

Approved: 1/18/2011

Minutes of the Regular Meeting
of the Union County Board of Commissioners
of Monday, December 20, 2010

The Union County Board of Commissioners met in a regular meeting on Monday, December 20, 2010, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Courthouse, 500 North Main Street, Monroe, North Carolina. The following were

PRESENT: Chairman Jerry Simpson, Vice Chairman Todd Johnson, Commissioner Tracy Kuehler, and Commissioner Jonathan Thomas

ABSENT: Commissioner Kim Rogers

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

OPENING OF MEETING:

a. *Invocation*

Rick Plyler, Chaplain of Hemby Bridge Volunteer Fire Department, offered the invocation.

b. *Pledge of Allegiance*

Chairman Simpson led the body in reciting the Pledge of Allegiance to the United States flag.

c. ***Employee Recognition***

On behalf of the Board, Chairman Simpson recognized the following employees for their full-time continuous service with Union County government:

5 YEARS OF SERVICE

MARK O'DONOGHUE
JACKSON WALKER
IRMA GRAHAM
MONICA CARPENTER

DEPARTMENT

ENVIRONMENTAL HEALTH
ENVIRONMENTAL HEALTH
SOCIAL SERVICES
TAX COLLECTIONS

10 YEARS OF SERVICE

KATHYRN WILSON
DEBBIE PURSER
JARED STEELE

DEPARTMENT

HEALTH
LIBRARY
PARKS AND RECREATION

INFORMAL COMMENTS:

Chairman Simpson reviewed briefly the guidelines for informal comments. He stated that four speakers had registered to address the Board during Informal Comments.

Tony Way stated his name and address of 5913 Sunnywood Place, Monroe, North Carolina. He asked for a status report regarding his request for a Confederate Monument proposal that he has made.

Diane Pomykacz stated her address is 9113 Yellow Pine Court in unincorporated Union County which has a Waxhaw mailing address. Ms. Pomykacz spoke regarding the Marvin Park annexation. She said that Walden Pond representatives came before the Board on December 6, 2010, and discussed the Village of Marvin's plans to locate a public park inside the Walden Pond neighborhood. Ms. Pomykacz said that she has been a property owner in Walden Pond for the past 14 years and is opposed to the Village of Marvin locating a so called passive park in her neighborhood, which would be open to the public, and would be in the

middle of her neighborhood surrounded on three sides by long-time residents' homes and a private lake owned by the Walden Pond Homeowners Association.

Ms. Pomykacz stated that the residents of Walden Pond are citizens of Union County and are not part of Marvin. She said that if the Village of Marvin fails to complete the forced annexation but still finds it necessary to locate the park between the two main entrances of Walden Pond, it would then be an island with no direct communication to the rest of Marvin. She asked if this action made good sense and if it is good use of taxpayers' dollars when there are already several other identified land locations in Marvin available for such a park. She stated that the residents of Walden Pond are asking the Board's support by it contacting the Village of Marvin and asking that it choose a more appropriate and sensible location inside its city limits. She said that the residents also ask that this Board support any new North Carolina legislation to repeal the annexation law that currently allows involuntary and forced annexation in North Carolina. She stated she was encouraged to hear that this issue is high on the list of priorities for the newly elected North Carolina legislature early next year.

Ms. Pomykacz said that in most cases a forced annexation results in more tax revenue for the annexing city in exchange for little or no benefits or services. She stated that this is a concern for the Walden Pond residents. She said that she believed that North Carolina property owners and taxpaying citizens must have a say in any decision to become part of a city, town, or village.

Paul Schneider was the next speaker and stated that he lives at 1819 Walden Pond Lane in Waxhaw. He said that there is great opposition against current state laws that allow for forced annexation. He stated that counties across the state are getting behind a push to change state laws in this regard. He said that stopping forced annexations has become a priority for our new legislative majority.

He provided three examples of resolutions that have been submitted to the legislature on behalf of Davidson, New Hanover, and Lenoir Counties. Mr. Schneider said that he does not support forced annexation and hopes that the Board agrees that this must stop now for the good of all Union County residents and taxpayers.

Louis Phillipi stated that he resides at 2026 Coatesdale Lane in Stallings, North Carolina. He said that on November 2 of this year, the people in the United States made some dramatic changes in their government, federal, state, and down to the county. He stated that he thought there had been a more massive change in the federal government at that time in the members of the House and Senate than ever in the country's history. He said that the legislature in the final waning days of a lame duck session was trying to get bills passed. He stated that the same thing happened in the County with a lame duck board hiring a new manager.

Mr. Phillipi welcomed Mrs. Coto as the County Manager and said that he hoped things work out well. However, he said it is inherently a bad deal for people who have been rejected by the public to come back in and make legislation.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

Chairman Simpson requested changes to the agenda as follows:

1. Deletion of Item 8 – Transportation Advisory Board (TAB) from the Regular Agenda. He said that the schedules would continue to be worked on for this board and this item will be brought to the Board at a later time.
2. Addition to the Consent Agenda in connection with the 2010 Tobacco Communities Investment Fund Demonstration Grant to ratify the County Manager’s approval dated December 17, 2010

Commissioner Kuehler requested to move the following items from the Consent Agenda to the Regular Agenda:

1. Item 1d – Parks and Recreation: Amendment to Task Order for CM&E for Jesse Helms Park and Associated Capital Project Ordinance (CPO) #143.
2. Item 6 - Wesley Chapel Volunteer Fire Department
3. Item 8 - Community Benefit Organization

Commissioner Kuehler asked would the minutes of the regular meeting of December 6, 2010, listed in the Consent Agenda be the ones with revisions. Mrs. West responded that the minutes for approval are the ones with the revisions. All members of the Board agreed that they had received today the revisions to the minutes.

Commissioner Thomas asked for the addition of an item on the Regular Agenda for discussion regarding the re-engagement of Kaufman Hall with respect to the hospital.

Chairman Simpson asked for the addition of a closed session to discuss a personnel issue and placed this item on the Regular Agenda as item 6a.

Chairman Simpson stated that under Item 9 – Text Amendments to Land Use Ordinance, the Board of Adjustment and Board of Equalization and Review should be added to the language of this item.

Mr. Crook suggested that the Board vote on each of the requested items to be added to or deleted from the agenda. He said that if there are any of these items that the Board would like to vote on separately, the Board could do so.

With there being no further additions or deletions to the agenda, Commissioner Thomas moved adoption of the agenda as amended. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

CONSENT AGENDA:

Chairman Simpson moved approval of the items listed on the Consent Agenda as amended. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

Contracts and Purchase Orders Over \$20,000 and Associated Capital Project Ordinances (CPO's): a) Authorized the County Manager to approve an amendment to ASIC Maintenance Agreement for Government Center Phone Switch, pending legal review; b) authorized the County Manager to approve Task Order No. 30 with Hazen & Sawyer for 12-Mile Creek Wastewater Treatment Plant NPDES Permit Modification in the amount of \$382,940, pending legal review; c) authorized the County Manager to approve Task Order 29 with Hazen & Sawyer for Design Services for Old Sycamore Package Treatment Plant Rehabilitation, pending legal review; d) Amendment to Task Order for CM&E for Jesse Helms Park and Associated Capital Project Ordinance (CPO) #143 – ***This item was moved to the Regular Agenda at the Request of Commissioner Kuehler;*** e) Ratified the County Manager's prior approval of a purchase order for an emergency purchase of a water heater for the Union County Jail.

Sheriff's Office: Budget Amendment #12 to Appropriate Additional Funds for State Criminal Alien Assistance Program (SCAAP) in the Amount of \$47,788: Adopted Budget Amendment #12 to appropriate the additional funding in the amount of \$47,788 as recorded below:

BUDGET AMENDMENT

BUDGET Sheriff's Office REQUESTED BY Eddie Cathey
 FISCAL YEAR FY2011 DATE December 20, 2010

INCREASE

DECREASE

Description

Description

Operating Expenses	47,788		
Federal Revenue	47,788		

Explanation: Appropriate additional funds for State Criminal Alien Assistance Program (SCAAP). County was awarded \$67,788.00. FY 2011 budget contains \$20,000; \$47,788 remains for additional appropriation. Distribute proceeds among prof. svcs and comp. equip. (to scan inmate docs & replace camera system with DVR equip)

DATE _____

APPROVED BY _____

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

FOR POSTING PURPOSES ONLY

Prepared By JLL
 Posted By
 Date

Number 12

Amendment to the 2010-2011 Union County Position Classification and Pay Plan: Approved amendment to the 2010-2011 Position Classification and Pay Plan to reflect a proposed change in the assigned pay grade for the Director of Communications Classification from the current pay grade of 73 to the proposed pay grade of 78

Department of Juvenile Justice and Delinquency Prevention (DJJDP): Adopted Budget Ordinance Amendment #13 as recorded below and approved revised DJJDP County Funding Plan for FY 2010-2011

BUDGET AMENDMENT

BUDGET DJJDP REQUESTED BY Jim Bention, Sr
 FISCAL YEAR FY2011 DATE December 20, 2010

INCREASE

DECREASE

Description

Description

Operating Expenses 11,426

State Revenue 11,426

Explanation:

Increase of DJJDP Program Funding for FY 2011

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>	
<u>10457100-4920-1601</u>	<u>Contingency</u>	<u>21,418</u>	<u>10557100-5920-1601</u>	<u>Contingency</u>	<u>21,418</u>
<u>10557000-5699-1610</u>	<u>United Family Services</u>	<u>17,744</u>	<u>10457000-4496-1610</u>	<u>United Family Services</u>	<u>17,744</u>
<u>10557500-5699-1604</u>	<u>Shelter Care</u>	<u>7,500</u>	<u>10457500-4496-1604</u>	<u>Shelter Care</u>	<u>7,500</u>
<u>10557000-5381-1600</u>	<u>JCPC Administration</u>	<u>7,600</u>	<u>10457000-4496-1600</u>	<u>JCPC Administration</u>	<u>7,600</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Total	<u>54,262</u>	Total	<u>54,262</u>
Prepared By	<u>bl</u>		
Posted By	<u> </u>		
Date	<u> </u>	Number	<u>13</u>

Motor Vehicle Abatement Report for July 2010: Approved the Motor Vehicle Abatement Report for July 2010 in the total amount of \$33,595.93 for all years

Wesley Chapel Volunteer Fire Department: *This item was moved to the Regular Agenda at the request of Commissioner Kuehler.*

Joint Meetings with Municipalities: Authorized the County Manager to contact municipalities to schedule joint meetings between the Board and municipal elected officials.

Community Benefit Organizations: *This item was moved to the Regular Agenda at the request of Commissioner Kuehler.*

Minutes: Approved minutes of the regular meeting of December 6, 2010.

2010 Tobacco Communities Reinvestment Fund Demonstration Grant Application (No County Match Required) (This item was added to the Agenda): Ratified the County Manager's approval of the grant dated December 17, 2010

Information Only – No Action Required: Included in the agenda package with no action required were the following: 1) Personnel Department's Monthly Reports for October and November 2010; 2) Department of Inspection's Monthly Report for November 2010; and 3) Discovery Report for the month of July 2010 from Tax Assessor's Office.

OLD BUSINESS:

BUDGET CALENDAR:

Mrs. Coto, County Manager, stated that staff has put together a calendar for the FY 2012 budget which would start next month and includes a session with the Board of Commissioners to try to establish goals and objectives so that a budget can be built around the Board's priorities. She said that in FY 2013, staff is proposing a 12-month budget cycle with the budget being adopted in June and in August, the next budget process would begin. Mrs. Coto stated that staff was seeking direction as to whether or not the timeframe meets with the Board's satisfaction, and, if so, then staff will proceed to schedule at least the initial work session to discuss the Board's priorities. She said that the Board may want additional sessions to receive updates regarding the status and whether or not the Board might want sessions on the capital improvement program. She stated that staff would be looking to the Board as to what areas it wants additional information as it relates to building the budget.

Commissioner Thomas stated that he found the calendar to be very comprehensive and expressed appreciation to the staff members who had worked to develop the calendar.

Mrs. Coto said that the direction that staff was looking for, if there are no recommended changes to the calendar, is authorization for staff to proceed with the meetings listed and to coordinate a work session for the Board to develop priorities.

Chairman Simpson moved to authorize staff to proceed with the meetings listed and to coordinate a work session for the Board to develop priorities. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

APPOINTMENT OF COUNTY ATTORNEY:

Chairman Simpson stated that a Request for Qualifications (RFQ) was advertised, and responses were received from three attorneys: Ligon Bundy, James Allen Lee, and Keith Merritt. He said that all three are very well qualified attorneys.

Commissioner Kuehler said that she has worked with Mr. Bundy for quite awhile. She said that she was still having an issue with how fiscally responsible it was to remove Mr. Merritt as the County Attorney during pending litigation. She said that she works in the legal field and knows what the learning curve is and how difficult it is for an attorney to pick up in the middle of legal matters. She stated that in looking at the amount of work that Mr. Bundy and his firm have continued to do for the County, the learning curve will not go away totally, but it certainly will be less than with a brand new attorney or firm.

She asked what would happen with pending cases and asked if whichever attorney is appointed would begin with new cases moving forward and the County would retain the former attorney or have him work in tandem with the newly appointed County Attorney and possibly pay double legal fees in some instances.

It was suggested that these questions could be answered after an attorney is appointed. Commissioner Thomas suggested that there be an update for the Board on pending cases.

Vice Chairman Johnson moved to appoint Ligon Bundy as the County Attorney. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

Chairman Simpson asked that Mr. Bundy respond to the questions posed by Commissioner Kuehler regarding pending cases.

Mr. Bundy expressed appreciation to the Board for its decision to appoint him as County Attorney. He stated that as the Interim County Attorney he has been in contact with Mr. Merritt. He said that he held Mr. Merritt in high regard and stated that the two of them have a good working relationship. He stated that as Interim County Attorney he did not feel it was appropriate for him to begin transitioning matters. He said that the following three matters have already been identified that Mr. Merritt or his firm have been working on: 1) Jesse Helms Park Bridge (it is more cost effective for Mr. Merritt to continue handling this matter); 2) a real estate transaction that is scheduled to close before the end of the year and Mr. Merritt's firm is continuing to handle that matter); and 3) a matter involving the negotiation of a very complex contractual matter that Mr. Merritt's firm is handling. He reiterated that he has a good working relationship with Mr. Merritt. He said that he thought the best thing to do is to look at the matters that Mr.

Merritt is working on and then develop a recommendation on how the work should be completed. He said that he did not know if he should bring that recommendation to the Board or if the Board would allow him the discretion to work with Mr. Merritt and the County continue to pay Mr. Merritt for the work that he will be finishing.

Commissioner Thomas said that he was in support of the recommendation by Mr. Bundy. He stated there was no sense in complicating the matter and having duplicate representation. Mr. Bundy assured that duplicate representation would not occur.

CLOSED SESSION (This item was added to the agenda):

At approximately 7:30 p.m., Chairman Simpson moved that the Board go into closed session for the following purposes: 1) to consult with an attorney in order to preserve the attorney-client privilege in accordance with G.S. 143-318.11(a)(3); and 2) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee pursuant to G.S. § 143-318.11(a)(6). The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

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

At the conclusion of the discussion in closed session, at approximately 7:50 p.m., the Chairman moved that the Board go out of closed session and reconvene the open session. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

The Board members returned to the Board Room, first floor, Union County Government Center, and the Chairman reconvened the regular meeting.

Chairman Simpson stated that before he proceeded with the meeting, he wanted to read the following statement into the record:

“The position of County Manager is one, if not the most crucial roles in all of County Government. The Manager serves as that vital link between policy setting and the effective and efficient transformation of policy and the services provided to the taxpayer.

Whereas, the Manager serves at the pleasure of the Board of County Commissioners, and it is within the prerogative of any current Board majority to choose a Manager befitting of their personalities, political philosophy and leadership style. The decision not to renew the expiring contract of the past Manager was well within the bounds of the Commission's role.

Union County faces tremendous challenges in the future and the taxpayers deserve a process which ensures that all efforts have been exhausted to find the most qualified manager to lead our County. Unfortunately, with this most recent search, this was not done. Sufficient efforts were not given with regard to the search process nor was there adequate time given to ensure that all potential candidates were identified. Furthermore, and, most importantly, due to the politics surrounding an upcoming change in the majority on the Board with the election in November, it is certain that many qualified candidates chose not to apply or even withdrew their applications in expectation of this change.

In the weeks following the election, Todd, Jonathan, and myself have labored over the decision of how to move forward in light of these circumstances. In a press release, we pleaded with the current board to consider the situation and to postpone the hiring until the three incoming Board members could be seated and allow the full Board to share in the process. Despite our pleas, we were ignored. As a part of that same press release, we promised swift and decisive action to correct such a rush to judgment. There has been a great deal of speculation with regard to what was meant by our statement and what action we might take. Many believe the correct course of action is to rescind the current Manager's contract and begin a new search.

As I said many times over the past six to eight months, a lack of trust has been a major factor impacting this Board's direction, and I believe it was so in this case as well, but I also promised, if elected, I would work to restore professionalism and accountability to County government. When executed properly, recruiting and selecting a Manager is an expensive and time consuming process. In addition, the cost of rescinding the current contract would be yet another waste of scarce resources which voters told us time and again they were wary of.

There is a verse from Ecclesiastes which says "there is a time to build up, and a time to tear down." Now is not the time to tear down. I trust that Mrs. Coto is both competent and sincere in her desire to serve unselfishly to make Union County a great place to live and work, and I look forward to helping her do just that."

PARKS AND RECREATION: AMENDMENT TO TASK ORDER FOR CM&E FOR JESSE HELMS PARK AND ASSOCIATED CAPITAL PROJECT ORDINANCE (CPO) #143 (This item was moved from the Consent Agenda to the Regular Agenda at the Request of Commissioner Kuehler):

Chairman Simpson recognized Commissioner Kuehler for her comments.

Commissioner Kuehler stated that she was a little surprised to see this item on the consent agenda. She said that this was a matter that previous Boards have discussed and, interestingly enough, the last time it was visited, it was a rare five to zero vote to not spend another dime. For the benefit of the Board members, Commissioner Kuehler briefly recapped what has transpired to date in regards to the Jesse Helms Park Bridge. She said that she is trying to be fiscally conservative in this matter.

She said that she understood that CM&E was brought in to be the contract administrator and to help with the bid process and the construction, but to date the County has paid for the design, a review and modification of the design, the contract administration, and the construction. She stated that she has reviewed all the documentation provided as well as the Board's minutes, and she could not in good conscience give any more money toward the project.

Vice Chairman Johnson questioned what amount of the grant has been paid to date. Mrs. Coto responded that the grant is a reimbursement grant. She explained that there are two phases to the project. She noted that the bridge does not involve any grant dollars; however, she stated, obviously, there is no way to reach the project without the bridge. She stated that the grant dollars are associated with Phase II which is development of the passive park. She explained that as soon as issues began occurring with the bridge, all design efforts for the passive park were stopped, because staff did not want to expend any additional dollars until the bridge issues were resolved, and the County will have to request a grant extension from the state. Mrs. Coto stated that in her opinion there was no way the project would be completed by the June or July timeframe even if the project were to proceed forward immediately, so a grant extension will be necessary for Phase II.

Vice Chairman Johnson stated that he thought at some point in time the bleeding has to stop, so to speak. He said if the bridge could be fixed, then it needed to be fixed, and, if it cannot be fixed, then bulldoze it down and forget it.

Mrs. Coto said that she understood the Board members' frustration. She stated that she had only been dealing with this project for a short period of time. She explained that at the special meeting of the Board held on November 30, 2010, staff had brought forward a request for additional services for H2L, which is an independent structural engineer, that had been brought in to look at the bridge, the deficiencies with the bridge, and to evaluate the fix that was proposed by Blythe Construction, and the Board's direction at that point in time was "We're not going to authorize this money. We want you to gather everyone in a room, and we want you to figure out a solution to the bridge without it costing the County any additional dollars."

Mrs. Coto stated that on December 7, 2010, she along with Wes Baker, Bill Whitley, and Barry Wyatt spoke with representatives from Blythe Construction, CM&E, Tindall, Stewart Engineering, the original engineer and the structural engineer from H2L. She further stated that they also did a site visit to the bridge. Mrs. Coto shared that the conclusion from that meeting was that Blythe agreed to perform the fix at no additional expenditures to the County. She said that the County's engineers have reviewed the proposed fix and have agreed, based upon what was proposed, that if Tindall puts together the plan, signs and seals it, then the bridge can proceed forward.

She explained that the fix is not within the original scope of services, and there are no structural engineers on staff. Mrs. Coto said that as County Manager she could not recommend that the Board authorize a contractor to proceed forward without someone on the ground watching the work which is to be accomplished, and there is also additional material testing associated with the fix that will be required. She stated that this is the reason staff has brought the work order to the Board. She noted that it is explained in the agenda item that it is staff's intent that all of the additional monies expended which were associated with the issues of the bridge will be recouped by the County.

Commissioner Kuehler stated her issue is that the work is not outside the original scope, because the original scope was a deliverable product that was not going to fail and it did. She said she had an issue with paying additional money for a peer review that did not get done for a project that does not work. She complimented the staff for seeking funds elsewhere to cover the additional cost.

In response to a question by Commissioner Thomas regarding whether it is a necessity to have someone on the ground watching the work performed or could there be an inspection following the completion of the work, Mrs. Coto responded her personal opinion, based upon construction projects she has been involved with in the past, is that the County would want someone there representing the County's interest. She explained that this did not mean that person would have to be onsite during the entire time the work is being performed.

Mrs. Coto said that one of the issues that had been discussed with Blythe Construction is a request for an extended warranty, and Blythe has made a proposal, which is being evaluated by staff.

There was discussion relating to an extension on the grant. Mrs. Coto stated that she has not dealt with park grants in North Carolina. She explained that the County would have to request an extension on the grant from the State. She said that there have been some initial discussions with the State, and its initial response has been for the County to bring its request when there is a better

sense of the timeline. Mrs. Coto stated that she is not comfortable with the County expending any more dollars without the State approving a grant extension. She said that it is staff's intent to visit the State in January, if the State agrees to meet, and obtain a commitment regarding a grant extension, so the County can proceed with Phase II of the project.

Commissioner Thomas stated that he would like to determine if an extension is possible before the County expends any additional funds on the project.

Following discussion, Commissioner Thomas moved to table the issue until the January 4th meeting. He asked if this would provide staff with sufficient time to meet with the State regarding a grant extension.

Mrs. Coto responded that at that time, it might be possible that staff would be able to secure a meeting with the State. She said that she did not know if there would be an affirmative response from the State at that time regarding an extension.

Commissioner Thomas amended his motion to table the matter until the January 4th meeting for discussion and to receive an update from the staff.

The motion as amended passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

PRESENTATION ON REVALUATION PROCESS:

John Petoskey, Tax Administrator, provided a Power Point presentation regarding the revaluation process for 2012. He noted that by action of the previous Board on September 7, 2010, the County's revaluation was advanced from January 1, 2016, to January 1, 2012. He said that the last County revaluation was in 2008, and the last two revaluations were advanced to a four-year cycle by resolutions of the Board.

Mr. Petoskey explained the impact of a revaluation in the County. He stated that in tax base, the high-end dwellings have been the most significantly impacted causing the actual tax base loss to be greater than the median. He said that the weighted averages indicate if the revaluation was conducted today, the real estate tax base would drop approximately 14 percent. He said that a 14 percent decline in the real estate base would require an increase on the tax rate of approximately eight cents to remain revenue neutral.

He further said that on individual properties, a revaluation would result in a decrease in valuation on most properties; however, the magnitude of the decrease would vary widely depending on the location and type of property. Mr. Petoskey stated that if a revenue neutral tax rate were adopted, many taxpayers would receive a decreased assessment but yet may pay more in taxes.

He said that Union County is experiencing less than a third of the number of arms-length sales than it did prior to the slow-down in the market. He said that it would be difficult to determine the market on certain properties where there are few or no sales. He stated that statewide 12 out of 23 counties postponed a four-year revaluation in 2011 primarily because of an insufficient number of sales.

Mr. Petoskey noted that the last date to affirm or rescind a revaluation is March 1, 2011. He discussed the hard costs of the revaluation which included approximately \$100,000 for printing and mailing of notices, Board of Equalization and Review Meetings at \$20,000, and staffing of approximately \$100,000. He said the soft costs would include diverting staff to work on the revaluation instead of doing quality control, new construction, and appeals.

Commissioner Kuehler asked about the percentage of tax base increase during the height of the market or the 2008 revaluation. Mr. Petoskey responded that it would have been approximately a 30 percent increase.

In response to a question by Commissioner Thomas regarding the difficulty to project because of irregularities in the market and not enough comparables and if this were still holding true, Mr. Petoskey said that it was very much a concern. He explained that there are certain markets and certain subdivisions where there are plenty of sales and then there are others where there are no sales. He said that in those situations, they would have to go to the next most comparable subdivisions and perform some extrapolations where there are sales. He stated that is their biggest concern.

Mr. Petoskey said that he has a very good staff and assured that they would do the best job that could be done given the circumstances. He stated that they are very much dependent upon sales for benchmarks. He said that when there are not enough sales, they would have to resort to cost and other types of approaches.

Vice Chairman Johnson asked Mr. Petoskey what he would term high-end dwellings. Mr. Petoskey responded any dwellings approaching the million dollar category, and anything over \$400,000 to \$500,000 are the homes that have taken the worse hits.

Commissioner Kuehler asked for clarification when Mr. Petoskey was referring to neighborhoods whether he was talking about a classification of like houses. Mr. Petoskey said that when he refers to neighborhoods, he should probably use the term economic area. He said that it has to do with the homes being homogeneous (same builder, same style). He stated that most people think of subdivisions when referring to neighborhoods. Commissioner Kuehler noted that she thought it was important to understand that it is not what the house next door sold for necessarily, but it is a conglomeration of like houses.

Mr. Petoskey said that if in fact there are not enough sales in an economic area as was originally delineated, the delineation would have to be widened until there are sales.

No action was taken.

WESLEY CHAPEL VOLUNTEER FIRE DEPARTMENT (This item was moved from the Consent Agenda to the Regular Agenda at the Request of Commissioner Kuehler):

Chairman Simpson recognized Commissioner Kuehler for her comments.

Commissioner Kuehler explained the reason she had asked that this item be moved to the regular agenda is because it was a split decision of the last Board. She stressed that in no way, shape, or form did she have any issues with the waiver of capacity fees or meters, but she did want to have a discussion about when the Board starts amending its policies: it is not a little thing, especially the Water and Sewer Policy. She said that she had no problem with the fire department having a new department, and said they need a new department. She stated that she thought they had a permit for a new department, and she thought the County's policy was to only give capacity for the amount of the permit.

Ed Goscicki, Public Works Director, responded to Commissioner Kuehler's comments. He stated that Wesley Chapel Fire Department modified its plans to reduce the scope of the internal facilities to match up with the available capacity that it had to comply with to 360 gallons per day. He said that this amendment would allow the fire department to finish out the remaining internal facilities with the additional bunk beds for the staffing as they had originally proposed.

Commissioner Kuehler commended the fire department for amending its plans. She said that she gets telephone calls at least once a week from people saying they are ready to move forward with projects, but they cannot because they cannot get water and sewer. She asked that the Board look at this request. She said that she understood that the fire department retired a truck payment to

make the payments on the new fire station. She stated that at some point in time, it would be an increase to the taxpayers in the district, and she said that she would add to that what is occurring with the Providence Fire Department. She said that if there is a merger of these fire departments, there would be three fire departments in that district. She questioned if it were prudent to approve this much sewer capacity for the fire department.

Cindy Coto, County Manager, requested to respond to Commissioner Kuehler's concerns. She stated that staff is well aware of the continual requests that are received for water and sewer capacity. She said that staff is currently working on updating the Sewer Allocation Policy, and it is hoped that staff can come to the Board in February or March with that information. She stated that there would be some additional capacity freed up to address some of the concerns that the Board is hearing.

Commissioner Kuehler suggested that maybe at that time as the process goes forward, the fire department's request could be heard. She said that the fire department can build at the current amount of its permit.

Commissioner Thomas stated his concern is if this department's request does not go forward and the fire department has made changes in its plans, what would be the department's costs to retrofit the internal facilities. He said that for 360 gallons, he thought it was prudent to understand as government, that public protection is the number one cause. He said that Commissioner Kuehler had stated some great points, but the fire department needs the County's support. He said that the request was 360 gallons per day capacity versus another request received this week of approximately 50,000 gallons per day of sewer capacity. He said that the fire department needs to be able to move forward in order to minimize some of its construction expenses.

Commissioner Thomas moved approval of the request for Sewer Allocation of 360 gallons per day (gpd) to the Wesley Chapel Fire Station #26 facility expansion and include in the Sewer Allocation Policy adopted by the County Commissioners on September 17, 2007.

Mrs. Coto explained that the County does not waive fees, but there is a transfer from the General Fund to the Public Works budget to accommodate the increase in capacity. She stated that the amount for the 360 gallons per day with a two-inch meter is \$30,632. She requested that Commissioner Thomas consider amending his motion to include the transfer of these funds from the General Fund to the Public Works budget and authorize staff to move forward with the appropriate budget amendment to accomplish the transfer of funds.

Commissioner Thomas agreed to amend his motion to include the transfer of funds in the amount of \$30,632 from the General Fund to the Public Works budget.

The motion as amended passed by a vote of three to one. Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted in favor of the motion. Commissioner Kuehler voted against the motion. Commissioner Rogers was not present.

COMMUNITY BENEFIT ORGANIZATIONS (This item was moved from the Consent Agenda to the Regular Agenda at the Request of Commissioner Kuehler):

Chairman Simpson recognized Commissioner Kuehler for her comments regarding this item.

Commissioner Kuehler explained that several years ago when the bottom dropped out of the economy, the Board realized that part of the County's budget reductions would be to some of the community organizations that provide very necessary services that the County in turn does not have to provide. She said the County was not going to be able to provide these organizations with the funding that they had received in the past. She said that the Board at that time wanted to give these organizations an opportunity during the Board meetings to present information about their organizations in order to try and bring in private monies. Commissioner Kuehler stated that these presentations had been limited to Union County organizations. She said that she did not think any organization had made a presentation more than once, and even if some of the organizations did make presentations twice, it did not cost anything, and it gives another opportunity for these organizations to get their messages out. She said she did not understand why this Board would want to discontinue having these presentations.

Vice Chairman Johnson asked if there might be other alternatives for the organizations to share their information with possibly running announcements on the government channel.

Cynthia Coto, County Manager, apologized that she did not know what the County's policy is with respect to what is aired on the government channel.

Commissioner Kuehler asked Jeff Crook, Senior Staff Attorney, about whether there is a policy. Mr. Crook stated that this issue had been raised several times by the County's Public Information Officer, but there is not an existing policy. However, he noted that there are parameters under which the Board would have to operate to allow access to the government channel. He offered to look into this matter for the Board.

Vice Chairman Johnson suggested it would be good to have an organization of the month and to run public announcements on the government channel about that organization during the month. Mrs. Coto said that staff would be interested in doing this if that is the Board's direction.

Commissioner Thomas stated that he thought this would provide a forum so that the organizations could show how they have used the funding.

Chairman Simpson commented that in his career he worked with many non-profits, and they are all very valuable and provide a tremendous service. He stated, however, he was not sure if presentations for these organizations were in the scope of the County Commissioners' Board meetings.

Following the discussion, Commissioner Kuehler moved to continue the practice of allotting time during the regular Board meetings for presentations by Community Benefit Organizations. The motion failed by a vote of two to two. Commissioners Kuehler and Thomas voted in favor of the motion. Chairman Simpson and Vice Chairman Johnson voted against the motion. Commissioner Rogers was not present.

DISCUSSION REGARDING KAUFMAN HALL (This Item was Added to the Agenda at the Request of Commissioner Thomas):

Chairman Simpson recognized Commissioner Thomas for his comments regarding this item.

Commissioner Thomas said that he thought it goes without saying that folks realize that the lease of the hospital is winding down with approximately nine years remaining on the current lease. He stated that at the same time there are other healthcare issues within the County, such as the Emergency Department at CMC-Waxhaw that need to move forward. He said that the previous Board had put off that decision until the new Board was seated. He said that he would like for the Board to direct the County Manager to re-engage Kaufman Hall to begin communications with CHS. He said that he represented only half of two willing parties to be able to move the healthcare needs along. He stated that ultimately he would look out for the best interest of the County, but in order to get to that point, the County must get to the table with CHS and be able to determine whether or not now is the time.

Commissioner Thomas said that he thought that the County should talk with CHS and look at the options. He stated that he ran on a very clear campaign that the hospital is not for sale, and the option of selling the hospital in any way, shape, or form is not an option. He said that he thought this matter needs to be moved forward and at some point be able to begin discussions with CHS.

By way of clarification, Commissioner Thomas stated that Kaufman Hall had been willing to re-engage its contract at the price of \$575,000 which would involve negotiating with a single party entity. He said that the other option was if it was negotiations for a sale of the hospital, he thought Kaufman Hall's price was approximately \$800,000, which he said was not an option. He explained that with the \$575,000, Kaufman Hall was willing to give a \$150,000 credit for the knowledge it has already gained by working with the previous Board on healthcare issues. He noted he thought a better deal could be obtained.

Following his comments, Commissioner Thomas moved to direct the County Manager to have a conversation with Kaufman Hall and to enter into a contract in an amount not to exceed \$350,000, which has been budgeted. He said that in addition to that amount, the price would not be broken into phases but would be a one-time block amount for negotiating with CHS.

There was discussion regarding the fee not being broken down into phases.

Jeff Crook, Senior Staff Attorney, asked if the Board could give staff the flexibility to negotiate with Kaufman Hall to develop a new scope of services and to include milestones within that scope. He asked if this would be acceptable to Commissioner Thomas in his motion. This change was agreed to by Commissioner Thomas.

Following the discussion, the motion as amended passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

TRANSPORTATION ADVISORY BOARD (TAB):

This item was removed from the agenda at the request of Chairman Simpson.

NEW BUSINESS:

TEXT AMENDMENTS TO LAND USE ORDINANCE – PLANNING BOARD MEMBER QUALIFICATIONS:

Chairman Simpson stated that he also wanted to include the removal of the requirement for a disclosure form from the applicants to the Board of Adjustment and Board of Equalization and Review. He commented that one of the things that help a County Board of Commissioners to conduct its business is the number of volunteers that participate in the various boards and committees and assist with planning and development of County business. He said that as Board members it is their responsibility to take applications and vet those people in order to develop a strong group of individuals to serve on the boards. He stated that for applicants to have to provide a disclosure statement that identifies all of their properties and holdings was somewhat restrictive in terms of getting a lot of talented people. He said that since it is the Board's responsibilities to vet those applications, he did not think the disclosure form was necessary.

Following the discussion, Chairman Simpson moved to initiate text amendments to the Land Use Ordinance (i) to delete the requirement of a conflict of interest disclosure form for members of the Planning Board [Section 27(b)] and Board of Adjustment, (ii) to immediately remove the requirement for a disclosure form from applicants to the Board of Equalization and Review, and (iii) to delete the requirement that Planning Board members not serve on various other boards and committees [Section 27(d)].

Jeff Crook, Senior Staff Attorney, questioned whether the motion included the committees and boards that were discussed during the agenda session. He clarified that in regards to the Planning Board and Board of Adjustment, this could be done by initiating a text amendment to the Land Use Ordinance which would have to go through the process. He noted that this would not be required to delete the requirement for the conflict of interest form for the Board of Equalization and Review, as this could be done by a motion if that is the Board's desire. The Chairman concurred that his motion included the three boards discussed during the agenda session.

Commissioner Thomas asked Mr. Crook if newly appointed members to these boards receive any ethics training. Mr. Crook responded that there is training for both the Planning Board and Board of Adjustment. He said that he thought there was some internal training provided for the members of the Board of Equalization and Review, but he did not know if that included ethics training.

Commissioner Thomas said that his point was he would hate for someone serving on these boards to receive a gift or something that could be viewed as unethical when the intent was not present. He stated that he thought the gray areas do need to be clarified.

Commissioner Kuehler commented that she did not disagree that it is the Board's responsibility to vet the candidates. She said that every tool that can be available to assist in doing that is a step in the right direction and to her lends itself to disclosure and transparency and openness in government. She stated that the Conflict of Interest form (Disclosure Statement) has never been a tool to keep people from serving on boards, but it has merely been the opportunity to allow others to know if there is a conflict on the board that it is disclosed. She said these are people who are making land use decisions, zoning, and land acquisition recommendations. She said that the Board of Commission members are required to fill out disclosure statements that are more detailed. She said that in connection with cross serving on various boards, it was the intent of the previous Board that there was not someone on the Planning Board who was also on the Board of Adjustment who was also serving on the Agriculture Advisory Board and other committees where each of the boards could potentially have something to do with each other.

Vice Chairman Johnson said that the Board approves appointments and questioned if someone serves on the Planning Board, would the Board appoint them to serve on the Board of Adjustments. He stated that in looking at the situations that some of the boards are in, he wondered if the disclosure form deterred a number of good, honest people from applying for these positions. He said that by using the County's GIS system, one could learn any properties owned by someone. He stated that the form does not prevent someone from lying and being dishonest or unethical, and he thought the form was more of a nuisance.

Commissioner Thomas questioned how the disclosure form is enforced and who policed it.

Mrs. Coto responded that she thought the forms were completed and then filed.

Commissioner Kuehler stated that she would not be voting for the motion, as she thought it was a step backwards and certainly not open and transparent.

With there being no further discussion, the motion passed by a vote of three to one. Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted in favor of the motion. Commissioner Kuehler voted against the motion. Commissioner Rogers was not present.

UPDATE TO LAND USE ORDINANCE:

Cynthia Coto, County Manager, provided background for the Board regarding this item. She explained that there are two components to this item as it relates to the Planning Board and some of the work that it is presently working on.

She also stated that in September 2010, the Planning Board initiated several text amendments to the Land Use Ordinance that have not yet been reviewed by staff or legal, and staff believes that based upon the current Land Use Ordinance, that it has been piecemealed over the last 20 years. She said that monies have been budgeted for several years to do a complete rewrite of the Land Use Ordinance, but a rewrite has not been done. She said that based upon conversations with Richard Black, Planning Director, and Jeff Crook, Senior Staff Attorney, her recommendation is that it is appropriate at this time to solicit consultants to rewrite the County's Land Use Ordinance versus continuing to add addendums and amendments to it as has been done over the last several years. She explained that the reason for this recommendation is that it is believed this would provide a collaborative, integrated, and inclusive process with all of the potential stakeholders.

Mrs. Coto stated that the second portion of her recommendation is that the Board direct her to suspend any work being done by staff as it relates to the text amendments that the Planning Board is presently working on. She said that in this way staff could carry the message to the Planning Board as a directive from the Board of Commissioners that given the confines on time of the Planning Department and the Legal Department, the County staff cannot support the Planning Board in that endeavor.

Following the explanation by Mrs. Coto, Chairman Simpson moved to:

- a. Authorize the County Manager to solicit proposals for consultant(s) to assist with the scheduled update/rewrite of the Union County Land Use Ordinance.
- b. Direct the County Manager (i) to suspend work by staff regarding any further text amendments pending update/rewrite of the Land Use Ordinance, unless otherwise authorized by the Board of Commissioners, and (ii) to suspend work by staff in support of efforts by the Planning Board to update/rewrite the Land Use Ordinance, pending engagement of one or more consultants and development of an update process.

The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

PLAN OF WORK FOR MANAGER:

Chairman Simpson stated that every County employee through Personnel is required to participate in a performance review process that involves goals and objectives of what the employee plans to do throughout the year and identifies ways to improve should

those goals and objectives not be met. He said that the review for the Manager currently involves a one-sheet review with a couple of subjective ideas. He stated that in terms of the Commissioners being able to focus as a Board and work with the County Manager on specific goals and objectives throughout the year, that a more professional document developed by Personnel with an opportunity for feedback and objective measurements would be valuable. He said that this was the purpose of this item.

Following his explanation, Chairman Simpson moved to direct staff as soon as possible to work to identify instruments and procedures and to present to the Board options of developing a Plan of Work for the County Manager for performance evaluation purposes.

The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Simpson announced vacancies on the following boards and committees:

- a. Adult Care Home Advisory Committee (at Least Two Vacancies)
- b. 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
- c. Nursing Home Advisory Committee (at Least Four Vacancies)
- d. Parks and Recreation Advisory Committee (One vacancy for a member with physical disability)
- e. 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)
- f. Library Board of Trustees - Four Vacancies as follows as of January 2011
 - 1. Marshville Region (One Vacancy)
 - 2. Weddington Region (One Vacancy)

3. Waxhaw Region (One Vacancy)
 4. One Member at Large
- g. Union County Home and Community Care Block Grant Advisory Committee (Five vacancies for community representatives as of December 2010).

He appealed to the citizens to make applications for these boards and committees.

APPOINTMENTS TO BOARDS AND COMMITTEES:

- a. Library Board of Trustees (Five vacancies: Union West Representative, Monroe Region Representative, Fairview Region Representative, and two members at large).

Commissioner Kuehler stated that she had a difficult time reviewing the applications, some because she could not determine where the applicants reside and she did not have a reference map for the regions. She noted that all of the members' terms are up for appointment in the month of January 2011.

Following her comments, Commissioner Kuehler moved to table appointments to the Library Board of Trustees until January so that the Board can look at placing the proper people in the right positions. She clarified that she was only recommending to table the appointments to the Library Board of Trustees.

The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

- b. Agricultural Advisory Board (One Vacancy Expired in June 2010)

Chairman Simpson stated that one application had been received from Don Kerr.

Vice Chairman Johnson moved to accept the application and appoint Mr. Kerr to fill this vacancy.

Commissioner Kuehler said that Mr. Kerr had indicated in prior meetings that the Board has not appointed him to committees in the past because of political reasons. She stated that she wanted to set the record straight that the reason she would not be voting

for his appointment tonight is not political. She said that he has served on other boards, and she based her position on the fact that when serving on the other boards, he had a 58 percent attendance rate, and she could not support appointing someone to a board who only attends a little more than half of the meetings. She stated this has been the sole reason for her having not voted to appoint him in the past. She stressed that it was not political and that she did not know Mr. Kerr personally.

Chairman Simpson responded to Commissioner Kuehler's comments by stating that Mr. Kerr has been active in agriculture for his entire life as had his father before him. He said that in terms of his activities in Farm Bureau and Cooperative Extension in the development and construction of the Agricultural Center, Mr. Kerr's assistance has been stellar, and he supported the Vice Chairman's motion.

Vice Chairman Johnson echoed the comments of the Chairman and said just having the knowledge that Mr. Kerr has and his involvement on state issues as well as local issues, the County is very fortunate that Mr. Kerr is willing to serve on this board.

Following the discussion, the motion passed by a vote of three to one. Chairman Simpson, Vice Chairman Johnson, and Commissioner Thomas voted in favor of the motion. Commissioner Kuehler voted against the motion. Commissioner Rogers was not present.

c. Social Services Board (One Vacancy Due to a Resignation – Term Expires June 2013)

Chairman Simpson stated that an application was received from Dr. Nancy Horak Randall.

Commissioner Thomas moved to appoint Dr. Randall to fill the unexpired term on the Social Services Board. He stated that he had spoken with Dr. Randall earlier in the week and found her to be very qualified. He said that he has known Dr. Randall for 15 years and can attest to her commitment to the County.

The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

d. Historic Preservation Committee (One Vacancy Due to a Resignation with the Term Ending February 2011)

Chairman Simpson read the names of those who had submitted applications.

Vice Chairman Johnson moved to appoint Crystal Crump to serve on the Historic Preservation Committee. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

e. Nursing Home Advisory Board (Five Vacancies)

Chairman Simpson read the names of those who had submitted applications for this board.

Vice Chairman Johnson moved to table appointments to this board until a future date. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

f. Home and Community Care Block Grant Advisory Committee (At Least Five Vacancies)

Chairman Simpson read the names of those who had submitted applications for this board.

Commissioner Thomas moved to reappoint Ruth H. Helms and Richard Gardner to serve on this committee. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

g. Carolinas Medical Center-Union Community Trustee Council (Four Vacancies)

Commissioner Kuehler stated, as a point of order, that she has had some discussions with the attorney and came to the point where the Board of Commissioners needs to take a position as to what point it is in the process of providing membership to this council. She said that her understanding is there are three possible options: 1) take the position that the County has the authority to appoint; 2) take the position that the County now continues to nominate with the Community Trustee Council having final approval of these appointments; or 3) take the position to go back to square one and take the nominations from the Community Trustee Council. She said that this is a subject that she has spent more time on than she cares to admit. She said that this particular Community Trustee Council is an amendment to the hospital lease that significantly reduces the control and input that the County has had in its own hospital. She noted that prior to this amendment, the County appointed the members to the Trustee Council, and now the members

are chosen from within the Community Trustee Council community, and those positions are not advertised or open to the average person.

She said that this is the same committee that endorsed the 2008 lease that gave the County's hospital to CHS. She stated that it is an important board. She explained that the previous Board had gotten to the process where the County was appointing the members. She said that the Board had appointed three extremely qualified candidates: Ms. Shubert, Mr. Davidson, and Mr. Groves. She said that she attended the Hospital Board of Directors' meeting and all three of those appointments were turned down. She stated that she had specifically asked why they were turned down and was told that the Community Trustee Council believed there were better qualified people in the County. She said that what was even more interesting to her was that the Community Trustee Council had not met between the time the appointments were made and when that comment was made to her. Commissioner Kuehler said her point was that this is an important committee and the Board is moving forward with something that it needs to have knowledge and comfort by knowing that there are people serving on the Community Trustee Council who are asking questions. She implored the Board of Commissioner to stay on track and make its own appointments to the Community Trustee Council.

Commissioner Thomas asked that the Board not forget that the Community Trustee Council represents the interest of the County. He said that maybe the process has become flawed or it was not as clear as it was in the past. However, he stressed that he thought a new emphasis should be placed on training the Community Trustee Council members to understand that they are an advisory board for the Board of Commissioners. He said in regards to previous appointments that have been made to this Board, he could not speak for the Board or CHS. He stated that he thought the voters were clear they did not want the hospital sold. He said that he personally knows all four of the candidates proposed by the Community Trustee Council, and he knows that they have the County's interest at heart, and he has no problems whatsoever in appointing them to the Board. He said that he wanted to make it clear with these candidates and those members already on the Community Trustee Council appointed by the Board of Commissioners that they represent the interest of the County, and he looks forward to serving on that Board as the Commissioner representative and making sure that the process is kept on track with where the County wants to be.

Commissioner Thomas asked that the Board entertain the fact that because there are so many issues going on in the County with healthcare with CHS as the provider, that all four appointments be for three-year terms. He stated that he thought the element of attrition might take care of the staggered term issues. He said he did not think this is addressed in the lease.

Commissioner Thomas moved to appoint the primary candidates: Ken Harris, Barry Greene, Richard Helms, and Judy Kennedy for three-year terms. The motion passed by a vote of three to one. Chairman Simpson, Vice Chairman Johnson, and

Commissioner Thomas voted in favor of the motion. Commissioner Kuehler voted against the motion. Commissioner Rogers was not present.

h. Adult Care Home Community Advisory Committee (At Least Five Vacancies)

Commissioner Thomas moved to appoint Donna Staton to serve on the Adult Care Home Community Advisory Committee. He stated that he had spoken with Ms. Staton today and found her to be very excited about the opportunity to serve Union County in this capacity and was very qualified and understood the balance between providing care and the issues that the provider might incur.

The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.

MANAGER'S COMMENTS:

Cynthia Coto, County Manager, expressed appreciation to the Board for the confidence that it has voiced. She promised that she would not disappoint the Board. She stated that she looked forward to a very successful and productive working relationship with the Board and wished the Board members a happy holiday season and a safe and blessed New Year.

COMMISSIONERS' COMMENTS:

Commissioner Thomas stated that in his opinion it had been a very productive meeting. He echoed the sentiments of the County Manager that he was honored to have her in the County and looked forward to working with her. He said that he thought the issues were too big to continue playing petty politics, and he was glad that the Board was able to bury that hatchet tonight and move forward in a new tone in Union County.

He stated that from his home he wished everyone a very Merry Christmas and reminded all to keep the reason for the season in mind.

Commissioner Kuehler also wished everyone a Merry Christmas.

She said that at the last meeting she was appointed to the Board of Directors of the Piedmont Behavioral Healthcare, and its meeting dates conflict with another committee meeting that she has. She asked that the Piedmont Behavioral Healthcare appointment be assigned to another Commissioner who does not have a conflict.

Chairman Simpson noted that Vice Chairman Johnson also had a conflict with a committee to which he was appointed, and stated that these would be considered at a future meeting.

Vice Chairman Johnson expressed appreciation to Rick Plyler for offering the invocation for tonight's meeting. He also thanked the ones who had spoken during the informal comments.

He encouraged everyone to take a moment to remember the reason for the season and not to let that reason become lost in the shuffle of the season.

He extended a special thanks to those who have served and are serving overseas in the military. He asked that everyone keep those in mind as well as their families. He wished everyone safe travels, a Merry Christmas, and a happy New Year.

Chairman Simpson stated that he echoed Vice Chairman Johnson's comments about those serving in the military. He said it has not been too many Christmases since he also had a son in Iraq and Afghanistan. He stated it was a tough time at Christmas to have a loved one away serving. He said that he felt for all those families who have members serving and wished safety for their family members.

He wished everyone a very Merry Christmas and said that he looked forward to a very prosperous New Year in Union County.

With there being no further discussion, at approximately 9:25 p.m., Chairman Simpson moved to adjourn the regular meeting. The motion passed by a vote of four to zero. Chairman Simpson, Vice Chairman Johnson, Commissioner Kuehler, and Commissioner Thomas voted in favor of the motion. Commissioner Rogers was not present.