

Minutes of the Regular Meeting
Of August 31, 2009

The Union County Board of Commissioners met in a regular meeting on Monday, August 31, 2009, at 7:00 p.m. in the 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 A. Parker Mills, Jr., and Commissioner Lanny Openshaw

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, Kai Nelson, members of the press, and interested citizens

OPENING OF MEETING:

At approximately 7:13 p.m., Chairman Openshaw convened the meeting and welcomed everyone. He apologized for the short delay in convening the meeting and explained that the Board had been in closed session.

a. Invocation

Commissioner Mills offered the invocation.

b. Pledge of Allegiance

Chairman Openshaw recognized Holly Gosnell and Rebecca McCall, Girl Scout Gold Award Recipients, who led the body in reciting the Pledge of Allegiance to the United States flag.

Following the pledge of allegiance, Commissioner Mills introduced Ms. Gosnell and Ms. McCall. He stated that both had been awarded a gold pin, the highest award in Girl Scouts. He said that both Holly and Rebecca attend Piedmont High School and joined the same Girl Scout troop at an early age.

Holly Gosnell shared that she is a senior at Piedmont High School. She said that special education has always been close to her heart, because she has had friends and family with special needs. She explained that her project for her gold award was to create a kit of toys, both handmade and purchased toys, that would help with sensory development and motor skills for children with special needs. She stated that she had donated the kits to local preschools, daycares, elementary schools, and classrooms.

Rebecca McCall stated that she too is a senior at Piedmont High School. She explained her project for her Girl Scout gold award was to landscape the Unionville Community Center and she also hosted a “Go Green Day” for younger Girl Scouts where they learned how to conserve natural resources, make econ-friendly cleaning projects, and recycle.

Chairman Openshaw presented Holly and Rebecca each with a Certificate of Recognition from the Board acknowledging their hard work and efforts in having received the Girl Scouts Gold Award.

INFORMAL COMMENTS:

Chairman Openshaw recognized the first speaker registered to comment under informal comments as Monique Werner.

Ms. Werner spoke about chloramines and stated her request to be placed on the Board’s agenda to discuss this subject. She said that she thought chloramines were such an important subject that it would be more appropriate to have a fair discussion and a possible vote if an item were placed on the agenda.

Chairman Openshaw stated that the Board would discuss the request and Ms. Werner would be contacted later.

Ms. Werner asked to continue her comments under the informal comments tonight. She stated that she had provided some documentation regarding chloramines, and she thought a number of the County’s residents might not be fully aware of what chloramines are because the information is so technical and the citizens have had such short notice about changing to chloramines. She requested that there be a delay in implementation of the chloramines in the water based on the studies and the information that she

had provided. Ms. Werner said that she would like for the public to be more involved and to have more of a say in the water they receive.

Chairman Openshaw asked Ms. Werner to leave her telephone number where she could be contacted.

Commissioner Mills stated that he and Chairman Openshaw serve on the Catawba River Treatment Plant Board, and he is not sure how to attempt to postpone implementation of chloramines since the Catawba River Treatment Plant is a joint venture between Union County and Lancaster.

Ms. Werner stressed that it has only been 30 days since she received notice of the change to chloramines.

Mr. Greene updated the Board regarding implementation of the chloramines stating that this implementation had been delayed until late September or early October. He suggested that the Public Works Director and other experts might be able to hold a community meeting for the citizens.

Doug Sudreth stated that he was representing White Oak of Waxhaw. He updated the Board regarding the status of the White Oak project. He stated that they had started hanging sheetrock today, and the building is in the dry. He said that the rule of thumb is that from the date that sheetrock is started, within four months a Certificate of Occupancy is requested. He said that this project has already been delayed about 30 days. Mr. Sudreth stated that water will be needed to test some of the systems in the facility.

He said that they have been patient in this project, and he expressed appreciation to Mr. Greene and the Board for their efforts in trying to resolve the water issue. He said that he fully understood the efforts that are being made but stressed that the project still does not have water. He stated that the last thing that White Oak and those at Autumn Corporation wanted to do was to create a conflict between them and the County, because ultimately it would cost the taxpayers. He said they wanted to do everything they could to avoid a conflict. Mr. Sudreth stated that the White Oak project provides needed services and jobs, but time is running short.

Rick Alexander stated that he resides at 2811 Arrowhead Court in Monroe. He addressed the Board regarding Belk Tonawanda Park. He said that he knew there had been much talk on whether to give the County's portion of the park to the City or whether to sell it to the City. He stated that there had been discussion about the concern of setting a precedent in this matter. He reviewed some of the history of the park, and requested that the Board make a decision to go ahead and give the county's share of the park to the City of Monroe.

Chairman Openshaw stated that these comments concluded the informal comments.

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

Vice Chair Rogers requested that Item 9 on the Regular Agenda, County Attorney's Policies, be deleted from the agenda. Further she requested that Item 3 on the Consent Agenda, Union Soil and Water Conservation District Operational Agreement, be moved to the Regular Agenda.

Commissioner Mills stated that he was curious to know why Vice Chair Rogers had requested to delete Item 9, County Attorney's Policies, from the Regular Agenda.

Vice Chair Rogers explained her reasoning for removing this item is that the last Board action was to assign two liaisons to meet with the County Attorney and Ligon Bundy, Attorney at Law, to talk about this issue. She said that the Board had assigned her and Commissioner Kuehler to meet with the attorneys. She stated that a meeting has not occurred due to the ethics training that some of the Commissioners attended, and until that meeting has occurred, it is a moot point to include this item on an agenda, and she was not prepared to discuss the item.

Commissioner Kuehler requested an addition to the Regular Agenda of a Resolution of the Union County Board of Commissioners Relating to Defense of County Officers and Employees

Commissioner Baucom stated that he was not sure there was an understanding of what Item 9 on the Regular Agenda pertains. He explained that the intent of requesting that this item be included on the agenda was to address the relationship of the Board Attorney, the Board, and individual members of the Board and to establish a policy.

Commissioner Kuehler stated that was what Vice Chair Rogers had been talking about. She also referred to the last action by the Board requesting to have the two Commissioners meet with Mr. Merritt and Mr. Bundy. She stated that they had scheduled a meeting, but it was the date that the State's ethics training was held.

Commissioner Mills commented that it was his understanding that the meeting was to discuss how the work would be divided between Mr. Merritt and Mr. Bundy. He said that he thought the issue Commissioner Baucom was asking about is the relationship

between the County Attorney and the Board. He said he thought some type of agreement had been worked out regarding the division of the work.

Mr. Merritt responded that a draft policy has been circulated. He said that there are few issues that need to be clarified and in his mind can only be done after a meeting with the two Commissioner liaisons, Mr. Bundy, and himself. He stated that it goes more toward the roles of the two attorneys and the division of the work. He said that he did not believe the relationship with the attorney and the individual Board members would change the policy. He stated that he thought it was the intent to try and get all parts of the policy resolved before presenting it to the Board for consideration.

Chairman Openshaw stated that he thought the time to flesh out this conversation would be at the time the policy is brought to the Board for consideration.

Following further discussion of this matter, Vice Chair Rogers called for a point of order. She said that the Board is veering into discussion on the item, and the request was to remove the item from tonight's agenda. She suggested that if the Board decided to have the item on tonight's agenda, then it could get into the discussion.

Chairman Openshaw asked if Commissioner Kuehler's request was to add a resolution of the Union County Board of Commissioners Relating to Defense of County Officers and Employees. She stated that her request also included discussion of individual defense of Commissioners.

Commissioner Baucom requested this item be for discussion purposes only. He said that he had only received the Resolution late this afternoon and had not read through it entirely. He said that he did not mind discussing the Resolution. He said it was very important, and he wanted to hear the discussion, but he was requesting that the Board not take action on it tonight.

Mr. Greene pointed out that staff also recommends the addition of other items as follows:

Regular Agenda:

1. Consideration of Terms of a Lease of Water Capacity (2 mgd) from Lancaster County Water and Sewer District to Union County for a two-year period.

2. Amendment to Weddington Interlocal Agreement

Consent Agenda:

1. Library - Union Smart Start Funding (from July 20, 2009, agenda)

Chairman Openshaw addressed Commissioner Baucom's comments regarding the Resolution Relating to Defense of County Officers and Employees. He stated that the Board members all received the information at the same time, and he was ready to move forward with it, but the Board could hear the discussion first.

Chairman Openshaw stated that Item 6A on the Regular Agenda, Update by Phillip Tarte, Health Director Regarding H1N1 Flu Virus, would be removed because according to Mr. Greene, Mr. Tarte was sick.

Chairman Openshaw moved adoption of the agenda with the following amendments:

Deletions:

Regular Agenda:

1. Deletion of Item 6a – Update by Phillip Tarte, Health Director Regarding H1N1 Flu Virus.
- 2.

Additions:

Regular Agenda:

1. Consideration of Terms of a Lease of Water Capacity (2 mgd) from Lancaster County Water and Sewer District to Union County for a two-year period. (Assigned to Item 13b)
2. Resolution of the Union County Board of Commissioners Relating to Defense of County Officers and Employees (Assigned to Item 9B)
3. Amendment to Weddington Interlocal Agreement (Assigned to Item 12A)

4. Move Item 3 on Consent Agenda, Union Soil and Water Conservation District Operational Agreement, to Regular Agenda (Assigned to Item 13a)

Consent Agenda:

1. Library - Union Smart Start Funding (from July 20, 2009, agenda) (Assigned to Item 7 on Consent Agenda)

The motion 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.

CONSENT AGENDA:

Vice Chair Rogers moved approval of the items listed on the Consent Agenda as amended. The motion passed unanimously.

Contracts/Purchase Orders Over \$20,000: Authorized the County Manager to approve, pending legal approval, Settlement and Release Agreement with Itron (Public Works).

Minutes: Approved minutes of meetings of January 27, 2009, and special meeting of April 8, 2009.

Union Soil and Water Conservation District Operational Agreement: This item was moved to the Regular Agenda at the request of Vice Chair Rogers.

Library: Authorized execution of Application by the Chairman and submission of Application to the State Library of North Carolina in the approximate amount of \$157,000

Finance Department: Approved Motor Vehicle Tax Refund Overpayments for July 2009 in the amount of \$4,745.31.

Tax Administrator: Approved Departmental Monthly Report for July 2009

Library: Union Smart Start Funding – Authorized the County Manager to approve an agreement with Union Smart Start

Information Only: No Action Requested: Included in the agenda package with no action requested were the following: 1) Contract Lists – a) Central Administration; b) Communications; c) Finance; d) General Services; e) Health; f) Information Systems; g) Inspections; h) Internal Auditor; i) Legal; j) Library; k) Outside Agencies; l) Parks and Recreation; m) Personnel; n) Public Works; o) Register of Deeds; p) Sheriff; and q) Social Services

PUBLIC INFORMATION OFFICER'S COMMENTS:

Brett Vines, Public Information Officer, shared the following comments:

1. A Patriot Day Ceremony Day will be held on September 11, 2009, at 10:00 a.m. on the Hayne Street side of the Union County Historic Courthouse. The keynote speaker will be Dave Sanderson, who was a passenger on U.S. Airways Flight 1549 which crashed in the Hudson River in January.
2. Union County Spotlight featured Project Life Saver last week and will be featuring it again this week. Mr. Vines explained that Project Life Saver is a program that issues wristbands to anyone who might be prone to wander away from home and might not be able to find their way back again. He said the wristband transmits a radio signal 24 hours a day. He stated that the program has been in operation in Union County for about two years, and approximately 10 people in Union County are currently participating in it.
3. The Union County Health Department received a grant from the Charlotte Affiliate of Susan G. Komen to help fund procedures relative to breast cancer for uninsured and under insured women in Union County. He said that this year's grant will not offer as much funding as last year's so there will be a raffle for a quilt. The tickets are one dollar each or six tickets for five dollars.
4. Absentee voting for the October 6th City of Monroe Elections will begin next Monday and end on October 5. Anyone wanting to register to vote in the November election, must register before September 11. Individuals can register and vote on the same day at the one-stop voting sites if they provide two forms of identification that show their address. One-stop voting begins September 17th and ends October 3.
5. County Government Offices will be closed on Monday, September 7, in observance of Labor Day. The landfill will also be closed that day, and the libraries will be closed September 5 through September 7.

Commissioner Mills stated that he has had several inquiries about how to post events on the County's website. He asked Mr. Vines if there was a policy on this issue.

Mr. Vines stated that he had not had anyone to ask him about posting events on the website, but it would probably be similar to a policy that he is working on for the County's government channel. He said that he could not televise church events on the government channel. He suggested that Commissioner Mills have the information sent to him, and a decision could be made about whether or not the information could be posted on the website.

Chairman Openshaw stated that Mrs. West, Clerk to the Board, had asked that staff be given some time to look into this question as well.

MISCELLANEOUS PRESENTATIONS AND UPDATES:

- a. ***Update by Phillip Tarte, Health Director, Regarding H1N1 Flu Virus*** – This item was removed from the agenda due to Mr. Tarte being sick and not able to attend the meeting.
- b. ***Farm City Banquet*** – Richard Melton, County Extension Director, introduced Everette Medlin, Chair of the Union County Agricultural Advisory Board, and Sherry Thomas, President of the Farm City Celebration. Mr. Melton asked other members of the Agricultural Advisory Board and the Farm City Celebration Committee to stand.

Everette Medlin as Chairman of the Agricultural Advisory Board expressed appreciation to the Board for allowing them to come before the Board tonight. He stated that agriculture and agri-business are very strong economic partners in Union County. He noted that the total income from farming in Union County in 2006 was over \$401 million, with Union County ranking third in North Carolina. He said that Union County ranked 85th in farming of all counties in the United States. He pointed out that over 55 percent of the farms in Union County are less than 50 acres.

Other statistical facts shared by Mr. Medlin included:

1. The total value of all products produced in Union County in 2006 (date last information available) was \$4.1 billion. Of that amount, agriculture and agri-business industry accounted for 15 percent of the County based gross product which would be \$640 million.
2. Agri-businesses account for over 10,000 employees, which is 15 percent of Union County's total workforce.

Mr. Medlin stressed that agriculture and the agri-business section is strong in Union County. He added that there are over 1,100 certified bona fide farms in Union County. He introduced Sherry Thomas, Chair of the Farm City Festival.

Mrs. Thomas shared that this year they had decided to combine several farm events into one celebration to be held the week of September 20 – 26. She explained the events scheduled to take place during that week. She stated that the Farm City Celebration banquet will be held on September 24 with the entertainment for the event being provided by members of the Union County 4-H who had participated in the Union County Talent show. She said this celebration will be held in honor of the 4-H Centennial this year. She stated that this year they had added interactive displays that are related to some form of rural heritage in Union County.

On behalf of the Union County Extension Advisory Council and the Farm City Planning Committee, Mrs. Thomas extended an invitation to each of the Commissioners to attend the Farm City Celebration banquet on Thursday, September 24.

c. Farmers Market Presentation

Jeff Rieves, Extension Agent, Horticulture, stated that a month ago, there were six farmers' markets in Union County and today there are only two: One on Skyway Drive in Monroe and one in Waxhaw. He said that the other four markets have either suspended their operations temporarily or are no longer operating.

He stated that the farmers' markets are a way for farmers to contribute to the economic good of the County, and they are also a very nice green business. He explained that a foodshed is the flow of food in a particular area and how the food gets from the field to the table. He said that Union County is part of the Metrolina Food Shed. He noted that 75 percent of all produce grown in Union County goes to Mecklenburg County markets. He stated that he did not fault anyone for selling their produce in Mecklenburg County, because the demand is very high, and the people are willing to pay high prices.

Mr. Rieves shared that the challenge that Union County has is to create a Union County Food Shed that attracts the growers and the customers. He said that more growers are needed, and this is the main reason most of the markets have folded in Union County. He stated the challenge provides an opportunity to create a 21st century farmers' market. He explained that successful farmers' markets are about relationship marketing. Mr. Rieves said that he has worked with Wingate University with its E-Commerce property. He said that he thought there were definitely some opportunities there. He discussed another opportunity with cooperative ventures. He said that the Union County market is an open market which means that the growers can resell without having to grow all the produce themselves.

He explained another opportunity would be a Social Services and Farmers' Market alliance. He said that the Union County market has been involved with the WIC program for several years. He said that he wanted to open up the market to work with the Food Stamp program as well. Mr. Rieves gave an explanation of a Community Supported Agriculture where farmers are hired to grow food. He said that another idea he has had is a food business incubator where people can be trained to prepare the food as well as how to ship the food.

He listed some of the strategies and needs as: identify and make use of all the available assets; develop an alliance with South Piedmont Community College; work to increase the market visibility; identify and meet all of the customer needs; recruit more vendors; install electronic card readers for the Food Stamp programs; obtain a commercial cooler at the Union County market; upgrade the Union County facility; have a full-time market manager for the Union County market; and more utilization of the facility.

Mr. Rieves said that the Waxhaw Farmers Market received a \$30,000 grant from the Rural Advancement Fund that helped to upgrade the facility. He stated that there are some new vendors at the Monroe facility and new customers are visiting the market all the time. He said that the marketing plan for the Monroe facility is being updated with more online access and online marketing. He stated that the Thursday evening fresh market has just started.

Commissioner Baucom asked Mr. Rieves for an update on the schools' initiative to use local produce and the State government's initiative. Mr. Rieves responded that he had not mentioned those, because he had not been contacted by either of them. He said he would be glad to work with these entities if they would contact him.

Vice Chair Rogers stated that she would like to see some kind of phased implementation plan for the farmers' markets in the County. She asked Mr. Rieves to provide her information on the Waxhaw facility. She said that she knew of a great place in the Marvin area that would bring in customers from Mecklenburg County as opposed to people in Union County crossing into Mecklenburg County to buy products.

Chairman Openshaw thanked Mr. Rieves for his presentation and shared that a number of persons have approached him and told him what a great job Mr. Rieves has been doing for the County.

FIRE STUDY REQUEST FOR PROPOSALS:

Commissioner Kuehler moved to authorize staff to negotiate an agreement with Emergency Services Education and Consulting Group (ESECG) in an amount not to exceed \$76,000 and to return the agreement to the Board for approval at a future meeting and to adopt Budget Amendment #7 in the amount of \$11,057, as recorded below.

BUDGET AMENDMENT

BUDGET	<u>Fire Marshal's Office</u>	REQUESTED BY	<u>Neal Speer</u>
FISCAL YEAR	<u>FY2010</u>	DATE	<u>August 11, 2009</u>

INCREASE

DECREASE

Description

Description

<u>Operating Expenditures</u>	<u>11,057</u>	<u>Contingency</u>	<u>11,057</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

Explanation: Appropriate additional funding for Fire Service Study.

DATE _____

APPROVED BY _____

Bd of Comm/County Manager
Lynn West/Clerk to the Board

FOR POSTING PURPOSES ONLY

DEBIT

CREDIT

<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10543400-5381	Professional Services	11,057	10592000-5920	Contingency	11,057
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

	Total	<u>11,057</u>	Total
			<u>11,057</u>
	Prepared By	<u>dhc</u>	
	Posted By	<u></u>	
	Date	<u></u>	Number
			<u>7</u>

Commissioner Kuehler stated that the information was presented to the Fire Commission, and there were no concerns voiced from any of the fire departments. She said that a letter was received from the company stating that ESCCG has never had any previous issues with the conflict of interest.

Vice Chair Rogers expressed appreciation to everyone involved with the fire study for doing their due diligence in taking the time to look into any possible conflicts of interest.

Commissioner Mills said that while he understood the relevance of a fire study, he was concerned that the study was not a budgeted item.

Neal Speer, Union County Fire Marshal, responded that \$64,943 had been budgeted for the study.

Commissioner Mills noted that there was a large disparity in the bid amounts received. He asked Mr. Speer if the company that was being recommended to conduct the study met all of the requirements. Mr. Speer assured that ESECG did meet the requirements. Commissioner Mills further questioned whether the company submitting the lowest bid met all the requirements, and Mr. Speer responded that it did not meet all of the requirements, but said that the company submitting the highest bid of \$192,000 did meet the requirements.

Commissioner Mills said that another concern was that he was not sure the recommendations resulting from the study could be implemented given the tough financial times.

Mr. Speer responded that the Request for Proposal (RFP) for the fire study stipulated that any proposed recommendations from the study would be structured in such a manner that they could be implemented or phased in, so all of the recommendations would not have to be implemented at one time.

Commissioner Baucom asked if there was any inclusion to have follow ups done in several years to determine the County's status in connection with fire services. Mr. Speer responded that follow ups had not been included, but he would make the assumption that there would be follow ups performed at some point.

Commissioner Baucom said that he too had been concerned that there will not be funds to implement the recommendations; and, secondly, another concern was that if the recommendations are not implemented, they will cease to be timely, and the study would be put on a shelf and become untimely. He stated that he was reluctant about the budget amendment for the \$11,000, but he thought it was probably worthwhile, and, therefore, he would be voting in favor of the motion.

Following the discussion, the motion passed unanimously.

BELK-TONAWANDA PARK:

Chairman Openshaw stated that Commissioner Baucom had requested that this item be included on the agenda and recognized him for his comments.

Commissioner Baucom stated that this matter had been ongoing for quite some time. He said that the City of Monroe had requested that the County transfer the County's portion of Belk-Tonawanda Park to the City. He said that quite honestly when this request first came to the Board, he did not know, along with others, that the County owned any of the property. He said that the other component is that this property is in a floodplain and is not usable. He said that the City has maintained the property over the years, but has now ceased to maintain the County's portion, and he understood that the County was spending money to maintain it.

He asked Mrs. West, Clerk to the Board, if she had access to the original motion made by him in connection with this matter; she responded she did not have access to that motion at this time.

Commissioner Baucom said that his motion would be very similar to the motion he had made the last time this item was on the agenda which was that the County transfer ownership of its share of the property to the City of Monroe with the stipulation that the park be available for use by all Union County Citizens in perpetuity.

Commissioner Kuehler questioned if the motion included that the property remain a park. Commissioner Baucom responded that this was not a stipulation included in the motion.

Commissioner Kuehler said that while reviewing information that she received in her Commissioner orientation package, the ownership of Belk-Tonawanda Park was listed in that package, so a number of people knew that the County owned this property. She said that what was being sought was something in writing that the parking arrangement would be maintained the way it is now. She said she hated to give up on this matter, so she was not sure how to proceed from here. She stated that the Boards had agreed to negotiate on this matter, but she failed to see the negotiation part was here.

Vice Chair Rogers stated that from her position of having been in the business, when there is an agreement to negotiate, then there is a negotiation process. She stated that there were five considerations that the Board had asked, none of which involved money. She said she had expected some give and take, and was not expecting a flat out “no.” She stated she was willing to negotiate with the City and to work out an agreement that does not involve money.

She said she thought it had been mentioned that two acres of the property was commercial property, and that one of the points was that the County should maintain ownership of that commercial property. She said that she wanted to know what areas the City had issues with and try and work with them from that point.

Commissioner Mills commented that he thought Vice Chair Rogers was correct that it had been discussed that several acres are commercial property, and the Council did not have a problem with the County maintaining that portion. He said that the motion could be easily amended to include the County maintaining that portion of the property.

Vice Chair Rogers said she wanted to point out that she was trying to work with the City of Monroe and not against them. She stressed that she was trying to work with them, but she could not work with a “no” and she needed more input.

Commissioner Kuehler said that it seemed that everybody is amenable to what has been worked out, but the sticking point to her seems to be the parking agreement being put into writing. She read from the letter sent by the City of Monroe that its Council “affirms its original request that Union County’s portion of Belk Tonawanda Park be conveyed to the City unconditionally, at no cost to the City.” She stated for the record that she was not aware that there was ever any compensation requested from the City.

Following further discussion, Commissioner Baucom stated that he would accept the friendly amendment to his motion regarding the County retaining the portion of the property that is zoned commercial.

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

At approximately 8:36 p.m., the Chairman called for a short recess in the meeting. The Chairman reconvened the meeting at approximately 8:54 p.m.

COUNTY ATTORNEYS’ POLICIES – This item was removed from the agenda at the request of Vice Chair Rogers.

RESOLUTION OF THE UNION COUNTY BOARD OF COMMISSIONERS RELATING TO DEFENSE OF COUNTY OFFICERS AND EMPLOYEES – This item was added to the agenda.

Commissioner Kuehler stated that she had brought this matter forth in January. She said that her concerns with the original indemnification policy was that it was ambiguous as to whether it provided for defense of criminal charges, and she had wanted to clarify that point and she also had a concern over the civil representation. She stated that the document was a little unclear as to when and under what method a legal defense would be given to an employee and/or or officer. She further stated that her concern was that within the duties of someone employed by the County, a member on a board, or a member of the Board of Commissioners that if a suit was brought forth in which defense was needed, if the current policy would provide defense until there was a situation where the person was proven to have acted outside the scope of his employment or his duties.

Commissioner Kuehler moved to adopt a Resolution of the Union County Board of Commissioners Relating to Defense of County Officers and Employees.

Commissioner Mills pointed out that Mr. Crook had stated in an e-mail some questions to the Commissioners that he had regarding the policy. He asked Mr. Crook if his questions had been addressed in the proposed resolution.

Mr. Crook responded that he thought the Board needed to distinguish between civil and criminal defense as mentioned by Commissioner Kuehler. He stated that the proposed Resolution outlines much more definitively criminal defense. He said that a question was raised pertaining to civil defense, and explained the way that would work is that this would not have to come to the Board of Commissioners for a decision, because defense would be provided upon the determination by the County Manager and the County Attorney or Staff Attorney that certain criteria were satisfied. He further said that there would be a defense provided unless certain conditions apply.

Commissioner Mills stated that he thought an example that Mr. Crook had used in his e-mail to the Board was if a lawsuit was brought against a Building Inspector and the County, then the lawsuit would immediately be turned over to the County's Risk Manager, who would, turn it over to the County's insurance carrier and the insurance carrier would assign counsel. He stated that he thought Mr. Crook's comment had been that this provision should remain the same so that the Board of Commissioner would not be overburdened with having to make those decisions.

Mr. Crook responded that was correct and added that he was also concerned about the time lapse that might occur and the fact that an answer must be filed within a certain period of time. He said that his recollection is that Commissioner Kuehler had accepted all of his suggestions. He clarified that a decision on a criminal defense would have to come to the Board of Commissioners, but a civil defense would not have to come to the Board.

Commissioner Mills stated that the proposed policy states in Paragraph III in connection with a criminal defense that "After consideration, the Board of Commissioners shall make the final determination as to whether criminal defense shall be provided and whether the defense counsel proposed is satisfactory." Commissioner Mills said that he was not sure that he would have the knowledge to decide whether the proper defense counsel proposed is satisfactory.

Commissioner Kuehler noted that in the preceding line of that paragraph, the recommendation for the defense counsel would come from an attorney and the County Manager.

Commissioner Mills referred to Paragraph II of the proposed Resolution which states “The County will not provide criminal defense unless the officer or employee has been named a suspect (not just a “person of interest”) or has been charged with a crime or indicted.” He asked what was the purpose of this paragraph.

Mr. Crook responded that he would defer to Commissioner Kuehler, but he believed that had been her position.

Commissioner Kuehler said because the existing policy was unclear, she did not know if officers or employees were entitled to criminal defense under the existing policy.

Mr. Crook stated that the statutes provide that the Board can defend civil and criminal actions. He said that the current resolution is unclear about whether a criminal defense would apply. He stated that he thought it could be reasonably read that it could and would afford a criminal defense, but as Commissioner Kuehler has stated, the proposed resolution makes it much more explicit as to a criminal defense.

Commissioner Mills asked that the Board delay action on this item until the next meeting to give him time to review the resolution. He stated that he understood the intent of the resolution and appreciated the work that Commissioner Kuehler has done on this item.

Commissioner Baucom asked that a delineation be explained between the definition of a person of interest and a suspect as is mentioned in Paragraph II of the resolution. Mr. Merritt gave an explanation and definition as did Steve Simpson from the Sheriff’s Office of a person of interest and a suspect.

Vice Chair Rogers stated that she thought this was a good policy, and it could always be amended and reviewed at a later time. She stated that she would support the motion.

Following further discussion, Commissioner Baucom offered an amendment to defer action on this item until the September meeting.

The amendment failed by a vote of two to three. Commissioner Baucom and Commissioner Mills voted in favor of the amendment. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted against the amendment.

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

The Resolution is recorded below in its entirety:

RESOLUTION OF THE UNION COUNTY
BOARD OF COMMISSIONERS RELATING TO DEFENSE
OF COUNTY OFFICERS AND EMPLOYEES

WHEREAS, N.C.G.S. 153A-97 and N.C.G.S. 160A-167 authorize the adoption of uniform standards under which claims or civil judgments sought or entered against County officers and employees may be defended and paid; and

WHEREAS, the Board desires to defend the County's officers and employees and to satisfy any claims or judgments against such officers or employees, if the facts and circumstances giving rise to the claim or suit show that the officer or employee was engaged in the good-faith performance of his duties on behalf of the County when the incident giving rise to the claim occurred.

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

- I. It shall be the policy of Union County to defend its officers and employees in both their official and individual capacities against civil actions, civil claims or civil proceedings arising from any act done or omission made, or any act allegedly done or omission allegedly made, in the course and scope of their employment or duty as an officer or employee of the County. Adoption of this Resolution shall not be deemed an assumption of liability for payment of claims or judgments in excess of funds available for appropriation by the Board for payment of claims or judgments. Further, the County will not defend a civil claim or civil lawsuit or pay any civil claim or civil judgment when:
 - A. The officer or employee acts or fails to act because of actual fraud, corruption or actual malice as it pertains to the civil action;

- B. The officer or employee acts or fails to act as a result of or at a time when his self-indulgence has substantially impaired his judgment (as, for example, an officer or employee who causes damage or injury while intoxicated or under the influence of drugs while on the job);
- C. The officer or employee acts or fails to act, except for emergencies or the existence of extenuating circumstances, directly contrary to instructions from his superior, directly contrary to the advice of the County Attorney, or directly contrary to Union County regulations and/or policy;
- D. The officer or employee acts or fails to act in such manner as to constitute a criminal act (as, for example, misappropriation of County property or funds); or
- E. The officer or employee is adverse to Union County in the litigation; provided, however, that the County may provide defense in such case when determined by the Board of Commissioners to be in the County's best interests.

II. It shall be the policy of Union County to defend its officers and employees in both their official and individual capacities from criminal prosecution for any act done or omission made, or any act allegedly done or omission allegedly made, when it is determined by the Board of Commissioners that the facts and circumstances giving rise to the charge show that the officer or employee was acting within the course and scope of his employment and that he was engaged in the good-faith performance of his duties on behalf of the County when the incident giving rise to the charge occurred. If the officer or employee pleads guilty (even to lesser charges), pleads no contest, or is found guilty, he must reimburse the County for any amounts already spent by the County for the defense and he shall be solely responsible for any additional amounts owed for the defense. The County will not provide criminal defense unless the officer or employee has been named a suspect (not just a "person of interest") or has been charged with a crime or indicted. Additionally, the County will not provide criminal defense when the officer or employee:

- A. Acts or fails to act as a result of or at a time when his self-indulgence has substantially impaired his judgment (as, for example, an officer or employee who causes damage or injury while intoxicated or under the influence of drugs while on the job);
- B. Acts or fails to act, except for emergencies or the existence of extenuating circumstances, directly contrary to instructions from his superior, directly contrary to the advice of the County Attorney, or directly contrary to Union County regulations and/or policy; or

- C. Has been charged with a motor vehicle violation.
-
- III. Regarding civil representation for persons other than County Commissioners, the County Manager or his designee and the County Attorney (or Senior Staff Attorney) shall determine whether or not a claim or suit filed against an officer or employee appears to meet the requirements specified herein for providing a defense for such officer or employee. Upon determining that a defense should be provided regarding the civil claim or suit, the County Manager shall report such event to the Board of Commissioners as soon as reasonably practicable. Regarding civil representation for County Commissioners and notwithstanding any other provision herein to the contrary, the County shall automatically provide defense unless and until there is substantial evidence tending to show that the Commissioner has acted, or failed to act, in such manner as would disqualify any other officer or employee from defense pursuant to Section I(A), (B), (D), or (E). In the event such evidence is produced, the matter shall be referred to the Board of Commissioners, and the Board shall make the final determination as to whether to withdraw defense by the County. Regarding criminal representation, the County Manager or his designee and the County Attorney shall make an initial determination as to whether or not a criminal investigation of an officer or employee appears to meet the requirements specified herein for providing a defense for such officer or employee. Upon an initial determination that a criminal defense should be provided, the County Manager and County Attorney shall present such recommendation to the Board of Commissioners, along with the name and fee schedule of proposed defense counsel. After consideration, the Board of Commissioners shall make the final determination as to whether criminal defense shall be provided and whether the defense counsel proposed is satisfactory.
 - IV. The terms “officer” and “employee,” as used herein, shall mean present or past County Commissioners, present or past officers or employees of the County, and present or past appointed members of County boards, agencies, committees, and commissions who might hereafter have claims made or judgments entered against them. The term “officers and employees of the county” also includes (for the purposes of this policy) officers and employees of the Register of Deeds, Sheriff’s Office, the Health Department, and the Department of Social Services. The term “defend” shall include negotiating the settlement of a claim or lawsuit in those instances where settlement is appropriate. Reference to the masculine gender shall include the feminine.

- V. The policies specified herein as to payment of claims or judgments shall not be applicable unless the officer or employee provides notice of the claim or suit to the County through the County Manager, County Attorney, or Senior Staff Attorney as soon as reasonably practicable following receipt by the officer or employee of notice that a claim or suit has been filed. The County shall not pay all or part of a claim made or civil judgment entered unless notice of the claim or litigation is given to the Board of Commissioners prior to the time that the claim is settled or civil judgment is entered.
- VI. The fact that a defense has been furnished to officers and employees under this Resolution shall not require that the County pay all or any part of an award made or judgment rendered. However, the Board of Commissioners may in its sole discretion appropriate funds for the purpose of paying all or part of a claim made or judgment entered, as provided in this Resolution and to the extent authorized by N.C.G.S. 160A-167 or other applicable laws. The Board of Commissioners' decision shall be final. Although provision of defense shall not compel payment by the County of an award made or judgment rendered, it shall be the general policy of Union County to satisfy any claims or judgments against County officers and employees, if the facts and circumstances giving rise to the claim or suit show that the officer or employee was engaged in the good-faith performance of his duties on behalf of the County when the incident giving rise to the claim occurred; provided, however, that the County will not pay punitive or treble damages or claims, awards, or judgments based upon evidence of gross negligence or willful indifference to the rights of another person, or a claim, an award or judgment based upon evidence which would have disqualified the officer or employee from being provided a defense had those facts been known by the County Manager, the County Attorney, or Senior Staff Attorney prior to the time defense of the action was authorized. Upon discovery of such facts, the County Manager and County Attorney may recommend to the Board of Commissioners the withdrawal of defense for the officer or employee. This recommendation will be reviewed by the Board of Commissioners, and the Board shall make the final determination as to whether to withdraw defense by the County. In the event the Board of Commissioners elects to withdraw defense pursuant to this section, the officer or employee shall be required to reimburse legal fees paid to date.
- VII. This Resolution shall not be interpreted in any way to relieve any insurance company of its obligation under any insurance policy to protect the interests of any insured under said policy, or to reduce or eliminate the rights of any officer or employee of the County against any other party. Further, except as expressly stated herein, this Resolution is not to be interpreted as a waiver of any rights or defenses the County has against anyone.

- VIII. The attorney selected to provide defense of an officer or employee shall be in the County's discretion and generally shall be the County Attorney or defense counsel assigned by the County's insurance carrier(s), unless the County Attorney and County Manager deem that special expertise is required. Any decision to settle a claim or lawsuit on behalf of the officer or employee shall be made by the County. If the officer or employee disagrees with the County's decision to settle, then any obligation of the County to defend said action or pay any judgment in connection therewith shall terminate.
- IX. Internal procedures for handling liability claims and lawsuits against the County and its officers and employees shall be established by the County Manager and Senior Staff Attorney, in consultation with the County's Risk Manager. Contracts and invoices for service shall be subject to the standing policies of the County and must be reviewed and approved by the appropriate departments.
- X. Adoption of this Resolution shall not be construed to waive the defense of governmental immunity or any other defense available to Union County or any officer or employee. A copy of this Resolution shall be maintained in the office of the Clerk to the Board of Commissioners for public inspection during normal business hours, as provided by law.

ADOPTED this 15th day of June, 1998.

REVISED this the 31st day of August, 2009.

INDIVIDUAL DEFENSE:

Commissioner Kuehler stated that the second part of this agenda item pertains to the funds for the defense of individual Commissioners that was passed by a motion on March 10, 2008. She said that this is a big reason why she ran for office and why she is so passionate about transparency in government. She stated that under the indemnification policy in effect on March 10, 2008, Commissioner Lane would have been entitled to representation during the Shalati matter under the civil portion of that policy; and, therefore, she did not understand why the motion of March 10, 2008, occurred. She said that she decided to look into the need for the additional \$15,000 in moneys and the motion of March 10, 2008, to engage personal private attorneys.

She said that what she found was that on March 6, 2008, three Commissioners had already entered into personal/private representation with a firm specializing in FBI matters. She shared that she has been looking into and gathering information about this matter since January 2009. She quoted from a letter dated January 5, 2009, from H. Ligon Bundy, Attorney at Law, responding to

her request for copies of the retainer agreements and letters of engagement for the FBI attorneys as follows: “The fees that were charged by Wyatt and Blake under the letters of engagement were paid pursuant to the actions of the Board of Commissioners taken on March 10, 2008, and June 2, 2008.” She stated that basically on March 10, 2008, three of the Commissioners had a financial interest in giving themselves \$15,000 to pay for the services that they had already committed to pay five days earlier for these attorneys. She also read from Section 3a of the Board’s Code of Ethics, adopted on April 5, 2004, as follows: “Any Board member who has an interest in any official act or action before the Board of Commissioners shall publicly disclose on the record of the Board of Commissioners the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Board of Commissioners pursuant to applicable law.”

Commissioner Kuehler said that Commissioner Lane was forthcoming in his request as to why he needed representation after being named a hostile witness in the Shalati matter and had not entered into any contract with any attorney prior to asking for authorization from the Board to do so. She stated that at no time did Commissioners Mills, Baucom, or Pressley disclose that they had already hired attorneys or the topic of the attorney’s fees even after the County Manager had stated during the June 16th meeting that to his knowledge the County had not employed a firm to represent individual Commissioners in the FBI matter. She said that Mr. Greene’s statement was not corrected. She stated that she had copies of the Letters of Engagement with the Wyatt and Blake firm which were dated March 6, and this was prior to the vote on March 10, 2008, to provide the funds for that representation. She noted that the contracts were pre-audited by Finance on April 24 and approved by Interim Manager Richard Black on April 29, and the County had received bills as of that date in excess of \$73,000, which were in excess of the \$45,000 that the Board had given themselves to spend. She shared that she attended the ethics training in Hickory, and one of the topics during that training was G.S. 14-234 which governs public officers or employees benefiting from public contracts. She said that it states in part “that no public officers who are involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section.” Commissioner Kuehler said there was no exception that would apply in this particular situation.

She stated that she had spoken with representatives of the School of Government concerning this issue, and she was told that it would be interesting to see what a court of law would say about Commissioners voting to approve funds for an undisclosed contract that had already been executed in which they would materially benefit. She said that again on June 2, the Board voted to increase the \$15,000 previously approved on March 10, 2008, to \$30,000, and still there was no disclosure. She said that the most offensive statement to her in all of this matter was Commissioner Pressley’s quote to Commissioner Lane on March 10 in which he said, “If you didn’t do anything wrong, why do you need a lawyer?” She said she would like an answer to that question from the three

Commissioners who had spent almost \$127,000 in taxpayers' money for personal attorneys without any public disclosure and who admittedly never spoke with the FBI.

Commissioner Kuehler said that based on the information that she has been compiling over these months, the documentation, the policies, the statutes and the advice that she received from the School of Government, she would move to eliminate the individual Commissioner defense funds in whatever amount they exist today. She said that she did not know whether the amounts were \$15,000 or \$30,000. The motion further directed the County Attorney to investigate the violations of the ethics policy, as she believed those actions were a direct violation, violations of the state statutes, and any possible criminal implications and available action to seek repayment of these funds as a result of any violations. Further, the motion included that the investigation be done by independent counsel to be chosen by the County Attorney but of a firm located outside of Union County.

Commissioner Mills asked that Commissioner Kuehler repeat her motion, and she repeated the motion to be as follows: to get rid of the individual Commissioner defense funding and to look into a violation of the ethics policy and any other statutes that may have been violated in the manner in which those funds were voted on. She explained that she believed that the indemnification policy affords getting rid of any existing individual defense fund as it is not necessary.

Commissioner Mills responded to Commissioner Kuehler's comments saying that he hoped that the other members of the Board do not ever have to go through what he and Commissioners Baucom and Pressley went through. He said that he was very thankful for the FBI and its investigation, and they had done an excellent job. He stated that the basis of the FBI investigation was the termination of the former County Manager, and there were many allegations, innuendos, and rumors and through the solid investigation of the FBI and through all of the interviews that were conducted, that none of those allegations or innuendos were substantiated. He said that Commissioner Kuehler was correct, he was never contacted or interviewed by the FBI. He stated that he was very thankful that the FBI did its job, because it did verify what he and Commissioners Baucom and Pressley had said all along that they did not do anything wrong. He said that he hoped that the indemnification policy adopted tonight covers defense of any future matters where individual Commissioners are named as defendants along with the County. He said that some of these matters go on for a number of years even after Commissioners are out of office, and there could be a lot of expense involved. He said that he remembered lawsuits being filed in the the past when he was on the Board of Commissioners where Commissioners were named individually concerning the Sheriff and overcrowding at the jail.

Mr. Greene commented that he did not think the Board should enter into such matters as was indicated in the motion lightly, and he thought that a very serious matter had been raised. He urged the Board to be cautious in its actions. He said that he thought

the effectiveness of the Board moving forward was at stake even more than it has been in the past. He said he would ask the Board to weigh carefully the decision to go back and investigate, as he understood the motion, the actions of a previous board to determine whether they were in compliance with reasonable interpretations of the ethical standards.

Chairman Openshaw stated that he was on the Board in March and June 2008, and he actually asked about the FBI situation at the time, but he never received an explanation of what had happened. He said it was difficult for him to understand why that information was withheld unless there was a legal reason for doing so. He said that he was very aware of the possibility of future potential lawsuits. He said that he was also named as a hostile witness in the Shalati matter, but he did not lawyer up and he did not lawyer up with the FBI matter. He stated that he was sensitive to the fact that if it were his name involved instead of one of the other Commissioners, he would have been apprehensive too; however, he thought the issue raised by Commissioner Kuehler needs to be addressed, and he would support her motion.

Vice Chair Rogers stated her understanding of the motion and asked if her understanding were correct. She stated that in Commissioner Kuehler's summary of the issues, she had outlined actions that were taken prior to official board actions and the possibility of monies being expended prior to those matters going through the financial process. She said it was her understanding of the motion that was what Commissioner Kuehler was referring to. She stated that she thought the Commissioners have a duty as elected officials to investigate those issues and determine whether County policies are being followed. She expressed her concern that if these matters are not being found through the audit, then the policies are not tight, and for that reason, she would support looking into exactly what happened and, if and where County policies failed, they can be fixed moving forward.

For the benefit of staff, Mr. Greene requested that Commissioner Kuehler restate the motion.

Keith Merritt, County Attorney, interjected that he thought it might be easier to split the motion into two parts. He said that his understanding was that basically the first motion was to eliminate the individual defense funds and then asked the second part be restated by Commissioner Kuehler with respect to the investigation.

Chairman Openshaw stated that he wanted to make sure that he understood correctly that Commissioner Kuehler was referring to eliminating the specified \$15,000 or \$30,000. He questioned if there were still funding available for defense in the indemnification policy that was adopted tonight or the previous policy adopted by the Board. Mr. Merritt responded that there was no specific dollar amount included in the policy.

Commissioner Kuehler stated that the motion made on March 10, 2008, created a specific fund of \$15,000 for the personal defense of Commissioners, and she believed it was the intent to increase that amount to \$30,000 on June 2 and to approve a budget amendment to increase that amount. She said that she did not know whether that amount was \$15,000 or \$30,000. She stressed that her motion was to get rid of whatever that amount might be.

Mr. Greene asked if the motion was to get rid of any unexpended portion of those funds that might have been appropriated. Commissioner Kuehler responded no, she wanted to get rid of the fund.

Mr. Greene noted that this was simply an appropriation. Commissioner Kuehler stated that she did not want any member on the Board to have an amount of money that could be spent on a personal attorney especially without the knowledge of the Board.

Commissioner Kuehler said that if the Board wanted to split the motions into two motions, that statement would be her first motion.

Commissioner Mills stated for clarity purposes that Commissioner Lane brought the motion forth to the Board on March 10, and, at that time, he wanted the Board to appropriate an unlimited amount, but the Board disagreed setting a limit of \$15,000. He, too, agreed that there was not really a fund for defense of individual Commissioners, but those amounts had been appropriated for specific reasons.

Commissioner Kuehler questioned if there was money appropriated for defense of individual Commissioners in this year's budget.

After further discussion, Commissioner Kuehler further explained that her motion was to get rid of the ability for individual Commissioners to have any amount of money they can spend on personal attorneys for whatever reasons they feel they need to, because there is an indemnification policy that would cover those defenses.

Chairman Openshaw called for a vote on the motion. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted in favor of the motion.

Commissioner Mills stated that he did not understand the motion on which the Board was voting.

Commissioner Baucom stated that he did not understand the purpose and intent of the motion, and indicated his vote was against the motion.

Mr. Greene stated that he understood the motion was that Commissioner Kuehler wanted staff to review the appropriations made for the defense of individual Commissioners. He said if these had been annual appropriations, they would have lapsed on July 1. He said that if these appropriations had been done in a multi-year budget amendment, it might need further action by the Board. He asked if Commissioner Kuehler wanted to dissolve any appropriation for defense of individual Commissions that might be outstanding. She stated that this was correct.

Chairman Openshaw again asked for a vote on Commissioner Kuehler's motion. The motion passed by a vote of three to two. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted in favor of the motion. Commissioners Baucom and Mills voted against the motion.

At the request of Chairman Openshaw, Commissioner Kuehler restated the second motion as follows: to direct the County Attorney to investigate the alleged violation of the Union County Ethics Policy adopted in 2004, the state statutes, and any possible criminal implications resulting from violation of those statutes and policies. The motion further included that because the County Attorney is the attorney for the Board as a whole, than an independent attorney chosen by the County Attorney should be employed to conduct the investigation.

At approximately 9:49 p.m. Commissioner Baucom moved that the Board go into closed session. Chairman Openshaw asked if Commissioner Baucom had a legal basis under which the Board could go into closed session on this matter.

Jeff Crook, Senior Staff Attorney, responded that if there were questions by the Board of either he or the County Attorney, the Board could go into closed session to discuss matters within the attorney-client privilege. He cited the statutory reference for that authorization as G.S. 143-318.11(a)(3).

At approximately 9:50 p.m., Chairman Openshaw moved that the Board go into closed session for the purposes of discussing matters within the attorney/client privilege in accordance with G.S. 143-318.11(a)(3). The motion was passed unanimously.

The Board members moved from the Board Room to the Conference Room on the first floor, Union County Government Center, where the Chairman convened the closed session.

At the conclusion of the closed session at approximately 10:05 p.m., Commissioner Baucom moved that the Board go out of closed session. The motion was passed unanimously.

The Board members moved from the Conference Room to the Board Room where the Chairman reconvened the regular meeting at approximately 10:06 p.m. and requested that Commissioner Kuehler restate her motion for the record.

Commissioner Kuehler restated the motion as follows: to direct the County Attorney to investigate, pursuant to the ethics policy, violations of the ethics policy, any state statutes, and any other possible criminal implications as a result of the actions that she had cited earlier and available action to seek repayment of the funds that were paid out as a result of any violations, if found to be any. She further stated that the motion included that the Board's Code of Ethics included that independent counsel located outside of Union County conduct the investigation at the discretion of the County Attorney.

Chairman Openshaw asked if she were asking for an investigation to be conducted with the results of that investigation to be brought to the Board. She agreed that was correct.

Commissioner Mills commented that he did not know the real reason or purpose behind this motion, because these actions took place some time ago. He said that it does not make for a good working relationship among the Board members. He stated that this was a waste of time, and he was sorry that the Board was taking steps to rehash something that was put to bed and long forgotten.

Commissioner Kuehler stated that she had mentioned that she had been working on this issue since January, but it was not to say that she had spent all her time on it, but it was to make absolutely sure that she had her facts straight so she did not jump the gun and bring something forth that she had not looked at thoroughly. She said she wanted to make sure she had all of the information she felt was needed. She stated that these actions took place a little over a year ago, and the issue is that it has never been hashed out. In response to a comment by Commissioner Mills, she clarified that she meant the funding had never been hashed out.

Commissioner Mills questioned if Commissioner Kuehler had ever talked with him or Commissioner Baucom about her questions. Commissioner Kuehler stated that she had asked Commissioner Mills a couple of questions on different dates. Commissioner Mills reiterated he had asked her to call him, and he had offered to answer her questions, but she had not.

Vice Chair Rogers stated that for her it was about the Board's policies that are in place, and, if the scenario as was stated did occur, she was more concerned that any Commissioner would have the ability to enter into agreements as an individual and incur expenses as an individual prior to there being any board action. She said for her it is not about the FBI investigation, but it is about what the Board's policies state.

Commissioner Baucom commented that this motion has the potential to set a precedent that any former Commissioner at any time could be investigated. He said it could be the proverbial Pandora's Box, and he did not think it was for the public good. He said he thought it is a situation where the phrase "Be careful what you ask for" might be prudent and indicated that he would be voting against the motion.

Commissioner Mills stated that Vice Chair Rogers had brought forth a very valid point about individual Commissioners spending money without Board approval and stated that Commissioner Kuehler has on numerous times spent County dollars. He said that the County Attorney works for the Board and not individual Commissioners. He pointed out that on Mr. Merritt's billings that there were at least two times that indicated that Mr. Merritt had billed for time spent on matters for Commissioner Kuehler's husband.

Mr. Merritt emphasized that if there were any entries on his billings indicating that he had billed for work for Commissioner Kuehler's husband, it was in error. He stated that often times Mr. is changed for Mrs. on his billings, and sometimes he does not find those errors. He assured the Board that he has done no work for Mr. Kuehler.

Commissioner Mills said he was just noting what the bills reflect. Mr. Merritt stated that he understood and apologized for any confusion these errors might have caused, but again stressed that he had done no work for Mr. Kuehler and said that these were purely typographical errors. He offered, if the Board desired, to send corrected billings.

Chairman Openshaw commented that he too was concerned about the precedent the action included in Commissioner Kuehler's motion might set, but he said he was stuck with the question of how these issues all played out and the way he and Commissioner Lane were kept in the dark. He said this investigation only deals with ethical issues and if the investigation finds that there were no ethical issues, then no further action would be required. He thanked Commissioner Kuehler for addressing and researching her concerns. He said that he thought the Board needed to do the right thing, and he thought the Board sometimes had to deal with tough issues, and he considered this one to be unpleasant but necessary.

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

Mr. Merritt asked for some additional instruction from the Board defining how he was to proceed with retaining an outside attorney for the investigation. He asked if he should bring recommendations to the Board with respect to a law firm to conduct the investigation including information about their rates and then ask for the Board's approval to proceed. He said that he believes there should be discussion about the mechanics and how the Board wanted him to institute the investigation.

Commissioner Kuehler stated that she thought everything that Mr. Merritt had suggested was appropriate as far as gathering information and presenting it to the Board for consideration.

Mr. Merritt asked if the Board wanted him to present recommendations of multiple names of law firms for the Board's consideration along with rate information with respect to the attorneys who could perform the actual investigation.

Commissioner Kuehler responded that she would be interested in the rate information and in more than one option for possible law firms.

Mr. Merritt said that as to budgeting the cost of the investigation, he would defer to the County Manager to assure that funds are available for this particular investigation.

Mr. Greene stated that at the time a decision is made on a specific law firm, a budget amendment would be necessary. He said that based on the projections for the expenses for the County Attorney's fund, a budget amendment would be needed to undertake this work.

Commissioner Kuehler asked Mr. Merritt if a further motion were necessary or if giving him direction would be sufficient. Mr. Merritt responded he only needed direction from the Board as to what information it wanted presented to it and within what timeframe. He asked if it would be acceptable for him to bring the requested information on potential law firms to the Board during its September 21st meeting.

No objection was indicated by the Board members to the timeframe suggested by Mr. Merritt.

UPDATE ON ANSON AGREEMENT:

Al Greene, County Manager, explained that Union County has an existing agreement with Anson County whereby Anson County will provide four million gallons of water per day to Union County. He stated that due to the limitations in the County's infrastructure, Union County can only actually use 1.9 million gallons on a peak day; and, on an average day, it is more in the range of one million gallons per day. Mr. Greene stated that improvements to the County's system have been designed, permitted, and bid which would allow Union County to take full advantage of the four million gallons per day in contracted capacity and would also allow the County to use an additional two million gallons per day or more if it were available.

He reviewed that the Union County Board of Commissioners met in October 2008 with the Anson County Board of Commissioners, and the boards agreed to pursue a potential amendment to the agreement that would provide for improvements in the County's system to allow Union County to take full advantage of the four million gallons of water per day, to also provide for improvements to the Anson system that would allow Anson to convey up to six million gallons of water per day to Union County, to provide a fair and equitable cost sharing plan for the Anson improvements based on proportionate use of those infrastructure improvements, to provide for the sale of up to six million gallons per day of Anson water to Union, to provide for increased minimum purchase provisions, once the infrastructure is installed, and to extend the terms so that both parties can recoup the cost of the infrastructure improvements involved.

Mr. Greene stated that the County's staff has had numerous meetings with Anson's staff and has prepared a preliminary draft of amendments to the agreement. He said that copies of the proposed amendments have been provided to Anson County's Manager who is still reviewing the amendments. He explained that the dilemma is that Union County has accepted bids on the infrastructure improvements, and the bids that were received are very favorable in the range of \$5,044,000. He noted that the engineer's original estimate was \$7,900,000. He stated that those bids are valid through October 1, and he said that Union County would, obviously, like to take advantage of those bids without the necessity of rebidding. He said that the concern is with the term of the existing agreement expiring in early 2014. He stated that staff feels confident that Anson County wants to move forward with the revised agreement, but it appears that process will take longer than October 1st to finalize.

He said that in the interim, staff would suggest pursuing an extension to the current agreement for approximately 20 years to see if this is something that could be accomplished more quickly. He said that he believed even having an extension to the agreement approved by both boards in a one-month timeframe is ambitious, but he thought that would be more probable than an overall revision

to the agreement. He stated that staff recommends that the Board authorize staff to negotiate an extension to the term of the existing agreement for a suggested 20 year timeframe which would allow Union County to recoup its investment for the infrastructure improvements and that the amendment include a potential increase in Union County's minimum purchase requirement once the infrastructure improvements are in place from one million gallons per day to one and a half million gallons per day. He explained that this would be computed on a monthly basis so the minimum would increase from 30 million gallons per month to 45 million gallons per month.

Following the explanation by the Manager, Commissioner Baucom moved to approve an amendment to the Anson Agreement in concept to extend the term of the Agreement and to increase the minimum purchase provision by Union County from 30 million gallons per month to 45 million gallons per month, and to authorize the County Manager to approve the final document subject to legal review.

In response to a question by Commissioner Kuehler, Mr. Greene stated that the Board has approved the design and permitting of the infrastructure improvements, but the bids have not been awarded.

Commissioner Kuehler stated that she understood the need for the amendment to the agreement, but she wanted to see the master plan and the capital improvement plan.

Mr. Greene explained that the infrastructure improvements should have been made 20 years ago. He stated that this line was proposed before there was ever discussion of revisions to the Anson Agreement to increase the capacity. He said that the improvements are in the capital improvement plan, and the budget would have to be approved at the time the bids are awarded.

Vice Chair Rogers stated that in the Manager's summary of this item in the agenda package, it states there have been several meetings held between Anson and Union County staff. She requested that in the future, staff provide the Board with updates of those meetings.

Chairman Openshaw stated that he had found on the Anson County website that the Anson County Board of Commissioners was reviewing the amendment before the Union County Board of Commissioners had seen it. Mr. Greene responded that he had not provided the preliminary draft to the Anson County Board of Commissioners for review, but he had provided the draft to the County Manager.

He stated he had found a study from February 2, 2005, done by CH2M Hill, that said “Anson County officials have stated that they can provide up to 8.6 million gallons of water per day to Union County.” He said his question is how much water Anson is willing to provide per day.

Mr. Greene stated the Mr. Huneycutt with Union County Public Works explained at the Board’s work session in July that the improvements were designed with future lift stations to be installed along the line that would allow more than the six million gallons of water per day.

Chairman Openshaw offered an amendment to defer action on this item until more information can be obtained from Anson County regarding the maximum amount of water it would be willing to provide to Union County and within what timeframe it could be provided. He said that this could be discussed by the Board either in a work session on September 9 or at the Board’s next regular meeting.

Mr. Greene commented that the issue was not so much the capacity at this time, but the concern now is awarding the bids given the term of the agreement.

Commissioner Baucom stated that if action on this item is deferred, it will require the project going back to the bid process. He said that this is for an extension of the contract, and it is an interim methodology that would allow it to continue moving forward.

Mr. Greene apologized stating that he should have stated in his earlier comments that staff has asked Anson County what is the maximum amount of water that it can now provide, and six million gallons per day is all they are willing to negotiate for the foreseeable future.

Chairman Openshaw suggested that there be discussions with Anson’s Board of Commissioners, because he said he has had other conversations that lead him to believe that may not be the situation. He stated that due to the termination of another agreement that Anson had to provide water, there might be more water available.

Commissioner Mills stated that he thought that the County needed to move forward with extending the Agreement with Anson, and, if they are not able to negotiate for more water, then the County would still have the agreement.

Chairman Openshaw said that if more water is available, he did not want the County to commit to six million gallons per day when potentially it can get 8.6 million gallons per day. He said that he would like to have two motions.

In response to a question by Commissioner Kuehler regarding the maximum amount of water that the pipes will handle, Mr. Greene stated that it is currently designed for approximately six million gallons per day. He stated that additional pump stations can be installed along the line that will allow more water to be delivered. He asked Ed Goscicki, Public Works Director, if he could add any other comments.

Mr. Goscicki stated that he wanted to clarify one point of the motion before the Board which is to extend the term of the existing agreement for four million gallons of water per day. He said that the extension does not address the amount of water. He stated that at the same time, Union County is in negotiations with Anson to increase the amount of water per day from four million gallons to potentially six million gallons based upon the Board's direction from its meeting almost a year ago. He said that Union County is certainly interested in discussing with Anson about its providing more than the six million gallons per day. He stated that as was discussed in the Board's work session in July, additional water is needed beyond six million gallons per day for the eastern part of the county.

He said that the pipe is sized to allow Union County to take the full six million gallons of water per day that was anticipated. He stated that the pump station is sized physically to allow for six million gallons per day, but the pumps are only being installed for four million gallons per day. Mr. Goscicki said if the County is able to get eight or nine million gallons per day, then additional modifications would be needed. He stated that the County might want to put in another pipeline in a slightly different direction. He said that it is not known how Anson would deliver the additional water, so he thought there was time to work out how the water would physically be moved. He said that he did not think the County was putting itself in a lot of risk now in terms of putting in infrastructure that is too small. He stated that if pipes are put in that are too large, then there is too long of a detention time and the water gets too old sitting in the pipes, which would result in water quality problems. He said that he thought there is a balance of some of this risk in terms of being able to bring the amount of water to six million gallons per day.

Vice Chair Rogers stated that she thought it would be prudent to get the question answered from Anson regarding the amount of water it could provide, and then look at the cost comparison of possibly laying a two-inch larger pipe versus constructing a pump station.

Mr. Goscicki stated that originally staff was working on obtaining four million gallons of water per day from Anson, and then the Board gave direction, based on its meeting with the Anson County Board of Commissioners, to look at six million gallons of water per day. He said that is what staff has done, and this is the first time staff has learned about there possibly being an opportunity of eight million gallons per day.

Chairman Openshaw stated that the documentation from the July 14th meeting shows that there will be a pump station on Olive Branch. He said that he has a concern with that, because he thought the water should be used in areas that would use it the fastest.

Mr. Goscicki stated that he would need to look at the documentation to review the exact route for the water. He reminded that the intent of the project was to bring more water from Anson County and move it into the northeast section of the county to minimize some of the Catawba water that is being brought into that area now.

Commissioner Kuehler asked Chairman Openshaw to explain why the extension of the contract could not be fulfilled at this time and deal with the lines at the same time.

Chairman Openshaw said that these are two separate issues. He stated that if the motion on the table is to extend the length of the Agreement, then he did not have a problem with it. However, he said that he did have a problem with tying it together with the October 1 deadline on the bids instead of determining the maximization.

Vice Chair Rogers asked to have the original motion restated.

Commissioner Baucom restated his motion to approve an amendment to the Anson Agreement in concept to extend the term of the Agreement and increase the minimum purchase provision from 30 million gallons per month to 45 million gallons per month and to authorize the Manager to approve the final document pending legal review.

Commissioner Kuehler stated that she understood that Chairman Openshaw had another issue and she was trying to find out how that issue affects the motion.

Chairman Openshaw stated that it did not, if that was solely what the motion was, but if the motion involved the bidding, then yes his issue would affect the motion.

Vice Chair Rogers moved to call the question on the motion.

It was noted that there was an amendment and a main motion on the table.

Chairman Openshaw withdrew his amendment and called for a vote on the main motion by Commissioner Baucom.

The motion passed unanimously.

APPOINTMENTS TO THE TRANSPORTATION ADVISORY BOARD:

Chairman Openshaw stated that each Commissioner has one appointment from the unincorporated area of the County and then a representative of the Parks and Greenways would need to be appointed.

Chairman Openshaw nominated John Barker, who resides outside the Marshville area, as his appointee. He nominated Mayor Rick Becker from Mineral Springs to serve as the Parks and Greenways representative.

Commissioner Kuehler nominated Jack Ross, who resides in the area between Wesley Chapel, Mineral Springs, and Monroe.

Commissioner Baucom nominated Jonathan Thomas, who resides on Lawyers Road north in Monroe.

Vice Chair Rogers nominated Mark DiBiasio, who serves as the Planning Board's MUMPO representative.

Commissioner Mills nominated Jerry Simpson, who resides on Simpson Road.

Commissioner Kuehler moved to approve the nominations as stated. The motion passed unanimously.

The Chairman asked the Co-Chairs, Commissioners Kuehler and Baucom, to set up the meeting and to notify the Board.

PROCLAMATION FOR NATIONAL LONG-TERM CARE RESIDENTS' RIGHTS WEEK 2009:

Commissioner Mills moved adoption of the Proclamation for National Long-Term Care Residents' Rights Week 2009. The motion passed unanimously.

**National Long-Term Care
Residents' Rights Week 2009
Proclamation
*Hear Our Voice: Residents in
Long-Term Care Facilities
Speak Out About Residents' Rights***

Whereas, there are more than 1.6 million individuals living in 16,000 nursing homes; and 1 million individuals living in 50,000 board and care/assisted living facilities in the U.S.; and

Whereas, the federal Nursing Home Reform Act of 1987 guarantees residents their individual rights in order to promote and maintain their dignity and autonomy; and

Whereas, all residents should be aware of their rights so they may be empowered to live with dignity and self-determination; and

Whereas, we wish to honor and celebrate these citizens, to recognize their rich individuality, and to reaffirm their rights as community members and citizens, including the right to have a say in their care; and

Whereas, individuals and groups across the country will be celebrating Residents' Rights Week with the theme– “Hear Our Voice: Residents in Long-Term Care Facilities Speak Out About Residents' Rights”– to emphasize the importance of affirming these

rights through facility practices, public policy and resident-centered decision-making that impacts quality of care and quality of life.

Now, therefore, the Union County Board of Commissioners, does hereby proclaim October 4 – 10, 2009 as **National Long-Term Care Residents’ Rights Week**, in Union County and encourages all citizens to join in these important observances.

Adopted this 31st day of August, 2009

MARVIN DEPUTY AGREEMENT:

Commissioner Mills moved to (1) authorize the County Manager to approve the new Marvin deputy agreement; (ii) approve Budget Ordinance Amendment #8; and (iii) increase the full/part-time positions allocated to the Sheriff’s Office from 249.55 to 251.55 reflecting two additional deputies in accordance with the terms of the agreement. The motion passed unanimously.

BUDGET AMENDMENT							
BUDGET	Sheriff's Office			REQUESTED BY	Sheriff Eddie Cathey		
FISCAL YEAR	FY2010			DATE	August 31, 2009		
<u>INCREASE</u>				<u>DECREASE</u>			
<u>Description</u>				<u>Description</u>			
Personnel Expenditures			80,675	General Fund Contingency			11,266
Operating Expenditures			19,950				

Capital Expenditures			12,038					
Departmental Intergovernmental Revenue			101,397					
Explanation:	Appropriate intergovernmental revenue from the Village of Marvin for two additional contract deputy positions and related operating costs and equipment. Budget based on 9 months with effective start date of October 1, 2009.							
DATE				APPROVED BY				
					Bd of Comm/County Manager			
					Lynn West/Clerk to the Board			
FOR POSTING PURPOSES ONLY								
<u>DEBIT</u>				<u>CREDIT</u>				
<u>Code</u>	<u>Account</u>	<u>Amount</u>		<u>Code</u>	<u>Account</u>			
10543130-5920-1054	Departmental contingency (until annexation completed)	112,663		10443130-4920-1054	Dept. revenue contingency (until annexation completed)			101,397
				10592000-5920	General Fund Contingency			11,266

INCREASE			DECREASE		
<u>Description</u>			<u>Description</u>		
Contracts, Grants and Subsidies	25,000		General Fund Contingency		25,000
Explanation: Appropriate funding for County participation in development of hydrological model, remediation plan and related services in connection with Weddington and WCWAA.					
DATE			APPROVED BY		
			Bd of Comm/County Manager Lynn West/Clerk to the Board		
FOR POSTING PURPOSES ONLY					
DEBIT			CREDIT		
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10561373-5699	Contracts, Grants and Subsidies	25,000	10592000-5920	General Fund Contingency	25,000

She stated that this language adds an unnecessary level.

Mr. Crook stated that the County's policy does express the content of the asterisk, and this language was added to make clear that those employees would be supervised or disciplined by the County Manager even though they might be supervised on a day-to-day basis by someone else. He stressed it is an important issue to the County but what the Vice Chair was stating would result in the same.

The motion was passed unanimously.

CONSIDERATION OF TERMS OF A LEASE OF WATER CAPACITY (2 MGD) FROM LANCASTER COUNTY WATER AND SEWER DISTRICT TO UNION COUNTY FOR A TWO-YEAR PERIOD:

Al Greene, County Manager, stated that a letter was received from Lancaster County Water and Sewer District offering a lease purchase by the County of two million gallons per day of water from its 18 million gallons per day capacity for a 24-month period. He said that the terms and conditions of the lease purchase were as anticipated. He noted that there might be some minor modifications to some of the points of Lancaster's letter.

Mr. Greene stated that the cost to the County would be 58 cents per thousand gallons, and that rate is set annually. He stated in addition to that cost there would be debt service cost to compensate Lancaster County Water and Sewer District for the debt service associated with those two million gallons. He stated that the annualized cost would be \$110,000 per year. He said that the staff's recommendation is that the Board authorize the Manager to negotiate and execute a lease in substantial conformity with the terms outlined in the letter from Lancaster County Water and Sewer District dated October 24, 2009.

Commissioner Kuehler questioned whether the two million gallons of water per day would be used. She said that she did not see how the two million could be allocated since it is temporary. She asked who would be billed for the \$9,200 for the lease purchase.

Mr. Greene responded that it would be paid from the enterprise fund. He stated that if the Board did not intend to pursue additional capacity from Anson County, staff would not recommend that the Board consider allocating the two million gallons per day from Lancaster. He said that Lancaster is currently allowing the County to use three million gallons per day of its share.

Commissioner Kuehler said that even if Union County does get the additional water from Anson County, it is her understanding that much of that will be pushed over to the Catawba basin to free up some capacity in that basin. She asked where the two million gallons per day owed to the City of Monroe pursuant to the agreement in 2014 would come from.

Mr. Greene responded it would come from either the plant expansion at Lancaster or from the possible additional water from Anson.

Chairman Openshaw said that unless there is a guarantee that the Catawba Plant expansion would be on line in time to meet the two million gallons of water per day to Monroe, then Union County cannot allocate two million more gallons per day. He said that he was surprised when he saw this item on the agenda, because he did not know how many times this issue has been discussed.

Mr. Greene apologized stating that he thought staff was pursuing a direction of the Board in this matter.

Commissioner Kuehler moved to table action on this matter until some of the Board's questions could be answered.

Mr. Goscicki explained that the additional lease purchase of the additional two million gallons per day from Lancaster provides some comfort on the allocation policy.

Commissioner Kuehler commented that what she did not hear Mr. Goscicki say is that the additional two million gallons per day is available for allocation, but it is an insurance policy so that the restrictions on outdoor irrigation would not have to be invoked. She said if the two million gallons per day is allocated permanently, then what happens at the end of two years when the two million gallons per day is owed to Monroe pursuant to the agreement.

Mr. Goscicki responded that it is four years when the two million gallons per day would be owed to the City of Monroe, and within two years from now, Anson County would be brought online and it would replace this two million gallons per day. He stated that there would still be the two million gallons per day obligation to Monroe which says there needs to be another two million gallons per day from Catawba in order to meet the Monroe requirement, and that is what is being worked on currently with the plant expansion.

Mr. Greene commented that staff has to inform the Board that it cannot guarantee anything, because staff cannot make this happen at the staff level. He said that at some point, there has to be trust and faith to move the County forward, but staff cannot guarantee it.

Chairman Openshaw said that is how the County has operated in the past on trust and faith, and trust and faith have been violated. He said that until there is certainty of the source for that water, he could not vote to allocate water that the Board cannot be sure the County will have to meet its contractual obligation. He said that he had asked for a list of the status of the projects in the Yadkin Basin versus the Catawba Basin.

Commissioner Baucom offered an amendment to authorize the Manager to negotiate and execute a lease in substantial conformity with the terms outlined in the letter from Lancaster County Water and Sewer District dated August 24, 2009, for the lease purchase of an additional two million gallons of water per day.

Vice Chair Rogers stated that she was sure the others were as frustrated as she was with this whole process. She said that being new to the Board, she was surprised coming out of the business environment how things are done or not done in the government environment. She stated that receiving this agenda item the night of the meeting is unacceptable. She said in her opinion the entire water allocation policy has dragged on too long. She suggested that there should be one document that manages the Monroe agreement, the Anson agreement, and the Catawba expansion, etc. which states when each of the projects would come online and the associated costs. She said that she was looking for a systematic way to look at these issues, because the Board is not being effective nor is the County. She said that this issue is too important to ask for her approval tonight and requested that some form of what she had outlined be provided.

Mr. Greene apologized for giving this information to the Board tonight and stated that it was on his desk on Thursday morning, and he had e-mailed it to the Board immediately. He said that staff would love to have a plan and to sit down and review that plan with the Board. He stated that it takes some time to understand all the various challenges in utilities and said that staff would welcome spending whatever time is necessary with the Board to go over these issues.

Vice Chair Rogers suggested scheduling a meeting for staff to present all of the issues she had outlined in order to get some movement in some of the areas.

The amendment failed by a vote of two to three. Commissioner Baucom and Commissioner Mills voted in favor of the amendment. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted against the amendment.

ANNOUNCEMENT OF VACANCIES ON BOARDS AND COMMITTEES:

Chairman Openshaw announced vacancies on the following boards and committees:

- a. Adult Care Home Advisory Committee (6 Vacancies)
- b. Nursing Home Advisory Committee (4 Vacancies)
- c. Region F Aging Advisory Committee (1 Vacancy)
- d. Juvenile Crime Prevention Council:
 - 1. Member of Faith Community
 - 2. County Commissioner Appointees (3)
 - 3. Substance Abuse Professional

*The appointments for specific positions such as School Superintendent or Designee, Chief Court Counselor or Designee, Director DSS or Designee, etc. are not listed. Staff will make contact with these individuals to ask if they want to make application or recommend a designee.
- e. Union County Industrial Facilities and Pollution Control Authority (2 Vacancies for Unexpired Terms Ending May 2014)

MANAGER’S COMMENTS:

Mr. Greene reported that Mike Garbark of the Public Works Department has been working to compile an update to the Water Allocation Priority A projects, which was provided to the Board for both residential and non-residential. He stated that he would not consider the update to be a finished product but asked the Board to review the information and contact staff with any questions.

COMMISSIONERS’ COMMENTS:

Commissioner Mills stated that it was good to have Holly Gosnell and Rebecca McCall, the Girl Scout Gold Award Recipients, present tonight.

He shared that he had attended the NRA (National Rifle Association) banquet at the Ag Center this past Saturday night, and it was a huge success. He said that Van Haigler did an outstanding job on the event and all of the monies raised from that event remains in Union County to help the youth.

Vice Chair Rogers had no comments.

Commissioner Baucom congratulated Amanda Elzey, a 2009 graduate of Piedmont High School, on having received approximately \$2.5 million in scholarship offers from across the United States. He stated that Ms. Elzey opted to accept a scholarship offer from Campbell University.

Commissioner Baucom also recognized Don Brooks, who has served as a volunteer fireman for the New Salem Volunteer Fire Department for 50 years. He said that Mr. Brooks served as Chief for that department for 29 years. He expressed appreciation to Mr. Brooks for helping to move the New Salem Volunteer Fire Department forward and for his leadership.

Commissioner Kuehler reminded everyone to slow down for school traffic since school is again in session.

Chairman Openshaw said that \$1,092,765 in lottery funds were returned to Union County, which was originally to have come to Union County in February. He said that this is the sixth largest amount in the state and these dollars would go toward paying for school construction.

He said there were two ideas of note in the County Commissioners' newsletter that he would like for staff to pursue: 1) in rem foreclosures, which is being used in Cleveland County; and 2) recycling roofing shingles (Pitt County has received permission from the State to recycle roofing shingles). He said that Pitt County has projected savings in the amount of \$100,000 per year and recycling of the shingles reduces space in the landfill.

Chairman Openshaw said that approximately 2,000 people attended the town hall meeting with Representative Sue Myrick, which primarily focused on healthcare.

He offered congratulations to Wingate Volunteer Fire Department for receiving a state grant in excess of \$14,000 to purchase equipment.

With there being no further discussion, at approximately 11:43 p.m., Vice Chair Rogers moved to adjourn the regular meeting.