

April 2, 2007

The Union County Board of Commissioners met in regular session on Monday, April 2, 2007, at 7:00 p.m. in the Board Room, first floor, Union County Government Center, 500 N. Main Street, Monroe, NC. The following were:

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

ABSENT: None

ALSO PRESENT: Richard Black, Interim County Manager, Lynn West, Clerk to the Board, Kai Nelson, Finance Director, interested citizens, and members of the press

The Chairman convened the meeting and welcomed everyone.

OPENING OF MEETING:

Invocation:

The Reverend Bruce Gwyn, Pastor of Mineral Springs United Methodist Church, presented the invocation.

Pledge of Allegiance:

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

Informal Comments:

The Chairman explained the timing device used for informal comments and asked each to adhere to the three-minute time limit.

He first recognized Liza Kravis who addressed the subject of the Board of Adjustments, its composition and the legal representation. She reviewed the duties of the Board of Adjustment outlining that it hears appeals to decisions of the land use administrator, variance applications and special use permit applications. She said these cases mostly deal with individual situations that do not meet the base-line ordinance requirements and are exceptions in some manner. These exceptions impact citizens' property value, health and safety, and the area in which they live. She pointed out that the Board of Adjustment is the final decision maker and a citizen who has an issue with the decision that it makes or the process by which that decision was made has no recourse but to appeal to Superior Court, which involves lawyers and costs. Ms. Kravis said she knew this from personal experience as her community has had several unpleasant experiences with the prior board of adjustment between 2002 and 2004 in the case of the proposed Super Wal-Mart on Rae Road. She said over the years, her community has had a series of due-process violations that have cost her community close to \$300,000 in five and one half years to defend a situation that should never have started. She said she knew several Commissioners were aware of it, but that she thought it would be important to layout the seriousness of the Board of Adjustment and how it impacts individual citizens' lives, and it is important that the Board makes sure that there is good representation on these Boards and that the Boards have adequate legal representation and adequate training. She stressed that when citizens go to a county board to have a decision made there should be a fair and impartial, unbiased hearing and that the citizens' due-process of rights not be violated, but that they will have an opportunity to be heard fairly. Mrs. Kravis said some of the issues in the past had to do with due-process rights and the special use permit which is an exception to the ordinance and not granted by right. She reviewed that her community had over 30 hours of testimony before the Board of Adjustment and had to appeal to Superior Court where a judge said that the decision of that Board was not supported by material, competent or substantial evidence and was arbitrary and capricious. She said that kind of actions costs the citizens, the County, and the Board of Adjustment huge amounts of money and it could be avoided if Board members understand their rolls and responsibilities—that they insure that all citizens are treated with fairness and respect. Mrs. Kravis asked the Board to make sure that there are good people on those Boards.

The next person to address the Board was Ms. Jackie Matlock, a resident of Fairview and Union County since 1992. She reviewed problems that she saw in Union County such as well water being unsafe to drink or use for bathing, over-taxed sewer treatment systems, an infrastructure of roads built and repaired by the State, water supplied by the County, and a school system straining to maintain high-standards for all students. She said that she believed that continuing with a five-person at large board is no longer appropriate. Ms. Matlock explained that the House Bill submitted by Representative Pryor Gibson offers the County the chance to re-evaluate where the County stands today and where it wants to be in the near future. She said now is the time to determine the best method to elect the best sides of this Board—one that will represent the citizens based on the demographic and their politics. Ms. Matlock said that despite what many believe, there are Democrats, Republicans, and Unaffiliated voters who are deeply concerned about both the near and long-term future of this area. These people believe that this County needs a board of

commissioners that will provide a better balance and good old common sense and one to represent all the people of Union County. She said tax dollars need to be spent over the entire area, not just in western Union County. She asked the Board to pay attention to what is happening now before it is too late to recover, before the same mistakes are made again.

The Chairman next recognized Diane Little a resident of Monroe. Ms. Little expressed appreciation to the Board for allowing her to speak. She said that her grandfather used to say, “don’t fix anything that is not broken”. She said that another version is “if it ain’t broke, don’t fix it.” Ms. Little stated that because of the state of this county, there are citizens who are under represented due to the makeup of this Board, the Board of County Commissioners needs fixing. However, she said she was only going to address that part which has to do with district representation. She said there are citizens who pay their share of taxes only to be left out of the negotiations that affect them and that is called taxation without representation. Ms. Little said she believes that district representation of the Board of Commissioners would alleviate some of these problems. She said the people with whom she speaks believe this is a great idea because of the current polarization in this county. She stressed that it is smart governing to have district representation; it is smart to be inclusive. Ms. Little said that House Bill 1226, which has passed its second reading in the Legislature, allows Union County’s citizens to decide by ballot if district representation is a good thing for all of Union County. She asked the Board of Commissioners to support this Bill and to take it to the voters to decide the kind of county that the citizens want to build for their families. She concluded with an excerpt from a speech titled, *Who Will Speak the Common Good*, written in 1976 by her hero Barbara Jordan, who challenged the judgment of public officials.

The next person to speak was Sondra Bradford of Wesley Chapel. Mrs. Bradford stated that at the last meeting the Board held a public hearing that covered extensively the pros and cons of people’s opinions on restructuring the Planning Board and Board of Adjustments to township representation. She said that many times and many different voices said that restructuring these boards by township is completely inequitable. Mrs. Bradford said it does not make sense from a western county perspective because there is so much greater population on the western side. She said that at the same time it is equally important to make sure that the eastern part of the county has a voice on these committees and many people asked to realign the boards by school districts to assure a sample all across the county, but to do so also based on population. She encouraged the Commissioners to remember the comments of those who spoke in favor of representation based on school districts.

Chairman Pressley recognized Sydell Coniglio. Ms. Coniglio asked the Commissioners to not reorganize the Planning Board or Board of Adjustments by townships, but to do so either by large representation or by school board districts. She said she thought this is what most people wanted and that the Board needs to listen.

The Chairman next recognized Craig Winslow. Mr. Winslow encouraged the Commissioners to readjust the makeup of the Board. He reviewed the makeup of the Senate and House of Representatives and described how he envisioned this makeup being similar. He said he was not suggesting to go one way or the other, but thought the comparison might be helpful.

The Chairman announced that these speakers concluded the informal comments.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA

The Chairman asked if there were any changes to the agenda.

Vice Chairman Baucom requested that Items 2—Environmental Health; 8—Contracts Over \$5,000; and 9—Director of Elections included on the consent agenda be moved to the regular agenda.

Commissioner Openshaw requested that Item 10—County Attorney Legal Representation Agreement be moved to the regular agenda.

Commissioner Lane moved that the regular agenda be accepted with the additions from the Consent Agenda. The motion was passed unanimously.

CONSENT AGENDA

The Chairman requested to add to the Consent Agenda a request from John Petosky, Tax Administrator. He read the item: *The Union County Tax Collector's office is set to relocate to the Government Center on Friday, April 13, and Friday, April 14. The office will open for normal business operation on Monday, April 16, in the new location on the first floor of the Union County Government Center. In order to facilitate a successful move in this short amount of time, Mr. Petosky requested that the office close at noon on Friday, April 13, in order to begin the move. This will allow extra time to assure that everything is in place and operational on Monday, April 16.*

Vice Chairman Baucom moved the Consent Agenda as modified by approved. The motion was passed unanimously.

Health Department: Approved adding Computing Support Technician III Position, Grade 65, to the County's Pay Plan

Health Department: Approved reducing the hours of a part-time Dental Hygienist Position from 75 percent to 50 percent.

Health Department: Approved Budget Amendment #50 – Health-Administration to increase Revenue-Donations by \$12,830 received from the Southern Piedmont Partnership for Public Health Incubator Project and to increase Operating Expense by the same amount.

Health Department: Approved Budget Amendment #51 – Health – Smoke Free Babies to increase Revenue-Donations by \$12,792 received from the March of Dimes and to increase Personnel by \$12,416 and Operating Expense \$378

Health Department: Approved Budget Amendment #52 – Health –Family Planning to increase Revenue-State by \$32,080 and Operating Expense by the same amount to appropriate funds received from Family Planning

Register of Deeds: Approved refund of excise stamp to Jarvis Law Group in the amount of \$710. It was noted that Jarvis Law Group filed a deed in Union County with the incorrect excise stamp.

Tax Administrator: Approved Tax Collector's monthly/year to date collections report for the month ending February 28, 2007.

Tax Administrator: Approved Tenth Motor Vehicle Billing Motor Vehicle Valuation under the staggered program as required by NCGS 105-330 dated March 12, 2007.

Detention Center: Approved the Medical Plan for the Union County Detention Center as presented and prepared in conformity with N. C. General Statute 153A-226 and N. C. Administrative Code 10 NCAC 3J.3201 and revised March 1, 2007.

Minutes: Approved minutes of the regular meeting of March 12, 2007

Fire Service: Resolution Approving the Finance by Jackson Volunteer Fire Department, Inc. of \$85,000 for 2006 Ford F-550 Squad Rescue Vehicle.

County Board Resolution

Resolution Approving the Financing by Jackson Volunteer Fire Department, Inc. of \$85,000 for a 2006 Ford F-550 Squad Rescue Vehicle

WHEREAS:

The Jackson Community Volunteer Fire and Rescue, Inc. at 8323 Lancaster Hwy., Waxhaw, NC 28173, has determined the need to finance an amount of \$85,000 for a 2006 Ford Rescue Squad Vehicle. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing. The VFD has held a public hearing on the financing after published notice, as required by the Code. The VFD has reported the proceedings of the hearing to this Board.

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

1. The County approves the VFDs entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The VFD's conduct of the required public hearing is approved, provided that Union County makes no representation as to the sufficiency of the public hearing for any purpose whatsoever.

2. Union County's approval of the VFD entering into the financing does not obligate the County or its Board of Commissioners in any way regarding repayment of the debt.

Attest:

Lynn G. West, Clerk to the Board

Kevin Pressley, Chairman

Tax Administrator: Approved the closing of the Tax Collector's office at 12 noon on Friday, April 13, 2007, to facilitate the move of that office to the Union County Government Center.

ENVIRONMENTAL HEALTH (removed from Consent Agenda):

The Chairman recognized Vice Chairman Baucom who had requested this item be moved from the consent agenda. Vice Chairman Baucom stated he had a few questions and requested Jenny Kirksey, Director of the Health Department, to explain these items.

Ms. Kirksey reviewed the items of Environment Health, which had been pulled from the consent agenda. The first item was a revision to the Environmental Health Registered Sanitarian Exam Policy which would allow the county to pay for the first Registered Sanitarian Exam, but, if the employee did not pass the exam the first time, it would be the employee's responsibility to pay the cost of additional exams. It was noted that state-wide there is only a 60 percent pass rate on this exam.

The Health Director stated the second item was a proposed service and fee adjustment for the On-site Wastewater Program, the Private Use Well Program, and the Food, Lodging and Institutions Program.

Vice Chairman Baucom stated this is the item he questioned. He said his concern is directed to the well permit fees and questioned raising the fee from \$35 to \$275.

At the request of the Health Director, David Cunningham, addressed this subject. He stated that David Womack will be briefing the Board later on the new well ordinance that has been put in place and a State-mandated well program. He said from this point on the sanitarians will be required to go out and inspect wells just as is required of an on-site wastewater system. He said the driving, casing, etc., will have to be inspected along with a panel of water testing. He said this is the reason for the increase. Mr. Cunningham said that in the past, the Environmental Health Department sited a well, put it in place, and when the homeowner called back, a water sample would be made of the well. He said now there are many more visits and inspections to the site.

Vice Chairman Baucom said he read that information in the future agenda item but his concern is the fee increase from \$35 to \$275, which is about a 900 percent increase.

Mr. Cunningham said this would be the lowest permitting fee in this surrounding area. He said Stanly and Cabarrus Counties charge \$400 per permit and Mecklenburg County charges \$500.

Vice Chairman Baucom said his issue is that the largest area of the county is on well water because there is not an option for them to be supplied county water. He said now the citizens who do not have the opportunity for county water will have their fees

increased by 900 percent. He said water is a given and lots of areas in this county have very poor quality. Vice Chairman Baucom said he would prefer to see this money made up through other means and reiterated that he thought this was an extravagant fee for these inspections.

Ms. Kirksey said she could understand his position but there are additional sources that come with the recommendation. She said she would comment on the statement about making up the difference somewhere else, and asked if he would want to give advice on who he would want the department to charge more. She said she would be glad to hear it. The Director said that Environmental Health is being mandated to make these inspections and explained that drilling a well does not only affect the one well, but also it could contaminate the neighbors' well.

Vice Chairman Baucom asked if an example could be given of a well that has been duly permitted that has been contaminated because it was not grouted or cased properly? He asked if the Sanitarians are not doing their jobs now. Ms. Kirksey stated that the state law did not require all of these processes in the past.

In response to a request by the Vice Chairman, Mr. Cunningham stated that in the past the Sanitarians were required to site the well on a permit and take a water sample on it. He said that the Sanitarian would visit the site to make sure the well was placed away from the septic tank, etc.

It was noted that these permit fees would be on any new well because these are state mandated regulations.

The Vice Chairman requested that the well fee structure or permit cost be taken and placed into another area. He said that was his preference, and he could not vote for this amendment with the well fee as stipulated.

Ms. Kirksey said she would respectfully disagree that this is a small price to pay to make sure that one has a safe, soundly built well with good water. She noted that the Board of Health approved this amendment. She also pointed out that the State did not provide any funding to implement the new well program.

During discussion, Mr. Cunningham pointed out that before a Certificate of Occupancy could be given on a house, the well would have to be inspected and the regulations followed.

The Vice Chairman suggested the well fee be set at \$50 and the fees of the food service plan be doubled as proposed and the Tattoo Artist fee be increased from \$150 at \$500 to make up any difference in the costs of inspections.

Mr. Cunningham responded that the \$200 Fee on the Food and Lodging is set by the State and is as large a fee as can be charged.

Commissioner Mills stated that this Fee Schedule is basically new guidelines mandated from the State.

Vice Chairman Baucom said that it will be the existing homeowners who will be hurt when they have to drill a new well or the farmer who has to drill another well to get water for his chickens, turkeys, hogs, or cows. He said he found this new fee unfair.

The Chairman asked when the samples would be taken. Mr. Womack responded that currently it was upon request. Chairman Pressley stated that these employees are paid and the vehicles are still operating and asked if it would be possible to do all well sampling on Mondays and Fridays and save courier fees. He also asked if it would be possible to do all inspections one day a week in order to save money.

Mr. Womack responded that this would not be practical. He stated there are roughly 450 wells permitted annually.

Commissioner Openshaw asked if it is possible to separate fees for new wells and replacement wells.

Jeff Crook, Staff Attorney, stated if the Board is suggesting higher fees on some permits, that he would request time to look at this issue and determine the legality.

Commissioner Openshaw stated that he believed that people should pay the cost of service, but he understands Vice Chairman Baucom's point of view. He noted that there is a huge cost to drilling wells that may end up with high levels of arsenic. Commissioner Openshaw said he thought the whole topic of wells is important. He asked what is going to happen if the County doesn't have enough water to get the residents water and/or waterlines are too expensive. He said the county could go to individual filtration and amend the county's self-help program to include the filtration system. He said he thought there were lots of moving pieces here and thanked the Health staff for coming forward and breaking down what it actually cost the taxpayers of Union County to provide that service. He said basically that is a base-line program—the county shouldn't be making a profit and shouldn't be taking a loss on things that are basic service. Commissioner Openshaw said Union County did not start the law and when you consider the cost

of waterline construction, he thought the County should look at how it will provide filtration to wells. He said he did not know how to get the Health Department what it needed unless the Board tables this specific component.

Commissioner Mills moved that the well fees be tabled until after the Board of Health meets and reviews these fees again. During discussion of the motion, it was noted that the next Board of Health meeting will be on April 16. The Vice Chairman asked if the Health Director could go back to the Board of Health and work with it and come back to the Commissioners at its next meeting.

David Cunningham asked if it would be possible to approve the other fees and delay action on the well fee schedule until the next meeting.

In response to a question on approval of any of the fees being necessary before the next meeting, Mr. Cunningham said that the swimming pool inspections are becoming a pushing need.

Ms. Kirksey explained the third item was a grant in the amount of \$16,885.72 from the State in Food and Lodging Funds to be utilized to support the Food, Long & Institutions Program for necessary equipment and supplies as well as staff training and community outreach education.

Vice Chairman issued an amendment to the motion to approve the following items:

a.) Approved the revision to the Environmental Health's Registered Sanitarian Exam Policy which was approved by the Board of Health on March 12, 2007, to stipulate the Sanitarian Intern must pass a Registered Sanitarian Exam within three years of his/her employment and that the County will pay for the first exam and provide 20 hours of paid study time. However, if the exam is not passed on its first attempt, the employee will be required to pay for additional exams.

b.) Tabled the Environmental Health Fees with the exception of the Swimming Pool Fees which are approved as follows:

Seasonal Public Swimming Pool (submitted before April 15)	\$100
Seasonal Public Swimming Pool (submitted after April 15)	\$150
Year Round Public Swimming Pool Application	\$150
Public Swimming Pool Plan Review	\$250
Public Swimming Pool Re-inspection Fee)	\$ 75

- c.) Approved Budget Amendment #52 to appropriate \$16,885.72 received from the State in Food and Lodging Funds and appropriated to Operating Expenses for Environmental Health.

The motion as amended was passed unanimously.

CONTRACTS OVER \$5,000 (Removed from Consent Agenda):

Vice Chairman Baucom brought forward Change Order G-1 with T. K. Browne Construction in the amount of \$9,032 to replace non-compacting soil and asked the name of the engineering firm that could not determine there was non-compacting soil when they completed the analysis?

Mr. Nelson responded Eagle Engineering. He said that the change order was to remove the soil and replace with new compacted soil.

The Vice Chairman said this information should have been part of the bid information to the contractor that the soil was non-compactable. Mr. Nelson said that he did not know if the information was included as part of the bid package, but the change order was approved by the architect. He noted that this was for expansion of the parking lot at the Union-West Regional Library, and he could only assume from the low cost of the total project that there was no engineering done before hand or at least no soil engineering performed. The Vice Chairman questioned why there would not have been engineering services. In response, the Finance Director said the cost of the project was \$130,000. He also said that he would get the answer to this question about the initial soil analysis and bring back the information to the Board at the next meeting. The Vice Chairman said that if an analysis was not performed, he would want to know why not.

The Chairman thanked Mr. Nelson for his willingness to get the information for the next meeting.

Commissioner Lane said he wanted more information on the contract with Camp Dresser and McKee. He asked what Camp Dresser and McKee stands for and then asked the purpose of the contract.

The Public Works Director stated that Camp Dresser and McKee are the surnames of the founding fathers of the Engineering Firm and explained that the Millbridge and Tarkhill pump station analysis was originally designed by an engineer at the initiation of the developer to divert the two pump stations. She explained the County is verifying the engineering calculations that were done by the contractor's engineer for the protection of the county to be sure of the line size, etc.

Ms. Putnam said the second contract with Camp Dresser and McKee is for a series of pump stations that serve the east side of the County's system and there is a CIP Project to redesign one and three. She said her department had not thought they were going to do anything to Pump Station 2 until it started to be studied and the maintenance of the pump station has been extensive. She said that they are going to take the pumps, which are being replaced, from Pump Station No. 1 and repair Pump Station No. 2.

Commissioner Mills moved that the Interim County Manager be authorized to approve the following contracts:

- a.) Thomas A. Ebert for real property valuation services in the amount of \$68,250 be approved;
- b.) CMC-Union - caseworker services for provision of Medicaid applicants with eligibility assistance at CMC-Union in the amount of \$106,937;
- c.) Camp Dresser and McKee for Millbridge and Tarkhill pump station analysis (Task Order #10) in the amount of \$6,900;
- d.) Camp Dresser and McKee for east side sewer system pump station 2 improvements design (Task Order #5A) in the amount of \$16,800;
- e.) ATA Allvac to pay the Project Franklin Incentive Grant Agreement in the amount of \$2,183,363.

The motion included that the contract with T. K. Browne Construction Company to replace non-compacting soil (Change Order #G-1) in the amount of \$9,032 be tabled until the next meeting and a report on engineering of project is received by the Board.

The motion was passed unanimously.

DIRECTOR OF ELECTIONS COMPENSATION:

Vice Chairman Baucom stated that he understood the request, but that the director's salary currently is eighth in the State for compensation, and it is first by population in the State. He said that means there is not another county of similar size that pays more for this position. Therefore, he said if you take Johnston County, which is sometimes compared to Union County, this position is 25th in the State. The Vice Chairman stated that just because there is money in the budget to make the pay adjustment does not give him a warm fuzzy feeling to vote in favor of the salary increase.

Commissioner Lane asked if the Director has all the employees she needs at this time to complete the tasks that she has with the growing election duties and responsibilities.

Mr. Nelson, Finance Director, stated that would be a budget question which the County is now in the midst of preparing and most likely the Board of Elections will be making a request for additional staff.

After discussion, motion was made by Commissioner Openshaw that any salary increases should be addressed in the 2007-2008 budget.

Vice Chairman Baucom stated that the request is to increase the salary this year and not in the 2007-2008 budget and that he could not vote to agree with the increase.

Mr. Nelson explained that the General Statutes sets out the process for setting compensation for the Director of Elections and it is up to the Board of Commissioners to set that compensation. The request from the Board of Elections is that the current Elections Director's salary be increased in this budget year. He said if it is the Board's inclination to raise the salary, there are funds in the budget to do so.

Commissioner Mills said that he could understand Commissioner Baucom's comments, but his thinking is that any additional money remaining in the 2006-2007 budget year should remain in the budget and all salary increases should be made in the 2007-2008 fiscal year budget.

The Chairman asked Commissioner Openshaw if he would agree with adding Commissioners Mills' comments that any remaining 2006-2007 funds remaining in the Board of Elections Personnel budget should remain there until the 2007-2008 budget deliberations.

Commissioner Openshaw agreed to add that statement to his motion. The motion passed unanimously.

COUNTY ATTORNEY LEGAL REPRESENTATION AGREEMENT:

Commissioner Openshaw stated that he had reviewed the agreement between Union County and John T. Burns and his only complaint is that he does not believe that anyone's personal attorney should represent the Board as a whole.

Commissioner Lane said that the Board did not vote on Mr. Burns' employment and that he was personally offended by the process by which the County arrived at the hire and thought his rights as a Commissioner were denied. He interjected that before Mr. Burns was hired he was allowed to sit in on some discussions in which he probably should not have been allowed.

The Chairman stated that complaint had been reviewed, and it has been determined that it was proper for Mr. Burns to have been a part of those meetings.

Motion was made by Commissioner Mills that the Agreement between Union County and John T. Burns be approved. The motion passed by a vote of three to two. Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted for the motion and Commissioners Lane and Openshaw voted against the motion.

TEXT AMENDMENTS TO UNION COUNTY LAND USE ORDINANCE:

Board of Adjustment: The Chairman asked the Board to consider item b – amendments to text amendments relative to the Board of Adjustment. He said that because of on-going lawsuits involving the Board of Adjustment that he would recommend and move that the proposed Text Amendments to the Union County Land Use Ordinance – Sections 29, 31, 33, and 35 be denied and that Item 16-d – appointments to the Board of Adjustment be deleted from the agenda and the consistency statements for denial be approved as recorded below:

- (1) Repeal of subsections (a), (b) and (e) of Section 29, Appointment and Terms of Board of Adjustment, and adoption of new subsections (a), (b) and (e) of Section 29 (collectively, "amendments").

Whereas, pursuant to N.C.G.S. 153A-341, the Board of County Commissioners does hereby find and determine that denial of the proposed text amendments is consistent with the adopted Union County Land Use Plan, and that denial of the proposed text amendments is reasonable and in the public interest because the current number of Board of Adjustment members and current form of representation on the Board of Adjustment is adequate.

(2) Amendment to subsection (a) of Section 31, Quorum.

Whereas, pursuant to N. C. G. S. 153A-341, the Board of County Commissioners does hereby find and determine that, if the Board denies the proposed amendments to Section 29 that would increase the number of Board of Adjustment members, denial of the proposed text amendment is consistent with the adopted Union County Land Use Plan, and denial of the proposed text amendment is reasonable and in the public interest because it is unnecessary.

(3) Adoption of a new Section 35.

Whereas, pursuant to N. C. G. S. 153A-341, the Board of County Commissioners does hereby find and determine that, if the Board denies the proposed amendments to Section 29 that would provide for geographic representation on the Board of Adjustment, denial of the proposed text amendment is consistent with the adopted Union County Land Use plan, and denial of the proposed text amendment is reasonable and in the public interest because it is unnecessary.

(4) Amendment to Subsection (a) of Section 33, Board of Adjustment Officers.

Whereas, pursuant to N. C. G. S. 153A-341, the Board of County Commissioners does hereby find and determine that, if the Board denies the proposed amendments to Section 29 that would provide for geographic representation on the Board of Adjustment, denial of the proposed text amendment is consistent with the adopted Union County Land Use Plan, and denial of the proposed text amendment is reasonable and in the public interest because it is unnecessary.

Chairman Pressley asked the staff attorney to explain the differences between the Board of Adjustment and the Planning Board.

Mr. Crook, Staff Attorney, briefly explained that the Planning Board is an advisory board that makes recommendations to the Board of Commissioners and the Board of Adjustment is a quasi-judiciary board that makes decisions that can only be appealed through the court system. He also asked that in the Statement of Consistency for Proposed Text Amendments for Board of Adjustment that in Sections 3 and 4 where the words Planning Board are written that these words be changed to read Board of Adjustment. He said this interchange of boards was due to a clerical error.

Commissioner Openshaw pointed out that if the Board of Adjustments makes a decision that the Board of Commissioners does not agree with, the Board of Commissioners would have to pursue a lawsuit against the County's Board of Adjustment and the members appointed by the Board. The Staff Attorney agreed.

The Chairman agreed to add the change to the Statement of Consistency as requested by Mr. Crook and the changes are so reflected in the motion.

After additional discussion, the motion was passed unanimously.

Planning Board:

Motion was made by Commissioners Mills that the consistency statements as recorded below and the text change to the Union County Land Use Ordinance – Section 1 – to Amendment subsections (a), (b), and (c) of Section 2.1 Appointment and Terms of Planning Board Members be approved:

- (1) Amendments to subsection (a), (b) and (e) of Section 21, Appointment and Terms of Planning Board.

Whereas, pursuant to N. C. G. S. 153A-341, the Board of County Commissioners does hereby find and determine that adoption of the proposed text amendments is consistent with the adopted Union County Land Use Plan, and that adoption of the proposed text amendments is reasonable and in the public interest because they increase the number of Planning Board members from seven to nine and provide for geographic representation on the Planning Board.

- (2) Amendments to subsection (a) of Section 23, Quorum and Voting.

Whereas, pursuant to N. C. G. S. 153A-341, the Board of County Commissioners does hereby find and determine that, if the Board amends Section 21 to increase the number of Planning Board members to seven to nine, adoption of the proposed text amendment is consistent with the adopted Union County Land Use Plan, and that adoption of the proposed text amendment is reasonable and in the public interest because it increases the quorum requirement for the Planning Board from four to five.

- (3) Adoption of a new Section 27.

Whereas, pursuant to N. C. G. S. 153A-341, the Board of County Commissioners does hereby find and determine that, if the Board amends Section 21, adoption of the proposed text amendment is reasonable and in the public interest because it provides for the transition of new members to the Planning Board to allow for geographic representation in accordance with the amendments to Section 21.

TEXT AMENDMENT: UNION COUNTY LAND USE ORDINANCE

SECTION 1

AMEND subsections (a), (b), and (e) of Section 21, Appointment and Terms of Planning Board Members, as follows:

- (a) There shall be a planning board consisting of ~~seven~~ nine regular members and two alternates, all appointed ~~at large~~ by the board of commissioners. ~~All members, whether regular or alternate members, must reside within the county and no more than two members shall reside within the same municipality. One regular member shall be a resident of each of the county's nine townships, and the alternate members may reside anywhere within the county. Any person serving on a municipal board of adjustment or planning board shall be ineligible to serve as a member of the Union County planning board.~~
- (b) Planning board regular members as well as alternates shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. ~~On the effective date of this ordinance, the staggered term arrangement previously in effect shall continue and new members shall be appointed, or current members re-appointed, for three year terms as the terms of current members expire.~~
- (e) If a regular planning board member moves outside the township he or she represents or if an alternate member moves outside the county, that shall constitute a resignation from the planning board, ~~effective upon the date a replacement is appointed by the Board. Upon occurrence of an event resulting in more than two members residing in the same municipality, whether by annexation, incorporation, or relocation, such member(s) will be allowed to complete his or her term.~~

Section 21 of the Land Use Ordinance would thus read as rewritten:

- (a) There shall be a planning board consisting of nine regular members and two alternates, all appointed by the board of commissioners. One regular member shall be a resident of each of the county's nine townships, and the alternate members may reside anywhere within the county. Any person serving on a municipal board of adjustment or planning board shall be ineligible to serve as a member of the Union County planning board.
- (b) Planning board regular members as well as alternates shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed.
- (c) Members are limited to two successive terms.
- (d) Regular planning board members may be removed by the Board at any time for failure to attend three consecutive meetings or for failure to attend thirty percent or more of the meetings within any twelve month period or for any other good cause related to performance of duties. Alternate members may be removed for repeated failure to attend or participate in meetings when requested to do so in accordance with regularly established procedures. Upon request of the member proposed for removal, the Board shall hold a hearing on the removal before it becomes effective.
- (e) If a regular planning board member moves outside the township he or she represents or if an alternate member moves outside the county, that shall constitute a resignation from the planning board.
- (f) Alternates may sit in lieu of any regular member and shall, when so seated, have the same powers and duties as any regular member.

SECTION 2

AMEND subsection (a) of Section 23, Quorum and Voting, as follows:

- (a) A quorum for the planning board shall consist of ~~four~~ five members (including alternates sitting in lieu of regular members). A quorum is necessary for the board to take official action.
-

SECTION 3

ADD a new Section 27 to read as follows:

Upon adoption by the board of commissioners on April 2, 2007, of an amendment revising Section 21 of the Land Use Ordinance to increase membership on the planning board from seven to nine regular members and to provide for geographical representation by township, the terms of sitting planning board members, both regular and alternate, shall expire at the time of such adoption and all positions shall be deemed vacant. Notwithstanding Section 21(b) of the Land Use Ordinance, such members shall not continue to serve until their successors have been appointed. In order to achieve staggered terms upon filling these vacancies, the board of commissioners shall appoint new members as follows: (i) three regular members and one alternate for a term of three years; (ii) three regular members and one alternate for a term of two years; and (iii) three regular members for a term of one year. During the first meeting of these newly appointed members at which a quorum is present, the planning board shall elect one of its regular members to serve as chairman and preside over the board meetings and one regular member to serve as vice chairman. Prior to the election of a chairman at such first meeting, the Planning Division Director shall temporarily preside over the meeting until the chairman takes office. The officers so elected shall serve until new officers are elected the following calendar year pursuant to Section 24(a).

Commissioner Lane presented a substitute motion to adopt the Planning Board's recommendation to make the appointments from the school district zones. He said he thought it would be a fairer method, and it would be easier to get volunteers from within these zones. He said this would set the size of the Planning Board at six members. He pointed out that most of the applicants did not recognize the name of the township in which they lived.

After brief comments, the substitute motion failed by a vote of one to four. Commissioners Lane voted for the substitute motion and Chairman Pressley, Vice Chairman Baucom, and Commissioners Mills and Openshaw voted against the motion.

Commissioner Openshaw made an amendment to the main motion to leave the geographic representation as is with the same members but expand the size of the Board to nine members with two alternates and the alternates are to not live within the same township. He explained how his substitute motion would present representation of all areas and without stipulating that the appointments be by townships. He said that those members of the Planning Board who failed to reapply had the highest attendance rates. He said that the Vice Chairman had said he thought district representation would be the fairest way, but in his opinion it is

taking representation away from the people because of the population issue. He also noted that this organizational change might set a precedent that would cause the next board to come in and revise the Planning Board again.

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

The Chairman called for a vote on the main motion by Commissioner Mills to approve the consistency statements and Text Amendments to the Union County Land Use Ordinance.

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

UNION COUNTY HISTORIC PRESERVATION COMMISSION

The Chairman recognized Virginia Bjorlin, Chairman of the Union County Historic Preservation Commission, who requested the Board of Commissioners call for a public hearing on May 7 to receive comments on designating farm property on Ansonville Road as an historic landmark. She stated the historic name is the Perry-McIntyre farm and is a part of the farm owned by David and Bonnie Kenerley at 1001 Ansonville Road outside Wingate. She noted that the designation application also includes several outbuildings which are old as well as some interior features of the old farmhouse.

The Chairman stated that he would work with the clerk to establish a public hearing and would advise Mrs. Bjorlin of the date and time.

RECOMMENDATIONS BY THE UNION COUNTY PUBLIC WORKS ADVISORY BOARD

The Chairman recognized Rick German, Chairman of the Public Works Advisory Board, who stated he had two recommendations from the advisory board that he wanted to present tonight. Mr. German assured that the board is in a fact-finding mode and is working hard. He stated that instead of meeting four times a year as required in the establishing resolution, the advisory board is meeting every two weeks trying to gather the information. He said in order to function and serve the Board of Commissioners as specified in the guidelines, the advisory board needs more detailed information than the Public Works' staff has the personnel or time to provide. He said the advisory board needs the information now to make informed, intelligent decisions and

recommendations to be brought before the Commission. He assured that no one has an agenda other than to help the County get out of the problems that it has with water and sewer.

Mr. German read the following recommendations from the Public Works Advisory Board into the minutes and for public review:

- A. It is the recommendation of this board that a full and complete audit be performed of the Union County Public Works Department. This audit should be performed by an independent auditing firm experienced in this type of audit preparation. The audit would be based on agreed upon procedures and would include recommendations on internal control and method of record keeping. The agreed upon procedures would be determined by the Public Works Advisory Board. We feel that this needs to be completed as soon as possible and delivered to this board so that we may make more informed decisions concerning the Public Works Department. We also believe the current record keeping problems existed prior to the current Director's leadership, and she will also benefit from this audit.
- B. It is the recommendation of this board that the Public Works Department proceed with the pump station and force main required to divert 600,000 gallon of wastewater per day from the Twelve Mile Creek Waste Water Treatment Plant to the Six Mile Creek Waste Water Treatment Plant. We feel this is the most cost-effective and near-term solution to reduce or eliminate any short-term violations from the State relating to Twelve Mile Creek capacity problems.

For discussion, motion was made by Commissioner Mills that an audit be approved.

The Vice Chairman asked if an RFP would be needed before letting a contract for an audit. He also asked if any preliminary work had been done on the proposal so that an RFP could be requested.

Mr. German stated that he had talked with his auditor about how best to gain the information on the four or five items needed to provide the details required for a solid recommendation. The Chairman asked Mr. German if he knew the items at this time. He responded that he was close but not sure at this time.

The Vice Chairman asked if there had been any cost estimates received. Mr. German stated that it is a two phase request. First, the advisory board wants the support of the County Commissioners and then the advisory board would prepare the RFP and interview a couple firms to get the cost estimate and timeframe. Mr. German stated that the advisory council wants to know the County's procedure for funding and approving this audit.

Commissioner Lane commended the advisory board on its diligence on this issue. He said he had some misgivings at the front but is more inclined to go along with what the advisory board is doing now. He asked if Mr. German was going to bring the procedures to the Board for final approval.

In response to a question from the Chair, Mr. German stated that the advisory committee wanted to be sure it had the support of the Board of Commissioners before it spends anymore time on this subject.

The Vice Chairman stated he would support the audit but wanted to know what procedures will be used and what is being looked for.

The Chairman asked if the Public Works Advisory Board could have its specifics available for Board review at the Board of Commissioners' meeting on the 16th of April.

Vice Chairman Baucom moved to table until the 16th and then quickly withdrew his motion.

Commissioner Openshaw agreed that he thought it was an excellent idea to have an audit, but he agreed that the Board of Commissioners should have an opportunity to give final approval to the agreed to procedures. Again, Mr. German stated that the Public Works Advisory Board wants what the Commissioners want but that he didn't see any reason to spend time or taxpayers' money to chase skeletons. He assured that the advisory board did not have an agenda but is seeking accurate information so the advisory board can make wise decisions.

Commissioner Mills amended his motion to approve the audit but to request that specifics be brought to the Board of Commissioners at its meeting of April 16.

In response to a question from Vice Chairman Baucom, Mr. German agreed to bring forth any cost estimates that could be obtained to the April 16th meeting but pointed out that it might be difficult to obtain those numbers without a defined scope of work.

The Chairman stated he thought that there would need to be several proposals or bids before letting the audit contract.

In response to a question from Commissioner Openshaw on the source of funding, Mr. Nelson stated that it would come from the Enterprise Fund.

Chairman Pressley called for a vote on the motion. The motion passed unanimously.

Commissioner Mills moved for purposes of discussion that the county support the recommendation to proceed with the pump station and force main required to divert 600,000 gallon of wastewater per day from the Twelve Mile Creek Waste Water Treatment Plant to the Six Mile Creek Waste Water Treatment Plant. He asked if this is the Rea Road Pump Station. Ms. Putnam replied that it is not. Mr. German said this one was miles from the Rea Road Pump Station. Commissioner Mills said that he was not in favor of diverting and tying on new subdivisions and pumping their flow over to Six Mile Creek. Commissioner Mills next asked if this is the pump station that the Toll Brothers decided to help the County fund. Ms. Putnam replied that it is. He said with that being the case then he would still support the motion but stressed that he did not want any additional developers to tie on to this line. He said the purpose was to take relief off Twelve Mile Creek. Mr. German stated that the Advisory Board's feeling was that this recommendation is not to produce customers but it is to stop a problem. Commissioner Mills said that it was his understanding Toll Brothers had said they would be glad to build this for the county, but they wanted capacity. He said it needed to be built but he didn't want any capacity allocated but wanted to reduce what flow is in Twelve Mile Creek. Commissioner Mills said that if it would accomplish that goal, he would support the second recommendation.

Mr. German said the purpose of his board is not generated by anything but taking care of existing problems of Union County's water and sewer; near term first and long term second. He said the members are thinking outside the "bun".

The Chairman said that the boards need to be careful what they say. He said this line would produce customers but it is a project that has been in the works.

At her request, Christie Putnam spoke to the recommendation. She said that perhaps she had misspoken and miscommunicated their efforts in Public Works. Ms. Putnam said the Board of Commissioners charged her with going back and presenting options for making treatment capacities available. She said they are developing recommendations that they will bring to the Board on the 16th of April and, hopefully, have it available for the next advisory board so its members could also review and update their recommendations. She said this is one of about four or five defined options. She said all of the options are to divert flow. She said that her request is to wait until the 16th because she and her staff are weighing all the costs, all the benefits, and recognize that one of

the key decisions that needs to be made is what happens after the projects are completed and when there is treatment capacity available. She stressed the question must be answered on how it will be allocated.

Chairman Pressley said that as he understood the motion it is to accept a plan to divert the flow to keep the county out of fines. He said if the County is going to use a development that is already in the works, they are not going to give the county a pump station because they like the county, but the county must be working with something that is already there. He asked Ms. Putnam if that is what she is going to present to the Board on April 16.

Ms. Putnam said there are many opportunities for public/private partnerships that she would like to discuss.

Chairman Pressley said he only wanted to make it clear that a firm will not give the county a pump station; but it is the county working with something that is already in the planning stage. Chairman Pressley stressed the County needs an allocation plan.

Commissioner Lane asked who this recommendation would benefit. Ms. Putnam responded that decision would be up to the Board of Commissioners depending on how it determines its procedure of allocation. Commissioner Lane said he was concerned that people speak of commercial, but there are hundreds of homes being attached to the plan which impacts the schools of the area.

Commissioner Mills withdrew his original motion and moved that a decision be tabled until the 16th of April. The Chairman offered an amendment to the motion that the Board endorses the recommendation of diverting flow and agreed that it would make a determination of usage. Commissioner Mills accepted the amendment.

Vice Chairman Baucom presented another friendly amendment that specified the flow not be used for residential development.

Commissioner Openshaw stated that until the audit is completed, the Board could not decide on the usage or allocation because there is no knowledge of the capacity available. He reiterated that the County must know now much capacity before it can determine how it will be distributed. He said the bottom line goes back to Mr. Crook and what legally the Board of Commissioners can do.

Mr. Crook stated he appreciated the question. He said he wanted to make sure that the Board's expectation is in a line that the Public Works Department can deliver. He said there are a number of complex legal issues, and they hinge on certain facts that Public Works is still going with the capacity that it has. Mr. Crook said that the staff would not be bringing forth an allocation

recommendation on the 16th; there are legal issues that must be determined first but Ms. Putnam will be providing an update on various alternatives.

Commissioner Openshaw interjected that the question remains what legally can the county do if it gets the capacity. He said if the County gets the capacity but can't restrict it, a number of houses will come on line and there goes the capacity again. He said old newspapers indicate the county built Twelve Mile Creek for commercial development and essentially none of it went for commercial development. He said he thought the most economical way to get additional capacity is the purple pipe and reclaimed water.

Chairman Pressley said that purple pipe is old news and stated a golf club here in the county is already using purple pipe. He said Union County has to get certified to use purple pipe.

Commissioner Openshaw said that at this time any move the county makes could potentially endanger property rights of individuals in that basin because the county is using up a finite resource without a plan. He said now is the perfect time for the County to get prepared before it goes rushing off to get more capacity. He said the County needs to decide where that capacity is best to be used. He said he feared that if the Board rushes into approval, the capacity will disappear because the county doesn't know where it is standing.

Chairman Pressley said he agreed that the County needs several things including a plan. He stressed the county needs to go back to visit the people from whom the county accepted money and who have not gotten anything for it. He said these people have based their investments or their homes on this arrangement, and the county has to make a decision for these people who are being held in limbo.

Ms. Putnam interjected that the County is not holding money on anyone who has a permit that has not been issued. The only money that has been collected without a permit issued is the permits rejected and returned by the State. She said the County is in the process of returning that money to the applicants.

Commissioner Lane said that he thought it good to plan ahead. Commissioner Lane said he would prefer to see the audit completed before a decision is made to divert flow.

After discussion, Vice Chairman Baucom called the question.

The motion to call the question was passed by a vote of four to one. Chairman Pressley, Vice Chairman Baucom, Commissioner Openshaw and Commissioner Mills voted for the motion. Commissioner Lane voted against calling the question.

The Chairman called for a vote on the motion. Chairman Pressley, Vice Chairman Baucom, and Commissioner Mills voted for the motion and Commissioners Lane and Openshaw voted against the motion.

PROCLAMATION – POLICE WEEK:

The Chairman recognized Elizabeth Cooke. Ms. Cooke stated that in 1962, President John F. Kennedy signed Public Law 87-726 designating May 15 as Peace Officers' Memorial Day and the week in which May 15 falls as National Police Week. She pointed out that the law was changed in 1994 directing that the flag of the United States be displayed at half-staff on all government buildings on May 15th of each year. Ms. Cooke said that National Police Week honors the men and women in law enforcement who risk their lives each day to protect and serve the citizens in their communities and Peace Officers Memorial Day on May 15th is to honor those who have paid the supreme sacrifice and lost their lives in the line of duty. She pointed out that an average of one officer is killed in the United States every 53 hours. She said that Union County has been fortunate to only have lost two officers in the line of duty. She said one of the officers is John Pearce from the Monroe Police Department who was killed in 1888 and Edgar Williams, a Wingate Police Officer, who was killed in 1917.

She asked the Board to adopt the Police Week Proclamation proclaiming May 13-19, 2007, as Police Week in Union County and May 15 as Peace Officers Memorial Day. She also asked the Board to have flags flown at half staff on all Union County Government Buildings not only on May 15, but the week of May 13-19, 2007. Ms. Cooke further asked that the Second Annual Union County Police Week Ceremony be held May 18th in the courtyard of the Union County Judicial Center near the flag poles. She spoke of the two Police officers who were killed in Charlotte and pointed out that Police Officer Shelton was graduated from high school in Union County.

Ms. Cooke read the proposed proclamation into the record.

Vice Chairman Baucom moved that the Proclamation as read be adopted and that the courtyard in front of the Judicial Center be designated as the location for the Second Annual Union County Police Week Ceremony on May 18 at 10:00 A.M.

Commissioner Openshaw asked why the request was to fly the flags at half staff in May and not now. She responded that when she made the original request, she had not known that Officer Shelton was from Union County. She requested that the flags be flown at half staff this week in memory of the Charlotte Police Officers who were shot.

Vice Chairman Baucom amended his motion to include that all flags flying over government buildings be flown at half mast this week in memory of the two Charlotte Police Officers.

The motion was passed unanimously.

National Police Week Proclamation

May 13 – May 19, 2007

Union County, NC

Whereas, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and

Whereas, the members of the law enforcement agency of Union County play an essential role in safeguarding the rights and freedoms of Union County; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the men and women of the law enforcement agency of Union County unceasingly provide a vital public service;

Now, therefore, the Union County Board of Commissioners calls upon all citizens of Union County and upon all patriotic, civic and educational organizations to observe the week of May 13 – 19, 2007, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a

dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

The Union County Board of Commissioners further calls upon all citizens of Union County to observe Tuesday, May 15, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, we have hereunto set out hands and caused the Seal of Union County to be affixed.

ATTEST:

Lynn G. West, Clerk to the Board

Kevin Pressley, Chairman

Allan Baucom, Vice Chairman

Roger Lane, Commissioner

Parker Mills, Commissioner

Lanny Openshaw, Commissioner

The Chairman declared a five-minute recess. By acclamation, the Commissioners agreed.

At the conclusion of the recess, the Chairman reconvened the meeting.

WIRELESS INTERNET ACCESS:

At the request of the Chairman, Vice Chairman Baucom introduced Mr. Jeff Gaura, President and Founder of Professional Network Consultants. He said there has been a committee under the auspices of the Chamber of Commerce looking at high-speed internet to serve the unserved and underserved areas of the counties. He said this area is mainly a core down the center; mainly the area that is served by Verizon. The Vice Chairman explained this committee has been working for about three years and tonight is the first time that any recommendation has come to the Board of Commissioners. Vice Chairman Baucom said PNC is one of the companies that the committee has worked with over the months and Mr. Gaura believes he has a solution. The Vice Chairman said he had asked Mr. Gaura to make a presentation to the Board of Commissioners.

Mr. Gaura reiterated the comments of the Vice Chairman in that much of Union County is unserved or underserved by internet access, and it affects both small businesses and residents. He said high-speed internet should be accessible to all people, all communities, and not only at certain times. He said a feasibility study would begin with finding a target market, seeing what is in place, what is reasonable and what is not. Mr. Gaura said from previous experience in doing these studies over the last couple of years, he knows that deploying internet in Union County is possible. He said it has been done in other remote counties within this state, but the questions are how feasible is it and how much will it cost? He said step one is a feasibility study. He said he is looking at picking two locations – one being the government center and working from a radius here and determining a remote location that is known to be underserved. He said then the goal would be to connect the two locations together using tested wireless technology and deploying a pilot program along that area. He said there are a lot of ancillary questions that go along with the feasibility study. Mr. Gaura assured that PNC would map out a deployment plan for a pilot program, finalize the cost of the project, and present this to the county with a detailed list of caveats and expectations.

During his presentation, Mr. Gaura explained Phase One and Phase Two of the plan. Mr. Gaura stated that PNC is not a high-tower installation company but will contract with the Mountain Area Information Network to climb the towers, run necessary cabling and mount the equipment on any towers, poles or lights. In response to a question, he stated that it could be possible for wireless computer users to access the network. He said it is necessary to do a pilot project to know how it will work. He said that any area within the bubble areas would have access. Mr. Gaura said he couldn't estimate the cost, the area of service, etc., because that is the information that will be developed during the feasibility study.

Commissioner Openshaw asked if there were any franchise problems with existing providers. Mr. Gaura said this information will be determined during the feasibility study by use of the spectrum analyzer and frequency extender. He briefly reviewed how this information will be determined.

The Vice Chairman assured that the committee had contacted all the carriers and providers and this is the recommendation brought forth from the committee.

Commissioner Mills asked about the remote site being studied and questioned what the radius would be. He also asked if Mr. Gaura is talking of going to an area that does not have any service at this time. Mr. Gaura stated that all that is being asked now is authorization for a pilot study to determine if the route shown tonight is feasible, what would be the known "gotchas", and what the Board of Commissioners should expect. He said that what was presented tonight might not be cost effective at all, but it can only be

determined after a feasibility study and finding out what is currently there. Mr. Gaura said that the feasibility study would take about one to two weeks.

Vice Chairman Baucom said the feasibility study is needed to determine what reasonable expectations are from a cost standpoint to get a broader coverage.

In response to a question from Commissioner Mills, Carl Lucas, IT Director, responded that the county could use the spectrum analyzer to help get adequate configuration for some of the County's departments, if the pilot program is not successful. Commissioner Mills restated that what he was asking was assurance that if the County purchases the equipment for the study and it is not feasible that the equipment could still be used by the County. Mr. Lucas agreed that it could be used.

Mr. Crook said he had one comment and did not intend to dampen the enthusiasm but there could be some legal issues, and he would want an opportunity to study this subject.

After lengthy discussion Vice Chairman Baucom moved the County approve the feasibility study by PNC with the \$11,206 required to fund the study being appropriated from Economic Development. The motion passed unanimously.

During discussion of a proposed site and a recommendation by Commissioner Mills that it be placed on a silo on the Vice Chairman's property, the Staff Attorney stated that a site should be selected at a later time and that it may not be appropriate to place the site on Mr. Baucom's property.

Mr. Gaura explained that he had to have a site to begin the feasibility study. The Staff Attorney stated that he did not think it would be a good idea to choose the Vice Chairman's property.

The Chairman assured that a site would be located for the feasibility study.

EXTEND EFFECTIVE DATE OF SWAP AGREEMENT:

Vice Chairman Baucom moved to extend the effective date of forward starting swap dated October 11, 2005, with an effective date of June 21, 2007, to June 16, 2008. The motion was passed unanimously.

COUNTY MANAGER RECRUITMENT:

The Chairman moved that the County accept all Executive Search Firm Proposals submitted pursuant to the terms and conditions of the RFP's, select from the RFP's the Mercer Group, and authorize the Interim County Manager to execute the necessary service contract pending legal review.

Mr. Watson said that Mercer is aware of the timeline and is seeking to have interviews with the County Commissioners and with anyone else that the Board would select for them to interview on April 16. Mr. Watson said the date could be subject to change and he would be in touch with the Commissioners.

The motion passed unanimously.

RULES OF PROCEDURE FOR BOARD OF COUNTY COMMISSIONERS:

After brief discussion and comparison of the proposed amended Rules 10 and 11, Vice Chairman Baucom moved to adopt the amended Rules of Procedures, Rules 10 and 11, as recorded below:

PROPOSED MODIFICATIONS TO RULES 10 AND 11 OF THE BOARD OF COMMISSIONERS' RULES OF PROCEDURE

1. Delete Rule 10 as written and replace with the following:

Rule 10. Informal Public Comments. In compliance with G. S. 153A-52.1, the board establishes the following policy for informal public comment at all regular meetings of the board. The clerk shall provide a sign-up sheet at the entry to the meeting room not later than thirty minutes prior to each meeting for persons who desire to address the board. The chair will recognize speakers in the order in which their names appear on the sign-up sheet. The purpose of the time for informal public comments is to allow for public input to the board on issues germane to Union County. It is not intended to compel board members or staff to answer questions in an impromptu manner without adequate opportunity for preparation or consideration. Action on issues raised during the comment period, if any, will be at the sole discretion of the board.

Each speaker must address the board from the lectern and begin their remarks by giving their name, address, and the topic about which they intend to speak. Each speaker will have three (3) minutes to make remarks. A speaker may not yield any of his or her time to another speaker. Speakers may not discuss matters which are the subject of public hearings, and they must be courteous in their language and presentation. Personal attacks will not be tolerated. Speakers may leave written comments and/or supporting documents, if any, with the clerk to the board.

If at the beginning of the public comment period, the chair determines that the time required to hear all speakers on the sign-up sheet would unduly disrupt the conduct of County business or cause undue inconvenience to citizens in attendance for other items on the agenda, the chair may require the designation of spokesman, or the selection of delegates, for groups of persons supporting or opposing the same positions. The chair may also move the period for public comment to some time later in the meeting.

2. Amend Rule 11 by modifying the Order of Business such that the time for “Informal Comments” is preceded by Scheduled Public Hearings.” [Comment: Scheduled public hearings are generally required pursuant to law and should begin on time. Failure to adhere to a published schedule may result in lost opportunities to speak, and thus charges of procedural effort and/or unfair process.] Rule 11 would be modified as follows:

Rule 11. Order of Business. At regular meetings, the board shall proceed to business in the following order:

1. Opening of Meeting
 - a. Invocation
 - b. Pledge of Allegiance
2. Scheduled Public Hearings
3. Informal Public Comments
4. Additions, Deletions, and Adoption of Agenda
5. Consent Agenda
6. Items of Business

7. Manager's Comments
8. Commissioners' Comments

Without objection, the chair may call items in any order most convenient for the dispatch of business.

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

BOARD OF ADJUSTMENT:

The Chairman stated there were two attorneys who submitted their qualifications and expressed an interest in serving as the attorney to the Board of Adjustment.

Motion was made by Commissioner Mills that Shawna Collins be appointed to serve as the attorney to represent the Union County Board of Adjustments.

Commissioner Openshaw stated that he thought the County had an unbelievably qualified candidate in Mr. Sturges, and he had watched him work for 50 hours when he represented the County in one issue and when he was representing a client against another familiar issue. He said he had watched him in two court cases including the one in Raleigh on Wednesday. Commissioner Openshaw said it is his opinion the attorney is great. He also reviewed Mr. Sturges' resume as provided in the information packet. He pointed out that this person is an excellent attorney and as a plus served as the Chairman of the Mecklenburg County Board of Adjustment.

The Vice Chairman pointed out that Mr. Sturges stated in his proposal that he may use his staff in representing the Board of Adjustment.

Commissioner Openshaw said that in comparing costs he thought Mr. Sturges would be about \$2,000 less annually than would Ms. Collins.

Commissioner Mills stated that Ms. Collins is a local attorney and that he thought Union County should retain local expertise. He stood by his motion.

Commissioner Lane interjected that he did not mind using local talent but that he preferred to use the best talent. He asked if the Board is here to look for the best talent or only local talent. Commissioner Lane said he thought that Mr. Sturges' qualifications exceed those of Ms. Collins.

Vice Chairman Baucom asked has the cost in the past 14 months been indicative of regular meeting time that occurred for the Board of Adjustment. Mr. Black responded that it is very indicative of their normal schedule.

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

Commissioner Openshaw moved that William H. Sturges of Shumaker, Loop & Kendrick be appointed the attorney for the Board of Adjustment. The motion passed by a vote of four to one. Chairman Pressley, Vice Chairman Baucom, Commissioner Openshaw and Commissioner Lane voted for the motion and Commissioner Mills voted against the motion.

ENVIRONMENTAL HEALTH WELL REGULATIONS:

David Womack stated that much of what he is going to present has previously been discussed in the meeting. He stated that in August 2006, HB 2873, passed which required that Health Departments must establish a private drinking water well program by 2008. He explained in this program, Environmental Health is required to permit well sites, to extensively test the water from these wells, and maintain specific records. He said Union County has had a well ordinance since 1977, but it is not up-to-date with the new legislation. Mr. Womack stated that it is not believed that any additional staff will be required to execute the well program requirements. He explained that it is very important to inspect the water casing in that this is the major way that bacterium gets into the well. Mr. Womack said that the sampling is to let the property owner know what is in his/her well water so that filters could be placed on the well to protect the homeowner. He said the Environmental Health agency wants to implement this program as soon as is possible.

The Chairman thanked Mr. Womack for his presentation. No action was taken.

FINANCE – 2007 – 2008 BUDGET CALENDAR:

Kai Nelson, Finance Director, stated that he plans to deliver to the Board the 2008 recommended budget on Monday, May 21, 2007. He said that the County's staff is proposing the following calendar for the Board's consideration: May 21, May 24, May 29, June 4, June 5, June 7, June 11, June 18 and the time of each meeting is suggested to be 5:00 p.m. He also recommended that on June 4, 2007, the Board of Commissioners conduct the public hearing on the FY2008 budget.

Vice Chairman Baucom stated that he would recommend that the work sessions be scheduled May 24 and May 25 and then two meetings be scheduled the following week.

Commissioner Mills said that he would not be available on the 24th of May.

The Finance Director recommended that one meeting be held on May 23rd at 5:00 p.m. He stated it is very difficult to coordinate the schedules of one individual, much less five individuals, so it is recognized that not all five commissioners will be able to attend every single budget work session. He suggested that the Commissioners fax to the Clerk their availabilities starting the 22nd and the staff will schedule meetings on the dates when most can be present.

The Vice Chairman asked if the 21st is a definitive date cast in stone for receipt of the budget. Mr. Nelson said that it was. Commissioner Mills and Vice Chairman Baucom suggested that the proposed 2008 budget be delivered to the Commissioners on Friday prior to the 21st of May. Mr. Nelson stated that he would do his best to have it available by the 18th of May.

The Chairman suggested that perhaps the agenda of May 21 could be kept light and the Board could have a budget work session at the conclusion of the regular meeting. The Commissioners agreed that, if possible to have a light agenda, this would be acceptable to them.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMISSIONS:

The Chairman announced that there is one vacancy on the Nursing Home Advisory Committee, four vacancies on the Home and Community Care Block Grant Advisory Committee, and the Juvenile Crime Prevention Council has the following vacancies: one District Attorney or designee; substance abuse professional; two persons under age 18; Juvenile Defense Attorney; representative of United Way/or other non-profit; and two county commissioner appointees.

APPOINTMENTS TO BOARDS AND COMMITTEES:

a. ***Board of Equalization and Review:*** The Chairman stated that there are two vacancies on the Board of Equalization and Review and the Board of Commissioners must appoint a Chairman to serve.

Vice Chairman Baucom moved to appoint Sam Starnes and Vernard Littleton to fill the vacancies on the Board of Equalization and Review and to appoint Mark Ashcraft Chairman. The motion was passed unanimously.

b. ***Local Emergency Planning Committee:*** Commissioner Lane moved that the appointments to the Local Emergency Planning Committee be appointed in block as recommended: Monroe City Police Department – Chief Debra C. Duncan, primary and Charles Mark Coan, secondary; Communications Department, Amanda Helms, secondary; Cassco Ice and Cold Storage – David Baucom, secondary; Harmon Environmental Company – J. Darren Patton, secondary; State Highway Patrol – Mark Leach, primary, and Donald G. Hinson, secondary;

c. ***Union County Planning Board:*** The Chairman announced there are nine regular members and two alternates to be appointed to this board. He stated there are applications from citizens requesting to serve on this Board.

The Staff Attorney stated that the Board of Commissioners should suspend their Rules of Procedure to vote by ballot. Motion was made by Vice Chairman Baucom that the Rules of Procedure be suspended to allow the Board to appoint members to the Union County Planning Board by written ballot. The motion passed unanimously.

The Commissioners cast and signed their written ballots as recorded below:

Chairman Kevin Pressley:	Buford	-	Russell Cox
	Goose Creek	-	Everette Medlin
	Jackson	-	Albert Starnes
	Lanes Creek	-	Dan Wooten
	Marshville	-	Andy Williams
	Monroe	-	Christa Boggs
	New Salem	-	Richard Simpson

Sandy Ridge - Don Kerr
Vance - Robert Allen
Alternate 1 - Charles Greene
Alternate 2 - William Bill McGuirt

Vice Chairman Baucom:

Buford - Russell Cox
Goose Creek - Everette Medlin
Jackson - Albert Starnes
Lanes Creek - Dan Wooten
Marshville - Andy Williams
Monroe - Christa Boggs
New Salem - Richard Simpson
Sandy Ridge - Don Kerr
Vance - Robert Allen

Alternate 1 - William McGuirt
Alternate 2 - Charles Greene

Commissioner Lane:

Buford - Left Blank
Goose Creek - Les Wandler
Jackson - Alan Kessie
Lanes Creek - Left Blank
Marshville - Andy Williams
Monroe - Left Blank
New Salem - Left Blank
Sandy Ridge - Tracy Kuehler
Vance - Carlos Santiago

Alternate 1 - T. Kuehler
Alternate 2 - Left Blank

Commissioner Mills:	Buford:	-	Russell Cox
	Goose Creek	-	Everette Medlin
	Jackson	-	Albert Starnes
	Lanes Creek	-	Dan Wooten
	Marshville	-	Andy Williams
	Monroe	-	Christa Boggs
	New Salem	-	Richard Simpson
	Sandy Ridge	-	Don Kerr
	Vance	-	Robert Allen
		Alternate 1	-
	Alternate 2	-	Charles Greene
Commissioner Openshaw:	Buford	-	Left Blank
	Goose Creek	-	Les Wadler
	Jackson	-	Alan Kessie
	Lanes Creek	-	Left Blank
	Marshville	-	Andy Williams
	Monroe	-	Donna Mills
	New Salem	-	Left Blank
	Sandy Ridge	-	Tracy Kuehler
	Vance	-	Louis J. Philippi
		Alternate 1	-
	Alternate 2	-	Tracy Keuhler

It was decided that while the ballots were being counted, that the Board would continue with its agenda.

INTERIM MANAGER'S COMMENT:

Richard Black, Interim County Manager, reported that Union County's Emergency Management graduated the County's first bi-lingual Community Emergency Management Team. The graduating team consisted of eleven of the county's Latino community that agreed to provide emergency services. He said that Emergency Management is also offering basic and advanced weather spotters' classes. He said these classes are taught by meteorologist and Emergency Management uses these spotters for early storm warnings. He said the classes are free.

The Interim Manager also announced that the Senior Games sponsored by Parks and Recreation begin tomorrow at 10:00 a.m.

Jeff Crook, Staff Attorney, asked for the privilege of making a few comments. The Chairman agreed for him to do so.

Mr. Crook thanked Shawna Collins for stepping up when she was needed to provide legal services to the Board of Adjustments. He thanked her for helping the county out in this situation.

COMMISSIONERS' COMMENTS:

Commissioner Openshaw stated that he was sorry to see politics in the Planning Board and in the Board of Adjustment. He said that in spite of three months of advertising, there were a number of townships without an applicant. Commissioner Openshaw said that was one of the limitations to that system.

He also thanked Jim King, Mark DeBasio, Liza Kravis, Lee Godwin, and Nathan Hopper for the work they did on the Union County Planning Board. He said they were very knowledgeable and in his opinion it was a shame to lose their experience.

Commissioner Openshaw said one thing Ms. Putnam mentioned in the Planning Retreat is that the County charges \$500 for a water tap but it costs the county \$1,500. He said he thought that should be amended. Commissioner Openshaw said he thought the Self-Help Program should also be amended. He said if the County could not afford to run water lines into the rural areas of the County, that the County should contribute toward water filtration systems to protect the citizens from the high arsenic levels.

Commissioner Openshaw also congratulated Unionville Elementary School and Central Academy for coming in first and second in the Odyssey of the Mind Competition. He said he thought there were 38 teams in the competition, and these schools will now be in the world competition which will be in Michigan. He said these teams need and deserve sponsors.

He said Marvin held its second annual horse event and sold several hundred tickets for this event.

Commissioner Openshaw also commented on a letter received from Susan Martino who was addressing that people were hunting too close to her property. He pointed out that the letter did not contain an address or phone number.

Commissioner Openshaw presented a picture of a manhole covered with several feet of water and reported that this was caused by a blockage in the Twelve-Mile Creek downstream. He said he was told that it is the County's responsibility to remove the trees from the creek, but that the county doesn't have the money. He said it is backing up too close to New Town Road and backing up and flooding the houses across from Weddington Optimist Park. He said this is an issue that the County needs to address.

Commissioner Mills commented that he thought Commissioner Openshaw was correct about the run-off as he discussed above. He said the County needs to have some storm water policies in place; it's going to get worse.

He said the he wanted to report there had been a great event on Thursday and a large amount of money was raised. He said any boy that wants to go to scout camp and doesn't have the finances to pay his way; the money raised will take care of these scholarships. He said it was great success and he looked forward to working with it in the future.

Commissioner Mills said that he looked forward to budget. He said it is going to take some time but he was up to the challenge.

Vice Chairman Baucom stated that on the applicants for the Board of Adjustment that he had read applicants from every township with the exception of one and that one would not have been an issue.

The Vice Chairman suggested that if citizens are interested in the alternative funding sources for Union County that could be granted by the State Legislature that the citizens should please contact Union County's legislators: Representative Blackwood, Representative Almond, Representative Gibson, and Senator Goodall. He explained these are the people who will be making the decision on whether or not Union County will have these options.

Commissioner Lane stated that he is still working on the financial disclosure form to go along with the Ethics Form and will present it soon.

He said he spent time this last Friday hauling equipment for the scouts that met on his back 10 acres. He said there were about 128 scouts plus adults. He said the excitement came when an ambulance came and took a scout leader to the hospital to get a kidney stone situation resolved. Commissioner Lane said at 3:30, the scout leader took a cab back to his farm so he could be with his scout troop. He said it seemed that all enjoyed this scouting experience

Commissioner Lane said he agreed with Commissioner Openshaw about the problems with flooding caused by development. He said he had a neighbor who cut down about eight acres of trees and, after a big rain, the runoff caused his pond to flood. He said he was thinking of raising the banks to preclude this from happening again.

Commissioner Lane said that it had been said that he treated Wingate and Marshville differently than he did Wesley Chapel on the ETJ request. He said he had researched it and actually the letter from Marshville Mayor Deese requesting to be on the agenda was unlike Wesley Chapel's request because it did not go through the formal process of putting a resolution to it. Thus, it didn't get on the agenda and besides Representative Gibson had already submitted his Bill for ETJ for Wingate and Marshville. He said he recalled talking with Mayor Deese in the bank of Marshville and telling him he was in favor of ETJ to close up its doughnut holes. Mayor Deese's next question was, "what are doughnut holes?" He said he explained the definition of doughnut holes. Commissioner Lane said he wanted to set it straight that he did not arbitrarily keep Marshville off the agenda, but the request was not a formal resolution that they presented. He said Wingate had not made a request.

The Chairman stated that the Stanly family had a tragic loss with the death of their daughter. He said that the County's hearts and prayers go out to them.

He said that his hair will start getting gray because his son got his driving permit today. He said he drove home with him and he did a great job.

The Chairman stated that he wanted to thank all the members of the Planning Board who served this past time not just a select few. He said the Board wants to go in a different way and that is the way it is turned out this time. He said the western part of the county has most of the population now but the future growth is now heading in the other direction.

Planning Board Announcement: The Chairman announced that the following persons were appointed to serve on the Union County Planning Board effective immediately:

- | | | | |
|------|----------------------|---|-----------------------------------|
| 1.) | Buford Township | - | Rusty Cox, three-year term |
| 2.) | Goose Creek Township | - | Everette Medlin, three-year term |
| 3.) | Jackson Township | - | Albert Starnes, one-year term |
| 4.) | Lanes Creek Township | - | Dan Wooten, two-year term |
| 5.) | Marshville Township | - | Andy Williams, three-year term |
| 6.) | Monroe Township | - | Christa Boggs, two-year term |
| 7.) | New Salem Township | - | Richard Simpson, one-year term |
| 8.) | Sandy Ridge Township | - | Don Kerr, one-year term |
| 9.) | Vance Township | - | Robert Allen, two-year term |
| 10.) | Alternate | - | Charles Green, two-year term |
| 11.) | Alternate | - | William McGuirt, three-year terms |

Vice Chairman Baucom moved to adjourn at 10:59 p.m. The motion passed unanimously.