

Approved December 20, 2010

Minutes of the Regular Meeting of  
December 6, 2010

The Union County Board of Commissioners met in a regular meeting on Monday, December 6, 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: Commissioner-Elect Todd Johnson, Commissioner Tracy Kuehler, Commissioner Kim Rogers, Commissioner-Elect Jerry Simpson, and Commissioner-Elect Jonathan Thomas

ABSENT: None

ALSO PRESENT: Cynthia A. Coto, 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., Cynthia A. Coto, County Manager, convened the meeting and welcomed everyone present.

*a. Invocation*

Commissioner Kuehler offered the invocation.

*b. Pledge of Allegiance*

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

**OATHS OF OFFICE:**

Mrs. Coto asked the Commissioners-Elect to come forward to the podium and their oaths of office were administered as follows:

*a. Commissioner-Elect Todd Johnson*

Richard H. Johnson, administered the following oath of office to his son, Commissioner-Elect Todd Johnson, who was accompanied at the podium by his wife, Amanda Johnson, while his sons, Tanner and Miles Johnson, held the Bible.

**OATH OF OFFICE  
UNION COUNTY COMMISSIONER**

I, **Matthew Todd Johnson**, do solemnly swear that I will support the Constitution of the United States; so help me, God.

I, **Matthew Todd Johnson**, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, **Matthew Todd Johnson**, do swear that I will well and truly execute the duties of the office of Commissioner for the County of Union according to the best of my skill and ability, according to law; so help me, God.

s/Matthew Todd Johnson  
Union County Commissioner

Sworn to and subscribed before me  
this 6<sup>th</sup> day of December, 2010.

s/Richard H. Johnson  
Notary Public

*b. Commissioner-Elect Jerry Simpson*

The Honorable J. R. Rowell, Clerk of Superior Court, administered the oath of office to Commissioner-Elect Jerry Simpson, who was accompanied at the podium by his wife, Sheila Simpson, son Jordan Simpson and wife Paige, and granddaughter, Faith McCall.

**OATH OF OFFICE  
UNION COUNTY COMMISSIONER**

I, **Jerry Bennett Simpson**, do solemnly swear that I will support the Constitution of the United States; so help me, God.

I, **Jerry Bennett Simpson**, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, **Jerry Bennett Simpson**, do swear that I will well and truly execute the duties of the office of Commissioner for the County of Union according to the best of my skill and ability, according to law; so help me, God.

s/Jerry Bennett Simpson  
Union County Commissioner

Sworn to and subscribed before me  
this 6<sup>th</sup> day of December, 2010.

s/J. R. Rowell, Clerk of Superior Court

*c. Commissioner-Elect Jonathan Thomas*

The Honorable J. R. Rowell, Clerk of Superior Court, administered the oath of office to Commissioner-Elect Jonathan Thomas, who was accompanied at the podium by his wife Brandi, son, Grayson, and daughter Alexis.

**OATH OF OFFICE  
UNION COUNTY COMMISSIONER**

I, **Jonathan Ryan Thomas**, do solemnly swear that I will support the Constitution of the United States; so help me, God.

I, **Jonathan Ryan Thomas**, do solemnly swear that I will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, **Jonathan Ryan Thomas**, do swear that I will well and truly execute the duties of the office of Commissioner for the County of Union according to the best of my skill and ability, according to law; so help me, God.

s/Jonathan Ryan Thomas  
Union County Commissioner

Sworn to and subscribed before me  
this 6<sup>th</sup> day of December, 2010.

s/J. R. Rowell, Clerk of Superior Court

**ELECTION OF OFFICERS:**

Mrs. Coto noted that the next order of business would be election of Chair and Vice Chair.

*a. Chair*

Mrs. Coto opened the floor for nominations for the Office of Chair.

Commissioner Thomas stated that he had the opportunity to work in the late 1990's on a committee to open the Ag Center in Wingate, where he met Commissioner Simpson. He listed the traits and qualifications why he thought Commissioner Simpson was qualified to serve as Chairman of the Board of Commissioners. He stated he had worked with him over the last 12 months as they traveled the County during their campaign. Following his comments, he nominated Commissioner Simpson for the Office of Chairman.

With there being no further nominations, Mrs. Coto asked if there was a motion to close the nominations.

Commissioner Kuehler moved to close the nominations and to elect Commissioner Simpson to the office of Chair by acclamation. The motion passed unanimously.

Mrs. Coto declared Commissioner Simpson as having been elected as Chairman and congratulated him on his election to that office.

*b. Vice Chair*

Mrs. Coto opened the floor for nominations for the Office of Vice Chair.

Commissioner Rogers nominated Commissioner Kuehler for the Office of Vice Chair.

Commissioner Rogers stated that she thought it was best to have a Chair work along side a Vice Chair who has had some experience serving on the Board of Commissioners. She said that three Commissioners on the Board have zero years of experience as Commissioners and have never held an elected office and do not know intricately what is going on in the County. She stressed that her comments were not meant personally against any of the Commissioners.

Mrs. Coto asked if there were any other nominations from the floor.

Commissioner Simpson thanked the Board for its confidence in him as Chairman. He nominated Commissioner Johnson for the Office of Vice Chair. He said that he worked with Commissioner Johnson throughout their campaign and learned of Commissioner Johnson's excellent business experience and his ability to work with his employees and others in building his business. He described Commissioner Johnson as having an entrepreneurial spirit who knows numbers well. He said that relative to the budget and financial issues that the County would be facing in the upcoming year, he thought that Commissioner Johnson had that ability and he had that confidence in him.

Mrs. Coto asked if there were any further nominations from the floor. With there being no further nominations, she asked if there was a motion to close the nominations.

Commissioner Rogers moved to close the nominations. Nominations were closed by acclamation when there were no objections to moving forward with the vote.

Mrs. Coto called for a vote on the nomination of Commissioner Kuehler. The motion failed by a vote of two to three. Commissioners Kuehler and Rogers voted in favor of the motion. Commissioners Johnson, Simpson, and Thomas voted against the motion.

The Manager called for a vote on the nomination of Commissioner Johnson. The motion passed by a vote of three to two. Commissioners Johnson, Simpson, and Thomas voted in favor of the motion. Commissioners Kuehler and Rogers voted against the motion.

**OATHS OF OFFICE:**

*a. Chair*

Mrs. Coto requested that Commissioner Simpson come to the podium to receive the Oath of Office of Chairman.

The Honorable J. R. Rowell, Clerk of Superior Court, administered the following Oath of Office of Chairman to Commissioner Simpson:

**OATH OF OFFICE  
Chair, Board of Commissioners**

I, Jerry Bennett Simpson, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Chair, so help me God.

I, Jerry Bennett Simpson, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Jerry Bennett Simpson, do swear that I will well and truly execute the duties of the office of Chair of the Board of Commissioners for the County of Union according to the best of my skill and ability, according to law; so help me, God.

s/Jerry Bennett Simpson, Chair

Sworn to and subscribed before me  
this 6th day of December, 2010.

s/J. R. Rowell, Clerk of Superior Court  
*b. Vice Chair*

Mrs. Coto requested that Commissioner Johnson come to the podium to receive the Oath of Office of Vice Chairman.

The Honorable J. R. Rowell, Clerk of Superior Court, administered the following Oath of Office for Vice Chairman to Commissioner Johnson:

**OATH OF OFFICE**  
**Vice Chair, Board of Commissioners**

I, Matthew Todd Johnson, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Vice Chair, so help me God.

I, Matthew Todd Johnson, do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me, God.

I, Matthew Todd Johnson, do swear that I will well and truly execute the duties of the office of Vice Chair of the Board of Commissioners for the County of Union according to the best of my skill and ability, according to law; so help me, God.

s/Matthew Todd Johnson, Vice Chair

Sworn to and subscribed before me  
this 6th day of December, 2010.

s/J. R. Rowell, Clerk of Superior Court

Mrs. Coto congratulated the newly seated Commissioners and Chairman Simpson and Vice Chairman Johnson for having been elected to the Offices of Chairman and Vice Chairman respectively. She thanked Commissioner Rogers and Commissioner Kuehler for their service over the last year as Chairwoman and Vice Chairwoman respectively.

She relinquished the gavel to Chairman Simpson at this time.

**APPROVAL OF ELECTED OFFICIALS' BONDS:**

- a. Sheriff
- b. Register of Deeds

Vice Chairman Johnson moved approval of the bonds for the Sheriff (\$5,000) and the Register of Deeds (\$25,000). The motion passed unanimously.

**APPROVAL OF EMPLOYEES' BONDS:**

- a. Finance Director
- b. Tax Administrator

Commissioner Thomas moved approval of the bonds for the Finance Director (\$100,000) and the Tax Administrator (\$60,000). The motion passed unanimously.

**INFORMAL COMMENTS:**

Chairman Simpson announced that four persons had registered to speak during the informal comments' portion of the meeting. He read the guidelines for the informal comments.

Rick Alexander congratulated Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas for having been elected to the Board of Commissioners. Mr. Alexander stated that he resides at 2811 Arrowhead Court in Monroe.

He requested the Board's immediate consideration to turn over the County's portion of Belk-Tonawanda Park to the City of Monroe. He said that he understood that the Board would be meeting jointly with the municipalities and asked that the Board meet with Monroe's officials as soon as possible.

Bob Stack stated that he has resided at 1719 Walden Pond Lane since 1992. He explained that Walden Pond is a part of unincorporated Union County and is a neighborhood of more than 110 homes. He said that it was developed in the early 1990's before Rea Road Extension or any of the Weddington schools were completed. Mr. Stack said that the residents fell in love with the rural nature of the property and its plan is to stay as is with no active recreation such as tennis courts or swim clubs.

He stated that several weeks ago, the residents were informed that the Village of Marvin has contracted to purchase 27 acres of land that abut Walden Pond, and the land is almost completely surrounded by the Walden Pond neighborhood and abuts a significant portion of the community-owned lake. Mr. Stack stated that Marvin's plan is to build a passive park on the property. He said that the land was not part of Marvin and was not on its map of properties to annex. He explained his understanding is that Marvin plans to purchase the property, annex the property into Marvin, declare a zoning classification for the property, and develop it into a use that the Village of Marvin sees fit. He said that the residents have obtained environmental reports that show that the property is unsuitable for septic systems and have been informed by a recent outgoing County Commissioner that resides in Marvin that sewer could be made available to the property, since its municipal use for a passive park takes priority over other uses.

Mr. Stack asked that public health and safety also be considered. He pointed out that there are two entrances to Walden Pond on New Town Road. He said that approximately ten years ago, a bicyclist was killed on New Town Road at one of the entrances, and since that time, Marvin Ridge Middle and High Schools have been constructed and Providence Downs, the Reserve, the Chimneys, Weddington Chase, and the new fire station that abuts one of the Walden Pond entrances have been added. He said that New Town Road between Providence Road and Crane Road has two very sharp turns and several changes in topography. He said that the residents were told by the outgoing Commissioner that he did not see any problems and could possibly avoid the installation of turn lanes and road improvements. Mr. Stack said that the residents of Walden Pond bought their properties with open eyes and were comfortable with the R-40 zoning that was controlled by Union County and knew that the property would be developed, but in no way did they think it would be subjected to nor could they possibly imagine their pond and neighborhood being for public use.

He said that the residents are comfortable at this time bringing these issues to the Board.

Bruce Fox, stated that he resides at 1707 Walden Pond Lane, Waxhaw, North Carolina. He spoke about Walden Pond Subdivision and asked the Board's help in managing this situation. He welcomed the new Commissioners to the Board.

He spoke regarding the Village of Marvin's plan to purchase the residential property outside of its town limits which is located in the County, and turn it into a public park. Mr. Fox stated that Walden Pond is an established neighborhood on a privately owned 17-acre pond and surrounds the property that Marvin plans to purchase. He said that Marvin does not have the resources to properly develop the property, manage it, or protect its neighbors from potential environmental impact.

He said that he has lived peacefully in Walden Pond for 18 years and respectfully requests the Board of Commissioners' help to stop this land grab.

Paul Snyder was the last speaker registered to address the Board during the informal comments. Mr. Snyder stated that he resides at 1819 Walden Pond Lane, Waxhaw, North Carolina. He also addressed the Board regarding the proposed purchase of land by the Village of Marvin near Walden Pond. Mr. Snyder offered his congratulations to the new Commissioners and expressed appreciation to them for their service.

He said that the residents need the Board's help in this matter. He stated that he has been told by a former Mayor of the Village of Marvin that the original intent of the Marvin incorporation was to prevent the involuntary annexation of Marvin residents by Waxhaw or Charlotte-Mecklenburg. He said that 16 years later, the current Town Council of Marvin has perverted that intent with its goal of unfettered involuntary annexation of nearby communities. He stated that to him there was something distasteful about the term and action called "involuntary annexation."

Mr. Snyder said that the Town of Weddington recently respected the wishes of the residents of neighboring communities that did not wish to be annexed. He said he understood on the State level that the whole process of involuntary annexation is in question and might be overturned. He stated that he supported that effort. He reiterated the comments by the previous speakers that Marvin plans to turn the property into a public park. He said that this particular piece of land sits in the middle of Walden Pond, and the public park will be bordered on three sides by the 16-acre lake that Walden Pond owns and maintains. He pointed out that the fourth side is bordered by New Town Road. He said that the park would be located approximately one-tenth of a mile from the new fire

station. He stated that many homes across the lake from the park are within 15 to 75 yards of the proposed park, which is much too close to allow for the quiet enjoyment of the homes that the owners have earned and have come to expect. He said that the property where the park is planned to be located was not originally planned for annexation.

Mr. Snyder said that if the Marvin Park becomes a reality his and neighboring property values will plummet. He stated that when that happens, property owners will be justified in applying to Union County for lower evaluations.

With his comments being in excess of three minutes, Chairman Simpson called the time allotted to Mr. Snyder for his comments.

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

Commissioner Rogers moved that Item 4 – Resolution to Revise the Regular Meeting Schedule of the Board -- be moved from the Consent Agenda to the Regular Agenda. The motion passed unanimously.

Chairman Simpson placed this item as Item 13 a on the Regular Agenda upon adoption of the agenda.

With there being no further additions or deletions, Commissioner Thomas moved to adopt the agenda as amended. The motion passed unanimously.

**CONSENT AGENDA:**

Commissioner Kuehler moved approval of the items as presented on the Consent Agenda as amended. The motion passed unanimously.

***Minutes:*** Approved the minutes of the regular meeting of November 1, 2010.

***Tax Administrator:*** Approved the Sixth Motor Vehicle Billing in the total amount of \$1,257,563.79.

***Employees' Insurance \$500,000 Coverage:*** Approved coverage amount for crime insurance in the amount of \$500,000.

***Resolution to Revise the Regular Meeting Schedule of the Board:*** This item was moved to the Regular Agenda at the request of Commissioner Rogers.

**APPOINTMENTS OF COMMISSIONERS TO BOARDS AND COMMITTEES:**

Chairman Simpson read a list of suggested appointments to the various Boards and Committees as follows:

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|--|---|---|
| 1.   | Agricultural Advisory Board   | Chairman Simpson                        |
| 2.   | Catawba River Water Supply Project Governing Board                      | Chairman Simpson<br>Commissioner Thomas |
| 3.   | Centralina Council of Governments                                       | Vice Chairman Johnson                   |
| 4.   | Centralina Economic Development Commission,<br>Inc., Board of Directors | Vice Chairman Johnson                   |
| 5.   | Commissioner Governance Advisory Committee                              | No Appointment Necessary (non-existent) |
| 6.   | Criminal Justice Partnership Program                                    | Commissioner Rogers                     |
| Commissioner Rogers declined this nomination. Commissioner Kuehler volunteered to serve on the Criminal Justice Partnership Program. |   |   |
| 7.   | Farmers Market Committee  | Chairman Simpson                        |
| 8.   | Fire Commission   | Commissioner Thomas                     |
| 9.   | Health Board  | Commissioner Rogers                     |
| 10.  | Home and Community Care Block Grant                                     |   |

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|     | Advisory Committee                | Commissioner Kuehler  |
| 11. | Indigent Health Care Committee    | Commissioner Rogers   |
| 12. | Job Ready Partnership Council     | Commissioner Kuehler  |
| 13. | Juvenile Crime Prevention Council | Commissioner Kuehler  |
| 14. | Library Board of Trustees         | Vice Chairman Johnson |

Commissioner Kuehler asked if the Chairman had cross referenced the boards and committees to determine if any of them met at the same time. She said that she had not reviewed the committees comparing the meeting dates and times. Chairman Simpson responded that he had not made a time comparison either. Commissioner Kuehler asked if, after review, it was determined there were conflicts with the meeting dates and times, could this be brought to the Board. Chairman Simpson assured that this could be worked out.

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| 15. | Local Emergency Planning Committee   | Commissioner Thomas                       |
| 16. | Mecklenburg-Union Metropolitan Planning<br>Alternate                               | Chairman Simpson<br>Vice Chairman Johnson |
| 17. | Parks and Recreation Advisory Board  | Vice Chairman Johnson                     |
| 18. | Partnership for Children, Inc. Board of Directors,<br>Inc. (now Union Smart Start) | Commissioner Rogers                       |
| 19. | Piedmont Area Mental Health, Developmental<br>Disabilities & Substance Abuse Board | Commissioner Kuehler                      |
| 20. | Rocky River Rural Planning Organization<br>Transportation Advisory Committee       | Vice Chairman Johnson                     |

Alternate: Commissioner Thomas

21. Transportation Advisory Board  
(Associated with the County's Transportation Program) Commissioner Kuehler

Commissioner Kuehler stated that the persons involved with this Committee should be the representatives to MUMPO and the RPO.

The Clerk noted that this committee is associated with the County's Transportation Program.

Commissioner Kuehler noted that the Transportation Advisory Board (TAB) was not included on the list.

Chairman Simpson asked Commissioner Kuehler if she were willing to serve on the Transportation Advisory Board associated with the Nutrition and Transportation Program.

Chairman Simpson stated that since the Board was discussing the TAB Board at this time, it would be added to the list. He said that he would yield to Commissioner Kuehler since she has served on this Board and asked if she wanted to remain on that board. Commissioner Kuehler responded that she thought it was more important that the representatives to MUMPO and the RPO serve on that board. Chairman Simpson stated that would be him and Vice Chairman Johnson.

22. CMC-Union Board of Directors Chairman Simpson  
Commissioner Thomas
23. CMC-Union Community Trustee Council Commissioner Thomas
24. Yadkin Pee Dee Board of Directors Vice Chairman Johnson
25. School Liaison Chairman Simpson

Commissioner Rogers offered her name in nomination for the School Liaison.

26. Library Strategic Plan Steering Committee Vice Chairman Johnson

Chairman Simpson stated that there were nominations for Commissioner Rogers and for him to serve as the school liaison.

He called for a vote on the nomination of Commissioner Rogers to serve as school liaison. Commissioner Rogers received two votes: Commissioner Rogers and Commissioner Kuehler. Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted in opposition to the nomination.

Chairman Simpson called for a vote on the nomination of Chairman Simpson to serve as school liaison. He received three votes: Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas. Commissioners Rogers and Keuhler voted in opposition to the nomination.

Chairman Simpson stated that he would serve as the school liaison.

Vice Chairman Johnson moved approval of the appointments to the various committees as read with the addition of the Transportation Advisory Board (TAB). The motion passed by a vote of four to one. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers voted against the motion.

**COUNTY ATTORNEY POSITION:**

*1) Establish Vacancy in County Attorney Position*

Chairman Simpson stated that Keith Merritt has served as County Attorney over the past several years and has done an outstanding job supporting the Board. On behalf of the Board, he expressed appreciation to Mr. Merritt for his efforts. He stated that the County Attorney serves at the pleasure of the Board. He said at this time the Board needs to establish a vacancy relative to the County Attorney position.

Chairman Simpson moved to thank Mr. Merritt for his service and dismiss him as the County Attorney.

By way of discussion, Commissioner Kuehler said she wanted to understand the reason for this action, and stated she thought it was interesting with the outgoing Board that all of the members talked about what a straight shooter Mr. Merritt was and how helpful

he had been. She said that while all of the Board members had not voted for Mr. Merritt in the beginning that by the end of the day, they understood that he was honest, and they trusted him. She mentioned the learning curve for a County Attorney and the amount of money that it would cost for a new person to get up to speed on County matters. She said if there was a reason for this action, then she would be in favor of it, but she did not know the reason for it.

Commissioner Rogers said that she wanted to reiterate the comments of Commissioner Kuehler and asked if there was a reason or was it a change for the sake of change. She too emphasized that there is a big learning curve involved. She said that Mr. Merritt does not have ties to Union County and does not have any familial ties that she knows about, any business relationships, nor does his company. She stated that was part of the appeal to her of having an attorney that is not ingrained in Union County, which gives the separation that she believes is very much needed.

Commissioner Thomas commented that was one of the main reasons why he was interested in looking at a change. He said that when voters voted this year, they voted for a new leadership and a new direction. He stated that he thought the Board needed to look for a County Attorney in Union County. He said that he did not think the learning curve was going to be as large as what the Board has heard, and he thought the Board could find a well-qualified attorney in Union County and those tax dollars could stay in Union County.

At the conclusion of the discussion, Chairman Simpson requested that Mrs. West restate the motion. Mrs. West restated that the motion was to thank Mr. Merritt for his efforts and to dismiss him as County Attorney. The motion passed by a vote of three to two. Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted in favor of the motion. Commissioners Kuehler and Rogers voted against the motion.

At this time Mr. Merritt left the meeting.

2) *Appoint an Interim County Attorney*

Chairman Simpson stated that one of the things he has found in discussing this position relative to the Request for Qualifications, as was mentioned by Commissioner Thomas, is that there is the opportunity to explore that issue and to know who is available and qualified for the position. He said that he had spoken with Mr. Merritt regarding his qualifications as well. He stated that in the meantime the Board needs to appoint an interim County Attorney until a final decision can be made.

Following the comments, Vice Chairman Johnson moved to appoint Ligon Bundy as the Interim County Attorney. The motion passed by a vote of four to one. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler and Commissioner Thomas voted in favor of the motion. Commissioner Rogers voted against the motion.

Mr. Bundy was in the back of the meeting room, and Chairman Simpson asked that he come to the front of the meeting room to sit.

**ISSUE REQUEST FOR QUALIFICATIONS (RFQ) FOR COUNTY ATTORNEY:**

Chairman Simpson read staff's recommended action for this item.

Commissioner Rogers noted that the suggested date of return for the Request for Qualification submittals is December 15, 2010, which allows approximately one week for interested applicants to submit their qualifications. She said that the last time the process was longer and suggested that the Board might want to allow a little more time for applicants to submit their information.

Chairman Simpson responded that he thought the suggested date for submittals had been relative to the December 20<sup>th</sup> meeting date. Commissioner Rogers asked if Requests for Proposals (RFP's) will be completed after the Requests for Qualifications (RFQ's). It was noted that Requests for Proposals (RFP's) would not be requested and that the Requests for Qualifications (RFQ's) would determine the attorneys who would be available. Commissioner Rogers stated that this fact made it even less appealing to her.

Commissioner Thomas asked Mr. Crook and Mr. Bundy if they thought a week would give adequate time for interested applicants to submit their information. Mr. Crook responded that he had suggested the one-week submittal date thinking that the Board might want to make a decision at its next meeting. He stated that if the Board wanted to allow a longer period of time for applicants to submit their qualifications, it was the Board's prerogative.

Commissioner Thomas asked Mr. Bundy if he thought a week would provide adequate time for interested applicants to submit their information. Mr. Bundy responded that he could certainly have his paperwork submitted in that length of time.

Commissioner Kuehler asked how the Request for Qualifications would be advertised. Mr. Crook stated that his intent was to place the ad in *The Enquirer-Journal* and also to place it on the County's web page. However, he said the ad could be published by

whatever means the Board would like. Commissioner Kuehler said that her concern would be that publishing by only these two means would result in a very limited resource pool.

Vice Chairman Johnson stated that he would like to see an attorney from Union County serving at the pleasure of the Board. He said that he thought that by publishing the ad in the local paper and on the County's website, the local attorneys would be knowledgeable of the opening.

Commissioner Kuehler asked if the intent was to receive a certain number of applicants from which to select or does it matter if there is only one applicant. Chairman Simpson said that he thought on December 15, the submittals that are received would be shared and then the Board would go forward from that point.

Following the comments, Commissioner Thomas moved approval to submit the Request for Qualifications (RFQ) and authorize staff to publish with a return date for submittals of December 15, 2010. The motion passed by a vote of three to two. Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted in favor of the motion. Commissioners Kuehler and Rogers voted against the motion.

#### **“FAST TRACK” OF PREPARATIONS FOR THE 2011-2012 FISCAL BUDGET:**

Cynthia Coto, County Manager, noted that the recommended action for this item included that the next regularly scheduled meeting of the Board would take place on December 20<sup>th</sup>. She noted that this date was included with the anticipation that the Resolution to Revise the Board's Regular Meeting Schedule would have been adopted prior to discussion of this item on the agenda. She suggested that since that Resolution has not yet been approved, the recommended action should be amended to read at “the next regularly scheduled meeting.”

Chairman Simpson opened the discussion on this item and moved to fast track preparations for the 2011-2012 fiscal budget. He said that this item was included on the agenda at his request, and it has already been mentioned there will be some relatively steep learning curves for some of the Board members. He stated that as he understood it, Union County has some serious financial challenges ahead of it and the budget is a very integral and a critical part of it. He said that the interest in this item is to inform all department heads, staff, and Commissioners that they need to move quickly on the budget. He suggested if the process could be expedited and if the process could begin earlier, that is what needs to be done.

Mrs. Coto stated that she has a meeting scheduled with the Finance Director and the Interim Assistant Manager on Tuesday to discuss budget. She said that in light of the fact that she is new to the County Manager position, she felt that the earlier the budget process was started, the better. She further said that staff would provide a budget calendar for the Board's consideration at the next regular meeting.

Following the discussion and clarification of the motion, the motion passed unanimously.

**RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE OF THE BOARD (This Item was moved from the Consent Agenda to the Regular Agenda at the Request of Commissioner Rogers):**

Chairman Simpson explained that the proposed Resolution to Revise the Board's Regular Meeting Schedule would add a regular meeting on Monday, December 20, 2010, delete the regular meeting of Monday, January 3, 2011, and add a regular meeting on Tuesday, January 4, 2011. He provided the basis for the action requested.

Following the explanation of this item, Chairman Simpson moved adoption of the Resolution to Revise the Regular Meeting Schedule of the Board as recorded below:

**RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE  
OF THE UNION COUNTY BOARD OF COMMISSIONERS**

WHEREAS, the Union County Board of Commissioners wishes to revise its regular meeting schedule to add a regular meeting on Monday, December 20, 2010, at 7:00 p.m., to delete the regular meeting of Monday, January 3, 2011, and to add a regular meeting on Tuesday, January 4, 2011, at 7:00 p.m.

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

The Board does hereby revise its regular meeting schedule to add a regular meeting on Monday, December 20, 2010, at 7:00 p.m., to delete the regular meeting of Monday, January 3, 2011, and to add a regular meeting on Tuesday, January 4, 2011, at 7:00 p.m. Except as herein amended, the regular meeting schedule of the Union County Board of Commissioners shall remain in full force and effect.

Adopted this the 6th day of December, 2010.

The Chairman opened the floor for discussion.

Commissioner Rogers stated that the reason she had asked for this item to be moved from the Consent Agenda to the Regular Agenda was because the prior Board made the decision in January 2010 to delete the regular meeting of December 20th, and a number of staff will be taking time off to spend with their families. She said that when she first came on the Board she was very eager, but one thing she learned was how much pressure it placed on staff but she never saw behind the scenes. She stated that she wanted to make the Board aware that staff may have made plans for the week of Christmas, and that is why she would not be supporting the motion. She shared that she too has made plans to be on vacation at that time.

Commissioner Kuehler asked if it is known what items might be included on the December 20<sup>th</sup> agenda, because she said she also shared the same concerns expressed by Commissioner Rogers. She asked if there could be a special meeting for certain items or was there a need for an entire agenda for the December 20 meeting. Chairman Simpson said that he felt there were sufficient items of importance to have a regular meeting on December 20 for the general public.

Following the discussion, the motion passed by a vote of three to two. Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted in favor of the motion. Commissioners Kuehler and Rogers voted against the motion.

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

Chairman Simpson stressed that appointments to Boards and Committees are extremely important and encouraged citizens to apply for some of the vacancies that exist on boards and committees. He announced vacancies on the following Boards and Committees:

- a. Adult Care Home Advisory Committee (at least five Vacancies)
- b. Agricultural Advisory Board (one Vacancy that 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 four vacancies)
- e. Parks and Recreation Advisory Committee (one vacancy for a member with a physical disability)
- f. Planning Board (Four vacancies as follows: One unexpired term for a regular member ending April 20, 2011; Two unexpired terms for regular members ending April 20, 2012; and one unexpired term for regular member ending April 20, 2013)
- g. Library Board of Trustees - Five 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) One (1) Vacancy the Union West Region – Indian Trail, Stallings, Lake Park, Hemby Bridge
  - 4) One (1) Vacancy representing the Fairview Region – including Unionville and northwestern Union County
- h. Historic Preservation Committee – (One Vacancy due to a resignation with the term ending February 2011)
- i. Animal Care Committee
  - 1) Four Members at Large
  - 2) One Representative from a 501 c(3) Rescue Group
  - 3) One Veterinarian
  - 4) One Representative from the County Animal Shelter
- j. Farmers Market Committee (One Vacancy for a Member at large as of December 2010)
- k. Union County Home and Community Care Block Grant Advisory Committee (Five vacancies for community representatives as of December 2010).
- l. Social Services Board (One Vacancy Due to a resignation-Term expires June 2013)

**MANAGER’S COMMENTS:**

Cynthia Coto, County Manager, again congratulated the newly seated Commissioners and stated that she looked forward to working with the entire Board in the future to fulfill the Board’s objectives, policies and end goals.

**COMMISSIONERS’ COMMENTS:**

Commissioner Rogers welcomed Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas to the Board. She said that she had some conversations with each of the newly seated Commissioners before they came on the Board, and she liked what she had heard during those conversations. She stated that she hoped the Board could work together in a professional manner.

Commissioner Thomas welcomed Mr. Bundy and expressed appreciation to him for stepping up to the Interim County Attorney position to assist the Board. He expressed appreciation to Keith Merritt for his service over the past few years. He said that he too shared the sentiments of Commissioner Rogers and looked forward to working with the Board. He stated that the new Commissioners value Commissioners Kuehler's and Rogers' experience and recognize the learning curve before them.

He said that serving on the Board is truly a humbling experience and an honor to have been elected. He stated that he looked forward to trying to achieve the objectives and goals that were laid out during the campaign. He stated that tonight was for those who had helped the new Commissioners in their election, and he welcomed those to the table who had opposed them in the election. He stressed that he wanted to be a Commissioner for all the citizens in the County. He said the political games are now over, and it is time to serve the citizens, and he is ready to bury the hatchet and move forward.

Commissioner Thomas said there are a couple of things he would ask. First of all, he said there is going to be new and perhaps unprecedented levels of transparency in the County government, so the citizens of the County can stay involved and informed. Secondly he asked for prayers for the individual Commissioners, the Board, the country, and the families of the Commissioners' who they leave behind so the Commissioners can become public servants. He recognized his parents, Johnny and Elaine Thomas, and thanked them for the values by which they had trained him. He also recognized his wife, Brandi, for her support.

Commissioner Kuehler said that all the Board members have had conversations. Since she has served as a MUMPO representative for the County, she offered her assistance to Chairman Simpson and Vice Chairman Johnson in their serving on that board and in helping to understand what is involved with that organization. She said that she looked forward to working with all the Board members in the future.

Vice Chairman Johnson said that he was excited about serving on the Board and this is a great time for him as a person. He expressed appreciation to the voters who had placed their confidence in him and to those in attendance tonight.

He stated that he had experienced a very special honor tonight with his father having had the opportunity to swear him into office. He also recognized his mother, brother, sister, nieces and nephews, and his wife, Amanda, and their two sons, Tanner and Miles.

Vice Chairman Johnson stated that we hear on the news every day that we are in bad times, but he said that is where he takes hope and faith in knowing that Union County is better than the norm. He described Union County as a special place to him. He stated that he welcomed comments and concerns as well as criticism. He said that he looked forward to serving at the citizens' pleasure.

Chairman Simpson said that when he was asked in October 2009 if he would be willing to run for County Commissioner, he had no idea what lay in store. He stated that to say he has been humbled would be an understatement. He said there were so many people to thank including family, friends, political allies, and his running mates, Vice Chairman Johnson and Commissioner Thomas. He said that tonight he wanted to thank others for what they have done and continue to do as they work together. He expressed appreciation to Commissioners Kuehler and Rogers for their vote and support of him as Chairman. He thanked the Board members for their service as well as former Commissioners Lanny Openshaw, Parker Mills, and Allan Baucom. He said that the role of Commissioner can be a stressful job and is often a thankless job. He stated that he wanted all of the Board members to know that he appreciated their past efforts and their sacrifices.

Chairman Simpson also expressed appreciation to the County staff, not only the administrative staff, but to every County employee for the role they play in delivering services to the County's citizens. He thanked the taxpayers for their support. He said that as the founding fathers made it clear, the Commissioners serve at the consent of the governed, and he assured that he would do all he could to create a high-level of decorum within the body and work to provide efficient and effective government as long as he serves.

With there being no further discussion, at approximately 8:20 p.m., Chairman Simpson moved to adjourn the regular meeting. The motion passed unanimously.