, is included, there is a penalty to be paid in the form of a citation or imprisonment when written law is broken. Mr. Phifer suggested that if Union County and its legal minds are not capable of resolving this issue in a timely manner that it is time to issue Mr. Marsh a citation. He said once the citation is written, the Board will no longer need to concern itself with resolving the problem, it will be resolved for the Board by the courts.

Chairman Baucom recognized Bill Hasty who had registered to address the board on the subject of rodeos. Mr. Hasty stated he lives on Macedonia Church Road, Monroe. He said he wanted to bring up a couple of topics about Plaza de Toro Rodeo in Marshville. Mr. Hasty reported that he and Mr. Marsh had been good friends for a long time. He said he had no monetary interest in the rodeo and is getting no monetary benefits from the rodeo. He explained that the economic output that the rodeo started when there were four rodeos was extremely financially beneficial to the community. He said there were large crowds and the stores around Marshville, gas stations, etc., were selling out. He said that economic benefit even backed up into the town of Wingate and down 601S. Mr. Hasty said there were good crowds up until this controversy started, and it could not be resolved. He said the Hispanics got scared of attending when all the controversy developed and there were traffic checks and people over in the woods watching with binoculars; it got them nervous. Mr. Hasty said the crowds are not now as large, and it is putting a dynamic financial impact on Mr. Marsh and his family. He reported that a woman stood up in the Board of Adjustments' meeting and swore on a Bible that at 9 o'clock p.m. her flowers were shaking due to the music. Mr. Hasty assured that by 9 o'clock, the music had ceased by one hour. Mr. Hasty said his other comment was to encourage the Board to issue Mr. Marsh a citation and let the issue be resolved by the court.

The Chairman next recognized Steve Gregg. Mr. Gregg gave his address as 1713 Philadelphia Church Road, Marshville, NC, which is diagonally across from the rodeo site. He stated his opposition to the rodeo and asked the Board to consider the immediate neighborhood when making this decision. He reported that on the 17th there was another event at the rodeo site and assured that the homeowners could not even sit in their own homes and enjoy a Sunday afternoon without the walls vibrating from the music. He said he thought that the immediately adjacent homeowners have been ignored and asked the Commissioners to consider these individuals when making its decision.

The Chairman next recognized Jeff Gerber. Mr. Gerber stated that he was from the town of Unionville and wanted to address the Scared Straight Program. He reported that teenagers of all walks of life, many coming from fine families, sons and daughters of blue collar and white collar workers, teenagers with severe disciplinary problems at home or away from home and teenagers with no respect for the law and who have no fear of the consequences of failing to follow the law benefit from this program. He said that parents of these children are throwing up their hands; they have enforced discipline in their homes and have tried every form of punishment and guidance with no positive response. He said these parents are willing to try anything to change the course that their children are headed. Mr. Gerber stated that there is help available; the Union County Sheriff's Office has a program known as "Scared Straight" run by Sergeant Jeff Greene who does a fantastic

job. He said that Sergeant Green cannot perform his normal duties and keep up with the backlog of willing participants. Mr. Gerber asked the Board to work with the Finance Director to find a way to fund a full-time resource officer to carry out this program as well as do periodic visits to make sure that these young people are staying on the right course. He said if even one out of three juveniles could be saved from future incarceration, this program will more than pay for itself. Mr. Gerber said he had watched portions of this program; these participants normally have a chip on their shoulder and have a bad attitude when they arrive. But, when they leave the program, many of them have tears in their eyes and will apologize to their parents, he explained.

With there being no other comments, the Chairman moved to the next item.

ADDITIONS, DELETIONS AND/OR ADOPTIO OF THE AGENDA:

The Chairman stated he had three additions to request: one is a resolution to dedicate a portion of US 74 in Memory of Mr. Carroll M. Edwards, the second is a closed session at the conclusion of the meeting, and the third is to appoint a commissioner to meet with the county auditors. He also requested to delete Item 6 (a), (b), and (c), Hospital Lease from the regular agenda.

With there being no other additions or deletions, Commissioner Lane moved that the agenda as amended be adopted. The motion passed unanimously.

CONSENT AGENDA:

Motion was made by Vice Chairman Pressley that the items as included on the consent agenda be approved. The motion passed unanimously.

Tax Administrator: Approved write-off of uncollectible 1997 Delinquent Fire Fees in the amount of \$2,866.53

Tax Administrator: Monthly report for tax collections for July 2008

Minutes: Approved the minutes of July 21, 2008

Finance: Approved the Motor Vehicle Tax Refund Overpayments for the month of July 2008 in the amount of \$5,795.66

Finance: Accepted June and July reports of contracts exceeding \$50,000 which require report to the Board pursuant to Manager's delegation policy: Covenant Prison Ministries, Inc., \$74,760; Ruby Collins, Inc., change order for cost reduction for Twelve Mile Creek WWTP Expansion by a reduced amount of \$87,855; Thomas A. Ebert, appraisal support, in the amount of \$58,800; State of North Carolina, Department of Environment, \$58,725; and Halogen Software for Employee Performance Management Software in the amount of \$54,462

Finance: Approved July 2008 Budget Transfer Report

Public Works: Approved Pay and Classification Plan Amendment to reclassify Position #711052 from Billing Services Representative, Pay Grade 62 to Collections Analyst, Pay Grade 62

Volunteer Fire Departments: Approved and adopted Resolution Financing for the Construction of a New Fire Station by the Waxhaw Community Volunteer Fire Department and Rescue Squad, Inc.

RESOLUTION APPROVING THE INCURRENCE BY THE WAXHAW COMMUNITY VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD, INC. OF UP TO \$2,400,000.00 IN INDEBTEDNESS FROM BRANCH BANKING AND TRUST COMPANY ("BB&T") TO FINANCE THE CONSTRUCTION OF A NEW FIRE STATION.

WHEREAS, Union County has been advised that the Waxhaw Community Volunteer Fire Department and Rescue Squad, Inc. (the "Department") intends to borrow up to \$2,400,000.00 (the "Loan") from Branch Banking and Trust Company ("BB&T") to finance the construction of a new fire station to be located at 3500 Waxhaw Parkway in Waxhaw, North Carolina (the "Project"); and

WHEREAS, neither Union County nor any agency thereof shall be liable in any event for the repayment of the Loan, and the Loan does not constitute an indebtedness of Union County or any agency thereof and does not constitute or create in any manner a debt or liability of Union County or any agency thereof; and

WHEREAS, under applicable federal income tax laws, the interest on the Loan will not be exempt from federal income taxation unless, among other things, the Board of Directors of the Department has, by resolution after having held a public hearing on behalf of Union County, approved the loan and the proposed Project and then the Board of Commissioners (the "Board") by Resolution approves the Loan and the proposed Project; and

WHEREAS, the Board of Directors of the Department on behalf of the Board, pursuant to public notice duly given (the “Notice”), held a public hearing on the proposed Loan and Project and considered the comments of persons who requested to be heard; and

WHEREAS, the Board desires to approve the Loan and approve the Project.

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

- (1) The publication of the Notice and the designation of the meeting held by the Waxhaw Community Volunteer Fire Department and Rescue Squad, Inc. Board of Directors on July 18, 2008, as a public hearing on the Loan and the Project is hereby approved, provided that Union County makes no representation as to the sufficiency of the public hearing for any purpose whatsoever.
- (2) The incurrence by Waxhaw Community Volunteer Fire Department and Rescue Squad, Inc. of indebtedness of up to \$2,400,000.00 to BB&T to finance the Project is hereby approved.
- (3) The Project is hereby approved.
- (4) This resolution shall take effect immediately upon its passage.

The resolution was passed by the following vote:

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

NAYS: None

Union County Public Schools: Approved Capital Project Ordinance Amendment No. 106

CAPITAL PROJECT ORDINANCE AMENDMENT			
BUDGET	School Bond Fund - 55	REQUESTED BY	Kai Nelson
FISCAL YEAR	FY 2008-2009	DATE	August 25, 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
G.O. Bond Proceeds	472,605,634	573,474	473,179,108	School Administrative Costs (115C-429b project allocation) 55559200-5586-548	2,641,184	573,474	3,214,658
All Other Revenue	1,363,308	-	1,363,308	All Other School Projects	471,327,758	-	471,327,758
	473,968,942	573,474	474,542,416		473,968,942	573,474	474,542,416
EXPLANATION: Funding requests submitted by UCPS for FPC Administrative Budget pursuant to 115C-429b.							

Tax Administrator – Tax Change for FY 2008-2009:

**ORDER OF COLLECTION
TAX CHARGE FOR FISCAL YEAR 2008 – 2009**

STATE OF NORTH CAROLINA
COUNTY OF UNION

TO: John C. Petoskey, Tax Administrator for the County of Union

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2008 tax records as filed in the Office of Tax Administrator, and in the tax receipts delivered to the Tax Administrator’s Office in August 2008, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien on all real property of the respective taxpayers in Union County, Hemby Bridge Fire Protection District, Stallings Volunteer Fire Protection District, Springs Fire District, Waxhaw Fire District, and Wesley Chapel Fire District. You are further authorized, empowered, and commanded to collect the 2008 taxes charged and assessed as provided for by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law.

This Order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property and attach wages and/or other funds of such taxpayers, for and on account thereof, in accordance with the law.

The Tax Charge will be adjusted monthly according to releases, discoveries, and motor vehicle billings.

Witness my hand and official seal this 25th day of August 2008.

Allan Baucom, Chairman

Attest:

Lynn West, Clerk to the Board

Accepted:

John C. Petoskey, Tax Administrator

	Scroll
Union County	\$ 137,352,933.89
Late List Penalty	\$ 113,493.44
Hemby Bridge Fire Tax District	\$ 964,326.32
Late List Penalty	\$ 676.55
Stallings Tax District	\$ 799,025.62
Late List Penalty	\$ 817.25

Wesley Chapel Tax District	\$ 985,691.69
Late List Penalty	\$ 192.22
Waxhaw Fire Tax District	\$ 389,365.82
Late List Penalty	\$ 142.28
Springs Fire Tax District	\$ 306,627.90
Late List Penalty	\$ 752.02
Fire Fees	\$ 1,215,497.03
TOTAL	\$ 142,129,542.03

Application for State Aid to Public Libraries: Approved the Application to the Department of Cultural Resources, State Library of North Carolina, for state aid for fiscal year 2008-2009 in the amount of \$191,912.

The Chairman announced that 6a will be the proposed resolution and 6b will be the appointment of a Commissioner to meet with the County's auditor. He announced the closed session would be at the end of the meeting.

ASSISTANT COUNTY MANAGER'S COMMENTS:

In the absence of the Assistant County Manager, the Chairman recognized Brett Vines, Public Information Officer, to update the Board on current activities.

Mr. Vines stated that the tax office will be offering a new service within the next couple of weeks, which is an electronic government solution web site. He said this web site would allow taxpayers to pay their personal and/or property taxes online with their credit or debit cards. This will also permit the citizens to look up comparable sales of homes within the last 12 months and also search for real property and GIS maps.

The Public Information Officer also reminded the citizens to register to vote. He said the last date to register is October 10 but if citizens are unable to register at that time, they will be able to register at the one-stop location, which starts on October 16 and runs through November 1. Mr. Vines reported that John Whitley, Board of Elections Director, has said that he anticipates 80,000 voters in November. He said if 30,000 people vote at one-stop locations prior to election day, the lines on that day will be shortened.

He further reported that Animal Control is offering a rabies clinic on Saturday, September 13, from 1:00 p.m. to 3:00 p.m. at the Animal Shelter on Presson Road. The rabies shots are \$7 and the microchips are free.

Commissioner Openshaw asked what the anticipated cost is to the county to bill something on the credit cards. Mr. Nelson responded that currently in connection with taxes, the user pays that fee. He said he was unaware of any change in that policy.

RESOLUTION TO DEDICATE PORTION OF US74 IN MEMORY OF CARROLL EDWARDS:

The Chairman distributed copies of a proposed resolution to honor the memory of Carroll Edwards and read the resolution and moved its adoption:

**RESOLUTION TO DEDICATE A PORTION OF US 74
IN MEMORY OF MR. CARROLL M. EDWARDS**

WHEREAS, Carroll M. Edwards founded Edwards Wood Products in Marshville, North Carolina and turned this business into one of the largest suppliers of pallets and hardwood lumber in the southeast; and

WHEREAS, the success of Edwards Wood Products led to the founding of Edwards Timber Company, Inc. and Edwards Wood Products Transportation, Inc., both of which are also located in Marshville; and

WHEREAS, these companies employ many Union County citizens and are important to Union County's economy; and

WHEREAS, Mr. Edwards served on the North Carolina Board of Transportation from 1993 to 1997 and was instrumental in developing the County's transportation infrastructure; and

WHEREAS, Mr. Edwards served as a Trustee on the Wingate University Board of Trustees; and

WHEREAS, Mr. Edwards's support of the Edwards Cancer Center at Carolinas Medical Center-Union has helped make it possible for Union County citizens diagnosed with cancer to receive treatment from one of the top cancer treatment centers in the United States, as indicated from its accreditation from the American College of Surgeons' Commission on Cancer; and

WHEREAS, Mr. Edwards generously contributed to the construction of the Lois Morgan Edwards Memorial Library, the Marshville branch of the Union County Public Library, and donated wood for the building's beautiful woodwork; and

WHEREAS, Mr. Edwards has shown great generosity to charitable, civic, and educational pursuits and has raised his family to share his civic mindedness; and

WHEREAS, the Union County Board of Commissioners recognizes the many contributions Carroll M. Edwards has made to Union County; and

WHEREAS, the Board of Commissioners desires to provide tribute to Mr. Edwards through the dedication of a portion of US 74 in Union County in his memory.

NOW, THEREFORE, BE IT RESOLVED by the Union County Board of Commissioners that the North Carolina Department of Transportation is hereby requested to dedicate a portion of US 74 located in Union County, in the Marshville area, in memory of Mr. Carroll M. Edwards. The Department of Transportation is also requested to select the portion of US 74 that will be dedicated and to place signs, or authorize the placement of signs, appropriate in size and content, to indicate the dedication of the selected portion of US 74 in memory of Mr. Edwards.

ATTEST:

Lynn G. West, Clerk to the Board

Allan Baucom, Chairman

The motion passed unanimously.

APPOINTMENT OF COMMISSIONER TO MEET WITH COUNTY'S AUDITOR:

The Chairman stated this item is a request for the appointment of a Commissioner to meet with the county's auditor. He recognized the County Manager to explain the request. Mr. Greene said this afternoon Wesley Baker, the County's Internal Auditor, called and informed him of a new procedure about which he had just learned. He said the requirement is that one or two Commissioners will need to be appointed to meet with the auditors to discuss the auditing process and any anticipated outcomes. He said he hated to bring it to the Board at the last minute, but the auditing firm is ready to begin and the Commissioners' next meeting is September 15.

Commissioner Openshaw nominated the Chairman. Commissioner Mills volunteered stating that he did not mind in that it is near his office.

The Chairman nominated Commissioner Mills.

The Chairman called for a vote for him and Commissioner Mills as the Commissioners' representatives to meet with the auditors of Potter and Company. The motion passed unanimously.

RECISSION OF APPROVAL OF TAX RELEASE:

The Chairman recognized the County Manager to explain this item. Mr. Greene stated that on July 21st a list of tax releases was on the Board's agenda, and it was not realized until the Clerk was working on the minutes of that meeting that one of the releases was in the name of Allan Baucom. He said he talked with the staff attorney, and it became apparent that the staff needed to ask the Board to rescind the previous release in the Chairman's name and vote on that item again with the Chairman abstaining from voting. He said he had talked with Mr. Petoskey about this who explained that there was an entry made into the billing system and the amount due was calculated incorrectly; the proper bill was generated and has been paid but to take that incorrect amount off the tax books requires Commissioners' approval.

Vice Chairman Pressley moved to rescind approval of tax release for Allan Baucom in the amount of \$290.79 as listed on the Tax Release Report for June 2008 which appeared on the Consent Agenda as item 6/4a on July 21, 2008. The motion passed by a vote of four to zero. The Chairman abstained from voting.

Vice Chairman Pressley moved that Chairman Baucom be recused from voting on the next motion that will be to grant a tax release for Allan Baucom. The motion passed by a vote of four to zero. The Chairman abstained from voting.

The Vice Chairman moved to approve a release in the amount of \$290.79 to correct a clerical error in the tax office and as reported in the June 2008 tax release request. The motion passed by a vote of four to zero. The Chairman abstained from voting.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

At the request of the Chairman, the Clerk read the following vacancies on boards and committees:

- a.) Juvenile Crime Prevention Council (1) District Attorney or designee; (2) Substance Abuse Professional; (3) two persons under age of 18; and (4) Juvenile Defense Attorney
- b.) Adult Care Home Community Advisory Committee
- c.) Nursing Home Advisory Committee
- d.) Board of Health (vacancy as of January 2008 for a Licensed Optometrist)
- e.) Centralina Council of Governments – Comprehensive Economic Development Commission
- f.) Library Board of Trustees appointments have been brought forward to the next item, if the Board wants to make those appointments tonight.

APPOINTMENTS TO BOARDS AND COMMITTEES:

Agricultural Advisory Board: The Chairman announced that the terms of Everett Medlin, Richard Simpson, and Travis Starnes have expired on the Agricultural Advisory Board. He said that these three have submitted their applications for reappointment.

Chairman Pressley moved that Everett Medlin, Richard Simpson and Travis Starnes be reappointed to serve another term on the Agricultural Advisory Board. The motion passed unanimously.

Library Board of Trustees: Chairman Baucom explained that there is one vacancy to the Library Board representing the Marshville region to complete an unexpired term, ending January 2009. He reported there have been two applications received: Carolyn Braswell (Wingate) and Patricia A. Pohar (Marshville).

Motion was made by Commissioner Lane that Carolyn Braswell be appointed to fill the unexpired term on the Library Board of Trustees. The motion passed unanimously.

Nursing Home Advisory Committee:

The Chairman explained that the term of Reba Brock expired June 2008 and the term of Barbara Whitley expires in August 2008. He said both have applied for reappointment.

Vice Chairman Pressley moved that Reba Brock and Barbara Whitely be reappointed to serve additional terms on the Nursing Home Advisory Committee. The motion passed unanimously.

COUNTY MANAGER'S COMMENTS:

Al Greene explained that in speaking recently with Commissioner Openshaw he learned that Commissioner Openshaw had some questions regarding the new water rate structure and speaking with the Chairman, the Chairman asked that it be placed on the agenda of September 15. He said if others have concerns that he would welcome these comments. He said it would help staff to prepare for the meeting if it knows in advance what the concerns are.

The County Manager explained that the Chairman had requested a report on the staff's efforts to get county-wide broadband in Union County. He said that Mr. Delk has assembled a report on largely his efforts. Mr. Greene said that it is an up hill battle because Union County does not have the legislative authority for the County to undertake that type of enterprise. He reminded that the County sought legislative approval in the short session this year but was unsuccessful. He explained that the staff has two recommendations: (1) that Union County continues those legislative efforts in the coming legislative session to have counties authorized to enter into this type of enterprise (2) and/or Representative Blackwood has indicated that there are private companies that may be undertaking an effort in Union County to extend broadband this year. He said the staff wants to meet with Representative Blackwood and any private companies that he might be aware of that would help the County achieve the goal.

Mr. Greene further stated that the staff is planning a workshop with the Board of Commissioners for September 15th for the capital plan to begin at 4:00 p.m. and also planning a workshop with the Commission on the 22nd of September at 6:00 p.m. to update the Board on the Comprehensive Land Use Plan process.

County Manager Greene reminded that the Governance Session with Marion Carver will be held Thursday and Friday of this week at the Jesse Helms Center in Wingate. He said it would begin at 9:00 a.m. on Thursday morning.

COMMISSIONERS' COMMENTS:

The Chairman recognized Commissioner Openshaw for his comments. Commissioner Openshaw expressed regrets that he could not attend the North Carolina Association of County Commissioners' meeting last week, but had noticed some excellent programs highlighted in

the publication, **The County Lines**, which is published by the association. He noted one is a software program from Orange County having to do with building inspections and the other was a recycling project from Iredell County.

He said the unfortunate incident in Indian Trail shows how important it is to have law enforcement available and thanked the Sheriff for the work he and his staff do in the county.

Commissioner Mills congratulated all the graduates in the County and noted the large dollar amount of scholarships that have been awarded to the students in Union County. The Chairman interjected that he thought the amount was a little over \$30 million that Union County's students have received for post-high school education.

He reported that the NRA banquet was successful and commented that part of the success of the banquet was because of the Ag Center. He too commented on the difficulties of and dangers involved in law enforcement service.

Vice Chairman Pressley expressed his sympathy to the Edwards' family in the loss of Carroll Edwards. He said that the citizens of this County do not realize the many contributions of Mr. Edwards and his family.

He wished his wife a happy anniversary as they celebrate their 18 years of marriage.

Commissioner Lane said he was proud to hear that the Scared Straight program is being utilized in Union County. He said he had watched a demonstration by inmates and former inmates and said the program even scared him.

He also commented that week before last in two rains his community had received six inches of rain, which was the most rain that his area had received in such a short period in the last several years. He said his lake is still about 2 ½ feet shy of normal.

The Chairman stated that he had the opportunity to attend the North Carolina Association of County Commissioners' meeting in New Bern, NC. He said it was the 101st meeting of the association. Chairman Baucom said the sessions were all good, quality sessions. He noted that in addition to the two programs mentioned by Commissioner Openshaw that Wake County won an award for a program having to do with taxes and efficiencies.

Chairman Baucom asked the staff to make contact with Representative Blackwood and if Representative Blackwood has knowledge of any business that is wanting to come into Union County and supply high-speed internet to the un-served areas, to bring that company forward as the County is anxious to work with it.

Chairman Baucom stated that John Roberts, former President of CMC Union, is undergoing treatment and asked that he be kept in everyone's thoughts and prayers.

He also extended sympathy to the Carroll Edwards family and reiterated that Carroll Edwards had done a great deal of good work in Union County and across the State. He said donations that were made by Mr. Edwards were done without his seeking any recognition. He named only a few of the non-profit organizations that will suffer because of Mr. Edward's death.

With there being no other comments, at 8:03 p.m., the Chairman moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege in accordance with G.S. 143-318.11(a)(3). The motion passed unanimously.

At the conclusion of the closed session, at approximately 9:10 p.m., Vice Chairman Pressley moved to go out of closed session. The motion was passed unanimously.

In open session, at approximately 9:10 p.m., Vice Chairman Pressley moved to adjourn the regular meeting. The motion was passed unanimously.