

Approved 8/11/2009

July 20, 2009

Minutes of the Regular Meeting of  
the Union County Board of Commissioners

The Union County Board of Commissioners met in a regular meeting on Monday, July 20, 2009, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

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

ABSENT: None

ALSO PRESENT: Al Greene, County Manager, Matthew Delk, Assistant County Manager, Lynn G. West, Clerk to the Board of Commissioners, Jeff Crook, Senior Staff Attorney, Keith Merritt, County Attorney, H. Ligon Bundy, Attorney at Law, members of the press, and interested citizens

**OPENING OF THE MEETING:**

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

***a. Invocation***

Commissioner Mills introduced Terry Cousin, who played NFL football for 12 years. He stated that Mr. Cousin is a resident of Union County and was named The Leukemia & Lymphoma Society's 2009 Charlotte Man of the Year.

Following his introduction, Mr. Cousin presented the invocation.

***b. Pledge of Allegiance***

Members of the Indian Trail Allstars (Ages ten and under) led the body in reciting the Pledge of Allegiance to the United States flag.

***c. Special Recognitions***

***1. Members of Indian Trail Allstars***

Chairman Openshaw shared that the team had played in Challenge Tournaments in Steele Creek and Olde Providence and had advanced to the State Championship in Weaverville. He said that they were one of three teams advancing to the State Championship Tournament.

He presented Certificates of Recognition to the following team members: Roger McCarver, Justin Rhoads, Jordan Hunter, Daniel Quintero, Austin Baker, Brady Chaffin, Hunter Yates, Nick Mitrano, and Noah Marlowe. The following members of the team were not present: Cody Meiss, Alex Thomas, and Zack Wiskow. Certificates were also presented to the following coaches: Jason Wiskow, Assistant Coach, Bob Meiss, Assistant Coach, Kent Rhoads, Assistant Coach, and Jim Chaffin, Coach.

Mr. Chaffin recognized former Commissioner Hughie Sexton to share some highlights of the team's season. Mr. Sexton recognized the efforts of the coaches in working with the team. He reiterated that the Indian Trail Allstars was the only team from Union County to advance to the State Championship.

Mr. Sexton also recognized the efforts of the three team members not present tonight: Cody Meiss, Alex Thomas (Mr. Sexton's grandson), and Zack Wislow.

***2. Hannah Eccleston, Contributor to Fire Marshal's Office***

Chairman Openshaw stated that Hannah is eight years old and attends Sun Valley Elementary School. He shared that Hannah made a monetary contribution to the County to help the community. He stated that the money donated by Hannah would be used to provide smoke detectors for residents who cannot afford to buy their own. He thanked Hannah for her contribution and presented her with a Certificate of Recognition for her efforts.

3. *Terry Cousin, The Leukemia & Lymphoma Society's 2009 Charlotte Man of the Year*

The Chairman stated that Mr. Cousin was chosen as the 2009 Man of the Year by the Charlotte Leukemia & Lymphoma Society. He asked Mr. Cousin to share comments about his award.

Mr. Cousin stated that he has served with many charitable organizations including Big Brothers, Big Sisters, Ronald McDonald House, and Habitat for Humanity. He said that during the last couple of years, he has worked with The Leukemia & Lymphoma Society. He stated that he had ten weeks to raise as much money as possible and described the various events by which he was able to raise \$38,000. He said that he thought it was not only important for him to be a great football player but also to serve his community.

Chairman Openshaw pointed out that Mr. Cousin was the first professional athlete to be selected for this honor.

4. *List of Active Military Reservists Employed by Union County*

The Chairman recognized the following active military reservists employed by Union County: Sergeant First Class Duane Fitchett, Army National Guard; Gunnery Sergeant Shilo Garner, Marine Reserves; Sergeant Wayne Gagnon, Army National Guard; Senior Master Sergeant Ronnie Honeycutt, North Carolina Air National Guard; Staff Sergeant Christopher Gloyd, Army National Guard; Staff Sergeant Dorothy Sherrin, Army Reserves; Specialist Eugene Jones, Army National Guard; Captain Jeffrey Gianelli, Army Reserves; Captain Matthew Delk, Army National Guard; and Specialist Zebulon Mullis, Army Reserves. He stated that something everyone tends to forget these days is that the military is 100 percent volunteer and said that this list of reservists is quite a testament to their patriotism.

**PUBLIC HEARING – RURAL OPERATING ASSISTANCE PROGRAM (ROAP) APPLICATION IN THE AMOUNT OF \$376,700 (\$209,213 Formula Funds and \$167,487 Supplemental Funds):**

At approximately 7:20 p.m., Chairman Openshaw opened the public hearing in this matter. He announced that no one registered to address the Board during the public hearing. The Chairman asked if there was anyone in the audience who wished to comment at this time. With there being no one wishing to address the Board regarding the application, the Chairman closed the public hearing.

**PUBLIC HEARING – RECOMMENDED AMENDED AND RESTATED POLICY FOR ALLOCATING WATER TREATMENT CAPACITY:**

At approximately 7:20 p.m., the Chairman opened the public hearing to receive comments regarding the recommended Amended and Restated Policy for Allocating Water Treatment Capacity. The first speaker recognized to comment was Dudley Wass.

Dudley Wass, 9001 Yellow Pine Court, Waxhaw, North Carolina, stated that he was not really against the recommended Amended and Restated Policy, but he was for changing it. He said that the policy correctly states that “short-term available capacity for new customers is a function of restrictions imposed on current customers.” He stated that without restricting current customers, there is no water capacity to allocate which he said is a result of previous Public Works’ poor management, lack of oversight by previous boards, and irresponsible and negligent behavior by both. He noted that the baseline for outdoor irrigation as stated in the proposed policy is one day per week and 2.4 million gallons average per day demand to be available for new customers. He said that the baseline for outdoor irrigation should be two days per week with the rationale being it is today’s practice. He read from Section 2.18 of the recommended Amended and Restated Policy.

Mr. Wass said that if the baseline for outdoor irrigation were two days per week and demand exceeded supply, the first step would be restricting outdoor irrigation to one day per week and finally going to zero days per week as a second step. He explained that two days per week outdoor irrigation provides more flexibility and builds in some reserve capacity. He said that Section 2.18 of the draft policy states “It’s estimated that during periods of peak demand approximately 2.4 million gallons per day is available.” He stressed that exactness was needed and not estimates and approximations. He said that the details of Public Works’ calculation of this figure should be made public, and those details should be reviewed by the Board. He reiterated that available capacity should be determined using a two-day per week irrigation baseline instead of a one-day per week baseline.

Mr. Wass stated that the residential 250 gallons per day flow used in the allocation calculations is questionable. He said that this figure would seem to allow for no irrigation, and the figure used should be the actual marginal usage rate. He explained that the actual marginal usage rate should be what residents being connected today actually use instead of a historical county average. He said that according to Section 6.0, there looks to be zero reserve capacity for contingency and questioned whether this was good management. He stated that the policy’s purpose states the desire to promote non-residential development projects. He said that prioritize is much better to say than promote. Mr. Wass stated that he believes every Union County resident added to the water system places additional tax burden on existing taxpayers, because the incremental tax generated is insufficient to pay for schools. He said

that until the Board takes action so that growth pays for itself via the Adequate Public Facilities Ordinance and other fees, added residences should be discouraged and receive the lowest water priority.

He stated that the present practice of burdening existing taxpayers with the cost of growth is unfair to the people and should be changed. In closing, he asked when the Board would approve a long-term water plan. He asked that the Board make certain when it does approve a long-term water plan that the cost of increasing supply does not also fall upon existing customers and taxpayers—make growth pay its own way.

Werner Thomisser, 2008 Kings Manor Drive, Weddington, North Carolina, stated that he could not say he is against the recommended policy but wanted to offer some points for the Board to consider. First, he said that there is a lot of confusion about the water policy. He stated that he could drive through his neighborhood and stop and ask people, and they have no idea when they can water and when they cannot, because the policy has been changed so many times. He said that even he has to read his information to make sure he is watering on the correct day. Also, he said there is confusion about when residents can wash their cars, because the policy has been changed.

Mr. Thomisser said that he thought the people needed to be educated on exactly how much to water. He stated that he would like to see a policy that had the ability for residents to water twice per week as opposed to once a week, because when watering once a week, some of the water will evaporate and will not soak into the soil. He shared that he had lunch today with a gentleman who has just purchased a new home and has \$45,000 invested in landscaping, plants, and lawn. He said that he supports sensible, controlled growth, but if the residents cannot water twice per week, how can they sell houses that are already built or resale houses. Mr. Thomisser stated that all of the real estate companies have a huge inventory. He said if people know they cannot water their lawns, what is the motivation for them to buy a house in Union County.

Doug Suddreth, 1414 Highway 268, Lenoir, North Carolina, stated that he is not a resident of Union County. He said that Union County is experiencing great growth and is one of the ten fastest growing counties in the country. He stated that, obviously, some of the reasons people come to Union County are low taxes, great schools, great climate, and he has found that it has good people. He said that the problem is that it stresses the County's ability to provide water and sewer, and there are a large number of permits that have been out there a long time and are unused. He stated that those unused permits do not create taxes or jobs. He stressed that he thought it important to create jobs and tax base in order to keep taxes low and provide a high quality of education.

Mr. Suddreth said it is important not to confuse residential growth with economic growth. He stated that there are a number of projects that will have both residential growth and economic growth, one of which is White Oak of Waxhaw. He said that this project still does not have water. He explained the current status of the project. He said that by mid August, the project will be fully under roof and will be ready to open by early next year. He said that they have been able to secure temporary financing for the projects so the project has not had to be shut down, but he emphasized that if the project does not have water by the end of September, it will be in trouble. He stated that not only would the project not have financing, but also the sprinkler system cannot be tested if there is no water. He complimented the Board on its recognition of the problem and its ability to think outside the box in trying to come up with plans that would allow the tax base to grow and create jobs without compromising its principles that have been established.

Adrian Coombes, 1925 Chickance Lane, Waxhaw, North Carolina, expressed his concerns that the recommended Amended and Restated Policy will actually be detrimental to his community. He said that the amended policy would allow water permits already assigned to developers in communities such as his to be reassigned to non-residential use if a developer does not meet what he sees to be somewhat unrealistic timetables for development in the current economic climate. He said that as many house values in the area have declined in value significantly over the past 18 months, there are empty lots and houses in his community that builders cannot sell.

Mr. Coombes said that by not enabling a developer to finish building in the half-finished communities, it can only further pressure down the price of the property. He stated that there is also another problem: the financial model for their homeowners association was built on over 500 homes, and currently there is just over 300 homes in that community. He said not only would he see his house value go down but also would see his community fees go up. He stressed that he is certainly not a fan of widespread development at any cost; however, he said that managing it through an allocation policy does not seem to make sense to him or to be the right approach, particularly as he understands it, since more effective county-wide short and long term water treatment and water supply measures were presented to the Board in a work session on July 14, 2009.

He asked that the Board grandfather permits for developers that have lots in half-finished communities. Secondly, he recommended that the Board think very hard about non-residential use. He said that he could not see that businesses would want to move to Union County if the consumer base on which they build their business model is capped. In closing, he stated that when entering Union County, there is a sign at the side of the road stating "Union County, a great place to live and work." He said that Union County would probably be a great place to work if the policy goes through and there will be plenty of new jobs and people can drive over the county line and take those jobs, but with the browning lawns and empty lots in the community, it might not be such a great place to live.

Mr. Coombes thanked the Board for allowing him to share his comments on the recommended policy. He respectfully requested that the Board reject adoption of the amended policy and seriously consider the work session's feedback on short and long-term water treatment.

David Miller, 10815 Sikes Place, Charlotte, North Carolina, stated that he is the managing partner for Raley Miller Properties, who currently owns several properties listed as Category A and Category B on the draft amended policy. He said that they have previously received either water and sewer permits and/or allocation letters for capacity on all of their projects based on the current policy guidelines. Mr. Miller stated that he is opposed to the draft amended policy for several reasons. First, he stated that the existing policy was adopted after substantial debate and public input only nine months ago, and nothing has changed during the last nine months with respect to capacity or demand. He said that, in fact, the County is better off because the need for drought related restrictions has ceased to exist.

Mr. Miller stated that the County's capacity needs are currently being met with the existing policy adopted last October. Secondly, he said adoption of the proposed policy will cause significant harm and damage to everyone listed in Category B. He stated that commitments have been made by the developers of these projects to lenders, tenants, purchasers and investors, and significant expenses have been incurred by the owners of these projects to comply with the guidelines specified in the current policy. He said that the County, in his opinion, has a moral and legal obligation to honor its previous commitments regarding water and sewer capacity allocations especially since large financial commitments have been made based upon the representations by the County.

Mr. Miller said that water allocations should go hand in hand with sewer allocations and without the water, there would be no need for the sewer. However, he stated that the County has demanded large capacity fees which have been paid and are non-refundable for the sewer allocations. He said that it seems illogical to demand the sewer fees and then deny the water allocations related to the projects and keep the forfeited fees. The fourth reason discussed by Mr. Miller was that the draft policy does not define first come, first serve. He said that all Category B projects by definition have allocations granted and have submitted applications and drawings to receive permits for both sewer and water. He stated that if the policy is adopted, then at least all of these projects should be on the list before new projects. Further, he said that the proposed policy does not address the real world situation regarding the timing of construction or financing of development projects. He stated that many, if not most projects, are phased over time, and the total allocations should be vested at the commencement of the construction for both Category A and Category B projects. He said that failure to do so would effectively eliminate all financial institutions from financing any new project in Union County and could possibly cause existing finances to become in default.

Mr. Miller stated that the proposed policy refers to something that instructs that the policy is to be retroactive until August of 2008. He said that this does not make sense to him, and if the policy is adopted, it should become effective from the adoption date going forward only. He stated that the proposed policy specifically instructs staff to only issue permits to Category A projects. He said if that is the case, then he would question the purpose of having the Category B list. He said that although it is good that the County is planning forward, it should not rehash previous decisions unless there are significant and adverse conditions which necessitate a change. He stated that at this time, it is not at all obvious. Mr. Miller further stated that the policy should only be changed in the future if it becomes apparent that actual capacity is not available, and, as of today, that is not the case.

Chairman Openshaw informed Mr. Miller that his time was up and requested that he finish his comments.

Mr. Miller said that he had noticed that the agenda contained an item for the Board to consider adoption of the proposed policy tonight, and he respectfully asked that the Board defer the vote until it has had an opportunity to review and evaluate the comments from this public hearing.

Marian Knight, 1000 Frances Knight Place, stated that he has lived in Union County for 34 years and in the Brandon Oaks community for 14 years. He said that during those 14 years, he has worked hard to assure that he has a good community. He stated that he retired last year and purchased a home which he hoped would be his retirement home. He said that in the area that he lives in he works very hard. He stated that there are children that walk up and down the sidewalks, and his neighbors can walk up and down the sidewalks and feel safe. Mr. Knight said that he could understand a decision to limit development, but he stated that it should not limit and cut off neighborhoods that have already been planned such as his neighborhood. He stated that there are 104 lots remaining in Brandon Oaks to complete that area. He said that he has served on Brandon Oaks' board for 13 years and has worked hard to assure that their homeowners' fees do not increase.

Mr. Knight said if the 104 lots are not allowed to be completed, they would have to determine what they can do to cover the fees of those 104 lots. He stated that Indian Trail was recently named as one of the top ten communities in the nation by a very prestigious magazine for family residents. He said that now these families were going to be told that the County does not want them any more. He stated that he understood the need to stop some of the County's growth, but it needs to be looked at as to what growth is going to be stopped and what growth needs to move forward.



Mr. Knight said that what disappoints him most is that he has a daughter who went to school and studied to be a teacher. He said she had job offers all over the State, but she chose to come back to Union County, and now she was going to be told she could not buy a home in Union County and raise her children. He said that he did not think that was fair.

Collin Brown, Attorney at Law, 347 North Tryon Street, Charlotte, North Carolina, stated that he is with the law firm of K & L Gates. He said that he was speaking tonight on behalf of several developers and property owners including Pace Dowd Properties. He said that he was here to express strong opposition to the current draft water allocation policy and specifically to Section 7.0 entitled “Expiration of Existing Water Permits.” Mr. Brown stated that according to the draft, Union County will not permit extensions of the water permits unless significant construction is underway on the projects. However, he said that due to the current economic conditions, it is virtually impossible to move forward with construction at this time. He said, therefore, according to the draft policy, the County will allow these permits to expire and will revoke the water that has been allocated to these projects, the properties will lose value, making the continued development very difficult.

He referred to Senate Bill 831, whose short title is “An Act to Extend Permits Regarding Land Development.” Mr. Brown stated that he mentioned the bill not to suggest that the County is bound by this law yet but to point out that the State Legislature recognizes that we are in a state of economic emergency that would be exacerbated if approvals like this are allowed to expire. He explained that the language of the bill indicates that its purpose is to prevent the wholesale abandonment of already approved projects and activities due to the present unfavorable economic conditions by tolling the term of these approvals for a finite period of time as the economy improves, thereby preventing a waste of public and private resources. He said that while the State Legislature recognizes the economic importance of approvals like these, it has taken unprecedented action to make sure that these approvals do not expire. He stated the policy before the Board tonight does exactly the opposite, as it essentially ensures that certain water permits will in fact expire.

Mr. Brown said that if the proposed policy is adopted and Union County refuses to request permit extensions for projects where significant construction is not underway, there will be broad and dramatic consequences throughout Union County. He stated that he assumed the Board realizes that the proposed policy may have some devastating impact on residential development and homebuilders holding these permits. He asked that before the Board takes action on the proposed policy, that it consider the impacts of the policy on the banking sector, commercial development, and on hundreds, if not thousands, of Union County property owners. He said that if these policy considerations are not enough to persuade the Board, it should know that the enforcement of the proposed policy may be considered a taking of property rights in North Carolina.

The Chairman informed Mr. Brown that his time for commenting was up and requested that he finish his comments. Mr. Brown stated that Union County has made assurances, and developers, lenders, and homeowners have relied on those assurances and made substantial investments on them. He asked that the Board consider this, and, if actions are taken to revoke the permits, that those affected will have to take actions as well.

Bill Delure, Trade Street, Charlotte, North Carolina, said that he is President of Crossland Land Development Division and President of the Fairhaven Homeowners Association in Stallings. He stated that he was present to speak against the proposed policy, not the intent of solving a water problem but the way in which it is being gone about. He said that he thought the unintended consequences of the policy will be devastating. He stated that a few of his facts were cited by Mr. Brown, the previous speaker.

Mr. Delure said that this policy would impact landowners, banks, investors, residents living in the neighborhoods as has been expressed by one of the residents of one of the local neighborhoods, and future residents. He stated that one of the parts of the policy says that if a building permit is pulled and is not built upon for awhile, it will lose its water permit. He said that is a Union County recorded plat with a lot that anyone can buy and can go to the County records and say that is a valid lot. He stated that the unsuspecting person would buy that lot with no knowledge that he or she cannot build a house. He questioned who would protect the citizens coming to Union County in the future.

He said the impact on the water problem in Union County seems to be an irrigation problem, at least that is today's problem, and it is clear in the proposed policy with the graphs if irrigation is once a day spread over seven days, it would be 13.9 million gallons per day, there is water capacity. Mr. Delure said there were a lot of good ideas that came from the work session, and Public Works is working on solutions that should happen within a year's time that will make the proposed policy unnecessary and make plenty of water available for today and future customers, both residential and commercial.

Mr. Delure said that as late as today in discussions with Public Works, it appears that the actual language in the policy does not represent the intent of the policy. He stated that there have been several people calling in and asking questions and receiving answers, but they say they cannot see the answer in writing. He asked that the Board: 1) take the policy back and make sure it is written to do what the Board wants and does not have language that contradicts the intended use; 2) consider the unattended consequences to the current and future residents and to the lenders; and 3) pursue all of the recommendations from the work group and from Union County Public Works. He asked that the Board help Public Works execute the solutions as soon as possible.

Zack Morgan, Attorney at Law, 201 North Tryon Street, Charlotte, North Carolina, stated that he is an attorney with the firm of McGuire Woods. He said that he was speaking on behalf of Branch Banking and Trust who is now the owner of several residential subdivisions in Union County. He stated that BB&T is asking that the Board considers the broad consequences of the Amended and Restated Water Policy. He said that as the Board considers the revisions to the current policy, BB&T requests that the Board adopts a policy that protects existing projects in Union County. He described that such a water policy would maintain consistency in the water permitting and certification process involved in developing previously approved residential subdivisions.

Mr. Morgan said that by maintaining a consistent water policy, the Board instills confidence in the development process in Union County, and confidence in the development process allows lenders and developers to complete their developments and leads to a confidence in the local housing market. He stated that confidence in the local housing market leads to an investment in Union County and spreads to confidence in the overall economic market and the overall economy for Union County. He stressed that consistency leads to confidence. He said that on the flip side, the effect of adopting the proposed water policy, which allows for the revocation of developer rights, is that it affects not only the developers and builders of the subdivisions but also affects the entire county.

Mr. Morgan stated that developers will not be able to complete nor will they be able to sell approved developments. He said this affects the school teacher who has just purchased his or her first house and is now sitting in a declining market watching his/her greatest asset depreciate and is sitting in an unfinished subdivision watching it remain uncompleted because there are no permits to complete it. He stated that it also affects the young entrepreneur who opened the business down the street and based his business plan on the number of new houses to be constructed in surrounding subdivisions. Further, he stated that it also affects the big box retailer who also relied on house counts to decide to locate in Union County to increase sales and, therefore, increase the County's sales tax revenues. He said it also affects small businesses who would help neighbors and all of the residents of these subdivisions and who would also help the developers. He stated that it also affects his client and the other community based lenders and investors who have loaned money based on the availability of water to their borrowers to finish their subdivisions. Mr. Morgan said BB&T in particular has a deep relationship with the entire community from the individual to every business that is related to the development of subdivisions in Union County.

He stated that if the proposed policy is adopted as is, it risks zombie developments that are dotting Union County's landscape, each with one or two sections that may be completed but none of which can be completed in full, because there are no permits to complete them. He asked that the Board adopts a policy that encourages the investors and developers to complete the projects that have already been approved for the protection of homeowners, businesses, municipalities, lenders, and for the County.

There was one additional person who had registered to speak during the public hearing, whose name the Chairman was unable to read. This individual was in the audience and responded that he had signed in error, and he did not wish to comment.

With there being no other persons wishing to address the Board during the public hearing, at approximately 7:50 p.m., the Chairman declared the public hearing closed.

**PUBLIC HEARING – UNION COUNTY’S PROPOSED SUBMITTAL OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE DIVISION OF COMMUNITY ASSISTANCE FOR INFRASTRUCTURE IMPROVEMENTS IN THE DODGE CITY COMMUNITY:**

At approximately 7:51 p.m., Chairman Openshaw opened the public hearing and recognized Bobbie Burns as the first speaker.

Ms. Burns stated that she lived at 8412 Noah Helms Road, Indian Trail, North Carolina. She said that this project has been in process for almost 20 years. She said that she had prepared a list of written questions that the residents would like to have answered. Ms. Burns said that the residents were in favor of any funds that can be made available to them, and they have complied with everything they have been asked to complete. She explained that the list of questions did not include questions of all of the residents of the Dodge City Community, because all of the residents were not able to attend a recent meeting held in the community. Further, she stated that there may be others present tonight who would like to interject their questions or statements apart from the list provided. She also stated that there are those who are not present tonight that do not reside in the community but are property owners and are very interested in the project. She said that she also has a letter of interest from one of the persons who resides out of town.

Ms. Burns provided the Board with a copy of the written questions and then read each of the questions into the record:

1. What is the approval of the Community Block Grant based upon?
2. What will the outcome of this public hearing determine?

3. The last time I communicated with Union County Public Works, CIP Construction Manager, Mr. O’Cain regarding the Dodge City Water Project, the engineering plans had been completed by the department and were currently with the N.C. Department of Health & Natural Resources in Raleigh for approval, can anyone say what has happened with this?
4. Does anyone have mapping that shows where the waterline is to end?
5. Can an individual have a waterline extended from Mill Grove Road water line to their residence?
6. Are there any stimulus funds allocated to Union County for waterline projects? If so, how much?
7. It was stated in an article in *The Enquirer Journal*, October 3, 2005 that funds from the Utility Fund and the General Fund would help provide water to households in the Dodge City Community, is this still a consideration?
8. What will now happen to the waterline agreements that were sent back from the residents?

Ms. Burns also provided a copy of a letter from Novelene Burns, who was unable to attend the public hearing which is also recorded below:

“July 17, 2009

Re: Dodge City Waterline Project

Dear Commissioner:

I am unable to attend the public hearing on July 20, 2009. I am a supporter of the Dodge City Waterline Project. This has been a long process. Every time I am asked to submit additional information, I make [sure] it is complete[d] before the deadline.

Whatever it takes to get this project completed, you have my support.

Thank you for your help, aid, and assistance.

Sincerely,

Novelene Burns”

Ms. Burns said that she hoped that after nearly 20 years, there could be some satisfaction to the community’s dilemma at some point. The Chairman responded that the Board does not normally respond to comments during public hearings, but for him personally, when he first started attending Board meetings five or six years ago, Dodge City residents were coming to the meetings asking for water.

Chairman Openshaw stated that Mr. Delk, Assistant Manager, has done a great job in bringing forth this project for a potential grant. He asked the County Manager for his recommendations on how to address Ms. Burns’ questions.

Mr. Greene noted that if the Board authorizes the submission of the grant application tonight, this would assist the residents of the Dodge City community. He said that under the self-help guidelines with county funding and the residents' funding with no grant money, the cost per resident based on the latest numbers might be over \$9,000 each. He stated that the goal is to have state funds pick up a very large portion of the costs to make this project feasible for the residents. He offered for the appropriate members of the County’s staff to meet with Ms. Burns and other residents of the Dodge City Community and answer their questions at their convenience.

The next speaker recognized by Chairman Openshaw was Sadie Autry, who resides at 2118 Cull Williams Lane, Indian Trail.

Ms. Autry said that she has been a resident of the Dodge City Community for 40 years. She stated that the residents did not know that the water in the community was bad before moving into the community. She said that some of the residents have died because of kidney problems and others have to be on dialysis. She stated that she too has kidney problems and could name several other residents who have these problems. Ms. Autry said that she was born and raised in Union County. She stated that she would like to know when and if the residents are going to receive help in getting water.

Ms. Autry said she and her daughters have worked very hard on this project, and they would greatly appreciate any help possible to solve the water problem in the community. She asked if there was anything they could do to help with getting water into the community.

With there being no other persons wishing to comment, at approximately 7:58 p.m., the Chairman declared the public hearing closed.

**INFORMAL COMMENTS:**

The Chairman announced that no one had registered to speak under the Informal Comments portion of the meeting.

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

Commissioner Kuehler requested deletion of Item 11 – Consideration of Adoption of Amended and Restated Policy for Allocating Water Treatment Capacity, Item 13 – Discussion of Belk Tonawanda Park Property and Item 17 – Pay and Classification Plan Revision in connection with the Fire Marshal’s Office, under the Regular Agenda and also to address the request by Mr. Merritt and Mr. Bundy with respect to Item 10 on the Regular Agenda—Agreements and Correspondence Regarding the Provision of Legal Services.

The County Manager stated that staff had no additions or deletions to the agenda. He said that there was a request from Mr. Merritt and Mr. Bundy to consider deletion of Item 10 on the agenda. Commissioner Kuehler responded that she had included this item in her request.

Chairman Openshaw stated that the request was for the Board to appoint liaison(s) to work with Mr. Merritt and Mr. Bundy. He questioned if this request should be considered at this time or wait until the Item is reached on the agenda. Jeff Crook, Senior Staff Attorney, suggested that the item remain on the agenda for the purpose of considering the appointment of liaison(s) to work with Mr. Merritt and Mr. Bundy and for that purpose alone and to defer consideration of the agreements if that were the Board’s desire.

Vice Chair Rogers suggested that Items 19 and 20 be moved up on the agenda since there were representatives present to address these items.

With there being no further additions or deletions to the agenda, Vice Chair Rogers moved to adopt the agenda as amended. The motion was passed unanimously.

Chairman Openshaw stated that Item 19 would be moved to Item 11 and 20 would be moved to Item 13.

**CONSENT AGENDA:**

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

**Contracts/Purchase Orders Over \$20,000 and Associated Budget Amendments:** Authorized Manager to approve the following contracts and approved Budget Amendment #2 associated with Item e – Union Smart Start (Social Services – In-Home Parenting Program: \$27,971):

- a. The Keefe Group (Union County Jail) for Inmate Commissary Services
- b. ClarkPowell (General Services) – Audio Visual Systems Service Contract which provides for unlimited on-site services for the Government Center, the Judicial Center and the Agricultural Services and Conference Center (Annual amount \$29,000 included in the FY2010 adopted budget).
- c. State of North Carolina Department of Environment and Natural Resources – This contract is for the Forestry Services – FY 2009-2010 Appropriation. The State pays 60 percent of the total costs of the program with the County paying the balance of 40 percent. For FY 2010 the total cost of the North Carolina Forest Service program in Union County is \$170,000 with the State paying \$102,000 (60 percent) and the County responsible for the balance of \$68,000 (40 percent). Funds are budgeted in FY 2010 for the annual contract.
- d. Cox & Company Contract (Department of Social Services) – This is an annual agreement that provides Social Services with software support, new releases, training and updates to state/federal mandated changes. Contract amount is \$21,240 and 100 percent County funding.
- e. Agreement with Union Smart Start (Social Services) for the In-Home Parenting Program in the amount of \$27,971 and Budget Amendment #2. This program will allow the Department of Social Services to partner with families in achieving economic well-being, safety and the permanence for Union County citizens.

BUDGET AMENDMENT									
BUDGET						REQUESTED BY			
							Dontae Latson		



FISCAL YEAR	FY2010			DATE	July 20, 2009		
<b><u>INCREASE</u></b>				<b><u>DECREASE</u></b>			
<u>Description</u>				<u>Description</u>			
Operating Expenses			27,971				
State Grant Revenues			27,971				
Explanation:	Appropriate State grant funding via Union Smart Start for one on one home visits to Work First clients						
DATE				APPROVED BY			
					Bd of Comm/County Manager Lynn West/Clerk to the Board		
FOR POSTING PURPOSES ONLY							
<b><u>DEBIT</u></b>				<b><u>CREDIT</u></b>			
<u>Code</u>	<u>Account</u>		<u>Amount</u>	<u>Code</u>	<u>Account</u>		
10553160-5260-1535	Printing-Office Supplies		918	10453160-4447-1535	State Grant-Smart Start		27,971
10553160-5311-1535	Travel		1,800				
10553160-5381-1535	Professional Svcs		25,223				
10553160-5491-1535	Dues-Memberships						



- g. Agreement with Union Smart Start (Health Department) for the Smart Start Smiles Program – This is a continuation grant to continue this program for dental health and medical intervention. Grant award is \$52,200 with a ten percent matching contribution (\$5,220) required, which is included in the FY 2010 budget.
- h. Agreement with Union Smart Start (Health Department) for the Smart Start Breastfeeding Program – This is a continuation grant for this program and funding is used for personnel and operating costs. Grant award is for \$38,392 with a ten percent matching contribution (\$3,839) required, which is included in the FY 2010 budget.

***Engagement of Attorney to Represent Intervenors in Supreme Court Litigation (SC vs. NC):*** Authorized County Manager to approve engagement agreement with attorney for oral argument regarding intervention in Supreme Court litigation in an amount not to exceed \$25,000.

***Rural Operating Assistance Program (ROAP) Application (Public Hearing Held at 7:00 p.m.):*** Adopted Community Transportation Program Certified Statement, as recorded below, and authorized County Manager to approve and submit application (Local share of \$32,232 to be provided in FY 2009/2010 Budget).

**CERTIFIED STATEMENT  
FY 2010**

**County of Union**

**RURAL OPERATING ASSISTANCE PROGRAM**

Whereas, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering all federal and/or state programs related to public transportation, and grants NCDOT authority to do all things required in applicable federal and/or state legislation to properly administer the public transportation programs within the State of North Carolina;

WHEREAS, G.S. 136-44.27 established the Elderly and Disabled Transportation Assistance Program;

WHEREAS, funds will be used for transportation related expenditures as specified in the FY2010 Rural Operating Assistance Program (ROAP) application;

WHEREAS, information regarding use of the funds will be provided at such time and in such a manner as NCDOT may require;

WHEREAS, it is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises, Minority Owned Business Enterprises and Women Owned Business Enterprises shall have the opportunity to participate in the performance of contracts financed in whole or part by Federal and State funds in order to create a level playing field, and the county shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract.

WHEREAS, ROAP funds will be used to provide eligible services during the period July 1, 2009 through June 30, 2010;

WHEREAS, any interest earned on ROAP funds will be expended for eligible program uses as specified in the ROAP application; and

WHEREAS, the County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.

This is to certify that the undersigned is duly elected, qualified and acting chairperson of the Board of County Commissioners of the County of Union, North Carolina, and that the following statements are true and accurate:

Check the box if the county's application includes a request for funding.

Elderly and Disabled Transportation Assistance Program

The funds received from G.S. 136-44.27 will be used to provide transportation services for the elderly and disabled allowing individuals to reside for a longer period in their homes, thereby enhancing their quality of life.

The funds will not be used to supplant or replace existing federal, state or local funds designated to provide elderly and disabled transportation services in the county.

Employment Transportation Assistance Program

1. The funds will be used to assist transitional Work First participants after eligibility for cash assistance has concluded, participants in local Workforce Development Programs, and/or the general public with employment-related transportation needs

2. The funds will be suballocated to the local Department of Social Services, Work Force Development Program or the community transportation system for employment transportation.
3. The funds will be transferred to the Elderly and Disabled Transportation Assistance Program or the Rural General Public Program after an assessment of employment transportation needs in the service area indicates that employment transportation needs are substantially being met. This assessment will occur prior to any transfer of funds and following submission of a statement to that effect from the County Manager to the Public Transportation Division.

Rural General Public Program

1. The funds will be limited to use by the community transportation system
2. The funds will not be used to provide human service agency trips.
3. The funds will be used to provide transportation to residents in the non-urbanized area of the county.

Supplemental Elderly and Disabled Transportation Assistance Program

1. The funds will be used according to the eligibility criteria and restrictions provided in the EDTAP Guidelines.
2. The funds will be used to initiate new or expanded services or continue a service that began operating after July 1, 2006 with Supplemental EDTAP funds as the funding source.

Supplemental Employment Transportation Assistance Program

1. The funds will be used according to the eligibility criteria and restrictions provided in the EMPL Guidelines.
2. The funds will be used to initiate new or expanded services or continue a service that began operating after July 1, 2006 with Supplemental EMPL funds as the funding source.

Supplemental Rural General Public Program

1. The funds will be used according to the eligibility criteria and restrictions provided in the RGP Guidelines.
2. The funds will be used to initiate new or expanded services or continue a service that began operating after July 1, 2006 with Supplemental RGP funds as the funding source.

WITNESS my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Attest:

\_\_\_\_\_  
Signature, Board of County  
Commissioners Chairperson

\_\_\_\_\_  
Signature, County Manager/Administrator

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

**Finance Department:** Approved Motor Vehicle Tax Refund Overpayments for June 2009 in the amount of \$2,370.14.

**Tax Administrator:** Approved write-off of Uncollectible Fire Fees Associated with the 1998 Tax Levy in the amount of \$3,697.13, in accordance with NCGS 105-378.

**Tax Administrator:** Write off of 2005 uncollectible Motor Vehicle Taxes in the amount of \$100,196.63, in accordance with NCGS 105-373(h) and 105-330.3(a)(1).

**Tax Administrator:** Approved First Motor Vehicle Billing in the grand total of \$1,180,994.66.

**Tax Administrator:** Approved Motor Vehicle Twelfth Release Register for the period of June 1, 2009 – June 30, 2009, in the net grand total of \$11,605.88.

**Tax Administrator:** Approved Motor Vehicle Twelfth Refund Register for the period of June 1, 2009 – June 30, 2009, in the net grand total of \$1,987.83.

**Tax Administrator:** Approved refunds for June 2009 in the grand total of \$151,192.11

REFUNDS JUNE 2009

Acct #	Name	Release	Totals
--------	------	---------	--------

		#	
<b>2008</b>			
061381	BRODT BRUCE A & WIFE	5541	123.82
64	LINDA S		
071140	WILSON WADE BERDETTE &	5563	566.32
42	JUDY		
020610	BURNETT SHIRLEY DIANE	5564	326.35
10	BRANNON		
500968	TRASH CONTROL INC	5565	1,421.25
31			
500911	FLIGHT INC	5574	1,727.77
18			
010600	MILLS LETHA B	5580	586.60
13			
500998	CIRRUS HOLDINGS LLC	5570	863.17
88			
501005	FLIGHT INC	5569	480.00
59			
093720	GOLDMINE GENERATON	5583	18,183.29
03C	LLC		
093720	GOLDMINE GENERATON	5584	10,146.84
03D	LLC		
093720	GOLDMINE GENERATON	5585	7,017.01
03E	LLC		
			-
<b>Totals - 2008</b>			<b>41,442.42</b>

<b>2007</b>			
500959	THOMAS BRIAN & LAEL	5550	286.36
70			
500968	TRASH CONTROL INC	5566	1,058.61
31			
093720	BAUCOM BEULAH R THE	5586	12,841.90
03 01	ESTATE OF		
093720	W & B ELLIS FAMILY LIMITED	5587	15,176.65
03 02	PARTNERSHIP		

093720	CHANEY S C HEIRS %	5588	10,896.19
03 03	MADGE C JARVIS SNYDER		-
<b>Totals - 2007</b>			<b>40,259.71</b>
<b>2006</b>			
500834	REDD KIMBERLY BELK	5553	170.21
02			
093720	BAUCOM BEULAH R THE	5589	11,498.29
03 01	ESTATE OF		
093720	W & B ELLIS FAMILY LIMITED	5590	13,588.77
03 02	PARTNERSHIP		
093720	CHANEY S C HEIRS %	5591	9,756.15
03 03	MADGE C JARVIS SNYDER		-
<b>Totals - 2006</b>			<b>35,013.42</b>
<b>2005</b>			
093720	BAUCOM BEULAH R THE	5592	11,377.29
03 01	ESTATE OF		
093720	W & B ELLIS FAMILY LIMITED	5593	13,445.78
03 02	PARTNERSHIP		
093720	CHANEY S C HEIRS %	5594	9,653.49
03 03	MADGE C JARVIS SNYDER		-
<b>Totals - 2005</b>			<b>34,476.56</b>
<b>GRAND TOTALS</b>			<b>151,192.11</b>

*Tax Administrator:* Approved releases for June 2009 in the grand total of \$19,430.89



RELEASES JUNE 2009

Acct #	Name	Release #	Totals
<b>2009</b>			
50100855	SWEENEY PATRICIA ANN	5578	122.05
			-
<b>Totals - 2009</b>			<b>122.05</b>

<b>2008</b>			
08231126	WESTERFIELD JOE & DAWN A	5538	154.81
50094541	HERRING & ASSOCIATES	5543	241.83
50090562	RODRIGUEZ CONCEPCION	5546	39.42
50098295	ESTELL NORMAN & CYNTHIA	5547	72.22
50094324	REITZ JAMES	5549	68.45
50095970	THOMAS BRIAN & LAEL	5551	259.29
50092508	F W HUNTLEY CONSTRUCTION CO	5552	717.68
50092485	F W HUNTLEY CONSTRUCTION CO	5555	2,156.91
50082265	TYSON ROBERT LAND & JANET	5567	5.32
50088343	PUEBLA FOOD CORP	5571	346.81
50097867	ELKS THOMAS JUSTIN	5575	67.96
50088586	AUSTIN BART RYAN	5577	40.42
50091911	PHASE ONE RECORDING STUDIO	5579	1,286.18
50091911	PHASE ONE RECORDING STUDIO	5579	2,249.45
07072004A	NIKSONS LLC	5581	5,541.78
09414036	GLENN STERLIN	5582	1,295.07
<b>Totals - 2008</b>			<b>14,543.60</b>

<b>2007</b>			
H8063003D	GREENE CHARLES CLAYTON & DORIS LEE	5537	68.63
08231126	WESTERFIELD JOE & DAWN A	5539	43.38

50094541	HERRING & ASSOCIATES	5544	224.88
50090464	FUNDERBURK BILLY G	5548	42.31
50092485	F W HUNTLEY CONSTRUCTION CO	5556	2,304.95
50092508	F W HUNTLEY CONSTRUCTION CO	5557	575.03
50082265	TYSON ROBERT LANE & JANET	5568	5.69
50088343	PUEBLA FOOD CORP	5572	322.51
50097867	ELKS THOMAS JUSTIN	5576	35.43
			-
<b>Totals - 2007</b>			<b>3,622.81</b>

<b>2006</b>			
08231126	WESTERFIELD JOE & DAWN A	5540	38.83
50094541	HERRING & ASSOCIATES	5545	175.10
50088343	PUEBLA FOOD CORP	5573	251.09
			-
<b>Totals - 2006</b>			<b>465.02</b>

<b>2005</b>			
50083402	REDD KIMBERLY BELK	5554	169.06
			-
<b>Totals - 2005</b>			<b>169.06</b>

<b>2004</b>			
50073940	GUNN MICHAEL LEE	5542	73.30
			-
<b>Totals - 2004</b>			<b>73.30</b>

<b>2003</b>			
50073940	GUNN MICHAEL LEE	5559	82.20
			-

<b>Totals - 2003</b>			<b>82.20</b>
<b>2002</b>			
50073940	GUNN MICHAEL LEE	5560	82.66
			-
<b>Totals - 2002</b>			<b>82.66</b>
<b>2001</b>			
50073940	GUNN MICHAEL LEE	5561	83.05
			-
<b>Totals - 2001</b>			<b>83.05</b>
<b>2000</b>			
50073940	GUNN MICHAEL LEE	5562	142.63
50073940	GUNN MICHAEL LEE	5562	44.51
			-
<b>Totals - 2000</b>			<b>187.14</b>
<b>GRAND TOTALS</b>			<b>19,430.89</b>

*Tax Administrator:* Approved Departmental Monthly Report for June 2009

*Amendment to Article VI, Section 1.4 of the Union County Personnel Resolution:* Adopted the following amendment to Section Article VI, Section 1.4 of the Union County Personnel Resolution:

**Article VI. TIME AWAY FROM WORK**  
 Revised December 15, 2008





		Total	14,237			Total	14,237
		Prepared By	awl				
		Posted By					
		Date				Number	5

**Refund of Excise Stamp to John C. Markey II, PLLC, in the Amount of \$970:** Approved refund of \$970 to John C. Markey, II, PLLC, for excise tax on deed that was recorded in Union County in error and should have been recorded in Mecklenburg County

**Home and Community Care Block Grant Funding Plan for FY 2009-2010:** Approved FY 2010 Home and Community Care Block Grant Funding Plan, in the amount of \$772,630; adopted Budget Amendment #1; and authorized the County Manager to approve contract with Centralina Council of Governments.

BUDGET AMENDMENT							
BUDGET	Centralina - HCCBG			REQUESTED BY	Gayla Woody		
FISCAL YEAR	FY2010			DATE	July 20, 2009		
<b><u>INCREASE</u></b>				<b><u>DECREASE</u></b>			
<u>Description</u>				<u>Description</u>			
Operating expense			97,383				
Federal Revenue							

		97,383			
Explanation:	Appropriate additional federal revenue from Centralina - HCCBG				
DATE			APPROVED BY		
				Bd of Comm/County Manager	
				Lynn West/Clerk to the Board	
FOR POSTING PURPOSES ONLY					
<b><u>DEBIT</u></b>			<b><u>CREDIT</u></b>		
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10553160-5381-1501	Professional Services	38,923	10453160-4339-1501	Federal Revenue	38,923
10558600-5699-1670	Pmts to Other Agencies	29,313	10458600-4339-1670	Federal Revenue	29,313
10558100-5126-1680	Salaries & Wages	14,657	10458100-4396-1680	Federal Revenue	14,657
10558700-5220-1681	Food & Provisions	24,100	10458700-4399-1681	Federal Revenue	24,100
10453160-4339-1503	Federal Revenue	9,610	10553160-5399-1503	Public Assistance	9,610





G.O. Bond Proceeds	488,494,102	3,836,033	492,330,135	Western Union ES A&R (115C-429b project allocation)	236,500	1,195,780	1,432,280
All Other Revenue	1,363,308	-	1,363,308	New Salem ES A&R (115C-429b project allocation)	337,047	2,640,253	2,977,300
				All Other School Projects	489,283,863	-	489,283,863
						-	-
	489,857,410	3,836,033	493,693,443		489,857,410	3,836,033	493,693,443
EXPLANATION:	Funding requests submitted by UCPS for Western Union and New Salem Elementary School Additions & Renovations pursuant to 115C-429b. At the completion of this capital project, any excess appropriation will be reallocated to an "unallocated bond savings account" and this Capital Project Ordinance will be closed.						
DATE:				APPROVED BY:			
					Bd of Comm/County Manager		
					Lynn West/Clerk to the Board		
FOR FINANCE POSTING PURPOSES ONLY							
<b>PROJECT SOURCES</b>				<b>PROJECT USES</b>			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project





FOR FINANCE POSTING PURPOSES ONLY							
PROJECT SOURCES				PROJECT USES			
Source	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
IFT From General Fund	-	1,115,895	1,115,895	Law Enforcement Capital	-		1,115,895
40443128-4010-PR045				40543130-5540-PR045 Patrol Vehicles		514,957	
				40543130-5550-PR045 Patrol Equipment		208,276	
				40543135-5540-PR045 Jail Vehicles		25,600	
				40543135-5550-PR045 Jail Equipment		9,500	
				40543138-5540-PR045 Animal Srv Vehicles		47,270	
				40543138-5550-PR045 Animal Srv Equipment		10,292	
				40543128-5550-PR045 Facility Equipment		52,800	
				40543128-5580-PR045 Facility Building M&R		247,200	
	-	1,115,895	1,115,895		-	1,115,895	-
Prepared By	aar						
Posted By							
Date						Number	CPO - 121

**Close-Out of Various Multi-Year Project Ordinance:** Adopted Multi-Year Project Closeout Ordinance #10

CAPITAL PROJECT CLOSEOUT							
BUDGET		General CPO Fund General Special Revenue Fund			REQUESTED BY		Kai Nelson
FISCAL YEAR		FY 2008-2009			DATE		July 20, 2009
PROJECT SOURCES				PROJECT USES			
Source	Project	Requested	Revised	Project	Project	Requested	Revised
Description and Code	To Date	Amendment	Project	Description and Code	To Date	Amendment	Project

MULTI-YEAR PROJECT CLOSEOUT #10							
BUDGET		General CPO Fund and General Special Revenue Fund			REQUESTED BY		Kai Nelson
FISCAL YEAR		FY2008-2009			DATE		July 20, 2009
<b>project title</b>							
		Project Sources			Project Uses		
GRANT - DOMESTIC VIOLENCE		192,000	(192,000)	0	192,000	(192,000)	0
HOMELAND SECURITY-FY04 US GRANT			(247,326)	0	247,326	(247,326)	0
JUDICIAL CENTER		15,126,496	(15,126,496)	0	15,126,496	(15,126,496)	0
SPCC - CLASSROOM AND LRC		2,299,264	(2,299,264)	0	2,299,264	(2,299,264)	0
AG CENTER		6,172,035	(6,172,035)	0	6,172,035	(6,172,035)	0
J.HELMs PARK PHASE 1 (FY05 PARTF)			(662,864)	0	662,864	(662,864)	0
ANIMAL SHELTER		1,742,794	(1,742,794)	0	1,742,794	(1,742,794)	0
CANE CREEK (FY05 PARTF)		782,872	(782,872)	0	782,872	(782,872)	0

J.HELMS PHASE 2 (FY05 FED)	509,283	(509,283)	0	509,283	(509,283)	0
SCHOOL CAPITAL - FY2005 ALLOCATION		(7,459,825)	0	7,459,825	(7,459,825)	0
CAPITAL RESERVE	3,948,000	(3,948,000)	0	3,948,000	(3,948,000)	0
SPCC MASTER PLANNING	47,385	(47,385)	0	47,385	(47,385)	0
SPCC MACHINE SHOP RENOVATION		(176,685)	0	176,685	(176,685)	0
SPCC-MOBILE UNITS	420,242	(420,242)	0	420,242	(420,242)	0
CLASSROOM ADDITIONS	49,971	(49,971)	0	49,971	(49,971)	0
SCHOOL CAPITAL-FAIRVIEW(FEB2000)		(26,107)	0	26,107	(26,107)	0
SCHOOL CAPITAL-W BICKETT(FEB2000)		(26,107)	0	26,107	(26,107)	0
SCHOOL CAPITAL OUTLAY - FY2007		(11,043,050)	0	11,043,050	(11,043,050)	0
	EXPLANATION :	Close out of various completed projects for which expenditures and revenues have been audited.				
	DATE:			APPROVED BY:		
				Bd of Comm/County Manager Lynn West/Clerk to the Board		
	Prepared By	aar				
	Posted By					
	Date				Number	CPC - 10

**Minutes:** Approved the minutes of the regular meetings of January 20, 2009, and April 6, 2009, and minutes of special meetings of June 23, 2009, and June 25, 2009.

**Easement for Poplin Road Elementary School:** Authorized the County Manager to approve an easement pending legal review that would allow the State to access (for potential maintenance purposes) the storm water detention pond associated with Poplin Elementary School. Union County is the property owner in this instance due to the fact that there is outstanding debt associated with

the school; however, granting the easement has no practical implications for the county. The establishment of the easement is the only issue preventing the issuance of a Certificate of Occupancy.

***Information Only/No Action Requested:*** The following reports were included in the agenda for July 20, 2009, with no action requested: 1) Union County Personnel Monthly Report for June 2009; 2) Department of Inspection Monthly Report for June 2009; 3) Report of water permits – denied extension requests: Bard Property; 4) Report of Water Permit Application Submission to NCDNR for Smith Farm Road Water Improvements; 5) Report of Sewer Capacity for three (3) lots on Highway 75, Waxhaw, NC, to Hahn Development Company (855 gallons); and 6) Contract Listings for: Central Administration, Communications, General Services, and Health Department.

**PUBLIC INFORMATION OFFICER'S COMMENTS:**

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

Mr. Vines commented regarding the following matters:

1. Modifications were made in late June to the Stage II Water Restrictions. He stated that if anyone wanted to view those changes, they can visit the County's Website by clicking on the Public Works Department section, click on water shortage information to view a press release which shows what watering activities are restricted and which are permitted. He also noted that citizens can view the irrigation schedule by subdivision on the website.
2. The Union County Master Gardeners are selling 60-gallon rain barrels for \$85 and 80-gallon rain barrels for \$100. These must be pre-ordered by August 10<sup>th</sup> and the pickup date for the rain barrels will be August 15, 2009, from 9:00 a.m. to 1:00 p.m. at the Ag Center. He stated that a 60-gallon barrel can save 600 gallons of water through a 20-week growing season.
3. As early as September, the drinking water supplied from the Catawba River Water Treatment Plant will be disinfected with chloramines instead of chlorine. He said that this was also changed a year ago at the Anson Plant. He stated that the change will lower the concentration of disinfection byproducts in the system. Mr. Vines noted that there are precautions that anyone on kidney dialysis or fish owners should take. He said that under the Public Works Department on the County's website, there is information about chloramines, along with a press release and some frequently asked questions with answers.

4. Mr. Vines said that the Jesse Helms Park Soccer Complex dedication will be held this Saturday, July 25, at 11:00 a.m. which is located at 1505 Summerlin Dairy Road. He stated that the soccer complex consists of six soccer fields, four individual picnic pads, a picnic shelter, walking trail, playground, workout station, concession stand and bathroom facility.
5. Also, he said that the annual surplus auction will take place on Saturday, July 25, 2009, at 10:00 a.m., 610 Patton Avenue in Monroe at 10:00 a.m. for vehicles only. He stated that the vehicles are listed on the County's website.
6. Mr. Vines updated the Board on the use of the Prescription Drug Discount Card. He stated that Union County began offering the card in September 2005. He said this year the card has been used 2,929 times to fill 5,202 prescriptions. He stated that those who have used the prescription drug cards in 2009 have saved a total to date of approximately \$100,000, with an average of \$14.46 for every prescription. He said that the cards are accepted at Wal-Mart, CVS, Rite-Aid, etc. He noted that the discount cards will cover only underinsured and non-insured items, and they are also accepted for pet medications. He said that in the five years that the card has been offered to Union County residents, there has been a savings of almost \$750,000.
7. Mr. Vines shared that for anyone wanting to know about meetings being held in County Government, they can visit the County's website under current meetings and events, and there is a listing of the meetings and events.
8. He stated that "Union County Spotlight" is one of the new County programs that will be airing on Channel 16. He said that the newest feature on this programming is the County Farmers' markets which shows the importance of the farmers markets and agriculture in Union County. He stated that the featured programs would change every two weeks. Mr. Vines said that he is currently working on two future programs: one on immunizations and one on chloramines which he stated would be aired in early September.

Chairman Openshaw asked what is the best means of getting information out to dialysis patients concerning chloramines. Mr. Vines responded that he thought this information was being given out at the present time through doctors' offices, hospital, etc.

Mr. Greene interjected that Phillip Tarte, the County's Health Director, is assisting the County in notifying dialysis patients; however, he thought it would be good to let people know that if they are on dialysis and receive County water from the Catawba Treatment Plant, they should call their physician and discuss it with their doctor. He stated that this information would be distributed to all medical facilities and all physicians who are involved in dialysis.

Mr. Vines stated that all of the County's water customers would be receiving information along with their water bills.



Chairman Openshaw said that he has also been informed that there are potential problems with chloramines with any yellow metal, copper, copper pipes, brass, etc. He stated that this was something of which the business community should be aware.

Vice Chair Rogers asked Mr. Vines if he has not already begun working with Sheriff Cathey that he do so to get a posting on the website to notify residents that the prescription card can be used to purchase pet medications. She said that the card would probably be helpful to the volunteers who are fostering animals for the shelter.

Commissioner Baucom asked if Ed Goscicki, Public Works Director, could address the Board regarding the point mentioned by the Chairman with chloramines and yellow metal, since there is a lot of copper piping in the County.

Mr. Goscicki said that he was not aware of this issue. The Chairman noted that it is occurring in Fort Bragg at the current time. Mr. Goscicki stated that he was aware of a number of issues in some of the communities around the country with regard to pitting of copper pipes; however, he said that he was not aware that these issues have been tied to chloramines as a cause. He said that there is some concern about iron content in the water as possibly contributing to the problems. He assured that he would research this issue tomorrow and see what he could find. The Chairman stated that this was an issue in Harnett County, and Commissioner Baucom stated that it would include Cumberland County as well if it were Fort Bragg.

**DISPOSITION OF REAL PROPERTY (Unused Well Lot Located in Waxhaw):**

Commissioner Mills moved to accept the bid of \$50,000 and authorized the County Manager to enter into a purchase agreement with the buyer.

Commissioner Kuehler stated that she had reviewed the appraisal that had been completed on behalf of the company that wanted to purchase the property. She said that she thought the potential purchaser was before the Town of Waxhaw tonight trying to get the parcels rezoned. She stated that the appraisal that the Board had been given that was parallel to the \$50,000 bid is based on residential zoning with one house per acre. She said that she thought the property could have two residences per acre. She stated that while there were no upset bids received, the County has not actively marketed the piece of property. Commissioner Kuehler said that she is not comfortable with the price at this time.

Chairman Openshaw said that he too had read the appraisal. He said that the bottom line is the potential zoning of the property, and it does have access to water and sewer unlike some of the comparable sites that do not have access to sewer. He stated that in his research, he has found that properties that have sold around this tract have sold for significantly higher prices per acre. He said that he would be opposing the motion.

Vice Chair Rogers questioned if this were the property that Commissioner Mills had asked to be recused from voting on at an earlier meeting. Commissioner Mills said that the matter had been cleared up since he had no financial interest in the property.

Mr. Crook explained that if a Board member has a pecuniary interest in an item, he or she can request to be recused by the Board, and the Board must vote on the request. He said that if this were the case tonight, the Board would have to vote again on the request, as he did not believe the Board's action regarding a recusal from an earlier meeting would carry over to tonight's action. After discussion on the recusal process, Commissioner Mills stated he would withdraw his motion but said he did not have any financial interest in the property. Chairman Openshaw said that he wanted to proceed in a legal fashion on the matter and asked for an opinion from the staff attorney on how to proceed.

Mr. Crook responded that if Commissioner Mills requests to be excused from the vote, then the Board would need to vote on that motion first. Commissioner Mills said that he had withdrawn his motion. The Chairman stated that Commissioner Mills claims to have no financial interest in the property, so he would be eligible to vote on the matter unless other Board members have an objection to his voting. Mr. Crook responded that there is no provision in the Board's rules for recusal or being excused from a vote by the Board absent a Commissioner requesting such a recusal.

Commissioner Kuehler requested to have further discussion about the property at a future meeting.

Chairman Openshaw moved that the Board graciously refuse to accept the offer of \$50,000 for the property. The motion was passed unanimously.

#### **AGREEMENTS AND CORRESPONDENCE REGARDING THE PROVISION OF LEGAL SERVICES:**

Chairman Openshaw stated that there had been a request for the Board to appoint and direct Board liaisons to work with Mr. Merritt and Mr. Bundy to discuss issues related to these agenda items.

The Chairman nominated Vice Chair Rogers and Commissioner Kuehler to discuss issues related to the agenda items with Mr. Merritt and Mr. Bundy. With there being no further nominations, the motion was passed unanimously.

**QUALIFIED SCHOOL CONSTRUCTION BONDS:**

The Chairman recognized Al Greene, County Manager, to explain this item. Mr. Greene stated that Don Hughes and Dr. Mike Webb were present from the schools. Mr. Greene explained that the Qualified School Construction Bonds are part of the American Recovery Reinvestment Act and are tax credit bonds for qualified school construction programs. He said that eligible expenditures are limited to school construction, rehabilitation or repairs of school facilities. He said that Union County has been allocated slightly over \$4 million in the initial round. He stated that the structure of the program permits the County to issue debt with no interest payments and allows purchasers of the debt to receive tax credits from the federal government as part of the federal stimulus program.

Mr. Greene said that the process before the Board is to approve applications for the funding. He stated that Union County Public Schools has recommended applications for nine projects, all of which are renovation and repair projects for existing schools. He said that the County does not have funding budgeted for additional debt service for school construction this year. He stated that approval and execution of the applications do not constitute an obligation on the part of the County to issue debt at this point in time. He said there are some questions and recommended that if the Board approves the application, that prior to any commitment to issue the bonds, that the Board review the County's current Capital Improvement Program to make sure that the additional costs can be included in the Capital Improvement Program and covered with sufficient revenue to satisfy the debt payments in the initial years in particular and identify how to pay the additional debt. He stated that staff has not modeled the costs of the projects and the resulting debt from those projects in the current and future years' budgets, and he recommended that this be done in the very near future.

Mr. Greene said that staff had only received this request a little over a week ago, and the Finance Department has been busy assisting with the agenda package and has also been working on the forward starting swap. He stated that staff recommends authorization to submit the applications and to revisit the financial model in the coming weeks so as not to delay the schools.

Following the explanation by the Manager, Vice Chair Rogers moved to authorize the Chairman and County Clerk to execute applications for authorization.

Vice Chair Rogers questioned if this action would meet the July 31<sup>st</sup> deadline for submitting the applications to the State Board of Education and Department of Public Instruction. Mr. Hughes responded that this action would meet the schools' deadline.

Commissioner Baucom questioned if there would be any costs incurred by the County in connection with the application process. Mr. Greene responded that there should not be any significant costs in the application process. He said that he did not think financial advisors would be needed to assist with the financial modeling and that the Finance Department would be taking care of the modeling. Commissioner Baucom further asked about the amount of time involved in the application process. Mr. Greene responded that there should not be significant time involved with the application process. He added that once there is a firm decision that the County should proceed with the issuance of the bonds, then at that time there would be some costs involved such as counsel's opinion, etc.

Commissioner Kuehler asked in the event there was a budget issue, is there an opinion as to what would happen if the Board authorized submission of the applications and did not issue the bonds. She questioned whether it would lessen the County's chances in future funding allocations. Mr. Hughes explained that the first step is to submit the applications, and then by mid August, the Department of Public Instruction will notify the schools whether the applications have been approved. He said then the County would start working with the modeling for the debt affordability, etc., and bonds would have to be issued prior to the end of the calendar year. He said there would be six months within the bond issue to contract ten percent of the amount. He stated that the County was not obligated in any way until going forward with the projects and bonds are issued. Mr. Hughes said any money incurred right now would be in connection with submitting the applications.

Vice Chair Rogers said that she had a meeting with the school board's liaison and she wanted to assure that Commissioner Kuehler's questions are being answered. She asked if the money is not expended this year, would it then go back to the other counties and Union County would lose out on those monies. Dr. Webb noted that Union County could not reapply again. Mr. Hughes added further to the explanation that if the bonds are not issued, then the funding is reallocated to the other counties.

Commissioner Kuehler questioned if the projects that have been identified as qualified projects are currently on a Capital Improvement Program and if there is funding for those projects allocated from any other source. Mr. Hughes responded that the projects are those that were started on the Monroe, Forest Hills, Piedmont and Parkwood blitz that had to be put on hold when the schools had to begin reverting money to the state. He said that the projects have been identified in the past and said these projects would be a start on the Comprehensive Facilities Program.

Commissioner Kuehler asked what happens with these projects if bids go out and the contracts come in under the allocation. She questioned whether those savings could be rolled into projects that have not been identified. Mr. Hughes responded that the schools were actually applying for more projects than for which they have money. He said that once they have bids, they have to reapply with real numbers. He further said they had underestimated the costs in order to get more projects approved, and they would start with the highest priorities and work through the list until all of the money is used.

Commissioner Baucom asked if the County applies this year and does not use the funds, could it not reapply for the funding next year. Mr. Hughes responded that this was correct. Commissioner Baucom then asked if the County does not apply this year, can it apply next year. The answer by Mr. Hughes was “no.” Mr. Hughes said all the schools could do is reapply to let the State know what the costs really are since these are just estimates. He stated that the reason they had identified nine projects is that they are assuming that the County will issue the bonds and that other counties are not going to take their money, and Union County will get more than originally thought.

Commissioner Baucom offered for clarification purposes for the public that it is not an issue of the application or an issue of utilizing the funds, but it boils down to an issue of cash flow. It was noted that the amortization schedule for the bonds is 12 years versus the normal 25 years.

Vice Chair Rogers stated that the Qualified School Construction Bonds are the only federal stimulus dollars that the schools will be getting in regard to capital. Mr. Hughes replied that the schools are working with the County on the Department of Energy grant. Vice Chair Rogers pointed out the construction bond dollars would be interest free.

Chairman Openshaw said that while he is glad to approve the motion to authorize the submission of the applications, he is concerned with the cash flow issue as was mentioned by Commissioner Baucom.

Following the discussion, the motion was passed unanimously.

At approximately 8:36 p.m., the Chairman called for a short recess.

The Chair reconvened the meeting at approximately 8:44 p.m.

**UNION COUNTY'S PROPOSED SUBMITTAL OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE DIVISION OF COMMUNITY ASSISTANCE FOR INFRASTRUCTURE IMPROVEMENTS IN THE DODGE CITY COMMUNITY:**

Al Greene, County Manager, stated that staff recommended that the Board authorizes submission of the grant application for Community Development Block Grant (CDBG) funds for the Dodge City project, if invited to apply. He said that the process that the Division of Community Assistance is using now so that people will not unnecessarily spend money to develop applications is that the Division of Community Assistance will review preliminary information and invite certain potential applicants to submit a full application.

Following the explanation, Commissioner Baucom moved to authorize the submission of a grant application for Community Development Block Grant (CDBG) funds for Dodge City projects, if invited to apply.

Vice Chair Rogers offered as a friendly amendment to the motion to direct the Manager to answer the Dodge City residents' questions as presented during the public hearing tonight. Commissioner Baucom agreed to accept the friendly amendment to direct "manager or designee" to answer the questions.

Chair Openshaw said that during one of the Board meetings he had attended some years ago, the residents of Dodge City put forth a litany of health problems. He added that hopefully this CDBG funding would work out, and this could be the Board that could finally make this project happen.

Following the discussion, the motion as amended was passed unanimously.

**DISTRICT ATTORNEY AND SAFER COMMUNITIES MINISTRY PROGRAM (FORMERLY COVENANT PRISON MINISTRIES) FY 2010 FUNDING:**

The Manager explained that the FY 2010 budget contained \$70,000 for the District Attorney that would allow him to continue the current employment of an Assistant District Attorney to improve the disposition of cases involving public safety and pre-trial position focusing on pre-trial solutions to keep the population at the County detention facility as low as possible. He stated that, in addition, the Board approved an appropriation of \$67,000 for Safer Communities Ministry (formerly Covenant Prison Ministries),

which is a reduction of ten percent of the FY 2009 budget of approximately \$75,000. He said that staff recommended during the budget reducing most outside agencies' appropriations by ten percent, and Safer Communities Ministry was one of those agencies.

Mr. Greene stated that at the last budget workshop the Board mentioned a desire to revisit the appropriations for these two agencies to see if an adjustment should be made. He explained that a concern with the District Attorney funding is to lower that \$70,000, since salary and fringe benefits are involved and the Office of the Administrative Court follows very similar procedures as the County does in terms of classifying employees and establishing salaries, they may have a difficult time reducing that amount logistically. He said that the staff recommends that the Board consider continuing to fund the District Attorney's position at \$70,000 and consider the Safer Communities Ministry somewhat separately. He noted that the budgeted amount for Safer Communities Ministry is approximately \$8,000 below the FY 2009 level. Mr. Greene said that Reverend Al Lewis attended the Board meeting on June 1 and suggested that he could possibly live with a \$3,000 reduction. He stated that staff recommended, if there is a concern with Safer Communities Ministry, that any reduction over \$3,000, the Board consider appropriating contingency funds to make up that difference.

Commissioner Mills stated that he had brought this matter up for discussion during budget. He said that two years ago, the Board discussed hiring the two Assistant District Attorneys for two years, and the two years are up. He said that he had spoken with Reverend Lewis about funding for his program, and he thought with the relationship that he has with the jail and the recidivism rate being as good as it is, he thought if the additional funding were moved to that program and Reverend Lewis allowed to hire an additional person, he could have a very good impact on keeping people from returning to the jail.

Vice Chair Rogers said she wanted to make sure she understood what Commissioner Mills was saying that the District Attorney was budgeted at \$70,000. Mr. Greene said that amount was good to fund the Assistant District Attorney position for the coming year. She asked if the only issue under consideration was raising the Safer Communities Ministry's funding from \$67,000 to \$75,000 or less. Mr. Greene said that staff was not fully aware of what Commissioner Mills wanted to consider. He stated that what he was hearing from Commissioner Mills was the desire to see the District Attorney's funding going to the Safer Communities Ministry Program.

Commissioner Mills stated that if the Board wishes to continue the District Attorney's funding, then normally it is a function of the State to hire the assistants. He said that the two years for funding those positions has run out. He stated that the program that Reverend Lewis runs is very admirable and very worthy. He said that he was looking to reallocate those funds to Safer Communities Ministry Program and allow him to hire an extra person.

Vice Chair Rogers questioned whether his proposal was taking away funding from the District Attorney's office. Commissioner Mills repeated that the funding for the two Assistant District Attorneys was for two years.

Following discussion, Commissioner Baucom moved to authorize the County Manager to approve Agreements with the Administrative Office of the Courts and Safer Communities Ministry (formerly Covenant Prison Ministries) in conformance with the appropriations contained in the FY 2010 budget.

Commissioner Baucom said that he appreciates Reverend Lewis and his program, but every outside organization that the County funds and others that are not funded can come before the Board and plead their cases for additional funding. He stated that it was his understanding with Reverend Lewis that he would like to have more money but could work within the confines of the reduced amount in the budget.

Chairman Openshaw commented that he was further confused and asked the Manager to explain about the \$3,000 in further reductions that he had mentioned. Mr. Greene stated that Mrs. West had listened to the tape of the June 1<sup>st</sup> meeting where Reverend Lewis appeared before the Board regarding the budget reduction and requested that some of that reduction be restored. He said at that time, Reverend Lewis had indicated that a \$3,000 reduction below the FY 2009 level could possibly be absorbed by his program.

Chairman Openshaw said that he looked at both of these requests as one and the same in that both go to public safety and both address the jail capacity problem. He said that is an economic impact to the County, and the Safer Communities Ministry Program dramatically reduces the number of inmates that return to the jail. He offered an amendment to the motion to accept the first part of Commissioner Baucom's motion to authorize the Manager to approve an Agreement with the Administrative Office of the Courts in conformance with the appropriation contained in the FY 2010 budget and authorize the Manager to approve an Agreement with Safer Communities Ministry (formerly Covenant Prison Ministries) increasing the amount appropriated in the FY 2010 budget to take it up to the \$3,000 reduction threshold (increases the appropriation from \$67,000 to \$72,000) with the additional \$5,000 to come from contingency.

Commissioner Baucom commented that the \$5,000 is not a large amount, and he has no argument with any of the comments. He said the only challenge he has is that the County is 20 days into its new budget. He stated that if this is an issue now, it should have been an issue at budget time.



Vice Chair Rogers said that the point was made that any agency can come before the Board and speak to the need for funding. She stated that she agreed with Commissioner Baucom that although the Safer Communities Ministry Program is doing a good job, so are a lot of other agencies, and she would not be in support of the motion.

Commissioner Kuehler said her fear is it would be setting a precedent. She stated that in the list of agencies that were funded in the budget, these two agencies received quite a bit, and to increase Safer Communities Ministry Program's budget even more, everyone else probably is not happy that they did not receive all the funding they wanted, and she would hate to start going down that road.

Vice Chair Rogers said using the philosophy that the Chairman had put forth, it could be argued that Smart Start or the schools gets those individuals before they get into the cycle of the District Attorney's program or Safer Communities Ministry Program. She stated that any agency could make a difference whether in the lives of young adults, a child, or an adult. She said that she would rather not get into picking and choosing the agencies.

Commissioner Mills said that he respected all of the comments and all the Board members are correct in their opinions. He reaffirmed that funding of the two Assistant District Attorneys was for two years. He said that with the proven track record of the Safer Communities Ministry Program, it saves the County a tremendous amount of money by not having the individuals returning to jail.

Chairman Openshaw said he agreed with Commissioner Mills. He said that with the Smart Start analogy, he watched a great program many years ago about the cost of dealing with these issues now versus later. He stated that dealing with the issues later there is a track record, and he would like to help keep these people out of jail. He stated that he was very sensitive to the point that Commissioner Baucom had brought up that the County is now into a new budget, and there are a number of requests for additional funding.

The Chairman called for a vote on the motion as amended. The amended motion failed by a vote of one to four. Chairman Openshaw voted in favor of the motion. Vice Chair Rogers, Commissioner Baucom, Commissioner Kuehler, and Commissioner Mills voted against the motion.

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

**NEW BUSINESS:**

**INCREASE FOR PHYSICIAN COVERAGE – HEALTH DEPARTMENT:**

Phillip Tarte, Health Director, thanked Mr. Vines for his assistance in helping the Health Department with airing information on some of the Health Department's programs that the public does not normally see.

Mr. Tarte stated that the medical director is currently working at 44 percent of a full-time position and is requesting to decrease his clinic time beginning this month from 44 percent per week to 20 percent per week, which is down to one day in Child Health. He said that this individual has served in this capacity since 2004 as the Child Health Pediatrician and Medical Director. Mr. Tarte said this person would remain active as the Health Department's medical director for a period of time and provide limited but available pediatric coverage through collaboration with the Child Health Advocacy Center at The Tree House and will continue to assist the Health Department with the medically fragile children. Additionally, he said in conversations with this physician, they are not quite sure how much longer the physician will stay in public health in general.

Mr. Tarte explained that there is another physician that has been working with the Health Department eight percent of the time for the past few months. He said that in talking with this physician, she has expressed some interest in increasing her time at the Health Department. He noted that she is a bilingual family physician, and currently the Health Department has no family physician with all of the physicians being specialists. He proposed that what they would like to do at the end of July is increase her time at the Health Department from eight percent to 80 percent (four days per week). He explained that with the increase in time of the bilingual family physician and the decrease in time of the medical director, this would allow five days per week of physician coverage in Child Health. He noted that not only could the bilingual family physician cover child health but she also could cover both sides of the clinic, because she is in family practice.

He explained the information contained on the spreadsheet included in the agenda package. He said that in order to increase the bilingual family physician's time, they had abolished a 50 percent position. He said that 25 percent of that position was being added to the bilingual family physician's time. Also, he noted that there was one dental hygienist position that was working at 50

percent and that is being taken back and given to the bilingual family physician position. He said that adding that to the decrease in the medical director's position of 24 percent, it brings it to an increase in the Public Health Department's position authorization of .23 percent. He stated that the costs associated with this request are set out in the spreadsheet; however, he said that measures are being put in place to measure the effectiveness of these clinics. He said that these are revenue generated positions either through private insurance, Medicaid, private pay, etc.

Following the explanation, Commissioner Mills moved to increase the Public Health Department's position authorization by .23 percent and adopt Budget Ordinance Amendment #3. The motion was passed unanimously.

BUDGET AMENDMENT							
BUDGET	Health			REQUESTED BY	Phillip Tarte		
FISCAL YEAR	FY2010			DATE	July 20, 2009		
<b>INCREASE</b>				<b>DECREASE</b>			
<u>Description</u>				<u>Description</u>			
Operating expense			113,477				
Operating revenue			113,477				

Explanation:						
DATE			APPROVED BY			
				Bd of Comm/County Manager Lynn West/Clerk to the Board		
FOR POSTING PURPOSES ONLY						
<b>DEBIT</b>			<b>CREDIT</b>			
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>		
10551150-5121-1324	Salaries & Wages	5,117	10451150-4520-1327	Third Party Revenue	95,106	
10551150-5121-1327	Salaries & Wages	122,811	10451150-4521-1334	Patient Fees	18,371	
10551150-5121-1334	Salaries & Wages	15,325	10551150-5134-13341	401K	1,532	
10551150-5132-1324	Separation Allowance	120	10551150-5182-1320	Retirement	50	
10551150-5132-1327	Separation Allowance	2,874	10551150-5182-13341	Retirement	1,499	
10551150-5132-1334	Separation Allowance	359	10551150-5181-13341	FICA	2,345	
10551150-5134-1324	401K	256	10551150-5121-13341	Salaries & Wages	30,649	
10551150-5134-1327	401K	6,141	10551150-5126-1320	Salaries & Wages	651	
10551150-5134-1334	401K	766	10551150-5132-13341	Separation Allowance	717	
10551150-5181-1327	FICA	5,668	10551150-5126-1324	Salaries & Wages	5,117	
10551150-5181-1334	FICA	1,172	10551150-5126-1327	Salaries & Wages	48,718	
10551150-5182-1324	Retirement	250				
10551150-5182-1327	Retirement	6,005				

10551150-5182-1334	Retirement	749				
10551150-5399-13341	Public Assistance	36,742				
10551150-5239-1327	Medical Supplies	400				
	Total	204,755			Total	204,755
	Prepared By	bl				
	Posted By					
	Date				Number	3

**ANNUAL TAX SETTLEMENT AND REPORT OF INSOLVENCY:**

John Petoskey, Tax Administrator, explained that twice a year he comes before the Board to ask for actions that are critical to his department. He said tonight is one of those times which is for approval of the annual settlement of taxes for the prior year. He explained that he would be coming before the Board in August to ask for the Board’s approval on the Charge to Collect Taxes which starts the new billing year.

Mr. Petoskey explained that his department has filed with the Clerk to the Board’s office several lists of delinquent taxes as required by law. He said that included in the agenda package is the Annual Settlement and cover letter that detail and explain the reports and lists that have been filed with the Clerk’s Office. He explained that the Tax Settlement contains four reports: two for the current year’s collection efforts and two for the prior year’s collection effort. Additionally, he explained that there is a separate insolvency list which is a list of delinquent personal property owners that there are no liens against. He explained the actions being asked by the Board tonight.

Commissioner Baucom moved approval of: 1) the report of insolvents containing the list of taxpayers whose personal property taxes remain uncollected, 2) designating the list as the insolvent list to be credited to the tax collector in his settlement, and 3) the annual settlement of taxes.

Van Harrell, Assistant Collector of Revenue, assisted in explaining the reports and responding to Vice Chair Rogers' questions.

Following the explanation, the motion was passed unanimously.



***UNION COUNTY***  
***Office of the Tax Administrator***  
***Collections Division***

500 N. Main Street  
***P.O. Box 38***                      ***704-283-3848***  
***Monroe, NC 28111-0038***        ***704-283-3897 Fax***

**PRELIMINARY REPORT FOR FISCAL YEAR 2008-2009**

TO:            Union County Board of Commissioners

FROM:        John C. Petoskey, Tax Administrator  
               Vann Harrell, Assistant Collector of Revenue

CC:            Al Greene, County Manager  
               Kai Nelson, Finance Director

RE:            Annual Settlement

DATE:        July 8, 2009

In accordance with N.C.G.S 105-373(a)(1), I respectfully submit the following Report:

Attached to this Report are discs containing (1) a list of the persons owning real property whose taxes for 2008 remain unpaid along with the principal amount owed by each person, (2) a list of the persons not owning real property whose personal property taxes for 2008 remain unpaid along with the principal amount owed by each taxpayer, (3) a list of unpaid 2008 registered motor vehicle taxes, (4) a list of persons with unpaid delinquent real and personal property taxes, and (5) a list of persons with unpaid delinquent registered motor vehicle taxes. These records are available in the Clerk's office.

We respectfully request that this list of personal property owners be declared insolvent under the guidelines of N.C.G.S 105-373(a)(2) and allowed as a credit to the Collector in this settlement. However, these accounts will remain in the hands of the Collector for further collection activities pursuant to the North Carolina General Statutes.

In compliance with N.C.G.S. 105-373(a)(3), attached hereto is a report entitled "Settlement for Current Real Estate and Personal Property Taxes for Fiscal Year 2008-2009" dated July 8, 2009 setting forth my full settlement for all real and personal property taxes in my hands for collection for the fiscal year 2008-2009.

In compliance with N.C.G.S. 105-373(a)(4)(b), attached hereto is a report entitled "Fiscal Year 2008-2009 Settlement for Delinquent Real and Personal Property Taxes for Tax Years 1998-2007" dated July 8, 2009 setting forth my full settlement for all delinquent real and personal property taxes collected during the fiscal year 2008-2009.

In compliance with N.C.G.S 105-373(a)(3), attached hereto is a report entitled "Settlement for Current Motor Vehicle Taxes for Fiscal Year 2008-2009" dated July 8, 2009 setting forth my full settlement for all registered motor vehicle taxes in my hands for collection for the fiscal year 2008-2009.

In compliance with N.C.G.S. 105-373(a)(4)(b), attached hereto is a report entitled "Fiscal Year 2008-2009 Settlement for Delinquent Registered Motor Vehicle Taxes for Tax Years 2005-2007" dated July 8, 2009 setting forth my full settlement for all delinquent registered motor vehicle taxes collected during the fiscal year 2008-2009.

Further, I hereby certify that I have made diligent efforts to collect the taxes due from the persons listed in such a manner that is reasonably necessary as prescribed and allowed by law.

Respectfully Submitted,

\_\_\_\_\_  
John C. Petoskey, Tax Administrator

SWORN TO AND SUBSCRIBED BEFORE ME, this \_\_\_\_\_ day of July, 2009.

My Commission expires:

\_\_\_\_\_  
Notary Public

\_\_\_\_\_

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***Monroe, NC 28111-0038***        ***704-283-3897 Fax***

**SETTLEMENT FOR CURRENT REAL AND PERSONAL PROPERTY TAXES FOR FISCAL YEAR 2008-2009**

**TO:** Union County Board of Commissioners  
**FROM:** John C. Petoskey, Tax Administrator  
Vann Harrell, Assistant Collector of Revenue



CC: Al Greene, County Manager  
Kai Nelson, Finance Director

DATE: July 8, 2009

**CHARGES TO TAX COLLECTOR**

1. Total amount of all taxes, fire fees, & late list penalties  
Placed in the Tax Collector's hands for collection for  
The year: \$145,133,479.80
2. All interest, costs, and fees collected by the Tax Collector \$ 363,621.07

**TOTAL: \$145,497,100.87**

**CREDITS TO TAX COLLECTOR**

1. All sums deposited by the Tax Collector to the credit  
Of the taxing unit or received for by the proper official: \$139,979,759.40
2. Releases allowed by the governing body: \$ 1,517,975.89
3. The principal amount of taxes constituting liens  
Against real property: \$ 3,439,263.05
4. The principal amount of taxes determined to be  
Insolvent and to be allowed as credits to the Tax  
Collector by the governing body: \$ 551,774.46
5. Small under/over payments write-off (<\$1.00): \$ 52.34
6. \$5.00 minimum bill write-offs: \$ 8,275.73

**TOTAL:** \$145,497,100.87



***UNION COUNTY***  
***Office of the Tax Administrator***  
***Collections Division***

500 N. Main Street  
P.O. Box 38  
Monroe, NC 28111-0038

704-283-3848  
704-283-3897 Fax

**FISCAL YEAR 2008-2009**

**SETTLEMENT FOR DELINQUENT REAL AND PERSONAL PROPERTY TAXES FOR YEARS 1998 - 2007**

**TO:** Union County Board of Commissioners  
**FROM:** John C. Petoskey, Tax Administrator  
Vann Harrell, Assistant Collector of Revenue  
**CC:** Al Greene, County Manager  
Kai Nelson, Finance Director  
**DATE:** July 8, 2009

**CHARGES TO TAX COLLECTOR**

1. Total amount of delinquent taxes placed in the Tax Collector's hands for collection for this year: \$ 3,861,688.36

2. All interest, costs, and fees collected by the Tax Collector \$ 211,632.37

**TOTAL: \$ 4,073,320.73**

**CREDITS TO TAX COLLECTOR**

2. All sums deposited by the Tax Collector to the credit  
Of the taxing unit or receipted for by the proper official: \$ 1,851,453.01

2. Releases allowed by the governing body: \$ 45,131.97

3. Write-offs allowed by governing body: \$ 171.57

4. The principal amount of taxes constituting liens  
Against real and personal property: \$ 2,176,564.18

**TOTAL: \$ 4,073,320.73**



***UNION COUNTY***  
***Office of the Tax Administrator***

***Collections Division***

500 N. Main Street

*P.O. Box 38*

*Monroe, NC 28111-0038*

704-283-3848

704-283-3897 Fax

**FY 08-09 Breakdown of Settlement for Delinquent Real and Personal Property Taxes for Tax Years 1998-2007**

<b>Charges to the Collector</b>				
	Beginning Balance	Levy Added	Supplementals	Total Balance
2007	\$ 2,085,017.38	\$ 73,813.61	\$ -	\$ 2,158,830.99
2006	\$ 636,486.35	\$ 70,428.39	\$ -	\$ 706,914.74
2005	\$ 324,712.40	\$ 59,361.99	\$ -	\$ 384,074.39
2004	\$ 198,966.76	\$ 2,105.05	\$ -	\$ 201,071.81
2003	\$ 134,862.04	\$ -	\$ -	\$ 134,862.04
2002	\$ 94,942.22	\$ -	\$ -	\$ 94,942.22
2001	\$ 67,329.37	\$ -	\$ -	\$ 67,329.37
2000	\$ 45,346.94	\$ -	\$ -	\$ 45,346.94
1999	\$ 40,101.17	\$ -	\$ -	\$ 40,101.17
1998	\$ 28,214.69	\$ -	\$ -	\$ 28,214.69
<b>Totals</b>	<b>\$ 3,655,979.32</b>	<b>\$205,709.04</b>	<b>\$ -</b>	<b>\$ 3,861,688.36</b>

<b>Credits to the Collector</b>					
	Sums Deposited	Releases	Writeoffs	Balance of credits to Collector	Principal amount outstanding
2007	\$ 1,252,658.11	\$ 22,294.52	\$ 40.86	\$ 1,274,993.49	\$ 883,837.50
2006	\$ 226,013.82	\$ 9,794.53	\$ 129.77	\$ 235,938.12	\$ 470,976.62
2005	\$ 111,303.10	\$ 8,814.71	\$ 0.94	\$ 120,118.75	\$ 263,955.64
2004	\$ 24,436.09	\$ 2,687.94	\$ -	\$ 27,124.03	\$ 173,947.78
2003	\$ 12,464.64	\$ 857.44	\$ -	\$ 13,322.08	\$ 121,539.96
2002	\$ 7,257.95	\$ 176.97	\$ -	\$ 7,434.92	\$ 87,507.30
2001	\$ 2,832.41	\$ 167.22	\$ -	\$ 2,999.63	\$ 64,329.74
2000	\$ 1,177.58	\$ 258.13	\$ -	\$ 1,435.71	\$ 43,911.23
1999	\$ 1,033.95	\$ 80.51	\$ -	\$ 1,114.46	\$ 38,986.71
1998	\$ 2.99	\$ -	\$ -	\$ 642.99	\$ 27,571.70

Totals	\$ 1,639,820.64	\$ 45,131.97	\$ 171.57	\$ 1,685,124.18	\$2,176,564.18
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- The dollar amounts shown are not reflective of interest amount shown collected on previous page

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704-283-3848  
704-283-3897 Fax

**SETTLEMENT FOR CURRENT REGISTERED MOTOR VEHICLE TAXES FOR FISCAL YEAR 2008-2009**

**TO:** Union County Board of Commissioners  
**FROM:** John C. Petoskey, Tax Administrator  
Vann Harrell, Assistant Collector of Revenue  
**CC:** Al Greene, County Manager  
Kai Nelson, Finance Director  
**DATE:** July 8, 2009

**CHARGES TO TAX COLLECTOR**

2. Total amount of all taxes placed in the Tax Collector's

hands for collection for the year: \$11,911,581.68

2. All interest, costs, and fees collected by the Tax Collector \$ 168,350.46

**TOTAL: \$12,079,932.14**

**CREDITS TO TAX COLLECTOR**

3. All sums deposited by the Tax Collector to the credit  
Of the taxing unit or receipted for by the proper official: \$10,787,685.44

2. Release and refunds allowed by governing body: \$ 207,936.88

3. Reimbursements approved by the governing body: \$ (39,344.17)

4. \$1.00 over and under adjustments: \$ (230.20)

5. The principal amount of registered motor vehicle  
Taxes outstanding: \$ 1,123,884.19

**TOTAL: \$12,079,932.14**

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**FISCAL YEAR 2008-2009**  
**SETTLEMENT FOR DELINQUENT MOTOR VEHICLE TAXES**  
**FOR YEARS 2005-2007**

**TO:** Union County Board of Commissioners  
**FROM:** John C. Petoskey, Tax Administrator  
Vann Harrell, Assistant Collector of Revenue  
**CC:** Al Greene, County Manager  
Kai Nelson, Finance Director  
**DATE:** July 8, 2009

**CHARGES TO TAX COLLECTOR**

- |    |  |                 |
|----|--|-----------------|
| 2. | Total amount of delinquent taxes placed in the Tax Collector's hands for collection for this year: | \$ 1,434,180.52 |
| 2. | All interest, costs, and fees collected by the Tax Collector                                       | \$ 176,833.80   |

**TOTAL:** **\$ 1,611,014.32**

**CREDITS TO TAX COLLECTOR**

- |    |   |                 |
|----|---|-----------------|
| 4. | All sums deposited by the Tax Collector to the credit<br>Of the taxing unit or received for by the proper official: | \$ 1,263,538.62 |
| 2. | Releases allowed by the governing body:   | \$ 43,564.11    |
| 3. | Write-offs allowed by governing body:   | \$ 74,019.25    |
| 4. | Reimbursements approved by governing body:  | \$ (37,627.56)  |
| 5. | \$1.00 over and under adjustments:  | \$ (73.01)      |
| 6. | 2005 and 2006 general ledger adjustment:  | \$ (1.01)       |
| 7. | The principal amount of delinquent motor vehicle<br>taxes outstanding   | \$ 267,593.92   |

**TOTAL:** **\$ 1,611,014.32**

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**FY 08-09 Breakdown of Settlement for Delinquent Motor Vehicle Taxes  
for Tax Years 2005-2007**

<b>Charges to the Collector</b>					
	Beginning Balance	Levy Added	Supplementals	Total Balance	
2007	\$ 1,216,299.75	\$ -	\$ -	\$ 1,216,299.75	
2006	\$ 131,945.45	\$ -	\$ -	\$ 131,945.45	
2005	\$ 85,935.32	\$ -	\$ -	\$ 85,935.32	
<b>Totals</b>	<b>\$ 1,434,180.52</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,434,180.52</b>	

<b>Credits to the Collector</b>						
	Sums Deposited	Total Net Releases, Refunds, Adjustments, and Reimbursements	Writeoffs	Balance of credits to Collector	Principal amount outstanding	
2007	\$ 1,039,949.81	\$ 3,716.38	\$ -	\$ 1,043,666.19	\$ 172,633.56	
2006	\$ 34,891.71	\$ 2,093.38	\$ -	\$ 36,985.09	\$ 94,960.36	
2005	\$ 11,863.30	\$ 52.77	\$ 74,019.25	\$ 85,935.32	\$ -	

Totals	\$	1,086,704.82	\$	5,862.53	\$	74,019.25	\$	1,166,586.60	\$	267,593.92
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\* The dollar amounts shown are not reflective of interest amount shown collected on previous page

**UNION SMART START GRANT FOR THE FAMILY LITERACY PROGRAM: LIBRARY:**

Al Greene, County Manager, stated that the County has been notified of a continuation of the grant award for the Union Smart Start Family Literacy Program for the Library. He said that the grant is being offered at 60 percent which is for a half year’s funding, and, hopefully, the remainder of the year will be funded once the state’s budget is adopted. He noted that the required match by the County for the grant is in kind services and other expenses that the County customarily pays already. He said that acceptance of the grant will allow this program to continue and retain the employment of the one full-time regular Library III Family Literacy Position and one temporary part-time Library Assistant III.

Following the explanation, Commissioner Baucom moved to adopt Budget Ordinance Amendment #4 to appropriate funds for Smart Start Family Literacy Grant and increase authorized positions for the Library as follows: a) One full-time regular Library III – Family Literacy Position (Job Class 2351), Pay Grade 64 and b) One .38 temporary part-time position – PT Library Assistant III – Family Literacy (Job Class 2387), Pay Grade 64.

Commissioner Baucom asked for clarification that the only monetary match is in kind services. Mr. Greene responded that this was correct.

The motion was passed unanimously.

BUDGET AMENDMENT									
BUDGET	Library - Smart Start			REQUESTED BY	Martie Smith				
FISCAL YEAR	FY2010			DATE	July 20, 2009				

<b>INCREASE</b>			<b>DECREASE</b>		
<u>Description</u>			<u>Description</u>		
Operating expense		45,784			
State Grant revenue		45,784			
Explanation:	Appropriate funds for Smart Start Family Literacy Grant				
DATE			APPROVED BY		
				Bd of Comm/County Manager Lynn West/Clerk to the Board	
FOR POSTING PURPOSES ONLY					
<b>DEBIT</b>			<b>CREDIT</b>		
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10561100-5121-1804	Salaries & Wages	18,751	10461100-4447-1804	State Grant - Smart Start	45,784
10561100-5126-1804	Salaries - Part-time	6,802			

10561100-5132-1804	Separation Allowance	439				
10561100-5134-1804	401-K	938				
10561100-5181-1804	FICA	1,955				
10561100-5182-1804	Retirement Contr.	917				
10561100-5183-1804	Health Ins.	3,531				
10561100-5187-1804	Dental Ins.	234				
10561100-5260-1804	Office Supplies	3,072				
10561100-5233-1804	Periodicals, Books	9,145				
	Total	45,784		Total	45,784	
	Prepared By	awl				
	Posted By					
	Date			Number	4	

**RECEIVE AND CONSIDER RECOMMENDATIONS FROM FIRE COMMISSION:**

Commissioner Kuehler stated that at the Fire Commission meeting in June, there was discussion from that board to bring the following ideas to the Board of Commissioners for consideration:

- a. That the Board of County Commissioners place on County Government Cable Channel public service announcements or actual videos to advertise for volunteers for the fire departments.
- b. That the Board of County Commissioners consider exemptions for active volunteer firemen and EMT providers (those possessing the First Level of Certification Achievement) from County fire taxes or fire fees on both property and vehicles.

Commissioner Kuehler stated that in talking with the fire departments' representatives, one of the biggest issues they are facing, in light of the economy and people having to work two jobs, was retaining volunteers. She said that the Fire Commission discussed the possibility of allowing firefighters who had reached their first certification level for the first responder medics and were working with the fire departments to be exempt from either the fire fee or fire tax, depending on the district in which they resided.

Mr. Greene stated that, obviously, the first request of making the public aware of the need for volunteers is critical. He said that staff would be more than happy to pursue that request. However, he recommended that in connection with request (b) to allow the staff attorney time to research the legality of offering such incentives absent legislation authorizing those incentives.

Mr. Crook stated that he has not had the opportunity to research this request. He said that he would be remiss if he did not represent to the Board that he thought offering these incentives would be quite a challenge. He stated that the County has special legislation for fire fees, and it might be that the special legislation could be amended by the legislature to enable this result. He noted that as for fire taxes, Chapter 69 – Rural Fire Protection Tax Districts and Fire Service Tax Districts, are general laws that apply statewide. He explained that there is a state constitutional provision that prevents the adoption of special legislation in certain areas and one of those areas is tax, where there has to be uniformity of the application or imposition of taxes throughout the state. He said that he did not believe the Board would be able to get a special act to allow that but thought it would have to be accomplished through a change to the general law that would apply statewide. He offered to research the matter.

Following the comments, Commissioner Kuehler moved approval:

- a. That the Board of County Commissioners place on County Government Cable Channel public service announcements or actual videos advertising for volunteers to join volunteer fire departments; and
- b. Direct legal staff to look into the probability and possibility of considering exemptions for active volunteer firemen and first responder (EMT) providers (those possessing the First Level of Certification Achievement) from County fire taxes or fire fees on both property and vehicles.

The motion was passed unanimously.

At 9:25 p.m., Mr. Merritt, the County Attorney, stated that given where the Board is on its agenda, he did not see a need for him to stay for the remainder of the meeting. There was no objection voiced by the Board, and Mr. Merritt left the meeting at this time.

**VOTING DELEGATE FOR NCACC ANNUAL CONFERENCE:**

Chairman Openshaw stated that he would be glad to attend the NCACC Annual Conference and serve as the voting delegate if so nominated.

Commissioner Baucom moved to designate Chairman Openshaw to serve as the voting delegate to the NCACC Annual Conference. The motion was passed unanimously.

**RESOLUTION TO REVISE REGULAR MEETING SCHEDULE OF BOARD OF COMMISSIONERS FOR AUGUST 2009:**

Chairman Openshaw explained that the proposed resolution is to revise the regular meeting schedule for August to hold regular meetings on Tuesday, August 11, and Monday, August 31, and to delete from the regular meeting schedule the first meeting in September (September 8).

Commissioner Baucom questioned whether there was a challenge with the scheduled meetings for August and September. The Chairman responded "yes."

Vice Chair Rogers moved to adopt a Resolution to Revise the Regular Meeting Schedule of the Board of Commissioners.

Chairman Openshaw stated that he thought the Board would need to schedule a work session in both August and September. He said that there were items that the Board would need to address.

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

RESOLUTION TO REVISE THE REGULAR MEETING SCHEDULE  
OF THE UNION COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Union County Board of Commissioners has heretofore established the regular meeting schedule of the Board such that regular meetings are held on the first and third Monday of each month at 7:00 p.m. in the Commissioners' Boardroom; and

WHEREAS, the Board desires to amend its regular meeting schedule by canceling the first and second regular meetings of August (August 3 and August 17) and to schedule regular meetings for intervening times.

WHEREAS, the Board further desires to amend its regular meeting schedule by canceling the first regular meeting of September (September 8).

NOW, THEREFORE, be it resolved by the Union County Board of Commissioners as follows:

The Board does hereby revise its regular meeting schedule to delete from the schedule the regular meetings of August 3, 2009, and August 17, 2009, and to add new regular meetings to occur on Tuesday, August 11, 2009, and Monday, August 31 2009, at the customary place and time.

The Board does further hereby revise its regular meeting schedule to delete from the schedule the first regular meeting of September (September 8).

Except as herein amended, the regular meeting schedule shall remain in full force and effect.

Adopted this the 20th day of July, 2009.

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

Chairman Openshaw announced vacancies on the following boards and committees:

- a. Adult Care Home Advisory Committee (1 Vacancy)
- b. Nursing Home Advisory Committee (2 Vacancies)
- c. Region F Aging Advisory Committee
- d. 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. Representative of Parks and Recreation
  - 9. County Commissioner Appointees (3)
  - 10. Substance Abuse Professional
- e. Union County Industrial Facilities and Pollution Control Authority (1 Vacancy for Unexpired Term Ending May 2014)

**APPOINTMENTS TO BOARDS AND COMMITTEES:**

- a. ***Parks and Recreation Advisory Committee (1 Vacancy for Unexpired Term Ending February 2010)***

Vice Chair Rogers nominated Nicholas Peth to serve on the Parks and Recreation Advisory Committee to fill the unexpired term ending February 2010.

Commissioner Baucom nominated Hoss Hinson to serve on the Parks and Recreation Advisory Committee to fill the unexpired term ending February 2010.



Chairman Openshaw called for a vote on the nomination of Nicholas Peth.

Commissioner Kuehler stated that these two applications were not included in her agenda package. She asked that she be allowed time to review the applications now before voting on the applicants.

After allowing time for Commissioner Kuehler to review the applications, Chairman Openshaw again called for a vote on the nomination of Nicholas Peth. Mr. Peth received four votes: Chairman Openshaw, Vice Chair Rogers, Commissioner Kuehler, and Commissioner Mills.

***b. Region F Aging Advisory Committee***

Chairman Openshaw stated that there were vacancies on this committee for three regular members and one alternate member.

Vice Chair Rogers requested that considering the four part series of articles that Tiffany Lane wrote in *The Enquirer Journal* about the senior community, that efforts be made to try and generate more interest in this committee. She said that three regular members are needed in addition to an alternate. She moved to defer the appointments until they are readvertised.

Commissioner Baucom moved to appoint George Miller and W. Beatrice Colson as regular members and Ruth Helms as an alternate member.

It was noted that one vacancy would still exist for a regular member.

Chairman Openshaw asked Mr. Crook in what order the motions should be voted on. Mr. Crook responded that Vice Chair Rogers' motion to defer should be voted on first.

Commissioner Kuehler asked as a point of clarification since there is one position still vacant, is the intent of the motion because of the articles published in the newspaper, there might be more interest. Vice Chair Rogers responded that would be her hope. Commissioner Mills stated that both Ms. Colson and Mr. Miller have served their communities for many years.

Chairman Openshaw said that personally he would like to see these positions for which persons have been nominated filled which would leave one vacancy where there could be competition. In addition, he said that there were vacancies on the Adult Care

Home Advisory Committee, the Nursing Home Committee, and the Region F Aging Advisory Committee. He questioned if the vacancy listed on the Announcements of Vacancies under Region F Aging is a new position in addition to the three positions shown under appointments. Mrs. West announced that this was the third position that was vacant for the Region F Aging Advisory Committee.

Vice Chair Rogers agreed to withdraw her motion to defer. She offered as a friendly amendment that the other vacancy be readvertised to try and get additional interest in the position.

Commissioner Baucom accepted the friendly amendment to his motion by Vice Chair Rogers.

The Chairman called for a vote on the motion as amended. The motion was passed unanimously.

*c. Juvenile Crime Prevention Council*

Chairman Openshaw stated that one application had been received from Sherika Janelle Staton.

Vice Chair Rogers asked for clarification of whether Ms. Staton would be a Commissioner appointee or would she fall within one of the specified classifications. Mrs. West stated that she thought Ms. Staton would qualify as a Commissioner appointee.

With there being no further nominations, the Chairman called for a vote on the motion. The motion was passed unanimously.

**MANAGER'S COMMENTS:**

Al Greene, County Manager, stated that it might be appropriate for staff to seek Board direction on several items that have been pulled from tonight's agenda. He said that Commissioners had forwarded their questions to staff, and while there have been a number of comments today, would the Board like to consider having another workshop on the water allocation policy and possibly the structure of the Emergency Management/Fire Marshal's Office. There was a consensus by the Board that an additional workshop was needed to discuss these items. Mr. Greene asked whether a workshop was needed regarding Belk Tonawanda Park. It was noted that this would be discussed tomorrow during the meeting with the City of Monroe.

**COMMISSIONERS' COMMENTS:**

Vice Chair Rogers stated she had no comments.

Commissioner Baucom recognized his mother-in-law, Lizzie Nance, who turned 92 on June 22. He congratulated her on her birthday and expressed appreciation to Mrs. Nance for all that she has done for him personally and that she had raised another lady very dear to him that he really appreciated, his wife, Marie Baucom.

He said the other lady he wanted to recognize was his mother, Alice Baucom, who turned 96 on July 12. He stated that he and his wife had Mrs. Nance and his mother over to his home to celebrate their respective birthdays. He said that both Mrs. Nance and his mother are life-long residents of Union County.

Commissioner Kuehler mentioned the Transportation Advisory Board. She said she had received some questions about this board. She stated that the Board of Commissioners had voted to establish that committee, and the committee needs to get going. She stated that as the MUMPO representative for the Board, she has been through several meetings where I-485 was discussed. She said that back in February, Governor Purdue made a promise to the region, that she would find the money to complete 485, but it is obvious that the state does not have the money, and they are trying to shift that burden back to this area. Commissioner Kuehler said that the Governor's Office was trying to delay the Monroe Bypass in order to fund 485. She stated that not only does this region not get its fair share of money but Union County certainly does not get its fair share of money.

She said that she thought the communication between all the municipalities in the County, RTCC members, and the people who are contributing to those decisions, this is a critical time when everyone needs to be saying the same thing. She said that Union County needs to be ready to stand up for itself.

Chairman Openshaw reminded the Board that it was up to the Commissioners to each appoint one member from unincorporated Union County and the municipalities to appoint one member from each municipality to serve on the Transportation Advisory Board.

Commissioner Mills said he had a nice visit with the principal at Parkwood High School during which time several questions came out of the conversation. He said one question was about the cell tower service in that area. He stated that part of the question was if the phone system is down, they have a hard time communicating with the County. He said he would like an update on the radio towers and when they will be completed. He stated that depending on how long the completion of the towers might be, the

Board might want to consider putting a radio at the school to be able to communicate with Communications if the telephone lines are down. He stated another question had been about the Internet access at the school. He said there were questions about where the access is located. He asked that staff get him responses to these questions, and he would forward it on to the school.

Commissioner Mills stated that the Disabled American Veterans are collecting paperback books to send to the troops serving overseas.

Chairman Openshaw shared a quote from Mark Twain who said at the age of 18 “that his father knew nothing” but by the time Mark Twain reached 21 “he couldn’t believe how much his father had learned in three years.” He said unfortunately it took his father’s son a little longer to come to that realization. He stated that his father just turned 91 years of age.

The Chairman offered his congratulations to the 87 people who have filed to run for office. He said that they could make a big difference in their communities.

He stated that Union County has the lowest unemployment rate in the nine-county region. He said this was relatively good news in that the County was in better shape than everyone else.

Chairman Openshaw congratulated Jeannette Sherrod for receiving the highest honor a citizen of North Carolina can receive, the Order of the Long Leaf Pine. He said that Mrs. Sherrod has a very impressive list of volunteer efforts.

He said that while he had never met Walter Cronkite, he was a neighbor of one of his college roommates. Chairman Openshaw said he had worked with Harry Reasoner in New York when Mr. Reasoner was the anchorman of ABC and some others. He stated that today marked 40 years ago that man first landed on the moon.

He reminded the Board that there would be a meeting with the City of Monroe’s Council tomorrow afternoon at 4:00 p.m.

With there being no further items for discussion during the regular meeting, at approximately 9:48 p.m., Commissioner Kuehler moved to adjourn the meeting. The motion was passed unanimously.