

Approved 10/18/2010

Minutes of the Regular Meeting of
Monday, October 4, 2010

The Union County Board of Commissioners met in a regular meeting on Monday, October 4, 2010, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were:

PRESENT: Chairwoman Kim Rogers, Vice Chairwoman Tracy Kuehler, Commissioner Allan Baucom, Commissioner A. Parker Mills, Jr., and Commissioner Lanny Openshaw

ABSENT: None

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

OPENING OF MEETING:

Chairwoman Rogers convened the meeting at approximately 7:00 p.m. and welcomed everyone.

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. Featured Community Benefit Organization

Mike Reese, Executive Director, of Union County Habitat for Humanity, introduced Dr. Ed Bower, President of the Union County Habitat for Humanity Board of Directors. Mr. Reese stated that Dr. Bower has served in various capacities with Union County Habitat for Humanity for approximately 14 years.

Mr. Reese shared that in 2009 Union County Habitat for Humanity built ten new homes which are all brick veneer, energy star rated, and come with a residential fire sprinkler system installed. He said Habitat is the only builder in Union County that builds to those specifications. He stated that Habitat is on task to construct ten homes in Union County in 2010, and it is continuing to grow. He said that Habitat expanded its services into Chesterfield County, South Carolina, this past year.

Mr. Reese said that Union County Habitat for Humanity is a part of Habitat for Humanity International, which is currently the eighth largest homebuilder in the United States and the largest homebuilder worldwide. He said that Habitat is a “hand up” and not a “handout.” He stated that Habitat builds the homes at cost using volunteers, donations of local materials, and local subcontractors and sells the homes at no interest to the families. He said that the mortgages are for 25 years, and the house payments are approximately \$500 per month. Mr. Reese stated that Habitat assists lower-income families, but it does not compete with for-profit homebuilders, because the families that Habitat serves cannot afford a normal mortgage. He said that Union County Habitat’s largest project is yet to come. He stated that it broke ground this past Saturday on 18 lots in the Town of Marshville. He said that through a partnership with the Town of Marshville, Habitat will start construction this fall on houses 3, 4, and 5 of the 18 homes.

He stated that Habitat works with over 1,400 volunteers in the county each year and works with local subcontractors and local donors to provide safe, affordable housing for those who are in need.

Commissioner Baucom commented that he thought there was another component for new owners that had not been mentioned where they are required to commit a certain amount of time toward construction of future homes. Mr. Reese stated that it takes between six to eight months for approval of applications as a Habitat homeowners. He explained that once an application is approved, home visits are conducted to assess whether there is a need. He said that as a part of the approval process, individual owners are required to perform a minimum of 350 hours of sweat equity before he/she actually moves into the home and a married couple is required to perform 500 hours of sweat equity. He stated that only two out of every ten applicants are accepted, because the applications are highly screened.

Mr. Reese shared that Habitat has recently renovated a donated building at the corner of Rocky River Road and Old Charlotte Highway where its offices are now located.

INFORMAL COMMENTS:

Chairwoman Rogers announced that one speaker had registered to speak during informal comments. Mr. Walker Davidson had registered to speak about the economic incentive package for Perfect Fit Industries.

Mr. Davidson gave his address as 713 Evans Manor Drive in Weddington. He presented a short video featuring television news clips about the company and information presented at the September 20, 2010, Board of Commissioners' meeting.

At the conclusion of the video, Mr. Davidson asked that the Board reconsider its approval of the incentive package to Perfect Fit Industries.

ADDITIONS, DELETIONS, AND/OR ADOPTION OF AGENDA:

Vice Chairwoman moved to add an item to the Regular Agenda to discuss the Perfect Fit incentive grant.

Commissioner Openshaw moved to add the following items to the agenda: 1) update on request from municipalities regarding sewer capacity; 2) update on status of a text amendment to the Land Use Ordinance regarding lighting; and 3) update on status of the definition of "fill." Further, Commissioner Openshaw requested to move Consent Agenda Item No. 3 – FY 2010 Surplus Property Sale to the Regular Agenda.

Chairwoman Rogers questioned if there were staff members present to answer questions about the requests by Commissioner Openshaw. Wes Baker, Interim County Manager, responded that the definition of fill and the municipalities' request for sewer are on the agenda for the Board's work session on Wednesday, October 13, 2010.

Jeff Crook, Senior Staff Attorney, responded that the definition of "fill" was scheduled for the October 18th regular meeting of the Board, and the update regarding wastewater for the municipalities is on the Board's work session of Wednesday, October 18th.

Chairwoman Rogers asked that Commissioner Openshaw repeat his requests given this information. He stated that he would like Item 3 moved from the Consent Agenda to the Regular Agenda. He asked that the status of the lighting text amendment be addressed at the October 13th work session.

The Chairwoman called for a vote on the motion by Commissioner Openshaw to move Item 3 from the Consent Agenda to the Regular Agenda. The motion passed unanimously.

Chairwoman Rogers called for a vote on the motion by Vice Chairwoman Kuehler to add an item to the Regular Agenda for discussion on the Perfect Fit Incentive grant. The motion passed by a vote of four to one. Chairwoman Rogers, Vice Chairwoman Kuehler, Commissioner Mills, and Commissioner Openshaw voted in favor of the motion. Commissioner Baucom voted against the motion.

Chairwoman Rogers assigned placement of the two items on the Regular Agenda as follows:

1. Consent Agenda Item 3 – FY 2010 Surplus Property Sale (assigned as Item 9c)
2. Discussion regarding the Perfect Fit Incentive Grant (assigned as Item #9d)

Vice Chairwoman Kuehler moved approval of the agenda as amended. The motion passed unanimously.

CONSENT AGENDA:

Vice Chairwoman Kuehler moved approval of the items listed on the Consent Agenda as amended. The motion passed unanimously.

Contracts and Purchase Orders Over \$20,000: Authorized the County Manager to approve the following pending legal review: 1) Tax Administration: Agreement with Datamax Interstate Credit Collections to assist with the collection of registered motor vehicle taxes; b) Health Department: Agreement with Favorite Healthcare Staffing for medical staffing for inmate healthcare (\$40,000 designated for staffing as needed); c) Department of Social Services: Agreement with Turning Point for Domestic Abuse Program Services (\$33,060); and d) Information Systems: TW Telecom Service Order for Internet Service (\$75,600).

Minutes: Approved the minutes of the regular meeting of September 20, 2010

FY 2010 Surplus Property Sale: This item was moved to the Regular Agenda at the request of Commissioner Openshaw

Retro-Commission Services Project Proposal Award: Accepted the bids, approved bid award to MBP Carolinas, Inc. in the amount of \$90,500, and authorized the County Manager to approve the purchase order to MBP Carolinas, Inc.

A summary of the bids is recorded below:

**Bid Tabulation
Retro-Commissioning Services
September 21, 2010**

Bidder	Amount
Big Woods Energy Engineering	\$121,000.00
Eaton-EMC	\$193,610.00
Elm Engineering, Inc.	\$174,550.00
ENG Engineering, Inc.	\$97,690.00
GRIFFIN Engineering & Technical Services	\$116,900.00
Heery International, PC	\$134,480.00
Horizon Engineering Associates, LLC	\$205,971.00
MBP Carolinas, Inc.	\$90,500.00
McVEIGH & MANGUM	\$73,000.00
Newcomb & Boyd	\$133,524.30
System WorCx, LLC	\$112,100.00
Working Buildings of North Carolina	\$80,400.00
2rw Consultants, Inc.	\$110,000.00

Lighting Upgrade for Parkwood and Sun Valley Middle Schools: Accepted the bids, approved bid award to the lowest responsive, responsible bidder, Hinson Electric, Inc. in the amount of \$138,837, and authorized the County Manager to approve the purchase order to Hinson Electric, Inc.

A summary of the bids is recorded below:

Bid Tabulation
Lighting Upgrade for Parkwood Middle and Sun Valley Middle Schools
September 16, 2010

Bidder	Parkwood Middle School			Sun Valley Middle School			Total Project Cost		
	Material Cost	Labor Cost	Total Cost	Material Cost	Labor Cost	Total Cost	Material Cost	Labor Cost	Total Cost
Applied Energy Management	\$ 84,666.38	\$ 25,189.84	\$ 109,856.22	\$ 85,351.95	\$ 27,093.57	\$ 112,445.52	\$ 170,018.33	\$ 52,283.41	\$ 222,301.74
Hinson Electric Inc.	\$ 39,947.00	\$ 28,200.00	\$ 68,147.00	\$ 41,403.00	\$ 29,287.00	\$ 70,690.00	\$ 81,350.00	\$ 57,487.00	\$ 138,837.00
Long Wiring Company, Inc.	\$ 57,500.00	\$ 38,000.00	\$ 95,500.00	\$ 57,500.00	\$ 38,000.00	\$ 95,500.00	\$ 115,000.00	\$ 76,000.00	\$ 191,000.00
Lowes Companies, Inc.	\$ 39,454.86	\$ 93,738.89	\$ 133,193.75	\$ 40,979.70	\$ 95,994.45	\$ 136,974.15	\$ 80,434.56	\$ 189,733.34	\$ 270,167.90
Spence Electric Company Inc.	\$ 61,524.00	\$ 41,016.00	\$ 102,540.00	\$ 62,304.00	\$ 41,536.00	\$ 103,840.00	\$ 123,828.00	\$ 82,552.00	\$ 206,380.00
Starr Electric Company, Inc.	\$ 67,100.00	\$ 44,650.00	\$ 111,750.00	\$ 73,650.00	\$ 45,930.00	\$ 119,580.00	\$ 140,750.00	\$ 90,580.00	\$ 231,330.00
Watson Electrical	\$ 116,100.00	\$ 30,156.00	\$ 146,256.00	\$ 118,300.00	\$ 30,465.00	\$ 148,765.00	\$ 234,400.00	\$ 60,621.00	\$ 295,021.00
McCarter									\$ 158,676.90

Department of Juvenile Justice and Delinquency Prevention (DJJDP): Adopted Budget Amendment #6 and approved revised DJJDP County Funding Plan for FY 2010-2011.

BUDGET AMENDMENT					
BUDGET	DJJDP		REQUESTED BY	Jim Bention, Sr	
FISCAL YEAR	FY2011		DATE	October 04, 2010	
<u>INCREASE</u>			<u>DECREASE</u>		
<u>Description</u>			<u>Description</u>		
Operating Expenses		21,418	Operating Expenses		21,418
State Revenue		21,418	State Revenue		21,418
Explanation:	Decrease and reallocation of DJJDP Program Funding for FY 2011				
DATE			APPROVED BY		
				Bd of Comm/County Manager Lynn West/Clerk to the Board	

		Total				Total	
			93,836				93,836
		Prepared By	bl				
		Posted By					
		Date				Number	6

Tax Administrator: Approved the Departmental Monthly Report for Tax Administrator’s Office for September 2010

Tax Administrator: Approved the untimely Disabled Veteran/Elderly/Exempt Applications as follows:

1. Disabled Veteran Exclusion: Frank E. Dully, Jr., and Rebecca A.
2. Elderly Exclusion: Janice Faye Helms
3. Exempt: Greater Grace Community Missionary Baptist Church

Tax Administrator: Approved the Fourth Motor Vehicle Billing in the amount of \$1,133,137.46

Amendment to the 2010-2011 Union County Pay and Classification Plan: Approved amendment to the 2010-2011 Union County Pay and Classification Plan by adding a new classification: Temporary Part-Time Quality Assurance Technician, Pay Grade 58

Request to Remove Member from Roster of Adult Care Home Community Advisory Committee Due to Resignation: Approved removal of Sheila Bell from the Adult Care Home Community Advisory Committee due to Ms. Bell’s resignation.

Budget Transfer Report for July and August 2010: Approved the budget transfer report for July and August 2010.

Bid Award for Self-Help Waterline Extension (Wellington Woods II & III, Lake Providence East and Greyllyn): 1) Accepted the bids; 2) approved bid award to the lowest responsive, responsible bidder, State Utility Contractors, in the amount of \$427,710.47; 3) authorized the County Manager to approve the contract documents, pending legal review; and 4) adoption of CPO #138

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	Water & Sewer Capital Project Ordinance Fund			REQUESTED BY	David Cannon and Ed Goscicki		
FISCAL YEAR	FY 2010-11			DATE	October 4, 2010		
PROJECT SOURCES				PROJECT USES			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
SH008- Wellington Woods PH II & III							
IFT From General Fund	72,000		72,000	Architecture & Engineering	33,647	(4,320)	29,327
IFT From Utility Fund	79,920	211	80,131	Construction	219,315	4,531	223,846
Customer Contributions	101,042		101,042				-
SH007- Greylyn							
IFT From General Fund	70,000		70,000	Architecture & Engineering	21,081		21,081
IFT From Utility Fund	77,700	(211)	77,489	Construction	138,209	(211)	137,998
Customer Contributions	11,590		11,590				
	412,252	-	412,252		412,252	-	412,252
EXPLANATION:	Adjust self help projects for construction bid awards.						
DATE:				APPROVED BY:			

								Bd of Comm/County Manager
								Lynn West/Clerk to the Board
	252,962	211	253,173		252,962	211	253,173	
	159,290	(211)	159,079		159,290	(211)	159,079	
FOR FINANCE POSTING PURPOSES ONLY								
PROJECT SOURCES				PROJECT USES				
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project	
64471400-4010-SH008	72,000	-	72,000	64571400-5594-SH008	33,647	(4,320)	29,327	
64471400-4061-SH008	79,920	211	80,131	64571400-5595-SH008	219,315	4,531	223,846	
64471400-4895-SH008	101,042	-	101,042	64571400-5594-SH007	21,081	-	21,081	
64471400-4010-SH007	70,000	-	70,000	64571400-5595-SH007	138,209	(211)	137,998	
64471400-4061-SH007	77,700	(211)	77,489		-	-	-	
64471400-4895-SH007	11,590	-	11,590		-	-	-	
	412,252	-	412,252		412,252	-	412,252	
Prepared By	bl							
Posted By								
Date						Number	CPO – 138	

A summary of the bids is recorded below:

Bid Summary
September 16, 2010 @ 2:00 P.M.

CONTRACTOR	TOTAL COMBINED BID
State Utility Contractors	\$427,710.47
Ritchie Construction	\$449,783.95
Dellinger, Inc.	\$520,425.15
Harvest Environmental Services	\$623,532.00

Catawba River Wastewater Treatment Plant Reservoir Expansion: 1) Accepted the Mitigation Plan as recorded below; 2) authorized the immediate purchase of mitigation credits from each of the Mitigation Banks; and 3) authorized the County Manager to approve Task Order No. 3 upon legal review.

The Mitigation Plan is recorded below:

Catawba River Water Treatment Facilities
Raw Water Reservoir Expansion and WTP Improvements
Stream/Wetland Mitigation Cost Summary

165000

9-Sep-10

Mitigation Type and Provider	Immediate Purchase			Later Purchase			Totals		
	Credits	Cost	Subtotal	Credits	Cost	Subtotal	Credits	Cost	Subtotal
Turners Branch Stream Mitigation Bank									
Restoration Credits	2,136	\$125	\$266,980	3,817	\$125	\$477,068	5,952	\$125	\$744,048
Preservation Credits	1,927	\$65	\$125,223	4,937	\$65	\$320,892	6,863	\$65	\$446,115
Subtotal			\$392,203			\$797,960			\$1,190,163
Taylor's Creek Stream Mitigation Bank									
Restoration Credits	5,000	\$75	\$375,000			\$0	5,000	\$75	\$375,000
Preservation Credits	10,000	\$75	\$750,000			\$0	10,000	\$75	\$750,000
Subtotal	60 Percent Now		\$675,000	40 Percent Later		\$450,000			\$1,125,000
Sandy Fork Stream Mitigation Bank									
Restoration Credits	3,700	\$120	\$444,000	0	\$120	\$0	3,700	\$120	\$444,000
Preservation Credits	0	\$40	\$0	9,000	\$40	\$360,000	9,000	\$40	\$360,000
Subtotal			\$444,000			\$360,000			\$804,000
Permittee Responsible - Riverchase Site *									
Preservation Credits				20,000	\$67	\$1,339,000 *	20,000	\$67	\$1,339,000
Turners Branch Mitigation Group									
Wetland Mitigation			\$0	2 Acres		\$200,000	2 Acres		\$200,000
Summary Totals									
Total Restoration Credits	10,836		\$935,980	3,817		\$627,068	14,652		\$1,563,048
Total Preservation Credits	11,927		\$575,223	33,937		\$2,319,892	45,863		\$2,895,115
Total Wetland Mitigation			\$0			\$200,000			\$200,000
Totals			\$1,511,203			\$3,146,960	60,516		\$4,658,163

Catawba River Wastewater Treatment Plant Reservoir Expansion and Process Modifications: Authorized the County Manager to approve Task Order No. 2A pending legal review.

Library Board of Trustees' Bylaws: Approved the bylaws as recommended by the Library Advisory Board

**Board of Trustees of the Union County Public Library
Bylaws**

Article 1. Name

The Board of County Commissioners has established the Board of Trustees of the Union County Public Library (hereinafter referred to as the "Board", the "Board of Trustees" or the "Library Board"), according to the provisions of North Carolina General Statute 153A-265, and has delegated to the Board of Trustees the authority described in these Bylaws.

Article 2. Purpose

The purpose of the Board of Trustees shall be to formulate and adopt, with assistance of the professional library director (hereinafter known as the Director), policies for the delivery of library services for all inhabitants of Union County, North Carolina, and to advise the Board of County Commissioners on matters of library development.

Article 3. Members

The Board of Trustees shall be composed of nine members, appointed by the Union County Board of Commissioners. All members must be residents of Union County and shall be chosen from the populace with reference to their qualifications of such office.

One person shall be appointed to represent each of the following regions:

- Marshville Region – Marshville and eastern Union County
- Monroe Region – City of Monroe and central Union County
- Weddington Region -- including Marvin and Wesley Chapel
- Waxhaw Region -- including Mineral Springs and southwestern Union County
- Union West Region -- Indian Trail, Stallings, Lake Park, Hemby Bridge
- Fairview Region – including Unionville and northwestern Union County

Three seats shall be at-large seats, and the person filling each of these seats may be a resident of any region of the County.

The Union County Board of Commissioners shall designate one of its own members to serve ex-officio on the Library Board. The Commissioner shall serve as a liaison and shall have no vote. Such member from the Board of Commissioners shall serve a term of one year to begin in the month of January.

The Union County Board of Commissioners may remove any member appointed to the Board of Trustees for incapacity, unfitness, misconduct, or neglect of duty. Failure to attend at least two-thirds of regularly scheduled meetings per year shall be interpreted as neglect of duty. Prior to the meetings, the secretary shall be notified of inability to attend.

Members of the Board shall serve without compensation.

Article 4. Terms

Members shall be appointed for two-year terms. Four members shall be appointed in January of odd-numbered years and five members shall be appointed in January of even-numbered years.

All vacancies on the Board shall be immediately reported by the Board of Trustees to the Union County Board of Commissioners, which shall fill the unexpired term for the vacant seat.

Article 5. Quorum

A quorum for the transaction of business at any meeting shall consist of five members. In the event a quorum is not present, any emergency action deemed necessary shall be taken with such action subject to ratification by a quorum at a called special meeting or at the next regular meeting.

Article 6. Officers

The officers shall be a chairperson and a vice-chairperson elected from among the appointed trustees at the annual meeting of the Board of Trustees.

Officers shall be elected to serve a term of one year or until their successors are duly elected.

The Chairperson shall preside at all meetings of the Board, authorize calls for any special meetings of the Board, appoint all committees, execute all documents authorized by the Board, serve as ex-officio member of all committees, and generally perform all duties associated with that office.

The Vice-Chairperson, in the event of the absence or disability of the Chairperson, or vacancy in that office, shall assume and perform the duties and functions of the Chairperson.

The Director, as Secretary, shall keep a true and accurate record of all meetings of the Board, shall issue notices of all regular and specially called meetings of the Board, and shall perform such other duties as a generally associated with the office of Secretary.

The Director shall make pertinent financial reports at regular board meetings.

Article 7. Meetings

There shall be at least ten regular meetings of the Board of Trustees each year, held at a regular time and announced to the public via the Union County website. In addition, the schedule for regular meetings shall be filed with the Clerk to the Board of Commissioners.

The annual meeting shall be held at the time of the regular meeting in January of each year.

Special meetings shall be called at the direction of the Chairperson, or at the request of a majority of the Board, for the transaction of business as stated in the call for the meeting. Public notice of special meetings shall be given at least forty-eight hours before the meeting in accordance with the provisions found in North Carolina's open meetings law.

All meetings are open to the public except for matters in which a closed session is permissible under North Carolina law.

The order of business for regular meetings shall include, but not be limited to the following items: (a) Call to order (b) Adoption of the Agenda (c) Public Comment period (d) Presentation to the Board (e) Disposition of minutes of previous meeting (f) Report of the Director (g) Committee Reports (h) Communications (i) Unfinished Business (j) New Business (k) Announcements (l) Adjournment.

Meetings shall be conducted according to standard conventions of Parliamentary Procedure. The rules contained in *Suggested Rules of Procedure for Small Local Government Boards* shall govern the Board in all cases in which they are applicable, and in which they are not inconsistent with the Bylaws.

Article 8. Powers & Duties of the Library Board

In accordance with North Carolina General Statute 153A-266, the following powers and duties are delegated to the Library Board:

To formulate and adopt programs and policies for the government of the Library which are consistent with state and federal statutes and regulations, and with Union County policies; and which assure public access to library resources and protection of County property.

To make recommendations to the Board of County Commissioners concerning construction and improvements of library buildings and the other structures for the library system.

To advise the County Manager on the appointment of a Library Director, who holds or is eligible for a North Carolina Public Librarian Certificate, as required by the State Aid eligibility requirements.

To establish a schedule of fines and charges for the late return, failure to return, damage to, and loss of library materials, and to take other measures to protect and regulate the use of library resources.

To extend the privileges and use of the library system to nonresidents on terms prescribed by the Board.

To otherwise advise the Board of County Commissioners on library matters.

To make an annual report on the operations of the Library to the Board of County Commissioners and to make an annual report to the Department of Cultural Resources as required by N.C.G.S. 125-5.

In accordance with N.C.G.S. 153-263(3), the Library Board shall make recommendations to the Board of County Commissioners regarding the acquisition of real property for the public library system.

Article 9. The Library Director

Employees of the Union County Public Library shall be employed in accordance with the Personnel Resolution adopted by the Union County Board of Commissioners.

The Director shall be responsible for adherence to the personnel policies of the County; for the direction and supervision of the staff; for the care and maintenance of the physical library property; for the adequate and proper selection of materials in keeping with stated library policies; for the efficiency of library services to the County inhabitants; for the financial operation within the limitations of budgeted appropriations; and for providing financial, staffing, and operations reports and information to the County Commissioners as they require.

The Director shall keep the Library Board and the Board of County Commissioners abreast of all matters system-wide.

The Library Director may be terminated in accordance with the Union County Personnel Resolution.

Article 10. Amendment

These Bylaws may be amended by a majority vote of members present at a regular meeting of the Board of Trustees at which a quorum is present, provided that the proposed amendment was made known to all members in the call for the meeting.

Article 11. Approval

These Bylaws, and any amendments thereto, are subject to the approval of the Board of County Commissioners.

Adopted by the Board of Trustees of the Union County Public Library:

Chairperson

September 21, 2010
Date

Approved by the Board of County Commissioners:

Chairperson

October 4, 2010

Date

PUBLIC INFORMATION OFFICER’S COMMENTS:

Chairwoman Rogers recognized Brett Vines, Public Information Officer, for his comments regarding the following matters:

1. The Union County Neighborhood Leaders’ Forum is having a Fall Educational Conference on Saturday, October 9, 2010, from 9:00 a.m. to 2:45 p.m., at Hartis Grove Baptist Church. The conference is presented by Homeowners Association Professionals and neighborhood leaders in Union County. Some of the topics to be discussed will be overcoming challenges in the transition from the developer to the Homeowners’ Association; Keys to Successful Conflict Resolution; and Collections and Restriction enforcement.
2. The Health Department is offering flu shots on Thursday, October 14, and Tuesday, October 26, from 1:00 p.m. to 7:00 p.m. Recipients must be 18 years of age or older. The Health Department will accept BlueCross BlueShield, Medicaid and Medicare Insurance. The cost of the flu shot for non-insureds is \$25. To make appointments for children to receive a flu shot, call 704-296-4800.
3. The Hope Stout Golf Classic will be held on Monday, October 18, with a shotgun start at 12:30 p.m. at the Firethorne Country Club. The registration deadline is October 15 and the cost is \$200 per person.
4. Early voting for the November 2 General Election begins October 14 at the Monroe Library on Mondays thru Fridays from 8:30 a.m. – 6:00 p.m. and on Saturdays from 9:00 a.m. – 1:00 p.m. Other locations for early voting include the Stallings Volunteer Fire Department, Hemby Bridge Volunteer Fire Department, Wesley Chapel Volunteer Fire Department and Wingate Community Center on Mondays thru Fridays from 10:00 a.m. – 6:00 p.m. and on Saturdays from 9:00 a.m. – 1:00 p.m. Anyone who wishes to register to vote may register and vote on the same day at one of these locations.

5. Veterans Service Scholarships are available to children of North Carolina veterans. There are four classes of scholarship eligibility and the scholarships can be used at both public and private universities in North Carolina. The deadline for submitting scholarship applications is December 31, 2010.

ADDITIONAL FUNDING FOR JESSE HELMS PARK ENTRANCE BRIDGE:

Wes Baker, Interim County Manager, stated that information regarding this matter was presented to the Board at the September 20, 2010, meeting. He explained that there were three parts to the item, two parts were change orders to the contractor Blythe Construction (one for upgrading the size of the rip rap rock to prevent scouring at the bottom of the bridge, and the second change was moving the pedestrian walkway from one side of the road to the other). He said that both change orders totaled \$3,395.83. He stated the other changes involved CM&E, the architect. Mr. Baker explained that one of the changes was for \$5,700 for additional work due to the architect having to review the previous architect's work and actually changing the work and some of the specs, because the work could not be completed as originally drawn. He said that the remaining \$14,200 of the \$19,900 requested for the architect's contract was a result of inspection fees which were to be paid by the County according to the contract documents. He explained that the type of bridge being constructed requires an inspector to be onsite to inspect the bridge during construction to check the compaction to assure stability of the bridge.

Mr. Baker said that an update of the total project along with a current status report for the project was provided to the Board via e-mail prior to the agenda packages being delivered.

Vice Chairwoman Kuehler asked, for clarification purposes, if the recommendation from staff was to take the funds from the unallocated portion of the capital improvement plan which was estimated to be approximately \$4.3 million. She questioned if the \$4.3 million included the amount recently transferred into the reserve in the current year's budget.

David Cannon, Finance Director, responded this amount does include the recent transfer.

Chairwoman Rogers stated that she thought the question before the Board is there are two options available for funding: 1) to move the funds from other projects within the capital improvement plan; or 2) to use the unallocated funds which are approximately \$4.3 million. She expressed appreciation to staff for the detailed information provided to the Board regarding this item. She said that a statement was made that the original plan had no justification or documentation for the amount requested. Chairwoman Rogers said that going forward she thought that all information needs to be in place when requests of this magnitude are made. She also

pointed out that there was no contingency included in the contract document and said that especially with construction projects that have unknown scopes, contracts absolutely need to include contingency. Lastly, she said that she did not favor taking money from one project to fund another project. She suggested that these are items that can be improved upon going forward.

Vice Chairwoman Kuehler moved adoption of CPO #137 in the amount of \$16,292 from the unallocated funds portion of the capital projects fund and authorized the County Manager to approve the contract amendments/adjustments after legal review.

By way of discussion on the motion, Commissioner Mills asked if funding could be moved from other projects to cover the \$16,292. Mr. Cannon responded that the monies could be moved from other projects but it would be taking the funding away from their use for the other projects. Commissioner Mills said that for many years when funding schools, monies have been taken from bond savings from one project to be used for other projects. He stated that he wanted to make sure that it does not go too far into the unrestricted reserves for future use by other Boards of Commissioners.

Following the discussion, the Chairwoman called for a vote on the motion which passed by a vote of four to one. Chairwoman Rogers, Vice Chairwoman Kuehler, Commissioner Baucom, and Commissioner Openshaw voted in favor of the motion. Commissioner Mills voted against the motion.

CAPITAL PROJECT ORDINANCE AMENDMENT

BUDGET General Capital Project Ordinance Fund REQUESTED BY David Cannon and Bill Whitley
 FISCAL YEAR FY 2010-11 DATE October 4, 2010

PROJECT SOURCES

PROJECT USES

<u>Source</u>	<u>Project</u>	<u>Requested</u>	<u>Revised</u>	<u>Project</u>	<u>Project</u>	<u>Requested</u>	<u>Revised</u>
<u>Description and Code</u>	<u>To Date</u>	<u>Amendment</u>	<u>Project</u>	<u>Description and Code</u>	<u>To Date</u>	<u>Amendment</u>	<u>Project</u>

PR041 - Jesse Helms Park Bridge

<u>IFT From General Fund</u>	<u>629,928</u>	<u>16,292</u>	<u>646,220</u>	<u>Land and Improvements</u>	<u>629,928</u>	<u>16,292</u>	<u>646,220</u>
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
	<u>629,928</u>	<u>16,292</u>	<u>646,220</u>		<u>629,928</u>	<u>16,292</u>	<u>646,220</u>

EXPLANATION: Appropriate funds from unallocated funds previously transferred from the General Fund to the General CPO Fund to
adjust the CPO for the JHP Bridge project.
At the completion of this capital project, all excess funds will be remitted to the "unallocated funds previously
transferred from the General Fund" account and this Capital Project Ordinance project will be closed.

DATE: _____

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

FOR FINANCE POSTING PURPOSES ONLY

PROJECT SOURCES

PROJECT USES

<u>Source</u> <u>Description and Code</u>	<u>Project</u> <u>To Date</u>	<u>Requested</u> <u>Amendment</u>	<u>Revised</u> <u>Project</u>	<u>Project</u> <u>Description and Code</u>	<u>Project</u> <u>To Date</u>	<u>Requested</u> <u>Amendment</u>	<u>Revised</u> <u>Project</u>
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PR041 - Jesse Helms Park Bridge

IFT From General Fund	629,928	16,292	646,220	Land and Improvements	629,928	16,292	646,220
40461374-4010-PR041				40561374-5570-PR041			
	629,928	16,292	646,220		629,928	16,292	646,220

Prepared By aar
 Posted By
 Date

Number CPO – 137

AMENDMENTS TO INCENTIVE GRANT CONTRACTS:

Chairwoman Rogers recognized Wes Baker, Interim County Manager, to explain these items.

a. Safron USA, Inc. (Turbomeca)

Mr. Baker explained that in April 2007, the County entered into an incentive grant agreement with Safron USA, Inc. (also known as Turbomeca), and there were certain requirements that the company had to meet in order to receive payments under the grant. He said that one of those requirements was that the company was to build a manufacturing facility valued by the County’s Tax Office between \$8.25 and \$11 million as of January 1, 2009. Mr. Baker stated that on January 1, 2009, the County’s Tax Office appraised the facility at a value of \$2,851,090 as a partially completed facility. Further, he said that on January 1, 2010, the Tax Office valued the facility at its completion value at \$9,158,650 which did fall within the contract terms. He stated, however, since

Safron did not meet the requirement by January 1, 2009, it did not qualify for the full incentive grant. He said that staff's recommendation is to give the company a grant for the first year based on the actual value of the facility on January 1, 2009, of \$2,851,090. He stated that the company exceeded the requirements for equipment investment. He said that next year's incentive grant payment would be based upon the final value of the building of \$9,158,650.

Mr. Baker pointed out that this would reduce the total incentive grant payment over the seven-year period from \$862,987 to \$811,025. He said that the original incentive grant was based on an \$11 million valuation, and the company did not meet this requirement even upon completion of the facility. He stated that County revenues from taxes over that same period of time would increase from \$1.3 million to \$1.4 million. He explained that one of the reasons for this increase is that the County tax rate is higher now than it was in 2007 when the original incentive grant was calculated, and the other reason is the company invested a little more in equipment than it had said initially.

b. ATI Allvac

Mr. Baker explained that there were several requirements that the company was supposed to have met in order to receive the grant payments. He said that as of January 1, 2008, its building investment was to be valued between \$14.3 and \$19.157 million, and on January 1, 2009, there was to have been an additional tax investment in the facility between \$10.9 and \$14.6 million. Further he said as of January 1, 2010, there was to have been an additional \$186,248 of additional building value. He explained that over the three-year grant period there should have been between \$25.5 million and \$34 million in actual taxable value of the new facility. He said as of the first year, there was no actual increased value on the building; the second year it was valued at \$3.4 million; and on January 1, 2010, there was an additional value of \$10.8 million meaning that the total facility over the three-year period came in valued at \$14.3 million which was below the required value of \$25 to \$34 million.

Mr. Baker said that does not mean that the company did not invest that much. He stated that sometimes the foundations on Allvac's buildings might be ten to twelve feet thick, but this does not add to the value of the building.

He stated that staff is recommending that an incentive grant be given to ATI Allvac based upon the value of the building on January 1, 2008, January 1, 2009, and January 1, 2010. He said that the original incentive grant was based on the full \$34 million value. He stated that the company met and exceeded the investment requirements for the machinery and equipment in every year.

Mr. Baker stated as a result of staff's recommendation, the incentive grant to be paid out over the next seven years would be reduced from \$2.1 million to \$1.9 million. He said that the tax revenue over the grant period would increase from \$3.1 million to \$4.6 million. He stated that the increase in tax revenues was a result of an increase in the current tax rate from that of 2007, and the increase is largely attributable to the fact that the company invested more in machinery and equipment from what it had said originally.

Vice Chairwoman Kuehler asked when the original incentive grant agreements were executed with the companies, were there provisions in the contracts for prorated incentives if the companies did not meet the criteria or were they all or nothing contracts.

Jeff Crook, Senior Staff Attorney, responded that the contracts often provide a range of 75 to 100 percent of the investment and then the incentive grants are prorated if the investments are within that range. He explained that in these situations, the companies did not meet the deadlines. He said that there is no flexibility in the contracts for meeting deadlines, and in this case, it would be all or nothing. He stated that is why these incentive awards are being brought to the Board.

Vice Chairwoman Kuehler stated that she did not like to come back and change the rules after the fact and asked if incentive grant contracts should be drawn differently. Mr. Crook stated that he understood the Vice Chairwoman's concerns, and this could be considered in the future.

Mr. Baker explained one change that staff is considering is for the County to begin making payments to the grant recipients after completion of the contract instead of the payments beginning after the first year of the incentives. He said with this change if there is a timing difference, then the company would not receive incentive payments until the project is completed.

Commissioner Baucom stated that he applauded staff for considering this change, because he thought it would help to alleviate some confusion. He said he wanted to make certain that Safron's representatives have been contacted and are aware of the change in the incentive grant amount. Mr. Baker responded that he has spoken with a representative of Safron. Further, he said that the Union County Partnership for Progress is scheduling a meeting to discuss the change with Allvac. Mr. Baker said that amendments have been done in the past on incentive grants.

Commissioner Baucom said that his concern was that it was talking about a minimum amount of adjustment downward relative to the increased tax revenue the County is receiving as a result of increased value of the equipment that these companies have

installed. It was noted that there were no additional job requirements for these two incentive grant awards. Commissioner Baucom said he wanted to make certain that Union County is not hung with a neck tag that says “unfriendly to business.”

Mr. Baker explained the reason staff wants to keep the building separate from the equipment is because the building does not depreciate per se, but the machinery and equipment do depreciate, and in some cases, it is a very fast depreciation schedule. Commissioner Baucom stressed that these types of projects are important to Union County presently and moving forward. He said that he wanted to assure that the County is doing things properly in any actions that the Board may or may not take.

Mr. Baker said that this is the way that amendments have been done in the past to incentive grants, and staff has tried to be consistent through the years.

Chairwoman Rogers said her questions are similar to Commissioner Baucom’s. She stated that she wanted to understand the process of how companies are notified when amendments are made to incentive grant agreements. She asked when amendments are necessary to agreements, is the County in constant contact with the companies letting them know about the changes. She said that she did not want tonight’s Board of Commissioners’ meeting to be the first time the companies learn about the amendments.

Mr. Baker assured the Board that he had spoken with a representative from Safron USA about a month ago and had informed the representative that this matter would have to go before the Board for an amendment to the contract before the first payment under the incentive grant could be released.

Chairwoman Rogers said that she wanted to make sure the companies understand that the County appreciates and wants their business, but the County is legally required to follow the contracts.

Commissioner Mills asked if his understanding was clear that Allvac does not know about the amendment to the agreement. Mr. Baker confirmed that he has not sit down with representatives of Allvac to discuss this matter. Again, he said that Union County Partnership for Progress is scheduling a meeting with representatives of Allvac. Commissioner Mills questioned whether it would be prudent to delay Board action on Allvac’s incentive until after Allvac has been notified.

Vice Chairwoman Kuehler stated that it would be her understanding that the Board’s action to authorize the County Manager to approve amendments to the incentive agreements would notify these two companies that they would receive some amount pursuant to the incentive award whereas at the current time the contract states they would receive nothing.

Chairwoman Rogers asked Mr. Baker if he thought it would be better for the Board to wait to take action on the Allvac grant until either he or someone from the Union County Partnership for Progress could contact them. Mr. Baker said that he could call and talk with a representative of Allvac in the morning.

Chairwoman Rogers said that the message that she is giving going forward is if amendments to incentives become necessary, staff should make sure that the companies are aware of the amendments prior to the items being included on the Board's agenda so there are no surprises.

Following discussion, Commissioner Mills moved to authorize the County Manager to approve contract amendments, pending legal approval, for: 1) Safron USA, Inc. (Turbomeca) reducing the incentive grant payments to the company over the life of the agreement from \$862,987 to \$811,025 and increasing the tax revenue to the County over the same period from approximately \$1,325,929 to approximately \$1,444,720; and 2) ATI Allvac reducing the incentive grant payments to the company over the life of the agreement from \$2,183,353 to \$1,905,172 and increasing the tax revenue to the County over the same period from approximately \$3,102,994 to \$4,678,613. The motion passed unanimously.

ONE TIME COMPENSATION PAY:

Chairwoman Rogers recognized Wes Baker, Interim County Manager, who deferred comments to Vice Chairwoman Kuehler.

Vice Chairwoman Kuehler said that she recently had a discussion with Mark Watson, Personnel Director, about the fact that due to the budget cuts, County employees have not received any increase in pay in some time, and staff has been reduced adding to the workload of the remaining employees.

Mr. Watson confirmed that employees have not received any pay raises in 26 months and no increases are budgeted through the end of this fiscal year, staff has been reduced, and employees have been asked to do more with less. He said that many jobs have been re-engineered with many employees having picked up a lot of slack. He stated that the County has increasingly been offering classes through the Employee Assistance Program onsite such as the seminar that Vice Chairwoman Kuehler had mentioned which was directed to supervisors. He said there were over 50 supervisors in two locations that registered for that class which discussed how to "Deal with Stress in the Workplace" and "How to Deal with Employees who are under Stress." Mr. Watson said that some discussion had ensued about the possibility of a one-time discretionary compensation bonus for employees toward the end of this

calendar year. He stated that there seems to be some interest by the Board to discuss this matter, and staff wanted to get a better understanding from the Board in general about how it feels about this idea and whether the Board wanted to receive some information and scenarios in connection with this matter. He said if the Board wants to review those scenarios, are there any specifics that that it wants included in the information.

Vice Chairwoman Kuehler said that the former Finance Director reminded the Board not to use non-recurring revenue to fund recurring expenses which is why the discussion had gone to a one-time discretionary incentive to show appreciation to the employees for their hard work. She said that while she knew that employees were happy to have a job and were not complaining, it is tough to not have any pay increases, merit raises, or cost of living increases and to be performing more work than they were three years ago.

Mr. Watson commented that the employee environment in North Carolina is changing and is expected to change quite a bit more for the public sector over the next 16 to 18 months.

Chairwoman Rogers said that she had talked with Mr. Watson about a number of issues including this one, and she told him she thought this issue was worthy of discussion and placement on the agenda to get a feel from the other Board members of what they think. She stated that it is difficult because Union County employees do not produce a product, where they can be asked to increase production in order for the County to receive more revenues. She said that the only thing the County can do to receive more revenues is to increase taxes or increase the County's commercial tax base. She said that there are County employees who have not received a pay increase in three years, not even a cost of living increase, but have taken on more duties. She assured that this discussion did not come from any employee, but she thought it was worthy of discussion.

Commissioner Mills commented that this was an item that should be discussed at budget and this is probably one of the worse recessions that the country has seen. He said that while he completely respects all of the County employees and the jobs that they do for the citizens of this county, the County does not have the money for a one-time compensation pay for employees. He stated that this is the wrong time and it is a budgetary item that should have taken place during budget. He said that raises have not been given in the past two years, and employees have been laid off. He stated that he too has had to cut employees and salaries in his personal business. He said that although a lot of people deserve this increase, he thought it would be sending the wrong signal for government to give a stipend to certain employees when so many people are losing jobs.

Commissioner Baucom said that he would generally concur with Commissioner Mills, and the County is three months into a new budget year. He said the Board worked diligently during the budget this year to hold the tax rate, so he could not justify looking

at a compensation increase of any type for employees at this point in time. He stated he agreed with everything that has been said about the employees and the quality and amount of work they do and has appreciation for what they do. He said he would love for it to be different, but the reality is, it is not different. He stated that the fact of the workplace today is that people do more and are required to do more, and in many cases their compensation is less. He said that part of this is a product of the economic times and part of it is a product of improvement in efficiencies. He stated that he hoped that the County was utilizing opportunities to become more efficient in everything that it does. He said that it is not just in Union County or County government, but it is across all facets of business. He reiterated that as much as he would like to support a one-time stipend or an increase in compensation for employees, he could not do so.

Commissioner Openshaw said that he agreed with Commissioners Baucom and Mills in virtually everything that has been said. He stated that when there had been a reduction in force, he thought the discussion had been whether to have a cut in pay so that more employees could be retained or whether to not cut pay and cut employees. He said that he thought Commissioners Baucom and Mills expressed the realities of the workplace very well. He stated that rather than spend more money, he would take a different tack and hire a couple more people in areas where they are needed, i.e. the Staff Attorney's Office or the Register of Deeds' Office. He said that he knows a lot of people who have more responsibilities and sometimes they have been given better titles, but their pay has not gone up, and many people's pay has gone down.

Chairwoman Rogers expressed appreciation to the Board members for their comments. She said that she agreed with many of the comments, but she thought this item was worthy of discussion.

Mr. Watson said that he certainly realizes the economic conditions and the constraints that we live under today. He stated that in his job, he deals with a lot of difficult situations and gets involved with the employees on a personal level. He said that it is not getting any easier for them. He said that he sincerely appreciates the opportunity to hear the Board's comments regarding this issue, and he asked that the Board keep the employees in mind in moving through future budget processes.

CMC-UNION: REQUEST FOR APPROVAL OF CAPITAL EXPENDITURES OVER \$500,000 IN ACCORDANCE WITH THE LEASE AGREEMENT:

Chairwoman Rogers recognized Wes Baker, Interim County Manager, for his comments. Mr. Baker introduced Michael Lutes, President of CMC-Union.

Mr. Lutes expressed appreciation to the Board for the opportunity to present two requests for approval by the Board of capital expenditures by CMC-Union.

a. Automated Dispensing Machine Initiative

Mr. Lutes introduced Jimmy Baucom, who has worked as a pharmacist for 38 years and has been the Director of Pharmacy for nine years at CMC-Union, to present information regarding the Omnicell® Automated Dispensing System.

Mr. Baucom presented an overview of the project and stated that automated dispensing devices are utilized in hospitals to enhance patient safety through bar-code medication verification, to ensure management of controlled substances (narcotics) in compliance with regulatory requirements, and to ensure patient medications are available for administration in a timely manner. He stated that since 1997, CMC-Union has had CareFusion Pyxis® Automated Dispensing Machines in place. He said that a 2006 survey indicated that 71 percent of hospitals used Automated Dispensing Machines. He stated that the Institute for Safe Medication Practices (ISMP) reported that by 2007 that percentage had increased to 80 percent. He said if there was current data, he would expect that percentage to be closer to 90 percent or even greater.

He stated that this request is partly because CMC-Union's current Pyxis® product has been discontinued by CareFusion®, and repair parts and additional machines are no longer available. He said that they conducted a multi-hospital vendor fair as presented by the four major Automated Dispensing Machines technology vendors which led to a consensus decision of nursing, pharmacy, respiratory therapy, and anesthesia personnel to recommend the conversion to Omnicell® Automated Dispensing Machines. He said that it was deemed that a capital purchase was the most appropriate method of procurement.

He explained that this project includes 30 nursing unit dispensing cabinets, nine anesthesia work stations which are located in the operating rooms and C-Section Rooms, a pharmacy secure narcotic vault and a pharmacy console server (which serves to interface with all of the machines deployed remotely throughout the hospital).

Mr. Baucom reviewed the benefits of the Automated Dispensing Machines and how they improve efficiencies of the nursing staff. He said that patient safety is the number one objective of continuing to use Automated Dispensing Machine technology. He stated that compliance with the regulatory agencies particularly with regards to management of controlled substances or narcotics ranks as another primary reason for adoption of Automated Dispensing Machine technologies.

In conclusion, Mr. Baucom stated CMC-Union's request was for the Board's approval of a capital expenditure of \$921,500 for the purchase of Omnicell® Automated Dispensing Machines.

Vice Chairwoman Kuehler asked whether it is known if the hospital will experience the same situation with the new machines in 10 or 15 years where they will not interface with the technology at that time. Mr. Lutes responded that CMC-Union and many hospitals have learned from Pyxis® that in the capital purchase, the upgrades are included. He said that the Pyxis® system lasts on an average of approximately seven years, and they have stretched the life of those machines to 13 years. He stated that the Omnicell® has a depreciated life of approximately 15 years, and the upgrades are included.

Following the presentation, Commissioner Mills moved approval of the capital expenditure of \$921,500 from CMC-Union's reserves for the purchase of Omnicell® Automated Dispensing Machines. The motion passed unanimously.

b. Wound Care Center

Michael Lutes, President of CMC-Union, introduced Kim Jernigan, Director of The Wound Care Center® at Carolinas Medical Center-Union, and Dr. Edward Bower, Medical Director of that facility, to present the request to relocate and expand The Wound Care Center to be able to add Hyperbaric Oxygen services.

Ms. Jernigan reviewed the success of the Center since its opening in December 2005. She said that The Wound Care Center is currently operating in a 1,765 square foot office with four examining rooms. She stated that in the month of September the Center reached an all-time record adding 57 new patients in the program and 430 total patient visits.

She stated that the Center has been recognized nationally for its quality benchmarks for the successes of The Wound Care Program. She said that the program is managed by Diversified Clinical Services and is recognized among over 300 wound care centers in the country. Ms. Jernigan said the Center in Monroe has been rated in the top 12 percent, and, for the second year in a row, it received awards for its quality measures and quality benchmarks for exceeding those expectations.

Ms. Jernigan said that in Union County within a ten-mile radius, there are 7,000 residents who suffer from Diabetes. She stated that since the program's start in 2005, they have served over 2,000 residents in Union County and treated over 3,500 wounds in The Wound Care Center.

She stated that Hyperbaric Oxygen Treatment is currently available only at CMC-Mercy or CMC-Cleveland. Ms. Jernigan said that by adding Hyperbaric Oxygen at the Center in Monroe, it will bring that center up to the standard of other wound care centers in the Carolina Healthcare System at CMC-Mercy and CMC-Cleveland as well as to the standard across the country.

Ms. Jernigan stated that CMC-Union's request is for the Board to approve the relocation of The Wound Care Center® at Carolinas Medical Center-Union from its existing location at 1309 East Franklin Street, Monroe, to the campus of CMC-Union in the Union Medical Plaza building at 1423 East Franklin Street in Monroe with the addition of Hyperbaric Oxygen Therapy. She explained that the new facility would consist of approximately 4,600 square feet. She said renovations would be required in order for the Center to meet the standard for Hyperbaric Oxygen to be installed.

She stated that based on the demographics for Union County up to a 20-mile radius, the Center would serve patients from Anson County and into the Pageland, Lancaster, South Carolina area, as well as into the Charlotte area. She stated the Monroe Center has the potential of treating up to 9,972 patients based on attracting three percent of the residents who have Diabetes. Ms. Jernigan said within the 20-mile radius area, there are approximately 33,240 residents who have Diabetes. She stated that the Waxhaw, Indian Trail, Charlotte, and Matthews area has become one of the Centers largest referring areas.

Commissioner Baucom said one thing that struck him in the presentation is perhaps the new facility is not large enough when the projections only include treating three percent of the Diabetic patients that might need wound care. Ms. Jernigan responded that the recommendation from Diversified Clinical Services for the square footage of a wound care center is approximately 3,500 square feet. Commissioner Baucom questioned whether the new location would allow for expansion. Mr. Lutes stated that the facility would be plumbed for a third chamber for Hyperbaric Oxygen therapy. He said they would start the program with two chambers with the potential to expand to a third chamber. He also noted that it is projected that at least one physician's office located near the new facility will move to another location in the next two to three years.

Following the presentation, Commissioner Baucom moved approval of capital expenditures by CMC-Union in the total amount of \$571,281 from CMC-Union's reserves to relocate and expand The Wound Care Center® at Carolinas Medical Center-Union to include an advanced Wound Management Program™ and new Hyperbaric Oxygen Therapy services. The capital expenditure of \$571,281 is broken down into \$395,641 for renovation costs and \$175,640 for furniture, fixtures, and equipment (FFE).

Chairwoman Rogers stated that on Page 3 of the background information included in the agenda package, it states that the new location is owned by CMC-Union. She noted that this is an asset of Union County citizens and CMC-Union. Mr. Lutes pointed out that the Center's current location is also an asset of CMC-Union as well.

Commissioner Openshaw said that this project is identified as a break-even type program. He stated that he has been told that these centers are basically big loss-leaders.

Mr. Lutes responded that approximately two years ago, CMC-Union was losing money on this program. He said that they have done a great job marketing the program, and now it is actually doing a little better than breaking even. He stressed that the program is all about healthcare and saving patients' limbs. He said he had been associated with three or four different wound care centers at the hospitals where he has worked previously, and they probably receive more letters from patients treated in the wound care center than any other department in the hospital, because often times when patients come to wound care centers, they are at their final consult with the physician, and it is either going to be an amputation of a limb or it will be solved through the wound care department. Mr. Lutes emphasized that the money is an important consideration, but the reward from the healthcare perspective is amazing.

In response to a question by Commissioner Openshaw regarding who is Diversified Clinical Services, Ms. Jernigan explained that it is a company with which the hospital contracts. She said that Diversified Clinical is the number one leader in the country for providing wound care services by developing partnerships with hospitals. She described the program as a turn-key operation with the hospital agreeing to the partnership. She explained the services that Diversified Clinical provides.

After the lengthy discussion, the motion passed unanimously.

FY 2010 SURPLUS PROPERTY SALE:

Chairwoman Rogers recognized Commissioner Openshaw for his comments, since he had requested to move this item from the Consent Agenda to the Regular Agenda.

Commissioner Openshaw said that he had asked to move this item to the Regular Agenda in order to increase public awareness of the surplus property sale, because it is projected to generate revenue for the County. He asked why there were some many Crown

Vic vehicles on the list of properties to be surplused, and if these were all Sheriff's vehicles, and, if they are not, why is the County purchasing full-sized vehicles.

Nicole Hatch of the General Services Department responded that most of the vehicles had very high mileage. She said that once the Sheriff's Office no longer uses vehicles, then many times the vehicles are turned over to the Tax Office or placed in the vehicle car pool. She stated that once vehicles reach a certain mileage, they are surplused.

Commissioner Openshaw said that he thought the Board had discussed several years ago about the County's purchasing vehicles that might be more fuel efficient. He said that unless there is some compelling reason to purchase full-sized sedans, he would prefer that mid-sized sedans be purchased.

Ms. Hatch said that she thought Crown Vics will become obsolete this year.

After further discussion, Commissioner Openshaw moved adoption of the following Resolution Requesting Surplus Property Sale. The motion passed unanimously.

RESOLUTION AUTHORIZING SURPLUS PROPERTY SALE

WHEREAS, Union County has certain items of personal property that it is no longer using and is wanting to sell these items to the highest bidder; and

WHEREAS, the Purchasing Agent has developed a list of these items as shown on Attachments "A," "B" and "C" for review by the Board of Commissioners for disposal;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Union County Board of Commissioners that the items of personal property included on Attachments "A," "B" and "C," attached and incorporated herein by reference, be declared surplus and sold at public auction to the highest bidder.

BE IT FURTHER RESOLVED that the Purchasing Agent be authorized to sell the property listed on Attachments "A" and "B" at public auction at 10:00 a.m. on Wednesday November 3, 2010, at 1601 Skyway Drive, Monroe, North Carolina, and that the Purchasing Agent or his designated agent be authorized to execute any and all documents necessary to transfer title to said property on behalf of Union County.

BE IT FURTHER RESOLVED that the Purchasing Agent be authorized to sell the property listed on Attachment "C" at public auction at 10:00 a.m. on Wednesday December 15, 2010, at 1601 Skyway Drive, Monroe, North Carolina, and that the Purchasing Agent or his designated agent be authorized to execute any and all documents necessary to transfer title to said property on behalf of Union County.

BE IT FURTHER RESOLVED that the terms of sale applicable at the aforementioned auctions shall be as follows:

1. Sale to the highest bidder with all sales final on the day of the auction.
2. All items sold "**as is**" and "**where is**" with no warranty, express or implied.
3. Purchasers shall bear sole risk of loss for all items remaining on the premises five (5) business days after the day of the sale. Purchasers will have five (5) days to pick up their items from the day of the sale at 1601 Skyway Drive, Monroe, North Carolina.
4. Payment by cash, money order or cashier's check.

BE IT FURTHER RESOLVED that payment of advertising and miscellaneous expenses be paid from the proceeds of the sale.

BE IT FURTHER RESOLVED that Dealer Auctions Inc. is authorized to conduct the sale and charge Union County \$85.00 per item sold.

Adopted this 4th day of October, 2010.

ATTEST:

s/Lynn G. West
Lynn G. West, Clerk to the Board

s/Kim Rogers
Kim Rogers, Chairwoman

Attachment "A"

	VEH#	ODOM	MAKE	MODEL	Year	Vin#
1	04-00	170149	FORD	RANGER	2000	1FTYR14V6YPA38310
2	03-03	130183	CHEVROLET	S-10	2003	1GCCS14XX38187192
3	07-01	184907	DODGE	RAM 1500	2001	1B7HC16Y21S676548
4	07-03	130539	CHEVROLET	S-10	2003	1GCCS19X238197143
5	12-04	157987	FORD	CROWN VICTORIA	2004	2FAHP71W64X126970
6	14-04	137512	FORD	CROWN VICTORIA	2004	2FAHP71W54X126975
7	18-04	128701	FORD	CROWN VICTORIA	2004	2FAHP71W24X126979
8	19-03	101676	CHEVROLET	ASTROVAN AWD	2003	1GNEL19X83B131793
9	19-04	124745	FORD	CROWN VICTORIA	2004	2FAHP71W04X126981
10	23-03	88966	FORD	CROWN VICTORIA	2003	2FAFP71W13X188850
11	24-00	94555	FORD	CROWN VICTORIA	2000	2FAFP71W1YX151305
12	28-03	117987	FORD	CROWN VICTORIA	2003	2FAFP71W83X188859
13	29-03	122742	FORD	CROWN VICTORIA	2003	2FAFP71W43X188860
14	32-99	117570	FORD	EXPLORER AWD	1999	1FMZU35P5XUC16282
15	33-01	147410	CHEVROLET	S-10	2001	1GCCS19WX18204957
16	33-03	100927	FORD	CROWN VICTORIA	2003	2FAFP71W53X188849
17	34-00	152249	DODGE	DAKOTA QUAD CAB	2000	1B7GL22X8YS675915
18	35-03	111220	FORD	CROWN VICTORIA	2003	2FAFP71W93X188854
19	35-05	163149	FORD	CROWN VICTORIA	2005	2FAFP71W45X156199
20	39-05	135341	FORD	CROWN VICTORIA	2005	2FAFP71W05X156197
21	41-05	127150	FORD	CROWN VICTORIA	2005	2FAFP71W55X156194
22	02-07	2581	FORD	CROWN VICTORIA	2007	2FAHP71WX7X130668
23	10-04	102757	FORD	CROWN VICTORIA	2004	2FAHP71W84X126971
24	63-01	163830	DODGE	RAM 3500	2001	2B6LB31Z91K555135

Attachment "B"

	Description	Make/Model	Asset#	Serial#
1	ATV - FOURTRAX 250	HONDA	842/13025	JH3TE0600HC203909
2	BACKHOE FOR TRENCHER D100	CASE/D11	665	JAF0218002
3	CASE 660 TRENCHER/BACKHOE W/WEIGHT PKG. BRIGGS FOUR WHEEL STEER	CASE/660	1338	JAF0254679 JAF0305509
4	BORING MACHINE - HORIZONTAL (has compression but does not run)	AMERICAN AUGERS	620	12045565
5	TRAILER – DUAL AXIAL	HUDSON BROS	619/1-93	10HHSE14XD1000329
6	QTY 35+ 30"X48" WARNING SIGNS (One Lane Road, Utility Work Ahead, Slow Moving Vehicle, etc.)			
7	PUMP - MODEL KWS20A	KAWASAKI/BN21	1105	FE120D079951
8	PUMP - GASOLINE POWER MODEL PT3A	WACKER/PT3A	538	5022542
9	5 TON BAME TRAILER	BAME	662	1B99S0424MS026001
10	BACKHOE/TRENCHER	DITCH WITCH/RT55 A523-BACKHOE H515-TRENCHER	3345	5Y1072 5Y0557
11	TRENCHER/BACKHOE 560	CASE 560 D125 BACKHOE	1339/11872	JAF0198477 JAF0178631
12	BAME 12 TON/24,000LB TRAILER w/fencing&scrap metal	BAME	642/52-97	1B97D1028MS026012
13	TRENCHER W/BACKHOE – 660	CASE 660 D125 BACKHOE	573	JAF0296365 JAF0306987 JAF0299567
14	DIRECTIONAL BORING MACHINE W/PAL BORING GEL	DITCH WITCH/920L	3157/3159	920L-2V2872
15	GASBOY DIESEL FUEL TANK	GASBOY/123OUK		1217436
16	TRAILER - 12 TON TILT	HUDSON	977/25-95	10HHTD2C4S1000031
17	HYDROSTATIC/BACKHOE	DITCH WITCH/RT55 A523-Backhoe H515-Trencher	3385	CMWRT55HV60000227 CMWA523XH70000184
18	TILLER 5'	TAYLOR-WAY	681	2143/75760
19	DRILL PRESS 20" 9 SPEED - 5/8" CHUCK	DAYTON/3Z919	489	C63BXETL-3742
20	CENTURY FIVE STAR AC/DC HEAVY DUTY WELDER 250 AMP DC 295 AMP AC	CENTURY	495/7488	632522

21	YAMAHA GENERATOR 120V/240V	YAMAHA/YG6600DE		241125
22	WACKER MUD PUMP	WACKER/PDT3A	855	5145978
23	CH & E MUD PUMP	5537WR	856	D98091975
24	CH & E MUD PUMP	5307WR	861	P9505651
25	WACKER MUD PUMP	PD3A	863/12168	621602578
26	10' X 20' STORAGE BUILDING			
27	MOWER, JOHN DEERE GT275 170HV	JOHN DEERE/GT275	961	M0G275B076689
28	SANDBLAST MACHINE	CLEMCO/2452	767/11628	20236
29	HORIZONTAL/VERTICAL BAND SAW	JET/HVBS-7MV		20520891
30	WELDING CART			
31	YAZOO 62" CUT MOWER	YAZOO/YTKC25	871	6B976979
32	TELEMETRY TOWER (RADIO ANTENNA)			
33	DIESEL GENERATOR (Motor Runs Generator Head Broken)	K60	1384	BC32412FD 1FETG0114EA847366
34	HUDSON DUAL AXLE TRAILER	HUDSON	643/03-83	10HHSL146D1000008
35	TRAILER - 5X8 TILT	LEONARD	723	5BFB00812XX001726

Attachment "C"

	VEH#	ODOM	MAKE	MODEL	Year	Vin#
1	07-02	93176	FORD	CROWN VICTORIA	2002	2FAFP71W12X132034
2	07-04	146820	FORD	CROWN VICTORIA	2004	2FAHP71W64X126967
3	13-04	132457	FORD	CROWN VICTORIA	2004	2FAHP71W14X126973
4	16-02	117662	FORD	CROWN VICTORIA	2002	2FAFP71W72X132040
5	20-04	129080	FORD	CROWN VICTORIA	2004	2FAHP71W94X126980
6	26-03	107475	FORD	CROWN VICTORIA	2003	2FAFP71W23X188856
7	27-03	122431	FORD	CROWN VICTORIA	2003	2FAFP71W63X188858
8	38-03	100027	FORD	CROWN VICTORIA	2003	2FAFP71W73X188853
9	43-05	109400	FORD	CROWN VICTORIA	2005	2FAFP71WX5X156188

DISCUSSION ABOUT PERFECT INDUSTRIES, INC.:

Chairwoman Rogers recognized Vice Chairwoman Kuehler for her comments, since she had requested to add this item to the agenda.

Vice Chairwoman Kuehler moved to direct the staff to work with whatever organizations and authorities that they deem appropriate to fully exam the specifics of the Perfect Fit Economic incentive grant and to hold in abeyance signing of any final agreements until a full report of staff's findings is made to the Board of Commissioners.

Commissioner Mills said that Perfect Fit Industries has been a good corporate citizen in the County for over 50 years. He encouraged the Board to be cautious and suggested that the Board discuss this matter at sometime in the future. He said he would not be supporting the motion.

Commissioner Baucom stated that he too would encourage the Board to very cautious. He pointed out there are 180 existing jobs in Union County as well as the 50 new jobs projected to be added by the company. He said with the incentive grant award that the Board approved, there is still a revenue positive situation for the County. He stated that he did not see what the County had to lose other than the possibility of losing 180 existing jobs and the 50 new jobs. He said as to whether the decision has been made by the company, he has no idea. He said that he recalled when Steve Dickens made his presentation at the September 20th meeting on behalf of Perfect Fit, Mr. Dickens commented that the reason he was at that meeting instead of the General Manager of Perfect Fit in Monroe was because the General Manager was meeting with the Governor of Indiana. He stated that the best thing that could happen is that the company meets the requirements for the incentive and the County gives the incentive, because that would mean that the 180 existing jobs are kept in the County as well as getting an additional 50 new jobs. He said that he would not be supporting the motion. He stated that the incentive is about the jobs.

Vice Chairwoman Kuehler clarified her motion was not to rescind action. She said that what she heard Commissioners Baucom and Mills say over and over again, "I don't know", and "we should be cautious." She said that was the exact reason for her motion. She stated that the Board could talk about jobs all day long, and she did not disagree with anything that is being said. She stated that it is not about the jobs at the end of the day or justifying at the end of the day, but it is about legalities. She said there are laws and the Board has policies and procedures that are in question as to whether they were followed. She said that she was not willing to direct staff to sign a document that would get the County into legal trouble and go against the laws of the State. She

reiterated that her motion was not to rescind the Board's action from the last meeting. She said that there are a lot of questions that need to be answered, and that is what her motion entails.

Chairwoman Rogers requested that Vice Chairwoman Kuehler restate her motion which was as follows: to direct staff to work with whatever organizations and authorities that they deem appropriate to fully examine the specifics of the Perfect Fit economic incentive grant and to hold in abeyance any final agreements being signed until there is a full report given to the Board on the staff's findings.

Chairwoman Rogers asked Jeff Crook, Senior Staff Attorney, what was the status of the incentive grant agreement. Mr. Crook responded that the agreement has not been prepared. The Chairwoman stated that she has been told that the Board is bound legally and ethically by certain statutes and processes in awarding these incentives. She said that she is in favor of the incentives and economic development. She stated that as she had stated in the newspaper article, she did not know what happened or the sequence of events but she was not going to rush to any judgment at this point in time. However, she said she wanted to make sure that the Board does what it needs to do to cover itself legally and ethically. She asked Mr. Crook if he had any comments or recommendations for the Board.

Mr. Crook stated that he would be glad to address any legal issues in closed session if the Board would so desire. He said it should not take more than five minutes for him to address those issues.

Chairwoman Rogers said that she thought it would be worthwhile for Mr. Crook address those issues. At approximately 8:40 p.m., Chairwoman Rogers, moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege in accordance with G.S. 143-318.11(a)(3). The motion passed unanimously.

The Board members moved to the Conference Room, first floor, Union County Government Center where the Chairwoman convened the closed session.

At the conclusion of the closed session at approximately 8:50 p.m., Commissioner Mills moved to adjourn the closed session and to reconvene the regular meeting. The motion passed unanimously.

The Board members returned to the Board Room, and at approximately 8:51 p.m., Chairwoman Rogers reconvened the regular meeting. She recognized Vice Chairwoman Kuehler for further comments regarding this matter.

Vice Chairwoman Kuehler stated that she had a conversation with Maurice Ewing, President and CEO of the Union County Partnership for Progress, about this matter. She said that she told him that she had no intention of making a motion to rescind the Board's action and that she did not have enough information. She said all she was looking for is information. She said that at that point, Mr. Ewing agreed that the motion she made tonight was prudent, and she felt very comfortable in her motion and she would be supporting it.

Chairwoman Rogers added that there has been a lot of information in the press and sent in e-mails, but the bottom line is that the Board wants the jobs here, wants Perfect Fit to remain in the County, and wants it to expand its facility. She said it has nothing to do with that but it is the legal issues that the Board has to verify and make sure that requirements have been met.

Following the discussion, the motion passed by a vote of three to two. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioners Baucom and Mills voted against the motion.

Commissioner Mills announced that he needed to leave the meeting at this time (8:55 p.m.).

Vice Chairwoman Kuehler moved to recuse Commissioner Mills for the remainder of the meeting. The motion passed by a vote of four to zero. Chairwoman Rogers, Vice Chairwoman Kuehler, Commissioner Baucom, and Commissioner Openshaw voted in favor of the motion. Commissioner Mills did not vote on the motion.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

Chairwoman Rogers announced vacancies on the following Boards and Committees:

- a. Adult Care Home Advisory Committee (at least 6 Vacancies)
- b. Agricultural Advisory Board (1 Vacancy Expiring June 2010)
- c. Juvenile Crime Prevention Council:
 1. Substance Abuse Professional
 2. Two Members under the Age of 18
 3. One Member of Business Community

4. One Member Representing United Way or Other Non-Profit
5. One Commissioner Appointee
- d. Nursing Home Advisory Committee (at least 4 vacancies)
- e. Parks and Recreation Advisory Committee (1 vacancy for a member with a physical disability)
- f. Planning Board (Four vacancies as follows: One unexpired term for Regular member ending 4/20/2011; Two unexpired terms for regular members ending 4/20/2012; and one unexpired term for regular member ending 4/20/2013)

INTERIM COUNTY MANAGER'S COMMENTS:

Mr. Baker had no comments.

COMMISSIONERS' COMMENTS:

Commissioner Baucom said he had the opportunity to speak this past Thursday at the 75th anniversary of the founding of Natural Resources and Conservation Service (NRCS). He said that this organization was originally known as Soil Conservation Services and its name was changed in the 1980's to NRCS, a federal agency. He stated that NRCS does a lot of important work and its primary responsibility is to conserve the soil, the air, and the water. He said the anniversary celebration was held in Anson County, and he explained the significance of that location is that Hugh Hammond Bennett, who founded Soil Conservation, is a native of Anson County. He said it was quite appropriate that this celebration took place in Anson County, and this agency is very important and significant to Anson County, to this area, and to the nation. He stated that he was honored to be a participant in that celebration.

Commissioner Openshaw said he was relatively pleased to share that the Centralina Workforce Development Board, which represents the region minus Mecklenburg County from Anson County through Stanly, Iredell, and Rowan Counties, announced that Union County had the lowest unemployment rate in the region in August at 8.9 percent, which is 1.4 percentage points lower than the next closest rate of any of the other counties in the region. He noted that this was also below the State's average unemployment rate of 9.8 percent.

Vice Chairwoman Kuehler said that she attended a sporting event this weekend watching the bigger kids playing football. She said that at the very end of the game, one of the players was injured. She stated there was a medic on the scene, a young lady who was

very comforting. She said that the Hemby Bridge first responders arrived on the scene. She stated that she could hear them comforting the player, and they did a wonderful job. She expressed appreciation to all who were involved in working with the injured player that day.

She stated that she would be remiss in not mentioning that her eight-year old made two home runs during his game over the weekend in Columbia. She congratulated him on his home runs.

Chairwoman Rogers had no comments.

With there being no further matters for discussion, at approximately 9:00 p.m., Commissioner Baucom moved to adjourn the regular meeting. The motion passed unanimously.