

Approved 11/30/2010

Minutes of the Regular Meeting of
Monday, October 18, 2010

The Union County Board of Commissioners met in a regular meeting on Monday, October 18, 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. (joined the meeting at approximately 7:55 p.m.) and Commissioner Lanny Openshaw

ABSENT: None

ALSO PRESENT: Wes Baker, Interim County Manager, Lynn G. West, Clerk to the Board of Commissioners, Jeff Crook, Senior Staff Attorney, Keith Merritt, County 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.

a. Invocation

Commissioner Openshaw 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 Benefit Organization: Operation Reach-Out

Deb Stein stated that Operation Reach-Out was started 30 years ago by Modene Howie in a little church room. She said that last month, Operation Reach-Out provided food for over 850 families in Union County but stated that emergency food is only one of the programs provided by Operation Reach-Out. She said that Operation Reach-Out has three food programs: 1) Bible Study and Lunch – Monday thru Friday; 2) Dry goods pantry; and 3) a Perishable Food Pantry. Ms. Stein stated that Operation Reach-Out also assists when possible with medicines, furniture, clothing, etc. She said it has the resale program “Finders Keepers.” She stated that Operation Reach-Out also receives money from the Emergency Food and Shelter Program through the federal government. She said that its donations come from the goodness of the residents of Union County.

Ms. Stein said that Operation Reach-Out also offers a free dental clinic each year with the help of the North Carolina Baptist Men. She stated they also work with the Lord of the Harvest to provide Thanksgiving dinner for those who would go without. She said this year the dinner will be held at the Shrine Club in Monroe on Thanksgiving Day.

d. Employee Recognition: Service Award Recipients for the Month of October 2010

On behalf of the Board of Commissioners, Chairwoman Rogers recognized the following employees for full-time continuous service with Union County Government:

5 YEARS OF SERVICE

CHRISTOPHER BYRUM
KATHRYN APPENZELLER
TRACIA BENARD
SUZANN MILLS
WANDA CLONTZ

DEPARTMENT

SHERIFF’S OFFICE
SOCIAL SERVICES
SOCIAL SERVICES
TAX ASSESSOR
TRANSPORTATION AND NUTRITION

10 YEARS OF SERVICE

MILISSA MEADOR
NEAL GASTON
DANIEL FORTENBERRY

DEPARTMENT

HEALTH
PUBLIC WORKS
SHERIFF’S OFFICE

15 YEARS OF SERVICE

JULIE MOORE
JOHN GORE
KEVIN JAMES
CHRISTOPHER MEDLIN

DEPARTMENT

HEALTH
SHERIFF'S OFFICE
SHERIFF'S OFFICE
SHERIFF'S OFFICE

20 YEARS OF SERVICE

MARY MILTON
WARREN STEPHENS

DEPARTMENT

REGISTER OF DEEDS
SHERIFF'S OFFICE

INFORMAL COMMENTS:

Jim Bention, Sr., stated that he resides at 302 Tucker Street, Monroe, NC. He presented a recommendation from the Union County Republican Executive Committee that the Union County Board of Commissioners not hire a new County Manager until the new Board of Commissioners is seated.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

Chairwoman Rogers requested the addition of an item to the Regular Agenda entitled Voluntary Mitigation Payments as Item 14b. She stated that Item 14 on the Regular Agenda – Creation of a Library Strategic Plan Steering Committee would become Item 14a.

Further, she requested removal of Item 15 from the Regular Agenda – Discussion of Health Benefits for Commissioners.

Vice Chairwoman Kuehler requested removal of Item 16 from the Regular Agenda – Discussion of Legal and Ethical Concerns.

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 one. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioner Baucom voted against the motion. Commissioner Mills was not present at the time of this vote.

CONSENT AGENDA:

Vice Chairwoman Kuehler moved approval of the items as listed on the Consent Agenda. 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 was not present at the time of this vote.

Contracts and Purchase Orders Over \$20,000: Authorized the Manager to approve the following, subject to legal review: 1) Health Department Memorandum of Agreement with Union County Schools for School Health Services; b) Purchase Order to Spex Forensics for purchase of a desktop AFIS/APIS Automated Fingerprint Identification System at the cost of \$36,110; and 3) Addendum to Internet Service Provider Agreement with Time Warner Cable.

Minutes: Approved minutes of the regular meeting of October 4, 2010, and special meeting of July 28, 2010.

Budget Amendment for Crisis Intervention Program: Adopted Budget Amendment #7 to accept two (2) funding authorizations for a total of \$177,160 in additional federal funding for the Crisis Intervention Program -Low Income Home Energy Assistance Program as recorded below:

BUDGET AMENDMENT							
BUDGET	DSS			REQUESTED BY	Dontae Latson		
FISCAL YEAR	FY2011			DATE	October 18, 2010		
<u>INCREASE</u>				<u>DECREASE</u>			
<u>Description</u>				<u>Description</u>			
Operating Expenses			177,160				

Federal Revenue		177,160				
Explanation:	Appropriate additional federal funds for the DSS, Crisis Intervention Program.					
DATE			APPROVED BY			
				Bd of Comm/County Manager Lynn West/Clerk to the Board		
FOR POSTING PURPOSES ONLY						
DEBIT			CREDIT			
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>		
10553160-5399-1509	Public Assistance	177,160	10453160-4340-1509	Federal Funding		177,160

State Utility Contractors	\$	145,000.00
Dellinger, Inc.	\$	88,862.00
Wingate Excavating	\$	55,305.00

Report of Fire Conditions: Approved certification of annual Reports of Fire Conditions for 18 volunteer fire departments which includes appointment of the following Trustees from each fire department as recommended by the respective departments:

1. Allens Crossroads VFD - Thomas Baker and Dwayne Cook
2. Bakers VFD - B. Ivan Secrest and William T. McCain
3. Beaver Lane VFD - Baxter Jordan and Tonya Johnson
4. Fairview Fire and Rescue - Brian C. Austin and Jody Mills
5. Griffith Road VFD - Steve Brooks and David Fuss
6. Hemby Bridge VFD - Kevin Tice and Paul Ramsey
7. Jackson Community Center & VFD - Albert Starnes and T. C. Carter
8. Lanes Creek VFD - Jackie Price and Mrs. Shirleen Tucker
9. Mineral Springs VFD - Robert Belk and Tony Belk
10. New Salem VFD - Larry R. Clontz and Garry S. Moore
11. Providence VFD - Andrew Ansley and Daryl Matthews
12. Sandy Ridge Fire and Rescue - Teresa McBryde and Jamil Hudson
13. Stack Road VFD - Tony Helms and Ralph Funderburk
14. Stallings VFD - Jimmy Younts and James E. Hinson
15. Unionville (Town of) - Billy Canupp and Johnny Griffin
16. Waxhaw VFD - Ron McGarvey and David Williams
17. Wesley Chapel VFD - James Kubach and James Mullis
18. Wingate (Ames) VFD - R. Braddock Sellers and W. Elliott Ward

Budget Transfer Report for September 2010: Approved Budget Transfer Report for September 2010.

Information Only – No Action Requested: Included in the agenda package but with no action required were the following: 1) Lighting Text Amendment Status Memo; and 2) Department of Inspection’s Monthly Report for September 2010.

PUBLIC INFORMATION OFFICER’S COMMENTS:

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

1. A flu shot clinic will be held on Tuesday, October 26, 2010, from 1:00 p.m. to 7:00 p.m. at the Health Department. The clinic is for anyone 18 years of age and older. BlueCross BlueShield, Medicaid and Medicare are accepted, and the cost to noninsureds is \$25. Appointments can be made with the Health Department for flu shots for children.
2. Early voting is underway at the Union County-Monroe Library (Monday thru Friday from 8:30 a.m. to 6:00 p.m. and Saturdays from 9:00 a.m. to 1:00 p.m.), Stallings, Hemby Bridge and Wesley Chapel Volunteer Fire Departments, and the Wingate Community Center (Monday thru Friday from 10:00 a.m. to 6:00 p.m. and Saturdays from 9:00 a.m. to 1:00 p.m.). Anyone wishing to register to vote can do so at the early voting sites. The early voting ends on October 30th.
3. Judge Bragg invited all of the candidates for the seats for the North Carolina Court of Appeals and the North Carolina Supreme Court to interview with him. The interviews are airing daily on the County’s government channel.
4. The Low Income Energy Assistance Program will be accepting applications from November 1 through November 12 from 8:00 a.m. to 5:00 p.m. at the Department of Social Services’ Office located at 1212 West Roosevelt Boulevard. Eligible applicants will receive a one-time cash payment to assist with their heating bills.
5. The Union County Christmas Bureau opens on Monday, October 25th at 2107 West Roosevelt Boulevard (former Big Lots Building) next to the Monroe Crossings Mall.
6. The Warriors and Warbirds Veterans Day Event will take place on Saturday, November 6 and Sunday, November 7 at the Charlotte-Monroe Executive Airport. Advanced purchase tickets are available at Monroe City Hall or the airport. The re-enactment of the bombing of Pearl Harbor entitled Tora, Tora, Tora will be featured again this year.

7. The Monroe and Marshville library branches are offering homework help to students in the first through eighth grades on Mondays thru Thursday from 4:30 p.m. to 6:30 p.m. at no cost. Teen volunteers will provide the homework help.
8. The Building Inspections Department and Environmental Health Department have moved to the seventh floor of the Government Center due to the Government Center Renovations taking place on the ground floor.

COMPREHENSIVE LAND USE PLAN:

Vice Chairwoman Kuehler moved adoption of the revised Comprehensive Land Use Plan to include the additions and deletions indicated in the draft, as well as the revised future land use map, regarding a wastewater treatment plant and park symbol locations, a copy of which is attached as Exhibit “A” and incorporated herein by reference.

Commissioner Baucom stated that he would encourage the Board not to adopt the Comprehensive Land Use Plan because Legacy Park is not included in the plan and has been removed from this version. He indicated that a lot of work has been done on Legacy Park. He explained that this project is 1,000 to 1,500 acres of proposed industrial park just east and northeast of Marshville. He said that there has been work on this project for three years with involvement from the State of North Carolina, some large industrial corporations, and the Partnership for Progress. He stated that he could not fathom this project not being included in the plan. He said that this is a comprehensive plan for land use, and there is absolutely no reason for this project not to be included.

Commissioner Baucom offered an amendment to the motion to include Legacy Park on the map and any aspects of Legacy Park referred to on the original draft of the plan.

Vice Chairwoman Kuehler commented that the Board held a work session on October 13, 2010, where this item was discussed. She stated that it is her understanding that the Legacy Park zoning is actually under the ETJ zoning jurisdiction of Marshville, and the zoning in that area is conducive to zoning for the park. She said that she has reviewed the County’s Land Use Plan, land use plans of municipalities, and this Comprehensive Land Use Plan, and land use plans are the visionary zoning tool for development in the County. She noted that there are no other developments listed in the draft Comprehensive Land Use Plan, and she has never seen projects by name on plans. She said that while she understands that there is a vision known as Legacy Park, it does not own any land at this point, and the zoning is conducive for the park in that area and under Marshville’s jurisdiction, so she does not see the value of changing the draft plan by including a delineation of the development project on the map. She said such delineation has not been done in the past for other proposed projects.

Commissioner Openshaw pointed out that there is an area on the map above the Highway 74 symbol on the far right-hand side for an additional employment center defined as Office, Industrial and other, which he assumed would include the rail yard, and there is also a red demarcation for commercial. He said as Vice Chairwoman Kuehler had mentioned, Wingate and Marshville were granted ETJ up to a mile.

Chairwoman Rogers stated that there was an amendment to the motion on the floor as offered by Commissioner Baucom. She called for a vote on the amendment, which failed by a vote of one to three. Commissioner Baucom voted in favor of the amendment. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted against the motion. Commissioner Mills was not present at the time of the vote.

The Chairwoman called for a vote on the original motion by Vice Chairwoman Kuehler, which passed by a vote of three to one. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioner Baucom voted against the motion. Commissioner Mills was not present at the time of the vote.

JAIL EXPANSION RECOMMENDATIONS:

Wes Baker, Interim County Manager, stated that this item was discussed at the August 11, 2010, work session, and he recognized Barry Wyatt, General Services Director, along with Sheriff Cathey for their comments.

Sheriff Cathey reviewed that the jail expansion is an ongoing project that has been in place since 2004. He said that they have in place everything that has been recommended including pre-trial release, etc. He stated that today there are 67 inmates sleeping on the floor. He asked if the Board was interested in considering locating the E-911 center on the second floor of the Sheriff's Office. He said that he thought it was a good time to consider locating that center to the Sheriff's Office.

Vice Chairwoman Kuehler said her understanding of what is attempted to be accomplished at this point is to look at the project again. She noted the original estimate of beds was 648, and now it continues to be referenced as 448. She asked for a clarification of the number of beds.

Mr. Wyatt stated that the new updated projection is for 424 beds, but explained if the additional 224 beds in the original plan were included, the number would be 648.

Vice Chairwoman Kuehler reviewed the updated numbers and stated that there is an assumption in the documentation provided that a reduction to the 224 beds would result in a cost reduction of \$6.4 million. She asked for an explanation of how those savings were derived. Mr. Wyatt explained that based on the construction estimate just for housing, half of the housing cost estimate equates to approximately \$6.4 million but does not include all of the ancillary costs of furnishings, etc. He stated that if the Board decides it wants to proceed with the 424 beds now and possibly postpone the other 224, when the project is bid, he would recommend bidding the project at 224 at a base bid and include an add alternate for the additional 224 in the event prices really come in good. He said that in essence if the additional 224 beds could be constructed for four million dollars, it might be a wise decision to do so particularly if the Sheriff could use that space in the interim for housing federal inmates or inmates from surrounding counties to create a revenue stream.

Sheriff Cathey commented that he thought the space could be used, as other jails around the State have done this and leased the property out to federal inmates and received revenue until there is a necessity for the County to use the space.

In response to a question by Vice Chairwoman Kuehler regarding the cost estimates for an E-911 center, Mr. Wyatt stated that there is not a good estimate at this time.

Vice Chairwoman Kuehler asked Mr. Wyatt to explain why a revisit and redesign of the project would cost over a half a million dollars. Mr. Wyatt stated that all of the potential changes in the design are not known until the project is revisited, which would include study of the updated building codes and what impact changes in state law might have.

Chairwoman Rogers agreed that the half million dollar figure for revisiting and redesigning of the project seemed high to her as well. She asked if there would be a downside to reducing that number. Mr. Wyatt stated that the \$500,000 is the architect's best guess, because they do not know what the changes are at this time and what the impact of those changes would be on all of the drawings. Chairwoman Rogers stated that she would rather see this number as a not to exceed amount of \$250,000.

She said that she would like to receive more information about the E-911 Center and information as to whether this would be the right location for it before spending \$76,000 for design of the center.

Mr. Wyatt asked if a \$300,000 to \$350,000 figure would be acceptable for the not to exceed amount for revisiting the work done to date on this project.

Commissioner Baucom asked if it would be possible to get a line item estimate from the architect on the cost of revisiting the project. Mr. Wyatt responded that it would probably not be possible to obtain an estimate, because the architect would have to go through all of the drawings to determine how the changes in the building code may have affected what is already on paper. He said that if there is a huge change in the code that requires a complete redesign that would affect not only architectural design work but also electrical, mechanical, plumbing, and security, then it will be expensive.

David Cannon, Finance Director, stated that this amount would be in addition to the \$4.8 million budget for the architect and engineering costs for the project. He noted that they are not asking for the additional appropriations at this time, because the architect and engineering costs would go through the construction phase, but staff would have to come back to the Board for the additional funding.

Commissioner Baucom asked if the County was committed on the firm to do the architect and engineering services. Mr. Wyatt explained that because the project is so far along, it would be like starting over to bring another architect and engineering firm in to redesign the work. Commissioner Baucom asked Mr. Wyatt to state in his best analysis what the study could be done for in regards to the additional 224 and 448 beds and the E-911 Center. Mr. Wyatt responded that he thought the cost would be approximately \$76,000 to revisit the E-911 Center. He said that he would not want to go into the revisit of the project with less than a not to exceed amount of \$350,000 and \$76,000 for the E-911 evaluation, if the Board wants to include the E-911 at this time. He stated that there is nothing that says that the E-911 study has to be done at this time, but he said that staff could not come back to the Board after the revisit and discuss anything more about the E-911 center than what it has already provided the Board in the information included in the agenda package.

Commissioner Baucom said that it seems to be an opportune time to get the additional space for Communications and have some synergy between the Sheriff's Office and E-911. Sheriff Cathey stated it would be a secure location for the E-911 Center. He noted that there was some concern expressed a few years ago because of the closeness of the facility to the railroad track. He said that his opinion is that there would be a concern wherever the Communications Center is located.

Commissioner Baucom moved to proceed with the study with the three components being considered separately: 1) 224 bed addition; 2) 448 bed addition; and 3) the E-911 addition in an amount not to exceed \$400,000 for all components.

Commissioner Openshaw stated that the former Homeland Security Director had advised against locating the E-911 Center at the jail location because of the amount of hazardous materials transported via the railroad track and the prevailing winds. Therefore, he said he was not in favor of locating the E-911 Center at the Sheriff's Office, but he thought it probably is the less expensive alternative. He said that the plan that was presented to the Board at the August 11, 2010, work session looked to be a good and logical plan, but he had a concern because the architects that had completed the needs assessment survey would be doing the work.

Mr. Wyatt explained that when the initial needs assessment was completed, the architect brought in Carter Goble Associates to complete that assessment. He said that this time the architect did not bring the Carter Goble firm in, but the County contracted directly with Carter Goble to complete the update. He stated that there was some arm's length distance from the architect on the last revisit.

Chairwoman Rogers said that based on her experience of working in an architectural firm, typically the needs assessment, master plan, evaluation, etc. are done by the architect/engineering company that then performs the work. She said that she understood there is a risk as Commissioner Openshaw mentioned, but there is also a potential for a cost savings. Commissioner Openshaw stated that a needs assessment survey would determine the best use of the existing facility.

Vice Chairwoman Kuehler said that she has a concern with the E-911 Center. She asked if there is an agency or organization within the State that could provide an assessment of the site as it relates to the appropriateness of placing the E-911 Center that close to the railroad.

Mr. Wyatt responded that the current plan is to retain the E-911 Center that is located in the Government Center as a backup facility. He explained that technology is available to allow all of the emergency calls and dispatch to be transferred to another location. He said that with a new Communications Director being hired fairly soon, he thought this was an issue that needs to be addressed.

Vice Chairwoman Kuehler commented that this technology would also come at a cost to the County, and questioned at what point, do the technology and ability start to offset the fact that it is cost effective now to locate the E-911 Center at the Sheriff's Office.

Ben Bailey stated that Union County is a part of the Urban Area Security Initiatives (UASI) and currently eight of the ten counties included in it have done what Mr. Wyatt had mentioned earlier which is to allow their emergency calls and dispatch to be

transferred to another location. He said that the eight counties which have done this have contracted with the same provider for that service, and they have approached Union County to open discussions about performing that service. He stated that there are some opportunities to create that type of backup.

Sheriff Cathey stressed that the E-911 Center is a County project and not a Sheriff's Office project. He said that he thought the Sheriff's Office location is a good place for the E-911 Center.

Chairwoman Rogers offered an amendment to the motion to remove the E-911 Center from the design and reduce the not to exceed amount to \$300,000 in order to move forward with the jail project. She said that she thought there was time for the Board to get answers regarding the E-911 Communications Center, and stated that in her opinion this part of the project could always be added back in.

The Chairwoman called for a vote on the amendment, which failed by a vote of two to two. Chairwoman Rogers and Vice Chairwoman Kuehler voted in favor of the amendment. Commissioners Baucom and Openshaw voted against the amendment. Commissioner Mills was not present at the time of the vote.

Chairwoman Rogers called for a vote on the main motion by Commissioner Baucom, which failed by a vote of one to three. Commissioner Baucom voted in favor of the motion. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted against the motion. Commissioner Mills was not present at the time of the vote.

[Commissioner Mills joined the meeting at 7:55 p.m.]

Commissioner Baucom moved to proceed with the study with the three components being considered separately: 1) 224 bed addition; 2) 448 bed addition; and 3) the E-911 Center in an amount not to exceed \$375,000 for all components.

Chairwoman Rogers called for a vote on the motion, which failed by a vote of two to three. Commissioners Baucom and Mills voted in favor of the motion. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted against the motion.

Vice Chairwoman Kuehler moved to proceed with the study with the two components being considered separately: 1) 224 bed addition; and 2) 448 bed addition in an amount not to exceed \$350,000. She specified that her motion excluded the E-911 component.

Commissioner Mills asked what the concern was with including the E-911 center. He said that he had talked with Sheriff Cathey and others, and he thought at some point the E-911 operations would need to be under the purview of the Sheriff. He stated that he thought it would be shortsighted on the Board's part not to pursue this component especially with the current bid climate and with a new Communications Director soon to be hired. He said that he thought this was a really good opportunity to move this area forward and thought it was a grave error not to start the process now. He asked that the Board reconsider including the E-911 Center in the study.

Sheriff Cathey reiterated that he thought it was time to consider relocating the E-911 Center to the Sheriff's Office facility campus.

Vice Chairwoman Kuehler said that she did not disagree with the Sheriff, but she has heard and has had confirmed what she considers to be valid reservations about the E-911 Center. She stated that she would like to investigate those reservations more. She explained that the motion was granting the ability for the Sheriff to move forward with a study on the jail without putting in the kibosh on the E-911 Center and allow the Board more time to vet what has been said about this location before spending \$76,000 on the study.

Commissioner Mills stated that he completely respected Vice Chairwoman Kuehler's position that the jail study needs to move forward, but with the current bidding environment, he thought the money would be well spent to include a study on the location of the E-911 Center. He reiterated that he would like the Board to reconsider including the study on the E-911 Center, because he thought it was a very smart, wise, and prudent business decision to begin the process now.

Chairwoman Rogers pointed out that by removing the E-911 Center from the study, it did not cancel it, and it could still be added back in at a later time. She said that in order to move the project forward, the jail could be separated out and then look at the E-911 component later and it could be added to the contract, if needed.

Mr. Wyatt noted that in looking at the E-911 center, a schematic design cost estimate could be done in approximately 30 days. However, he said that the revisit of the work already done is estimated to take approximately 90 days, so if within 45 days, the Board decided it wants to look at the E-911 Center component, it would be within the timeframe that it could be included.

Chairwoman Rogers restated the motion as follows: to proceed with the study with the two components being considered separately: 1) 224 bed addition; and 2) 448 bed addition in an amount not to exceed \$350,000 removing the E-911 Center component. The motion passed by a vote of three to two. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Baucom voted in favor of the motion. Commissioners Mills and Openshaw voted against the motion.

DEFINITION OF FILL:

Jeff Crook, Senior Staff Attorney, stated that some time ago, the Planning Board had requested a definition of fill within the context of the regulation requiring “no build, no fill” in the special flood hazard areas. He said that staff proposed a definition at the request of the Planning Board and recommended against adoption, because staff felt like it is a basic term that did not require a definition that might hamper flexibility in the future. He reviewed that when the matter came before the Board initially, some concern was expressed because bona fide farms are generally exempt from zoning in North Carolina, and he was requested to look into the consistency of the federal regulations with this zoning provision in the State Statutes.

Mr. Crook said that to participate in the National Flood Insurance Program, the Federal Regulations require that local governments adopt adequate floodplain management regulations consistent with federal criteria. He stated that the local regulations must be legally enforceable and applied uniformly throughout the community to all privately and publicly owned land and flood prone areas. He said that the County also relied on authority other than zoning in adopting the flood damage prevention regulations of the ordinance and relied on separate statutory authority. He stated that these are encompassed in the County’s Unified Development Ordinance along with zoning and other requirements as well.

He said that in November 2009, the Board adopted amendments to the Land Use Ordinance prohibiting building and fill in the floodplain, but the Board carved an exception for bona fide farms. He stated that no build/no fill does not apply on farms provided that engineering studies show there is no increase in flood levels during occurrence in the base flood elevation. He said the question was whether or not the flood provisions were properly drawn and not inconsistent with the zoning provisions. He stated that he thought this was correct. He noted that he had checked and all 100 counties participate in the National Flood Insurance Program. He reiterated that staff had recommended against adoption of a definition of fill.

Commissioner Openshaw moved to approve an amendment to Section 384 of Article XXIV of the Union County Land Use Ordinance (Flood Damage Prevention) to add a definition for the term “Fill” as follows:

“Fill” means material from any source placed inside the SFHA causing a permanent increase in existing ground elevations.

Commissioner Openshaw stated that he appreciated Mr. Crook’s input; however, he thought there needed to be specificity. He said that granted it is not iron clad as it is, but he thought there needed to be more specificity than subjectivity.

Mr. Crook reminded Commissioner Openshaw that the statutes require approval of a Consistency Statement if the amendment is approved. He asked if Commissioner Openshaw’s motion included adoption of the Consistency Statement as well.

Commissioner Openshaw agreed that his motion included approval of the following Statement of Consistency:

“Amendment to Section 384, Definitions.

Pursuant to N.C.G.S. §153A-341, the Board of County Commissioners does hereby find and determine that adoption of the proposed text amendment is consistent with the adopted Union County Land Use Plan, and that adoption of the proposed text amendment is reasonable and in the public interest, because the amendment will clarify what is meant by the term “fill” as applied in the flood management provisions.”

Commissioner Baucom commented that the County’s legal staff has recommended against adopting the amendment. Secondly, he said of the seven members on the Planning Board that asked for this definition, four of the members have resigned, so there are only three members remaining on the Planning Board who asked for the information. He said that he would be voting against this motion, and then offered an amendment to refer this matter back to the Planning Board to get its position on this definition and its determinations of it.

Chairwoman Rogers stated that the amendment is against the motion on the floor. Commissioner Baucom responded that his amendment was not against the motion, and his amendment only refers it back to the Planning Board because it is a new Planning Board, since the majority of the Planning Board resigned.

Commissioner Openshaw said he has been told 100 percent of the Planning Board at the time approved asking for the definition, and so that means 100 percent of the current sitting members approved it.

Commissioner Mills questioned if the proposed definition had been sent to the Planning Board for review. Mr. Crook responded that it has not been sent to the Planning Board. He clarified that the definition had not changed.

Chairwoman Rogers called for a vote on the amendment, which failed by a vote of two to three. Commissioner Baucom and Commissioner Mills voted in favor of the motion. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted against the amendment.

The Chairwoman next called for a vote on the main motion on the table, which included adoption of the Statement of Consistency. The motion passed by a vote of three to two. Chairwoman Rogers, Vice Chairwoman Kuehler, and Commissioner Openshaw voted in favor of the motion. Commissioner Baucom and Commissioner Mills voted against the motion.

PERMIT EXTENSION ACT:

Wes Baker, Interim County Manager, explained that the Permit Extension Act of 2009 extended the time period for which certain “development approvals” as defined by the Act and certain associated vested rights would be valid. He said that in essence it extended them beginning January 1, 2008, and ending December 31, 2010. He stated that the 2010 Amendment to the Permit Extension Act adds another year to that timeframe. He said that the Amendment added three conditions for qualifying for an extension of the development approval. He stated that if the Board wishes to approve the amendment, no action by the Board is necessary. He said that if the Board chooses to opt out of the amendments, a draft resolution is included in the agenda package for the Board’s consideration.

Commissioner Openshaw moved to not opt out of the amendments.

It was noted that no action was necessary for the Board to not opt out of the amendments.

DISCUSSION OF REDRAFT OF WATER & SEWER EXTENSION POLICY:

Wes Baker, Interim County Manager, recognized Ed Goscicki, Public Works Director, to explain this item.

Mr. Goscicki said that the purpose of tonight's presentation is to provide the Board with an update on the status of the redraft of the County's Water and Sewer Extension Policy. He stated that staff has been working on the redraft for approximately one year. He pointed out that the current policy has been in place since 1997 and was updated in 2001 and 2005 with some additions. He explained that the basic purpose of the policy is to create the framework for how new development works in the County in terms of water and sewer infrastructure.

He noted that the current policy assumes that all projects are treated with the same degree of priority, and there is nothing in the line extension policy that deals with allocation on a priority basis and assumes there is plenty of capacity. Mr. Goscicki stated that is the reason the County has a separate sewer allocation policy and a separate water allocation policy.

He said that the current policy has grown over time and has been cobbled together as issues have occurred. He stated that the policy is disjointed in its approach. He cited some examples of how the current policy is disjointed in its approach as follows:

1. Approval of the projects is through the State permitting process.
2. Water and sewer capacity fees are treated differently (One-half of the sewer capacity fees are paid upfront and half of the fees are paid three years later or whenever the meter is set to physically connect, whichever comes first. Water capacity fees are all paid on the back end.)
3. Capacity allocation is tracked outside this process.
4. No clear process for acceptance of ownership.
5. No clear process for acceptance of ownership of the infrastructure.
6. Policy is "cluttered" with extraneous issues.
 - a. Leak credit policy
 - b. Hydrant use
7. No defined policy for dealing with "off-site" improvements.

Mr. Goscicki discussed briefly the process that has been used in redrafting the policy. He said that an outside consultant was brought in to help with the policy on the front end. However, he stated that most of the work has been done by the County staff. He said that there is a draft policy that has been reviewed at the Manager level. He reviewed the following features of the proposed policy:

1. Union County will approve the project and not the State.
2. Capacity is defined in the review process and allocated through a “Standard Agreement” incorporated in the policy.
3. Provides for defined coordination procedures between the County and the multiple planning jurisdictions. He said that the current policy does not address the planning jurisdictions at all.
4. Water and sewer capacity fees and capacity allocation are treated the same.
5. Policy specifically addresses over sizing and off-site improvements.

In response to a question by Vice Chairwoman Kuehler, Mr. Goscicki stated that he has worked personally in a number of jurisdictions with these issues, and, as a consultant, he helped to develop this type of policy for another jurisdiction. A Development Review and Approval Flow Chart was provided in the agenda package. He said that the basic framework of the proposed policy is very similar to the current policy.

Mr. Goscicki highlighted some of the drivers of the new policy to be:

1. Discourages developers from tying up large quantities of capacity for a long period of time.
 - a. Shifts capacity fee payment up front.
 - b. Puts more constraints and conditions on partial acceptance of line extensions.
 - c. Idle projects will forfeit their capacity allocation.
2. Levels the playing field
 - a. Off-site improvements and over sizing responsibilities defined
 - b. Review and approval processes are clarified
3. Implies that Union County will keep pace with capacity needs

He reviewed the next steps in the process:

1. Union County Public Works will meet with affected stakeholders to review policy and receive comments.
 - a. Developers
 - b. Homebuilders
 - c. Planning agencies
2. Revise draft policy/ordinance
3. Draft companion policies

4. Conduct a workshop with Board of County Commissioners

Vice Chairwoman Kuehler stated that one thing she did not see in the review is the concept that once someone has gotten a tap and it is not being used by a certain date, they would be charged. Mr. Goscicki said that is one of the ways of looking at the capacity fee. He stated that the range that they are considering is paying all of the capacity fees up front, and another way would be that a portion of the capacity fee would be paid up front when the water and sewer lines go in the ground, and the County has accepted them, even if there is no connection for a home or business, the owner would start paying an availability fee.

Vice Chairwoman Kuehler asked the contemplated timeframe for receiving the community input. Mr. Goscicki responded that he is looking at the next month or two.

Commissioner Openshaw said that Charlotte has a policy that addresses some of these issues. He stated that on the one hand under the proposed policy, the developers are paying more up front than they have for a period of years. He said that under the current policy, if someone else comes in and taps into the line, they do not have any capital cost but they have the capacity fees. He stated that it seems to him that the equitable solution would be to have the developer get a percentage of his costs returned.

Mr. Goscicki responded that Charlotte-Mecklenburg Utility Department's (CMUD) model is one of the models they have reviewed, and it is similar to a model that he used in a community where there was a reimbursement agreement within a defined timeframe.

At the conclusion of the presentation and questions, at approximately 8:35 p.m., the Chairwoman called for a ten-minute recess.

At approximately 8:45 p.m., the Chairwoman reconvened the regular meeting and called the next item on the agenda.

PERFIT FIT INCENTIVE GRANT DISCUSSION:

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

Mr. Baker stated that at the Board meeting of September 20, 2010, the Board offered an incentive grant to Perfect Fit Industries, and, at the last Board meeting, which was on October 4, 2010, the Board asked the staff to hold off on the incentive grant

until further research was done. He said that questions had arisen as to whether or not a competitive situation existed at the time the Board voted to award the grant. He said that John Beliveau from Perfect Fit Industries met with representatives from the Union County Partnership for Progress, Monroe City officials, and officials from the State of North Carolina in July concerning incentive grants. He said that he initially ran the numbers for this particular project in July, and based upon the proposed grants being offered by the City of Monroe, Union County, and the State of North Carolina, the company tentatively determined that it would make the move from Indiana to North Carolina.

Mr. Baker explained that at that time when Perfect Fit tentatively determined to move, although it was not official yet, it executed a WARN notice in Indiana. He pointed out that a WARN notice is not binding but is required by federal law, and depending on the timing of the move, they felt that they needed to issue the notice at that time. Mr. Baker stated that Perfect Fit has not closed its entire plant in Indiana, and there is still an electric blanket facility in Indiana that employs 30 people at that plant. He said that if Perfect Fit elects to close that facility, it will have to issue another WARN notice for the 30 employees involved. He stated it was not uncommon for companies to make tentative determinations based upon proposed incentive grants. He said that in this particular case, this item was initially going to be on the Board's agenda for the mid August meeting, but that was postponed because the company had a prior commitment. He stated it was on the agenda for the September 7, 2010, meeting and the County was told that the President of the company was meeting with the Governor of Indiana at that time. He said that this is the reason that this item was not voted on by the Board of Commissioners until September 20, 2010.

He said that just because the grant has been offered does not mean that a final determination has been made, and, at any point in time, a company can decide that it is not going to move. He stated that in fact there have been several incidences where the Board of Commissioners has offered and proposed an incentive grant to a company but yet that company decided not to come to Union County. He said that up until the time a company moves to Union County, there is always the option of the company going to another location if they get a better offer or better conditions exist somewhere else. Mr. Baker said at this time, staff is asking the Board to direct staff to proceed with an incentive grant agreement with Perfect Fit if the Board so desires.

Commissioner Mills moved to direct staff to proceed with the incentive grant agreement with Perfect Fit Industries.

Vice Chairwoman Kuehler asked Mr. Crook, Senior Staff Attorney, for clarification of the legal requirements of offering the grant. She asked if there has to be a competitive situation in order for the grant to be offered.

Mr. Crook responded that he has advised the Board regarding the legal standard for offering an incentive grant. He said if the Board wanted to hear this information again, he would be glad to provide that in open session.

At the request of Chairwoman Rogers, Mr. Crook said that Maurice Ewing, President of the Union County Partnership for Progress, has referred to it as the "but for" incentive test. He explained that the incentive has to serve as the inducement for the investment by the company, and this is the test that the Board must consider. He said that there must be a sufficient amount of evidence to support that condition, which is a factual determination for the Board.

Commissioner Openshaw asked Mr. Crook to restate his comments. Mr. Crook stated that it is a factual determination for the Board of Commissioners in applying that legal standard. He said that the question is whether or not what the Interim Manager has indicated is sufficient for the Board to find that there was a competitive situation and the grant did indeed serve as an inducement for that investment.

Chairwoman Rogers repeated that the basic question is "Was there a competitive environment" and it would be up to the Board to decide that question. She asked if there was any legal judgment to be made if the Board decides one thing and somebody comes in and says the facts were wrong. Mr. Crook responded that he thought it was a judgment for the Board, and he would not allow the Board to make a decision that he thought was totally unsupported by fact.

Chairwoman Rogers asked Mr. Crook if it were fair to say that he felt that the facts in this situation are sufficient to cover the Board legally. Mr. Crook replied that he thought they were sufficient.

Vice Chairwoman Kuehler asked who had put together the timeline. Mr. Baker stated that Michael Trotter of the Partnership for Progress had prepared the timeline.

Vice Chairwoman Kuehler questioned when the grant was approved by the State of North Carolina. Mr. Trotter stated that the forms were provided to the company on August 2, but the company delayed in filling out those forms in the manner in which the State wanted the forms returned to it. He said that it almost appears that in this case the One North Carolina grant was awarded twice because the company did not provide the forms back to the State in an appropriate time.

Vice Chairwoman Kuehler said that she was under the impression when the Board had asked for more information, that it would be provided with some type of information about meetings or negotiations or conversations that occurred between Perfect Fit

and the entities that were involved, and none of that information was provided. Mr. Trotter said that he did not have any knowledge of what meetings took place between the company and the other entities, but he had called Indiana the other day asking for information that would provide dates, etc. He stated that unfortunately he has not received any of that information.

The Vice Chairwoman stated that she was able to speak with Commissioner Gregory in Martin County, Indiana. She said that he is the Commissioner in the district where Perfect Fit is located in Indiana and also serves on the Martin County economic development committee and is very involved with the economic development movements going on for the State of Indiana. She stated that she had initially e-mailed him, and he had surprised her with a telephone call today. She said that what he had shared with her was quite disturbing in that they were told in July that Perfect Fit was leaving, there was no deal to be had, and they would not entertain any offer, and did not want to be asked. Vice Chairwoman Kuehler said that Commissioner Gregory had said that the economic development committee had asked for a meeting with Perfect Fit in Indiana, which it finally got, and he indicated it was not even given a 10 minute meeting. He said that they had barely sat down before the company's representatives indicated it would not be negotiating and had no interest in keeping that location open. She stated that Commissioner Gregory had indicated that Indiana would have liked to have been in a competitive situation with Union County, and would have relished that opportunity but was not given the opportunity.

Vice Chairwoman Kuehler said that Commissioner Gregory is willing to put all of this information in writing. She stated that sitting here tonight, she does not see by any standard, that she can find facts to support that the inducement was what brought Perfect Fit to Union County and that there was ever a competitive situation based on the information received from Commissioner Gregory.

Mr. Trotter responded to Vice Chairwoman Kuehler's comments by saying that when the Partnership for Progress first met with representatives of Perfect Fit, it was on July 26, and it was presented to them as a competitive situation. He said that as Mr. Baker mentioned, after that meeting, he quickly provided some incentive numbers, and a joint letter from the City of Monroe and the County was provided to Perfect Fit of what incentives could be offered by both the City and the County. He stated that on July 30, 2010, Perfect Fit indicated that it was prepared to move forward based on the information provided in the letter from the City of Monroe and the County. He said that if the folks in Loogootee, Indiana, were attempting to be considered, it might have coincided with that schedule.

Mr. Baker said that staff had tried to contact the Governor of Indiana but never received a return call from the Governor's Office.

Chairwoman Rogers asked Mr. Crook, based upon the information that has been shared, did he still feel comfortable with his earlier position. Mr. Crook reminded that what he had said was that it is a factual determination and compared the Board's position tonight as somewhat analogous to that of a jury. He said that the point he had made was that he thought there was sufficient information upon which the Board could base a decision in support of the incentive grant. He stated that, obviously, Vice Chairwoman Kuehler has information that she has gathered that is contrary to that, and again, he thought it was an issue for the Board to weigh those factors.

Chairwoman Rogers asked Mr. Crook if he still did not see any legal reason for the Board not to move forward given the new information provided by Vice Chairwoman Kuehler. Mr. Crook said that as long as there is a sufficient basis and the Board is comfortable with the facts that have been presented by the Interim Manager and the Partnership for Progress, he thought it could be supported from a legal perspective.

Chairwoman Rogers reminded that there is a motion on the floor to direct staff to proceed with the incentive grant agreement.

She said that to her it was unfortunate that all of this has taken place. She stated that it is hard for her to determine fact from fiction at this point. She expressed that her concern has always been that legally the Board is doing what it needs to do to approve the grant. She said that she did not know how to weigh it any further. She asked Maurice Ewing and Michael Trotter if they had any comments they would like to add based on the comments that they have heard or on any other discussions they have had that the Board might not know about.

Mr. Ewing assured that the Partnership for Progress has followed procedures that have been time tested for a decade. He said that they have gone through the same procedures with this project as it has in all other projects over the last six or so years as well as the same procedures that he has used in his career over the last decade. Mr. Ewing said that looking back on the matter, he did not know what they could have done differently. He stated that companies compete very hard for incentives. He said that they had recommended reviews for the County's incentive programs in the past. He stated that he did not know what could have been done differently in this situation. He stressed that the County must compete diligently, and as far as Perfect Fit is concerned, he still believes that there is a competitive situation for that company and those jobs. He noted that the number one issue is protecting the 181 jobs that are currently in Union County and gaining the 50 jobs that are going to be added if and when Perfect Fit moves its other facility to Union County. He stated that neither he nor Mr. Trotter consider Perfect Fit a done deal. He said that they are also competing today for any expansion that this company might do in the future.

Chairwoman Rogers said that there is a statement contained in the agenda package that Perfect Fit continues to operate a facility in Indiana employing approximately 30 people. Mr. Baker said that statement came from the President of Perfect Fit Industries, as it still operates an electric blanket division in Indiana.

Commissioner Baucom commented that he did not know whether Perfect Fit tried to do something untoward or not, but the reality is the most important things to him is that the Board adhered to and followed the policy and there are 181 existing jobs. He said that he had said at the last meeting that he hoped that the County gets to pay \$19,557 for the incentive, because that means that the County has retained the 181 jobs and also gotten the additional 50 jobs in this economic climate. He stressed that these are jobs that are needed. He said that having said that, Mr. Crook has given the Board the latitude to say that he is comfortable with what has been presented, and he stated that he is comfortable. He said that he does not like everything that has been presented, but he is comfortable with what has been presented. He reiterated that the key elements in this situation are about retaining the current 181 jobs and obtaining an additional 50 jobs. He said that he would be supporting the motion.

Commissioner Openshaw said that he did not want to break the law, and if what he has seen in the papers is correct, he did not understand why some of the County's incentives did not match up with the City of Monroe's. He suggested that in the future, the City's and the County's incentives be tied together. Secondly, he said he has been on the Board for four years, and he thought in the future one thing that could be done better is that the Board be notified as early as possible of potential incentives when Mr. Baker learns about them or when the Partnership for Progress begins to contemplate incentives.

Vice Chairwoman Kuehler said that the information that she had presented was from someone that does not have a dog in the fight, and the plant in Indiana has been closed, and it does not seem to her that there was a competitive atmosphere, which means the jobs would be in Union County with or without the County's incentive. She said that it is not good stewardship of the taxpayers' dollars.

Commissioner Mills commented that the information presented by Vice Chairwoman Kuehler is mostly hearsay. He said that he was going on the evidence that has been presented to the Board by those who have been entrusted to bring economic development to the County. He said that he has heard what Mr. Crook has said, and he felt comfortable with Mr. Baker's explanation. He said that he felt the big picture is to make sure that the 181 jobs are retained. He stated that Perfect Fit has been a great corporate citizen in Union County over the years.

Chairwoman Roger restated the motion on the floor and called for a vote. The motion passed by a vote of three to two. Chairwoman Rogers, Commissioner Baucom, and Commissioner Mills voted in favor of the motion. Vice Chairwoman Kuehler and Commissioner Openshaw voted against the motion.

PROPERTY ACQUISITION BY UNION COUNTY SCHOOLS:

Wes Baker, Interim County Manager, stated that Dr. Davis, Superintendent of the Union County Public Schools, has contacted him and the schools have the opportunity to purchase approximately two acres of property adjacent to Sun Valley High School. He recognized Dr. Davis to present the schools' request.

Dr. Davis explained that this property is contiguous with Sun Valley High School and is located at the corner of Wesley Chapel-Stouts Road and Potters Road. He said that the property has been on the market for several years, and the schools considered purchasing the property at the time it first became available, but it was cost prohibitive at the time. He stated that several months ago the schools were approached by the property owner to begin negotiations for the possible purchase of this property, and he said that after negotiations, the parties have settled on a price that has been approved by the Board of Education of \$340,000. Dr. Davis said that there was a recent appraisal completed last week by Rob Morrison, which shows the value of the property to be \$731,000. He stressed that the property is needed for future expansion of the footprint at Sun Valley High School. He said that the Board of Education believes this is good stewardship of taxpayers' money to purchase this property during this window of opportunity when it is available at such a good price.

Dr. Davis stated that the property can be purchased through the schools' sales tax reimbursements that they will be receiving from some of its capital building projects. He noted that there was an underground storage tank on the property that probably dated back to the 1950's. He said they have spoken with the owners and they will have to remove the soil and abate any of the soil that has been affected by the underground fuel tank and obtain all certifications from DEHNR. He stated that this is a contingency of finalizing the sale. He stated that the schools are asking for approval from the Board of Commissioners to move forward with the purchase of this property in the manner he has described.

Chairwoman Rogers said that she would attest to the fact that when she was on the school board, the schools were looking at this property. She said that with schools that are landlocked, when land becomes available, it allows the schools to expand the schools with brick and mortar and not have to construct new schools. She stated that she had spoken with the School Board Chair,

Dean Arp, and that is the direction that the school board is looking at now. She noted that there are two elementary schools, a middle school, and a high school on the Sun Valley site.

Following the presentation, Chairwoman Rogers moved approval to fund the purchase of the approximately two acres of property adjacent to Sun Valley High School in the amount of \$340,000 using the schools' sales tax reimbursements contingent upon the owners' satisfactorily removing and disposing of the underground fuel tank along with any affiliated contaminated soil in accordance with DEHNR guidelines. The motion passed unanimously.

ANIMAL CARE COMMITTEE CREATION:

Vice Chairwoman Kuehler said that in the last two years, by far the most e-mails she received were relative to taxes and the second largest group of e-mails she received was about pets, i.e., micro chipping, leash laws, adoption. She stated that one of the things that people do not think about with the County having grown as fast as it has is how to deal with pet issues and who should deal with these issues given the fact that Union County is such a diverse county as far as rural parts versus very populated parts. She stated that she has compiled information for establishing an Animal Care Committee comprised of seven total members. She said that this committee would look at the County's needs, animal control versus animal care, how to fund those needs, what programs are currently in place, and what are some better efficiencies.

She stated that she had spoken with Sheriff Cathey, and he had forwarded the information regarding the committee to the Animal Shelter and provided her with a response too late to include in the agenda package. She said that she had reviewed the response, and it contains some great information that she would like to basically put into a document to the Committee members, if establishment of the Committee passes, to provide them with an introduction as to what the County can do, currently does, would like to do, and what it is prohibited from doing.

Vice Chairwoman Kuehler moved to establish an Animal Care Committee for Union County in accordance with the following guidelines and direct that the positions be advertised:

ANIMAL CARE COMMITTEE

COMMITTEE PURPOSE:

Understanding that Union County provides for Animal Control under the supervision of the Sheriff's Department which institutes, manages, and administers many programs and services within the County, the Animal Care Committee's purpose is to develop a community-driven model for improving the education, awareness, public/private responsibilities, and ultimate animal welfare in Union County and report its findings back to the Board of County Commissioners.

The primary focus of the Committee will be on the welfare of animals and education of the public within Union County subject to the existing governing statutes. Within this purview, the Committee will primarily focus on: cats and dogs and other such pets that are commonly kept within residential households. Seven key goals of the Committee include:

1. Education of residents;
2. The importance of animal safety, of spaying and neutering, and appropriate veterinary services and healthcare;
3. How to provide for reasonable affordable veterinary services to residents;
4. Arranging for adoptions and coordination of private/public organizations;
5. Fund raising for all of the above items;
6. Evaluation and recommendation of euthanasia methods;
7. Coordination of animal organizations, services, and programs existing and/or operating within Union County.

Issues, concerns and opportunities relating to animal care include, but are not limited to: fragmented roles and responsibilities of animal care service providers; engaging the community; animal licensing and other fees; public education and awareness programs; pet adoption programs; controlling pet overpopulation; and limited available funding. Potential questions to be addressed by the Committee are contained in Schedule "A".

It is important to note that given the fiscal pressure on all County services, the County is not in a position to significantly increase its role or funding level unless viable new funding options can be developed. A list of currently offered services can be found in Schedule "B" attached. The decision to increase that role rests with the Board of County Commissioners. Equally important to note is that fiscal pressures and resource issues are prevalent across many organizations. Team work will be the foundation of a community-driven Animal Care model.

MISSION STATEMENT:

"To promote and ensure excellence and professionalism in animal care through continuing education, effective networking, mutual support and the enhancement of the ability to provide quality, cost effective services to our residents and care to the animals in our county."

COMMITTEE STRUCTURE:

A maximum of seven (7) representatives will be invited to sit on the Committee:

- Four Members of the Public
- One representative from each of the following organizations:
 - Representative from a 501c "rescue group"
 - Veterinarian
 - Representative from the County Animal Shelter

The following resources shall be assigned to the Committee:

- The County Clerk (or alternate)
- Senior Animal Control Officer (or alternate)

The Committee may form sub-committees and working groups as may be necessary to address specific issues. The Clerk's Department does not provide secretarial support to these groups. These subcommittees and working groups shall draw upon members of the Committee as well as other external resources as deemed necessary.

QUALIFICATIONS:

Interested candidates will have:

- a keen interest in animal care within Union County;
- regard for the interest of all citizens;
- the ability to maintain and promote an appropriate atmosphere within Committee and subcommittee meetings;
- an understanding of the by-laws, statutes, and other regulations related to animals within the County; and
- the ability to commit the required time

APPOINTMENT PROVISIONS:

The specific organizations listed under the Composition Section nominate their representatives and the Board of County Commissioners makes those appointments as well as the "public" representative appointments.

Through advertisement on the County website, citizens are invited to apply for the Committee.

DURATION OF APPOINTMENT:

Committee members will be appointed for one and two year terms on a staggered basis.

CHAIRPERSON:

The Committee will appoint a chairperson amongst its members as part of the first official Committee meeting. This individual will serve in this capacity for one year.

MEETINGS AND LOCATIONS:

The Committee shall set their own meeting schedule to be a monthly standing meeting or at the call of the Committee Chair. Meetings will take place at the Government Center or at such other locations as may be deemed appropriate by the Committee

TASKS AND GOALS:

The Animal Care Committee will report to the Union County Board of Commissioners.

Typical duties of Committee members include:

- Advising on issues and concerns faced by animals within Union County, as well as the challenges presented to those assigned to address those issues and concerns;
- Advising on opportunities that have been identified within the community to improve animal care in Union County;

- Advising, consulting and reporting the findings and recommendations on matters from within the County and other jurisdictions that are directly related to the mandate of the Committee;
- Reviewing and making recommendations on solutions to improve animal care in Union County and how to promote such recommendations;
- Supporting, encouraging and being an ongoing resource to individuals, agencies, and the business community by educating and building community awareness about measures for improving animal care in Union County;
- participating in fund raising events designed to resource improved animal services care, including but not limited to reasonable veterinary services;
- becoming familiar with the by-laws, ordinances, statutes, and policies/procedures related to animals within Union County;
- becoming familiar with public views and concerns regarding animal care in Union County;
- becoming familiar with the implementation issues;
- participating in workshops and public events related to the proposed animal care related issues;
- providing community input on issues and options relating to animal care;
- providing comments and recommendations to the Union County Board of Commissioners as appropriate;

SCHEDULE "A"

Potential Questions to be Addressed by the Union County Animal Care Committee

A number of animal care issues, concerns and/or opportunities have been identified by the community and animal care/adoption services. Listed below are some of these items grouped in three categories.

1. **Roles and Responsibilities of Service Providers in Union County.**

Within the County the following categories of service providers (including volunteers) can be found:

- o Towns (municipal government) Animal Care
- o Animal Control
- o Union County Animal Shelter
- o Carolina PAWS
- o Humane Society
- o Veterinarians
- o Independent Animal Rescue Groups
- o Animal Groomers
- o Pet sitters or other Animal Service Providers
- o Concerned Citizens

Key questions to answer when considering roles and responsibilities include:

- o What is the appropriate role (or roles) of the County for animal care? How should these roles be balanced/prioritized among other County responsibilities and in conjunction with the municipalities?
- o How could the County fund or support animal care, public awareness, programs, etc. (e.g., revenues from licensing and identifying animals; determining the appropriate funding level from general taxes)?
- o In light of fiscal pressures facing local government and the fact that the County's primary focus has been with animal *control*, how much support should local government provide to animal *care* as opposed to the private sector?
- o What is the role for private funds and donations, fund raising, other sources of funds to offset program costs being incurred?
- o How do we draw the lines to avoid duplication in services?
- o What is the appropriate role of the community, stakeholders and other service providers (e.g., from coordination to networking, to enhance animal care and control services while avoiding duplication)?

- Is there a need to coordinate local roles and responsibilities (e.g., who does what and why)? Who should do this?
- Who should run outreach programs to educate pet owners and potential owners about responsible pet ownership?

2. **Animal Care**

A number of issues dealing with animal care have been raised not only in Union County but in many jurisdictions in North Carolina as well as nationwide. Key questions to answer when considering animal care include:

- If pet overpopulation is a big part of the problem (particularly cats) not only in Union County but across the State and the Country, who is responsible for bringing this under control?
- Pet sterilization programs (e.g., spay/neuter) have proven to be useful in reducing the number of animals and the county has implemented certain programs to aid in these programs. How, then, could this program be increased/improved locally? Who should pay for this program?
- What standards should be used to determine the humane treatment for animals (e.g., the role of euthanasia and the methods of euthanasia)?
- What are the appropriate levels of care for injured animals that do not have an easily found owner? Who should be responsible for this care?
- Should the County be more aggressive in licensing dogs and identifying cats? While the County currently offers micro chipping, is there a greater role for micro chipping animals and how would this impact service costs?

3. **Reuniting Pets with Owners, Adopting Animals**

Reuniting pets with their owners or finding homes for unwanted pets is very rewarding for all involved.

- How can we reunite more lost pets with owners?
- Is licensing (dogs), identifying (cats) and micro chipping either for the purposes of returning pets an effective approach? Is one approach better than the other?
- How do we increase the number of households that are willing to adopt a pet?

- o To prepare some animals for adoption, are there socialization programs (in addition to the ones already provided by the County and other organizations) that can be implemented to provide assistance? Are the programs currently in place effective? Who should run these and how would the costs be covered?

SCHEDULE "B"

Services and Programs currently offered by the County

(To be completed by Animal Control)

Adopted in part from:
Town of Markham Animal Care Committee and other local and national references

Commissioner Mills questioned if this is a Blue Ribbon Committee being established for a specific task or goal. He said that the Sheriff has statutory authority over the animal shelter, and he wanted to make sure that this group is not trying to supersede the authority that the Sheriff already has.

Vice Chairwoman Kuehler said that she has had this conversation with the Sheriff and she thought the parameters within the committee are clear. She said that she hated to place a timeline on the committee, because she thought it was a worthwhile committee and possibly ideal to have it ongoing to deal with issues that come up in this arena as they come forth.

Commissioner Mills questioned whether the committee is an advisory committee. Vice Chairwoman Kuehler indicated that was correct.

Commissioner Baucom said that the Health Board has some jurisdictional authority in regards to wild animals in the county. He stated that it strikes him that this is somewhat busy work for a committee, and, with all due respect, it would have to be advisory in

nature, and it cannot have any jurisdiction because it would conflict with the Health Board and the Sheriff. He said that his concern is that it puts more workload on the Sheriff and his staff to have to deal with something else.

Vice Chairwoman Kuehler pointed out for clarification purposes that this committee is advisory and reports to the Board and not to the Sheriff or Health Department. She said that its basic purpose is to identify issues and offer strategic solutions and partnerships. She stated that while it is about “feel good” things such as puppies and kittens, it is a needed service in this county.

Chairwoman Rogers added that two years ago the relations of the different animal groups in the county needed improvement and better communication. She said that Sheriff Cathey has done an excellent job with this over the past two years. She said that although she does receive e-mails about this subject, she does not receive as many as she did, and she hears positive comments about the shelter and some of the things that are going on. She said that this committee is just taking it to another level. She stated that for her this is a good way of having a small group within the community who has a great interest in animal welfare to get together and look at the documents that Sheriff Cathey had provided to Vice Chairwoman Kuehler and look for ways to improve the program. Chairwoman Rogers said that in no way did she think the committee would be anything adversarial, and she would not support anything that would be adversarial. She said she thought only good could come from having this committee. She stated that she would be supporting this effort.

With there being no further comments, Chairwoman Rogers called for a vote on the motion, which 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.

CREATION OF A LIBRARY STRATEGIC PLAN STEERING COMMITTEE:

Wes Baker, Interim County Manager, stated that the Library received a grant from the State Library to conduct a strategic planning process, and the key component of that process is to organize a steering committee composed of representative members of the public organizations, stakeholders and citizens who will assist the Library staff to develop vision and mission statements. He said that after a citizens survey is conducted, the Steering Committee will establish goals for the next several years. He stated that it is estimated that the process will take approximately six months, November through April, and the Committee will likely hold monthly meetings. He stated it is estimated a time investment of approximately 12 to 18 hours would be expected from each member of the Committee. He recognized Martie Smith, Library Director, to discuss the composition of the proposed committee.

Ms. Smith said that the result of the grant will be a strategic plan that will have measurable objectives with timelines for Library services and operations. Chairwoman Rogers questioned if the grant also funded library infrastructure, and Ms. Smith responded that it did not. She stated that the grant will fund the services of the consultant who will lead the process.

Chairwoman Rogers asked if locations of the libraries were considered when suggesting the appointments to assure that there are representatives from those areas. Ms. Smith responded that they felt like they had done this by including the Library Board members representing the various areas of the county.

Commissioner Baucom moved approval to establish a Library Strategic Plan Steering Committee as recommended to conduct a strategic planning process. He further moved appointment of the following representatives as recommended:

Library Board members

President of the Friends of the Library (Anne Stewart)

Chamber of Commerce Board Chairperson or designee

Economic Development Director or designee

Superintendent of Schools or designee

Wingate University Library Director

SPCC Small Business Center Director or designee

Employment Security Commission Director or designee

Two members of the Teen Advisory Board

Representative(s) of the African American Community

A current County Commissioner whose term will extend throughout the life of the process

An incoming Commissioner, if desired

A representative from both Waxhaw and Weddington, if desired.

The County Finance Director and/or Interim Manager, if their time allows.

The motion passed unanimously.

REFUND OF VOLUNTARY MITIGATION PAYMENTS (This item was added to the Agenda):

Chairwoman Rogers moved that the County Manager be authorized to refund all voluntary mitigation payments paid pursuant to the Adequate Public Facilities Ordinance in such amounts that are determined to be due by the County's legal staff. The motion passed unanimously.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

Chairwoman Rogers announced the following vacancies on Boards and Committees:

- a. Adult Care Home Advisory Committee (at least 5 Vacancies)
- b. Agricultural Advisory Board (1 Vacancy Expired in 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 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)
- g. Library Board of Trustees - 5 Vacancies as follows:
 - 1) Two (2) At-Large Representatives
 - 2) One (1) Vacancy representing the Monroe Region (City of Monroe and Central Union County)
 - 3) Union West Region – Indian Trail, Stallings, Lake Park, Hemby Bridge
 - 4) Fairview Region – including Unionville and northwestern Union County
- g. Historic Preservation Committee – (1 Vacancy due to a resignation with the term ending February 2011)

APPOINTMENTS TO BOARDS AND COMMITTEES:

- a. Criminal Justice Partnership

Commissioner Openshaw moved appointment of the following persons to serve on the Criminal Justice Partnership: 1) Nickolaus J. Brummer; 2) Justin Chin; 3) Terry Comer; and 4) James Johnson, Jr. The motion passed unanimously.

b. Adult Care Home Advisory Committee

Vice Chairwoman Kuehler moved reappointment of Maria C. Gaines to serve on the Adult Care Home Advisory Committee. The motion passed unanimously.

INTERIM COUNTY MANAGER'S COMMENTS:

Wes Baker, Interim County Manager, stated that several years ago the County began using procurement cards to make purchases and as a result of using the procurement cards, the County receives rebates on its purchases. He said that over the most recent 12 month period, the County received a rebate of \$100,600. He commended the Finance staff for encouraging employees to use the procurement cards.

Secondly, Mr. Baker said that when Phillip Tarte was hired as the County's Health Director, he came from an organization that was accredited by the State. He said that the Union County Health Department has never been accredited, and three years ago they began the accreditation process. He stated that the State Accreditation Team spent several days at the Health Department last week and he was interviewed by that team. He said that when the Accreditation Team had completed its work, he went back to the Health Department to hear the review, and they said that the Personnel records at the Health Department were the best they have ever seen and they were going to share this information with other agencies.

Mr. Baker said that Jackie Morgan of the Health Department led the accreditation process. He stated that the Health Department was graded on 147 issues and there was only one issue the department did not pass, and that issue is up for debate. He said that this issue concerned an employee who attended a HIPPA compliance meeting but failed to sign in on the sign-in sheet and did not receive credit for attending. He stated that Mr. Tarte will attend a meeting in Raleigh in December to receive the department's accreditation.

COMMISSIONERS' COMMENTS:

Commissioner Baucom said that he agreed with all the comments by Mr. Baker regarding the Health Department's accreditation. He stated that he was fortunate enough to serve as the Commissioner's representative to the Health Board, and he could say firsthand that Mr. Tarte and his staff do a remarkable job. He said that the department is very well operated and committed to the mission.

He stated that tonight during the agenda setting, Items 15 and 16 were removed. He explained for the public's benefit that Item 15 relates to discussion of health benefits for Commissioners. He said that he had requested that this item be included on agendas since July 19, 2010. He stated that the specific topic of discussion would be whether the County should continue to provide health insurance coverage for Commissioners. He explained that under the current health plan, the Board has the authority to make changes such that Commissioners would not be covered by the plan or it could also decide as an alternative to allow Commissioners to choose to participate by reimbursing the County for coverage. Commissioner Baucom said all he is asking is to discuss this item. He stated that this item has been on four or five different agendas, and each time it has been pulled off the agenda.

Further, he referred to Item 16 – Discussion of Legal and Ethical Concerns. He said that this is another item that he had requested on June 21, 2010, to discuss and was told it was not on the agenda. He said that he had requested that it be included on the July 19, 2010, agenda, and it has been included on most of the agendas since that date, and each time it has been pulled from the agenda. He stated that the information in the agenda package stated that he had initially raised legal and ethical concerns regarding actions of former and current Board members. He said that he had provided an information package on July 17, 2010. He stated that he has been called names by Commissioners, and his only comment is, leave this item on the agenda, bring it forward, and the Board can go into closed session. He said if he is wrong, he would apologize, but he stressed he wants these concerns addressed. He stated that members of this Board have said they want transparent, open and legal government.

He requested that these two items be placed on the November 1, 2010, agenda.

Commissioner Mills said that he has talked with some people lately and some of the County's military families are having a difficult time with family members away. He mentioned that Assistant Manager Matthew Delk has been away for some time. He asked to get an update on Mr. Delk. He said that the holidays are coming up and suggested that the County reach out to Mr. Delk's family for the holidays and find out if there is anything that he or his family need.

He asked that everyone remember in their prayers former County Manager John Munn, who has been moved to Hospice. Commissioner Mills said that Mr. Munn served as County Manager for many years, and he also served in the Towns of Indian Trail and Marshville. He said that at one time, Mr. Munn was referred to as the Dean of County Managers.

Commissioner Openshaw stated that he thought the Board had discussed the health benefits issue a year or so ago. He said that as far as legal and ethical concerns, those date back to some hurt feelings because Vice Chairwoman Kuehler raised a number of legitimate points and questions and did an incredible amount of research. He stated that what Commissioner Baucom is touting was a political document issued anonymously before the primary that is full of factual errors.

He stated that tonight the Board discussed the Partnership for Progress. He referred to an article in the July 6, 2007, issue of *The County Edge* entitled "UCPP Contract Draws Criticism." He said that he was not in the Board majority at the time and he had raised a number of questions about the contract. He stated that the quote was "They don't have to perform, and they get \$3.1 million." He said there are no performance criteria in the contract, and using tonight as an example, if there had been something wrong with what UCPP did, they would get paid any way. He stated that there is nothing in the contract short of illegality that allows the Board to address any issues with them in a substantive way.

Commissioner Openshaw congratulated the Town of Wingate for receiving another \$986,000 to help address its chronic infiltration and inflow problems with sewer overflows. He said in the past four years, the Town has now received \$3.3 million in grants to help address the issue. He said they should be commended for addressing the issue.

Vice Chairwoman Kuehler thanked Commissioner Mills for reminding the Board about Mr. Delk.

Chairwoman Rogers said that if anyone wants to see her response to Commissioner Baucom's comments tonight, to watch the October 4, 2010, meeting. She said that she was not going to say those comments again and again and neither was she going to support having those items on the agenda.

With there being no further discussion, at approximately 9:50 p.m., Commissioner Openshaw moved to adjourn the regular meeting. The motion passed unanimously.