

Approved 7/20/2009

April 6, 2009
Regular Meeting

The Union County Board of Commissioners met in a regular meeting on Monday, April 6, 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, Jeff Crook, Senior Staff Attorney, Kai Nelson, Finance Director, members of the press, and interested citizens

OPENING OF MEETING:

Invocation: The Chairman convened the meeting and presented the invocation.

Pledge of Allegiance: Chairman Openshaw led the body and audience in reciting the Pledge of Allegiance to the flag of the United States of America.

INFORMAL COMMENTS:

The Chairman recognized the first speaker. Mrs. Rorie introduced herself as Nancy Gullledge Rorie to differentiate herself from another Nancy Rorie who also lives in Union County. Mrs. Rorie spoke about the lack of district representation and pointed out that of the five commissioners who make up the current board that two of these live in the same voting precinct—2.4 miles apart – and three commissioners live in Sandy Ridge Township and four out of the five live within school district six. She explained that these individuals all live within a small slither of the county; and, in fact, the area is so small that it was hard to draw a diagram depicting these residences. Mrs. Rorie emphasized that four commissioners living within such a small piece of the pie of Union County does not afford these commissioners much of an opportunity to see and know much about the needs of the rest of the county; especially,

those three who live less than ten miles apart. She noted that it would be anticipated that these commissioners travel the same roads and see the same terrain daily. Mrs. Rorie said another reason she thought it was important to have representation from all parts of the County is because of Hwy. 601S, the death highway. She said she did not know that Mr. Lane was going to be here tonight but she had told him that she was going to call his name in vain. She said that she would venture to say that had former Commissioner Roger Lane not lived on that highway and witnessed those wrecks, heard those sirens, and was tormented by what he saw on that road, he would not have had the desire and passion to harass the Department of Transportation for all the years that he did to get improvements done to the highway. She said that is not to say that when the other members hear about wrecks that are happening on highways that they do not feel compassion for the ones involved, but it doesn't come home to a person unless they live in the community.

The Chairman pointed out to Mrs. Rorie that she was over her time. She said that the at-large method of electing county commissioners has resulted in a concentration of members in one part of the county to the detriment of the rest of the county. She stressed she thought it is time that the other citizens of this County have representation. She further said that the County is going broke and asked the Board to not spend time discussing Item 18—North Carolina Marriage Amendment Resolution – because there is a law already on the books that addresses the subject.

Mrs. Jeannie Field stated that she is a resident of Waxhaw and that this is her first time to address the Board. Mrs. Field pointed out that the Board and audience had just saluted the flag with “liberty and justice for all”. She said she had read a memo that Jonathan Thomas submitted to the Board regarding a resolution that was important to him that contained the word “God” and “in the year of our Lord” and these words were stricken from his resolution. Mrs. Field said she did not understand how that could be liberty and justice for all. She said she was present with constituents from Herman Baptist Church, and it concerns them that when a resolution is sent from someone's own heart that someone else could line out verbiage and change the resolution. Perhaps, it does not change the meaning of the resolution, but it does change its wording. She agreed that there are laws on the books that pertain to Agenda Item 18, the model North Carolina Marriage Amendment Resolution. But, Mrs. Field said that people who are not educated in county-government politics do not know if that explains fully the purpose of the resolution and suggested that it be more clearly stated. She said it was her understanding that the resolution does not conform to the Bible's definition of marriage. She explained that if she is wrong, the issue needs to be clarified so that she can understand what the resolution is about that the Board is adopting. Mrs. Field asked if this issue would be on a ballot for citizens to vote for or against.

The Chairman recognized Werner Thomisser to address taxes. Mr. Thomisser gave his address as 2008 Kings Manor Drive, Weddington, NC. He pointed out that all Union County taxpayers are struggling during the present time of economic hardships and; therefore, he asked the Board to say no to a property tax increase as the Board addresses the 2009-2010 budget. He stated that a week ago yesterday there was a six and a half page advertisement in *The Charlotte Observer* listing approximately 6,500 Union County taxpayers who have not paid their 2008 property taxes. Mr. Thommiser pointed out that his research indicates that this is an increase

of 1,000 delinquent taxpayers accounting for a 30 percent increase in unpaid property tax dollars. He noted that unpaid property tax dollars have reached approximately \$3 million and rhetorically asked why delinquency increased so dramatically—he asked if it could be Union County’s unemployment level is 10.7 percent, which is among the nation’s highest, or foreclosures, bankruptcies, or all of the above. He explained that at a time such as the current severe recession, the right thing to do for citizens is to reduce property taxes. He said if the Board could speak personally with each taxpayer, he/she would encourage the Board to hold the line on taxes. He reported that the citizens would ask the Board to not spend any additional money because the citizens need it themselves to support their taxes and, at the very least, no property tax increase. He asked what do corporations and small business owners do during these economic hard times. He then answered his question by stating that they cut their costs, become leaner and sell assets. He urged Union County government to do the same thing starting tomorrow.

He also presented a letter from Mr. Craig Horne, who could not be present, but who had asked that his letter be distributed to the Commissioners.

The Chairman next recognized Walter Staton who gave his address as 221 Weddington Road. He asked the Board to not raise the taxes of Union County’s citizens. He reminded that the taxes were raised 11 percent in 2007 and 22 percent in 2008. He noted that this nation and county are in the worst economic decline since the great depression. He said that many of Union County’s citizens have lost their jobs and that raising taxes at this time is not the right thing to do with families struggling to meet financial ends. He said the County simply must reduce spending just like families, corporations and small business owners are doing. He said he read in the newspaper that Charlotte and Mecklenburg County are making painful cuts and stressed that Union County must do likewise. He said that the department receiving the largest amount of taxpayers’ dollars must make the largest cuts in order for the Board to balance the County’s budget. Mr. Staton said the Commissioners cannot expect Union County’s taxpayers to carry this load during a deep, national, state and county recession. He encouraged the Board to do the right thing and hold the line on property taxes.

Chairman Openshaw recognized Louis Philipi who gave his address as 2026 Coatsdale Lane, Stallings. He first reminded the Board that Union County is in debt up to its eyeballs and can’t pay its bills and possibly facing a tax increase. He said those facts coupled along with the fact that since he has been in Union County, this present board since the opening day has been fractious. Mr. Philipi said the Board before this one had also been fractious as well as the one before that. He said apparently that is the way Union County is and, in looking at Agenda Item 16, it appears that the Board is being asked to hire someone to teach it how to work together. He said he thought this would be a wasteful expenditure of his tax dollar and asked the Board to strike this item and not spend his money for this purpose.

The Chairman recognized the Reverend Jim Bention, Sr., who stated that he is not present to support any candidate but is present as Chairman of the Union County Republican Party to bring about some clarity on the proposed resolution. He stated that the

Resolution the Party's members adopted on March 14th and the resolution that was presented to the Board is not the same. Mr. Bention presented to the Board a copy of the resolution that was adopted at the Convention by the members of the Union County Republicans Party. He confirmed that the one he distributed is the resolution adopted and has been prepared now for the consideration and adoption by the Union County Board of Commissioners. Mr. Bention stressed that the only verbiage change to the resolution was to make it ready for the Commissioners' consideration.

The Chairman next recognized Jonathan Thomas to address the proposed resolution. Mr. Thomas said he would not bore the Commissioners with a long speech, but wanted first to apologize to anyone that he might have offended in submitting the resolution. He said this was not supposed to have been a controversial proposition but something that would unite the County. He said the reason he had thought that was because he and most of the people sitting behind him have benefited by the sanctity of marriage between a man and woman. He said he believed it was important – not so much about the adults – but for the children. Mr. Thomas said that when it is compared similarly to DNA and when it is tinkered with long enough, there will be mutations. He said if that mutation is not something people are pleased with, who is there to complain to except those who were tinkering with. Mr. Thomas concurred that there is a Defense of Marriage Act in North Carolina. He said Iowa also had one but as of Friday its Supreme Court overturned it overwhelmingly, and it now has to recognize a union between people of the same sex. He stressed the resolution is not about excluding anyone but it is about preserving what is now in effect. He said there are 13 counties in North Carolina and he is working with the Council in Raleigh to make sure that it knows what the Republican Party believes in. Mr. Thomas said he found it very hypocritical to go work with other counties when he has not come before his own County and asked for the Board's support before going to other counties. He asked the Commissioners to support it.

Chairman Openshaw stated that he had a problem that he wanted to address. He noted that Mr. Thomas had sent out an email that basically lied about his [Chairman's] actions and stated that he hoped that Mr. Thomas was man enough and Christian enough to issue a retraction because the person that this was directed to was not him in any possible way. He said that Mr. Thomas referred to his egregious action and said that he wanted to take it to the churches to talk about. Commissioner Openshaw emphasized that he had not one thing to do with the verbiage changes.

Mr. Thomas asked, "who said take it to the churches?" Mr. Thomas stated that in his opinion the County's staff from Mr. Greene all the way down indirectly reports to the Chair; the Board directs the staff throughout this county. The Chairman offered to read the comments to which he was referring. Mr. Thomas responded that he had earlier offered an apology if he had hurt anyone's feelings, but confirmed that he stands behind what he said. He reiterated that this County staff answers to this Board and that he held the Chairman responsible for their action.

Chairman Openshaw said he would be curious as to where Mr. Thomas got the erroneous information. He said that to pass on something either makes the person a liar or it makes you subjected to a liar. He emphasized that he had documentation from the County Attorney and the Manager and read the statement, "Mr. Thomas said this is not about petty politics". He reiterated that Mr. Thomas chose to make it about petty politics.

The Chairman was reminded through other Commissioners that this section of the agenda is for public comments. Chairman Openshaw then moved to the next person, Mrs. Jennifer Horne.

Mrs. Horne gave her address as 1722 Tom Williams Road, which is in the southeastern portion of Union County. She said she was a life-long Union County resident and a married mother of two children. She thanked the Board for the opportunity to speak on an issue for which she feels strongly. Mrs. Horne said that she is asking the Board to adopt the resolution stating the importance of marriage between a man and woman. She assured that she was not coming to the Board because of so-called politics and asked that politics be put aside. She stressed that she is a concerned wife, mother, and citizen. Mrs. Horne said that each day the citizens are witnessing an attack on traditional values, including marriage. She stated that it is now time to take a stand on this critical issue. Mrs. Horne said that some people have said that now is not the time to discuss this matter because of the economy or whatever their personal beliefs may be. She stressed that this is an important issue and would disagree with anyone who would say that it is not an important issue, and it is not the time to talk about it. Mrs. Horne said that traditional marriage is one of the most fundamental principals that this community and nation were built upon. She said the union between one man and one woman has always been revered and looked at as the core of a family and, therefore, family values. Mrs. Horne said that this community has always seen the family and the value of a married mother and married father as critical to the success of future generations. She said she wanted her children to raise their own families in a country that values the sanctity of marriage and family. She said that this is what many in Union County were raised with and these individuals find the values in jeopardy. She noted that marriage is simply under attack and noted the evidence of this on television and in newspapers. She said it is necessary for concerned citizens to make their concerns known and stand up for what they believe in; if the citizens do not take a stand for something as important to society as marriage, then what will be the next issue faced. She thanked Commissioners Baucom and Mills for bringing this issue to the forefront and asked the Board to support this resolution. Mrs. Horne pointed out that Union County now has an opportunity to make its voice heard across the State of North Carolina and ultimately the nation.

The Chairman stated that the public comments' portion is now concluded and stated the next item.

ADDITIONS, DELETIONS AND ADOPTION OF THE AGENDA:

The Chairman stated he had three items to add – one is the COPS Hiring Recovery Program from the Sheriff’s office; Statement to be made about release of closed session minutes; and thirdly Task Order No. 47 for the Weddington elevated water storage tank. He next asked to table the minutes as included in the Consent Agenda.

Commissioner Mills asked to add an item to direct the Assistant County Manager and himself to look into the possibility of a World War II Memorial somewhere on the property of the old Courthouse. He said it had come to his attention that there is not a memorial here in Union County.

Commissioner Baucom asked that Item 3 on the Consent Agenda be transferred to the Regular Agenda.

Motion was made by Commissioner Mills that the agenda with the additions and deletion be approved. The motion passed unanimously.

The Chairman stated that the Sheriff’s COP issue would be 9A, the Task Order for the water tower will be 11A, the closed session minutes will be 16A, Consent Agenda Item – County Attorney – will become 16B on the regular agenda. He said that the WWII monument question would become item 25.

CONSENT AGENDA:

Motion was made by Commissioner Mills that the items on the Consent Agenda, as amended, be approved. The motion passed unanimously.

Minutes: removed from agenda to be considered at a later meeting

Drayton Hall Homeowners Association Agreement: Authorized the County Manager to approve agreement to release the Drayton Hall subdivision deposit of \$30,000 with Union County as surety to guarantee that the roads would be properly maintained until accepted for State maintenance by the Department of Transportation.

County Attorney Engagement Letter - Moved to Regular Agenda

Waiver of Late Listing Penalty: Denied request for waiver of the late listing penalty made by William L. Stark and Company on behalf of Dale Jarrett Ford, Inc. in the amounts of \$161.53 and \$943.13.

Tax Administrator:

- a.) Departmental Monthly Report for the month ending February 28, 2009, showing the percentage of collections for the years 2006 was 99.42 percent, 2007 was 98.90 percent, and 2008 was 92.95 percent.
- b.) Refunds for March 2009 in the Grand Total of \$7,772.12

REFUNDS MARCH 2009

Acct #	Name	Real Value	Totals
2008			
08093023G	REYNOLDS WILLIAM		346.13
	DALTON & CANDICE M	52,050	
07099217	RIDDLE RONALD L & MERLE	194,540	1,372.67
08267010E	PRICE ARCHIE VAUGHN & PATRICIA DIANE	65,250	433.92
06102062	LONG KEITH E & BOBBIE L		76.28
	LONG	11,150	
04114010A	BROOKS ANGELA C		852.92
	ROLLINS	120,740	
04231037	THERRELL TOMMY L & WIFE BOBBY M	25,460	169.31
06102031	MARKHAM MICHAEL H & WF ANGELA B	16,760	114.65
06159364	RYLAND GROUP IN (THE)		1,786.79
		259,030	
07117377	SOKOL SEVERIN & LILLIAN	25,940	183.04
K8321178	RUTLEDGE ALLAN R JR & WF	21,500	153.57
D8321178	RUTLEDGE ALLAN R JR & WF	21,500	142.97

K8321169	WHITE VALORIE & PAULA BAUCOM	21,500	153.57
04114010A	BROOKS ANGELA C ROLLINS	91,340	586.65
			-
			-
Totals - 2008		926,760	6,372.47
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2007			
08093023G	REYNOLDS WILLIAM DALTON & CANDICE	52,050	370.12
06102062	LONG KEITH E & BOBBIE L LONG	12,530	91.20
07117377	SOKOL SEVERIN & LILLIAN	25,230	186.02
			-
Totals - 2007		89,810	647.34
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2006			
06102062	LONG KEITH & BOBBIE L LONG	12,530	81.68
07117377	SOKOL SEVERIN & LILLIAN	25,230	171.84
Totals - 2006		37,760	253.52
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2005			
07117377	SOKOL SEVERIN & LILLIAN	25,230	168.79
Totals - 2005		25,230	168.79
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GRAND TOTALS - ALL YEARS		1,079,560	7,442.12
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c..) Releases for March 2009 in the Grand Total of \$37,111.79

RELEASES MARCH 2009

Acct #	Name	Release #	Totals
2009			
50100558	WESLEY CHAPEL FAMILY DENTISTRY	5383	68.15
50101353	MARILYN R WORLEY LIVING TRUST	5391	359.82
06048395	HAWA TAMMY L & SHIMON S	5397	2,364.41
06048230	ASHLEY-WILKINSON LORRAINE	5398	1,560.86
06048222	NESBITT THOMAS & KATHLEEN P	5399	1,450.64
06048223	GIAIMO MICHAEL & MICHAELA	5400	1,650.82
06048225	KIPP NOREEN ANN & WILLIAM	5401	1,464.51
06048226	MORRILL GINA M & STEVEN W ROGISH	5402	1,464.57
06048228	ASBURY ANDREW JENNINGS & KATIE OEHLER	5403	1,603.53
06048229	CHANDLER RICHARD R & AMY F	5404	1,511.68
06048395	HAWA TAMMY L & SHIMON S	5405	55.53
06048230	ASHLEY-WILKINSON LORRAINE	5406	36.66
06048222	NESBITT THOMAS & KATHLEEN P	5407	34.07
06048223	GIAIMO MICHAEL & MICHAELA	5408	38.77
06048225	KIPP NOREEN ANN & WILLIAM	5409	34.39
06048226	MORRILL GINA M & STEVEN W ROGISH	5410	34.40
06048228	ASBURY ANDREW JENNINGS & KATIE OEHLER	5411	37.66
06048229	CHANDLER RICHARD R & AMY F	5412	35.50
50101435	MCCLOSKEY ADAM D	5434	115.06
50099839	CAROLINA WOODWORKS AND LAMINATES INC	5437	45.04
Totals - 2009			13,966.07

2008

01141002	MORGAN RANDY MARK	5379	210.34
50099294	CAROLINA EQUIPMENT EXCHANGE	5392	6,356.92
05012002	TYSON CLAUDE BILLY	5394	3,331.86
08126012E	MICAL MARY LITTLE	5395	719.33
50091700	MCELROY STEVEN	5396	21.69
09397062	CASCADES PROPERTY OWNERS ASSOCIATION INC	5424	289.27
09397084	CASCADES PROPERTY OWNERS ASSOCIATION INC	5425	185.53
06030169	NEW TOWNE VILLAGE HOMEOWNERS ASSOCIATION	5426	1,664.49
06207112	THERRELL R DOUGLAS FAMILY LIMITED PARTNERSHIP	5427	8,828.51
07093263	BROOK VALLEY COMMUNITY ASSOCIATION INC	5428	183.64
06162386	SANDLER AT UNION LLC	5429	241.43

05039080A	ABBOTT KENNETH B & BEVERLY H	5430	38.29
03135034	SELLARS TIMOTHY & VICKIE	5431	351.03
D8321169	WHITE VALORIE & PAULA BAUCOM	5432	142.98
01117031	C R NESBIT CO INC	5433	9.66
50099946	MORRISON HENDERSON & JANIE	5435	55.37
50099969	GREENE CHARLES CLAYTON & DORIS LEE	5436	56.65
Totals - 2008			22,686.99
2007			
01141002	MORGAN RANDY MARK	5380	177.14
Totals - 2007			177.14
2006			
01141002	MORGAN RANDY MARK	5381	141.54
Totals - 2006			141.54
2005			
01141002	MORGAN RANDY MARK	5382	140.05
Totals - 2005			140.05
GRAND TOTALS - ALL YEARS			37,111.79

Criminal Justice Partnership Program Grant Application: Approved staff submitting 2009-2010 grant application for the Criminal Justice Partnership Program

Revision to Union County Personnel Resolution, Article VI, Section 6.6 and 6.7: Approved the proposed revision to Union County Personnel Resolution.

Article VI. TIME AWAY FROM WORK

SECTION 6

Family and Medical Leave Policy

6.6 Requesting Use of Family and Medical or Military Family Leave

Pursuant to this Article, it is the duty of each employee to indicate the nature of circumstances bringing about an absence from work. If the absence exceeds three (3) consecutive work days, the employee is required to submit a FML Request Form to their immediate supervisor. (Administrative Note: The FML Employer Response Form must be completed and returned to the employee within five (5) business days.)

Planned

In cases where the need for leave is foreseeable, such as planned medical treatment, the employee is required to provide the immediate supervisor a FML Request Form and a Certification of Health Care Provider Form at least thirty (30) days in advance of the date the leave is to begin.

In cases of leave for planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of his or her department.

Unplanned

In cases when circumstances do not permit a thirty (30) day notification, the employee must follow the departmental or County reporting to work policy, whichever is applicable, and provide at least verbal notification to the immediate supervisor of when the need for leave becomes known to the employee. The notice shall be sufficient to make the immediate supervisor aware that the employee needs FML-qualifying leave, and the anticipated timing and duration of the leave.

6.7 Health Care Provider's Certification for Medical Leave

The Certification of Health Care Provider Form for the employee's or family member's serious health condition must be submitted to the employee's immediate supervisor within fifteen (15) calendar days of the request for verification on a form prescribed by the County.

In cases of an employee's serious health condition, it is important for the Health Care Provider to be familiar with the tasks and physical requirements of the employee's work in order to give specific feedback on the employee's ability to perform essential functions of the job. At the time Medical Leave is requested, the immediate supervisor shall provide the employee with both a copy of his/her job description and the Certification of Health Care Provider Form.

The County may require re-certification if:

- 1) Circumstances or length of requested leave described by the original certification have changed significantly,
- 2) The County receives information that casts doubt upon the continuing validity of the certification.

Appointments by the Board of County Commissioners to the Governance Advisory Board and the Transportation Advisory Board: Approved recommendation that each Commissioner shall bring forward as soon as possible recommendations regarding two members to serve on the Governance Advisory Committee and one member to serve on the Transportation Advisory Committee.

Health Department—Susan G. Komen Grant Funding: Authorized Public Health Director to accept continuation funding for breast cancer project in the amount of \$43,320.

Health Department—Environmental Health Fee Repeal: Repealed the following fees adopted by the Board at its meeting of March 16, 2009:

- 1.) Food Service Fee if remodeling/construction is started before plans have been submitted and approved (penalty fee) \$400
- 2.) Food Service Fee if more than two site inspections are required for approval of construction of a food service establishment (penalty fee) - \$100 additional site visit fee
- 3.) Event Coordinator Application Fee – (all special events with temporary food vendors) -- \$200
- 4.) Mobile Food Unit/Pushcart Sticker Fee -- \$150 Yearly Sticker Fee

Contracts/Purchase Orders Over \$20,000 – Authorized the County Manager to approve and execute the following contracts pending legal review:

- a. Memorandum of Understanding between Mecklenburg County Health Department and Union County Health Department to define the responsibility of the Cities Readiness Initiative (CRI) team (Payment terms: n/a)
- b. Renewal agreement with Simplex Grinnell LP in connection with the Law Enforcement/Jail Facility's Fire Alarm, Intercom, and Door Locking Systems

PUBLIC INFORMATION OFFICER'S COMMENTS:

The Chairman recognized Brett Vines, Public Information Officer, who announced that Cuthbertson Road was closed today and will remain closed until late August. He reported that Emergency Medical Services are located on both sides of the bridge so hopefully that will not be an issue and the Wesley Chapel and Waxhaw Volunteer Fire Departments have both agreed to respond to calls in the areas. He said he had also been told that both Waxhaw Police and the Union County Sheriff's office will coordinate on calls in the areas.

Commissioner Kuehler stated that she understood that the “drop-dead” date for the bridge reopening was August 25 but understood that DOT is working on a time frame of ten weeks and asked if that is still the plan.

Mr. Vines said that he could not respond to that.

The Public Information Officer reported that the Union County Master Gardeners are selling rain barrels and gave the price of the two sizes. He announced the locations for pick up and explained their purposes.

Mr. Vines noted that census canvassing has started around the country and also in Union County. He said it may be that these individuals will be spotted in neighborhoods and communities, and he wanted to make the citizens aware of the canvassing throughout the county.

Commissioner Mills asked if these are the people he has seen around Hwy. 74 with police cars and survey teams. Mr. Vines responded that it was not, and he did not have any information about what Commissioner Mills was describing.

He also reminded everyone of Earth Day on April 25 which is being sponsored by the City of Monroe and Union County.

Mr. Vines announced the schedule for the Rabies Clinic and the cost and requirements.

He further reported that the Union Update Newsletter won a second place award from the North Carolina City-County Communicators Excellence in Communications Award Competition. In response to a question, Mr. Vines stated that Fayetteville won first place. Mr. Vines explained how the citizens could receive the Union Update Newsletter monthly via email.

PROCLAMATION FOR THE COMMUNICATIONS DEPARTMENT:

Mr. Greene explained that this Proclamation would recognize the week of April 12-18, 2009, as Public Safety Telecommunicator Week. He reminded that every year the second full week of April is dedicated to the persons who serve as Public Safety Communicators throughout the County and reported that there are 38 telecommunicators employed by Union County. The County Manager reported on the duties of these individuals.

Commissioner Baucom moved that the Proclamation be adopted. The motion passed unanimously.

**PROCLAMATION
FOR
PUBLIC SAFETY
TELECOMMUNICATORS WEEK 2009**

WHEREAS, each day many citizens in Union County dial 9-1-1 for help in emergencies ranging from house fires, vehicle accidents, medical emergencies, domestic violence, and severe weather conditions; and

WHEREAS, the men and women who answer these calls for help, gathering vital information to dispatch the appropriate equipment and personnel, can make the difference between life and death for persons in need; and

WHEREAS, our county's 9-1-1 telecommunicators are more than a calm reassuring voice on the other end of the telephone, they are knowledgeable and well-trained individuals who work closely with Law Enforcement, Fire, and EMS personnel, as well as with other agencies whose operations affect the health and safety of our citizens; and

WHEREAS, emergencies can strike at any time causing citizens to rely on the vigilance and preparedness of these dedicated individuals 24 hours a day, 365 days a year.

WHEREAS, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners does hereby proclaim the week of April 12 – 18, 2009, as “Public Safety Telecommunicators Week” in honor of all the emergency telecommunicators who help protect our health and safety.

Adopted this 6th day of April 2009.

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

Commissioner Mills praised the telecommunicators and stated that in Union County when a person lays his/her head down at night, he/she knows that someone is there to answer the call—the Sheriff’s, firemen, police, and EMS services are there to respond.

PROCLAMATION - CHILD ABUSE PREVENTION MONTH:

The Chairman stated the next item is a Proclamation to declare April as Child Abuse Prevention Month. Mr. Greene introduced Ms. Pam Caskey, South Region Director of United Family Services. She thanked the Chairman and the Board of County Commissioners for the opportunity to address them and said it was a great opportunity to publicly announce Child Abuse and Sexual Assault Awareness Month. She explained that United Family Services is celebrating its 100th year anniversary and stated that she was excited to be in Union County to serve the community. She also said since 1981 that United Family Services has been the sole provider of sexual assault services when in that year it assumed the responsibilities for the rape crisis services here in this community. She announced that Union County has one of the best and most comprehensive child advocacy centers, which is called the Tree House. Ms. Caskey thanked the members of the Multi-disciplinary team which includes the Sheriff, the Health Department, DSS, the police departments, the other municipalities as well as CMC Union and the District Attorney’s office. She assured that together they were much better able to make an impact in supporting the victims and the families. She read the requested Proclamation for consideration.

**Child Abuse Prevention Month
Proclamation**

Whereas, preventing child abuse and neglect is a community problem affecting both the current and future quality of life of a community;

Whereas, Union County Department of Social Services accepted 1,969 reports of child abuse representing over 4,295 children in 2008; 36.9% of these children were under 5 years old;

Whereas, Of the 575 victims and family members were served at United Family Services’ Rape Crisis and the Tree House Children’s Advocacy Center during 2008, over 78% of the children served were under the age of 18;

Whereas, 36% of the children served by the Tree House Children’s Advocacy Center were sexually abused by other children;

Whereas, child abuse and neglect not only cause immediate harm to children, but are also proven to increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior;

Whereas, all citizens should become involved in supporting families to provide safe, nurturing environments for their children giving them the opportunity to grow up to be caring, contributing members of the community;

Whereas, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

Therefore, the Union County Board of Commissioners does hereby proclaim

April as Child Abuse Prevention Month and calls upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Adopted this 6th day of April, 2009

Attest:

By: Lynn G. West, Clerk for the Board

Lanny Openshaw, Chairman

Chairman Openshaw moved that the foregoing Proclamation as read by Ms. Caskey be adopted. The motion passed unanimously.

PROCLAMATION – POLICE WEEK PROCLAMATION 2009:

Elizabeth Cook thanked the Board for allowing her to address National Police Week – May 10 – 16, 2009, and gave some history of its establishment in 1962 and changes since that time. She explained that National Police Weeks honors the men and women in law enforcement who risk their lives daily to protect and serve the citizens and their communities and Peace Officers’ Memorial Day on May 15 is in honor of those who have paid the supreme sacrifice and lost their lives in the line of duty. She stated that Union County has been fortunate to only have lost two officers in the line of duty: John Pearce from the Monroe Police Department was killed in 1888 and Edgar Williams with the Wingate Police Department in 1917. She stressed that the law enforcement officers should be recognized during the designated week to let them know that they are appreciated 365 days a year. Ms. Cook encouraged everyone to burn a candle with a blue bulb in the window and either wear a blue ribbon or put a blue ribbon on their car’s antenna this designated week and all year to show support. She presented ribbons to anyone who wanted to fly the blue. Ms. Cook asked the Board of Commissioners to adopt the Police Week Proclamation.

Motion was made by Chairman Openshaw that the Proclamation be adopted:

National Police Week Proclamation

May 10-16, 2009

Union County

Whereas, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and

Whereas, the members of the law enforcement agency of Union County play an essential role in safeguarding the rights and freedoms of Union County; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the men and women of the law enforcement agency of Union County unceasingly provide a vital public service;

Now, therefore, the Union County Board of Commissioners calls upon all citizens of Union County and upon all patriotic, civic and educational organizations to observe the week of May 10 – 16, 2009, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful

and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

The Union County Board of Commissioners further calls upon all citizens of Union County to observe Friday May 15, 2009, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, we have hereunto set our hands and caused the Seal of the Union County to be affixed.

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

Commissioner Mills moved to amend the original motion to include that the Board authorizes the flying of flags at half staff not only on May 15 but for the week of May 10 – 16, 2009 and that the event planned for the week also be approved. The motion as amended passed unanimously.

The Commissioners thanked Ms. Cook for taking on the responsibility of helping the law enforcement officers to receive proper recognition.

WEDDINGTON INTERLOCAL AGREEMENT:

Mr. Greene stated that the Staff Attorney, attorney Ligon Bundy, and Commissioner Kuehler had been involved in this subject and deferred to them for the presentation.

Staff Attorney Jeff Crook explained that he, Commissioner Kuehler, and Ligon Bundy met with the town officials of Weddington and the inter-local agreement presented is a result of the meeting. He said the agreement is self-explanatory and

announced that he had talked with Weddington Town Attorney Anthony Fox today and, although Mr. Fox has some differences with the inter-local agreement as drafted, he is ready to recommend it for adoption to the Town Council, which is planning to hold a special meeting on Thursday of this week to meet the three-day deadline imposed by the State.

Commissioner Baucom moved to approve the inter-local agreement as presented with authorization for the County Manager to make minor modifications following review by the officials of the Town of Weddington. He then asked if there are any negative legal actions that can develop in approving the agreement. The staff attorney explained that he did not think so because both bodies dispute jurisdiction in this matter; the town having annexed the property. He noted that this matter is not resolved in the inter-local agreement but it merely moves forward with the understanding that there is a dispute there with both parties knowing that they must resolve this issue.

Commissioner Kuehler asked Mr. Crook if he knew the discrepancies that Mr. Fox had with the agreement. He said there were a couple issues that she noticed and wondered if they were the same ones. Mr. Crook said the differences were mostly stylistic and that both sides had wanted to make its case in the inter-local agreement about the jurisdiction issues and, in an effort to be fair, this was not a part of the agreement. He said he thought Mr. Fox understood and accepted that point.

Commissioner Kuehler stated that as she read through the agreement that one of the issues that struck her was on the bottom of the first page where the annexation of the actual land was addressed. She asked if that is the date of determination of all the appeals and everything was status quo because the court cases were over or was that the date that Weddington would have originally taken jurisdiction if there had been no appeals.

Mr. Crook responded that is the date that the appeals concluded.

Commissioner Kuehler stated that it appears from the statement that Weddington took its actions knowing that there was an issue. She asked if Weddington knew there was a flood violation at the time they instigated the annexation.

Mr. Crook said he does not know the answer to that question.

SHERIFF – COPS AGREEMENT:

Sheriff Cathey expressed appreciation to the Board for allowing this issue to be placed on the agenda at short notice and pointed out that the deadline to file the grant application is April 14. He said that to not comply with the grant filing deadline would lose all chances to get any officers. He explained the application is thick but basically it says that under the Federal Recovery Act, and

through the COPS grant, that Union County has the opportunity to ask for a number of officers. He said they are requesting the number of 15 because it is believed that the towns that contract for law enforcement services would like some of these officers. He stated it is thought that these officers might also replace 10 of the 11 positions that his department lost in the layoff. He noted that this is a three-year grant with all expenses – salaries and benefits – paid through the grant. He pointed out that in the fourth year, the County must agree to pick up these officers' costs for that year. He said that the grant will become effective at the hiring date for a three-year period and then employment of a fourth year. Sheriff Cathey assured that this number could certainly be used and that the Towns of Indian Trail and Weddington have agreed to pick up any costs of officers assigned to those towns.

Chairman Openshaw asked the cost of 15 officers in the fourth year. Sheriff Cathey replied that amount would be \$2,207,430.

Chairman Openshaw then asked if the Sheriff thought he could get the towns to pick up the total cost. The Sheriff responded that he did not think they would pay the total cost but would pick up the additional five positions planned to be assigned to the municipalities.

Sheriff Cathey said that the \$2,207,430 is the cost for the total 15 employees. He reminded that this is a grant application and no obligation at this time.

Executive Captain Steve Simpson explained that there is an exemption that can be filed if the County cannot pay its fourth year requirement.

In response to a question from Commissioner Baucom, it was noted that the \$2,207,430 is basic entry level salaries plus equipment. Commissioner Baucom countered if that amount is the fourth year costs that his calculations indicate that it is roughly \$130,000 per employee.

The Sheriff stated that amount included cars, equipment, and everything that goes with the position instead of only salary. He said he thought there was adequate equipment on hand from the earlier layoff of staff.

Executive Captain Steve Simpson explained that the base salary with benefits per employee is about \$49,000 annually multiplied by 15 would be the \$2,207,430 that the County would have to pay if it were hiring these at the beginning of the fourth year.

Commissioner Baucom asked that he be given the amount of the fourth year impact on the County. Executive Captain Simpson and Sheriff Cathey said that there is zero impact on the County during the first three years. He said that the three-year salary impact of \$147,162 per deputy would be multiplied times 15.

After discussion, Commissioner Baucom asked for verification that if the County approves this grant that it will be approving \$49,000 x 15 in the fourth year of employment. Mr. Simpson agreed that would be the amount if all 15 are employed

At 8:03 p.m., Chairman Openshaw called a five-minute recess to discuss this item with the Sheriff and County Manager.

At the conclusion of the recess at 8:12 p.m, the Chairman asked for an accounting. The Sheriff asked Executive Captain Simpson to again explain the cost. Executive Captain Simpson explained that the three-year cost for one officer including salary and benefits based on entry level is \$147,162. He said that would be the cost if the County had to fund that position for three years. He said that multiplying that number by 15 provides the \$2,207,430. He said if the full 15 officers are hired based on the entry level salary, the County is looking at \$750,000 in the fourth year assuming that all are employed at the same time. However, he said he thought it would be spread out over a longer period.

The Chairman restated that the bottom line is that when the County has to assume the cost, the County is looking at having to pay closer to \$750,000 than to paying the \$2,207,430.

Vice Chair Rogers asked the Sheriff if based on the Sheriff's staff's projection for four-years out, would he still be below the staffing projections needed for public safety.

Sheriff Cathey said that he believes that these 15 would definitely be taken into the county without any excess at all.

Motion was made by Vice Chair Rogers that the Sheriff be authorized to file the COPS Grant under the Federal Recovery Act.

The County Manager commented that he appreciated the Sheriff's presentation and that he supported his efforts, but that he could not say unequivocally that there would be no budget impact in the next three years. He said he understood that the Sheriff has cars and equipment but that he could not sit here and say there would be no impact because there would be gas, maintenance and other miscellaneous items. The Sheriff interjected that as far as cars, guns, etc., he thought his department would be in good shape.

The motion passed unanimously.

Chairman Openshaw asked to suspend the rules and with the Board's permission move Item 17 – Union County Aging Strategic Plan – up to the next item on the agenda, which would be 9B. He asked for a motion to suspend the rules.

Commissioner Mills moved that the Rules of Procedure be suspended. The motion passed unanimously.

He then moved the Aging Strategic Plan to the next item and recognized Gayla Woody with the Centralina Council of Governments.

UNION COUNTY AGING STRATEGIC PLAN:

Ms. Woody stated that many of the people present serve on the Union County Home and Community Care Block Grant Committee whose members were appointed by the Board of Commissioners and whose role is to help this County determine how it is going to appropriate funds for older adult services in Union County. She reminded that it is the Board's final decision. She explained the research and study to determine these needs and said that it was about a year ago that the strategic plan study began.

Ms. Woody reminded that during its first presentation that she talked about the impact of the aging demographics and why that changing demographics is forcing the communities to take action. She noted that currently there are over 23,000 people in Union County who are over 60 and pointed out that this number will force an increase number of long-term care beds, Medicaid costs can potentially go up and create significant financial issues. She said that there needs to be solutions found to help the county's older adults stay independent and healthy in their own homes. She said the mission of the committee is that Union County will provide a quality of life that assures availability of essential needs that are accessible and affordable to assure independence for all older adults. She explained that the committee chose three priority issues – safe and affordable housing, transportation, and financial planning for long-term care.

It was noted by Ms. Woody that the names of those involved in the study are included in the report and briefly explained the survey. She noted that there were 624 respondents to the survey that looked at several items such as service needs, what Union County has been doing, and what others have been doing. She said after studying each of the issues there was a small group planning around each subject.

She reported on some of the results of the survey and its research and explained the recommendations. She reviewed the following goals and some of the ways to make these possible.

1. Safe and affordable housing
2. Transportation for older adults
3. Financial planning for long-term care

Ms. Woody stated that in some ways the three items identified seem simple; however, they can have a tremendous future impact. She asked that the report be placed on the County's web site and that the County help print copies of the report either through funding or actual printing of copies. She said an important area is to assure that older adults and their needs are part of existing committee decisions that impact issues i.e., having older adults to serve on the planning board or the transportation board. Lastly, she said there are many groups and organizations that present issues and ideas at every meeting. She encouraged the Board to always ask how it would impact older adults. She stressed that a senior friendly environment is a friendly environment for all ages.

At Commissioner Mills' suggestion, the members of the committee who were present introduced themselves.

Vice Chair Rogers asked what would be the best way for people who want to volunteer with senior citizens to find out information about who is needed and what can be done.

Ms. Woody responded that the committee has been working on trying to put together contact sources. She said they are asking all agencies that are part of the committee to put it on their web sites. She said another brochure will be developed but at this time the Council on Aging is the point person although everyone on the committee is trying to get the information out to the public.

The Vice Chair asked the County Manager if this presentation is posted to the web site could a link be placed to the Council on Aging to get more information out to the public.

The County Manager stated that the information could be placed on the web site.

FIRE STUDY REQUEST FOR PROPOSAL:

The County Manager reviewed that in February the Board directed the staff to develop an RFP for consulting services to conduct a fire study or to develop a fire master plan. He said the purpose of the study among other things would be to define "adequate fire protection" to the County as a whole and for each of the 18 volunteer fire departments to make recommendations regarding funding for fire protection service, and to make recommendation as to the various fire district lines that might be warranted to accomplish the adequate fire protection definition and goals. He stated the RFP that has been drafted includes other detailed tasks that will be the responsibility of the consultant. Mr. Greene said the Commission directed that the staff work with a committee to include representatives of the Union County Fire Chiefs' Association and those representatives who worked with Neal Speer and the Fire Services staff were Johnny Blythe, Don Gaddy, Chris Griffin, Joshua Dye, Robert Sweatt, and Charlie Quarter. He said that Rick Denton represented the Fire Commission at the request of Commissioner Kuehler.

Mr. Greene said there were four meetings and consensus was reached fairly quickly through a smooth process. He explained the draft RFP was presented to the Fire Chiefs Association on March 12. He said this Association recommended approval contingent upon amending language regarding “adequate fire protection” throughout the document to reflect the wording “fire protection needs”. He explained the concern expressed with that was that the wording of adequate fire protection implies an absolute minimum level of service instead of determining fire protection needs of the community which would be a broader objective to aim for.

He said on March 19th, the RFP was submitted to the Union County Fire Commission for consideration, and it also recommended approval with the changes in wording as earlier noted.

Mr. Greene offered that he and Mr. Speer would answer any questions and recommended that the Board authorize the staff to put the document out for qualified consultants to respond to. He said there are no funds budgeted in this year’s budget but the timing is good to get an RFP on the street so the funding number would be available during budget deliberations.

Commissioner Kuehler moved that the Fire Study RFP be approved and the County staff be instructed to start the process of receiving qualified quotes.

Chairman Baucom pointed out that this is a very intense study, and it appeared to him that part of the information is already known. He asked if, in order to receive some cost savings, it could be restructured to achieve the same goal and meet the same purpose at a lower cost.

Mr. Speer asked Commissioner Baucom what he was referring to specifically. Commissioner Baucom replied that without going through it, he would state as an example, determining the amount of fire equipment needed. He said he would suspect that would be a known.

Mr. Speer responded that essentially this all ties in to addressing the issue of going to the municipalities and addressing the minimum level of fire protection or fire protection needs of the community and making recommendations. He said currently the contract requires 9S fire protection and, if the recommendation came before this Board, the Board ultimately must make the decision if that level of service is sufficient etc. or is there a need for an additional level of equipment or training. He agreed that all departments know what they have now and what their neighbors have but questioned if the current level of the departments is where the county needs to be. He said that as far as establishing a master plan for the county that getting an outside look and recommendation as to where the service is and where it needs to be will be beneficial.

Mr. Greene interjected that he thought the question was very good and that certainly once the best qualified consultant is selected, the staff could negotiate with the consultant and discuss how much of the work the County's staff could accomplish for them. He said he thought that Mr. Speer was right in that it is very important that the recommendations not be seen as that of the County staff but that all communities and fire departments see that it is a recommendation of a third-party objective consultant.

Commissioner Baucom asked for differences between an RFP and an RFQ. Mr. Greene responded that an RFP is based on a bid price and an RFQ is for professional services such as engineering and is based more on qualifications. He said that minimum standards can be placed in an RFP and work that has been done by the consultant in other locations can be reviewed.

Commissioner Baucom explained that information that he has been provided by some individuals within fire departments is that the intensity of this study will cause the cost to be between \$150,000 and \$250,000. He said he did not know what numbers the County's staff was thinking about and understood that in order to get the numbers there must be some information developed. He said that as he looked at the study, it will take realistically a long period of time to complete. He said as the County is going into the budget process and trying to hold the line not to have a tax increase that this may not be the time that the County needs to do the study. He announced that he would be voting against it not because he did not think it needs to be done, but because he did not think it needs to be done now.

Commissioner Mills asked the time line for completing the study. Mr. Speer responded that they were thinking it would take between six months and a year to complete the study. Commissioner Mills asked if it involved Monroe. Mr. Speer responded that Monroe was included from the standpoint of receiving and giving mutual aid from a service standpoint not from a management or administrative standpoint but simply supplying and receiving services of mutual aid.

Commissioner Mills next asked if the study was taking into consideration that the citizens of Stallings and Hemby Bridge districts voted a tax on themselves. Mr. Speer replied that the information is included in the RFP as a part of the general background.

Commissioner Mills questioned if when the survey is being performed will those two departments be looked at differently than the others since their residents had voted a tax upon themselves.

Mr. Speer said they would be looked at just for what they are. He explained that information is included in the material that outlines these two departments as tax districts created under Section 69-26 of the General Statutes and that three other tax districts were created under Chapter 153-301.

Vice Chair Rogers said that one of her primary issues is to provide public safety and stated that in her opinion a price tag cannot be placed on safety; this is a much needed study. She said this in-depth study has never been completed and said she could not say whether current protection is adequate. The Vice Chair said that if the county waits until a time that it is cash flush, considering the amount of debt that Union County has, it will be waiting a long time and risking the safety of the citizens. She said to her this is something that is absolutely necessary and that she is absolutely confident that there are other places that cuts can be made that will not impact public safety.

Commissioner Mills noted that this is a much larger proposal than the one discussed several years ago. He asked if there is information that the County will be able to supply.

Mr. Speer responded that there is not only a lot of information that the County will be able to provide but also will have to supply the consultant. He assured that there is a lot of the leg work and statistical data that will be supplied by staff.

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

AMENDMENTS TO THE WATER CONSERVATION ORDINANCE:

Matthew Delk, Assistant County Manager, stated that he was able to work on this with the assistance of Jeff Crook, Staff Attorney, who originally wrote it in 1990. Also, he introduced Scott Honeycutt and Kelly Morton from Public Works and Public Works Billing Services to assist in answering any questions. He said the staff recognized from last year's drought and active enforcement season that the County had four main areas where there were needs and operational requirements beyond what the ordinance stipulated last year. He briefly reviewed these. He said the civil penalties imposed will begin on the first of the year. He said in many developments there are multiple sprinklers all under one account and these groups (such as homeowners' associations) do not recognize issues as quickly as homeowners since it can be hard to tell if it is in a median, etc., and to whom it may belong. Mr. Delk said they typically have been responsive to the County but would ask for a reset provision.

Secondly, he said that although the ordinance does not stipulate it, the County has practically offered those who have received penalties some sort of chance to dispute the facts of a fine or penalty or to make provisions, such as if they have been out of town and the power resets and their system flips, and they have a ticket when they get back into town. He said that the change in Article VII

would stipulate the authority for the County to consider appeals for disputes of any individual violation, which is the practice that is in place.

He said that the County staff was directed by action taken by the Board in October to develop a plan to irrigate newly installed sod landscape material. Mr. Delk said there is a process in place that requires the person requesting a 45-day variance on new construction in order to water their new sod or landscaping material for up to 45 days to pay a nominal fee. He said he thought the variance would cost approximately \$25 to pay for the sign notifying the public that it is under variance for that set amount of time. Mr. Delk said this was consistent with what is approved in other jurisdiction.

Lastly, he said that under Article XI, the staff has talked with irrigation and landscape contractors about the fact that they could not effectively maintain a system except on the day of the assigned watering. He said it made it very difficult for them because they had to schedule irrigation accordingly, and it forced them to work weekend schedules. Mr. Delk said the contractors reported that situation created idle time when they could have been working on customer issues etc. He said some of the time there are other issues that require them to turn on the system. He said they have developed a procedure that will be cheap and easy to implement and that is the contractors register with the County and procure a sign that can be placed at the driveway while they are there maintaining the system. He said that in exchange for procuring that sign, the contractor can maintain the system at any time they can get there. He said the main theory behind the program is that the County believes that a properly maintained system is more efficient and produces less waste. Mr. Delk announced there were other technical amendments included to clean up the conservation ordinance and the staff also believes that as there are more discussions on the allocation policy in conjunction with the Water Conservation Plan that there will be a need for further review of the ordinance; especially, in the description of moving from stage to stage and the order of declaring stage change declarations. Mr. Delk said at some point this Ordinance might be back before the Board but did not think there could be much delay because another hot season is approaching.

Chairman Openshaw stated that there is a discrepancy in that the copy provided stated a cost “less than \$20” but in the Ordinance itself on page 10, it refers not to exceed \$25. Mr. Crook responded that he had included the \$20 as this ordinance had been brought in late to him. He said that it has been brought to his attention that Public Works has a standard fee of \$25 so he was asked to standardize the amount, which he did.

Commissioner Baucom moved that the amendments to the Water Conservation Ordinance be approved as submitted.

WATER CONSERVATION ORDINANCE

AN ORDINANCE PROVIDING FOR CONSERVATION OF WATER

AND RESTRICTIONS ON THE USE OF WATER DURING A WATER SHORTAGE
OR IMPENDING WATER SHORTAGE

BE IT ORDAINED by the Union County Board of Commissioners that water conservation is deemed to be necessary when water demand by customers connected to the Union County water system reaches the point where continued or increased demand will equal or exceed the treatment and/or transmission capacity of the system or portions thereof. When water demand results in the condition whereby customers cannot be supplied with adequate water to protect their health, safety, or property, then the demand must be substantially curtailed to relieve the water shortage. The restrictions imposed pursuant to this Ordinance shall apply only to potable water supplied through the Union County water system, and not to reuse or reclaimed water. In addition to the water conservation measures set out herein, Union County may also establish a rate structure that increases the cost for potable water commensurate with the escalation of water shortage conditions.

Article I
Declaration of Water Shortage

Section I: Applicability of Ordinance

In the event (i) it appears there is a sustained demand of 80% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 1 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain water use restrictions by Union County, then in either such event the Director of the Union County Public Works Department, hereinafter referred to as the “Director,” may recommend to the County Manager that water conservation measures be implemented, and the County Manager, following consultation with the Board of Commissioners, may declare a Stage I Water Shortage Condition. The County Manager, following consultation with the Board of Commissioners, may, with or without the recommendation of the Director, declare that a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition exists and require mandatory conservation measures upon occurrence of any conditions precedent for declaring such Condition, as hereinafter set forth. In declaring any Water Shortage Condition pursuant to this Ordinance, the County Manager may limit the applicability of the requirements of this Ordinance to certain sections of the County, whether by township or other description. For purposes of this Ordinance, the phrase “following consultation with the Board of Commissioners” shall mean consultation during a regular or special meeting of the Board of Commissioners when possible, but where delay would endanger the public health, safety, or welfare, as determined by the County Manager, such consultation may be made by the County Manager with members of the Board of Commissioners on an individual basis outside the confines of a formal meeting. The County Manager shall report the declaration of a Water Shortage Condition to the Board at its next

regular meeting.

The declaration of a Water Shortage Condition becomes effective immediately upon issuance by the County Manager, unless otherwise stated in such declaration. Upon declaration of any stage of Water Shortage Condition, the County Manager shall issue press releases to local television, radio and/or print media to inform the public of the voluntary and/or mandatory water use restrictions. Upon declaration of a Stage II, Stage III, or Stage IV Mandatory Water Shortage Condition, the County Manager shall also cause notice of such restrictions to be either inserted into customers' water bills or separately mailed to customers as soon as reasonably practicable.

Article II

Stage I Water Shortage Condition

Section I

In the event a Stage I Water Shortage Condition is declared, the following guidelines shall apply:

- a. An extensive publicity campaign will be initiated using public media to inform the public of an impending or existing water shortage.
- b. Conservation measures will be encouraged and recommended.
- c. Transport of water outside of Union County will be limited.

Section II

In the event a Stage I Water Shortage Condition is declared, the public shall be encouraged to adhere to the following voluntary conservation measures:

- a. Limit car washing to the minimum.
- b. Limit lawn and garden watering to that which is necessary for plants to survive.

- c. Do not wash down outside areas such as sidewalks, patios, parking lots, service bays or aprons, etc.
- d. Do not leave faucets running while shaving or rinsing dishes.
- e. Water shrubbery to the minimum required, reusing household water when possible.
- f. Limit use of clothes washers and dish washers and when used, operate fully loaded.
- g. Use of showers for bathing, rather than bathtub, and limit showers to no more than four (4) minutes.
- h. Limit flushing of toilets by multiple usage.
- i. The use of disposable and biodegradable dishes is encouraged.
- j. The use of flow-restrictive and water-saving devices is encouraged.
- k. Limit hours of operation of water-cooled air conditioners.
- l. All residents, businesses, and institutions are requested to temporarily delay new landscape work until the water shortage has ended.
- m. Use only hoses with spring-activated nozzles when watering lawns and gardens.

Section III

The following mandatory water conservation restriction shall apply during a Stage I Water Shortage Condition in addition to the voluntary conservation measures encouraged in Article II, Section II above.

In the event the County Manager issues a declaration of a Stage I Water Shortage Condition, it shall be unlawful for any person, firm or corporation to transport water outside of Union County, where such water has been drawn by tanker truck from a hydrant of the Union County water system; provided, however, that transport outside of Union County shall be allowed for emergency fire protection and for bona fide farm purposes. As used in this Ordinance, the use of water for “bona fide farm purposes” shall

include use for the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Article III
Stage II Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage II Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system in a manner inconsistent with the declaration until such time as the declaration of a Stage II Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage II Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage I Water Shortage Condition declaration is ineffective in adequately reducing demand; (ii) maintenance of the system (whether preventive or breakdown maintenance, or due to an event of force majeure) requires a reduction in demand; (iii) mandatory restrictions are required to comply with any permit for the system issued by applicable state or federal authorities; (iv) sustained water demand exceeds 90% of the treatment and/or transmission capacity of the Union County water system or portions thereof; or (v) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 2 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then upon occurrence of any such event the County Manager may issue a declaration that a Stage II Mandatory Water Shortage Condition exists. Such declaration may prohibit any one or more of the types of water uses regulated under a Stage I, Stage III, or Stage IV Water Shortage Condition, provided that the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address. After consultation with the Board, the County Manager may also take such other measures as deemed necessary to give effect to the intent of this Ordinance.

Article IV

Stage III Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage III Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of a Stage III Mandatory Water Shortage Condition has been rescinded. In exercising the authority for declaring a Stage III Mandatory Water Shortage Condition, consideration shall be given, as applicable, to water shortage levels and available sources of supply, available usable storage on hand, drawn-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage II Mandatory Water Shortage Condition is in effect and the system demand for water continues to exceed capacity of the water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 3 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage III Mandatory Water Shortage Condition may be declared. In addition to any voluntary and mandatory guidelines already in effect, it shall be unlawful to use water supplied by the Union County water system in the following manner:

- a. To water lawns; provided that shrubbery, trees, flowers and vegetable gardens may be watered by hand or by drip irrigation;
- b. To conduct residential vehicle washing;
- c. To wash public buildings, sidewalks, and streets, except as required for safety and/or to maintain regulatory compliance;
- d. To use water for dust control during construction;
- e. To conduct flushing or hydrant testing programs, except to maintain water quality or other special circumstances approved by the Director in advance;

- f. To fill new swimming pools; and
- g. To serve drinking water in restaurants, cafeterias, or other food establishments, except upon request.

Notwithstanding the prohibitions on use stated above, the County Manager, in his discretion and acting in the best interests of the health, safety, and welfare of the citizens, may allow one or more such uses on a limited basis not more frequently than two (2) days per week if (i) stated in the original declaration of a Stage III Mandatory Water Shortage Condition, or in any amendment thereto; and (ii) consistent with the Stage 3 Low Inflow Condition declared by Duke Energy Carolinas, LLC, when such Condition is in effect. When allowing one or more such uses one (1) day or two (2) days per week, the County Manager may further regulate usage on the following bases: (i) time of day; (ii) day of week; (iii) customer type, including without limitation, residential, commercial, industrial and institutional; and (iv) physical attribute, such as address.

Article V
Stage IV Mandatory Water Shortage Condition

Section I: Compliance

In the event the County Manager issues a declaration of a Stage IV Mandatory Water Shortage Condition, then it shall be unlawful for any person, firm or corporation to use or permit the use of water from the Union County water system for any purpose hereinafter set forth until such time as the declaration of water shortage has been rescinded. In exercising the authority for declaring a water shortage condition, consideration shall be given, as applicable, to water storage levels and available sources of supply, available usable storage on hand, draw-down rates, the projected supply capability, outlook for precipitation, daily water use patterns and availability of water from other sources.

Section II

In the event (i) a Stage III Mandatory Water Shortage Condition is in effect and demand for water continues to exceed capacity of the water system or portions thereof; or (ii) Duke Power Company LLC, doing business as Duke Energy Carolinas, LLC, declares a Stage 4 Low Inflow Condition pursuant to the Comprehensive Relicensing Agreement for the Catawba-Wateree Hydro Project (FERC Project No. 2232) dated December 22, 2006, to which Union County is a party, thus compelling certain mandatory water use restrictions by Union County, then in either such event a Stage IV Mandatory Water Shortage Condition may be declared. In addition to the restrictions for Stage I, Stage II, and Stage III Water Shortage Conditions, the following restrictions shall also apply:

- a. Fire protection shall be maintained by drafting of ponds, rivers, etc..., wherever possible.
- b. The use of throw-away utensils and plates is encouraged and recommended at all eating establishments.
- c. It shall be unlawful to use water supplied by the Union County water system in the following manner:
 - (i) To induce water into any pool;
 - (ii) To use water outside a structure for any use other than an emergency involving a fire;
 - (iii) To operate an evaporative air conditioner which recycles water except during operating hours of business; and
 - (iv) To use water for road construction practices, i.e. compaction and washing.

Article VI

Section I: Lifting of Restrictions Imposed During a Water Shortage

- a. Water Shortage Conditions will expire when the County Manager, after consultation with the Board of Commissioners and upon recommendation of the Director, deems that the condition which caused the water shortage condition has abated.
- b. The expiration or cancellation of a water shortage declaration shall be promptly and extensively publicized.

Article VII

Section I: Enforcement

- a. Compliance with the provisions of this Ordinance shall be enforced by personnel of the Union County Public Works Department, hereinafter referred to as "UCPW," independent contractors engaged by UCPW for such purpose, and such other personnel as designated by the County Manager.

- b. The use of water from the Union County water system by a customer in violation of any mandatory water conservation control imposed pursuant to this Ordinance is unlawful. For purposes of this Ordinance, the term “customer” shall mean any person or entity in whose name UCPW maintains an account for water use. Further, the refusal or failure of a customer or other person acting on the customer's behalf to cease immediately a violation of a water conservation control, after being directed to do so by a person authorized to enforce the provisions of this Ordinance, is unlawful. Each customer is responsible for any use of water that passes through the service connection associated with the customer's account or otherwise passes through the customer's private water system.
- c. Any customer who violates or permits the violation of any mandatory water conservation control imposed pursuant to this Ordinance shall be subject to civil penalties as follows: (i) a warning for the first violation; (ii) a civil penalty in the amount of one hundred dollars (\$100) for the second violation; (iii) a civil penalty in the amount of five hundred dollars (\$500) for the third and fourth violations; and (iv) a civil penalty in the amount of one thousand dollars (\$1,000) for the fifth and each subsequent violation. Each day that a violation of a mandatory water conservation control occurs or continues to occur after delivery of notice pursuant to subsection (g) below shall be considered to be a separate and distinct violation.
- d. Violations shall be accumulated by customers on a calendar year basis for purposes of accrual of civil penalties. For example, a second violation by a customer during a calendar year shall result in a civil penalty of one hundred dollars (\$100), but the next subsequent violation, if incurred by that same customer during the following calendar year, shall result in a warning for first violation. Notwithstanding the foregoing, the customer shall remain liable for payment of all civil penalties regardless of when accrued. Violations of any mandatory water conservation control of any stage shall accumulate with violations of other stages. Should a customer move, or cease and renew service, during a calendar year, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.
- e. Each civil penalty associated with a second or third violation and assessed against a customer pursuant to this Ordinance shall be added to the customer's water bill and shall be paid in the same manner as the payment of water bills. A customer’s partial payment of a water bill shall be applied first to satisfaction of the civil penalties. Failure to pay all or any portion of a water bill, including any civil penalty assessed pursuant to this Ordinance, by the due date indicated on the bill may result in the termination of water service.

Each civil penalty associated with a fourth or subsequent violation and assessed against a customer pursuant to this Ordinance shall be added to the customer’s water bill, but shall be payable within ten (10) calendar days of delivery of notice of violation. Failure to pay all or any portion of a civil penalty assessed pursuant to this Ordinance by the tenth day following delivery of the notice of violation shall result in termination of water service, unless such action is stayed pending appeal.

- f. The violation of any water conservation control or provision of this Ordinance may be enforced by all remedies authorized by law for noncompliance with county ordinances, including without limitation the assessment of a civil penalty and action for injunction, order of abatement or other equitable relief; provided, however, that no violation of any water conservation control or provision of this Ordinance shall be a basis for imposing any criminal remedy. The Board of Commissioners may release billing information, as such term is defined in N.C.G.S. 132-1.1(c), of customers who violate, or have violated, the provisions of this Ordinance, when the Board in its sole discretion and acting pursuant to N.C.G.S. 132-1.1(c)(2), determines that the release of such billing information during times of mandatory water conservation is necessary to assist Union County to maintain the integrity and quality of services it provides.
- g. UCPW shall send notice of first, second, and third violations to the customer by regular U.S. mail at the customer's billing address on file with UCPW. Such notice shall be deemed to have been delivered three days from the date mailed. In the event of a fourth or subsequent violation, UCPW shall send notice of intent to terminate water service by regular U.S. mail and by certified mail, return receipt requested, to the customer's billing address on file with UCPW. Such notice shall be deemed to have been delivered on the earlier of (i) three days from the date of mailing by regular U.S. mail, or (ii) the date indicated on the return receipt.
- h. The notice of violation shall specify the following:
 - (i) The nature of the violation and the date and time it occurred;
 - (ii) The method by which payment of any civil penalty may be paid, including a statement indicating that it will be included on the customer's next water bill;
 - (iii) A warning that additional or continued violations may result in increased penalties, including termination of water service;
 - (iv) A warning that failure to pay a water bill, including any civil penalty assessed pursuant to this Ordinance, may result in termination of water service;
 - (v) The telephone number at UCPW where the customer may direct any questions or comments; and
 - (vi) Information indicating the manner in which the customer may appeal a violation pursuant to Article VII, Section 1(i) or appeal a pending termination pursuant to Article VIII.
- i. A customer who receives a notice of violation for a first, second, or third violation may appeal the violation by written notice to UCPW indicating through supporting documentation the factual basis for the customer's position that either (i) the violation was issued in error, or (ii) the customer had no opportunity to prevent the violation. The appeal must be delivered to UCPW at

the specified address within fifteen (15) calendar days of delivery of the notice of violation. The Director or his/her designee shall conduct such review of the appeal as may be necessary to determine whether the documentation provided by the customer supports the customer's assertion that the violation was issued in error or the customer had no opportunity to prevent the violation. The Director or his/her designee shall respond in writing within twenty (20) business days of receipt of the appeal.

Article VIII

Section I: Discontinuance of Service

In addition to the payment of any civil penalty assessed pursuant to Article VII of this Ordinance, a customer shall be subject to termination or restriction of water service following four (4) or more violations of any water conservation controls imposed pursuant to this Ordinance. Water service will not be restored at such service connection until the customer pays all the customer's outstanding obligations, including, without limitation, all charges for water service, all civil penalties and other fees charged in accordance with the provisions of this Ordinance, and the current disconnect processing fee. In the event water service is terminated a second time for violations pertaining to use of water obtained by the customer through an irrigation meter, service to such irrigation meter shall remain terminated for the remainder of the calendar year.

A customer who receives a notice of violation for a fourth or subsequent violation indicating that the customer's water service is subject to termination pursuant to this Article may appeal the pending termination by filing a written notice of appeal with the Director or his or her designee. The notice of appeal must be delivered to the Director or his/her designee within ten (10) calendar days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within ten (10) business days of receipt of the notice of appeal, or by such other date as mutually agreed upon by the Director, or his/her designee, and the customer.

Article IX

The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems. By January 1, 2008, all irrigation systems equipped with a timer shall be equipped with rain sensors as approved by UCPW. Rain sensors shall be activated to prevent the system from operating after one fourth (1/4) inch of rain has fallen.

Article X

UCPW is authorized to issue variances in accordance with this Article permitting any customer satisfying the requirements of this Article to use water for a purpose that would otherwise be prohibited by water conservation controls then in effect. During any period that declaration of a Stage II or Stage III Water Shortage Condition is in effect, UCPW may issue variances provided that each of the following conditions is satisfied: (i) the customer applies for a variance using forms provided by UCPW; (ii) the customer pays a variance registration fee in such amount as determined by the Director, not to exceed twenty-five dollars (\$25.00); (iii) the application pertains to a new lawn and/or landscape installed incident to new construction; (iv) the customer applies for a variance either before issuance of a certificate of occupancy or within ninety (90) days after issuance of a certificate of occupancy relative to this new construction; and (v) the customer submits with the application such supporting documentation as required by UCPW to substantiate that these conditions have been satisfied.

Upon receipt of a variance from UCPW, the customer may be permitted to water such newly installed lawn and/or landscape for a period not to exceed forty-five (45) days from the date of issuance of the variance. During the period that the variance is in effect, the customer shall post signage provided by UCPW to signify the customer's temporary exempt status from water conservation controls otherwise in effect. The customer shall post such sign within two (2) feet of the driveway entrance. In any variance issued pursuant to this Article, UCPW may impose such conditions and restrictions as are appropriate to require that water used from the Union County water system be minimized to the extent practical. Variances issued pursuant to this Article shall terminate upon the earlier occurrence of the following: (i) forty-five (45) days from the date of issuance; or (ii) declaration by the County Manager pursuant to Article V, Section I, of a Stage IV Mandatory Water Shortage Condition. In addition, the County Manager may direct that UCPW cease issuance of new variances in the event it is determined that further issuance will likely result in increased demand that will equal or exceed the treatment and/or transmission capacity of the system or portions thereof.

Any customer receiving a variance pursuant to this Article who violates the terms thereof shall be subject to a civil penalty pursuant to Article VII, Section I(c), and to revocation of the variance. Any person who has violated the terms of any variance issued pursuant to this Article or any mandatory water conservation control imposed pursuant to this Ordinance may be denied a variance, notwithstanding any provision of this Article to the contrary.

Article XI

Union County recognizes that irrigation systems utilizing water from the Union County water system should be properly maintained in order to maximize efficiency and prevent waste. During the period that a Stage II or Stage III Mandatory Water Shortage Condition is in effect, irrigation systems may be operated on such days and at such times as would otherwise be prohibited, provided that all of the following requirements are satisfied.

- a. Such operation must be incident to bona fide maintenance and/or repair of an existing irrigation system performed by a professional irrigation contractor in the business of performing such work. UCPW may require registration of such contractors, and may require on a given project that the contractor establish, to the satisfaction of UCPW, the need for such maintenance or repair.
- b. The irrigation contractor shall post signage provided by UCPW at the drive entrance to the property during such time, and only such time, that maintenance and/or repair services are being provided. Such signs shall be at all times the property of UCPW, and UCPW may charge a reasonable fee for provision of signs. The irrigation contractor shall not transfer, loan, or otherwise allow use of UCPW signs by anyone other than employees of the irrigation contractor and shall immediately report any lost or stolen signs to UCPW.
- c. The irrigation contractor shall remain on-site at all times while the irrigation system is in operation for maintenance and/or repair.

Any irrigation contractor who violates the requirements of this Article shall be subject to a civil penalty in the amount of five hundred dollars (\$500) and shall forfeit the opportunity afforded pursuant to this Article to provide maintenance and/or repair of irrigation systems during dates and times that watering is prohibited by a Stage II or Stage III Mandatory Water Shortage Condition declaration. In the event an irrigation contractor fails to comply with these requirements, UCPW shall send notice of violation indicating imposition of the civil penalty and demanding return of the UCPW signs assigned to him. Such notice shall be sent by certified mail, return receipt requested, to the contractor's billing address on file with UCPW. An irrigation contractor who receives a notice of violation may appeal such decision by filing a written notice of appeal with the Director or his or her designee. The notice of appeal must be delivered to the Director or his/her designee within ten (10) calendar days from delivery of the notice of violation and must include a copy of the notice of violation being appealed. A hearing shall be held on such appeal within ten (10) business days of receipt of the notice of appeal, or by such other date as mutually agreed upon by the Director, or his/her designee, and the contractor.

Article XII

Section I: Severability

If any section, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, subdivision, clause or provision so adjudged, and the remainder of this Ordinance may be declared valid once effective.

Article XIII

Section I: Effective Date

This Ordinance originally became effective on July 13, 1992. It was subsequently amended and restated effective on the following dates: (i) August 5, 2002; (ii) June 4, 2007; (iii) October 15, 2007; (iv) November 5, 2007; (v) April 7, 2008; and May 5, 2008. In addition, the Ordinance was amended without restatement on January 20, 2009.

This seventh amendment and restatement of this Ordinance shall become effective on May 6, 2009 (the “Effective Date”). The Ordinance is restated in this manner solely to facilitate review by the reader by obviating the need to integrate multiple documents. Any declaration of a Water Shortage Condition made prior to the Effective Date and not rescinded shall remain in full force and effect. Though amended, this Ordinance shall be deemed to be continuously in effect such that enforcement of violations committed prior to the Effective Date shall continue unaffected. Pursuant to Article VII, Section 1(d), the first violation by a customer committed on or after January 1, 2009, shall be deemed the first violation of the calendar year for purposes of accrual of civil penalties; provided, however, that the customer shall remain liable for payment of all civil penalties assessed but unpaid.

Adopted this the 6th day of April, 2009.

The Chairman asked for discussion on the motion.

The Vice Chair pointed out that in the last paragraph of page nine where it talks about the appeals that she would like to have a sentence inserted that says “the Board of County Commissioners will be provided with reports of all appeals received and the disposition of each appeal.”

The Assistant Manager asked if that is for all appeals from the first violation to the fourth appeal. Mr. Crook said he would suspect that there would be numerous reviews under this paragraph because of the multiple violations, and it is an administrative function, but that the staff would be glad to report it to the Board, if that is its request.

The Vice Chair requested that on page 10 under Article VIII the same statement “the Board of County Commissioners will get copies of the reports.”

Mr. Delk stated it would be easier to administrate through the current staff if a regular report is provided at a certain time of the year to include the total number of fines assessed under the ordinance, the number of appeals considered, and the disposition of the appeals.

Vice Chair Rogers agreed that would be fine if it were on a quarterly basis or at any time when there might be a great influx of these appeals because she did not want to get blindsided by the citizens involved.

Mr. Delk explained that with a regular report it could be at the discretion of the staff so that the reports will be received regularly or when required.

The Vice Chair agreed with that schedule.

The Vice Chair noted that on page 10 where the language refers to a “hearing be held on such appeal”, that she would like to see a name of the person inserted who is holding the hearings.

Mr. Crook said the hearings have been held at the department level by the Director or his designee. If the Department Director has been involved in the case, it would be referred to the Assistant Manager for hearing.

Vice Chair Rogers said that she thought when citizens pull this Ordinance up on the web page that they would want to see who would be conducting the hearing.

She also noted that on that same page under Article IX that the second sentence says by January 1, 2008, all irrigation systems equipped with a timer shall be equipped with rain sensors. Vice Chair Rogers pointed out that there are a lot of irrigation systems that do not have rain sensors.

Mr. Crook explained that the Vice Chair is referring to an old amendment that made it a requirement from January 1, 2008, going forward. She questioned if the County is saying by that statement that since January 1, 2008, that all irrigation systems installed with the timer must have a rain sensor.

Mr. Delk agreed that she understood it correctly. He said this is an amendment that was processed some time ago, and it was later realized that there was no way to enforce this item.

The Vice Chair agreed that this was a big issue and asked if there are any steps that could be taken to require water sensors to be installed on all timed meters. She said that she had not been aware of this amendment having been adopted.

Commissioner Baucom said that it was his understanding it was from January 1, 2008, forward and not retroactive. He said it does not specifically state that but the intent was that it would not be retroactive. The Chairman agreed with that interpretation.

The Vice Chair requested that this section be studied and amended to provide a clearer understanding of the intent. Mr. Delk said as the Ordinance is being implemented that it is agreed that there will need to be technical amendments. He asked if it would suffice that this be included in the agenda items that need to be clarified.

She noted that on the same page under Article X pertaining to the laying of sod that the amendment limits it to just new construction. She requested if homeowners are laying sod or their lawn did not grow or they are planting a different type of lawn, one that is drought resistant, the same courtesy be given to homeowners as to contractors.

Mr. Delk noted that this matter was considered at length and there were issues about defining what a new planting was to differentiate between someone trying to put in drought resistant grass versus someone putting in new plants or ten feet of sod and then watering their whole lawn under the variance. He said they had a difficult time defining it, but if that is the wishes of the Board, the staff can do it, but it will take some time and creativity in developing its definition.

Mr. Crook interjected that there was a legal issue attendant to that point. The County is a party to the Duke Comprehensive Relicensing agreement and pursuant to that the County has to comply with low-inflow protocol. He noted that when Duke is in a Stage Two or Stage Three drought, there were concerns about compliance with the LIP if the County allowed just anyone to go in and put in a yard. He said he thought as long as it was limited to the construction industry, the County would be on sound legal ground, but is concerned if the County goes farther than that.

The Vice Chair said she understood his comments but her concern is that the homeowners who are here and paying the taxes, who are building the enterprise fund and who want to legitimately put in a new lawn are not being allowed the same service as the builders of new construction. She gave herself as an example in that she moved into a brand new house that did not have sod and the lawn never took, and she killed off the lawn and had sod installed. She said the County was not under any water restrictions at that time. She said she only wanted to see the same courtesy extended to the citizens who are paying money into the system.

The Chairman stated that he agreed with that and if the homeowner had to come in to make application that they would not come in and make application for a ten-foot section of sod. He said it could even be stipulated to be restricted to the fall or a period of

time in the spring. He said otherwise the County is essentially promising something that it cannot deliver. He said that the lawn will have water for 45 days and the house transacts, the people who buy it cannot replicate the same watering schedule and questioned what would then happen to the lawn. He said the way he looked at it, it was sort of a bait and switch. and it was either all or none. He said it would be either the residents and the new construction or it is the residents that can water and it is the new construction that cannot.

Mr. Delk assured that the Board could remove that provision in its entirety and instruct the staff to rework it and bring it back, which he did not know that there would be a version that would make sense prior to the high demand season, but pointed out that construction is lower at this time. He said the Board could also keep it in the Ordinance and direct the staff to create a new provision to accommodate existing homeowners and bring it back as soon as practical or the Board could take any other action that it sees fit to do.

The Chairman stated he would prefer the latter. He said the customer applies for a variance provided by forms from Union County Public Works. He asked if regardless of whether it is a builder or a customer, the individual would have to apply through Public Works.

Vice Chair Rogers said that on a similar issue on page 11, Article XI, in relation to the irrigation systems maintenance that under paragraph A, the County is giving the authority to bonafide maintenance and repair people and pointed out that her husband happens to be someone who can repair her sprinkler heads, etc.; he is an engineer and has the ability. She stated that she was not the only one in this county who could perform their own maintenance and explained that she would like to see the homeowners who take it upon themselves to do those repairs, because it is more cost efficient and they have the knowledge, be given the same consideration as the service company.

Mr. Delk agreed and stated that the homeowners can maintain the system on their days without having to pay \$25 or bother with a sign or if they happen to be a contractor themselves, and do not abuse it by watering all day. He explained that the staff discussed it and settled on expecting it would be reasonable that a homeowner who is not a professional and does not do it every day could tinker with their systems on the days of assigned watering and that way the County's personnel would not get into as many disputes with folks who received legitimate fines.

The Vice Chair agreed that made sense as long as it is not limited by specific time frames when people may be at work and cannot get out there on certain days. She asked that this issue be kept open.

She next addressed the availability and conservation of water and reported on the numbers of calls of concern she has received. She asked that in all places within the ordinance where it states “following consultation with the Board of Commissioners” that the wording be changed to “following approval by the Board of Commissioners”.

Mr. Crook pointed out the need for some flexibility in adopting the Conservation Ordinance. He said if there is a stage that is declared by Duke and the County has to comply with that, the Board may have to consider calling a special meeting to do that.

The Chairman stated the Board could choose to exempt that particular aspect of the ordinance.

Mr. Delk asked if that issue could be addressed along with a rewrite that will have to be done to include all the technical modifications after further discussion on the Water Allocation Policy. He noted that the staff attorney would need to study the LIP and make sure that the County is on solid ground in any of its action.

The Vice Chair assured that these are only her comments, and it is acceptable for the staff to study these and report back if any of these are not going to work with an explanation as to why any would not work. She assured she did not have a problem with that procedure but wanted to put these suggestions forth and agreed that there could be flexibility.

The Chairman asked if the staff during its discussions had looked at usage of less water intensive grasses.

Mr. Huneycutt responded that particular provision is currently not a part of the Water Conservation Plan. He assured that the staff is looking for more programs to implement such as rebate programs, but has not addressed specific grass usage such as drought tolerate grasses.

Mr. Delk said that anything that is not addressed in the upcoming Conservation Plan through a program or rebate program could still be included in the educational section. He assured that the staff had tried to make the upcoming Conservation Plan as flexible as possible so it could be added to or taken away from as changes are needed.

Chairman Openshaw reminded that Commissioner Baucom has a motion on the table to approve the Water Conservation Ordinance and asked the Vice Chair if she had any amendments from her comments that she would like to make to the original motion or would she prefer it be adopted as presented and the staff study her comments and report back with the recommended amendments to the Ordinance.

The Vice Chair said she wanted her comments addressed but did not know if it is best to include her comments now or if these should be brought back to the Board.

The County Manager recommended that the Ordinance be adopted with the amendments as recommended by staff so as not to hold up some of the good things that are being done through the amendments and allow the staff time to study the Vice Chair's comments and report to the Board with those amendments.

The Chair said he thought as long as it was the general consensus of the Board that these will be brought back for consideration that another motion would not be necessary.

The Chairman called for a vote on Commissioner Baucom's motion to adopt the Amendments to the Water Conservation Ordinance as presented by staff. The motion passed unanimously.

Mr. Delk expressed appreciation to the staff who had worked diligently on preparing these amendments to make them more user friendly for Union County's citizens.

TASK ORDER FOR WATER TOWER PROPOSED FOR TOWN OF WEDDINGTON:

The Chairman stated the next item and recognized the County Manager. Mr. Greene reported that Scott Honeycutt had been successful in working with HDR to reduce the original task order by about \$25,000. Mr. Scott stated that the original task order was for \$83,146 and that he had negotiated a revised task order amount to \$65,506, which equates to about a 21 percent reduction in fees and a savings of \$17,640.

Motion was made by Commissioner Mills that Task Order #47 be approved and the County Manager be authorized to execute same after legal review by the staff attorney.

The Vice Chair requested that if there is anything in the Task Order that is not absolutely necessary to the whole CUP process that it be removed from the scope of work. She said she knew there were some things she had heard discussed that were great ideas, but she is not totally sure that these are necessary. Vice Chair Rogers also noted that she was not qualified to determine that these items are necessary but requested that it be reviewed again to determine if there is any other scope item that could be eliminated for an additional cost savings.

Mr. Honeycutt said he would be more than happy to review it again and bring it back to the Board.

The Chairman stated that during that time, the staff attorney could review the document prior to the Board considering the Task Order. The Chairman called for a vote on the motion, which passed unanimously.

The Staff Attorney asked for a point of clarification. He asked if the Board was approving Commissioner Mills' motion that the Task Order be approved and the County Manager authorized to execute the agreement or is the Board opting to have staff review for other possible savings and to bring the Task Order back to the Board for approval.

The Chairman addressed the Vice Chair and stated that he thought the motion was to review and bring the Task Order back to the Board.

The Vice Chair responded that it was Commissioner Mills' motion and asked him to restate it.

Commissioner Mills stated that his motion was to approve the Task Order pending legal review. He stated he thought that the Vice Chair had requested the staff to look at the Task Order and if additional savings could be found other than what is already approved that the staff would bring it back to the Board.

Commissioner Baucom stated that if he understood the motion correctly it is to approve a not to exceed price of \$65,506 with the County Manager being authorized to execute after legal review.

In response to a question from the Chair, the Vice Chair replied that the motion with a not-to-exceed figure is acceptable to her.

RESOLUTION TO SUPPORT THE CONNECT REGIONAL VISION AND ACTION AGENDA:

The Chairman recognized the County Manager who stated that Al Sharpe, Executive Director of Centralina, visited the County in February and presented the CONNECT project and resolution to the Board for consideration. He explained that the CONNECT project has been on-going in the region for about a year now. He reported that it is an effort by local governments to develop a vision for the area in terms of economic development, growth management, environmental protection, education and social equality and engagement. He noted that by adopting the resolution, Union County would be stating its intent to endorse and support the CONNECT values, vision and action agenda as a guide for future growth and agrees to consider the values, vision, and associated policy options as a guide in the decision making. He said that actions that the Board would be specifically agreeing to undertake would be to appoint a liaison who would be a contact person with COG to be notified of workshops, meetings, etc. He said Union

County would be agreeing to participate in discussions, meetings and workshops to share policies and initiatives with neighboring jurisdictions that might be affected by those and to notify neighbors in advance of any policy changes. He said the Board is also agreeing to assess current programs and policies in light of CONNECT; concepts and consider appropriate amendments to policies and initiatives at appropriate times.

Mr. Greene noted that the resolution does not bind the Commissioners to take any policy action that might be contrary to local needs and prospectives. He said the resolution does provide the Board, however, with an excellent opportunity for Union County to be engaged with other local governments in the region in developing a future direction for the Charlotte region as far as growth management and dialogue and also provides participants with enhanced opportunities learned from what the neighbors might be doing.

The County Manager again stressed that it is not binding in terms of policy implications for the County other than what the Board would consider the concepts and action items and values that are contained in the CONNECT material that Mr. Sharpe provided and for the involvement of the County in the process. Mr. Greene said he thought the biggest advantage would be the County's involvement in the process; be a regional partner and be at the table.

Motion was made by Commissioner Baucom that the resolution in support of CONNECT be adopted.

Vice Chair Rogers said that she understood the concept of it and thinks it is great idea. However, she noted that there are a couple of concerns that she wished to address. She said she is very sensitive to increasing the labor on the County's current staff. She stated that she had heard the County Manager say often how they are pulled to the maximum level. She questioned if attending these workshops and being the liaison, providing copies and plans would be labor intensive and if it would impact the labor for the staff.

The Vice Chair said she also could see a financial component in that if nothing else the travel to the workshops and perhaps after work hours including hotel stays. She asked the County Manager to address that point.

The County Manager stated that it would be his thought that the planning staff would be the County's primary point of contact. Mr. Greene said that the planning staff at this time, because the economy is slow, is busy regrouping and working on plans, preparing to undertake a revision to the County's zoning ordinance and subdivision regulations and to be involved in the CONNECT process would help them gain some insight into what others in the region are doing. He said he doesn't believe that one or two meetings a month for the County's planning staff would be overly burdensome and the only cost would be the gas. Mr. Greene stressed that it would be hard to put a dollar sign on what the County would gain with Union County stepping out and being more involved in the region and being at the table.

Vice Chair Rogers said her last question would be – is there any legal requirements for Union County to implement policy or whatever by adopting this resolution? She asked if there is any problems if the County chose not to attend the workshops, etc.

The Staff attorney stated that he did not see a legal commitment in the resolution but there is a phrase at the bottom of the first page which parenthetically asked for word choice of “endorses” or “supports” as opposed to “adopt” and the Board of Commissioners could make its choice.

Commissioner Baucom emphasized that his motion was to support.

Chairman Openshaw noted that at the top of the second page it says that Union County pledges to undertake the following actions. He said that he takes his pledges pretty seriously. He said as the Board’s representative to COG for the last two years that the one that bothers him is 2 (b) which is notify its neighbors of upcoming plan changes, border matters, major developments and other issues that may impact them in a timely manner through the COG CONNECT website. The Chairman stated that his comment goes to the labor intensive issue. He said he was glad that Mr. Baucom used the word support because that he was actually trying to figure out which one of those would be better. He said another concern is the support for development of stable funding sources including both public and private commitments. Chairman Openshaw said he would be glad to support the concept but was hesitant, due to some of the language that can be read into the resolution that Union County might be committing to more than it actually intends to do. He said he agreed that the counties and towns should notify their neighbors of their actions, but his concern is the additional workload on staff

The Staff attorney suggested that the word “pledges to” be removed and in its stead the wording “will endeavor to.”

Commissioner Baucom accepted the Staff attorney’s recommendation and incorporated that wording into the resolution.

RESOLUTION
To SUPPORT
The CONNECT Regional Vision and Action Agenda

WHEREAS, the Greater Charlotte Bi-State Region includes 17 counties, 12 in North Carolina and 5 in South Carolina, with a population of 2.4 million which is expected to double by 2030; and

WHEREAS, such major growth benefits economic development and job creation, the management of which is best conducted collaboratively in order to position the region for global competitiveness; and

WHEREAS, such major growth also challenges air quality, water resources, transportation, utility infrastructure and land consumption, all of which are matters of regional concern; and

WHEREAS, the Region has articulated an explicit desire to collaborate on issues of area wide impact; and

WHEREAS, to proactively address growth and quality of life, Centralina and Catawba Regional Councils of Government and the Charlotte Regional Partnership have successfully initiated the CONNECT regional vision process for the Greater Charlotte Bi-state Region; and

WHEREAS, the CONNECT Regional Vision and its prioritized Action Agenda represent the first consensus broad-based policy direction for this bi-State area, enabling future collaboration, widespread policy coordination and a stronger voice for consensus on regional interests; and

WHEREAS, the County of Union agrees that it is both within its desire and in its best interest to support collaborative approaches to sustainable growth, healthy environment, strong economy, high-quality education, and enhanced social engagement;

NOW THEREFORE, BE IT RESOLVED, that the County of Union hereby supports the CONNECT Values, Vision, and Action Agenda as a guide for the future growth of the region, and agrees to consider the Values/Vision and associated policy options as a guide in their own decision-making about community growth;

AND BE IT FURTHER RESOLVED that the County of Union will endeavor to undertake the following actions in support of CONNECT:

1. Participation:

- a. Appoint a CONNECT Liaison to be the primary point of contact between the jurisdiction and the CONNECT team;
- b. Participate actively in appropriate cabinets, work groups, and other decision-making bodies as requested, and in the update of CONNECT action plans;
- c. Participate actively in CONNECT workshops and educational offerings about growth and best practices, to enhance the level of public discussion;

2. Communication/Collaboration:

- a. Share copies of plans, policies, initiatives, and successes with the Regional Clearinghouse (to be created);
- b. Notify its neighbors of upcoming plan changes, border matters, major developments, or other issues which may impact them, in a timely manner, through www.cogsconnect.org;

3. Engagement

- a. Assess its current policies, programs, and decision directions in light of the CONNECT vision and values, to provide a baseline from which to work;
- b. Adopt those aspects of the CONNECT Action Agenda that are locally appropriate, and engage with CONNECT staff and peer jurisdictions to collaboratively implement those Actions;
- c. Provide letters of support for grant applications and other fund-raising efforts by the Councils of Government to implement CONNECT
- d. Support development of stable funding sources, including both public and private commitments, to provide for CONNECT Action Agenda implementation and leveraging of grant funds;
- e. Engage local media and citizens in discussions of how multiple community goals can be best achieved through regional collaboration.

Adopted this 6th day of April, 2009.

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw, Chairman

Vice Chair Rogers asked if this is adopted and at any point it is determined that it is too labor intensive, can the board pull out of the project.

The County Manager agreed that it could.

The Chairman called for a vote on the motion, and it was passed unanimously.

AWARDING OF BIDS:

The Chairman announced the next item is the awarding of bids for the water self-help program and recognized the County Manager to present the item.

Mr. Greene explained that Union County received two bids that encompass three actual self-help projects for the Board's consideration tonight. He explained that these projects are somewhat complicated, and he described each bid. He said the first bid was for the Oak Brook Water Main Extension and the low bidder was Advanced Development Concepts LLC in the amount of \$164,641.72. He described the project by explaining that the Oak Brook subdivision is located along Waxhaw-Marvin Road near the intersection of Crane Road and involves 47 new customers within the subdivision. He reviewed a spreadsheet that was earlier compiled by Scott Honeycutt and the County's finance staff. He focused first on Oak Brook Subdivision by explaining the original project cost was \$223,000. He reported that cost estimate was from a couple of years ago and was a very broad estimate without any preliminary engineering work developed by the County's engineering department.

He again stated there were 47 participants originally and there are still 47 and that is a key number because when that number changes all the other numbers change also. He said there have been some assumptions made on capacity fees and he wanted to review these in detail to validate those assumptions. He asked the Board to let him know if any of the assumptions are incorrect in that it will have implications for future self help projects.

Mr. Greene reported that the staff assumed that all participants would owe a \$500 capacity fee and based on 47 participants, the original estimate of capacity fees was \$23,500 and the current estimate is the same—it is unchanged. He further detailed that the cost to participants, based on the 47 participants, had originally been approximately \$49,000. The County Manager reported that based on the current bids, which are favorable bids, he is happy to report that the participants total cost would be limited to capacity fees. He stated it was at this point that one of the assumptions comes in but the staff believes it is accurate. The assumption is that Union County's financial participation exclusive of capacity fees will be contributed to the projects before the participants will begin to pay. In other words, under the guidelines, the county's general fund will contribute \$2,000 per participant and the enterprise fund will contribute \$2,220 per participant for a total of \$4,220 in county funds per participant. He said it is the assumption that that money goes into the project first and any difference is made up by participants and that is the way the project has been structured. Obviously, the minimum payment would be the amount of capacity fees, which in this case is \$23,500, but under the assumption that the county's contribution goes in first, and considering the favorable bids received, that unless there is a change order during construction or something else, these property owners will be alright. He said that with the assumptions being correct, the staff is recommending awarding the contract to Advanced Development Concepts LLC in the amount of \$164, 641.72.

The bids for the Self-Help Program Water Program for Oak Brook Subdivision are as follows:

Advanced Development Concepts	\$164,641.72
8 Star Construction, Inc.	172,114.00

Davis Grading, Inc.	173,487.38
Siteswork, LLC	178,139.79
RDR, Inc.	184,801.50
Dellinger, Inc.	198,580.00
Loftis Construction Corp.	201,343.52
C & W Utilities, Inc.	208,758.76
State Utility Contractors	211,422.40
Classic City Mechanical, Inc.	216,525.00
Concord Builders, Inc.	225,294.00
CMI Contracting, Inc.	238,465.00
Dawn Development Co., Inc.	248,229.00
R. H. Price, Inc.	248,526.00
Site Performance Construction, Inc.	285,003.14
RF Shinn Contractor	290,433.00
My Momentum Construction, LLC	332,719.25
Propst Construction Co., Inc.	354,614.00
Triangle Grading & Paving, Inc.	377,034.00
B. R. S., Inc.	410,467.30

Commissioner Baucom moved to accept the County Manager’s recommendation for both projects.

Mr. Greene explained that the “b” proposal includes two self-help projects that came together about the same time and the staff decided to bid them together to try to get a better price. However, he said it now appears that it was not the best decision and there is some tweaking that will have to be done before the bid could be awarded.

The bids received for this project are as follows:

<u>BIDDER</u>	<u>Contract A</u>	<u>Contract B</u>	<u>Total Bid</u>
Dawn Development	\$109,632.77	\$175,035.20	\$284,667.97
C&W Utilities	\$108,340.45	\$177,299.50	\$285,639.95
RDR, Inc.	\$106,680.00	\$185,300.00	\$291,980.00
Davis Grading, Inc.	\$112,226.25	\$192,425.00	\$304,651.25
Bullseye Construction	\$121,478.00	\$210,160.00	\$331,638.00

State Utility Contractors	\$128,478.50	\$211,631.00	\$340,109.50
Dellinger, Inc.	\$132,721.25	\$211,205.00	\$343,926.25
RF Shinn Contractors	\$138,137.50	\$226,010.00	\$364,147.50
Loftis Construction	\$143,154.42	\$241,065.16	\$384,219.38
Propst Construction	\$155,462.50	\$263,610.00	\$419,072.50

He explained the details of the Wellington Woods I project. He said the original project cost was \$165,150 but based on bids and actual engineering the cost is \$131,395.27, which is good. He reported that the number of participants has dropped by four so that affects the amount of the county's contribution and described how that has changed the county's financial participation. He said the total cost per participant was originally based upon a \$165,000 estimate and 32 participants at \$1,440.94. He said that with the favorable bid and even with the lower number of participants of 28, the cost to participants now appears to be \$972.69 including their capacity fee. He noted on the form that the total participants' costs were originally \$40,346.25 and now they total \$27,235.27. Mr. Greene said that project is alright and if the County had bid it alone, the staff would be recommending it be awarded tonight. However, he explained that since it is tied in with the Polk Mountain project, it will require additional discussion and negotiation.

Mr. Greene explained the original project cost estimate for Polk Mountain was \$252,300. He said that currently based on bids and engineering costs, the staff believes that if the County were to award a bid today, the total project cost would probably be about \$208,000. He pointed out that what is even more significant than that figure is the number of participants who have dropped from the project. He said the number of participants had been 55 but has now been reduced to 41. He described how that reduction significantly impacts the County's participation and increases the participants' costs. Mr. Greene said that with these changes, the staff will have to go back to the participants and explain how and why their original cost estimate has increased from \$867.27 to \$1,359.99. He noted that the original estimate for total project participation from the residents has increased from \$35,000 to \$55,000.

The County Manager stated that Mr. Huneycutt in Public Works believes that he can negotiate with the low bidder for some change orders to the specifications of the project and bring it back in line. He recommended that the Board delay action for a couple weeks on Item B – Wellington Woods I and Polk Mountain to allow time for additional negotiations with the low bidder.

The Chairman called for a motion.

Commissioner Baucom stated that he had a motion on the floor to accept the recommendation of the Manager and to Award the construction bid to the lowest responsible bidder, Advanced Development Concepts, LLC, for the Oak Brook Water Main Extension (Self-Help Project) in the amount of \$164,641.72, authorize County Manager to approve the agreement and adopt Capital

Project Ordinance Amendment #115. The motion further included authorizing the County Manager and staff to negotiate with the low bidder of the second project (Wellington Woods I and Polk Mountain (Self-Help Projects) and report the status of this negotiation and recommendation to the Board.

CAPITAL PROJECT ORDINANCE AMENDMENT							
BUDGET	Water and Sewer CPO Fund			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2008-2009			DATE	April 6, 2009		
PROJECT SOURCES				PROJECT USES			
Source Description and Code	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
IFT from General Fund	28,945	60,302	89,247	Self Help Proj: Oakbrook	28,945	164,642	193,587
IFT from W&S Oper Fd	-	104,340	104,340				
Misc Rev: Customer Contr.	-	-	-				
	28,945	164,642	193,587		28,945	164,642	193,587
EXPLANATION:	Appropriate funds from unallocated funds previously transferred from the General Fund and the Water & Sewer Operating Fund to the Water & Sewer CPO Fund, as well as appropriate customer contributions, for the Oakbrook Self Help Project.						
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 To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
Self Help Proj: Oakbrook				Self Help Proj: Oakbrook			
IFT from General Fund	28,945	60,302	89,247	Architectural & Engineering	28,945	-	28,945
64471400-4010-SH002 IFT from W&S Oper Fd	-	104,340	104,340	64571400-5594-SH002 Construction	-	164,642	164,642
64471400-4845-SH002 Misc Rev: Customer Contr.	-	-	-	64571400-5595-SH002			
64471400-4845-SH002							
	28,945	164,642	193,587		28,945	164,642	193,587
Prepared By	aar						
Posted By							
Date						Number	CPO - 115

Vice Chair Rogers noted that in the material she read that the County permits customers to finance their contributions over 60 months at 5 percent APR. She questioned that statement.

The Manager stated that was his understanding of the policy.

The Vice Chair next asked into which fund does the 5 percent interest go—the general fund or to the enterprise fund for water.

The Manager stated that is one of the unanswered questions in the policy.

The Vice Chair said she did not need the answer tonight but would be interested in finding out since she was not aware that the County would finance for participants.

The Chairman replied that it should be split on the basis of the contribution from the general fund and the enterprise fund.

After this discussion, Commissioner Baucom amended his motion to include that the interest would be proportionally split between the two funds relative to the participation of the two funding sources.

The Chairman called for a vote on the motion and amendment as made by Commissioner Baucom. The motion passed unanimously.

At 9:33, the Chair called for a 15 minute break.

At 9:48, Chairman Openshaw reconvened the meeting and stated the next item.

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

The Chairman recognized Matthew Delk, Assistant County Manager, to present information on this item.

Mr. Delk explained that in the agenda package there are 13 resolutions from municipalities and a proposed resolution prepared by the staff for the Board's consideration. Also, he explained that he had been asked by the officials of the Town of Hemby Bridge to point out that they had removed the provision concerning the Monroe By-Pass from their resolution because of uncertainty of that project and its impact on their town.

The Chairman stated that he was glad to see that the municipalities are actually taking it seriously and making decisions that are relevant to them. He said he made an objection when this was first presented to him about the annexation piece and pointed out

that he did not have any problem with the remainder. He suggested removing the reference to annexation. He pointed out that the Board had been provided a resolution with and without annexation.

Commissioner Mills moved to adopt the proposed resolution without the annexation provision included.

Vice Chair Rogers said she understood the Chairman's comments about removal of the annexation provision, but all thirteen municipalities adopted the resolution with the annexation language included and reminded that part of the reason for all adopting the resolution was to be in sync with the municipalities as much as possible. She noted that the towns left in the reference to annexation and the County took it out.

Chairman Openshaw noted that Hemby Bridge had also taken out a provision. He said he knew Marvin and believes its council had a busy night that night and for whatever reason failed to remove it. He said having attended the NCACC annual meeting gave him new insight into the working of counties and municipalities. He said he could see from studying multiple proposals that are on-line that the annexation issue is fraught with danger.

Vice Chair Rogers asked if that is because it is so broadly stated and not defined.

The Chairman repeated that the motion is to approve and asked for any other comments.

The vote to approve the following resolution was unanimous.

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

THAT WHEREAS, the clerks, managers, and other staff of Union County, North Carolina and Union County Municipalities met, developed, and agreed upon a list of legislative priorities for Union County local governments for the 2009-2010 Session of the North Carolina General Assembly, and

WHEREAS, the Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, received the list at their January 29, 2009 joint meeting, and recommended that the list be provided to each local government governing bodies for each board to deliberate the list, and to endorse or adopt the list if desired, and

WHEREAS, the list included the proposed legislative positions:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – Protect all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and Counties for transportation funding and maintenance.
- Mental Health – Continue to strengthen State Resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that Municipalities and Counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax.
- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners hereby adopts this list as our legislative positions for the 2009-2010 Session of the North Carolina Assembly.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the other municipal governments in Union County, to the Clerk to the Board of Union County, to Governor Beverly Perdue, and to the members of the Union County Legislative Delegation.

Adopted this 6th Day of April, 2009.

Attest:

Lynn West, Clerk to the Board
Union County Board of Commissioners

Lanny Openshaw, Chairman
Union County Board of Commissioners

BOARD OF EQUALIZATION AND REVIEW:

The County Manager reminded that at the meeting of March 16, Commissioner Mills brought up concern about televising the Board of Equalization and Review’s meetings and Mr. Petoskey has responded with a memo that provides more insight into the concerns that by televising the meetings it could actually deter some property owners from appealing because they do not want their personal information to be shared with everybody in the County. He reported that the Tax Administrator in his memo pointed out several steps that are being taken to improve the “customer friendly” conduct of the meetings and has written a new preamble that the Chairman will read at the beginning of the meetings.

Mr. Petoskey explained there is a new chairman appointed by this board and he typically helps out a new Chairman. He said to that end he wrote a new preamble that is a little more customer friendly. He said he is also recommending that the Board of Equalization and Review move the deliberation stage up front in the hearing process; that is, to conduct deliberations immediately following each case while the property owner is still likely present. Mr. Petoskey reported that he and his staff did get some expression since he last talked to the Board that televising might deter appeals particularly from the owners of income property where income and expenses are discussed. He said he also checked with the State and was told that they are not aware of any county out of 100 counties that were televising these meetings. So, Union County would be the first if it continues to do this. He assured the County is set up to do the televising in this room. Mr. Petoskey said it is a matter that the staff can do it, but he has received some expression from some folks that it might actually accomplish the opposite of what was intended.

The Chairman asked for any comments or a motion.

Commissioner Mills moved to adopt the recommendations as presented by the Tax Administrator in his memo to the Board and as discussed:

- 1.) A more “customer friendly” preamble be used for the Chairman’s explanation of the appeal process that is presented at the beginnings of each hearing.

- 2.) That the Board of Equalization and Review move the deliberation state up front in the hearing process. That sets out that the deliberations will be immediately following each case while the property owner is still likely to be present.
- 3.) Continue to use audio recordings of the meetings in lieu of video recordings

Vice Chair Rogers explained that her husband went through this process and he is familiar with it. She said she wasn't there, but when he went through it, he was talking about there were other people in the room when he was presenting his case so there already is a loss of privacy and confidentiality. She suggested that people be given the option of having their case televised or recorded for file purposes. She said those are the kinds of thoughts going through her head right now.

Mr. Petoskey agreed these could be recorded as another option but not televised; that is an in between step. The meetings are indeed public and the other appellants are in the room at the same time. He noted that these are recorded for sound so it is not as if they are not being recorded. He said he could not argue against that point but could assure that people are nervous when they appear before the Board of Equalization and Review and in a somewhat formalized setting. He said it was similar to standing before the Commissioners. He emphasized that for an average citizen, it can be intimidating and the thought that they are on the camera, only if it is being recorded and can be played anywhere else might still be intimidating. He said he didn't know but that is the thought that has been expressed to me.

Vice Chair Rogers said she could see a benefit to actually recording the appeal process and that when a person is standing before the Board they don't even realize that it is being taped. She said she thought nervousness is going to be present whether it is recorded on audio or video, and she didn't think there is anything that they are going to see that will make it more so. The Vice Chair said she liked the recommendations made but thought that not only should there be an audio record but a video record of the meetings; not for publication but for documentation of what is going on.

Commissioner Kuehler noted that the televisions do not have to be on to remind everybody that the cameras are rolling. The meetings could be recorded without the televisions. She expressed her opinion that the Vice Chair's suggestion to record but not televise is an excellent half-way point – have it if it is needed but not put it on the television.

Vice Chair Rogers reiterated that it is a public meeting and from what her husband said there were quite a few people in the room when he made an appeal. She noted that the citizen is talking in front of other people anyway and she thought it would be a good compromise. She asked the Chairman if he wanted her to put the recommendation in the form of a friendly amendment to Commissioner Mills' motion.

Chairman Openshaw recognized Commissioner Baucom.

Commissioner Baucom stated that he was not clear on the purpose or the use of the video and asked the Tax Administrator if it would be of any value to his department.

Mr. Petoskey responded that it could be used as a training device but it is probably of limited value. The Tax Administrator stated that as far as what the Tax Commission and the statutes require, it is more of a record for of minutes.

Commissioner Baucom asked if the minutes are action minutes.

Mr. Petoskey responded that they keep action minutes; that is all that is required by law.

Commissioner Baucom stated that the department is complying with the law, and he didn't see the use of the video if it is not beneficial to the tax department in some manner.

Commissioner Baucom stated that he was going to oppose videoing these and would like to be able to vote on the original motion without the friendly amendment proposed.

Commissioner Baucom made a substitute motion that the original motion be voted on as it is.

Commissioner Mills withdrew his motion.

Chairman Openshaw said that with the withdrawal of the motion by Commissioner Mills that the Vice Chair's motion becomes the original motion and Commissioner Baucom's motion would become the amended motion. He said he thought Commissioner Mills made an excellent point when he brought it up originally. He admitted that it was not something that he had considered. He pointed out that the appeal process is an emotional situation and people are concerned; however, the County had received some complaints, and he thought it would be informative to the public to be able to see the appeal process on line or on television, but agreed with Vice Chair Rogers that the citizens should have the option of either being recorded or not being recorded. The other consideration is that those meetings can be incredibly long, and the county could broadcast only an hour just as public information so the public can see what is going on and learn how the process is transacted. The Chairman said that is his hybrid of the motion. He then asked for any further discussion.

The Chairman was asked to make clearer his comments.

Chairman Openshaw stated that he understood the nervousness and why if somebody does not want to be on camera in an emotionally charged situation they should be allowed to not be televised. He said, however, there are people who might like to be on camera and may feel that it is a more open process. He said he would like to see these people have the opportunity to do that, and he would like to see the public have the opportunity to be informed on what the process actually is, and how it is transacted. He said that the televising allows people to see who is sitting up here and puts a face to the name and puts a face to the process. He said he was offering an even different option than the one by the Vice Chair who is recommending it be recorded for record purposes only.

Chairman Openshaw reviewed the order of the motions on the floor: Commissioner Baucom's motion for no video recording, Vice Chair Rogers' amendment and his amendment to the Vice Chair's.

The Staff Attorney stated that he was unclear as to whether or not the Chairman was offering a substitute motion to the Vice Chair's motion.

Chairman Openshaw stated his was an amendment to Vice Chair Rogers' motion if that is alright but asked if there were not already two motions on the table.

Commissioner Baucom said his was a substitute motion.

The Vice Chair agreed that Chairman Openshaw could do an amendment to her motion.

Chairman Openshaw outlined that Commissioner Mills made the original motion. Vice Chair Rogers made an amended motion. Commissioner Mills upon hearing Commissioner Baucom's concerns withdrew his motion. Commissioner Baucom in the meantime made an amended motion.

The staff attorney ruled that Commissioner Baucom's motion was contrary to the original motion on the floor and would, therefore, be out of order.

Commissioner Baucom stated that as he now understands the situation, he does not have an option to vote on Commissioner Mills' original motion.

The staff attorney pointed out that Commissioner Mills' withdrew his motion and it is no longer on the table for consideration.

Chairman Openshaw moved to amend the motion to allow televising the Board of Equalization and Review when the citizens wish to have their case televised or agree to be televised for an hour session.

Chairman Openshaw stated that his amendment would be the first motion to be voted on.

Commissioner Kuehler asked if the Chairman was proposing that the County obtain some kind of waiver, release, or permission from the citizen.

Chairman Openshaw agreed that the permission or release could be either verbal or in writing.

Commissioner Kuehler next spoke to the editing process and how the staff can make the edits. She said she could see that it would be a great learning tool but is questioning the process of development.

The Vice Chair noted that these recordings would be public record and if there is anyone who wanted to come learn about the process, they could obtain a copy for review without the county broadcasting these into homes and invading people's privacy.

Chairman Openshaw explained the point of his motion is to try to get the information out to the public instead of the citizens having to come in to review. He said his philosophy on this is similar to the Commissioners going out to the municipalities instead of having them come to the Courthouse. He said the way he looked at it is, if you have one of the meetings taped for an hour, the educational tool is available; it does not have to be an on-going process.

Commissioner Mills agreed with Commissioner Kuehler that logistically it is going to be a problem and described some of the problems he could foresee as far as scheduling, rearranging the agenda because somebody does not want to be filmed and someone else does. He said he thought the Vice Chair had put forth a good compromise. He said that one issue he had heard is that people did not want to be on television and criticize somebody else's property for bringing down their property value.

Commissioner Baucom reminded that once the video or the recordings are made, they are public domain so anybody could come in and view them.

Chairman Openshaw stated that he was not withdrawing his amendment to televise an hour of the proceedings of the Board of Equalization and Review even if the County has to obtain signed waivers to allow it to be placed on television.

Commissioner Baucom asked if he is speaking of only a one-hour show.

The Chairman stated that he thought that would be all that is needed.

Commissioner Kuehler asked if this same hour would be played for a month or whatever time is designated.

Chairman Openshaw agreed and called for a vote on his amendment to the motion.

The amendment failed by a vote of four to one. Vice Chair Rogers, Commissioner Kuehler, Commissioner Baucom, and Commissioner Mills voted against the motion and Chairman Openshaw voted for the motion.

The Chairman asked the Vice Chair to repeat her motion. Vice Chair Rogers stated her motion is to implement the recommendations of Mr. Petoskey as outlined: (1) A more “customer friendly” preamble be used for the Chairman’s explanation of the appeal process that is presented at the beginnings of each hearing; (2) That the Board of Equalization and Review move the deliberation up front in the hearing process so that it sets out that the deliberations will be immediately following each case while the property owner is still likely to be present; (3) Continue to use audio recordings of the meetings and add video recordings for record purposes only – not for broadcast.

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

REPORT FROM FERNSLER AND LEVY:

The Chairman recognized Commissioner Baucom for introduction of this item. Commissioner Baucom explained that in December, this Board unanimously authorized the hiring of Fernsler and Levy to interview staff and this board of county commissioners and to authorize them to facilitate a strategic planning session as well. He reported that these interviews have been conducted and the results of these interviews are part of the agenda. He further noted that Fernsler and Levy made four recommendations for this board to take action on. He said that what staff is recommending is that the Board move forward with the fourth recommendation. The recommendations were as follows:

1. To conduct a visioning and mission forum with the commissioners to develop a shared vision for what Union County should be and a mission that would state what the county should do to achieve the vision;
2. Following the visioning forum, it is recommended that the Board of County Commissioners as well as senior staff receive coaching on how to have productive conversations among commissioners and between commissioners and staff.

3. Conduct growth summits with the commissioners and also with citizens and assist the County in developing a five-year action agenda to tackle the county's most pressing challenges
4. Recommend the board seek some mutually agreeable means to create a common understanding and approach to board participation so that the board will be better able to work toward realizing a vision.

Commissioner Baucom made the motion to move forward with the fourth recommendation and find a qualified local government facilitator to conduct a session or sessions among the Commissioners and staff with the goal of bringing about a better understanding as how everyone can work together to accomplish what is best for Union County. He further moved that the Manager be authorized to negotiate with F&L to assist with the first three recommendations.

Commissioner Baucom asked the Manager if that motion accurately reflects the recommendation.

Mr. Greene responded that the motion accurately reflects the recommendation of Fernsler and Levy and that they have predicated the success of items one, two, and three on the success of the fourth recommendation.

Chairman Openshaw asked if there are any comments pertaining to the motion of Commissioner Baucom..

Commissioner Kuehler explained the way she had understood the original intent of approving the contract was to initiate a strategic planning process beginning with the visioning workshop and specifically the proposal to engage in a discussion of growth management issues and workshops with a goal of possibly developing a strategic plan for the most critical issues facing the county. She said she understood the second was to have a professional group dynamic attend that work session to assist the board in a positive, non-threatening manner to work together effectively. She said she supported that and continues to support it; however, that has not been the results to date. She pointed out that there has been no workshop or any other strategy meeting that she is aware of. There were private sessions where commissioners were encouraged to share personal views and feelings under the guise of complete confidentiality wherein she cannot speak for anybody but herself but certainly admitted that she said things and was encouraged to share things that she would never say or share in a professional working environment. So, she stated it is her opinion they took the things that they wanted to share and then said "you basically need group counseling". Commissioner Kuehler said the recommendation now as she understands it is to have the visioning forum that she thought the Board had already agreed to. The second step would be what they described as coaching which this could be done with a facilitator present at the workshops. She said she was for that in December and continued to support that process but what she doesn't support is using taxpayer money for personal counseling sessions. And to date, she stated she believed that is all the Board has gotten for the amount of money that it has spent so

far. The report talks about differences of philosophy – those philosophies are not going to change. She said individual philosophies are what they are and they happen to be different but the report also says that there exists a common commitment to serve the interests of the citizens to manage growth wisely and to protect the quality of life in a way that is fair and transparent. Commissioner Kuehler said that according to these experts the building blocks already exist. Commissioner Kuehler pointed out that like any other board that is diverse, it might benefit from a facilitator to keep the conversations on track and progress moving forward. As far as this dysfunctional buzz word that is not inherent to this board. She reviewed that in August she attended a workshop that pertained to the last board and the suggestion was made to that board that they would benefit from counseling. She said among other comments, some of the responses at the time by that Board majority were "No, that would cause more problems than it would solve. I'm not going to do that in public, and I find it absurd that we are even talking about having to meet to discuss personal conflicts. We're an elected Board of adults and we have to air our individual thoughts and differences. These people are not my family." Commissioner Kuehler that it was almost comical that a couple of months ago it was a "bad idea" and today that is all the Commissioners seem to be talking about. She noted that this issue keeps showing up on this agenda over and over. Commissioner Kuehler said that nowhere in the report did she see it recommended or addressed to use the school of government; that has been another topic of conversation. She agreed that she is more than willing to work with or go to a work session with staff to identify needs that should be addressed and possible solutions but at this point when you talk about staff that she doesn't even know what the issues are. She noted that this Board has never sat down with staff. She said she would love to hear what the staff believes the issues are so that the Board can move forward. She said she would continue to support the need for visioning and strategic planning workshops; certainly facilitators that help keep things on track when the conversation does go off in a ditch and identify those concerns, but what she said she thought she voted for in December is not coming to fruition so she needed to be very clear on what the Board is moving forward with. Commissioner Kuehler said the Board is now talking about budgets and she is not even exactly sure what the County has spent so far and maybe this is something that is appropriate to take up during the budget talks.

Chairman Openshaw agreed that capabilities and workloads are two issues that the Board can address during budget talks or if the staff wishes to meet with the Board on that at this time, he is more than willing to do so. He said he would like a definition of what staff is. Chairman Openshaw said he thought the Board should separate manager, senior staff, and staff so that it is not just an amorphous group. He said it has been his intention and what he has been working toward is gradually building a foundation so that the County can get to the point where it can have a growth forum and do some strategic planning. He said he thought that the Board can, judging from last year, have an adult level conversation on these things. He said the Board is not necessarily going to agree on everything, and it didn't two years ago, it didn't last year, and obviously it is not agreeing this year.

The Chairman asked if there is any additional discussion. With there being none, the Chairman called for a vote on the motion, which failed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted against the motion and Commissioners Baucom and Mills voted for the motion.

Chairman Openshaw stated that he was opening the floor for another motion.

Commissioner Kuehler moved to defer consideration of this topic and to prevent reconsideration on this topic until after the budget workshops and the adoption of the budget. She said the Board had spent enough time on this subject.

Chairman Openshaw asked for definition of “this topic”.

Commissioner Kuehler stated that she was willing to talk about growth and the strategic process but wanted to eliminate any other discussion.

Chairman Openshaw asked for discussion.

Vice Chair Rogers repeated the motion as she understood it for clarification – to prevent reconsideration of the topic of the facilitator of the North Carolina School of Government and by F&L of the working relationship of the Board and staff and their philosophical differences. She then asked if she understood the intent correctly.

Commissioner Kuehler agreed.

Chairman Openshaw said he would question why recommendation two has not also excluded from reconsideration and asked to amend her motion to include Recommendation #2.

Commissioner Kuehler accepted the amendment to her motion.

The Vice Chair asked the staff attorney if with a motion to reconsider, does the Board need to place a time on it.

Mr. Crook responded that the Board has a policy that a motion to prevent reconsideration is for a period of six months. If another time is required, it would need to be specified and the Board would need to suspend the Rules of Procedures and then adopt the motion.

Commissioner Kuehler agreed with the six-month time.

Chairman Openshaw noted that the motion prevents reconsideration for six months and asked if the visioning process would be discussed during the budget process.

Commissioner Kuehler noted that her motion did not prevent those items from coming up for discussion before the six-month time period.

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

The County Manager asked if the Board wanted staff to obtain a proposal for Recommendations One and Three?

Chairman Openshaw responded that he would like more time to consider that option.

MINUTES OF CLOSED SESSION:

Commissioner Kuehler moved that the minutes and general accounts of the closed sessions of the Board of County Commissioners that occurred on October 23, 2006 and January 8, 2007, together with the audio recording of the January 8, 2007, meeting, including any portion thereof that may be subject to the Attorney-Client privilege, be unsealed and released to the public, subject to the following restrictions and conditions:

1. The portions of the October 23, 2006, minutes and general accounts concerning a personnel matter unrelated to Mohammad (Mike) Shalati shall be redacted.
2. The portions of the minutes and general accounts concerning the reconvened portion of the January 8, 2007, meeting that occurred after 6:00 p.m. together with the audio recording of that portion of the meeting, shall not be released. There was no discussion of Mr. Shalati during the reconvened portion of the January 8, 2007, closed session that occurred after 6:00 p.m.
3. Mahammad (Mike) Shalati shall, prior to the release of the materials, deliver a signed and notarized authorization to Mr. H. Ligon Bundy, attorney, in form acceptable to Mr. Bundy, consenting to and authorizing the release of these materials.
4. These materials shall be released to the public at the same time that the redacted transcripts of deposition testimony in the manner of Mahammad (Mike) Shalati vs. Union County et al; Union County File #07 CVS 1663 are released. In the event that

the deposition transcripts have already been released before Mr. Bundy receives Mr. Shalati's written authorization, the materials shall be released as soon as Mr. Shalati's authorization is received by Mr. Bundy.

Chairman Openshaw asked for comments. With there being none, he called for the vote, which passed unanimously

COUNTY ATTORNEY ENGAGEMENT AGREEMENT:

Commissioner Baucom stated he had pulled this from the Consent Agenda to ask the County Attorney if he had been working for Union County without a contract.

Keith Merritt explained he had sent a representation letter to the staff attorney who had to put it on the agenda for approval. He said that was the process as he understood it going forward.

Commissioner Baucom moved that the terms and conditions of the Representation Letter with Hamilton Moon Stephens & Martin be approved. The motion passed unanimously.

CONSIDERATION OF MODEL NORTH CAROLINA MARRIAGE AMENDMENT:

Commissioner Baucom explained that the marriage amendment resolution, which there had been some discussion about earlier in the meeting during the informal comments' portion of the meeting, was placed on the agenda at his request and is the one that he had requested to be considered. He read a resolve paragraph from the resolution and asked the attorneys to make sure that it was in compliance with the law

BE IT RESOVED the Union County Board of Commissioners hereby requests that the NC General Assembly in accordance with Article 13, Section 4 of the NC Constitution, approve legislation submitting a proposal to the qualified voters of this State for ratification or rejection for the adoption of an amendment at a regular statewide election to the North Carolina Constitution stating that marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state.

He said that is the Resolve that he was moving to adopt.

Commissioner Mills offered a substitute motion to move forward with the Resolution as adopted by the local Republican Convention.

Commissioner Kuehler stated that since this had become such a charged issue that she had wanted to be sure that before coming to the meeting that she had researched this issue and its history in North Carolina. She reported at the Union County Republican Convention, the resolution was introduced to the delegation; it was a different resolution than the one established here tonight. She said that the one adopted by the Union County Republican Convention contained none of the religious language that ended up being taken out of the version that ended up in the agenda. The resolution that was forwarded to Commissioner Baucom by Jonathan Thomas at a quick glance looked like the same resolution – even referenced the Union County Republican Party as the adopting party at the end of the resolution. She said the accompanying email that she also received a copy of referenced the adoption of the Republican Convention indicating that it was the same resolution, and that is not the case. Commissioner Kuehler stated that because the resolutions were different she decided to do some additional research as to other counties and whether they had passed resolutions and what those resolutions said. She stated that she came across Rowan County’s resolution which had the exact same legal language in it as the one the Union County Republican Party recently passed so she knew that the resolution had obviously come from somewhere; it was not authored by the person who submitted it. Although, when it was submitted there was no reference as to where it had come from or no citations so that was not readily knowledgeable. She said that in her research she found that the resolution basically was publicized as a sample county commissioner resolution from the web site NC4Marriage.org.

She thanked the staff attorney for taking time out of his extremely busy schedule to review the proposed resolution. She stated that it is her opinion the reason for the little outburst earlier is the language that was removed or changed was at the recommendation of the attorney and manager. She stressed that at no time did the staff get any direction from any member or majority of this board to remove language. She said she was sure these gentlemen would confirm that statement. Commissioner Kuehler said that although they do report to this board, they were not directed to make changes and made such changes on their own accord and, again, she thanked them for doing so.

Commissioner Kuehler stated that she received an email last week with the edited version once it had been completed asking Commissioner Baucom for his opinion about the resolution. She said she never received a response back so she didn’t know if the Commissioner agreed with the changes or if he didn’t get back with them, but in any event the edited version by the county attorney is what has ended up in this package. Again, she reiterated her appreciation for the attorney making these changes. She said she appreciated it even more so because there were actually some factually incorrect items in this resolution which means that Rowan County adopted a resolution that isn’t correct, and Union County could have too. She said that she has much the same position on this item as she has on district representation – regardless of her personal opinion, she absolutely supports the right of the citizens to vote on the issue and that is the question before the Board today. Commissioner Kuehler further explained that the pending Bill in Raleigh is to create a referendum to place the issue on the ballot for vote by the citizens of the State; she said she supported that legislation 100 percent. She noted that the people ought to get a chance to voice their opinion. As such, she said she also wants to offer a substitute

motion. She said because of the way the motions are laid out, she will let somebody direct her as to the order of the motion and substitutes.

Staff Attorney Crook informed Commissioner Kuehler that hers would be the last amendment that is allowed. He explained the Board has a motion and an amendment and an amendment to the amendment. He stated the order of the vote would be from the last amendment received to the original motion. He stated that while he had the microphone he wanted to confirm what Commissioner Kuehler said. He explained he was assigned this resolution by the County Manager, as he often does with resolutions that come before the board, to review and assured he didn't have any contact with any commissioner – not commissioner Baucom or Chairman Openshaw. Mr. Crook stated that all the changes are his.

The County Manager stated that along the same lines he wanted to confirm that he had no contact with any commissioner either. He said it's routine, and he saw some language that struck him that the staff attorney should review and he asked him to do so.

Commissioner Openshaw thanked them for their comments.

The Chairman asked Commissioner Kuehler if she had a copy of her proposed resolution.

Commissioner Kuehler stated that the legislator who has introduced the Bill is from Gaston County and she gave the Commissioners a copy of the resolution adopted by Gaston County in support of the proposed legislation.

The Staff Attorney again noted that Commissioner Kuehler's substitute motion should be considered first. He explained if this amendment passes it leaves the first substitute motion and the original motion moot and no other action is required.

In response to another question, Mr. Crook stated that of the three resolutions that he had seen two of them. He said he had not seen the unmodified resolution adopted by the Union County Republican Convention.

The County Manager interjected one item of information regarding the process. He said it was his understanding that the November election currently has no county issues included on it; it is basically a municipal election and as such the municipalities would have to pay the cost of that election. He noted if a county issue or state-wide issue is to go on the ballot, the County would have to pick up the tab and that would probably cost about \$200,000.

Commissioner Baucom asked if his statement would not eliminate that possibility.

Commissioner Kuehler stated that she would amend the wording of her proposed resolution to take the wording suggested by Commissioner Baucom “at a statewide regular election” and add that in the therefore paragraph.

In response to a question by the Chairman, Commissioner Kuehler stated she thought the resolution was straightforward and would not require a cover letter to be sent with it.

The Chairman called for a vote on Commissioner Kuehler’s motion to approve the reworded resolution. The motion passed unanimously.

**RESOLUTION
UNION COUNTY BOARD OF COMMISSIONERS LEGISLATIVE REQUEST:
TO APPROVE LEGISLATION PLACING A REFERENDUM PERTAINING TO THE DEFENSE OF MARRIAGE ACT ON
THE BALLOT**

WHEREAS, Senator James Forrester has sponsored Senate Bill 272, a bill to place a referendum on the ballot entitled: AN ACT TO AMEND THE CONSTITUTION TO PROVIDE MARRIAGE BETWEEN A MAN AND A WOMAN IS THE ONLY DOMESTIC LEGAL UNION THAT SHALL BE VALID OR RECOGNIZED IN THIS STATE, to allow citizens in North Carolina to vote on the issue.

WHEREAS, the General Assembly of North Carolina passed N.C. General Statute 51-1.2: “An Act to Provide that Marriages Recognized Outside of this State Between Persons of the Same Gender Are Not Valid” and, the United States Congress enacted federal statute 1 U.S.C. § 7, known as the “Defense of Marriage Act” which mandates that for purposes of “determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word ‘marriage’ means only a legal union between one man and one woman as husband and wife, and the word ‘spouse’ refers only to a person of the opposite sex who is a husband or a wife.” and,

WHEREAS, Citizens in the State of North Carolina have been denied the opportunity to vote on a constitutional amendment to define marriage and should have the option to do so;

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners hereby requests that the North Carolina General Assembly approve legislation submitting a proposal to the qualified voters of this State, in a regular statewide election, for the adoption of an amendment to the North Carolina Constitution.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the local Legislative Delegation to the North Carolina General Assembly and to the North Carolina Association of County Commissioners.

Dated this _____ day of April, 2009.

ATTEST:

Lynn G. West, Clerk to the Board

Lanny Openshaw
Chair, Union County Board of Commissioners

DISPOSAL OF SURPLUS WELL LOT LOCATED NEAR BROAD STREET IN WAXHAW, NC:

Commissioner Mills asked to be recused from discussion in and consideration of this item in that he had been approached by someone to financially help with the purchase of this lot or he believed it to be this property.

The County Attorney stated that financial interest is one of the reasons for recusal and that the Board should vote to excuse Commissioner Mills from voting.

Commissioner Kuehler moved to recuse Commissioner Mills from discussion and action on the above named item. The motion passed unanimously.

Commissioner Mills left the meeting area at this time.

The County Manager explained that the staff attorney has been working with the parties on this issue and he would defer to him.

Chairman Openshaw interjected and moved to table this item to allow him to consult with the attorneys on this with the sanction of the Board in order to come up with some other option. He said he had some ideas that might be mutually beneficial, and he would like some time to pursue these. He said he would be glad to bring it forward at the next meeting.

Commissioner Baucom stated that it was his understanding that there was a time sensitive element to this and questioned if this delay would be harmful to the purchaser and/or project.

Chairman Openshaw recognized Commissioner Kuehler who stated that she understood the developer is trying to get in front of the Planning Board on this issue but pointed out that the fact of the matter is that there is no water or sewer available so she could not see how time sensitive the issue could be.

Commissioner Baucom stated that he understood that, and it had been one of his questions. He asked the developers if that creates a hardship to them.

Branson Patch introduced himself and explained that he is the developer putting together a 15-acre development in the center of Waxhaw and going through a bid process in order to acquire this lot which they would like to have. He explained the project could be reconfigured on their current land and go around it, but it will make a better project for all if they could acquire the property. He said they had placed a bid for the lot and the Board can either vote to proceed with the process or reject the bid. He said in the meantime he plans to ask consideration to sign a rezoning document that allows them to petition for rezoning and, if he is not permitted to purchase the land, he could continue with that.

Chairman Openshaw assured that he had a solid reason to table this request for two weeks. He reiterated that he wanted to consult with an attorney and would keep the developer and the Board posted on what the attorneys think.

Chairman Openshaw moved that the request be tabled for two weeks and that he be authorized to talk with the attorneys. The motion passed by a vote of four to zero. Commissioner Mills was recused.

Commissioner Mills rejoined the meeting at this time.

COMMUNICATIONS TOWER BIDS:

Mr. Greene, County Manager, stated that Gary Thomas and Dawn Hinkel with the County Staff are present tonight along with Robert McCoy of Tower Engineering. He reminded that the Board had earlier contracted with Mr. McCoy to assist with the site and design work for the tower construction and the equipment buildings that go with the tower. He said the bids have been received. Mr. Thomas stated that Tower Engineering reviewed the specifications prior to their being sent out. He reported that bids were received from the following:

	<u>Crow Road</u>	<u>Cuthbertson Road</u>	<u>New Salem</u>	<u>Belk Mill</u>	<u>Fowler Secrest</u>	<u>Midland</u>	<u>Total</u>
Glenmartin, Inc	\$574,656.18	\$585,667.80	\$569,080.32	\$171,971.46	\$176,971.46	\$186,750.52	\$2,264,236.36

Rohn Products	\$559,358.00	\$532,988.00	\$615,318.00	\$173,040.00	\$173,040.00	\$183,840.00	\$2,250,064.00
Skytel Contractors	\$549,660.00	\$533,834.00	\$546,231.00	\$174,207.00	\$185,700.00	\$182,989.00	\$2,172,621.00
SC Tel-Con	\$508,980.00	\$505,515.00	\$510,040.00	\$177,930.00	\$193,305.00	\$195,990.00	\$2,091,760.00

Mr. Greene stated the recommendation is to award the contract to the lowest responsible bidder, South Carolina Tel Con in the amount of \$2,091,760. He stated that the tower construction and preparation of existing sites is scheduled to be completed by October 1, 2009.

Motion was made by Commissioner Kuehler that the contract be awarded to the lowest responsible bidder, South Carolina Tel-Con in the amount of \$2,091,760 and that the County Manager be authorized to approve and execute the agreement subject to legal approval.

Commissioner Baucom asked if with the scope of this project is there any opportunity for stimulus money to be obtained.

Mr. Greene responded that he did not know the answer to the question because the stimulus money is in a maze at this time but that the thought was good and one that the staff will pursue. He explained that it will take some time to develop the contract documents and that will provide time to study the question.

The motion passed unanimously.

ESTABLISHMENT OF FY 2010 BUDGET CALENDAR:

The Chairman recognized Commissioner Mills who stated that he has a very difficult time conducting a public hearing before the Board has had an opportunity to review the budget.

The County Manager explained that one of the reasons that this occurs is that the General Statutes require that on the date that the budget is delivered to the Commissioners by staff that notice be given of the public hearing. He said before the Board holds its first workshop, the staff must advertise for the public hearing. He pointed out, however, there is nothing that would prohibit the Board from holding a secondary hearing. Mr. Greene reported that the public hearing must procedurally be in place on the day the budget is delivered to the Board. After discussion, the County Manager stated that the public hearing date could be changed.

Commissioner Mills suggested that if the education portion of the budget deliberation could be moved from June 4 to one of the scheduled meetings in May, it would make it more palatable to him so at the hearing there could be some knowledge about school

funding. Mr. Greene replied that his main concern would be when the budget was received from the school system since it does not follow the same schedule as do the County's departments.

He recommended that the Board discuss if these proposed dates are acceptable and schedule a time to begin the meetings, etc., and come back at the next meeting with a more definite date for the public hearing.

Vice Chair Rogers stated that she had sent an e-mail to the County Manager outlining the days and suggestions for times. She said she was alright with every day as long as the meetings started earlier with the exception of June 10, which is the date that her daughter graduates. The Manager agreed to change the meeting scheduled for June 10th. The Vice Chair said that she had no problem with the date, but could have a problem with the time. She said her other requests is that the meetings begin at 9 a.m.

Commissioner Kuehler agreed that the 9 a.m. time would be acceptable to her.

Motion was made by Vice Chair Rogers that the following proposed budget calendar be adopted as recommended by the County Manager with the meetings beginning on April 22, 2009. She also recommended that the work session for education, library and recreation be moved to a date and time prior to the date of the public hearing which is proposed for June 1.

April 22, 2009 -	9:00 a.m.
May 20, 2009 -	9:00 a.m.
May 26, 2009 -	9:00 a.m.
June 1, 2009 -	Public Hearing
June 4, 2009 -	9:00 a.m.
June 10, 2009 -	(date not set)
June 15, 2009 -	Adopt budget on or before this date

The motion passed unanimously.

DISCUSSION OF LITTER IN UNION COUNTY:

The Chairman stated that several months ago, a couple of the Commissioners received telephone calls from the man who runs the prisoners' cleaning crew complaining about the amount of littering in Union County and gave as an example the problem of 601S. The Chairman reported that he has received e-mails and phone calls from people who live in both the east and west sides of the County complaining about the amount of trash on the sides of the highways. He said that in the past it has been asked that community

organizations become aware of this and become involved in cleaning the sides of the roads. He stated that both Marvin and Weddington have litter days coming up. The Chairman said he thought it was time to put the hammer behind this and increase fines on littering. He said he had not talked with many people who feel sorry that a litter bug has to pay an increased fine. Chairman Openshaw said his request to the attorney was that he review that point and provide the Board with the legal parameters for that situation.

The Staff Attorney stated that he was not aware that it was incumbent on him to have the information tonight, but would say that after seeing the item on the agenda, he looked at the County's Ordinances and there is an old ordinance that makes littering a Criminal Violation and that there is also a State Statute that addresses littering in North Carolina. In fact, he said, it is a Class III Misdemeanor with varying levels of criminal penalties depending on the amount of littering that occurs. He said if it is the direction of the Board he would look into the problem and bring back a new ordinance that would have civil penalties. Mr. Crook said that after a cursory review he had not been able to find there were any civil penalties.

Motion was made by the Chairman that the Staff Attorney review the General Statutes to determine if the County can make littering a civil penalty and hypothetically increase the fines, and for him to make a report back to the Board.

Commissioner Mills said that a couple of years ago it was discussed to employ a trash ordinance officer to work for the Sheriff. He asked the status of this position.

The Chairman stated that he is employed and works for the Sheriff's office but is overloaded. He said he has had good reports about his work.

Commissioner Mills asked if this individual is authorized to write citations. The Chairman responded that he would hope so. He said that the Sheriff could be contacted to encourage more citations for littering through this individual.

The motion passed unanimously.

DISCUSSION ON FEATURING A COMMUNITY BENEFIT ORGANIZATION AT EACH REGULAR BOARD MEETING:

The Chairman stated that it is going to be a tough budget year and his guess is that the community benefit/charity organizations are struggling and will be looking at budget cuts. He suggested that these non-profits be given air and print time on the agenda and let them be the focus – the community benefit organization of the month – and his other suggestion is that these non-profits be offered the

opportunity to have someone speak at the microphone to brief the viewing public about the functions and activities of the charity. He said his request, in addition to the Board's approval, is to have the staff prepare a list of agencies that would qualify and bring the list of non-profit organizations to the Board for approval prior to any agency being offered the opportunity to appear during the meeting to advertise and solicit for their operation. He explained there are at least 24 meetings a year and these organizations would have an opportunity for some free recognition time and, hopefully, if someone is looking for an organization to contribute to, they will perhaps learn about it on the broadcast.

He moved that staff provide a list of non-profit agencies for the Commissioners to review and that one of these charities from the approved list be given an opportunity to address the Commissioners at one of their two monthly meetings.

Commissioner Kuehler stated she thought it was a great idea but asked how the charities or organizations would be chosen.

The Chairman stated that the organization could be chosen through a draw but that he is not concerned about that step.

In response to a question from Commissioner Baucom about which organization qualified, the Chairman replied that was why he had suggested the list be brought to the Commissioners and a determination be made from that material.

Commissioner Baucom said he did not have a problem with it but did not want the selection process to become controversial. He said that while the County is trying to do good, he would not want to see it get into a bind.

The Chairman stated that every year during budget, the Commissioners make a funding decision but this would allow others who are not funded to receive some exposure.

The motion passed unanimously.

DISCUSSION OF VOTING RIGHTS ACT IN LIGHT OF RECENT SUPREME COURT DECISION:

Commissioner Kuehler pointed out that this subject was also brought up at the Republican Convention and that she had looked at the case and asked authority to have the County Attorney to contact the appropriate legal and governmental agencies to ascertain how or when the plans are to comply to this case – Pender vs. Bartlett with a lot of other parties included. She explained that basically what the Court said was that the whole County provision provided for in the North Carolina Constitution as far as Pender was concerned has been violated. She said Union County is very much like Pender County in that it has three representatives within the County. Commissioner Kuehler said that the Court basically said that the General Assembly would need time to redistrict not only

that district, which is 18, but most likely other legislative districts in the State. She said that based on Union County's situation and what she has read in the case that she would imagine that Union County would more than likely fall into that purview. Commissioner Kuehler said that at the time this decision came down, the North Carolina General Assembly was in recess and was not going to convene until May 2008 and the filing deadlines would be over. She said they knew they were getting ready for the 2008 elections and said that North Carolina would not be able to hold up the national election; the court case would not affect the 2008 elections but that when these elections were over that House District 18 and other impacted districts must be withdrawn. She said she wanted to have the County Attorney engaged in where Union County stands because she thought that Union County has an interest in the ruling.

Mr. Merritt replied that he would certainly look at this but reported that he had not seen anything in the legislature that would address this point. He said that after the census is completed in 2010, there is generally a redistricting at that point in time. He said he did not know if they would try to wait until that time rather than going through redistricting twice. He said he would find this out and let the Board know. He said there had been discussion about combining Pender County with New Hanover and redistricting between these two counties.

The Chairman stated that it appears to him that after the census there will be a significant change after the census in the way it will be redistricted.

By consensus, the Board agreed to approve the recommendation of Commissioner Kuehler to have this law suit status researched by the County Attorney.

WORLD WAR II MONUMENT:

Commissioner Mills reported that he has been working with the Waxhaw-Weddington Rotary with the honor program which allows WWII veterans to go to Washington free of charge to see the WWII Memorial. He said in talking with some of the local veterans, it was brought to his attention that Union County does not have a WWII Memorial. Commissioner Mills reported that Matthew Delk, Assistant County Manager, took a stroll around the old Courthouse and found memorials to all wars in which there were local casualties except for WWII.

Mr. Delk interjected that there was not a WWII memorial, and he was certain that there would have been WWII casualties from Union County.

Commissioner Mills asked that the Board allow him to work with Mr. Delk in contacting the Veterans of Foreign Wars and others to provide a monument that would be suitable to be on the grounds of the historic Union County Courthouse. He said he was

asking for permission to place it on the grounds and after that permission is obtained, he could start working toward getting the names and money for the marker.

Commissioner Baucom said that he was not sure that he was ready to approve locating something on the old Courthouse property until he knows what is being discussed.

Commissioner Mills said he had thought about that too.

Commissioner Baucom interjected that he thought there should be some description as to what is being talked about and a subjective thought as to location, etc., and how it blends in with the Courthouse. He noted that Union County has a tremendous asset in that Courthouse and he does not want to place anything on the grounds that would distract from the appearance. He said he appreciated what is being discussed, but suggested that it be studied prior to approving the location.

Commissioner Mills said that he was also thinking of talking with the historical society about locating names and having the veterans involved in the location.

Chairman Openshaw summarized Commissioner Mills' motion as one to grant him authority to work with staff to study the issue of construction of a memorial to the WWII service men and to talk with the historical society about citing a marker and assisting with acquiring the names of those killed in action. He noted that Commissioner Mills would come back to the Board with the recommendation. The Chairman called for a vote on the motion which passed unanimously.

ANNOUNCEMENT OF VACANCIES:

The Chairman made the following announcements of vacancies on boards and committees:

- a.) Juvenile Crime Prevention Council (1) Substance Abuse Professional: (2) four commissioner appointees
- b.) Union County Home and Community Care Block Grant Advisory Committee – two vacancies
- c.) Adult Care Home Community Advisory Committee – one vacancy
- d.) Nursing Home Advisory Committee – two vacancies
- e.) Planning Board – vacancies for seven regular members and two alternates
- f.) Board of Adjustments – vacancies for five regular members and two alternates

APPOINTMENTS TO BOARDS AND COMMITTEES:

The Chairman announced that Daniell Jones, an assistant district attorney in Union County, has applied to serve on the Juvenile Crime Prevention Council and moved her appointment. The motion passed unanimously.

He next announced that there is an application from Kelley T. Blalock to serve on the Parks and Recreation Advisory Board and moved the appointment of Mr. Blalock to serve on said Board. The motion passed unanimously.

MANAGER'S COMMENTS:

Mr. Greene announced that the County's offices will be closed on April 10th for Good Friday.

COMMISSIONERS' COMMENTS:

The Chairman first called on Commissioner Mills.

Commissioner Mills said that since the last meeting that several things have taken place including that he and the Chairman attended the Fellowship Community Church's dedication and he thought it was nice that an old building had been turned into something worthwhile. He stated that part of the job of being Chairman and Commissioner is that there are a lot of invitations from which he tries to attend as many as possible.

He said this weekend there was the JAARS event which he and the Chairman attended. He congratulated David Reeves, the new President of JAARS, who has a huge task ahead of him.

Next, he stated that his eight-year old had him to drive her to Marvin community for the M.A.R.E.'s Event, which was extremely nice and reported that she enjoyed the horses there.

Vice Chair Rogers spoke briefly about being an elected official and the pressure that goes with that position – some of which is sitting here during public comments and listening to things being said that are neither factual nor truthful and seeing your own name splashed across the paper and either misquoted or taken out of context. She said that all saw something at the beginning of the meeting during public comments, and it needs to be understood that Commissioners are human. She said it is sometimes hard to hear and take the statements that are made. She stated that she received a copy of an e-mail that was sent out by Jonathan Thomas who was one of the speakers tonight, and he decided, and said she was not sure why, to make this statement about the marriage resolution “This is not about petty politics, it is about letting Mr. Openshaw and the current majority know that we are a Christian believing county and

watering down our values is unacceptable.” The Vice Chair said there were other things said that she thought that Mr. Crook, Mr. Greene, and Commissioner Kuehler have already addressed as these were not things that were said or done. She said there are times when the Commissioners must swallow things that are being said that are untrue but when it is such a concerted effort by an individual to reach out through email chains and other methods to slander someone and tell untruths about them, she felt compelled to address that point to let the public know that they heard the truth here tonight from the Commissioners and staff. She said she was sorry that people had to receive that email, and it is not right, but it is part of being an elected official – sometimes the Commissioners have to take the good, the bad, and the ugly and, unfortunately, the audience witnessed some ugly and for that she apologized.

Commissioner Baucom stated that as he said before the Red Cross’s Heroes Campaign is continuing through April and this money being raised locally and all the funds raised will stay here in Union County. He stressed it is important for citizens to contribute to charities and Red Cross is important and does a lot of work for which it is not praised. He noted there are a lot of volunteers in this organization. He said he was helping them to raise money this year and that one of his charges is to challenge this Board to contribute so, therefore, he said he would throw down the gauntlet and encourage the Commissioners and others to contribute to this worthwhile organization.

He next said that last week the American Leadership Forum held its monthly meeting in Union County. He reported that this was the ninth year of the American Leadership Forum, which is a 14-county organization that works on collaboration and understanding. He announced that Judge Chris Bragg is the appointee to the ninth class. Commissioner Baucom said he was fortunate enough to have been in the first class and attended the session that was held last week. He said it was another venue not dissimilar to CONNECT, which the Board voted on earlier, but the members work closely together for a full year about the issues. He stressed it was a good organization and he had enjoyed being able to work with it.

Commissioner Baucom said to address the comments of the Vice Chair that he very much understood what it is like to have things said that are not true and suspects that everyone on the Board has been in a similar situation. He noted that it was one of the things that go with the territory when a candidate puts his/her name on a ballot. He agreed that it was neither pretty nor fair but it is a reality. He said he wanted to believe that when most people do something of this nature that it is not being done out of anger, hostility, vengeance, or spite or any of those negative things but it is a way to say something whether it is the right thing or not. He said he has personally been attacked by someone saying he was a crook, dishonest, cheat, thief, that FBI has investigated him, but all he can say is that as he understands it, he was investigated by FBI but has never been questioned by FBI and the case has been closed without them ever speaking to him. He said it was the first time he had ever heard of anyone being vetted by the FBI without any conversation. He agreed that being attacked is not a pretty thing and said although it may not bother him that it did bother some of his family, which is the tough part.

Commissioner Kuehler reported that she traveled out of Union County this week. She said her family went to Winston Salem to honor athletes who also excel in their studies. She said they went to the Embassy-Suites Hotel where Guilford College's coach was the guest speaker. She stated that he did a great speech reminding players of the elements that will make them successful in their life – first a relationship with God, second, honoring their mothers and fathers, which got quite a few Amen's from the audience, then commitment, determination and their education. Commissioner Kuehler said the Pop Warner Football Scholastics Program has over 400,000 participants across the United States, and in order to just play football in the program, the student must have at least a 70 percent average in the school year. She said a full report card must be presented to them to prove it. She said that as far as the scholarship recipients they had over 8,000 applications for the All-American Scholars Program; this program requires a minimum of 96 percent grade point average to apply, which means that if you meet that criterion, you are in the top two percent academically in this program in this country. She said the recognition is based 85 percent on the grades and 15 percent on the extracurricular activities and community services performed by each child. Commissioner Kuehler said that the good news is that Union County has two Pop Warner leagues – one was here at the last meeting, which is the WCWAA – Weddington Titans and the other is the Porter Ridge Ravens. She also reported that in the mid-south region, which encompasses eight states, Weddington had 34 players to achieve first-team status and 14 players to achieve second-team status and Porter Ridge had 10 athletes to achieve first-team status and six to achieve second-team honors. She offered her congratulations to all of the extraordinary kids that this honor recognizes and rewards for their incredible achievements on the field, in their classrooms, and in the communities. She encouraged them to keep up the good work.

Chairman Openshaw asked Commissioner Kuehler if one of her children happen to receive the highest honor. She replied that her son did make the first team. The Chairman offered congratulations.

Chairman Openshaw stated that he takes responsibility for his outburst tonight and that he would attempt to contact Mr. Thomas tomorrow to apologize for his lack of professionalism.

Chairman Openshaw agreed that it was a great weekend in Union County and some of the events have already been discussed. He said there were many good speakers at JAARS, and he wished he had been able to have stayed around to have examined the plane that is being sent to New Guinea. He said it was an impressive organization with a tremendous amount of commitment.

He noted that the M.A.R.E.'s Show in Marvin was reported in the paper to have attracted a thousand people to attend. He said it is basically a horse show that started with a small group of people—Ray Williams, who was previously the Chair of the Marvin Planning Board and is now on the head of the Parks and Greenways and a number of people—just started it with the help of town's staff. Chairman Openshaw said it has done incredibly well.

The Chairman stated that the Museum of the Waxhaws had an Easter egg hunt, which his wife volunteered to assist with, and an art walk in Monroe Friday night and Saturday but there were a lot of athletic events that were postponed due to rain. He said all the events gave a good sense of community, which is what the County needs to build.

He announced that there is a traffic light being installed at the intersection of New Town and Cuthbertson Roads to help facilitate this time while the bridge is out.

Commissioner Mills said that he was hoping the Chair was going to mention that there was a young lady from Marvin Ridge on the radio the other day. He said he did not have the information with him, but that he would like to invite her to the next meeting. He stated that she had received the highest award that one can receive in Girl Scouts. He asked that she be invited to receive recognition for her achievement.

At 11:45 p.m., Commissioner Baucom moved the meeting be adjourned. The motion passed unanimously.

