

May 3, 2010

The Union County Board of Commissioners met in regular session on Monday, May 3, 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: Vice Chairwoman Tracy Kuehler, Commissioner Allan Baucom, Commissioner Lanny Openshaw, and Commissioner A. Parker Mills, Jr.

ABSENT: Chairwoman Kim Rogers

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

OPENING OF MEETING:

Vice Chairwoman Kuehler called the meeting to order at 7:05 p.m. and stated that Chairwoman Rogers was unable to be present tonight. She asked Commissioner Mills to present the invocation.

Invocation: Commissioner Mills gave the invocation.

Pledge of Allegiance: Vice Chairwoman Kuehler led the body and the audience in reciting the Pledge of Allegiance to the flag of the United States.

Featured Community Benefit Organization: Roy Young, Past Chairman and a founding member of Union Smart Start, thanked the Board for the opportunity to speak about the Smart Start program. He explained that the current Chair, Terry Sholar, could not be present and that he, Mary Ann Raspberry, Executive Director, and Kim Wolfe, staff member, were present to answer any questions. He presented a Power Point program explaining what Smart Start, a non-profit organization, in Union County is and reported that it distributes funds in Union County allocated through the North Carolina Legislature. Mr. Young explained that it is North Carolina's Early Childhood initiative designed to ensure that young children enter school healthy and ready to succeed. He further stated that

Smart Start benefits children from birth to age five and their families. He reiterated that Smart Start is about the future and stressed the future of today's children as well as the future of Union County. He emphasized it is the future of the County because the workforce of 2028 is being born this year. He defined some of the benefits of Smart Start and explained how this program makes a difference by allowing children to enter kindergarten prepared to learn and to succeed. He said one of its goals is to eliminate the achievement gaps between children of different backgrounds, incomes, and cultures. Mr. Young explained that Smart Start partners with other local agencies and organizations that have the expertise to best implement the programming. He said that this organization does not fund overlapping programs and explained some of the programs offered by other partnering programs such as public schools, Health Department, Library, and the Department of Social Services. He said these programs are funded by Union County. He reported that funding is a big issue for Smart Start just as it is for the County, and it is proud that it spends less than eight percent of its funding on administrative costs, leaving 92 percent for program development and implementation. He reported on the funding means and requirements as mandated by the Legislature. Mr. Young said that this year Union Smart Start is distributing nearly \$3 million to agencies impacting Union County's children and their families. Mr. Young stated that its budget for this year was cut roughly ten percent, and it is anticipated that there will be a further cut in funding for the next fiscal year of between four and ten percent. Mr. Young completed his presentation with an offer to answer any questions of the Commissioners.

Vice Chairwoman Kuehler asked how the community could help Union Smart Start and how could the public contact the organization.

Mary Ann Raspberry, Executive Director, responded that the community can help by educating their friends and families as to how important it is to read to, talk to, nurture and to love small children. She said that 80 percent of the brain is developed before the age of three. She stressed the importance of preparing young children for success. She gave information on how to reach Smart Start and gave the web address as www.unionsmartstart.org.

PUBLIC HEARING – PLANNING DEPARTMENT – RE: Proposed New Subsections(d), (e) and (f) to be added to Section 242 Lighting Requirements and Proposed New Definitions to be added to Section 15 Definitions of Basic Terms of the Union County Land Use Ordinance:

Vice Chairwoman Kuehler explained the next item is a public hearing on a proposed new Subsection – (d), (e) and (f) to be added to Section 242 Lighting Requirements and Proposed New Definitions to be added to Section 15 Definitions of Basic Terms of the Union County Land Use Ordinance. She opened the public hearing at 7:12 p.m.

Vice Chairwoman Kuehler recognized Aaron Perry who was the first person registered to comment during the public hearing. Mr. Perry did not come forward to address the Board.

The Vice Chairwoman next called Don Hughes, representing Union County Public Schools, 116 Main Street, Monroe, North Carolina, who spoke against the proposed text amendment to Article XV Utilities, Section 242, Lighting Requirements and Proposed New Definitions to be added to Section 15 Definitions of Basic Terms of the Union County Land Use Ordinance. Mr. Hughes reported that Union County Public Schools does not object to all the recommendations being made against lighting requirements but its main concern is the requirement imposed to sports field lighting. Mr. Hughes suggested that the Commissioners should listen to their staff and take their time when making text amendments such as these. He said that change should be a part of the rewrite of the Land Use Ordinance instead of an amendment. Mr. Hughes said that when a hasty decision is made everything is not thought of.

Mr. Hughes addressed the design of lighting and noted that as far as the sports field lighting that it has a lot to do with safety and security. He emphasized if the schools are told that they cannot turn the lights on until one hour before a game and lights must be turned off one hour afterwards, it will have a great impact on the safety and security of those students and visitors attending the games. He said that as far as design of lighting that even as an architect, he does not know how to design the lights at a football stadium. Mr. Hughes explained that he certainly did not think the Planning Director or the Planning Board knows how to design the lighting and it needs to be left to the professionals who know how to design lighting for sporting events. He noted the difference in lighting between Marvin Ridge High and Cuthbertson High and explained that at Cuthbertson High School and at schools constructed after it, they have specified no lighting above the horizontal plane, sharp cutoff, and things that are being recommended with the amendment but when the poles are limited to a height of 80 feet, this limitation could increase the number of lights needed. He encouraged the Commissioners to not rush through the passage of this amendment and emphasized that every aspect of the amendment needs to be carefully studied.

Jim King, 3514 Waxhaw-Marvin Road, Waxhaw, reminded that this amendment is not being rushed because this request was sent to the Planning Board from the Commissioners in October 2009. He assured that it had been thoroughly studied. He said there are lighting restrictions in commercial zoning districts but in residential districts there are none although there are a couple of things that the residents must do. He listed some of the items allowed in residential zoning districts. He assured that there is a problem with lighting as allowed in the existing Land Use Ordinance. He gave an example of how he could hear the noise from a school located near him. He said that one Saturday morning he thought that his neighbors were having a party, but after listening more closely, he realized it was at the school. Mr. King said he did not need to be hearing the announcements of a school located a mile and a half from his home and lighting is the same way.

The proposed amendments are recorded below:

1. **Amend Article XV Utilities Section 242**

Amend Article XV Utilities Section 242 Lighting Requirements by adding requirements for fully shielded light fixtures, lighting for sports fields, and building façade lighting.

Proposed Amendment:

- (d) All fixtures other than floodlights shall be fully shielded and shall be classified as full cutoff as classified by the IESNA. This shall mean that no light is to be emitted out of the fixture above the horizontal plane. Floodlights are to be equipped with shields and aimed so as to direct the light onto the area to be lighted.
- (e) Lighting for sports fields is generally in excess of general outdoor lighting levels. Recreation lighting levels established by the IESNA are to be used as the standard. Higher lighting levels for tournament or high league play are sometimes required and must be approved by the Union County Board of Commissioners prior to construction. All sports fields must meet the following minimum standards:
 - 1. Fixtures must not exceed 80 feet in mounting height (this includes bases and/or other mounting structures).
 - 2. Fixtures must be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers a glare control package.
 - 3. Fixtures must be designed with a sharp cutoff and aimed so that their light beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.
 - 4. Lighting shall be extinguished no later than one hour after the event ends.

(f) Building Facades:

1. Minimum illumination on any vertical surface or angular roof shall not exceed 5.0 foot candles average maintained.
2. Light fixtures shall be located, aimed and shielded so that light is directed only onto the building façade. Light fixtures shall not be directed toward adjacent streets or roads.
3. Light fixtures shall be directed downward rather than upward or horizontally.

2. **Amend Article II. Basic Definitions and Interpretations Section 15**

Amend Article II. Basic Definitions and Interpretations Section 15 Definitions of Basic Terms by adding definitions for the following terms: Fixture, Flood or Spotlight, Foot-candle(Initial, Maintained, and Average), Full Cutoff (Fully Shielded Lights), Glare, IESNA, Lumen, Luminaire, Max to Min, Maximum, Minimum, and Mounting Height of Luminaire

The Staff's recommendation was included in the agenda package as follows: The issues and suggestions identified with outdoor lighting should be added to the ongoing list of items that need to be addressed as part of a comprehensive rewrite of the Land Use Ordinance. The comprehensive rewrite of the Land Use Ordinance is the best process to be used to correct and update the Land Use Ordinance in a more collaborative and integrated manner. With the slow down in the land development sector, there is no reason to rush through the text amendment process for a band aid approach to update the County's Land Use Ordinance.

The Vice Chairwoman asked if there were others who wished to speak during this hearing. With there being none, Vice Chairwoman Kuehler closed the hearing at 7:20 p.m.

PUBLIC HEARING – LAND USE ORDINANCE:

At 7:20 p.m., the Vice Chairwoman stated the next hearing was advertised for the purpose of receiving comments on the Proposed Amendment to Sections 384 Definitions of Article XXIV Flood Damage Prevention of the Union County Land Use Ordinance.

The proposed text amendment is recorded below:

Amend Article XXIV Flood Damage Prevention Section 384 of the Union County Land Use Ordinance entitled Definitions by adding a definition for the term “Fill”: “Fill” means materials from any source placed inside the SFHA (Special Flood Hazard Area) causing a permanent increase in existing ground elevations.

The Staff’s recommendation was included in the agenda package as follows: Although, staff did research and present a definition to the Union County Planning Board, staff does not agree that the addition of a definition for “fill” is necessary. Staff believes that “fill” should be left to the interpretation by the Floodplain Administrator. The opening sentence of Section 384, which is the definitions section of the Flood Damage Prevention article (this is also the definition section from the State Model Floodplain Ordinance) of the Union County Land Use Ordinance, provides that “unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.” Staff, after consultation with Milton Carpenter with the NC NFIP Program, believes that this sentence is included to provide a basis so as not to define every single term, but rather to allow for reasonable interpretations for specific circumstances such as the farmer who is spreading manure on their field or the homeowner who stockpiles dirt in a floodplain area for a temporary period of time while working on a project (neither of which constitute fill). Mr. Carpenter also expressed concern, and staff agrees that by defining the term “fill” you may cause unforeseen problems with enforcement in the future due to the fact that instead of reasonable interpretation you have a rigid definition which may or may not work in every circumstance. Staff, therefore, recommends that this amendment to define “fill” not be adopted.

Vice Chairwoman Kuehler stated that no one had registered to speak and asked if there is anyone in the audience who wanted to speak. With there being no one, at approximately 7:22 p.m., she closed the public hearing.

INFORMAL COMMENTS:

The Vice Chairwoman explained the rules to be followed during the informal comments’ section of the meeting and informed the speakers that they would have three minutes in which to make their comments.. She first called on Dr. Kelly Anderson.

Dr. Anderson thanked the Board for the opportunity to speak and stated that she is a family physician and has been in practice for almost 17 years. She addressed the issue of the potential sale of CMC-Union. Dr. Anderson said that the medical staff of CMC-

Union is committed to serve and has done an admirable job for many years, but the Commissioners have never asked them what they thought is best for the community when it comes to selling our local hospital. She said this was not good. Dr. Anderson said that she was a graduate of the Yale University School of Medicine and completed her family medicine residency training at CMC-Union and is now in private solo practice in Monroe. Dr. Anderson said she lives and votes in the County. She said she can personally attest to the fact that Carolinas Healthcare System (CHS) has already done a wonderful job enhancing services at CMC Union. Dr. Anderson reported that CMC-Union's quality of care is now nationally recognized and ranks above most hospitals in this state. She said that CHS has grown its staff from 47 physicians in 1995 to over 400 physicians now – members of this community and their families who support local businesses, charities, and schools. She said that many of the CMC-Union physician staff are affiliated with CHS. She said in her opinion it would be radical and unwise to pull CMC-Union out of the Charlotte Healthcare System. She encouraged the Commissioners to meet with the CMC-Union Medical Executive Committee and consider extending the hospital's lease with Charlotte Healthcare System (CHS). Dr. Anderson said that she did not think this Board would want to set healthcare back after the County's hospital has come this far.

Dr. Kiran Adlakho, 15341 Ballantine, said she is a board certified pathologist and has served as Medical Director of Pathology and Laboratory Services at CMC-Union since 2005. She briefly gave her work history and stated that collaboration with CMC has had a tremendous impact on the improvement on quality of care of healthcare services delivered to the citizens of Union County. She said one of the major benefits of this association is the ease of accessibility of expert opinions and tertiary care when needed by their patients. She assured that this had helped CMC-Union to be recognized as one of the top 100 hospitals in the country by *USA Today* in both heart attack and pneumonia. She said that most recently CMC Union had received the distinguished hospital award for in-patient services. Dr. Adlakho pointed out that the hospital now also has a cancer center that will greatly help the residents of Union County and surrounding areas to receive cancer treatment close to home. She noted that the Carolinas Healthcare System has continued to invest in the expansion of facilities, technologies, new and expanded services, physician recruitment, and employee development. Dr. Adlakho asked the Board to focus its efforts on executing a long-term lease extension with Carolinas Healthcare System. She said that completion of this lease extension with CHS will enable CMC-Union to further expand services to more patients who will then receive care in Union County instead of being transferred to the Charlotte hospitals. She said that delaying this process any longer is not acceptable and will have a negative impact on the healthcare in Union County. She stressed that all the discussions relative to the sale of the hospital are detrimental to the progress of the facility, and she thought the approach is very shortsighted, and stressed that in her opinion no one could justify the sale of the County's best asset as a short-term fix for the County's deficits.

The next speaker introduced himself as Dr. Emmanuel Enohmbi, a Board Certified Internist on staff at CMC-Union. He said he had tried to understand why the decision to sell this hospital was made. He said it may be for reasons that he has not heard, but that he thought it would be a wrong decision. He said the Board should make decisions that help the health-care providers provide excellent care to the people.

Scott Wahlers, 8016 Whitehawk Hill, spoke referencing the Wesley Chapel/Weddington Athletic Association (WCWAA). He thanked the Board for allowing him to speak. He said this association consists of 3,000 families and 4,000 children with approximately 8,000 sign-ups a year to play athletics. He thanked the Commissioners for helping the association deal with its floodplain issues. He said it was thought three years ago that the matter was resolved, but it is still not resolved, and it seems that some on county staff have been working against the association and making it more difficult. He said that WCWAA believes that they have negotiated in good faith to come to a resolution that works for everybody, but at times it seems to be a moving target. He said that two alternatives have been given to them by staff and both of these would put the association out of business: neither would work. Mr. Wahlers requested the Board's intervention to direct that staff work with WCWAA and not against it to resolve the problems. Mr. Wahlers explained the operation of WCWAA and the number of other associations it works with to help all the athletic associations in Union County, and noted how the other areas of the county would also suffer if WCWAA had to close its operation. He said that during the last three years he had talked with many attorneys about an issue that should be simple and all parties want to solve it, but it seems at times WCWAA cannot get county staff to move forward. He then reiterated his request that the Board of Commissioners instruct or direct county staff to work with the Wesley Chapel/Weddington Athletic Association to close on this issue for a positive resolution for the entire county not just the Wesley Chapel/Weddington Athletic Association.

Dr. Chad Howard, 3300 Williams Road, stated that he attended medical school at Wake Forest, completed his residency at Yale, has been in practice about 15 years, and for the last five years has been a Hospitalist at CMC-Union. He said it concerns him that the medical community has not been involved in the process leading up to the decision to sell the hospital. Dr. Howard assured that the physicians are committed to providing the care in the community but that the Board of Commissioners has not asked the physicians for their opinions. He assured that they understand the needs of the community better than any politician or consultant since the physicians provide the care. He stated that CHS is committed to adding new services and programs that will keep the residents of Union County here for their care, and if it is true that quality is a priority, he thought the physicians have proved that Union County is not going to do better than CHS and CMC-Union. He said that within the five years that he has been in Monroe, the transformation of the hospital has been nothing short of amazing, and has produced one of the best hospitals in the State. Dr. Howard said the transformation did not come easy as it took a lot of work of the physicians and employees of CMC-Union; he encouraged the Board to make extending a lease with CHS a top priority.

Dr. James Cook, 6123 Pumpernickel Lane, Wesley Chapel, stated that his children play sports at WCWAA, and it has enriched their lives and is an important part of the community. He encouraged the Commissioners to work with that organization to preserve it in a way that will be good for the community.

Dr. Cook stated that he is a general surgeon with Union Surgical Associates and has been a doctor for 13 years. He said he was elected Chief of Surgery at the hospital. He noted some effects if CMC-Union is sold to another company. Dr. Cook said that if that company would be Novant Health, which he acknowledged has a good hospital in Matthews, that the concerns expressed by the Commissioners of a healthcare monopoly being formed in Union County could be a reality. He said he supports competitive healthcare as do most of his colleagues but such an acquisition of CMC-Union by Novant would create such a monopoly of healthcare services in Union County due to Novant's hospital's presence in Matthews. He said that good business sense would not allow Novant to enhance tertiary services in both Monroe and Matthews so some local services would be sacrificed. Dr. Cook said that the vision of CHS has been that CMC-Union would be a tertiary care center. He said that vision would not come to fruition if the sale would be to Novant. He pointed out that action would result in Union County's residents having to leave Union County for tertiary care. He said, in fact, the President of Presbyterian Matthews recently told the *Charlotte Business Journal* that he envisions Matthews becoming a 250 bed tertiary-care hospital. He said if the sale would be to a "for profit" organization, he would question whether it would provide the quality-patient care that is currently enjoyed in Union County. He said it is important to realize that a "for profit" organization is first accountable to their shareholders, then the employees, then the physicians, and then to the patients. He said the profits of the "for profit" hospital contribute to the bottom line and what Union County needs is the bottom line for healthcare of Union County to continue to rise. He stressed that healthcare has grown tremendously while CHS has been at the helm and equated the sale of the hospital to firing the coach in the fourth quarter of the super bowl when your team is winning; it doesn't make any sense. He too voiced concern that the medical staff was not contacted in a formal manner and encouraged the Board to endorse a long-term lease with CHS for CMC-Union.

Dr. Jack Thompson, 5064 Cambridge Oaks Drive, Matthews, stated that he supported the request of WCWAA. He said that he and his neighbors not only go to the park but live at the park, and it is one of the best reasons for living in Union County.

He said that he is the Chief of OB and a member of the Medical Executive Committee and a member of the medical staff at CMC-Union for about four years. He said that prior to joining the staff he had 12 years of experience at a large, teaching hospital. Dr. Thompson said when he was first approached about coming to CMC-Union he was flabbergasted and had thought the hospital was horrible, and he had serious concerns about quality and how it was being operated. He said through the years as he watched it, the

hospital has become a gem as it has unfolded. He said when he first seriously considered joining the hospital, his primary concern had been about quality; and, secondly, he wanted an institution that was committed to continued improvement. Dr. Thompson said that he did serious homework as he looked into this facility along with other places he was considering and was very surprised at the job that Carolinas Healthcare has done attracting excellent physicians and providing them a place to practice high-level quality care. He said that as one looks at other facilities around the country that one of the hardest things that a hospital has to do is to attract and retain good talent and allow them to do their jobs because if they are not allowed to do that and become frustrated with not being able to give quality care, the doctors will move on. Dr. Thompson said he was very skeptical of advertising and said that CMC does a wonderful job on many of the quality performance measures and it really does beat the majority of hospitals in the state and many nationwide even when compared to the academic centers of Duke and Wake. He stated that CHS has the resources and has shown the commitment to grow and expand service lines in Union County. He said there are a number of advances in his area available but these are hanging in limbo until this lease issue is resolved. Dr. Thompson said he had never lived anywhere that has such a well-managed and progressive county hospital as CMC-Union, and it's financially stable which is almost unheard of. He said he thought this is due to the management of CHS and encouraged the Board to continue the lease. He, too, voiced his concern that the physicians had not been contacted earlier.

Dr. Michael S. Camp said that he has been in practice in Union County for over 16 years and is a Board Certified Internal Medicine Physician and the immediate Past President of the medical staff prior to Dr. Bowers taking over as President of the Medical Staff. He said that over these 16 years he has seen CMC-Union grow and has seen the quality of care improve. He said the long-range plan of Carolinas Medical Center is to become the premier medical facility in the region including Union, Anson, and Chesterfield, SC. Dr. Camp said that any delay extending the long-term lease only hurts the citizens of Union County and the healthcare to be provided to the citizens of Union County. He encouraged the Commissioners to consider a long-term lease agreement with CHS and the sale of the hospital would be the sale of the County's greatest asset.

Dr. Theodore Stamatakos, a Board Certified Urologist, who has practiced here for the last five years, said his comments will be brief because they echo the comments of all the other doctors who have spoken. He said that part of the reason that he relocated to Union County was because of the wonderful facilities that he had heard about here at CMC-Union that were initiated by CHS. Dr. Stamatakos said that he takes his practice of medicine very seriously and much of it has to do with relationships, because it is a relationship between the doctor and the patients. He said he is comfortable with his relationship with the hospital and facilities that it offers, and he can, in turn, offer his patients top quality care. He said he feels to sell the hospital at this time could make a negative impact on the quality care that is provided. He said that CMC has proven itself during the 15 years that it has operated the hospital and he encouraged the Commissioners not to sell the hospital and to extend the lease for CMC-Union.

Dr. John Vick, Union Family Practice, stated he had been in practice in Union County for 28 years, and it has been a great experience. He said he is addressing the Board about a very unique program that CMC-Union operates. He said the head of the family practice program, Dr. Lewis Sigmon, came to him in 1996 soon after CHS took over the facility. He stated that Dr. Sigmon wanted to start a rural track family practice training program in Union County, and “we did it.” He said it is amazing what has been accomplished and the number of doctors that have been trained here in Union County. He said the program depends on the teaching program at CMC Main, and it would not be possible to continue this program if the hospital is sold to any private organization or to Presbyterian because Presbyterian does not train doctors. He said the sale would close the program that has trained over 19 doctors who are practicing here in Union County. He urged the Board of Commissioners not to make a snap judgment and close or sell the hospital. He also invited them to make rounds with him at the hospital and to see what the hospital has to offer. He said the patients are also very much against the sale of the hospital.

Dr. Robin Stacy-Humphries, Chief of Radiology at CMC-Union explained she was recruited by CHS when it took over management of the hospital in 1995. She said she joined its staff in 1996. She said she had spent her residency at Georgetown Hospital and spent almost three years as Chief of Radiology and Chief of Staff of a community-based hospital that had been sold to a “for profit hospital.” She said CHS is dedicated to its patients and not to the stockholders. She said that CMC-Union is fully integrated with CHS and emphasized that the files are all linked together electronically, which makes it easy for transfer of patient information. Dr. Stacy-Humphries explained that CMC-Union has everything that CMC has which is the latest and greatest of medical equipment. She said the disruption of services and the waste of resources that would happen if the County tried to accommodate another owner of this hospital would be unimaginable. Furthermore, she stated that CHS has plans to expand all the services at CMC-Union especially the surgery and cancer treatment. She stressed this would be a great benefit to the citizens of Union County who want to retain its hospital. She also pointed out that this hospital serves indigent as well as paying patients and “for profit” hospitals do not take care of indigent people.

Dr. Antonia Emezie, Pediatrician at Union Pediatrics, said she has been with the system for almost five years and has enjoyed this work because of its care for the residents of this County. She said the hospital is financially strong, and the physicians are dedicated to the care of their patients. She said to sell the hospital would greatly affect the care of its residents and that if it would be sold, she would not remain. She said CMC-Union is now one of the top 100 hospitals in the country, and it had grown from 47 doctors in 1995 to over 400 doctors now. Dr. Emezie said she was glad to be a part of Carolinas Healthcare System and encouraged the Commissioners to provide a long-term lease agreement with CHS.

Dr. Bassom Ayount said he was a Hospitalist in a specialty program which began in 1995 and works within the hospital and does not have an outside office. He said that he left working at a hospital of approximately 700 beds in Cleveland, Ohio, to come to CMC-Union but that here he believes he gets better equipment and computers than he had at the larger hospital that he left. Dr. Ayount said that he would not say he would walk away if the hospital were sold, but he doubted that his passion would be the same as it is now with CMC-Union. He encouraged the Commissioners to extend the contract with Carolina Healthcare Services.

Dr. Thomas Troutman thanked the Board for the opportunity to express his views about the proposed sale of the hospital. He said he was a Board Certified Radiation Oncologist which means that he takes care of cancer patients largely treating them with radiation. He said most of his views have been expressed by others and for that reason will limit his comments to cancer care. Dr. Troutman said he had practiced in the region for 22 years and eight years ago the radiation center was established at CMC-Union with the support of CHS, and he had been happy to assume the role of Physician Director of that department. He said since that time it has grown into a Cancer Center with integration with medical oncology, surgery, upgrades of pathology and other areas within the system which have been great improvements. He cited one example of strides made was that of Accreditation by the American College of Surgeons Commission on Cancer as a recognized Accredited Cancer Center. Dr. Troutman said that was accomplished about four or five years ago and more recently it received the Accreditation with Commendation. He said that is a designation reserved for only a minority of cancer centers, and he and CMC-Union are very proud of that designation in Union County. Dr. Troutman said that 15 years ago that kind of progress would have been unthinkable and now it is not only thinkable but is reality. He also reviewed that a Certificate of Need (CON) to have a fixed CT-PET Scanner on the CMC-Union Campus has been approved; but, unfortunately, that has been delayed because of this controversy of the proposed sale of the hospital. He said if the County could move forward with the contract with CHS, it would be a great advantage to the County's patients to have that feature offered here on campus. He said this would keep the patients here in Union County without their having to travel elsewhere for medical care. Dr. Troutman commented about the commitment of the administration of Carolinas Healthcare System that it brings to CMC-Union, and it is evident everyday in the operation including recruitment of physicians. He urged the Board to reconsider the proposal to sell the hospital and allow the remarkable strides being made to continue.

Allan Walker was the next speaker registered to speak. Mr. Walker stated that he would forfeit his time.

Dr. Lane Ormand said that he had been in Union County a long time and that his father practiced in Union County from 1927 to 1974, and he joined the practice in 1964. Dr. Ormand said he was probably the senior practicing physician in Union County. He said he retired in 2002 and started work in the County's Health Department in 2004 two days a week. He said he knew about indigent care in Union County and there is a big population that needs care. He said that he is convinced that selling the hospital would be

short-sighted and foolish. Dr. Ormand said he had seen what CHS has done with the hospital during the past 15 years since the lease was signed with them and would not review the details and improvements tonight but assured that these had been tremendous. He said that over the past 15 years the western part of the county has largely used the medical facilities of nearby Mecklenburg County. Dr. Ormand said that CMC-Union is trying to make healthcare more readily available to the western part of the county by establishing the Waxhaw Health Complex. He said that the County must continue to have some control over the hospital, the major healthcare vehicle used by most of the people of Union County. He implored the Board to not sell the hospital for short-term gain. Dr. Ormand agreed with Dr. Vick and his concern about the Residency Program. He said when he started practicing in Union County in 1964 there were only 12 doctors for the whole county and the doctors had to do it all. Dr. Ormand said one of the reasons that the County has this increased number of physicians is because of the Residency Program. He encouraged the Commissioners to rethink its thoughts and not destroy that program. He agreed that the County needs to be involved with education, water and sewer, law enforcement, safe environmental areas, and other services, but reminded that it also needed to have responsibility for healthcare.

Dr. Charles Hoover stated he had been a practicing Internal Medicine Physician in Union County for nearly 30 years. He said that when he came to Union County this hospital was very underserved and very dilapidated and crowded. Dr. Hoover said the citizens of Union County approved a bond referendum to make the facility a first-class facility and, to this day, the citizens own the facility. He said the actions of the citizens expressed a desire to have quality-care and quality physicians in the area. Dr. Hoover said the hospital now is a first-class facility and Carolinas Healthcare System has done a lot to help upgrade the facility because it has the expertise and the money to bring quality physicians here to make this hospital an even greater place. He said that he foresees that one day CMC-Union will be on par of the CMC hospital in downtown Charlotte. He said to sell the hospital to a private facility such as has been mentioned will definitely hurt healthcare and dollars will be going out of the County instead of staying here. He encouraged the Board to consider an improved long-term lease with Carolinas Healthcare System.

George Shield thanked the doctors for their services to the citizens of Union County and thanked the Board for their service as well. He said he is a businessman and reported that he and his partner purchased property in the Old Hickory Business Park in 2003 and got the property zoned, the plans approved, received a building permit, built the building, and leased it. He said there were six bays leased out of 11 bays. He said the recession hit and one-third of the tenants left because of financial instabilities. Mr. Shield said they looked for replacement tenants and when the replacement tenants called Union County Public Works, they were told that it could not allow the tenants to use any water and sewer in this building. He stressed that these were spaces that had already been occupied and had once had operating businesses in these bays. Mr. Shield requested the Board of Commissioners to give consideration to the amendment to provide more water and sewer to Indian Trail as it is being worked on now by the Public Works Director. He said that they are 60 percent vacant, and he and his partner had been carrying this building with a negative cash flow for three years. He

expressed concern about how much longer they can continue to do so and questioned if it is a viable project for them, the bank, or a buyer if water and sewer cannot be obtained for a building that has already been permitted and built. He said he wants to create jobs, increase tax revenue, collect rents, and keep his investment solid. Mr. Shield asked the Board to help them and other businesses in the Old Hickory Business Park area to allow them to use the water and sewer that he thought had been there when the building was permitted and constructed.

Byron Nesbit gave his address and said he was not here to project his opinion on whether to sell or lease the hospital but he thought that all five commissioners believe the right thing to do is to seek a long-term lease. He said he was present to talk about the process. He said he read in the newspaper on April 20 that a group of men sought to politicize this issue in order to win votes. Mr. Nesbit said he thought the information was ill founded and at times not correct on many occasions it was almost untruthful. He said he thought the Informal Comments' period was abused for political reasons. He said he believes that the ability to stand at this podium and be heard as citizens and professionals was obliterated by a faction of people who were looking to win the vote. He said he read in Sunday's paper that this staged mock tea party rally was nothing more than a guise of a couple of people who looked into the camera and professed to be concerned citizens and were paid in excess of \$300 each to make such statements. He said he thought that was a slap in the face of anyone who stands in front of County Commissioners and the fine people of Union County. He said that action diminishes every ounce of energy that people pour into standing in front of the Board –nervous or not nervous—for whatever agenda they have.

Dr. Grigor Badalyaw stated that he was a Pulmonologist and Critical Care Specialist and has been practicing medicine for ten years after moving here from Pittsburgh, Pennsylvania. He said he thought it important to understand that a hospital is not just another business and Vice Chairwoman Kuehler has been quoted as saying “that someone is going to get burned” in reference to the hospital sale process. He emphasized this is not a game – this is healthcare, and we are talking about the healthcare of the citizens of Union County. Dr. Badalyaw said he would implore the Board not to get politics involved in this process and to continue serving the citizens of Union County with the healthcare services they deserve and pointed out the exemplary healthcare that they deserve is provided in the CMC-Union facility. He encouraged the Commissioners to finalize an agreement to provide a financial partnership with CHS and as a physician he does not want to see any patients get burned because the patients would be the ones burned if the hospital is sold. He said as a personal example he practiced in Chester before coming to CMC-Union, and it was managed by a HMA out of Florida and was bought out by Novant and the promise was made to him as a solo Pulmonologist in Chester that it would buy a special piece of machinery necessary for his practice. He said a year later still nothing had been done, no improvements had been made, and they ended up selling the hospital and the practices back to the original owner, which was a huge disappointment to the local people. He said he would not want that to be the case in Union County.

Dr. Edward Bower stated he was the President of the Medical Staff of Carolinas Medical Center- Union and was trained at the University of Virginia and Thomas Jefferson University in Philadelphia. He reported that three years ago he was honored as Union County Man of the Year and commented that he was not delivered by Dr. Ormand; however, Dr. Ormand was responsible for recruiting him to Union County. He said he hoped that the Board had heard the words of the Medical Staff leadership. He said that the Board of Commissioners has embarked on a course that will lead to a decision between raising money and quality healthcare for the citizens of Union County. Dr. Bower said that he hoped the decision would follow the wisdom of Solomon and that the baby will not be lost.

Michael Lutes, President of CMC-Union, reported that he was here to present the County a check for \$1,895,689 for additional rent related to 2009 in accordance with the terms of the hospital lease agreement. He said this amount would be added to the \$1.4 million for the base rental amount. He said that \$3,295,689 is the largest amount the County has ever received from CMC-Union. He said this amount is through the hard work of the hospital's dedicated employees and physicians as well as the sound financial management and business development execution of adding new programs and services to keep people in Union County for their healthcare. He said this record amount was also influenced by significant improvements in the investment portfolio, which is typically unpredictable. Mr. Lutes reported that the hospital had also contributed more than \$500,000 to local non-profit organizations. He reiterated previous statements that CMC-Union is one of the top 100 hospitals in the country and also named other awards recently received. He said that the hospital also provided record amounts of indigent and charity care. Mr. Lutes further said that CMC-Union had provided care to over 154,000 patients.

Dr. Jody Hollar stated that he had rearranged his comments because many of his statements have been made by others. He stated that one thing he had learned tonight was that CHS has made everyone a family and gave illustrations of the close affiliation of the physicians. He said that he has practiced in Union County for 11 years and as a side comment stated that he was a baseball dad who practices medicine on the side and asked the Board to consider the request of WCWAA. He pointed out that the quality of physicians in Union County is what has amazed him the most and the retention of great physicians is due to CHS. He said he trained under the residency program that Dr. Vick spoke about as did Dr. Kelly Anderson. Dr. Hollar said that without that program he would probably not have come to Monroe. He said that CHS helps with indigent care and if someone purchases the hospital that does not care about indigent care, then the physicians will have to look for a place that will allow them to do so. Dr. Hollar asked that this fact be considered when making the decision.

Dr. Saied E. Eftekhari, a neonatologist, said he had been here about three years and had received his training at the University of Chicago and his fellowship in neonatal training in Kansas. Dr. Eftekhari said that he had worked in both England and Canada and stated for that reason he has a wider understanding of the European healthcare system. He explained how he came to CMC Union as a substitute because one of the physicians was away but after working here about five or six days he loved the hospital, the community, and the people of the community and decided to apply for the position. He said he thought himself lucky to be given the position. He said before this department was established that really sick babies had to be transferred to Charlotte and the parents had to travel once or twice a day to Charlotte because most of his patients are residents of Union County. He said even the discussion of the sale has made the physicians nervous and said he has had had trouble recruiting another partner because those coming for interviews do not feel comfortable, and it is negatively impacting the physicians. He encouraged the Commissioners to decide quickly to extend the lease.

With there being no one else wishing to speak, the Vice Chairwoman declared a five-minute recess at 8:30 p.m. At 8:45, the Vice Chairwoman reconvened the meeting and stated the next item of business.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

The Vice Chairwoman asked for a motion to adopt the agenda.

Commissioner Mills requested to add to the regular agenda appointments to the Hospital Board of Trustees, which has been postponed numerous times, and also requested that in conjunction with the hospital that discussion be added to the agenda to remove the term “sale” and continue working on the lease with Kaufman-Hall.

Commissioner Openshaw requested to pull from the Consent Agenda items 5.4 – EPA Grant and 5.7 – General Obligation Refunding Bonds and to move these items to the regular agenda to receive information from the Finance Director.

Commissioner Mills asked if the amendments to the Land Use Ordinance that were heard tonight in public hearings would be considered.

Vice Chairwoman Kuehler stated that she had not planned to add those items to tonight’s agenda because one of the two hearings did have opposition, and she thought it would be more appropriate for the Chairwoman to put these items on the agenda.

The Vice Chairwoman called for a vote on the motion by Commissioner Mills to add the appointments to the Hospital Community Trustee Council to the agenda. The motion failed by a vote of two to two. Commissioners Baucom and Mills voted for the motion and Commissioner Openshaw and Vice Chairwoman Kuehler voted against the motion. Chairwoman Rogers was absent.

The next item to be voted upon as requested by Commissioner Mills was the removal of the term “sale” in connection with the hospital and to continue working on the lease with Kaufman-Hall. The motion failed by a vote of two to two. Commissioners Baucom and Mills voted for the motion and Commissioner Openshaw and Vice Chairwoman Kuehler voted against the motion. Chairwoman Rogers was absent.

Vice Chairwoman Kuehler moved item 9 on the Regular Agenda – Presentation to Honor Confederate Pensioners of Color from Union County - to Item 7 on the Regular Agenda and moved Item 5.4 from the Consent Agenda to 7c and moved 5.7 from the Consent Agenda to number 8b on the regular agenda. Chairwoman Rogers was absent.

Motion was made by Commissioner Openshaw that the Agenda be approved as amended. The motion passed by a vote of four to zero. Vice Chairwoman Kuehler, Commissioner Baucom, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Chairwoman Rogers was absent.

CONSENT AGENDA:

Motion was made by Commissioner Mills that the items listed on the Consent Agenda be approved as amended. The motion passed four to zero. Vice Chairwoman Kuehler, Commissioner Baucom, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Chairwoman Rogers was absent.

MINUTES: Approved the minutes of April 20, 2010, and November 16, 2009

TAX ADMINISTRATOR: Approved Departmental Report for the month ending March 31, 2010

CONTRACTS/PURCHASE ORDERS OVER \$20,000 AND ASSOCIATED BUDGET AMENDMENT:

- A.) Tower License Agreement with Mecklenburg EMS – Authorized County Manager to approve the agreement pending legal review

- B.) Adoption of Award Provisions for Elderly Nutrition Program Funding; American Recovery and Reinvestment Act of 2009 (ARRA) Funds – Authorized the County Manager to approve the Award Provisions pending legal review with a financial impact of \$45; \$160 in additional Federal revenue with a local match of \$5,018 (Overmatched local funds are available in the Nutrition budget.)
- C.) ABC (About Breast Cancer) Susan G. Komen Foundation – Authorized the County Manager to approve a Grant Agreement from the Susan G. Komen Foundation pending legal review and adopted the Budget Ordinance Amendment #47 to appropriate an additional \$17,292 in FY 2009-2010. (The balance of the grant amount to be appropriated in 2009-2010 in the amount of \$26,308 will be included in the FY 2010-2011 budget.)

BUDGET AMENDMENT

BUDGET	Health	REQUESTED BY	Phillip Tarte
FISCAL YEAR	FY2010	DATE	May 03, 2010

INCREASE

Description

Operating Expenses 17,292

Grant Revenue 17,292

_____ _____

_____ _____

DECREASE

Description

_____ _____

_____ _____

_____ _____

_____ _____

Explanation: Appropriate additional funding for the Susan G Komen grant.

Total 17,292
 Prepared By bl
 Posted By _____
 Date _____

Total 17,292
 Number 47

D.) EPA Grant Agreement and Revised Application for EPA Grant.— moved to the Regular Agenda as item 7(c)

DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION:

A.) State Grant Funding for FY 2009-2010 – Adopted Budget Ordinance Amendment #43 to increase Operating Expense by \$21,677 and State Revenue by \$21,677 and to decrease Operating Expense by \$21,677 and State Revenue by \$21,677 to reallocate and to decrease DJJDP Program funding for FY 2009-2010.

BUDGET AMENDMENT

BUDGET DJJDP REQUESTED BY Jim Bention

FISCAL YEAR FY2010 DATE May 03, 2010

INCREASE

Description

Operating Expenses

DECREASE

Description

Operating Expenses

	21,677		21,677
State Revenue	21,677	State Revenue	21,677

Explanation: Reallocation and decrease of DJJDP Program Funding for FY 2010

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>	
10557000-5699-1612	Project Challenge	21,677	10457000-4496-1612	Project Challenge	21,677
10457800-4496-1607	Daymark Recovery	2,217	10557800-5699-1607	Daymark Recovery	2,217

DATE _____

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

FOR POSTING PURPOSES ONLY

DEBIT

CREDIT

<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10553160-5399-1509	Public Assistance	10,000	10453160-4340-1509	Federal Funding	10,000
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Total	<u>10,000</u>	Total	<u>10,000</u>
Prepared By	<u>JLL</u>		
Posted By	<u> </u>		
Date	<u> </u>	Number	<u>46</u>

GENERAL OBLIGATION REFUNDING BONDS- Moved to the Regular agenda as 8 (b)

TRANSFER OF REAL ESTATE PARCELS TO UNION COUNTY BOARD OF EDUCATION (Cuthbertson Campus and Middle School/High School D) – Authorized the County Manager to approve North Carolina General Warranty Deed conveying fee simple interest in various real estate parcels as indicated above to the Union County Board of Education.

REQUEST BY CENTRALINA COUNCIL OF GOVERNMENTS FOR REMOVAL OF MEMBER’S NAME FROM ROSTER OF NURSING HOME COMMUNITY ADVISORY COMMITTEE DUE TO MEMBER NOT HAVING COMPLETED THE REQUIRED ORIENTATION CLASSES. Authorized removal of Andy Hinson from Roster of members as recommended by Centralina Council of Governments.

RESOLUTION TO REVISE THE BOARD’S REGULAR MEETING SCHEDULE FOR 2010 TO CHANGE THE LOCATION OF THE REGULAR WORK SESSIONS, BEGINNING WITH WEDNESDAY, JULY 14, 2010. Adopted the following resolution as presented:

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

WHEREAS, the Union County Board of Commissioners has heretofore established its regular meeting schedule for 2010 by resolution dated January 19, 2010; and

WHEREAS, the resolution of January 19, 2010, determined the meeting times and place for its regular work sessions scheduled for the second Wednesday of each month at 9:00 a.m. in the Board’s Conference Room, first floor, Union County Government Center; and

WHEREAS, the Board desires to amend its regular meeting schedule for 2010 by changing the location of its regular work sessions to the Personnel Training Room, Room 131, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina.

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

The Board does hereby revise its regular meeting schedule to change the location of the following regular work sessions for the remainder of 2010 to the Personnel Training Room, Room 131, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina, beginning with the regular work session of Wednesday, July 14, 2010.

July:

Wednesday, July 14 – Work Session

August:

Wednesday, August 11 – Work Session

September:

Wednesday, September 8 – Work Session

October:

Wednesday, October 13 – Work Session

November:

Wednesday, November 10 – Work Session

December:

Wednesday, December 8 – Work Session

Except as herein amended, the regular meeting schedule of the Union County Board of Commissioners for 2010 shall remaining full force and effect.

Adopted this the 3rd day of May, 2010.

ATTEST:

Lynn G. West, Clerk to the Board

Kim Rogers, Chairwoman

COMMUNITY DEVELOPMENT BLOCK GRANT: Re: Dodge City Infrastructure – Water Line – Adopted the Program Implementation Manual Resolution and Approved the Policies, Plans, and Documents referenced in the Resolution

UNION COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT
INFRASTRUCTURE – WATER LINE PROGRAM CDBG #09-C-2019
PROGRAM IMPLEMENTATION MANUAL RESOLUTION

A Resolution Authorizing the Adoption of the Program Implementation Manual for the Union County Community Development Program;

Be It Resolved by the Union County Board of Commissioners that:

WHEREAS, the County is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

WHEREAS, the following policies, plans, and documents are required for the infrastructure – Water Line Program grant:

- Equal Employment and Procurement Plan
- Section 3 Plan
- Fair Housing Plan
- Summary of ADA/504 Compliance Statement
- Performance Based Contract “Implementation Schedule”
- Resolution Establishing A Citizens Participation Plan and Complaint Procedure
- Residential Anti-Displacement and Relocation Assistance Plan
- Amendment Condition Certification Statement
- Code of Conduct Policy
- Signatory Form Resolution
- ADA Grievance Procedure
- Administration Contract Certification Statement
- Debarment Certification Statement
- Environmental Condition Certification Statement
- Floodplain Condition Certification Statement
- Project Budget Ordinance
- Performance Based Contract Certification Statement
- Use of Experienced CDBG Administrator Certification Statement

THEREFORE, BE IT RESOLVED, that the Union County Board of Commissioners, hereby adopts the Program Implementation Manual to be used throughout the implementation of the Union County Community Development Program, and approves the policies and plans specific to the grant.

Kim Rogers, Chairwoman

Signature of Certifying Official

Adopted this 3rd day of May, 2010

Attested: _____

Lynn West, Clerk

Information Only – No Action Required:

1. Public Works – Report of Sewer Tap Exemption – Septic System Failures for Ruth Wall – 1303 Sharon Drive (Parcel ID #05-114-215)
2. Public Works – Report of Emergency Repair of Bar Screen at 12-Mile Creek Wastewater Treatment Plant

PUBLIC INFORMATION OFFICER’S COMMENTS:

Brett Vines, Public Information Officer, reported that the North Carolina Department of Human Resources is seeking public input on its low income Home Energy Assistance Block Grant Funds and how these funds are spent. He said the comment period began today and runs through Friday of this week. He said comments could be made by visiting the DSS office or on-line at the web site.

He further reported that the Rabies Clinics will be held May 5, May 13, May 15, May 22, and May 26 and the locations and times are listed on the County’s web site at www.co.union.nc.us. Mr. Vines stated that vaccinations will cost \$10 and must be in cash and are required for all dogs, cats, and ferrets over four months old.

Mr. Vines also reported that the Sheriff is having an auto show with a cruise in to be held on May 14 from 6:00 p.m. to 9:00 p.m., at the Motorama Classic Cars on Skyway Drive, the car show will be held on Friday, May 15 from 8:00 a.m. until. All proceeds from this event will go to the Sheriff’s Youth Programs.

The Public Information Officer stated that the Red Cross is holding a special blood drive at the Chamber of Commerce on Friday, May 14, in memory of Judy Duston, an employee of Red Cross, who died suddenly in April.

PROPOSAL TO HONOR CONFEDERATE PENSIONERS OF COLOR FROM UNION COUNTY:

The Vice Chairwoman stated the next item and recognized Tony Way to make the presentation. Mr. Way recognized family members who are descendants of some of the men who are listed on the proposed memorial. He said that Ned Byrd, Wary Clyburn, and Aaron Perry are represented by descendants at tonight's meeting. Mr. Way said he had the unique opportunity to propose a memorial marker for the Union County Confederate Pensioners of Color. (Those persons named on the proposed monument whose descendants were not present tonight were: Wilson Ashcraft, Wyatt Cunningham, George Cureton, Hamp Cuthbertson, Moses Fraser, Lewis McGill, and Jeff Sanders, free person of color.) He said the monument proposed is to be an extension of the Veterans monument currently at the old Courthouse. Mr. Way said there were a group of interested persons gathering research for this including himself, Worth Barbee, Jack Clay, and Ray Norkett. He said the research advisor to this group is Patricia Poland. He said that he has been in lots of genealogy and local history libraries throughout the State and the Union County Public Library has one of the best genealogy and local history departments that he has visited. He said that Mrs. Poland is a credit to the Union County Public Library.

He said that Earl Ijames, African-American Curator at the North Carolina Museum of History, served as consultant to assist in the wording of the monument since they want to be historically accurate in the wording at the time. He said the North Carolina Department of Archives and History has confirmed that Union County has only these ten pensioners of color. Mr. Way explained the purpose of the monument or marker is two fold. The first is to recognize the contributions of overlooked African Americans within the Confederate Army in the War Between the States, specifically these ten men who were pensioners of this county. Secondly, he said it was to recognize the need for the history of Union County to be all inclusive. He pointed out that the current Confederate Monument does not effectively do this in the case of these men. Mr. Way further stated that this monument will represent the hundreds of other nameless veterans of color.

Mr. Way said that these men transcended the racial barriers of the time when they were invited to luncheons, reunions, and reunion trips and several of these went on trips out of state such as Biloxi, Mississippi, and Little Rock, Arkansas. He further stated that Ned Byrd's funeral was attended by members of the United Daughters of the Confederacy who draped his coffin with a Confederate flag and a laurel wreath upon his death in February 1942. He said that at that time this was the highest honor that this organization could give to him.

He said that no Union veterans were enumerated on the 1890 Veterans Census in Union County. Mr. Way said that he is not here tonight to speculate the motives of these men going to war but to remember their service and sacrifice. He said he thought now is the time for such a marker as North Carolina is getting ready to recognize the 150th Anniversary of the War Between the States. He said that Mr. Ijames had said that after the Wary Clyburn memorial Union County is leading the way in recognizing these forgotten

soldiers. Mr. Way said that these men lived in a very turbulent time of history and noted that after the war these men became prominent and productive members of the community who were well known and respected in their day.

Mr. Way reported that North Carolina chose to honor these men by awarding them pensions in 1927 and that his group chose to recognize them with a memorial marker so that all may see and remember.

He opened the floor for questions. Commissioner Mills congratulated him on the work on this matter. In response Mr. Way said that it has been an interesting project and, if approved, would be the only monument like it in the State.

Commissioner Baucom asked if this presentation has been made to the Union County Historic Preservation Commission.

Mr. Way said he thought they had been kept up to date and has been given all the information that the Commissioners have received up to this point.

Commissioner Mills stated that he was not sure that the Board has authority to place any monument on the grounds of the Historic Courthouse without the approval of the Union County Historic Preservation Commission.

Jeff Crook, Senior Staff Attorney, interjected that his department has been looking at this question, and it is recommended that it be referred to the Historic Preservation Commission for its review and comments.

Commissioner Baucom moved that the request to place a monument or marker on the grounds of the Union County Historic Courthouse to honor Union County's Confederate Pensioners of Color be referred to the Union County Historic Preservation Commission.

Mr. Way said he had been made aware that the members of the Historic Preservation Commission have contacted each individual commissioner by email.

Commissioners Baucom and Mills assured that they had not been contacted by the members of the Commission.

The Vice Chairwoman called for a vote on the motion to refer this request to the Union County Historic Preservation Commission. The motion passed four to zero. Vice Chairwoman Kuehler, Commissioner Baucom, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Chairwoman Rogers was absent.

PUBLIC WORKS DEPARTMENT:

a. Cureton/Millbridge Agreement

The Vice Chairwoman recognized Public Works Director Ed Goscicki. Mr. Goscicki said that the first item is an Amended and Restated Agreement for the Millbridge Development. He stated that the original agreement was with Kensington LLC. He said what exist now are two separate agreements that were entered into on October 26, 2005, and November 19, 2005, with the developer for the Millbridge and Cureton Developments. He further said at that time, they entered into two separate letter agreements that essentially required them to do upgrades to existing pump stations in the Millbridge and Cureton areas and to construct a new force main from those pump stations that would tie into the County's system in the Six-Mile Creek service area. He said that the existing development is within the Twelve-Mile Wastewater Treatment Plant area, and the concept was to divert that flow from Twelve-Mile because of capacity limitations at the time to the Six-Mile Creek service area.

He further explained that in February 2007, the County got into a State-imposed moratorium when NCDWQ ceased issuing sewer permits for the Twelve-Mile Creek WWTP. He said that Union County adopted a policy for allocating wastewater treatment capacity on September 17, 2007. He said that part of that sewer allocation policy recognized the development of an enhanced diversion project diverting more than just the Millbridge and Cureton flows to the Six-Mile Creek Basin but diverting additional flows from the Twelve-Mile Creek system to the Six-Mile Creek system to create some additional capacity within the Twelve-Mile Creek system to meet currently identified needs for residential third priority projects. He said at that time the County staff, working with the developer, asked the developer to forestall the construction of their 16-inch force main while the County moved forward and designed the County's diversion project which essentially changed the project slightly from a 16-inch force main to an 18-inch force main and also redirected the flow somewhat. He said the original project as mentioned in the agreement requires the developer to upgrade these pump stations and to build a 16-inch force main that parallels a ten-inch force main to proceed out to the Six Mile Creek system. He said in dealing with the diversion project, the flow from Millbridge is being diverted from Twelve Mile to a new pump station allowing them to take flow from Twelve Mile, just beyond Millbridge, and put it into an 18-inch force main instead of the 16-inch force main which will connect to the existing 16-inch force main. Mr. Goscicki explained that what this does is to allow the County to move 1.5 million gallons capacity from the Twelve-Mile System to the Six Mile System and this change will allow 1.7 million gallons

a day to the Six Mile System and will utilize the full three million gallons per day capacity which the County has contracted for with Charlotte-Mecklenburg Utilities Department (CMUD). He said at this time only a little over a million gallons per day is transferred to the CMUD system.

Mr. Goscicki explained that in 2009 Sandler at Kensington was taken over by Atlas Union, SPE, and this change provides the framework for an Amended and Restated Agreement between Union County and Atlas Union. He said this change allows that Union County will be building the pipe instead of the developer building the pipe. He said that the developer would be paying for their proportionate share of the 18-inch line. He said the contractor will be asked to provide a price for a 16-inch line and an 18-inch line and the developer has agreed to pay the amount equal to the 16-inch line to the County who will in turn build the 18-inch line. Mr. Goscicki said the savings to the County will be roughly \$2 million. He responded to a question that the cost of the pump station will be 100 percent Union County's because it is part of the County's program. The Public Works Director said that the developer has already built the upgrades to the Millbridge Pump Station and the Tarkill Pump Station to handle the flow from their developments.

In response to a question from the Vice Chairwoman, Mr. Goscicki explained that the original agreement did not address the pump station that is to be built. He said this design gives the County the capability to optimize both facilities by putting all the flow to the 12-Mile Creek plant or pump to the Six-Mile Creek plant

Mr. Goscicki stated, in response to a question from Commissioner Baucom, that he did not have a price on a future booster pump station.

Commissioner Openshaw pointed out areas for expansion and asked the need of the build-out of that area that would be served by gravity in that basin.

Mr. Goscicki responded that he did not know the answer to that question without researching it. He said the County is looking at another three million gallons per day (mgd) expansion of the Twelve Mile Creek plant as a really immediate kind of need and the past Master Plan was looking at build-out of the Twelve Mile Creek plant of going from six mgd up to 12 mgd or more.

Commissioner Openshaw stated that there is another tract of 170 acres with 90 buildable acres with a commercial and residential component, and his concern is how the County is going to protect the property that would gravity feed. Commissioner Openshaw said without knowing the answer to the question he would move that the issue be tabled. He said he wanted to know how the property would be protected that would gravity feed into Six Mile Creek plant.

Mr. Goscicki apologized and said he had thought Commissioner Openshaw was referring to the Twelve Mile Creek basin. He said the County was not anticipating any significant growth in the Six Mile Creek basin area.

Commissioner Openshaw stated that he had heard that CMUD sent a letter stating that there is no expansion beyond the three million gallons per day and asked if that is true. Mr. Goscicki responded that such a letter had not been received and the County still has its three million gallons per day. Mr. Openshaw clarified that he was questioning expansion beyond the three million gallons. Mr. Goscicki responded that CMUD is in a state of flux as to when and where they are going to develop that capacity and if that will generate more with the McAlpine Creek Wastewater Treatment Plant (WWTP).

Commissioner Openshaw reiterated his question as to how to save capacity for the future. Mr. Goscicki responded that within the Six-Mile system, the current flows are about one million gallons per day.

Mike Garback of the Public Work Department stated that the developers received in the residential portion of the sewer allocation policy essentially eight percent of the lots that they wanted and the other 92 percent of the lots they would receive when the diversion project was completed.

Mr. Goscicki again explained that the request is to amend the existing agreement and provide the ability to divert up to 1.7 mgd instead of diverting 1.14 mgd.

Commissioner Openshaw asked when this project would be completed. Mr. Goscicki responded that this project is completely designed and permitted and with the Amended and Restated Agreement approved, Public Works would be ready to move forward.

Commissioner Openshaw asked if the developer is committed to moving forward. Mr. Goscicki replied that the developer's contribution in terms of funds is a requirement that the developer will have to pay the total amount into an escrow account at the time Public Works goes to construction.

Following the discussion, Vice Chairwoman Kuehler moved that the County Manager be given the authorization to approve the Amended and Restated Agreement pending legal review. The motion passed by a vote of four to zero. Vice Chairwoman Kuehler, Commissioner Baucom, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Chairwoman Rogers was not present.

EASTERN WATER SUPPLY – HDR TASK ORDER 50 AUTHORIZATION:

Vice Chairwoman Kuehler stated the next item and recognized Ed Goscicki, Public Works Director. Mr. Goscicki explained the item and said that Task Order 50 was originally considered by the Board on March 15, 2010, and the motion to approve the authorization did not pass and the staff was directed to bring the item back to the next Commission workshop for further explanation and consideration. He said the item was on the Board's April 14, 2010, workshop agenda, but time constraints did not allow for consideration by the Board.

Mr. Goscicki reminded that the primary discussion by the Board at the March 15th meeting regarded the interconnectivity of the proposed tasks. He provided verbally and in writing a synopsis of these subtasks and a description of the interplay among them.

- 1.) Identify Potential Partners- Establish potential players, identify their long-term needs, identify their water quality and pressure requirements and potential connection points, determine potential inter-basin transfer impacts for each partner, discuss potential financial and operational partnering arrangement.
- 2.) Determine Permissible Withdrawal from Yadkin-Pee Dee River – HDR has previously developed the reservoir system models which will need to be modified and rerun to determine available withdrawals which do not impact Progress Energy EIS and do not negatively impact Progress Energy operations or the environment. Based on this analysis, Progress Energy may choose to assess a surcharge for the raw water which will impact the overall cost of water.
- 3.) Identify Permitting Requirements – Identify project stakeholders, key permits, permitting steps and data needs and schedule impacts. Critical to this analysis are the impacts to the current Progress Energy EIS and the need and extent of Inter-basin Transfer. This ties to the permissible yield and potential project partners.
- 4.) Refine Partnerships and Capacity Requirements – once modeling is completed and yield is known, and permitting/schedule impacts are identified, return to the project partners to review status and identify any potential changes related to the available water supply, long-term schedule and reassess project partner interest and participation.
- 5.) Determine Potential WTP sites –Potential WTP sites will be identified based on input from potential project partners and their locations as well as their evaluation criteria. Transmission requirements to and from each site will be identified. This includes routing and sizing based on the first iteration of the project partner's requirements and Union County's growth projections developed by B&V.

- 6.) Develop Preliminary Cost Estimates- Based on Union County and project partner water supply needs, available supply from Yadkin-Pee Dee, and potential plant locations, develop conceptual level costs for land, raw water pumping and conveyance, treatment and finished water transmission to project partners and Union County.
- 7.) Refine Partnerships and Capacity Requirements – Return to project partners with cost data and schedule to finalize project partner’s needs and participation.
- 8.) Determine Potential WTP sites – if needed, update treatment site recommendations, conveyance recommendations and project costs based on final partner participation.
- 9.) Input to B&V Master Plan.

He said this is the first step in moving forward with the plan and there will be many opportunities during the process to refine it. Mr. Goscicki said this is going one step beyond the concept of saying that Union County needs a water plant some place in this part of the world.

Commissioner Openshaw moved to approve and move forward with Items 1 and 2 on the list.

The Vice Chairwoman asked Mr. Goscicki if he had any idea how to break the projects down into steps as itemized on the list as it relates to cost.

Mr. Goscicki stated that his concern is that all tasks need to be done and they need to be done on a timely basis to feed into the Master Plan. He said if the County is not going to have HDR to move forward with these, the County will need to have the Master Plan Consultant take this up because the County needs to know six months from now who the potential partners might be and some idea where the plant might be and what the permitting requirements would be so it could be placed in the Master Plan and how it merges with the overall water supply demands and scenarios.

Commissioner Mills asked if this project is in the CIP. Mr. Goscicki responded that it is. Commissioner Baucom then asked if the funds are available in the CIP to complete the project. The answer was in the positive.

Commissioner Openshaw said that he was hung up between one and two or between one, two and three. He said what he has been saying all along is that he wants to see who the potential partners are and the impacts of the inter-basin transfers. He said that until the basic answers are obtained such as partners and the amount of water that can be withdrawn, he did not see any reason to spend additional dollars.

Mr. Greene, County Manager, responded that this project is under \$200,000 for this preliminary work and, as Mr. Goscicki pointed out, these elements fit together, and it is difficult at this initial stage to break it down into smaller parts and still have a viable, worthwhile project. He said the potential partners will also want to know the answers to some of the questions that would be developed in this project before they will want to assign their dollars to the project.

Commissioner Openshaw said that he thought those answers could be obtained by approval of items one, two and possibly three. He said he did not know the cost projections on this water versus what the County is getting from Catawba. He said he wants basic information.

The County Manager asked for the specifics that Commissioners Openshaw wants. Commissioner Openshaw said that he would like to have explained exactly the conversations with potential partners, and then he would like to know how to determine the potential inter-basin transfer impacts and how much water can be withdrawn from the Yadkin-Pee Dee River.

With there being an exchange of comments between Commissioners Openshaw and Baucom, the Vice Chairwoman declared a five-minute recess at 9:40. At 9:45 p.m., the Vice Chairwoman reconvened the meeting.

Vice Chairwoman Kuehler stated that she understood Commissioner Openshaw's position and she understood that it is difficult to break these things out as well because of the way the items overlap. She stated she hated that this Board could not conduct itself better and asked Commissioner Openshaw if he had a motion on the table.

Commissioner Openshaw responded that he did and the Vice Chairwoman asked that he restate his motion. Commissioner Openshaw moved that the County approve numbers one and two of the process as outlined by the Public Works Director.

The Vice Chairwoman asked for any further discussion.

Commissioner Mills asked if the items could be broken down. Mr. Goscicki responded that he was not certain that potential partners could be identified without going through more of the analysis. He said potential partners already have been identified for discussion and these are Anson County, Monroe, Lancaster, Charlotte-Mecklenburg, Stanly County and Cabarrus County. Mr. Goscicki said that to move forward and refine the list, the County will need to know what the permitting is, what the intra-basin

transfer requirements are, as well as withdrawals by these entities, etc. He said before the government entities will buy-in, they will want to know the cost.

Commissioner Mills next asked if the County started the project today with the permitting process, identifying partners, etc., when would the plant be built. Mr. Goscicki responded ten years and agreed that this was the first stage in the process.

Commissioner Baucom moved to amend the motion: that the Board not authorize the County Manager to approve Task Order #50 with HDR subject to legal review which is inclusive of items one through nine.

The Vice Chairwoman asked if the motion was to “not authorize”. She clarified that this is a negative motion and if a Commissioner votes for the motion, he/she are voting to not approve the motion.

Staff Attorney Crook stated that the first issue to be determined is if the motion is an opposite amendment to the substantive motion on the floor and asked if the Vice Chairwoman wants to rule on that question.

The Vice Chairwoman ruled the amendment is opposite or contrary to the original motion and again specified that a vote in favor of the amendment would be to deny the request. The staff attorney specified that if she is ruling the amendment in order, the vote would be for the amendment first.

Commissioner Openshaw offered an amendment to his own motion to include approval of item 3 which would approve items one, two, and three as proposed by the Public Works Director because he thought that would provide the County the information that it needs.

The Chairwoman called for a vote on Commissioner Baucom’s amendment to the motion to not move forward with Task Order #50. The motion failed by a vote of one to three. Commissioner Openshaw voted in the affirmative and Vice Chairwoman Kuehler, Commissioner Baucom and Commissioner Mills voted in the negative. Chairwoman Rogers was absent.

Commissioner Openshaw restated his motion as he amended to approve items one, two and three as proposed by the Public Works Director and as listed in the presentation.

Mr. Goscicki commented that he has identified a number of items in his written description and that is really a way to demonstrate how the work will flow. He said if the County is looking at doing only pieces of the work listed that he would ask that the Commissioners go back and look at the actual work authorization that breaks down the specific tasks of identifying and finalizing project partners and identify permitting requirements and update project schedule. He said that those were two items being done on a time and material basis for a not to exceed amount of approximately \$144,000. He said he would caution the Board that if only those two items are approved, he was not sure the County could take the project to the level it desires if the other three items with the project costing and siting taking place concurrently.

The Vice Chairwoman ruled that the amended motion made by Commissioner Baucom failed because it was made in the negative.

Commissioner Baucom then moved to amend the motion on the floor to authorize the County Manager to approve Task Order #50 with HDR, which includes items one through nine as proposed, pending legal review.

The County Manager reported that the Commissioner Openshaw had asked about questions with potential partners and he explained there had been no substantive discussions with potential partners in well over 15 months. He asked the Board to approve Task Order 50 as written, because many of these items have to be dealt with simultaneously within the process and the staff will provide periodic reports at milestones and then get the Board's approval of the milestones.

Commissioner Openshaw said that option would be fine if he knew what the milestones were and the cost involved. He said he wants to know who is going to be involved and he wants to assure that Enterprise Funds are spent as cautiously as are the tax dollars. Commissioner Openshaw said he wanted to know the impact that the project would have to the current users.

Vice Chairwoman Kuehler asked if the project could be stopped at the point of a milestone and also asked if the second number is a not to exceed amount.

The Public Works Director stated that to protect both the engineer and the County that the contract stated that it is not-to-exceed figure and to go beyond that point would require action of the Board.

During discussion of the vote, Commissioner Baucom restated his amendment to authorize the County Manager to approve Task Order #50, which includes items one through nine as listed with inclusion of milestone reports being brought to the Board

periodically. The motion passed by a vote of three to one. Vice Chairwoman Kuehler, Commissioner Baucom and Commissioner Mills voted for the motion and Commissioner Openshaw voted against the motion. Chairwoman Rogers was not present.

EPA GRANT AGREEMENT AND REVISED APPLICATION FOR EPA GRANT: (Moved from Consent Agenda)

The Vice Chairwoman reported this item had been moved from the Consent Agenda at Commissioner Openshaw's request.

The County Manager stated this had been brought to the Board previously and asked if there are any specific questions.

Mr. Goscicki stated the only thing that has changed since it was previously before the Board is the EPA liaison in Mooresville working with the County has asked that the County accept the grant and then substitute the project. He said that he had planned to not accept the grant and apply for a new grant. However, the advice of the State liaison is to accept the grant and substitute the project.

Commissioner Openshaw asked an explanation of what the County is promising in this scenario. Mr. Goscicki said that in essence and in general terms the action is that if the County accepts the money that it will follow all the EPA procurement rules for the bidding and construction of this project. Commissioner Openshaw asked if the project that Mr. Goscicki is mentioning is the project that was approved by the Board during its meeting or is it the project that the County is waiting to hear back on in total.

Mr. Goscicki explained that in terms of the project the county is identifying the bigger project because if the County gets the appropriation, the question is does the County want to move forward with the other element or will the County need the other element to meet the 35 – 65 percent grant split. However, he noted that is not a decision required today but is a future decision.

The County Manager assured that the action being requested would not lock the Board into the larger scope.

Commissioner Openshaw moved to authorize the County Manager to execute EPA Grant Agreement XP-95437909-0 and submit it simultaneously with a revised grant application which, if approved by EPA, will substitute the Union County East-Side Wastewater Collection System Improvement Project for the Rocky River watershed projects and to approve such other grant documents as may be required, other than revisions to project scope. The motion passed by a vote of four to zero with Chairwoman Rogers being absent.

CONSIDERATION OF RESOLUTION TO THE NORTH CAROLINA TURNPIKE AUTHORITY IN SUPPORT OF RENAMING THE MONROE BYPASS THE “UNION COUNTY PARKWAY” OR A NAME SUGGESTED BY CITIZENS OF UNION COUNTY:

The County Manager explained that a request had been received from the Union County Farm Bureau along with letters of support from the Agricultural Advisory Board, the Union County Cattleman’s Association, and Union Soil and Water Conservation that the Board of Commissioners informally endorse the name Union County Parkway for the proposed Bypass. He said that the Board asked the staff to establish a process for soliciting input from the citizenry. He stated that Brett Vines and Matthew Delk worked to develop a process to use the County’s web site and emails to solicit suggested names from the citizens. Mr. Greene said that 16 names were suggested and reported on these names. He said the most weight would be based on the above organizations that requested Union County Parkway.

Commissioner Baucom said he brought this item up earlier and after talking with several people about it he had received some concerns about that name from individuals and agreed that a multitude of names have been suggested. He said in the spirit of bringing unity to this issue, he moved that the Union County Board of Commissioners adopt a resolution to forward to the North Carolina Turnpike Authority in support of renaming the road to Union County Parkway.

Commissioner Openshaw stated that it would be his suggestion to defer this item until the Chairwoman is present. He said it may be perceptually odd for him to support Monroe but that he would like to have Monroe’s input as well.

Vice Chairwoman Kuehler said that she did get some pushback from the suggestion from Monroe last time and said that this process reminds her of the naming of Cuthbertson Middle and High Schools. She said she did not think it is a pressing issue and would prefer to make sure that this name be considered and there be more input.

The Vice Chairwoman called for a vote on the motion. The motion failed by a vote of two to two. Commissioners Baucom and Mills voted for the motion and Vice Chairwoman Kuehler and Commissioner Openshaw voted against the motion. Chairwoman Rogers was absent.

The Vice Chairwoman asked the staff attorney how would be the best method to keep this issue in the forefront and not die because the motion failed tonight to adopt the resolution.

Commissioner Mills moved to place the naming of the thoroughfare on the next agenda. She asked the County Manager to take care of this item without a vote of the Board.

GENERAL OBLIGATION REFUNDING BONDS: (Moved from Consent Agenda)

The Vice Chairwoman stated that Commissioner Openshaw had asked this item be moved from the Consent Agenda and asked him if he had specific questions.

Commissioner Openshaw said that as he read the item it was his understanding that the County is extending its debt refinancing of \$55 million to \$74 million and in exchange for that the County is making \$20,000 annually but not making almost \$40,000. He said he understood this was being done in order to have more fixed rate debt and less variable rate debt.

Kai Nelson, Finance Director, reviewed the documentation enclosed in the package outlining the changes in variable and fixed rate debt and noted the savings to be realized. He said this document actually requests the Board to approve full refunding since it is unknown what the market conditions will be in June and the limitation is that the County will refund those bonds that do not add additional costs to the County and stay within the 70-80 percent.

After receiving explanation of the request, Commissioner Openshaw introduced the following bond order by reading the title thereof.

**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$110,000,000
GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF UNION, NORTH CAROLINA**

Commissioner Openshaw introduced the following bond order by reading the title thereof:

**BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$110,000,000
GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF UNION, NORTH CAROLINA**

WHEREAS, the County of Union, North Carolina (the “*County*”) has issued (1) \$65,365,000 aggregate principal amount of the County’s Variable Rate General Obligation Bonds, Series 2007A, of which \$58,435,000 is currently outstanding; (2) \$39,220,000 aggregate principal amount of the County’s Variable Rate General Obligation Bonds, Series 2007B, of which \$35,065,000 is currently

outstanding; and (3) \$26,145,000 aggregate principal amount of the County's Variable Rate General Obligation Bonds, Series 2007C, of which \$23,385,000 is currently outstanding (collectively, the "2007 Bonds");

WHEREAS, the Board of Commissioners of the County of Union, North Carolina (the "*Board of Commissioners*") deems it advisable to refund the 2007 Bonds;

NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of the County of Union, North Carolina, as follows:

Section 1. The Board of Commissioners deems it advisable to refund all or a portion of the outstanding aggregate principal amount of the 2007 Bonds.

Section 2. To raise the money required to pay the costs of refunding the 2007 Bonds as set forth above, General Obligation Refunding Bonds of the County are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such General Obligation Refunding Bonds authorized by this bond order shall be and not exceed \$110,000,000.

Section 3. A tax sufficient to pay the principal of and interest on said General Obligation Refunding Bonds when due shall be annually levied and collected.

Section 4. A sworn statement of the County's debt has been filed with the Clerk to the Board of Commissioners and is open to public inspection.

Section 5. This bond order is effective on its adoption.

Commissioner Openshaw introduced the following resolution, a summary of which had been provided to each Commissioner, a copy of which was available with the Clerk to the Board of Commissioners and which was read by title:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE AND CALLING A PUBLIC HEARING

WHEREAS, the Board of Commissioners is considering the issuance of bonds of the County of Union, North Carolina (the “County”) which shall be for the following purposes and in the following maximum amount:

Not to exceed \$110,000,000 of General Obligation Refunding Bonds to pay the costs of refunding in advance of their maturities(1) \$65,365,000 aggregate principal amount of the County’s Variable Rate General Obligation Bonds, Series 2007A, of which \$58,435,000 is currently outstanding; (2) \$39,220,000 aggregate principal amount of the County’s Variable Rate General Obligation Bonds, Series 2007B, of which \$35,065,000 is currently outstanding; and (3) \$26,145,000 aggregate principal amount of the County’s Variable Rate General Obligation Bonds, Series 2007C, of which \$23,385,000 is currently outstanding.

WHEREAS, certain findings of fact by the Board of Commissioners must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Article 4 of Chapter 159 of the General Statutes, Section 52.

WHEREAS, a bond order has been introduced related to the above-described bonds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners meeting in open session on the 3rd day of May, 2010, has made the following factual findings in regard to this matter:

A. ***Facts Regarding Necessity of Proposed Financing.*** The proposed bonds are necessary and expedient to reduce the risks to the County associated with variable rate debt and associated interest rate swap agreements.

B. ***Facts Supporting the Amount of Bonds Proposed.*** The sums estimated for these bonds are adequate and not excessive for the proposed purpose.

C. ***Past Debt Management Policies.*** The County’s debt management policies have been carried out in compliance with law. The County employs a Finance Director to oversee compliance with applicable laws relating to debt management. The Board of Commissioners requires annual audits of County finances. In connection with these audits, compliance with laws is reviewed. The County is not in default in any of its debt service obligations. The County Attorney reviews all debt-related documents for compliance with laws.

D. ***Past Budgetary and Fiscal Management Policies.*** The County's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the Board of Commissioners before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the Board of Commissioners at regular Board of Commissioners meetings. The Finance Director presents financial information to Board of Commissioners which shows budget to actual comparisons annually and otherwise as the County Manager deems necessary or as a member of the Board of Commissioners may request.

E. ***Retirement of Debt.*** The schedule for issuing the bonds does not require a property tax increase. The schedule for issuance calls for issuing all of the bonds in 2010.

F. ***Financing Team.*** The Board has previously authorized and directed the County staff to retain the assistance of a financing team related to the proposed issuance of bonds.

G. ***Public Hearing.*** A public hearing on said bond order shall be held on the 17th day of May, 2010 at the Union County Government Center, First Floor, Board Room, 500 North Main Street, Monroe, North Carolina, at 7:00 p.m. The Clerk to the Board is hereby directed to cause a copy of the bond order to be published with a notice of such hearing in the form prescribed by law in a qualified newspaper no fewer than six days before such public hearing. The County Finance Director is hereby directed to file with the Clerk to the Board before publication of the bond order with the notice of such public hearing, a statement setting forth the debt incurred or to be incurred, the appraised value of property subject to taxation by the County and the net debt of the County.

On motion of Commissioner Openshaw, the foregoing Resolution titled: **“A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE AND CALLING A PUBLIC HEARING”** was adopted by the following vote:

AYES: VICE CHAIRWOMAN KUEHLER, COMMISSIONER BAUCOM, COMMISSIONER MILLS, AND COMMISSIONER OPENSHAW

NAYS: NONE

[Chairwoman Rogers was not present.]

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

Vice Chairwoman Kuehler read the following vacancies on boards and committees:

- a. Adult Care Home Advisory Committee (at least three vacancies)
- b. Agricultural Advisory Board (three vacancies expiring June, 2010)
- c. Union County Industrial Facilities and Pollution Control Financing Authority (three vacancies for terms expiring May 2010)
- d. Juvenile Crime Prevention Council:
(1) Substance Abuse Professional
- e. Nursing Home Advisory Committee (at least one vacancy)
- f. Parks and Recreation Advisory Committee (one vacancy for a member with a physical disability and one vacancy for a term expiring February 2011.
- g. Region F Aging Advisory Committee (one vacancy for a regular member and one vacancy for an alternate member, both as of June 30, 2010.
- h. Social Services Board (one vacancy as of June 2010)
- i. South Piedmont Community College (SPCC) Board of Trustees (one vacancy as of June 30, 2010)
- j. Centralina Workforce Development Board (one vacancy as of June 30, 2010, representing Community Based Organization and on vacancy as of June 30, 2010, representing Vocational Rehabilitation).

COUNTY MANAGER'S COMMENTS:

The County Manager stated he did not have any comments.

COMMISSIONERS' COMMENTS:

The Vice Chairwoman recognized Commissioner Baucom for comments.

Commissioner Baucom stated that he had enjoyed the comments and appreciated the doctors and staff of CMC-Union coming forward and giving their perspectives of what is perceived to be the actions or inactions of this Board regarding CMC-Union. He said he thought it put a new perspective on what this Board is doing and encouraged anyone who has thoughts about the Board's actions to come forward and share their opinions.

Commissioner Mills said that he attended the BBQ Cook off in downtown Monroe and it was wonderful. He said he started working Thursday with the Rotary Club Run which had 540 runners with over 100 of them from CMC-Union and its affiliates. He thanked all the runners for participation and encouraged the citizens to use some of the activities sponsored by organizations and come to downtown Monroe.

Commissioner Openshaw said that the 5K run event Commissioner Mills referred to in Waxhaw is growing in that it increased from 300 runners last year to 540 runners this year. He said there is a lot of enthusiasm and agreed that it is great to see activity on the streets.

Commissioner Openshaw reported that he too appreciated the doctors for coming forth tonight and speaking about the hospital but said that he was afraid that they are not really up on what the issues are – and that is that our advisor is speaking with CHS about how to move forward with lease negotiations and, secondly, it was CHS who told the County that it was not going to give the County a lease beyond what they gave us initially when Commissioner Baucom was the chair and as a result of that there would not be any healthcare improvements in Union County for ten years which is what all the physicians were saying that is what they want to see. He said this Board can't make CHS give the County a lease despite the fact that for the last six or eight it has told the County that it would get one. He said hopefully it is moving forward in a positive way. He said the advancement of healthcare is paramount but so is equally important is an equitable return on the County's assets because if the County is not getting a fair return on its assets then that money must be made up somewhere and often that is tax dollars.

He congratulated the Union County Schools and Presbyterian Healthcare for reaching a seven-year agreement to provide certified trainers and build a program for certified trainers for the athletes and how to deal with them when they are injured.

The Vice Chairwoman said she mirrored what the other Commissioners have said and that she thought the doctors were very eloquent and spoke very passionately about what they believe to be fantastic healthcare. She said she did not disagree with their comments and agreed that Union County does have a fantastic healthcare system and assured that this fact had never been the issue. She said when she was first elected and the first Hospital Board of Directors meeting that she attended, it was unequivocally stated to her that there would be no other lease than the 2008 lease that was presented that was deemed to be unacceptable. She said she was also told that not only would there not be another lease but that there would be no money invested in the hospital over the next ten years. She said she was not willing to get behind the eight ball and have the citizens

of the County lose because CHS wanted the 2008 lease or it did not want to play ball. Vice Chairwoman Kuehler stated that it was not until Kaufman-Hall was hired to represent this County did CHS come back to the table. She said she was glad they were here and she hoped the doctors make the same eloquent, passionate pleas to CHS administrators that they made here tonight. The Vice Chairwoman assured that this Board had always been willing to come to the table for negotiations.

The Vice Chairwoman reported that tomorrow is primary day and encouraged the citizens to get out and vote.

With there being no other comments, at approximately 10:20 p.m., Commissioner Mills moved that the regular meeting be adjourned. Vice Chairwoman Kuehler, Commissioner Baucom, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Chairwoman Rogers was not present.