

Minutes of the Regular Meeting  
Of  
October 19, 2009

Approved 11/16/09

The Union County Board of Commissioners met in a regular meeting on Monday, October 19, 2009, at 7:00 p.m. in the Commissioners' Board Room, first floor, Union County Government Center, 500 North Main Street, Monroe, North Carolina. The following were

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

ABSENT: None

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

**Opening of Meeting:**

***a. Invocation***

Commissioner Mills offered the invocation.

***b. Pledge of Allegiance***

Commissioner Mills led the body in reciting the Pledge of Allegiance to the United States flag.

***c. Recognition of Marvin Ridge High School for Achieving Charlotte Magazine's #1 Performance in Academics in the Tri-County Region***

Chairman Openshaw introduced Bill Cook, Principal of Marvin Ridge High School.

Mr. Cook expressed appreciation on behalf of the students of Marvin Ridge High School for the opportunity for the school to be recognized for its achievement. He thanked the current Board and prior Boards of Commissioners for their vision for the schools and for their continued support.

He said that the students of Marvin Ridge High School, as well as their parents, are very honored to receive this recognition. He stated that Marvin Ridge High School is in its third year of existence. Mr. Cook said that one of the areas that was considered by *Charlotte Magazine* in recognizing Marvin Ridge High School for its number one Performance in Academics in the Tri-County Region was the students' test scores. He stated that of regular high schools in North Carolina, Marvin Ridge High School ranks second in performance in North Carolina. He said that 91.3 percent of the students scored on or above grade level. Mr. Cook said that Marvin Ridge High School's graduation rate is 98.7 percent, which is probably the highest in North Carolina, and it has the highest writing scores in the system and one of the highest writing scores in the State. He shared that Marvin Ridge High School graduated its first senior class, and as a class, it was awarded \$5.6 million in scholarships. He stated that the class had the highest SAT scores in the county, and as a collective group, had higher than the average SAT scores in the State of North Carolina and higher than the national average.

He said another area that was considered by *Charlotte Magazine* was advanced placement program scores. Mr. Cook said that there were 64 students from the graduating class who entered into universities with at least 12 or more credits. He also shared the accomplishments of the school's athletic programs.

He said the school is very diverse and of its 1,246 students, 43 states and 22 countries are represented. He stated that the one thing he was most proud of for the school is that it brings together a group of people whose members are very passionate about what they do; they love working with children; the students want to be in school; and the parents are supportive.

Vice Chair Rogers shared that one of her daughters graduated from Marvin Ridge High School last year, and she is in sophomore level classes in college. She said it was no secret that people move to Union County for its schools, and stressed that all of the county's schools are good. She stated that she wanted to mention that Piedmont High and Weddington High Schools were also in the top ten on the performance ranking. It was noted that Parkwood High School was number eleven on the performance ranking.

She said that from having served on the school board she knew that someone could walk into the schools and feel the students wanting to learn and know which schools have that passion and dedication. She stated that those are the schools that are going to

succeed, and it is based a lot on the administration, the teachers, the parents, and the students. She said that most of the schools in the county have that feel, and she could personally attest that Marvin Ridge High school has it.

Chairman Openshaw commented that it was a tremendous honor for Marvin Ridge to receive this recognition. He read the following inscription on a plaque presented by the Board to Marvin Ridge High School in recognition of its achievement:

*“Congratulations to Marvin Ridge High School of Union County in Recognition of Achieving Charlotte Magazine's #1 Performance in Academics in the Tri-State Region of Mecklenburg, Union, and Cabarrus Counties.*

*Presented by the Union County Board of Commissioners  
this the 19<sup>th</sup> day of October, 2009.”*

Mr. Cook said that he has had the privilege of living and working in Union County for 23 years and noted Union County has a great quality of life and is a great place to live, work, and raise a family.

**d. *Featured Community Benefit Organization: Union County 4-H & Youth Development Foundation***

Chairman Openshaw recognized Laura Byrd, Union County 4-H Youth and Development Agent, to share information about the Union County 4-H & Youth Development Foundation. She said that Jerry Simpson, who helped to establish the foundation, had planned to attend tonight's meeting but was unable to do so.

Ms. Byrd presented a PowerPoint presentation and stated that the mission of the foundation was to develop resources that would be sufficient to fund activities and programs of the Union County 4-H and Youth Development Foundation. She stated that the foundation is a non-profit organization that started in 1998. She shared some of the opportunities offered to the participants through the foundation such as life skills of team building, critical thinking, public speaking, and science skills through the school programs.

Ms. Byrd introduced Jordan Purser, 4-H Teen Council President. She said that Jordan has been involved in a number of programs in the past two years, including Citizenship Focus. She said that last year Union County 4-H programs served over 11,000 children in the county. She shared that this year the County's 4-H partnered with “Connecting Futures,” which is a mentoring program and now receives referrals through the Juvenile Court System. She said they are working on a life skills program and mentoring program with those youth.

In response to a question by Commissioner Baucom as to how citizens could contribute or participate with the Union County 4-H & Youth Development Foundation, Ms. Byrd said they could contact the Cooperative Extension Office. She offered that citizens could contribute by volunteering and not just by contributing monetary donations. She said that the 4-H programs are run by volunteers.

Jordan Purser said that one of the benefits he has received through 4-H is volunteerism to help others.

Vice Chair Rogers asked if they tried to reach participants through the schools. Ms. Byrd stated that the ages of 4-H participants are 5 to 19 years old. She said that there are some 4-H programs through the schools and noted that Piedmont Middle School has a strong 4-H club.

Commissioner Mills stated that if anyone in 4-H who would like to perform community service work at the air show to be held at the Charlotte-Monroe Executive Airport on November 7 and 8, their service would be appreciated greatly.

*e. Employee Recognition:*

Chairman Openshaw read a list recognizing the following employees for their full-time continuous service with Union County:

**5 Years of Service**

Robin Waldron  
Wyatte McBryde  
Vivian Garcia  
Martie Smith  
Tommy Burgess  
Mary Gaddy  
Terri Laney  
Desiree Ramirez

**Department**

Communications  
Fire Marshal's Office  
Health Department  
Library  
Public Works  
Social Services  
Social Services  
Social Services

**10 Years of Service**

Jeffrey Holshouser  
Pamela Ackerman

**Department**

Parks and Recreation  
Social Services

Kathleen Cutshaw  
Jerinda Staton

Social Services  
Social Services

**15 Years of Service**

April Langston  
Marshall Lemmonds  
Malcolm Murray

**Department**

Finance  
General Services  
Sheriff

**20 Years of Service**

Gina Haney

**Department**

Sheriff

**30 Years of Service**

Amy Parker

**Department**

Health

**Informal Comments:**

Chris Azar stated that he had several concerns to share with the Board. He said that he had applied in 1988 for a tap fee on a parcel of property that he purchased in 1986-87. He stated that he paid the required fees at that time. He said one portion of the acreage consisted of 24.5 acres, and there was no sewer in the Town of Indian Trail at the time he purchased the property. Mr. Azar said that if the tap fee was prepaid, then the County would be committed to give the allocation at the time. He stated that in 1988, the property was rezoned from residential to light industrial. He said that he only had one home on the 24.5 acres of the property, and several years later, the property was rezoned to light industrial. He said that he built a warehouse on the property consisting of 9,000 square feet and used the property for his business. Mr. Azar said that a few years later, circumstances changed in his business and he decided to go into a construction business. He stated that the property was rezoned again and he approached the Town of Indian Trail to assist him in establishing a subdivision on the property. He said that in 2002 he applied for a water line and a sewer line. He said that there was no water or sewer allocation at that time, and he stated that there were difficulties in completing the water line, because of a railroad that separates the acreage.

Mr. Azar said that he had approached the railroad to obtain consent for an encroachment, which took approximately two to three years to obtain that consent. He stated that the sewer was completed in 2003. He said that the Town of Indian Trail issued a moratorium in 2005, so he was unable to apply for the subdivision. He stated that in 2005, he was granted approval for a subdivision

on the portion of the property across from his warehouse (close to Lowe's Home Improvement). He said in 2006, there was another moratorium. He said that in 2007, the County did not have sewer allocation, and he had requested sewer allocation. He stated that he provided 24 pages of criteria to Union County Public Works. He said that it was accepted, and he was put on the allocation list for 2007-2008. He stated that in September 2009, he received a letter from Public Works denying allocation for the reason that he had missed a deadline for not submitting the plans for water and sewer for the buildings. He said that two weeks ago he submitted the plans to Public Works, but he was denied allocation because the plans were submitted too late.

Mr. Azar asked to whom he should appeal if he encounters a hardship in this matter. He requested some type of forum to have his concerns heard. He stated that he was asking to have the subject matter revisited by a means other than through the Public Works Department.

Chairman Openshaw stated that Mr. Azar was well over his three minutes allotted for public comments. He stated that hopefully some form of communication could be established for him to voice his concerns.

Commissioner Mills stated that he wanted to address the Board under the informal comments. He said that he had received an e-mail from David Pressley, a Union County Deputy, who could not attend tonight's meeting. He stated that he had been asked by Officer Pressley to express appreciation to everyone from Union County government who had participated in a recent benefit fundraiser to assist an employee of Keith Corporation, Robin Simpson, with her medical expenses. Commissioner Mills said that over \$5,000 was contributed to Ms. Simpson.

**Additions, Deletions and/or Adoption of Agenda:**

Chairman Openshaw said that staff had requested the addition of two items: 1) Discussion of a Veterans Day Funding Agreement with the City of Monroe; and 2) the Announcement of a Vacancy on the Planning Board. He stated that if there is no objection, the discussion of a Veterans Day Funding Agreement would be placed as Item 12a on the regular agenda, and announcement of the Planning Board vacancy would be placed as Item 13g on the regular agenda.

Commissioner Kuehler asked if the item discussed in closed session should be addressed in the regular meeting and included on the agenda. Mr. Crook responded that if the Board would be taking action on this item, then the item should be included on the agenda.

Commissioner Kuehler requested to add an item on the regular agenda for the possible direction to staff concerning the Waxhaw Conditional Use Permit hearing, as well as the County's interest in the adjacent parcel.

Chairman Openshaw suggested that the Board go back into closed session between Items 12a and 12b, and Item 12b would be the item requested by Commissioner Kuehler.

With there being no further additions or deletions, Chairman Openshaw moved adoption of the agenda as modified. The motion was passed unanimously.

**Consent Agenda:**

Chairman Openshaw moved approval of the items listed on the Consent Agenda as presented. The motion was passed unanimously.

***Contracts/Purchase Orders Over \$20,000:*** Authorized the County Manager to approve a contract amendment to the agreement with Baker and Taylor in connection with the Book Leasing Program for the Library in the amount of \$101,000.

***Sheriff's Office: Roof Replacement:*** Accepted bids and awarded the base bid plus Alternate 2 to the lowest responsible, responsive bidder, Weathergard, Inc. in the amount of \$229,900 and authorized the County Manager to approve the contract documents subject to legal review. Bids for the project are recorded below:

**UNION COUNTY LAW ENFORCEMENT CENTER**

**BID OPENING:  
SEPTEMBER 15, 2009**

<b>BID OPENING:</b>	<b>SEPTEMBER 15, 2009</b>
---------------------	---------------------------

Contractor	License No.	Bid Bond	Minority Forms	Prebid Minutes	Add #1	Base Bid - Roof Areas 9,10,11,12	Working Days	Alt #1 - Roof Area .06	Working Days	Alt #2 - Ladder	No of Days
AAR of NC		NO BID									
Cyclone Roofing	60043	NO BID									
Gardner Roofing	99057	X	B	X	X	\$308,253	45	\$54,600	6	\$17,220	5
Interstate Roofing	10143	X	B	X		\$219,500	50	\$25,000	60	\$12,000	30
LCM Builders		NO BID									
Mitex Roofing	52964	X	B	X	X	\$257,000	70	\$44,000	15	\$18,500	15
Piedmont Roofing	31603	X	B	X	X	\$250,000	90	\$40,000	25	\$8,000	10
Radco Construction	24468	X	B	X	X	\$258,000	50	\$41,412	15	\$24,900	7
Roofing Service	15230	X	B	X	X	\$224,590	70	\$34,100	15	\$12,000	10
Roof-Tek	11770	X	B	X	X	\$230,000	90	\$35,700	20	\$6,500	5
T.R. Driscoll		NO BID									
Weathergard	11867	X	B	X	X	\$217,400	60	\$34,500	15	\$12,500	5



<i>Nelson Hall &amp; Associates, Inc.</i>
<i>1001 Lancaster Avenue, Monroe, NC 28112</i>

**Library – Great Stories Club Grant Application:** Authorized the Library Director to certify and submit the online grant application for the Great Stories Club Grant. The grant program is a reading and discussion program that targets underserved, troubled teens and is designed to reach teens through books that are relevant to their lives. The grant provides 11 copies of three titles of books and discussion guides. No local match is required.

**Veterans Services/Patriot Awards:** Adopted Proclamations for Patriot Awards for Outstanding JROTC members to be presented at the November 8, 2009, Veterans Day Program:

***PROCLAMATION***

***BY THE UNION COUNTY BOARD OF COMMISSIONERS***

***FOR***

***THE 2009 PATRIOT AWARD***

**THAT WHEREAS,** Union County is very fortunate to have active Junior Reserve Officers' Training Corps units in several of the high schools throughout the County; and

**WHEREAS,** the Junior Reserve Officers' Training Corps is an exceptional national youth program that promotes leadership, scholastic achievement, and patriotism; and

**WHEREAS,** the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

**WHEREAS**, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

**NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS** does hereby proclaim

**Cadet Lieutenant Commander Cameron Howard**

being a son of the County of Union and member of the **Navy Junior Reserve Officers' Training Corps** of **Forest Hills High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to him the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 19<sup>th</sup> of October, 2009.

ATTEST:

---

Lynn G. West, Clerk to the Board of  
Commissioners

---

Lanny Openshaw, Chairman  
Union County Board of Commissioners

***PROCLAMATION***  
***BY THE UNION COUNTY BOARD OF COMMISSIONERS***  
***FOR***  
***THE 2009 PATRIOT AWARD***

**THAT WHEREAS**, Union County is very fortunate to have active Junior Reserve Officers' Training Corps units in several of the high schools throughout the County; and

**WHEREAS**, the Junior Reserve Officers' Training Corps is an exceptional national youth program that promotes leadership, scholastic achievement, and patriotism; and

**WHEREAS**, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

**WHEREAS**, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

**NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS** does hereby proclaim

**Cadet Captain Anthony M. McBride**

being a son of the County of Union and member of the **Air Force Junior Reserve Officers' Training Corps** of **Monroe High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to him the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 19th day of October, 2009

ATTEST:

---

Lynn G. West, Clerk to the Board of  
Commissioners

---

Lanny Openshaw, Chairman  
Union County Board of Commissioners

***PROCLAMATION***

***BY THE UNION COUNTY BOARD OF COMMISSIONERS***

***FOR***

***THE 2009 PATRIOT AWARD***

**THAT WHEREAS**, Union County is very fortunate to have active Junior Reserve Officers' Training Corps units in several of the high schools throughout the County; and

**WHEREAS**, the Junior Reserve Officers' Training Corps is an exceptional national youth program that promotes leadership, scholastic achievement, and patriotism; and

**WHEREAS**, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the "citizen-soldiers" of the American Revolution; and

**WHEREAS**, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

**NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS** does hereby proclaim

**Cadet Lieutenant Colonel Charles Dellinger**

being a son of the County of Union and member of the **Air Force Junior Reserve Officers' Training Corps of Porter Ridge High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to him the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 19<sup>th</sup> day of October, 2009.

ATTEST:

\_\_\_\_\_  
Lynn G. West, Clerk to the Board of  
Commissioners

\_\_\_\_\_  
Lanny Openshaw, Chairman  
Union County Board of Commissioners

***PROCLAMATION***

***BY THE UNION COUNTY BOARD OF COMMISSIONERS***

***FOR***

***THE 2009 PATRIOT AWARD***

**THAT WHEREAS**, Union County is very fortunate to have active Junior Reserve Officers' Training Corps units in several of the high schools throughout the County; and

**WHEREAS**, the Junior Reserve Officers' Training Corps is an exceptional national youth program that promotes leadership, scholastic achievement, and patriotism; and

**WHEREAS**, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

**WHEREAS**, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

**NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS** does hereby proclaim

**Cadet Master Chief Christian Rhone**

being a daughter of the County of Union and member of the **Navy Junior Reserve Officers' Training Corps** of **Sun Valley High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to her the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 19th day of October, 2009.

ATTEST:

\_\_\_\_\_  
Lynn G. West, Clerk to the Board of  
Commissioners

\_\_\_\_\_  
Lanny Openshaw, Chairman  
Union County Board of Commissioners

***PROCLAMATION***

***BY THE UNION COUNTY BOARD OF COMMISSIONERS***

***FOR***

***THE 2009 PATRIOT AWARD***

**THAT WHEREAS**, Union County is very fortunate to have active Junior Reserve Officers' Training Corps units in several of the high schools throughout the County; and

**WHEREAS**, the Junior Reserve Officers' Training Corps is an exceptional national youth program that promotes leadership, scholastic achievement, and patriotism; and

**WHEREAS**, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

**WHEREAS**, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

**NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS** does hereby proclaim

**Cadet Major Bryce Powers**

being a son of the County of Union and member of the **Air Force Junior Reserve Officers' Training Corps** of **Piedmont High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to him the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 19th of October, 2009.

ATTEST:

---

Lynn G. West, Clerk to the Board of  
Commissioners

---

Lanny Openshaw, Chairman  
Union County Board of Commissioners

***PROCLAMATION***  
***BY THE UNION COUNTY BOARD OF COMMISSIONERS***  
***FOR***  
***THE 2009 PATRIOT AWARD***

**THAT WHEREAS**, Union County is very fortunate to have active Junior Reserve Officers' Training Corps units in several of the high schools throughout the County; and

**WHEREAS**, the Junior Reserve Officers' Training Corps is an exceptional national youth program that promotes leadership, scholastic achievement, and patriotism; and

**WHEREAS**, the ideas instilled in the young men and women who participate in the Junior Reserve Officers' Training Corps are exemplary of the principles handed down by the “citizen-soldiers” of the American Revolution; and

**WHEREAS**, the Union County Board of Commissioners encourages and recognizes the outstanding student citizens and supports their exceptional national youth program.

**NOW, THEREFORE, THE UNION COUNTY BOARD OF COMMISSIONERS** does hereby proclaim

**Cadet Major Caleb Hutson**

being a son of the County of Union and member of the **Air Force Junior Reserve Officers' Training Corps of Parkwood High School**, to have a high degree of merit with respect to patriotism, leadership, military bearing, scholarship and general excellence, and we do hereby grant to him the **Patriot Award** with the honor and privilege to be known as a Patriot among the citizens of the County of Union.

On behalf of the Union County Board of Commissioners, this Proclamation is adopted this 19th of October, 2009.



ATTEST:

---

Lynn G. West, Clerk to the Board of  
Commissioners

---

Lanny Openshaw, Chairman  
Union County Board of Commissioners

***Report of Fire Conditions: Volunteer Fire Departments*** – Approved the annual “Report of Conditions” in order for the Clerk to submit to the Insurance Commissioner, as required by General Statute 58-84-46 of North Carolina, which included the appointment of two Trustees for each department to the Firefighter’s Relief Fund as recorded below:

1. Allens Crossroads VFD - Thomas Baker and Dwayne Cook
2. Bakers VFD - B. Ivan Secrest and William T. McCain
3. Beaver Lane VFD - Baxter Jordan and Mrs. Shelly Maness
4. Fairview Fire and Rescue - Brian C. Austin and Jody Mills
5. Griffith Road VFD - Steve Brooks and David Fuss
6. Hemby Bridge VFD - Kevin Tice and Paul Ramsey
7. Jackson Community Center & VFD - Albert Starnes and T. C. Carter
8. Lanes Creek VFD - Jackie Price and Mrs. Shirleen Tucker
9. Mineral Springs VFD - Robert Belk and Tony Belk
10. New Salem VFD - Larry R. Clontz and Garry S. Moore
11. Providence VFD - Andrew Ansley and Daryl Matthews
12. Sandy Ridge Fire and Rescue - Teresa McBryde and Jamil Hudson
13. Stack Road VFD - Tony Helms and Ralph Funderburk
14. Stallings VFD - Jimmy Younts and James E. Hinson
15. Unionville (Town of) - Billy Canupp and Johnny Griffin
16. Waxhaw VFD - Ron McGarvey and David Williams
17. Wesley Chapel VFD - James Kubach and James Mullis
18. Wingate (Ames) VFD - R. Braddock Sellers and W. Elliott Ward

**Request for Waiver of Late Listing Penalty by First Choice Eye Care:** Denied request for waiver of late listing penalty (approval of this item on the consent agenda constituted such denial) by First Choice Eye Care in the amount of \$155.85.

**Request for Waiver of Late Listing Penalty by Decore-Ative Specialties:** Denied request for waiver of late listing penalty (approval of this item on the consent agenda constituted such denial) by Decore-Ative Specialties in the amount of \$7,222.53.

**Tax Administration:** Approved releases for September 2009 in the grand total of \$178,626.34

**RELEASES SEPTEMBER 2009**

Acct #	Name	Release #	Totals
2009			
06162022	CUTHBERTSON RD I LLC	5618	3,248.27
06162021	CUTHBERTSON RD I LLC	5619	3,223.08
07063360	RIBNICKI MICHAEL E & WF HUI CHA RIBNICKI	5627	321.43
01072002	HANEY NORRIS ET AL	5628	3,811.32
01141002	MORGAN RANDY MARK	5629	1,973.72
02136007	STATON CURTIS REECE	5630	364.42
08063001C	MORSE BRIAN K & JESSICA H	5631	2,284.14
09378012E	HELMS MICHAEL L ET AL	5632	6,598.72
04231024	MOSER PAULINE	5633	1,580.37
04090022A	COLLINS PARIS S	5634	778.71
04153004	MANGUM JOHNNY F	5635	855.12
F6123018	HINSON FARMS LLC	5636	2,445.60
G6123018	HINSON FARMS LLC	5637	6,238.45
03051005	CUTHBERTSON REGINA MILLS	5638	562.72
03033005	LYNN TRINA M & HUSBAND RANDALL S	5639	1,054.29
04153003	HINSON ATHA MAE LOWERY & ATHA MAE LOWERY	5640	1,980.11
04216010	AUTRY RICHARD & GLADYS ELLIS	5641	1,717.70
08129001A	BRASWELL EVANDER JACKSON HEIRS	5642	32.03
08198004B	BAUCOM DAVID C & WIFE ANNE BAUCOM	5643	15.63
08129001	BRASWELL EVANDER JACKSON HEIRS	5644	895.91

01150010B	LESZCZYNSKI ZYGMUNT ET AL	5645	279.96
07090139	SECRETARY OF HOUSING AND URBAN DEVELOPMENT	5646	1,308.53
02006016	PHIFER JIMMY TAYLOR	5647	299.25
03063018	CARSWELL JOEY & WIFE TANJA	5648	1,511.38
03135019	HELMS SHIRLEY BENTON	5650	195.82
08240021	STARNES BARBARA MILLS	5651	608.12
08261020	FURR D L & WF PAULINE M	5652	117.57
09149035	SIMPSON DONALD R TRUSTEE	5653	403.52
06096033B	CARPENTER JEFF & SANDRA E DESCALZI	5654	416.20
07069034	MONROE INVESTORS LLC	5655	4,214.43
07150371	CRAVENS LARRY E & VICKIE C	5661	66.40
06198008	SODERGREN ERIC C & WF TRACY R	5669	270.43
06015041	HELMS LEON & CAROLYN HILL	5675	320.87
06015040	HELMS LEON & CAROLYN HILL	5676	306.75
08072028 01	HELMS J HUGH & WF FRANCES R	5677	87.46
07150295	DUFF TIMOTHY J & DEANNA A	5678	309.97
08102018	J J & H INVESTMENTS LLC	5683	6,952.11
08072008C	LONG DANIEL WILSON TRUSTEE	5684	163.72
08075017	MEDLIN EVERETTE & WIFE DEBBIE B	5685	197.11
08129010	KIKER PHYLIS & HUSB KENNETH E	5686	133.00
09345043	WESTBROOK CLINTON & WIFE BOBBY P	5687	382.80
02095002	CALLAHAN DELORES JEAN	5688	357.51
07066491	PARKER GENE & KAREN	5689	321.44
08081030	COBB THOMAS R & WIFE GLENDA M	5690	299.25
09267035	WOOTEN JACK N & WIFE JEAN	5691	299.25
01240001A	MARLOWE JASON & MARY ELIZABETH	5692	118.97
05009012	RICHARDSON TIMOTHY JAMES & WIFE TERESA M	5693	321.02
06075014	TAYLOR KELLY	5694	435.84
06153187	BAKARI BRENDA G & HUSB WALLACE D KIRK IV	5695	770.09
06228205	BROWN ROBERT L & NOEL M	5696	722.69
09102078	EASTRIDGE WILLIAM K & SHARON P	5697	735.89

09357019A	PIEZ MARY BEEBEE	5698	544.80
09357019E	PIEZ MARY BEEBEE	5699	333.89
06048007W	TARGET CORPORATION	5700	8,276.17
07114016B	OLD MONROE DEVELOPMENT LLC	5701	721.48
06150044F	ANDERSON NANCY DELANEY	5702	42.89
06150044D	ANDERSON NANCY DELANEY	5703	1,377.28
04114002	WHITLEY LINDA SUE MILLS REV LIVING TRUST	5704	24.62
09327009	COMMUNITY FELLOWSHIP BAPTIST CHURCH	5705	1,769.76
08300040B	MCLESTER TOMMY BLAKE & TERESA G	5706	144.20
09336101	POLK WILLIE G & WIFE BERTHA P	5707	299.25
06018036C	MINERAL SPRINGS VOLUNTEER FIRE & RESCUE	5708	279.08
04102001	BLOUNT THERON	5709	247.70
02245001 91	SHUBERT FERN H & THOMAS J TAYLOR	5712	426.20
09194015	UNION MEMORIAL REGIONAL MEDICAL CENTER INC	5713	1,298.48
04033022	FLAG BRANCH BAPTIST CHURCH	5714	1,141.68
09231205	YOUTH WITH A MISSION CHARLOTTE INC	5715	3,860.33
04132008A	WALTERS H HAROLD JR & PAULA H	5716	188.92
01150012 01	HATHCOCK GALEN NOEL & BRYON PAUL HATHCOC	5717	1,629.45
06123002	HOWARD I N & ABBOT H	5718	11,534.60
05063034D	ED PAPWORTH HOMES INC	5719	148.72
05063034C	ED PAPWORTH HOMES INC	5720	142.71
05063034B	ED PAPWORTH HOMES INC	5721	141.89
05063034A	ED PAPWORTH HOMES INC	5722	144.65
06096003	GROOME BARRY A & WIFE MARY B	5723	8,159.94
06096153	GROOME BARRY A & WIFE MARY B	5725	1,442.21
06174048	CALABRETTA ARTHUR M & WF SHARON A	5727	649.57
07066013E	COVINGTON MERIDIAN ACQUISITION 12 LLC & ETAL	5732	1,285.39
06192008	CHAMBERS JAMES H L III	5733	3,917.38

07063651	TRAYWICK ERIC B & MARLEEN P TRAYWICK	5735	207.15
09019030	SHEARIN MALVIN HUNTER & SYBIL	5736	413.13
09256166 01	LATHAN ANITA BROADWAY	5737	584.53
05075004B	FREEDOM BAPTIST CHURCH	5738	2,504.79
06150044E	ANDERSON NANCY DELANEY	5739	273.51
09115070A	NORTH CAROLINA MUNICIPAL POWER AGENCY NUMBER 1	5740	1,038.40
06204240	WALDEN FRED	5742	6,688.45
09301133	WHITEHEAD JERRY A & HARRELLA T	5743	638.60
07015010B	BURGOS MILTON & MARIA D	5744	321.43
50102778	CALDWELL MANAGEMENT LLC	5745	13.75
50100598	BURKE CONSTRUCTION LLC	5746	0.79
50091195	PRICE CHRISTOPHER DALE & BRANDY RENEE	5747	64.52
50102089	WATER SOURCE THE	5749	77.62
50076902	FIVE STAR FOOD SERVICE	5750	272.63
50100994	GLAD HEART STUDIOS	5751	182.88
50101302	SEARCH UPGRADES	5752	75.25
50091121	THE JULMARK GROUP INC	5753	50.86
50092379	G & A TRANSPORT INC	5754	278.11
50090367	FAIRVIEW TRUCK TIRE SALES	5755	334.55
50091114	CAROLINA RESIDENTIAL FUNDING INC	5756	358.44
50099006	MASTERS CONSTRUCTION	5757	196.44
50101069	FOMINK	5758	191.30
50096690	ELEGANT ROCKS LLC	5759	140.02
50102458	VINROOT ROBERT P	5761	117.61
50101672	HORIZON CAPITAL	5762	182.88
50102514	NGUARD INC	5763	15.18
50098316	DARNEL INC	5764	1,163.74
50101407	SPEEDWAY	5765	365.75
50088095	A P C BUILDERS INC	5766	194.05
50101152	NML MENTORING	5767	37.94
50100447	AGENT-IPS INC	5768	20.78

50100448	AGENT-IPS INC	5769	7.66
50100449	AGENT-IPS INC	5770	7.86
50091442	AGENT-IPS INC	5771	11.68
50093378	AGENT-IPS INC	5772	7.77
50077110	AGENT-IPS INC	5773	42.87
50099192	RUSSELL HOME IMPROVEMENTS	5774	210.31
50090524	EFIRD DONALD THEODORE	5776	36.38
50102235	J T CONSTRUCTION	5777	112.15
50096252	EARLY LEARNING FURNITURE	5778	254.77
50090792	WILLIAMS ANDY LEE	5779	27.34
50099409	AMERICAN GENERAL CONSTRUCTION	5780	196.44
50102637	UNIFI MANUFACTURING INC	5781	3,965.53
50097930	FIRST CITIZENS BANK LEASING	5782	413.69
50097630	CARLTON KIMBERLY ROGERS	5783	11.06
50078636	LONG K C	5784	8.51
50071497	LONG K C	5785	100.97
50072454	YORK DAVID C & ANNE H	5786	116.04
50089040	ROBEY ASHLEY E	5787	31.52
50083430	L A CONCRETE INC	5788	1,571.92
50102928	CELLCO PARTNERSHIP	5789	274.01
50100951	D R L CONSTRUCTION	5790	182.88
50015556	TRULL'S GARAGE	5791	422.95
50101160	EDGE ACCENTS INC	5792	188.14
50101123	EDWIN SPELLMAN HOWE	5793	182.88
50101592	UNIQUE ANTIQUES & TREASURES	5794	39.30
50100968	WEDDINGS OF THE SOUTH	5795	73.15
50101709	INSPIRED RENOVATIONS	5796	196.44
50080402	FIRST DATA MERCHANT SERVICES	5797	40.02
50101499	FINANCIAL EDUCATION GROUP	5798	191.30
50102119	CK EVENTS AND PROMOTIONS	5799	72.15
50096374	BEL LAR	5800	188.14
50095377	BASF CONSTRUCTION CHEMICALS LLC	5801	45.52
50095488	WINTHROP RESOURCES CORP	5802	18.91
50102940	BETTER LIFE FITNESS LLC	5803	1,032.81

50097030	D L PETERSON TRUST	5804	298.55
50070511	SPRINTCOM INC	5805	480.58
50025454	DAIMLER TRUCKS NORTH AMERICA LLC	5806	406.54
50100138	SPRINTCOM INC	5807	123.57
50097995	SPRINTCOM INC	5808	262.77
50101161	FRAZIER FINE INTERIORS	5811	113.86
50098186	PRICE DENNIS NEAL	5812	12.58
50102182	FOURNIER JAMES ALBERT	5813	93.34
50101820	MEGGS WESLEY BRETT	5814	83.46
50101866	ROGERS SHERRY PLATTENBURGER	5815	44.88
50098226	MASCHERI DONALD CHESTER	5816	90.72
50099142	S J C CONSTRUCTION	5817	210.31
50102145	STURBRIDGE MANUFACTURING	5818	548.63
50101041	ART OF THE EYE PHOTOGRAPHY	5819	73.15
50101974	HOPPER COMPANY INC	5820	7.13
50102578	SOUTHERN COPTERS LLC	5821	392.02
50094790	THE HOPPER CO INC	5822	8.61
50095664	MATTHEWS DEAN SEAN	5823	109.39
50101952	K & J SERVICES INC	5824	182.88
50099348	ZAREPHATH INCORPORATED	5825	191.30
50096619	WHEELER CLEVE	5826	186.51
50092974	ME PRODUCTIONS LLC	5830	18.30
50097992	SPRINTCOM INC	5831	329.32
50087303	SPRINTCOM INC	5832	214.75
50087302	SPRINTCOM INC	5833	213.53
50087301	SPRINTCOM INC	5834	227.94
50077205	SPRINTCOM INC	5835	166.73
50074063	SPRINTCOM INC	5836	301.30
50074062	SPRINTCOM INC	5837	288.10
50071597	SPRINTCOM INC	5838	419.78
50071595	SPRINTCOM INC	5839	265.69
50071596	SPRINTCOM INC	5840	441.59
50070513	SPRINTCOM INC	5841	636.36
50070512	SPRINTCOM INC	5842	288.61

50070514	SPRINTCOM INC	5843	190.41
			-
50079310	SCHULER KARL & WF JEANETTE	5845	147.62
50089954	JACKSON MARKO D	5846	20.03
50064482	FIRST CITIZENS BANK LEASING	5847	65.19
50065396	KIRKCO	5848	525.35
50088323	STOKES STEVE & MARY ELLEN	5849	64.68
50091580	BAATZ THOMAS EDWARD & JANE E	5850	14.62
50028525	DEESE & FURR MASONRY INC	5851	28.44
50077335	HAYWOOD ELIZABETH	5852	4.99
50016891	HAYWOOD ELIZABETH	5853	7.69
50099808	MARZE JEAN MELTON	5854	183.43
50041829	MALONE RONNIE WAYNE & SHERRY LYNN	5855	103.21
08096025	SHILOH ADVENT CHRISTIAN CHURCH	5859	234.75
08126016C	SHILOH ADVENT CHRISTIAN CHURCH	5860	978.55
50041829	MALONE RONNIE WAYNE & SHERRY LYNN	5861	50.00
06111002	GIBBS W DUNCAN LLC ET AL	5862	5,838.75
06111003	GIBBS W DUNCAN LLC ET AL	5863	5,881.09
06123002	HOWARD I N & ABBOT H	5864	357.72
04114001	TYSON CARLTON & CAROL	5865	319.05
08135014B	HONEYCUTT BRUCE A & MELANIE D	5867	6.37
50095260	EVANS NATIONAL LEASING	5868	110.64
50096673	MEDICAL INTERPRETERS	5869	37.41
50088698	NICHOLS CHARLES JR	5871	0.63
50099018	LAURICK VENTURES INC	5873	313.17
50093115	REJ ENTERPRISES LLC	5874	33.76
50064688	FINANCIAL SECURITY MANAGEMENT	5876	8.78
50091680	WALTERS BRUCE	5877	12.37
50101812	MOYSAKIS VASILIS BILL	5878	240.60
50093067	BANK OF THE OZARKS	5879	61.77
50093068	BANK OF THE OZARKS	5880	13.53
50099219	UNION COUNTY REAL ESTATE GUY	5881	204.82
50068373	HEALTHCARE PRODUCT SOLUTIONS	5885	10.58
50089268	C K PROPERTIES OF UNION CO LLC	5886	53.05



50093031	PHIL SIMPSON LANDSCAPING INC	5887	352.39
50101609	GRANDMA'S DOLL CLOSET	5888	179.35
50101987	JUST LOVE GROOMING	5889	194.05
50074870	AMERICAN FREESTYLE MARTIAL ARTS	5890	53.64
50065919	ALL MAID UP CLEANING SERVICE	5891	8.05
50098382	FLORAL DELIGHTS LLC	5892	44.62
50101235	MASTER CRAFT MADE	5893	196.44
50090534	E I T INC	5894	367.80
50068639	MCCUTCHEON WILLIAM & LINNIE	5896	94.66
50101008	JON THE ROOSTER	5897	182.88
50103052	TWC DIGITAL PHONE LLC	5898	25.37
			-
<hr/> Totals - 2009			<hr/> 165,925.56

2008			
50097084	L & M QUICK STOP INC	5620	420.62
50064085	PHOTO PRO & MORE	5621	299.51
50095997	TECHNICAL TRADE SERVICES	5624	210.31
06096003	GROOME BARRY A & WIFE MARY B	5724	7,957.45
06096153	GROOME BARRY A & WIFE MARY B	5726	1,442.21
50091195	PRICE CHRISTOPHER DALE & BRANDY RENEE	5748	25.97
50096690	ELEGANT ROCKS LLC	5760	121.78
50099192	RUSSELL HOME IMPROVEMENTS	5775	182.88
50096619	WHEELER CLEVE	5828	188.15
50090534	E I T INC	5895	319.81
50089524	PARTNERS COMMUNICATIONS SERVICES	5900	212.65
50089524	PARTNERS COMMUNICATIONS SERVICES	5902	21.26
<hr/> Totals - 2008			<hr/> 11,402.60

2007

50097084	L & M QUICK STOP INC	5625	391.11
50095997	TECHNICAL TRADE SERVICES	5626	195.56
50064085	PHOTO PRO & MORE	5622	159.03
50096619	WHEELER CLEVE	5827	195.12
50089524	PARTNERS COMMUNICATIONS SERVICES	5901	195.19
50089524	PARTNERS COMMUNICATIONS SERVICES	5903	19.52
Totals - 2007			1,155.53

2006			
50096619	WHEELER CLEVE	5829	141.65
Totals - 2006			141.65

---

GRAND TOTALS - ALL YEARS \$178,626.34

---

**Tax Administration:** Approved refunds for September 2009 in the grand total of \$29,082.72

REFUNDS SEPTEMBER 2009

Acct #	Name	Release #	Totals
2009			
07069169	KIKER KAY B	5741	78.40
5E+07	A/C HEATING MAN	5809	257.42
5E+07	SHEARIN JEFFREY HUNTER	5858	171.07
5E+07	CLARK LANDSCAPE GROUP INC	5875	20.52
50102192	WRIGHT JUDY	5844	126.18
Totals - 2009			653.59

2008			
03063018	CARSWELL JOEY & WIFE TANJA	5649	1,511.38
07069034	MONROE INVESTORS LLC	5656	4,214.43
07150371	CRAVENS LARRY E & VICKIE C	5662	66.40
06201639	MOHR GLENN A & WF LYNNE E	5664	141.33
06198008	SODERGREN ERIC C & WF TRACY R	5670	270.43
07150295	DUFF TIMOTHY J & DEANNA A	5679	309.97
06177060	ANDERSEN PREBEN & WIFE MARIE	5681	1,897.08
09207041	RICHARDSON RONALD HAYDEN	5682	139.65
04102001	BLOUNT THERON	5710	247.70
06174048	CALABRETTA ARTHUR M & WF SHARON A	5728	649.57
06192008	CHAMBERS JAMES H L III	5734	3,917.38
5E+07	C & C TOOL & MACHINE INC	5857	37.55
5E+07	WILSON MARVIN EDWARD	5882	8.95
Totals - 2008			-
			#####

2007			
06201639	MOHR GLENN A & WF LYNNE E	5665	168.12
06198008	SODERGREN ERIC C & WF TRACY R	5671	221.46
07069034	MONROE INVESTORS LLC	5657	2,847.88
07150371	CRAVENS LARRY E & VICKIE C	5663	239.47
07150295	DUFF TIMOTHY J & DEANNA A	5680	278.55
07087067	STEGALL BRUCE D & DEBBIE SUE	5711	483.08
06174048	CALABRETTA ARTHUR M & WF SHARON A	5729	749.42
5E+07	D M TRULL GRADING CO INC	5856	48.82
5E+07	WILSON MARVIN EDWARD	5883	10.46
Totals - 2007			-
			5,047.26

2006

5E+07	PHOTO PRO & MORE	5623	150.43
06201639	MOHR GLENN A & WF LYNNE E	5666	150.60
06198008	SODERGREN ERIC C & WF TRACY R	5672	198.38
07069034	MONROE INVESTORS LLC	5658	2,549.92
06174048	CALABRETTA ARTHUR M & WF SHARON A	5730	671.02
5E+07	WILSON MARVIN EDWARD	5899	8.47
<hr/>			
Totals - 2006			3,728.82

2005			
06201639	MOHR GLENN A 7 WF LYNNE E	5667	149.00
06198008	SODERGREN ERIC C & WF TRACY R	5673	196.28
07069034	MONROE INVESTORS LLC	5659	2,523.08
06174048	CALABRETTA ARTHUR M & WF SHARON A	5731	663.95
<hr/>			-
Totals - 2005			3,532.31

2004			
06201639	MOHR GLENN A & WF LYNNE E	5668	140.68
06198008	SODERGREN ERIC C & WF TRACY R	5674	185.32
07069034	MONROE INVESTORS LLC	5660	2,382.92
<hr/>			
Totals - 2004			2,708.92

---

GRAND TOTALS			\$29,082.72
--------------	--	--	-------------

---

**Department of Juvenile Justice and Delinquency Prevention (DJJDP) State Grant Funding for FY 2009-2010:** Approved funding plan for FY 2009-2010 in the amount of \$294,504 and adopted Budget Ordinance Amendment #15 (No additional County dollars requested)

BUDGET AMENDMENT									
BUDGET	DJJDP			REQUESTED BY	Jim Bention, Sr				
FISCAL YEAR	FY2010			DATE	October 19, 2009				
<b>INCREASE</b>				<b>DECREASE</b>					
<u>Description</u>				<u>Description</u>					
Other Agency Payments			47,066						
State Grants			47,066						
Explanation:	Appropriate additional DJJDP State Revenues for FY 2009-2010								
DATE				APPROVED BY	Bd of Comm/County Manager Lynn West/Clerk to the Board				
FOR POSTING PURPOSES ONLY									
<b>DEBIT</b>				<b>CREDIT</b>					

<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10557000-5699-1613	Connecting Futures Other Agency Payments	13,100	10457000-4496-1613	Connecting Futures State Grants	13,100
10557000-5699-1612	Project Challenge Other Agency Payments	12,115	10457000-4496-1612	Project Challenge State Grant	12,115
10557000-5699-1610	United Family Services Other Agency Payments	21,851	10457000-4496-1610	United Family Services State Grant	21,851
	Total	47,066		Total	47,066
	Prepared By	bl			
	Posted By				

		Date				Number	15
--	--	------	--	--	--	--------	----

**Report on Settlement of Workers Compensation Claim:** Accepted report from Union County Risk Manager regarding settlement of workers' compensation claim of Arthur Henderson in the amount of \$30,000 plus a Medicare set aside of an estimated \$4,199. The North Carolina Industrial Commission approved the settlement on February 28, 2009, stating the settlement is "deemed by the Commission to be fair and just and in the best interests of all parties."

**Finance Department:** Approved Motor Vehicle Refund Overpayments for September 2009 in the amount of \$2,819.06.

**Department of Social Services – Food & Nutrition Services Administrative ARRA:** Adopted Budget Ordinance Amendment #16 to appropriate Federal ARRA funding in the amount of \$49,553 (no county match is required)

BUDGET AMENDMENT							
BUDGET	DSS			REQUESTED BY	Dontae Latson		
FISCAL YEAR	FY2010			DATE	October 19, 2009		
<b>INCREASE</b>				<b>DECREASE</b>			
<u>Description</u>				<u>Description</u>			
Operating Expenses			49,553				
Federal Revenue			49,553				

Explanation:	Appropriate Federal ARRA funding for Food and Nutrition Service benefits to county residents									
DATE					APPROVED BY					
					Bd of Comm/County Manager Lynn West/Clerk to the Board					
FOR POSTING PURPOSES ONLY										
<b><u>DEBIT</u></b>					<b><u>CREDIT</u></b>					
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	<u>Code</u>	<u>Account</u>	<u>Code</u>	<u>Account</u>	<u>Code</u>	<u>Account</u>
10553101-5381-1450	Professional Services	49,553	10453101-4342-1450	Federal Funding						49,553



		Total	49,553			Total	49,553
		Prepared By	jll				
		Posted By					
		Date				Number	16

**Amendment to Personnel Resolution:** Approved the following amendment to Union County Personnel Resolution, Article XI, Section 8:

Union County Personnel Resolution  
Article XI  
SECTION 8

Approved June 4, 1990, Revised July 24, 2006, Revised October 19, 2009

**Special Separation Allowance**

Every County employee who is a member of the North Carolina Local Governmental Employees' Retirement System shall receive, beginning on the last day of the month in which the employee retires on a basic service retirement, an annual separation allowance equal to .085 percent of the annual equivalent of the employee's most recent base rate of compensation for each year of creditable service. The allowance shall be paid in 12 equal installments on the last day of each month. The calculation formula is last salary x 0.85 percent x Number of Years of Creditable Service. To qualify for the allowance, the local government employee shall:

- (1) Have (a) completed 30 years or more of creditable service or, (b) have attained 55 years of age and completed five or more years of creditable service; and
- (2) Not have attained 62 years of age; and
- (3) Have completed at least five years of continuous service as herein defined immediately preceding a service retirement. Any break in the continuous service required by this subsection because of disability retirement or disability salary continuation

benefits shall not adversely affect a qualification to receive the allowance, provided the employee returns to service within 45 days after the disability benefits cease and is otherwise qualified to receive the allowance.

As used in this section, "creditable service" means the service for which credit is allowed under the retirement system of which the employee is a member.

The special separation allowance payments shall cease at the time the retired employee reaches 62 years of age. Also, if a retired employee dies or is re-employed in any capacity by a North Carolina city, town, County or the State of North Carolina, payments shall also cease; provided, however, that a retired employee may continue to receive separation allowance payments if (i) the employee returns to work for Union County government on a temporary part-time basis, (ii) such employment is terminable at will without regard to termination procedures otherwise available to County employees under this Personnel Resolution, and (iii) the employee is otherwise qualified to receive the allowance.

Union County will not entertain individual requests for waiver of this policy.

Notwithstanding anything herein to the contrary, the eligibility of local law enforcement officers for Special Separation allowances shall be determined in accordance with North Carolina General Statute 143-166.42.

***Information Only - No Action Required:*** Included in the agenda package with no action required were the following: 1) Department of Inspections Report for September 2009; 2) Personnel Department's Monthly Report for September 2009; 3) Union County Partnership for Progress (UCPP) FY 09 Audit Report; and 4) Union County Public Schools (UCPS) Administrative Guideline for School Construction Agency Approval

**Public Information Officer's Comments:**

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

- a. The Health Department will hold an H1N1 Family Flu Shot Clinic on Saturday, October 24, from 8:00 a.m. to 2:00 p.m. at 1224 West Roosevelt Boulevard, Monroe. The clinic is targeting the portion of the population most at-risk of contracting the H1N1 virus. Those groups are as follows:
  1. Pregnant women

2. Caregivers for children that are 6 months and younger.
  3. Children and young adults age 6 months to 24 years of age
  4. Healthcare and EMS workers
  5. Persons ages 25 to 64 who have medical conditions (diabetes, asthma, respiratory illness, heart disease, kidney disease, neurological disorders, and others) that put them at higher risk for flu-related complications
  6. More flu shot clinics will be scheduled as the H1N1 vaccine becomes available.
- b. The Christmas Bureau will begin accepting applications on October 26 at 1416 Skyway Drive in Monroe.
- Need sponsors, toys, food, stockings, and volunteers
  - Need sponsors for Thanksgiving
- For more information, please call Gloria Haney at 704-296-4312.
- c. The Christmas Bureau Poker and Toy Run will be held on Saturday, November 7 at McDonald's at 1101 Roosevelt Boulevard.
- d. All towns except for the City of Monroe will hold elections on November 3. One-stop voting began October 15, 2009. Last day for one-stop voting is Saturday, October 31 from 9:00 a.m. to 1:00 p.m.
- e. Low Income Energy Assistance Program applications will be accepted on November 2 - 13 at DSS offices. This is for a one-time cash payment to help pay heating bills (February 2010).
- f. Lake at Cane Creek Park is 15 inches below normal. The lake closes to boat traffic at 16 inches below normal.

**County Attorney Policies:**

Chairman Openshaw moved to table action on this item until the Board's work session on October 29, 2009. The motion was passed unanimously.

**Recommendation on Employment of Attorney:**

Commissioner Kuehler questioned from the information provided by the County Attorney and included in the agenda package whether attorneys Chip Killian and Dean Bunch were affiliated with each other, since Mr. Killian had recommended Mr. Bunch to conduct the ethics violation investigation. Keith Merritt, County Attorney, responded that the two attorneys were within the same law firm but in different offices. He said that Mr. Bunch was located in Florida. He explained that Mr. Killian had recommended Mr. Bunch because he has some background in ethics investigations of municipal officials. When asked whether Mr. Bunch was licensed

to practice law in North Carolina, Mr. Merritt stated that he did not know and had not verified that Mr. Bunch was licensed to practice in North Carolina.

Vice Chair Rogers noted that in reviewing the proposed fees of the attorneys recommended by Mr. Merritt, that Jim Cooney was willing to work at a not to exceed \$10,000 fixed fee, and if his time in connection with the investigation results in fees less than \$10,000, then he would bill his hours at \$375 per hour for himself and at \$250 per hour for his associates. Mr. Merritt stated that Vice Chair Rogers was correct and noted that should Mr. Cooney's work exceed \$10,000, then the fee would be capped at \$10,000.

Commissioner Mills said that from his discussions with attorneys regarding the ethics investigation, the one thing that they hold in common, and he would ask be done, is that Commissioner Openshaw and former Commissioner Lane be included in the investigation. He said that neither Commissioner Openshaw nor Commissioner Lane recused themselves at the time of the vote on the motion of March 10, 2008. He stated that had the Board used the logic that Commissioner Openshaw used for \$50,000 to \$60,000 per Commissioner to hire attorneys, then the motion would have passed unanimously, and there would be no need for this discussion. However, he said that the motion passed and the amount allowed per Commissioner was \$15,000, which was much less than the \$50,000 to \$60,000. Commissioner Mills said that he would also like to point out and have included in the investigation, that one Commissioner had sworn under oath during the depositions in the Shalati matter that three Commissioners routinely met at former Commissioner Lane's house on Sundays before the Board meetings on Monday, which he said is a violation of the Open Meetings Law.

Commissioner Kuehler called for a point of order in the discussion and stated that if Commissioner Mills wished to bring a separate ethics violation complaint regarding an alleged violation of the Open Meetings Law, then he could do so. She stated that the ethics complaint in question has already been acted on, and the issue at hand is which attorney to approve to conduct the investigation.

Commissioner Mills countered that it had already been discussed to include Commissioner Openshaw and former Commissioner Lane in the ethics investigation, but the Board had decided not to do so. He said the point of Commissioner Kuehler's motion of August 31, 2009, was that Commissioner Baucom, Commissioner Mills, and former Commissioner Kevin Pressley had not recused themselves from the March 10, 2008, vote. Commissioner Kuehler clarified that her point had been that they had not disclosed at that time the hiring of Wyatt and Blake, Attorneys at Law. She said that to her knowledge Commissioner Openshaw and former Commissioner Lane did not hire Wyatt and Blake, and, therefore, had nothing to disclose during the March 10, 2008, vote.

Commissioners Mills noted that the motion of March 10 was brought by former Commissioner Lane, and he had stated in the March 10 meeting that his deposition was scheduled for the morning of March 10, but he had left without completing the deposition.

Chairman Openshaw called for a point of order and said that was not the topic of tonight's discussion. Commissioner Mills responded that the topic is about ethics, and he thought the Board was picking and choosing in this situation.

Chairman Openshaw commented that the issue was about the failure of Commissioner Baucom and Mills and former Commissioner Pressley to make a disclosure to the public about the hiring of Wyatt and Blake, Attorneys at Law. He further commented that when it was brought forth about a possible FBI investigation, that Commissioner Mills had said that he had not spoken with any FBI officer. Commissioner Mills responded that he never met with a FBI officer.

Vice Chair Rogers called for a point of order and said that the discussion tonight is about the hiring of an attorney to conduct the ethics investigation. She stated that a majority of the Board determined to move forward with the investigation. She said that Commissioner Mills is free to add to the agenda for the next meeting any investigation that he wants to add. She further stated that she did not have a problem if the investigation included all members of the sitting Board on March 10, 2008. She said that her position is that the Board has an ethics policy, and it is trying to follow that policy. She added that unless something has changed since the August 31, 2009, vote to proceed with the ethics investigation, then the Board needed to vote tonight on which attorney to hire.

Commissioner Mills stated that he found it difficult to hire an attorney when it is not known if that attorney is licensed to practice in North Carolina. Chairman Openshaw agreed that this was a legitimate point.

Commissioner Baucom commented that Mr. Cooney, whose fee would not exceed \$10,000, would have the least potential cost impact. He asked if this cost were based on the investigation of three Commissioners or one investigation that involves three individuals. Mr. Merritt responded that he did not think during the course of his conversation with Mr. Cooney that he had given him a specific number. He said that he had simply informed Mr. Cooney that the Board had requested that an investigation be undertaken.

Commissioner Baucom stated with that being the case, he did not see a financial impact from adding the other two members of the sitting board at that time to the investigation. He said that this is germane to tonight's topic, because, as he had pointed out in a previous meeting, the rationale that had been used to bring forward the ethics investigation was erroneous. He added that there had been a lack of discovery and information in the matter. However, he said that he had been accused, and maybe the most effective way

for him to be vindicated would be for the investigation to go forward, but he wanted all parties involved in the vote of March 10, 2008, to be investigated as well. He stated that the fact remains that it was former Commissioner Lane who brought the agenda item forward on March 10, 2008. He said that former Commissioner Lane had stopped his deposition testimony on March 10 to wait for the agenda item to be brought forth that night at the Board meeting to hire an attorney.

Commissioner Baucom said by the same token, Commissioner Openshaw's deposition was not taken until March 13, and Commissioner Openshaw could have been just as easily impacted as former Commissioner Lane had been. He stated that during the March 10, 2008, meeting that Commissioner Openshaw had suggested that the minimum amount to be allocated for each Commissioner to hire an attorney would be \$50,000 to \$60,000, and that as the Board's Chair at that time, he had expected for a motion to be brought forth by either Commissioner Openshaw or former Commissioner Lane to approve the \$50,000 to \$60,000 amount, and when a motion to that effect was not brought forth, he had moved forward with a vote on the original motion for the \$15,000 amount per Commissioner. He said it was an absolute misstatement that he had hired Wyatt and Blake, and there was no documentation to that effect.

He said that he expected the Board to have the same very aggressive and very vigorous attitude to prevail in the investigation of former Commissioner Lane and Commissioner Openshaw. He added that when he was vindicated from the investigation, he expected a written public apology from this Board majority for bringing forward this absolute erroneous waste of time.

Chairman Openshaw asked Commissioner Baucom to end his comments and asked if he had any further comments about the hiring of an attorney to conduct the ethics investigation.

Commissioner Baucom moved that Commissioner Openshaw and former Commissioner Lane be added to the ethics investigation in connection with the March 10, 2008, agenda item and the Board's vote to authorize the County to enter into contracts for the defense of individual Commissioners.

Commissioner Kuehler stated that the original ethics complaint was about the failure to disclose the fact that Wyatt and Blake had a letter of engagement with Commissioner Baucom, Commissioner Mills, and former Commissioner Pressley; therefore, the ethics charge was that they had failed to disclose that relationship. She reiterated that since Commissioner Openshaw and former Commissioner Lane had not used the services of Wyatt and Blake, they had nothing to disclose. She questioned that if the motion of March 10, 2008, had been brought forth so that former Commissioner Lane could have representation, then why was the motion not just to allow him to have the funds, and why had it included all five Commissioners on that board.

Commissioner Baucom responded that there was not a letter of engagement between him and Wyatt and Blake. Commissioner Kuehler stated that she had a copy of such a letter. Commissioner Baucom argued that there was no letter of engagement containing his signature.

Again, Vice Chair Rogers requested that the Chairman declare a point of order in the meeting. She stressed that the Board's discussions have gone beyond the topic of tonight's discussion. She said that Commissioner Baucom's motion is not relevant to tonight's agenda item. She suggested that Commissioner Baucom could amend his motion to include the selection of an attorney to conduct the ethics investigation. It was noted by Commissioners Baucom and Mills that the only motion on the floor was to include Commissioner Openshaw and former Commissioner Lane in the ethics investigation.

Chairman Openshaw asked for assistance from Jeff Crook, Senior Staff Attorney, regarding parliamentary procedure on whether Commissioner Baucom's motion was in order. Mr. Crook responded that he believed that it was the Chairman's decision to rule whether or not a motion was in order and said that he thought the Chairman's determination in this situation should be based on whether or not the motion is relevant to the agenda item, and, if not, then the motion could be added to the agenda upon a majority vote.

Chairman Openshaw said that he had determined that the motion on the floor was not relevant to this specific agenda item, and that Commissioner Baucom had appealed that determination. He asked if this was a non-appealable motion. Mr. Crook repeated that he believed it was in the discretion of the Chairman to determine whether the motion was in order.

Chairman Openshaw reiterated that he did not believe the motion was in order and said he was fine with Commissioner Baucom moving to add an item to the agenda to include former Commissioner Lane and Commissioner Openshaw to the ethics investigation.

Commissioner Baucom moved to add an item to tonight's agenda before a vote is taken on hiring an attorney to conduct the ethics investigation to include former Commissioner Lane and Commissioner Openshaw to the ethics investigation.

By way of discussion of the motion, Vice Chair Rogers said that she was fine with the motion if "before a vote is taken on the attorney" was omitted. She said she did not understand why this action needed to occur before the vote was taken on the hiring of an attorney.

Chairman Openshaw stated that he did not expend any attorney's funds, and he did not have a letter from the attorneys stating that they were representing him in the situation. He said that he did not have an attorney when he was deposed in the Shalati matter despite the fact that he was not represented, as he had learned in the middle of his deposition, by the attorney engaged by the Board. He said, therefore, he resented being included in the motion tonight, and he would be voting against it from that perspective. Chairman Openshaw said the irony of it is, that he had come into the meeting tonight with the intention of voting against approving funds for this expenditure from the perspective that what is being discussed is public record, and the public can review the facts and make the determination for itself without the County expending the funds. He stated that he viewed \$10,000 a lot differently now than he did a few years ago, and in the County's financial situation, it was hard for him to rationalize that expenditure.

At the request of Chairman Openshaw, Mrs. West repeated the motion on the floor by Commissioner Baucom to add an item to the agenda before a vote is taken on hiring an attorney to include Commissioner Openshaw and former Commissioner Lane in the ethics investigation. The motion passed by a vote of four to one. Vice Chair Rogers, Commissioner Baucom, Commissioner Kuehler, and Commissioner Mills voted in favor of the motion. Chairman Openshaw voted against the motion.

Chairman Openshaw stated that he would place the new item on the agenda as Item 7a.

Chairman Openshaw stated that a motion was needed for the original item that was on tonight's agenda for a recommendation on hiring an attorney. He moved not to proceed with the \$10,000 expenditure to hire an attorney for the ethics investigation.

Vice Chair Rogers stated that she was unclear if the Chairman's motion was not to proceed at this time, not to proceed with including Commissioner Openshaw and former Commissioner Lane to the investigation, or not to proceed ever. Chairman Openshaw responded that he was not willing to proceed at this time to spend \$10,000 for a slap on the wrist which is what would come from an ethics violation.

Vice Chair Rogers stated that her concern with that action is first it is placing a price tag on a potential ethics violation. She said the Board has an ethics policy, and if it is going to follow the policy, then it needs to follow the policy. She stated that if the Board was going to place a price tag on ethics, then the policy needs to be amended to state that if a potential violation is brought to the Board, then the Board would proceed with investigating it if it does not cost more than a certain dollar amount. Vice Chair Rogers said that the second point for her is that if one of the Board members or a member of the public had brought forth an accusation or comment publicly that perhaps she had violated some ethics policy, that unless she was guilty of it, she would want to see a resolution



to the accusation, because otherwise the stigma would be hanging over her head. She said that she did not believe it was fair to make statements and then not follow through on them, because otherwise those statements would be hanging over the heads of the Board members about whom those statements had been made.

Commissioner Mills said that he completely respected everything that Vice Chair Rogers had said, but the problem he had with the situation is that the Board is picking and choosing. He stated that the Board either has ethics or it does not. He stated that in this situation, Commissioner Kuehler had the information on January 5, 2009, but waited until August 31, 2009, to bring the information forward. He said that he did not understand the lag in time in bringing the information forward.

Secondly, Commissioner Mills said he would like to have the issue resolved. He stated that he would like to go forward with the investigation, because he thought the Board was going to realize that it acted foolishly and very hurriedly and did not think things through. He said the whole situation had gotten out of hand, and if the Board allowed this to pass, then it would be opening Pandora's Box that would have no end in sight. He stated that the allegations he had brought forward are factual and could be easily proven. He said that he had no problem with Mr. Cooney investigating him in this matter, but questioned if other ethic violations are found during the investigation, would the attorney be under any obligation to report those violations to the Board.

Mr. Merritt responded that he was unsure of the answer to that question, because he thought much of it would depend on what the attorney found and how serious the attorney thought the violation was. He stated that, obviously, the direction that would be given to the attorney by the Board in this instance would be to investigate a particular vote, and so he believed it would limit his investigation to that one vote and then report his findings to the Board. However, he said that if for some reason, the attorney found some other violation that was serious enough for him to question, then he might include it on his report. He stated that he did not believe there was any particular requirement that the attorney conduct any investigation if he should find other violations but to make the Board aware of the violation.

Commissioner Mills asked what would be the obligation of the Board to move forward with an ethics violation if the attorney could be provided with undisputable facts that three Commissioners met and there was a violation of the Open Meetings Law. Mr. Merritt responded that it would be up to the Board to make a determination as to whether or not to move forward with investigating the violation.

Commissioner Mills noted that the vote of August 31, 2009, included former Commissioner Pressley, who is no longer a seated Commissioner. He questioned how long and how far back ethics violation investigations might go.

Mr. Merritt responded that it would also be a determination of the Board as to whether or not any particular violation is egregious enough to investigate. He said he did not want to advise the Board tonight as to what action might be available to it. He stated that if a violation were found of several years ago, there might not be any action that the Board could take at this point other than to make known that it was a violation.

Commissioner Mills commented that with the issues before this Board, in his opinion, the ethics investigation is a waste of time and is taking away from the work that needs to be done.

Mr. Merritt clarified after reading the applicable statutes, that in order to seek declaratory relief under the Open Meetings Law, the relief must be sought within 45 days following the initial closure of the action that the suit seeks to have declared null and void.

Chairman Openshaw stated that he would like to address Vice Chair Rogers' comments. He said that he certainly understood and considered this a Hobson's choice with there being no good choice in this situation. He agreed that ethics should be enforced. He said that the issues being raised with the investigation are public record. He said that on Wednesday, October 21<sup>st</sup>, the Board would be holding its first financial meeting that it had requested to be held at the end of the first quarter of the fiscal year. He said that when remembering the words of the County's Finance Director during last budget season, that this year promises to be much worse than last, he did not feel that it is the time to be spending \$10,000 on something such as this. He stated that he appreciated the concern and the importance of ethics, but he believed the Board's ethics policies allow these issues to be discussed. He said that he thought this situation could be resolved in the public's eye by allowing the public to review the information.

Commissioner Baucom stated that he appreciated Vice Chair Rogers' attitude in this situation. He said that she was exactly right, and he wanted to be exonerated and vindicated from these accusations. He said the only way that he would not be in favor of moving forward with the investigation is that he receives a public apology from the Board majority before the vote to bring forward these actions.

Commissioner Baucom offered a substitute motion to hire Jim Cooney at a fee not to exceed \$10,000 to conduct the ethics investigation in accordance with Commissioner Kuehler's motion of August 31, 2009 (in connection with the March 10, 2008, agenda item and the Board's vote to authorize the County to enter into contracts for the defense of individual Commissioners).

Commissioner Mills stated that he thought to leave it to the public's opinion to make the determination is completely the wrong thing to do. He said the public opinion that he has seen is very opposed to what the majority of the Board has done in wasting more taxpayers' money for something that is erroneous. However, he said that he agreed with Commissioner Baucom that they have done nothing wrong, and if it takes an attorney to prove that, then so be it.

Following the comments, Chairman Openshaw asked Mrs. West to repeat the substitute motion, which she stated was to approve hiring Mr. Cooney to conduct the ethics investigation at a fee not to exceed \$10,000.

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

**Discussion on Including Former Commissioner Lane and Commissioner Openshaw in the Ethics Investigation (added to the Agenda on Motion of Commissioner Baucom):**

Commissioner Kuehler stated that the investigation that resulted from the August 31, 2009, motion was about one specific act. She questioned if the addition of Commissioner Openshaw and former Commissioner Lane would broaden the scope of the work to the point that Mr. Cooney would not be able to adhere to his original proposal of a \$10,000 cap on his fee.

Mr. Merritt responded that it was his understanding that the investigation was limited to the particular vote taken on March 10, 2008, with respect to attorneys' fees for individual Commissioners. He said that he was not aware of any facts that would broaden the investigation beyond the original scope other than if Commissioner Baucom's motion passes, it would add Commissioner Openshaw and former Commissioner Lane to the investigation. He said that it would probably require Mr. Cooney to talk with Chairman Openshaw and former Commissioner Lane, but he did not think it would broaden the investigation's scope to the point where it would greatly increase the costs of the investigation. Mr. Merritt said that he could talk with Mr. Cooney, and if Mr. Cooney thought it would broaden the scope of the investigation, he would let the Board know.

Commissioner Kuehler said that she had heard tonight comments about the depositions and she was trying to ascertain whether that is going to be included in the investigation or whether the motion would limit the involvement of all five Commissioners to the specific subject. Mr. Merritt stated that it was his understanding that it would limit those five persons to the March 10, 2008, vote.

Commissioner Baucom asked to clarify that the vote was the agenda item of March 10, 2008, that Commissioner Kuehler had brought forward for the investigation. Mr. Merritt said that it was his understanding from Commissioner Kuehler's earlier comments this evening, that it was the failure to disclose the Wyatt and Blake engagement prior to the vote to reimburse the attorney's fees.

Commissioner Baucom stressed that it was the agenda item of March 10, 2008, and not just the failure to disclose Wyatt and Blake. He said that the Board needed to be real clear of the direction that is given to the attorney.

Mr. Merritt said that he would provide the attorney with the transcript of the actual discussion from the night of Commissioner Kuehler's motion. He said that he would include any changes that the Board might include tonight, but right now his understanding is the investigation was as was stated in Commissioner Kuehler's original motion.

After further discussion, Vice Chair Rogers offered a friendly amendment to the motion to include all five Board members seated at the time of the March 10, 2008, motion. Commissioner Baucom stated that his motion included the full board at that time, since former Commissioner Pressley was included in Commissioner Kuehler's motion of August 31, 2009. He said that he would consider a friendly amendment to be clear that the investigation does include the agenda item of March 10, 2008, and the vote on that item, and, secondly, that any findings of ethics violations against any Commissioner, past or present, be brought to this Board.

Chairman Openshaw explained that the reason that he had supported Commissioner Kuehler's motion in the first place was that she could document and had raised a legitimate question due to that documentation. He said the Board is venturing off into this red herring of adding on accusations with no documentation, and he would caution the Board about that.

At the request of Chairman Openshaw, Commissioner Baucom repeated his motion to be as follows: to add Commissioner Lanny Openshaw and former Commissioner Roger Lane to the ethics investigation and to be specific that the agenda item of March 10, 2008, to hire attorneys for the defense of individual Commissioners be included in the investigation and include the full board. He added that the third component of his motion is that any ethics violations found during the investigation, either of past or present Commissioners, be brought to the Board.

Chairman Openshaw said that he was not interested in going back into the past. He said the point had been raised about former Commissioner Pressley. He stated that he could understand that former Commissioner Pressley was on the Board on March 10, 2008, but he would be opposed to including anything beyond that.

Vice Chair Rogers noted that nothing has changed from the original motion of August 31, 2009, other than to add the sitting Commissioners on March 10, 2008, and the March 10, 2008, agenda voting. Commissioner Baucom said that his motion clarified that the March 10, 2008, agenda voting is a component of the investigation.

After the very lengthy discussion, the motion was passed unanimously.

At approximately 8:40 p.m., the Chairman called for a five-minute recess in the meeting. The meeting was reconvened at approximately 8:55 p.m.

**Energy Efficiency and Conservation Block Grant:**

Chairman Openshaw recognized Al Greene, County Manager, to explain this item. Mr. Greene stated that Matthew Delk, Assistant County Manager, has been working on this matter, and he would defer to Mr. Delk for comments.

Mr. Delk said that there had been a number of documents before the Board concerning the Energy Efficiency and Conservation Block Grant in the last several months. He said that this grant was from the Americans Recovery and Reinvestment Act Funding. He explained that the document before the Board is an amendment to the first Agreement by the County. He said the actual agreement is a computer agreement and is through the FedConnect system. He said an important point he wanted to note is that many of the contract provisions typically seen early in an established grant process have been coming piecemeal from the federal government in this situation. Mr. Delk stated that because the terms and conditions of the grant are more legal in nature than they are administrative in nature, staff discussed the matter and decided to place it on the Board's agenda.

He explained the Amendment gives the legal framework for agreements and procurements, and in the future, staff will make sure that they comply with the Davis Bacon Act requirements and buy American provisions included in the amendment. Further, he said that the amendment authorizes the Manager to draw down that first established set of funding which is based on the work already completed. Mr. Delk said it is expected that a future amendment will be forthcoming for the remainder of the funding after the Department of Energy approves the conservation strategy already adopted by the Board and which has been forwarded to the Department of Energy.

Following the explanation, Chairman Openshaw moved to authorize the Manager to approve the Assistance Agreement and subsequent grant documents providing for the release of funds to Union County by the Department of Energy for the Energy Efficiency and Conservation Block grant. The motion was passed unanimously.

**Financial Advisory Proposals:**

Chairman Openshaw stated that this item is related to the hospital. He moved to bring in another consultant to interview.

Vice Chairman Rogers offered a friendly amendment to the motion to bring in Juniper Advisory at one of the Board's scheduled October work sessions if its representatives are able to attend. She said that the hospital is an important issue, and she would like to hear from more than one firm and be able to ask them the same questions asked of Kaufman Hall.

Mr. Greene explained that there were a couple of questions that the Board posed to Kaufman Hall at the work session of October 7, 2009, to which they had provided responses to staff in a conference call on Friday. He said that these questions related to Kaufman Hall's fees and the structure of the scope of its work, and staff had received e-mail confirmation this morning regarding Kaufman Hall's responses. He stated that he did not know if those responses had any bearing on the Board's decision as to whether or not to interview another firm, but he wanted to acknowledge that Kaufman Hall responded to the request that it reconsider its scope of work and its fees in two particular areas.

Vice Chair Rogers asked if the Chairman had accepted her friendly amendment. Chairman Openshaw agreed to accept her amendment as a friendly amendment to his motion.

Commissioner Baucom asked as a point of clarification if Juniper Advisory was the firm that Chairman Openshaw had wanted to bring in. Chairman Openshaw stated that he would go on record stating that he wanted to interview three firms. He said that staff rated Navigant second, but he was not limiting his response to Navigant at this time.

Commissioner Baucom stated he was trying to determine the process and asked how many firms staff had recommended.

Mr. Greene responded that five proposals were received and staff had shortened its recommended list to three firms. Vice Chair Rogers noted that Navigant, which was one of the three firms recommended by staff, did not provide any pricing information and that was her reasoning for putting forth interviewing Juniper Advisory.

Commissioner Baucom asked the Chairman who was the third firm that he wanted to bring in. The Chairman responded that he wanted to see the results of the second interview, and then he would look at the firms again.

Commissioner Baucom stated that he would be voting in opposition to the amended motion because he thought it was a flawed process. He said that he does agree with interviewing more than one firm, but he would be voting against the motion tonight as this would be consistent with his prior votes.

Commissioner Mills said that he also would not be supporting the motion. He stated that he was unable to attend the work session that had taken place with Kaufman Hall. He said that the same problems are going to occur, and the Board could ask the same questions of the firms over and over again, and what he understood is this will be a very challenging situation with ten years remaining on the lease with the hospital. He stated that his understanding is that the timing is not right. He said that he did not know how many people would want to sell their homes right now, and the ones that are selling their homes are not receiving the value that they were receiving due to the huge downturn in the economy. Therefore, the hospital being the plum of the assets owned by the County, it is just not something he would favor. He said he has listened to the citizens and has heard overwhelming opposition to the sale of the hospital.

Vice Chair Rogers said she wanted to clarify a comment by Commissioner Mills about there being problems. She stated that she did not want Kaufman Hall to think there were any problems with the work session. She said that she thought it had been a very good and very productive meeting. She stated that there was a lot of good discussion and a lot of good questions, and as Mr. Greene indicated, Kaufman Hall has addressed some of the Board's concerns which were more on the negotiation of the contract with Kaufman Hall on front end costs versus backend costs.

Mr. Greene asked the Board for clarification as to when it would like to schedule an interview with Juniper. Vice Chair Rogers responded that she was suggesting at either of the two October work sessions which have already been scheduled. She asked that staff offer those two dates to Juniper.

Mr. Greene explained that one of those work sessions would be a full day on water and sewer capital items, and the other work session would involve a closed session to consult with an attorney and another relatively urgent issue to discuss the radio subscriber unit order. He explained that if the subscriber unit order requires a lot of deliberation from the Board as to how to allocate subscriber units, that could take some time and could begin to impinge upon the time in which the purchase order needs to be made. He said that

Juniper could be included at the October 29<sup>th</sup> work session with the closed session and the subscriber units, but it could be a long work session.

Vice Chair Rogers explained the reason she had suggested October is because this is something that has been dragging on, and she thought it was of benefit to all involved and all that might be involved for the Board to make a decision. She said that she fully understood what the Manager was saying, but she stated that she viewed the hospital issue in a high degree of importance.

Mr. Greene agreed and asked if the Board would be willing to meet on October 29<sup>th</sup> from 9:00 a.m. to 1:00 p.m., he thought all three topics could be accomplished.

It was noted that the attorneys' policies issue had been moved to the October 29<sup>th</sup> work session.

Commissioner Kuehler said that when the Board had spoken with Kaufman Hall, she thought they had quite a bit of insight especially because of its expertise is working on the hospital side. She said that was a value added to them for knowledge that the Board does not have. She stated that the subject of whether or not it was time to sell the hospital in these economic times was raised during that meeting, and the answer given by Kaufman Hall was actually the next two to five years was probably one of the best times to sell the hospital. She said that she was looking forward to receiving some more information and moving forward with the process.

Vice Chair Rogers stated that she would adhere to her suggestion to interview Juniper Advisory at one of the October work sessions. Chairman Openshaw asked if she would like to move the attorneys' policies to another time. He suggested that if Juniper could be scheduled for October 29<sup>th</sup>, then the attorneys' policies could be moved to another date. Mr. Greene assured the Board that staff understood the Board's direction.

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

Commissioner Mills asked for clarification of the vote. He said that he thought that the Board was voting on the work session for October 29<sup>th</sup> and, if not, his vote would be against the amended motion.



Chairman Openshaw asked the attorneys whether Commissioner Mills could amend his vote. Jeff Crook, Senior Staff Attorney, responded that technically there should be a motion by someone who had voted in the majority on the previous motion to reconsider the vote.

Chairman Openshaw moved to reconsider the vote on the previous motion. The motion to reconsider was passed unanimously.

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

**New Business:**

Chairman Openshaw asked if there was anyone from staff waiting to address Item 11 – Request for Refund of Excise Tax in the Amount of \$510 to Trent M. Grissom. Mr. Greene responded that this item would be handled by Mr. Crook, Senior Staff Attorney. The Chairman stated that if there was no one waiting to address this item, he would continue with the regular order of the agenda.

**Discussion of Initiation of Land Use Ordinance Text Amendment to Consider Requiring Glare Control on Outdoor Lighting:**

Chairman Openshaw said that he would like to expand the scope of this item to include submitting the Village of Marvin's Outdoor Lighting Ordinance to the Planning Board as a template for review and recommendations to the Board of Commissioners.

He explained that the purpose of the ordinance is to cap lights, to prevent light pollution, and to prevent lights from intruding into people's windows. He stated that a number of years ago, the Village of Marvin decided to impose a cap on outdoor lighting.

The Chairman moved to submit the Village of Marvin's Outdoor Lighting Ordinance to the Planning Board for review and recommendations to the Board of Commissioners, to include the Planning Board's comments and any provisions that it would deem appropriate to add. The motion was passed unanimously.

**Request for Refund of Excise Tax in the Amount of \$510 to Trent M. Grissom:**

Mr. Crook explained that there is a technicality in the statutes that requires the Board to hold a public hearing on this request and he requested that the Chairman open the hearing.

At approximately 9:10 p.m., the Chairman opened a public hearing on the request by Trent M. Grissom for a refund of excise tax in the amount of \$510.

Commissioner Mills asked if Mr. Grissom had been notified of the hearing. Mr. Crook confirmed that Mr. Grissom was notified that a public hearing would be held.

With there being no one wishing to address the Board during the public hearing, the Chairman closed the hearing at approximately 9:11 p.m.

Chairman Openshaw moved to authorize a refund of excise tax paid to the Register of Deeds' Office in the amount of \$510 to Trent M. Grissom after completion of all necessary prerequisites.

Vice Chair Rogers asked if the request for a refund had occurred because proper notice of foreclose was not published in the newspaper and questioned if it were a notice that the County or the bank had neglected to publish. Mr. Crook responded that this item had nothing to do with the County. He explained that it was an action in foreclosure, and he was unsure who had given improper or defective notice, but it was not with the newspaper in Union County. He stated that the Judge in this matter had declared the deed invalid and vacated it, and staff believes that a refund is in order. He said that it was a request for a refund of excise tax paid to the Register of Deeds' Office.

In response to a question by Chairman Openshaw, Mr. Crook explained that half of the excise tax is sent to the State of North Carolina, and the County cannot refund the State's portion.

Following the discussion, the motion was passed unanimously.

**Personnel Report on Hires Since Reduction in Force (RIF):**

This item was placed on the agenda at the request of Vice Chair Rogers. She deferred to Al Greene, County Manager, for comments.

Mr. Greene stated that Vice Chair Rogers recently requested that staff develop a report on hires since the date of the County's reduction in force which was January 23, 2009. He said that Mark Watson, Personnel Director, has developed two reports, one that addresses all vacancies that were not subject to the reduction in force and a second one that addresses those positions that were subject to the reduction in force. He said that the reports do not include any employees' names, and the staff does not want to discuss any information that is not open to public disclosure. He said Mr. Watson was present and could answer any questions of the Board.

Commissioner Kuehler questioned if the County notifies individuals who were in positions that were part of the reduction in force or is it left up to those individuals to check the County's website for position vacancies on a regular basis. Mr. Watson explained that when a request to recruit for a vacant position is approved by the Manager, the vacancy is listed internally and the Personnel staff sends e-mail notices to the employees who were included in the reduction in force for whom they have e-mail addresses along with sending an e-mail to all internal county users. He said that the vacancies are also posted on the County's external website.

Commissioner Kuehler said that she was ecstatic that the County is taking steps to reach out to those individuals. She asked if Personnel is receiving any feedback that the individuals have found other employment.

Mr. Watson said that with reference to the 31 employees who were included in the reduction in force, 13 of those have not applied at all for any of the vacant positions and four of those either have found employment elsewhere or returned to school. He stated that the report shows that five of the employees from the reduction in force have been rehired into County positions, two of those have subsequently resigned, and one went to work with the schools and the other one accepted a contract job with the Department of Social Services. Mr. Watson said that after this report was released, another former employee was hired in Social Services.

Vice Chair Rogers expressed appreciation for the report and the information that staff has compiled. She said that this is something that has been brought to her attention by people wanting to know what is being done, either by those who were former employees or those who are concerned. She noted that there are 13 of the employees from the reduction in force who have applied but not been hired. She stated that in reviewing the report, there are certain instances where there are double-digit applications.

Mr. Watson identified on the report that Employee #7 had applied 27 times. He said that person has been rehired.

Vice Chair Rogers asked if it would be safe to say that the employees who have applied for positions a number of times, are applying for positions that they might not be qualified for and that is the reason the numbers are so high. Mr. Watson stated that this was correct.

Commissioner Kuehler said that applying numerous times obviously pays off. Mr. Watson said that Commissioner Kuehler had stolen his line because he was going to say that persistence pays off.

Vice Chair Rogers also expressed appreciation that the employees who were part of the reduction in force are being sent e-mails and notified when vacancies are occurring within the County government.

**Discussion of Veterans Day Funding Agreement:**

Chairman Openshaw announced that the next item on the agenda was discussion of the Veterans Day Funding Agreement with the City of Monroe. He deferred to the Manager for comments.

Mr. Greene explained that Jeff Crook, Senior Staff Attorney, has drafted a very simple agreement for consideration by the Board. He stated that the Board had budgeted \$36,000 to assist in funding the Veterans Day ceremonies and the air shows specifically. He noted that this was \$4,000 less than last year's budgeted funding. He said that the County requires an agreement in advance if the County is providing payment in advance of the service being performed. He stated that there were two reasons why this matter was coming before the Board tonight, one is that it involves a written agreement and the Board approves written agreements and, secondly, it exceeds the contracting authority of staff.

Mr. Greene said that it is not known if there is time before the Veterans Day events for the City of Monroe to consider approval of the agreement. He stated that there are two options that the Board could consider: 1) to approve the Agreement and the subsequent payment to Monroe; or 2) if for some reason Monroe is unable to deliberate on the agreement prior to the Veterans Day ceremonies, approve a motion to authorize the County to reimburse the City once the event has been held without the necessity of an agreement.

Commissioner Baucom moved to approve an agreement with the City of Monroe as prepared by the staff attorney or to authorize reimbursement to the City of Monroe after the Veterans Day Celebration without an executed agreement, if necessary. The motion was passed unanimously.

**Closed Session:**

At approximately 9:20 p.m., 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 Board members moved to the Conference Room, first floor, Union County Government Center to conduct the closed session.

At the conclusion of the closed session, at approximately 9:48 p.m., the Chairman moved that the Board go out of closed session and reconvene the regular meeting. The motion was passed unanimously.

The Board members returned to the Board room and at approximately 9:50 p.m., the Chairman reconvened the regular meeting.

**Possible Direction to Staff Concerning Waxhaw's Conditional Use Permit Hearing as Well as the County's Interest in an Adjacent Parcel:**

Vice Chair Rogers moved that Mr. Greene provide a staff member of his choosing to attend the Waxhaw Conditional Use Permit Hearing regarding Historic Ventures on Tuesday, October 20, 2009, to provide facts only during the hearing. The motion was passed unanimously.

Commissioner Kuehler stated that she also wanted to discuss the well lot and the buffer suggestion. She said that she was surprised that most Conditional Use Permit hearings that she has attended adhere to the Unified Development Ordinance (UDO). She said it was a little shocking when it became very clear that this project was asking for a less restrictive buffer than the UDO required on the piece of property bordering the County's parcel. She stated that the only information given by the developer was that from an aesthetics view point, it would not matter if they encroached onto the buffer, because the County's lot was so much lower than the lot being developed. She explained that the concern is that not only does it want to encroach onto the buffer by 25 feet, which is half of the buffer, but also wants to pave it and put in parking spaces which increases the runoff and the impervious surfaces. She said if the

County's lot is that much lower, it would need the 50-foot buffer to slow down the runoff. She said that in her opinion it would devalue the County's parcel. She stated that she would like to have a discussion on the effect of a buffer variance and as contiguous or adjacent property owners, the County would have the right to state its opposition.

Commissioner Kuehler said that she thought in order to voice that opinion, it needs to be a direction by the Board to allow the Chairman to voice the opposition based on the County being an adjacent property owner and being affected by the buffer variance.

Vice Chair Rogers questioned if the Chairman were registered to speak during the public hearing. He stated he was not registered. It was noted that the Manager is the only person from the County registered to speak during the public hearing.

There was discussion whether it would be proper to assign someone from the Board of Commissioners to log the opposition. Commissioner Baucom asked if it were possible for a citizen who is already registered to speak during the public hearing to use a county staff person as an expert witness.

Mr. Merritt responded that he did not think so. He said that to answer the question about someone testifying on behalf of the County, he would be more comfortable with it being a staff person as opposed to a Commissioner. Vice Chair Rogers asked if this could also be assigned to the staff person who would be providing facts only at the public hearing to read from a prepared statement the County's opposition to the buffer variance.

Mr. Merritt said that he thought it would be fine for that same staff person to read the prepared statement if that was the direction of the Board.

Commissioner Kuehler moved that the staff member that will be made available to present the factual information at the Waxhaw Conditional Use Permit hearing also convey the County's concerns, as an adjacent property owner, of a variance being given to a required buffer which could affect the County's land in a negative manner.

Mr. Greene said that the motion had stated "concerns." He asked if this were the word that was to be used instead of "opposition."

Commissioner Kuehler clarified that it should be "opposition."

Commissioner Mills asked if it were the intent that the statement by the staff member be written so that it could be read. Chairman Openshaw responded that was correct.

Following the discussion, the motion was passed unanimously.

**Announcements of Vacancies on Boards and Committees:**

Chairman Openshaw read the following vacancies on County Boards and Committees:

- a. Adult Care Home Advisory Committee (5 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
- e. Union County Industrial Facilities and Pollution Control Authority (2 Vacancies for Unexpired Terms Ending May 2014)
- f. Parks and Recreation Advisory Committee (1 Vacancy for Unexpired Term Ending in February 2011 Due to Resignation)
- g. Planning Board for unexpired term ending April 10, 2010 due to a resignation

**Manager's Comments:**

Mr. Greene reminded the Board about the work session on Wednesday, October 21, 2009, at 9:00 p.m. Background information for the work session was included in the agenda package.

**Commissioners' Comments:**

Commissioner Mills expressed appreciation to the Board for its support of the Veterans Day celebration. He said that it is expected that between 60,000 and 70,000 people will attend this year's event.

He shared that he had attended the open house for the new Waxhaw Fire Station. He said it was a well-planned facility that would provide great coverage for Waxhaw.

Vice Chair Rogers requested that if the Board were going to disagree on matters that it be done on a professional level and not on a personal level.

Commissioner Baucom commented that he had worn a pink tie tonight in recognition of Breast Cancer Awareness Month.

He recognized Hospice in Union County for its new addition, which was recently opened. He congratulated Mike Linker of Hospice and his staff for its new facility. He said that CMC-Union held its open house for the new emergency department. He congratulated Michael Lutz and others at CMC-Union for the new facility.

Commissioner Kuehler shared that she and her husband were celebrating their 18<sup>th</sup> wedding anniversary today, and she wished him a happy anniversary.

Chairman Openshaw stated that he also attended CMC-Union's open house for the new emergency department. He said the facility was very impressive and well laid out.

He stated that several months ago, it was requested that a portion of Highway 601 South from US 74 East to Mangum Dairy Road be designated in honor of M. Wayne Mangum. A letter has been received stating the Board of Transportation approved the designation.

He offered congratulations to John Ashcraft (re-election), Margaret Desio, and Freddie Gordon for their success in their election to the Monroe City Council.

Chairman Openshaw congratulated Monroe Fire Department for winning the Annual Fire Competition. Sandy Ridge Volunteer Fire Department took second place and Springs Volunteer Fire Department took third place.

He shared information from a recent newspaper article regarding amnesty for international tax dodgers. He said that over 7,500 people took advantage of relief from criminal penalties.



Chairman Openshaw offered congratulations to Crystal Crump, Union County Register of Deeds, for being elected as the Secretary of the North Carolina Register of Deeds Association and for her re-election as District Chair of District III for the State's Registers of Deeds Association. He said that District III is comprised of 13 counties.

He also offered congratulations to Weddington High School for having the highest graduating rate in its category in the State.

He announced that tonight would be the last Board meeting for Brian Carlton with *The Union County Weekly*. Mr. Carlton will be moving to south Mecklenburg.

With there being no further comments or discussion, at approximately 10:10 p.m., Commissioner Baucom moved to adjourn the regular meeting. The motion was passed unanimously.