

Approved 1/19/2010

Minutes of Regular Meeting of January 4, 2010

The Union County Board of Commissioners met in a regular meeting on Monday, January 4, 2010, 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: Chairwoman Kim Rogers, Vice Chairwoman Tracy Kuehler, Commissioner Allan Baucom, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Al Greene, County Manager; Matthew Delk, Assistant County Manager; Lynn G. West, Clerk to the Board of Commissioners; Jeff Crook, Senior Staff Attorney; Kai Nelson, Finance Director; Keith Merritt, County Attorney; members of the press, and interested citizens

Opening of Meeting:

a. Invocation

Commissioner Mills offered the invocation.

b. Pledge of Allegiance

Ryan Stafford, Vice President of the Veterans Council of Union County, led the body in reciting the Pledge of Allegiance to the United States flag.

c. Special Recognition – Commissioner Openshaw as Outgoing Chairman

Chairwoman Rogers presented Commissioner Openshaw with a plaque from the Board of Commissioners in appreciation for his having served as Chairman of the Board from December 1, 2008 to December 14, 2009.

Chairwoman Rogers said she had met Commissioner Openshaw in 2004 when she was fairly new to the County and was running as a candidate for the School Board. She said he was on the Marvin Town Council at the time, and he had said he wanted to meet with her. She stated that she met with him and he grilled her about school issues. Chairwoman Rogers said what had impressed her most about Commissioner Openshaw was the fact that he did not have any children in the school system, but he cared about what was going on and about the County. She said that she has seen this in him over the years, and he contributes so many hours to the County by attending many meetings and doing research. She stated that he was an asset to the County and more people like him need to step up and run for office. She said it is not easy being an elected official and one has to do it because it is a calling or because the person wants to fix a problem. She stated it was an even more difficult job to be Chair and run the meetings.

Vice Chairwoman Kuehler said that she had met Commissioner Openshaw at a school redistricting meeting. She stated that Chairwoman Rogers had said everything about Commissioner Openshaw that she would like to say. She said that she sincerely hoped that he would decide to run for office again.

Commissioner Openshaw expressed appreciation for the comments by Chairwoman Rogers and Vice Chairwoman Kuehler. He stated that it was an honor to be one of the people to represent the County in public. He said being Chair of the Board of Commissioners is a very demanding job if it is taken seriously. He stated that being Chair provides an opportunity to meet a lot of people.

Chairwoman Rogers read the inscription on the plaque and presented it to Commissioner Openshaw.

Community Benefit Organization Presentation by the Veterans Council of Union County:

Chairwoman Rogers recognized Matthew Delk, Assistant County Manager.

Mr. Delk stated that John Brewer, who was originally scheduled to be here tonight, could not attend. He introduced Captain Ryan Stafford, United States Marine Corps, Retired, as not only representing the Veterans Council but also is Division Commander of Veterans of Foreign Wars.

Captain Stafford expressed appreciation to the Board for the opportunity to speak on behalf of the Veterans Council and for the surplus van that the County donated to the Veterans Council. He said that the Veterans Council is in its third year of operations. He stated that within the county there are 15 Veterans' organizations, and each of those organizations was trying to service the veterans. He stated the Veterans Council combines the resources of the 15 units in order to better serve the veterans.

Captain Stafford stated that the following persons currently serve as officers of the Veterans Council: John Brewer, President; Ryan Stafford, Vice President; Ken Rogers, Recorder; Catherine Olp, Treasurer; and Cliff Metcalf, Chaplin. He said that in FY 08, the Veterans Council provided \$19,300 in financial assistance to 42 veterans in the County. He said while the figures are not solid for FY 09, they awarded \$7,272 to 14 veterans. Captain Stafford stressed that transportation is one of the largest areas where the Veterans Council serves veterans, and a total of \$11,070.35 were expended by the Veterans Council in FY 09 on transportation. He said that in FY 09, they transported 257 people.

He stated that the Veterans Council tries to fill the gaps in the government provided service to the veterans. He said all of the trips that the Veterans Council makes are fill-in gaps in the County transportation system.

Captain Stafford explained that the Veterans Council needs a lot of support. He stated that there are an estimated 10,000 veterans in Union County, and of the 15 organizations that he had mentioned, there are 1300 members. He said that they need veterans to support the Veterans Council and to help with its fundraisers. He stated that the Veterans Council receives no money from any government entity, and everything that is spent on veterans is raised by the Veterans Council within the community. He said that he wished that their numbers were higher and that the council could do more. Captain Stafford expressed appreciation to the Board for its support of the Veterans Council's mission.

Commissioner Baucom expressed his gratitude to the Veterans Council for its work and especially its work with veterans' funeral services. Captain Stafford responded that this was an area where the Veterans Council fills the gap where the government cannot. He said that because of the number of troops deployed at this time, they cannot assist with full military funerals for veterans and the Veterans Council is helping to fill that void.

Commissioner Mills added that members of the Veterans Council did a great job in assisting with the air show that was held during the Veterans Day Celebration at the Monroe airport. He asked Captain Stafford to explain the difference in the Veterans of Foreign Wars (VFW's) and the American Legion.

Captain Stafford explained that Veterans of Foreign Wars means that a veteran has served on foreign soil or in the waters of a foreign nation during a period of combat. He said that every member of the VFW is eligible to become a member of the American Legion. He stated that members of the American Legion are not required to have served on foreign soil and those veterans can stay in the United States during a period of war.

Chairwoman Rogers asked Captain Stafford if he were familiar with the Am Vets Organization. She asked if Union County receives any proceeds from Am Vets. Captain Stafford responded that Union County does not receive any proceeds from that organization, and it does not have any presence in Union County at this time.

Commissioner Openshaw asked Captain Stafford how the opening of the Charlotte Veterans facility (Community Based Outpatient Clinic [CBOC]) has helped to reduce the number of trips to the Salisbury hospital. Captain Stafford responded that the number was about equal between Salisbury and Charlotte. He said that the Veterans Council transports veterans to any facility to which they need to go, and there is no restriction.

Informal Comments:

Chairwoman Rogers reminded everyone that this is a time when the Commissioners are here to listen and is not meant as a time for dialogue. She requested that all remarks be courteous and professional. She said that three minutes are allotted to each speaker.

Jim H. Bention, Sr., 308 Tucker Street, Monroe, North Carolina, said that he was speaking as a citizen who has had the benefit of some of the finest healthcare that the county can provide. His comments addressed the potential sale of the hospital and said that the noise that is being heard about this matter is not from any group or ideology but from those in the county who have utilized and been the beneficiaries of the outstanding services provided by the hospital. Mr. Bention said that the hospital means so much to so many. He asked that as the Board debates and deliberates concerning the hospital, that the Board hear the concerns of those who have benefited from the hospital's services. He said that the hospital means a lot to him, and the hospital has taken care of him. He stated that he was very grateful to have the hospital as part of the community. He said that he did not think about going to a Charlotte hospital, and that he likes the hospital in Union County because it has taken care of him twice during some very serious illnesses.

Liza Kravis said that one of her New Year's resolutions was to attend more of the Board meetings. She expressed appreciation to all of the Board members for their service. She agreed that being a Commissioner is very challenging and without a

lot of thanks. She thanked Commissioner Openshaw for serving as Chair last year, and she congratulated Chairwoman Rogers and Vice Chairwoman Kuehler on their roles as Chair and Vice Chair. She said that she was excited to see them in these roles and could not think of two more qualified people.

She stated that she was not sorry to see 2009 go away and thought that 2010 was still going to be a challenging year. She said that while things are getting better, there are long tail winds with the kind of unprecedented economic situations such as what the County has just faced. Mrs. Kravis said there is still a lot of unemployment and many financial challenges across the country. She stated that she thought that 2010 would continue to be a challenging year for the citizens and for the County. She said she knew the County was going to have some financial challenges with declining revenue streams. She stated that she also knew there would have to be some very tough decisions, but asked that when the Board makes the tough decisions, that the members understand the ramifications of the decisions and make the best decisions for the citizens of the County. She asked that the Board continue to do its research and make fact based decisions.

Additions, Deletions and/or Adoption of Agenda:

Chairwoman Rogers stated there was one addition to the agenda that she would suggest and that was to add the Public Information Officer’s Comments as Item 5a. She said that this item was inadvertently omitted from the agenda.

With there being no further additions or deletions, Vice Chairwoman Kuehler moved adoption of the agenda as amended. The motion was passed unanimously.

Consent Agenda:

Commissioner Mills moved approval of the items listed on the Consent Agenda. The motion was passed unanimously.

Minutes: Approved minutes of the regular meeting of May 18, 2009.

Energy Efficiency and Conservation Block Grant: Adopted Capital Project Ordinance Amendment #129

| CAPITAL PROJECT ORDINANCE AMENDMENT | | | | | | | |
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|----------------------------|---|------------------------|---------------|
| School | School Road South Marshville, NC 28103 | | |
| Monroe High School | 1 High School Drive Monroe, NC 28112 | 09-194-029, 09-194-054 | 29.02 1.79 |
| Wolfe School | 722 Brewer Drive Monroe, NC 28112 | 09-277-026 | 67.937 |
| New Town Elem. School | 1100 Waxhaw- Indian Trail Road Waxhaw, NC 28173 | 06-075-007 | 32.537 |
| Rocky River Elem. School | 500 N. Rocky River Rd Monroe, NC 28110 | 09-348-013 | 32.3 |
| Wesley Chapel Elem. School | 110 Potter Road S. Monroe, NC 28110 | 06-024-016 | 16.279 |
| Marvin Elem. School | 9700 Marvin School Road Marvin, NC 28173 | 06-225-013A | 21.277 |
| ES "N"/Cox Rd. Property | 5733 Matthews Weddington Road Matthews, NC 28105 | 06-123-016 | 35.38 |

Contract to Audit Accounts: Authorized the Chairwoman to execute a contract to audit accounts for FY 2010 with Potter & Company, PA

Tax Administrator: Approved Tax Administrator's Departmental Monthly Report for November 2009

HVAC Replacement Units at Sheriff's Office/Jail: Accepted bids, awarded bid to low bidder, Love Plumbing, in the amount of \$38,611, and authorized the County Manager to approve a contract with the low bidder pending legal review. The bids are recorded below.

**HVAC Replacement Units
Sheriff's Dept.**

| Vendor | Total |
|---------------------------|--------------|
| Love Plumbing | \$ 38,611.00 |
| Colonial Webb Contractors | \$ 39,000.00 |
| HF Mechanical | \$41,741.00 |
| Trane | \$44,877.00 |

Budget Amendment #29 for Sheriff's Office State Criminal Alien Assistance: Adopted Budget Ordinance Amendment #29 to appropriate additional funds for State Criminal Alien Assistance Program (SCAAP). County was awarded a total of \$31,913. The FY 2010 budget contains \$14,723, leaving \$17,190 available for additional appropriation.

| BUDGET AMENDMENT | | | | | |
|-------------------------|------------------|--------|------------------------|----------------------|--|
| BUDGET | Sheriff's Office | | REQUESTED BY | Sheriff Eddie Cathey | |
| FISCAL YEAR | FY2010 | | DATE | January 04, 2010 | |
| <u>INCREASE</u> | | | <u>DECREASE</u> | | |
| <u>Description</u> | | | <u>Description</u> | | |
| Capital-Other Equipment | | 10,000 | | | |
| Operating Expense | | 7,190 | | | |

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|---------------------------|--|---------------|----------------------|---|--------|--|
| State Reimb-SCAAP | | 17,190 | | | | |
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| Explanation: | Appropriate additional funds for State Criminal Alien Assistance Program (SCAAP). County was awarded total of \$31,913. The FY 2010 budget contains \$14,723; leaving \$17,190 available for additional appropriation. | | | | | |
| | | | | | | |
| DATE | | | APPROVED BY | | | |
| | | | | Bd of Comm/County Manager Lynn West/Clerk to the Board | | |
| FOR POSTING PURPOSES ONLY | | | | | | |
| <u>DEBIT</u> | | | <u>CREDIT</u> | | | |
| <u>Code</u> | <u>Account</u> | <u>Amount</u> | <u>Code</u> | <u>Account</u> | | |
| 10-543135-5550 | Other Equipment | 10,000 | 10-443135-4534 | SVC Charges-St Reimb SCAAP | 17,190 | |
| 10-543135-5290 | Tools & Supplies | 5,331 | | | | |
| 10-543135-5381 | Professional Services | 1,859 | | | | |
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2. The Sheriff's Office is holding a blood drive on Friday, January 15, from 3:00 p.m. to 7:30 p.m. at the Ag Center. Anyone interested should call Sergeant John Ingani or Lieutenant William Thompson at 704-283-3765 to make an appointment.
3. Crime Stoppers BBQ will be held on Friday, January 15, from 11:00 a.m. to 8:00 p.m. at the Ag Center. Plates are \$7 each for marinated turkey or pork BBQ.
4. There will be a Winter Author's Event on Sunday, January 24, at 3:00 p.m. at the Monroe Library and will feature Charlotte mystery writer Mark de Castrique. Admission is free.
5. County offices and libraries will be closed on Monday, January 18, in honor of Dr. Martin Luther King, Jr., Day. Jesse Helms Park and Fred Kirby Park will be closed as well as the County's landfill. Cane Creek Park will be open on that date from 8:00 a.m. to 5:00 p.m.

Old Business:

Request from Chris Azar for Appeal to the Board of Commissioners on Decision Regarding Sewer Allocation:

Chairwoman Rogers stated that Mr. Azar is present and if Board members have questions to let the Chair know, and she will invite him to the podium to answer the questions. She recognized Al Greene, County Manager, to explain this request.

Mr. Greene stated that Mr. Azar wrote the Board on December 17, 2009, requesting the Board to hear an appeal to his loss of sewer allocation. He said that Mr. Azar along with a number of others who had development projects in the third priority classification in the sewer allocation policy lost his allocation. He stated that Mr. Azar had an allocation for 7 of 80 town home lots, which is eight percent. He said that the deadline for submitting plans and specifications and a complete flow permit application was July 30, 2009, and Mr. Azar's project did not meet that deadline.

He said that Mr. Azar had attended a Board meeting several months ago and requested that staff review a sewer tap that he had for a lot. Mr. Greene stated that he and Ed Goscicki, Public Works Director, met with Mr. Azar following that meeting, and Mr. Azar provided documentation where he had paid for one sewer tap some time ago. He said that they had verified that his receipt was a County receipt for a sewer tap, and he has the one tap for 250 gallons for the lot. He stated that staff has no latitude to reinstate his sewer allocation under the third priority allocation, and the sewer allocation policy does not provide for an appeal to the Board of Commissioners. He said that staff recommends that the Board deny Mr. Azar's request.

Commissioner Openshaw asked how large the pipe needs to be to serve 80 lots. Mr. Goscicki responded that without looking at the engineering design, he thought an eight-inch line is probably sufficient to serve the property.

Commissioner Mills asked if the County has a signed certified mail receipt indicating that Mr. Azar received a letter from Union County Public Works notifying him of the deadline. Mr. Greene responded that the County has a copy of the letter that was sent to Mr. Azar by certified mail and a certified mail receipt with a signature. Mr. Greene said that based on Mr. Azar's letter, he contends that the County did not notify him of the deadline.

Vice Chairwoman Kuehler asked if there had been extensions of the deadline. Mr. Greene responded that there was an extension in September of 2007 to run through September 2008, and the Board, after hearing from many developers that they could not meet the requirements to have their plans submitted by September 2008, extended the deadline to July 31, 2009. Vice Chairwoman Kuehler said that she thought when the water allocation policy was adopted, there were some people who came forward after an appeal and were denied or added to the policy. She questioned if there was any such process for the sewer allocation policy.

Jeff Crook, Senior Staff Attorney, responded that there was such a process for the sewer allocation policy. He said that he thought Mr. Azar had availed himself of that process to be added to the sewer allocation list. However, he stated that there is no provision in the policy for an appeal of a lapse of the deadline. He asked that if the Board is inclined not to take up Mr. Azar's request any further, that the Board consider a motion to deny the request to revise the sewer allocation policy to provide for an appeal rather than to deny an appeal, which he said did not exist.

Vice Chairwoman Kuehler asked for clarification as to whether it is the staff's recommendation that there should not be an appeal process at this time, and if it feels it has followed everything that should have been followed. Mr. Greene responded that was correct. He said that he thought Mr. Crook had made a very good point in that the request is in effect asking that the Board amend the sewer allocation policy to provide an appeal from the deadline and that the appeal be to the Board of Commissioners, which is a precedent that the Board has chosen not to set in the past.

Mr. Crook stated that he was not sure he had heard the Vice Chairwoman's question, but he thought the deadline had been extended from September 17, 2008, to July 31, 2009.

Commissioner Openshaw said that the deadline extension actually went through a series of iterations and then the deadline was extended through the end of July 2009.

Vice Chairwoman Kuehler said that she had reviewed the information, and Mr. Azar has been very good about providing quite a bit of documentation. She said that she realized it has been a long process, and he has been caught up not only in the County's process but also within some of the municipalities' processes and moratoriums. She said that her concern is opening the door where there was an appeal process to be included in the plan, and then once someone was included on the approved list, there was a deadline and that deadline has been moved forward 22 months. She stated that at this point she would not be inclined to amend the County's sewer allocation policy.

At approximately 7:50 p.m., Commissioner Openshaw requested a five-minute recess to allow him time to ask questions of Mr. Crook regarding this matter. Chairwoman Rogers agreed and called for a five-minute recess.

Chairwoman Rogers reconvened the regular meeting at approximately 8:00 p.m. She said that Commissioner Openshaw had the floor at the time the recess was called and recognized him to continue his comments.

Commissioner Openshaw said that he had spoken with Mr. Crook during the recess and had his questions answered.

The Chairwoman asked if there was a motion on the floor. Mrs. West confirmed that a motion had not been offered.

Commissioner Openshaw said sadly he would make a motion to the effect that Mr. Crook had suggested. Mrs. West repeated that the motion suggested by Mr. Crook had been that the Board deny the request to revise the sewer allocation policy to provide for an appeal. The motion was passed unanimously.

Appointments of Commissioners to Boards and Committees:

Chairwoman Rogers stated that the Board members had at their desks the suggested revisions to the appointments from last year. She said that she had tried to work with the requests that she had received from Board members, but there were some Commissioners that she did not hear from regarding the appointments. She noted that there were only minor changes with there being no changes to the appointments of Commissioners Baucom and Mills.

She asked Mr. Crook if she needed to name each of the appointments for the record. He responded that he believed it could be done in summary fashion and the Board could vote on the appointments as a whole unless there was some objection by a Board member.

Commissioner Mills moved to approve the appointment of Board members to Boards and Committees as submitted.

Chairwoman Rogers noted for the record that the only changes in the appointments for this year were: Commissioner Openshaw was suggested to fill the position held by Vice Chairwoman Kuehler on the Catawba River Treatment Plant Board; Commissioner Kuehler would be filling Commissioner Openshaw's appointment on the Transportation Advisory Board; and Commissioner Openshaw would be filling Chairwoman Rogers' position on the CMC-Union Community Trustee Council.

Commissioner Openshaw pointed out for the record that he has two appointments that often conflict: Centralina Council of Government and the Parks and Recreation Advisory Board. He said that his attendance would not be perfect for either of these boards. He stated that he had a problem with Parks and Recreation Advisory Committee, the Library Board, and the Home and Community Care Block Grant because they are all staff supplied boards. He said that his perspective was that those positions should evolve into liaison positions and Commissioners should not be counted as part of the quorum, particularly the Parks and Recreation Advisory Committee if he were attending a Centralina Council of Governments meeting, if those committees were having a hard time reaching a quorum.

Chairwoman Rogers suggested that Mr. Crook review these committees to determine if there are any statutory requirements to prevent those three board positions from being changed to liaison positions and asked that he bring his findings to a future Board meeting for discussion.

Vice Chairwoman Kuehler said that she has been acting as a non-voting member of the Library Board of Trustees. She stated that the information in the package indicates that this is a voting member.

Commissioner Baucom added that the Board had reviewed these positions a year or so ago, and he was under the impression that the only boards on which Commissioners remained members were the ones that require a Commissioner to serve by statute or bylaws. Mr. Crook responded that it was his recollection that the Board had asked him to review these boards, and he had included in the agenda package the table that he had assembled showing the Commissioners' voting status. He said that he did not recall any

changes being made to any of the positions. He offered if there are positions that the Board would like to review, it would require changes in the documents which establish the committees and the Board's membership on those committees.

Commissioner Openshaw said another board that was interesting was one that Commissioner Baucom had said basically consisted of staff. Commissioner Baucom clarified that he was referring to the Yadkin Pee Dee River Basin Board.

Chairwoman Rogers asked if Commissioner Openshaw wanted to discuss these positions tonight. He said that he was fine with the appointments as suggested by the Chairwoman, but he did think at some point the Board needed to consider representation on the Yadkin Pee Dee River Basin Board. He said that Commissioner Baucom had attended a meeting some time ago and found that virtually everyone in attendance was from staff.

Chairwoman Rogers requested that Mr. Crook review the ones mentioned by Commissioner Openshaw and bring his findings to the Board at a future meeting for discussion.

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

2010 Appointments

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| 1. | Agricultural Advisory Board | Commissioner Baucom |
| 2. | Catawba River Water Supply Project Governing Board | Commissioner Openshaw Commissioner Mills |
| 3. | Centralina Council of Governments | Commissioner Openshaw Alternate: All Commissioners |
| 4. | Centralina Economic Development Commission, Inc. Board of Directors | Commissioner Openshaw |
| 5. | Commissioner Governance Advisory Committee | Vice Chairwoman Kuehler |
| 6. | Criminal Justice Partnership Program Advisory Board | Commissioner Mills |
| 7. | Farmer's Market Committee | Commissioner Baucom |
| 8. | Fire Commission | Vice Chairwoman Kuehler |
| 9. | Health Board | Commissioner Baucom |
| 10. | Home and Community Care Block Grant Advisory Committee | Commissioner Baucom |

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| 11. | Indigent Health Care Committee | Commissioner Baucom |
| 12. | Job Ready Partnership Council | Commissioner Mills |
| 13. | Juvenile Crime Prevention Council | Commissioner Mills |
| 14. | Library Board of Trustees | Vice Chairwoman Kuehler |
| 15. | Local Emergency Planning Committee | Vice Chairwoman Kuehler |
| 16. | Mecklenburg-Union Metropolitan Planning Organization Alternate: | Vice Chairwoman Kuehler Chairwoman Rogers |
| 17. | Parks and Recreation Advisory Board | Commissioner Openshaw |
| 18. | Partnership for Children, Inc. Board of Directors (now Union Smart Start) | Chairwoman Rogers |
| 19. | Piedmont Area Mental Health, Developmental Disabilities & Substance Abuse Board | Commissioner Mills |
| 20. | Rocky River Rural Planning Organization Transportation Advisory Committee | Commissioner Baucom Alternate: Commissioner Openshaw |
| 21. | Transportation Advisory Board (New) | Vice Chairwoman Kuehler |
| 22. | CMC-Union Board of Directors | Chairwoman Rogers Vice Chairwoman Kuehler |
| 23. | CMC-Union Community Trustee Council | Commissioner Openshaw |
| 24. | Yadkin Pee Dee Board of Directors | Commissioner Openshaw |
| 25. | School Liaison | Chairwoman Rogers |

Resolution Supporting the Construction of an Overhead Bridge at the Intersection of Landsford Road on Highway 601 South:

Al Greene, County Manager, stated that Commissioner Baucom had requested that staff draft a resolution in support of construction of an overhead bridge at the intersection of Landsford Road on Highway 601 South, and staff has drafted a resolution. Commissioner Baucom stated that the resolution met his needs and asked if he could read the “whereas” clauses of the resolution into the record.

Chairwoman Rogers said that she thought at the December 14, 2009, meeting, Commissioner Baucom had made a statement that all of the adjoining landowners were in agreement with the request. Commissioner Baucom responded that this was correct.

Following the reading of the “whereas” clauses of the resolution into the record by Commissioner Baucom, he moved adoption of the Resolution as submitted. The motion was passed unanimously.

**RESOLUTION REQUESTING THE NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION CONSTRUCT A BRIDGE AT LANDSFORD ROAD OVER US 601 SOUTH**

WHEREAS, the North Carolina Department of Transportation has widened US 601 from a two-lane roadway to a four-lane divided highway with safety enhancements that include the closing of certain intersections or limiting access to others through the use of directional cross-overs and median U-Turns, and

WHEREAS, the currently constructed intersection at Landsford Road and US 601 South is an at-grade intersection that does not allow for a through movement across US 601 but rather directs motorists traveling on Landsford Road to turn onto US 601, travel approximately one-fourth mile to the end of the median, make a U-Turn onto US 601, and then turn back onto Landsford Road, and

WHEREAS, this type of movement results in numerous traffic risks and inconvenience for those motorists who utilize this intersection the most, and

WHEREAS, this intersection is vital to the agricultural community with Pilgrim’s Pride averaging 58 trips per week on Landsford Road, Circle S Ranch averaging 8,300 crossings annually, Frank Howey Family Farms averaging over 2,500 crossings annually, and Cox Brothers Farms averaging over 7,200 crossings annually, and

WHEREAS, this intersection is also used by the Lanes Creek Fire Department, Union County Public Schools, and the Union County Sheriff’s Office and Union EMS during emergency situations, and

WHEREAS, a safer and more functional way to move traffic from one side of Landsford Road to the other is to construct a bridge at Landsford Road over US 601 South,

NOW, THEREFORE, BE IT RESOLVED, that the Union County Board of Commissioners request the North Carolina Department of Transportation to plan for and fund the construction of a bridge at Landsford Road over US 601 South.

Adopted the 4th day of January, 2010.

New Business:

DOC (Department of Correction) – Monroe Prison Camp:

Sheriff Eddie Cathey stated that the Sutherland Avenue prison facility was closed in October and that facility is now vacant. He said that he sent a letter to the State Department of Prisons and learned that when that facility closed, it came under the State Director of Property. He said no decision can be made on what will happen with that property until after February 1, 2010. Sheriff Cathey explained that he was requesting a letter saying that if the County can obtain the property, that he will be allowed to talk with them to determine if the property can be used by the County. He said that he is unsure how the County could use all of the property but he wanted the opportunity to talk with the State and requested a letter of interest by the County in said site.

Chairwoman Rogers said that if her understanding was correct, that by sending a letter, the County is being proactive. Sheriff Cathey explained that he was not asking the Board to commit to anything, but he was asking for a letter from the Board saying that it is interested in determining if the property could be used to house prisoners in the future.

Commissioner Baucom moved to authorize the Chair to provide a letter of support and interest, contingent upon review and approval of legal staff.

Commissioner Openshaw said that he was glad to support this request. He stated that he had noticed in the information that one of the options being considered by the State was for use by probation. Sheriff Cathey responded that he did not think the State was looking to use the property for any purpose but was considering turning the property over to the Department of Transportation for storage. He said that it was a 52-acre tract of land, and he was not sure if the State might transfer all or part of the land to the County. He stated that the portion that is fenced in is a large portion that has housing, office space, and a fully functional kitchen. He said that there are several options including moving into the facility and using it with some upgrades, tearing it down, constructing temporary cell blocks on it, etc. Sheriff Cathey stated that none of those decisions have been made. He said that on January 19th and 20th they would be visiting two prison facilities that have temporary cells that could be brought in and placed on the property. He stated he wanted the opportunity to look at the property.

Following the discussion, the motion was passed unanimously.

Adoption of Board of Commissioners' Calendar of Meetings for 2010:

Chairwoman Rogers said that she had spoken with Mrs. West about trying to be proactive in the Board's calendar of meetings and for the meetings that were known in the past year to be conflicting with schedules. She explained her intent was to try at the beginning of the year to delete those meetings in order to plan accordingly rather than to revise the schedule a month or two in advance.

She provided the Board with a draft resolution for the Board's consideration tonight. Chairwoman Rogers said that Jeff Crook, Senior Staff Attorney, had recommended that the Board adopt a resolution setting forth the regular meeting schedule.

Commissioner Baucom asked if it would be possible to have the calendar provided in the Microsoft Outlook Program with changes. The Chairwoman noted that the calendar shows that the meetings of April 5 and December 20 would not be held.

Following the discussion, Chairwoman Rogers moved to adopt the Resolution for the Regular Meeting schedule for 2010. The motion was passed unanimously.

**RESOLUTION OF THE UNION COUNTY BOARD OF COMMISSIONERS
ADOPTING ITS REGULAR MEETING SCHEDULE FOR 2010**

WHEREAS, the Union County Board of Commissioners wishes to adopt its schedule of regular meetings for 2010.

NOW, THEREFORE, be it resolved that the Union County Board of Commissioners hereby adopts the following regular meeting schedule for 2010:

January:

Monday, January 4 - Regular Meeting

Wednesday, January 13 - Work Session

Tuesday, January 19 - Regular Meeting (Monday, January 18 is a holiday, and in accordance with the Board's Rules of Procedure, the regular meeting will be held on Tuesday)

February:

Monday, February 1 - Regular Meeting
Wednesday, February 10 - Work Session
Monday, February 15 - Regular Meeting

March:

Monday, March 1 - Regular Meeting
Wednesday, March 10 - Work Session
Monday, March 15 - Regular Meeting

April:

Monday, April 5 - *For informational purposes, no meeting will be held on Monday, April 5*
Wednesday, April 14 - Work Session
Monday, April 19 - Regular Meeting

May:

Monday, May 3 - Regular Meeting
Wednesday, May 12 - Work Session
Monday, May 17 - Regular Meeting

June:

Monday, June 7 - Regular Meeting
Wednesday, June 9 - Work Session

Monday, June 21 - Regular Meeting

July:

Tuesday, July 6 - Regular Meeting (Monday, July 5, is a holiday, and in accordance with the Board's Rules of Procedure, the regular meeting will be held on Tuesday)

Wednesday, July 14 - Work Session

Monday, July 19 - Regular Meeting

August:

Monday, August 2 - Regular Meeting

Wednesday, August 11 - Work Session

Monday, August 16 - Regular Meeting

September:

Tuesday, September 7 - Regular Meeting (Monday, September 6, is a holiday, and in accordance with the Board's Rules of Procedure, the regular meeting will be held on Tuesday)

Wednesday, September 8 - work session

Monday, September 20 - Regular Meeting

October:

Monday, October 4 - Regular Meeting

Wednesday, October 13 - Work Session

Monday, October 18 - Regular Meeting

November:

Monday, November 1 - Regular Meeting
Wednesday, November 10 - Work Session
Monday, November 15 - Regular Meeting

December:

Monday, December 6 - Regular Meeting
Wednesday, December 8 - Work Session
Monday, December 20 - *For informational purposes, no meeting will be held on Monday, December 20*

The regular meeting schedule in effect prior to 2010 will resume in 2011, unless further modified by the Union County Board of Commissioners.

Adopted this the 4th day of January, 2010.

2010 Union County Athletic Council (UCAC) Grant Recommendations from the Parks and Recreation Advisory Committee:

Al Greene, County Manager, explained that the current year's budget for Parks and Recreation contains \$157,500 for athletic association grants to provide and improve the recreational facilities that the athletic associations operate. He said that grant applications have been solicited, received, and reviewed, and recommendations have been made by the Parks and Recreation Advisory Committee to award all grants with contingencies as submitted with the current exception of the Porter Ridge Athletic Association application. He stated that the Parks and Recreation Advisory Committee has some technical questions and has asked that Porter Ridge address those technical issues and bring its application back to the Parks and Recreation Advisory Committee, which he thought would probably occur this month.

Mr. Greene stated that the recommendation from the Parks and Recreation Advisory Committee is that the grants be approved in the amounts requested provided that all contingencies as stipulated by the Parks and Recreation Advisory Committee are adhered to. He explained that the recommended action would be to award the 2010 athletic association grants with the exception of Porter Ridge Athletic Association as recommended by the Parks and Recreation Advisory Committee with contingencies as noted and to authorize the County Manager to approve agreements with the athletic associations pending legal review. Mr. Greene said if the

Board was to agree with those recommendations, it would leave the amount that Porter Ridge Athletic Association had requested to be set aside for future consideration and would also leave an additional amount of \$34,362.07 in the line item.

He further said that the Parks and Recreation Advisory Committee has requested that it be allowed to go through another round of grant applications with the athletic associations targeted toward Americans with Disabilities Act compliance (ADA) at all facilities. He stated that they have asked all of the athletic associations to undertake an ADA compliance audit at all facilities. He said they would like to use the remaining \$34,362 to make recommendations to the Board regarding additional grants for ADA compliance projects later this spring.

Commissioner Baucom said that he was disappointed in that he had assumed all of the parks were ADA compliant. He stated his disappointment is that the County is now setting aside some monies that are left over monies to bring parks into ADA compliance when audits are conducted. He said that seems like it is not quite right.

Mr. Greene said that the Parks and Recreation Advisory Committee now reviews the grant applications for ADA compliance.

In response to a question from Commissioner Baucom regarding the current level of compliance of the athletic association facilities, Wanda Smith, Parks and Recreation Director, stated that a number of the facilities being funded through athletic association grants are on school properties, and the athletic fields are not ADA compliant. She said that some of the fields such as South Union have made very good efforts in trying to make their fields compliant. She stated that there are a number of the older facilities that were built before the grant program began, and many of the associations are working to bring those facilities up to code. She said that the ADA for outdoor recreation has not been in place as long as ADA for building compliance. She explained that the ADA for recreation facilities became effective several years ago.

Vice Chairwoman Kuehler said that she has heard from some of the athletic associations that as part of the eligibility requirements for the grant funding, they have to complete a full audit within the year in which the grant money is to be spent. She asked if this was correct. Mrs. Smith deferred to Kai Nelson, Finance Director, for response to this question.

Mr. Nelson stated that he thought the current contracts with all the athletic associations require an audit that is conducted pursuant to single audit requirements. He said that is a compliance level that is much higher than simply a financial statement audit. He explained that because it is a higher compliance level, it also means the cost of having a single audit conducted is more expensive. Mr. Nelson said that the County's Finance Office does not receive the audits of the athletic associations. He stated that while this

requirement is in the contract, currently there is no mechanism to require submission or follow-up unless it is occurring within the Parks and Recreation Department.

Vice Chairwoman Kuehler said that the reason she had mentioned this issue is that this year there is concern that the grants are less substantial, and in some circumstances, the audit would cost as much or more than the grant. She stated the concern is whether there would be any leeway or any revision to the policy when it is this year's type of amount versus what the associations normally receive.

Mr. Crook said that these contracts go back many years, and he thought the contract uses the same audit requirements that have been used all along. He stated that this is a question that he and Mr. Nelson would need to look at. He said that he thought they have relied on the Finance staff to help identify the level of audit, and this might be something they could consider if contracts are prepared this year to determine if this requirement could be relaxed.

Vice Chairwoman Kuehler said that she would be comfortable approving the staff's recommendation but would also want to make sure that the audit requirement was being reviewed. Mr. Greene said that it would take a little time to develop the agreements with the associations so this should give staff time to look at the audit issue and come back to the Board.

Chairwoman Rogers asked if the Vice Chairwoman wanted her suggestion in the form of an amendment to the motion. Vice Chairwoman Kuehler said that she would like it added to the motion. [No motion had been offered at this time.]

Commissioner Mills said it was good that it had been brought up that some of the school athletic fields are not ADA compliant. He asked Chairwoman Rogers, as school liaison, if this was a matter she might want to discuss with the schools. Chairwoman Rogers asked Mrs. Smith whether she had spoken with Dr. Mike Webb with the schools about this issue.

Mrs. Smith responded that Dr. Webb had attended the Parks and Recreation Advisory Committee's November meeting, and there are some issues that Parks and Recreation would like to bring to the Board of Commissioners at a future meeting concerning contracts and lengths of contracts that athletic associations need to have in place in order to meet the grant requirements. She explained that the grant requirements call for a 25-year agreement with the schools for use of the properties for which County funds are going to develop or enhance in any way.

Chairwoman Rogers asked Mrs. Smith if she were comfortable that Dr. Webb is aware of the need for ADA compliance with some of the properties or should she as the school liaison have discussions with School Board Chairman Arp. Mrs. Smith said that they had discussed this briefly at the Parks and Recreation Advisory Committee's meeting, but she thought it would be good if Chairwoman Rogers discussed it with Chairman Arp.

Commissioner Openshaw said that he was present at the Parks and Recreation Advisory Committee's November meeting, and had since that time had a conversation with Dr. Webb. He said that what is being talked about are public/private partnerships essentially, and he proposed establishing a committee to consist of a member of the school board, a member of the Parks and Recreation, and a member of the Board of Commissioners to meet and to try and resolve this matter. Chairwoman Rogers suggested that a representative from the athletic associations also serve on that committee. Commissioner Openshaw said he would be glad to volunteer to represent the Board of Commissioners on the committee.

He stated that Dr. Webb had said that he could not recommend 25-year leases from the schools. Commissioner Openshaw said that from his perspective, some middle ground needed to be found. He stated that Dr. Webb also understood the County's position of wanting to extend the leases beyond three years.

Chairwoman Rogers asked if Commissioner Openshaw was making a motion to refer this matter to committee. She said that currently there is no motion on the table.

Commissioner Openshaw moved to establish a committee with representatives from the four elements of the school board, the athletic associations, Parks and Recreation, and the Board of Commissioners in order to be more proactive on the issue of length of lease agreements with the County school system.

Chairwoman Rogers questioned if Commissioner Openshaw's intent was not to move forward with awarding the grants. Commissioner Openshaw responded it was not, but he thought this was an opportunity to facilitate the process.

Commissioner Baucom asked what the desired outcome of the committee would be. Commissioner Openshaw responded that it would be to be able to have the athletic associations use and improve school facilities so that the schools will have a better product for their elementary students; the athletic associations would have access to fields and could invest in those fields; and in off hours, the public would have facilities they could use. He said that the committee would be bringing its recommendation to the Board of

Commissioners. He explained that the athletic associations would be making a significant investment in the fields so that is why they want a longer term commitment on their dollars.

Following the discussion, the motion passed unanimously.

Commissioner Openshaw said that there would need to be a designation by the Board of Commissioners for a member to serve on that committee. It was noted that he had volunteered to serve on the committee.

Commissioner Baucom moved to award 2010 UCAC grants as recommended by the Parks and Recreation Advisory Committee with contingencies with the exception of Porter Ridge Athletic Association (\$39,382.50 – resubmit new application no later than 1/15/2010) and authorize the County Manager to approve agreements with the athletic associations pending legal review. The motion further included approval of the remaining balance of budgeted funds for athletic grants for applications by the athletic associations for ADA projects with final approval coming back to the Board later in the fiscal year.

The award recommendations are set out below with contingencies:

- | | | |
|-----|-----------------------------------|--|
| (1) | Indian Trail Athletic Association | \$ 32,641.14 |
| | a) | That all three quotes for the power rake be updated when a contract with the county is executed, and that the vendor with the equipment that meets the required specifications and the best price for the equipment be selected as the final vendor. The association will have these quotes reviewed by P & R Staff prior to purchase. |
| | b) | That the association ensures that the final playground accepted for purchase must meet ADA Guidelines upon installation. (This should be included on the association’s signed agreement to the vendor for installation.) |
| | c) | That any new development or upgrades meet ADA Guidelines to achieve compliance with the law. |
| 2) | Piedmont Recreation Association | \$ 9,000.00 |
| | a) | To ensure a proper life of the lawn mower, the Association shall develop a plan to determine areas that must be mowed for the safety of individuals using the Park and use this mower to service only those areas. Other areas |

will be mowed by other equipment or be left un-mowed to save funds and reduce funding shortages. This lawn mower will not be used to drag fields, aerate fields, or as a means of transportation.

- b) If possible, to extend the life of the equipment, assign the use of this mower to a team, consisting of a maximum of 4 people, that is trained on the proper use and required maintenance of the equipment. One of these people should serve as the primary custodian to maintain service records. This would include a "pre-use check list" of the equipment to ensure it is properly serviced.
- c) Ensure that an annual amount of \$500 (minimum) be budgeted by the Association each January 1st for the next five years for the proper maintenance of the equipment. (Oil, oil filters, grease, blades, tires, etc.). The warranty will cover parts and labor for two years for repairs that are not customer related. Only normal maintenance materials should be required to properly maintain the equipment during this period.
- d) That the FY-2011 UCAC Grant dollars that the Association would be eligible for be reduced by the actual dollar amount above the FY-2010 eligible amount (\$6,798.69).
- e) That the Association not be eligible for a variance of the guidelines for a 5-year period (until the 2015 UCAC Grant Cycle). (To Staff's knowledge, this is the first variance that this Association has requested.)
- f) That the following required items be obtained for the application packet: a) Copy of certificate of accord of insurance.

3) Prospect Athletic & Recreation Association \$ 7,629.31

- a) Field Rakes and Line Markers be removed from grant items authorized for purchase. These are not considered capital purchase items and show a total cost of \$1,074.87.
- b) That picnic tables be authorized for purchase as long as they meet ADA Guidelines for accessibility and are stated as such in the product's specifications.
- c) That the total project request of up to \$10,681.03 be authorized to assist in covering any increases in purchasing of "Accessible Picnic Tables" and to ensure that an accessible trail is developed to get to the "required number" of picnic tables on the facility as per ADA Guidelines.
- d) That President of Organization must have application notarized as required.
- e) That a proper letter from the school, meeting the requirements of the application be provided to staff to file with the original grant packet.
- f) That a copy of the certificate of accord of insurance be obtained as required for attachment with the original application.

- 4) South Union Athletic Association \$ 5,390.79
 - a) That required construction permits be obtained for construction of the new entrance.
 - b) That the new construction meets ADA Guidelines.
 - c) That the signature on the application be properly “sealed”.

- 5) Waxhaw Athletic Association \$ 12,115.38
 - a) That the property receives a 25-year agreement for use.
 - b) That the President’s signature on the application be “sealed” as required.
 - c) That an approved copy of the certificate of accord of insurance be obtained for attachment with the application.
 - d) That any required permits (grading, construction, etc.) be obtained for the construction of the fields and any code required infrastructure be met.
 - e) That ADA Guidelines be met as part of the project.

- 6) Weddington-Wesley Chapel Athletic Association \$ 16,978.81
 - a) That any infrastructure updates, to include fields and spectator areas, meet ADA Guidelines.
 - b) That a copy of the certificate of accord be obtained for attachment with the original application packet.
 - c) That any permits that are required for construction, grading, etc. be obtained prior to beginning the project.
 - d) That the Association provides a current or updated copy of the 25-year lease with Weddington Optimist Club prior to executing a signed contract. This was a contingency item for the BOCC’s approval of WCWAA’s FY -2009 Grant Request

[Marshville Recreation Association and Wingate Athletic Association did not submit applications.]

Vice Chairwoman Kuehler offered an amendment to the motion to include a review of the audit requirements given the amounts of the grants being allocated this year. Commissioner Baucom asked if the approval of the grants were contingent on review of the audit requirements. Vice Chairwoman responded that it did not, but as part of the process that it be considered to relax those requirements. Commissioner Baucom suggested that this be a separate motion.

Commissioner Mills asked if Commissioner Baucom's motion included approval of the balance of \$34,362.07 for applications by the athletic associations for ADA projects later in the fiscal year. Commissioner Baucom agreed that this approval was included in his motion.

Commissioner Openshaw stated, in response to an earlier comment by Commissioner Baucom, that a number of the facilities were older and were not required to be ADA compliant at the time of their construction, (i.e bathrooms). He pointed out that the Optimist Park began a Challenger Program a year or so ago and one of the projects that they applied for was to make their dugouts wheelchair accessible.

Following the discussion, the motion passed unanimously.

Vice Chairwoman Kuehler moved to direct staff to look at the full audit requirements for the grant awards given that the amounts of this year's appropriations are less substantial, and the audits could cost more than the amounts being received by the Associations. The motion was passed unanimously.

Application for Environmental Protection Agency (EPA) Grant for Up to \$1,961,300 for the Union County East-Side Wastewater Collection System Improvements Project:

Matthew Delk, Assistant County Manager, explained that in 2001 and again in 2002, Union County was a recipient of two federal earmarks totaling approximately \$1.9 million for utility improvements. He said that based on federal regulations, in both appropriations, Union County government could use these funds for a water, wastewater, or storm water project(s). He stated that federal utility earmarks to local governments are typically administered by the Environmental Protection Agency through the State and Tribal Assistance Grants (STAG) process. He said that in addition to compliance with federal requirements, the EPA also requires an application process for the funds with a requirement for a 45 percent match for the project(s).

Mr. Delk stated that in 2003, Union County submitted an application for both appropriations in the full amount of funds for nine water and sewer projects. He said that at the time of the 2003 applications, those projects were already underway. He stated in 2009, the EPA submitted paperwork to County staff to accept those funds; however, after review, the County staff determined that Union County could not legally accept the funds, because it could not certify that the federal procurement requirements had been met. He explained that the completed projects included in the applications had been constructed in accordance with state and local

procurement requirements and were not fully compliant with all federal requirements. Further, he said it was not clear to staff what the potential consequences would be for the County if the acceptance forms were signed and the projects were not in compliance with all the stated terms.

The Assistant County Manager said that after the staff discussed and negotiated parameters of what the County's options were with EPA and State officials who deal regularly with STAG projects from the EPA appropriations, it was determined that the best course of action for the County to fully utilize the funds would be to submit a new application for a new project which had not gone through the procurement requirements. He stated that the approved Public Works' Capital Improvement Program (CIP) included projects for the Union County East-Side Collections System and also included funding for storm water work and existing pump stations. He said that those projects have not gone out for procurement, and the total project costs would be approximately \$8 million, which would be within the parameters of the cash match requirement for the \$1.9 million.

He addressed the timeliness of the appropriations and EPA's authority to go through a rescission process and a set aside process. He reviewed staff's recommended action to the Board. Mr. Delk offered that he was available to answer any questions that the Board might have related to the process, and stated that Ed Goscicki, Public Works Director, was also available to answer questions regarding the federal permitting requirements and the aspects of the proposed projects.

Following the presentation, Commissioner Baucom moved to direct staff to send a letter to the U.S. Environmental Protection Agency indicating the County's intent to apply for up to \$1,961,300 in grant funds for the Union County East-Side Wastewater Collection System Improvements Project and to further direct staff to complete and submit related application documents for the grant.

Commissioner Openshaw said that he did not like to approve items that he did not have information on. He stated that he had requested today to review the maps of the proposed projects. He offered a friendly amendment to the motion that until he could put the pieces of the puzzle together that Unionville and Indian Trail be included in the list of affected areas. He noted that currently the affected jurisdictions include Monroe, Wingate, and Marshville, and he would like to go on record and obtain the Board's support to include Indian Trail and Unionville.

Commissioner Baucom questioned if Commissioner Openshaw's amendment included more than adding Unionville and Indian Trail to the affected jurisdictions. Commissioner Openshaw replied that it did not at this point. He said that it was a stretch for him to vote for the motion rather than to table it.

Commissioner Baucom accepted Commissioner Openshaw's amendment as a friendly amendment.

Chairwoman Rogers stated that the main motion would be as read by Commissioner Baucom in addition to adding Indian Trail and Unionville as possible affected jurisdictions.

Commissioner Openshaw requested clarification of the \$8 million amount mentioned by Mr. Delk. Mr. Delk explained that \$8 million is the estimate for total cost for the proposed project which will be substituted for the nine projects recommended in 2003. He asked Mr. Goscicki to explain the specifics of the East-Side Wastewater Collection Improvements Project.

Mr. Goscicki said that the proposed project was a part of the Capital Improvement Program submitted to the Board by the Public Works Department. He stated that currently there are two wastewater pump stations in Wingate and Marshville that collect wastewater generated in that area of the county and bring it to the City of Monroe's wastewater treatment plant. He said that both of those pump stations are under capacity currently and at this point Union County cannot avail itself of the full 2.84 million gallons that it has in the City of Monroe's Wastewater Treatment Plant, because it cannot physically pump enough wastewater from those communities to the plant. He explained that this project will (1) improve the two pump stations and (2) construct new force mains from those two stations to the City of Monroe's wastewater treatment plant. Mr. Goscicki further detailed some of the other planned growth in the wastewater treatment plant and said that the engineers have oversized the pipes to be able to accommodate future flow beyond the 2.84 million gallons in accordance with the conversations that the County has been having with the City of Monroe about having possible additional capacity in that plant. Mr. Goscicki said the project looks at immediate issues and sizing the pipe to look at longer term issues.

In response to questions, the Public Works Director explained some of the other aspects of the projects and explained that it does not correct the inflow and infiltration problems but that Wingate is moving forward with requests for grant funds to rectify this issue.

Commissioner Openshaw expressed that his concern is about the extra capacity in Monroe. He said he was concerned about utilizing that capacity in the bigger picture, which he said he had previously discussed with Mr. Goscicki, to deal with the ability to use Anson County water right away to displace Catawba water. He said the County could set aside this water for its contractual obligation with Monroe, to get Anson County water for the water that is displaced to go to Monroe to be treated; thereby, freeing up sewer capacity in the Twelve Mile Creek where the vast majority of the projects are waiting for sewer beyond what has been

allocated. Commissioner Openshaw admitted that it may not fit into this grant application but requested to see a map to depict how the County can best facilitate that type of plan.

Mr. Goscicki stated that issue is a big part of the Master Plan on which his staff has been working. He said the only piping to bring any wastewater to the City of Monroe's wastewater treatment plant is the system which is being proposed for upgrade.

The Chair called for a vote on the motion as stated by Commissioner Baucom including the friendly amendment made by Commissioner Openshaw. The motion passed unanimously.

Mr. Delk again addressed the Board and stated that the \$1,961,300 is the correct amount after the set-aside and the recession authority; it is a difference of almost \$20,000.

Announcement of Vacancies on Boards and Committees:

Chairwoman Rogers announced vacancies on the following boards and committees:

- a. Adult Care Home Advisory Committee (3 Vacancies)
- b. Board of Equalization and Review (2 Vacancies as of February 2010)
- c. Nursing Home Advisory Committee (3 Vacancies)
- d. Region F Aging Advisory Committee (1 Vacancy)
- e. Juvenile Crime Prevention Council:
 1. Substance Abuse Professional
- f. Union County Industrial Facilities and Pollution Control Authority (2 Vacancies for Unexpired Terms Ending May 2014)
- g. Parks and Recreation Advisory Committee (5 Vacancies as of February 2010)
- h. Union County Home and Community Care Block Grant Advisory Committee
- i. Health Board (Two Citizen Representatives)

Appointments to Boards and Committees:

- a. Health Board: Commissioner Openshaw moved to reappoint Dr. Paul Johnson as the physician representative on the Health Board. The motion was passed unanimously.
- b. Parks and Recreation Advisory Committee: Vice Chairwoman Kuehler moved appointment of Karen Cohen to fill an unexpired term on the Parks and Recreation Advisory Committee ending February 2011. The motion was passed unanimously.
- c. Nursing Home Advisory Committee: Commissioner Baucom moved to appoint Patricia Campbell to serve on the Nursing Home Advisory Committee. The motion was passed unanimously.

County Manager's Comments:

Al Greene, County Manager, wished everyone a Happy New Year and had no further comments.

Commissioners' Comments:

Commissioner Mills shared that he had gone up into the historic courthouse clock tower with Mark Watson, Personnel Director, and learned to crank the clock weights. He encouraged the Board members to tour the clock tower with Mr. Watson. He said that the courthouse clock tower is a piece of living history and that Mr. Watson has done a lot to bring it to life. He stated that Dr. Gwendolyn Perkins has also taken the tour and had cranked the weights at a faster pace than had he. He pointed out that one of the weights weighs around 900 pounds and the other one weighs several hundred pounds.

He wished everyone a Happy New Year and said that he liked the seating arrangement of the Board.

Vice Chairwoman Kuehler had no comments.

Commissioner Baucom also wished everyone a Happy New Year.

Commissioner Openshaw stated that he was sorry, to have to do this, but this is in response to Mr. Baucom's campaign kick-off seasons' greetings article from the last meeting. "I will refute his misleading, taken-out of context, statements and his divisive and grim tales.

This past year, we focused on rectifying lax policies or totally lack of policies of the past. Despite Mr. Baucom's erroneous assertions of nothing being accomplished, we established policies and expectations for the Manager's role, policies governing the Board of Commissioners, policies pertaining to the Commissioners' legal representation, a vision statement, and development policies, which are the essential building blocks of true-planned progress, our motto. They are under review by the Planning Board.

We established a real-allocation plan ending the Baucom-backed policy of continuing to give away a resource that we knew we didn't have. This reprioritized our modest remaining water capacity to allow for new business opportunities and set asides for current residents in need.

We initiated board-to-board meetings in the towns to better understand their issues; we went to them. We created a Governance Committee to explore ways that might better represent the citizens of every area of the county. We commissioned a long, overdue study of fire services. And, a first, we televised the Planning Board's and Board of Adjustments' meeting and created a video of the process of appealing your taxes. We approved and denied many other actions. All our agendas and approved minutes are on line at www.co.union.nc.us. I will go through Mr. Baucom's bullet points, point by point.

WATER: Mr. Baucom says that we told our water plant partner, Lancaster County, "We don't want your help".

Here's a fact: This was a two-year lease of water. We couldn't allocate to a single building as we have no guaranteed way to replace it when the lease ends.

Fact: The Water Policy that the Baucom board majority previously passed was refuted in itself. I quote: "Reliance on this capacity would put in jeopardy continued reliable service to our existing customer base." That is recital page 2.13 on page 50 of that policy. Sadly, this was the very principle behind the last board's policy: continuing to issue permits that we cannot guarantee. The pesky facts were the cost was \$9,215.72 a month for two years for two million gallons per day whether we used it or not.

Fact: In our last meeting, in response to my query, the Manager confirmed that staff, as directed by our board, was still trying to work out a lease with Lancaster that would allow a seamless flow of water through the expansion of our plant, which we are working on to expand now, which would allow us to allocate water to you, water that would do you no harm and water that we can guarantee to you.

Since voting against the lease, we have saved over \$37,000. In another month, we will have saved enough money to pay for Mr. Baucom's share of Mr. Mill's, Mr. Pressley's and his own taxpayer-paid FBI attorneys.

VOLUNTEER FIRE DEPARTMENTS: While questioning our respect for our volunteer firemen and women, Mr. Baucom says, in fact, one of the Commissioners stated emphatically that she did not care what the volunteers thought.

Fact: In fact, that is not a fact. While being aggressively tag teamed between Mr. Baucom and Mr. Mills who were acting in an ungentlemanly manner, she said essentially that she did not care what they, meaning Baucom and Mills, thought. That was not directed at the volunteers.

Fact: After winning the primary in June 2006, Mr. Mills walked into then Homeland Security Director Beakman's office and killed the existing Board's progress on the fire study.

Fact: Commissioners Rogers, Kuehler, and I resuscitated the long-overdue study, which involved input from the fire chiefs and was unanimously approved by the Fire Commission even though the vote to proceed was met with posturing and opposition from Mr. Baucom and Mr. Mills.

PROPERTY RIGHTS: Mr. Baucom did not supply you with one fact, not one. So, it is tough to discuss.

Fact: In a resolution we inserted that no eminent domain would occur. In the development policy that we submitted to the Planning Board and in number four of the Vision Statement it states: Recognize and respect constitutionally protected property rights in the interpretation of all policies and to achieve community goals such as open-space preservation through incentives to land owners and voluntary programs. Further, in my years on the Board, I have consistently challenged the necessity of our utility seizures of your land.

CITY OF MONROE: Mr. Baucom says that we refuse to work with Monroe, and we are involved in secret negotiations.

Fact: To my knowledge, both are outright falsehoods. Our boards met together in open session. Both boards endorsed the meeting of Mayor Kilgore and me to try to work something out. We met, after we met, at his request, I followed up with a list of suggestions that I put forth in an email to the Mayor and copied all county board members. I state the intent was “to help facilitate the conveyance of the park to Monroe.”

Regarding Mr. Baucom’s assertion of trying to extort money from Monroe, despite the folklore, to my knowledge there is no basis in fact to support this. Confirm it on line, March 2, 2008, meeting, and his choice of words reflect shamefully on him. There was no board request, no motion, and no approval for or of this. The next line in the email said: As you and I discussed, there is no monetary consideration involved, in my email to Mayor Kilgore that was what we discussed in our face-to-face meeting. The email says that we would retain ownership “retain ownership of the commercial property on North Charlotte Avenue.” The business operator there would be impacted by the change.

Fact: The first thing that the County asked Monroe to consider was simply “an agreement on parking”. No preconditions listed. As the revitalization of Monroe progresses, parking will become a major problem. Union County has almost a thousand employees working here, often supporting local restaurants and shopping here. We need to put in writing what the future holds for parking for those employees. Yet, Mr. Baucom implies that our situation led Monroe’s Council to act badly by eliminating parking for county employees. Monroe recently imposed time limits on the parking lot directly across from the entrance to City Hall. That lot is always packed, and it was a logical decision on the Council’s part to make spaces available for the residents who need to visit City offices. For Mr. Baucom to insinuate otherwise is demeaning. I believe Monroe and the County can disagree on issues without inferring an exercise of pettiness or retribution.

HOSPITAL: This is a topic in itself as shown by Mr. Baucom’s five inches of print to spin a simplistic analysis of just one aspect of the story. However, here are a few facts: Then Chair Baucom made a botched attempt to execute a lease with CHS, which was done out of the public eye and unknown to me. After working on the lease for five months, the staff requested that the County hire top experts to level the playing field. We hired consultants to communicate with the third largest corporation of its type in the United States and to value the asset on which we were negotiating. The approved expenditure of hiring these experts was approved for up to \$90,000 so far. The Baucom board did not know the value of the asset, yet, they were trying to sign a deal on it. All of these actions happened during Mr. Baucom’s year as chair before this Board came to office.

Since many of us questioned the whats and whys of a forty-year deal and felt like the County was giving the asset away, a consultant was brought in to help us explore our options to either put the land and buildings up for sale to a hospital organization, potentially

even CHS, or negotiate a lease with CHS that is in the best interest of the citizens of the County so that health care can move forward in both technology and service in the decades to come, preferably, competitively.

There are many ways to structure a mutually beneficial transaction, both financially and in ownership, that would be great for Union County. In any event, the Board has yet to hear a favorable review from staff or our attorneys on anything to do with CHS.

TRANSPARENCY: Mr. Baucom says that this majority has refused to tape special meetings and workshops where the hospital was the purpose of the meeting. Well, there he goes again.

Fact: Union County has taped every meeting probably for decades. Tapes are available to the public and are for the Clerk to use in transcription of minutes which by the way go well-beyond legal requirements of specificity providing a solid history of the Board's discussions and actions. The minutes are subject to approval by the Board. We televise all our regular meetings and for transparency Commissioners Rogers, Kuehler and I, as previously mentioned, instituted televising Planning Board and Board of Adjustments meetings. We do not televise work sessions. You can call it partially an "Anti-showboat policy", and you and we are subjected to enough playing for the camera during our Board meetings. Television doesn't mean that you will hear the truth as evidenced by the statements that I am refuting. Across the state, these meetings are designed to be informal in an attempt to engender good discussion of the issues with staff and the board members. We have laws that determine, we provide 48 hours published notice of specific agenda items, an open door at all times for the press and you and "only the subject described in the notice may be considered at the meeting unless all the members are present or unless those not present sign a written waiver." That is from the Handbook for North Carolina Commissioners. It is hypocritical of Mr. Baucom to criticize this as he never televised work sessions, no matter the topic, including hospital sessions when he was Chair or Vice Chair. In the past, Mr. Baucom complained that the regular meetings were running too late—work sessions result. Issues deemed relevant for further discussion can be moved to and from regular meetings.

PLANNING: Mr. Baucom says the Planning Board has shelved the Land Use Plan.

Fact: That is false. The Planning Board is giving its time to hold an extra meeting a month, with the exception of December, to review the Land Use Plan. I hope that statement was made from ignorance rather than a deliberate attempt to mislead you. We have an excellent Planning Board with a lot of Planning Board experience and a diversity of work-related experience. They have a lot on their plate and do a methodical job.

Fact: As mentioned, you can watch them on TV or on-line. The members of that Board are more than capable of defending themselves from a disgruntled man though I think they deserve accolades for their effort.

I have tremendous respect and appreciation for our law enforcement officers, fire department personnel, health care providers, and our educators – tremendous respect – but dealing with issues relating to any of these valuable community services often provokes a strong emotional response and one of concern, which puts pressure on those holding elected office. But, that does not mean that I will abrogate my duty to represent you in our business relations with them. I believe it is the responsibility of the County Commissioners as well as County staff to provide the best level of services to you, to allocate the time, and to make the effort to understand their needs and to make the tough decisions regarding those services' responsible spending of your tax dollars.

Too often the actions of previous boards have not lived up to that standard. Too often the tough decisions were swept under the rug to fester into more difficult decisions in the future. I would encourage you to stay informed by going on line, watching the meetings on television, reading the papers, or finding a reliable source of information. The biggest enemy of the special interest is an informed public. Thank you very much."

Chairwoman Rogers acknowledged that Brian Carlton, a reporter with *The Union County Weekly*, is back covering the news in Union County and south Charlotte. She said that Adam Bell is the new reporter for *The Charlotte Observer* and welcomed him.

She wished everyone a Happy New Year.

With there being no further matters for discussion, at approximately 9:12 p.m., Chairwoman moved to adjourn the meeting. The motion was passed unanimously.