

Approved: April 4, 2011

Minutes of Monday, March 21, 2011  
REGULAR MEETING

The Union County Board of Commissioners met in a regular meeting on Monday, March 21, 2011, at 7:00 PM in the Commissioners' Board Room, First Floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

**PRESENT:** Chairman Jerry Simpson, Vice Chairman Todd Johnson, Commissioner Tracy Kuehler, Commissioner Jonathan Thomas

**ABSENT:** Commissioner Kim Rogers

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

**General Business**

**1. Opening of Meeting**

- a. Invocation: Commissioner Thomas offered the invocation.
- b. Pledge of Allegiance: Commissioner Thomas led the body in reciting the Pledge of Allegiance to the United States flag.
- c. Employee Recognition

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**

JOHN TOMPKINS  
JOSEPHINE BENEDITO  
JAMES DENNIS  
NICOLE SAMUELS  
KIMBERLY SULLIVAN

**DEPARTMENT**

LIBRARY  
SHERIFF'S OFFICE  
SHERIFF'S OFFICE  
SHERIFF'S OFFICE  
SOCIAL SERVICES

**10 YEARS OF SERVICE**

CLIFF RHODES  
PATRICIA HASKELL  
SCOTT HUNEYCUTT  
AMY KAY  
LISA KAWYN  
VICTORIA PURSER

**DEPARTMENT**

LIBRARY  
PUBLIC WORKS  
PUBLIC WORKS  
SHERIFF'S OFFICE  
SOCIAL SERVICES  
TRANSPORTATION AND NUTRITION

**2. Informal Comments**

Chairman Simpson announced that one person had registered to speak during the informal comments, and he recognized Cameron Helms for his comments.

Mr. Helms expressed appreciation to the Commissioners for their service to the County. He said that he currently resides on Lawyers Road East in Union County.

Mr. Helms stated that he was seeking clarification to the County's short-term water allocation policy versus the County's tax policy. He explained that he owns some property in Indian Trail that he has been paying taxes on for a number of years. He said that he had had a prospective buyer for the property, and in researching the property for the prospective buyer, he realized that the County is classifying apartment complexes as commercial property and is taxing them as commercial property but the apartment complexes are being discriminated against when it comes to the County's short-term water allocation policy. He asked that the Board give direction to the County Attorney or Manager to seek clarification in this matter.

Mr. Helms stated that if the property was developed with apartment complexes on it, it would be taxed commercially but under the water allocation policy, the apartment complexes would be considered residential.

**3. Additions, Deletions and/or Adoption of Agenda**

Commissioner Thomas moved to adopt the agenda as presented. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

**4. Consent Agenda**

Chairman Simpson moved approval of the items listed on the consent agenda as presented. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

- a. Contracts and Purchase Orders Over \$20,000 : Authorized the County Manager to approve the following pending legal review:
  - 1. Central Administration: Printing and Copying Contract with Ricoh
  - 2. General Services: Lease Agreement with the North Carolina Department of Corrections for Space for Adult Probation
- b. Tax Administrator
  - 1. Tenth Motor Vehicle Billing: Approved the Tenth Motor Vehicle Billing in the Amount of \$998,512.38
  - 2. Abatement Report for Motor Vehicles for the Month of October 2010 in the Amount of \$50,377.01: Approved Abatement Report for Motor Vehicles for October 2010 in the amount of \$50,377.01
- c. Dissolution of Farmers Market Committee: Approved the dissolution of the Farmer's Market Committee.
- d. Health Department: Budget Amendment #31 to Appropriate \$17,972.41 from the North Carolina Department of Environment and Natural Resources for Performing 100 Percent of All Required Food and Lodging Establishment Inspections in Union County: Adopted Budget Amendment #31 to Appropriate \$17,972.41 from the North Carolina Department of Environment and Natural Resources.

**BUDGET AMENDMENT**

BUDGET	<u>Health</u>	REQUESTED BY	<u>Phillip Tarte</u>
FISCAL YEAR	<u>FY2011</u>	DATE	<u>March 21, 2011</u>

**INCREASE**

**DECREASE**

Description

Description

Operating Expenses 17,972

State Revenue 17,972

Explanation: Appropriate additional state funds for the Environmental Health Program

DATE \_\_\_\_\_

APPROVED BY \_\_\_\_\_

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

FOR POSTING PURPOSES ONLY

**DEBIT**

**CREDIT**

Code Account Amount  
10551154-5199-1392 Salary Adjustments 17,972

Code Account Amount  
10451154-4413-1392 State Funding 17,972


Total	<u>17,972</u>	Total	<u>17,972</u>
Prepared By	<u>bl</u>		
Posted By	<u></u>		
Date	<u></u>	Number	<u>31</u>

- e. Health Department: Centers for Disease Control and Prevention (CDC) Healthy Homes Grant Funding: Authorized acceptance of Grant Funding, if awarded, for the Centers for Disease Control (CDC) Healthy Homes Grant Funding Application in the approximate amount of \$50,000
- f. Health Department: Teen Wellness Grant Program Proposal: Authorized submission of the Teen Wellness Grant Program Proposal Application to the Sisters' of Mercy Foundation for a three-year grant in the approximate amount of \$96,621 per year for three years
- g. Health Department: Budget Ordinance Amendment #30 to Appropriate \$1,450 in Additional Federal Title X (Family Planning) Bonus Funding: Adopted Budget Amendment #30 to Appropriate \$1,450 in Additional Federal Title X (Family Planning) Bonus Funding.

**BUDGET AMENDMENT**

BUDGET	Health	REQUESTED BY	Phillip Tarte
FISCAL YEAR	FY2011	DATE	March 21, 2011

**INCREASE**

**DECREASE**

Description

Description

Operating Expenses	1,450		
Federal Revenue	1,450		

Explanation: Appropriate additional federal funds for the Health, Family Planning Program

DATE \_\_\_\_\_

APPROVED BY \_\_\_\_\_

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

FOR POSTING PURPOSES ONLY

**DEBIT**

**CREDIT**

Code

Account

Amount

Code

Account

10551150-5239-1324

Medical Supplies

1,450

10451150-4344-1324

Federal Funding

1,450

<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
<u>10551150-5239-1324</u>	<u>Medical Supplies</u>	<u>1,450</u>	<u>10451150-4344-1324</u>	<u>Federal Funding</u>	<u>1,450</u>
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Total	1,450		Total	1,450
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Prepared By	bl
Posted By	
Date	

Number	30
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- h. Register of Deeds: Request from Gerard McNaught, LLC, for Refund in the Amount of \$70 for Recording Fee for Special Warranty Deed Recorded in Incorrect County: Approved refund to Gerard W. McNaught, LLC, in the amount of \$70 for Special Warranty Deed recorded in incorrect county.
  
- i. Fiscal Year 2011-2012 Grant Application for the Criminal Justice Partnership Program: Authorized County Manager and Finance Director to sign and submit the Criminal Justice Partnership Program Application for continuation of the grant funding.
  
- j. Resolution to Revise the Regular Meeting Schedule of the Board of Commissioners for July 2011: Adopted a Resolution Revising the Regular Meeting Schedule for July 2011 as recorded below:

**RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE  
OF THE UNION COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Union County Board of Commissioners has heretofore established the regular meeting schedule of the Board such that regular meetings are held on the first and third Monday of each month at 7:00 p.m. in the Commissioners' Boardroom; and



WHEREAS, the Board desires to amend its regular meeting schedule by deleting the regular meeting of Tuesday, July 5 (Monday, July 4 is a holiday) and the regular meeting of Monday, July 18 and to add a regular meeting for Monday, July 11; and

NOW, THEREFORE, be it resolved by the Union County Board of Commissioners as follows:

The Board does hereby revise its regular meeting schedule to delete the regular meetings of Tuesday, July 5, 2011, and Monday, July 18, 2011, and to add a new regular meeting to occur on Monday, July 11, 2011, at the customary place and time. Except as herein amended, the regular meeting schedule shall remain in full force and effect.

Adopted this the 21st day of March, 2011.

- k. Dodge City Community Development Block Grant (CDBG) - Language Access Plan: Adopted the Language Access Plan, as recorded below, and authorized the County Manager and the Chairman to sign the plan.

### **Language Access Plan Union County**

The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by **Union County** must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

This policy and plan is effective March 21, 2011.

## **Scope of Policy**

These requirements will apply to **Union County (herein referred to as “the agency”)** including subcontractors, vendors, and subrecipients.

The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

## **Definitions**

- A. DCA: the North Carolina Department of Commerce Division of Community Assistance
- B. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
- C. Vital Documents – Applications; consent forms; citizen participation plan; letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits (including the right to appeal such actions or the requirement that a person respond to such notice); notices advising LEP persons of the availability of free language assistance; LEP outreach materials; and any other documents determined by agency to be vital documents.
- D. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies
- E. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

## **Providing Notice to LEP Individuals**

- A. The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s).

List the current name, office telephone number and office address of the Title VI compliance officers:

**For Public Works (primary Title VI compliance officer for purpose of Dodge City CDBG grant project):**

Name: Jolene Keziah  
Telephone Number: 704-296-4220  
Office Address: 500 North Main Street, Monroe, NC 28112

(Note: The agency must notify the DCA compliance office immediately of changes in name or contact information for the Title VI compliance officer.)

The agency will post and maintain signs in regularly encountered languages (other than English) in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.

**Identify areas within the agency where these signs will be posted:**

Customer Service Office and Cashiers Office (Tax Office) located at: Union County Government Center, 500 N. Main Street, Monroe, NC 28112.

- B. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).
- C. The agency will also disseminate information in the following manner:  
  
Dissemination of pamphlets explaining the rights in this policy.

## **I. Provision of Services to LEP Applicants/Recipients**

### **A. Assessing Linguistic Needs of Potential Applicants and Recipients**

1. The agency will assess the language needs of the population to be served, by identifying:
  - a. the language needs of each LEP applicant/recipient
  - b. the points of contact where language assistance is needed; and
  - c. the resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.
  - d. Other (*describe*):

Several departments (e.g. DSS, Transportation, Health) have their own unique language access plans and interpreter service policies. This Language Access Plan does not supersede those departmental plans and policies. Instead, the agency will utilize those plans and resources and work with these other departments to provide meaningful access for LEP individuals.

### **2. Determining the Language Needs of the Population to be Served**

The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:

- a. The non-English languages that are likely to be encountered in its program will be identified.
- b. An estimate of the number of people in the community for whom English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individuals local entities should review:
  - i. census data
  - ii. school system data

- iii. reports from federal, state, and local governments
- iv. community agencies' information, and
- v. data from client files
- vi. Other (*specify*):

Several departments (e.g. DSS, Transportation, Health) have their own unique language access plans and interpreter service policies. This Language Access Plan does not supersede those departmental plans and policies. Instead, the agency will utilize those plans and resources and work with these other departments to provide meaningful access for LEP individuals.

- c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.

### 3. Determining the Language Needs of Each Applicant/Recipient

The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:

- a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language.

Check all methods that will be used:

- multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages
- English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy
- Other ( describe):
  - At telephone reception for each applicant/recipient who requests assistance

- b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language.
- c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
- d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
- e. If any applicant/recipient is assessed as LEP, they will be informed of the availability of free language interpretative services. When there is a direct (face-to-face) contact with a person assessed as LEP and whose primary language is one of the ones identified in Section IV.C.2 below, a written notice of the availability of free language interpretative services will be provided.

B. Provision of Bilingual/Interpretive Services

- 1. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by:

Currently, the agency has several staff members in different departments who are bilingual (most of which speak English and Spanish). The agency will make reasonable efforts to fill vacant positions that have customer service responsibilities with bilingual persons. The agency will supplement the aforementioned staff bilingual/interpretive services with telephone interpretive services which will provide assistance with languages other than Spanish.

2. The agency will provide language assistance at all level of interaction with LEP individuals, including telephone interactions.

Describe how this requirement will be met:

Currently, the agency has several staff members in different departments who are bilingual (most of which speak English and Spanish). The agency will make reasonable efforts to fill vacant positions that have customer service responsibilities with bilingual persons. The agency will supplement the aforementioned staff bilingual/interpretive services with telephone interpretive services which will provide assistance with languages other than Spanish.

3. Interpreter Standards

- a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self-identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:

- i. Can fluently and effectively communicate in both English and the primary language of the LEP individual
- ii. Can accurately and impartially interpret to and from such languages and English
- iii. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
- iv. Demonstrates cultural competency
- v. Understands the obligation to maintain confidentiality
- vi. Understands the roles of interpreters and the ethics associated with being an interpreter

Describe how the agency ensures the competency of bilingual staff and interpreters:

Bilingual staff from the Health and/or DSS Departments will be utilized as needed to assess the competency of the agency's bilingual staff.

- b. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.
4. Using Family Members or Friends as Interpreters
- a. Applicants/recipients may provide their own interpreter; however the agency will not require them to do so.
  - b. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness or services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
  - c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
  - d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DCA upon request.
5. The agency will *not* require the applicant/recipient to pay for bilingual/interpretive services.

C. Provision of Written Translations



1. This Section IV.C. sets forth instances in which the agency will provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
2. Translation of Vital Documents
  - a. The agency will ensure that vital documents for locally designed programs are translated into Spanish, or, if a vital document cannot be reasonably translated (e.g. being sent out to the general public), the agency will include a statement in Spanish regarding where a LEP person might obtain an interpretation or translation of the document.
  - b. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language, or, if a vital document cannot be reasonably translated (e.g. being sent out to the general public), the agency will include a statement in the appropriate language(s) regarding where a LEP person might obtain an interpretation or translation of the document.
  - c. When vital documents that are translated pursuant to this Section IV.C.2 contain spaces in which the agency is to insert information that is to be given to an LEP individual, this inserted information will also be translated in the appropriate language. When such vital documents are completed by applicants/recipients in the language of the translated document, the information must be accepted.
  - d. The agency will keep a record of all vital documents translated, and will submit this information to DCA at their request.
3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph,

the LEP individual who requests a translation will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.

D. Documentation of Applicant/Recipient Case Records

1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:
  - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language.
  - b. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this information to DCA upon request.
3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. Staff Development and Training

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:

- a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
  - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
  3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy.

Describe how this provision will be met:

Copies of the Language Access Plan will be distributed during the pre-bid or pre-construction conference.

4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

## **II. Compliance Procedures, Reporting and Monitoring**

### **A. Reporting**

1. The agency will complete an annual compliance report and send this report to DCA. (Format will be supplied by DCA)

B. Monitoring

1. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the DCA. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the DCA upon request.
2. The agency will cooperate, when requested, with special review by the DCA.

**III. Applicant/Recipient Complaints of Discriminatory Treatment**

A. Complaints

1. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
2. The agency will maintain records of any complaints filed, the date of filing, actions taken and resolution.
3. The agency will notify the appropriate agency or Division within DCA of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Investigation

1. The DCA Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
2. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

C. Resolution of Matters

1. If the investigation indicates a failure to comply with the Act, the local unit of government, agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
2. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.
3. If not resolved by DCA, then complaint will be forwarded to DOJ, HUD Field Office.

SUBMITTED AND APPROVED BY:

_____	<u>March 21, 2011</u>
Cynthia A. Coto, County Manager	Date
_____	<u>March 21, 2011</u>
Jerry Simpson, Chairman of the Union County Board of Commissioners	Date

- l. Criminal Justice Partnership Program: Accepted Judge David Lee's resignation from the Criminal Justice Partnership Board and appointed Judge Chris Bragg to fill this vacancy
- m. Minutes: Approved the minutes of the regular meetings of January 19, 2010, and February 21, 2011.
- n. Information Only - No Action Required: Included in the package with no action required were the following: 1) Department of Inspection Monthly Report for February 2011; and 2) Discover Report for Motor Vehicles for October 2010 from the Tax Administrator.

**Old Business: None**

**New Business:**

**5. Presentation of Union County Economic and Tax Impact Study**

Chairman Simpson recognized Sharon Rosche, President of the Chamber of Commerce, to present the Union County Economic and Tax Impact Study.

Ms. Rosche said that she moved to Union County five weeks ago. She stated that she is enjoying her time in Union County and commended the Board of Commissioners for its work in the community.

She said that the Chamber of Commerce is perceived as being for the business community, but at the end of the day, it really wants quality of life. She stated that is what it is striving to accomplish. Ms. Rosche said that there cannot be business without people. She stated that the Chamber of Commerce has a hopeful purpose to maintain the quality of life in Union County as it is or better. She said that sometime late last fall, the Chamber commissioned an economic development study with Wingate University, which was put into place to determine how the quality of life can be maintained going forward with the different types of growth, different communities, etc. She stated that the Chamber wants to work with the County in whatever capacity desired to distribute the results of this study to the community. She said that the study is a large report containing a lot of data. She reviewed a Power Point presentation summarizing the study.

Ms. Rosche said the study found that Union County currently has an 85 percent residential tax base and a 15 percent commercial tax base. She showed a comparison of Union County with various other counties as to residential tax value as a percentage of total property value. She noted that this comparison included Alamance County at 74 percent residential tax value as a percentage of its total property value as well as Harnett County at 87 percent. She pointed out that Union County is the third highest percentage wise compared with the other counties (Alamance, Cabarrus, Chatham, Durham, Gaston, Harnett, Iredell, Johnston, and Lincoln). She said there is no set percentage of where it is believed that Union County should be but there are percentages that show the residential and commercial tax bases to be more balanced.

Ms. Rosche's presentation included a historical perspective of the County's residential versus commercial tax base but she noted that primarily in the last five years, the County's residential tax value as a percentage of total property value has remained in the 80 percentile. Ms. Rosche said that in order for the County to maintain: a good quality of life for its residents, a good school system, police protection, fire departments, parks and amenities, there has to be some growth. She stated that the County would have to decide how much growth is good. She said that while the Chamber, obviously, cares about the business community, it

also cares about the residents.

She presented information regarding property tax forecasting using moderate and high growth in home values. Ms. Rosche said that they would like the Board's direction and comments on the study. She said that their goal tonight was to present the results of the study and to initiate the discussion. She stated that a number of Professors at Wingate University were involved in compiling the study.

Commissioner Thomas asked if the percentage of residential and commercial tax base mix had been projected out into the future. Ms. Rosche responded that it was not projected out, but the numbers thought to be realistic were 70 percent residential and 30 percent commercial. Commissioner Thomas further asked if the study was based on the current level of services. Ms. Rosche indicated this was correct. She said that Union County has one of the best reputations regarding its school system, community, and quality of life.

Commissioner Kuehler said that one of her concerns was when speaking of residential and commercial, there are many different types of commercial. She cited Pineville and its tax base mix and said that its tax rates are great and its quality of life is good. She asked if the study carves commercial types out or does it lump commercial together.

Ms. Rosche responded there were six commercial clusters referred to in the study where it was thought that the County could potentially attract. She said that she thought the study was done such that there would be a mix. She stated that she thought the study was a recommendation, and to her an ideal situation would be to begin holding work sessions to discuss ideas that could be presented to the public and business community.

Commissioner Kuehler pointed out that earlier in the meeting, a speaker had talked about how policies and services are categorized differently and that apartment buildings are being taxed as commercial, but in reality, apartment complexes add to the debt load tremendously, because it is not one or two children per acre but there is a potential of 30 to 40 children per acre. She said that this would drive the service costs. She reiterated that she thought it was important when talking about percentages to make sure that everyone is talking about what is included in that percentage.

Ms. Rosche said that to Commissioner Kuehler's point, she believed there was an opportunity now to make those decisions and to craft the way that the County wants to grow.

Commissioner Kuehler said that in the past industries came to the community first and the rooftops were built around the industry and retail came last. She stated that for whatever reason, the rooftops come first and then retail and finally industries.

Ms. Rosche said that she has noticed since she has moved to Union County that a tremendous amount of residents shop in a different county. She stated as a new resident she sometimes has to go out of the County to get the items she wants, but as the Chamber President she would like to shop in Union County. She said that she thought Union County has an opportunity to brand itself and be amenable to different types of industry that potentially would bring the rooftops with it.

Commissioner Thomas referred to one of the slides in the presentation showing Union County as the third highest in residential tax value. He asked if that was third among the particular counties that were shown and questioned how those counties were chosen for comparison. Ron Brown of State Utility Contractors, a member of the audience, responded that when the Chamber requested the study be done, they had asked Wingate University to look at counties similar to Union County that were near large metropolitan areas such as Charlotte, Raleigh, and Greensboro.

Commissioner Thomas further asked if there had been any challenges identified in the study that the Board should consider to try and mitigate some of the issues that the County is facing in order to have the desired commercial development. Ms. Rosche responded that she thought the major challenges that the County is facing are, obviously, the infrastructure needs such as roads, water, sewer, etc. She said that these are the challenges that need to be worked on to ensure that the County can handle the growth.

At the conclusion of the discussion, Chairman Simpson expressed appreciation to Ms. Rosche for her presentation.

#### **6. CMC-Union Request for Conditional Approval of Certificate of Need (CON)**

Cindy Coto, County Manager, explained that this item is before the Board tonight at the request of CMC-Union. She said that it was her understanding that when CMC-Union applied for its Certificate of Need for a new Women's Center, it received a conditional approval that was predicated upon its obtaining approval of the project from the Board of Commissioners. Mrs. Coto shared that she has had a couple of discussions with Mr. Lutes of CMC-Union that if the Board were to give its approval as to the project's concept, what information needs to be included in the letter to the State. She said that she had shared the letter drafted by staff with Mr. Lutes, and he had provided her with some very minor comments. She recognized Michael Lutes, President of CMC-Union, to provide a brief presentation to the Board regarding the request.

Mr. Lutes expressed appreciation to the Board for the opportunity to present CMC-Union's plans for an acute bed addition and to ask for the Board's support of the project in concept as outlined in the Certificate of Need application. He provided background on the Certificate of Need process. He explained that CMC-Union filed a special needs petition with the State in 2009, and its argument was that the methodology that the State used on acute bed allocation really did not apply to CMC-Union



and Union County due to the tremendous growth in the county. Mr. Lutes shared that between 2004 and 2008, CMC-Union was the second fastest growing hospital in the State of North Carolina as a percent of average daily census. He said the special needs petition was approved and a need for 25 additional acute care beds was included in the 2010 State Medical Facilities Plan. He pointed out that it is very rare that a petition for a change in the State and Medical Facilities Plan is approved.

He said that CMC-Union filed its Certificate of Need application last fall, and a public hearing was held in December 2010, whereby there was tremendous support from patients and physicians. Mr. Lutes said that the State's Certificate of Needs Section conditionally approved the acute care bed addition on February 25, 2011, but the approval included five conditions. He said that one of those conditions was that CMC-Union must obtain written approval of the project from the Union County Board of Commissioners.

Mr. Lutes described the project scope which includes a three-story patient tower attached to the existing hospital to house a state-of-the-art Women's Center with LDRP suites. He said that these suites are what the Charlotte facilities now use. He stated that the first story is the basement which is mostly mechanical room functions. He said that the project also includes the renovation of existing space in the hospital, and when the current maternity center is moved, 25 additional acute care beds will be installed. He stated that currently during the busy times of the year, patients are kept in the emergency room until beds become available. Further, he said the project also includes a new main entrance to the hospital, an expanded lobby, and relocation of the heli-pad to the third floor of the emergency department. He explained that the relocation of the heli-pad will facilitate a quicker transfer of patients and is also a patient safety issue as well.

Mr. Lutes said that the project scope also includes additional parking for patients and visitors. He stated that initially a parking deck was a part of the project, but it was re-engineered out because the parking deck alone costs \$14 million. He said the project also includes a new facade to the front of the main hospital building. He stated the project includes approximately 87,000 square feet of new construction and approximately 22,000 square feet of renovated construction. He said that the project will increase the acute care bed capacity from 157 beds to 182 beds. He reviewed the layout of the project and showed various views of the project. He stated that there is a special entrance for the Women's Center, because they want it to be almost like a standalone Women's Hospital, so the women do not feel they are going to the hospital but are going to a special Women's Hospital.

He showed renderings of the heli-pad that will be located on the third floor of the emergency department. Mr. Lutes said that it is being relocated to the third floor of the emergency room, because it is hoped in the future they can build out the second floor to add a critical care space to the hospital.

He noted that the construction costs for the project are approximately \$35.5 million, and stressed these are only estimates. He said that the architectural engineering consulting fees are approximately \$4.4 million. He stated that the architectural, engineering, and general contractor fees will all be bid. He said that also included in the project are estimates of approximately \$3.8 million for contingencies. Mr. Lutes stated that the overall project is accretive to the hospital's operating cash flow. He said they were very conservative on the volume growth of approximately three to four percent per year. He stated that while this project will assist in addressing the hospital's capacity issues, it will also allow the hospital to grow market share. He said that he thought this was important, because they want to make sure they keep healthcare local and retain people in Union County for their healthcare. He stated that as far as long-term investment, the project sets the foundation for growth in other areas of the hospital.

Mr. Lutes said there would be a debt issuance involved to finance the project. He stated that currently in the Certificate of Need application, the following funding is projected: approximately \$40 million in bond issuance and approximately \$17 million in accumulated reserves of CMC-Union. He said that these projections depend on the market conditions over the next year as the plans are finalized. He stated that they are very fortunate to have a very strong cash position and it has an A+ rating with Standard and Poor's, which was upgraded last year. He said the hospital has an A2 rating with Moody's with a positive outlook.

He noted there had been tremendous support from the community and the medical staff for the project. He said 167 letters of support were received of which 135 were from the medical staff. He stated that nearly every physician on the hospital's active medical staff wrote a letter of support, and not a single physician said no. In addition, he said there were 25 letters of support from the community, including the Union County Partnership for Progress, Monroe Economic Development, and the Chamber of Commerce, and seven elected officials provided letters of support.

He discussed the project's community benefit noting that the project meets the needs for acute care beds as identified in the State's Medical Facilities Plan. He noted that one of the key factors is how quickly the emergency room is growing. Mr. Lutes said that the new emergency room was opened approximately 15 months ago, and last year, CMC-Union's emergency room was the fastest growing emergency room in the Mecklenburg County Metropolitan Area with a growth rate of approximately eight percent. He stated that in addition to that number for the first two and a half months of this year, the emergency room has grown 15 percent and pointed out that 64 percent of all the hospital's admissions are through its emergency room.

Another key community benefit identified by Mr. Lutes was the project will allow CMC-Union to be competitive by having a state-of-the-art Women's Center and the new LDRP model of care. In addition, he reiterated that the hospital would receive a new modern facade, which creates a more inviting entry way into the facility, and the relocation of the heli-pad. He said that he thought it was also important to note that this project will create approximately 100 new jobs at CMC-Union with salaries, wages,

and benefits totaling over \$6 million.

In conclusion, Mr. Lutes restated the request that the Board support and approve the development of this project in concept and that the Board authorize the County Manager to write a letter communicating the Board's support of this project. He emphasized that the letter must be received by the end of this week or CMC-Union could lose the Certificate of Need opportunity. Mr. Lutes said that if the Board approves the project in concept, CMC-Union would complete the construction documents, obtain competitive bids, finalize the project budget, determine the funding sources, and present the project to the Board at a later date for final funding approval. He estimated that this would take approximately 12 months. He said they hoped to start construction sometime in 2012.

Vice Chairman Johnson asked how the rooms in the current maternity wing of the hospital would be used when this project is complete. Mr. Lutes responded that the rooms would be the 25 acute care beds that are being created. Vice Chairman Johnson said that he had thought he heard that an ambulance has to go to the helicopter and then transport the patient to the door of the emergency department. Mr. Lutes responded that unfortunately this was true and explained that the heli-pad is approximately 200 yards from the emergency room entrance, and any time they have to transport a patient either to the helicopter or to the emergency room from the helicopter, they have to have an ambulance to transport the patient. He said that this project would alleviate the need for the ambulance to transport patients in these situations.

Commissioner Kuehler asked if the Certificate of Need encompasses the entire project as outlined in the presentation. Mr. Lutes responded that the Certificate of Need does encompass the entire project. Commissioner Kuehler asked if the conditional Certificate of Need was obtained by CMC-Union on behalf of Union Regional. Mr. Lutes stated that this was correct and agreed that all of the improvements would be made on the County campus.

Commissioner Thomas said he understood that CMC-Union petitioned the State to acknowledge the need for the acute care beds and then there was a separate Certificate of Need procedure. Mr. Lutes replied that CMC-Union did petition the State for the 25 acute care beds. He explained that anyone could have applied for those beds, and they could have been awarded to anyone. He said that petition process takes quite an effort, and he thought the process goes through three separate committees at the state level before being ruled on and then included in the State Facilities Plan. He pointed out that once the State Facilities Plan is created, the Governor has to sign the plan, which she can veto.

Following the presentation and discussion, Vice Chairman Johnson moved to direct staff to issue the letter as included in the agenda package regarding CMC-Union's request, not later than April 1, 2011, approving the project in concept with the understanding that CMC-Union will return to the Board at a future date to obtain those approvals required by the lease between

Union County as lessor and CMC-Union as lessee. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

**7. Announcement 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 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 [one (1) vacancy for a Dentist]
- h. Board of Adjustment [Two (2) Vacancies for Regular Members and One (1) Vacancy for an Alternate Member]
- i. 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]

**8. County Manager's Comments**

There were no comments by the County Manager.

**9. Commissioners' Comments**

Vice Chairman Johnson said he wished to send his thoughts and prayers to those in Japan with all that has occurred in that area recently and also to all who are extending a helping hand to the people of Japan. He said there are also issues in Libya and

across the country and asked that everyone keep the ones in those areas in their thoughts and prayers as well.

Commissioner Kuehler had no comments.

Commissioner Thomas expressed appreciation to the Chamber for tonight's presentation and said that he looked forward to reviewing the full study. He said he thought the results of the study are clear in showing that this Board must be as proactive as possible in identifying the challenges ahead and in moving forward with the tough decisions.

He also thanked the staff for its wonderful presentation during the budget workshop last week. He said the budget issues are a tough pill to swallow but these meetings are being aired on television. He said that there are possible cuts ahead in the budget that will affect some of the vital services provided in the County. He stressed that these cuts are mandated and not discretionary cuts. He encouraged the citizens to be a part of the budget process and to watch the meetings that are aired on television to determine if alternative revenue streams might be available. He reiterated Mrs. Coto's directive to staff to try and find ways in which the County government can operate more efficiently.

Commissioner Thomas said that he had the opportunity to attend the Court of Honor for Chad Gombar, who the Board had honored during one of its recent meetings for having achieved Eagle Scout. He stated that the Court of Honor was sponsored by Troop 601 of Mecklenburg County. He said it was a very moving event, and he was proud to have been a part of that service.

Chairman Simpson also expressed appreciation to Mrs. Coto and David Cannon, Finance Director, for their work on the budget.

He emphasized that there are vacancies on a number of the County Boards and Committees, and encouraged citizens to apply for these positions.

With there being no further comments or discussion, at approximately 7:45 p.m., Chairman Simpson moved to adjourn the regular meeting. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.