

Approved: 3/21/2011

Minutes of the Regular Meeting of  
Monday, February 21, 2011  
7:00 P.M.

The Union County Board of Commissioners met in a regular meeting on Monday, February 21, 2011, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

PRESENT: Chairman Jerry B. Simpson, Vice Chairman Todd Johnson, Commissioner Tracy Kuehler, Commissioner Kim Rogers, and Commissioner Jonathan Thomas

ABSENT: None

ALSO PRESENT: Cynthia A. Coto, County Manager; Wes Baker, Interim Assistant County Manager; Lynn G. West, Clerk to the Board; Jeff Crook, Senior Staff Attorney; members of the press, and interested citizens

**OPENING OF MEETING:**

At approximately 7:20 p.m., Chairman Simpson opened the meeting and welcomed everyone present. 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 at 7:00 p.m.

***a. Invocation***

Chairman Simpson offered the invocation.

***b. Pledge of Allegiance***

Chairman Simpson led the body in reciting the Pledge of Allegiance to the United States flag.

*c. Employee Service Award Recognitions for February 2011*

On behalf of the Board, Chairman Simpson recognized the following employees for their full-time continuous service with Union County Government:

**5 YEARS OF SERVICE**

TONDA HORNE  
JOHN MOSER  
MARIA NEWLOVE  
KEVIN WILLIAMS  
TERESA WILLIAMS

**DEPARTMENT**

PUBLIC WORKS  
SHERIFF'S OFFICE  
SOCIAL SERVICES  
SOCIAL SERVICES  
SOCIAL SERVICES

**10 YEARS OF SERVICE**

GEORGE MARSHALL

**DEPARTMENT**

SOCIAL SERVICES

**15 YEARS OF SERVICE**

PAM RIVERS  
SHEILA TREADAWAY

**DEPARTMENT**

PLANNING  
TAX ASSESSOR

**20 YEARS OF SERVICE**

CYNTHIA SMITH  
PAMELA KING  
WILLIAM VOSBURGH

**DEPARTMENT**

HEALTH  
SOCIAL SERVICES  
SOCIAL SERVICES

*d. Health Department – Accreditation Presentation from the State*

Cynthia Coto, County Manager, recognized Phillip Tarte, Health Director, to introduce representatives from the State in connection with the accreditation presentation.

Mr. Tarte stated that in December he appeared before the Board and shared that the Accreditation Committee had found the Union County Health Department to be in compliance for full accreditation from the State. He introduced David Stone from the North Carolina Accreditation Program, Joy Reed from the North Carolina Division of Public Health, Mr. Jim Struve, a member of the

Union County Board of Health, and Ms. Evelyn Blackley, Chair of the Union County Board of Health. He also introduced Amy Parker and Jackie Morgan, who served as the County's accreditation coordinators.

He said that the accreditation has been a long process for his agency, and he was very proud of the agency and its work on the accreditation.

Joy Reed stated that as a part of her job that is unrelated to the accreditation process, she hosts conference calls involving all of the consultants that work with a single health department where they discuss the strengths of the particular agency. She said they held a conference call recently regarding the Union County Health Department, and all of the parties to the call talked about the reinvigoration of the Union County Health Department under the leadership of Mr. Tarte. She said they discussed that since Mr. Tarte began serving as the County's Health Director, all of the leadership staff have had an open door policy, and all staff have bought into offering suggestions for improvements because they know they will be listened to and heard. Ms. Reed shared that she heard from consultant after consultant that the Union County Health Department is an agency that has really come into its own in terms of being focused on continuously making itself better.

Ms. Reed presented a letter from Dr. Jeff Ingle, State Health Director, to Ms. Blackley, Chair of the Union County Health Department. She read excerpts from Dr. Ingle's letter.

David Stone, the State Accreditation Administrator, offered his congratulations to Union County, the Health Department, and its citizens for the Health Department having achieved accreditation. He explained that the Accreditation Program is young in North Carolina and is still developing. He said that accreditation is a status that is given to a health department that has shown that it can meet basic standards in capacity and quality in what it does, their work processes, and how it serves citizens. He stated that there are two fundamental purposes to the accreditation program in North Carolina: 1) that the department can show that it has the capacity to meet the healthcare needs of the citizens along with all of the partners that it works with; and 2) it puts in place the mindset of quality and improvement in looking at how the department does things and how it can do it better.

Mr. Stone stated that he is a former health director and the agency where he was employed completed the accreditation process. He stressed that the accreditation process is a difficult one. He said that accreditation is not about pointing out how good or bad an agency is, but it points the agency in a direction to make sure it is able to do what is needed within the communities. Further, he said that the accreditation process provides value to the public as well as to those who pay for the services by placing more accountability on the agency and making what the agency does more transparent. He stated that the process points out the areas of improvements and points out to the public and all its stakeholders that the agency does define well its mission, and it is meeting that mission.

He said that Union County is now among one of the 55 health departments in the State that are accredited. Mr. Stone pointed out that accreditation facilitates goal making and better strategic planning. He said that he hears in most every health department that accreditation helps staff know how what they do fits together and that every staff person in the agency plays an important role in protecting the health of the system. Further, he said it provides a system that looks at accountability of how funds are used and the processes in place. Mr. Stone said that one health director had commented that one of the most important things that accreditation has done for his agency is “that it has changed us from being a program manager to really being a partner in community planning that is needed for making sure we have a healthy population.”

Mr. Stone said that accreditation is never done but serves as a starting point. He stated that the site visit team’s report noted a long list of positive findings as far as the different programs and how they meet the needs. He said that on December 17, 2010, the Accreditation Board bestowed the status of accreditation on the Union County Health Department. In recognition of this achievement, Mr. Stone presented a plaque and read the following inscription on the plaque:

“By the Authority of the North Carolina Local Health Department Accreditation Board, Union County Health Department is hereby awarded accreditation for the years of 2010-2014.”

On behalf of the Board of Commissioners and the County’s citizens, Chairman Simpson congratulated Mr. Tarte and his staff for their hard work and diligent efforts in receiving the accreditation. He said that he thought this award builds confidence throughout the community.

**PUBLIC HEARING – RE: PROPOSED FY 2012 COMMUNITY TRANSPORTATION PROGRAM APPLICATION:**

At approximately 7:25 p.m., Chairman Simpson moved to open the public hearing. The motion passed unanimously.

Chairman Simpson explained that the application involves a grant funding request of \$381,728 in total grant funds with the federal share being \$305,382, the State share being \$29,009, and a local matching share of \$47,337. He announced that no one had registered to speak during the public hearing.

With there being no comments from the public or Board, at approximately 7:26 p.m., the Chairman moved to close the public hearing. The motion passed unanimously.

**PUBLIC HEARING – PROPOSED AMENDMENTS TO THE UNION COUNTY LAND USE ORDINANCE, SECTION 27 PLANNING BOARD AND SECTION 29 BOARD OF ADJUSTMENT:**

At approximately 7:27 p.m., Chairman Simpson opened the public hearing on the proposed text amendments.

The Chairman stated that three persons had registered to address the Board during the public hearing. He recognized Walker Davidson as the first speaker.

Mr. Davidson stated that he resides in Weddington. He spoke in favor of the Board's continuing to use the Conflict of Interest Disclosure Form. He said that the problem with filling positions on the Planning Board, the Board of Adjustment, and the Board of Equalization and Review is that some people want to use these positions to benefit themselves. He stated that there are some people who will put their own concerns ahead of the concerns of the county taxpayer. However, he pointed out that there are also those people who have a genuine interest in helping the County with no benefit to themselves. He questioned how to tell the difference and suggested that it start with asking each applicant questions. Mr. Davidson said this is what businesses do when they are looking to hire trustworthy people.

He stated that there are three questions on the Conflict of Interest Form and the third question is "Have you Ever Been Convicted of a Felony?" Mr. Davidson said if he were voting to place an applicant on the Planning Board, he would want to know if the applicant was a convicted felon. He stated that some of the Commissioners apparently did not see the relevance in having that information. He said that Question No. 2 asks the applicant to list all of the real estate in Union County owned by the applicant or by his/her family members excluding his/her primary residence. He stated that the public can probably find most of this information on the Union County website. Mr. Davidson referred to Question No. 1 on the Conflict of Interest Form which asks the applicant to list ownership by the applicant or by his/her family in any and all corporations, companies, limited liability corporations (LLC's), limited liability partnerships (LLP's), partnerships or any other organization operating in Union County. He said that sometimes the partnership structure is used to hide the names of the owners of the partnership, and it is often impossible for the public to find the names of all of the owners of the partnership.

Mr. Davidson said that Commissioner Thomas is quoted in the newspaper as saying "Board members should exemplify high ethics in all their dealings in government, not just when filling out a form. Board members should be trusted to recuse themselves from votes that would directly affect them." Mr. Davidson said that he agreed with these statements, but added that unfortunately all one has to do is to pick up a newspaper these days to quickly understand that people do not always act as they should. He quoted James Madison as saying "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

Mark DiBiasio stated that he lives near Wesley Chapel in unincorporated Union County. He spoke in opposition to the proposed text amendment to remove the Conflict of Interest Form requirement from those applying to the county zoning boards. He said that less than two years ago as a volunteer and as an applicant for the County's Planning Board, he had completed the Conflict of Interest Form, and he found the form neither obtrusive nor invasive. He questioned if it were too much to ask to assure the taxpaying public that the County's zoning boards be transparent and its only agenda is to serve the public's interest. Mr. DiBiasio said that recently when the Board of Commissioners requested applicants to fill out applications for board vacancies, 13 people applied and filled out the Conflict of Interest Form and submitted their applications. He stated that apparently and contrary to statements of those opposed to the conflict of interest form, those people were willing to reveal who employs them, detail their land holdings beyond their own homes, and these same people were willing to sign the notarized affidavit attesting to the fact that they had not committed a felony.

Mr. DiBiasio said that at every level of government where the public interest is at stake, whatever it takes must be done to ensure the honesty and integrity of those who serve. He stated that he read in recent article in the newspaper attributed to a member of the Board of Commissioners which said that "disclosure forms are an invasion of privacy." He said that the Commissioner further stated "We're going to set the ethics bar high and hold people to that." Mr. DiBiasio questioned how that would be accomplished without an intimate knowledge of each person, their business, and their character. He asked if every Commissioner would know every applicant and who vouches for the vouchers. He said that if all who are appointed are Commission members' friends and personal acquaintances, then it is cronyism of the highest order.

Jim King stated that he resides in Waxhaw, North Carolina, but is county only. He said that the Conflict of Interest form is not something new. He stated that in 2003 he was on the Planning Board and the same problems came up then. Mr. King referred to a letter written by the County's staff attorney, Jeff Crook, stating his opinion when a conflict of interest may exist as a member of Planning Board such that non-participation in decision making is warranted.

Mr. King stated that two preliminary points should be made from Mr. Crook's letter: 1) responsibility for non-participation is placed squarely on the shoulders of the member with the potential conflict. A motion by another member, unless it is the initiative of the member with the apparent conflict, is out of order and cannot be considered. He referred to information included with Mr. Crook's letter written by David Owens of the UNC School of Government. Mr. King said that in the Planning Board minutes dated November 2003, Item 3, was a zoning petition where a member of the Planning Board asked to be excused from this item due to a conflict. He said that a motion was made and the Board excused the member. He stated that member got up from the Board and sat down in the front of the meeting room. He said that all of the training sessions that he has attended, recommends that if a board member has a conflict that to keep from looking bad, that member needs to leave the room in order not to unduly influence the board.

Mr. King read excerpts from the Planning Board minutes that the member spoke in favor of the subject rezoning. He stressed that the Conflict of Interest form is an important tool to help keep people honest.

Chairman Simpson announced that concluded the speakers who had registered to speak during the public hearing, and he closed the public hearing at 7:40 p.m.

**INFORMAL COMMENTS:**

Chairman Simpson reminded the speakers of the guidelines for the informal comments.

Jim King restated his address as Waxhaw, North Carolina, and that he resides strictly in the County. He discussed the County's Comprehensive Land Use Plan dated April 2009. He said that the County paid \$240,000 for the plan. He pointed out several statements recorded in the plan which he noted as inaccuracies. He said that his point was that the plan was submitted to the Board of Commissioners by the staff and eight members of the previous Planning Board as a finished document and proposed a work session of the Board of Commissioners and the Planning Board regarding the finished document.

He commented regarding recent Board appointments to the Planning Board. He asked that the Board vet the people who are being appointed and obtain some history regarding the applicants. He said that he had referenced appointments to the Planning Board, because he is more familiar with it, but reported that the same problems exist with the other boards.

Rick Becker, Mayor of the Town of Mineral Springs, presented the Board with the following resolution adopted by the Mineral Springs Town Council on February 10, 2011, which he read into the record:

**TOWN OF MINERAL SPRINGS**

RESOLUTION TO REQUEST THAT THE  
UNION COUNTY BOARD OF COMMISSIONERS CONDUCT  
A COUNTYWIDE REVALUATION IN 2012  
R-2011-01

**WHEREAS**, the North Carolina General Statutes require counties to conduct countywide property revaluations at least every eight years; and

**WHEREAS**, these statutes permit a county to conduct countywide property revaluations more frequently at the discretion of its governing board; and

**WHEREAS**, the intention of state law and county revaluation policy is to make the tax values of properties represent their actual values as closely as possible; and

**WHEREAS**, the rate of growth in Union County has for several years been the highest in the state of North Carolina; and

**WHEREAS**, this high rate of growth has been accompanied by a high level of volatility in property values; and

**WHEREAS**, property values in Union County have increased at an extremely high rate in some parts of the county while increasing at low rates or even decreasing in other parts of the county; and

**WHEREAS**, these rapid and inconsistent changes in property values prompted the Union County Board of Commissioners to adopt a four-year revaluation schedule beginning in 2000; and

**WHEREAS**, the Union County Board of Commissioners conducted a countywide revaluation in 2004; and

**WHEREAS**, continuation of rapid increases in property values prompted the Union County Board of Commissioners to again adopt a four-year revaluation schedule and conduct another countywide revaluation in 2008; and

**WHEREAS**, the local real estate market has undergone a recent and severe downward correction; and

**WHEREAS**, many Union County property values were at their peak at the time of the 2008 revaluation; and

**WHEREAS**, many Union County property values have experienced rapid and unprecedented decreases as a result of this market correction; and

**WHEREAS**, the 2008 county tax values of many of these properties are now grossly inaccurate and excessively high; and

**WHEREAS**, owners of these overvalued properties are, and have been, shouldering a disproportionate and unfair portion of the county's total property tax burden; and



**WHEREAS**, previous Union County Boards of Commissioners have demonstrated a commitment to accuracy, fairness , and equal protection by establishing over two successive revaluation cycles, the precedent of conducting countywide revaluations every four years; and

**WHEREAS**, the town council of the Town of Mineral Springs believes that accuracy, fairness, and equal protection are the key values that should be high priorities for municipal and county governments;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Mineral Springs hereby requests that the Union County Board of Commissioners conduct a countywide property revaluation in 2012, which would represent a continuation of the county's precedent and that would ensure the fairest possible apportionment of the property tax burden throughout Union County.

**ADOPTED** this 10<sup>th</sup> day of February, 2011

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Mayor Frederick Becker III

Attest:

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Vicky Brooks, CMC

Mayor Becker stated that the town council found that Mineral Springs is probably average, and would not necessarily be radically affected either way. He stressed that the Town Council was very committed as good government officials to the value of accuracy, fairness, and equal protection of all county residents.

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

Commissioner Thomas moved to delete Item 9b – Appointments to the Board of Equalization and Review and appointment of Chair for 2011 from this agenda and placed on the March 7, 2011, agenda.

Commissioner Rogers asked if delaying these appointments would negatively impact the Board of Equalization and Review. John Petoskey, Tax Administrator, responded that the first meeting of the Board of Equalization and Review is scheduled for April 12, and he thought that as long as the appointments of the board members and a chair had been made by April 12, it would be acceptable.

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

Chairman Simpson moved adoption of the agenda as amended. The motion passed unanimously.

**CONSENT AGENDA:**

Chairman Simpson moved approval of the items listed on the Consent Agenda. The motion passed unanimously.

*Minutes:* Approved minutes of the special meeting of January 4, 2011.

*Agreements and Purchase Orders Over \$20,000:* Authorized the County Manager to approve an agreement with Aramark Correctional Services, LLC, pending legal review.

*FY 2012 Community Transportation Program Application (Public Hearing Held at 7:00 p.m.):* Adopted Community Transportation Program Resolution as recorded below and Authorized County Manager to approve and submit the application

**COMMUNITY TRANSPORTATION PROGRAM RESOLUTION**

**Section 5311  
FY 2012 RESOLUTION**

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by *(Board Member's Name)* Chairman Simpson and seconded by *(Board Member's Name or N/A, if not required)* N/A for the adoption of the following resolution, which was an item on the Consent Agenda, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service

alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, (*Legal Name of Applicant*) Union County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the (*Authorized Official's Title*)\* County Manager of (*Name of Applicant's Governing Body*) Union County is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

I (*Certifying Official's Name*)\* Lynn G. West (*Certifying Official's Title*) Clerk to the Union County Board of Commissioners do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) Union County Board of Commissioners duly held on the 21st day of February, 2011.

\_\_\_\_\_  
*Signature of Certifying Official*

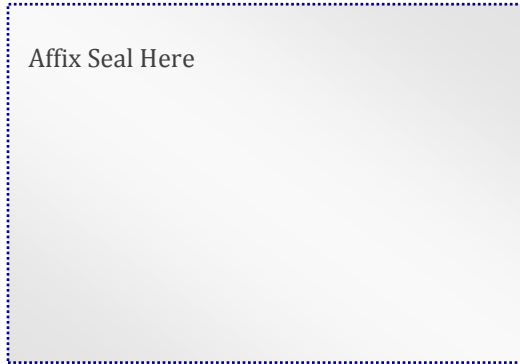
**\*Note that the authorized official, certifying official, and notary public should be three separate individuals.**

Seal Subscribed and sworn to me (*date*) \_\_\_\_\_

\_\_\_\_\_  
*Notary Public\**

\_\_\_\_\_  
*Printed Name and Address*

My commission expires (*date*) \_\_\_\_\_



**Tax Administration:** Approved Motor Vehicle Billing in the total amount of \$906,173.27.

**Tax Administrator:** Approved Motor Vehicle Abatement Report for September 2010 in the amount of \$35,769.47.

**Delinquent Tax Advertisement:** Accepted the unpaid tax report for 2010 constituting liens on real estate totaling \$8,940,259.20 and ordered the Tax Collector to advertise the liens in a local newspaper in accordance with NCGS 105-369.

**Write-Off of 2006 Uncollectible Motor Vehicle Taxes – Amended Report:** Approved the amended report requesting the write off of 2006 outstanding registered motor vehicle taxes as follows:

Year	Charge	Collected/Released	Balance	Collection %
2006	\$ 10,333,573.26	\$ 10,246,448.79	\$ 87,124.47	99.16%

**Information Only – No Action Required:** Also included in the agenda package with no action required were: 1) Motor Vehicle Discovery Report for September 2010 and 2) Department of Inspections’ Monthly Report for January 2011

**OLD BUSINESS:**

**SCHEDULING OF MUNICIPAL MEETINGS:**

Cindy Coto, County Manager, stated that at the December 20, 2011, regular meeting, staff was requested to establish joint meetings with each of the municipal governments. She said that she sent a letter on December 29, 2010, seeking input from each of the 14 municipalities, and based on the response that she received, she sent a subsequent e-mail on January 29, 2011. Mrs. Coto said that a tentative schedule was included in the agenda package, and her proposal is to set the first three meetings. She said in talking with the Town Managers and Town Administrators, the months of May and June are hectic for the County and towns, and they would rather not meet during that time. She explained that the proposal before the Board tonight is to meet with the City of Monroe on March 1, 2011 at 3:30 p.m. and reported that a list of proposed topics was included as well. Further, she said that the Town of Stallings has requested to meet on March 22, 2011, at 6:00 p.m., and if this date is acceptable to the Board, she will work with the Town Administrator to develop the topics to be discussed at the meeting. Mrs. Coto stated that the Town of Indian Trail requested to meet on April 12, 2011. She said that the remaining towns have been listed in alphabetical order, and, if it is the Board’s pleasure, she would like some flexibility in working with each of the municipalities on what dates works best for them after June.

Mrs. Coto said that she was requesting that the Board accept the meetings as proposed or, if this is not acceptable, then she was seeking guidance and direction from the Board about how it would like to proceed forward with scheduling meetings with the municipalities.

Commissioner Rogers asked Mrs. Coto if she had received her e-mail regarding the meetings that she would be unable to attend. Mrs. Coto responded that she had received Commissioner Rogers' e-mail.

Commissioner Thomas moved to approve the tentative schedule as presented by Mrs. Coto and set out below. The motion passed by a vote of four to one. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers voted against the motion.

Meetings with Municipalities

City of Monroe	March 1 at 3:30 p.m. Dinner at 5:30 p.m.	Water and Sewer Revaluation Charlotte-Monroe Executive Airport Natural Gas Pipeline (Transco) Development Project (Monroe Hardware/Allan Overall Bldg. Belk-Tonawanda Park
Town of Stallings	March 22 at 6:00 p.m. Dinner at 5:00 p.m.	Topics to be developed
Town of Indian Trail	April 12 at 6:30 p.m.	Topics to be developed
No meetings in May or June due to Budget		
Towns of Fairview/Unionville	July	Topics to be developed
Village of Marvin	August	Topics to be developed
Town of Marshville	September	Topics to be developed
Town of Mineral Springs	October	Topics to be developed
Town of Waxhaw	November	Topics to be developed
Town of Weddington	December	Topics to be developed

Village of Wesley Chapel	January	Topics to be developed
Town of Wingate	February	Topics to be developed

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

Chairman Simpson announced vacancies on the following Boards and Committees:

- a. Adult Care Home Community Advisory Committee
- b. Agricultural Advisory Board [(One (1) Vacancy for an unexpired term ending June 2011)]
- c. Juvenile Crime Prevention Council [one (1) vacancy for each of the following: a Substance Abuse Professional, a Member of the Business Community, a Member representing United Way or Other Non-Profit, one (1) Commissioner Appointee, and two (2) vacancies for persons under the age of 18]
- d. Nursing Home Advisory Committee [Members cannot have a financial connection with or have an immediate family member in a nursing home]
- e. Parks and Recreation Advisory Committee [Vacancy for one member with a physical disability]
- f. Home and Community Care Block Grant Advisory Committee [three (3) vacancies for community representatives as of December 2010]
- g. Board of Health [three (3) vacancies, one representing each of the following categories: a Dentist, a Pharmacist and a Veterinarian]
- h. Planning Board [(Five (5) Vacancies which include one (1) regular member with an unexpired term ending April 20, 2011; one (1) term ending April 20, 2011; and two (2) unexpired terms ending April 20, 2012 and an alternate whose term expires April 20, 2011)]

**APPOINTMENTS TO BOARDS AND COMMITTEES:**

- a. Fire Commission

Commissioner Kuehler nominated Rick Denton, Walker Davidson, and Heather Perryman to serve on the Fire Commission.

She provided background on each of the individuals that she had nominated. She stated that Mr. Denton currently serves on the Fire Commission and has been through the Fire Study and has been privy to the discussions with Dr. Jenaway. She said that Mr. Denton has some historical knowledge of this board and would provide continuity.

Commissioner Kuehler stated that Mr. Davidson was recommended by Representative Craig Horne as being an excellent fit for the Fire Commission. She stated that Mr. Davidson is chairing the Public Safety Committee in Weddington and deals with two fire departments, one fee driven and one tax driven, and is included in that percentage that is basically paying for fire services a couple of times because he lives in the Town of Weddington but is in a different tax district. She said that Mr. Davidson has a financial background and with the challenge of addressing how to fund fire departments coming up, she thought he would be a great fit for the Fire Commission.

She explained that Ms. Perryman's work history shows that she has some knowledge from somewhere outside of Union County, including EMS background, which is a huge issue in dealing with the fire departments. She said that Ms. Perryman has been a firefighter with the National Guard and brings a lot to the table.

With there being no further nominations, Chairman Simpson called for a vote on the nominations put forth by Commissioner Kuehler and said that the Board would vote on the nominees individually. The votes were as follows:

Rick Denton – Received two votes in favor (Commissioner Kuehler and Commissioner Rogers) and three votes opposed (Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas)

Walker Davidson – Received two votes in favor (Commissioner Kuehler and Commissioner Rogers) and three votes opposed (Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas)

Heather Perryman – Received two votes in favor (Commissioner Kuehler and Commissioner Rogers) and three votes opposed (Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas)

Chairman Simpson then asked for nominations for the Parks and Recreation Advisory Committee.

Commissioner Kuehler questioned if there were not going to be any further nominations for the Fire Commission.

Commissioner Thomas then nominated Rusty Cox and Devin Baucom to serve on the Fire Commission.

Commissioner Kuehler asked if there was any indication from Commissioner Thomas as to why these individuals would be a good fit on the Fire Commission.

Commissioner Thomas explained that Mr. Cox is extremely interested in serving on the Fire Commission, and said that he has had an opportunity to discuss with him his interest. He said that the County will have to deal with the impact on the fire department funding for the eastern part of the County. He further explained that Mr. Baucom is from the northern part of the County and serves as a fire chief. He said that he finds the Mr. Baucom's energy would be welcomed on the Fire Commission.

Commissioner Rogers questioned regarding Mr. Cox and his relationship to Marion Cox. Commissioner Rogers addressed comments to the taxpayers and her concern about major campaign donations and committee appointments. She stressed that her comments were not against any individual but about the perception being reality. She said that she thought the Board should be looking at applicants and what they bring to the positions. She stated that the three candidates who were nominated and voted down have some really good qualities. Commissioner Rogers said that she did not have any issue with Mr. Baucom's nomination and liked the fact that he is from New Salem. She expressed a concern that a pattern is being set with a small group of people controlling Commissioners, controlling appointments to certain boards, and there is not a diversity of the community.

Commissioner Rogers said that she would not support appointing anyone to boards whose appointment looks to the public and to her as some kind of political payback.

Commissioner Thomas stated that he thought it was important to note that Rusty Cox did not give him one dime on his campaign and to his recollection neither did he give any donations to Chairman Simpson nor Vice Chairman Todd Johnson. Chairman Simpson interjected that Mr. Cox had been a contributor to his campaign, but noted he has worked with Rusty Cox for 25 years.

Commissioner Thomas amended his motion to also nominate Brian Rogers to serve on the Fire Commission.

Commissioner Rogers requested that Mr. Rogers' qualifications be discussed.

Vice Chairman Johnson asked to address one of the issues that has been brought up tonight. He said that the Board members were given the opportunity to discuss why they did not vote for one of the prior three nominees. He discussed his reasoning for voting against Mr. Davidson. He said that he and Mr. Davidson have differing opinions on certain issues.

Commissioner Kuehler argued that the Commissioners should want people on the boards that do not think the same way as a Commissioner does.



Commissioner Thomas moved to call the question on the motion. The motion passed by a vote of three to two. Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted in favor of the motion. Commissioner Kuehler and Commissioner Rogers voted against the motion.

Chairman Simpson called for a vote on the nominees and the votes are recorded below:

Rusty Cox – Received three votes in favor (Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas) and two votes in opposition (Commissioner Kuehler and Commissioner Rogers).

Devin Baucom – Received three votes in favor (Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas) and two votes in opposition (Commissioner Kuehler and Commissioner Rogers).

Brian Rogers – Received three votes in favor (Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas) and two votes in opposition (Commissioner Kuehler and Commissioner Rogers).

**b. *Board of Equalization and Review*** (This item was removed from the agenda to be placed on the March 7, 2011, agenda)

**c. *Parks and Recreation Advisory Committee***

Vice Chairman Johnson nominated Kelley Blalock and Joe Smith for reappointment to the Parks and Recreation Advisory Committee.

Commissioner Kuehler asked Vice Chairman Johnson if he served as the Commissioner representative on this committee and if he had met these two individuals.

Vice Chairman Johnson responded that he has attended both meetings of the Parks and Recreation Advisory Committee which have been held since he was appointed to this committee, and he has taken the opportunity to speak with Bill Whitley, Parks and Recreation Director, and to both Mr. Blalock and Mr. Smith and believes that both are good servants to the Parks and Recreation Advisory Committee. He added that both Mr. Blalock and Mr. Smith have a very good track record for attending the Parks and Recreation Advisory Committee meetings.

With there being no further discussion, and with no objection from the Board, Chairman Simpson called for a vote on the nominations of Mr. Blalock and Mr. Smith in block. The motion passed unanimously.

**COUNTY MANAGER'S COMMENTS:**

Cindy Coto, County Manager, said as an update that at the January 25th work session regarding Public Works' matters, staff thought it might be March or April when they brought policies to the Board, based on the parameters provided, they relate to loosening up the shovel ready projects as well as some of the allocations as they relate to non-residential single taps, etc. She stated that staff will bring the policies for water and wastewater to the March 7<sup>th</sup> meeting.

**COMMISSIONERS' COMMENTS:**

Commissioner Rogers said that she had hoped going into tonight's meeting, that the Board could have one meeting that would be somewhat pleasant, but she was wrong.

She addressed her comments to the public regarding the issues that she ran her campaign on. She said that she had a folder full of newspaper articles and flyers on the three new Commissioners who ran on open, transparent and ethical government. She said that in tonight's meeting, the Board has started down the path to get rid of the disclosure forms. She referred to a recent quote by Commissioner Thomas in *The Enquirer Journal* explaining what he meant on transparent government. She said that she has talked about the perception being the reality. She stated that there is no communication, no team work, and nothing has been delivered that was promised in the campaign flyers.

She said that she was tired of the broken promises. She stated that when she was Chair, the Commissioners' Comments moved around a little, but now the order starts with her and she will not be able to comment after the others comments. She welcomed everyone to e-mail her with his/her concerns. Commissioner Rogers said she was willing to move forward with this Board, but she wants the Board members to do what they said they would do. She stated that the Board members can agree to disagree.

Commissioner Rogers wished Jason DeBraun of *The Enquirer Journal* good luck on his new job. She said she was sorry to see him leave Union County.

Commissioner Thomas expressed appreciation for the comments tonight. He said that he absolutely refuses to levy personal attacks. He stated that one of the first realities that he had gotten from being on the Board was at the January 4<sup>th</sup> meeting when he voted to televise the Planning Board appointments.

He offered congratulations to the Health Department on receiving accreditation status. He said that he thought this accomplishment was a testimony to that department to being able to meet the needs of the citizens. He said that last year when there was the H1N1 scare in Union County, the citizens could not have asked for a more proactive group than the Union County Health Department.

Commissioner Thomas said there were some good comments made during the Informal Comments tonight and expressed appreciation to the speakers for sharing their thoughts. He assured that every nominee that he brings forward for a vote to serve on boards and committees, has been vetted and spoken to by him and that he has checked out their ideas to assure that their values are in line with others. In addition, he said that he has checked to make sure that the applicants are not convicted felons.

He said that tonight there were some contentious moments with the Fire Commission appointments. He stated that he looks forward to working with the new appointees and expressed appreciation to all who took the time to apply. He encouraged those not appointed to consider another role with the County. He said that he looked forward to serving as the Fire Commissioner, and has given his pledge to Representative Horne and Senator Tucker, that the Board is going to move forward on the issue of fire fees and fire taxes. He said that this is one issue where there is an east/west divide, and tonight there had been a mention about diversity. He explained the diversity on the Fire Commission with two people from the Town of Waxhaw serving, two from Stallings, one from New Salem, one from Wingate, one from Indian Trail, and one from Hemby Bridge. He said that there were representatives on the Fire Commission ranging from subsidized departments to departments under a fire tax. He stated that was really the debate, but he is hoping that the result will be something different than the current situation.

Commissioner Thomas reminded everyone of the work session on February 24, 2011, with representatives of KaufmanHall to discuss the future of the hospital. He encouraged attendance by members of the community. He said that the meeting will be televised. He stated that the County is in a very unique situation with a great performer that provides a great service for the community. He said that he hopes the County can reach some type of deal with that provider.

Commissioner Kuehler said that she was pleasantly surprised by the shortness of the agenda, but as a result was surprised not to see any discussion about the revaluation. She said the Mr. Petoskey had made a presentation to the Board at an earlier meeting, and

she understood him to say unequivocally that he needed to know by March 1 whether the revaluation would move forward. She said that there is not another meeting before March 1, and her concern is that there are people who think the revaluation will take place only to find out that it will be placed on the March 7<sup>th</sup> agenda, and it will not take place. She said that she sincerely hoped that would not happen.

She gave some background on previous revaluations. She said that hopefully it is now at the bottom of the market, but in 2012 that would be four years since the last revaluation in 2008. She stated that the County has not officially adopted a four-year revaluation schedule. She said that the revaluation for 2012 was not done for political actions or reasons as she was accused of. She stated that now things are not going so well, and the revaluation is needed to right the wrong. She said that it should not matter who is going to be affected or what part of the County will be affected. She said that no one can deny that the 2008 revaluation was completed at the height of the market, but that market no longer exists and people are being taxed based on values that are not fair or equitable. She stated that she hoped the fact the revaluation was not on tonight's agenda means that the County is going forward with it.

Vice Chairman Johnson said that Commissioner Kuehler had commented tonight that it is good to have opposing opinions, which he agreed with. He said that in terms of communications and the Board not reaching out, to date, after having been elected, he did not recall a single e-mail or telephone call from Commissioner Rogers yet she has received communication from him. He said that communication is a two-way street.

He said that he thought it was important to point out that in 2008 Commissioner Rogers ran unopposed in a Presidential election. He stated that in reviewing the history of Union County for the past ten years, the persons who sit on the Board of Commissioners are decided in the Republican primary race. He said that when looking at the percentage of difference in the County wide election in the May primary for County Commissioners, the percentages between 2010 and 2008 were substantially different.

He said, in addition to that, the disclosure form was discussed tonight. He read a list of counties and municipalities, and said that none of those require a disclosure form. He said Union County is the only one to require the disclosure forms. He stated that as he had said in the beginning, a form does not keep someone from being dishonest and especially a form that is not policed and is placed in a file.

Vice Chairman Johnson said that he shared Commissioner Thomas' congratulations to the Health Department and recognized Phillip Tarte, Health Director, as an asset to the County. He expressed appreciation to those who spoke during the Public Hearing as well as those who spoke during the informal comments.

Chairman Simpson also commended the Health Department for its work and for receiving accreditation status. He offered kudos to the speakers and said it is always important for the Board to hear from the public.

He said that everyone knows that Union County is a county in transition and there has been a tremendous amount of growth in the western side of the county. He said that he is a member of the Waxhaw/Weddington Rotary Club and still has a difficult time pronouncing the names of some of the members. He stated that Union County has had a lot of new families and a lot of different families come from all over the United States, which is appreciated. He said there are some old family names such as Simpsons, Cox, Baucoms, Helms, Starnes, and those are big families. He stated that to insinuate that all of the campaign contributions came from the same family is a little bit erroneous.

With there being no further discussion, at 8:30 p.m., Chairman Simpson moved to adjourn the regular meeting. The motion passed unanimously.