

Approved March 2, 2009

Minutes of the February 16, 2009
Regular Meeting

The Union County Board of Commissioners met in a regular meeting on Monday, February 16, 2009, at 7:00 p.m. in the Commissioners Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

PRESENT: Chairman Lanny Openshaw, Vice Chair Kim Rogers, Commissioner Allan Baucom, Commissioner Tracy Kuehler, and Commissioner A. Parker Mills, Jr.

ABSENT: None

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

OPENING OF MEETING:

At approximately 7:00 p.m., Chairman Openshaw opened the regular meeting and welcomed everyone present.

a. Invocation

Commissioner Mills offered the invocation.

b. Pledge of Allegiance

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

INFORMAL COMMENTS:

Thomas “Pinky” Marsh, a resident of Marshville, North Carolina, was the first speaker to address the Board during the Informal Comments. Mr. Marsh complimented Vice Chair Rogers for taking a stand about legal issues in the County and appointing a new County Attorney. He stated that his topic of discussion was “rat killing.” He compared rats, lawyers, and politicians as being the same. He described the red barn on his family's property and its fallen door. Mr. Marsh then explained in detail how he and the neighbors killed the rats that occupied the barn. Mr. Marsh said that lawyers and politicians are comparable to the rats even in the courthouse system. He stated that the barn door was too big for him to shake when he was a child, and the courthouse is too big for him to shake now, so he is learning how to shake it politically.

He stated that he was given four rodeos by the Board of Adjustment, and he did not exceed that number. He said that 10 rodeos were offered him to try to make amends. He stated that if four rodeos were illegal, ten would be also. Mr. Marsh said that there was no compromising. He stated that he felt his rights had been violated at the December 15th meeting because he had asked and begged Mr. Greene to be placed on the open agenda. However, he could not get on the agenda. He stated the reason he wanted to be included on the open agenda was to ask the Board members questions and they could ask him questions. He said that when he spoke at that meeting, Mr. Crook recommended that the Board members not answer any further questions. He stated that given how the legal system operates, when he addresses Mr. Crook, he is not sure if he addresses him by his given name or his occupation.

Commissioner Baucom asked Mr. Marsh about the ten rodeos offered to him as a compromise. He stated that this was the first time he had heard 10 rodeos mentioned. Mr. Marsh responded that the Board of Adjustment gave him four rodeos. He said that he wanted to get the matter settled and asked the County to write him a citation. He stated that the answers were going to start coming shortly. He reiterated that the Board of Adjustment was going to allow him to hold four events on his property, but at the same time, anything that occurred on his farm would be considered an event including when the residents of the nursing home go fishing.

When asked again by Commissioner Baucom about the 10 rodeos that had been mentioned earlier, Mr. Marsh said that Chairman Openshaw had asked him about having 10 rodeos. Mr. Marsh stated that his response to Chairman Openshaw had been that he was not compromising on anything.

Jerry Barrett, who resides at 5007 Old Goldmine Road, Marshville, North Carolina, commended Commissioner Kuehler regarding an article that he had read in the newspaper whereby she had addressed transparent government. He said that Commissioner Kuehler had stated that she wanted to be a leader and did not want to base her decisions on other counties. He stated that the decision

that was made in regards to Pinky Marsh was based on information that was learned from another county. Mr. Barrett said that their argument had been if that decision was made based on the other county, then what makes that county correct. He said that the County has to follow the law, and Mr. Marsh is basing his assumption on the federal law as well as the state law. He stated that it was not based on any ordinance, another County, or anyone else. He stressed that the law is for everybody.

He stated that he was shocked when he learned that Mr. Marsh was going to speak about “rat killings.” He said that the taxpayers of Union County are paying attorneys for something that can be solved with the Board of Commissioners. He questioned allowing the legal minds to take over in these matters when taxpayers have to pay all the costs. He also questioned why the depositions in the Shalati case are still being withheld. He said that taxpayers expect openness and transparent government.

He stated that Mr. Marsh should not have to go through all that he has gone through. He said that citizens should have the American dream and be able to fulfill it especially when they are following state and federal laws.

Chairman Openshaw requested that Mr. Barrett bring his comments to a conclusion.

Mr. Barrett stated that when County government talks about ordinances which do not comply with state laws, then that is wrong.

Larry Teeter, who resides at 2503 Sojourn Road, Marshville, North Carolina, stated that he wanted to address Mr. Greene that on December 15, 2008, a statement was made that there had been no petition circulated against Pinky Marsh. Mr. Teeter said that there was a petition because it came to his house for his signature, and he refused to sign it. He stated that Mr. Marsh is trying to make a living. He said that the state laws need to be checked instead of keeping it in the boundary of the County ordinances.

Ruth Helms, former County Commissioner, who resides at 2201 Melody Drive, Monroe, North Carolina, addressed the Board about redistricting. She said that her name was Ruth Helms Helms which meant that she has been in Union County a long time. She stated that it goes back to the King of England and three brothers who were given a land grant. She shared that her father-in-law Robert O. Helms served on the Board of Commissioners for 12 years, and she served on the Board for eight years. Mrs. Helms said that when she was elected in 1982, she was spending approximately 20 hours per week on County Commissioner work and when she left office in 1990, she was spending approximately 40 hours per week on County Commissioner work. She said that the County has changed, and there are a lot of new people in the County. She stated that the western part of the County and Monroe are very urban, and the east, north, and south are very rural. Mrs. Helms said that the rural parts of the County feel that they are not being heard and

want a place at the table when decisions are being made. She said that district representation is needed on the Board, and stressed that there is a need to maintain the township representation on other county boards. She stated that she served 12 years on the Social Services Board in Raleigh representing the Eighth Congressional District. She said that state boards are also looked at by geographical areas and not just by appointments.

Mrs. Helms stated that she now serves on the Region F Aging Advisory Committee and the Home and Community Care Block Grant Advisory Board which are boards to which the Board of Commissioners appointed her to serve. She said that these boards are also looked at by counties and areas of the counties. She stated that the Home and Community Care Block Grant Committee will bring a plan to the Board that will address the needs of seniors in the County for the next 10 years. Mrs. Helms stressed that she deeply cares about what goes on in Union County and her children and grandchildren live in Union County. She said that she and her husband have built a retirement home in Union County. In closing, she urged the Board to reconsider district representation for the Board of Commissioners as well as all other county boards. She said it is not a matter of power but it is a matter of what is right for the citizens.

Gordon Suhre', former Mayor of the Village of Marvin, also addressed the Board regarding district representation. He said that he has always been in favor of district representation and thinks it is only fair. He stated as the former Mayor of Marvin, he heard for 11 years, "us and them" "we and they" and the "east versus the west." He said that was wrong, and he does not feel that it is an "east versus west" in Union County. He said that he was also in favor of district representation and townships when it comes to the Board of Adjustment and the Planning Board.

Mr. Suhre' expressed appreciation to the Board for allowing him to speak and for the work that the Board is doing.

At approximately 7:20 p.m., the Chairman announced that this concluded the informal comments.

ADDITIONS, DELETIONS AND ADOPTION OF AGENDA:

Commissioner Baucom requested additions to the agenda for discussion of 1) Meeting Time Limits to be included in the Old Business; and 2) Discussion of the County Manager's Evaluation.

Commissioner Kuehler requested the addition of an item to discuss the Appointment of a County Attorney.

Commissioner Mills interjected that he was not trying to be disrespectful to any other members, but he hoped that the Board would follow its own rules in setting the agenda and its deadlines. He said that this has been part of the problems in the past when Board members added items to the agenda at the meetings, and it has been pointed out numerous times that people who might have an interest in the items are not notified of those items being on the agenda, since the items are not included on the agenda posted on the website or published in the newspaper. He said that there is no way for citizens to know about those items if they are added at the meeting. He requested that all Board members respect its own rules in trying to meet its deadline and carry forth with what is on the agenda without adding items at the meetings. Commissioner Mills said that he realizes that sometimes it is difficult and certain items have to be added. He stated that he thought the items tonight were suitable, but asked that in the future the Board pay close attention to its own rules.

Mr. Greene stated that he had two items as follows for addition to the agenda as had been discussed with the Chairman earlier today: 1) Belk Tonawanda – Perpetual Storm Drainage Easement (City of Monroe); and 2) Reduction in County Appropriations to Union County Public Schools which would be follow-up with formal action in light of Friday’s meeting to implement the reductions.

Chairman Openshaw stated that he wanted to add the following items: 1) Contract Expenditures; 2) Rescinding Direction to Manager on the Hospital Lease; 3) Planning Board Update by Richard Black, Planning Director; and 4) Statement about the Libraries – Regional versus Super Regionals.

The Chairman placed the additions to the agenda in the following order:

Consent Agenda:

1. Belk Tonawanda – Perpetual Storm Drain Easement (City of Monroe) – Consent Agenda Item 4/1a
2. Reduction in County Appropriation to UCPS – Consent Agenda Item 4/1b

Regular Agenda:

1. Planning Board Update (Richard Black) – Regular Agenda Item 6a
2. Limiting the Length of Board Meetings – Regular Agenda Item 6b
3. Contract Expenditure Authority – Regular Agenda Item 9a
4. Rescinding Direction to Manager on Hospital Lease – Regular Agenda Item 9b

5. Appointment of County Attorney – Regular Agenda Item 9c
6. Library (Regionals vs. Super Regionals) – Regular Agenda 9d
7. County Manager’s Evaluation – Regular Agenda 9e

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

CONSENT AGENDA:

Chairman Openshaw requested to defer approval of the minutes of the December 4, 2008, special meeting. He stated that Items 1a and 1b have been added to the Consent Agenda.

With there being no further additions or deletions to the Consent Agenda, Commissioner Kuehler moved approval of the items listed on the Consent Agenda as amended. The motion was passed unanimously.

Minutes: Approved the minutes of the Regular Meeting of December 15, 2008, minutes of the special meetings of September 15, 2008, and November 26, 2008 (approval of the minutes of the special meeting of December 4, 2008, was deferred at the request of Chairman Openshaw).

Belk Tonawanda – Perpetual Storm Drainage Easement: Approved Perpetual Storm Drainage Easement contingent upon legal review and authorized the Chairman to execute the original Easement to the City of Monroe (added at the request of staff).

Reduction in County Appropriations to Union County Public Schools: Adopted Budget Amendment #24 reducing the County Appropriation for Capital Outlay in the amount of \$3,928.042 decreasing Fund Balance Appropriated by \$3,928,042 and IFT to General Capital Projects by \$3,928.049 and adopted Capital Project Ordinance Amendment #112 which reflects the reduction in the County Appropriation for Capital Outlay in the amount of \$3,928.042. The entire amount of the \$3,928.042 is being reduced from pay-go capital spending at the request of the Union County Public Schools. (added to the Consent Agenda at the request of staff)

CAPITAL PROJECT ORDINANCE AMENDMENT											

BUDGET	General Capital Project Ordinance Fund			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2008-2009			DATE	February 16, 2009		
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
IFT From General Fund	9,800,000	(3,928,042)	5,871,958	FY2009 School Capital Outlay	9,800,000	(3,928,042)	5,871,958
	9,800,000	(3,928,042)	5,871,958		9,800,000	(3,928,042)	5,871,958
EXPLANATION:	Reduction of FY2009 School Capital Outlay Allocation.						
DATE:				APPROVED BY:			
					Bd of Comm/County Manager		
					Lynn West/Clerk to the Board		

FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project
IFT From General Fund	9,800,000	(3,928,042)	5,871,958	FY2009 School Capital Outlay	9,800,000	(3,928,042)	5,871,958
41459200-4010-S04				41559200-5630-S04			
	9,800,000	(3,928,042)	5,871,958		9,800,000	(3,928,042)	5,871,958
Prepared By	dhc						
Posted By							
Date						Number	CPO - 112

Union County Detention Center Medical Plan: (As Revised February 2, 2009) Approved the Jail Medical Plan as developed by the Health Department and the Union County Sheriff's Office as submitted. The Plan was also reviewed by Piedmont Behavioral Healthcare (PBH).

Tax Administrator: Approved the Eighth Motor Vehicle Billing in the grand total of \$1,012,189.93

Tax Administrator: Approved the Seventh Motor Vehicle Release Register for the Period of January 1, 2009 – January 31, 2009, in the net grand total of \$10,915.03-.

Tax Administrator: Approved Seventh Motor Vehicle Refund Register for the Period of January 1, 2009 – January 31, 2009, in the net grand total of \$2,320.47-

Tax Administrator: Approved Refunds for January 2009 in the Grand Total for all Years of \$5,665.33

Acct #	Name	Release #	Totals
2008			
05012005	TYSON CLAUDE BILLY	5184	2,064.61
06225056	FIRETHORNE EAST LLC	5186	936.94
02239010E	TRULL DOUGLAS MAURICE & CAROL	5188	98.42
50097076	SILVER LINING (THE)	5194	210.31
50018346	XEROX CORPORATION TAX DEPT	5200	1.16
04344006	FUNDERBURK MAE ALICE B & RAYMOND	5244	94.09
02242141	EFIRD MICHAEL E & JILL W EFIRD	5250	525.21
			-
			-
			-
Totals - 2008			3,930.74

2007			
06204205	GALLAGHER RICHARD A & SHARON M	5181	323.66
06225056	FIRETHORNE EAST LLC		274.30
50097076	SILVER LINING (THE)	5195	195.56

04344006	FUNDERBURK MAE ALICE B & RAYMOND	5245	96.01
			-
			-
			-
Totals - 2007			889.53

2006			
Acct #	Name	Release #	Totals
06204205	GALLAGHER RICHARD A & SHARON M	5182	289.90
04344006	FUNDERBURK MAE ALICE B & RAYMOND	5246	90.91
			-
			-
Totals - 2006			380.81

2005			
06204205	GALLAGHER RICHARD A & SHARON M	5183	286.82
04344006	FUNDERBURK MAE ALICE B & RAYMOND	5247	88.93
			-
			-
Totals - 2005			375.75

2004			
04344006	FUNDERBURK MAE ALICE B & RAYMOND	5248	88.50
			-
			-
Totals - 2004			88.50

2003

-
-
-
-

Totals - 2003

GRAND TOTALS - ALL YEARS

5,665.33

Tax Administrator: Approved Releases for January 2009 in the Grand Total for all Years of \$67,597.34

Acct #	Name	Release #	Totals
2009			
06048222	NESBITT THOMAS & KATHLEEN P	5235	2,205.47
06048395	HAWA TAMMY L & SHIMON S	5236	3,108.07
06048223	GIAIMO MICHAEL & MICHAELA	5237	2,404.27
06048225	KIPP NOREEN ANN & WILLIAM	5238	2,241.80
06048226	MORRILL GINA M & STEVEN W ROGISH	4239	2,156.62
06048228	ASBURY ANDREW JENNINGS & KATIE OEHLER	5240	2,415.56
06048229	CHANDLER RICHARD R & AMY F	5241	2,242.76
06048230	ASHLEY-WILKINSON LORRAINE	5242	2,365.82
50100558	WESLEY CHAPEL FAMILY DENTISTRY	5243	2,825.43
06048395	HAWA TAMMY L & SHIMON S	5252	74.96
06048222	NESBITT THOMAS & KATHLEEN P	5253	53.19
06048223	GIAIMO MICHAEL & MICHAELA	5254	57.99
06048225	KIPP NOREEN ANN & WILLIAM	5255	54.07
06048226	MORRILL GINA M & STEVEN W ROGISH	5256	52.02
06048228	ASBURY ANDREW JENNINGS &	5257	58.26

	KATIE OEHLER		
06048229	CHANDLER RICHARD R & AMY F	5258	54.09
06048230	ASHLEY-WILKINSON LORRAINE	5259	57.06
50100558	WESLEY CHAPEL FAMILY DENTISTRY	5260	68.15
50100843	HARRY DEAN'S COFFEE & ICE CREAM	5261	1,300.70
50072024	GRIFFIN ENDEAVORS INC	5262	65.56
50072024	GRIFFIN ENDEAVORS INC	5262	6.22
50072146	J & F FARM	5263	1,685.48
50072042	SEVERT JAMES F & SHERRY B	5264	780.92
50094682	BILLY D CONSTRUCTION CO INC	5265	137.51
50072052	SIMPSON EARL BLAND & SIBYL M	5266	940.31
50072386	WINSLOW JASPER C & JOANN S	5267	722.30
50065857	PHIFER BROS PAINT CONTRACTING	5268	50.82
50072653	ROWELL DOUGLAS DAY & KATHLYN D	5269	2,059.17
50091908	PRINCE RECONDITIONING SERVICES	5270	472.14
50099633	SUNSET AT WESLEY CHAPEL	5271	254.72
50082431	COCHRANE STEEL INDUSTRIES INC	5272	114.68
50088948	CLASSIC WOODWORKS	5273	167.69
50098328	RAMSEY AUTOMOTIVE INC	5274	149.87
50099253	601 FOODS LLC	5275	204.73
			-
Totals - 2009			31,608.41

2008

07129381	HELMS MARY ORR	5185	287.89
50090524	EFIRD DONALD THEODORE	5189	38.32
50100833	WILLIAMS ROGER ADAIR	5190	2,938.38
50099863	STRENK PETER	5191	1,097.25

50098961	HATCH ENTERPRISES	5192	182.88
50099181	RESOURCE PROPERTY GROUP	5193	73.15
06225128	RITTER SCOTT M & DEBORA	5196	741.15
06120011	MORRIS R S FAMILY LIMITED PARTNERSHIP	5197	503.94
01150012 01	HATHCOCK GALEN NOEL	5198	1,144.33
02245001 91	SHUBERT FERN H & THOMAS J TAYLOR ET AL	5199	643.52
50099435	LET'S DANCE! CAROLINAS LLC	5201	514.30
50095347	XEROX LEASE EQUIPMENT LLC	5202	23.71
50087645	XEROX LEASE EQUIPMENT LLC	5203	518.59
50087644	XEROX LEASE EQUIPMENT LLC	5204	22.34
50087641	XEROX LEASE EQUIPMENT LLC	5205	25.66
50089274	XEROX LEASE EQUIPMENT LLC	5206	32.30
50050857	XEROX LEASE EQUIPMENT LLC	5207	430.16
50015620	XEROX LEASE EQUIPMENT LLC	5208	1,977.28
50070546	XEROX LEASE EQUIPMENT LLC	5209	15.44
50018347	XEROX LEASE EQUIPMENT LLC	5210	244.91
50070545	XEROX LEASE EQUIPMENT LLC	5211	241.94
50070543	XEROX LEASE EQUIPMENT LLC	5212	10.94
50093375	XEROX LEASE EQUIPMENT LLC	5213	35.10
50070544	XEROX LEASE EQUIPMENT LLC	5214	290.53
50087643	XEROX LEASE EQUIPMENT LLC	5215	162.87
50087642	XEROX LEASE EQUIPMENT LLC	5216	9.61
50100558	WESLEY CHAPEL FAMILY DENTISTRY	5217	2,825.43
06048222	NESBITT THOMAS & KATHLEEN P	5218	2,205.47
06048223	GIAIMO MICHAEL & MICHAELA	5219	2,404.27
06048225	KIPP NOREEN ANN & WILLIAM	5220	2,241.80
06048226	MORRILL GINA M & STEVEN ROGISH	5221	2,156.62
06048228	ASBURY ANDREW JENNINGS & KATIE OEHLER	5222	2,415.56
06048229	CHANDLER RICHARD R & AMY F	5223	2,242.76
06048230	ASHLEY-WILKINSON LORRAINE	5224	2,365.82

06048395	HAWA TAMMY L & SHIMON S	5225	3,108.07
06048395	HAWA TAMMY L & SHIMON S	5226	141.46
06048222	NESBITT THOMAS & KATHLEEN P	5227	93.99
06048223	GIAIMO MICHAEL & MICHAELA	5228	104.39
06048225	KIPP NOREEN ANN & WILLIAM	5229	95.27
06048226	MORRILL GINA M & STEVEN ROGISH	5230	93.22
06048228	ASBURY ANDREW JENNINGS & KATIE OEHLER	5231	103.36
06048229	CHANDLER RICHARD R & AMY F	5232	96.59
06048230	ASHLEY-WILKINSON LORRAINE	5233	100.96
50100558	WESLEY CHAPEL FAMILY DENTISTRY	5234	68.15
50087986	HAIR WORX SALON INC	5249	63.30
07066016	MONTEITH PROPERTY OWNERS ASSOCIATION	5251	855.95
			-
Totals - 2008			35,988.93
GRAND TOTALS			67,597.34

Health Department: Approved Budget Ordinance Amendment #21 to appropriate additional federal funds by increasing Operating Expenses by \$1,766 and Federal Revenue by \$1,766 for the Family Planning Title X Program

Termination of Site Agreement with Fairview Fire Department: Authorized the County Manager to Provide 30-day notice to terminate Site Agreement with the Fairview Fire Department due to closing of site.

Finance Department: Approved Motor Vehicle Tax Refund Overpayments for January 2009 in the amount of \$3,901.63

Finance Department: Approved report of Purchase Orders exceeding \$50,000 for January 2009 reflecting the following:

Purchase Order #90291	1/26/2009	Software House International	\$103,860.25
Purchase Order #90292	1/26/2009	Doron Precision Systems	\$ 98,450.00

Finance Department: Approved report to Board of Commissioners for January 2009 pursuant to Manager Delegation Authority reflecting that there were no contracts exceeding \$50,000 which require reporting to the Board during that time

Report of 2008 Delinquent Tax Liens and Delinquent Tax Lien Advertisement: Accepted report of the Tax Collector stating that on February 5, 2009, the unpaid 2008 taxes that constitute liens on real estate total \$10,746,883.37 and ordered that the Tax Collector advertise the liens in a local newspaper in accordance with NCGS 105-369.

Sheriff's Office – Records Retention and Disposition Schedule (Dated November 10, 2008): Adopted the Records Retention and Disposition Schedule for the Sheriff's Office as issued by the North Carolina Department of Cultural Resources dated November 10, 2008.

Department of Social Services: Adopted Budget Amendment #23 for the Crisis Intervention Program increasing Operating Expenses by \$116,566 and Federal Revenue by \$116,566 to appropriate additional federal funds.

Library Services and Technology Act (LSTA), EZ Basic Equipment Grant Application: Authorized County Manager to execute and submit grant application which requires a local match in the amount of \$2,514 in FY 2010, which would be paid from the regular Library budget if grant is awarded).

Waiver of Late Listing Penalties – Jed Levitas, DMD, PA: Accepted the Senior Staff Attorney's and Tax Administrator's recommendation to deny the request. Approval on the consent agenda constituted denial of the request.

PUBLIC INFORMATION OFFICER'S COMMENTS:

The Chairman recognized Brett Vines, Public Information Officer, for his comments.

Mr. Vines shared that the County's 2008 Annual Report is available on the County's website. He stated that the report is only available online this year. He said that normally copies of the report are distributed through the County's utility bills, but in an effort to save money, the report will only be available online this year. He stated that by citizens viewing the report online, the County will be able to determine the effectiveness of having the report available online.

He reminded that the Department of Social Services is assisting citizens who make less than \$42,000 per year in preparing their income taxes. He said that the volunteers are certified by the Internal Revenue Service, and anyone who would like to schedule an appointment to have their taxes prepared can call Gloria Haney at 704-296-4312. He stated that they are also still seeking volunteers to help in the tax preparation.

CONSIDERATION OF INVITING REPRESENTATIVES OF THE SCHOOL OF GOVERNMENT TO UNION COUNTY TO FACILITATE A MEETING OF THE COMMISSION AND STAFF (From February 2, 2009, Meeting)

Al Greene, County Manager, stated that the staff had requested that this item be added to the agenda two weeks ago, but due to the length of that agenda, it was suggested that it be placed on tonight's agenda. He said that the recommendation is that the Board allow staff to work with representatives of the School of Government to get them to come to Union County and hold a strategic planning or management session with the Board and staff. Further, he said that since this matter was considered to be included on the agenda, he has discussed the idea with Mr. Fernsler and Mr. Levy, who met with the staff and the Board members, to discuss the desires for growth management in Union County. Mr. Greene said that they have not submitted a final report at this time, but he has explained to them that it was being considered to have representatives of the School of Government come in and work with the staff and Board on a governance session. He said that Mr. Fernsler and Mr. Levy indicated that this was outstanding and had indicated that this was a dilemma in preparing their report, because they believed this would be a necessary first step to any meaningful discussion regarding growth management. Mr. Greene said that it seems to him and he has also discussed it with the School of Government's representatives, that it might be an outstanding opportunity for a day and a half to a two-day annual planning session that might include sessions on governance, roles and expectations, visioning for growth management, goal setting, and potential implementation of growth management strategies with the School of Government facilitating the first session and Mr. Levy and Mr. Fernsler conducting the remaining portion of the planning session. He said that if the Board would like to schedule a planning session, he would recommend that process, but if the Board prefers not to include that much material at one time, he would recommend that the Board authorize the staff to work with the representatives of the School of Government to facilitate a session.

Commissioner Mills commented that he thought the recommendation was a good idea. He said that he had attended the new Commissioners' school and thought it was very helpful. He said that when he was elected to his first term, the new Commissioners attended the new Commissioners' school prior to being sworn in, and there was never a problem of having a quorum, because the members were not sworn into office at the time. He said that if Vice Chair Rogers and Commissioner Kuehler were not going to attend the new Commissioners' school, then it would be worthwhile to bring the representatives of the School of Government to Union County.

Following his comments, Commissioner Mills moved to accept staff's recommendation to invite representatives of the School of Government to Union County along with John Fernsler and Matthew Levy to facilitate a planning session of the Commission and staff.

Commissioner Kuehler said that she had some questions and concerns about this matter. She stated that the Board had attempted the governance policy session last year in some way, shape, or form to the tune of over \$20,000. She questioned what the outcome had been from those sessions and reviewed some of the top priorities that came from that session. She said that none of those priorities were addressed by the prior Board, but five of the top nine priorities are being addressed by this Board. She stated that the visioning conference resulted in no results and questioned what would be different with the one being recommended. Commissioner Kuehler noted in the past that the majority of the votes by the Board were five to zero votes, if they are tallied up, and the three-two splits are only on the philosophical things. She said that no amount of counseling or governance is going to change the fact that there are different philosophies of those sitting on the Board. She stated that, obviously, this Board can work together on the administrative things and does bond together. She said that she would question first of all the expense of the planning session and what is expected to be gained from the session. She stated that the Board does not know where it is, let alone where it is going, and she believed it would be putting the cart before the horse until the Board can determine what it is trying to accomplish.

Commissioner Mills said that the Institute of Government sponsors the new Commissioners' School after each election and has done so for many years. He stated that it is an excellent school and believes that all Commissioners should attend this training to learn the ins and outs and the expectations relative to staff, etc. He said that he finds it strange and unsettling that the Board wants the appointed bodies, i.e., Planning Board and Board of Adjustment to have training, which he supports, but he finds it unnerving that the Board that has appointed those members and required training does not want to have training provided by the Institute of Government as a new Commissioner, which he thought was very important.

Vice Chair Rogers stated that with all due respect to Commissioner Mills, this was her fifth year as an elected official, including four years on the School Board, and she did a commendable job if the citizens of the County had anything to say about it, which they did. She explained that she and Commissioner Kuehler did not attend the new Commissioners' training at the Institute of Government due to the County's financial situation. She said that she did not have to attend training to learn, and she has an extensive corporate background, six figure salary's worth that the citizens are getting the benefit of basically for free. She referred to an Article from the School of Government entitled "Leading and Governing in Council Manager Type Counties." She said that it was a 26 page document that contains a lot of good information. She stated that she has used this article and quoted from it. She said that

she has used documents from the Institute of Government and has read the Handbook for County Commissioners. She said that as far as trying to paint it that she needs to have some kind of new orientation, she thought she was up to speed pretty well.

Vice Chair Rogers commented that she had the same concerns expressed by Commissioner Kuehler. She said that she would like to know more about the specific goals of the proposed planning session, the costs, etc. She said that she has been looking at the various programs available through the School of Government, and there might be one that would be more fitting for the direction in which the Board might want to go other than what has been recommended. She stated that she had supported having Mr. Fernsler and Mr. Levy come and spend time with the Board and interviewed with them and continues to support that initiative. She said that she believed that there are too many things going on without seeing any actions resulting from them. She stated that her preference would be to have Mr. Fernsler and Mr. Levy bring their report to the Board.

In response to a question by Commissioner Baucom regarding the costs of having representatives of the School of Government come to Union County to provide the training, Mr. Greene said that he had not asked about the costs but would be glad to provide that information to the Board. He estimated the cost to be less than \$2,000 and would be significantly less than the cost of Mr. Fernsler and Mr. Levy.

Commissioner Baucom referred to the Governance Session last year in October and the fact that Chairman Openshaw left before the session was concluded. He said that from what he was hearing, the staff's recommendation would be voted down. He stated that it was a sad commentary for the great County of Union. He said that the County has a Board that is dysfunctional, a County that has stopped, a staff that is not getting any direction and does not know where it is going, is not given goals, and there is an offer to bring in expertise to help, lead, guide, and direct, and the Board is saying "no," it does not want it. He stated that all of the Board members have stated they are pro business. He said that it is Functions and Principles of Management 305 and not Business 101. He stated that he did not know how the Board can expect to know where the County is going to wind up if there is not a map of where it is headed. He said that it is very disappointing, and he is sorry there is a fear by the Board of being able to learn something. He stated that tonight was the first time he had heard that the reason the new Commissioners did not attend the Commissioners' school was because of economics. Further, he said that it is the first time to his knowledge that there have been new Commissioners that refuse to attend the training. He stated that he supported the motion on the floor and would be disappointed if it is not approved.

Vice Chair Rogers responded that she is not afraid of anything and it has nothing to do with fear. She said that to have come on a county board and in three months time be able to do a lot of things the Board has done is commendable. She said that the Board has made a lot of inroads, some popular and some not. She stated that there have been end results. Vice Chair Rogers said to have

come on a Board that does not have policies in existence and has problems with its legal reviews and their lack of policies and problems with where the County's finances are is an indication to her of where this government has been. She stated that if the Board has had training, then, obviously, it had not helped very much. She said that she wanted to move from this point forward and stressed that it is not a dysfunctional board, but is one that is working. She stated that there is a difference in philosophy, which is fine, and the Board can agree to disagree on its philosophy. She stated that she did not think the Board needed to be down to the level where the Board is currently going.

Chairman Openshaw said that the meeting in October that Commissioner Baucom had referenced was something that a lot of taxpayer money was spent on for someone to tell the Board it is not something recommended by the School of Government but was recommended by a corporate person. He stated that at the time, it was a basic situation where the facilitator was trying to dictate one course of action. He said that he had laid out his position, which was not supported, and he left. He stated that the particular situation was about working as a team and what was being proposed was the antithesis of it. He said it is still an issue for the Board. He questioned what would be the difference between now and October with the previous majority where he was recently referred to as just one voice. He stated that he had checked his e-mail today to see how much he has communicated with Commissioners Baucom and Mill versus the number of times they had communicated with him, which was about 400 percent more than they had communicated with him in initiated e-mails. He said that this Board is moving forward and it has done its research. He stated that he had attended the training at the School of Government and was glad he had attended. He said that he would like to see Vice Chair Rogers and Commissioner Kuehler attend. He stated that the reason that they had decided not to attend the training this year was because of the expense.

He said as far as consultants go to try and assist the Board to work together, the Board voted to expend \$15,000 for Mr. Fernsler and Mr. Levy to come in and talk with the Board about growth and essentially interpersonal skills. He stated that as the Manager had mentioned, the Board has still not received a report from them. He said that to continue down another path seems superfluous to him at this time.

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

UPDATE ON PLANNING BOARD:

The Chairman recognized Richard Black, Planning Director, to provide the Board with an update on the Planning Board in regards to the text amendment to the Land Use Ordinance that was initiated by the Board of Commissioners at its December 15, 2008, meeting. Mr. Black shared that the legal staff prepared the proposed text amendment and it was placed on the Planning Board's agenda for its January meeting. He stated that there was not a meeting of the Planning Board in January due to the lack of a quorum. Mr. Black said that the proposed text amendment was then placed on the Planning Board's agenda for its February meeting, and that board did meet in February.

He stated that the text amendments were presented both for the reconstitution of the Planning Board and the Board of Adjustment. Mr. Black reported that there was a good bit of discussion at the meeting by the Planning Board members which was mostly focused on the request for clarification on certain points of the text amendments. He said that the questions for clarification were: 1) the disclosure statements; 2) the Union County Advisory Boards; 3) leadership in the political parties; and 4) definition of dependent children as contained on the disclosure statements. He shared with the Board the following questions that had been asked by the Planning Board:

1. With respect to the disclosure statements, what happens to the disclosure statements of the citizens who are not appointed to the Planning Board or the Board of Adjustment?
2. With respect to the Union County advisory boards, does that include all boards appointed by the Board of Commissioners or is it certain designated boards.
3. What are positions of leadership in political parties?
4. With respect to dependent children as included on the disclosure statement, is that the IRS definition or is it any child that is still living at home regardless of age?

Mr. Black stated that he had planned to have the answers to these questions at the Planning Board's March meeting. He said that the text amendment is on the Planning Board's March meeting agenda.

Commissioner Kuehler questioned whether the Planning Board was supposed to be providing a recommendation on the conflict of interest form. Mr. Crook responded that there was a provision in the text amendment pertaining to the disclosure statement, but the Planning Board was not supposed to be giving a recommendation on the disclosure statement.

Commissioner Kuehler suggested that the Board could give clarification on some of the questions such as cross serving on the boards. She said that she believed there had been discussion about the boards at the December 15, 2009, meeting. Mr. Crook

pointed out that at the December 15, 2008, meeting there had been a wide range of discussion about the boards, but the motion was specific and did not include the advisory boards enumerated. He stated that the Board has called for a public hearing on the text amendments to be held on March 2, 2009, and the advertisement for that public hearing has been sent to the newspaper. He said that the discussion tonight is fine if the Board desires to give further direction to the Planning Board, because the Planning Board has not given a recommendation. However, he noted that this same discussion should occur during the public hearing, so if the Planning Board amendments are going to be modified following the published notice, that the amendments arise from the discussion at the public hearing.

Mr. Greene offered that the reason that this matter was not included on the agenda for tonight was because he had met with Mr. Crook and Mr. Black and they had reached the conclusion that since this information needed to be mentioned at the public hearing, that it should take place on the March 2, 2009, agenda.

Vice Chair Rogers questioned if there was any legal reason not to address the clarification points tonight. Mr. Crook responded that it was somewhat of an unusual position, but there was nothing improper about tonight's discussion. He said that the Board had called for the public hearing prior to receiving a recommendation from the Planning Board. He stated that it would not be inappropriate for the Board to give some direction tonight to the Planning Board regarding the questions that it has raised as long as the same discussion takes place at the March 2, 2009, public hearing.

Chairman Openshaw stated that he would be glad to give his preferences in order to provide clarification to the questions raised by the Planning Board. He addressed the question of cross serving on boards. He said that the members on the Planning Board and the Board of Adjustment could not simultaneously serve on other committees which influence land use or property value which would include the Parks and Recreation Advisory Committee, the Union County Partnership for Progress, the Historical Preservation Commission, the Library Board, the Agricultural Advisory Board, the Public Works Advisory Board, and the Board of Equalization and Review. In response to a question by Vice Chair Rogers, the Chairman stated that his response was in reference to Question #2 as stated by Mr. Black and he was delineating those boards that members of the Planning Board and Board of Adjustment could not serve on simultaneously.

Chairman Openshaw stated that as far as positions of leadership in political parties, he believed his statement at the December 15th meeting had been no more than one person serving in the position of Chairman/President or Vice Chairman/Vice President of any political party, party affiliates, clubs or outside committees could be appointed to the Planning Board or the Board of Adjustment. He

further clarified that this could mean that a person holding the position of Chairman or President could serve on either the Planning Board or Board of Adjustment and a Vice Chairman or Vice President could serve on the other.

Discussion then ensued about how it would be known that the applicant held a position of leadership in a political party. Commissioner Mills said that he did not believe the application or disclosure form asks for party affiliation or offices held. Mr. Crook stated that the forms do not address that issue because this had not been discussed at the time the forms were prepared. He assured that the Board could modify its forms to include that information if the text amendments are adopted.

In regards to Question #4 about dependent children, Commissioner Kuehler pointed out that Mr. Crook had stated that the disclosure form was not something that the Planning Board was supposed to be making recommendations on.

In answer to Question #1 regarding the length of time that the applications and disclosure forms would have to be retained, Mr. Crook stated that the Board has adopted a Retention and Disposition Schedule for general county government which would determine the length of time those documents would need to be retained. He noted that both the application form and the disclosure statement clearly state that they are public records so the person completing the forms would know that the information could be accessed by the public.

There was discussion about vetting or determining the accuracy of the disclosure statement with it being confirmed by the Chairman that as it stands now it would be the appointing body.

Following the lengthy discussion, Vice Chair Rogers asked if a motion was needed to accept the changes for Questions #2 and #3 as presented by the Chairman, which the Chairman said would be in order. Vice Chair Rogers moved by way of clarification for the Planning Board and in response to the Planning Board's Question #2 regarding the advisory boards, that those boards would include the Planning Board, Parks and Recreation Advisory Committee, the Union County Partnership for Progress Board of Directors, the Library Board of Trustees, the Agriculture Advisory Board, the Public Works Advisory Board, and the Board of Equalization and Review.

Commissioner Kuehler noted that the list also included the Board of Adjustment, and Mrs. West stated that the Chairman had included in his list the Historic Preservation Commission. Vice Chair Rogers amended her motion to include these two boards.

The Vice Chair also included that in clarification of Question #3, what is defined as leadership in political parties to be Chairman and/or President or Vice Chairman and/or Vice President of any political party, party affiliates, clubs or outside committees and specified that no more than one person serving in leadership in political parties could serve on a committee at a given time.

The motion as amended was passed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted in favor of the motion. Commissioners Mills and Baucom voted against the motion.

MEETING TIME LIMITS: (Added at the Request of Commissioner Baucom):

Commissioner Baucom referred to a memo included in the Information Section of the Agenda Package from Matthew Delk, Assistant County Manager, whereby he had obtained information from other counties about what they do in regards to limiting the length of Board meetings. Commissioner Baucom moved that the estimated times for each item be listed on the agendas and that a vote be required by the Board to extend Board meetings beyond 10:00 p.m.

Vice Chair Rogers said that she had read in some of her information that if the Board placed time limits on certain items, that footnotes need to be added. She said that it referred to a special order versus a general order. Mr. Crook stated that he was not familiar with the information that Vice Chair Rogers was referring to. Vice Chair Rogers stated that at this point she would not be prepared to vote on this matter, because of the information that she had read. She said that she was not opposed to including time limits on the agenda, but stated that there is a certain way that it should be done according to the rule that she had read.

Commissioner Baucom noted as a point of clarification that he was not referring to time limits but estimated times on agenda items. Vice Chair Rogers reiterated that there was a procedural requirement for noting it on the agenda.

Chairman Openshaw stated that in theory he was fine with both components of Commissioner Baucom's motion, but he wanted to table this item until the next meeting to allow Vice Chair Rogers an opportunity to find more information on the issue that she wants to address.

Chairman Openshaw offered a substitute motion to table action on this item until the March 2, 2009, meeting.

Commissioner Mills said that out of no disrespect to any Board member, this was exactly the point he was making earlier about items being added to the agenda. He stated that had Vice Chair Rogers known beforehand that this item was being discussed

tonight, she could have looked up the information she was referring to and the same was true with the citizens who do not know when items are being added to the agenda, and there is no time for them to understand the item; then they read about it the next day.

Following the discussion, the substitute motion was passed unanimously.

VOLUNTARY AGRICULTURAL DISTRICT AND ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE:

The Chairman announced the title and then noted the confusion of the information provided. He recognized Commissioner Baucom who provided the Board with a copy of a revised Amendment to the Voluntary Agricultural District and Enhanced Voluntary Agricultural District Ordinance that would extend the effective date of the new requirements under the revised ordinance adopted on November 17, 2008, to May 1, 2009. He moved to adopt the Amendment as he distributed tonight to extend the effective date to May 1, 2009.

**AMENDMENT
TO UNION COUNTY VOLUNTARY AGRICULTURAL DISTRICT &
ENHANCED VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

WHEREAS, the Board of Commissioners adopted the Union County Voluntary Agricultural District & Enhanced Voluntary Agricultural District Ordinance (the “Ordinance”) on November 17, 2008, with an effective date of February 1, 2009; and

WHEREAS, on January 20, 2009, the Board extended the effective date to March 1, 2009; and

WHEREAS, certain provisions of the Ordinance require additional analysis prior to implementation; and

WHEREAS, the Board thus desires to extend the effective date a second time.

NOW, THEREFORE, BE IT ORDAINED by the Union County Board of Commissioners as follows:

1. In Article XVII(D), as amended, delete “March 1, 2009” and replace with “May 1, 2009,” such that this subsection reads as rewritten:

The Effective Date of this Ordinance shall be May 1, 2009.”

2. Except as herein amended, the provisions of the Ordinance shall remain in full force and effect.

Adopted this the 16th day of February, 2009.

Lanny Openshaw, Chairman

He explained the reason he was requesting that the amendment be adopted was because the Board needs to have the ordinance correct. He explained that one of the real purposes in having the Enhanced Voluntary Agricultural Districts is to enable the County to pursue grants or for individual districts to pursue grants for conservation easements or other easements that would enhance the quality of life, green space, etc. He stated that he had spoken with the Chairman of the Agricultural Advisory Board today, and he had not reviewed the proposed amendment contained in the agenda package; therefore, he said he had spoken with both Mr. Greene and Mr. Crook about this item.

Commissioner Baucom asked if he needed to read the newest amendment into the record as he had provided to the Board tonight. For purposes of clarification, Mr. Crook said that the item was not being deferred, but the amendment as provided by Commissioner Baucom tonight would extend the effective date of the new requirements under the ordinance to May 1, 2009.

Commissioner Kuehler questioned if there was a need for the Board to adopt an amendment to the ordinance tonight. Mr. Crook responded that the Board had adopted an amendment on January 20, 2009, to extend the effective date of the new requirements until March 1, 2009, and absent action tonight to extend that time, the new requirements under the revised Voluntary Agricultural District and Enhanced Agricultural District Ordinance as adopted by the Board on November 17, 2008, would become effective March 1, 2009.

Chairman Openshaw questioned the wording of Paragraph 2 in the amendment provided by Commissioner Baucom. Mr. Crook responded that a Voluntary Agricultural District Ordinance was adopted some time ago and was modified in November 2008. He said that by extending the effective date on the modifications of the ordinance, it would keep the old ordinance in effect.

Mr. Crook noted that the two blanks on the amendment provided by Commissioner Baucom should read “May 1, 2009.”

Vice Chair Rogers said that she did not have a problem in extending the effective date. She said that reading through the information provided in the agenda package, she thought it would be helpful to have someone from the Agricultural Advisory Board or the Farm Bureau to explain the purpose of the ordinance before May 1, 2009. She said that she would like to better understand what she would be voting on.

Chairman Openshaw suggested that a presentation on the Ordinance could take place during one of the Board’s regular work sessions, either in March or April, but preferably March.

Following the discussion, the motion was passed unanimously.

CONSIDERATION OF RESOLUTION TO NORTH CAROLINA LEGISLATURE TO INCREASE THE MAXIMUM ANNUAL FIRE FEES:

Chairman Openshaw stated that staff had included this item on the agenda. Mr. Greene explained that at the February 2, 2009, regular meeting of the Board, Commissioner Mills asked Mr. Crook to research whether or not a bill had actually been introduced in the legislature, and if so, whether or not it would carry over to this year’s session. He said that Mr. Crook did research to see if a bill had been introduced and was unable to find any record of a bill being introduced to authorize the County to increase the maximum annual fire fees. Mr. Greene stated that if the Board wants to continue to pursue that legislation, which staff believes is an excellent idea, then Mr. Crook suggests that the Board can do so by re-affirming the resolution that was adopted last year, a copy of which was included in the agenda package.

Commissioner Kuehler moved to adopt and re-affirm the Resolution to Request Authorization to Increase the Amount of Certain Fire Fees that Can be Charged by Union County as follows:

A RESOLUTION TO REQUEST AUTHORIZATION TO INCREASE THE AMOUNT OF CERTAIN FIRE FEES THAT CAN BE CHARGED
BY UNION COUNTY

WHEREAS, at the request of the Union County Board of Commissioners, the North Carolina General Assembly adopted special legislation found in Chapter 883, § 1, 1991 N.C. Session Laws, as subsequently amended (the “Special Legislation”), granting authority to charge fire fees; and

WHEREAS, the amount necessary to provide fire service in certain fire fee districts exceeds the amount that is collectible using the current statutory limits for fire fees; and

WHEREAS, the Board of Commissioners desires to request an amendment to the Special Legislation increasing the limits that may be charged for fire fees for certain categories.

NOW, THEREFORE BE IT RESOLVED by the Union County Board of Commissioners that an amendment is requested to the Special Legislation that would increase the statutory limits that may be charged for fire fees, as set out below:

1. Amend N.C.G.S. 153A-236(c)(1), found in the Special Legislation, as follows:
 - (1) A single-family dwelling or manufactured or mobile home, and appurtenant structures, plus up to five acres of surrounding land. The fee on this class of property may not exceed ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) per site per year.
2. Amend N.C.G.S. 153A-236(c)(4), found in the Special Legislation, as follows:
 - (4) A commercial facility other than an animal production or horticultural operation. The fee on this class of property may not exceed fifty dollars (\$50.00) per site per year for commercial facilities with structures encompassing less than 5,000 square feet and ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) per site per year for commercial facilities with structures encompassing 5,000 square feet or more.
3. Amend N.C.G.S. 153A-236(c)(5), found in the Special Legislation, as follows:
 - (5) A multiple-family dwelling. The fee on a duplex may not exceed fifty dollars (\$50.00) per building per year. The fee on a triplex may not exceed ~~seventy five dollars (\$75.00)~~ one hundred fifty dollars (\$150.00) per building per year. The fee on any other multiple-family dwelling may not exceed ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) per building per year.

Adopted this the 16th day of February, 2009.

ATTEST:

S/Lynn G. West

s/Lanny Openshaw

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

Commissioner Kuehler questioned who would be heading up this request with the legislature and noted one of the County's Representatives had killed the Bill in the short session. Commissioner Mills said that he thought in a short session if there is any opposition at all to a local bill, the bill is automatically killed, but now the request would go to the full General Assembly.

Vice Chair Rogers questioned why the Board would re-affirm the Resolution at this time and said that she would like to see some discussion on the pros and cons of waiting until the fire study is complete. She said that she would prefer to go to the legislature with some documentation as to why the Board is requesting this authorization at this time. She stated that she thought to make this request in the middle of the fire study that the County was getting ready to do might ruin the County's credibility a little bit.

Commissioner Kuehler responded that the conclusion of the fire study is a long way off, and this seems to be an immediate problem. Commissioner Baucom noted that there is a deadline for submission of bills of March 3, 2009. Vice Chair Rogers questioned if there was any available backup to substantiate the County's position for the request.

Commissioner Mills said that during the last budget session, reallocations of sales tax revenues from the five fire departments that are tax districts were made and disbursed to other fire departments that needed the revenues. He stated that the fire fees have been in place since 1992 with a cap of \$50, and there has not been any increase in that amount since that time. He said that this request is a stop gap measure and was the recommendation of the entire Fire Commission and the entire previous Board of Commissioners to request the legislation.

Commissioner Mills said that if the increased fees are authorized, they would take effect with the next budget year. He said that there are a couple of fire districts that could become taxing districts if this Board chooses to do so depending on the results of the

study. He stated that there would be a lag between the time the new budget takes effect and the completion of the study. He questioned when the budget requests would be due for the new budget year.

Mr. Greene replied that date has not been finalized, but he and Mr. Nelson have been working on options of how to implement the budget process for the new year. He added that the recommended legislation, as he understood it, would not increase the fees but would authorize the Commission to increase the fees if it were enacted. He said that the request for the legislature to enact a bill would not affect the fees but it would come to the Board for consideration to increase the fees.

Mr. Nelson said that there are 18 fire districts with 5 of those relying on fire taxes and 13 relying on fire fees. He stated that of the 13 departments relying on the fire fees, at least 8 of those departments charge the maximum fee which is currently \$50 and require additional County subsidies.

In response to a question by Chairman Openshaw regarding the amount of money generated by the fire fees, Mr. Nelson stated that it is approximately \$1.1 million. Chairman Openshaw asked if the fees are increased to \$100, what is the projected amount to be generated by the increased fees. Mr. Nelson responded that he did not have a projection as to that amount. He said as had been indicated there are a number of districts even with the \$50 maximum fee are being subsidized. He stated that it would be a not to exceed amount and it is ultimately the Board of Commissioners who sets that cap.

At the request of the Chairman, Mr. Nelson explained how sales tax is distributed in Union County. Mr. Nelson stated that by law each year every County has the authority to modify its distribution of sales tax. He said that there are two methods by which the Board of Commissioners can distribute sales tax. The first method discussed is based on the tax levy (actual amount of property taxes levied). He stated that if the Board chooses this method, then every levy that a governing body throughout the County imposes is part of that calculation. The second method by which the Board of Commissioners can distribute the sales tax is based on population. He explained that if the Board chooses this method, the only units that benefit from the population are the municipalities. He said that the method that is by far the most favorable to Union County is levy because as the cities annex and are annexing population, often they are not annexing substantial amounts of levy because the tax rate might be two cents, three cents, etc. He explained that the dilemma is when the Board introduces another member to the distribution such as establishing a new fire tax district, it is not quite a zero sum game. He said that everyone that currently receives sales tax gives up a share of those taxes to the new member.

Mr. Nelson said that last year the Board modified the sales tax distribution formula by re-allocating a certain portion of that sales tax to the County's general fund in an effort to balance the general fund budget. He stated that one of the huge financial

challenges that the Board will have as a part of the new fire study is to the extent that additional levies will be made to the sales tax distribution formula. He said that it does affect the County's general fund and how the schools, law enforcement, and all general fund activities are funded.

Chairman Openshaw asked the current amount of the subsidies for the fire departments. Mr. Nelson stated that in connection with the subsidy, the policy decision was made several years ago as fire fees moved to fire taxes, that they would relinquish the per station subsidy, so the ones with a fire tax do not receive the per station subsidy.

Following the lengthy discussion, the motion was passed unanimously.

RESOLUTION TO ADOPT LEGISLATIVE POSITIONS FOR THE 2009-2010 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY:

Matthew Delk, Assistant County Manager, stated that thus far five municipalities in the County have passed a similar resolution: Wesley Chapel, Stallings, Marvin, Marshville, and Waxhaw. He said a number of the other municipalities are considering adoption of a resolution. He stated that he has heard from all but one municipality that they have resolutions scheduled on their agendas.

Commissioner Kuehler said that she attended the Mayors-Commissioners Issues Conference (MCIC) when this resolution was introduced. She stated that she preferred to wait to hear from the municipalities to see if adjustments need to be made to the resolution before the Board adopts the resolution.

In response to a question about whether there was a timing issue in adopting the resolution, Mr. Delk stated that there is not a timing issue but noted one caveat. He stated that none of the goals are being waited on to introduce any local bills by the deadline. However, he said that if any action were to come up in the General Assembly such as the Senate Majority Leader and the Turnpike Funding, the County would not be in a position to preemptively say that this is the County's position on the issue.

Chairman Openshaw said that he agreed with Commissioner Kuehler that the County should hear from the municipalities first. Secondly, he stated that he was opposed to the annexation provision because it is way too general and having been in Raleigh when this issue was discussed at the North Carolina Association of County Commissioners' Annual meeting, there are a number of different variables that are involved in that issue. Lastly, he said that he was wondering on some of the issues "What is the point?" He stated

that he was not delighted with the idea of conflicting with a municipality but cited as an example the Monroe Pipeline when Fairview was adamantly opposed to it and others were in favor of it. Chairman Openshaw said that he was concerned about the lack of specificity. He asked if all of the municipalities adopt a similar resolution and then it comes back to the Board for adoption, then what would happen. Mr. Delk said that he would recommend sending a packet to the legislators with as many resolutions as are available as well as to the Governor's Office and then the County would be able to react accordingly if a bill were to be introduced that addressed one of these topics. He stated that on behalf of the Managers and Clerks in the County, the list was negotiated with them including Mr. Greene, Mrs. West, and his participation. He said that the Managers and Clerks realize that many of the issues are watered down because they were trying to come up with a common set of goals, and this resolution is a start and perhaps over time a legislative program can be built that would speak for the municipalities and the County.

Chairman Openshaw questioned if it would come back to the Board before it is sent in to the State on a per issue basis. Mr. Delk said that the best answer would be to use an example such as the state budget. He stated that if something were to come up that would be a change in a funding formula that would adversely affect the County's sales tax distribution and it were two days prior to the end of the legislative session, there would not be time to call a meeting. He said the best thing would be to be able to react based on the resolution and to immediately communicate with the legislative delegation, which is important since there is one member of the County's delegation who is potentially on Conference Committee at the end of the session. He stated that if there were time, it would be best to come back to the Board and receive more specific direction and a more specific resolution with all five Board members' signatures on it. He said that the proposed resolution would give flexibility to respond to the issues.

Chairman Openshaw stated that he would like for the issues to come back to the Board given the opportunity and also to see the annexation issue stricken or reworded from the County's perspective. He said that there are too many variables.

With there being no further discussion, Chairman Openshaw moved to approve the resolution with the exception of the annexation provision and to wait until the County hears back from the other boards. He restated his motion to be to defer adoption of the resolution until the County hears back from the municipalities. The motion passed unanimously.

Mr. Delk assured the Board that the staff would communicate to the Board as to the status of the municipalities' resolutions.

At approximately 8:45 p.m., the Chairman called for a five-minute recess. The Chairman reconvened the meeting at 8:56 p.m.

CONTRACT EXPENDITURES (This item was added to the agenda at the request of Chairman Openshaw):

Chairman Openshaw said that the Manager's current authority for contract expenditures is at \$50,000 for change orders, \$90,000 for contracts, and \$30,000 for engineering contracts. He stated that it is tough economic times and everybody is making tough decisions. He said that some tough financial decisions have already been made by the County's staff and tough decisions will continue to be made by the staff. He stated that it dawned on him the other day that next year when the Board is looking at a budget deficit, the most palatable steps have already been done, and each dollar will become more difficult. He said that he would like to see the contract expenditures come back to the Board for review.

He moved to limit the contract expenditures by the Manager to \$15,000.

Vice Chair Rogers asked as a point of clarification, if the \$15,000 would be for change orders and \$15,000 for contracts. Chairman Openshaw responded that he was proposing a number and whatever the Board determined would be acceptable to him.

Commissioner Mills said that when he previously served as a Commissioner, the manager had contracting authority of \$5,000, which was very cumbersome. He said he did not have a problem with changing the amount, but it will consume more of the meeting time, but as long as it does not interfere with the operation of the County and expenditures can be paid between Board meetings, he would not oppose the change.

Chairman Openshaw said that the issue had been addressed when it was originally \$5,000, and Mr. Nelson was agreeable with that according to the minutes. He said that he could see how it would be cumbersome, and hopefully many of the questions can be addressed prior to the meetings. He stated that it is very informative to see how the monies are being spent. He asked for any other suggestions as to the dollar amount of the expenditures on change orders, contracts, and engineering contracts.

Commissioner Baucom stated that the Board has the right to pull any item from the consent agenda to the regular agenda. He asked Mr. Greene if he had done anything he had not informed the Board about. Mr. Greene responded that the Board was informed of any contracts over \$50,000 that he executes.

Mr. Nelson noted that the staff had developed a matrix when the Board recently increased the amount of the Manager's authority. Chairman Openshaw read the components from the matrix. Mr. Nelson stated that the construction, service, and materials contracts were all set at \$90,000. Chairman Openshaw said that the architectural and engineering services were set at \$30,000. Mr. Nelson noted that there was an exception relative to the extent that Union County can piggyback on state contracts. The Chairman

responded that there was no limitation on state contracts and cooperative purchasing agreements. Mr. Nelson cited as an example that originally the Sheriff had 25 vehicles in the replacement budget this year and as part of the budget adjustments, that number has been reduced to nine vehicles at approximately \$20,000/each which is \$180,000. He said that under the current policy, it was exempted because the vehicles were purchased off of state contract. He asked if those types of purchases would have to be brought to the Board for approval. The Chairman responded that he was fine with what the previous matrix stated. He asked that Mr. Nelson elaborate on the purchase orders greater than \$2,500.

Mr. Nelson explained that the County's internal purchasing practice currently permits departments if they have the need to purchase \$500 of an item or \$200 of another item, there is a combination of procurement cards or on credit at the vendor. He said that it is currently required that any purchase that is greater than \$2,500 must go through the formal procurement process internally. Mr. Nelson said that he believed it would greatly benefit the County staff if the Board's motion was somewhat specific to the matrix and the dollar amounts were revised that the Board is interested in revising.

Commissioner Mills asked if the County government is working more efficiently now with the \$90,000 limits than when the limits were \$5,000. Mr. Nelson responded that it takes less time for the Finance Department. He said that initially when the expenditure level was reduced to \$5,000, the staff went through a learning process to try and understand what the Board wanted in connection with those contracts over \$5,000. He stated that ultimately the staff worked on the summary sheet on the contracts that was included in the agenda package. He said that despite the summary's simplicity, it took a lot of time on the Finance staff's part to ensure that the information in summary form was accurate, because the Board was willing to accept that summary form. He stated that currently the summary form is not used and in connection with any contract greater than \$90,000, the details are provided. He said that the staff would adjust to the revisions and especially if the summary form is acceptable to the Board.

Chairman Openshaw asked if a \$20,000 contracting limit would be better. Mr. Nelson agreed that \$20,000 would be more helpful. Chairman Openshaw amended his motion to revise the Manager's granted authority to \$20,000 on construction contracts, change orders, service contracts, and architectural and engineering services contracts. He said that there was no limitation on insurance. He said that he was fine with no limitations on the state contracts and cooperative purchasing. He agreed that a report would no longer be needed for expenditures by the Manager of less than \$20,000 with a summary of the contracts being acceptable.

The motion was passed unanimously.

RESCINDING DIRECTION TO MANAGER ON HOSPITAL AGREEMENT (This item was added to the agenda at the request of Chairman Openshaw):

Chairman Openshaw said that this item is a bookkeeping matter. He pointed out that the last official direction received by the Manager from the Board was the authorization to execute a lease with the hospital. He said that after the meeting in October regarding the hospital, he wanted to formalize that this authority was rescinded and moved for clarification and record purposes, that authority for the Manager to execute a lease was rescinded.

Mr. Greene informed the Board that since that time, the staff has met with hospital staff on several occasions but not to discuss the lease. He said in fact the staff has made it clear that it will not discuss the lease. He stated that the problems that led to the lease having been discussed and particularly the difficulties that the hospital is having in funding capital improvements to the hospital for facilities and other expenses, there is an ongoing dialogue regarding how the County can assist the hospital on possibly being able to negotiate capital improvements in light of its limitations. He said that the staff would like those conversations to continue but not as part of the lease discussion. He stated that he needed to acknowledge to the Board that these discussions have taken place and unless directed otherwise by the Board, he would continue those discussions.

Commissioner Mills commented that he personally thought that dialogue between the Manager and the hospital in regards to capital improvements at the hospital should continue especially in the current economic climate.

Chairman Openshaw repeated his motion. He asked if there was further discussion regarding the staff's continued dialogue with the hospital staff about funding of capital improvements at the hospital. With there being no objection to the continued dialogue of the staff with the hospital staff, the Chairman called for a vote on his motion. The motion was passed unanimously.

APPOINTMENT OF COUNTY ATTORNEY (This item was added to the agenda at the request of Commissioner Kuehler):

Commissioner Kuehler moved that the Board appoint Keith Merritt of the firm Hamilton Moon Stephens Steele & Martin, PLLC, as County Attorney. She said that in the absence of the Chairman, Vice Chair Rogers had assisted in the interviewing of Mr. Merritt. She stated that she believed Mr. Merritt was the best person from all the applicants to serve as County Attorney.

Commissioner Baucom asked Commissioner Kuehler to explain the rationale of why she believed Mr. Merritt was the best person for the job. Commissioner Kuehler said that she had spoken with Mr. Merritt and he does have knowledge of Union County

and the issues facing Union County because he has provided counsel to Indian Trail and Wesley Chapel. She stated that Mr. Merritt has provided counsel to other areas very similar to Union County in growth such as Charlotte, the Concord and Kannapolis area, the Town of Davidson, the City of Statesville, the Town of Washington, and been in and around the area. She said that he has an extensive background in contract law. She said that in reviewing Mr. Merritt's qualifications and from her discussions with him, he would be her recommendation for appointment of County Attorney.

Commissioner Mills said one issue is that with Mr. Merritt, the County would be hiring an attorney from Charlotte. He said that Mr. Bundy has done an exceptionally good job for the County. He asked if it were proposed that the County terminate services with that firm. He said that there are other attorneys out of that firm that provide a substantial amount of legal services for the County such as for Social Services. He stated that he thought this question needed to be addressed.

Chairman Openshaw said that he would like to see a compilation of all of the County's legal expenditures and commitments. He stated that he did not believe the County should sever its relationship with Mr. Bundy at all. He said that he was an asset and works very well with Mr. Crook. He stated that Mr. Crook and Mr. Bundy are working on several matters together currently. He said that this is for the appointment of a Board Attorney, but he could not address the other issues at this time, because he has no knowledge of them. He stated that as far as reaching outside the County to appoint a County Attorney, that Commissioner Mills had done this also, and he did not believe that question was germane to the issue. He noted that Mr. Merritt currently represents the Town of Indian Trail as well as another municipality in Union County. He stated that he looks at the appointment of Mr. Merritt as adding to the depth of the County's legal bench and not as a slight to anyone else. He said that he was sure that Mr. Bundy would have plenty of work with Union County and would be used in the same way as he had been with the previous Board.

Commissioner Mills said that this question needed to be clarified. He asked if the Chairman had discussed this matter with Mr. Bundy. The Chairman said that he had discussed it with Mr. Bundy. Commissioner Kuehler added that Mr. Bundy basically had the best chance at an interview because he has been the Interim County Attorney for the last several months. She said that he had been working on several of the cases for Union County before he was appointed as Interim County Attorney so certainly those matters that he was working on are not being taken away from him. She said that the only difference is the acting County Attorney role that he has been playing.

Chairman Openshaw said that he had spoken with Mr. Bundy, and he is interested in maintaining a relationship with the County. Commissioner Mills reiterated that Mr. Bundy's firm also does work for other County departments. The Chairman repeated

that he could not address those issues nor could Mr. Bundy address those issues. He said that he was willing to discuss it upon review of the County's legal bills.

Commissioner Mills addressed the Chairman's comment about his having hired an attorney outside the County. He said that he personally had hired that attorney, not the Board of Commissioners. Chairman Openshaw said that if he remembered correctly the taxpayers of Union County had paid for the services of that attorney. Commissioner Mills agreed that was correct on his behalf. The Chairman said that he was delighted to welcome Mr. Merritt to provide some legal services to the County.

Following the discussion, the motion was passed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted in favor of the motion. Commissioners Baucom and Mills voted against the motion.

LIBRARY (This item was added to the agenda at the request of Chairman Openshaw):

Chairman Openshaw moved to revert to the libraries' original master plan in support of regional libraries as opposed to super-regional libraries. He explained that his rationale for the motion was that it would be easier to deal with a regional library than a super regional. He said that he thought the Board should determine what is expected from a municipality that would like to have a library in its municipality. He stated that he would like to see the County somewhat relieved of the substantial financial obligation; however, he said that was a conversation for another time.

With there being no discussion, the motion passed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted in favor of the motion. Commissioners Baucom and Mills voted against the motion.

EVALUATION OF COUNTY MANAGER (This item was added to the agenda at the request of Commissioner Baucom):

Commissioner Baucom stated that this was an agenda item in closed session for the special meeting on Wednesday, February 18th. He said that it is calling for a semi-annual evaluation of the Manager. He questioned where the policy is that calls for a semi-annual evaluation.

Chairman Openshaw responded that since he has been on the Board, there has never been a Manager's evaluation, so if the Board needs to initiate such a policy, he would move at this time to create a semi-annual evaluation of the Manager. Commissioner Baucom questioned if this was a motion by the Chairman, which the Chairman responded that was correct.

Commissioner Baucom continued his comments by stating that there was discussion about his evaluation, which he thought had been enacted when Mr. Greene was hired. He said that the evaluation is to occur in July, August or September of this year. He stated that an annual evaluation of the Manager is to occur, but he thought the evaluation was deferred, which he believed was at his suggestion, until the first quarter of the new year because of the budget process.

Vice Chair Rogers said that there is nothing contained in the Manager's contract that addresses his evaluation, but the article from the School of Government regarding the Council/Manager Form of Government discusses that "soon after a new Manager is hired and again if a significant turnover in governing body membership occurs or a new Chair is elected, all parties will find it important to discuss their specific expectations of one another." She said that it discusses the evaluation process. She stated that for her the evaluation would be a chance to list those expectations and goals that Mr. Greene was asking about. She said that she thought it was a positive act to get issues out on the table where the performance is and determine the Board's expectations so there is no confusion.

Commissioner Baucom continued with his comments and stated that he agreed wholeheartedly with Vice Chair Rogers, because the Manager needs to have the goals and objectives of the Board presented to him. Commissioner Baucom questioned if the timeline that he had stated earlier for the evaluation of July, August or September were recorded somewhere. Mrs. West responded that she could check the Board's minutes. Mr. Greene said that he did not recall the timeline for his evaluation but it was his general understanding that he would be evaluated after roughly a year. He stated that certainly he agreed that the Board could evaluate his performance at any time and to hear from the new Board about its expectations would be very helpful.

Commissioner Baucom said that he did not consider the characteristic evaluation form that he had been sent to be an evaluation form. He stated that based on those characteristics he would give the Manager straight "four's." The Chairman said that the form had been requested from the County and that was what was provided. Commissioner Baucom stated that it was characteristics and did not contain any objectives that had been presented to the Manager. He said that the characteristics were very general and he did not see it as being an evaluation. He stated that he was much in favor of presenting goals and objectives. He said that the way someone is evaluated is to present them the goals and objectives and give them the responsibility but also give them the authority to achieve those goals and responsibilities. He stated that this was part of the management procedure and if the person is only given the responsibilities without the authority, all it does is create a situation for a scapegoat.

Vice Chair Rogers said that it kind of lends itself to what she had said earlier about being on the Commission for three months and there not being policies and forms in place. She stated that she was very surprised that an evaluation has not been done. She said that she had asked Chairman Openshaw about what evaluation he had done, and she believed that his answer was that he had not participated in an evaluation of a manager. She said that this is the form provided by the County. She stated that she was open to having a work session after the evaluation to look at establishing a better form and reviewing other models. She said that this is what the Board has to work with.

Chairman Openshaw said that the form was presented as the form used in the last County Manager's evaluation. He stated that he too had issues with the form. Commissioner Baucom repeated that based on the form, his numbers would be all four's.

There was no vote taken on the motion of Chairman Openshaw.

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Openshaw announced vacancies on the following Boards and Committees:

- a. Juvenile Crime Prevention Council (JCPC): 1) District Attorney or Designee; 2) Substance Abuse Professional; 3) Two Persons Under Age of 18(The Chairman pointed out that Vice Chair Rogers had mentioned at a previous meeting that this would be good experience for students participating in the Honor's Program that are seeking hours of credit).
- b. Adult Care Home Community Advisory Committee
- c. Historic Preservation Commission (2 Vacancies)
- d. Parks and Recreation Advisory Board (5 Vacancies)
- e. Nursing Home Advisory Committee
- f. Board of Health (Vacancies for a Licensed Optometrist)
- g. Planning Board (Vacancies for 3 Regular Members Representing Lanes Creek Township, Monroe Township, Vance Township, and one Alternate member)

APPOINTMENTS TO BOARDS AND COMMITTEES:

- a. Board of Equalization and Review

Commissioner Kuehler nominated Edward Newell to fill the vacancy on the Board of Equalization and Review.

Commissioner Mills nominated Harry Cosgrove for reappointment to the Board of Equalization and Review.

With there being no further nominations, the Chairman called for a vote on the nomination of Edward Newell. Mr. Newell received three votes with Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voting in favor of his nomination. Commissioners Mills and Baucom voted against his nomination.

The Chairman stated that Mr. Newell has an impressive resume' and Mr. Cosgrove has served admirably on this board.

b. Fire Commission

Commissioner Baucom nominated Larry Kindley, Michael Black and Chris Griffin for reappointment to the Fire Commission.

Commissioner Kuehler nominated Frederick Denton (representing the Wesley Chapel Fire District), Craig Horn (representing the Providence Fire District), and Mark DiBiasio (representing the Mineral Springs Fire District) to serve on the Fire Commission. She said that none of these three fire districts have had representation on the Fire Commission recently that she can determine.

With there being no further nominations, the Chairman called for a vote on the nominations of Larry Kindley, Michael Black and Chris Griffin for reappointment. Commissioners Baucom and Mills voted in favor of the nominations. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted against the nominations.

Chairman Openshaw then called for a vote on the nominations of Frederick Denton, Craig Horn, and Mark DiBiasio. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted in favor of the nominations. Commissioners Baucom and Mills voted against the nominations.

c. Parks and Recreation Advisory Board

Chairman Openshaw stated that four applications had been received, all of which were for reappointments. He moved reappointment in block of Vonn Stone, Carolina Hasty, Lycoya Simpson, and Irvin Brewbaker to serve on the Parks and Recreation Advisory Board. The motion was passed unanimously.

d. Juvenile Crime Prevention Council (JCPC)

Chairman Openshaw moved to appoint Robert Gray Austin, III, to fill the vacancy for a Juvenile Defense Attorney. With there being no further nominations, Mr. Austin was appointed by acclamation.

MANAGER'S COMMENTS:

There were no comments by the Manager.

COMMISSIONERS' COMMENTS:

Vice Chair Rogers shared that she had received a number of letters from students at Weddington Elementary School about the DARE program no longer being offered at the school and the importance of the program to the students. She said that she has spoken with Sheriff Cathey who indicated that his office is working on finishing up this school year. She stated that the Sheriff is looking at an amended version of the program for next year, which hopefully will allow the program to continue.

There were no comments from Commissioner Baucom.

Commissioner Kuehler stated that she wanted to address the assertion that the Board is dysfunctional. She said that there have been no threats to whoop anybody which has happened with past boards; there have been no surprise actions brought that have taken anyone off guard; there have been open and extensive meetings to discuss issues. She stated that she found it almost amusing that the Board was not dysfunctional when it was three/two votes the other way.

Commissioner Kuehler stated that Monroe High School was included in *The U.S. News and World Report* list of best high schools in America. Further, she said that for the third year in a row, UCPS seniors scored higher on SATs than the state and national levels. She stated that graduating seniors broke an all time record by bringing in \$31.7 million in college scholarships, and most recently the UCPS day treatment program was able to achieve national accreditation which helps at risk children.

Commissioner Mills reported that the Boy Scouts had its kickoff drive in Union County last Thursday which was a huge success. He said that his dad was still honeymooning.

As a point of reference, he said that he has had two members of the Monroe City Council tell him that they were informed that Union County was not going to participate with the City on the expansion of the sewer plant. He said that they had asked when the Board had voted on that matter. Commissioner Mills stated that he was unaware that the Board had voted on that issue. He suggested that the Board come to a conclusion on that matter. He stated that in all fairness to the City, that the Board needs to make its decision formal.

Chairman Openshaw said that he could not speak for the remaining Board members but he did not know where the City would have received that information. He stated that he thought the Board needed to sit down and look closely at the numbers and the priorities for water and sewer. Commissioner Mills responded that this information had come from the MCIC meeting and those Council members had informed him that the Chairman had told the City's new Interim City Manager this information. The Chairman stated that this statement was incorrect. Commissioner Mills said that the City wanted to know formally about the County's decision.

Chairman Openshaw said that he had also received a number of letters regarding the DARE Program.

He said that he has had an inquiry from the Mayor of Waxhaw about the ability to plant trees for Arbor Day on the perimeter of the Twelve-Mile Creek Wastewater Treatment Facility. He stated that if they were allowed to plant trees, he would like to explore irrigating that area with reclaimed water. He said that there is also a heavily landscaped berm in that area that he would like to include in irrigating with reclaimed water and to publicize that with a sign and to extend reclaimed water to the landscaping in the subdivision across the road.

He reminded everyone that the Board of Commissioners would be meeting with the Wingate's Town Council on Monday, February 23, at 6:30 p.m. with the location of the meeting to be posted on the County's website.

Chairman Openshaw stated that he had visited Chapel Hill with a couple to attend the UNC vs. Denver Lacrosse game where his son was the captain of the Denver team a number of years ago. He said that one of UNC's captains this year, Jack Rhyne, was

also captain of his son's high school team where his son was also the captain. He said it was a pleasure meeting Mr. Rhyne's parents. He said that as he was leaving he spoke with some parents of students of Marvin Ridge, including some of his neighbors, who were there for the state championship for the Class 1a, 2a, and 3a, and it was mentioned in The Enquirer-Journal on Sunday that Diego Lawrence who is also a Marvin Ridge student and who received a football scholarship, won the state championship in a the long jump, and he beat his closest competitor by over eight inches. He offered congratulations to the Sun Valley girls for winning the four by eight hundred relay. He said that Marvin Ridge as a whole placed an impressive third in the State for a second year school while Sun Valley finished eighth overall. He stated that Marvin Ridge had a second place finish with Austin Jackson in the 500 and Marvin Ridge had third place finishes in the boys and girls four by eight hundred relay. Further, he said that the Marvin Ridge Cheerleaders won the state championship.

Commissioner Mills asked what the two items were for the special meeting on Wednesday. The Chairman responded that one of the items was the Manager's evaluation and second is the Shalati matter. Commissioner Mills asked if he could address the Shalati matter. He said that several people had asked him what was taking place on this matter. The Chairman responded that he thought it was probably best to leave it alone tonight as the Board would be discussing the Shalati matter during its Wednesday's special meeting. Commissioner Mills said that he wanted clarification himself.

With there being no further items for discussion and the time being 9:45 p.m., the Chairman moved to adjourn the regular meeting. The motion was passed unanimously.