

Approved

Minutes of the Special Meeting of
Wednesday, September 30, 2009
9:00 a.m.

The Union County Board of Commissioners met in a special meeting on Wednesday, September 30, 2009, at 9:00 a.m. in the Personnel Training Room, Room 131, First Floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The purposes of the work session were to: 1) update the Board regarding the Government Center Renovations; 2) discuss economic development incentive grant administration; 3) continue discussion of the organizational structure of the emergency services; 4) consider approval of the Refunds and Releases submitted by the Union County Tax Administrator's Office for August 2009; 5) consider acceptance and award of bids in connection with the Anson four (4) million gallons per day (mgd) improvements, authorize the County Manager to approve agreements with the low bidders, authorize the County Manager to approve Task Order #49 with HDR Engineering for construction administration services, and adopt Capital Project Ordinance #127 in connection with the Anson improvements; (6) discuss grant formalities for the Dodge City grant and approve resolution and policies related thereto (to include a resolution formally authorizing the filing of the application and designating responsible parties; a Citizen Participation Plan; a Complaint Procedure; and a Policy Prohibiting the Use of Excessive Force and Enforcing Laws Against Physically Barring Entrances/Exits); and 7) to go into closed session to discuss matters within the attorney/client privilege in accordance with G.S. 143-318.11(a)(3). The following were

PRESENT: Chairman Lanny Openshaw, Vice Chair Kim Rogers, Commissioner Allan Baucom, Commissioner Tracy Kuehler, Commissioner A. Parker Mills, Jr. (who joined the meeting at approximately 9:20 a.m.)

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; members of the press and interested citizens

At approximately 9:00 a.m., Chairman Openshaw convened the special meeting and welcomed everyone present.

Refunds and Releases for August 2009:

Chairman Openshaw asked that Item 2 - Tax Administrator: a) Refunds for August 2009 in the grand total of \$21,223.12; and b) Releases for August 2009 in the grand total of \$12,769.86 be moved up on the agenda as Item 1 in order to provide Commissioner Mills time to arrive at the meeting to attend the closed session. He recognized John Petoskey, Tax Administrator, to explain the request for approval of the refunds and releases for August 2009.

Mr. Petoskey stated that normally the Board would be asked to consider the refunds and releases at a regular meeting; however, due to the fact that these items were submitted outside the agenda deadline, and the request was that these items be considered during today's special meeting because these included settlement amounts from cases that were appealed.

Following the explanation, Commissioner Kuehler moved to approve the refunds for August 2009 in the grand total of \$21,223.12 and the releases for August 2009 in the grand total of \$12,769.86. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, and Commissioners Baucom and Kuehler voted in favor of the motion. Commissioner Mills was not present.

Refunds for August 2009:

REFUNDS AUGUST 2009

2008

Acct #	Name	Release #	Totals
06189002B	KING JIMMY R & WIFE JUDY P	5595	3,877.44
06189002A	KING JIMMY R	5596	1,732.29
06072004	GIBSON ELMER REECE	5598	1,573.77
07087007	RADIATOR SPECIALTY COMPANY	5600	12,527.01
06180221	TRIPP MICHAEL F & PATRICIA K	5602	574.23
01036010	GADDY PEGGY T	5604	100.22
01036009	GADDY PEGGY T	5606	36.58
01066028	GADDY PEGGY T	5608	36.57
01087003	MARTIN SHELLEY F & BEVERLY M	5610	90.10
01108001	MARTIN SHELLEY F & BEVERLY M	5612	8.12

01036004 01	GADDY PEGGY T	5616	542.77
01084008	CANNON HENRY PIERSON JR & WF LINDA MILLS	5614	124.02
Totals			21,223.12

GRAND TOTALS **21,223.12**

Releases for August 2009:

RELEASES AUGUST 2009

2009 Acct #	Name	Release #	Totals
06072004	GIBSON ELMER REECE	5597	1,573.77
07087007	RADIATOR SPECIALTY COMPANY	5599	9,369.46
06180221	TRIPP MICHAEL F & PATRICIA K	5601	574.23
01036010	GADDY PEGGY T	5603	373.53
01036009	GADDY PEGGY T	5605	36.58
01066028	GADDY PEGGY T	5607	36.57
01087003	MARTIN SHELLEY F & BEVERLY M	5609	90.10
01108001	MARTIN SHELLEY F & BEVERLY M	5611	8.12
01084008	CANNON HENRY PIERSON JR & WF LINDA	5613	36.58
01036004 01	GADDY PEGGY T	5615	542.77
01108002	MARTIN SHELLEY F	5617	128.15
Totals			12,769.86

GRAND TOTALS

12,769.86

Discussion of Grant Formalities for the Dodge City Grant:

Chairman Openshaw recognized Matthew Delk, Assistant County Manager, to explain this item.

Mr. Delk stated that in reviewing the recommended agreement for the Dodge City Grant, staff has identified that there are certain policies and procedures that the County is required to have that are not currently in place. He said that the County generally does not have a lot of activity with federal grants. He stated that in order to sign off on the grant application, the County must have adopted the following resolutions and policies: 1) Resolution Authorizing Application; 2) Resolution Establishing Citizen Participation Plan and Complaint Procedure; and 3) Excessive Force Policy.

Mr. Delk noted that Sheriff Cathey has indicated that the proposed Excessive Force Policy meets his practice and guidelines. At the request of Vice Chair Rogers, Mr. Delk explained the requirement for the Policy Prohibiting the Use of Excessive Force and Enforcing Laws Against Physically Barring Entrances/Exits. Mr. Crook stated that the policy is a formality, and staff might be coming to the Board in the future with other policies or resolutions that are required under this grant.

Following the presentation and discussion, Commissioner Baucom moved adoption of the following: 1) Resolution Authorizing Application; 2) Resolution Establishing Citizen Participation Plan and Complaint Procedure; and 3) Excessive Force Policy. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

RESOLUTION TO AUTHORIZE APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR DODGE CITY WATER LINE PROJECT

WHEREAS, on August 10, 2009, the North Carolina Department of Commerce Division of Community Assistance issued a Letter of Eligibility enabling Union County to submit an application for Small Cities Community Development Block Grant (CDBG) Infrastructure funds; and

WHEREAS, the Union County Board of Commissioners has held two public hearings concerning the proposed application for CDBG Infrastructure funds for the Dodge City Water Line Project; and

WHEREAS, the Union County Board of Commissioners would like to authorize the filing of the attached application for CDBG Infrastructure funding for the Dodge City Water Line Project, and would like to authorize the Chairman of the Union County Board of Commissioners and the Union County Manager to act as herein described.

NOW, THEREFORE, BE IT RESOLVED by the Union County Board of Commissioners that the filing of the attached application is hereby authorized, including all understandings and assurances contained therein. Lanny Openshaw, Chairman of the Union County Board of Commissioners, and successors so titled, is hereby authorized to execute such documents as Chief Elected Official in connection with the attached application as may be required by the North Carolina Department of Commerce Division of Community Assistance. Alfred W. Greene, County Manager, and successors so titled, is hereby authorized to execute any other document relating to the attached application for which the Chief Elected Official's signature is not required, and is directed to file the executed application on behalf of Union County with the North Carolina Department of Commerce's Division of Community Assistance. Furthermore, Alfred W. Greene, County Manager, and successors so titled, is hereby authorized to act in connection with the attached application and to provide such additional information as may be required.

This the _____ day of _____, 2009.

Lanny Openshaw, Chairman of the Board

**RESOLUTION ESTABLISHING
A CITIZENS PARTICIPATION PLAN AND COMPLAINT PROCEDURE
FOR THE UNION COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT
DODGE CITY WATER PROJECT**

WHEREAS, Union County was invited to apply for a Small Cities Community Development Block Grant (“CDBG”) for funding to expand public water service to the Dodge City Community; and

WHEREAS, Section .1002 of North Carolina Community Development Block Grant Program Regulations (4 NCAC 19L) mandates that each grant recipient shall provide citizens with an adequate opportunity for meaningful involvement on a continuing basis for participation in the planning, implementation and assessment of the Community Development Block Grant Program; and

WHEREAS, Union County held two public hearings related to the Dodge City CDBG project, and Union County staff met and communicated with citizens about the proposed project; and

WHEREAS, Union County supports transparent government that complies with Federal and State laws relating to freedom of information.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners do hereby adopt the following Citizen Participation Plan and Complaint Procedure for its Community Development Block Grant Program (“Community Development Program”) as a matter of policy.

1. Public Hearings: The County Board of Commissioners shall hold public hearings in accordance with the Department of Commerce regulations. The Board will schedule public hearings to obtain citizens’ views and to respond to citizen proposals at times and locations which permit broad participation, particularly by low and moderate-income persons, members of minority groups, potential or actual beneficiaries, handicapped persons, and residents of blighted neighborhoods and project areas. At a minimum, hearings shall be held as follows:

- A. Prior to submission of any program amendments.
- B. Prior to grant close-out
- C. Prior to submission of any future CDBG applications

Accommodations will be made for persons attending hearings with disabilities. No public hearing will be held without first a public notice being published in the non-legal section of a newspaper having general circulation within Union County. The notice will be published at least 10 days but no more than 25 days prior to the date of the hearing.

At a minimum, the notice shall indicate the date, time, place and procedures of the hearing and the topics to be considered. The County shall also provide notice of hearings through other means.

2. Staff Responsiveness: The County Board of Commissioners hereby direct County Staff and anyone responsible for this application to make all reasonable efforts to respond to citizens' communications relating to the Community Development Program in a responsive and courteous manner. County Staff shall also comply with reasonable requests for meetings with citizens interested in the project.

3. Submission and Consideration of Views and Proposals: The County encourages and shall solicit the submission of views, proposals, and comments regarding the Community Development Program by citizens and citizen groups, particularly low-and-moderate income persons, members of minority groups, residents of blighted areas where activities are proposed, and affected neighborhoods. This includes submission of such views:

- A. Directly to the County during the program planning period; during the implementation of the Community Development Program; or prior to submission of any other CDBG application or program amendment;
- B. At public meetings held throughout the County;
- C. Directly to the North Carolina Department of Commerce.

The County Manager shall provide timely responses to all comments submitted pursuant to the process described herein, including written responses to written comments stating the reasons for the action taken by the County on the proposal.

Written responses to written comments shall be provided within ten (10) calendar days of submission, when practicable. The County shall continue to solicit and respond to citizen comments regarding the implementation of the Community Development Program until such time as the grant program is closed.

4. Consideration of Objection to Future Applications or Amendments to the Community Development Program: Persons wishing to object to approval of a block grant application or to approval of an amendment to the Community Development Program may make such objections in writing to:

North Carolina Department of Commerce
Division of Community Assistance (DCA)
CDBG Program
4313 Mail Service Center
Raleigh, NC 27699-4313

DCA will consider written objections made only on the following grounds:

- A. The County's description of needs and objectives is plainly inconsistent with available facts and data; or
- B. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the County;
or
- C. The application does not comply with applicable laws and regulations.

Such objections shall include both identification of the requirements not met and, in the case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with available facts and data, the facts and data upon which the person(s) objections are relying.

5. Complaints: All complaints concerning the Community Development Program should be addressed to:

Union County Manager
500 N. Main Street
Monroe, NC 28112

The County will provide written responses to written complaints within ten (10) calendar days of receipt of the complaint. If a citizen lodging a complaint is dissatisfied with the County's response, then that person may direct the complaint to the North Carolina Division of Community Assistance. For further information or clarification on this complaint procedure, persons may call (704) 283-3810. This complaint procedure shall be applicable through the life of the Community Development Block Grant and shall be available to the general public.

At any time, persons may submit written comments to the North Carolina Division of Community Assistance concerning the County's failure to comply with the requirements of Subchapter 19L of Title 4 of the North Carolina Administrative Code (regulations governing the North Carolina Community Development Block Grant Program).

6. **Records**: All records of public hearings, citizens' comments, responses to comments and other documents and papers relevant to the Community Development Block Grant Program, including but not limited to, records relating to the County's proposed and actual use of CDBG funds, shall be kept in accordance with Section .0911 of 4 NCAC 19L. All Community Development Program records that are public and not confidential under North Carolina's Public Records laws shall be made accessible in a reasonable and timely fashion to interested individuals and groups upon request during Union County's normal working hours, and shall be maintained at all times at the offices of the Union County Government.
7. **Non-English Speaking Persons**: Upon request, Union County will use its best efforts to accommodate the needs of non-English speaking persons (i.e. providing translation of information and/or translation services at hearings). If Union County staff reasonably expects that a significant number of non-English speaking residents will participate in a CDBG public hearing, County staff will arrange for translation services.
8. **Technical Assistance**: Union County will provide technical assistance to facilitate citizen participation, where specifically requested and appropriate. This technical assistance shall be provided to groups of persons of low-and moderate-income that requests such assistance in developing proposals. The level and type of technical assistance shall be determined by the County.

Adopted this _____ day of _____, 2009.

Lanny Openshaw, Chairman

Signature

SEAL

Attest:

Lynn G. West, Clerk to the Board

Signature

POLICY PROHIBITING THE USE OF EXCESSIVE FORCE AND ENFORCING LAWS AGAINST PHYSICALLY BARRING ENTRANCES/EXITS

WHEREAS, Union County is applying to receive Small Cities Community Development Block Grant (CDBG) funding; and

WHEREAS, the Small Cities Community Development Block Grant Program requires the County to adopt and enforce the policies described herein.

NOW, THEREFORE, BE IT RESOLVED by the Union County Board of Commissioners that Union County hereby prohibits the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations, and hereby adopts and will enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction in accordance with Section 519 of Public Law 101-144, (the 1990 HUD Appropriations Act).

This the _____ day of _____, 2009.

Lanny Openshaw, Chairman of the Board

Chairman Openshaw suggested that the Board discuss Item 4 - Anson Four Million Gallons Per Day Improvements as the next item and to continue allowing Commissioner Mills time to join the meeting before the closed session. There was no objection expressed to Chairman Openshaw's suggestion.

Anson Four Million Gallons Per Day Improvements:

Chairman Openshaw recognized Al Greene, County Manager, to explain these items.

Mr. Greene stated that the County had received bids for the Anson water improvements, and the bids are very favorable to the County. He said the bids are approximately three million dollars below the engineer's estimates. He stated that the bids expire today. He said that the low bidder is a local contractor in which staff has a lot of confidence.

He stated that Chairman Openshaw, Commissioner Kuehler, Ed Goscicki, the County's Public Works Director, and he met yesterday with an informal group from Anson County to discuss revisions to the agreement between Union and Anson Counties. He said that an extension or revision is needed to that agreement if the planned improvements under this bid are going to be useful to the County beyond 2014.

Mr. Greene said that staff met several days ago to discuss the situation and to weigh the pros and cons of awarding the bids before an extension or revision to the Agreement might be approved. He stated that staff reached a conclusion that it would be advantageous to move ahead and award the bids today. He explained the reasons that staff was recommending going ahead with awarding the bids.

Mr. Greene stated that he felt comfortable, based on the meeting with the group from Anson County and on Union County's past relationship with Anson County, that there will be an agreement. He said that he thought the Board would need to make a decision today to either award bids or to rebid. He said that staff recommended awarding two bids: 1) one for the water line construction and 2) one for the pumping station improvements to Dellinger, Inc., in the total amount for both bids of \$5,044,850 and to authorize the County Manager to approve Task Order #49 with HDR in the amount of \$268,250 for the Construction Administration and Inspection Services for the project, pending legal review and to adopt Capital Project Ordinance Amendment #127.

[Commissioner Mills joined the meeting at approximately 9:20 a.m.]

Following explanation and recommendation by the County Manager, there was discussion and comments by the Commissioners. In response to a question by Vice Chair Rogers on the approach of finalizing an agreement, Mr. Greene stated that there were a few comments from yesterday's meeting with Anson County's representatives, and he thought it had been concluded from that meeting that Mr. Goscicki and Vance Gullede, Anson County Manager, along with representatives from the two engineering firms would meet next week to fine tune the language regarding the improvements. He said that Mr. Goscicki would also be working with the engineers to determine what amount of water would be acceptable as a minimum purchase by Union County. Mr. Greene said that he thought the final comment had been to work with Mr. Crook to restructure the agreement to delete some of the language from the prior agreement to make the agreement easier to read and understand for future generations.

Vice Chair Rogers asked if the Board could expect to have a new agreement for consideration at the October 19, 2009, meeting. Mr. Greene responded that October 19 would be doable if the scheduling can occur with the meetings among Mr. Goscicki, Anson's staff and the engineers. Vice Chair Rogers requested that Mr. Greene keep the Board informed each time staff has a meeting regarding the agreement and to update the Board on its status.

Following the discussion, Commissioner Kuehler moved the following, which was passed unanimously:

- a. US 74 and Olive Branch Road Water Booster Pumping Stations

Accept bids as recorded below, award bid to lowest, responsive, responsible bidder, Dellinger, Inc. in the amount of \$2,124,179, and authorize the County Manager to approve an agreement with the low bidder, pending legal review.

BIDDER	ADDRESS	TOTAL BID
Dellinger, Inc.	2631 Old Charlotte Hwy Monroe, NC 28111	\$2,124,179.00
Hickory Construction	1728 Ninth Ave NW Hickory, NC 28601	\$2,144,229.00
State Utility	4417 Old Charlotte Hwy	\$2,354,000.00

Contractors	Monroe, NC 28110	
MV Momentum Const.	610B Minuet Lane Charlotte, NC 28217	\$2,589,935.00
Buckeye Construction	654 Buckeye Cove Rd Canton, NC 28716	\$3,861,727.80

b. Transmission Main

Accept bids as recorded below, award bid to lowest, responsive, responsible bidder, Dellinger, Inc. , in the amount of \$2,920,671, and authorize the County Manager to approve an agreement with the low bidder, pending legal review.

BIDDER	ADDRESS	TOTAL BID
Dellinger, Inc.	2631 Old Charlotte Hwy Monroe, NC 28110	\$2,920,671.00
Hall Contracting	6415 Lakeview Road Charlotte, NC 28256	\$3,222,927.61
Advanced Development	11025 Monroe Rd Matthews, NC 28105	\$3,228,384.04
State Utility Contractors	4417 Old Charlotte Hwy Monroe, NC 28110	\$3,278,092.82
Ronny Turner Const.	3471 Hwy 127 South Hickory, NC 28602	\$3,334,902.04
Sanders Utility	6801 Brookshire Blvd. Charlotte, NC 28216	\$3,459,603.62
Davis Grading	3404 W. Zion Church Rd. Shelby, NC 28150	\$3,495,305.18
Triangle Paving Grading	1521 S. Huffman Mill Rd Burlington, NC 27215	\$3,598,652.30

Central Builders	1120 Atlantic Ave Rocky Mt, NC 27801	\$3,807,934.35
Garney Construction	2001 Westside Pkwy Alpharetta, GA 30004	\$3,911,249.48
Scurry Construction	18606 Northline Dr Cornelius, NC 28031	\$4,376,831.16
Morgan Contracting	6575 Hwy 189 N Baker, FL 32531	\$4,423,293.04
RH Price	5226 Beatties Ford Rd Charlotte, NC 28216	\$4,490,270.24
Buckeye Construction	654 Buckeye Cove Rd Canton, NC 28716	\$4,651,431.59
Hobby Construction	13699 SC Hwy 34 Newberry, SC 29108	\$4,929,475.25
DS Utilities	1644 Holy Trinity Ch Rd Little Mtn, SC 29075	\$5,125,120.25
RF Shinn	9025 Hwy 601 S. Midland, NC 28107	\$7,472,496.50

- c. Task Order #49 with HDR Engineering in the amount of \$268,250 to provide Construction Administration and Inspection Services for the 12-month contract duration.

Authorize the County Manager to approve Task Order #49 with HDR Engineering in the amount of \$268,250 to provide Construction Administration and Inspection Services for the 12-month contract duration.

- d. Capital Project Ordinance (CPO) #127

Adopt Capital Project Ordinance #127

	CAPITAL PROJECT ORDINANCE AMENDMENT
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BUDGET	Water and Sewer CPO Fund			REQUESTED BY	Kai Nelson		
FISCAL YEAR	FY 2009-2010			DATE	September 30, 2009		
PROJECT SOURCES				PROJECT USES			
Source	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
IFT from W&S Oper Fd	56,947,351	5,314,734	62,262,085	Anson Water 4.0 MGD Improvements	784,242	5,314,734	6,098,976
				All Other Water & Sewer Capital Projects	56,163,109	-	56,163,109
	56,947,351	5,314,734	62,262,085		56,947,351	5,314,734	62,262,085
EXPLANATION:	Appropriate funding from unallocated funds previously transferred from Water & Sewer Operating fund to the Water & Sewer CPO for Anson County 4.0 MGD Improvements						
DATE:				APPROVED BY:	Bd of Comm/County Manager Lynn West/Clerk to the Board		
FOR FINANCE POSTING PURPOSES ONLY							

PROJECT SOURCES				PROJECT USES			
Source	Project To Date	Requested Amendment	Revised Project	Project Description and Code	Project To Date	Requested Amendment	Revised Project
IFT from W&S Oper Fd	56,947,351	5,314,734	62,262,085	Anson 4.0 MGD Improvements - Construction	-	5,044,850	5,044,850
64471400-4061				64571400-5595-WT051			
				Anson 4.0 MGD Improvements - A&E	749,242	257,796	1,007,038
				64571400-5594-WT051			
				Anson 4.0 MGD Improvements - Capital Land Legal Easements	35,000	12,089	47,089
				64571400-5592-WT051			
				All Other Water & Sewer Capital Projects	56,163,109	-	56,163,109
				64471400-4061			
	56,947,351	5,314,734	62,262,085		56,947,351	5,314,734	62,262,085
Prepared By	BI						
Posted By							
Date						Number	CPO - 127

Closed Session:

At approximately 9:40 a.m., in open session, Chairman Openshaw moved that the Board go into closed session to consult with an attorney in order to preserve the attorney-client privilege in accordance with G.S. 143-318.11(a)(3) and to consider and give instructions to an attorney concerning the handling or settlement of the following judicial action: Sugar Creek Charter School, Inc. et al. vs. State of North Carolina et al. The motion was passed unanimously.

The Commissioners remained in the Personnel Training Room for the closed session.

At the conclusion of the closed session, at approximately 10:00 a.m., the Chairman moved that the Board go out of closed session and recess the special meeting for five minutes. The motion passed unanimously.

At approximately 10:05 a.m., Chairman Openshaw reconvened the special meeting in the Personnel Training Room.

Update Regarding Government Center Renovations:

Chairman Openshaw recognized Al Greene, County Manager, for comments.

Mr. Greene stated that renovations have been occurring on the Government Center through a phased program. He introduced Bill Burgin and Donia Schauble of Ramsay Burgin Smith Architects, Inc.

Bill Burgin stated that Donia Schauble is the Project Architect. He said that the renovation project had been set up as an eight-phase project, and six of the phases have been completed. He stated that the project started almost four years ago, and the last two phases will take approximately two and a half years.

Ms. Schauble reviewed the project history and a description of the completed phases. She said that the phases completed included the following:

Phase I:

Board of Commissioners' Meeting Room (first floor)
Personnel Department (first floor)
Main Building Entrance (first floor)

Phase II:

Tax Collector

Public Works
Vending Room

Phase III:

School finance department move to back of former Public Works Department

Phase IV:

Register of Deeds
Tax Assessor
Information Technology Training Room
Completed second floor of Government Center

Phase V:

Old Post Office Building - (first floor) School Child Nutrition Department

Phase VI:

School Administration moved into former Public Works building and added on to it.

She stated that all phases of the project that have been completed have been completed under budget.

She reviewed the remaining phases to be completed. She said that the Veterans Services will be one of the next departments to be moved.

Vice Chair Rogers said a concern had been brought to her attention regarding the accessibility to the Veterans Service Office for those who use a walker or a wheelchair once it is relocated. Ms. Schauble responded that it was planned to move Veterans Services to the sixth floor of the Government Center, and the only concern was for those persons visiting that office would have to use an elevator to access that office, whereas the Veterans Service Office is now located on the ground floor. She said it is mostly a

convenience issue. Mr. Burgin said it is more the relationship to the parking spaces and accessing entrance to the building. He stated that the ground floor space is filled for the most part with departments included in the one-stop shopping.

Vice Chair Rogers questioned whether it would be feasible to have a call box on the ground floor connected to the Veterans Office. Mr. Burgin responded that a call button could be installed along with a camera. Following discussion about this matter, Vice Chair Rogers stated that she thought there was a consensus to ask the architects to investigate whether a call box could be placed on the ground floor to assist those accessing the Veterans Service Office.

Mr. Nelson noted that one of the major tenets of the renovation process was to have a single move for the departments. He explained that it was important to avoid the cost of renovating space, moving a department in renovated temporary space, renovating the permanent space, and then moving them back to their permanent space. He said that this is why it was done in eight phases.

Ms. Schauble stated the construction documents are 75 percent complete for Phase 7, and these documents should be completed by mid November. She provided the following dates relative to the remaining phases: Projected bid date for Phase 7: December 17; Projected completion date for Phase 7: December 2010; Projected bid date for Phase 8: December 2011; and final project completion date: Spring 2012.

There was discussion regarding having a security metal detector or card reader in the government center as well as limiting access to the first floor Conference Room during Board meetings. Mr. Burgin stated that they would study this concern and said that he thought there were technologies available that would not be expensive.

Mr. Burgin thanked the Board for the opportunity for his firm to work with the County and complimented the staff on being great to work with during the renovations.

Discuss Economic Development Incentive Grant Administration:

Al Greene, County Manager, explained that there are four existing economic development incentive grants for which Wes Baker, Internal Auditor, has completed his audit. He stated that there are issues with several of the grants, and staff is prepared to discuss these projects with the Board today and also to brief the Board on the status of the remaining two projects updating the Board about how staff anticipates handling those grants. He said that staff has worked with Maurice Ewing, President of the Union County Partnership for Progress, to determine reasonable recommendations to provide fair incentives in these two situations.

a. *Parkdale Mills*

Mr. Baker stated that on March 14, 2005, the Board awarded Parkdale Mills an incentive grant for the construction of an additional building that was to have been valued between \$787,500 to \$1,050,000. In addition to that building, he said the company was going to bring in equipment with tax values in the range of \$21.7 to \$28.9 million. He said that during the process of bringing in the new equipment, the company planned to remove some existing equipment, and the value of the existing equipment was going to be net against the purchase price of the new equipment.

He explained that the equipment did come in at the value that the company had said it would; however, the majority of the equipment was received prior to the end of 2004 but was never uncrated. He said the contract contained a clause that states any equipment that is already being taxed in Union County is not eligible for an incentive grant. Mr. Baker said that technically the equipment was being taxed in Union County because it was received prior to December 31st.

He described a second issue was the company obtained a building permit for the additional building in November of 2004 before the grant was requested, and the foundation was poured for the building and the first inspection was completed in December. He stated, therefore, that staff is recommending that the building not be included in any incentive grant. He explained that the building was not to house the new equipment, but it was a building they were constructing to house their quality assurance service.

Mr. Baker said that staff recommends awarding the grant for the equipment but that the grant award be based on the value of the new equipment less the value of the existing equipment that was removed, which totals approximately \$16 million in tax investments in the County.

Vice Chair Rogers asked if there had been any communication by staff with the company representatives regarding the discrepancies that staff had found with the incentive grant. Mr. Baker responded that he, Mr. Greene, and Maurice Ewing met with them once at its facility and that was when it was determined that the new building was not to house the new equipment but to house the quality assurance project. Mr. Baker further stated that he has spoken with the company's representatives since then.

There was discussion regarding the need to communicate with the company representatives in a timely manner regarding any amendments to the agreement. It was requested that Mr. Baker communicate any changes in the grant award to the company representatives today.

Following the discussion, Vice Chair Rogers moved to authorize the County Manager to approve an amendment to the agreement with Parkdale Mills to eliminate incentives for the building expansion and provide an incentive grant based on the net taxable increase in the value of machinery and equipment as of January 1, 2006, of \$16,337,433, reducing the incentive grant payments over the three-year period to \$149,016. The motion was passed unanimously.

b. BAE

Wes Baker, Internal Auditor, explained that the company constructed an expansion to its building and according to the Incentive Grant Agreement dated July 3, 2007, the associated increase in tax value as of January 1, 2008, was to have been between \$825,000 and \$1,100,000. He said the actual increase in value according to the Tax Appraisal Office was \$741,650.

He stated that the tax value on new machinery and equipment installed was to have been between \$5,700,000 and \$7,600,000. He said that the actual tax value of the equipment was \$7,759,695.

Mr. Baker stated that staff's recommendation is to award the incentive grant based on the actual value of the building and on the equipment. He pointed out that under the agreement, the equipment was capped at \$7,600,000, and it is not recommended that there be an incentive awarded on the excess \$159,695 of equipment.

Commissioner Kuehler noted that in the interest of consistency, she had brought up a potential conflict of interest regarding BAE on several occasions. She said she was not on the Board when the incentive grant was awarded. She stated that she did not know what to do at this point as far as being involved in the vote.

Jeff Crook, Senior Staff Attorney, responded that if Commissioner Kuehler felt that she had a direct financial interest in this matter, that she could request that the Board excuse her from any vote on this item. Commissioner Kuehler requested at this time to be recused from any vote in this matter.

Vice Chair Rogers moved to recuse Commissioner Kuehler from any discussions or vote regarding BAE's incentive grant. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Mills voted on the motion. Commissioner Kuehler did not vote on the motion.

Commissioner Kuehler left the meeting at approximately 11:00 a.m.

Vice Chair Rogers requested that staff communicate any amendments to the agreement with BAE in the same manner as requested with Parkdale Mills. Chairman Openshaw asked that Mr. Baker express appreciation to the company for investing more in equipment and machinery than had been anticipated originally.

Following the discussion, Chairman Openshaw moved to authorize the County Manager to approve an amendment to the agreement with BAE to include the actual value of building improvements and capping the incentives on equipment at the agreed upon maximum value of \$7,600,000, reducing the grant payments over the three-year period from \$86,820 to \$85,621. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Mills voted in favor of the motion. Commissioner Kuehler was recused from the vote.

Mr. Greene informed the Board that staff was working on an additional grant award to Allvac. He said that he and Mr. Baker would like to meet with representatives of Allvac and talk with them about the company's plans for future investment in light of the agreement and bring recommendations to the Board at a later time based on the staff's findings.

Continuation of Discussion of the Organizational Structure of the Emergency Services:

Commissioner Kuehler rejoined the meeting at this time.

Al Greene, County Manager, stated that the Board had discussed this matter several months ago but the Board took no action. He explained that there are financial implications in connection with this matter, and staff believes it might be wise for the Board to delay any decision to the work sessions in October until the County's financial status is determined in terms of next year's budget. Mr. Greene stated that staff wanted to bring this matter back to the Board to see if there were any additional questions of the Board.

He stated that Mark Watson, Personnel Director, and his staff surveyed other North Carolina counties to find out how many different structures there are for emergency management services. He said that there are a number of structures but most all of them fall into two or three basic categories. He stated that of the 41 counties that responded to the survey, only two counties had Homeland Security Directors.

Mr. Greene said that staff had presented a recommendation to confer the duties and responsibilities of the Emergency Management Coordinator on the Fire Marshal through amendments to the Job Classification and Pay Plan and the Job Description for the position of Fire Marshal. He explained that he did not think counties are required to have Emergency Management Coordinators, but if they want to be eligible for grant funding and be prepared for emergencies, it is wise to have an Emergency Management Coordinator. Further, he said that part of the staff's recommendation was that one of the Emergency Management Assistant's job classifications be amended to Emergency Management Assistant Coordinator to serve as the lead person in Emergency Management under the general direction of the Fire Marshal. He said that is currently the structure under which the County is operating with the exception of the job classification change in Emergency Management.

He said that staff has also talked with some of the more significant responders in the County, primarily the Sheriff and the State Emergency Management officials, about the organizational structure of the emergency services and the staff's recommendations. He said that he sensed a very high comfort level among those officials to the staff's recommendations.

Mr. Greene stated that the Homeland Security Director and Emergency Management Coordinator are to facilitate communications among the responders and to assist in providing additional resources, if necessary. He stressed that these positions do not manage incidents. He said from his perspective, the creation of Homeland Security Director Positions at local government levels has been misunderstood by some who have created the positions. He stressed he felt that these individuals did not understand how Emergency Management operates on a day-to-day basis and do not understand the limitations of the position. He further said that possibly those who have applied for and have been offered the positions also have misunderstood the position.

Chairman Openshaw said that there are several people he would like to speak regarding this issue, so he was not ready to make a decision today. He introduced Terri Patton, Mayor Pro Tem, Village of Marvin.

Mayor Pro Tem Patton stated that she has taken several online courses on Emergency Management and attended a two-day training in Albemarle on Crisis Leadership. Chairman Openshaw said that the feedback that Mayor Pro Tem Patton had received from others in attendance at the training session when she asked for their comments about eliminating the Homeland Security Director's position was concerns over eliminating the position.

He said that the discussion is really the definition of roles and the high degree of competency that he would be looking for in this position. He said that from the feedback that he has received from the public, he thought Pat Beekman did a great job as Homeland Security Director for Union County.

Vice Chair Rogers added that at the last meeting of the Mayors-Commissioners Issues Conference (MCIC), this topic was discussed, and nearly 100 percent of the mayors in attendance wanted the Homeland Security Director position to remain in the County.

Chairman Openshaw and Vice Chair Rogers expressed their desire to see high level expertise in this area based on a conversation that they had with a Congressional Representative and with the mayors.

Chairman Openshaw noted that of the 41 counties mentioned in the survey completed by staff, 32 counties not only were smaller than Union County but also were smaller than the first county listed on the survey as having a Homeland Security Director. He said he did not want the survey statistics to be misused.

Following further discussion, Chairman Openshaw said that he thought this matter should be examined further.

No action was taken.

Chairman Openshaw mentioned the tower near Cuthbertson High School. He said he has not seen any telephone repeaters on that tower. He asked if there has been any progress on leasing space on those towers. He asked staff to provide an update in the future on discussions with cell phone companies to see if there is any interest in leasing the tower space.

With there being no further comments or discussion, at approximately 11:30 a.m., Commissioner Baucom moved to adjourn the special meeting. The motion was passed unanimously.