

Union County Board of Commissioners
Minutes of the Meeting of Tuesday, January 18, 2011

The Union County Board of Commissioners met in regular meeting on Tuesday, January 18, 2011, 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 Jerry Simpson, Vice Chairman Todd Johnson, Commissioner Jonathan Thomas, Commissioner Tracy Kuehler, and Commissioner Kim Rogers

ABSENT: None

ALSO PRESENT: County Manager Cindy Coto; Lynn G. West, Clerk to the Board; Wes Baker, Assistant County Manager; Jeff Crook, Senior Staff Attorney; Ligon Bundy, County Attorney; David Cannon, Finance Director; members of the press and interested citizens

The Chairman convened the meeting and welcomed everyone. He explained that the Board met in a closed session earlier and expressed appreciation for everyone's patience with the delay in convening the regular meeting.

INVOCATION: Chairman Simpson recognized Reverend Rick Truesdale, Pastor of Faith Community Church in Waxhaw, who presented the invocation.

PLEDGE OF ALLEGIANCE: At the request of the Chair, Kelsey Drake, President of the Rocky River FFA Federation, led the Commissioners and attendees in reciting the Pledge of Allegiance.

Chairman Simpson moved to suspend the Rules of Procedure to allow for two introductions. The motion passed unanimously.

Chairman Simpson next moved to add agenda items d and e to the first item to allow for the introductions of the District Attorney and the newly hired Communications Director. The motion passed unanimously.

The Chairman explained the next item is recognition of employees who have served Union County for five, ten, fifteen, twenty and twenty-years in increments of five years. He recognized the recipients of the Service Awards for the month of January 2011 as follows:

5 Years of Service:

Ronald Cox	Cooperative Extension
Travis O’Leary	Public Works
Allan Nolan	Sheriff’s Office
Helen Pittman	Sheriff’s Office
Arthur Wallace	Sheriff’s Office
Stacey Lisenby	Social Services
Stevie Phillips	Transportation and Nutrition

10 Years of Service:

Richard Black	Planning
Michael Eudy	Public Works
Robin Porter	Public Works
Aaron Partridge	Sheriff’s Office

15 Years of Service:

Kevin Benton	Sheriff’s office
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20 Years of Service:

Deanette Mills	Health Department
Stephanie Leach	Social Services
Denise Austin	Tax Assessor

The Chairman recognized the County Manager who introduced Larry Brinker who completed his first day of work today as the Union County 911 Emergency Communications’ Director. Mrs. Coto stated that Mr. Brinker came from Indiana where he served for 20 years with the Plainfield Police Department and the last three plus years served as its Emergency Communications Director. She noted that his department in Indiana served 23 agencies including EMS, law enforcement and fire. She said the County is looking for

a long tenure with Mr. Brinker because of his knowledge and experience to improve the already excellent working relationship that Union County has with the many agencies that the county serves.

Mr. Brinker thanked the Board and the County Manager for this opportunity and stated that tonight he had been fortunate to meet with many of the individuals that his department serves.

The Chairman explained that Union County has a new District Attorney and recognized County Attorney Ligon Bundy to make the introduction.

Mr. Bundy introduced to the Board and to the public Trey Robinson who was recently appointed by Governor Beth Purdue to serve as the District Attorney for Union County. He stated that Mr. Robinson is a resident of Union County and from personal experience he would state that Mr. Robinson is an excellent trial lawyer and a natural born prosecutor.

Mr. Robinson thanked the Board for the introduction and stated that the door to his office is open and assured that he would listen and be responsive. He thanked the Board for its past support of the District Attorney's office when State reductions caused problems for that agency.

INFORMAL COMMENTS:

The Chairman stated there have been approximately 30 people who have registered to speak tonight. He reminded them of the rules and the time limit of three minutes per person.

The first speaker introduced himself as Bob Stack, 1719 Walden Pond Lane. He said he has been a proud resident of Union County for 17 years and lived in North Carolina for 28 years. Mr. Stack said he was supported here tonight by residents of eight other neighborhoods who some consider to be the west side of Union County. He said this issue is not a Walden Pond issue but is an issue of right and wrong. He supported the resolution to band forced annexation in North Carolina. He noted that North Carolina is only one of four states that allows forced annexation. Mr. Stack said the law requires that an area must be in need of meaningful and significant services and that the City must be in a position to provide said services before an area is annexed. He pointed out that in North Carolina municipalities are stretching, abusing, and violating the annexation statutes. He stated that the Village of Marvin is a perfect example of the abuse of State Statutes. Mr. Stack pointed out that the Village of Marvin does not have any public works and provides no water or sewer; Marvin does not maintain roads, street lights, street signs, no fire, police, or rescue services, no post

office, no library, trash collection or animal control. Mr. Stack said that renting a County's Sheriff's deputy 40 hours per week and providing administrative/planning services is not conferring significant benefits for the annexed property owners. He said the shadow services are a duplicate of what is obtained through Union County and its taxes. Mr. Stack asked why anyone would want to pay for the same services twice. He stressed that the annexation law is being abused by government officials.

Mr. Charles LeDoyen introduced himself as a resident of 9601 New Town Road who also addressed the issue of annexation. He said he had lived there for 15 years and owns 71 acres in the midst of the developments. Mr. LeDoyen said that he looked forward to receiving more services for his property in the future but that the forced annexation of Marvin does not provide him or his family with any additional services nor does it provide services to the other residents with whom he keeps in contact with. He voiced his opposition to forced annexation.

Ms. Catherine Heath, 7024 Robbie Drive, Raleigh, NC, stated she lives in unincorporated Wake County. She said she drove to the meeting tonight because she is the Director of STOP NC ANNEXATION and for the last eight to ten years has been monitoring what is going on across the state with the issues of forced annexation. She said she came tonight to thank the Board of Commissioners for considering this very-needed resolution and agreed that the Legislators need to hear the voice of the Board of Commissioners directly setting forth how it feels about forced annexation. She further stated that the laws need to be changed because there are many problems with the existing legislation. Ms. Heath stressed that the proposed resolution is the right thing to do and thanked the Commissioners for considering the resolution.

Ms. Carole Lewis gave her address as 8428 Cheverny Drive, which is located within a subdivision near Marvin, and is within the area that is being considered for forced annexation. Ms. Lewis reported that she is representing 44 homeowners in Dreyton Hall Estates. She said that it is her belief and the belief of those persons she is representing that forced annexation violates their Constitutional rights. Ms. Lewis assured that they are all law-abiding citizens and taxpayers and resent being placed in a position to have to fight for what is ethically and morally correct. She asked what could be fair about enforcing additional tax without offering any enhanced services. She reiterated that they oppose the forced annexation.

Mr. Phil Yollins, 1608 Seagle Slew Court, stated that his thoughts have already been expressed.

Ms. Maggie Blutriet, 3604 Old Monroe-Marshville Road, stated that she had lived in this area for the last 31 years or so and loves living in Union County. Ms. Blutriet said she is a professional dog trainer and animal behaviorist and wanted to speak about the Animal Care Committee. She said that she travels to the local shelter, when called, to do public education programs for the children

who are usually Scouts. She said as a grandmother and as a dog owner it is near and dear to her heart on how to keep children safe around dogs. She explained that she shows the children videos and then walks them around the shelter. Ms. Blutrriet said the Animal Care Committee could provide a nice overview of how the situation stands and assured that it would never hurt anybody to have such an overview with statistical information setting forth perhaps some areas of improvements. She said she submitted an application to serve on that committee but had not heard from anyone. Mrs. Blutrriet reported that she had served on a similar committee in Mecklenburg County, Community Animal Management Program, and gave a few details of the operation of that committee. She said she was not sure that now is the correct time to appoint this committee when emotions are so high but that she did think now might be time to gather statistical information so that in the future the Commissioners could assess the information.

Nancy Anderson, Mayor of Weddington, stated that she too is a large landowner and thanked the Board for the opportunity to speak on the involuntary annexation issue. She said she was fundamentally against involuntary annexation and, in fact, cast the deciding vote against the last annexation in Weddington much to the chagrin of some of the council members, but said that she was even more against ETJ (Extraterritorial Jurisdiction), which in her opinion is much worse. She noted that with involuntary annexation the new residents have an opportunity to vote and can throw the incumbents out at the election following the forced annexation. She stated, however, with ETJ, the municipality has jurisdiction and can impose their zoning and those involved have no voice in the process. Mayor Anderson said there is another issue that she wants to be considered. She said as a Mayor she would ask that the borders of some of the municipalities that have been allowed to incorporate be adjusted. She said there are some town borders that look like paint splatters on the sidewalk. Mayor Anderson stated there is no way that these municipalities can have any kind of comprehensive land use plan; fire districts, or police department. She said that perhaps in a couple decades, after it is all built out, Wesley Chapel and Weddington may want to combine some of their services and have a police department. She said that if the County had borders as do some of the municipalities, the Commissioners would be unable to manage the County. Mayor Anderson asked that before doing this “stop all involuntary annexation” to find a way to get the borders of the municipalities back in shape. She said that boundaries of Weddington, Unionville, and Fairview are in good shape but not Waxhaw, Indian Trail, and Wesley Chapel.

In closing, Mayor Anderson added her support for the reappointments of Starr Shaffer and Karen Bowman to the Library Board.

The Chair next recognized Debbie Winchester who stated she had lived in Union County since 1987 and currently resides at 3121 Dove Point Drive. She stated that in the spring of 1990 she had her first exposure to animal care and control in Union County, which led to her involvement in the Humane Society of Union County. She gave her history of involvement with the Humane Society. She said that during that time she received a lot of education about the management of animals and for that reason she

believes there is considerable room for improvement in that area in this County so that people and animals could co-exist harmoniously. She voiced her support of an Animal Care Committee comprised of knowledgeable individuals who can make suggestions for possible improvements without additional cost to the taxpayers of Union County.

The next person to speak was Sue Ratliff, 1428 Crescent Street, Monroe. Ms. Ratliff stated her reason for speaking tonight was to specifically request that the Board of Commissioners vote to have an Animal Care Committee. She said she has been involved with the Humane Society of Union County for many years and has served on its board and as its President for the last five years. She said she had lived in Union County since birth and because of where her relatives live in the County is familiar with what happens from one side of the County to the other. She said that there are a large number of dogs and cats dropped off in the rural area of Union County. Mrs. Ratliff said that she is saddened by the number of chained dogs, both in the city and in the County, and reported that chaining a dog is considered to be animal cruelty by the Humane Society of the United States. She asked why that terrible method of harboring dogs is still allowed in Union County. She addressed the negative effects of it being permitted.

Marcie South stated she serves on the Humane Society but her comments have been expressed and would pass on the opportunity to address the Board.

Ms. Kimberly Stronzek, 3113 Nebulis Drive, Waxhaw, thanked the Board for giving her an opportunity to address the issues of animal care safety and responsibility. She said that since moving to Waxhaw she has found it extremely disturbing to see the lack of animal care and stated that to her it is a responsibility and common sense to have animal laws in place for a safe community. Ms. Stronzek stressed that people need to be responsible for their pets and there should be laws that dogs must be contained within one's own property and walked on a leash in public. She said she no longer has the enjoyment of taking her dogs for a walk on their leashes due to the high number of stray dogs that roam the community. Ms. Stronzek said this was for her safety as well as for the safety of her dogs because she does not know if these stray dogs are aggressive. She stressed that in her opinion Union County is in desperate need of the Animal Care Committee and the organization of such would be a step in the right direction for the County to become a more involved, responsible and civilized community. Ms. Stronzek said it goes far beyond people and individuals who are animal activists; it is about the safety and well being of the residents, especially in light of the tragic situation that transpired last week in Waxhaw of an innocent life lost. She urged the Board to appoint an Animal Care Committee.

Krystin Petrilli introduced herself and gave her address as 4904 Trinity Trace Lane and stated that she moved to Union County in 2007 from Orange County, Florida. She said that moving to North Carolina felt a little like taking a step back in time when it involves animal control and the way animals are managed here. Ms. Petrilli said she had never lived in an area that didn't have a

leash law and had such a few animal protection laws as there are in Union County. She said that she lived in a neighborhood in Wesley Chapel and since being here has had more encounters with unrestrained dogs and trespassing dogs than during the 14 years that she lived in Florida. She said in December 2007 she was in her neighborhood with her then 29-month old son and seven-month old daughter and both were sitting in little ride-on push cars while she was walking her dog. She reported that from out of nowhere another dog came and started attacking her dog. She said her dog ran to her for protection and the other dog viciously pursued him and was just inches away from biting her daughter. She said the dog was not going for her daughter, but for her dog but almost got her daughter. Ms. Petrilli said it took her screaming and yelling at the dog and physically putting herself in front of the dog and kicking it in the head to get it to stop attacking her dog. She said her dog was hurt with three large gashes on its side and leg, six puncture wounds to its body and had a toenail ripped off. She said she had to spend the next two hours in the Veterinarian's office and had a \$240 bill to take care of not to mention two weeks of follow-up care and antibiotics. She said when she called animal control to report the incident, she was told because there is no leash law there is nothing that could be done about it. She said she has a fence around her property but has still had three different dogs inside the fence because she has the four-inch slats and any dog smaller than four inches can get into the yard. Ms. Petrilli said that thankfully no one has been hurt. She said that this past spring she had three large dogs on her front porch and when she came out two of the dogs ran off but one dog stayed. She said he had a collar but no tag and, after calling Animal Control, she was told there was nothing that could be done and that she would have to release the dog. She urged that the Animal Committee be organized to get the rules and laws needed in Union County.

Ms. Cindy Poppino, 400 Weddington Road, Weddington, stated she had lived there for a little over 20 years and encouraged the Commissioners to appoint the Animal Care Committee. She said she thought such a committee was long overdue. Ms. Poppino stated that she could not see a reason for any opposition and encouraged that the citizens be given an opportunity for an open dialogue. She explained that she volunteers with the Humane Society and is a past president and while serving in that capacity received many complaints from residents concerned that the free-roaming animals may not have had their rabies vaccinations or that they may injure animals or children. Ms. Poppino said that citizens often call the Humane Society for things that they do not have power or authority to do because they get disappointed when they are told by Animal Control that they cannot do anything. She said that when animal control was under the Health Department she believed that they did pick up free-roaming or stray animals and now it has evolved to where they said the no leash law equals to there being no stray animals. She said she did not believe that the people of Union County agree with that interpretation whether they live on the east or west side of the County.

Curtis Blackwood, 1401 Hawkstone Drive, stated he moved to Union County in 1973 and spoke in support of the resolution concerning involuntary annexation. He said that he was one of the people who was affected by Weddington straightening out its line, and he now pays more for no more services. He said he thought government should serve the people and the people should have an

opportunity to vote instead of being forced by a government entity. He encouraged and requested the Commissioners to support the resolution to stop involuntary annexation. Mr. Blackwood noted that there are only about four states that allow this type of annexation.

Ms. Pat Shannon, 2909 Accrilla Lane, Monroe, stated she has been involved in animal rescue for years—sometimes as part of a group and currently independent. She said that she had reviewed the County’s reports submitted to the State from the years 2001 through 2009. She said that these statistics were divided into two groups – the old shelter (2004, 2005, and 2006) and the new shelter (2007, 2008, and 2009). She said that when looking at the County’s own numbers, it is very enlightening. Ms. Shannon said the average percentage of dogs and cats adopted at the old shelter when it was at Goldmine Road was 13.93 percent and at the new shelter the adoption rate dropped to 12.43 percent. She said the average number of dogs and cats returned to their owners when they were at the old shelter was 7.53 percent, and at the new shelter, it was 4.87 percent. She noted that the average percent of pets euthanized at the old shelter was 78.17 percent and at the new shelter that percentage was 79.43 percent. She stated the budget at the old shelter was in the high \$400,000 range per year and at the new shelter is now over one million dollars. She said there was an increase in personnel and the taxpayers are not seeing the expected results. She said that over twice the amount of taxpayer money is being spent but more pets are being killed and fewer pets are being returned to their owners. She said the statistics do not make any sense so she had a thought – the county could put two metal buildings on the old Goldmine Road site and convert the building at the jail site into a jail facility. She said the Animal Shelter could be under its own department and the Animal Care Committee could be used to transition over and get the shelter back to the location on Goldmine Road where the numbers were better because the facility is more centrally located.

At 7:45, the Chairman called for a five-minute recess.

At 7:50, Chairman Simpson reconvened the meeting.

Chairman Simpson recognized Tammy Scoggins who declined to comment saying she thought her concerns about the Animal Care Committee had been expressed.

The next speaker introduced was Judith Coates. Mrs. Coates gave her address at 2209 Green View Drive in Waxhaw and stated she had been a resident of North Carolina for six years. She said she had experienced a trying day because she had to euthanize one of her older dogs. Mrs. Coates said she has been a responsible dog owner for 44 years and a member of several dog breeder clubs. She said she thought one of the real problems in Union County was there are not enough responsible dog owners and that there are

laws within some towns and not within others and perhaps there should be a leash law in Union County. She said that just as adults who host parties for youngsters where alcohol is served must be responsible so should dog owners if their dogs do not behave. She expressed concern about how appointments would be made to an Animal Care Committee and who would serve on that committee. Further, she said she was concerned about possible creation of a breed specific law. She stressed it is not the breed of dog, but it is the deed that causes problems. She asked if the Board chooses to establish an Animal Care Committee that it carefully consider the appointments such as animal trainers and people with knowledge of animals.

Richard Coates, 2209 Green View Drive, Waxhaw, agreed with his wife that any laws on the books must be made to work and there must be people to administer that law. He said no law is going to work unless there is somebody to back it up. He said this is essential and will not happen by osmosis or debate. Mr. Coates said there must be fair, logical thinking to make the Animal Care Committee work.

Leslie Martin, 1405 Lee Cook Road, Monroe, said she had lived in Union County her whole life. She said an accident occurred when her dog ran out of her house and was hit and killed by a vehicle. She stressed that people must have more concern and stop being desensitized to the situations.

Rick Becker, 6603 Saddler Road, Mineral Springs, NC, stated that he was the Mayor of Mineral Springs and strongly supports the appointment of an Animal Care Committee. He said he had great respect for Sheriff Cathey and Lt. Starnes and the job they do at animal services. He said he has toured the facility and has lots of contact with it and his complaint is not with animal services, but the problem is that there is not a comprehensive animal care policy in Union County. He said he would take issue with the statement on the agenda abstract that the Chairman believes that this committee would be a duplication of services. Mayor Becker stressed that in his opinion this committee would not be a duplication of services because the County does not have a committee doing anything that the animal care committee is charged to perform. He said that the County has committees such as the Criminal Justice and Juvenile Crime Prevention Committee and questioned why the County has those when it has a District Attorney's office and a Sheriff's office. He noted that there are many other committees and said that equally these could be considered a duplication of services. He said he could explain that it would not be a duplication of services because this committee will fill a crucial, essential role. Mayor Becker noted that three of the current Commissioners were not on the Board when the committee was formed and do not understand what duties the committee was charged to perform. He reviewed what action was previously discussed and taken. He reiterated the need to act quickly and strongly to implement this committee.

Dan Hudson stated he lives near Marvin at 2018 Crane Road and that he has a business within the area that is to be annexed. He strongly encouraged the Board to adopt the resolution and support action against involuntary annexation. Mr. Hudson explained how this annexation could be a detriment to his business and that in his opinion the action of the Marvin Town Council thus far has been to basically eliminate his business. He said that on a tape of a Planning Commission meeting in Marvin a woman is recorded a half a dozen times saying that if his business burns down it could not be rebuilt. He encouraged the Board to adopt its proposed resolution against involuntary annexation.

Sue Bulos, 1011 Farmingham Lane, stated that she moved with her family to Indian Trail over four years ago and that she had years of previous experience working in animal care and rescue in a large county in south Florida. She said there are extreme deficiencies in the ordinances and how the animal control office deals with the public. She stressed there is a great need to take action on loose or stray animals; however, if one calls animal control to report a stray animal, he/she is told that there is nothing that can be done because there is not a leash law. Mrs. Bulos said that if a person helps an animal and holds onto it to try to find its owner and keeps it in his/her possession, the individual could have charges filed against him/her. She said she had that statement made to her several times. Mrs. Bulos said that abuse and neglect calls made to the animal control office are not properly addressed. She said the staff actually makes one feel that he had no business calling that office. She said that the issues surrounding rabies are not handled properly to protect the public and needs a comprehensive solution. She emphasized that Union County is a rural as well as a dense suburban county, and it cannot continue to operate on an antiquated, backwoods system as a way to protect the animals and the people who live here. She stressed that Union County needs a new and multifaceted view into these problems which an animal care committee can provide with the right support from the Commissioners and animal services. She said if it remains as it is, it could seriously explode into serious repercussions as has recently been seen. She asked the Board to support the committee and listen to its recommendations with open minds.

Norma Rowe, 9011 Deer Valley Road, relinquished her time stating that she thought her comments had been expressed against forced annexation.

Patty Olnstad, 9009 Deer Valley Road, stated she thought her comments had also been previously made concerning the forced annexation.

Joe Pomykacs, 9113 Yellow Pine Road, also stated he thought his comments had also been made concerning the adoption of the resolution against forced annexation.

Cliff Birch, 9510 New Town Road, expressed his support and the support of his 24 employees of the resolution against forced annexation.

Brian Rogers, 2011 Triple Crown Drive, Indian Trail, supported the Board's proposed resolution to end forced annexation. He said it is taxation without representation and is fundamentally against the United States Constitution, and he is excited that the Legislature is probably going to take action to end that practice.

He next addressed the issue of an Animal Care Committee, which was formed in October and noted there existed two months in which Commissioners Kuehler and Rogers did not take action to make appointments to the committee. He said he believed that this was done in a political way. Mr. Rogers said that he thought the Sheriff provides wonderful care for animals. He also said that there may be a difference in opinion in the audience about euthanasia of stray cats and dogs, but that he does not equate dogs and cats with having the same rights as does the Humane Society. Mr. Rogers said it is necessary to be careful when a committee is comprised of passionate people who may have ulterior motives. He said that the Town of Waxhaw has a leash law and if it is violated there is a \$10 fine imposed, but what he found disgusting is that a person must have a permit to have a live chicken in the Town of Waxhaw. He said it was sad that the local paper has made the death of the five-year old girl into an animal care committee that has nothing to do with the result. He said his Bible says that men have dominion over animals, and he believes in taking care of animals. Mr. Rogers said that he lives in a development with a homeowners association that has a leash law that is supposed to be enforced but it is not even enforced by the HOA. Mr. Rogers encouraged the Board to abolish the Animal Care Committee.

Pinky Marsh, 1323 Landsford Road, Marshville, introduced himself and addressed the Board concerning property rights. He said that people's property rights are being trampled. He said that when Unionville offered voluntary annexation that probably 90 percent of the farmers did not know that once they were annexed into a municipality that their activities could be controlled by a municipality but could not be controlled by the county government. He said that the Planning Board and Board of Adjustments are two of the strongest boards in county government beside the Board of County Commissioners. Mr. Marsh said that he lets his dogs run wild because he has 300 acres and assured he is not going to have a leash on his dog when he goes to chase cows or a leash on his dog when he opts to go hunting. However, he said that it is not the County that needs a leash law but the municipalities. He said he lives in the country and did not need a leash law.

Mr. Marsh stressed that the municipality is trying to take away everyone's rights with the use of forced annexation.

Tony Adcock introduced himself and said he lives at 1400 Crane Road in a little development called Beagle Run Farms and speaks on behalf of all the homeowners in that development. He said they oppose forced annexation and asked for the Board to adopt its resolution.

Louis Phillipi, 2026 Coatsdale Lane, Stallings, introduced himself and said his concern about the dissolution of the animal care committee is different from some of the others. He said surprisingly he somewhat agrees with Mr. Marsh, in spite of all the times they had disagreed on others matters. He said this committee has never met and it would not have been a big deal had the County not had the tragic death of a young child inside of one of the municipalities. Mr. Phillipi said that the County could adopt a leash law but he could hardly see requiring someone with lots of property and living on a farm to put a leash on their dogs. He said, however, he lived in a densely populated area called a city or a town and there his government should have the responsibility to control the animals. He said it's not the responsibility of the County to put the leash law together, but it is the responsibility of the municipalities. He reiterated that it is only in municipalities that there is a need for a leash law and the elected municipal officials should stand up and take the responsibility.

The Chairman thanked the speakers and concluded the informal comments.

ADDITIONS, DELETIONS AND/OR ADOPTION OF THE AGENDA:

The Chair explained the legal interpretation of the staff attorney that any Commissioner can move to add an item to the agenda but that it is not up for discussion until such time as the vote has passed for the item to be added.

Commissioner Rogers moved to add discussion of the Chair's role as it regards the Rules of Procedure concerning the formation of the agenda. She also asked to remove Item 4K (Designation of Commissioner Thomas as the Liaison Concerning Matters Pertaining to the Hospital) from the Consent Agenda to add it to the Regular Agenda for discussion.

Commissioner Kuehler moved to add an agenda item for discussion regarding public forums concerning the revaluation process. She also moved to pull 4a (Amendment to County Attorney Policy), 4j (Anson Water Negotiations), and 4L (Jesse Helms Park Bridge) from the Consent Agenda to add these to the Regular Agenda for discussion. Commissioner Kuehler also moved to remove Item 6 (Dissolution of Animal Care Committee) from the regular agenda. She also moved to add announcement of vacancies on the Planning Board to the regular agenda under Item 8 (Announcements on Vacancies on Boards and Committees).

Chairman Simpson confirmed with the Staff Attorney that removing items from the Consent Agenda to the Regular Agenda is of no contention. He made 4k to be 7b under New Business, 4a and 4j became 7c and 7d on the regular agenda and 4L became 5a on the regular agenda.

The Chairman called for a vote on Commissioner Rogers' motion to add discussion on the Rules of Procedure to the agenda. The motion failed by a vote of two to three. Commissioner Kuehler and Commissioner Rogers voted for the motion and Chairman Simpson, Vice Chairman Johnson and Commissioner Thomas voted against the motion.

Commissioner Rogers called a point of order and stated that Rule 2 of the Rules of Procedure – Meetings to be Open—says that the public policy of North Carolina and Union County is that the hearings, deliberation, and actions of this board and its committees be conducted openly. She said the action that was taken as far as the Chair having the ability to put what he wants on the agenda and not accept items from other commissioners was made via email – at least she said that was the way she found out about it. Commissioner Rogers said that the Rules state that those actions of the Board should be conducted openly and that is what she is asking to be done.

The Chairman yielded to the Staff Attorney for an opinion but stated it was his understanding that her interpretation is not correct.

Jeff Crook, Senior Staff Attorney, stated that the question arose last week about this issue and that he had given an opinion. He said the basis of his opinion was on action that the Board had taken in open session in the year 2000. Mr. Crook said he did not believe that it is a violation in any way of the Open Meetings Law.

The Chairman stated there is a motion to add to the agenda discussion of public forums for the revaluation process. The motion failed by a vote of two to three. Commissioners Kuehler and Rogers voted for the motion and Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted against the motion.

The Chairman stated the next vote will be on the motion of Commissioner Kuehler to remove Item 6 – Animal Care Committee – from tonight's agenda. The motion failed by a vote of two to three. Commissioner Rogers and Commissioner Kuehler voted for the motion and Chairman Simpson, Vice Chairman Johnson and Commissioner Thomas voted against the motion.

Chairman Simpson next called for a vote on the motion to add to the agenda announcement of vacancies on the Planning Board. The motion passed unanimously.

Chairman Simpson moved adoption of the agenda as amended. The motion passed by a vote of three to two. Chairman Simpson, Vice Chairman Johnson and Commissioner Thomas voted for the motion and Commissioner Kuehler and Commissioner Rogers voted against the motion.

CONSENT AGENDA:

Motion was made by Chairman Simpson that the items included on the Consent Agenda as amended be approved. The motion passed unanimously.

Amendment to County Attorney Policy: This item was moved to the Regular Agenda.

Unemployment Insurance Payment: Approved Budget Amendment #17 to cover an appropriation of \$146,982 from contingency funds to cover unemployment claims for Union County that exceeded the budgeted amount.

BUDGET AMENDMENT

BUDGET	<u>Various Departments</u>	REQUESTED BY	<u>David Cannon</u>
FISCAL YEAR	<u>2010-2011</u>	DATE	<u>December 28, 2010</u>

INCREASE

Description

GENERAL FUND

Personnel	<u>5,760</u>
Tax Admin-Assessments	<u>46,997</u>

DECREASE

Description

Nondepartmental	<u>110,000</u>
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Tax Admin-Collections	8,646	Contingency	146,982
Elections	8,366		
Register of Deeds	7,878		
Info-GIS	1,632		
GS-Fleet	7,436		
GS-Road Signs	1,941		
Communications	4		
Inspection	57,378		
Planning	3,741		
Coop Ext-Admin	7,475		
Health-Admin	8,970		
Health-Prevention	2,470		
Health-Maternal	7,722		
DSS Admin	23,433		
Transportation	3,110		
Library	44,653		
P&R-Admin	6,363		
P&R-Cane Creek Camp Ground	1,632		
P&R-Kirby Park	1,375		
<u>WATER & SEWER FUND</u>			
Admin-Meter Reading	736	Nondepartmental	18,294
Sewer Collection Westside-Unassigned	3,923		
Sewer Plant Westside-12M	12,072		
Water Distribution Westside-Unassigned	1,563		
<u>SOLID WASTE FUND</u>			
SW-Admin	4,446	Nondepartmental	5,346
SW-Construction & Demolition Cells	3,811		
SW-Landfill Collection Site	2,574		
Fund Balance Appropriated	5,485		

Explanation: To cover Unemployment charges issued by the Employment Security Commission.

DATE _____

APPROVED BY _____

Bd of Comm/County Manager
Lynn West/Clerk to the Board

FOR POSTING PURPOSES ONLY

DEBIT

CREDIT

<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	<u>Contingency</u>
<u>GENERAL FUND</u>					
10540900-5185	Unemployment Claims	5,760	10-593000-5185	Nondepartmental -	110,000
10541400-5185	Unemployment Claims	46,997		Unemployment Claims	
10541500-5185	Unemployment Claims	8,646	10-592000-5920	Contingency	146,982
10541709-5185	Unemployment Claims	8,366			
10541800-5185	Unemployment Claims	7,878			
10542200-5185	Unemployment Claims	1,632			
10542500-5185	Unemployment Claims	7,436			
10542623-5185	Unemployment Claims	1,941			
10543200-5185	Unemployment Claims	4			
10543500-5185	Unemployment Claims	57,378			
10549100-5185	Unemployment Claims	3,741			
10549501-5185	Unemployment Claims	7,475			
10551101-5185-1300	Unemployment Claims	8,970			
10551150-5185-1327	Unemployment Claims	2,470			
10551153-5185-1370	Unemployment Claims	7,722			
10553101-5185-1450	Unemployment Claims	23,433			

<u>10558100-5185-1680</u>	<u>Unemployment Claims</u>	<u>3,110</u>			
<u>10561100-5185-1800</u>	<u>Unemployment Claims</u>	<u>44,653</u>			
<u>10561301-5185</u>	<u>Unemployment Claims</u>	<u>6,363</u>			
<u>10561371-5185</u>	<u>Unemployment Claims</u>	<u>1,632</u>			
<u>10561372-5185</u>	<u>Unemployment Claims</u>	<u>1,375</u>			
<u>WATER & SEWER FUND</u>					
<u>61511102-5175</u>	<u>Unemployment Claims</u>	<u>736</u>	<u>61-593000-5920</u>	<u>Nondepartmental -</u>	<u>18,294</u>
<u>61521100-5185</u>	<u>Unemployment Claims</u>	<u>3,923</u>		<u>Contingency</u>	
<u>61522115-5185</u>	<u>Unemployment Claims</u>	<u>12,072</u>			
<u>61531100-5185</u>	<u>Unemployment Claims</u>	<u>1,563</u>			
<u>SOLID WASTE FUND</u>					
<u>66547201-5185</u>	<u>Unemployment Claims</u>	<u>4,446</u>	<u>66-593000-5920</u>	<u>Nondepartmental -</u>	<u>5,346</u>
<u>66547281-5185</u>	<u>Unemployment Claims</u>	<u>3,811</u>		<u>Contingency</u>	
<u>66547302-5185</u>	<u>Unemployment Claims</u>	<u>2,574</u>	<u>66-599100-5991</u>	<u>Fund Bal Appr</u>	<u>5,485</u>
	Total	<u>286,107</u>		Total	<u>286,107</u>
	Prepared By	<u>dhc</u>		Number	<u>17</u>
	Posted By	<u> </u>			
	Date	<u> </u>			

Library - The Big Read Grant Application: Authorized the Library Director to submit the online application by the deadline of February 1 for the Big Read grant which is a competitive grant-funded reading program of the National Endowment for the arts. The grant request is for \$18,399, which would be received, if awarded to the library, in the next fiscal year.

Land Use Ordinance Project Roll Forward: Approved Budget Amendment #19 which would appropriate the fund balance of \$90,491 for outstanding Land Use Project from FY2010 to FY2011.

Total 90,491
 Prepared By aar
 Posted By _____
 Date _____

Total 90,491
 Number 19

Budget Transfer Report: Approved the November and December 2010 Budget Transfers Report.

Earth Day 2011: Approved endorsing the County’s continued participation as a joint host and organizer of an Earth Day Festival with the City of Monroe and authorized the staff to proceed with planning and coordination for Earth Day 2011, as required.

Removal of Member from Adult Care Home Community Council: Accepted the resignation of Mary Marshall and approved removing her from the Union County Adult Care Home Community Advisory Committee Roster

Removal of Member from Nursing Home Advisory Committee Roster as Recommended by Centralina Ombudsman Program: Approved removing Suzanne Emory from the Nursing Home Advisory Committee roster for failure to complete necessary training as required by the North Carolina General Statutes.

Motor Vehicle Abatement Report for August 2010: Approved the Motor Vehicle Abatement Report for August 2010 as submitted by the Tax Administrator in the total amount of \$36,053.82 for all years.

Anson Water Agreement Negotiations: This item was moved to the regular agenda.

Designation of Commissioner Thomas as the Liaison Concerning Matters Pertaining to the Hospital: This item was moved to the regular agenda.

Jesse Helms Park Bridge: This item was moved to the regular agenda.

Minutes: Approved the minutes of the regular meeting of December 20, 2010.

Information Only – No Action Required: Included in the agenda package with no action required were the following: 1) Discovery Report for Motor Vehicles for the month of August 2010 from the Tax Assessor’s Office; 2) Department of Inspection’s Report for December 2010; and Personnel Department’s Monthly Report for December 2010.

SUSPEND THE GOVERNANCE VISION AND POLICIES FOR UNION COUNTY ADOPTED MARCH 16, 2009:

The Chairman stated the title of the next item and moved to suspend the Governance Vision and Policies for Union County adopted March 16, 2009

He explained that there had been action taken in an earlier meeting that was in conflict with the Governance Policy of which he had not been aware and asked that it be suspended until the Board goes through a planning process looking at the County’s goals and objectives and strategies for the role of the County Manager and the first identification of the County’s critical budget issues.

He recognized Commissioner Rogers who asked who had requested that this item be placed on the agenda.

Chairman Simpson said that he would take responsibility for the request.

Commissioner Rogers said she had asked that question so she would know to whom to address her questions. She said that she understood that two of the items that had been in the Governance Policy had been deleted but pointed out that there was much more to the Governance Policy than those two items. Commissioner Rogers said that to suspend the Policy leaves the Board and staff open and susceptible to not knowing how to deal with issues. She explained the policy was developed because Union County had been operating without governing policies, no accountability for the elected officials, and no understanding of what the staff was expected to do or not to do, or the relationship between the Commissioners and the staff or the relationship between the Commissioners and County Manager, and there was no specified vision or mission. She stressed that is what the policy does; it provides a map of what is expected and allows the citizens to view online that their elected officials are being held accountable. Commissioner Rogers said she would suggest suspending the two items in conflict. She said he had also mentioned in the packet having a work session February 3rd and 4th and agreed that would be a good starting point. She elaborated briefly on some of the points of the Policy and offered as an amendment that the Policy not be suspended but to only suspend the two items in conflict.

Commissioner Thomas said that he disagreed somewhat with Commissioner Rogers as it concerns the level of accountability. He explained that it is the citizens who have the level of accountability when the voters go to the ballot box. He said if something in

the meantime needs to be investigated that is why there is a proactive District Attorney who will look at these types of things. He said when it comes time for a policy that clearly defines roles that the Commissioners will do, it is his opinion that is where there becomes a lack of communication. He stated if the Board communicates with the County Manager and works with the staff then there is no problem. He noted the policy being discussed is not even two years old. Commissioner Thomas said it is a binding policy that prevents the Commissioners from being able to work with the Manager, and the Commissioners will be better able to work with each other without the policy. He said he did not need a policy to show him what he should do as a level of responsibility to the taxpayers of Union County. He pointed out that there is only one voice of communication that he had and that is to work with the County Manager and not other staff. He assured that he would read any email and listen to any calls that he receives and noted that he has a lease of leadership for only four years and then the voters get to return to the ballot box.

Commissioner Kuehler reminded that all the Commissioners talk of being business oriented and talk of business plans. She said that policies, procedures, rules and regulations are in place to govern a vision so that the leadership can make sure that it is on the right track. She stressed this policy encompasses how the Board deals with the citizens and how it gives the public an expectation. Commissioner Kuehler stated there are nine sections of the policy and noted that within the coming weeks there could be some changes to the way the Board wants to interact with the County Manager, but she is not sure that would result in a change of style because if one look at the policies, the previous Board was not reinventing the wheel. She explained that these policies came from the UNC School of Government and the ICMA Code of Ethics for County Managers was incorporated into the document; these have been proven as trusted documents, policies and procedures that are used by other elected officials in this State. She described the procedures that were used to develop this document and explained that, in her opinion, it is a living document that is subject to change and sections of the document could be deleted but she did not think the entire Governance Policy should be suspended.

The Chairman called for a vote on Commissioner Rogers' amendment to delete Sections 7 and 8 – 10.5 and 10.7 – of the Governance Policy that are in conflict with previous action taken by this Board of Commissioners and to retain the remainder of the Governance Policy. The motion passed by a vote of three to two. Chairman Simpson, Commissioner Kuehler, and Commissioner Rogers voted in favor of the amended motion. Commissioners Johnson and Thomas voted against the amended motion.

JESSE HELMS PARK BRIDGE (This item was moved from the Consent Agenda to the Regular Agenda):

The Chairman moved to adopt Capital Project Ordinance #143 and authorize the County Manager to approve an amendment to the task order for CM&E, pending legal review. He opened the floor for discussion.

Commissioner Kuehler stated she did not need any additional discussion on this subject and thought she had made her position clear but wanted the item moved from the Consent Agenda to the Regular Agenda so the individual votes could be recorded.

Vice Chairman Johnson reported that he had struggled with this issue. He said although he did not want to spend more money on the project, because he believes the Board should work to hold people accountable, the County is at a point that a decision must be made. Vice Chairman Johnson said that he shared many of the same concerns as Commissioner Kuehler and had looked at every option that he could think of. He said he is advised by staff that they have also looked at every available option. He admitted that he hates that this is a situation that the Board is a part of; but, at the same time, if the Board fails to make a decision on the issue, the Board could potentially expose the County to more liability than this additional \$47,000. He admitted that he had looked at the bridge and within a few minutes could note problems with it. Vice Chairman Johnson said that the staff has stated that the County is holding \$200,000 until such time that the project has been satisfactorily completed including a ten-year warranty on the bridge project. After his comments, Vice Chairman Johnson asked the Board to reluctantly support the completion of the project.

Following the discussion, the motion passed by a vote of three to two. Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted for the motion. Commissioners Kuehler and Rogers voted against the motion.

CAPITAL PROJECT ORDINANCE AMENDMENT

BUDGET	<u>General Capital Project Ordinance Fund</u>	REQUESTED BY	<u>David Cannon and Bill Whitley</u>
FISCAL YEAR	<u>FY 2010-11</u>	DATE	<u>December 20, 2010</u>

PROJECT SOURCES

PROJECT USES

<u>Source Description and Code</u>	<u>Project To Date</u>	<u>Requested Amendment</u>	<u>Revised Project</u>	<u>Project Description and Code</u>	<u>Project To Date</u>	<u>Requested Amendment</u>	<u>Revised Project</u>
PR041 - Jesse Helms Park Bridge							
<u>IFT From General Fund</u>	<u>668,720</u>	<u>46,776</u>	<u>715,496</u>	<u>Land and Improvements</u>	<u>668,720</u>	<u>46,776</u>	<u>715,496</u>

PR041 - Jesse Helms Park Bridge

IFT From General Fund 40461374-4010-PR041	<u>668,720</u>	<u>46,776</u>	<u>715,496</u>	Land and Improvements 40561374-5570-PR041	<u>668,720</u>	<u>46,776</u>	<u>715,496</u>
	<u>668,720</u>	<u>46,776</u>	<u>715,496</u>		<u>668,720</u>	<u>46,776</u>	<u>715,496</u>

Prepared By bl
 Posted By _____
 Date _____

Number CPO - 143

DISSOLUTION OF ANIMAL CARE COMMITTEE:

The Chairman stated his motion is to dissolve the Animal Care Committee and opened the floor for Board discussion.

Commissioner Rogers asked for a point of order. She asked if when the Chairman makes the statement that the motion is to dissolve the Animal Care Committee, is he making the motion or is he describing the item and opening the floor for another Commissioner to make the motion. She said she was not clear as to whether he is reading every agenda item and, therefore, making a motion on every agenda item.

Chairman Simpson said that he was offering it as a motion.

The Staff Attorney interjected that the information provided to the Commissioners in their packets for action is written in the form of a motion to facilitate the Commissioners making motions and to clarify the minutes. He said the way he has interpreted the Chairman's actions is that he is making the motions as stated. Mr. Crook stated that the Chair has that option or, if he prefers, the option of opening the floor and requesting a motion.

Chairman Simpson restated that the motion is coming from him as Chair and is to dissolve the Animal Care Committee. He opened the floor for discussion.

Commissioner Kuehler stated that she takes issue with the characterization that there is anything about the formation of this committee that was politically driven or that it had anything to do with the tragedy in Waxhaw. She emphasized that is a misstatement. Commissioner Kuehler reminded that the committee was created in October and positions were announced for November. She pointed out that unlike some of the other boards and committees, this one had some very specific requirements and qualifications for its members. She assured that allowing 30 days for qualified persons to submit applications for this Board is not a long time and then in December the Commissioners changed. She said this is a committee where people have volunteered to give their time and their expertise and it does not even require a Commissioner to be on the committee. She explained that as soon as she had an opportunity she requested that the appointments to this committee be placed on the Agenda and assured the request was made prior to any tragedy and was made indicative to the need that she saw when she created the committee in October. She said when she made the request to add the item to the agenda that she got an indication that the Board was not going to be moving forward with the committee. Commissioner Kuehler stated that the attack in Waxhaw did not take place until a day or two after her request was made to place this item on the agenda. She assured the Animal Care Committee is not political and is not being pushed because of the incident, but agreed it is in the spotlight because of the incident. She said it has been discussed many times without action being taken and, although everyone has good intentions, it is not getting done. Commissioner Kuehler explained that these people need a voice and need an outlet to address the problems that can no longer be ignored. She cited the birth statistics for animals. She asked that instead of dissolving the committee that the Board open it up to allow some people who may not have volunteered to provide their expertise.

Commissioner Rogers noted that tonight there have been comments made about the need for leadership and the need to step up and do what is right and there has been discussion about accountability and holding the elected officials accountable. She said in her opinion, the Animal Care Committee is a way to do that; the Animal Care Committee, as stated very well by Mayor Becker, is not about the things the Sheriff or Animal Control are or are not doing. She said that when she first came on the Board there were some real issues perceived between the community and the Sheriff's Office via the Animal Control, and these have improved greatly. She

stated that from her experience, Sheriff Cathey has been nothing but responsive to what has been asked of him by the Board. Commissioner Rogers said the purpose of this committee is to get the experts, the people who are passionate, to be involved and quoted some of the statements made during informal comments. She stated this committee is not going to be a divisive committee looking for blood but one looking out for the welfare of the animals and the people of this community. Commissioner Rogers recited some of the comments made by the public earlier in the meeting. She agreed that all of this discussion and action concerning the committee did take place prior to the tragedy in Waxhaw and was not politicizing the accident. Commissioner Rogers urged that the committee be allowed to meet and speak.

Vice Chairman Johnson said that there had been comments made that this issue had not been politicized by this Board, and he would like to think that to be true. He said, however, with that being said that before the agenda was made public that there were emails being circulated. The Vice Chair read a paragraph from one which stated that the “three newly elected Union County Commissioners have put an item on the agenda to cancel the creation of the animal care committee despite the killing of a four-year old little girl by a pit bull [dog] in Waxhaw.” He said in his opinion that email was politicizing. Vice Chairman Johnson prefaced his comments with the statement that he is a dog lover. He said the primary focus of the animal care committee, as outlined in its organizational statement, is that the committee will be for the welfare of animals and education of the public within Union County subject to the existing governing Statutes. He reported that it also lists seven key goals but that nowhere within the document does it speak to protecting human life.

He encouraged the Board to direct its comments toward facts and noted that one of the earlier speakers had said that laws must be enforceable and questioned whether or not a county-wide leash law would be enforceable. He asked what would be the number of staff required to enforce such a law. Vice Chairman Johnson stated that he thought it would not be possible to enforce such a law and questioned why have a law that could not be enforced. He said when looking at how this issue has been politicized, it should concern not only the Commissioners but the public as well. He said the formation of an animal care committee may sound good but the Statutes govern what can be done within a county.

Commissioner Thomas said that he is an animal lover but in his opinion what is being looked at tonight is the creation of a committee to answer questions posed by many who addressed the Board tonight. He said the Sheriff, who is over animal control services, would be open to receiving any of these comments. He said he spent a large part of a day visiting the animal shelter site, and he was impressed with the operation. He noted that this facility is used as a model for many counties in the State. Commissioner Thomas encouraged the citizens to either call the Sheriff or send him an email and share their concerns. He also said the editorial in today’s *The Enquirer-Journal* asked some questions that should be addressed. Commissioner Thomas responded that it is illegal for

the County to sponsor a spay and neuter program. He also pointed out that one of the questions had to do with the county discontinuing the use of its gas chamber. He admitted that he did not like the idea of killing an innocent animal but with the statistics quoted tonight on the number of animals being born in Union County realizes that something has to be done. He said he thought private organizations could do a better job than could the County. With the public talking while Commissioner Thomas was speaking and interrupting his comments, Commissioner Thomas chose to stop his comments.

The Chairman asked the public to come to order and encouraged them to allow the Commissioners an opportunity to speak without interruption.

Commissioner Kuehler restated that the item tonight is not for discussion of a containment or leash law or to propose any solutions, but is to address the problems. She said that whatever e-mails that the Commissioners' read that she wanted it known that she was not the sender of the emails or the author of any articles read. She said this committee allows a group of people with a common interest to come together for discussions and allow them a platform. Commissioner Kuehler stressed that she could not understand opposition to the committee and implored the Board to leave it in place and to allow it to do what it can do best.

Commissioner Rogers stated her comments are for the public who will be watching this broadcast over the next few days. She said she wanted it made clear that there have been some assumptions made by some of the Commissioners about what can or cannot be done, what should or should not be done, without having the discussion and input of the passionate people who are begging for the opportunity to talk with their elected officials. She reminded that it is the Board of Commissioners who is responsible for ordinances. Commissioner Rogers said she did not think a leash law would be the answer for the entire county but said she needed to hear from the people who live in this county who are passionate about the issues.

Commissioner Thomas stated that there doesn't need to be a committee to have a voice with him. He agreed with comments from Mayor Becker about bureaucracy and said that he would look to see if there is a possibility to eliminate some of the other advisory committees and their bureaucracy.

Vice Chairman Johnson noted there were approximately 19 people who were able to speak freely tonight on the animal care issue.

Chairman Simpson said he was responsible for the item being on the agenda and explained his position. He said that he had not seen this being about animal care but about the role of boards and committees and their place in the creation of policy and delivery

of services to the public. He said it was unfortunate as to the timing and to seeing that there were some in the community who chose to sensationalize and confuse the issue without hearing the rationale behind it. He expressed his sympathy to the family members whose child was killed by a pit bull dog in Waxhaw last week. He said, in his opinion, that incident was an issue of human care and personal responsibility and not an animal care issue. He said he grew up loving animals and had spent most of his life working with animal owners to advance the understanding of the role animals play in our lives and developing programs that enhance their health, nutrition and comfort. He reported on some of his activities with the State during his employment with Cooperative Extension and his involvement with a plan for a comprehensive animal care response plan to be used in natural disasters and emergencies. Chairman Simpson also commended the Sheriff's Office for their commitment to the issues surrounding animal/human interaction and applauded the efforts of hundreds of volunteers who work with the animal control staff in the shelter every day. He said over the years that boards and committees have been added that require oversight by the Board of Commissioners and the assignment of a commissioner as a representative. The Chairman stated that many of these have been poorly attended by Commissioners, if at all. He said in researching the Animal Care Committee he could not find evidence that this was a need initiated by staff or any department and believes that there is ample opportunity for citizen-input and that the needs are being met. He noted that currently the Sheriff is responsible for this aspect of county government and is delegated the role of assuring that the County adheres to all regulations and guidelines established by the State. The Chairman said the Board should hold the Sheriff and his staff responsible and accountable for those matters relating to animal care and animal control. Chairman Simpson said to him the role of County government is not to make people feel good but it is the role of government to protect its citizens' health, safety, and property as judiciously and efficiently as possible. He said that in his opinion to move forward with this committee would simply add another level of bureaucracy ultimately resulting in divided allegiances along with increased staff time and other county resources devoted to the issues resulting in inefficiencies. The Chairman stated that in hiring a Homeland Security Director should he or she, in concert with animal control, feel the need for such a committee that action could be taken at that time. He said his motion stands to eliminate the Animal Care Committee. Chairman Simpson called the question.

The motion to call the question to vote on the issue passed unanimously.

The Chairman called for a vote on his motion to eliminate the Animal Care Committee. The motion passed by a vote of three to two. Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted for the motion and Commissioners Kuehler and Rogers voted against the motion.

Upon request, the Chairman declared a five-minute recess. At 9:20, the Chairman reconvened the meeting.

RESOLUTION OPPOSING STATE LAW REGARDING INVOLUNTARY ANNEXATION:

The Chairman stated the action requested is to adopt a resolution opposing the State law regarding involuntary annexation. He asked for a motion. Vice Chairman Johnson moved that the County adopt the proposed resolution.

Commissioner Kuehler stated that she was not philosophically for forced annexation or involuntary annexation nor was she for extraterritorial jurisdiction and had fought it when it took place in the area in which she lived. She pointed out that not one of the sitting Commissioners live within a municipality and that all who had spoken during informal comments against involuntary annexation also lived outside municipal boundaries. Commissioner Kuehler stated that she also hates eminent domain especially as it is now interpreted by a recent Supreme Court ruling for private use. She agreed that the laws need to be changed but not unless the County is willing to zone all its residential land R-40. She said in her opinion the County has been one of the biggest offenders of increased density in this County. She noted that was one of the sections of the resolution with which she takes issue. She also stated that most of the 14 municipalities in Union County formed to protect themselves from the County's lax zoning and regulations. She stated that there are some municipalities that relieve the County of some responsibility whether it is through planning and permitting, police protection, fire subsidies, or parks. She questioned the paragraph claiming loss of sales tax when the municipalities annex additional land. However, Commissioner Kuehler stated that she does object to forced annexation but pointed out that the Board of Commissioners represents its citizens within municipal boundaries as well as outside. She offered a friendly amendment that the Board of Commissioners direct staff to take the NCACC proposed legislation and take what they have written and incorporate it into a resolution that would, in her opinion, have better language. She said she could support that position but although she supports the concept, she does not believe she could support the resolution as submitted for consideration.

Commissioner Thomas said that he heard what Commissioner Kuehler said, but, unfortunately, he believes it is a situation between preference and principle. He said what is being discussed are the rights of property owners and the pursuit of happiness and liberty. He assured that he believes that taking someone's property is wrong and empathizes with the citizens who addressed the Board tonight.

Commissioner Rogers stated that, in the interest of disclosure and transparency, she lives in one of the Marvin neighborhoods and sees some of her neighbors present tonight. She said that prior to making her comments she wanted it known that she would also be affected by this decision. She said one thing that has been asked of her is what the County could do. She noted that North Carolina counties have no inherent powers of self government and no constitutional rights to home rule. She said counties exist because the North Carolina General Assembly says they exist and could be abolished if it desired to do so. Commissioner Rogers also pointed out

that borders could be changed and legislation enacted for any of the counties in the State. She pointed out that in 2003, the Providence Downs Subdivision, in which she lives, had printed in its newsletter that the Village of Marvin announced its intention to annex a major portion of the Providence Downs Subdivision and that many residents favored the annexation believing the neighborhood would rather be annexed by Marvin than by Charlotte, Waxhaw, or Weddington, which all had higher tax rates. She said she hoped the legislation will have the discussion and dialogue and make sure that the property rights of all the residents of this county are protected. She said she did not believe that anyone should be annexed against their will but should be allowed to vote on that question. She agreed with the comments of Commissioner Kuehler about the proposed legislation of the North Carolina Association of County Commissioners and the County should work with the municipalities within Union County. She said she did not want the resolution to be a stick in the eye of any municipality because if Charlotte starts reaching toward the Marvin area, those residents will be reaching out to Marvin to annex their property. She said she would be supporting the resolution tonight.

Vice Chairman Johnson said that as a point of clarification he disagreed on an earlier comment by Commissioner Kuehler about annexation and the incorporation of municipalities was to protect those residents from the county and that it is the county who the citizens are afraid. He said he thought people who are seeking to be annexed are doing so because they do not want to be a part of another municipality—not that they are fearful of the County. He thanked Mrs. Heath for coming from Raleigh to speak on involuntary annexation. Vice Chairman Johnson reported that there is a statewide movement to stop forced annexation and that he believes that this legislation will pass. He stated that he believes that forced annexation is an abuse of government power, and it must be stopped. He pointed out that eleven counties have already adopted resolutions against involuntary annexation. Vice Chairman Johnson reported on some research that he had done that was both disturbing but helpful to his position. Vice Chairman Johnson said that the North Carolina State Law allows cities to force property owners to become part of municipalities without a vote and with no representation and said that to him the procedure is scary. He said he agreed that cities should be allowed to grow by annexation but that forced annexation is undemocratic and, in his opinion, an embarrassment to this State. Vice Chairman Johnson reported that almost every State in this nation has abandoned this out-dated practice; North Carolina is only one of four states that still allow for involuntary annexation. He assured that in his opinion this law is not democracy, and it is wrong. He said he wants to take a conservative stand and put core conservative values into action and that he believes that a vote against this resolution is a vote against property rights. After making his comments, he reiterated his motion to adopt the resolution against forced annexation and to help the fight statewide against legislation that strips the citizens of their property rights.

Commissioner Kuehler stated that she did not disagree and pointed out that she put an amendment on the table to adopt a resolution against forced annexation and asserted that she was not going to be bullied into language that she does not believe is

factually correct. She said she did not believe that the resolution as presented is the way to go but has said she is against forced annexation.

Commissioner Rogers asked for clarification and the Clerk read the amended motion as presented by Commissioner Kuehler: The amendment is to direct staff to take the proposed legislation of the North Carolina County Commissioners and to prepare a resolution setting forth that position.

Commissioner Rogers clarified that Commissioner Keuhler's amendment is to adopt a resolution more in line with the position against forced annexation that the North Carolina Association of County Commissioners is currently lobbying for in Raleigh.

Chairman Simpson announced for the record that the Town Manager of Waxhaw submitted a letter from the Town Council requesting that the Board of Commissioners not support the resolution. He thanked Mayor Anderson for making her comments and assured that the Board of Commissioners appreciates the municipalities and look forward to working with them.

The Chairman called for a vote on the amendment to the motion made by Commissioner Kuehler. The amendment failed by a vote of two to three. Commissioners Kuehler and Rogers voted for the amendment and Chairman Simpson, Vice Chairman Johnson and Commissioner Thomas voted against the motion.

The Chairman next called for a vote on the motion as presented to adopt the Resolution opposing current state laws allowing forced annexation as recorded below. The motion passed by a vote of four to one. Chairman Simpson, Vice Chairman Johnson, Commissioner Thomas and Commissioner Rogers voted for the motion and Commissioner Kuehler voted against the motion.

**RESOLUTION
OPPOSING CURRENT STATE LAWS ALLOWING FORCED ANNEXATION**

WHEREAS, the North Carolina General Statutes allow municipalities to annex properties meeting statutory standards without involvement of the affected property owners or the affected County through a process commonly referred to as "forced annexation;" and

WHEREAS, when forced annexation occurs, municipalities are often required to extend public utilities like sewer systems which allows higher population densities within these annexation areas; and

WHEREAS, even after annexation occurs the County is still required by state laws to provide specific services to residents within the annexation areas including school facilities, emergency medical services, public health services and various social related services just to name a few; and

WHEREAS, although the County is still required to provide these services (which constitute a substantial amount of the County's operating and capital budgets), the County loses a significant amount of revenue due to the shifting of sales tax dollars tied to the areas annexed; and

WHEREAS, residents under consideration for forced annexation are not allowed to vote on this issue nor do they have representation on the governing body making the final decision; and

WHEREAS, residents affected by forced annexation have no appeal process short of pursuing legal action through the court system.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners expresses strong opposition to the current state laws allowing forced annexation.

BE IT FURTHER RESOLVED that the Union County Board of Commissioners respectfully requests the North Carolina General assembly to repeal the forced annexation laws contained in Article 4A of Chapter 160A of the North Carolina General Statutes.

This the 18th day of January, 2011.

Jerry B. Simpson, Chairman
Union County Board of Commissioners

Lynn G. West, Clerk to the Board
Union County Board of Commissioners

DESIGNATION OF COMMISSIONER THOMAS AS LIAISON CONCERNING MATTERS RELATED TO THE HOSPITAL (This item was moved from the Consent Agenda to the Regular Agenda):

The Chairman stated the item as presented is to designate Commissioner Thomas as the liaison to work with the hospital.

Commissioner Rogers said that she was the one who had asked this item be removed from the consent agenda because she wanted to offer her assistance to work with Commissioner Thomas as liaison. She said she thought it is important in the spirit of working together, the knowledge that she has gained during the last two years, and for citizens to see perhaps somewhat opposing viewpoints with a similar-end goal. Commissioner Rogers said she did not want to make Commissioner Thomas to be the only one relating with the hospital as he is also on the Trustee Council. She gave some brief history and said she thought the goal was for a lease and she would be working with him toward that goal. She moved that she and Commissioner Thomas work with the staff, KaufmanHall, and the hospital pertaining to these matters.

Commissioner Kuehler said there are some on-going negotiations on the table that she, Commissioner Rogers, and the previous County Attorney had been involved with and even the staff attorney had not been involved with the negotiations. She agreed that it would be good to have Commissioner Rogers also serving as a liaison as that knowledge needs to be available going forward.

Commissioner Thomas said that he had wanted to put this matter out in the open because in his opinion there had been a lack of transparency with the previous board with regards to the hospital negotiations and accusations such as the meeting with representatives in Ballantyne. He said he wants to move forward and work with the Chair of the CTC and that he sees that as his history resource. He further said that he believes the record will prove that he and Commissioner Rogers will be cordial but that they disagree philosophically on lots of things. Commissioner Thomas said that he had asked her to work with him on the Piedmont Behavioral Healthcare Board and she had declined. He said he did not see the difference here. Commissioner Thomas assured that he would not make decisions on behalf of this Board but wants to be a contact person for the hospital and be a conduit of information. He emphasized that he did not want to head up any negotiation nor will he do that, but his experience in healthcare may facilitate understanding. He said that as far as the learning curve and where the Board had been in the past is not the starting point; the starting point is going to be new. He agreed that Kaufman-Hall will gather some information and bring it to the table as the Board's mediator. Commissioner Thomas assured that he feels comfortable that he can be the liaison and will assure that if anything begins to progress not only will all members of the Board receive the e-mail but also the top leadership of staff—Mrs. Coto, Mrs. West, Mr. Crook and Mr. Bundy. He said that in the past the Board has not been as accessible as it should have been to the negotiating parties, and he does not want that excuse.

Commissioner Rogers assured that the difference between the Piedmont Behavioral Health Care Board and the hospital is insurmountable. She said the hospital is an issue that the public is very interested in for many different reasons and she voiced her opinion that she did not see how having someone whose gone through all the different areas and who understands the players, has a business background in lease negotiations, contract administration, merger acquisition and all the experience that she has could take away from the negotiation. She said that she did not disagree with his comments about their differences but sees this as an opportunity to work together and this was her effort to reach out. Commissioner Rogers reiterated that she thinks the two of them could work together, which is something that he promised during his campaign. She said she understood the goal is to lease the hospital and assured that she could work with him toward that goal. Commissioner Rogers said that had she wanted to sell the hospital that she would have continued on the path that she was on at the time of the election. She said that she thought it was good to have a difference of opinion and the public will be better served by having two people serving who are trusted by different groups.

Commissioner Thomas addressed Commissioner Rogers and said that he understood her comments and he hoped she would not take his position as meaning that he does not want to work with her or anybody but that he is simply a conduit of information; however, he pointed out that under her leadership as Chair, the project did not move forward and he thought there needs to be a new face on the other side. He said the people voted in a new leadership. Commissioner Thomas commented that had the public wanted a continuance of the same thing it would have voted differently. He said that with the vote, the public got new leadership and a new face and the County needs to move forward on this issue. He said he wanted to serve as the liaison, if the Board sees fit, and, if not, it will continue to work collectively as a group.

Vice Chairman Johnson called the question. After brief comments concerning the calling of the question, the motion passed by a vote of three to two: Chairman Simpson, Vice Chairman Johnson, Commissioner Thomas voted in favor of the motion and Commissioners Kuehler and Rogers voted against the motion.

The Chairman stated the motion to be voted on now is Commissioner Rogers' motion that she work with Commissioner Thomas as liaison to the hospital. The motion failed by a vote of two to three. Commissioners Rogers and Kuehler voted for the motion and Chairman Simpson, Vice Chairman Johnson and Commissioner Thomas voted against the motion.

Chairman Simpson asked for a motion to name Commissioner Thomas as the Board's liaison to work with the hospital.

Motion was made by Commissioner Kuehler that Commissioner Thomas be named to serve as the Board's liaison to work with the hospital. The motion passed by a vote of four to one. Chairman Simpson, Vice Chairman Johnson, Commissioners Thomas and Kuehler voted for the motion and Commissioner Rogers voted against the motion. [Commissioner Thomas said he was recusing himself from the vote; however, there was no motion to this effect or vote. Therefore, in accordance with the Board's Rules of Procedure, his vote has been recorded in the affirmative.]

COUNTY ATTORNEY POLICY:

Commissioner Kuehler asked for an explanation on the proposed policy and asked Mr. Bundy to explain the changes. Mr. Bundy said that the major change to the policy is that he does not attend meetings unless he is requested to do so. He said this is reverse from the way it had been during the past couple of years. He said some of the new members of the Board had indicated that they believe that Mr. Crook does a fine job and that his being present at the meeting is a duplication of services, and it would be a needless expense for him to attend regular meetings. He said it is an obvious decision of the Board's, and he will defer to the Chair.

Commissioner Kuehler asked to be informed as to how the decision is going to be made as to when the County Attorney should attend the meeting.

The County Attorney stated that he would expect that if the Chairman, majority of the Commissioners, County Manager, or staff attorney sees issues on the agenda whereby the Board would benefit from his being present that he would receive a request to attend. He said those are the same individuals who could direct that he do other work and incur expenses.

Commissioner Kuehler asked when the determination on his presence would occur and asked if it would be made at the same time the agenda meetings take place.

Chairman Simpson said that he would think that issue would be raised during the development of the agenda and then should any item on the agenda raise a flag, input from the Board would certainly move him into that seat.

Mr. Bundy said he would expect that if the Chair, County Manager, or Staff Attorney determines that there is an issue that one or all think would have legal issues that should require his attendance that one of them would make the call for him to be in attendance. He said he will be prepared to attend meetings on short notice. He said if they get the idea that there might be a large crowd and some potential legal issue is to arise, he would come on a couple hours' notice.

Commissioner Thomas said he thought the Chair would be receptive to any of the Commissioner's concerns and would ask the County Attorney to be present. Mr. Bundy stated the question is would the Board want any one Commissioner to have authorization to spend money to have him to attend the meeting. He said he thought that any of those authorized to call him to attend a meeting would honor the request of an individual commissioner.

Commissioner Kuehler moved to adopt the amendment to the County Attorney Policy. The motion passed unanimously.

**UNION COUNTY BOARD OF COMMISSIONERS
POLICY FOR USE OF SERVICES
FOR UNION COUNTY ATTORNEY**

The Union County Attorney is appointed by the Board of Commissioners under the provisions of N.C. Gen. Stat. § 153A-114. The purpose of this policy is to set forth the circumstances under which the services of the County Attorney shall be utilized by the elected officials and staff of Union County. It is the intent of this policy to set forth the specific criteria so that the County Attorney will not receive conflicting requests for service from different departments or members of County government.

1. General Duties of County Attorney. The County Attorney shall be responsible for handling all matters properly assigned to him pursuant to this policy and those services covered by retainer. In addition, it is recognized that the County Attorney handles certain matters on a routine and ongoing basis. These matters include tax foreclosures on behalf of the Tax Collector, opinion of counsel letters relative to financial transactions, handling property valuation appeals for the Board of Equalization and Review and Tax Administrator, and handling all litigation and real estate matters (the "Routine Matters"). There shall be no requirement of specific authorization required for the County Attorney to handle the Routine Matters.

2. Services Covered by Retainer

The retainer charged by the County Attorney pursuant to his agreement for services shall cover the following expenses:

- (a) Brief consultations on matters of County business, including telephone and e-mail correspondence with individual commissioners, department heads, and supervisors of Union County, provided that such consultations do not result in any additional billing being generated to Union County except as authorized pursuant to Section 3;
- (b) Time spent in seminars and travel time to seminars related to duties as County Attorney;
- (c) Registration fees, travel expenses, and meals and lodging for seminars related to duties as County Attorney (excluding travel, registration fees, meals and lodging for out of town functions with the Commission);
- (d) Time spent keeping abreast of general developments in governmental law; and
- (e) Publications purchased by the County Attorney incident to representation of the County.

3. Additional Authorized Services

The County Attorney shall undertake to perform work which would result in a billing to Union County (not including work which is covered by the retainer of the County Attorney) when authorized to do so as follows:

- (a) Upon the request or direction of the Board of County Commissioners;
- (b) Upon the request or direction of the County Manager;

- (c) Upon the request or direction of an Assistant County Manager;
- (d) Upon the request or direction of the Clerk to the Board of County Commissioners;
- (e) Upon the request or direction of a County Staff Attorney; or
- (f) When performing one of the Routine Matters.

The authorization to the Attorney may be oral or written. Individual commissioners, department heads and supervisors of Union County shall have the right to contact the Attorney for brief consultations on matters of County business that are within the scope of this contract. However, the Attorney shall not undertake research, preparation of documents or other work which would result in a billing being generated to Union County without authorization as set forth above.

4. Attendance at Meetings of the Board of Commissioners. The County Attorney shall not attend meetings of the Board of Commissioners which would result in a billing to Union County except as provided in this paragraph. The County Attorney shall attend closed sessions of the Board of Commissioners when occurrence of such closed session is known to the County Attorney in advance. The County Attorney is also authorized to attend any other meeting of the Board of Commissioners:

- (a) Upon the request or direction of the Chairman of the Board of County Commissioners;
- (b) Upon the request or direction of a majority of the Board of County Commissioners;
- (c) Upon the request or direction of the County Manager

(d) Upon the request or direction of the County Staff Attorney.

5. Scope of Work to be Performed by the County Attorney. Once a matter is referred to the County Attorney, the County Attorney shall devote such time and effort to the matter as he deems reasonably necessary for the matter to be handled in a competent and professional manner. When corresponding in writing with an individual commissioner, the County Attorney shall endeavor to copy such correspondence concurrently to all other commissioners. In the event that the County desires to restrict the scope of the work to be performed by the County Attorney, it shall specifically so direct the County Attorney, in writing. In the event the County Attorney believes that the restrictions imposed upon the scope of his work on a specific matter will not allow him to handle the matter in a competent and professional manner, then he shall so advise the County Manager, in writing. Upon receipt of such a notice, the County Manager shall place the matter on the agenda of the Board of Commissioners for review at their next regularly scheduled meeting.

The Chairman stated that he takes recommendations from the staff and makes decision on items to be included on the agenda based on timing and the item's merit. He said it is not to say that any item is not worthy at some point and time to be discussed but priority must be set on items. He assured that if any Commissioner thought the County Attorney should be in attendance, he would invite him to be present.

ANSON WATER AGREEMENT NEGOTIATIONS (This item was moved from the Consent Agenda to the Regular Agenda):

Commissioner Kuehler stated that when she saw this item on the Consent Agenda that she was surprised in that she thought the contract had been signed. Mrs. Coto responded that Union County had signed the document but that Anson County has not signed it.

The Staff Attorney reported that the Anson County Board is requesting another meeting as they have questions and issues about the Marshville Contract. He said the County has a plan as to how to address their concerns. Mrs. Coto said that the staff is confident that it can get to a resolution that Anson County is comfortable with.

Commissioner Kuehler moved to authorize the Chair and Vice Chair to meet with representatives of Anson County regarding the Union/Anson Water Agreement. The motion passed unanimously.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

The Chairman announced the following vacancies:

- a.) Adult Care Home Community Advisory Committee – at least two vacancies
- b.) Juvenile Crime Prevention Council – one vacancy for each of the following: a Substance Abuse Professional; a member of the business community, a member presenting United Way or other non-profit; one Commissioner appointee, and two vacancies for persons under the age of 18.
- c.) Nursing Home Advisory Committee (at least four vacancies) Members cannot have a financial connection with or have an immediate family member in a nursing home
- d.) Parks and Recreation Advisory Committee (five vacancies with terms ending February 2011; one vacancy for a member with a physical disability
- e.) Library Board of Trustees (four vacancies as follows: one member at large; one vacancy representing Marshville Region; one vacancy representing Weddington (including Wesley Chapel and Marvin), one vacancy representing the Waxhaw Region (including Mineral Springs and southwestern Union County)
- f.) Home and Community Care Bock Grant Advisory Committee (three vacancies for community representatives as of December 2010
- g.) Board of Equalization and Review (two vacancies as of February 2011)
- h.) Fire Commission (three vacancies as of February 2011)
- i.) Board of Health (three vacancies – one for each of the following: Dentist, Pharmacist; and Veterinarian
- j.) Historic Preservation Commission (one vacancy for term ending February 2011
- k.) Planning Board – at least two regular members and one alternate

Commissioner Rogers asked that the staff verify that the announcements of the vacancies were being sent to the schools for inclusion in their newsletters. She said that she had noticed that these had not been included in her daughter's newsletters.

APPOINTMENTS OF BOARDS AND COMMITTEES:

The Chairman stated there are five vacancies on the Library Board of Trustees and opened the floor for nominations. Vice Chairman Johnson said he appreciated the opportunity to serve on this Board and would move that Mrs. Lane Vickery be reappointed to represent the Union West Region; Mrs. Margaret Sowden be reappointed to represent the Monroe region; Mrs. Starr Shaffer be reappointed to serve at large, Gustavo Arevalo be reappointed to serve at large, and Richard Alexander be appointed to serve at large.

Commissioner Kuehler moved to appoint Gary Salek to represent the Unionville/Fairview area.

Commissioner Kuehler pointed out that with those nominations there are three persons from the Weddington region and it is concerning to her to have this number from one region. She said she thought one of the at large positions should go to another area of the County. Commissioner Kuehler nominated Craig Kortekaas to fill an at large position in lieu of Mrs. Starr Shaffer.

Vice Chairman Johnson said he felt comfortable with his nominations. He requested to vote on those separately from Commissioner Kuehler's nominations.

The Staff Attorney interjected that according to the Board's Rules of Procedures, the nominees would be voted on in the order of nomination.

Commissioner Kuehler asked the Library Director if she would share her concerns about there being three members serving from the Weddington area.

Mrs. Smith stated there had been some discussion about that among Board members in the past and that the goal is to have the county well represented. She said at this time Mr. Gustavo and Mrs. Shaffer have been very faithful and attentive members and she did not believe the location of their residences is material.

Chairman Simpson offered a motion to vote on the nominees in block. Commissioner Rogers expressed opposition to the motion, and the Chairman stated that the nominees would be voted on individually.

Commissioner Kuehler stated she would withdraw her nomination of Mr. Kortekaas but would leave her nomination of Mr. Salek.

Mrs. Smith asked for clarification. She stated that the nominees from the Monroe region, Union-West (Indian Trail) region, and two at-large positions that are currently occupied by Gustavo and Shaffer are the ones that have been overdue so if the Board is to maintain the current rotation in the appointments these would be appointed for a one-year term ending January 2012. She said the other position to which Alexander was appointed would be for a two-year term ending January 2013.

The Chairman called for a vote for Mr. Arevalo Gustavo to fill a one-year at large term. Mr. Gustavo received five votes.

The Chairman next called for a vote on Mr. Gary Salek to represent the Unionville area. Mr. Salek received five votes.

Chairman Simpson called for a vote on Ms. Starr Shaffer to serve a one-year, at large term. Mrs. Shaffer received five votes.

The Chair called for a vote on Ms. Margaret Sowden to represent the Monroe region for a one-year term. Mrs. Sowden received five votes.

Chairman Simpson called for a vote on Mrs. Lane Vickery to represent the Union West region (Indian Trail) for a one-year term. Mrs. Vickery received five votes.

Chairman Simpson called for a vote on Richard Alexander. Mr. Alexander received four votes in favor of his nomination and one against. Commissioner Rogers voted against the nomination.

COUNTY MANAGER'S COMMENTS:

Mrs. Coto, County Manager, reported that she did not have any comments.

COMMISSIONERS' COMMENTS:

The Chairman asked for Commissioners' comments and began with Commissioner Rogers.

Commissioner Rogers expressed her concern in the policy change as it relates to the agenda preparation and placing items on the agenda. She said that since she has been a Commissioner on this Board that has not been the Chair's role; the policy that has been followed is the one that is stated in the Rules of Procedure and disagreed with the ruling of the attorney. She stated that she would be requesting a ruling from a neutral party. She said that their agendas have always been created equally with all five commissioners having the ability to put what items they wanted on the agenda as long as they had supporting documentation. She said that at the meeting, the Board has the ability to remove those items from the agenda and that is what the Rules of Procedure state. Commissioner Rogers said that had been the policy followed by Commissioner Openshaw and by her during her tenure at Chair. She said she was told by the previous County Manager that items had to be dealt with when a Commissioner had requested items to be included on the agenda. She said that she felt that the new interpretation to these rules was a means to censure her and is taking away her right as a County Commissioner to represent the people who voted for her. Commissioner Rogers said it is censuring her by allowing what can and cannot be discussed at this meeting—this open and transparent new government. She said she guessed she was not a part of it; however, she stated that in all fairness she had not requested that any item be placed on tonight's agenda. She said she had requested that this issue be discussed and will be asking that it be placed on the agenda for the next meeting. Commissioner Rogers said that this is her formal request that it go on the agenda of the next meeting.

She said in reading the Rules of Procedure that it is clear that the Chair has four roles and has no other singular authority. She said she respects those roles but what she does not respect is the Chair saying what can or cannot be discussed. Commissioner Rogers explained that the Procedures talk about the public being able to place an item on the agenda. She said if the public wants to discuss something, the way the Rules are being interpreted now, is that it could be removed from the agenda.

Commissioner Rogers said for two years the Rules of Procedures were applied one way and now that there is a new majority, the Rules are being applied another way. She said that practice is not fair because even a minority should have a voice, and they did have one when she was Chair, although she may not have wanted to have listened to it, she did and respected each individual Commissioner's right to talk, to discuss, to have those items on the agenda as long as there was documentation provided and a specific purpose. If not, she said the items still went on the agenda, but she had the right to pull the items off at the beginning of the sessions.

Chairman Simpson interjected that Commissioner Rogers' point is well taken and said that he would work with the Staff Attorney to clarify the interpretation and make it a point that can be discussed.

She further stated that the Board is discouraged from adding items to the agenda at the meeting and that is what had to be done. She emphasized that she did not think that policy, as it is now interpreted, is fair to the public. She asked for a consistency on how to do things even if the items are removed the night of the meeting.

Vice Chairman Johnson thanked every person for attending tonight and said that he appreciated anyone who takes time to come and stand behind the podium to address the issues.

Commissioner Kuehler concurred with the comments of Commissioner Rogers and with the Chair's agreement on a resolution of the issue of how all Commissioners place items on the agenda. She said she had tried to add to tonight's agenda an item concerning open discussion about whether or not there should be public forums or town hall meetings or even a public hearing to flesh out opinions on the pros and cons of the revaluation. She said she had lots of calls and emails and is very much interested in hearing from the public and will make herself available to the citizens.

She further stated that she was saddened by the rejection of the animal care committee and stated that she hoped those people will still offer their expertise and will still get together and bring some of the issues and solutions to this board.

Lastly, Commissioner Kuehler emphasized that she wanted to make it clear that she is not for involuntary annexation but that she thought there was a better way to deal with the issue. She said she was glad that the Board passed the resolution.

Vice Chairman Johnson expressed sympathy to the family of Bill Braswell, Mayor of Wingate, on the death of his mother and also to the family of Jack Odom, who served as Chairman of the Union County Republican forum, who died this week.

He too expressed appreciation to the citizens who took the time to come tonight to address their concerns. Vice Chairman Johnson said some citizens had expressed their concerns and were pleased with decisions made tonight while others had expressed their concerns and were saddened with the decisions made tonight. He challenged all the Commissioners to start focusing on issues that the County is dealing with to get the county moving in a forward direction and to make sure that the actions taken are for the good of the whole county and not for political reasons.

Vice Chairman Johnson this week was Sanctity for Life Week and he hoped that the passion witnessed tonight for animals will be carried forward for unborn children.

Chairman Simpson thanked everyone for their patience and diligence and said he would bring back news for the North Carolina Association of County Commissioners.

With there being no further comments or discussion, at approximately 10:25 p.m., motion was made by Vice Chairman Johnson that the meeting be adjourned. The motion passed unanimously.