

Approved: September 20, 2010

Minutes of the Regular Meeting  
of Tuesday, September 7, 2010  
7:00 p.m.

The Union County Board of Commissioners met in a regular meeting on Tuesday, September 7, 2010, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Courthouse, 500 North Main Street, Monroe, North Carolina. The following were

PRESENT: Chairwoman Kim Rogers, Vice Chairwoman Tracy Kuehler, and Commissioner Lanny Openshaw

ABSENT: Commissioner Allan Baucom (who was out of town) and Commissioner A. Parker Mills, Jr.

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

**OPENING OF MEETING:**

At approximately 7:00 p.m., the Chairwoman called the meeting to order and welcomed everyone. She announced that the Planning Board's regular meeting was being held at the same time as the Board of Commissioners' meeting. She stated if anyone was present for the purpose of attending the Planning Board meeting, that the Planning Board meeting had been recessed to reconvene in the Board Room located on the ninth floor of the Government Center.

*a. Invocation*

Vice Chairwoman Kuehler offered the invocation.

*b. Pledge of Allegiance*

Chairwoman Rogers led the body in reciting the Pledge of Allegiance to the United States flag.

c. *Recognition of Members of the 10 and under Weddington Machine Baseball Team (Part of WCWAA Baseball League):*

On behalf of the Board, the Vice Chairwoman recognized the team members of the 10 and under Weddington Machine Baseball Team. She stated that The Weddington Machine 10 and under Baseball Team represents the true value of organized youth sports. She said that this group was the winner of the following: 1) Beast of the East Open Tournament; 2) District III Little League Tournament of Champions; and 3) District II Championship Tournament. She pointed out that this team was the only winner of the District Championships to advance to the State Tournament, and the team's overall summer record was 15 wins and two losses. She introduced the team's coach, Rich Cerretta, and presented the following members with a Certificate of Recognition and a County lapel pin:

- a) Ryan Amos (not present)
- b) Bryce Bilodeau (present)
- c) Zachary Cerreta (present)
- d) Jacob Hammond (not present)
- e) Andrew Hurlbut (present)
- f) Joshua Manuel (present)
- g) Reid Mayers (present)
- h) Sam Mennitt (not present)
- i) Kevin Molnar (present)
- j) Joshua Neuman (present)
- k) Justin Pruitt (not present)
- l) Scott Tuttle (present)

Coach Cerretta thanked the Board of Commissioners for recognizing the team members. He said the boys had worked very hard and they win a lot of games.

d. *Featured Community Benefit Organization: Loaves and Fishes*

Chairwoman Rogers introduced Sue Pauley who shared information about Loaves and Fishes of Union County.

Ms. Pauley stated that Loaves and Fishes of Union County is a non-profit volunteer community food pantry available to the citizens of Union County. She said it is not affiliated with other groups with similar names, but this one operates only in Union County. Ms. Pauley said that the organization was incorporated in 1984 by citizens who were concerned about families in crisis, and for the last 24 or so years has been operating strictly with the help of volunteers. She stated that currently there are over 100 volunteers who assist with Loaves and Fishes of Union County. She said that there is no paid staff and the organization operates out of donated space at St. Paul's Episcopal Church. She stated that it operates totally from donations and grants.

Ms. Pauley shared that for every one dollar donated to Loaves and Fishes, approximately 99 cents of that dollar goes toward buying food, and less than one cent of the dollar goes for operating expenses.

She stated that last fiscal year Loaves and Fishes of Union County provided over 92,000 meals and fed over 4,000 Union County residents. She explained the function of Loaves and Fishes of Union County and how residents can apply for assistance from this organization. She gave examples of how volunteers can become involved with Loaves and Fishes of Union County.

**INFORMAL COMMENTS:**

Chairwoman Rogers recognized Erin Kirkpatrick and Duane Gardner who had registered to address the Board during the informal comments portion of the meeting.

Erin Kirkpatrick stated that she is a member of the Waxhaw Board of Commissioners. She asked that the Union County Board of Commissioners withhold taking action tonight regarding Item 6 on the Agenda – Library Board's Evaluation of Sites for the Waxhaw Regional Library until such time as Waxhaw is able to bring a proposal to this Board.

Duane Gardner, Mayor of the Town of Waxhaw, stated her address as 209 McKibben Street, Waxhaw, North Carolina. Mayor Gardner said that she echoed Commissioner Kirkpatrick's request that the Board of Commissioners not take any action regarding the presentation under Item 6 until the Town of Waxhaw has an opportunity to bring a proposal that the Town is currently working on.

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

Chairwoman Rogers stated that the Board has received a request from staff to add an item to the Consent Agenda for an Application for State Aid to Public Libraries FY 2010-2011 with a deadline submission date of September 15, 2010. She requested to add this item to the consent agenda.

With there being no further additions or deletions to the agenda, Vice Chairwoman Kuehler moved adoption of the agenda as amended. The motion passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills were not present.

### **CONSENT AGENDA:**

Vice Chairwoman Kuehler moved approval of the items listed on the Consent Agenda as amended. The motion passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills were not present.

***Contracts and Purchase Orders Over \$20,000:*** Authorized the Interim Manager to approve the following contracts and purchase orders over \$20,000, pending legal review: 1) Tax Administrator – Contract with LexisNexis Service for services to obtain social security numbers in order to enforce the collection of delinquent property taxes; b) Sheriff's Office – Purchase Order for Purchase of 39 Point Blank Level IIIA ballistic vests at the cost of \$25,369.50, which price includes trauma plates and extra carriers; and c) Parks and Recreation – Amendment to Multiple Project Agreement with Stewart Engineering for Engineering Services Related to the Letter of Map Revision (LOMR) in the amount of \$20,784.67.

***Energy Efficiency and Conservation Block Grant Contract Award:*** Approved awarding contract for grant administration services to Centralina Council of Governments and authorized the Interim Manager to approve contract, pending legal review.

***Minutes:*** Approved the minutes of the regular meetings of August 11, 2009, September 21, 2009, and August 2, 2010, and minutes of the special meeting of August 6, 2010.

***Tax Administrator:*** Approved late Elderly/Disability Exclusion Untimely Applications for: 1) Richard P. Spake, Parcel #05-115-002C; and 2) James W. and wife Myrtle A. Kilgo, Parcel #07-153-002B.

***Tax Administrator:*** Approved the Third Motor Vehicle Billing in the Amount of \$1,088,533.39.



EXPLANATION:	To establish CPO for FY2011 School Capital Outlay Allocation. The capital outlay appropriation is allocated by project						
	pursuant to 115C-429b within Category I. Category II and Category III appropriations are allocated at the purpose level.						
	At the completion of this capital project, this Capital Project Ordinance will be closed.						
DATE:	APPROVED BY:						
	Bd of Comm/County Manager						
	Lynn West/Clerk to the Board						
FOR FINANCE POSTING PURPOSES ONLY							
<b>PROJECT SOURCES</b>				<b>PROJECT USES</b>			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
IFT From General Fund 41459200-4010-S06	-	1,303,552	1,303,552	FY2010 School Capital Outlay 41559200-5630-S06	-	1,303,552	1,303,552
Prepared By	dhc						

Posted By										
Date								Number	CPO - 135	

***Amendment to Indemnification Resolution:*** Adopted Amendment to Resolution as recorded below:

AMENDMENT TO  
 THE RESOLUTION OF THE UNION COUNTY BOARD OF COMMISSIONERS  
 RELATING TO DEFENSE OF COUNTY OFFICERS AND EMPLOYEES

The Resolution of the Union County Board of Commissioners Relating to Defense of County Officers and Employees is hereby amended as set forth below:

1. Add a new Section XI to read as follows:

It shall be the policy of Union County to reimburse attorneys’ fees to current and former members of the Board of Commissioners who are the subject of an ethics investigation, provided that all of the following conditions have been satisfied:

- A. The Board of Commissioners pursues a formal ethics investigation against one or more of its current or former members;
- B. Such investigation may potentially result in a finding of alleged criminal conduct;
- C. Such investigation actually results in a finding that no ethical or criminal violations occurred;
- D. The commissioner being investigated, prior to engagement of legal counsel, apprises the County Manager of the commissioner’s intent to engage such counsel and the name(s) of the attorney(s) to be engaged; and
- E. The total amount of attorneys’ fees reimbursed to one or more commissioners in any separate investigation does not exceed the total amount expended by Union County to engage the person or persons conducting such investigation.

Upon being apprised of a commissioner’s intent to retain legal counsel, the County Manager shall report such information to the Board of Commissioners. In the event the total amount of attorneys’ fees expended by more than one commissioner exceeds the limitation imposed pursuant to Subsection E, the amount available for reimbursement shall be equitably apportioned between or among the commissioners.

2. This amendment shall become effective upon adoption and shall apply to investigations conducted on or after January 1, 2009; provided that the requirement of prior notice of intent to engage counsel shall not apply to those current or former commissioners who were the subject of an investigation on or after January 1, 2009, but prior to the effective date.
3. Except as herein amended, the provisions of the Resolution of the Union County Board of Commissioners Relating to Defense of County Officers and Employees shall remain in full force and effect.

This Amendment is adopted this the 7<sup>th</sup> day of September, 2010.

***Library – Application for State Aid to Public Libraries FY 2010-2011:*** (Added to the agenda at the request of staff): Authorized execution of the Application by the Chairwoman and submission of the Application to the State Library of North Carolina which would add approximately \$176,669 to Revenue (already included in the budget)

**PUBLIC INFORMATION OFFICER’S COMMENTS:**

Brett Vines, Public Information Officer, shared the following comments:

1. There will be a Patriot Day Ceremony on Saturday, September 11, 2010, at 10:00 a.m. at the Union County Historic Courthouse. He reminded that Patriot Day is a time to remember the victims of September 11, 2001, and also to recognize Union County’s first responders. He said there will be emergency vehicles on display during the ceremony and after the ceremony lunch will be provided for all emergency responders and their families.
2. South Piedmont Community College will hold an Open House for its Aerospace and Advanced Manufacturing Technology Center on Tuesday, September 14, 2010, from 4:00 p.m. until 6:00 p.m. at 1609 Airport Road, Monroe.
3. The Department of Social Services will be accepting applications on Wednesday, September 15, 2010, for surplus commodities from 9:00 a.m. to noon at the Department of Social Services’ offices located at 1212 West Roosevelt Boulevard. Distribution of the commodities will be on September 22, 2010. There are eligibility requirements.
4. A rabies clinic will be held at the Union County Animal Shelter located at 3344 Presson Road in Monroe on September 25, 2010, from noon until 2:30 p.m. He said that one-year or three-year vaccinations are available, and micro chips will also be offered.



5. 2010 Taste of Union will be held on September 25, 2010, from 5:00 p.m. to 8:00 p.m. at the First Presbyterian Church in Monroe. He explained that the Taste of Union showcases restaurants in Union County, and all of the proceeds from this event will benefit Operation Reach Out. There will be music, an auction, raffle prizes, and food at the event.
6. Operation Medicine Drop will take place on September 25, 2010, from noon to 4:00 p.m. He explained that this is an event where the Sheriff's Office and other law enforcement agencies will be collecting old, unused, and out-of-date prescriptions and over the counter medications. He said these medications can be dropped off at Wal-Mart in Monroe and Indian Trail, Waxhaw Police Department, Food Lion in Wingate, New Town Market Shopping Center in Waxhaw, and Stallings Municipal Park.
7. The Union County Master Gardeners are selling rain barrels. The cost of a 60-gallon rain barrel is \$85 and an 80-gallon rain barrel is \$100. The barrels must be pre-ordered by October 18<sup>th</sup> and the pickup date is October 23<sup>rd</sup> from 9:00 am. to 12:00 o'clock noon at the Ag Center on Presson Road.
8. Agricultural cost share funds are now available. The Union Soil and Water Conservation District has received approximately \$76,000 in cost share allocation funding from the state. These funds are available to help farmers and landowners install conservation practices which will help decrease the amount of sediment, nitrogen, phosphorus, chemicals and other pollutants into the surface and ground waters in Union County.

**LIBRARY BOARD'S EVALUATION OF SITES FOR WAXHAW REGIONAL LIBRARY:**

Chairwoman Rogers recognized Wes Baker, Interim County Manager, to introduce this item.

Mr. Baker stated that during its work session on May 25, 2010, the Board of County Commissioners directed the Library Board of Trustees to evaluate potential sites for a future regional library in Waxhaw. He said at that time there were six sites under consideration. Mr. Baker stated that there was a list of criteria given to be used by the Library Board in its evaluation of the sites. He said that the Library Board narrowed the selections to four sites and since that time has narrowed the selections to two sites. He recognized Martie Smith, Library Director, to present the Library Board's recommendations.

Ms. Smith introduced members of the Library Board of Trustees: Starr Shaffer, Valerie Gromlovits, Gustavo Avévalo, and Karen Bowman, and Nina Zanjani, Assistant Library Director. She also introduced Jake Carpenter, Jay Clapp, and Phillip Hobbs to answer any questions regarding the engineering studies.

Ms. Smith stated that the results of the Library Board's work have been provided to the Board in the agenda package. She said that the Library Board has put a lot of time and effort in the site assessments and has evaluated each of the sites based on the criteria provided. She stated that the Library Board has recommended two sites, the James site (identified in the agenda package as Parcel ID 06162026 located at 3205 South Providence Road, Waxhaw) and the Coppala site (identified in the agenda package as Parcel ID 06141006D and 06141006C located at Blythe Mill Road, Waxhaw). Ms. Smith explained the reasons these two sites were top ranked were directly related to the way the criteria were intended to help select a site to locate libraries that will be the most convenient, the most accessible, and the most compatible with the neighborhood so the people who want to use them will be able to easily use them. She said that each of those two sites were superior in that regard. She stated that Site Solutions, a site engineering firm, was engaged to do site studies, and they in turn asked for the assistance of Ramey Kemp Associates to complete traffic studies.

She stated that the Library Board is very comfortable in recommending these two sites. She said that the Board of Commissioners' direction to the Library Board was to evaluate sites for a Waxhaw Regional Library and that is what the Library Board did.

There was discussion regarding the traffic study conducted by Ramey Kemp with answers being provided by a representative in the audience from Ramey Kemp.

Ms. Smith said that while the Library Board performed its site evaluation specifically as instructed for a library for the Waxhaw Region, the Library Board has an additional statement to make tonight. She introduced Karen Bowman, a member of the Library Board of Trustees, who read the following statement:

**“Library Board of Trustees Statement of Support for a Comprehensive Plan  
For Library Service to Southwestern Union County  
7 September 2010**

The Union County Library Board of Trustees has been honored to participate in the site selection process for a new Waxhaw Library at the direction of the Board of Commissioners. We are very aware of the tremendous need for a bigger facility in Waxhaw to

accommodate the current and future uses by the immediate community. However, we also believe that our charter is to make every facility decision in a way that is optimal for the entire county, both in terms of the cost to the county and in terms of the service provided to all citizens of this county. We have reservations that commissioning a new library for the Waxhaw only area will then preclude library facilities to meet the needs of Wesley Chapel/Weddington/Marvin Ridge communities.

Several years ago, the Library Trustees voted to approve a 35,000 square foot library, a “super-regional” library, which would serve the entire southwestern area of Union County, on the grounds that it could better serve the overall community because of the operating cost efficiencies of a larger library. We certainly recognize that there are advantages to locating libraries within each of our communities, but we have concern that if we proceed with a 20,000 square foot library envisioned in the proposal tonight, it will end up serving the entire southwestern community for a long time, inadequately.

We would strongly prefer that the county would either approve two libraries to cover the entire region before proceeding with the Waxhaw plan, or that it would return to the plan to provide one more cost-effective library of 35,000 SF that would be conveniently located and adequately sized to serve all residents in southwestern Union County.”

#### **RESOLUTION REGARDING REAPPRAISAL:**

Chairwoman Rogers recognized John Petoskey, Tax Administrator, for his presentation.

Mr. Petoskey made a Power Point presentation regarding the reappraisal cycle. He explained that in accordance with North Carolina General Statutes, revaluations are required every eight years. He said that the Board of Commissioners can advance the cycle but it cannot be delayed longer than eight years. He noted that the County’s last revaluation occurred in 2008, so the next mandated revaluation would be 2016. He stated that a revaluation can also be triggered three years after a sales ratio falls outside 15 percent above or below the market. Mr. Petoskey pointed out that the last three revaluations in Union County were all advanced by the Board of Commissioners (2000, 2004, and 2008). He said that the Board of Commissioners would have to take action to advance the revaluation from 2016 to 2012, because the County is currently within the compliance range.

He explained that the unit of measurement for the revaluations is the assessment sales ratio study, which is the industry’s standard for measuring accuracy. He said that the sales ratio of a single property is simply the assessment divided by the sales price. He explained that the sales ratios consist of the median of all arms length sales during a specified time period. He noted that a sales ratio over one would indicate a certain degree of over assessment while a ratio of less than one indicates an under assessment. Mr.

Petoskey explained that the industry standard is set by the International Association of Assessing Officers, and they generally recommend consideration of a reappraisal when the countywide coefficient of dispersion exceeds 20. He said that the simplest definition of coefficient of dispersion is the average deviation from the median.

Mr. Petoskey said that the last official State Sales Ratio Study for Union County was done for 2010 using 2009 sales. He said that study showed a median sales ratio of 1.06 and a coefficient of 17.66. He stated that neither of these statistics by themselves would trigger a reappraisal by statute. He said that there are certain categories, pockets, or classes of homes that have a sales ratio of over 115 but this is not consistent across the county. He stated that the more extreme cases of recent sales being under their 2008 assessed value tend to be in the higher-end categories. He said that they are few in number in comparison to the total parcel counts. Further, he said that the mid-range homes which are more numerous tend to have held their value more with recent sales having occurred closer to the 2008 assessed values.

Mr. Petoskey said that he had called the State to find out how many counties have continued with their revaluation, and six out of nine counties in 2010 that had originally intended to complete a reappraisal earlier than eight years elected to postpone. He stated that in 2011, 12 out of 23 counties that had originally indicated their intent to do a reappraisal earlier than eight years have elected to postpone and typically for two years or more.

He said that it is unknown at this time how many counties intend to proceed with a revaluation in 2012. Mr. Petoskey said that the data was of concern to his office as it was for those counties that postponed their reappraisals, because they postponed primarily because of an insufficient number of sales to produce a defensible revaluation. He stated that this is important because of the difficulty of measuring the market without enough sales. He noted that Union County is experiencing less than a third of the number of arms lengths transactions that it had prior to the slow down in the market. He said that this would make it difficult to determine the market in certain neighborhoods and certain types of property where there are few or no sales.

Mr. Petoskey explained the impact of a reappraisal on the tax base. He said that recent sales studies that are available suggest an approximate ten percent loss in the real estate tax base if the revaluation was conducted today. He stated that in order to maintain a revenue neutral budget with a 10 percent decline in the tax base, the tax rate would have to increase by approximately seven cents. He said that the impact of a revaluation on individual properties would vary widely depending upon the location and class of property. He stated that even with a decrease in the assessment base, many individual property owners may still experience an increase in taxes if a revenue neutral rate were adopted. He noted that revenue neutral is based on the total number of properties and not on individual properties.

Vice Chairwoman Kuehler asked if Union County were within the compliance range when the revaluation was completed in 2008. Mr. Petoskey responded that this law was new and it did not come into play in 2008.

Commissioner Openshaw said that he supports a four-year revaluation. He stated that to him it is a return to normalcy and represents a snapshot in time. He stated that the snapshot in time during the 2008 revaluation was made during a period of irrational exuberance, a period of incredible greed, and it was out of control. He said that he did not believe it is fair to lock people in for eight years at a bubble price, and, in his opinion, would most particularly hurt those who have somewhere between two and 20 acres whose property values increased, but they were artificial because most of those properties were not going to be pursued by the large residential developers. He said they had kind of the worse of both worlds: their property values increased and they did not have the market to capitalize on that and generally speaking could not sell but yet their taxes increased. He stated that using that as an example, he did not believe it was fair to not go through a revaluation.

Commissioner Openshaw noted of importance as Mr. Petoskey has said who knows what will happen by January 1, 2012, when there might be some leveling of the market by that time. He said that with a four-year revaluation cycle, there would be inevitable inequities just as there were last time, but there is an opportunity to get over them in four years unlike an eight-year cycle where you penalize someone for eight years and give a break to someone for eight years. He stated that the irony of the situation is that some of those who have speculated in land and helped lead the County into this economic morass will also benefit from the revaluation because he thought land values will be proven to drop about as fast as any particular sector of the market. He said if that is the case, then it is a matter of fairness. He stated that he understood that the data would be slim, but there is still a year and a half to accumulate data. He said that he thought it was a more fair and equitable situation to give the people a fair value at the next given time.

Vice Chairwoman Kuehler stated that she had looked at some statistics and found it very interesting that 15 counties in North Carolina actually have to do a revaluation either in 2011-2012 because they are at their eight-year limit. She said that one of the things that really struck her was that the 2009 existing home sales report for the Charlotte region showed that region with the second largest decrease in property values in the state, and the only one higher than the Charlotte region was Neuse River. She stated that as she was looking at the counties that were one percent or over of the assessment sales ratio, 12 of those are reassessing in 2011 or 2012. She said that she would guess that their numbers are indicating that their assessment numbers are higher than the market values. Vice Chairwoman Kuehler said that she agreed with Commissioner Openshaw that the County had a reappraisal at the height of the market and people have struggled through almost two years at the low of the market, and it is time to balance things out. She pointed out as a

matter of statistics that there are only seven counties in the State above Union County that have assessed values higher than the fair market value.

Chairwoman Rogers said that she agreed with Vice Chairwoman Kuehler and Commissioner Openshaw. She stated that as a Commissioner, this is probably the one question she is asked about more than any other. She said there is a great expectation by the public that 2012 is the next revaluation. She stated there are people in the County who have gone through an appeals process that were told they would have to wait until 2012. She said given the fact that the County had a revaluation in 2008 when the bubble was high, as had been stated by Commissioner Openshaw, it is only fair and equitable to have a revaluation in 2012 as opposed to waiting.

Following the comments, Chairwoman Rogers moved to adopt a Resolution to Advance the Reappraisal of Real Property in Union County from 2016 to 2012 and to submit the resolution to the North Carolina Department of Revenue as soon as possible.

**RESOLUTION TO ADVANCE REAPPRAISAL  
OF REAL PROPERTY IN UNION COUNTY  
FROM 2016 TO 2012**

WHEREAS, under the General Statutes of North Carolina, Union County is scheduled for its next Octennial reappraisal of real property for the year 2016; and the Board of County Commissioners deems it advisable to advance the date for said reappraisal and to adopt the schedules of values, standards and rules required by the General Statutes of North Carolina for the reappraisal of real property.

BE IT RESOLVED by the Board of Commissioners of Union County:

1. That Union County hereby advances the scheduled Octennial reappraisal of real property from 2016 to 2012. The Tax Administrator for Union County is directed to conduct a reappraisal of said property to become effective January 1, 2012, for the fiscal year beginning July 1, 2012.
2. The Tax Administrator for Union County is directed to forward promptly to the Department of Revenue a copy of this Resolution, as required by the provisions of North Carolina General Statutes, Chapter 105, Section 286.

Adopted this 7<sup>th</sup> day of September, 2010.

Commissioner Openshaw stated that he thought Mr. Petoskey had raised some excellent points in his presentation. He referred to the point that Mr. Petoskey had made that in order to maintain a revenue neutral budget with a ten percent decline in the tax base, the tax rate would have to increase by approximately seven cents. He said that would be assumedly off a reduced value of the house, so the taxes would not necessarily either rise or fall. He asked Mr. Petoskey if this were true.

Mr. Petoskey responded that on individual property it would differ greatly. Commissioner Openshaw said the point he was making is that the seven cents is not a seven cents tax increase per se, because it is assumed that the tax value will be lower. He said that collectively the values of the properties have decreased. He said that as was pointed out by Mr. Petoskey, taxes could rise in certain incidents but they could also decrease in other incidents.

Following the discussion, the motion passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills were not present.

#### **AGREEMENT WITH COLIN BAENZIGER & ASSOCIATES, INC.:**

Chairwoman Rogers recognized Wes Baker, Interim County Manager, to explain this item.

Mr. Baker explained that staff was directed by the Board to negotiate an agreement with Colin Baenziger & Associates to conduct a search for County Manager candidates. He said that Mr. Baenziger has proposed three possible schedules with each one having a different time for selecting a County Manager. He said these times are as follows: 1) Typical Schedule: Board selects County Manager on November 21; 2) Expedited Schedule: Board selects County Manager on October 25; and 3) Amended Schedule: Board selects County Manager on November 8.

Mr. Baker said that staff's recommendation is that the Board approve the Agreement and select the schedule option. Further, he stated in lieu of choosing one of the three options, the Board could agree to a generalized schedule whereby the consultant would be charged with proceeding in a workmanlike manner appropriate to the nature of the services and not have a specific date.

Vice Chairwoman Kuehler asked the Chairwoman what were the thoughts of Mr. Baenziger on each of the proposed schedules. Chairwoman Rogers responded that Mr. Baenziger feels like he can be prepared and have a good group of candidates for

any one of the schedule options. She said it comes down to the Board's preference of which schedule it wants or whether it wants a more generalized schedule.

Chairwoman Rogers stated that the schedule could always be amended dependent on the interviews and the quality of the candidates. She said that it could not be amended to be sooner than the specified date, but could be amended to be after the specified date.

Vice Chairwoman Kuehler said based on that information, she would move to approve the agreement with Colin Baenziger & Associates, Inc. and to adopt the expedited schedule. The motion passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills were not present.

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

Chairman Rogers announced vacancies on the following boards and committees:

- a. Adult Care Home Advisory Committee (at least 4 Vacancies)
- b. Agricultural Advisory Board (1 Vacancy Expiring June 2010)
- c. Union County Industrial Facilities and Pollution Control Financing Authority (2 Vacancies for terms expiring May 2010)
- d. Juvenile Crime Prevention Council:
  1. Substance Abuse Professional
  2. Two Members Under the Age of 18
- e. Nursing Home Advisory Committee (at least 3 Vacancies)
- f. Parks and Recreation Advisory Committee (1 Vacancy for a member with a physical disability)
- g. Library Board of Trustees (4 Vacancies as follows: 2 At-Large Representatives; Monroe Region, and Indian Trail Region)

#### **APPOINTMENTS TO BOARDS AND COMMITTEES:**



a. Criminal Justice Partnership – Chairwoman Rogers stated that there are four vacancies on this board and six applications were received.

Vice Chairwoman Kuehler moved to appoint the following to serve on the Criminal Justice Partnership: Judy Chapman, Michael Runge, Kimberly Kocik, and Emily Westover.

With there being no further nominations, Chairwoman Rogers called for a vote on all four nominations. The motion passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills were not present.

Commissioner Openshaw asked Jeff Crook, Staff Attorney, if it were possible to expand this board since there were additional applicants who were not appointed. Mr. Crook responded that he would need to look into this question and respond to the Board via e-mail. He said that he thought this might be the board that was reduced recently because of the difficulty of obtaining a quorum at the meetings.

Commissioner Openshaw suggested that there might be alternates to serve on the board.

b. Community Trustee Council at CMC-Union – Chairwoman Rogers announced that there are three open positions on this council. She said that this is the second round of nominations submitted by CMC-Union to fill the positions. She asked if there were other nominations or an acceptance of the nominees.

Vice Chairwoman Kuehler asked Jeff Crook, Senior Staff Attorney, if there had to be a nomination or vote to seat someone or a vote to reject a nominee.

Mr. Crook responded that he thought the Board needed to take some type of affirmative action, because the language in the lease agreement requires the Board to accept or reject the nominees. He said the Board could have a motion to reject both names submitted for each of the positions.

Vice Chairwoman Kuehler moved to reject all names of Candidates and Alternate Candidates as submitted on the candidate list for the three open positions on the Community Trustee Council at CMC-Union as recorded below. The motion passed by a vote of

three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills were not present.

<u>Candidate</u>	<u>Alternate Candidate</u>
1) Richard Helms	Bill Norwood
2) Chris Platē	Ron Sumrow
3) Dr. John McKay	Baxter Starnes

Chairwoman Rogers reiterated that this is the second round of nominations submitted by the Trustee Council for these positions. She stated that she thought there was language in the lease agreement that it now reverts to the Board of Commissioners' having certain responsibilities.

Mr. Crook read an excerpt from the Lease which states "that within 30 days of the receipt of the second candidate list, the County Commissioners shall either (i) appoint one of the two candidates submitted by the Council; or (ii) reject both candidates and appoint another person whose qualification and experience conform to the selection criteria." He noted that the Board has been provided with the selection criteria.

Chairwoman Rogers asked if the next action would be for the Board of Commissioners to make the appointments.

Mr. Crook confirmed this statement.

Vice Chairwoman Kuehler asked if it is appropriate for the Board to advertise these positions at this time. Mr. Crook responded he thought it is appropriate to advertise the vacancies at this point.

Chairwoman Rogers asked if Mr. Vines could advertise these vacancies just as he does all other vacancies on boards and committees. Mr. Crook responded that he could.

Vice Chairwoman Kuehler asked if a motion were needed to direct that these positions be advertised. Mr. Crook replied that he thought it would be good to have a motion to this effect.

Vice Chairwoman Kuehler moved to direct Mr. Vines, the County's Public Information Officer, to advertise the vacancies on the Community Trustee Council at CMC-Union in the same manner as other vacancies on boards and committees are advertised. The motion passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills were not present.

**COUNTY MANAGER'S COMMENTS:**

There were no comments by Wes Baker, Interim County Manager.

**COMMISSIONERS' COMMENTS:**

Commissioner Openshaw said it is great to see the number of high school football games in the County, and he has been very impressed by the attendance and support from the community for the local high school football teams.

Vice Chairwoman Kuehler said after the last Board meeting, the Board members received an e-mail from a citizen alleging that members of this Board and/or staff members edited out some of the public comments and/or other portions of the meeting that was shown on the television. She stated for the record that neither the County's staff nor the Board of Commissioners has the capability to edit the comments. She said it was verified with the television station that airs the meetings that all the comments were on the tape, always have been, and always would be shown. Commissioner Openshaw added this was true barring mechanical error.

She stated that after she received the e-mail, she watched the meeting on television and she heard the comments that were alleged to have been left out.

Chairwoman Rogers had no comments.

With there being no further items for discussion, at approximately 8:05 p.m., Vice Chairwoman Kuehler moved to adjourn the regular meeting. The motion passed by a vote of three to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills were not present.