

Minutes of the Regular Meeting of  
June 1, 2009

The Union County Board of Commissioners met in a regular meeting on Monday, June 1, 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 Parker Mills

ABSENT: None

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

**OPENING OF MEETING:**

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

- a. *Invocation:* Reverend Al Lewis with Safer Communities Ministry presented the invocation.
- b. *Presentation of Colors:* The members of the Union County Marine Corps League, Detachment 914, presented the colors.
- c. *Pledge of Allegiance:* Whitleigh Allen of the Union County 4-H Livestock Club and Jordan Purser, President of the Union County 4-H Teen Council and student at Piedmont Middle School, led the body and audience in reciting the Pledge of Allegiance to the United States flag.
- d. *Introduction of Ed Goscicki, Public Works Director:* The Chairman introduced Ed Goscicki, the Public Works Director, who reported for his first day of work today. The Commissioners welcomed him to Union County. Mr. Goscicki briefly addressed the Board and expressed appreciation for the opportunity to work in Union County.

The Chairman also introduced Phillip Pope, a student at UNC at Chapel Hill, who is interning in Union County this summer.

He announced that Matthew Delk, Assistant County Manager, is away fulfilling his military engagement.

**COMMENTS ON FLAG DAY FROM RICHARD STONE, FORMER COMMISSIONER AND COMMANDANT OF UNION COUNTY MARINE CORPS LEAGUE, DETACHMENT 914:**

Mr. Stone thanked the Board and staff for allowing him an opportunity to address the Board. He introduced Wallace Hasty and Bob Griffin, two of the former Commandants of the Marine Corps League, Detachment 914, and Ryan Stafford, retired Captain of the Marine Corps. He explained that Captain Ryan Stafford is also President of the non-profit Veterans Council in Union County that helps to transport veterans to receive medical services. He also presented John Brewer who is to be the Commandant Commander of the newest American Legion in Union County, which will be in Unionville.

He pointed out that June 14<sup>th</sup> is Flag Day and announced that on that date the 4-H clubs will be celebrating 100 years of service in North Carolina and some 4-H members will be part of the Flag Day Program that will be held on this day at the Ag Center. He invited the Commissioners and staff to attend this event and reported on the planned activities including that Robert Wilson, a former fighter pilot who flew over Viet Nam, will be the speaker at 3 o'clock p.m. Mr. Stone announced that immediately afterwards, there will be a ceremony to properly retire flags. Mr. Stone requested that if anyone in the viewing audience has a flag that is worn and tattered and needs to be properly retired or disposed of, he/she bring it to the 4-H office at the Ag Center.

The Chairman announced that Rev. Al Lewis who was scheduled to speak regarding Safer Communities Ministry has agreed to have his item moved to later in the meeting to item 8A.

**PUBLIC HEARING – 2009-2010 MANAGER’S RECOMMENDED BUDGET:**

The Chairman announced that the next item is a public hearing advertised for the purpose of receiving comments on the proposed 2009-2010 budget.

Chairman Openshaw said that he was going to allow three minutes per speaker, but, if the hearing is too lengthy, it may be necessary to reduce the time to two minutes per speaker or recess it to another date. The Chairman detailed his calling method and called the first speaker to the podium.

Dawn Moretz, President-elect of the Union County's Association of Educators, stated that she represents more than 500 local members of the North Carolina Association of Educators who serve Union County's public schools in various ways. She explained that the vision of her professional organization is to lead in advancing and insuring equitable, quality, public education. She said its mission is to advocate for members and students to enhance the education profession and to advance public education. She stated that it was for those reasons that she came before the Board insisting that the School Board's request for \$83.9 million dollars be fully funded for the next fiscal year, which is actually 3.6 percent less than that was initially received by the schools a year ago. She reviewed her work history and pointed out that great strides have been taken within this time period. Ms. Moretz also pointed out the exponential growth and reported that according to the US Census Bureau, Union County's population has increased by 56 percent from the year 2000; therefore, it is no surprise that Union County is the seventh fastest growing school district in the United States of America. She questioned how she could meet the vision, the mission or objectives of her profession, unless her school system has a financially sound budget. She said as an educator, mother, citizen, and taxpayer that she challenged the Commissioners to find sources to meet the funding request of the Board of Education. She encouraged the Board of Commissioners to increase taxes, if necessary, but asked them not to throw away the progress made in the Union County schools by changing the size of the classrooms, arts program, or vital capital improvements.

The next speaker was Jason Basden, a teacher at Wingate Elementary School, who spoke specifically to the mention of reducing enhancement programs such as arts and other areas of the schools. He explained that the arts program uses imagination as a catalyst for education. He stated that asking questions how, what if, and why are the foundations for meaningful learning. Mr. Basden emphasized that the arts provide an educational environment proving productivity for all students while discriminating against none. He noted that research is continuing on how arts can improve students in many other areas. Mr. Basden pointed out that arts education teaches students to become critical consumers of any information that they receive and then must process. He said this develops students who can think in the abstract, analyze, interpret, reflect and problem solve and apply solutions that they themselves generate. Mr. Basden said that he did not envy those charged with the budgetary decisions to be made in the coming days, but for the past eight years he had considered himself fortunate to teach in a school system that values all areas of learning, especially that of the arts. He said he hoped he would be able to continue to say that Union County believes in the success of its students and the professionals entrusted with their educational needs.

Lauren Schexnider next addressed the Board and thanked the Commissioners for the opportunity to share her thoughts on the proposed budget. She asked the Board members to bear in mind the impact that its decisions will have on the collective, immediate and distant future. Ms. Schexnider said she was honored to serve as an educator in Union County. She said that while she understood that reductions must be made, she asked that NO reductions occur to the education budget. She asked what more secure investment is there than the investment in children and stressed that children are the future. She said she also taught at Wingate Elementary and many of her students are underprivileged and noted that the resources provided allow its students the opportunity to explore and enrich

the world around them. She further stated that the resources provided enable the student to have personnel who help them to learn, to think, and to reason critically; thus, building skills necessary to face the future. She reported that students are growing in a global economy and a strong education is necessary for them to be able to compete in the future economy. Ms. Schexnider stated that reducing the education budget will reduce North Carolina's and America's ability to successfully compete in that global economy. On behalf of the future generation, she implored the Commissioners to not reduce the education budget.

Breanna Marshburn on behalf of the Board and staff of Healthquest thanked the Commissioners for its contribution over the last year. She said that Healthquest continues to provide maintenance prescriptions to Union County's residents whose income is at or below 200 percent of the federal poverty level. She pointed out that Healthquest is funded by grants, private donations, and county dollars. Ms. Marshburn said that one of the goals is to increase its ability to fund medical needs of qualified individuals. She said that for every dollar received to its budget, it is able to return \$10.40 of medications back into the community. She reported that last year Healthquest dispensed 39,172 prescriptions with a retail value exceeding \$4.2 million. She reported that during this year, Healthquest has dispensed 15,606 prescriptions with a retail value of over \$1.9 million. She invited the Board and staff to visit their facility and thanked them for the opportunity to speak tonight.

Rodney Woods stated he was a new teacher, without tenure, who was graduated from ASU with honors and stated that for the last two years he had been proud to wear the Union County public school badge. He said during 2007-2008 he had taught at Parkwood High School and during that year his students achieved a high-proficiency level in an area outside his teacher certification. He reported in 2008-2009, he had been employed at Monroe Middle School teaching social studies. Mr. Woods said that he had recently married but there has been a lot of worry about the uncertainty of the future. He said he thought if the proposed budget cuts stand, he and numerous other quality educators across the county will lose their jobs. He said that if this happens, the whole county, not only the education sector, will suffer. Mr. Woods said that without educators in the classroom students will have to make do with a sub-par educational experience and cited examples of his concerns. He stressed that only good things can come from the continued support of Union County Public Schools.

Walter Staton stated he lived in Weddington and distributed a written statement requesting the Board of Commissioners to not raise the property taxes of the citizens of Union County. He stressed that the Commissioners could not expect Union County's taxpayers to carry this load during a deep national, state, and county recession. Mr. Staton pointed out that his taxes were raised 11 percent in 2007 and 22 percent last year. He noted that this nation and county are in the worst economic decline since the Great Depression and many Union County residents have lost their jobs and have lost their homes. He also reported that there has been record unemployment and huge personal savings losses and it is a dead housing market. He stressed that raising taxes at this time is simply not the right thing to do. He noted that families are struggling to meet financial ends and the County must reduce its spending just like families, corporations and small business owners are also doing. Mr. Staton emphasized that the department receiving the

largest amount of taxpayer dollars should be the department that is required to make the largest cuts in order for the County to balance its budget. He encouraged the Commissioners to do the right thing and hold the line on property taxes.

Warner Thomisser of 2008 Kings Manor Drive, Weddington, stated that in due respect to the staff and commissioners who have not already committed to a zero increase property tax for the 2009-2010 budget, Union County taxpayers say that the 2.76 cent increase is unacceptable. He pointed out that Mecklenburg County has similar problems to those in Union County, and it has proposed holding the line on property taxes as has the Cities of Charlotte, Monroe and the Town of Weddington. He said, as explained by Mr. Staton, Union County's property taxes were increased on an average of 22 percent. Mr. Thomisser stated that not a person in this room can sell his home for the amount that Union County evaluated it for in 2008. He said that the taxpayers have already overpaid property taxes this last January and now some of you are asking more during the worst economic meltdown since the Great Depression. He stressed that enough is enough and asked the Board to stop the hysteria and nonsense about closing libraries, parks, etc. He noted that \$500,000 had been saved because a school employee had adjusted the thermostat. He asked how much more money could be saved if computers were shut down after work and school hours, how much could be saved by optimizing school bus routing, and reducing school board travel expenses. Mr. Thomisser said that it is easy to spend other people's money but stressed that everyone needs to operate more efficiently and treat Union County's tax dollars as if it is their own...because, in the end, it is.

Dudley Wass, 9001 Yellow Pine Court, Waxhaw, said that he believed that Commissioners Baucom and Mills have decided to hold the line on property tax and that he thought that the remaining Commissioners know that the proposed rate can be lowered but are not ready at this time to declare a zero percent increase. He noted that anyone who has owned or managed a business knows the answer to this: So much revenue means the business can afford only so much spending –affordable spending. He said this may mean that some employees must be let go; that hurts, but it safe guards the jobs of the people who are still working. He pointed out that sometimes offices have to be closed and services dropped. Mr. Wass said sometimes prices could be raised but that is not usually what happens during tough times; if anything, prices get lowered.

He stressed that affordable spending is the way businesses live, individuals and families live this way and that government needs to live the same way. Mr. Wass said the government has an option that none of the others have and that is to tax the people. He said if the Board cannot bring itself to say no, then taxpayers will be hurt again because of large increases in recent years. He encouraged the Commissioners to not let this happen but urged that the Commissioners work together and work with the school board to curtail spending. He said that there are many opportunities to do so:

- Scrutinize the value of every employee...remember that cuts in public safety and human services do not have to affect services...streamline or redesign process...improve efficiency...and the government might be able to do better with fewer people. He pointed out that business has experienced this.

- Combine county and school administration...maintenance, personnel, purchasing, legal, finance..do what companies do, what is proven to save money.
- Reduce the large loss paid on emergency medical services.
- Cut back on Partnership for Progress... is the county getting its money's worth there? He said that personally he did not think so.
- Postpone opening one or more new schools...and it doesn't have to cost millions to extend warranties. He said he was sure there would be a way around that costing any extra money.
- Task schools to become more efficient. He said schools always respond with firing teachers; offering up what is least desirable and most emotional. He suggested options for reductions in cost such as reducing overhead, reduction in administration, energy savings, etc.

Mr. Wass said the economy is at its worst since the Great Depression. He pointed out that unemployment is high and there should be no consideration given to raising taxes.

Joyce Summerville stated that for 37 years she had lived in the same house in Union County and for 34 of those years she managed a business here. She noted that last year her property tax increased 150 percent on a house that is 37 years old and issued frustration that the Board is now considering an increase of 2.76 cents. She reminded that citizens are suffering and, as leaders, the Board should get serious about cutting taxes and not about increasing them. She urged the Commissioners to not even consider hiring to fill new positions, to freeze all salaries, to reduce all programs by one percent or more across the Board including public schools. She noted that there are no sacred cows with today's economy. She suggested tapping the \$36.3 million in savings, if needed. Mrs. Summerville implored the Board to reduce the tax rate not to increase it.

Teresa Davis stated that she was a teacher for the Union County Public School System and a taxpaying parent and voter. She said she was extremely upset to hear that people think it is okay to cut schools. Mrs. Davis said that she did not see how anyone could sit there and think it was alright to cut the education for the kids. She pointed out that parents and adults have two major investments. The first one is the home and the second one is the education of the child. She said that any parent would be upset if their child did not have a qualified teacher in the school or if he/she had to drive their child to school. She said that the Board needs to make sure that the tax value stays steady and that the value needs to remain the same year after year. She asked how the value would remain steady, if the schools are destroyed. She bragged that Union County had made great stride over the last ten years and has an amazing Superintendent of Schools who is extremely patient and passionate about education. She reminded that the Board did not need to cut from schools and should not be penny wise and dollar foolish. She said if education is not paid for now that it will be paid for in the end.

Melissa Weir, Chair of the Union County Interagency Coordinating Council, gave her credentials and said she was a mother of a child with special needs. She spoke against the cuts to the non-mandated services of the Department of Social Services. She reported that her four-year old daughter has cerebral palsy as well as restrictive lung disease with a seizure disorder. She said her seizure disorder is elevated without sleep and that is the reason that she is not in attendance tonight. She said that CAP allows her the opportunity to work. Mrs. Weir explained that before receiving CAP services she was only able to work ten hours a week because it is impossible to find daycare services for a child with special challenges. She described her interaction with the CAP case manager and explained her fear is if this program is taken away from Union County that it would take months to get accomplished what her case manager is able to accomplish within a matter of weeks. She asked the Board to consider her comments when deciding on budget cuts.

Charles Richardson introduced his brother Wade and explained the CAP program and noted that it allows people to remain in their own homes. He said this program allows participants to maintain their dignity, live with families, and celebrate holidays with families. He said this program is rooted in the foundation of America and whoever developed it provided a fill for the gap and encouraged the Commissioners to keep this program operating.

Ruth Helms distributed pictures of her grandson, Robert O. Helms, IV, who was born at 27 weeks and stayed in CMC Charlotte for two months. Prior to getting assistance, her son paid within the first two years over \$55,000 in out-of-pocket expenses. She said her grandson has been on the CAP Program for four years. She said the child's first walker which costs \$2,000 was paid for by family and friends. Mrs. Helms said that CAP supplies him Pedisure and diapers. She explained that he is now ten years old and is finally learning to walk. Mrs. Helms also described other services that he receives such as therapy for walking, personal hygiene care, and equipment such as stools, walkers, rolling chair, etc.

She next explained that she has a granddaughter Hannah that has autism. She said within her family there are two special needs children. She asked that the Commissioners look carefully at this program before making any reductions.

Joe Pennigar stated that he and his wife own Neighborhood Nurses and his business is one of the providers to the CAP program. He asked the Commissioners to study the program from several aspects before making any reductions. Mr. Pennigar said that he employs 150 and if the CAP program is dissolved about 90 people will lose their jobs. He said with Medicaid rates being as they are, his operation is already running on a tight budget, and he encouraged the Commissioners to protect the CAP program for its users. He stressed that his business provides a service to keep people in their homes as long as possible.

Joyce Blythe, Waxhaw Town Commissioner, spoke to the potential closing of the Waxhaw library branch as a possible budget reduction in the coming year. She said that she could not believe it when she first heard it because it was the only library branch

mentioned. She pointed out that second to the Monroe library it is the most used library and is probably the oldest. Mrs. Blythe said she could not understand Mr. Greene's email to Mayor Gardner that said: "If a library is to be closed, a reasonable person could reach the conclusion that considering the location of the four facilities and the level of services that we can offer that Waxhaw might be the logical choice."

Mrs. Blythe said that she was not a reasonable person according to that statement and asked that she and the entire town of Waxhaw be enlightened as to how the Waxhaw library is the logical choice for possible closing. She stressed there is nothing logical about closing any library and especially one that is the most used library, second only to Monroe. She thanked Commissioner Kuehler for her comments but thought that since the idea had been mentioned that it was necessary to come and address it. She reiterated that the Town Council of Waxhaw and its residents care about its library and reiterated that even the suggestion of closing the Waxhaw Library is beyond its comprehension. Mrs. Blythe quoted from a recent Letter to the Editor printed in *The Enquirer-Journal* on Sunday from Mrs. Shelly Helms of Waxhaw who wrote that she had been at the Library the day before and there had been 25 to 30 people there and stated that closing the Library is not even a consideration.

Katrina Ryder stated she was married to a music teacher at Waxhaw Elementary School and had attended the schools of the area. She said she was also a former teacher who now is a stay at-home Mom with her two children with another one due in August. She stressed that if her husband would lose his job this August, it would be bad news for her family. Mrs. Ryder said that she also did not tell the Commissioners why the arts are important or why education is important. She stated that she recognized their difficult job of balancing the budget and offered some suggestions for doing so. She provided the statistic for the number of people in Union County who ate ice cream and offered that a 25 cents tax on a quart of ice cream would net almost a million dollars in the year. She also said if ice cream servings were taxed at ten cents per serving, it would make the number even higher. Mrs. Ryder said that if frozen Yogurt and Sorbet were added to the tax, the county could raise almost two million dollars in one year. She pointed out that soft drinks are also similar and quoted statistics and calculated that a ten cents tax on each two liter bottle would net \$1,674,000 in Union County alone. Mrs. Ryder said that both of these recession-proof luxury items could be boycotted but they probably wouldn't be. She said that it could even be advertised that teachers' jobs could be saved by eating more ice cream. Mrs. Ryder suggested that perhaps the taxpayers need to start accepting the bitter pill of taxes with a spoonful of ice cream.

Andy Cranfill spoke on behalf of the North Carolina Forestry Service and stated he worked here in Union County as a Forest Ranger. He distributed a brochure which presented a breakdown of his department's activities and asked the Commissioners to continue its support and funding to his department. Ranger Cranfill publicly thanked the fire and rescue departments for their backup and support.



Cindy Buff stated that she was a proud mother of a disabled American. She said her son was born August 3, 2006, with a very sever neurological disease. Mrs. Buff explained that at three and one-half weeks, he stopped breathing and at six months they were told he would not live much longer. She said they would soon be celebrating his third birthday, and she believed that his survival is contributable to the excellent care that he has received through CAP's services. She explained that he requires round-the-clock care because of his seizures, respiratory distress, heart problems and noted that the health issues are really too numerous to discuss. Mrs. Buff said she was able to be a part of her six-year old daughter's life and activities because of the good care provided through the CAP Program. She expressed appreciation for this program and stated she and her husband were truly grateful.

Dr. Donald Altieri, Executive Director of New Ventures Business Development, Inc., said his business was doing whatever is required to help someone start a business or grow a business; specifically, in this time when there are many businesses being lost in Anson and Union counties. He said that he believes that growing local business is extremely necessary for the local economy. He expressed appreciation for the financial support over the last two years and stated that while it was not a great deal of money that other funds have been added. Dr. Altieri said that the operation has helped about 21 businesses this year and mentioned the types of businesses assisted.

He said they also work with South Piedmont Community College and the Chamber of Commerce to provide seminars and workshops to assist small-business operators.

Dr. Altieri said that while their request for funds is not large, it is thought that the return on the investment to the County is large. He said they would like to continue these services in Union and Anson Counties.

Jim King, a resident of Waxhaw-Marvin Road, Waxhaw, spoke to an article written in *Union Weekly* by Brian Carlton, which he assumed was accurate. He said the article reported that the plan called for the thermostats to be set at 82 degrees in the district's 268 empty mobile units this summer. It further said that the temperature is warm enough to reduce energy costs but cool enough to prevent damage to technology equipment. He further reported that the move would save an estimated \$233,000. Mr. King said it was reported that Mike Webb said that typically thermostats are set at 68 degrees year round. Mr. King pointed out that comment was in response to a question by school board member David Scholl to verify that statement. He said that the thermostat will return to 68 degrees when school starts in the fall. He said, in addition, 7,000 computers not in use will be shut down during the summer; thereby, saving an estimated \$154,000. He pointed out that the computers are currently left on year round. He questioned the audience on their personal practices. He stressed that this is the problem: it is not a teacher problem with the school system; it is a problem that everyone ignores and the teachers are a part of it because they do not take responsibility and see where cost cuts could be made. Mr. King asked what the thermostats would be set on during the summer months when they are empty or only operating with a few people.

Mr. King next addressed that he read that 216 acres were sold for \$11,212,500 on August 16, 2005. He pointed out that on January 5, 2007; the school system bought 215.20 acres for \$16,782,500. He noted that in less than a year and half the land increased \$5,500,000. Mr. King said that on the new revaluation the original land that was sold for the \$11,212,500 was on the tax roll at \$10,201,240. He said he would like to see the public involved when the proposed action of the Board did not directly step on their toes.

Alla Makarova supported the CAP program and its services to people who speak languages other than English. She said that tonight there has been talk about the importance of education but the future cannot be without the past. She spoke on the importance of the CAP program for the elderly people who are living at home. She said in her culture there are no old people sent to nursing homes because it is unnatural to them, and they always take care of their old people. She pointed out that elderly who speak other languages have a more difficult time finding a suitable nursing home. She said if the CAP program is eliminated, it would mean that a working taxpayer would have to quit their job and tend to the elderly. She noted that would also mean the CAP employees whose jobs are eliminated would also be unemployed and not contributing to the budget. Ms. Makarova said that she is a Registered Nurse and works for CAP mainly with families who speak Indian and Spanish and also works for CMC-Union.

Pinky Marsh said that he had listened to the speakers. He said he was probably the only one who came to the County with a solution for anyone to make money. He addressed wasteful spending and his request for expenditures of County Attorney Keith Merritt. Mr. Marsh said he was told that the request would have to be reviewed because of the attorney-client privilege statute. He asked how long it would take to get his information and said he could not help but wonder if the County is hiding something.

Secondly, he said that Commissioner Rogers ran successfully on her campaign of having been on the school board. He reminded that was during the wasteful spending on the computers of \$154,000 a year and also during the wasteful spending of the \$233,000 a year on heat for the summer. He pointed out that in looking at State records all counties except Union County list the name of the new school while Union County only lists the school in the name of the County. He pointed out that Union County High School "C" costs \$216.80 per square foot while the average cost in the state is \$161.16. He asked if the public really wanted to know where its money is going. Mr. Marsh told them that on July 24, 2007, the same day the high school bid was taken, an elementary school in the County was bid for 152,000 square feet at \$117 per square foot. He said that construction costs for elementary schools in the state average \$143 per square foot. He said that the elementary school was bid much cheaper than was the high school. Mr. Marsh said the high school cost \$12 million more and that those funds could have been applied toward educating the children.

Kelly Helms, a mother and a healthcare worker, said that she owns a facility called Full Circle Pediatric Therapy and provides PT and OT to children. She stressed that CAP is a very important program for the residents of this County. Mrs. Helms explained she thought the program was a part of the Social Services Department because the name explains that it provides all sorts of services to

those in need including those with special needs. She provided material to demonstrate the services provided to her son Jackson, who without the CAP program would be in an institution. She said he responds to her because she is able to take care of him at home and that she could not do so without the CAP program. Mrs. Helms said that if this program moves from here to Raleigh and she does not have the support of CAP, she would probably not be able to continue caring for him at home.

Daune Gardner, Mayor of Waxhaw, spoke to an item that was presented to the Commissioners for consideration but does not require a tax increase. While careful to assert that it was not a recommendation, she said she was disappointed that the County staff chose to single out the Waxhaw branch library for potential closure as a means to reduce the budget. She said she felt it was not the intent of the Board of Commissioners to consider closing any library facility, particularly not the Waxhaw branch, but it is unfortunate that this item was included in the list of considerations because of the perception that it perpetuates between the state of relations between the County and the town of Waxhaw. She pointed out that Waxhaw has had a library since 1937 when local leaders in the community decided that having books and library services available to every member of the community was key to the quality of life and viability of the town. The Mayor said that since that time Waxhaw has consistently had a library to serve the needs of the town and pointed out that the library is still today housed in a Waxhaw-owned facility. She assured that the citizens of Waxhaw highly value the library's services. Mayor Gardner said that the Waxhaw Town Commissioners had expressed an interest in working with the County to provide sufficient services to the Waxhaw community. She reminded that the process had begun several months ago with the hopes of bringing a recommendation to the Board of Commissioners during this year's budget process. Mayor Gardner said, unfortunately, the Library Board and county staff have been unable to provide the information needed to craft such a proposal. She requested the Board's support for (1) to continue to fund and operate the Waxhaw branch library and (2) to direct the County's staff to work with Waxhaw's staff to put together the information needed for Waxhaw to be able to bring a realistic and workable proposal to the Board of Commissioners to provide quality library services that will well and adequately serve the Waxhaw community.

Tammy Emerson, 5916 Indian Brook Drive, Matthews, introduced her one-year old son Wyatt who has a very rare and unusual genetic syndrome. She supported the CAP program and stated she wanted the Board to have a face of someone who is served by the program. She said her son is a miracle and blessing to everyone he is around. She also introduced Mary Tillman who is his CAPS case manager who has provided support to both her and Wyatt. Mrs. Emerson said that she wanted to convey why it is important to keep the program as it is: Ms. Tillman is able to see Wyatt and have a personal relationship and can be more cost effective because she is local and can see him in his home and know what Wyatt needs for his development versus her having to be on the telephone for hours to receive services. She said to move this program to Raleigh would cause a big hardship on parents with children of special needs. Mrs. Emerson said she is also a mother of a perfectly healthy ten-year old little girl and that her parenting time is spread at opposite ends of the spectrum. She said that with the support of the CAPS program, she is able to go eat lunch at school with her daughter. She said it is also important to have some time for herself. Mrs. Emerson pointed out that she did not have any family locally and so to have a nurse that she can trust to take care of her son is amazingly important to her.

With there being no one else wanting to address the proposed 2009-2010 budget, the Chairman declared the public hearing closed.

Chairman Openshaw called a short break. After the break, the Chairman reconvened the regular meeting and stated the next item.

**INFORMAL COMMENTS:**

Chairman Openshaw recognized the first speaker for informal comments, Rick Becker, Mayor of Mineral Springs.

Mayor Becker identified himself and gave his address as 6603 Saddler Road, Mineral Springs. He noted that tonight the Board of Commissioners is to consider adopting a resolution establishing standards governing the authorization of capital expenditures of independent agencies that receive significant financial support from Union County taxpayers. He pointed out that among the agencies to fall within those provisions would be the County's volunteer fire departments. Mayor Becker said that as a taxpayer he applauds the Board's careful oversight of every expenditure of public dollars. He further stated that as a resident and an elected official he is anxious for fire departments to not find their hands tied in anyway when it comes to delivering public safety services. He said that the chief of the Mineral Springs' Volunteer Fire and Rescue Department, which provides fire suppression and emergency response services to the Town of Mineral Springs, approached him last week and asked that he study the Board of County Commissioners' resolution. Mr. Becker said he had only a few requests to make in this area: (1) Please make the resolution clarify that the requirement for specific Board of County Commissioners' approval applies specifically to capital expenditures that have not been included in an already adopted and Board approved Capital Improvement Plan. (2) Please make the resolution clarify that expenditures such as equipment maintenance, even such large items as replacement of a pump on a fire truck, are not subject to a second approval process as long as they have been included in the Fire Departments' adopted annual budget. (3) Please consider raising the threshold from \$10,000 to some higher amount.

Mayor Becker said that while he urged the Board to maintain strict oversight of all expenditures of tax dollars, he recognized the need for providers of emergency services to be able to respond quickly to an unexpected financial need. He said ultimately he believed that third-party service providers including volunteer fire departments should be held to the same standards that county departments or other large county entities such as schools are held. Mayor Becker said that while they should be held to the same standards, they should also be granted the same budgetary flexibility that these other entities are granted. He said that having all recipients of taxpayer funding operating under a uniform set of standards should provide better service and better financial responsibility for everybody.

Wayne Huneycutt of New Salem addressed the Board on the Carolina Thread Trail Plan. He stated that private ownership of land is central to the democratic free market system and quoted President Taft who said that next to the right of liberty, the right of property is the most individual right guaranteed by the Constitution of the United States of America. He reminded that the Fifth Amendment of the Constitution states that no person shall be deprived of life, liberty or property without due process of law nor shall private property be taken for public use without just compensation. He explained that the landowners in New Salem are opposed to the County taking their land by eminent domain or right-of-ways across their property for the purpose of greenways or other public use. He said, giving a scenario that might be a little far fetched, he doesn't own a swimming pool and if he wanted to use one of the Commissioner's pools during a weekend, could he come to their homes and do so. He explained that it is the same principle: he owns land that is deeded to the middle of Rocky River which is his land, his property, just as a swimming pool in a yard would belong to that owner.

Mr. Huneycutt said that eminent domain was not intended to usurp the rights of the minority for the convenience of the majority. He asked the Board to not allow this to happen in Union County.

Lane Griffin stated that he was a resident of northern Union County and also owns property on the Rocky River. He explained that if the Board would choose to proceed with the proposal of the Carolina Thread Trail that he would hope there would be some type of public discussion so that both sides could present their arguments on the matter. He stressed that as outlined by Mr. Huneycutt the property rights of individuals need to be observed. Mr. Griffin said he had lived in that area of the county for generations and the land that he lives on has been in his family for a hundred years. He said he enjoyed the recreational aspects of Rocky River and has never denied permission to those who have asked to use it; however, he stressed that he does not want a public walkway that would prevent him for disallowing people to use his property.

Mr. Griffin said other recreational activities could be investigated and pointed out that he did not think anyone had studied the feasibility of putting a walkway on the Rocky River. He said he did not even think building a walkway along the Rocky River would be feasible. Mr. Griffin said there are parts of the river that could not be climbed. He said if it is going to be done, it should be done right and make as many people as possible happy with the solution.

Butch Kiker stated that he lived at 9912 Old Ferry Road, and he wanted to speak against the proposal of Carolina Thread Trail. He explained that he owned a little stretch of Rocky River and the greenway concerns him. Mr. Kiker said that the way his house is situated right at the river bluff that there is no way a greenway can be situated off the bank of the river because it would have to follow the contours of the hills, and he would have people walking in front of his house during the day and night and would have no say so in their activities. He stressed that he did not think that it would be fair to the taxpayers that this plan would be approved. Mr. Kiker

reminded the Board of some of the greenway problems in Charlotte. He said some of his friends live in Charlotte next to the greenway, and they constantly have problems. He encouraged and urged the Board to take the time to investigate the situations that the residents who live near it would have to tolerate. Mr. Kiker said he now can stay at home with his doors open but if that plan is approved everything would have to be locked.

Mr. Kiker also explained that the military troops from Fort Bragg train on his and surrounding neighbors' property four times a year and this could cause concern when civilians would be walking through the woods. He urged the Commissioners to thoroughly study the program before considering it.

Gerald Cox stated that he drove four hours to the meeting and would waive his time if his item is going to be on the agenda later in the meeting. The Chairman told him he should probably speak at this time.

Mr. Cox identified himself and said he was a resident of Rocky Mount, North Carolina, and stated that he wanted to speak about his project, the Waxhaw Nursing Home, in Waxhaw. He reminded that this has been an on-going project for several months and that he had recently sent out a very detailed email to each of the Commissioners and pointed out that within that email he had included a time line that showed the steps that have been followed during the last couple of months while working with the County Manager and Union County Public Works. He said he had also attached an encroachment easement that was issued by the Department of Transportation and executed by the County Manager. He questioned why if water allocation was an issue for this project did the people in the County Manager's office sign off on the encroachment, which entitles him to sign up for water. He said his comments tonight are directed toward water allocation.

Mr. Cox said another point, after hearing the comments tonight is that people in the area need to go to work and pointed out that he will be employing 120 people to work. He also noted that his building is presently under construction. He said that if it is necessary for him to shut the project down, 65 employees will be added to the unemployment numbers. He read from an agreement between Waxhaw and Union County: Union County agrees to continue that policy in the future and provide citizens of Waxhaw and surrounding area with good utility services as feasible as possible and operate on a sound financial basis. Mr. Cox said this agreement is for utilities. He stated the definition for utilities in that contract was "water and sewer".

He said the Commissioners had heard at the last meeting, at this meeting, and also through emails the number of steps that he and his firm have had to go through. He said he hoped tonight to hear that his project has water. He gave information to the Chairman to distribute to the other board members detailing his recommended solution to the situation. Mr. Cox offered to answer any questions that any member might have.

With there being no questions, Mr. Cox thanked the Board for allowing him to speak.

The next person to speak was Bill Cannupp, 2618 Concord Highway, Monroe, who spoke to the Capital Improvement Resolution that is being presented tonight. He said that when the fire departments were established those departments were funded primarily from the donations of the citizens within the district. He reminded that countless hours were spent going door to door asking for the money, which was normally about \$5 to \$10. He said at the fifty-year mark that was not a considerable amount of money, but as time is going forward into the 21<sup>st</sup> century, it has been determined that time to go door to door is not within the volunteers' means. Mr. Cannupp explained that in the 1990's to help the departments, the Fire Commission instituted a fire fee program. He said he would not debate the equitability of it, but he would comment that it did bring the county the ability to fund the departments at a reasonable rate and to also keep the volunteers from going door to door. He stated that since that time there has been an increase in the call volume, neighborhoods that have gone from 20 to 30 years neighbors to two to three-year neighbors at best. Mr. Cannupp said that what that statement meant is that people do not understand what a volunteer organization does. He explained that what it meant from his prospective is that he is now having to educate the public as to what a volunteer fire department does.

He said as the County enters into 2009, he has seen an excellent working relationship between the County Commissioners and the Fire Commission degrade to one of distrust and one of disrespect. He said the firemen have also witnessed a Fire Commission that has gone from one that is represented by people from areas throughout the County to one that is represented by people from within an area of a very small radius. Mr. Cannupp said that was a decision made by the Commissioners and that he is fine with this action and that it can be worked through; however, it does bring that distrust. Mr. Cannupp pointed out that what is being witnessed tonight is consideration of a resolution that has not been discussed with the Fire Commissioners or with the fire departments. He explained that while the intent of the resolution is to fulfill a fiduciary responsibility, the method by which it is being presented does not represent that intent at all. Furthermore, he said that it has not been established that any department has not yet met its fiduciary responsibility to the people who provided funding to them.

Mr. Cannupp said that what he is submitting is that it is time to take the politics out of the fire departments. He stressed that the County could not afford to continue in the direction that it is heading. Mr. Cannupp said that the volunteer firemen's focus is being removed from the main priority of providing volunteer fire and medical services to the community to that of which has little value. He stressed that the county and volunteer fire departments must reconcile the lack of trust and differences immediately and move in the direction of maintaining and improving the mission to protect and serve the community. Mr. Cannupp said that a wise man once told him: It's honorable to volunteer to fight; never fight to volunteer. He emphasized that the differences must be set aside and the root cause identified and appropriate action taken, his fear is that the County will see exactly that – a sharp decline in the volunteer firemen as they refuse to fight to volunteer. He said when he looks at the funding that the County is providing and removes the sales tax that is

being pulled from the volunteer fire departments, the County is contributing only about \$188,000 of a \$7 million budget. He challenged the members as a Commission to move beyond the trust and respect issue and work as a team to move forward.

The Chairman stated that was the last person registered to speak in informal comments and moved to the next item on the agenda.

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

Commissioner Kuehler asked to move from the consent agenda Item 1 a, b, c, e, f, and g to the regular agenda. The Chairman stated those items would become 20 a on the Regular Agenda.

Commissioner Mills moved to adopt the agenda as amended. The motion was passed unanimously.

#### **CONSENT AGENDA:**

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

#### ***Contracts/Purchase Orders Over \$20,000: approved Item d.***

- a.) Annual Renewal Agreement with Thomas A. Ebert to Provide Commercial/Industrial Real Property Valuation Appraisal Support –moved to regular agenda
- b.) Renewal Agreement with South Piedmont Community College to provide Education Service to Work First Participants – moved to regular agenda
- c.) Renewal Agreement with Employment Security Commission to Provide Employment Services for Work First Participants – moved to regular agenda
- d.) Agreement with North Carolina Alliance of Public Health Agencies, Inc. to Provide Public Health Contract Personnel on an As-Needed Basis – This item remained on the Consent Agenda and the Manager authorized to approve pending legal review.
- e.) Renewal Agreement with Software House International to Provide Anti-Virus Software [Requisition] moved to regular agenda
- f.) Renewal of Annual Hardware and Software Maintenance and Support Agreement with Davenport Group for Primary and Replication Compellant Storage Area Network Units (SANS) [Requisition] moved to regular agenda
- g.) Renewal of Annual Maintenance and Support Agreement with CDW Government, Inc. for the Operating Software that most of the County's Windows Servers Utilize [Requisition] – moved to regular agenda



***Tax Administrator: - approved as submitted***

- a.) Departmental Month Report for April 2009
- b.) Tenth Motor Vehicle Billing (revised) in the amount of \$987,565.40 which reflects \$169.91 increase to Lake Park taxes

***Health Department – New Dental Procedure and Fee:*** Approved the Health Department’s Dental Clinic offering a hard night guard as a new dental procedure at a fee of \$225, in accordance with Medicaid rates

**PUBLIC INFORMATION OFFICER’S COMMENTS:**

Brett Vines, PIO, informed the viewers about a new program on the Government Channel called Union County Spotlight that will highlight a different department every two weeks and a service program within that department. He said the one showing now is the Health Departments’ Diabetes Education Program. Mr. Vines said there would be one filmed this week about the Union County Public Library.

He further announced that the Board of Adjustments has changed its meeting schedule. He said its meeting time has been changed from the first Monday of the month to the second Monday of the month. Mr. Vines explained that beginning with next week’s meeting, these will be televised.

Commissioner Mills asked if the other Commissioners thought it would be appropriate for Mr. Vines to contact Mrs. Ingram, the Board of Education’s PIO, to obtain the information on the Teacher of the Year and bring these teachers to one of the Commissioners’ meeting for recognition. The Commissioners agreed.

**COMMENTS BY REV. AL LEWIS AND ROBERT BRASWELL REGARDING SAFER COMMUNITIES MINISTRY:**

Rev. Al Lewis stated that for the last 24 years he had been the Executive Director of Covenant Prison Ministries. He said material was distributed last year that announced the name change to Safer Communities Ministry to better describe who the group is especially since his organization had received a Governor’s Crime Commission Grant, in fact two different grants, that recognized the group as one of the three top reentry programs across the State of North Carolina. He said that when criminals’ lives are changed, and they do not do crime anymore, there is a safer community and tax dollars are saved. He explained that recidivism is a big word which means the rate at which people who come out of jail or prison wind up going back into the prison system. He stated it is not only a big word but it is also a big problem for society. Rev. Lewis announced that the national recidivism rate of over 50 percent costs society millions of dollars. He emphasized that one out of every two people who are locked up in prison over the next three year period, when they are released, will commit another crime or be re-arrested and returned to prison.

He said he had sought from Chief Ben Bailey what it costs to house a prisoner, and, although Chief Bailey did not know the definite figure, he estimated it would cost between \$23,000 and \$24,000 per year to incarcerate a person in the Union County Jail. Rev. Lewis said there are over 40,000 people locked up in the jails and prisons and 97 percent of them will eventually be released. He reported that 27,000 were released last year into the communities from the North Carolina Department of Corrections and there will be more than that number released this year. He noted that when you consider that 80 percent of crimes are committed by ex-offenders, it makes good economic sense to work with this population.

Rev. Lewis pointed out that many people are under the misconception that most of these ex-offenders are under some sort of supervision. He explained that one of the partners of Safer Community Ministries is Rick Fields, Judicial District Manager for Probation and Parole, who informed him that only ten percent of those that are released are under any type of supervision. He said this meant that the majority of these ex-offenders are dropped off with no more than \$45, no plan, no job, no home, and no place to go. Rev. Lewis said that in Union County over five thousand individuals came through the jail last year. He agreed that recidivism is a big word and a big problem that demands big solutions. He pointed out that being tough on crime is not the only answer that has not worked, but what must be learned is to be tough on the factors that cause recidivism for most offenders. Rev. Lewis commented that the criminal justice system should be reformed to give out swifter, surer, and longer sentences to those aggressive few crime repeaters. He stressed, however, that all will be coming out of the system at some point.

Rev. Lewis noted the premise is working with the prisoners in the Life Skills Program within the Union County Jail. He said if while these individuals are locked up, they demonstrate that they want to change their way of life, that going through the seven-week programs requires a lot of efforts but will help them change their direction. He said if these individuals demonstrate that effort then those are the ex-offenders that his program wants to follow-up with when they are released.

He emphasized that SCM is a contractor for Union County, and it is not a non-profit seeking a grant. He reminded that his organization has a 13-page contract with Union County. Rev. Lewis pointed out that every man or woman that SCM defers from jail saves the taxpayers \$23,000 per year.

Rev. Lewis announced that his organization has a state-wide reputation which has been earned over a twenty-five year period. He said it also has a Memorandum of Understanding with the North Carolina Department of Corrections, Office of Transitional Services, because of the success of the re-entry program. Rev. Lewis said that his organization also has a recommendation from the Rural Courts Commission. He explained that at its annual meeting last December, it recommended that the State and County consider emulating a program such as Safer Community Ministries. He asked why the Rural Courts Commission would make such a recommendation: he said that it is because his organization has a twelve-percent documented recidivism rate. He stated that these

individuals' names and records are on file with Lt. Jeff Outen at the Union County Jail. He said this is accomplished through the seven-week Life Skills Program and briefly outlined the segments of this program.

Secondly, he explained that SCM sets up Second Chance Reentry Network and asked the Board to review the information provided to them. He also explained some of the successes of the affiliated programs. He gave an example of one of the participants of the program who has been out of prison for three years and is now a partner with his Dad in a business and has gotten married.

Rev. Lewis said he knew this is the time for sacrifice and the contract that he has with the County in the amount of \$74,760 is less than 50 percent of his total budget. He explained the recommended cut of \$9,000 will severely limit his ability to serve clients. Rev. Lewis said that the salary of the Life Skills' teacher could be cut by \$1,000; he said he would sacrifice a reduction in his salary as Director by \$2,000, but if his program needs to cut \$6,000 more, it would require cutting the administrative assistant and she loves data entry. He said if he had to assume reporting and data entry, it would severely limit his ability to work with clients. Rev. Lewis reiterated that every client that his organization can turn around saves the county \$23,000. He suggested that if his organization's budget must be reduced, to do so by no more than \$3,000 but as an alternative his Board of Directors requested that he present the following alternative. Rev. Lewis said they have two more years left on the three-year contract and instead of renewing it at the current amount for two years, it is suggested that it remain as it is and a five-year renewal be set. He said that if given the time, his Board of Directors believes that it can raise the remainder of these funds within the community, but right now it is difficult to do so. He said that his ability is working with the offenders since he is an ex-offender himself, a reformed drug addict and alcoholic who in the latter stages of his addiction was breaking into homes and businesses. Rev. Lewis explained that while he was in prison in 1978, his life was turned around. He stated that for 29 years he had done the best he could to run a program to help the ex-offenders and now there is a public-private partnership. Rev. Lewis said he knew there is a lot of sacrifices right now, and they are willing to sacrifice by \$3,000, but he would like for funding to be at a level that would allow him to keep his focus on the program and on its clients. He said that he has a contract next year to work with 30 new ex-offenders but perhaps these cuts will allow him to work with 31, 32, or 34. Rev. Lewis acknowledged that there are a lot of tough decisions for the Board and that he is praying for their wisdom. He stated that he thought his program contributed to the Sheriff not asking to build more jail space because it is documented that this program is keeping people out of jail.

Commissioner Mills asked Rev. Lewis to repeat the recidivism rate of his clients compared to the State's rates. Rev. Lewis replied that his recidivism rate is 12 percent while the State's average recidivism rate is close to 50 percent for arrest and close to 40 percent of re-incarceration.

Commissioner Mills next asked what he anticipated the cost savings were for the County this year.

Rev. Lewis reminded that in his last annual report to the County Commissioners, it was for a three-year summary period and the organization had worked with 90 clients and only 11 of those had returned to prison. He pointed out that under the State's recidivism rate that 45 individuals would have returned to prison so if 11 is subtracted from 45, 34 individuals were deferred away from jail at a cost of \$21,000, at a savings of \$714,000. He said the contract for that three-year period was \$60,000 so the math would result in a savings of a minimum of \$534,000 for that three-year period.

The Chairman announced the next item.

### **EXTENSION AMENDMENT FOR EMERGENCY MEDICAL SERVICES:**

Al Greene, County Manager, reminded that at the last meeting the Board of Commissioners deferred action on the proposed extension to the EMS agreement. He said that the Commissioners had sent in questions and requests for additional documentation. He explained that he, the Finance Director, Mr. Crook and representatives for Union-EMS provided the answers and documentation requested. He said that Scott Shew and Bret Lamars, representatives from EMS, are present, and it is anticipated that among these representatives and the staff that they will be able to answer any additional questions.

Motion was made by Commissioner Baucom that the two-year extension to the EMS agreement be approved.

Commissioner Kuehler stated that she had spent a lot of time reviewing these numbers and the representatives from Union-EMS and the County's staff had been very helpful but that she has lots of questions. She said that the staff is in agreement with revisiting this document. She said she would not be opposed to renewing the agreement for a shorter period of time, but would also like a caveat that within a certain amount of time that these issues will be addressed by both EMS and the County so that the County will not spend another period of time under a contract that may not be appropriate.

Chairman Openshaw said that he would prefer to see the rates increased and offered as an amendment to Commissioner Baucom's motion the following: (1) to approve the EMS contract for one year, (2) to raise the EMS rates to the updated average that is shown on the information provided, (3) to take the first six-months of that contract to update the contract, which is 12 years old, and (4) to direct staff and EMS to find cost reductions and efficiencies to get the rates down to the average.

Commissioner Baucom said he realized that the easiest action would be for him to accept the amendment but he is not going to because he believes the two-year time line is appropriate and it provides time for the contract to be revisited and to give staff a chance to work with bringing a sound document and recommendation to the Board. He pointed out that 18 months is not long when dealing with contracts.

Commissioner Baucom asked for the comments of the Finance Director. Mr. Nelson said his thought is that the revenue and expenditure issues are more budgetary than necessarily contractual so it seems to him that those two issues can be addressed as part of the budget process and not as part of the contract. He said he understood the Board's desire to look at the revenues and expenditures, but pointed out that this could be done regardless of whether or not either a one-year or two-year agreement is approved.

Commissioner Kuehler agreed that she knew these provisions are in the contract to be acted on, but she would prefer to see it completed within the first six months of the agreement. She pointed out to Commissioner Baucom the difference is that she wants to give them six months to work out the provisions and he wants to give them 18 months.

Jeff Crook interjected that based on the Board's comments his understanding is that the difference if the Chairman's amendment is accepted is that it is a one-year extension in lieu of a two-year extension.

Commissioner Mills explained that he did not want to be disrespectful to anybody, but he wanted to point out that EMS is a public service and as such it should be compared to fire service and the Sheriff's office. He pointed out that a tremendous amount of money is spent in the Sheriff's office and the County doesn't look at it as losing money. Commissioner Mills said that when a call goes out and 911 responds to the call, the person on the other end of the line wants to make sure an ambulance is on the way. He pointed out that if EMS is held to that standard that the other public services offices should also be held to that standard.

Vice Chairman Rogers said that as County Commissioners that she believes it is the Board's responsibility to be fiscally responsible and noted that was a campaign platform for her. She said in her opinion it is irresponsible for the County to continue with a contract that allows the County to lose \$4 million when there are other options available and assured that she was not talking about a reduction in the level of service that is provided or the ability for the citizens to have ambulatory care. She stressed she was acting on the assumption that the County can provide the service for a lesser amount. The Vice Chair noted that if it became necessary to extend the one year contract, she could see nothing to prevent that happening. She stressed she thought it would make it a little hotter fire if the agreement is for one year.

The Chairman recognized Scott Shew, Director of Union EMS, who acknowledged that the one-year contract is not ideal because of the demand for time on him as well as the County's staff. He said he was committed to work with the Board over the next 18 months to firm up a contract and assured that this was not a fact that was overlooked during the past several years, but other things took priority. He assured that all had been about the business of taking care of the county and providing services to its citizens. Mr. Shew shared history of Union EMS and noted that in 1997, the EMS budget was \$3.1 million and \$2.9 million or 95 percent of the budget was funded by Union County. He also briefly reviewed the funding and the Medicaid Cost Settlement Report and reminded

that response time is not added in the equation. He said that Union County has also demanded quick response and a lot of factors such as population and geography affects the ambulance trip costs. He said if the County had less population, less geographic area, and a demand for a reduced response time, the cost would be less.

The Finance Director agreed that response time and services are not clearly reflected in the Cost Settlement Report.

Mr. Shew also noted that the funds received from Medicaid transports come back to the County's general fund. Mr. Nelson acknowledged that those funds are included in the budget to reduce the County's cost of \$3.1 million in the new year's proposed budget.

The Vice Chair stated that as the Commissioners listened to the citizens tonight requesting the Board to not cut services or to not raise taxes that it must be pointed out that the County has very limited revenue. She explained that the questions regarding the contract are not personal at all or an indication of any kind of dissatisfaction that the Board has with the EMS service being provided. She noted perhaps though there is some flexibility to raise the rates to offset some of the deficit of the agency.

Mr. Shew said that he did not take offense to the questions and understands the position of the Board. He offered to make himself available whenever necessary to iron out the issues of the contract but reiterated that he thought six months would not provide sufficient time.

Chairman Openshaw stated that he had an amendment on the table and asked for additional discussion. With there being none, he called for a vote. The amended motion passed by a vote of three to two. Chairman Openshaw, Vice Chairman Rogers and Commissioner Kuehler voted for the amended motion; Commissioners Baucom and Mills voted against the amended motion.

The County Attorney suggested that the Board now vote on the substantive motion since it had been changed by amendment.

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

#### **CAROLINA THREAD TRAIL MASTER PLAN DEVELOPMENT:**

County Manager Al Greene reminded that at the last meeting the Board requested that the staff go back and make a couple of amendments to the draft resolution. He said one amendment was to state that the Board of Commissioners expressly rejects the use of

eminent domain for acquisition of property to be used for trails; and, secondly, commits to call for and conduct a public hearing prior to adoption or approval of any plan for design and construction of a system of trails in Union County. He reported that these changes have been incorporated into the proposed resolution.

Chairman Openshaw addressed those who are concerned about eminent domain. He said that this Board has been generally consistent on that point and certainly consistent other than on water and sewer easements, which has been a divided Board. Chairman Openshaw read from that section of the document that speaks to eminent domain "...that the Union County Board of Commissioners expressly rejects the use of eminent domain for acquisition of property to be used for trails and commits to call for and conduct a public hearing prior to adoption or approval of any plan for the design and construction of a system of trails in Union County."

Upon request for a motion, Commissioner Baucom asked the staff attorney if it would be appropriate to have a public hearing prior to voting on the resolution.

Staff Attorney Jeff Crook said that it is a discretionary decision of the Board.

Commissioner Baucom moved that the Board of Commissioners call for and conduct a public hearing prior to adoption of the resolution. He said he had heard the comments addressed to the Board tonight and his concern is that the County is moving forward with an issue that quite honestly very few in the public are aware of and there are very few citizens who have had an opportunity to address the subject for or against its design and construction.

Vice Chairman Rogers stated that she had received a few calls about the Carolina Thread Trail from landowners and farmers and their concern was eminent domain and the concerns heard tonight about the landowners losing their privacy, people in the backyard, etc. She said when she read to them the statement that was added to the resolution since the last meeting about rejecting the use of eminent domain the individuals seemed to be satisfied. She said she basically told them that the trail could not be established without having an advertised public hearing. Vice Chairman Rogers explained the response she received was a thank you and the statement that it served their needs. She said she did not know that having a public hearing on a resolution will net anything other than what has been heard tonight and what has been already addressed in the resolution.

Commissioner Kuehler stated as a point of clarification that she thought Mr. Morehead in presenting this item said that the organization putting this plan together has no power to condemn property and asked if she had heard his statement correctly.

Mr. Crook agreed that it was a non-profit corporation; therefore, it would not have eminent domain authority.

Commissioner Mills said he concurred with her interpretation of the comments previously made about the Carolina Thread Trail but to the point of a public hearing that he thought the County should take the lead. He said the County included the statement within its resolution, but the towns may not have that wording in their resolutions, and pointed out that the Board's commitment would only affect the unincorporated areas. He said that as a further step for the public hearing that all the municipalities that have or have not adopted the resolution should be on the same thought with one county-wide agreement that agrees to not use the power of eminent domain.

Vice Chair Rogers asked what the deadline would be on this issue. The County Manager replied that there is not a deadline.

Vice Chair Rogers agreed with what Commissioner Mills stated in that the Commissioners' action could only affect the unincorporated areas of Union County. She said she did not know how much influence the County would have with the other municipalities but that she is fine with coordinating an effort with them for such a resolution restricting the use of eminent domain.

Chairman Openshaw asked Commissioner Mills if he were amending the original motion. Commissioner Mills agreed that he was and repeated his amendment is to have a public hearing but in regards to the public hearing solicit from the municipalities the restriction of the use of eminent domain. He stated the municipalities could either be contacted first or the action could be concurrent. Commissioner Mills said he thought that the municipalities will probably be in agreement because the general public that he has heard from does not want eminent domain used.

Vice Chair Rogers asked what would the public hearing net the County in the adoption of the resolution. She said the county understood the concerns of the property owners and had included that protection within the resolution.

Commissioner Mills stated that instead of having a public hearing, he thought there should be a meeting with all municipalities and the public would be invited to review the document and get them to agree with the restriction of the use of eminent domain by all governing agencies.

Chairman Openshaw said he was fine with reaching out to the municipalities and seeking common ground but the public hearing is a separate issue.

Commissioner Mills said that was why he had made the amendment to have a public meeting with municipalities so there could be one document, county-wide.



Commissioner Kuehler explained that what she had heard tonight was incorporated in the proposed resolution. She said they had heard from people at the last meeting and tonight as well as from residents who have sent emails and made phone calls. She said she had not heard from anyone who had endorsed taking their land for a trail. Commissioner Kuehler stated that the resolution states that the County does not support eminent domain and what she is hearing from Commissioner Mills is that he is asking to get all municipalities who have signed a similar resolution without the caveat to go back and amend their resolutions to restrict eminent domain usage. She said she did not understand the need for the third public hearing because she has heard the people speak and she thought this board is supporting them.

Commissioner Mills reiterated that his request is for a meeting with municipalities and the Board of County Commissioners to sit down and get all government agencies to have the same document.

Commissioner Kuehler asked Commissioner Mills if that was the whole of his amendment. He agreed that it was.

Vice Chair Rogers said she did not want to confuse the issue more but asked if it would be appropriate to direct staff to draft a letter from this Board to distribute the resolution adopted by the Board of Commissioners and to request them to adopt the resolution with the wording to reject the use of eminent domain.

Commissioner Mills said that he would agree to any feasible way to get all municipalities in agreement. He said he wanted a public hearing but he wanted all government agencies' resolutions to be in agreement.

Commissioner Baucom suggested that the Board go ahead and act on the motion as stated and everyone can participate in the public hearing with the common knowledge that a common resolution would prevail at that point and move forward.

Travis Morehead with the Carolina Thread Trail, 105 West Morehead Street, Charlotte, responded that all municipalities with the exception of Unionville had adopted the ordinance. He also responded to Commissioner Mills question that they had received questions about eminent domain from the municipalities and he had answered them as he had to the Commissioners assuring that the program is looking for willing property owners and, as a non-profit group, it does not have the authority to use eminent domain laws. He further explained that the Town of Fairview did include within its resolution that it would not use eminent domain for acquisition of property. He reminded that as he had said at the last meeting there were some municipalities in Gaston County which included that statement in their resolution and in their planning documents.

Commissioner Kuehler asked if the municipalities could amend their resolutions to now include the wording concerning the use of eminent domain.

Mr. Morehead responded that the municipalities would have the legal authority to do so at any time.

Commissioner Baucom asked those present out of concern about the Carolina Thread Trail to stand and then asked them to raise their hand if they have a clear understanding of what the resolution means. After this count, Commissioner Baucom urged in the interest of transparent government and in the interest of having people to have input into what occurs that the Board call for a public hearing prior to passage of this resolution. He stressed this issue involves the property rights of individuals who have lived on this land for generations. He reiterated that this is important to the heritage of Union County.

Commissioner Mills withdrew his motion so that a public hearing could be held but he would ask the staff write the municipalities asking them to amend their resolutions and adopt one that would prevent the use of eminent domain.

The Chairman stated that the only motion now on the floor is Commissioner Baucom's motion to hold a public hearing.

Commissioner Kuehler stated that it seemed to her that the resolution protects the property owners in that it clearly states that Union County will not condemn property for a trail and asked what more could be accomplished. She asked if he were questioning even the adoption of a resolution of any type.

Commissioner Baucom replied that any time people who have questions are brought together when they don't have the answers that only good can be brought forward. He said it could develop into a clearer understanding on how to move forward or how not to move forward.

Vice Chair Rogers said that she thought more power was being given to this resolution than what it has. She agreed with Commissioner Kuehler that the proposed resolution addresses all the concerns that the Board has had – it doesn't take a person's land and it doesn't allow a trail plan to be adopted prior to a public hearing being held and hearing from the public. She said to have a public hearing would only be delaying the adoption of the resolution. The Vice Chair stated that in her opinion it does have some positive assets as long as it does not take the land of the property owner. She said she thought that Mr. Morehead clearly understands the position of this Board and it is set forth clearly in writing. She said that this is the second time this proposed resolution has been before the Board and she is not in favor of delaying it further.

The Chair said that he thought if this is approved there would be a system of trails developed, and it would seem to him that would be the time to come in and state the position. He said he agreed with Vice Chair Rogers that it is time to move forward.

Commissioner Baucom asked what the Commissioners are afraid of in holding a public hearing to bring the public together. He stressed this issue is serious and is important to a lot of people. He reiterated that a public hearing would certainly be transparent government.

The Vice Chair called the question. The motion to call the question passed unanimously.

The Chairman next called for a vote on Commissioner Baucom's motion. The motion failed by a vote of two to three. Commissioner Baucom and Commissioner Mills voted for the motion and Chairman Openshaw, Vice Chairman Rogers, and Commissioner Kuehler voted against the motion.

Commissioner Mills offered a motion that the staff be instructed as suggested by the Vice Chair to send the Board's resolution which includes the restriction to the use of eminent domain and ask them to consider amending their resolutions to include the statement.

Vice Chair Rogers offered an amendment that the resolution be adopted as presented. She agreed to incorporate Commissioner Mills request that the staff contact the municipalities asking them if they would consider amending their resolutions to restrict the use of eminent domain authority. The motion passed by a vote of four to one. Chairman Openshaw, Vice Chair Rogers, Commissioner Kuehler and Commissioner Mills voted for the motion and Commissioner Baucom voted against the motion.

UNION COUNTY, NORTH CAROLINA  
RESOLUTION OF SUPPORT FOR CAROLINA THREAD TRAIL

WHEREAS, Union County Government is committed to maintaining and enhancing quality of life for its citizens and recognizes that the Carolina Thread Trail will contribute to quality of life by weaving together communities via a regional network of trails and greenways, eventually connecting fifteen counties and millions of citizens; and

WHEREAS, many communities in our region have taken a lead in planning and/or building local trails and greenways, and those efforts can be greatly enhanced by being connected to a larger regional network of trails; and

WHEREAS, trails and their green buffer areas will help improve the quality of the air we breathe by preserving trees and vegetation and by promoting non-motorized transportation, and will enhance the quality of our water through natural buffers and mitigation of storm water run-off; and

WHEREAS, trails and greenways provide key amenities to neighborhoods and safe areas for our citizens and children to travel, exercise, play and connect with nature away from heavily trafficked areas; and

WHEREAS, trails have significant impact on the economic viability of the region through increased levels of tourism, enhanced property values, added jobs related to the construction of and along the trail, as well as enhanced ability to attract and retain businesses to the region due to improved quality of life; and

WHEREAS, trails and greenways are freely accessible community assets offering opportunities for recreation and exercise to everyone, including children, youth and families, and provide safe places for people to experience a sense of community and create stronger social and family ties; and

WHEREAS, there is no second chance to protect the Carolinas' great resources in this unique way for our children, grandchildren and great grandchildren, and the cost of these invaluable resources will only increase in the future; and

WHEREAS, private funding is available to communities from the Carolina Thread Trail for planning and construction of regional trails, and this private funding will leverage public funding from federal, state and various sources.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners supports the Carolina Thread Trail and is committed in concept to working with neighboring communities and with the Carolina Thread Trail to plan, design and build a system of trails that will connect our communities, people and special regional points of interest for years to come; provided, however, that the Union County Board of Commissioners expressly rejects the use of eminent domain for acquisition of property to be used for trails and commits to call for and conduct a public hearing prior to adoption or approval of any plan for the design and construction of a system of trails in Union County.

Adopted this 1<sup>st</sup> Day of June, 2009.

Attest:

---

Lynn West, Clerk to the Board

---

Lanny Openshaw, Chairman

**DISCUSSION ON BELK-TONAWANDA PARK PROPERTY:**

The Chairman announced the next item of business. Commissioner Kuehler moved to table this item until after the County meets jointly with the City of Monroe on July 21. She said she had reviewed the meeting of March 2<sup>nd</sup> and Commissioner Rogers was clear in explaining that she did not have a lot of information, and that it would be a good topic for the board-to-board meeting. She said she does not have anymore information now than she did on March 2.

The Chairman stated that he was informed that the Mayor had told the Monroe City Council that this subject would be discussed on the 21<sup>st</sup> of July.

Commissioner Baucom stated he had requested this be added to tonight's agenda because he had heard that there are a lot of people in Monroe upset and the County is spending money on the property for lawn maintenance. He said this is flood-plain property that he had not been aware that the County owned and when he learned that the City wanted to address the issue that his thought was to give it to them. Commissioner Baucom said that the only thing that needed to be asked for is that all the citizens of the County have the right to use this property. He said he did not think there would be anything gained by waiting to act. Commissioner Baucom stated that the Board of Commissioners has antagonized the Monroe City Council and moved to amend the motion to grant this property to the City of Monroe or to sell it for a dollar with the understanding that the citizens of Union County have the undisputed rights to use the property as a park.

Chairman Openshaw asked the Staff Attorney if a motion to defer could be amended. Mr. Crook replied that a motion to defer is a procedural motion and he did not think a substantive motion is in order until after that vote is taken.

Commissioner Mills stated that action should not be deferred until after the budget is passed. He said he thought the transference of this deed is pretty much a no-brainer and pointed out that it is four acres of landlocked land within a flood plain. He said the land value is nominal. He pointed out that the City of Monroe is the County's partner, and they provide a huge service and benefit by allowing the Sheriff's department to use their shooting range two months out of the year. He reminded that the money the County had set aside to build a shooting range reverted back to the County's budget to help this economic situation. He encouraged the Board to consider giving the land and moving forward with a show of good will.

Commissioner Kuehler said she did not disagree with anything that has been said but that she had not had a conversation or dialogue and she had heard rumors—some things that might be true and some things that might have been stretched. She said she would like to discuss this with the Monroe City Council. She agreed to meet whenever the City of Monroe wants to meet.

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

### **EXTENSION OF CHARLOTTE AREA TRANSIT SYSTEM (CATS) AGREEMENT:**

The Chairman recognized the County Manager who explained that for the last several years there has been a contract with the City of Charlotte for the joint operation through CATS of the 74X Express between Charlotte and Union County. He said there were five trips in the morning and five in the evening. He said the two that go to Marshville are covered by a CMEC grant of about \$46,000. Mr. Greene explained the financing arrangement is that each pays 50 percent of the net costs after the rider fair and the CMEC grant have been deducted. He said the estimated cost for the current fiscal year is \$106,000 and CATS has increased the fair rate from \$2.60 a trip to \$3 per trip so the County anticipates additional revenue coming in this year. He said the estimated portion of the cost for 2010 would be \$90,557. He offered to answer any questions.

Commissioner Baucom asked if this project helped the air-quality and if there is a green impact.

The County Manager stated that there is probably a green impact but did not know if a credit could be quantified. He said that when the County applies for planning grants, etc., and as the County works with EPA on the non-attainment issues, this does not hurt. He said EPA would probably say that the County needs to be doing more.

Motion was made by Commissioner Mills that the Board approve the extension of the Charlotte Area Transit System (CATS) Agreement. The motion passed unanimously.

### **CAPITAL IMPROVEMENT PROGRAM (CIP) RESOLUTION:**

The Chairman recognized Commissioner Kuehler who explained that she had talked with the Staff Attorney earlier today, and they had discussed taking out Item 4 under the “Now, therefore, be it resolved. She said this item is somewhat redundant in that the policy is stated in Items 1, 2, and 3.

Commissioner Kuehler moved that the resolution be adopted without Item #4 and changing the 50 percent to 25 percent and raising the capital improvement costs from \$10,000 to \$20,000. She noted that the Board of County Commissioners has always had the responsibility and authority to approve or to deny budget expenditures, allocations, tax increases and, in fact, the County Manager must obtain approval of contracts, engineering services, etc, of \$20,000 or more. She stated the CIP Resolution simply restates the authority and responsibility and pertains to OMB circulatory 22 costs, it talks about capital expenditures. Commissioner Kuehler stressed this resolution pertains to CIP expenses and improvements and does not pertain to an approved budget item or an approved CIP plan, if one was given by a non-profit organization or for maintenance expenses in the course of doing business. She noted that this resolution is for capital improvement, land purchases, buildings and those types of things. She pointed out that an earlier speaker addressed the trust issue among the fire departments and the government but she submitted that it is not a trust issue but it is a communication issue. She assured this policy is a step in that direction by setting out the communication so it is not a he said/she said but it sets forth the policy.

Commissioner Kuehler stressed this has always been the policy but it is now spelled out so all would know the policy. She assured this did not affect any departments' budget or prevent them from repairing or purchasing equipment, but it is about capital improvement expenditures over \$20,000 that would incur a debt that the taxpayers would have to spend dollars on.

Commissioner Mills said he would urge that the County heed caution and noted that the staff's recommendation as well as Mayor Becker's both contained some good thoughts. He said there is obviously a problem with it when there are so many people upset about it. He suggested that the process be slowed down and common ground be sought that would be beneficial and mutual to all parties. He said to adopt this now while the fire departments are so opposed to it would be an insult to the volunteers. Commissioner Mills recommended that these volunteers be heard and that the adoption of the resolution should be slowed down with input received from the departments.

Commissioner Mills offered an amendment to the motion to defer this item until after the budget is adopted and the Fire Commission and the Fire Chief's Association meet and develop a policy that is mutually beneficial to all and addresses the concerns of the fire community.

Vice Chair Rogers said this issue about how the fire departments are funded and how the money gets transferred is a big puzzle to her. She further said that she thought Commissioner Kuehler is right in that communication is an issue, and the issue is that there is a lot of hearsay going about. She repeated a comment that she had heard about an issue in which she was quoted as stating that the fire departments would not work with the County. She assured that she had not had a conversation with anyone about this subject for over a year when she had met with an individual to learn about the workings of the system. She said that she thought that miscommunication is a major key in this issue. The Vice Chair stated that if she understood Commissioner Kuehler correctly, and she

asked the staff to let her know if she is wrong, this resolution is not different from the policy currently in place. She said that she typed the comments of Mayor Becker and pointed out that the issues he suggested have already been taken care of as recommended in Commissioner Kuehler's motion. She reiterated that this policy is not different from the one of previous Board's but is being placed in writing so everyone will know the policy.

Commissioner Mills explained that one of the reasons that he thought it should be slowed down is that there are three separate funding mechanisms – fire fee, fire tax, and fire service districts. He said that the residents of both Stallings and Hemby Bridge had voted a tax on themselves, which made him question as to whether or not the Board of Commissioners has the fiscal responsibility to tell them that they can or cannot build a department.

The staff attorney replied that the Board does have the authority in that the tax is a county tax. He said the Board of County Commissioners determines whether to levy the tax, in what amount, and how to use the funds.

He further stated that he thought he should address the Vice Chair's comment about the policy. Mr. Crook said that he was not aware of this being a county policy and stated that he did not want anything that he has done on this to represent that it is or has been a policy. He noted that he was not aware of this being a current county policy.

Mr. Greene interjected that he thought the confusion is that the policy of the Board with regard to County staff is in place. This resolution refers to services that are provided by contract with private non-profit corporations and that has never been done.

At the request of the Vice Chair, the County Manager restated his explanation. He stated that the Board has a policy where capital purchases by county departments of \$20,000 or more have to come before the Board. He explained there has never been a policy where parties that the county contracts with are required to come before the Board with purchase requests.

Commissioner Kuehler stated if the Board wants to address fire departments since all are sitting here that she would. She stressed that this resolution does not say that the departments cannot build a fire station, buy a piece of land, or buy a truck. Commissioner Kuehler acknowledged that the departments are non-profit, independent organizations, and the County has always had the ability to either raise the tax rate or give or not give the departments money to pay for those items. She stressed this policy only stipulates that if you are going to do it, fine, but if a department is going to need the County's help, come talk with the Board of Commissioners prior to committing to the debt. She said she was confused as to why everyone is upset about it; the policy only asks that permission be requested prior to purchase rather than asking for forgiveness after the fact. She stressed that as a steward of taxpayer dollars, and that includes people within the fire district, it requires some oversight by the Board of County Commissioners as



to where the tax dollars go. She reiterated that before a department builds a station or buys a multi-million dollar truck that is going to require a budgetary increase, the department comes to the Board first.

Commissioner Baucom strongly encouraged the Board to defer action tonight. He said he had heard there were around 700 volunteer firemen in Union County and pointed out that these are individuals who give their time and spend their own money to provide a service and protection to the citizens of Union County. Commissioner Baucom explained that the Commissioners should not alienate volunteer personnel and stressed that there is no reason for this action. He said that the Board had heard tonight that the proposed resolution reiterates policy only to learn that it does not reaffirm policy but that it establishes new policy. He said he thought the real issue as he understands it is the fact that this is being brought forward without any real or perceived input and discussion, conversation, or communication with the volunteer fire departments. Commissioner Baucom moved the resolution be deferred until after the budget is adopted and if the Fire Commission wants to work with the volunteer fire departments to bring forth a resolution that is agreeable and workable with all, then it could be considered.

Chairman Openshaw said there is already a motion on the floor to defer made by Commissioner Mills. Chairman Openshaw called a five minute break.

The Chairman called the meeting out of recess and announced that there is a motion on the floor by Commissioner Mills to defer consideration of the proposed resolution until after budget deliberation and adoption.

Commissioner Kuehler asked Commissioner Mills if he would withdraw his motion to defer and she would make a substitute motion to refer this resolution to the Fire Commission to be on its agenda for discussion in June.

Commissioner Mills said that he would not withdraw his motion because his motion included a slow down of action and he thought that it being scheduled for the June Fire Commission meeting is still rushing it to get it to the Fire Commission and is not getting the volunteers and Fire Chiefs' Association involved. He said he thought time and understanding is what is needed.

The Vice Chair asked if that would be a substitute motion. The Staff Attorney explained that the Board's rules do not have substitute motions, it has amendments to motion and since there is a procedural motion on the floor, he thought that would have to be voted on first.

Chairman Openshaw said there would not necessarily be a resolution of the proposal at the Fire Commission's meeting but there would be deliberation of the proposal. He said he was not willing to ignore this issue and called for a vote on the motion to defer until after June and after the adoption of the 2009-2010 budget ordinance.

Commissioner Mills repeated that his motion is in accordance with the recommendation of the staff to defer adoption of the resolution until after the budget is adopted, contracts signed with fire departments for the coming year, and work to establish direct open communication with the Fire Chiefs' Association in order to facilitate a productive discussion of the need for capital planning and other issues that might arise.

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

Commissioner Kuehler moved to refer the proposed resolution to the Fire Commission to be discussed by it during its June meeting.

Commissioner Baucom asked if there is a timeline for action on when it is to be brought back to the Commissioners or is this motion to make sure that all parties will be at the table for discussion before this resolution is brought back to the Commissioners for consideration. He said it would probably not allow all fire departments to have input and asked if the intent is to have everyone at the table to be a participant in the recommendation.

Commissioner Kuehler said the intent of the motion is to give the opportunity to everyone who shows up to the table to have that discussion at the Fire Commission's June meeting. She said that could be by email, at the meeting, or at another meeting if one has to be scheduled in order to give everyone an opportunity to address this issue through the Fire Commission.

Commissioner Baucom offered an amendment to the motion to table consideration of this resolution to at least the August meeting. He said this would give the fire departments an opportunity to not have to rush to give input and allow the individual departments an opportunity to meet with the departments' boards of directors.

Vice Chair Rogers said that as she understood the motion it is to take to the Fire Commission a one-page resolution and not the capital planning as read by Commissioner Mills. She said she understood the motion it is to have discussion of this document, a chance to clarify the position, and a chance to hear from the fire fighters on what their issues are and determine if they are along the line of Mayor Becker's comments or if there is some other issue. She stated that she could not understand the need to delay the item until August and she would not be in support of his amendment.

Commissioner Mills stated that part of the reason that he wanted to slow the issue down until after budget is adopted is because all 18 departments contract with Union County. He said he was afraid that since the contracts have to be in place by July 1 that the

County might put itself into a quandary if it does not work out the problem if a department would not be acceptable to the contract that is presented before them. He stressed that the County needs the fire departments a lot more than the departments need the County.

The Vice Chair emphasized that she was not questioning the need for fire departments because she has a friend who lost a husband who was a member of the fire department and she knows how important the departments are, but that is not the question before the Board. Vice Chair Rogers said basically that the resolution is stating that if a non-profit agency wants to have a capital expenditure outside its budget that it should come to the Board of County Commissioners prior to purchasing. She said that with that practice the department would not run the risk as they do now that when they come after the fact the Board of Commissioners could say no. She said it has nothing to do with service, nothing to do with their volunteer or level but it is basically a safeguard for them by outlining that it is a means to communication. She said she saw the resolution as a good compromise and a win/win situation and the delay does so without any reason other than the delay.

Commissioner Mills pointed out that the Vice Chair said that the Board could say no to the request and Commissioner Kuehler had said that they could spend anything they wanted to. He asked for clarification.

Commissioner Kuehler said that they could spend the money but that they could not get the funds from the County to pay for the purchase.

Chairman Openshaw said that he too had received a couple of calls about this subject and the people who were calling him had a misunderstanding of the resolution. He said one of the questions that he received multiple times was about budgeted items. The Chairman stressed that the resolution is not applicable to any item that is approved within the budget. He pointed out that if the department is budgeting properly, the resolution would not affect them at all. He stressed that Union County is much bigger than it was and although he values the fire departments services, it is time to communicate. He reiterated that he is fine with referring this resolution to the Fire Commission and is not setting a time line for its return to the Commissioners' agenda.

Chairman Openshaw called for a vote on the amendment by Commissioner Baucom to delay discussion of this item by the Fire Commission until its August meeting. The motion failed by a vote of two to three. Commissioners Baucom and Mills voted for the motion and Chairman Openshaw, Vice Chair Rogers and Commissioner Kuehler voted against the motion.

Chairman Openshaw next called for a vote on Commissioner Kuehler's motion to refer the following resolution for discussion to the June meeting of the Fire Commission, which is the 3<sup>rd</sup> Thursday in June. The motion passed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers and Commissioner Kuehler voted for the motion and Commissioner Baucom and Commissioner Mills voted against the motion.

RESOLUTION TO CLARIFY THE UNION COUNTY POLICY  
ON FUNDING NONPROFIT CORPORATION CAPITAL IMPROVEMENT PROJECTS

**Whereas**, pursuant to N.C.G.S. § 153A-101, the Union County Board of Commissioners has and shall exercise the responsibility of developing and directing the fiscal policy of the county government; and

**Whereas**, the citizens and taxpayers expect a full accounting of all funds expended by the county government to provide needed goods and services, including those services provided pursuant to contract between Union County and those nonprofit corporations that receive 50% or more of their annual funding by appropriation from Union County (the “Nonprofit Corporations”); and

**Whereas**, the Board of Commissioners recognizes the valuable services provided to citizens of Union County by the Nonprofit Corporations; and

**Whereas**, the Board of Commissioners further recognizes the periodic need for capital improvements and additions to infrastructure by the Nonprofit Corporations in order to maintain or improve the level of service they provide.

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

1. The Board wishes to reaffirm their appreciation and commitment to the Nonprofit Corporations, which provide important and necessary services.
2. As required by statute, the Board must perform its fiduciary duty and oversight of the budgetary process and expenditure of taxpayer funds.
3. The Board, in order to accomplish its responsibility, shall require all capital improvements or capital expenditures, as defined in OMB Circular A-122 Cost Principles for Non-Profit Organizations, exceeding \$10,000 be submitted for approval by the Board of County Commissioners prior to any funds being committed to said project or expenditure.
4. Furthermore, should a Nonprofit Corporation contractually commit itself to the acquiring of property or incurring of debt, which cost would typically add to the Nonprofit Corporation’s budgetary support from the County, without the express act by the Board of County Commissioners prior to the acquisition of property or incurring of debt, Union County will be less likely to view favorably any request for increased funding by the Nonprofit Corporation to fund said property or debt.

Approved and adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2009. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the Union County Board of County Commissioners.

---

Clerk to the Union County Board of County Commissioners

**REQUEST BY AUTUMN CORPORATION/WHITE OAK OF WAXHAW:**

The County Manager stated that at the last meeting, the Board asked this item be on tonight's agenda. He said he thought that was because there was hope that the County would have heard from Lancaster County on a request that it provide additional capacity to Union County beyond a date of which the County expects infrastructure improvements to be completed that will bring in additional water from either Anson County or through the Lancaster plant improvements. He reported that request has not been considered by the Lancaster Water and Sewer District Board. Mr. Greene said its next meeting is June 9, and it is hoped that the request will be considered at that time. The County Manager stated that it is hoped that he and the staff will be prepared to report to the Board at the June 15<sup>th</sup> meeting but reiterated that would be dependant upon the Lancaster Water and Sewer District Board.

Commissioner Kuehler moved that based on the County Manager's information that consideration be deferred.

The Chairman asked the County Manager where he stood with this request. Mr. Greene responded that the Lancaster Water and Sewer Authority is appreciative of the request and is understanding of the request and its staff will present the information to the district board as soon as possible. Chairman Openshaw asked for the wording of the request. Mr. Greene said the request is that the Lancaster Water and Sewer District Authority provide up to two million gallons of water per day of their excess capacity until such time as the plant has been expanded. He said the staff understands if it is impossible to grant that amount that if the Authority can provide a lesser amount until the Anson improvements are on line, the County would greatly appreciate that as well.

Commissioner Mills said that the Lancaster County Water and Sewer District Director is planning to give a favorable recommendation to the request. The County Manager replied that Mr. Knight has not gone as far as to say that he will recommend it; Mr. Knight understands Union County's request, and he thought it safe to say that if there is a way that he can look after the needs of the district while meeting the needs of Union County that Mr. Knight will make such a recommendation.

Commissioner Baucom asked if all the projects in Priority B would be allowed to move forward what amount would be required.

The County Manager stated that he did not have an answer to that question as it would depend on what events might occur that would affect permits.

Commissioner Baucom pointed out that Priority B are all non-residential. The County Manager agreed that Priority B has a non-residential component.

The County Manager explained that if all the non-residential projects on Priority B were to come on line, it would be in excess of 500,000 gallons.

Commissioner Baucom asked if the County went to a one-day-per week irrigation plan what would be the number of gallons freed up for use.

The County Manager responded that he did not recall. He said he would have to go back and check those numbers because he would not want to give inaccurate information.

Commissioner Baucom asked if the Commissioners were to rescind its action of April 8<sup>th</sup> where it denied the Priority B non-residential projects the opportunity to request permits, could water be found to permit these projects if it desired to do so. He said that the water is under the constraints of the motion that was adopted at that time.

The County Manager replied that under the scenario that the staff has been directed to work with, which would be not to exceed 18 million gallons of water per day capacity with a minimum threshold of irrigation of one-day per week, there conceivably could be a situation where the County would not have the capacity to serve all of those projects. He said that is why the staff recommended that if the Board were committed to the not to exceed 18 million gallons per day as an upper cap and a one-day irrigation as a minimum that the County discontinue applying for those permits. He pointed out that based on the staff's projections there would not be sufficient capacity under that scenario if everything on paper would come to fruition prior to the County obtaining additional capacity.

Commissioner Mills stated that the recommendation was based on the fact that the County is getting three million gallons per day from Lancaster but that has a short-term contract. The County Manager agreed that the three million gallons per day were not within the directive that the staff received.

Commissioner Mills asked if in addition to the request for two million gallons per day on long-term request if the staff was also asking for continuance of the three million gallons per day under the short term contract until the expansion of the plant is operational.

The County Manager replied that the staff did not get into those details about the disposition of the three million gallons per day. He said the staff was more concerned with getting an allocation that will last until the County acquires long-term capacity either the two million gallons per day from Anson or the plant expansion of nine million gallons per day from Lancaster.

Mr. Greene said he did not see it as a problem because realistically speaking Lancaster County is not using that capacity and if Union County wants an additional three million gallons on an annual basis on top of a more long-term commitment that he did not foresee that being a problem unless growth picks up in this entire region.

The Chairman called for a vote on Commissioner Kuehler's motion to defer. The motion passed unanimously.

#### **2009 ENTERPRISE SYSTEMS REVENUE BONDS:**

Kai Nelson, Finance Director, explained that several weeks ago he had approached the Board regarding an extension of a forward-starting swap from June 2009 to June 2010. He said the swap is \$20 million, and it would be issued in connection with Utility Revenue Bonds. He said the extension request of several weeks ago represented the County's third such request to the Board. He stated that originally the Board entered into the swap in 2005 for an effective date of 2007 and in 2007 it was extended until 2008 and in 2008, it was extended until 2009. He said with that support from the Board he approached the Citigroup and unlike the previous two swaps, the Citigroup is not inclined to extend on terms for the third time. Mr. Nelson explained that the market disruptions of this past fall has created an environment where the group is much more restrictive in executing swap extensions. He said the Citigroup's counter proposal to the County was to not extend until June 2010 but to extend until February 2010, which is somewhat a shorter duration and requires the posting of collateral. He said the probability of the county having to make a payment in February would have probably been high under those circumstances. He said the savings as discussed previously with the Board is no longer available to the County so it does not make sense to extend the swap; therefore, he said he was back before the Board to ask it to issue the debt. Mr. Nelson said basically the time has run out and the recommendation is that Board of Commissioners should adopt a resolution directing the application to the Local Government Commission to issue the debt and move forward with the debt.

The County Manager stated that this money would be used to reimburse the County for previous expenses in current projects—the Twelve Mile Creek expansion, the odor control project, the reliability project and others. He said in essence it will allow the County to maintain its capital reserve.

Mr. Nelson interjected that it would allow the County with the resources to move forward with, for example, the Anson project, which is potentially a \$10 million project. He said he would have preferred not to have done this at the time but unfortunately it is the better alternative.

The Vice Chair asked if she were reading it correctly that the ratio is variable and all the options are also at a variable rate.

Mr. Nelson said similarly to what the staff has suggested in the past that one of the things that he wants to do in the coming months is to work on a plan with regards to taking out the swaps. He said he will be coming back to the Board in the next few months as he formulates plans to seek that authority. He said it is really at a comparison of swap rates in comparison to municipal rates.

Commissioner Mills moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted:

**RESOLUTION OF THE COUNTY OF UNION, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF ENTERPRISE SYSTEMS REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE COUNTY'S ENTERPRISE SYSTEMS REVENUE BONDS; AND CERTAIN RELATED MATTERS.**

*WHEREAS*, the Board of Commissioners (the “*Board*”) of the County of Union, North Carolina (the “*County*”) hereby determines that it is necessary to improve its enterprise systems (the “*Enterprise Systems*”), including the extensions, additions and capital improvements to, or the acquisition, renewal and replacement of capital assets of, or purchasing and installing new equipment for, the Enterprise Systems (collectively, the “*Project*”);

*WHEREAS*, the Board is considering the issuance of not to exceed \$20,000,000 in aggregate principal amount of Variable Rate Enterprise Systems Revenue Bonds, Series 2009 (the “*2009 Bonds*”) to finance the Project;

*WHEREAS*, the Board has considered and recognized that variable interest rate debt instruments may subject the County to the risk of higher interest rates in the future and that in addition to the variable interest cost, the County must pay the fees of the provider of a credit facility for the 2009 Bonds, which fees will increase the variable interest cost to the County; provided, however, the County has previously entered into a forward starting swap agreement with Citibank, N.A. in the notional amount of \$20,000,000 (the “*Swap*”) that corresponds to the amortization of the 2009 Bonds and mitigates the variable rate exposure to the County;



*WHEREAS*, the Board hereby determines to (a) retain Parker Poe Adams & Bernstein LLP as bond counsel, (b) retain First Southwest Company as financial advisor, (c) retain Merrill Lynch, Pierce, Fenner & Smith Incorporated as underwriter for the 2009 Bonds, (d) retain Bank of America, N.A. as the credit provider for the 2009 Bonds, (e) retain U.S. Bank National Association as trustee for the 2009 Bonds and (f) approve Robinson, Bradshaw & Hinson, P.A. as underwriter's and credit provider's counsel, in connection with the issuance by the County of the 2009 Bonds (collectively, the "*Financing Team*"); and

*WHEREAS*, the Board wants the Finance Director of the County to file with the North Carolina Local Government Commission (the "*Commission*") an application for its approval of the 2009 Bonds, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (a) the negotiation of the sale of the 2009 Bonds to Merrill Lynch, Pierce, Fenner & Smith Incorporated and (b) the County's use of the Financing Team and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2009 Bonds and to the County and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 2009 Bonds;

*WHEREAS*, the form of the Official Statement (the "*Official Statement*") to be used in connection with the 2009 Bonds has been made available to the Board in the office of the Clerk to the Board;

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

**Section 1.** That the 2009 Bonds are to be issued by the County for the purpose of providing funds (1) to finance the costs of the Project and (2) to pay the costs of issuing the 2009 Bonds all as set out fully in the documents attached to the County's application to the Commission. The use of the proceeds of the 2009 Bonds to finance the Project, as described, is necessary in order to meet the expanding needs of the users of the Enterprise Systems and to assure that the Enterprise Systems remain in full compliance with all state and federal requirements for the provision of water and sewer services.

**Section 2.** That the use of the Financing Team in connection with the issuance by the County of the 2009 Bonds is hereby approved and that the County Manager and the Finance Director of the County are each hereby authorized to engage other professionals as may be necessary related to the issuance of the 2009 Bonds.

**Section 3.** That the Finance Director of the County with advice from the County Manager and bond counsel, is hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the issuance of the 2009 Bonds.

**Section 4.** That the Board finds and determines and asks the Commission to find and determine from the County's application and supporting documentation:

- (a) that the issuance of the 2009 Bonds is necessary or expedient;

- (b) that the not to exceed stated principal amount of the 2009 Bonds will be sufficient but is not excessive, when added to other moneys available to the Enterprise Systems, for the proposed Project;
- (c) that the Enterprise Systems as now constituted and as it will be constituted after the completion of the Project is feasible;
- (d) that the County's debt management procedure and policies are excellent; and
- (e) that the 2009 Bonds can be marketed at a reasonable interest cost to the County.

**Section 5.** That the Chairman of the Board, the County Manager and the Finance Director are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the 2009 Bonds.

**Section 6.** That the Board requests that the Commission sell the 2009 Bonds through negotiation with Merrill Lynch, Pierce, Fenner & Smith Incorporated on such terms as may be agreed on but at an initial interest rate not exceeding 4.00%.

**Section 7.** The form, terms and content of the Official Statement are in all respects authorized, approved and confirmed, and the use of the Official Statement by Merrill Lynch, Pierce, Fenner & Smith Incorporated in connection with the sale of the 2009 Bonds is hereby in all respects authorized, approved and confirmed.

**Section 8.** That the effective date of the Swap may be before the issuance of the 2009 Bonds, but the Swap has been entered into in connection with and as an interest rate hedge against the 2009 Bonds.

**Section 9.** That this Resolution shall become effective on the date of its adoption.

On motion of Commissioner Mills, the foregoing resolution entitled “**RESOLUTION OF THE COUNTY OF UNION, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF ENTERPRISE SYSTEMS REVENUE BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE COUNTY’S ENTERPRISE SYSTEMS REVENUE BONDS; AND CERTAIN RELATED MATTERS**” was duly adopted by the following vote:

AYES: Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, Commissioner Kuehler, and Commissioner Mills

NAYS: None

The motion passed unanimously.

Commissioner Mills asked that a line item be discussed at budget time on transportation for veterans.

**NON-MANDATED PROGRAMS WITHIN THE DEPARTMENT OF SOCIAL SERVICES:**

The Chairman recognized Dontae Latson, Director of Social Services, who thanked the Board for allowing him to introduce his non-mandated programs to the Board. He said that the federal government mandates that the State provides Social Services to residents including Medicaid, Medicare, Public Aid, and Child and Adult Protective Services. He gave examples of Public Aid including Food Nutrition Services and Work First, etc. He explained that Union County DSS provides 36 different programs of services to the County’s citizens, all of which except for a few are federally mandated. Mr. Latson provided the Commissioners with a packet of information containing detailed information on a DVD format on four of the non-mandated programs identified, which includes General Assistance Funds, Union County Group Home for Adolescents, Community Alternative Programming, and Volunteer Services.

Mr. Latson said that to date the total cuts to the group home is \$87,500. He further explained that as illustrated in the power point that by closing the group home, the County would increase its expenditures by nearly \$113,000 on an annual basis. The Social Services Director further explained that the alternative to the Community Alternative Programming, better known as CAP, is to place residents in nursing facilities. He said the average cost per person for CAP is \$1,559 per month while the average cost per person for nursing home placement is \$2,143 per month, which results in an additional expenditure of \$584 per month. He said that from a

financial perspective CAP allows clients to remain in the comfort of their homes, it allows family members to maintain their employment; thus, providing the necessary income needed to maintain their families. He said it also helps to keep small businesses open. He said his department works with roughly 46 providers for this program. He said with the General Assistance funds, better known as GA, many of those in need do not meet the Social Services means test for emergency assistance programs; therefore, General Assistance funds assist county residents with filling in the gaps when a person may be out of work for a short period of time due to illness or injury, waiting to be certified disabled, or to fill the gap between Medicaid and Medicare.

He said that in the 2008-2009 fiscal year, the General Assistance (GA) funds were budgeted at \$90,000 and the 2009-2010 GA fund is proposed to be budgeted at \$5,000.

Commissioner Mills asked what the term “filling the gap” meant to those who used it during the budget hearing.

Mr. Latson said he thought the speakers were referring to the alternative which would mean that the client would have to be placed in a facility. He said it could also mean that the caregiver would not be able to work and would not be able to bring in the additional income. He said that was the gap that he thought the speakers were addressing.

He further explained how the general assistance funds allow his department to help those who do not qualify for permanent assistance by helping them to pay their mortgage or rent. He said it is an emergency fund and was reduced from \$90,000 to \$5,000. He noted that this is funded 100 percent by the County.

Mr. Latson said that his last non-mandated service is volunteer services. He said that through the Christmas Bureau, the toy donation value is estimated at \$340,000, Easter baskets at \$150,000; school supplies at nearly \$31,000 for a total of nearly \$5.8 million generated since 2001 for Union County residents. He stressed that these donations offset dollars that otherwise would be required to pay for these services. Mr. Latson said DSS has always paid for birthday presents for children in foster care; however, due to budget cuts, his department could no longer provide these gifts and the Volunteer Services Coordinator was able to get the word out and the citizens of Union County responded kindly and his staff was able to meet that need.

In closing, Mr. Latson explained that while the country is facing grave, financial circumstances, he would suggest the Board to consider the following: During this time the demand of his department’s services has grown exponentially and DSS actually needs additional positions, and, to date, the Department of Social Services alone has lost 14 positions and reverted over \$1 million. He emphasized that additional cuts as mentioned in *The Enquirer Journal* would not only have profound effects on the citizens but also on the revenue streams within the local economy. He said that for the 2008-2009 fiscal year, he projects that DSS will inject over

\$100 million into the local economy through the provision of Medicaid and food nutrition services. Mr. Latson said it is necessary to have adequate staff to issue these benefits and to assure that the resources are reinvested into the community.

He offered to answer any questions the Commissioners might have after review of the video he provided to each Board member. Again, he thanked the Commissioners for their time.

Commissioner Mills again mentioned that several citizens had spoken in support of the CAP program and in opposition to it being run out of Raleigh. He asked Mr. Latson to address that point.

Mr. Latson said that he thought that concern came from that people know that the Division of Health and Human Services and that government structure is operated out of Raleigh. He said when the answers are not received at the local level; the people look at what takes place in Raleigh. He said all 100 counties within the State of North Carolina operate CAP programs but not every CAP program is operated through DSS, but the Board of Commissioners appoints the lead agency. He said it would not have to be in Raleigh but here in Union County.

In response to a question by the Chair, Mr. Latson said the CAP Program provides \$1,559 per month in comparison to \$2,143 for nursing home placement. Chairman Openshaw asked the total amount of the program's budget. Mr. Latson replied that he did not have that information with him, but assured he would provide him with the information.

#### **CONSIDERATION OF THE EDA GRANT APPLICATION:**

The Chairman recognized the County Manager who stated that the County has been advised by the partners of Lancaster Water and Sewer District that there is an opportunity to apply for an EDA Grant, which would have a maximum award of \$2 million. He said the Catawba COG in Rock Hill learned of this grant and notified Lancaster Water and Sewer District of it, who, in turn, notified Union County. He said that Catawba COG in Rock Hill, SC, would write the grant application and would administer the grant. He said that the request is for the Board to approve Union County being a co-applicant to the grant. Mr. Greene said there is a 50 percent match requirement and, if the grant is awarded, it would have to be aimed specifically to the elements of the plant expansion and not the reservoir or the finished water tanks but to the treatment facilities themselves. He said that Catawba COG and Lancaster have run the numbers and believe that total project cost of the treatment facilities themselves would be \$18 million so there is no problem in meeting a match on this grant application; there will be no additional out-of-pocket expense.

Motion was made by Commissioner Baucom that the Chairman and staff be authorized to provide appropriate certification and the County serve as co-applicant of the EDA Grant Application. The Chairman called for a vote on the motion which passed unanimously.

**LETTER OF SUPPORT FOR WINGATE UNIVERSITY SCHOOL OF PHARMACY'S STUDENTS' AWARD APPLICATION:**

The Chairman stated the next item and asked for a motion. Commissioner Baucom moved that the Chairman be authorized to execute the following letter of support of the Wingate University School of Pharmacy's students to provide the Medicare Improvement Project to senior citizens.

June 1, 2009

The American Association of Colleges  
of Pharmacy

Re: Wingate University School of Pharmacy Project Submission -  
Community Engaged Service Award for 2009

Dear Ladies and Gentlemen:

The Union County Board of Commissioners applauds the efforts of the Wingate University School of Pharmacy students to provide the Medicare Improvement Project to Senior Citizens. Government has many responsibilities to its citizens, but none is more important than protecting those that cannot help themselves. While many seniors are outwardly living a busy life they are unable to comprehend and execute sophisticated decisions without assistance. No decision is more important than making quality healthcare choices. However, no program is really designed to make these choices for seniors.

It is our understanding that the program developed by these students assists Medicare recipients to better understand the Medicare Part D Program and its options. Armed with this better understanding, Union County seniors have been able to make wise choices regarding benefit options. The savings in terms of disposable income for these folks have been tremendous.

We support the students' efforts to assist our senior citizens in making decisions that provide them with medication options that can be purchased within their financial limitations. We hope that you will look favorably upon their application for the Service Award and will be in a position to recognize them for their initiative, concern for the welfare of the senior citizens, and for their hard work in promoting their program.

Sincerely,

Lanny Openshaw, Chairman  
Union County Board of Commissioner

During discussion of the motion, it was noted that there is no financial cost to the County.

Commissioner Baucom said that Dr. Greg Alston, Dean of the Wingate University School of Pharmacy, wants to make a report to the Board on the success of this program.

The Chair called for a vote on the motion. The motion passed unanimously.

**CONSIDER SCEDULING PUBLIC MEETING FOR INPUT FROM UCPS REGARDING A REDUCTION IN FUNDING FROM FY 2009 AND TO TAKE ACTION TO REDUCE APPROPRAITION:**

The County Manager stated that this has been communicated to the Superintendent of Schools along with the recommended date of June 4 at 9 o'clock a.m. He said apparently the school system is agreeable with that time.

Motion was made by Commissioner Mills that the County hold a meting on June 4 at 9 o'clock a.m. to discuss with the Board of Education and the Union County School System a reduction in funding from the 2008-2009 budget.

Commissioner Kuehler asked for additional background information on this item. The County Manager reminded that at the last budget workshop the need to resolve how to deal with the loss of \$1.2 in February's ADM and lottery funds. He said there have been frequent conversations with the schools' staff since February explaining that it will need to absorb the loss because the County does not have the funds to cover this shortfall. He reminded there is a process required by law but it is getting near the end of the

fiscal year and this issue needs to be resolved before that time. He said that as the staff attorney pointed out in the workshop, if the County is to reduce funding to the school system during the fiscal year, there is a process that must be followed, even if the schools' agree.

Vice Chair Rogers said that she talked with the liaison and the School Board's position on this is that it would prefer to keep that \$1.2 million this year and to give it back next year. She said that if the public hearing goes forth that is what will be requested from the schools' staff. It is a plea to allow them to use the \$1.2 million for contracts that they need to let over the June time frame because the schools are closed over the summer and school maintenance and repair can be completed without interference.

The County Manager stated that by Thursday the Finance Director would have an opportunity to review the implication of this request.

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

#### **REAPPOINTMENT OF TAX ADMINISTRATOR:**

The County Manager explained that Union County operates with the consolidation of the Tax Assessor and Tax Collector offices as do a lot of the counties in North Carolina. He stated that John Petoskey has served as the Tax Assessor since 2003. He gave the Board a copy of Mr. Petoskey's resume and a list of accomplishments while he has served in this position.

Commissioner Baucom moved that John Petoskey be reappointed Tax Assessor for an additional four-year term.

Commissioner Kuehler asked for clarifying information on the multiple appointments and terms of appointment of Mr. Petoskey as Tax Collector and Tax Assessor since these are appointed for different term lengths. The Staff Attorney replied that according to the General Statutes the longest term is applicable.

Vice Chair Rogers said that in reviewing this item that she had not seen an employment contract and did not see a copy of his latest evaluation.

The County Manager explained there is no employment contract for the Assessor and there has not been a job performance evaluation of the appraiser. He explained that the previous County Manager did not evaluate department heads. Mr. Greene said his



goal was to evaluate all department heads with the new evaluation software after he had been here a year. He said he had been here a year as of last week and the staff is working hard to acquire new computerized evaluation software that will tie into other human resource functions and the plan is to have the department heads to serve as the test on the new system.

The Vice Chair said she would think since the appointment is through the Board of Commissioners that the Board should be responsible for the evaluation even though the Tax Assessor reports to the County Manager.

Mr. Crook responded that was an interesting question that had come up before and the position that he had taken is that obviously the Board of County Commissioners does appoint the Tax Administrator but he does answer to the County Manager and; therefore, it be would appropriate for the County Manager to complete the evaluation.

Vice Chair Rogers said she could understand input from the County Manager but because the appointment comes from the Board of Commissioners she would think it would be the body that has the final evaluation. She said it does not make sense to her that he has gone six years without an evaluation as that is not a way to run a business. She said that she wanted an evaluation completed and some goals, objectives, and performance measures established prior to going into a four-year term.

Commissioner Openshaw asked why there is not a contract.

Staff Attorney Jeff Crook responded that local government in Union County historically has not had contracts with any employee with the exception of the County Manager. He said that another exception had been the Economic Development Director when it was a county department some years ago.

Commissioner Openshaw asked if the Board could get a memorandum of terms.

Mr. Crook explained that each position has a job description and the Personnel Resolution that the Board adopted governs the terms of all positions.

The Chairman asked for a copy of that document.

Commissioner Mills stated that he saw the Tax Assessor walking down the street and in and around the Courthouse but that he is not sufficiently knowledgeable of Mr. Petoskey's job performance to be able to accurately give an evaluation of his job performance.

The Chairman assured Mr. Petoskey that this hesitation to appoint should not be taken personally but that he wanted to learn more about the process. He said he concurred with Commissioner Mills that he did not know enough about the department to do an evaluation. He said he would like to see some concerns aired before making a four-year appointment due to the lack of communication and his need to better understand the process. Chairman Openshaw said that he did not know if the complaints are about him or about the system but that he would like for the Board to be walked through the process before moving forward.

Commissioner Mills proposed the Commissioners on a staggered schedule of two-two-one go to the Assessor's office to meet with Mr. Petoskey to review what he does and get an understanding of the functions of his office. The Chairman agreed that he would make himself available to do so.

The County Manager assured that if the Board wants to outline the specific process of when and where that he would be glad to set it up.

Commissioner Mills reminded that if there would be more than three present, it would have to be advertised as a special meeting.

The Vice Chairman asked if he perceived this discussion setting up some performance measures and putting these in place.

Chairman Openshaw responded that if this meeting gets into personnel issues of any degree then it is closed session material. He said he thought that precluded an open meeting and would think a closed session would be more appropriate.

Vice Chair Rogers explained that she and Commissioner Kuehler had received an overview of the department and met the people. She said to her it is a matter that there is an employee who is appointed by the Board of Commissioners and who has not had an evaluation since his appointment and does not have concrete goals and objectives delivered to him by this Board or by the County Manager. She also pointed out that there are no performance measurements in place. The Vice Chair said those are the discussions that she is requesting.

The Chairman directed a question to the staff attorney if the request of the Vice Chair falls within the laws pertaining to a closed session.

Mr. Crook responded that the closed session law is very broad for personnel matters and anything that would comprise a part of Mr. Petoskey's personnel file material, which includes all information about him specifically, would be covered in a closed session.

He pointed out that if complaints against him are addressed that would be closed session material but if you are addressing general objectives of the position arguably that would not be in closed session.

The Chairman stated that in that case, he is flipping back to the open session part of the equation. Mr. Crook stated that the Chairman is correct in that it will be a very fine line and there might be a time that the Board would want to take the discussion into closed session.

Vice Chair Rogers suggested that the meeting begin in regular session and go into closed session, if needed.

The Chair suggested that the Commissioners contact him within the next day or so with a suggested date and time for a meeting. He said he would like to get this completed to alleviate any stress on Mr. Petoskey.

The Chairman stated there is a motion on the floor to approve so he would make an amendment to the motion to defer action.

The Chairman called for a vote on the motion to defer action of appointment of a Tax Assessor. The motion passed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted for the amended motion and Commissioner Baucom and Commissioner Mills voted against the motion.

Commissioner Mills pointed out that the Board is meeting on Thursday and asked if it would be necessary to advertise for another meeting for that date such as at noon.

The County Attorney agreed that the Board could do so but a notice would have to be given in addition to the school meeting which is scheduled for 9 o'clock on June 4. He said it would be an interesting day in that the Board will have to recess its recessed meeting to accommodate a special meeting for the schools, but the Board could call for a special meeting for lunch to discuss this issue.

The Vice Chair said that given the way budget discussions have been going that she thought it would be difficult to accommodate. She asked if there is any requirement that the meeting with Mr. Petoskey would have to take place if the time available lapses.

The Staff Attorney replied that there is nothing that would require the Board to meet but if the Board advertises for a special meeting at a set time that he thought someone should be present to acknowledge that the meeting is not going to convene.

After discussion, the Chair agreed to call for a special meeting on Thursday, June 4, at 12 o'clock noon.

The County Manager stated that he and staff would be ready Thursday to discuss the meeting calendar. The Finance Director stated that if a Tax Collector is not appointed by July 1 there would be a serious issue with the Statutes.

**CONTRACTS/PURCHASE ORDERS OVER \$20,000:**

The Chairman recognized Commissioner Kuehler who had requested these items be moved to the regular agenda. She pointed out that the items she had asked to be removed from the consent agenda were renewal contracts. She said she works for a law firm and the one thing that they consistently tell their clients is not to sign anything until they have read it and understand it. She said that while she understands there may be new government contracts that the County may not have because these agreements are being prepared, that on the contracts that are being renewed the contract could be included in the packet. Commissioner Kuehler said she could not give consent to something that she has not seen.

The Staff Attorney asked to address this issue. Mr. Crook said he thought it was an excellent point but noted that the Board is not being asked to approve the contract; that is a different manner. He said the action that is being requested is authorization for the County Manager to approve the contract. Mr. Crook said the control sheets were developed some years ago and within this control sheet it is stated that the department director who is responsible for that contract is responsible for the technical content and he/she must sign to that effect. He assured that if the Board has a desire to see more of the contracts that the County enters into, that is one issue, but the purpose of placing these contracts and purchases over \$20,000 on the agenda is to allow the Commissioners to see the broad parameters and then to authorize the County Manager to proceed with executing the contract after legal review. Mr. Crook assured that he would present the contracts either way the Board prefers. He noted that contracts are often brought to the Board before they are reviewed by legal; just to keep the contracts moving. He said he could present the contracts to the Board as they are given to his department but would assure that there is very seldom a contract that comes through his office that is not modified in some manner or he could wait and bring them to the Board after they have been modified. Again, he said he would have concerns about delay as he discussed the last time this subject was discussed.

Commissioner Kuehler asked how often the terms are changed on the renewal agreements after approval to enter into a contract has been given by the Board of Commissioners.

Mr. Crook replied that it is not unusual to renew with a vendor with a different agreement. He said he was not sure if those would be characterized as renewal. He assured that he never changes the terms in the broad outline, if the amount were to increase, he would not approve it without it being brought back to the Commissioners because the Board was aware of the parameter and approved

the limit. He said that the Commissioners, particularly Mrs. Kuehler, know that there are a myriad of other terms, even in the simple ones, so anyone of those could change.

Vice Chair Rogers asked when the contract list that was requested at the last meeting was going to be given to the Board.

The Staff Attorney stated that he had talked with his staff and what he is hopes to present to the Board is a format. He stressed that he did not want for his staff and him to do a lot of work without being comfortable that the Commissioners will be seeing the information that they want. He assured that he would have this format available at the next meeting. He reported that the County has an electronic contract tracking system that was implemented some years ago. He said that while that will provide his office with hundreds of contracts, the amount is not available; therefore, it would be necessary for his staff to manually review these.

Chairman Openshaw requested to review a copy of the annual renewal agreement with Thomas A. Ebert to provide commercial/industrial real property valuation appraisal support. He said he didn't want to discuss this now but would request a copy to review and discuss with Mr. Petoskey at the Thursday meeting.

The County Manager explained that the renewal agreements with South Piedmont Community College to provide education services to Work First participants and the agreement with the Employment Security Commission to provide employment services for Work First participants represent maintenance of efforts. The Finance Director explained that these are part of the Welfare Reform Program and while the County receives Federal Block Grant Funds, the County is required to provide a certain amount of maintenance of efforts and briefly explained the contracts. He acknowledged that the funds come from the DSS budget but because the County is required to contribute maintenance of effort funds, these are Union County tax dollars.

She acknowledged these are relatively small amounts of money but stated that at one point in time the EMS agreement was on the consent agenda and noted the escalation of discussion on that item. She said it was because of that type of issue that she did not want to agree to or give the Manager authority to agree to without understanding the contracts. He also addressed the control sheet and gave a brief history of these.

Mr. Crook said his preference would be to give the entire contract to the Board but some of the contracts are quite lengthy but this would give the Commissioners full information.

Commissioner Kuehler asked if the contracts are available in electronic form. She asked if this would be an option rather than printing each one.

Mr. Crook replied that there is a contract tracking system that includes all current contracts, and he believes it is available in the Finance Department and in the Clerk's office where these are actually scanned into the system. He said these would be available on PDF through the County's intranet, the one that is accessible within the building. He said also the new contracts are not scanned in immediately but are scanned in upon processing. He assured that he wants to be responsive to what the Board wants to see but in the past the Board has not taken an interest in reading the contract terms and conditions. He said he would be concerned about time delay if the Board wanted to see these in final form.

Mr. Crook explained that the Board's procedure is that any contract over \$20,000 is reviewed by the Board and he has interpreted that to mean that the Board wanted to see broad parameters. He reported that the Board does not see final contracts or approve final contracts except for those that are required by law. He noted that the Board awards all construction contracts exceeding the Statutory limit of \$500,000. He pointed out that this is a delegation by the Board to the staff; it is an entrustment to your staff – the department director who knows the specifics of his technical content, the attorney who has reviewed it for legal form, the Finance director who reviews it for financial appropriations and the County Manager who is authorized to sign it. He explained that it does take a lot of time to prepare even the simple form as presented tonight. He assured that if the Board wants to review the raw contracts as they are received into his office, he would be glad to do so.

The County Manager also reviewed the procedure followed. Mr. Crook interjected that each contract also goes to Risk Management for insurance requirement and all the Information Technology contracts for hardware or software go through the IT department to make sure they are compatible. He assured that each contract is vetted thoroughly by staff. The County Manager stated that if it is the Board's desire to receive the entire contract for review, it would be given to them.

Vice Chair Rogers responded that while she was on the school board, the board received each contract in full with the standard AIA for construction until such time as everyone asked that practice be discontinued. She said she agreed with Commissioner Kuehler that she does not like to sign her name to anything that she personally has not reviewed. She acknowledged that her practice creates more work for her but that is the way she prefers to do business.

Commissioner Baucom asked if a PDF could be given to the Commissioners.

The County Attorney stated that he wanted to be responsive to the needs but that he does not have the staff to scan all these into the system. He said the construction contracts are hundreds of pages and these would have to be disassembled and scanned.

The Vice Chair said that she was not interested in seeing the AIA contracts because the attorney did not make changes to those anyway.

Mr. Crook responded that he makes extensive changes to the AIA contracts sometimes pages of changes.

Mr. Greene also asked if the Board wants to see all the appendixes and plans specifications that go with these. He reported that Mrs. West has agreed to assist with the reproduction of these contracts.

Mr. Nelson said that he wanted to clarify the County Manager's approval and the broad delegation. He reminded that the Board is approving for the County Manager to authorize these contracts but the dollar amounts are specific limitations and will not be increased without coming back to the Board. He assured that the information provided in the control sheet is the limitation.

Vice Chair Rogers said that she thought once the Board receives the list from the County Attorney that the issue will take care of itself, but she cannot help but to keep the EMS contract in our mind.

Commissioner Kuehler asked that the staff continue to work on a solution to satisfy her need to review the contract.

Commissioners Mills and Baucom assured that they did not need to see the contracts and Chairman Openshaw said that if he needed to see one that he would obtain it from the two who will receive the contracts.

The Finance Director pointed out that now included on the list are items that require purchase orders in lieu of contracts and the purchase order will not provide much information.

Mr. Crook asked if Commissioner Kuehler and Vice Chair Rogers are to receive full contracts would it still be necessary for him to provide the contract listing as discussed at the last meeting since preparing that document will be time intensive on the part of his staff.

The Vice Chair stated that her ultimate goal is to get the list of the contracts that are renewable so the Board can have an idea and give staff an idea as to what the Board wants to see in more detail. She said that reviewing the contracts would not eliminate the need for the listing that has been previously requested.

Mr. Greene said that in all due respect it is very important for the Commissioners to understand the volume of work in the Staff Attorney's office, Finance Department, County Manager's office and in the Clerk's office. He explained that it is critical that the staff focus on the work that is most important to the County because there is a limit as to what the staff can accomplish; it is a very real limit and the staff is at that limit. He agreed that if this is how the Board wants the staff to spend its time that is exactly how the staff

will spend its time, but noted there are lots of projects that the County needs to have done or that are being delayed way too long, but acknowledged it is the Board's choice on how the staff spends its time.

Vice Chair Rogers said that personally she believes that spending time looking at the contracts that the Board is committing the taxpayers to is a very high priority. She assured that she thought the Board should continue in the direction that it has requested and, if necessary, it can back off once the information is obtained. She stressed that she is not going to put her name to something that she is not comfortable with or that she does not have information on.

Commissioner Kuehler said she thought it was something that she thought should be continued and she was not asking for resolution of it tonight but wanted to make sure that her concerns are expressed. She said at this point there are all these contracts that she had pulled off and that these can be approved.

Commissioner Kuehler moved that the renewable contracts as moved to the regular agenda be approved with the exception of the contract with Thomas A. Ebert. The motion passed unanimously.

- a.) South Piedmont Community College – Renewal of agreement to provide educational service to Work First participants (job search skills, academic skills testing and evaluation) in an amount of \$58,800
- b.) Employment Security Commission – Renewal of agreement to provide employment services for Work First participants (job development, search and placement) in an amount not to exceed \$47,743
- c.) Software House International – Renewal of agreement to provide anti-virus software in an amount of \$24,841
- d.) Davenport Group – Renewal of annual hardware and software maintenance and support agreement for the primary and replication compellent SAN units (storage area network units, disk space storage for the servers) in the amount of \$20,577
- e.) CD Government, Inc. – Renewal of annual maintenance and support agreement for the operating software that most of the County's windows servers utilize in the amount of \$20,000

Since the Commissioners agreed that the County Attorney would not be needed for the remaining items, Mr. Merritt was excused.

**ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:**

The Chairman announced the vacancies on the following boards:

- a. Adult Care Home Advisory Committee (3 vacancies)



- b. Nursing Home Advisory Committee (2 vacancies)
- c. Region F Aging Advisory Committee (3 regular member vacancies and one alternate member vacancy)
- d. Centralina Workforce Development Board (1 vacancy from private sector)
- e. Juvenile Crime Prevention Council:
  - 1. School Superintendent or designee
  - 2. Chief Court Counselor or designee
  - 3. Director DSS or designee
  - 4. County Manager or designee
  - 5. Member of faith community
  - 6. Chief District Court Judge or designee
  - 7. Local Health Director or designee
  - 8. Representatives of Parks and Recreation
  - 9. County Commissioner appointees (5)
  - 10. Substance Abuse Professional
- f. Parks and Recreation Advisory Committee (1 vacancy for unexpired term ending February 2010)

**APPOINTMENTS TO BOARDS AND COMMITTEES:**

Agricultural Advisory Committee: The Chairman stated that there are three vacancies and three applicants and asked for a motion. Motion was made by Commissioner Baucom that Steve Haigler, Gerald Mangum and James H. Howie be reappointed. The motion passed unanimously.

Jury Commission: The Chairman stated there is one vacancy and explained there were several applications received. Motion was made by the Chairman that George Hendry be reappointed for a one-year term. The motion was passed unanimously.

South Piedmont Community College Board of Trustees: Chairman Openshaw announced that there is one vacancy on the South Piedmont Community College Board of Trustees. He noted that there is only one vacancy and five persons have submitted an application to serve.

The Chairman nominated Richard Stone. With there being no other nominations, the Chairman called for a vote to appoint Richard Stone. The vote passed unanimously.

**COUNTY MANAGER'S COMMENTS:**

The County Manager distributed copies of HB565 which is an act to be entitled “An Act to Allow Union County to Adjust its Fire Protection Fees”. He said this has been passed in the House and is now in the Senate Finance Committee. Mr. Greene explained the effect of the Bill will be to allow the County to double the existing fire fees by more than twice for one year for each class of property and then the fire fees are no longer allowed to be used in future years. He said he, the Staff Attorney, and Finance Director have reviewed this and it is their interpretation that it would imply that it would have to be included in the original budget ordinance or it could not be permitted. He said it may also mean that if the Act is not ratified and signed by the Governor, he did not believe it could be included in the Budget Ordinance. Mr. Greene said the amendment will repeal the Union County Fire Fees entirely in one year. He reiterated that the Act means that the County could double the fees for one year but after that the fees are gone entirely. He said if this Act passes, the County would have to work rapidly to have an alternate financing method put in place in the districts that currently use the fire fees. Mr. Greene said that could be a challenge for the County. He said Mr. Delk had expressed the concerns to the Legislative Delegation before he left and he had followed up with one or two since that time, and it does not seem that the legislators are inclined to amend the proposal any further.

Vice Chair Rogers asked what were the funding options other than tax.

Mr. Crook said that of the fire tax alternatives available—one requires a petition and referendum and the other is a fire service tax district which the Board can establish through a resolution after making various studies and reports. Mr. Crook reiterated that it is a complex issue.

The Chairman asked if there is an alternative other than a tax.

Mr. Crook said several years ago he was asked to prepare a matrix of this issue and it is actually a large document with lots of cells showing the options. He said he would be glad to provide it to the Board. M. Crook said that although it is a little dated, it probably would be helpful to see the complexities of the issues. He explained that Union County was the first to establish the fire fees by special legislation and then there are the two State taxes that allow counties to raise revenue.

Commissioner Mills briefly pointed out the difficulties of the first option which is a petition and referendum.

Chairman Openshaw asked if he is correct that a fire fee has less of an impact on a farm than does a fire tax.

The staff agreed stating that a fee on open farm land is two cents per acre. In response to another question, Mr. Crook said that he believed the farm fee applies one rate to a house and five acres and all remaining property is considered open land.

Chairman Openshaw asked if the County Manager is only making the Board aware of the status of the Act or is he trying to get the Commissioners to contemplate this action and get them to intervene with some legislators.

Mr. Greene said it would be outstanding if the Board would intervene and take action. He explained that from his perspective the County would be better off without the amendment than with the amendment even with no increase.

Chairman Openshaw suggested that this item be scheduled for discussion on Thursday.

Commissioner Mills said he did not think the Bill could be adopted and signed into law by July 1 and asked, if not, when the legislature would take effect.

Mr. Crook said that is a good question and he thought there is a way for the County to make the argument that it would benefit from increasing the cap for one year if it is approved subsequent to the budget. He said the Finance Director's suggestion is to put it in the budget contingent upon approval.

Commissioner Mills restated his question of if the Bill is not signed into law to become effective and applied to the 2009-2010 year, can the Board let it go forward a year and have two years to solve the problem.

The Staff Attorney stated that the way that proposed legislation is written if it is signed by the Governor after July 1 and the County does not raise fees, the fees would still go away in a year. He said that as special legislation, the Governor does not have to sign the Bill and there is a definite sunset provision of 2010; it is not open to debate.

Chairman Openshaw asked if the County knows where the Bill is at this time in the Senate.

The County Manager stated that he would check tomorrow but the last time he looked it was in Senate Finance. He said he had not thought he was in a position to urge the Senate to not adopt it but if the Board makes that decision, the County would be in position to oppose the passage of the legislation.

Chairman Openshaw asked that this item be discussed Thursday morning.

The County Manager announced that there is a conference telephone call scheduled Friday among Mr. Crook, Mr. Merritt, Mr. Nelson and himself with Richard Bayman of Shattuck Hammond and John Crill to discuss the hospital.

## **COMMISSIONERS' COMMENTS:**

The Vice Chairman had no comments.

Commissioner Baucom thanked the County Manager for the work that he does and recognized his one-year anniversary with the County.

He also commended Dr. Bill Stegall who is retiring from the school system with 45 years of service in Union County. He announced that Dr. Stegall is going to go forward into retirement by doing some work for Wingate University.

Commissioner Kuehler stated there is an issue that she wanted to address. She said she had thought it was resolved but it keeps coming up and she wanted to set the record straight. Commissioner Kuehler said that in 2007 her youngest son had a seizure and 911 was called and subsequently waited over 13 minutes for help to arrive during which time her son stopped breathing. After the situation took place, she said she questioned what had gone on that day and made some inquiries and at that point learned that a first responder trained in medical procedures should have responded to the call and no one did. She said the absence of that first responder made it impossible for her son to leave the driveway so her son sat in the ambulance and could not be taken to the hospital. She said as any mother would she asked some tough questions and held these organizations to task and would do so again. As a result, EMS protocols were modified because there were some issues raised from this call, some 911 procedures were changed, and the fire department implemented a new on-call policy. All of these positive changes happened from a tragic situation. She said in 2008, her son had a second seizure. She said she again called 911 and a first responder was at her house very quickly and it made all the difference in the world in the situation. Commissioner Kuehler said that once her son was taken to the hospital that she personally called the fire chief of that department and told him that she wanted to give recognition for a task well done and the difference that those changes in protocol made in the second occurrence. She said that episode was over for her and has been over for her and it is not a continuing issue. Commissioner Kuehler said that she understood the importance of their work probably more than anybody in the room and assured that nothing she does with the fire departments has anything to do with any personal issues that she may have had in the past and assured that she had no personal issues now. However, she said that as a Commissioner it is her responsibility to be a good steward of taxpayers' dollars and when she talks about the finances and about the things that need to go on is the responsibility that she keeps in mind. She reiterated that there are no vendettas and there is no revenge; it's over and she would like to move on.

Commissioner Mills congratulated Ken Templeton for the wonderful job that he has done at Union Academy. He said Mr. Templeton is leaving to take a position in a new school in Costa Rica.

Secondly, he addressed a couple of e-mails that he received and letters to the editors. He said that for the last few years that he and Commissioner Baucom have received all the blame for the growth, bonds, and all the money that has been spent. He said he had talked with some people who had written some letters and he has received some apologies. He said there was another letter over the weekend and stated for the record that in 2005 there were 2,054 single family lots approved. Commissioner Mills reported that he was not on the Board then as he was elected in November 2006 and came on the Board in December 2006. He said that in 2006 there were no lots approved and in 2007 there were 207 lots approved while in 2008 there have been 285 lots approved. Commissioner Mills said that from January to May of 2009 there have been zero lots approved. He reminded that he, Commissioner Openshaw, and Commissioner Baucom were elected in 2006. Commissioner Mills said that for him and Commissioner Baucom to be responsible for the out-of-control growth is a gross injustice.

Commissioner Mills also pointed out the Town of Waxhaw, Marvin, and Weddington approve the homes not the County. He said the issue of bonds has been brought forward accusing him and Commissioner Baucom of being responsible for the bonds. He said the bonds that Union County has total \$581 million. He explained that in 1998 a bond referendum was passed, one was passed in 2000, one in 2002, one in May 2004 and one in November 2004 and in 2006. He reiterated that he and Commissioner Baucom were elected and took office in December 2006 so, again, that information is contrary to the information being disseminated. He pointed out that the previous board with Commissioners Stone and Sexton approved 504 sewer permits; more than Commissioner Baucom, Commissioner Openshaw and he had approved in the time they have served. He noted that was the Board that claimed to be a no-growth board. He stressed that he did not mind being held responsible for the mistakes that he has made but he did not want to be falsely accused.

Chairman Openshaw stated the night that he credited Commissioners Stone, Sexton and possibly Lane for approving those permits that it was actually Commissioner Pressley who made the motion to approve. He said some might say there is more to the story than that which has been told and that is no direct reflection on Commissioners Pressley, Sexton, and Stone.

Commissioner Mills agreed that the vote had been five to zero.

Chairman Openshaw noted the passing of Mrs. Honey Allen who was very active in National Night Out and community watch programs in the Winchester area. He said he thought it was important to note that last year the Monroe Police Department asked her to pose for the cover of their annual bulletin.

He reported there were two girls who had received the Girl Stouts Gold Stars and Mr. Mills has suggested that these girls, Holly Gosnell and Rebecca McCall, be invited to appear before the Board for recognition.

Commissioner Openshaw commented on the outstanding athletic performance throughout the County this spring. He noted that the Marvin Ridge Track Team is a state champion; John Bention, State Wrestling Champion, has just finished fourth in a national wrestling tournament; and a freshman girl at Monroe High School who won the 300 meter State Championship is also second in her class in academics. He stressed the list goes on. He said if the students are out there participating in sports that he is proud of them as he thinks many times sports are as important as what goes on in the classrooms.

At 12:21 a.m., motion was made by Commissioner Baucom that the meeting be adjourned. The motion passed unanimously.