

Approved 1/20/2009

January 5, 2009
Minutes of the Regular Meeting

The Union County Board of Commissioners met in a regular meeting on Monday, January 5, 2009, 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: Chairman Lanny Openshaw, Vice Chair Kim Rogers, Commissioner Allan Baucom, Commissioner Tracy Kuehler, and Commissioner A. Parker Mills, Jr.

ABSENT: None

ALSO PRESENT: Al Greene, County Manager, Matthew Delk, Assistant County Manager, Lynn G. West, Clerk to the Board of Commissioners, Jeff Crook, Senior Staff Attorney, Kai Nelson, Finance Director, H. Ligon Bundy, Interim County Attorney, members of the press and interested citizens

OPENING OF MEETING:

a. Invocation

In the absence of Reverend James A. "Sonny" Rogers, Pastor of Back to Bethel Baptist Church, who was scheduled to offer the invocation, Commissioner Mills presented the invocation.

b. Pledge of Allegiance

Commissioner Mills led the body in reciting the Pledge of Allegiance.

INFORMAL COMMENTS:

There were no informal comments.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

Chairman Openshaw requested to add an item to revisit the discussion from the December 15, 2008, meeting on the Parks and Recreation PARTF grant. The Chairman also requested the addition of an item to Revise the Resolution of the Union County Board of Commissioners Relating to Defense of County Officers and Employees which was adopted by the Board on June 15, 1998.

With there being no further additions or deletions to the agenda, Commissioner Mills moved adoption of the agenda as amended. The motion was passed unanimously.

Chairman Openshaw stated that Item 8a would be Discussion on the PARTF Grant and Item 8b would be Revision of the Resolution of the Union County Board of Commissioners Relative to Defense of County Officers and Employees.

CONSENT AGENDA:

Motion was made by Commissioner Mills to approve the items listed on the Consent Agenda as presented. The motion passed unanimously.

Minutes: Approved minutes of the regular meeting of October 6, 2008, special meeting of October 13, 2008, and regular meeting of September 15, 2008.

Public Works Department: Authorized staff to pursue the North Carolina Division of Pollution Prevention and Environmental Assistance 2009 Community Waste Reduction and Recycling Grant and authorized the County Manager to execute the grant application and agreement, if awarded

Tax Administrator: Approved the monthly departmental report for the Tax Administrator for November 2008

Tax Administrator: Approved refunds for December 2008 in the grand total amount of \$12,879.84

Acct #	Name	Release #	Totals
2008			
07039273	TURPIN PHILIP B & WF LAURA T	5139	4,468.79
50084884	BYRUM FRANKLIN D ROOSEVELT	5148	129.36
05132050	CURTIS LOIS DAPHINE	5178	357.50
			-
Totals - 2008			4,955.65
2007			
02021012	TRULL LILLIE MAE	5096	275.54
50082260	PRESSLEY LINUS H & WIFE DONNA	5101	373.96
50088564	CHURN RICHARD DILLARD	5108	101.14
50096303	TIENDA ROMERO MONROE	5116	195.56
06237001	FIRETHORNE HOMEOWNERS ASSOCIATION OF	5138	713.97
50073838	BALLARD DAVID B & WIFE KIMBERLY	5143	1,302.74
			-
Totals - 2007			2,962.91
2006			
02021012	TRULL LILLIE MAE	5097	251.42
50088564	CHURN RICHARD DILLARD	5106	27.31
50073838	BALLARD DAVID B & WIFE KIMBERLY	5144	1,008.53
			-
Totals - 2006			1,287.26
2005			
02021012	TRULL LILLIE MAE	5098	249.25
50088564	CHURN RICHARD DILLARD	5107	28.42
50073838	BALLARD DAVID B & WIFE KIMBERLY	5145	962.99
			-
Totals - 2005			1,240.66

2004			
02021012	TRULL LILLIE MAE	5099	237.91
50073838	BALLARD DAVID B & WIFE KIMBERLY	5146	1,057.58
			-
Totals - 2004			1,295.49

2003			
02021012	TRULL LILLIE MAE	5100	150.60
50073838	BALLARD DAVID B & WIFE KIMBERLY	5147	987.27
			-
Totals - 2003			1,137.87

GRAND TOTALS - ALL YEARS **12,879.84**

Tax Administrator: Approved releases for December 2008 in the grand total amount of \$144,588.46

Acct #	Name	Rel #	Real Value	Totals
2008				
07069121	JENNINGS ANITA S	5089	15,070	100.21
06066262	WEBER GERALD A	5090	51,160	349.98
09273004	JR & WIFE KELLY L JEFFERSON	5091	223,650	1,487.27
04036012A	VILLAGE APTS LTD % BETSY MILLER ROWELL C	5092	460	3.06
04204014C	RICHARD DAVIS HAZELINE G	5093	4,290	28.53
07129291A	FUNDERBURK CAROLYN M	5094	143,100	1,009.71

02021012	TRULL LILLIE MAE	5095	29,760	242.90
50096455	BLACK HAWK TRAILERS	5102		216.35
50099909	LITTLE ELTIS	5104		128.41
50088564	CHURN RICHARD DILLARD	5105		86.17
50099874	U S HELICOPTERS INC	5109		1,330.00
50032240	U S HELICOPTERS INC	5110		5,605.95
50099868	HUNEYCUTT DAVID J	5111		22.57
50099868	HUNEYCUTT DAVID J	5112		27.61
50095939	WILLIAMS ERIC D AND RHONDA M	5113		967.41
50096303	TIENDA ROMERO MONROE	5115		333.65
09194015	UNION MEMORIAL REGIONAL MEDICAL CENTER INC	5117	195,260	1,298.48
50065307	US BANCORP EQUIPMENT FINANCE INC	5118		18.27
50065303	US BANCORP EQUIPMENT FINANCE INC	5119		18.28
50076788	EAST JOE	5120		28.38
50070486	US BANCORP EQUIPMENT FINANCE INC	5121		175.93
50099862	RUMMERY JAMES	5122		219.45
08228003	BAUCOM LARRY M ET AL	5123	368,700	2,451.86
04120003	ROBINSON MELVIN FRANKLIN	5124	278,460	1,851.76
08264016E	MCNAMEE KEVIN P	5125	149,220	992.31
08264016	MCNAMEE KEVIN P	5126	96,450	641.40
08132013	BRASWELL MARK T	5127	308,850	2,053.86

09210010C	& PATRICIA B JOHNSON WITHROW JERRY W & GLENN A WITHROW TRUSTEE	5128	482,840	3,210.89
K7048019A	HUNTER PAUL SAMUEL JR & ZEE	5129	1,088,180	7,772.87
N7048019A	HUNTER PAUL SAMUEL JR & ZEE	5130	58,250	387.37
09168022	PARKER FRANCES	5131	78,460	521.76
09168022B	PARKER FRANCES	5132	8,030	53.40
09168022C	PARKER FRANCES	5133	130,720	869.29
09210010S	PRICE NEAL KEMP	5134	457,370	3,041.51
02242027	DAVIS WRISTON ARTHUR & CLARA BELLE DAVIS	5135	227,218	1,511.00
09197030 01	CAROLINA CLASSIC ENTERPRISES INC	5136	34,180	227.30
02303055 02	EDWARDS CARROLL M	5137	99,640	662.61
05039005	TYSON CHARLIE J & WIFE JUNE A	5140	849,620	5,909.97
09339020A	ELLISE QUARRY LLC	5141	1,195,000	6,999.13
50073838	BALLARD DAVID B & WIFE KIMBERLY	5142		1,163.16
50071031	BAUCOM AIR CONDITIONING & HEATING SERVICE	5149		182.88
05039007	COUICK JERRY LEE & ELIZABETH	5150	287,830	1,914.07
09321005	SOUTHWINDS OF MONROE LLC	5151	2,490	16.56
04123008	EUBANKS THOMAS CLAUDE JR ET AL	5153	514,650	3,422.43
01150012 02	HATHCOCK BYRON PAUL	5154	172,080	1,144.33
50073838	BALLARD DAVID B	5155		3.51

05087021 80	& WIFE KIMBERLY YARBROUGH JOHN RANSON & CLAUDIA	5156	6,170	42.56
05087021 90	YARBROUGH JOHN RANSON & CLAUDIA	5157	2,525,430	17,420.42
07048026	BRALYNN INC	5158	796,600	5,381.83
02245001 93	HAYWOOD NELL R HEIRS	5159	118,570	788.49
50099164	SUN VALLEY FAMILY DENTISTRY	5160		2,574.83
05013001	RUTLEDGE W C JR	5161	260,970	1,815.30
04335001	RUTLEDGE W C JR	5162	2,928,610	20,371.41
03159030	LITTLE JOHN HAROLD & JAMES THOMAS LITTLE	5163	209,620	1,393.97
07132010L02	AUSTIN VILLAGE LLC	5164	248,540	1,753.69
07132010L03	AUSTIN VILLAGE LLC	5165	503,510	3,552.77
50015509	B B & T EQUIPMENT FINANCE CORP	5166		8.34
50069320	B B & T EQUIPMENT FINANCE CORP	5167		98.21
50079824	PENEGAR DAVID M	5168		359.32
50067941	YELLOW TRANSPORTATION INC	5169		186.97
50099381	ALLADIN HEATING & COOLING	5170		196.44
05096002 07	BELK JAMES H & MARIANNE N	5171	148,920	1,027.25
05096002 06	HEDRICK EDWARD COTRUSTEE & VIVIAN W HEDRI	5172	231,930	1,599.85
05096002 08	MCKINGHT	5173	74,470	513.70

05096002 05	WILLIAM W NIVEN BENJAMIN F JR & JANE F NIVEN TRUSTEES	5174	379,940	2,620.83
07129022	AUSTIN CHARLES W & ET ALS	5175	1,880,670	13,270.01
02006007B	DOUGLAS ERNEST CALVIN	5176	41,795	277.94
04156004	WILSON KENNETH WORTH & BOBBIE	5177	41,585	276.54
09339021A	SHILOH BAPTIST CHURCH	5179	312,500	2,078.13
08156001 01	KEILER LYNN TESH	5180	777,300	5,169.04
Totals - 2008			19,038,118	143,481.64
2007				
50096455	BLACK HAWK TRAILERS	5103		200.16
50095939	WILLIAMS ERIC D & RHONDA M	5114		899.55
09321005	SOUTHWINDS OF MONROE LLC	5152	1,000	7.11
Totals - 2007			1,000	1,106.82
GRAND TOTALS - ALL YEARS			19,039,118	144,588.46

Contracts Over \$90,000 and Associated Budget Amendments: Authorized the County Manager to approve the following contracts, pending final legal review, and associated budget amendments: a) Reimbursement Agreement with Union Smart Start for the maximum reimbursement of \$34,200 for Smart Start In-Home Parenting Program and approved Budget Amendment #16 to the Department of Social Services Budget increasing Operating Expenses by \$34,200 and State Grant Revenues by \$34,200 to appropriate state grant funding via Union Smart Start for in-home parenting program; b) Reimbursement Agreement with Union Smart Start for the maximum reimbursement of \$21,200 for the Smart Start Eligibility Support Program and approved Budget Amendment #17

increasing Operating Expenses by \$21,200 and State Grant by \$21,200 to appropriate State grant funding via Union Smart Start for eligibility support program; c) Master Multi-Service Agreement with Black & Veatch for Engineering Services (Tri-Party Agreement to include Lancaster County Water and Sewer District); d) Agreement with Black & Veatch for preliminary engineering services for Catawba River Water Treatment Plant (CRWTP) Water Reservoir Expansion to 750 mg or greater volume and environmental permitting assistance with Union County's portion not to exceed \$670,143.50/Total Amount of Task Order is \$1,340,287; e) Master Multi-Service Agreement for Engineering Services with Hobbs, Upchurch & Associates (Tri-Party Agreement to include Lancaster County Water & Sewer District); and f) Agreement with Hobbs, Upchurch & Associates, P.A. for preliminary engineering services for the Catawba River Water Treatment Plant (CRWTP) Plant Expansion from 36 mgd to 54 mgd as well as river intake and river pumping station capacity with Union County's portion not to exceed \$72,120/Total Amount of \$144,240.

Information Only/No Action Required: Included in the agenda package for informational purposes only with no action required were the following: 1) Water Allocation Policy – Union County Public Works Appeal Responses Report and 2) Report of the sewer allocation of 2,875 gallons per day to the Preventech Project and include in the Sewer Allocation Policy Adopted by the Board on September 17, 2007. The Preventech Project is located at 4330 Matthews-Indian Trail Road.

PUBLIC INFORMATION OFFICER'S COMMENTS:

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

1. January 6th Planning Board meeting will air on UCTV 16.
2. Diabetes Self-Management Education Program is being offered by Union County Health Department.
3. 4-H Foundation Fundraiser is being held on Saturday, January 24 at 6:00 p.m. at the Ag Center.
4. Sheriff's Office Blood Drive is being held on Friday, January 16 from 3:00 p.m. to 7:30 p.m. at the Union County Ag Center
5. Union County Government offices will be closed on Monday, January 19, in observance of Martin Luther King, Jr. Day.
6. Board of Commissioners' next regular meeting will be on Tuesday, January 20, at 7:00 p.m.

OLD BUSINESS:

APPOINTMENTS OF REPRESENTATIVES OF TOWN OF WINGATE'S ETJ AREA TO TOWN'S PLANNING BOARD (TWO REGULAR MEMBERS AND ONE ALTERNATE) AND BOARD OF ADJUSTMENT (TWO REGULAR MEMBERS AND ONE ALTERNATE):

Vice Chair Rogers moved to appoint Phillip B. Austin and Kevin Stewart as regular members to Wingate's Planning Board and to appoint Thomas J. Alexander as an alternate member for the Town's Planning Board. The motion further included appointment of Thomas J. Alexander and Tami B. Stout as regular members to Wingate's Board of Adjustment and Michael E. Efir as an alternate member for the Town's Board of Adjustment. With there being no further nominations, the motion was passed unanimously.

Commissioner Baucom stated that he had spoken with Mayor Braswell of Wingate, and this was also the recommendation coming from Wingate.

Chairman Openshaw expressed appreciation to those who applied to serve on the Town's Planning Board and Board of Adjustment in connection with the appointments for the ETJ area.

NEW BUSINESS:

Chairman Openshaw questioned whether discussion on the PARTF grant should be included in the discussion under Old Business on the agenda. Mr. Crook, Senior Staff Attorney, indicated that it did not matter whether it was discussed under Old Business or New Business.

SCHEDULE JOINT MEETING WITH TOWN OF INDIAN TRAIL:

Chairman Openshaw said that the Town of Indian Trail is the first town to invite the Board to join its town council for a joint meeting. He stated that the Indian Trail Town Council has extended an invitation to the Board to meet with its council on Tuesday, January 27, at 5:30 p.m.

Commissioner Baucom moved approval to schedule a joint meeting with the Town of Indian Trail on Tuesday, January 27, 2009, at 5:30 p.m. at Indian Trail's Town Hall. The motion was passed unanimously.

DISCUSSION ON LIMITING THE LENGTH OF BOARD OF COMMISSIONERS' REGULAR MEETINGS:

Commissioner Baucom requested that this matter be forwarded to staff to gather information about what other governments and municipalities do about this matter and for staff to bring its findings and recommendations to the Board at a future meeting. At the request of Commissioner Kuehler, Commissioner Baucom explained his request further by stating that there are a number of important issues that the Board must hear, and he wanted to be sure that the Board deals with those issues in a fair and equitable manner. He stated that he did not think having late meetings is positive, and he thought the agenda should be planned so that the important issues are on the table and that the Board meetings should be limited to a certain number of hours, i.e. three hours, that could be changed by a vote of the Board.

Chairman Openshaw added that he would like the Board to consider in the meantime that if it is decided to recess a meeting, what would be the most convenient time to reconvene the meeting and whether it would be the following evening or later in the week.

Vice Chair Rogers said that while she understood what Commissioner Baucom was saying, she also hated to place a time limit on the duties of what the Commissioners are elected to do. She suggested that one way to handle this would be in preparation of the agenda, staff could include on the agenda an estimate of how long each of the items should take, and at the meeting, the Board could vote to go over the allotted time and continue discussion.

By consensus, the Board agreed to request staff to bring its findings and recommendations to the Board at a future meeting.

DISCUSSION ON 2009 PARKS AND RECREATION TRUST FUND GRANT – (This item was added to the Agenda at the Request of Chairman Openshaw):

Chairman Openshaw explained that this item was discussed at the December 15, 2008, meeting, and he thought Commissioner Baucom had made an excellent suggestion at that time that it be a dollar for dollar match instead of the \$175,000 that the County would be required to pay beyond the dollar for dollar match. He apologized for not discussing the details of the climbing wall, which is for the passive area of the park. He stated that a climbing wall is pretty active and, in addition, there are staffing needs and potentially some liability. He said that the wall would cost \$70,000 without the staffing requirements.

Following his comments, Chairman Openshaw moved to request that the climbing wall be omitted from the grant preparation. He added that he understood the rationale by the Parks and Recreation Director that the climbing wall would give the County extra

points to make its grant application more viable. He said that he believed that was compensated for by the fact that the economy is so bad, and he would anticipate that the amount of grants being applied for will probably be reduced.

Commissioner Baucom stated that he would still like the grant to be dollar for dollar if the application is going to be changed to omit the climbing wall. Chairman Openshaw responded that there is a requirement for a match by the County of approximately \$671,000, and the climbing wall would count for a good chunk of the \$171,000 the County would be required to match over the dollar for dollar match. Commissioner Baucom said that he was in favor of instructing the Parks and Recreation staff to reduce its recommendation to a dollar for dollar match. Chairman Openshaw noted that he believed that was the intent of the Board's motion at the December 15th meeting.

Following further discussion, the motion was passed unanimously.

DISCUSSION ON REVISION OF THE RESOLUTION OF THE UNION COUNTY BOARD OF COMMISSIONERS RELATING TO THE DEFENSE OF COUNTY OFFICERS AND EMPLOYEES – (This item was added to the Agenda at the Request of Chairman Openshaw):

Commissioner Kuehler moved approval for her to work with Jeff Crook, Senior Staff Attorney, to revise the Resolution of the Union County Board of Commissioners Relating to the Defense of County Officers and Employees, as adopted by the Board in 1998.

Commissioner Baucom asked for an explanation on what is trying to be accomplished by revising the Resolution. Commissioner Kuehler responded that she was for policy in government. She said that this resolution is ten years old and it is a good starting point, but she did not believe that it was where it needed to be and there were more questions in it than answers. She stated that her motion was an attempt to begin building policy.

Commissioner Baucom questioned whether the Board was working toward a governance policy. The Chairman responded that the motion on the floor concerns a specific policy of this government. Commissioner Baucom repeated his question about whether the Board was working on governance policy, and the Chairman said that the question was not germane to the motion on the floor. Chairman Openshaw added that he assumed there would be plenty more policies brought up by the Board in the future.

Commissioner Kuehler stated that what she was requesting is to work with Mr. Crook to tighten up the resolution and then bring a revised Resolution to the Board for consideration. Commissioner Baucom stated that he was still unclear on what policy that was being discussed and asked for an explanation from Mr. Crook of the policy.

Mr. Crook stated that it had been some time since he had reviewed the Resolution but explained that the Resolution lays out the parameters of when defense will be accorded to an elected official or employee of the county and reimbursement should there be a claim for damages, etc.

Following the discussion, the motion was passed unanimously.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Openshaw announced vacancies on the following Boards and Committees:

- a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two Persons Under Age of 18; and 4) Juvenile Defense Attorney
- b. Adult Care Home Community Advisory Committee
- c. Nursing Home Advisory Committee
- d. Board of Health (Vacancy for a Licensed Optometrist; Nurse, Engineer, and Citizen Representative)
- e. Union County Home and Community Care Block Grant Advisory Committee
- f. Farmers Market Committee (Vacancy for a member at Large)
- g. Library (Vacancies Representing: Marshville (1); Waxhaw (1); Weddington (1) and One Member at Large)

Commissioner Mills said that a number of these vacancies have existed for some time and suggested that some help was needed in filling these positions. Chairman Openshaw suggested that Brett Vines include these vacancies in the next weekly news release that he sends out and also the newspaper be asked to print an article about the need to fill vacancies on the Juvenile Crime Prevention Council, the Adult Home and Community Care Advisory Committee, and the Nursing Home Advisory Committee.

Vice Chair Rogers stated that in the past she served on the Juvenile Crime Prevention Council and said that there had been difficulty in getting persons under the age of 18 to serve on that council. She suggested that it might be prudent for staff to notify Dr.

Davis and ask him to work with the counselors. She said it would be good for students to work on this council and to have this community involvement on their college applications.

MANAGER'S COMMENTS:

Al Greene, County Manager, reminded the Board of the work session scheduled for Tuesday, January 13th at 11:00 a.m to discuss the possible establishment of a community representation committee to help flesh out some ideas on the structure of the Board of Commissioners. He also noted that at the December 15th meeting, the Board approved having John Fernsler and Matthew Levy to work with the Board on a dialogue on growth management. He said that Phase I of that effort would be for Mr. Fernsler and Mr. Levy to meet with Commissioners individually, and they are tentatively planning on being in Monroe for those interviews for January 21 and 22. Mr. Greene said that staff would be following up with the Board members on scheduling times to meet with Mr. Fernsler and Mr. Levey to discuss their views on growth management.

Chairman Openshaw stated that the workshop scheduled for Tuesday, January 13, is to begin at 11:00 a.m.

COMMISSIONERS' COMMENTS:

Commissioner Kuehler shared that she attended the deployment ceremony for the troops at CATA for the National Guard, 1st Battalion, 113th Field Artillery, and Battery B. She said that she hoped there are not many additional deployments in the future, but they need a larger space for the event. She said that there had been a good attendance at the event, and it was very touching. She stated that as a daughter of a veteran and having a nephew in the Marines, she knows personally what a sacrifice it is for the families to have their loved ones gone. She said that she hopes the members of that unit will be safe and wished them God Speed in returning home quickly.

Commissioner Mills said that he was unable to attend the deployment ceremony, but he was glad that Commissioner Kuehler had attended. He said that those ceremonies are important. He said at one time in the past the National Rifle Association (NRA) Banquet raised money for telephone cards for troops that were deployed. He said that others might want to look at doing something similar with people making contributions to purchase telephone cards.

Vice Chair Rogers expressed appreciation to Brett Vines, Public Information Officer, for his efforts in arranging for the Planning Board meetings to be televised so quickly. She said that she had received a call from a gentleman who is in charge of

picking up litter on the sides of the road in Union County. She stated that he had shared with her incidents of garbage bags and debris being dumped alongside the road. Vice Chair Rogers urged residents to not litter the roads and if they are witness to someone who is littering, to please notify the Sheriff's Office in an effort to help keep Union County beautiful.

Commissioner Baucom wished everyone a Happy New Year.

Chairman Openshaw stated that he had also received a telephone call from the gentleman who works with the Department of Corrections about litter alongside the highway. He said that the caller said he has three crews working on cleaning up the litter and they discussed conditions on Highways 601 and 200. He stated that they were also cleaning up New Town Road now. Chairman Openshaw reminded that the County has the "Adopt the Highway Programs", and some of the communities have their own litter days. He also noted that a year ago, the County funded a litter control officer for the Sheriff's Office. He said that the gentleman from the Department of Corrections stated it was such a large job to try and keep the roadsides clean, that he would appreciate any church groups or youth groups who could offer assistance.

Chairman Openshaw shared that he also attended the deployment ceremony and since he has a son that was deployed, he was a little more sensitive to it than possibly the general public at large. He said it was interesting in that both Senator Goodall and Mayor Kilgore were in Company B. He stated that he thought the ceremony had been well run and he was delighted to see such a great attendance. He said that he had noted during the event the appreciation expressed to the employers for allowing disruption in their workforce.

He also wished everyone a happy and prosperous New Year. He said that the Board has a lot of work to do and the County is feeling the financial pinch. He stated that he felt the Board unanimously would do its best for the County.

With there being no further items for discussion, at approximately 7:43 p.m., Commissioner Baucom moved to adjourn the regular meeting. The motion was passed unanimously.