

Approved 5/4/09

**MINUTES**  
**UNION COUNTY BOARD OF COMMISSIONERS**  
**February 2, 2009**

The Union County Board of Commissioners met in a regular meeting on Monday, February 2, 2009, at 7:00 p.m. in the Board Room, First Floor, Union County Government Center, 500 North Main Street, Monroe, NC. 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, Lynn G. West, Clerk to the Board, Matthew Delk, Assistant County Manager, Jeff Crook, Senior Staff Attorney, Kai Nelson, Finance Director, members of the press, and interested citizens

**OPENING OF MEETING:**

**Invocation:** The Chairman called the meeting to order and at the Chairman's request, Commissioner Baucom opened the meeting with a prayer.

**Pledge of Allegiance:** Members of Tiger Den Cub Scout Pack 169 from Mill Creek Baptist Church led the Commissioners and audience in reciting the Pledge of Allegiance to the American Flag. The Chairman recognized the following members: Ryan Helms, Ben Clyncke, Logan Wikfors, and Masen Tarte.

## **INFORMAL COMMENTS:**

The Chairman stated the next item is to hear comments from the public and reminded that each speaker is given three minutes in which to make his comments.

The first person recognized to speak by the Chairman was Elton Braswell. Mr. Braswell stated that he is a farmer from the northern part of Union County. He reported that he serves as the State Vice President of the North Carolina Farm Bureau that has membership of over 500,000 as well as serving on other committees and boards on both local and state level. He stated that during his experiences he had learned that as a county grows in population, the board needs to increase in size in order to represent all parts equally and fairly. He stated that his recommendation is to go to a board of seven commissioners and perhaps establish four or five districts with two or three members at large.

Mr. Braswell also commented that the Planning Board needs to remain with township representation.

He also stated that he did not believe a special election was required but that the vote could be a part of the next general election in order to save money.

The Chairman next recognized Nancy Shelton who stated that she lives at 2008 Bower Place, Champion Forest Subdivision, in Wesley Chapel. She commented on the replacement of the bridge on Cuthbertson Road near Providence Road. She reported that she originally had sent an email, which many of the Commissioners may have seen, to Tony Dennis of the NC Department of Transportation. She said from this email and with the apparent blessing of Mr. Dennis, Berry Moose responded with some explanations about the closing. She said she was amazed by many of the statements that Mr. Moose made and wanted to address those.

First, she questioned the assertion by Mr. Moose that there was a public hearing in which no objections to the closing were heard. She said she was lucky to live in a neighborhood that has been very proactive in its involvement with both Cuthbertson Road and the County Schools with the development of the new school complex. She assured that the closing of the road for nine months was a shock to her neighborhood. Mrs. Shelton said that they had been told that the road would remain open with a parallel bridge built; the project would start in May [2009] and would be completed no later than November. She said although it would have been an inconvenience, especially as it related to the beginning of the new school year, the community was prepared for that inconvenience. She said that her community in no way supports the closing of the road and assures that if there had been a public hearing, there would

have been representation present. She said that with some assistance she had found a record of all public meetings that were held by the NCDOT; the last public hearing for Union County was November 15, 2007, and the subject was, as quoting from the DOT document, “the proposed widening of CR-2188, Charles Street, from CR2181, Sunset Drive, to CR2100 Franklin Street.” She pointed out that there was no mention of Cuthbertson Road in that document.

Secondly, she noted that Mr. Moose stated that there was no objection from any of the emergency services in Union County nor were there any objections from the County Schools. She quoted from her email from Mr. Moose: “They were okay with us closing the road.” Mrs. Shelton said that she would not speak for those agencies but she had seen confirmation emails that no talks between NCDOT and the emergency management agencies have taken place as it related to the total closing of the road. She said she thought those agencies would speak for themselves.

Lastly, Mrs. Shelton said that Mr. Moose said, and she quoted from his email, “We basically had two choices. First, close the road and build a new bridge quicker or leave traffic on existing bridge and take longer and usually more money to complete the project.”

She said that statement baffled her because instead of the road remaining opened and the road construction lasting no longer than six months, the road will be totally closed and the project will take nine months. Mrs. Shelton said if you use Mr. Moose’s logic, the project should have taken considerably less time than the six months originally planned. She said that needless to say her neighborhood and all the residents along Cuthbertson Road are concerned. She stressed that it is more than a mere inconvenience; it is a matter of public safety. She noted that although her community is part of the Wesley Chapel Fire District, the neighboring subdivision, Lawson, is served by the Waxhaw Fire District. Mrs. Shelton also pointed out that the new medical facilities on Providence Road, which have been so desperately needed in the area, are quickly reached by using Cuthbertson Road. She noted if something should happen at any time; but, most especially at 8 a.m. or 5 p.m., that she is worried that the extra distance via New Town Road and Providence Road would potentially result in a tragedy. She reminded that Cuthbertson Road is already notorious for its unsafe conditions – little to no shoulders along the edge of the road and large construction trucks. She pointed out that with this total road closure that all the traffic will be funneled through the intersection of New Town Road and Cuthbertson Road. She challenged the Commissioners to travel this road and sit at this intersection while a large construction truck or a school bus attempts to make that right-hand turn from New Town Road onto Cuthbertson Road and not say, “What idiot designed that?”

Chairman Openshaw called time and asked Mrs. Shelton to conclude her comments. Mrs. Shelton pointed out that these roads were not designed for the unusual traffic volume and the NCDOT is now going to force these roads to accommodate all the traffic in

this highly populated area. She asked that Commissioners' support the residents with their influence with the NCDOT to get this decision changed for the benefit of the residents and the businesses of the area.

The next person to speak was Susan Messina of 1208 Nightingale Road, Waxhaw, in the Lawson subdivision. Mrs. Messina also thanked the Board for the opportunity to voice her opinion about this road and thanked Mrs. Shelton for her broad overview of the situation. Mrs. Messina stated she wanted to address the impact that the proposed bridge closure would have on the area schools that are scheduled to be opened in August. Specifically, she stated that the new schools, Cuthbertson Middle and Cuthbertson High Schools, lie about one and half miles east of the proposed bridge construction. She reported that the initial population estimate of the middle school is a little less than 700 student while the estimated population for the high school is between 800 and 900 students. Mrs. Messina reported that approximately one-half of the students live south and west of the school so the bridge closing would affect hundreds of families and several school bus routes daily. She pointed out that a five-mile detour may not seem to be a major inconvenience; however, for this population, bus detours and morning and afternoon drop-offs are not the only issues. She said that due to the nature of the contingent intersections – Providence and New Town Roads and New Town and Cuthbertson Roads – additional problems are sure to arise. First, she stated these intersections are already congested and dangerous. She noted that the intersection at Providence and New Town Roads involves an incomplete right-hand turn lane and the New Town and Cuthbertson Roads intersection, which Mrs. Shelton mentioned, is a variable death trap. Mrs. Messina said to add to the mix not only re-routed school buses but also the parade of pickups for middle and high school athletics and other activities during the evening rush hours, game nights, and daily with the number of teenage drivers and their related issues create a dangerous area. She also added that elementary school buses headed from subdivisions east of the bridge will be detoured in the opposite direction to Kensington Elementary School. She explained that according to the Principal at Kensington there are 50 to 75 parents in the school on any given day volunteering or attending meetings with teachers. Mrs. Messina noted that Kensington also houses a sizeable after-school program as well as an after-school enrichment program for which transportation would be affected. Also, she pointed out that if parents do not have access to their children's schools, volunteerism, which all the public schools count on, will diminish significantly. She reported that as it relates to the Cuthbertson schools under the proposed circumstances, the schools will be opening at a disadvantage if the parents and other community leaders are discouraged from volunteering due to lack of access: this will set an unhealthy precedent creating an equity issue for the new neighborhood schools. Mrs. Messina urged the Commissioners to consider carefully their decision about the road closing.

Peter Harlick, 1216 Nightingale Road, Lawson Subdivision, noted that this road closure would cause a financial burden to the local businesses in downtown Waxhaw. He said it was also noted that this will impact the residents from a police and EMS standpoint as well as inconvenience of the roads. He said he is the neighborhood watch coordinator for Lawson and is a volunteer fireman with

Waxhaw VFD. He stressed that one thing that NCDOT needs to consider in addition to the EMS and police delayed response time is the firefighters. Mr. Harlick said if there is an incident that only Wesley Chapel VFD can roll a truck to and there are only four men on the truck, it would not be a sufficient number to fight a fire. He reiterated that NCDOT needs to take into account, firefighter line of duty death potential. Mr. Harlick said if one of the firemen gets killed because there is not enough manpower to respond to a house fire, someone will need to be accountable for that tragedy. Mr. Harlick pointed out the opposition to the road closing that was drawn from Champion and Lawson subdivisions tonight.

James Kerr, 804 West Franklin Street, Monroe, thanked the Commissioners for the opportunity to address the Board tonight and to announce that the historic district of downtown Monroe has been increased by 60 percent. He said this has been a goal and has been worked on for about ten years. He stressed that this sets the stage for why he believes district representation would be best for the county. Mr. Kerr said that in thinking about the unique problems, challenges, and attributes in downtown Monroe, he noted that there is a very active downtown advisory board that for the first time has the guidance of a long-term master plan. He said the Master Plan has been developed from theory to implementation during the last ten years. Mr. Kerr said he had been a member of that board and the Historic District Commission barely touches on some of the issues of downtown Monroe. He pointed out that Monroe has some of the grandest houses in the county as well as some of the most humble living units in the county. Mr. Kerr encouraged the Board to consider those opportunities and work with some form of district or at large members to better cover the county.

Valerie Parella stated she lived 1138 Dotson Drive, Champion Forest Subdivision, and thanked the Chairman and the Board for the opportunity to speak tonight regarding the situation on Cuthbertson Road. She said she was present to show her support to those who have already spoken regarding the road issue primarily of public safety, which all the residents are very concerned about. Mrs. Parella said she did not think a price tag could be placed on the safety of the public and that she believed that the situation as it stands presents major potential problems for the residents along Cuthbertson Road. She said she has small children and has driven 40-45 minutes in traffic to Presbyterian Hospital in Matthews with a child with a head injury. Mrs. Parella said she was looking forward to having more immediate emergency care closer to home and would be very disturbed if that access is blocked. In addition, she reminded that the concern has been raised about the intersection of Cuthbertson and New Town Roads and agreed that now it is almost impossible to make a left-hand turn out of that intersection at 8 o'clock in the morning. She reported that the traffic will triple or quadruple with the opening of the new schools. Mrs. Parella also stated that this will present a negative impact on the businesses in Waxhaw in these very difficult economic times. She said she would not drive around a detour to go to Lowe's or to the grocery store if she can go somewhere else. She emphasized that would be a loss of tax revenue to Union County as well.

Donna Cochcan gave her address as 1302 Dotson Drive, Champion Forest Subdivision, in Wesley Chapel. She supported the comments of her neighbors who had spoken before her and stated there was little that she could add, but reported that last year her neighbor was killed on Cuthbertson Road on a Sunday afternoon. She said the accident happened when there were no construction vehicles or other added traffic. Mrs. Cochcan said the roads will be much worse if all the residents have to be detoured out one exit.

Karen Wylde gave her address as 1261 Waynewood Drive, Champion Forest Subdivision, and voiced her support for the comments made by her neighbors previously and stressed that their comments had been very valid. She stressed it would be a very dangerous situation if that bridge is closed for nine months.

Daune Gardner, Mayor of Waxhaw, spoke representing the people of Waxhaw although there is not an official position from the Board at this time. She said she understood the NC DOT has many challenges in providing transportation infrastructure but stressed that those challenges must not be overcome at the expense of the health and safety of the communities. Mayor Gardner said there is a process that the DOT is charged to follow that is intended to include meaningful public input but that process loses its credibility when the public input of the portion of the process takes place years prior to the construction phase of the project.

The Mayor shared some information that the Waxhaw staff compiled this afternoon regarding this project. The initial study took place in 2002. At this time [2002], the town of Waxhaw had no concerns. A letter to the property owners of record at that time elicited no concerns. Mayor Gardner said that in August of 2003 that there was a scoping meeting at which time EMS said to do whatever had to be done, and they would deal with it. Union County Public Schools with only two buses said that it could reroute them. She said that more recently the Town of Waxhaw was contacted regarding flood plain issues – not transportation or safety issues – and the town had no comments. Mayor Gardner said that now there are 900 vehicles traveling Cuthbertson Road every day and 32 school buses. She noted that the County is about to open new schools on the road with high school drivers. She stressed that this is quite a different picture than when the DOT did its study back in 2002-2003.

Mayor Gardner said that the emergency services folks had a meeting today, which Commissioner Kuehler attended, and the outcome of that meeting was that the Waxhaw Police Chief and volunteer fire chief agreed that on a routine call, the increase in the time of service to those neighborhoods would be four minutes and on an emergency call, it would be an additional two minutes.

Mayor Gardner asked the Board of Commissioners to make it very clear that it is not good enough to try to push through a change in this project that carries such a significant safety and economic impact to the County's communities and in particular to the

town of Waxhaw without meaningful public input and consideration regarding current conditions. She assured that the municipalities of Union County would support the Board on this effort.

Allen Trentham reported his address as 1809 Sparrow Lane, Waxhaw, in the Lawson Subdivision and assured that he supported the points made by the other residents of his area. He also mentioned that economically this will affect the County in that the residents would ask for police help at the intersection of New Town and Cuthbertson Roads. He said it is almost impossible in its current state to make a left-hand turn. Mr. Trentham said the money the DOT claims to be saving will be coming from the County's coffers. He said the second request is more emotional in that all who are affected by this are thinking about their children who will be affected from a safety perspective. Mr. Trentham asked the Commissioners to think about it in terms of it being one of their children or loved ones as the Board is making its decision.

Nancy Anderson, Mayor of Weddington, was next recognized to speak on transportation. Mayor Anderson said she wanted to address transportation in general. She said that she had attended many meetings in the last several weeks and addressed two significant meetings that were held. The first was the Mayors-Commissioners meeting and, at that time, the importance of the county speaking with one voice was discussed. She said it was also mentioned that it must be certain that the right thing is being said. Mayor Anderson asked the Commissioners to follow through with the recommendations of that meeting to form an advisory committee co-chaired by Commissioner Baucom and Commissioner Kuehler and to provide staff support. Mayor Anderson said that the committee needs someone who knows something about transportation—who studied it in college, who has a degree in that. She said it was one thing to give an opinion, but knowledge is needed to back that up.

Mayor Anderson said that earlier this evening she attended a meeting on behalf of the four municipalities who are in the process of doing the local area transportation committee. She said she attended the meeting with the Homeland Security Director Pat Beekman who did an outstanding job in keeping the emotion out of the issue and addressing only the facts.

She further stated the bridge on Cuthbertson Road was the issue of the day and, after all was discussed, all parties there seemed to think that all safety issues can be addressed and that she was confident that Mr. Beekman can do that. She said the way emergency vehicles are routed and the C-com is a temporary thing. Mayor Anderson said what most people were upset about was the intersection of Cuthbertson and New Town Roads. She said that as a person who has been trying for four years to get a traffic signal at another location of a Union County Public School, Antioch Elementary, she is still looking for the traffic signal. She said the problem is that every time that it is discussed there is an on-going disagreement between NC DOT and the school staff on who should pay for the road improvements around the school. She said that as they are having the disagreement, the people who are losing is the public – the

school children and their parents. Mayor Anderson suggested that prior to the Board of County Commissioners signing off on school plans for one more school that they include the traffic movements and congestions. She said it not only needs to be determined but funded. Mayor Anderson said money is being sent to Raleigh and nothing is coming back. She said the only control the County would have is to put the money in the schools' budget.

Fred Brillante of 1268 Burleyson Lane, Lawson Subdivision, summed up previous comments and stressed that what is needed is a very strong voice to speak to the NC DOT. He said it is obviously a question of miscommunications between the NCDOT and some of the residents of the county, and also a question of safety and community infrastructure in that area of the county. Mr. Brillante further said that it is perhaps a question of life and death and it is an important question that the Board of Commissioners will have to vote on soon.

The Chairman stated that completed the informal comments and announced the next item.

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

Vice Chair Rogers requested to pull Consent Items 4.1, 4.3, and 4.4 to move these to the regular agenda.

Commissioner Kuehler requested that Item 11 be removed from tonight's regular agenda to be added to a future agenda. She said that as she understood there is a Comprehensive Plan, a Water Conservation Plan, Water Allocation Plan, a Sewer Extension Policy all coming to the County within the next 30 to 60 days. She said the money the county has to allocate is smaller and she would like to have more information on these prior to making any decisions.

Commissioner Baucom requested to add to tonight's agenda discussion on the reduction of the Commissioners' salaries.

The Chairman reported that the staff has requested to add to the regular agenda consideration of inviting representatives from the School of Government at Chapel Hill, NC, to Union County to facilitate a meeting of Board of Commissioners and staff and to consider scheduling a special meeting with the schools' staff and Board members on Friday, February 13, beginning at 11 o'clock regarding budget reduction for fiscal year 2009 for the schools' budget.

The Chairman stated that he would request to move forward Item 12 from its placement on the regular agenda to earlier in the meeting to allow Mr. Sharp to be heard earlier and to also move Item 13 so that the Health Director or his representative could get



home earlier. He announced that Item 12 will become 6A, Item 13 will become 6B, Consent Item 4.1 will become Item 12 on regular agenda, Consent Item 4.3 will become Item 13, and Consent Item 4.4 will become 13A on the regular agenda. The discussion on the request from staff for a representative from the School of Government would become 18A and 18B will be discussion on the request for a meeting with the schools. He said 18C will be Commissioner Baucom's request to discuss salary reduction of the Commissioners.

The Chairman further announced that Items 17 and 11 will be removed from the agenda for discussion during a future meeting. He also requested to defer 18A until the next meeting. Commissioner Baucom asked the rationale for delaying 18A to the next meeting. The Chairman responded that this is going to be a long agenda and the item was given to him tonight, and he would like to have longer to study the request.

Commissioner Mills stated that according to the email that he has read that the Chairman and the two new Commissioners are not attending the upcoming School of Government. He said it was a very important training session and he thought the two newly elected commissioners should attend and, if not, it is important to bring the School of Government to Union County. He stressed it is critical to bring them to Union County to get some insight and help.

Commissioner Baucom, after being recognized by the Chairman, stated that he had received two or three emails since Saturday and noted the one today was regarding this recommendation. He said he thought the staff is challenged at this time, the County is at a standstill, and that this Board is dysfunctional. Commissioner Baucom said he thought the recommendation is to bring in some assistance to facilitate moving this Board forward to address issues, concerns, challenges, situations, whatever they are, to help this county become a county that is progressive and one that is moving forward to address the issues. He said there have been recommendations on moving forward with obtaining water by engineering firms and tonight it was proposed to postpone addressing water issues. He noted that he was having a difficult time understanding where this Board is coming from and what it is trying to accomplish. Commissioner Baucom said he did not see that the Board is moving forward in any rational manner whatsoever, and it appears that the Board is dead still in its tracks. He said it was his opinion that until the Board addresses the issues realistically and obtains assistance, he does not see anything being accomplished on its own. Commissioner Baucom further stated that he had not had any communication and noted that it will be the citizens of the County who will be the ones to suffer and stressed that he did not see any rational reason to delay this discussion until the next meeting. He pointed out that the Board should take action to be proactive and bring a representative from the School of Government to Union County to help facilitate, address issues, and bring some resolution to help this Board work together with the staff and manager. He stressed he would not support delaying this issue but would support inviting a representative of the School of Government to facilitate a meeting with the Commissioners and staff.

With there being no other comments, Commissioner Baucom stated that his request was in the form of a motion to keep the representative from the School of Government on the agenda for discussion.

The Chairman stated his motion was to delay the item and asked the attorney for an opinion.

Jeff Crook, Staff Attorney, stated that as he understood it, the Chairman's motion is broader than that with the additions, transfers and deletions of the other items. He said he would view Commissioner Baucom's motion as an amendment, and it should be voted on first.

The Chairman called for a vote on the amendment to the motion made by Commissioner Baucom. The motion failed by a vote of two to three. Commissioners Baucom and Mills voted for the amendment and Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted against the amendment.

The Chairman next called for the motion to approve the agenda as amended. The motion passed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted for the motion and Commissioners Baucom and Mills voted against the motion.

#### **CONSENT AGENDA:**

The Chairman moved to approve the consent agenda as revised. The motion was passed unanimously.

*Smart Start Family Literacy Grant Application (Library):* Moved to Regular Agenda

*Tax Administrator:* Approved the monthly report of the Tax Administrator for the Month of December, 2008.

*Resolution Amending a Resolution Providing for the Issuance of \$64,500,000 General Obligation School Bonds, Series 2009A of the County of Union, North Carolina:* Moved to Regular Agenda

*Contracts over \$90,000:* Moved to Regular Agenda

**Department of Social Services:** Approved Budget Amendment #20 to the Crisis Intervention Program to accept additional federal allocation of \$116,566 with no county funds being requested.

**Information Only/No Action Requested:** Report of a Sanitary Sewer Tap Allocation due to health hazard situation

**PUBLIC INFORMATION OFFICER'S COMMENTS:**

Brent Vines, Public Information Officer, reported that effective January 29, the County has moved from a Stage III to a Stage II water restriction phase and irrigation is now allowed twice a week and washing residential vehicles is allowed on designated irrigation days and Saturdays or Sundays. He reminded that the schedule is related to the geographic location of homes in the county. He said that under Stage II that most customers will maintain their current weekday for watering but are allowed an additional irrigation day during the week and the information will be included in the customers' bills. He said that any customer can learn their irrigation days on the web site – [www.co.union.nc.us](http://www.co.union.nc.us) under Water Shortage Information.

Mr. Vines reported that the Tax Administrator has asked that he remind the public of some tax deadlines. He briefly commented on these and reminded that more information can be found on the web site or by calling 704-283-9746.

The PIO also reported on the VITA program, which is a DSS Volunteer Income Tax Assistance Program, which provides free tax preparation for residents with gross incomes of \$42,000 or less per year. He said the volunteers are certified by the IRS and that the tax returns are filed electronically with refunds usually returned within seven to ten days. He asked that those who are interested contact 704-296-4312 to request an appointment.

Mr. Vines explained that the North Carolina Division of Veterans Affairs has a February 23 deadline to Union County veterans or children of qualified veterans to apply for free tuition and exemption from some mandatory fees. He asked that those who think they will qualify should contact their high school counselor or the Union County Veterans Service Office at 704-283-3744.

The Public Information Officer announced that beginning February 7 all branch libraries will open on Saturdays at 1:00 p.m. He noted this was a change from its regular operating hours of 9:00 a.m. Mr. Vines recommended that the residents check the hours for all Union County libraries at [www.union.lib.nc.us](http://www.union.lib.nc.us).

The Chairman moved to suspend the rules at the recommendation of the Vice Chair and the County Manager to move Item 15, which is about the closing of the Cuthbertson Road bridge, to Item 6C. The motion to suspend the rules passed unanimously.

Motion was made by Commissioner Mills that the Board move Item 15, Cuthbertson Road Bridge, to Item 6C. The motion passed unanimously.

### **DISCUSSION ON FORMATION OF FINANCE SUBCOMMITTEE:**

Vice Chair Rogers reported that she is proposing to form a financial sub-committee of the Union County Board of Commissioners. Its goal would be to help provide total accountability of citizens' tax dollars and, given the current and possible economic challenges facing Union County and this country, it is imperative that the Union County Board of Commissioners has a firm understanding of the county's financing and that the Board proactively meet those challenges. She noted that lots of time when the Commissioners come together as a full board, it is difficult to get down into certain details and with five members it is difficult to get business done. She pointed out that meetings of sub-committees are open to the public and the citizens can attend, but it gives a smaller group an opportunity for a better understanding. Vice Chair Rogers said that the participants of the committee that she is suggesting should include but are not limited to: two county commissioners, county manager or his designee, the finance department director/or his designee, or any department staff necessary to the task. Vice Chair Rogers said that some initial tasks that she has outlined are an in-depth review of statutory financial requirements for funding of various county programs and responsibilities, an in-depth review of non-statutory financial commitments for funding of various county programs and responsibilities as well as prioritization of those committees; identification of revenue sources of the county, i.e., taxes, leases, etc; identification of variable revenue sources, leases, water and sewer, retail; list of county assets and leases; review of school-county funding formula—is it working; identification of unfunded state mandates, clear understanding of future capital requirements; review of how funds are appropriated, funding levels, dollar amounts, contract-types, etc; review of the policy procedure for contract administration – is it the same for every contract? Do all contracts require contract control sheets? She said it is imperative that the County act now in a proactive manner to identify the above listed items and many others that will have an impact on county operations, county taxes, and its citizens.

The Vice Chair stated that her motion is to establish a finance subcommittee as proposed.

The County Manager stated that while the staff would always be hesitant to see subcommittees formed that the Vice Chair has done an outstanding job in putting together the purpose and goals of this committee. Therefore, he said that takes away any reservation that the staff may have had initially.

Commissioner Baucom said that he was having a difficult time in understanding the why of this subcommittee. He asked how this procedure would better serve the Commissioners in making decisions.

The Vice Chair explained that part of the Board's statutory responsibilities – G.S. 153A-101 "The Board of County Commissioners has and shall exercise the responsibility of developing and directing the fiscal policy of the county government under the provisions and procedures of the local government budget and fiscal control act." She stated that while the Board tasks the County Manager and the County Finance Director with the day to day work of that directive that she could not develop that policy with limited knowledge and without knowing exactly what is coming in. She stressed it is very difficult to have that information at every meeting. She said this would be one way to break it down and get in and understand what is going on so the Board could be support to the staff when they come before the Board of County Commissioners. The Vice Chair said it also alerts them if something is coming through that the subcommittee has a problem with. She stressed it broadens the level of communication and knowledge and allows the Commissioners to do the job that each is tasked to do. She said she also wanted to make sure that there is nothing in the paper that one day says the County is strong financially and then in a couple of days have in the same paper that the county is tapped out. Vice Chair Rogers said that it also means that discretionary spending that can be deferred to a future budget year really needs to be deferred and noted that Union County has more debt per capita than any other county in North Carolina and that the County is on track for a 17 cents tax increase. She said that she could continue but there is a lot of stuff going on and financially Union County needs to be on top of its game and that this is the most efficient way to do so. She said this was done for the school board and the school board has 66 percent of the budget so it was very effective on the school board. She said it was not a hindrance and her intent is to not delay but to understand and to help form sound fiscal policies.

Commissioner Mills asked if this meant the policy decisions would come back to the board. Vice Chair Rogers responded that the Commissioners on the financial subcommittee cannot make any decisions. She further stated that the recommendations would come from staff but the Commissioners would have more information and could better explain or help others understand or just be an additional resource.

Commissioner Baucom asked if the logistics is that the staff is doing the same thing that it is now doing but two commissioners would be sitting in or will staff be engaged and involved in additional tasks.

Vice Chair Rogers responded that she thought it was pretty clear what her initial tasks outlined and what they say. She said she is not trying to create additional workload but most of the information on here has probably been completed by Mr. Nelson. She said that in one of the meetings that she has seen on television, Mr. Nelson has made one recommendation and the Board went in another direction. She said with the subcommittee it is possible that the Board can better support the staff.

The Chairman recognized the County Manager. Mr. Greene stated that the staff had expressed reservations initially about the concept before the Board prior to the staff being made aware of the goals and the purpose of the committee. He said the staff does have concerns with standing subcommittees and their roles and the potential for miscommunication between staff and the Commissioners; and, frankly, miscommunication between commissioners with standing sub-committees. He said as he has reviewed what the Vice Chair has put together, it appears to be somewhat of an in-depth orientation of Union County finance for a couple of Commissioners, and he could see how that would be helpful to have commissioners who are fully aware of the overall financial picture of the county. He said clearly this subcommittee would not have authority to take action and that any policy issues would come back to the full Board of Commissioners. He explained that there could be times when the subcommittee might make recommendations but that with staff on the subcommittee, he could not see how that there could be a recommendation different than the staff's. Mr. Greene explained that he could see how it could be positive in the manner that it was spelled out by the Vice Chair. He said it might be somewhat time consuming for everyone and may take a little time to get through all of these various points, but within the framework outlined, the staff would not be against its formation.

The County Manager stated there is one question as to whether or not it would be an on-going standing committee and, if so, when would it meet. He asked if once these tasks have been completed what the on-going purpose of the committee would be.

Commissioner Mills stated that he thought it looked like the subcommittee could be a part of an orientation process and learning curve and this subcommittee might be helpful and one thing that he would like to add is that as budget time is quickly approaching that if the subcommittee is established that it review all the budget requests that come through to the County Manager. He said that in the past years the Board has seen only the budget as recommended by the County Manager and does not see all the original requests and the total dollar. Commissioner Mills suggested that if the committee is established that it review the total picture and have some input on what is eliminated.

In response to a question from the Chairman, Commissioner Mills stated that he set forth his recommendation as a friendly amendment to the Vice Chair's proposal.

The County Manager responded on the final point offered by Commissioner Mills that he thought it important to realize that the staff is charged by Statute with the responsibility to put together a recommended budget for the Board of County Commissioners. He said that to review it with the subcommittee would have to be after the recommended budget was formulated. Mr. Greene further said that process might slow down deliberation by the Commissioners. He said it could be done, but typically the budget recommendation is put together by the County Manager and staff after looking at all aspects of the requests that were received.

Commissioner Mills replied that during his first term on the Board of County Commissioners that the Commissioners received all the budgets and details, and that he is not accustomed to the way that it is now done. He said although the Board received a recommended budget from the County Manager, it also received copies of all the requests submitted. He said it is difficult to now know where the budget started from and what has been cut. He suggested that this information be provided to the Board.

Commissioner Baucom asked if this is a proposed standing subcommittee or is it a task force with the purpose of the eleven items as outlined.

Vice Chair Rogers responded that the way that she had proposed the subcommittee that it would have an initial task outline and that would allow the Board to have time to see if it is working and how it can be adjusted. She said she did not want to say the committee would end but wanted a chance to see if it is working. She said the Board might find a benefit in it and find other things that might need to be added to it such as Commissioner Mills just did. She said that she would like to see it open ended and if it runs out of things that need to be done, then it would be over.

Commissioner Baucom said he could support a task force for the eleven items mentioned and it working through the balance of this fiscal year with the continuance of the committee to be evaluated at that point. He offered the comment as an option to the proposal.

The Chairman agreed and stated that he did not have a problem with reviewing it at the end of the fiscal year but does have a problem with limiting it to only 11 items because the Board does not know what will come up during this time. He said to limit its activity does not seem to be logical considering that there has been a ten percent increase in the items now. The Chairman agreed to add a time frame after which its service value will be reviewed.

Vice Chair Rogers asked if Commissioner Mills' amendment was to her motion or did he agree with her incorporating that request into her motion as the 11<sup>th</sup> item.

Commissioner Mills said he did not have any problem with its incorporation and the Vice Chair agreed to add his recommendation.

As a point of clarification, Commissioner Baucom stated his motion was an amendment to the Vice Chair's motion.

Vice Chair Rogers agreed that she did not have a problem with reviewing the subcommittee but did not want to put a limit on what could be discussed during that time.

Commissioner Baucom agreed to change his amendment to set forth the date to review the continuation of the subcommittee to the end of this fiscal year without limitation of the number of items to be considered.

The Chairman called for the vote on amended motion to move forward with Vice Chair Rogers' proposal with review at the end of the fiscal year. The motion passed unanimously.

PROPOSED FINANCIAL COMMITTEE  
UNION COUNTY BOARD OF COMMISSIONERS

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**Goal**

One of the primary responsibilities of elected officials is to provide total accountability of citizen tax dollars. Given the current and possible economic challenges facing our county and our country, it is imperative that we have a firm understanding of county finances and that we proactively meet those challenges.

**Purpose**

The purpose of the finance committee is to gain an in-depth knowledge of tax revenues and expenditures in order to make informed decisions about taxpayer dollars.



## Participants

The members of the committee should include, but not limited to:

Two (2) county commissioners  
County manager or designee  
Department director  
Any department staff necessary to task

## Initial Tasks

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1. An in-depth review of statutory financial requirements for funding of various county programs and responsibilities.
2. An in-depth review of non-statutory financial commitments for funding of various county programs and responsibilities and prioritization of those commitments.
3. Identification of revenue sources for the county (i.e., taxes, leases, etc.)
4. Identification of variable revenue sources for the county (i.e., leases, water and sewer, retail, etc.)
5. List of county assets and leases.
6. Review of school/county funding formula - is it working.
7. Identification of "unfunded" state mandates
8. Clear understanding of future capital funding requirements
9. Review of how funds are appropriated --- approval levels, dollar amounts, contract type, etc.
10. Review of the policy/procedure for contract administration --- is it the same for every contract? Do all contracts require a "Contract Control Sheet" (thresholds, departments, etc.)
11. That the finance subcommittee will review all budget requests received by the County Manager for the 2009-2010 budget and not only those that are in the County Manager's recommended budget.

**PRESENTATION BY CENTRALINA COUNCIL OF GOVERNMENTS REGARDING THE STATUS OF CONNECT, A VISIONING PROJECT LED BY THE CENTRALINA AND CATAWBA REGIONAL COUNCILS OF GOVERNMENT AND THE CHARLOTTE REGIONAL PARTNERSHIP FOR THE GREATER CHARLOTTE BI-STATE REGION:**

The Chairman recognized the County Manager to introduce Mr. Al Sharp. Mr. Greene introduced Mr. Sharp who is the Executive Director of the Centralina Council of Governments and explained that Mr. Sharp works with all local governments in this region on planning issues, grantmanship, and all types of collaborative issues. Mr. Sharp stated that Union County was one of its members and that there were 72 local governments that had joined in a voluntary association to organize the Centralina Council of Governments. Mr. Sharp explained some of the purposes of its organization.

Mr. Sharp said that he is present tonight to talk about an initiative that was started about three years ago with full Union County support. He said the program is called CONNECT and its purpose is to effectively develop a grassroots vision and action agenda for the region. He reported that three years ago, his organization gathered all the public documents for vision plans by the nine counties and the 64 municipalities to develop a vision plan for the future. He said that what they did then was content analysis and identified an amazing amount of similarity and goals among the member jurisdictions throughout the Centralina region. Mr. Sharp said this is a process and work-in-progress and what it effectively asks is that a broad community of just under 200 million people, both in North and South Carolina, come together with some common goals so these governments can leverage the authority, power, and purpose that it has as a collective body. He indicated by a color-coded map the regional councils of government.

He said that by working through focus groups and talking about common values, they came down to six:

1. Sustainable, well-managed growth - He said that this effectively was a concern a year ago when Union County was the fastest growing county in the state. Mr. Sharp said that no one anticipated when this study began the change of economy. He said the economy change is temporary and this region is still an enormous magnet for both population growth and for economic investment and this is an opportune time to work on broad parameters, which are shared among the governments.
2. Towns and Cities - Do not want them to be all alike but want to maintain these towns and villages and cities uniquely in their own but yet build a network of cooperative efforts. He said these were the two sustainable efforts in terms of well managed growth – to be able to balance resources with expectations and build on the richness of the variety.
3. Safe and Healthy Environment – He said this definition is changing over time. He said it once meant that the citizens wanted to park cars in driveways and not lock their doors but now it means air, water, and other kinds of environmental issues that are equally important in terms of safety. He said there is also a desire to preserve open space in a meaningful way. To identify and adopt regional voluntary and enforcement initiatives because it is in the citizens’ best interest. He said it was in the area’s best interest to have air quality that meets federal standards. He said when the federal standards change, the region will need to change with it or suffer in terms of economic recruitment or with transportation funding.

4. Strong Diverse Economy – He said this means not simply a downtown Charlotte but every community needs both a place to live, go to school, and work. Mr. Sharp said he understood included in it is the goals in Union County to balance its assessed value for both business and residential and the County has been working hard to maintain and increase the number of job opportunities in the county as its population grows. He said that effort has to be replicated across the region. He assured that Charlotte Regional Partnership is a collaborative partner where there is no competition and no duplication.

He said all governmental entities in the seventeen county area signed on to support this initiative. Mr. Sharp said that this is the largest metropolitan area in the United States without a clear, articulated vision and Vision Utah started their process six years ago with a million dollars from Hewlett and a million dollars from Packard. He reported that this region has been doing its study by shear guts and three cents per capita that the Board voted on four years ago. He said it was sunset, and it will be closing this year. He elaborated that the money was used to bring in an internationally recognized consultant to do the content analysis and to use it as the process is going forward.

5. High Quality Educational Opportunities – He said this was core to so many people’s beliefs in this area; he said it is not only colleges but also preschool, K-12, community colleges and technical opportunities. Mr. Sharp explained there were a variety of good schools in the area but the community is not as competitive as far as education. He reported that there is a fairly high drop out rate in some of the communities and there are not as many four-year research oriented universities. He said it was only in the last ten years has UNCC and Winthrop College become research universities. He briefly noted the disadvantages of that fact. He further stated that fundamental to the core values in this region are equality and fair opportunities.
6. Mr. Sharp said that instead of the sixth value standing on its own, they tried to integrate collaboration amongst the jurisdictions and across the disciplines as part of the model for CONNECT. He said the things that are decided to be done as a region and the issues voted on by elected officials affect other things. He noted that the idea as to where to locate schools affect traffic patterns, and what is done in terms of air quality affects water quality. Mr. Sharp said there needs to be an understanding and a regional dialogue on interconnectivity in this modern life and all need to be aware of it.

He said that what is being said is that the 72 public entities voluntarily agreed to work together on CONNECT to create a common voice wherever possible, to look for a model of inclusion, and to participate in a forthright engagement with others. Mr. Sharp said that COG’s goal is to reach 80 percent of the jurisdictions with a favorable vote representing 80 percent of the people. He said that COG thinks that will be an enormous mandate for a region that has not had a vision.

Mr. Sharp said the question is what does this do for Union County. He said for one thing it accentuates the Board being at the table on issues and the other is that it gives the County a platform of dialogue with its neighboring jurisdictions. He said it is hoped that as the region speaks in one voice for common concerns in Washington, Raleigh or Columbia that the area ends up with a little more clout and little more for its efforts. He said this area is 20 percent of the population in North Carolina and that he was not sure that the area receives 20 percent of the return on things that the taxes pay for.

He said the other thing is that Union County does very well and its neighbors should learn from that. He stressed this is an exchange and working together in a process of going forward. He said when this area goes out to compete in the larger world, it is the larger Charlotte region that competes with Singapore or Frankfurt, Germany, or Soviet Bulgaria. He noted that this area is not competing only with Greensboro anymore.

Mr. Sharp said COG had presented a draft resolution that Union County was free to change in anyway that it desires. He invited the County to participate with COG and assured that he looked forward to the opportunity of working with the Board of Commissioners. He said there are three letters for involvement – share what you know, work with COG, and participate. He offered to answer any questions.

Chairman Openshaw reported that he is the COG representative and knows Mr. Sharp well. He said there is a situation with MUMPO where Charlotte is the 800 pound gorilla, and it has so many votes that the votes of the other communities are irrelevant. He asked Mr. Sharp how Union County is going to be able to work out the differences.

Mr. Sharp stated that CONNECT is not weighted voting but is a consensus building. He said COG has not gone to Charlotte yet and stressed that this is not a Charlotte leadership process but is a COG leadership. Mr. Sharp said he had been to Mecklenburg County, China Grove, Kannapolis, and Union County. He reiterated it was not Charlotte driven but it had to be recognized that Charlotte is an engine in this area and that as Charlotte does better Union County does better. He noted that as Union County does better so do Charlotte and Anson County. Mr. Sharp said that since it is not an elected thing but a consensus thing that elected officials will find a way to work with each other.

Mr. Sharp thanked the Board for moving him forward explaining that he was leaving for Raleigh after this meeting for an 8 o'clock meeting in the morning.

The Chairman thanked Mr. Sharp for the presentation. Chairman Openshaw said the resolution could be adopted or it could be studied and considered at the next meeting.

Commissioner Kuehler said there is so much happening now and asked if this issue is time sensitive. Mr. Sharp responded that it was not. He said that he had presented it to about 27 jurisdictions and 22 had adopted the resolution while five are crafting the resolutions to be their own.

The Vice Chair stated that she liked the concept of this and agrees wholeheartedly that joint voices are heard much better than single voices but would prefer to have the legal department to review the resolution and make any recommendation and have Mr. Greene review and make any recommendations as far as time and monetary commitment. She stressed that she was not ready to vote on this resolution tonight.

The Chairman moved that this resolution be referred to staff for review and the Board would consider the resolution at a future time when the staff and board are ready. The motion was passed unanimously.

#### **PROPOSED FEE CHANGES FOR ENVIRONMENTAL HEALTH:**

Phillip Tarte, Public Health Administrator, reported that the Board of Health took action at its last meeting in January to increase fee changes for environmental health. He said those included on-site wastewater and wells. Mr. Tarte said the staff prepared and presented to the Board an exhaustive collection of numbers, not only collected from surrounding counties and counties of comparable size to Union County, but also the County's cost associated with such fees. He introduced Jeff Knight, Environmental Health Director. Mr. Tarte said that the General Statutes do not dictate the amount the County charges for most local health practices but they do dictate and determine how local public health and environmental health factors are conducted. He explained that Union County has been stuck on some various fees for many years but the costs are either escalating or way above what is taken in for fees.

He briefly reviewed that the septic revenues for 2008 were \$158,925 and listed salaries and benefits that came from those budgets. He said there is a shortfall in on-site wastewater of \$270,000 for 2008. He said this information is after the department has restructured and cross-trained personnel to move into other areas. Mr. Tarte assured this was basically operating on a skeleton crew. He said even with the cross training there is still the shortfall.

Mr. Tarte said that if the particular fees as discussed tonight had been increased in January, the County would have an additional \$97,325 in revenue. He said the same is true for wells. He said the shortfall for wells was \$248,502 and noted that had the well fees been increased in January from \$275 to \$400, which is the request presented tonight, there would have been an additional revenue \$58,500. He noted that while the County is mandated to do the service and has no option but to do so, the cost is offset by taxes. He said, therefore, he and the Board of Health are asking for the following:

On-site Wastewater Program Fees:

Site Evaluation	(1 – 1.99 acres)	\$250 up from \$100
	(2 – 4.99 acres)	\$300 up from \$150
	(5+ acres)	\$350 up from \$200
Construction/Authorization Permit		\$150 down from \$175
Inspection of Existing System		\$75 up from \$50
Extra Visit (new)		\$75

Water Sample and Well Fees:

Well Permit	\$400 up from \$275
Extra Visit (new)	\$75

He said currently it runs his staff about \$700 to \$800 to do the permitting and water sampling for wells and \$275 is recouped and the remaining is passed on to the tax base. Therefore, he said that the Board of Health voted to support staff’s recommendation of the increase of these fees and present them to the Board tonight for consideration.

Commissioner Baucom questioned the fail system fees. Mr. Tarte responded that if the consumer has a failing system, there is no charge for that work. He said it is their belief if the consumer has a failing system and wants it fixed, that it is their duty to be there to make sure that it is done right.

Commissioner Mills asked the last time that the fees for environmental health were increased. Mr. Tarte replied that he thought it had been three or four years ago. Commissioner Mills next asked if when the Board of Health discussed this did it take into consideration the economic conditions of the county’s citizens. He said it was considered and the consensus was that regardless of economic conditions – bad or good – the cost is going to be there and would be passed on. Mr. Tarte said it is believed that the user

fee should be more easily swallowed than for the difference to be taken out of ad valorem taxes. Commissioner Mills asked the vote tally on this item. Mr. Tarte replied that there are ten members, and he thought the vote was eight to two in favor of the increase.

Chairman Openshaw corrected that the last fee increase was a year and a half ago, maybe just a little before Mr. Tarte joined the county's staff. Mr. Tarte agreed that there was an increase for wells about that time.

Chairman Openshaw stated that obviously the inspections are still being subsidized and the County is obviously in dire financial straits, and he was sure the Health staff did not look forward to making this request. He thanked the staff for making the presentation. He next recognized Commissioner Baucom.

Commissioner Baucom stated that he had been a vocal opponent to the well fee increase before and is concerned about increasing these fees, but agreed to support these fee increases with the justification that the services do have to be provided and will be provided, and if they are not user-paid as much as possible, then it will be at the expense of all the citizens whether they use the services or not. He explained that was his rationale and justification for supporting the request and moved that the fees be increased as recommended by the Board of Health.

The motion passed unanimously.

### **BRIDGE ON CUTHBERTSON ROAD:**

The Chairman recognized Commissioner Kuehler to address this subject. She reported that she did not feel that she needed to give much in the way of an introduction because the people in the audience did a fantastic job of addressing the issue. She said she went to the Emergency Services meeting today and while she was knowledgeable of many of the things discussed and the sentiments that were shared, there were some numbers that really impressed her. Commissioner Kuehler stated that the Waxhaw route is now 3.9 miles but with the closing of the bridge and the detour, it will increase to 8.5 miles if the driver goes up SR1008 or 10.2 miles if the driver goes up Providence Road. She said the rule of the thumb that she is hearing is that it takes 85 seconds per mile on a call; she said what also must be remembered is that those roads carry 2,100 people at the Cuthbertson intersection and 13,000 people at the Providence intersection and all those cars have to go somewhere else. These response times might sound bad but will be worse because there are more congested roads due to the detour. Commissioner Kuehler said that whatever survey took place in 2002 in one of the fastest growing counties in the United States was never brought back up again; that is disturbing, at best. She said she had a conversation in October 2008 with a DOT representative who said that he would never close Cuthbertson Road. Commissioner

Kuehler stated that not one of the county's agencies had been notified until this became an issue in the last couple of weeks when people stood up and took notice and began getting information. She said she did not hear one emergency service person sit there and say that it was the right thing to close the road; they all said the opposite. Commissioner Kuehler stated that there are more elderly people in Lawson Subdivision since it has a patio home area where the cardiac calls are much higher than most other areas. She noted that in the last nine months, Lawson Subdivision had 12 EMS calls, 15 fire calls, and 126 Waxhaw Police Department calls. She reminded that the Waxhaw Police Department will be unable to get to them unless they drive a lot of extra miles. She questioned the savings of DOT and challenged them to tell the amount of savings so when the first tragedy happens, and it will happen, that she would be able to tell the family the price. Commissioner Kuehler stated that she had prepared a resolution for Board consideration. She reminded that this is not the first time that the Board has had problems dealing with DOT and that the Sheriff and the Board of Education have also had some problems dealing with DOT. She moved the following resolution be adopted:

#### **RESOLUTION OF THE UNION COUNTY BOARD OF COUNTY COMMISSIONERS**

##### **Resolution of the Board of Union County Commissioners Requesting the North Carolina Department of Transportation Repair, Replace and upgrade the bridge on Southern End of SR1321, Cuthbertson Road, Without Closing Access to Cuthbertson Road via Intersection at Providence Road and Cuthbertson Road.**

**Whereas**, the Union County Commissioners welcome and encourage the North Carolina Department of Transportation's efforts to improve and increase the safety and efficiency of Union County roads;

**Whereas**, the replacement of the bridge on Cuthbertson Road is indeed a necessary project and important for the traffic flow for the roads servicing large subdivisions, creating connectivity between the municipalities in the County and a brand-new high school and middle school slated to be open in August 2009;

**Whereas**, the closing of Cuthbertson Road to replace the bridge, thus, creating a detour exceeding five miles, will add an extreme burden to emergency services, thus endangering the health and safety of citizens and children living in the subdivisions and attending the schools by lengthening the response times for fire, police and ambulance services typically dispatched from the Waxhaw and Wesley Chapel service areas;



**Whereas**, a further burden will be placed on the unimproved and nonstandard intersection of Cuthbertson and New Town Roads as being the only road access for citizens, school buses and emergency services, creating the likelihood of increased accidents and the inability for emergency vehicles to respond.

**NOW, THEREFORE, BE IT RESOLVED** that the Union County Board of Commissioners requests that the North Carolina Department of Transportation leave the existing bridge in place while the new bridge is being constructed, thereby, maintaining traffic flow from both ends of Cuthbertson Road, or provide an alternative *on-route* detour as the department deems appropriate, which will not result in closing of Cuthbertson Road.

Approved and adopted the 2<sup>nd</sup> day of February, 2009.

ATTEST:

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Lynn G. West, Clerk to the Board

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Lanny Openshaw, Chairman

Commissioner Baucom asked what the DOT response was today. Commissioner Kuehler replied that DOT sent two engineers, who had only taken over the project in the last 30 days, and were a little bit like deer caught in the headlights and reported that their attitude seemed to be saying that they were only the messengers and not to hurt them. She said that Sheriff Cathey quite bluntly said that he would report his concerns but asked if it were an exercise in futility. Commissioner Kuehler said that they could not get an answer to that question. She confessed that she did not know where the State was in the project.

Commissioner Mills applauded the efforts and stated that they had tried to work with DOT on the closing of the bridge on Hwy. 16 to no avail. He said he fully supported the efforts and expressed his appreciation to Commissioner Kuehler for taking the lead on this issue.

Chairman Openshaw added that the bridge on the road came in well under budget but what he did not know was whether it was bid with or without the on-tour detour. Commissioner Kuehler said she did not know and that was another disturbing moment for her. She reported that she had been told by DOT in October that they would not close Cuthbertson Road but that she was also told that it was more likely than not that the bid was done with closing of the road. She said that it appeared that they started in one direction, told the citizens something else, and then have ended up in the first direction.

Chairman Openshaw validated Commissioner Kuehler's comments by stating that he was at the same meeting when the discussion took place. He said it was actually at a transportation meeting in Stallings, and he had heard the same thing "we wouldn't do that." The Chairman pointed out that the County has not been told what the additional costs would be for keeping the road open. He said that he was going to vote for the motion but would suggest that State Representative Blackwood and State Senator Goodall be supplied with copies of the resolution. He also noted that the 55 and over community in Lawson has expressed concern—even those who are not 55 – about the 55 and over community. Chairman Openshaw stated when an individual is having a heart attack a minute can be the difference between living and dying.

He said the economic impact on Cureton, Lowe's, and even downtown Waxhaw would be great. He said that once an individual is on New Town Road, the citizen might as well go to Blakeney or up Providence Road to the commercial area in that direction. The Chairman stated it would come at a cost to Union County.

The Chairman stated that County's representatives have been told that the bridge is going to be built up 11 feet due to the floodplain. He stressed that is a lot of fill but said that after looking at the area, he believes the bridge could be built to the side.

Vice Chair Rogers said that similarly to a lot of the citizens who came up tonight and said they had nothing more to add but supported the request to keep the road open that she too had nothing else to add, but she did support 110 percent the road remaining open during the bridge construction.

Commissioner Mills said that he also thought that instead of just sending a copy of the resolution to Senator Goodall and Representative Blackburn that the resolutions should be sent to all state elected officials who represent Union County in the legislature.

County Manager Greene said that the staff supports the resolution but believes that it should be put on record that if the County is successful in asking DOT not to proceed with the detour, it will delay the project, but the delay of the project could be dealt with while it is redesigned and rebid to avoid the detour.

The Chairman also noted that there would be additional costs to the schools for the additional wear and tear of the buses.

Commissioner Baucom stressed that he wanted it to be understood by the public that the Board of County Commissioners does not make the decision but it merely makes a recommendation to the DOT; the decision is that of the Department of Transportation.

Chairman Openshaw said that he is appreciative of DOT addressing this situation. He reminded how bad the road is and wishes the road had been done a year ago.

Commissioner Kuehler stated that the schools and the EMS personnel reported that if they could pick between delaying the bridge or fixing the intersection at New Town and Cuthbertson Roads that those present would choose to repair the intersection first.

At the request of Commissioner Baucom, Commissioner Kuehler read the last resolve into the record. The motion to adopt the resolution as presented passed unanimously.

At approximately 9:02 p.m., the Chairman declared a five minute recess.

#### **UNION COUNTY FIRE SERVICE STUDY:**

The Chairman reconvened the meeting at approximately 9:18 p.m. and recognized Commissioner Kuehler, Fire Commissioner, who stated that one factor that seems to be an issue is the funding of all fire departments. She noted that where a citizen lives often dictates the level of service available, whether that is quality of education, convenience to medical services, shopping, roads—both in number and conditions—affordability, accessibility to services, etc. Commissioner Kuehler stressed, however, the one thing that people should never be expected to sacrifice, based on their location, is their safety. She noted that in the economic times now being faced and the time of the year, people will turn to alternative methods of heating homes which could lead to an increased number of structure fires or many may forego medical treatment that will result in more emergency services. She also pointed out that the recent growth spurt also resulted in more congested roads, dangerous intersections, and higher density in size of structures. She said that each fire chief has a different challenge and different set of circumstances, but one factor that always seems to be an issue is their funding. Commissioner Kuehler stressed that because of the growth and demands placed on the fire departments because of that growth, that she believes the County needs to be more cognizant and involved in the needs of the fire departments to provide services required to keep the citizens safe. She pointed out that all of the fire departments in the County except one are made up of volunteers; these departments exhibit a strong, proud history of independence and self-governance. She noted that not-for-profit organizations like many others are struggling with today's economy and that it is admirable that these departments have protected the citizens of this county for so many years, and the County needs to make sure that the dedication and service provided by these stations of volunteers

continue to survive. She said that due to recent growth, most structure fires require the assistance of many departments and the increase in calls creates a necessity for cross-service of district lines. She stressed that in order to do this that there is a need to work together for the safety of the County. Commissioner Kuehler stated that she had watched in the last couple weeks as the Sheriff had to cut his budget as well as EMS being asked to bear the burden of a major road closing. She said that each person true to the character of his/her job stood up and said, "I will do it, we can do it." She explained that her concern is that too much is being asked of them without giving them the best tools. Commissioner Kuehler said that she had no doubt that they could do it, but she did not think that they needed to be asked to do it.

Therefore, Commissioner Kuehler moved that the staff be directed to create a Request for Proposal (RFP) for an outside consultant to conduct a fire study for Union County to answer the following questions: (1) Define "adequate fire protection" for the County as a whole and for each of the 18 volunteer fire departments; (2) How fire protection should be funded; and (3) What, if any, changes to the various fire district lines should be made to accomplish the adequate fire protection definition and goals. She included that the County staff shall invite up to two (2) representatives from the Fire Chief's Association to provide input to the staff on preparation of the RFP; however, the staff has final responsibility for drafting the RFP. She stressed the RFP shall be completed and presented to the Board of County Commissioners by April 6, 2009, for further recommendation. She explained that date allows both the fire chiefs and the Fire Commission to have a meeting and discuss this subject.

Commissioner Mills said that he had talked to Commissioner Kuehler about this and both agree there is a need but explained that there is also a need to have a dialogue with the firemen, Fire Chiefs, and the Fire Commission to make sure that this is approved from the bottom up. He said Commissioner Kuehler agrees that all stakeholders need to be at the table, but pointed out that his problem is the timing. He said an RFP at this time could be costly and questioned the funds to pay for the study and moved that the motion as detailed by Commissioner Kuehler be delayed and discussed during the budget process. He also questioned the status of the request for legislation to increase the fire fees.

Commissioner Baucom supported the substitute motion of Commissioner Mills that the RFP be deferred until the new budget year for funding. He said this would give an opportunity to work with the fire chiefs and fire departments to allow this to be a bubble up approach and get the input from the fire chiefs and volunteers.

Vice Chair Rogers asked for a point of clarification on the motion to defer and asked Commissioner Mills if he could be more specific.

Commissioner Mills said that he wanted to defer the request for an RFP until the next budget year and in the meantime, the Fire Commissioner would have time to work with the fire departments and fire chiefs on how they want to proceed.

Vice Chair Rogers stated that she did not understand deferring the RFP until the next budget year because she did not think the County would be in any better financial shape than it is now and could, in fact, be in worse shape. She said if the basis of the motion is that it is fiscal then she could not agree, but from what she has heard from various citizens, this study needs to happen.

The County Manager stated that a middle course of the road that might work well in this case might be to pursue the drafting of the RFP, work with the Fire Chief's Association, and in that process build the dialogue with them and look for an opportunity to fund the study and then in the new fiscal year, the RFP would be in hand along with the buy-in from the Fire Chiefs Association and their concerns incorporated into the document.

Chairman Openshaw said that he happened to stumble on to some minutes from 2004 when this was proposed, and it looked as if it were proposed and ready to go and it didn't happen. He said fire issues were discussed last year, and nothing happened. He said he knew there is going to be a very difficult political situation in that there is going to be winners and losers in whatever is proposed and realizes the difficulties of the situation. Commissioner Openshaw said, however, he had people from various departments talking to him about situations such as this, it is hard to ignore, but at some point it is necessary to take the bull by the horns and deal with the difficult issues. He agreed there is logic in getting the buy-in from the fire community as best it can be obtained but noted he was not sure that there would be a consensus. The Chairman said he had a problem with deferring the issue because of financial reasons because the Board already knows it is going to be a difficult year and no better than this fiscal year, but pointed out that the County does not know what the proposal will cost. He also noted that the Board was not approving proposals tonight but asking that RFP's be prepared and cost of projects determined.

Chairman Openshaw said that if Commissioner Kuehler wanted to amend her motion to accommodate any of the comments made that would be fine, but if not, he was ready to move forward with her original motion.

Commissioner Kuehler said her motion is only to move forward with working on the RFP and is not a commitment to do anything more than that and that she is not willing to amend her motion.

Commissioner Baucom moved to amend Commissioner Mills' substitute motion to defer bringing the information back from the RFP until the first meeting in April. He said that would give two months to work with the departments. Commissioner Baucom

said that coming back with information on the first meeting in March is extremely limited in time. Commissioner Kuehler interjected that her motion had been April 6. She said that the recommendation as written stated March 2 but when it was prepared it was to have been heard two weeks ago and since it was delayed she had amended her motion for the material to be brought back on April 6. Commissioner Baucom clarified that his amendment is to receive the material on April 6 and to defer any action on the study until the new budget year.

In response to a question from the Chairman on how she felt about the amendment, Commissioner Kuehler responded that the financial situation is changing daily and she did not want to tie the motion down. She said she would prefer to see the RFP come back in April and at that point proposed action could be assessed.

The Chairman called for a vote on the substitute motion as amended to receive RFP material on April 6 and to defer action on the study until the new budget year. The motion failed by a vote of two to three—Commissioners Baucom and Mills voted for the amended motion and Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted against the motion.

Chairman Openshaw called for a vote on the original motion to proceed to bring the RFP back to the Board on April 6 and to make a decision at that point. The motion passed by a vote of three to two—Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted for the motion and Commissioners Baucom and Mills voted against the motion.

The County Manager stated that he would assume that the Commission has no problem with the staff working with all of the fire chiefs, if the material could be brought back by April 6.

Commissioner Openshaw asked to suspend the Rules of Procedure to move all consent agenda items that had been moved to the regular agenda up to 7a from 12, 13, and 13a so the staff could be released.

Motion was made by Commissioner Rogers that the Rules of Procedure be suspended and consent agenda items from 12, 13, and 13a be moved to the position on the agenda of 7a. The motion passed unanimously.

Chairman Openshaw said that 4.1 Smart Start will be moved to 7a, GO bonds will become 7b, and the food contract will be 7c.

**SMART START FAMILY LITERACY GRANT APPLICATION (Moved from Consent Agenda):**

Vice Chair Rogers said her question on Smart Start is a simple one and a request for future formatting of these action agenda item abstracts. She said that on the bottom where there is the financial impact information, it reviews the grant application information, and her question is: Is she reading it correctly that the cost to Union County is \$17,802 for a three-year period? The County Manager responded that was the total amount for the three years. The Vice Chair replied that her request for future agenda action abstracts is that there be a total line to show clearly the total amount.

Mrs. Martie Smith, Library Director, apologized for the formatting and explained that the three-year approach to the grant is directed by Smart Start. She stated the application will be coming forward annually.

Motion was made by Commissioner Mills that the Smart Start Grant Application to continue the Smart Start Family Literacy Program be approved with a total three-year contribution from Union County of \$17,802. The motion passed unanimously.

**AMENDED NEW MONEY GO ISSUE – MATURITY SCHEDULE:**

Vice Chair Rogers said again she had asked this be moved to the regular agenda to allow her to ask why the law firm of Parker Poe was used for this work rather than either the in-house counsel or board attorneys. She said she loved attorneys but paying for three attorneys could be too much.

Kai Nelson, Finance Director, explained that rendering tax opinions in connection with bonds is a very specialized area of the law, and he would defer to the County Attorney as to whether he would be in a position to render that opinion.

Attorney Ligon Bundy responded that he is not prepared to render opinions in the nature that are required of bond counsel. He noted that Parker Poe is the County's bond counsel.

The Vice Chair asked how often the county bids for these type of specialized services or is it open-ended.

Mr. Nelson responded that several years ago in 2003 or 2004, the County invited proposals from the Charlotte community because this is a specialized area of practice and there are probably less than six firms qualified to be the bond counsel. The Vice Chair next asked if it is an open-ended contract. He agreed that it is an open-ended contract.

The Chairman stated that it might be a more competitive market now if the Board would choose to invite proposals for service.

Vice Chair Rogers moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA AMENDING A RESOLUTION PROVIDING FOR THE ISSUANCE OF \$64,500,000 GENERAL OBLIGATION SCHOOL BONDS, SERIES 2009A OF THE COUNTY OF UNION, NORTH CAROLINA**

*WHEREAS*, the Board of Commissioners (the “*Board*”) of the County of Union, North Carolina (the “*County*”) adopted a Resolution providing for the issuance of \$64,500,000 General Obligation School Bonds, Series 2009A of the County on January 20, 2009 (the “*Bond Resolution*”), and the Board has been advised by the County Finance Director, after consultation with the North Carolina Local Government Commission and the County’s Financial Advisor, that the amortization provided for in the Bond Resolution should be changed;

*NOW, THEREFORE, BE IT RESOLVED* by the Board as follows:



**Section 1.** The amortization in Section 5 of the Bond Resolution is changed so that the 2009A Bonds are payable in annual installments on March 1 in each year, as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2010	\$1,125,000	2020	\$4,165,000
2011	1,125,000	2021	4,390,000
2012	3,340,000	2022	4,400,000
2013	3,330,000	2023	4,465,000
2014	3,320,000	2024	4,500,000
2015	3,315,000	2025	4,215,000
2016	3,305,000	2026	4,000,000
2017	3,295,000	2027	2,400,000
2018	3,285,000	2028	2,000,000
2019	3,400,000	2029	1,125,000

**Section 2.** All resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

**Section 3.** This Resolution is effective on its adoption.

Upon motion of Vice Chair Rogers, the foregoing order entitled: **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, NORTH CAROLINA AMENDING A RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS, SERIES 2009A OF THE COUNTY OF UNION, NORTH CAROLINA”** was adopted by the following vote:

AYES: CHAIRMAN LANNY OPENSHAW, VICE CHAIR KIM ROGERS, COMMISSIONER ALLAN BAUCOM, COMMISSIONER TRACY KUEHLER, AND COMMISSIONER A. PARKER MILLS, JR.

NAYS: NONE

**PASSED, ADOPTED AND APPROVED** this 2<sup>nd</sup> day of February, 2009.

### **FOOD SERVICE AGREEMENT WITH ARAMARK FOR INMATE AND NUTRITION PROGRAM:**

The Vice Chair stated that she understood that the contract is being rewritten at this time and the approval of this agreement is for only a two-month period of time. She said her questions are more general in nature and ones she would like to have studied as the County is getting into negotiations with this contract. She said her first question is (1) has the County looked into getting a self-sustaining food program to supplement the costs of food. Vice Chair Rogers said she thought this contract for 60 days was in the amount of approximately \$131,000. She said there are some programs across the country where there are self-sustaining programs and the inmates grow their food and do things of that nature. She asked that possibility be studied. The second question is (2) can the County utilize local farmers to provide the foods and help the local economy. She said she had heard that Union County is the second biggest agricultural county in North Carolina and asked if the produce could be provided by them and have the taxpayers' dollars go to them rather than to go to a vendor. The Vice Chair said she did not necessarily need answers to these questions but wanted to raise those issues.

The County Manager stated the staff would be glad to get the answers for her but typically the food service activities that are done by inmates are sentenced inmates and, of course, Union County does not have sentenced inmates in the jail.

She said that was another question in that she did not know if their terms were long enough to do the farming but did understand that some are serving a year or two years. The County Manager reiterated that these individuals have not been sentenced, and it is difficult to require them to work.

Motion was made by Vice Chair Rogers that amendment #3 to the Agreement with Aramark Correctional Services, LLC, be approved to provide food services for the inmate and nutrition for the elderly program in the amount of \$131,320. The motion passed unanimously.

### **DISCUSSION ON THE UNION COUNTY COMMISSIONERS GOVERNANCE ADVISORY COMMITTEE:**

The Chairman briefly stated the purpose of the committee and recognized Commissioner Kuehler who explained that this subject had been discussed in a work session several weeks ago and what was put forward is a structure where each municipality has a seat at the table. She said she would propose that each municipal board would either appoint a board member or a resident to the

committee and each commissioner shall appoint two persons to also serve on the advisory committee. She noted that it was also recommended that a non-voting commissioner be appointed to direct and to make available a facilitator as needed.

The material provided indicated that the purpose of the Commissioner-Governance Advisory Committee (CGAC) is to focus on the diverse demographic interests from every region of Union County to address the best ways to represent the interest of the citizens of Union County as it pertains to the Board of Commissioners. The material also stated that the mission of the Commissioner Governance Advisory Committee is to research and craft a proposal(s) that will offer an alternative or recommendation that representation stay the same as it pertains to the Governance structure of the Union County Board of Commissioners. Upon Commissioners' acceptance, said proposal, if any, may be placed on the ballot as a referendum before the voters of Union County.

Commissioner Kuehler moved that the Board establish the Board of County Commissioners Governance Advisory Committee to perform the tasks as she outlined in the proposal below as it pertains to representation for the Board of County Commissioners of Union County:

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Union County

Board of County Commissioners Governance Structure

Proposal:

The purpose of the Commissioner Governance Advisory Committee (CGAC) is to focus the diverse demographic interests from every region of Union County to address the best ways to represent the interests of the citizens of Union County as it pertains to the Board of Commissioners.

Mission

The mission of the Commissioner Governance Advisory Committee is to research and craft a proposal(s) that will offer an alternative or recommendation that representation stay the same as it pertains to the Governance structure of the Union County

Board of Commissioners. Upon Commissioner acceptance, said proposal, if any, may be placed on the ballot as a referendum before the voters of Union County.

#### Instructions to the CGAC

The CGAC is charged to undertake its task by completing the following stages:

- DISCOVERY: To examine and review the Board of County Commissioners (BOCC) Governance structure of other North Carolina counties. The committee should investigate all applicable Federal and State laws that apply to county Governance and take the impending 2010 census data into consideration.
- CLASSIFY: To identify, explore and critique various types and styles of Governance, but not necessarily limited to types and styles used in other North Carolina counties. Critique shall include pros and cons for all scenarios with references of any statistical data and/or comparable practices in other areas similar in geographical makeup, growth patterns, demographics, etc. to Union County.
- SURVEY: Seek and accept comments, opinion and testimony from Union County citizens on the style and type of government they would prefer.
- ASSEMBLY: After the assemblage of data, material and opinion, the CGAC should seek to identify and narrow the number of Governance options seen as feasible choices for Union County, meeting the mission statement of the committee as specified by the BOCC.

RECOMMENDATIONS: The CGAC should endeavor to provide to the BOCC at least two or more recommendations of Governance, which may include a recommendation to maintain the current structure. The recommendations should provide detail of how changes would be implemented and the datasets used, if applicable to justify the structure.

#### The CGAC Structure

The Governance Advisory Committee will consist of a member from each of the fourteen Union County municipalities—appointed by the governing board (said appointee may be an elected official or resident of the municipality), 10 members

appointed by the County Commissioners from citizens of unincorporated Union County and a County Commissioner as a non-voting Chairperson and meeting leader.

- Staff members:

It is recommended that CGAC have county staff personnel available, including secretarial, audio/visual, IT services, GIS services and website space.

(Staffing expense will be charged to TBD account)

- Other advisory personnel:

It is recommended that a Meeting Facilitator be hired as/if the need arises

Demographic consultants (as they pertain to viable district options) may be hired as/if the need arises.

#### Further Recommendations

In addition to the committee structure, we make the following recommendations.

- Meetings to be held monthly.
- Meeting places should vary between school auditoriums/gyms in different locations throughout the county.
- The “Suggested Rules of Procedure for Small Government Boards” by Fleming Bell be adopted for meetings of the CGAC and agendas should be used to structure meetings.
- Audio Minutes shall be kept of every meeting. A meeting summary document or minutes shall be kept and available for review.

Citizen comments prior to a meeting shall be allowed (limited to 30 minutes total and 3 minutes for each speaker)

Chairman Openshaw moved that in lieu of “mayor or designee of each of the fourteen Union County municipalities” that it say “council member or designee of each of the fourteen Union County municipalities”. He also recommended that it be placed on the

agenda in another month to give town councils an opportunity to meet and make appointments and at that time the Commissioners will each make two appointments to better represent the population in the county's unincorporated areas.

Commissioner Baucom asked if one month was sufficient time for the councils to receive the information, to consider it, to make the appointment and get the information back to the council. He said his first reaction is that time is too rapid and would suggest two months would be better for the municipalities.

The Chairman agreed to accept Commissioner Baucom's suggestion to go to two months as part of his amendment to be "council member or his/her designee".

The motion passed unanimously.

**REQUEST FOR TRAINING FOR PLANNING BOARD AND BOARD OF ADJUSTMENT TO INCLUDE MUNICIPAL BOARDS:**

The Chairman stated that three or four years ago, the County sponsored training and invited the towns' planning boards and boards of adjustment to attend, and it was very well received and many participated. He said this would be a service to the county's boards as well as the municipalities' boards. He suggested that the municipal boards could be requested to provide some monetary contribution and that the staff be directed to locate a facilitator from COG or UNCC to hold such a training session in April. He moved that a training session be sponsored in April by the County with monetary contribution from the municipalities, if possible, and that the County locate a qualified facilitator. He further recommended that the County Manager ask the Assistant Manager to negotiate with the towns concerning contributions toward the cost of this session.

Vice Chair Rogers asked for clarification if this motion is to provide uniform training for the county's planning board and board of adjustment and to open it up to those serving on those municipal boards.

The motion passed unanimously.

**APPOINTMENT OF COUNTY ATTORNEY:**

Commissioner Tracy Kuehler stated that she had looked through the resumes and the responses to the RFQ's and is not in a position to hire someone only after reviewing the paperwork. She suggested that the Board interview the applicants prior to making the appointment.

The Chairman stated that his recommendation was to appoint two Commissioners to interview county attorney applicants and recommended the two individuals be him as the Chair and Commissioner Kuehler due to her legal experience in that profession.

Commissioner Mills reported that he had read over the resumes and noted that one of the applications was received late and questioned the rationale for allowing that resume to be accepted.

Commissioner Kuehler said that she received an email and the attorney who submitted the RFQ heard about it word of mouth rather than through the advertisements or website. She said the expiration date on the website was blank and so when the attorney's staff called to determine the expiration date, it was two days prior to their telephone call. The firm went ahead and submitted the RFQ.

The County Manager suggested that given the importance of this process he wondered if it would be worth the entire board interviewing the applicants.

The Chairman agreed that preliminarily the two members could interview the applicants or the whole board could hold the interview, which might be harder to schedule.

Commissioner Mills said that he was willing to allow the Chairman and Commissioner Kuehler to interview the applicants. Commissioner Baucom agreed with that process and reserved the prerogative to bring the recommendation to the Board and at that time the whole Board could meet with the recommended firms.

The Chairman called for a vote on the motion for the Chairman and Commissioner Kuehler to interview the County Attorney applicants. The motion passed unanimously.

**DISCUSSION ON RESEARCHING THE POSSIBILITY OF PROMOTING A "BUSINESS GIVING BACK" PROGRAM IN UNION COUNTY:**

Chairman Openshaw introduced the Vice Chair to make the presentation. She explained that part of what she is trying to do is to come up with different ideas, created out of the box, that the Board can run the County and promote business within the County. She noted there is a direct financial impact to the taxpayers if they go outside the County to shop and a direct impact if the citizens do not support the businesses. She said that as leaders of the community she thought it important that this board supports the businesses in any way that is possible. She said that she came up with a draft concept that needs work but she wanted to propose it to the Board because it would take staff time and she did not think it was within her responsibility or authority to direct a single staff member to pursue this plan.

She explained the purpose is to recognize and encourage Union County's businesses that give back and support this community. The Vice Chair said there are many businesses in this County that give to the schools and various social programs and foundations and these are not always recognized for what they do. Vice Chair Rogers explained she is looking to implement a program supported by the County whereby businesses that give back will receive some type of emblem to identify their business participation and years of participation. She said they would receive an emblem that they could post on any fliers that they distributed, post on store fronts, wherever they would choose, that identifies them almost as a preferred business because they are a part of the community and participating in a plan to give back to the community. She reported that she is proposing that there be three levels of participation: bronze – which would give the decal and recognition on television; silver – which would be the decal with recognition on the television and a listing on the County's web site; gold – would be the decal of recognition on the television screen at Board of Commissioners' meeting and premium listing on the web site and either show this listing on Channel 16 or run a footer along the bottom of the screen. Vice Chair Rogers said that the participation could be by dollar amounts or values. She said this would require involvement and time of the Communications Director, the Chamber of Commerce, as far as helping with the advertising and promoting of this plan, the newspaper – The Enquirer-Journal; The Charlotte Observer, The County Edge – for coverage of this program. She said there would have to be a bid for emblem development if her design is not chosen. The Vice Chair said that the BGB (Business Giving Back) application would be for businesses to complete upon giving back. She stressed that this is a very rough concept now but that her intent is to (1) recognize those businesses that are giving back and (2) to put a plan in place so the taxpayers of Union County will patronize those businesses. The Vice Chair said she had some other ideas that she would bring forward at a future board meetings to help the businesses in the community and to encourage taxpayers to spend money in this community.

Commissioner Baucom applauded the logic of the Vice Chair and asked for clarification if the purpose is to try to keep business in Union County or to stimulate the amount of business that these participants would incur. The Vice Chair responded that the answer was yes to both of those questions.



Commissioner Baucom asked the Vice Chair if she were familiar with the Chamber's initiative – *Shop in Union County*.

Vice Chair Rogers said she was very familiar with it via the time she was on the School Board but hasn't seen its effectiveness in the western area of Union County. She stressed that the message is not being received and noted that there is a new Target in Wesley Chapel and one right across the border in Mecklenburg, and the Board needs to emphasize to the County's taxpayers to drive the little bit extra to Wesley Chapel versus going across the border. She reminded that Stallings and Indian Trail are close to the Mecklenburg border, and it is easy for citizens to go across the border to shop. The Vice Chair said her efforts are to bring the citizens to Union County to shop because of the benefits to Union County.

Commissioner Baucom stated that there is a cycle to be broken because people are creatures of habit. Again, he said he applauded her for her efforts but questioned if the staff has the time to work with this or if the Vice Chair will work on this project. He said if she had the time to do the work, he thought it was great; but, if it is involving staff, he is questioning if that is the best use of staff time. Commissioner Baucom asked the County Manager about the time involvement and if he had any thought on the time.

Mr. Greene said he did not have any time involvement estimates but asked Vice Chair Rogers if there is a similar program in a nearby county that the staff could visit and obtain information.

The Vice Chair replied that she was not aware of one because this is an idea that she developed. She moved that this proposed project be given to the County Manager and Brett Vines, Communications Director, to study and come back with recommendations. She said if the proposed project will require a lot of time with little return, she would want to know that as well. Vice Chair Rogers stressed that she is encouraging the Commissioners and staff to think outside the box and said that she knew from being on the school board that it resulted in lots of dollars from the businesses in the county. She said if its creation required someone to be employed on a consultant basis to get it up and running, the return would be enormous plus the benefits that the businesses of the County would derive. She stated that the Chamber's program of Shop Union County is not working in the western area of Union County.

Commissioner Baucom asked if the Vice Chair is proposing that the tier levels be different levels of participation on a monetary level. The Vice Chair responded that was correct.

Commissioner Baucom stated that there would have to be a product created to sell. The Vice Chair stated that was true and noted that in the creation of the BGB application that it is the responsibility of the business to explain their contribution in time or

money and detail how they gave back to the community. She agreed that it was a very initial concept but thought it had enough merit that it should be studied to determine if it can be done.

The Chairman asked about working with the Chamber to see if there is some cooperative effort. Commissioner Baucom agreed and the Vice Chair noted that it was part of her proposal as Item 2- Chamber of Commerce advertising. She said that she did not want to get with the Chamber at this time but wanted Mr. Greene and staff to come back with a determination that it is or is not labor intensive and/or how it is going to impact the budget. She stressed that as a first step she wanted to give Mr. Greene the courtesy of review.

Commissioner Baucom said he thought that she might be able to contact the Chamber and get a determination as to the level of value that they are anticipating and what the business level of participation would be. He also questioned the level of participation of these businesses and what is being expected from them. He said he was not sure that the staff would be qualified to answer those questions and suggested that she go to the business community to get some assistance.

The Vice Chair agreed that she thought it was a multi-pronged approach, and agreed it will be necessary to get the Chamber and business community involved, but first there needs to be the buy-in of this board, the County Manager, and Mr. Vines, as Communications Director, and she would prefer it go to the County Manager first and then to the others.

Commissioner Baucom stated he thought it would be very important to contact the Chamber of Commerce first.

Commissioner Mills suggested and recommended that the County Manager assign this to Brett Vines to contact the Chamber and do a little research on the idea and bring back the recommendation to the Board. He said he thought Nancy Duncan at the Chamber would probably have some ideas.

Commissioner Baucom said his thought on this was that this is the Vice Chair's idea and she would be able to better explain it than would Mr. Vines. He stressed he would prefer the Vice Chair to discuss this with the Chamber of Commerce.

The Vice Chair commented that she liked Commissioner Mills' suggestion and asked that he make his recommendation in the form of an amendment.

Commissioner Mills moved that the County Manager be instructed to assign this proposal as described by the Vice Chair to Brett Vines to study and have him contact the Chamber of Commerce for research and bring a recommendation back to the Board of Commissioners for consideration. The motion passed unanimously.

**REQUEST FOR LIST OF ALL JOBS THAT WERE ELIMINATED, BROKEN DOWN BY: A) Those Eliminated as a Result of Lack of Work; B) Positions Eliminated by Last-in, First-Out; and C) Profile of Each Employee that was Let Go (Position, Years of Service, Pay Grade, Severance Pay, and Summary of Reviews):**

The Chairman recognized the Vice Chair. The Vice Chair asked if this discussion is appropriate in open session or should it be discussed in closed session.

The County Manager stated that the staff has information that is appropriate for open session and then, if required, the Board could move to go into closed session.

Vice Chair Rogers said that part of the reason that she requested this information is that (1) it is within the Statutory authority and (2) the Reduction in Force Policy that was passed at the last meeting listed three criteria in order of priority to be used in determining reduction. She said that she feels that the request that she has is in line with that policy. She said that when she sent this request to the County Manager, the response that she received concerned her in that it would take considerable work on the part of the Personnel Department to compile this information. The Vice Chair stated that the way she is viewing this is that this is information that should be readily available and should have been used to determine the reduction of work force that just took place. She assured that she was not asking that anything new be developed or access to any information that was not listed in the reduction of force development.

The County Manager replied that he certainly did not mean to offend her in any way, but for one thing, the staff is not quite certain about the wording on the request of the profile of employees. He said he thought there was some miscommunication between the Vice Chair and the staff regarding the Reduction in Force Policy that (i) discusses the relative efficiency, skills, knowledge, productivity and value to the department. Mr. Greene said the staff was referring to the relative efficiency, skills, knowledge, and productivity and value to the department of the *position* not the *individual*. Mr. Greene acknowledged they performed no meaningful review of the performance of individual employees as documented by their personnel file in developing the reduction in force but of positions.

Vice Chair Rogers asked the County Manager if he had the three priorities that were listed in the Reduction in Force Policy. Mr. Greene replied that he did and, at the Vice Chair's request, read these (1) type of appointment (2) relative efficiency skills, knowledge, productivity and value to the department, (3) length of service.

The Vice Chair repeated for clarification that the County Manager's position is that the way she interpreted Item #2 is not the way the County Manager intended it to be read. Mr. Greene responded that he did not know that it was his position but the reality is that the staff used that information in regard to the position rather than to the individuals filling the positions. Therefore, he said there was no detailed review of personnel records to weigh the performance of individual employees.

The Vice Chair then summarized her understanding that people were let go based on .... The County Manager interjected that it was positions that were eliminated.

The Vice Chair next asked if there were multiple people in the same positions how was that situation handled, or did that not occur.

Mr. Greene agreed that situation did occur.

The Vice Chair then asked how the decision was made at that point. The County Manager replied that the type of appointment refers to part-time, full-time, whether the position falls under the State Personnel Act or not. He said the review of the relative efficiency skills, knowledge, productivity and value to the department of the position was the staff's way of determining what positions in the departments do not provide the efficiency, skills, productivity or overall value to the department. He said that once a decision was made on the position, it was primarily a last-in, first-out decision.

The Vice Chair said that she did not support the Reduction in Force Policy but based on comments of Commissioner Kuehler it was her understanding that this reduction in force would not be based on last-in, first out, but now, based on the comment just made about Item 2 being relative to department or position and not a person, it appears that these positions were based on length of service.

The County Manager replied that he did not have anything in front of him to back up his statement but he would imagine that a great number of these positions did not have two people in a position, but some did and when the County staff was in that position, yes, it was based on last-in, first-out.

The Vice Chair said that this is what she considers to be a problem with the Reduction in Force policy. She said what she did not want to see is that the length of service of last-in, first out being the basis, but would like to see it based on skills, abilities and evaluations, etc. She said she now understood the County Manager's comment about her request taking considerable time in that it was not the criteria used to make the decision.

The Staff Attorney interjected that there were many provisions in the policy that were legally driven and the County Manager worked with the legal department to develop the policy so there are many considerations that are driven by legal issues that he would be glad to discuss with the Board in closed session, if it is the Board's desire to do so.

The Chairman recognized Mark Watson, who asked to address the Board. Mr. Watson said the County Manager has done a good job in explaining the process. He said that one thing that needs to be reiterated is that when the Manager had his initial meetings with departments, he asked them to go back and bring forth recommendations for efficiencies and/or reductions. In those meetings, he explained, the County Manager asked the department heads where they could create efficiencies, what their department's workload looked like, etc., and to come back with recommendations for reduction. He said that in those meetings where the directors came back with specific positions that they recommended to the County Manager for reduction, the position performance was evaluated in terms of "are we having performance issues with this particular employee" or "are we having performance issues within this particular work group". He said in those discussions there were no performance issues across the board on anybody on this list or any position in this list. Mr. Watson said that with all things being equal and those individuals in these positions meeting the standards of work for the job with all either meeting standards or exceeding standards. He assured there was nothing to indicate that there is poor performance of these individuals and, therefore, with all things being equal, the staff went to the next step in the decision making process especially where there are multiple individuals doing the same work within a department.

The Vice Chair stated that she would assume that was also equal skills and abilities, education, etc. Mr. Watson responded that every job has a position classification standard for education, experience, certifications, etc., so with all things being equal anyone who holds those positions has the required education, experience, certifications to do the work required of the position and that each one of those are doing the work and meeting the required level of work based on the assessment of the department director. The Vice Chair asked if that would be based on the last evaluation of the employee. Mr. Watson agreed that could be the last evaluation. He interjected that from personal knowledge in going through the discussions that it would be hard to remember or recall any performance deficiencies that were brought to his department's attention or anyone in a like position within the ones eliminated.

The Vice Chair asked the County Manager if he reviewed and approved all the reductions in force. Mr. Greene said that he did but did not review detailed records on all employees.

The Vice Chair said she is struggling after reading in Friday's paper about the autistic young man and then received calls on it. She said that she was not aware of it, which is an issue, in that she should have been told about it on Wednesday when it was brought to the attention of the staff. She said the people who called her as a leader of the County wanted answers and she understood that in personnel the answers cannot always be given, but when she gets a question as to "how could you have let this happen." She said she did not let it happen, she did not even know that it happened. She said she was also questioned on how an employee of 25 years could have their position eliminated. She said she did not know the answers and that is why she asked for the breakdown so she could have a better understanding of the process and if the staff followed the Reduction in Force Policy, etc. She said her comfort level is not there.

The County Manager stated he understood but assured that every person on the list has a story. He said there is nothing good in any of this. Mr. Greene assured that the Board's staff including Mr. Watson, Mr. Nelson, Mr. Crook and he as well as all department heads went through a long, objective and careful process. He assured that it was followed as objectively and defensibly as it could but agreed that there is nothing good about the process or the results.

The Vice Chair said that she has the spreadsheet that provides information and if there is anything else that she needs that she will contact the County Manager directly.

**DISCUSSION OF ACTION TAKEN BY COUNTY MANAGER TO DATE TO OBTAIN "BAILOUT MONIES" AT THE STATE AND FEDERAL LEVELS AND DISCUSS BRINGING IN TEAM (SIMILAR ONES WORKING FOR CHAR-MECK, MATTEWS, ETC.) TO DISCUSS WHAT THEY CAN OR CANNOT DO FOR UNION COUNTY:**

The County Manager deferred comments on this item to Matthew Delk, Assistant County Manager, who has been handling the legislative matters.

Mr. Delk distributed a list that he would preface in discussion. He said this has been a terribly confusing process because it is not following any established model. Its duration has been shortened at the Federal level and has been largely politically driven by a lot of factors beyond the control of the local level. He said the program has changed names a couple of times, and it has also changed in purpose and at this time, it has not passed, but as early as the middle of last week, there are already Federal agencies that are

jockeying in line and setting up rules and provisions. One of those he noted is EPA for a program that has not been authorized and passed yet.

He said what he had given to the Commissioners described the staff's efforts in December when the program was first announced. Mr. Delk said the North Carolina Association of County Commissioners met with Governor-elect Beverly Purdue prior to her taking office and started collating data on programs that were shovel-ready. He explained that at the time they wanted projects that could begin construction within 45 days. Mr. Delk said that without knowing the size of the proposed stimulus package, Union County decided to include the projects as shown, which total \$133 million shovel-ready projects. He noted that most of these projects are school projects including the \$71,800,000 new middle school and high school, listed at "D". Mr. Delk outlined the other projects that were considered to be shovel-ready very quickly were two water and wastewater projects, the Twelve Mile Creek to the Six Mile Creek project diversion, and also the water supply project with Anson County. He said also included was the project that will soon be ready to go is the 800 MHz project for a total of \$133 million.

Mr. Delk said as the program progressed and developed in the House and turned into the American Recovery and Reinvestment Act of 2009, the politics changed. He said from personal testimony folks that he has kept in touch with in different parts of the State have seen different efforts through different elected officials to compile what would be considered a list of earmarks. He said that from what he could tell, the Democrat House Districts were doing that and the Republican House Districts were not. Mr. Delk said as the program went through and passed, the North Carolina Association of County Commissioners in its communications asked for explanations of the figures submitted but with a different twist. He then distributed a letter addressed to Senator Burr that was sent to all the County's delegations and indicated that the different twist and more reasonably is not to use the list as a list of earmarks that the County could get through supporting or not supporting or getting the information in or failing to get information in, but is really more interested in the investment created and the number of jobs created to justify the overall package. He assured that the County has dutifully complied and submitted the information to the NCACC and to the County's Delegation. He said the job figures are compiled politically and have been submitted to the House and Senate and asked the Board to notice the investment and jobs that are referenced in the newspaper.

He said that with there being no better way to calculate, he used established economic multipliers and the Internal Auditor, Wes Baker, found a formula that related to construction dollars and what they relate to in jobs during construction. Mr. Delk pointed out that there are a couple of projects – noticeably the diversion project and water supply project with Anson – that will open new avenues of opportunity and other jobs within the county beyond the construction jobs.

Mr. Delk also made a few other comments. He said there had been discussion about retaining a paid lobbyist and personnel for trying to attract stimulus projects. He said he thought it was very clear from officials including the NCACC and others that now is not the time to retain a lobbyist for the purpose of obtaining funds from the stimulus package. He said there are a couple of reasons for that. First of all, the lobbying that the counties are doing and communications is an all or nothing thing as to whether or not it is passed and the stimulus package as it is being passed is not really a list of earmarks but is a list of dollar amounts that are going to already established programs and the programs will be both competitive and divided by population, etc. He said there will be details and an example is if they use Education Capital Construction dollars based on Title I formulas, Union County will come out on the short-end of the stick based on population, investment and net worth of the County. He assured that the NCACC and the League of Municipalities will be the best advocates, and the county has already paid for them. Both are already assigning staff to work to develop technical assistance to the counties and cities for applying for funds in the stimulus package.

Secondly, Mr. Delk said that instead of diverting funds to lobbyist at this time, it would be better, if the County had funds to invest, to invest those funds in trained consultants that could help the County put its best foot forward for the competitive grant cycles when they are open. He stated it would be wise to employ technical personnel to help the County file the best grant possible for these highly competitive grants.

Thirdly, he said that the Manager of one of the largest cities referred to a \$650,000 earmark that they received recently and admitted that they paid a technical firm about \$85,000 a year, and the main value of the lobbyist was not for the one earmark, but was for the constant communication in the system that they had for representing some of the programs for which they received federal funds.

Vice Chair Rogers said the reason she had asked for this to be on the agenda is that she is often getting asked these questions in the grocery store and other places so she wanted these answers to come out and commended Mr. Delk for his presentation. She said that she wanted to look at the feasibility of hiring a lobbyist group. She said that the City of Monroe uses a group and pays it \$6950 a month and believes it is money well spent. The Vice Chair pointed out that they had received money for renovations for the Old Armory Community Center, work at Airport, funds for police and fire equipment. The Vice Chair stated that she wanted to assure the citizens that Union County is on top of this and at the table. She repeated that her understanding of the recommendation of the Assistant County Manager is not to employ a lobbyist at this time but to stay in contact with NCACC and pay attention to the grant-timelines and perhaps at that time employ a consultant to help with the grant writing.



Mr. Delk agreed with the Vice Chair's summation of his comments and reassured that the best investment will be through the competitive grant cycle and for the funds that are divided up, the County needs to fiercely advocate through the NCACC.

Commissioner Rogers asked if the proposed new jail would not be covered under the stimulus funding. Mr. Delk said that in his 13 years of working in government, and the Manager has been around a lot longer than that, he had not seen grant funds come open for jail capital construction.

The Chairman stated that in looking at the information provided, it showed that Union County has a population of 190,000 people and over the next five years is going to need \$850 million and the County already knows that it has projects beyond 2013 of another \$155 million; so Union County only needs a billion dollars for CIP projects. He stressed this amount does not include operating and maintenance costs.

**CONSIDERATION OF SCHEDULING A SPECIAL MEETING WITH THE SCHOOLS' STAFF AND BOARD MEMBERS:**

The Chairman moved to schedule and advertise a special meeting with the schools' staff and board members on Friday, February 13, 2009, at 11:00 a.m. to discuss budget reductions to Union County public schools' budget.

Mr. Greene reported that all commissioners had said that time would be satisfactory to their schedule and Dr. Davis, Superintendent of Schools, has said the date and time is satisfactory for them as well.

The Chairman called for the vote on the motion. The motion passed unanimously.

The Chairman stated that he had a point of order on Commissioner Baucom's motion to discuss Commissioners' salaries. He said this subject was addressed at the last meeting and questioned if it did not require a vote in the affirmative to be placed back on the agenda.

Mr. Crook agreed that it did and explained that the Board had the vote when it added the item to the agenda.

**COMMISSIONERS' SALARIES:**

Commissioner Baucom noted that the County has gone through some difficult times and has some difficult steps ahead. He stated that the staff has been reduced and the County has asked its staff to make additional sacrifices and there are financial challenges that the County has and will continue to have. He said he proposed last week that the County Commissioners forego their salaries. Commissioner Baucom said that motion was defeated. He reminded that at that time Commissioner Kuehler said that she would have to pay the County back money because she now has her family on the County's insurance program. He said there are two components to the Commissioners' compensation. One he said is compensation and the other is a travel allowance.

Commissioner Baucom stated albeit a token gesture and will not have a serious net impact on the financial structure of the County, that it will show that the Commissioners are taking their actions very seriously and do feel the impact to the citizens of Union County or the staff. Commissioner Baucom moved that the County Commissioners forego their salary compensation and that the County Commissioners keep their travel compensation. He said he thought maybe the compromise will alleviate some of the concerns. Commissioner Baucom stressed that he thought it is the right thing to do at this time. He said he would further include in his motion a timeline of abolishing the Commissioners' pay until the end of the fiscal year (June 30, 2009) and at that time it would be evaluated. He pointed out that each Commissioner made a commitment that he/she would work for the citizens of the County and if the salary is the reason for it, he would think shame on the members.

Commissioner Kuehler stated that this meeting had been fairly a pretty positive meeting and she thought the Board was getting somewhere but in her opinion this motion is posturing. She reminded that it already had been brought up once. Commissioner Kuehler said she had run the numbers and if she only spent 10 hours a week doing this job with no travel, it would be \$18 per hour. She said she has a job that pays \$40 an hour and so every time she takes time away from that job, she would lose money. She stressed that she is committed, works hard for the county, and spends a lot of time on county issues. Commissioner Kuehler noted that no one has been asked to work for free. She reviewed past expenditures for attorney fees, etc., which the majority of this Board took advantage of and which was increased to \$30,000 for representation for an FBI attorney that the Commissioners never spoke to. Commissioner Kuehler said if the Commissioners are trying to save money here or trying to show that the Commissioners' are committed or not trying to take advantage of the taxpayers, that there was taxpayers' money that went to FBI handlers. She said if the Commissioners are talking about giving money back and being committed, she suggested that the FBI attorney money be returned to the County.

The Chairman agreed that he thought the motion was grandstanding. He said he made his commitment to the Board and could assure that almost every minute of this day and most days go to being involved or thinking about what he does as a county commissioner. He said he thought his salary as Chair was \$9,600 and assured that he had not voted for a raise since he had been on

the Board and did not think it would be appropriate to do so. He said he believed that as an individual he spends a lot of time on his job. Chairman Openshaw said that if it gets to the point that the staff must be asked to cut their salary, he would be willing to take that proportionate hit, which he admitted was modest. Chairman Openshaw said that he knew the rules when he filed to run for County Commissioners and was sticking with it.

Commissioner Mills said that to clarify Commissioner Kuehler's comments, he talked with the attorneys but was never contacted by any FBI agent.

Commissioner Openshaw stated that he remembered the night he brought up and questioned what the Wyatt and Blake costs were on the agenda, the County Manager said he did not know anything about it. The reality of it was that it was out there and Commissioner Mills' comment at the time was that he had not talked to the FBI. He said that the Commissioners involved tried to pretend that was not part of the deal, but it was. He asked that the Commissioners not play games; the attorney fees have been paid. He said there was discussion tonight in closed session because of a bad business-decision on terminating the Manager and said that anytime Commissioner Mills and Commissioner Baucom wanted to start paying back these attorney fees to let him know.

The motion failed by a vote two to three. Commissioners Baucom and Mills voted for the motion and Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted against the motion.

### **ANNOUNCEMENTS OF VACATIONS ON BOARDS AND COMMITTEES:**

The Chairman announced the following 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 18 and 4) Juvenile Defense Attorney
- b.) Adult Care Home Community Advisory Committee
- c.) Board of Equalization and Review (1 vacancy)
- d.) Historic Preservation Commission (2 vacancies)
- e.) Parks and Recreation Advisory Board (5 vacancies)
- f.) Nursing Home Advisory Committee
- g.) Fire Commission (3 vacancies)
- h.) Board of Health (Vacancy for a Licensed Optometrist)

- i.) Planning Board (Vacancies for 3 regular members representing Lanes Creek Township, Monroe Township, Vance Township, and one alternate)
- j.) Union County Partnership for Progress (1 vacancy)

**APPOINTMENTS TO BOARDS AND COMMITTEES:**

- a.) Adult Care Home Community Advisory Committee – The Chairman nominated Sheila Bell to the Adult Care Home Community Advisory Board.
- b.) Nursing Home Advisory Committee -- The Chairman nominated Andy Hinson to the Nursing Home Advisory Committee
- c.) Board of Health - The Chairman nominated: Mary Cleveland be reappointed to fill the nurse position, Elizabeth Steelman be reappointed to fill the citizen representative position, and Jim Struve to fill the vacant position
- d.) Union County Home and Community Care Block Grant Advisory Committee – The Chairman nominated David Lee Morton
- e.) Farmers Market Committee – The Chairman nominated Joy Ann Goforth for reappointment
- f.) Library – The Chairman announced that there were multiple applicants to serve on the Library Board of Trustees. He announced there had been only one applicant from the Marshville area and he would nominate Carolyn B. Braswell for reappointment.

Commissioner Kuehler explained that she had contacted the applicants and that Charles L. Campbell and Robert E. Moore are both willing to serve on other boards and have other qualifications. She said that Mr. Campbell is an IT specialist and Robert Moore is an architect. She nominated Karen Bowman to represent Weddington, Valerie Gromlovits for Waxhaw and Tammy Norwood for the at-large positions on the Library Board.

Motion was made by Commissioner Kuehler that the appointments be made as nominated. The motion passed unanimously.

**REQUEST TO CALL FOR A PUBLIC HEARING ON ORDINANCE AMENDMENTS REGARDING THE PLANNING BOARD AND BOARD OF ADJUSTMENTS:**

The Chairman stated the purpose of the item and moved that the Board of County Commissioners call for a public hearing on ordinance amendments regarding the Planning Board and Board of Adjustment on March 2, 2009, and to direct the Clerk to advertise the public hearings as required by the North Carolina General Statutes.

The Staff Attorney responded to a question by Commissioner Baucom that he thought the Board was fine in the action it is taking. He said the Board could schedule a public hearing before it is considered by the Planning Board and could be heard before the Planning Board gives its recommendation. He noted that the Ordinance says that the Planning Board shall endeavor to provide its recommendations by the time of the hearing but there are some restrictions on taking action before the Planning Board's recommendation but he will look at that issue.

The motion passed unanimously.

### **MANAGER'S COMMENTS:**

The Chairman reported that he and the Finance Director met with the rating agencies last week – Standards and Poors, Moodys and Finch. He said the rating agencies were very pleased with the action that the Commission has taken regarding budget reductions and restructuring of the debt to move away from the variable rate to more stable, long-term fixed debt. They were also pleased with the Board's actions to protect the fund balance policy and to maintain the integrity of the policy. He said he thought the meetings were good and stated that Mr. Nelson has more experience and probably better insight. Mr. Greene asked Mr. Nelson if he had any comments.

Mr. Nelson said that he is hopefully optimistic that the rating agencies will affirm the County's credit and that they will acknowledge the work that the Board has done as well as the staff. He said he would contrast that with Mecklenburg County and their particular issues. He noted two red flags that the Commissioners will probably see in their reports. He said one red flag pertains to the Board's pending discussion with the school system and the second red flag will be the Board's budget deliberations in May and June.

Mr. Greene explained that the past couple of months have been tough on everyone and all know that, and he does not think that any of the Commissioners or staff want that. He said it is not only hard on them but it is also hard on the staff and affects them more than anyone realizes and how much can be accomplished for the citizens. He said that it is sad that it cannot all be positive and productive. He said the best chance he knows is to have the School of Government come down and work with the Board and staff to help both work together and function more easily, openly and more productively. He said he accepted the Board's decision to delay action for two weeks on this request and admitted that it would take another two or three weeks to plan the program and noted that he did not think that the County had five weeks, but would hate to see the County miss that opportunity.

Commissioner Baucom stated that he appreciated the comments of the County Manager and wished that the item could have moved forward tonight. He commended the County Manager and staff on the diligent work to address the economic situation in the county. He said Union County has been proactive in dealing with it as referenced by Mecklenburg County has only just now started taking into account where they are as well as other entities are also doing so now and expressed appreciation for the Manager and staff's professional approach for this issue.

Commissioner Kuehler expressed appreciation to all who attended the meeting tonight. She said that she was somewhat disappointed to receive a letter from the Chamber of Commerce concerning the water allocation policy. Commissioner Kuehler said she would like to see the Chamber get on board and fight the closing of Cuthbertson Road.

Commissioner Kuehler congratulated her 11-year old son who recently got his black belt in Karate and that her six-year old son got his red belt.

Commissioner Mills expressed his appreciation to the County Manager and Finance Director for their work in meeting with the rating agencies.

He also congratulated Matthew Delk for a great article in the newspaper.

Commissioner Mills wished his sister Jennifer Hessimen a happy birthday and announced that his Dad is getting married Saturday.

He thanked Mr. Tarte for having his Cub Scout group present tonight to lead the Pledge of Allegiance. Commissioner Mills addressed Mark DiBiasio and said that he would like to have the Girl Scout Group to attend one of the meetings. He announced that he was again leading the drive for Friends of Scouting.

Vice Chair Rogers said that she did not like ending the meeting on a negative note but Jim Carpenter, on behalf of the Union County Chamber of Commerce, sent a letter to her over the weekend that she found troubling and offensive and not based on correct data. She said it needs to come to the citizens' attention because this letter or a version of it has been submitted to the municipalities, mayors, businesses, and citizens. She said she thought there was a real issue with the letter. She said the letter addressed the Board's action to suspend the issuance of water permits for sixty days and interpreted it as a thinly veiled strategy to halt growth for a status

quo favored by the voting base of the Board's majority or two the lack of sensitivity and willingness to address the needs of all Union County citizens. The Vice Chair said the misinformation is fact – the prior Board of County Commissioners on February 4, 2008, suspended for six months all water permits; fact – the prior Board of County Commissioners on August 12, 2008, placed a suspension on all new water permits, which is currently in effect. She said the action of the current Board of Commissioners suspended the permits for 60 days for priority B projects to give the Commissioners time to assess where the County is and where it needs to be. She stressed that a resource cannot be allocated that is not there. Vice Chair Rogers said that the citizens of Union County need to know that the President of the Chamber of Commerce, Jim Carpenter, thinks that the current year irresponsible water allocation policy should be kept in place. She said the irresponsible water policy that is based on zero days of water irrigation; the irresponsible water policy that allocates over four million gallons of water per day above the County's available capacity. She noted that Mr. Carpenter and the Chamber of Commerce think that as taxpayers the citizens should pay their taxes, pay the elevated water usage fees, but not have access to the resource. She further said that Mr. Carpenter and the Chamber of Commerce think that as taxpayers that the users should go without so that other homes can come into the county at the expense of the current citizens and taxpayers. She reiterated that Mr. Carpenter and the Chamber of Commerce think that the irresponsible water allocation policy should remain in place with severe restrictive items so that in the case of a drought, the County does not have any reserve to pull from so the County would have to revert to limiting citizens' abilities, taxpayers' abilities, to take showers, do laundry, and wash dishes. She said that Mr. Carpenter and the Chamber of Commerce think that it will be good for the area businesses when they are restricted in their water use and when people in the county start leaving because they are tired of being told that there is not enough water for a basic standard of quality of life. Vice Chair Rogers said that Jim Carpenter of the Chamber states that he has 650 Chamber member companies behind him on this position. She said she knew for a fact that it is not true and she thought that if someone listening is a business owner or a citizen that they should call the Chamber of Commerce and Mr. Jim Carpenter and tell him that this behavior is not accepted; it is not going to move the County forward and is not going to make it so that she wants to work with him when such blasphemy is being submitted by him. She also said that if the Chamber of Commerce's Board of Directors is not aware of Mr. Carpenter's stance, the citizens should ask what happened. She invited anyone to come and speak to her about the issues face to face.

Chairman Openshaw stated that this Board did not suspend issued water permits – permits that are already outstanding. He said there are a lot of people out there that have water and sewer and are not developing but those people have their permits, and they will not be impacted. However, that is unfortunate and due to a weakness in the County's policy.

The good news is that on the bond rating and said that he is delighted that it is working out well for Union County for at least another year. He pointed out that this was all staff effort; they were the ones who ran the numbers and made the presentation.

He congratulated Commissioner Mills' father for his upcoming marriage. He said when he met Mr. Mills that he seemed to be a very nice man.

Chairman Openshaw said that despite the rhetoric that the citizens might hear about the suspension of the processing of new water permits it has no affect on anyone other than those using the Catawba River basin water. He said there is no impact on Monroe with its own water system or the eastern part of the county other than those that might be getting interbasin water.

He too addressed the letter written by Jim Carpenter and assured that the letter information is garbage. Chairman Openshaw asked when Mr. Carpenter received permission from his board to issue the letter being discussed. He said that Mr. Carpenter also said that the action of the Board would harm the agricultural community but that he was not aware that any farmers were using county water to irrigate their crops. He said he could keep addressing incorrect statements within the letter and, if he were a member of the Chamber, he would be embarrassed that the President could write a letter that is so misrepresentative of the facts. He said the irony is that he talks about economic growth; however, at that meeting the Board of Commissioners pointed out that it was trying to free up water because there are commercial businesses wanting to come into the county now and can't. The Chairman said the County has the option of allowing people to hoard this resource at no cost to them or to put it to productive use which ultimately and ironically will produce money to help the County fund water and sewer improvements which will lead to more growth in the future. He said at this time Union County does not have enough money to fund all of the County's needs in water and sewer. Chairman Openshaw said that the Chamber has issued a new letter that is slightly less confrontational except some of the lines where Mr. Carpenter couldn't help but mislabel the Board as favoring a few select special interests in certain parts of the County. He emphasized that the Commissioners are here to represent all of Union County. He said that when someone can prove that this Board is not representing the whole of Union County, please come forward and let him know. The policy will allow in the future for water to be obtained on a first come, first serve basis.

He said it has been brought to his attention a number of times that not everyone is raising his/her hand on the votes, and it is making it difficult for the public to know where their Commissioners stand. He explained that the Board moved away from the button because it flashed on the screen and there was some opposition. He asked all Commissioners to raise their hands on all votes.

Chairman Openshaw said that at the last Mayors-Commissioners meeting, it was proposed that there be a Transportation Committee appointed. He proposed that this committee be established at the work session on February 11, 2009, at 11:00 a.m. He said he had even suggested that the Chamber have two seats on this committee. The Chairman said that they received a thank you back on that notice.



Chairman Openshaw said that the joint meeting with municipalities will be as follows: Wingate will be the 23<sup>rd</sup> of February at either 6:00 or 6:30 p.m., on Monday, March 9, the Board will be meeting with Weddington and Marvin, and Tuesday, March 17, the Board will be meeting with Wesley Chapel and Waxhaw. He announced that the meeting with Stallings is tentatively scheduled for Monday, April 27. He reviewed the first meeting that was held last week with the Town of Indian Trail. He said these town meetings are being held to bring the government closer to the people.

He said at the last MCIC meeting there were 12 of the 14 municipalities present. He thanked Marshville, Wingate, Monroe and Hilltop for their hospitality.

Motion was made by Vice Chair Rogers at approximately 11:23 p.m. that the meeting be adjourned. The motion passed unanimously.