

December 3, 2007

The Union County Board of Commissioners met in a regular meeting on Monday, December 3, 2007, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

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

ABSENT: None

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

OPENING OF MEETING:

Richard Black, Interim County Manager, convened the meeting and welcomed everyone present. He stated that he would preside over tonight's meeting until such time as the Chairman had been elected and had taken office.

a. Invocation

Reverend Scott Patterson offered the invocation.

b. Pledge of Allegiance

Matthew Delk, Assistant County Manager, led the audience and body in reciting the Pledge of Allegiance to the United States flag.

ELECTION OF OFFICERS:

a. Chairman

Mr. Black opened the floor for nominations for Chairman. He noted that the nominees would be voted on in the order in which the nominations were received.

Commissioner Pressley nominated Commissioner Baucom to serve as Chairman.

With there being no other nominations for Chairman, Commissioner Mills moved that the nominations be closed. The motion was passed unanimously.

Mr. Black called for a vote on the nomination of Commissioner Baucom for Chairman. Commissioner Baucom received the following votes: Commissioner Baucom, Commissioner Mills, and Commissioner Pressley voted in favor of the nomination. Commissioners Lane and Openshaw voted against the nomination.

Mr. Black announced that Commissioner Baucom had received a majority of the votes and was elected Chairman.

b. Vice Chairman

Mr. Black opened the floor for nominations for Vice Chairman.

Commissioner Mills nominated Commissioner Pressley to serve as Vice Chairman.

With there being no further nominations, Commissioner Baucom moved that the nominations for Vice Chairman be closed. The motion was passed unanimously.

Mr. Black called for a vote on the nomination of Commissioner Pressley to serve as Vice Chairman. Commissioner Pressley received the following votes: Commissioner Baucom, Commissioner Mills, and Commissioner Pressley voted in favor of the nomination. Commissioners Lane and Openshaw voted against the nomination.

Mr. Black announced that Commissioner Pressley had received a majority of the votes and was elected Vice Chairman.

OATHS OF OFFICE:

a. Chairman

Lynn West, Clerk to the Board of Commissioners, administered the following oath of Office for Chairman to Commissioner Baucom:

**OATH OF OFFICE
Chairman, Board of Commissioners**

I, Allan Baucom, do solemnly swear that I will support the Constitution of the United States; so help me, God.

I, Allan Baucom, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Allan Baucom, do swear that I will well and truly execute the duties of the office of Chairman of the Board of Commissioners for the County of Union according to the best of my skill and ability, according to law; so help me, God.

S/Allan Baucom, Chairman

b. Vice Chairman

Lynn West, Clerk to the Board of Commissioners, administered the following oath of Office for Vice Chairman to Commissioner Pressley.

OATH OF OFFICE
Vice Chairman, Board of Commissioners

I, Kevin Pressley, do solemnly swear that I will support the Constitution of the United States; so help me, God.

I, Kevin Pressley, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Kevin Pressley, do swear that I will well and truly execute the duties of the office of Vice Chairman of the Board of Commissioners for the County of Union according to the best of my skill and ability, according to law; so help me, God.

Kevin Pressley, Vice Chairman

Mr. Black relinquished the chair to Chairman Baucom. Chairman Baucom welcomed everyone.

At approximately 7:18 p.m., the Chairman called for a short recess in the meeting.

APPROVAL OF ELECTED OFFICIALS' BONDS:

At approximately 7:20 p.m., the Chairman reconvened the recessed meeting and stated the next item for consideration was bonds for elected officials.

Chairman Pressley moved approval of the following bond amounts for elected officials:

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| a. | Sheriff | \$ 5,000 |
| b. | Register of Deeds | \$ 25,000 |

The motion was passed unanimously.

APPROVAL OF EMPLOYEES' BONDS:

Commissioner Lane moved approval of the following bond amounts for employees:

- a. Finance Director \$ 60,000
- b. Tax Administrator \$ 60,000

The motion was passed unanimously.

SUSPENSION OF RULES OF PROCEDURE:

Chairman Baucom moved to suspend the Rules of Procedure of the Board of Commissioners to add an item to tonight's agenda to consider amending *Rule 11 of the Rules of Procedure*.

Commissioner Mills moved to suspend the Rules of Procedure of the Board of Commissioners.

Commissioner Openshaw questioned why the Board would address this issue at this time rather than during the additions and deletions to the agenda. Chairman Baucom responded that staff had advised him that this was the proper time to discuss the item. Mr. Crook confirmed the advice is as stated.

At the request of Commissioner Openshaw, Chairman Baucom stated that his request was to suspend the Rules of Procedure to amend Rule 11 of the Rules of Procedure to allow the Commissioners' Comments and Manager's Comments to take place after Informal Comments.

Commissioner Openshaw said that he had received a call from the Chairman this afternoon about the item. He said that the plus side of the request is that the Commissioners would present their comments immediately after the informal comments, and the minus side would be that the Commissioners would not have the opportunity to comment after what has occurred during the meeting.

Commissioner Openshaw offered a substitute motion to amend Rule 11 of the Rules of Procedure to allow Commissioners' Comments following the informal comments and at the end of the meeting.

Chairman Baucom called for a vote on the motion to suspend the Rules of Procedure. The motion was passed unanimously.

Commissioner Mills then moved to amend Rule 11 of the Rules of Procedure for tonight's meeting and future meeting by modifying the order of business such that the time for the Commissioners' Comments follows the Informal Comments and the time for the Manager's Comments follows the Commissioners' Comments and that the Rules of Procedure be revised to so reflect.

Commissioner Lane asked what was the rationale for changing the time of Commissioners' Comments.

Commissioner Mills responded that it had been his idea to amend the Rules of Procedure. He said that he had served as the school liaison last year and the School Board has its meetings structured where the School Board has its comments at the beginning of the meetings. He stated that he had thought it was a nice touch and started the meetings off well, and he thought that the Board of Commissioners should also consider having its comments at the beginning of the meetings as well.

Commissioner Lane stated that he did not personally like the Commissioners' Comments being at the beginning of the meeting because throughout the meeting, he sometimes notes comments that he could make at the end of the meeting. Therefore, he said that he could not support the motion.

Commissioner Openshaw repeated his substitute motion to amend Rule 11 of the Rules of Procedure to have Commissioners' Comments both at the beginning of the meeting following the informal comments and at the end of the meeting.

There was discussion as to the best placement of the Manager's Comments. Commissioner Openshaw stated he would like to see the agendas structured so that the issues that the public are most concerned about are taken care of first.

Commissioner Openshaw further amended his substitute motion to allow the Manager's Comments either at the beginning or end of the meeting, whichever would be the Manager's choice, and to not have his comments in both places.

Mr. Black stated that his preference would be to have his comments follow the Commissioners.

At the request of the Chairman, the Clerk repeated the substitute motion.

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

Mr. Black stated that he would prefer to have his comments at the end of the meeting.

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. Commissioners' Comments
5. Additions, Deletions, and Adoption of Agenda
6. Consent Agenda
7. Items of Business
8. Commissioners' Comments
9. Manager's Comments

INFORMAL COMMENTS:

Werner Thomisser, a resident of Weddington, wished everyone a happy holiday season. He expressed appreciation to the Board members for their service on the Board during 2007. He said that two weeks ago he addressed the Board concerning a way to avoid raising taxes as a quick fix to balancing the books. He said that he had stated that it was essential to manage and control future growth. Mr. Thomisser said that this had been the first part of the equation, and the second part of the equation is to manage future spending.

Further, he said that six months ago, he addressed the Board and was quoted saying “that when costs go up, you cut costs by eliminating programs you cannot afford.” He asked how many libraries are needed in a six mile radius and would a larger regional library strategically located better serve the four towns in question in western Union County. He said that it is distressing to read in the Waxhaw Exchange that a member of the Board has been quoted as saying “that he was opposed to the idea of a super regional library to save the County money.” He said that board member had continued on to say and agreed that it would be more expensive to build two libraries versus a super regional library. He said that that same board member was quoted as saying “that he saw a super regional [library] as being a white elephant.”

Mr. Thomisser said that he hoped that the Board would be good stewards of the taxpayers’ monies. He distributed information that he had received from the Mecklenburg County Library System. He pointed out that Mecklenburg County has six regional libraries. He said that he was at the south regional library on Highway 51 this afternoon at 4:30 p.m. and there were 120 cars in the parking lot, and he did not believe that was a white elephant.

Chairman Baucom recognized John Sullivan who had registered to speak during the Informal Comments. He pointed out that the hospital has items on the regular agenda and asked if Mr. Sullivan wished to address any comments during the Informal Comments. Mr. Sullivan indicated that he did not have any comments at this time.

The Chairman stated that this concluded the persons registered to address the Board during the Informal Comments tonight.

COMMISSIONERS’ COMMENTS:

Commissioner Lane deferred his comments until the end of the meeting.

Commissioner Openshaw said that he was the Board member to whom Mr. Thomisser was referring in his comments. He said that he had not been interviewed for his comments although his comments had been extensively referred to in the article. He said that

he did not believe that the quote regarding taxes was accurate, but explained that he is an advocate of regional libraries over the super regional libraries. He said that it was five communities that the library would serve which are approximately 17 to 18 miles apart. He said that he understands that a super regional library would cost less than two regionals, but the thrust of his argument is that he believes the municipalities should participate financially in the costs, either in the cost of constructing the libraries or in maintaining them. He stated that he had presented an approach of how that should happen. He said that libraries that are going to be built are not built just for this year or next year, and in fact would not be constructed this year or next year, but will be in place for 20, 30, or 40 years, and Union County will be significantly different then than it is now. Commissioner Openshaw said he did not believe that was comparing apples to apples, and it would be more expensive in the beginning, if the municipalities even chose to go along with this approach, but he thought it would be better in the long run to have the regional libraries than to have super regional libraries.

Commissioner Mills congratulated Modene Howie who was selected as “Women of the Year.” He said that she did an outstanding job with Operation Reach Out. He acknowledged Dr. Ed Bower who was selected as “Man of the Year.” He said that Dr. Bower had been very instrumental with Union Regional Hospital and was deserving of his honor.

He said that the Sugar Plum Bake Off would be held in December, and he annually serves as a judge for this event. He stated that all of the proceeds derived from the bake off go towards the Home Town Heroes. He also mentioned the Coat Drive sponsored by WIXE radio and invited anyone who had coats that they would like to donate to drop these off at WIXE radio or at any of his cleaners’ locations. He said that the Christmas Bureau would be distributing the coats to needy children.

He expressed appreciation to Reverend Patterson for offering the invocation tonight, and said that Reverend Sonny Rogers would be offering the invocation during the December 17th meeting of the Board. He invited other area pastors to make it known if they would like to offer the invocation at one of the Board’s future meetings.

Commissioner Mills offered congratulations to the Union County Animal Shelter for its first anniversary. He said that there had been a large crowd for the reception on Sunday afternoon.

Vice Chairman Pressley deferred his comments until the end of the meeting.

Chairman Baucom offered congratulations to Dr. Bill Stegall, Assistant Superintendent of the Union County Public Schools, who recently received an award from the Southwest Educational Alliance for 40 years of sustained and significant contributions to the education system of Union County.

He also offered congratulations to Allvac for an award which it recently received from the American Society of Metallurgy for 50 years of service to the industry of metal manufacturing. He said that Allvac is one of the County's largest employers. He said that Allvac not only does a great job as an employer but also as a contributor to the good of Union County.

Chairman Baucom thanked his fellow Board members for giving him the opportunity to serve the Board and the citizens of the County as Chairman of the Board of Commissioners. He said that unequivocally all five Commissioners take their jobs very seriously and while they do not always agree, they are not always supposed to. He said that they are to try and find the best possible resolve and solution for all issues, concerns, challenges, etc. for the good of the County. He said that he feels that Union County is in a better position today than it was six months ago, and it is making progress and moving forward. He stated that he believed in a business principle known as "CANEI" meaning Constant and Never Ending Improvements. He said that he has observed that this Board attempts to do that and he is proud to be serving with this Board. He stated that hopefully a year from now, it can be said that the County is better off then than it is now.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

Commissioner Openshaw asked to remove Item 8/1 - Minutes from the Consent Agenda to the Regular Agenda. He further asked to add an item to discuss removal of Option 18a from consideration as a route for the bypass and, secondly, to discuss the Board's understanding of how it interacts with the County's attorneys in terms of notifications of their actions in representing the County.

Chairman Baucom stated that the minutes from the Consent Agenda would become Item 8a on the Regular Agenda. He said that the addition of the item for discussion of removal of Option 18a from consideration as a route for the bypass would be come Item 13f on the regular agenda.

Commissioner Openshaw said that if the addition of the item to discuss removal of Option 18a from consideration as a route for the bypass was not a unanimous vote of the Board, he was willing to postpone the matter. He said he would prefer that the Board members feel prepared to discuss either of the two issues that he had asked to add to tonight's agenda, and, if not, he could make comments regarding these matters during his comments at the end of the meeting and the items could be addressed by the Board at a future meeting.

Mr. Crook advised the Chairman that the Board would need to vote individually on each of the items requested for addition to tonight's agenda if there could be a question about adding either one or both of the items. He suggested that the Board vote on adding each item individually.

Commissioner Pressley asked Commissioner Openshaw if he were asking for information tonight regarding the item on the Monroe Bypass. Commissioner Openshaw said that he would like to engage in conversation about the item and whether or not to defer action on it would be the choice of the Board.

Commissioner Openshaw moved to add an item to the agenda to discuss the potential of removing Option 18a in connection with the Monroe Bypass.

The motion was passed unanimously.

The Chairman stated that this item would be added to the agenda as Item 13f.

Commissioner Openshaw moved to add an item to discuss the Board's relationship with the County's attorneys in terms of how the Board would like to be notified of any actions that the attorneys might be pursuing on behalf of the Board. The motion was passed unanimously.

The Chairman stated that this item would become Item 13g to tonight's agenda.

With there being no further additions or deletions, Vice Chairman Pressley moved adoption of the agenda as modified. The motion was passed unanimously.

CONSENT AGENDA:

Commissioner Openshaw noted that a change needed to be made in the minutes of November 19, 2007, as noted by the Clerk.

Vice Chairman Pressley moved approval of the items listed on the Consent Agenda with the correction to the minutes of November 19, 2007, as noted by the Clerk. The motion was passed unanimously.

2.	Catawba River Board	Commissioner Mills Commissioner Lane
3.	Yadkin Pee Dee River Basin Committee	Commissioner Openshaw
4.	Centralina Council of Governments	Commissioner Openshaw
5.	Farmers Market	Chairman Baucom
6.	Fire Commission	Commissioner Mills
7.	Job Ready Partnership	Commissioner Lane
8.	Health Board	Vice Chairman Pressley
9.	L.E.P.C. (Local Emergency Planning Committee)	Commissioner Mills
10.	Library Board	Commissioner Openshaw
11.	MUMPO	Chairman Baucom Vice Chairman Pressley (Alternate)
12.	Parks & Recreation Advisory Committee	Commissioner Openshaw
13.	Partnership for Children	Commissioner Lane
14.	Piedmont Behavioral Healthcare	Vice Chairman Pressley
15.	School Liaison	Vice Chairman Pressley

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| 16. | U C Home and Community Care Block
Committee | Commissioner Openshaw |
| 17. | Carolinas Medical Center-Union Trustee Council | Chairman Baucom |
| 18. | Criminal Justice Partnership | Commissioner Lane |
| 19. | Juvenile Crime Prevention Council (JCPC) | Commissioner Lane |
| 20. | Transportation Advisory Board | Commissioner Lane |
| 21. | Rocky River RPO | Chairman Baucom
Vice Chairman Pressley (Alternate) |
| 22. | Centralina Economic Development Commission | Commissioner Openshaw |
| 23. | Indigent Healthcare Committee | Vice Chairman Pressley |

Following his recommendations for appointments to the Boards and Committees, Chairman Baucom entertained a motion for appointments. Commissioner Openshaw moved appointments to the Boards and Committees as proposed by the Chairman. The motion was passed unanimously.

CAROLINAS MEDICAL CENTER-UNION:

- a. Emergency Department Expansion and Renovation Project*
- b. Endoscopy Center Joint Venture Project*

Chairman Baucom recognized John Sullivan, Interim Chief Executive Officer, of Carolinas Medical Center-Union. Mr. Sullivan stated that he was before the Board for approval of two projects, as required in the lease agreement with the County, with both projects exceeding \$500,000 each.

Mr. Sullivan stated that he could explain each of the projects should the Board wish for him to do so.

The Chairman stated that the agenda package contained information regarding both projects.

Vice Chairman Pressley moved approval in block of the following projects in accordance with the hospital's lease agreement:

- a. Emergency Department Expansion and Renovation Project with the total project costs to be \$21,330,323 to be funded through bonds; and
- b. Endoscopy Center Joint Venture Project with CMC-Union's capital contribution of \$629,000 funded from the hospital's operations.

Commissioner Openshaw requested that Kai Nelson, the County's Finance Director, explain any ramifications that the County might experience in connection with the approval of these projects. Mr. Nelson responded that there would be no ramifications to the County's general fund. He confirmed that the hospital was before the Board for approval of these projects as a condition of the lease agreement, and it would assume all financial obligations of the projects.

Chairman Baucom asked Mr. Sullivan to share the size of the expansion of the emergency department. Mr. Sullivan stated that the present facility has approximately 11,500 square feet, and the expansion would increase the size of the present facility to approximately 29,000 square feet and from 19 treatment rooms to 34 treatment rooms. He stressed that the facility is in critical need of additional space. He said the normal expectation is for approximately 1500 visits per year, per treatment room, and Carolinas Medical Center - Union now has in excess of 2400 visits per treatment room, per year. He stated that the additional space is being built for future expansion as needed.

With there being no further discussion, the motion was passed unanimously.

Mr. Sullivan introduced other members of the hospital staff who were present: Ken Nanney, Staff Attorney, Denise White, Chief Nursing Executive, and Dave Anderson, Vice President for Administration.

Chairman Baucom expressed appreciation for the good work being done at the hospital for the citizens.

TAX ADMINISTRATOR – 2008 REAPPRAISAL:

a. Order Adopting Final Uniform Schedule of Values, Standards, and Rules for the 2008 General Reappraisal of Real Property as True Value

Chairman Baucom recognized John Petoskey, Tax Administrator, who explained that the items before the Board tonight represent the next steps in the 2008 Reappraisal process. He said the schedule of values had been presented to the Board at a previous meeting, a public hearing had been held on the schedule, and the necessary notices had been published within the required timeframes. He asked that the Board consider adoption of both the Order Adopting the Final Uniform Schedule of Values, Standards, and Rules for the 2008 General Reappraisal of Real Property at True Value and the Order Adopting Final Uniform Schedule of Values, Standards, and Rules for the 2008 General Reappraisal of Real Property at its Present Use Value.

Following the explanation, Commissioner Mills moved adoption of the following, and the motion was passed unanimously:

a. Order Adopting Final Uniform Schedule of Values, Standards, and Rules for the 2008 General Reappraisal of Real Property at True Value

**ORDER ADOPTING FINAL UNIFORM SCHEDULE OF VALUES, STANDARDS, AND RULES FOR THE 2008
GENERAL REAPPRAISAL
OF REAL PROPERTY AT TRUE VALUE**

WHEREAS, pursuant to G. S. §105-286, Union County will reappraise all real property in accordance with the provisions of G. S. §105-283 and G. S. §105-317; and

WHEREAS, pursuant to the provisions of G. S. §105-317, the Tax Administrator for Union County has submitted proposed uniform schedules of values, standards and rules to the Union County Board of Commissioners; and

WHEREAS, the Board has caused to be published in a newspaper having general circulation in Union County a notice stating that the proposed schedules, standards and rules have been submitted to the Board of Commissioners and indicating the time and place of a public hearing on the proposed schedules, standards, and rules; and

WHEREAS, a public hearing was held at the appointed time and place; and

WHEREAS, the Board of Commissioners approves the final schedules, standards, and rules, and desires to adopt them by order pursuant to the provisions of G. S. §105-317.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE UNION COUNTY BOARD OF COMMISSIONERS that the final uniform schedules of values, standards, and rules are hereby adopted and approved for use in appraising real property at its true value as of January 1, 2008. A notice of this Order shall be published once a week for four successive weeks in a newspaper having general circulation in Union County. The final schedules shall be available for public inspection at the office of the Tax Administrator, Room 1H3, Historic Courthouse, 300 North Main Street, Monroe, North Carolina.

This 3rd day of December, 2007.

b. Order Adopting Final Uniform Schedule of Values, Standards, and Rules for the 2008 General Reappraisal of Real Property at its Present Use Value

**ORDER ADOPTING FINAL UNIFORM SCHEDULE OF VALUES, STANDARDS, AND RULES FOR THE 2008
GENERAL REAPPRAISAL
OF REAL PROPERTY AT ITS PRESENT USE VALUE**

WHEREAS, pursuant to G. S. §105-286, Union County will reappraise all real property in accordance with the provisions of G. S. §105-283 and G. S. §105-317; and

WHEREAS, pursuant to the provisions of G. S. §105-317, the Tax Administrator for Union County has submitted proposed uniform schedules of values, standards and rules to the Union County Board of Commissioners; and

WHEREAS, the Board has caused to be published in a newspaper having general circulation in Union County a notice stating that the proposed schedules, standards and rules have been submitted to the Board of Commissioners and indicating the time and place of a public hearing on the proposed schedules, standards, and rules; and

WHEREAS, a public hearing was held at the appointed time and place; and

WHEREAS, the Board of Commissioners approves the final schedules, standards, and rules, and desires to adopt them by order pursuant to the provisions of G. S. §105-317.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE UNION COUNTY BOARD OF COMMISSIONERS that the final uniform schedules of values, standards, and rules are hereby adopted and approved for use in appraising real property at its present-use value as of January 1, 2008. A notice of this Order shall be published once a week for four successive weeks in a newspaper having general circulation in Union County. The final schedules shall be available for public inspection at the office of the Tax Administrator, Room 1H3, Historic Courthouse, 300 North Main Street, Monroe, North Carolina.

Commissioner Openshaw requested that he be provided a copy of the Schedule of Values. He said that he would like an opportunity to review them. Mr. Petoskey reminded the Board that copies of the schedules were on file in the Clerk to the Board's office and the Tax Administrator's Office. He stated that his office would provide copies to the Board members.

With there being no further discussion, the motion passed unanimously.

SET DATE TO RECEIVE AND REVIEW UNION COUNTY PUBLIC SCHOOLS' CAPITAL IMPROVEMENT PROGRAM 2008-2012:

Mr. Nelson stated that he expected the presentation and discussion regarding the Schools' Capital Improvement Program would take approximately two to two and one-half hours. He said that the Board has expressed a concern about having work sessions of this duration immediately preceding its regularly scheduled meetings. He stated that the staff would be delighted to present the Public Schools' CIP during a work session prior to a regular meeting or otherwise, and suggested that a morning or afternoon would need to be available for the purpose of the work session.

Chairman Baucom asked Mr. Nelson about the timeline for presenting this information to the Board. Mr. Nelson responded that based on his preliminary review of the schools' CIP and their timing and sequencing of projects, he did not believe an acceleration of the November 2008 bond referendum is required. He said if such acceleration was required in order to include the bond on the May 2008 ballot, those conversations would need to begin immediately. Mr. Nelson stated that he hoped that the work session could be held sometime in the month of December and short of that schedule, he would suggest very early in January.

Commissioner Mills suggested that the work session be held on the second Monday of the month rather than on a regular meeting date. Mr. Nelson stated the work session could take place in a morning or evening session or a session over an extended lunch or breakfast.

Commissioner Pressley questioned if it were possible for the work session to wait until January. Mr. Nelson said that he thought it probably could wait until January. Commissioner Pressley suggested that the Board delay action on this item tonight and consider it at the December 17, 2008, Board meeting. Chairman Baucom asked Mr. Nelson if the Board could set the date of the work session at the December 17th meeting which would give the Board members an opportunity to look at their calendars. Mr. Nelson agreed that would be acceptable to him.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Baucom announced vacancies on the following Boards and Committees as listed on the agenda:

- a. Juvenile Crime Prevention Council (JCPC):
 - 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two Persons under Age of 18; 4) Juvenile Defense Attorney; and 5) Member of the Business Community
- b. Adult Care Home Community Advisory Committee
- c. Farmers Market Committee (1 Member at Large)
- d. Union County Home and Community Care Block Grant Advisory Committee (4 Vacancies as of December 7)
- e. Nursing Home Advisory Committee

DISCUSSION OF BYPASS DESIGNATION OPTION 18A:

Commissioner Openshaw stated that he had the opportunity to review the proximity of Option 18a as a possible route for the Monroe Connector/Bypass to Stallings Elementary School. He said that proximity was one that he would expect to see in a major city and not in a community. He stated that if Option 18a is the route that is chosen, he would personally like for the Board of Commissioners to adopt a resolution discouraging Option 18a. He said that if the other Board members have not had an opportunity to review this option, that he would be willing to defer action on this item tonight until the next meeting or whenever the Board felt comfortable with taking action.

Commissioner Openshaw said that Option 18 had been modified. He said that he thought there had been approximately 1400 signatures opposing Option 18. It was discussed that 18 is still an option, but an alternate route has also been offered. Commissioner Openshaw suggested that perhaps the Board would need a special meeting to review the various options or that the Board members could review the options independently.

Commissioner Mills proposed that Commissioner Lane, who serves as a member of the Community Transportation Board, could gather information regarding the options and bring recommendations to the Board. It was pointed out that the Community Transportation Advisory Board is a totally separate board and deals with the Union County Senior Transportation.

Chairman Baucom suggested that a representative from the North Carolina Turnpike Authority be invited to make a presentation to the Board at a future meeting. Vice Chairman Pressley offered to contact the Turnpike Authority and make arrangements for a representative from the Authority to be available to brief the Board at a future meeting.

Vice Chairman Pressley stated that he understood that the Stallings Town Council had adopted a resolution against supporting the bypass. He said that he would like to have information from the Town Council on its position regarding the options.

RELATIONSHIP WITH ATTORNEYS:

Commissioner Openshaw stated that the Board had received in its package a letter from one of the County's attorneys regarding a motion filed on behalf of the County in the Wesley Chapel/ETJ matter. He said that he would have liked to have known about the motion prior to it being filed. He noted that the letter had been sent from the attorney on the day that the motion was filed. He said that he has since found out that the motion was filed without the consideration of a telephone call to the attorney for the Village of Wesley Chapel, which he thought would have been a common courtesy. Commissioner Openshaw shared that he had learned that at the same time the motion was filed on behalf of the County, another attorney had filed the same motion simultaneously on behalf of another client in the lawsuit. He said that he thought the Board should be advised on any updates as they occur in any lawsuit that the County is involved in.

Following his comments, Commissioner Openshaw moved to establish a policy that the attorneys representing Union County communicate with all members of the Board in total before taking any actions on behalf of the County.

Jeff Crook, Senior Staff Attorney, responded that the Board had been divided on the Wesley Chapel/ETJ matter. He stated that he did not represent the Board in this litigation but the County was very capably represented by Ligon Bundy. He pointed out for the Board's consideration, that when the Board takes a position and the County is sued, it is an attorney's duty to zealously represent the interests of the client and to pursue the desired outcome that the Board has directed. He said that the attorneys could provide the Board with updates as frequently as desired. He requested that the Board provide enough clarification so that he could inform other attorneys representing the County of what is expected of them so that the Board is not surprised by actions that are taken on behalf of the County.

Commissioner Openshaw stated that he did not want to receive letters for actions that have already occurred when a telephone call could be made to the Board members prior to the actions being taken. Mr. Crook explained that it is a natural progression of a lawsuit for these types of motions to be filed. He said that if it were the Board's desire to receive telephone calls prior to those motions being filed, he would pass that request on to the County's litigating attorneys or if the Board desired to meet and hold closed sessions on a more frequent basis, that could be done as well. He said that he wanted to be sure that the attorneys were consistent on the Board's expectations. Mr. Crook noted that the intent of the letter was to give the Board notification.

Commissioner Openshaw pointed out that the Board receives the agenda packages every two weeks, and the mail that is sent to the Board members is sometimes not received until the agenda packages are delivered, which could be two weeks later. He said that the public should know if it were going to send mail to the Commissioners, the mail could be sent to his home address. He said that he preferred to have his mail sent to him directly rather than to have it set in the office for a week or so. He stated that while the letter regarding the Wesley Chapel matter was dated November 27, he did not receive it until his agenda package was delivered on November 29.

Commissioner Openshaw reiterated his request to be notified of any actions taken by the attorneys on behalf of the County. Mr. Crook stated that Mr. Bundy had called him last week and asked him to review the motion that he was filing in the matter. He said at that time Mr. Bundy was concerned that he did not want the Board to be surprised by reading about the filing of the motion in the newspaper. Mr. Crook said that he had thought sending a letter to the Board was appropriate. He stated again that he wanted to be very clear about the Board's expectations as to these types of motions. He stated that it was certainly not the attorneys' desire for the Board to be surprised by actions that might be taken on behalf of the County in pending cases. He asked that Commissioner Openshaw clarify when he expected to receive notification of actions taken by the attorneys on behalf of the County.

Commissioner Openshaw emphatically stated before any motion is filed spending County money, he would like to receive a telephone call from the attorney filing the motion explaining what actions are being taking.

Vice Chairman Pressley said that this was an issue of which he could see both sides. He stated that he understood that there are times when the attorneys need to go ahead and file motions in cases. He suggested that perhaps the attorneys could send faxes to apprise the Board of actions that they might be taking.

Commissioner Mills said that he did not believe a decision had to be reached tonight and suggested that the Board talk with the attorneys about this matter. He asked if Commissioner Openshaw were referring to work being done by John Burns or Ligon Bundy. Commissioner Openshaw said that he was referring to any actions taking place representing the Board, he wanted to be informed on the procedures that are being implemented. He stressed that he was not suggesting that the attorneys call him seeking his approval of the action, because the approval would come from the majority of the Board. He said that he just wanted to be able to understand what actions are being taken, and he believed that Union County should go out of its way to react in a positive way with everyone who it interacts with in the community.

Commissioner Mills questioned if Commissioner Openshaw was excluding actions by the attorneys representing Social Services and the Sheriff's Office. Commissioner Openshaw said that there are a number of actions that have been taken by this Board that have led to legal actions of which he would like to be kept abreast.

Chairman Baucom asked if instead of a policy, is Commissioner Openshaw requesting notice of action by the attorneys that would be more immediate than the mail. Commissioner Lane interjected that he believed notification by fax would be sufficient. Commissioner Openshaw agreed that a fax notification would be a good start, and suggested that if Board members had questions regarding the fax, then that Board member could follow up with the attorneys for more information. Chairman Baucom asked Mr. Crook if he thought Commissioner Openshaw's proposal would be workable from the attorneys' standpoint.

Mr. Crook responded that he hesitated to speak on behalf of Mr. Bundy and Mr. Burns. He stressed that it was his desire as well as any other attorneys' desire, that the client is always informed. He said that he was sure that Mr. Burns and Mr. Bundy would do their very best to keep the Board informed and if that included a fax or an e-mail prior to the action being taken, he was sure that they would do their best to comply with the request.

Chairman Baucom asked if it would be acceptable to Commissioner Openshaw for Mr. Crook to talk with the Board's attorneys and come back at the December 17th meeting with findings from his discussion. Mr. Crook said that he thought it would be appropriate for the Board to hear from Mr. Bundy and Mr. Burns. He said that he understood the concerns of Commissioner Openshaw and the Board, and he would certainly make sure that those concerns were understood by Mr. Burns and Mr. Bundy.

Chairman Baucom said that he too understood Commissioner Openshaw's concerns for the immediacy for notification for the Board, but he also had some reluctance about establishing a stringent policy. He said he did not want to ham string the attorneys if there were procedural actions that they needed to take immediately.

Commissioner Openshaw said that he was sure that Mr. Burns and Mr. Bundy would be contacting him regarding this matter.

PROPOSED TOUR OF THE COUNTY:

Chairman Baucom proposed scheduling a tour of the County. He said that his first thought had been for the tour to be designed for the Commissioners and the Public Works Advisory Board members; however, he said that after further reflection, he thought there were other committees, i.e., the Planning Board and the Board of Adjustment that might want to participate. It was suggested that a bus be arranged for the tour. He said that he thought a tour would be beneficial to everyone including the citizens to have Commissioners and committee members who have knowledge of the entire county. He asked Jeff Crook, Senior Staff Attorney, what steps needed to be taken to schedule such a tour.

Mr. Crook responded that a tour of this kind would be a first for Union County, but he assured that the staff would try to find a way to work it out. He stated that the only concern he would have would be compliance with the Open Meetings Law. He said that the tour would need to be open to the press as well as anyone else who wanted to attend. He stated that he would be glad to look into the matter for the Board.

Commissioner Mills said that the Public Works Advisory Board had discussed several lift stations at one of the recent advisory board meetings. He suggested that the tour include Crooked Creek, Twelve-Mile Creek, and Six Mile Creek to visit the lift stations in these areas. He said that he thought a tour of these areas would be very beneficial to him.

The Chairman stated that it might be necessary to have separate tours, one for the Public Works Advisory Committee to look at the pump stations and the sewer aspects, and another tour of other areas of the County.

Secondly, Chairman Baucom said that he would like to have information sent to Commissioners and anyone else who wanted to receive it reporting the workings of the staff during the week. He suggested that the format for the weekly information be designed as a one or two page bullet report showing occurrences and actions.

Richard Black, Interim County Manager, responded that the staff would provide this information.

Chairman Baucom said that he recalled that Mr. Delk, the Assistant County Manager, was experienced in preparing these types of reports for the Board.

COMMISSIONERS' COMMENTS:

Commissioner Lane stated that he had received a call from a gentleman who was concerned about the transport of cadavers for autopsies that are transported by regulation in \$85 body bags. He said that he thought the cost of transport is \$90 and after the transporters pay for the gasoline and the people running the transport, they are actually giving money to the County. He stated that it was his understanding that the cost of transporting the cadavers was absorbed by CMC-Union before the responsibility of payment had come to the County.

Commissioner Lane said that the Town of Wingate has done an admirable job with its community center and recreational area which was dedicated on Sunday afternoon. He stated it was a very nice facility.

He offered congratulations to Monroe High School for its recognition by U.S. News and World Report as one of the top 300 schools in the nation. He said that one of the things he had noted as being most impressive was that it had been quoted that "the best measure of a school is how much progress all students make in a year" not just the top students or the bottom students.

Commissioner Lane shared that he serves on the Union County Criminal Justice Partnership Board. He said this program tries to maintain an average caseload of 10 to 15 offenders, but there are problems with judges not assigning the cases so they can receive the required counseling to help them get off drugs. He stated that many of the problems addressed by this program are related to drug use. He said that the Criminal Justice Partnership Program is a very worthwhile organization.

Lastly, he said that because of the County's growth, he also supports two regional libraries in lieu of a super regional library. He said he believes within 30 years or so the County will have two super regional libraries where the regional libraries are now being placed. He said that the County needs to plan ahead and not just plan for the immediate future.

Commissioner Openshaw said that he also attended the ribbon cutting for Wingate's community center, and he was very impressed with the Town's recreational park. He stated that he thought one of the best programs that the County has is the matching grant program through the Parks and Recreation Department for athletic associations in the area.

He shared that he had attended the one-year celebration of the new animal shelter. He said that there was a slow but steady progress being made on the spay and neuter clinic.

He said that he had also attended a benefit yesterday for the St. Jude's Children's Hospital at Cedar Hill Farm in Marvin. He stated that he understood that they had raised over \$12,000 from the riding community and others in attendance. He said that it had been a very nice event.

Commissioner Openshaw said that it was the one-year anniversary of this Board's taking office, and said he would love to be able to say that a majority of the Board has consistently exercised good judgment in its decision making, but he felt that the Board had done little to rectify the causes of rising taxes. He stated that from the first meeting of this Board, where a majority set a precedent of using the rationale of townships as a blatant political ploy to remove the majority of the best Planning Board that this county has ever seen, but yet did not extend the same rationale to the Board of Adjustment when given the opportunity, to the extension of the \$3.1 million for the long-term contract for the Partnership for Progress with no performance criteria to exhibiting the willingness to blithe the expense of an additional \$1.3 million to make a tough decision go away on an arbitrary site for a water tower, this Board has perpetuated a failed system that will continue to harm the taxpayers of Union County for years to come for the benefit of a select few. He said that while there have been some redeeming moments where the Board has started to address some of the flaws in the system, and cited as an example of Chairman Baucom and Vice Chairman Pressley going to Anson County and hopefully securing some water. He described that action as a great move by Chairman Baucom and Vice Chairman Pressley, but added getting more water has to be just a part of the planning for the County's future, which will allow Union County to grow and prosper while moving the costs to those who profit from the shoulders of the citizens. Commissioner Openshaw commented that more water is not a long-term solution to the problems of growth. He said that conservation of the resources is a step in the right direction, such as reusing water and making wise decisions on how the potable water is used and who gets the water first, the residents or those seeking profit from it. He said that the costs of roads need to be shifted to those who will profit from the roads, which are the developers of the projects. He stated that

the parks and recreation's master plan needs to be funded and implemented and to do things for the citizens of Union County and not stick the costs to the citizens of Union County. He said that is the challenge to the new Chair of the Board seeking legitimate solutions that benefit all of the residents of Union County openly through Board deliberations and fiscal accountability.

He expressed appreciation to the citizens who voted for him, and he said that he validated their vote and confidence expressed in him. He said that while the Board had its differences, it is a pleasure to serve on the Board.

Commissioner Mills responded to Commissioner Openshaw's comments by stating that he tended to pick and choose and to criticize a lot and to use the Commissioners' Comments as a bully pulpit. Commissioner Mills stated that, as a Commissioner, he tried to take the higher road and solve problems rather than trying to create more tension among the Board members. He stated that Commissioner Openshaw had failed to mention in his comments a sewer contract issued to Centex for 504 permits which did not go through Public Works. He stated that he would love to see the Board work more closely together in the new year instead of using the Commissioners' Comments portion of the meeting to criticize what has taken place.

Vice Chairman Pressley also responded to Commissioner Openshaw's comments stating that his comments were the same as last year's with all criticism and no solutions. He said that the Board would make the decisions that maybe are not the most popular at times. He said that he, himself, was going to do what he believed was right regardless of who likes it or not. He stated that he believed that the majority of the people who voted are glad for what the Board has done this past year. He said that as he served the last year as Chairman, the Board had a lot of bad hands to deal with, and he believes that a lot of issues have been straightened out. He said that he thought leadership was not about criticism but trying to find solutions.

Vice Chairman Pressley said one issue that the Board has received some criticism about is the regulation of wells. He stated that the Board had passed a resolution at the last meeting regarding regulation of wells with the intent of the resolution not being to regulate residents who now have wells. He said that the rationale behind the resolution had been that 212 well permits have been issued since July 31 with 109 of those permits being issued for irrigation wells only. He explained that these were customers of Union County water looking for alternative ways to irrigate. He stressed that the rationale had not been to try and tell the residents who have wells what they can do with their wells, but it was hoped to discourage residents who do not need water for their drinking supply from digging wells for irrigation purposes which could possibly harm the water table.

He said that he hoped everyone had enjoyed a good Thanksgiving and expressed appreciation for votes of support during his term as Chairman. He said that he would try and do a good job as Vice Chairman. He expressed appreciation to the staff over the last year for its help.

Chairman Baucom also expressed appreciation for the votes of support he had received tonight for Chairman. He said that the Board was going to continue to move forward. He thanked Vice Chairman Pressley for his leadership as Chairman last year.

He stated that he had been in a meeting with Congressman Robin Hayes today where Congressman Hayes had made the comment to forget the happy holidays greeting, but it was “Merry Christmas.” He wished everyone a “Merry Christmas.”

MANAGER’S COMMENTS:

Richard Black, Interim County Manager, stated that at the last meeting he had mentioned that the Planning Board and the Land Use Steering Committee would be holding a public input session on December 10 at the Agri Services Center. He said that meeting has been postponed until January, and he will be sharing the new meeting date as soon as it has been confirmed.

Mr. Black pointed out several projects that have been completed over the past year which shows some of the progress the County has made:

1. The Public Library System began offering free wireless Internet service for patrons at the Monroe, Union West, Waxhaw and Edwards’ Memorial Libraries.
2. The Soccer Complex at Jesse Helms Park on Summerlin Dairy Road has completed the restrooms, the concession stands, playgrounds, trails, workout station, and picnic areas and depending on the growing time for the grass and, hopefully, a lot more rain, it is hoped that the facility will be opened in the fall of 2008 for soccer.
3. Union County Public Works has replaced conventional water meters with automated meters that send and receive information electronically and allows Public Works to read the meters more efficiently.
4. Sheriff’s Office introduced Project LifeSaver which is a program that utilizes state-of-the-art technology to help locate and return wandering adults and children to their families and caregivers.

5. Emergency Management graduated its first bi-lingual class of the Community Emergency Response Team.
6. Union County launched its first governmental channel, UCTV Channel 16 on TimeWarner which provides citizens information about Union County government, its services, and policies.

With there being no other items for discussion, at approximately 8:50 p.m., Vice Chairman Pressley moved to adjourn the regular meeting. The motion was passed unanimously.