

Approved: May 3, 2010

Minutes of the Regular Meeting of
November 16, 2009

The Union County Board of Commissioners met in a regular meeting on Monday, November 16, 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, and Commissioner Tracy Kuehler

ABSENT: Commissioner A. Parker Mills, Jr., who was out of town

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; Kai Nelson, Finance Director; Keith Merritt, County Attorney; members of the press and interested citizens

Opening of Meeting:

a. Invocation

Chairman Openshaw offered the invocation.

b. Pledge of Allegiance

Chairman Openshaw led the body in reciting the Pledge of Allegiance to the United States flag.

c. Featured Community Benefit Organization: Union County Community Shelter

Chairman Openshaw recognized and introduced Tim Gray, Executive Director of the Union County Community Shelter.

Mr. Gray stated that he had several members of the Board of Directors for the Community Shelter present. He asked those members to stand and be recognized. He said that the shelter had an incredibly supportive board and stated that in addition to the 23 active members of the Board of Directors, there are over 1,800 volunteers who work with the shelter.

He said that he thought it was important, in talking about homelessness, to talk about the issue and not just to talk about what the shelter does. He stated that he thought it was important to understand the needs related to homelessness in the community. Mr. Gray said that on any given night in Union County, there are approximately 500 homeless men, women, and children. He stated that approximately 66 percent of those individuals suffer from addiction, mental illness or both. He said that approximately one third of the shelter's population at any given time has some type of serious identified mental illness.

Mr. Gray said that about 45 percent of all homeless people work, and 80 percent of the homeless in Union County was born in Union County. He stated that another 10 percent of the population in Union County is from surrounding counties. He noted that 67 percent of the County's homeless are women and children, and 67 percent of the homeless have been victimized.

He said that if every bed and every shelter are counted in the community, there are less than 120 total beds. He stated that there a lot of homeless people on the street. Mr. Gray shared some history of the County's homeless shelter and said it was started in 1985 as an emergency winter shelter. He said that over time as the need for homeless shelters has grown, the community shelter has provided shelter year round. He stated that 85 percent of the people who go through the shelter's transitional program are able to move back into independent living and move from being homeless to being taxpayers.

Mr. Gray stated that for the past few years, their agency has been housing families who are homeless in area hotels. He said they have not had the money to operate a family shelter. He stated they are set up to house only two families at a time, but over the past few months, they have been housing an average of five families in area hotels. He shared the cost of housing five families up to 60 days each, which is the maximum they will shelter them, is approximately \$18,000. He noted that this figure is to house the families in area hotels only and does not include the cost of food and case management.

Mr. Gray said that the shelter provides emergency shelter and can house up to 48 people in inclement weather. He stated that they also provide a feeding program. He said that this past year, the shelter has provided 46,000 meals. He stated that the shelter also provides food to 15 pantries across Union County and provides fresh food to two other feeding programs on a weekly basis.

He said that one of the greatest needs for the community is a shelter for families and single women. He stated that they also need donations of canned and boxed foods. Further, he said that there is a need for a greater commitment of public resources, not only from the County but also from local municipalities. He said there is also a need for financial assistance from the general public. He said that this is a growing need and the cost of meeting this need is increasing.

Mr. Gray reminded everyone of a memorial service that will be held on Thursday, November 19, 2009, from 6:30 p.m. to 7:30 p.m. in front of the historic courthouse in remembrance of all of the homeless of the community who have passed away during the last three years. He said that the invitations that were mailed requested that anyone who could donate blankets to the homeless to do so.

d. Presentation of Patriot Awards to Outstanding JROTC Members:

Chairman Openshaw recognized Michelle Marchano, Veterans Services Director, to introduce the recipients. Ms. Marchano recognized Anthony Parker, Assistant Veterans Services Officer.

She explained that there was a scheduling conflict on the date that the awards would have normally been presented which would have been during the Veterans Day Air Show and Ceremony. Ms. Marchano gave some history on when the Patriot Awards were established. Matthew Delk, Assistant County Manager, assisted with the presentation of the awards.

The following recipients were recognized:

1. Cadet Lieutenant Commander Cameron Howard, Forest Hills High School
2. Cadet Captain Anthony McBride, Monroe High School
3. Cadet Major Caleb Huston, Parkwood High School
4. Cadet Major Brice Powers, Piedmont High School
5. Cadet Lieutenant Charles Dellinger, Porter Ridge High School
6. Cadet Major Chief Christian Rhone, Sun Valley High School

Chairman Openshaw shared that he and his wife have a son who is a Captain in the Army, and who is a recipient of both the Purple Heart and Bronze Star. He said that it is the Board's honor to present the plaques to the recipients tonight and to honor them,

but it is the recipients' honor to receive the awards from Assistant Manager Matthew Delk, who is also a Captain in the Army and holds a Purple Heart and Bronze Star, and who is a true American hero.

At approximately 7:30 p.m., Chairman Openshaw called for a five-minute recess in the meeting to allow for photographs of the recipients and their awards.

Following the recess, Chairman Openshaw reconvened the regular meeting.

e. Employee Service Award Recognitions

Chairman Openshaw read the following list recognizing these employees for their years of full-time continuous service with Union County local government:

5 YEARS OF SERVICE

SUSAN FURR
KARA KEITH
MICHAEL COATS
CANDACE HAYES
ANTONIO ALMEIDA
RICKY MULLIS
WESLEY TYSON
SABRINA HARRISON
ROBIN VANDERBURG

DEPARTMENT

COMMUNICATIONS
HEALTH
PUBLIC WORKS
PUBLIC WORKS
SHERIFF'S OFFICE
SHERIFF'S OFFICE
SHERIFF'S OFFICE
SOCIAL SERVICES
SOCIAL SERVICES

10 YEARS OF SERVICE

TRUDY HELMS

DEPARTMENT

LEGAL

15 YEARS OF SERVICE

MARK TYE
GREGORY THOMAS
WANDA MCKNIGHT

DEPARTMENT

PUBLIC WORKS
SHERIFF'S OFFICE
SOCIAL SERVICES

20 YEARS OF SERVICE

JEFF CROOK
WAYNE MOSER
JANE THREATT

DEPARTMENT

LEGAL
SOIL CONSERVATION
SHERIFF'S OFFICE

25 YEARS OF SERVICE

JONATHAN KAY
MARLENE EDDINS

DEPARTMENT

SHERIFF'S OFFICE
SOCIAL SERVICES

Informal Comments:

There were no informal comments.

Additions, Deletions and/or Adoption of Agenda:

Chairman Openshaw announced that staff had requested that Item 11 from the Regular Agenda – Rocky River Rural Planning Organization – Presentation of Draft Comprehensive Transportation Plan be deleted from the agenda and moved to the next meeting.

With there being no other additions or deletions, Vice Chair Rogers moved to adopt the agenda as modified. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

Consent Agenda:

Commissioner Baucom moved approval of the items listed on the consent agenda as presented. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

Contracts/Purchase Orders Over \$20,000 and Associated Budget Ordinance Amendments: Approved: 1) Agreement with Turning Point for domestic abuse program (Social Services); and 2) Amendment to Agreement with Union Smart Start (Social Services) and Budget Amendment #23 associated with this amendment

BUDGET AMENDMENT									
BUDGET		DSS			REQUESTED BY		Dontae Latson		
FISCAL YEAR		FY2010			DATE		November 16, 2009		
<u>INCREASE</u>					<u>DECREASE</u>				
<u>Description</u>					<u>Description</u>				
Operating Expenses		18,647							
State Grant Revenues		18,647							
Explanation:		Appropriate additional State grant funding via Union Smart Start for one on one Home visits to Work First clients							
DATE					APPROVED BY		Bd of Comm/County Manager Lynn West/Clerk to the Board		

		Prepared By	jll				
		Posted By					
		Date				Number	23

Minutes: Approved Minutes of the Special Meeting of December 4, 2008; Minutes of the Regular Meetings of March 16, 2009 and October 19, 2009.

Health Department: Approved Budget Ordinance Amendment #20 to Appropriate Additional Funding in the WIC (Women, Infants, and Children’s) Program Funding in the Amount of \$79,040 (No Additional County Funding Requested)

BUDGET AMENDMENT							
BUDGET	Health			REQUESTED BY	Phillip Tarte		
FISCAL YEAR	FY2010			DATE	November 16, 2009		
<u>INCREASE</u>				<u>DECREASE</u>			
<u>Description</u>				<u>Description</u>			
Operating Expenses			79,040				
Federal Revenue			79,040				

Explanation:	Appropriate additional federal revenue for Health Department. These funds will be used to increase the							
	WIC Client Services Program.							
DATE				APPROVED BY				
					Bd of Comm/County Manager			
					Lynn West/Clerk to the Board			
FOR POSTING PURPOSES ONLY								
<u>DEBIT</u>				<u>CREDIT</u>				
<u>Code</u>	<u>Account</u>	<u>Amount</u>		<u>Code</u>	<u>Account</u>			
10551152-5239-13602	Medical Supplies	3,000		10451152-4316-13602	Federal Revenue		79,040	
10551152-5260-13602	Printing & Office Supplies	74,040						
10551152-5325-13602	Postage	500						
10551152-5383-13602	Medical Services	200						
10551152-5392-13602	Laundry Services	300						
10551152-5397-13602	Incentives	1,000						

		Total	79,040			Total	79,040
		Prepared By	bl				
		Posted By					
		Date				Number	20

Health Department: Approved Budget Ordinance Amendment #21 to Appropriate Additional H1N1 Emergency Response Funding in the amount of \$525,013

BUDGET AMENDMENT							
BUDGET		Health		REQUESTED BY		Phillip Tarte	
FISCAL YEAR		FY2010		DATE		November 16, 2009	
<u>INCREASE</u>				<u>DECREASE</u>			
<u>Description</u>				<u>Description</u>			

Operating Expenses		525,013				
Federal Revenue		525,013				
Explanation:	Appropriate additional federal revenue for Health Department. These funds will be used for the H1N1					
	Flu Pandemic in the Bioterrorism Program.					
DATE			APPROVED BY			
				Bd of Comm/County Manager		
				Lynn West/Clerk to the Board		
FOR POSTING PURPOSES ONLY						
<u>DEBIT</u>			<u>CREDIT</u>			
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>		
10551150-5239-1337	Medical Supplies	25,493	10451150-4313-1337	Federal Revenue		525,013
10551150-5351-1337	Maintenance & Repairs	6,500				
10551150-5260-1337	Printing & Office Supplies	4,500				

BUDGET	Health			REQUESTED BY	Phillip Tarte		
FISCAL YEAR	FY2010			DATE	November 16, 2009		
<u>INCREASE</u>				<u>DECREASE</u>			
<u>Description</u>				<u>Description</u>			
Operating Expenses			74,625				
Federal Revenue			74,625				
Explanation:	Appropriate additional federal revenue for Health Department. These funds will be used for the Immunization						
	Program to increase vaccines for school age children.						
DATE				APPROVED BY	Bd of Comm/County Manager		
					Lynn West/Clerk to the Board		
FOR POSTING PURPOSES ONLY							

<u>DEBIT</u>			<u>CREDIT</u>		
<u>Code</u>	<u>Account</u>	<u>Amount</u>	<u>Code</u>	<u>Account</u>	
10551150-5239-1321	Medical Supplies	25,000	10451150-4320-1321	Federal Revenue	74,625
10551150-5381-1321	Maintenance & Repairs	20,000			
10551150-5383-1321	Printing & Office Supplies	29,625			
	Total	74,625		Total	74,625
	Prepared By	bl			

		Posted By						
		Date				Number		22

Tax Administrator: Approved Fifth Motor Vehicle Billing in the Grand Total Amount of \$1,216,479.18

Tax Administrator: Approved Fourth Motor Vehicle Release Register for the Period of October 1, 2009 – October 31, 2009, in the net grand total of \$8,775.93-

Tax Administrator: Approved Fourth Motor Vehicle Refund Register for the Period of October 1, 2009 – October 31, 2009, in the net grand total of \$1,635.01-

Tax Administrator: Approved processing the untimely applications for the following Disabled Veteran Exclusions: Timothy D. Little, Curtis Wayne Starnes, George C. Miedling, Michael F. Ferrara, Clevon J. Powell, and approval to process the untimely application for Elderly Exclusion for Delores S. Richardson

Tax Administrator: Approved releases for October 2009 in the grand total of \$102,187.83

RELEASES OCTOBER 2009

2009 Acct #	Name	Release #	Totals
02251012E	GOFORTH JANIE O	5904	258.09
07144520	WESTFIELD HOMES OF THE CAROLINAS LLC	5905	1,390.17
07075249	LINGLE JASON A	5906	2,911.49
07102262	EATON KATHERINE P & SPOUSE CHARLES W	5907	916.16
07021451	BONTERRA BUILDERS LLC	5908	1,581.60
07021541	WALKER MATTHEW B & JANAY J	5909	22.43
07114029C	WADSWORTH DEVELOPMENT INC	5910	222.41
09274067	STAFFORD JAMES	5912	397.73

08087024	PLYLER ROBERT	5913	583.55
09348014B	NEW LIFE COMMUNITY TEMPLE OF FAITH INC	5914	1,932.16
06102065	PALMER JONATHAN D & KRISTIN J	5915	2,277.71
07123175	HOFFMAN LINDA NEIDICH TRUST	5916	674.25
09387033	GARNER JASON R & HOLLY R	5917	1,101.55
07027008A	ASHLEY CLAUDE O & FLORA G	5918	257.29
07135029B	FUNDERBURK FRANKLIN E	5919	84.60
04078016	COLLINS ROY WAYNE	5920	420.40
04078016E	COLLINS ROY WAYNE	5921	251.18
04318009C	AUSTIN CATHERINE C & JIMMY D	5922	900.34
04318018B	AUSTIN CATHERINE	5923	100.01
09216066	HAWFIELD FRANCES C	5924	328.81
02105014	HOLMES LARRY LEE & WANDA	5925	815.29
07090463	SECRETARY OF VETERANS AFFAIRS	5927	1,202.65
041988015	BLACKWOOD AUDREY L	5928	400.00
06108499	THE RYLAND GROUP INC	5929	2,877.92
06108514	THE RYLAND GROUP INC	5930	2,992.84
07096077	JACKSON THOMAS C & EDNA B	5932	184.68
07129789	WEINSTEIN RONALD KENT	5933	1,174.62
09339008A70	ROCK WORSHIP CENTER (THE)	5935	1,089.54
09369002B08	CITY OF MONROE	5939	2,442.94
07135029	FUNDERBURK FRANKLIN E	5940	4.09
09143007I	THOMAS ERIC W & DIANE	5941	2,375.38
07081308	NJV INVESTMENT LLC	5942	714.37
05104046	MELKONYAN RAFAEL & RENA	5943	50.68
06072003A	TOLAN JOSEPH R & SUSAN	5945	670.83

06072003E	TOLAN JOSEPH R & SUSAN	5947	731.57
50096709	DRAKE BAXTER KEITH	5951	119.70
50095297	CARDTRONICS USA INC	5952	25.76
50097585	BRASWELL WANDA	5953	30.19
50100201	B B & T EQUIPMENT FINANCE CORP	5954	63.51
50095013	BANC OF AMERICA LEASING & CAPITAL LLC	5955	2,274.30
50071171	K & G FARM	5956	138.94
50088701	CAROLINA COLLISION SERVICES INC	5957	2,354.03
50100701	MARTIN ROGER K II	5958	40.19
50087668	CARMEL CONTRACTORS	5959	146.30
50099324	NANCE JONATHAN DBA JONATHAN NANCE TRUCKIN	5960	157.94
50071567	APPLIED MECHANICAL DESIGNS INC	5961	739.08
50097519	TAYLOR ALLISON WALTERS	5962	39.13
50095776	RABON ASHLEY EDWARD	5963	131.79
01057006	GRIFFIN HAROLD PERNAY & BETTY	5964	242.79
04264006	BELK JIMMY H & BETTY H	5965	6,773.96
50068135	MATTHEWS MILLWORK INC	5966	1,424.93
50083021	BIG TIME TRUCKING INC	5967	486.38
50095923	FILTERS FAST	5968	34.89
50102952	HUNT THOMAS	5969	207.93
50091297	CD & CS INC	5970	42.21
50099399	MR ROUND TO IT	5971	210.31
50101906	ONYX ENVIRONMENTAL SOLUTIONS LLC	5972	172.56
50096870	HOUNDSTOOTH AND CATNIP INC	5973	175.19
50102276	COMMERCIAL CLEANING	5974	21.45
50102197	CAROLINA COLLISION SERVICES INC	5975	196.44

50084479	WATT RICHARD	5976	13.52
5068537	AIR DESIGN SYSTEMS INC	5977	443.31
50101064	MISS KITTY'S CORNER	5980	182.88
050101485	PROVIDENCE ASSETS ADVISORS LLC	5981	365.75
50101921	DAWKINS DANIEL KEVIN	5982	9.19
50089876	HILL SHIRLEY E	5983	15.88
50098224	STACK GARY	5984	94.15
50072869	ROACH RUTH E	5985	26.71
50074176	D J HALL & ASSOCIATES INC	5986	94.28
50077710	RYAN BEULAH	5987	76.94
50099357	DALTON GEORGE RUSSELL	5989	174.14
5087021K	YARBROUGH JOHN R & CLAUDIA M YARBROUGH	5991	9,603.27
05087021J	YARBROUGH JOHN R & CLAUDIA M YARBROUGH	5992	8,742.20
50098745	C & S SMITH ENTERPRISES INC	5994	44.10
50079957	PINKHAM LEWIS I & LILLIAN	5996	47.04
50094264	CAN-AM MOTORCYCLE PRODUCTS LLC	5997	17.76
50082452	HPSC INC	5998	5.46
50071626	TAYLOR DONNIE L & WIFE MARTHA	5999	38.90
50071012	HELMS RANDY	6001	188.00
07114089	KILLOUGH-ROHLEDER HOLDING COMPANY LLC	6002	1,347.06
50049125	HEFFNER CONSTRUCTION CO	6008	22.20
50053389	DAVIS WALTER MASONRY	6009	128.69
50099386	C E S	6010	202.32
50101501	GRAYBROOKE	6012	183.02
50094613	HUNTLEY VERNON FARMS	6013	474.95
50094807	VISTA RIDGE BUSINESS SERVICES INC	6014	257.40

50099104	PRO TECH AUTOMOTIVE BC	6015	210.31
50096733	THOMPSON GENERATION INC	6017	241.83
50099225	VARIETY VENDING	6018	98.40
50093833	CARPENTER JOSEPH	6019	5.93
50083752	GRIDLEY MICHAEL ROBERT	6020	5.48
50098802	FINAL FINISH AUTO DETAILING	6021	212.76
50099138	SIMPLY SWEETS	6022	32.48
50102388	ROSENBERG KAREN R	6023	504.44
50102350	MARITATO CHRISTOPHER	6024	382.24
50097825	BENNETT KENNETH DEAN	6025	11.78
50101604	QUEEN CITY FLOOR COVERINGS	6026	194.05
50100457	H & K ENTERPRISES INC NC	6027	40.61
50095140	IRON EAGLE GRADING	6028	1,247.21
50101860	COUSAR WILLIAM RODNEY	6029	45.13
50096353	PHOTO EXPRESSIONS BY ROBERT	6030	17.07
50101845	CALVARY EXPRESS INC	6031	303.51
50092372	NU SKIN ENTERPRISES UNITED STATES INC	6032	16.39
50098128	MARTINEZ RUDOLPH R	6033	20.02
50098721	BETWEEN SISTERS	6035	46.16
50102932	JONEW CHRISTOPHER MICHAEL	6036	6.00
50095863	WINSTON AARON RONALD	6037	18.59
50081698	GRIFFIN JOHN TERRY & KARLA	6040	176.19
50101125	GCR CONTRACTORS	6041	182.88
50102240	ON OUR WAY COURIER	6042	36.58
50093844	GREJDIERU LEAH M	6043	51.30
50090494	THE RYLAND GROUP INC	6046	154.05

06142042	FLYNT WILLIAM JOSEPH & WF LAURI ANN	6047	1,175.70
09310003	MURRAY FAMILY LIMITED PARTNERSHIP	6048	449.21
04150020	NIXON DAVID	6050	160.96
50097791	LOWE ROY A	6045	33.11
09204018 01	BLAKENEY WHITEFORD S HEIRS ET AL	6051	460.25
09372003D	GOLDMINE GENERATION LLC	6053	15,045.62
09273008 12	MIDDLETON PARTNERS LLC	6054	239.14
09273008 11	MIDDLETON PARTNERS LLC	6055	624.90
09273008 10	MIDDLETON PARTNERS LLC	6056	239.14
09273008 09	MIDDLETON PARTNERS LLC	6057	96.83
09273008 08	MIDDLETON PARTNERS LLC	6058	239.14
09273008 07	MIDDLETON PARTNERS LLC	6059	239.14
09273008 06	MIDDLETON PARTNERS LLC	6060	239.14
09273008 05	MIDDLETON PARTNERS LLC	6061	239.14
09273008 04	MIDDLETON PARTNERS LLC	6062	239.14
09273008 03	MIDDLETON PARTNERS LLC	6063	239.14
09273008 02	MIDDLETON PARTNERS LLC	6064	239.14
50079427	SHARPE DAVID HENRY	6065	35.87
50101149	IN HOME CHIROPRACTIC & PERSONAL TRAINING	6066	183.03
50100728	HERRIN TONY EUGENE	6067	291.49
50091973	CABRERA MARK	6070	147.40
Totals-2009			98,506.37

2008			
50088698	NICHOLS CHARLES E JR	5949	0.66

50098224	STACK GARY	5993	99.10
50099357	DALTON GEORGE RUSSELL	5995	182.73
07114089	KILLOUGH RAY B & JUDITH G	6003	1,347.00
50099386	C E S	6011	196.44
50099104	PRO TECH AUTOMOTIVE BC	6016	182.88
50098128	MARTINEZ RUDOLPH R	6034	11.42
50095863	WINSTON AARON RONALD	6038	19.57
09310003	MURRAY FAMILY LIMITED PARTNERSHIP	6049	449.21
Totals-2008			2,489.01

2007			
50088698	NICHOLS CHARLES E JR	5950	0.46
07114089	KILLOUGH RAY B & JUDITH G	6004	413.40
50095863	WINSTON AARON RONALD	6039	21.58
Totals-2007			435.44

2006			
07114089	KILLOUGH RAY B & JUDITH G	6005	381.90
Totals-2006			381.90

2005			
07114089	KILLOUGH RAY B & JUDITH G	6006	375.11
Totals-2005			375.11

GRAND TOTALS			102,187.83
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Tax Administrator: Approved refunds for October 2009 in the grand total of \$12,320.71

REFUNDS OCTOBER 2009

2009

Acct #	Name	Release #	Totals
06054293	MCCAR HOMES CHARLOTTE LLC	5931	3,002.42
09128015	CRIFE STEPHANIE M & THOMAS	5934	50.00
50099546	CLEARVIEW LANDSCAPE & DESIGN	6044	30.29
50088954	KING WILLIAM H	6068	10.50
50030398	DIGITAL DESIGNS INC	5978	1,541.27
01099008L	COOK JAMES W & CHRISTINE A	6007	423.01
50099694	DIOPSYS	5990	469.00
Totals-2009			5,526.49

2008

07114029C	WADSWORTH DEVELOPMENT INC	5911	222.41
02105014	HOLMES LARRY LEE & WANDA	5926	794.41
09339008A70	ROCK WORSHIP CENTER	5936	1,089.54
05104046	MELKONYAN RAFAEL & RENA	5944	50.68
06072003A	TOLAN JOSEPH R & SUSAN	5946	670.83
06072003E	TOLAN JOSEPH R & SUSAN	5948	731.57
06123002	HOWARD I N & ABBOT H	6000	894.87
09204018 01	BLAKENEY WHITEFORD S HEIRS	6052	153.39
50088954	KING WILLIAM H	6069	4.78
50030398	DIGITAL DESIGNS INC	5979	1,147.61
50091973	CABRERA MARK	6071	73.86
Totals-2008			5,833.95

2007

09339008A70	ROCK WORSHIP CENTER	5937	410.52
50088954	KING WILLIAM H	6072	6.27

50066108	MICAL EDWARD LEE JR	5988	170.27
Totals-2007			587.06

2006			
09339008A70	MONROE PENTECOSTAL HOLINESS CHURCH	5938	367.57
50088954	KING WILLIAM H	6073	5.64
Totals-2006			373.21

GRAND TOTALS **\$102,187.83**

Motor Vehicle Refund Overpayments for October 2009 in the Amount of \$2,748.02: Approved motor vehicle refund overpayments in the amount of \$2,748.02

Request by Agricultural Advisory Board for Replacement Appointment of Department Head for Soil and Water Conservation Office as Ex Officio Member in Accordance with the Union County Voluntary Agricultural District and Enhanced Voluntary Agricultural District Ordinance: Appointed Wayne Moser, Department Head, to Serve as Ex Officio Member from Soil and Water Conservation Office on Agricultural Advisory Board in accordance with updated Ordinance

Information Only/No Action Required: The following were included in the agenda package with no action required: 1) Department of Inspections' Monthly Report for October 2009; and 2) Personnel Department's Monthly Report for October 2009

Public Information Officer's Comments:

Chairman Openshaw recognized Brett Vines, Union County Public Information Officer, for his comments. Mr. Vines made comments regarding the following matters:

1. Two scholarships are being offered for children of North Carolina Veterans. The North Carolina Department of Veterans Affairs is offering a scholarship that provides for free tuition at any public, community, or technical college in North Carolina, and in some instances, it may also provide funding for room and board. This scholarship will provide

\$1,500 to \$4,500 per year in private and junior colleges. The North Carolina Association of County Veterans Services Officers is also offering a \$500 scholarship to a North Carolina school. The application deadline is December 31, 2009, and there is a specific criterion that must be met by applicants. Anyone interested is encouraged to call the County's Veterans Services Officer, Michelle Marchano, at 704-283-3711 or any student or parent can talk with the high school counselors.

2. Friends of the Union County Animal Shelter will hold a raffle for two handmade quilts. A third prize will be a PetSmart Gift Card. Tickets are one dollar each or six tickets for five dollars and can be purchased at the Union County Animal Shelter. Drawing will be held on December 15, 2009.
3. Union Smart Start's Christmas Parade will be held on Sunday, November 22, 2009, at 2:00 p.m. This is the largest fundraising event of Union Smart Start.
4. The Christmas Bureau has received 1,580 applications. The last date to apply is December 4, 2009. Eighty-four (84) families have been sponsored to date. There is a need for sponsors for families and children. Five hundred coats have been collected for Give a Kid a Coat Day (December 5, 2009). Toys for Tots have placed approximately 125 barrels in local businesses to collect new toys.
5. Mr. Vines reported that Wanda Smith, Parks and Recreation Director, said that as of the first of last week, the department was within a quarter of an inch from closing the lake again, but as of Friday, the lake was seven inches above normal.

Old Business:

Union County Partnership for Progress – Status Report on IMO Pump Proposed Economic Development Incentive (Public Hearing Held on September 21, 2009):

Chairman Openshaw recognized Michael Trotter of the Union County Partnership for Progress. He provided the Board with an update of this project. He stated that he was before the Board on September 21, 2009, and relayed information about the IMO project. He said the original intent for this matter to come before the Board on September 21, 2009, was to urge the Board to consider

offering economic development incentives to support the project. Mr. Trotter said that at the conclusion of the presentation on September 21, 2009, it was requested that the Board delay action on moving forward with that project.

He shared that IMO Pump has decided that it will be relocating a substantial portion of its operation which is closing in Sanford, North Carolina, to the Monroe facility. He said that he had mentioned in September that the value of the equipment being moved is approximately two million dollars and the process will include approximately 20 jobs. Mr. Trotter said that during the discussions with representatives of IMO Pump, it was anticipated that economic development incentives from the County might be applicable to the project; however, incentives from Union County will not be applicable.

He stated that the fact that incentives were not applicable is the reason that the Board was requested to delay action. He said economic development incentives can play an important role in the support of a project and utilization of incentives are often warranted. However, he said it is believed that whenever a project can be facilitated without the application of incentives, that is a wise use of county funds. Mr. Trotter said IMO Pump has been in Union County for many years and that he is very pleased that it is going to expand its operations in Union County.

Health Department:

a. Update on H1N1 Flu Virus by County Health Director

Phillip Tarte, Health Director, provided a brief overview regarding the efforts underway in connection with the H1N1 Flu Virus. He said in regards to all influenza like illness surveillance, it seems that numbers are decreasing, both statewide and nationally. He said that this was attributable to either vaccinations or people taking proper hygiene precautions.

He said that according to information from the State Laboratory of Public Health of North Carolina, the predominant type of virus since October 4, 2009, to date is the H1N1. Mr. Tarte said there have been two deaths from H1N1 in Union County between November 1 and November 16, 2009 and 35 deaths statewide. He stated that locally there have been several clinics at the schools and various providers throughout the county. He reported that there have been a total of 6,500 total flu immunizations through the Health Department clinic which include seasonal and H1N1. He said that 2,100 of those vaccinations were for H1N1.

Mr. Tarte said that countywide, Union County received approximately 5,300 doses of the H1N1 vaccine. He stated that 85,000 doses were ordered for Union County. He said that through the American and Reinvestment Act, Union County has received over \$600,000 for flu planning and distribution. He explained that much of this money is for staffing and equipment.

Mr. Tarte assured that there would be plenty of vaccines available.

Vice Chair Rogers asked if H1N1 vaccines are being provided for the elementary, middle and high schools in the County. Mr. Tarte responded that they are wanting to provide vaccines for the younger children because they require two doses.

Consideration of Proposed Text Amendments to Sections 400, 401, and 402 of Article XXIV Flood Damage Prevention of the Union County Land Use Ordinance (Public Hearing Held on November 2, 2009):

Chairman Openshaw requested that Richard Black, Planning Division Director, come forward to the podium.

Chairman Openshaw moved adoption of the text amendments, as proposed by the Planning Board, with the inclusion of the amendment for farm purposes as prepared by Jeff Crook, Senior Staff Attorney.

Mr. Greene noted that Mr. Crook had indicated that there was a minor edit to the amendment. Mr. Crook stated that with apologies to the Board, at the top of Page 3 where it references subsections (a)(1) and (a)(3), for this particular section, it should read (b)(1) and (b)(3).

Chairman Openshaw further moved that it be referred to the Planning Board for review to exclude storm water detention from the floodplains from essential services.

In response to a question by Commissioner Baucom, Mr. Crook verified that the language contained in the amendment regarding farm purposes is what currently applies to farms.

Chairman Openshaw requested an explanation of Section 44 CFR 65.12 as referenced in the CLOMR. Lee Jenson, Land Use Administrator, responded that he did not have the information in front of him, but he thought this was the provision that sets out the requirements for applying to FEMA for the CLOMR and the LOMR. He said that the application to FEMA for the CLOMR was based on the proposed conditions. He stated that the applicant would submit the study, notify all adjacent property owners, send it to

the County for review, and then the State would review it, and then it would be sent to the Federal Government. Mr. Jenson said that if the development affects any structures, then the application would be turned down, and if the development does not affect any structures, then he thought it would more than likely be approved. He explained that once the CLOMR is approved, the project could be built and then the developer would submit an as-built survey and model as the LOMR. He said that the LOMR actually modifies the floodmaps (letter of map revision).

Commissioner Kuehler said that at one point it was acceptable as long as the rise was under a foot. She questioned if it were no rise at this point or if it were still remained at a foot.

Mr. Jenson responded that theoretically the Base Level Elevations (BLE's) are only supposed to be increased by a foot on both sides. He said that under the County's Ordinance, that encroachment is not allowed, so if the BLE's are going to be increased, then it is required. Further, he said that for a Conditional Letter of Map Amendment, theoretically the Base Level Elevation could be raised a foot, but this would typically not happen. Chairman Openshaw asked for verification that it would still apply to essential services. Mr. Jenson stated that it was applicable for essential services such as road crossings, water and sewer lines, and things that would be extremely hard to build in the floodplain if a no impact had to be achieved.

Following the discussion, Chairman Openshaw called for a vote on the motion. The motion passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

Sec. 400 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Sec. 386, where no Base Flood Elevation (BFE) data have been provided by FEMA, the following provisions, in addition to the provisions of Sec. 398(a) shall apply:

- (a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (1) with respect to development used for farm purposes within a bona fide farm, it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or
 - (2) with respect to development other than that described in subsections (a)(1) and (a)(3), the development is one of the following uses: agricultural activities, lawns, gardens, parks, trails, golf courses or open space and the

development does not require fill or construction of new buildings; and provided further that any development activity associated with the above uses shall be minimal and shall be preceded by a certification that demonstrates that the proposed development will not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or

- (3) for essential services a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment. Development in floodplains, with or without adopted regulatory floodways, shall be held to 44 CFR 65.12 including but not limited to an application to FEMA for conditional approval, individual legal notice, concurrence of any other communities impacted by the proposed actions, and certification of structures.
- (b) If Sec. 400(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (c) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
- (1) When Base Flood Elevation (BFE) data are available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sec. 398(a) and (b).
 - (2) When floodway or non-encroachment data are available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sec. 398(b) and Sec. 402.
 - (3) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with the provisions of Sec. 386 and utilized in implementing this ordinance.
 - (4) When Base Flood Elevation (BFE) data are not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Sec. 384. All other applicable provisions of Sec. 398(b) shall also apply.

Sec. 401 STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (a) Standards of Sec. 398(a) and (b); and
- (b) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (1) with respect to development used for farm purposes within a bona fide farm, it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or
 - (2) with respect to development other than that described in subsections (b)(1) and (b)(3), the development is one of the following uses: agricultural activities, lawns, gardens, parks, trails, golf courses or open space and the development does not require fill or construction of new buildings; and provided further that any development activity associated with the above uses shall be minimal and shall be preceded by a certification that demonstrates that the proposed development will not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or
 - (3) for essential services a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment. Development in floodplains, with or without adopted regulatory floodways, shall be held to 44 CFR 65.12 including but not limited to an application to FEMA for conditional approval, individual legal notice, concurrence of any other communities impacted by the proposed actions, and certification of structures.
- (c) If Sec. 401(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

Sec. 402 STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS AND WITH FLOODWAYS OR NON-ENCROACHMENT AREAS.

Areas designated as floodplains with base flood elevations and with floodways or non-encroachment areas are Special Flood Hazard Areas established in Sec. 386. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to the standards outlined in Sec. 398(a) and (b), shall apply to all development within such areas:

- (a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (1) with respect to development used for farm purposes within a bona fide farm, it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or
 - (2) with respect to development other than that described in subsections (a)(1) and (a)(3), the development is one of the following uses: agricultural activities, lawns, gardens, parks, trails, golf courses or open space and the development does not require fill or construction of new buildings; and provided further that any development activity associated with the above uses shall be minimal and shall be preceded by a certification that demonstrates that the proposed development will not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or
 - (3) for essential services a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment. Development in floodplains, with or without adopted regulatory floodways, shall be held to 44 CFR 65.12 including but not limited to an application to FEMA for conditional approval, individual legal notice, concurrence of any other communities impacted by the proposed actions, and certification of structures.
- (b) If Sec. 402(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (c) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (1) the anchoring and the elevation standards of Sec. 398(b)(3); and
 - (2) the no encroachment standard of Sec. 402(a).

Chairman Openshaw moved adoption of the Statement of Consistency to approve amendments to Section 401(a)(1), 401(b)(1), and 402(a)(1) of Article XXIV Flood Damage Prevention of the Union County Land Use Ordinance. The motion passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

Statement of Consistency for Proposed Text Amendments

TO APPROVE AMENDMENTS TO SECTIONS 400(a)(1), 401(b)(1), and 402(a)(1) OF ARTICLE XXIV, FLOOD DAMAGE PREVENTION, OF THE UNION COUNTY LAND USE ORDINANCE.

Whereas, pursuant to N.C.G.S. §153A-341, the Board of County Commissioners does hereby find and determine that adoption of the proposed text amendments is consistent with the adopted Union County Land Use Plan, and that adoption of the proposed text amendments is reasonable and in the public interest because the cumulative effect of obstructions in Special Flood Hazard Areas is an increase in flood heights, velocities, and losses, and the amendments will result in the reduction of this cumulative effect. In addition, flood losses are increased by the occupancy in flood prone areas of uses vulnerable to floods. Given this concern, the agricultural and recreational uses allowed by these amendments are appropriate uses of Special Flood Hazard Areas.

County Attorney Policies and Amendments to Agreements with County Attorney and H. Ligon Bundy, Attorney at Law:

County Attorney Policies:

Commissioner Baucom moved to amend the original policy for use of services for the Union County Attorney on Page 1, Item 2a. **Services Covered by Retainer** as follows, which he stated was taken from Paragraph 2 of the Agreement with H. Ligon Bundy, Attorney at Law, which policy is recorded below in its entirety:

”Attorney shall provide such other legal services when authorized to do so as follows:

- (a) Upon the request or direction of the Board of County Commissioners; or
- (b) Upon the request or direction of the County Manager, or acting County Manager, an Assistant County Manager, or the County Staff Attorney,

The authorization to the Attorney may be oral or written. Individual commissioners, department heads, and supervisors of Union County shall have the right to contact the Attorney for brief consultations on matters of County business. However, the Attorney shall not undertake research, preparation of documents, or other work which would result in a billing being generated to Union County without authorization as set forth above.”

Commissioner Kuehler stated that she had the same issue when the Board had discussions in a work session. She questioned whether the language as read by Commissioner Baucom would be more appropriate in Paragraph 3 **Additional Authorized Services** of the Policy for Use of Services instead of Paragraph 2 which addresses the services covered by the retainer.

Commissioner Baucom stated that he did not have a problem with where the language is inserted, as long as it was included in the Policy. He agreed to amend his motion to include the language as read in Paragraph 3 of the Policy rather than Paragraph 2.

Vice Chair Rogers stated that she had a number of comments. She stated that she was fine with the amendments that Commissioner Baucom had proposed to the Policy.

Chairman Openshaw called for a vote on the motion. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

UNION COUNTY BOARD OF COMMISSIONERS

POLICY FOR USE OF SERVICES

FOR UNION COUNTY ATTORNEY

The Union County Attorney is appointed by the Board of Commissioners under the provisions of N.C. Gen. Stat. § 153A-114.

The purpose of this policy is to set forth the circumstances under which the services of the County Attorney shall be utilized by the

elected officials and staff of Union County. It is the intent of this policy to set forth the specific criteria so that the County Attorney will not receive conflicting requests for service from different departments or members of County government.

1. General Duties of County Attorney. The County Attorney shall be responsible for handling all matters properly assigned to him pursuant to this policy and those services covered by retainer. In addition, it is recognized that the County Attorney handles certain matters on a routine and ongoing basis. These matters include tax foreclosures on behalf of the Tax Collector, opinion of counsel letters relative to financial transactions, handling property valuation appeals for the Board of Equalization and Review and Tax Administrator, and handling all litigation and real estate matters (the “Routine Matters”). There shall be no requirement of specific authorization required for the County Attorney to handle the Routine Matters.

2. Services Covered by Retainer

The retainer charged by the County Attorney pursuant to his agreement for services shall cover the following expenses:

- (a) Brief consultations on matters of County business, including telephone and e-mail correspondence, with individual commissioners, department heads, and supervisors of Union County, provided that such consultations do not result in any additional billing being generated to Union County except as authorized pursuant to Section 3;
- (b) Time spent in seminars and travel time to seminars related to duties as County Attorney;

- (c) Registration fees, travel expenses, and meals and lodging for seminars related to duties as County Attorney (excluding travel, registration fees, meals and lodging for out of town functions with the Commission);
- (d) Time spent keeping abreast of general developments in governmental law; and
- (e) Publications purchased by the County Attorney incident to representation of the County.
- (f) \$1,500.00 of the retainer will be budgeted to reimburse the County Attorney for seminar registration fees, travel, and room and board (where applicable) for County law related seminars attended by the County Attorney during the fiscal year.

3. Additional Authorized Services

The County Attorney shall undertake to perform work which would result in a billing to Union County (not including work which is covered by the retainer of the County Attorney) when authorized to do so as follows:

- (a) Upon the request or direction of the Board of County Commissioners;
- (b) Upon the request or direction of the County Manager;
- (c) Upon the request or direction of an Assistant County Manager;
- (d) Upon the request or direction of the Clerk to the Board of County Commissioners;
- (e) Upon the request or direction of a County Staff Attorney; or
- (f) When performing one of the Routine Matters.

The authorization to the County Attorney may be oral or written.

- (g) Attorney shall provide such other legal services when authorized to do so as follows:
 - (1) Upon the request or direction of the Board of County Commissioners; or,
 - (2) Upon the request or direction of the County Manager, or acting County Manager, an Assistant County Manager, or the County Staff Attorney.

The authorization to the Attorney may be oral or written. Individual commissioners, department heads and supervisors of Union County shall have the right to contact the Attorney for brief consultations on matters of County business that are within the scope of this contract. However, the Attorney shall not undertake research, preparation of documents or other work which would result in a billing being generated to Union County without authorization as set forth above.

Scope of Work to be Performed by the County Attorney. Once a matter is referred to the County Attorney, the County Attorney shall devote such time and effort to the matter as he deems reasonably necessary for the matter to be handled in a competent and professional manner. When corresponding in writing with an individual commissioner, the County Attorney shall endeavor to copy such correspondence concurrently to all other commissioners. In the event that the County desires to restrict the scope of the work to be performed by the County Attorney, it shall specifically so direct the County Attorney, in writing. In the event the County Attorney believes that the restrictions imposed upon the scope of his work on a specific matter will not allow him to handle the matter in a

competent and professional manner, then he shall so advise the County Manager, in writing. Upon receipt of such a notice, the County Manager shall place the matter on the agenda of the Board of Commissioners for review at their next regularly

Amendment to Agreement with County Attorney:

Vice Chair Rogers moved to approve the Amendment to the Agreement between Union County and Hamilton Moon Stephens Steele & Martin, PLLC.

By way of discussion, Commissioner Baucom asked about the amount of work that Mr. Bundy would be doing for the County relative to Public Works. It was pointed out that would be included in the next item - Agreement with H. Ligon Bundy.

The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

Agreement with H. Ligon Bundy:

Chairman Openshaw recognized Vice Chair Rogers for comments.

Vice Chair Rogers moved approval of the Agreement between Union County and H. Ligon Bundy with the following revisions:

1. Page 1 – third sentence, second paragraph, under the recitals:
Delete the following: *“It is anticipated that the scope of the services to be performed by Mr. Merritt as County Attorney will be different than the scope of services performed by Mr. Burns when he was the County Attorney, and it is necessary for County and Attorney to enter into a new agreement setting forth the scope of legal services to be performed by Attorney.”*
2. Page 2 – Second bulleted paragraph:
Delete the following: *“. . . Attorney shall represent the County in all matters of litigation and potential litigation that are related to the Public Works Department.”*

Vice Chair Rogers commented that the Board had discussed this issue at a work session. She said that she thought there had been a difference of opinion by the Board members regarding the work that Mr. Merritt would do versus what Mr. Bundy would do, and she was expressing her opinion at this point in time.

Commissioner Kuehler questioned whether the Vice Chair was suggesting that the remainder of that paragraph be deleted. Vice Chair Rogers agreed to amend her motion to delete the remainder of this paragraph.

3. Page 3 – Item (c) entitled Pending matters. She asked Mr. Merritt and Mr. Bundy if this had been discussed at the work session and if the following language was acceptable: “*Attorney shall complete **all** other matters that Attorney is currently handling for Union County, including, but not limited to, the litigation that is pending in the North Carolina Court of Appeals concerning the validity of the Union County Public Facilities Ordinance.*”

Mr. Merritt indicated that the language as proposed was acceptable.

Commissioner Baucom requested to revisit the proposed revisions to Page 2, second bulleted paragraph. He suggested that the second part of that paragraph, which the Vice Chair had agreed to amend her motion to delete, speaks to Mr. Merritt and Mr. Bundy working together and jointly representing the County, with the County Attorney acting as lead counsel and should remain in the agreement. The Vice Chair agreed to further amend her motion to leave this portion of that paragraph in the agreement.

4. Page 5, Paragraph #10:

Insert a rate of fifteen cents per copy. She stated that this rate was included in the previous agreement with Mr. Bundy.

5. Page 5, Paragraph 13 – last sentence:

Insert the following after “*When requested by the Board of Commissioners, or the County Manager, **at the Board’s discretion, . . .***”

Vice Chair Rogers noted that this language was also included in the previous agreement with Mr. Bundy.

6. Page 7 – Vice Chair Rogers pointed out that on the previous agreement with Mr. Bundy, there was a pre-audit stamp and signature by the Finance Director with a limit of \$25,000. She questioned whether that same pre-audit would be included on the proposed agreement with a pre-audit limit.

Kai Nelson, Finance Director, responded that the challenge for him was that there are currently three attorneys performing legal work for the County: 1) the County Attorney; 2) Mr. Bundy; and 3) a third attorney for forthcoming work on hospital issues. He stated that the Board's legal budget is \$200,000 for this fiscal year. He said that each one of the contracts is essentially time and materials, so the issue is there is no limitation in connection with any of these contracts. Mr. Nelson stated that his challenge is that he will continue to pay the legal bills as long as there is money in the budget, but when there is no longer money in that budget, he will either come back to the Board and request additional funding or not pay the legal fees.

He said that he thought the budget could reasonably accommodate the expenses when the attorneys are representing or appearing before the Board in non-litigation matters, but when it involves litigation, he is not sure what those expenses will be. He said that he had limited his pre-audit statement on the prior agreements on the litigation expenses, because the budget is sufficient to accommodate the expenses of the County Attorney and Mr. Bundy on an ongoing basis, but when it involves significant litigation, the budget is not sufficient.

Vice Chair Rogers said that she understood that the legal budget was low this past year, but her preference would be for Mr. Nelson to follow the same procedure as he did in 2007 in pre-auditing the agreements.

Mr. Nelson further explained that his limitation on the amount for the pre-audit statement was for litigation. He said that by placing a limit on the litigation, if the billable amounts are in excess of the limit set out in the pre-audit statement, the attorneys would have to come back to him and if there were sufficient monies in the budget, then he could provide the additional appropriations and, if not, he would have to come back to the Board and seek an additional appropriation. Mr. Nelson stated that he could either limit the amount for litigation in his pre-audit statement or the Board could do that in the contract.

Mr. Greene asked Mr. Nelson if it would be helpful to him for the Board to state the amount that it wanted to have available for litigation. Mr. Nelson responded that would be helpful; otherwise, he would have to take an analysis of the budget and then limit the amount accordingly.

Vice Chair Rogers said her question was regarding the pre-audit on Mr. Bundy's contract, was the pre-audit not on the contract because Mr. Nelson had not pre-audited it. Mr. Nelson responded that he had not pre-audited the contract, and that he would be writing a similar statement on the new contract.

Commissioner Baucom referred back to the second bulleted Paragraph on Page 2 and noted his concern to be that Vice Chair Rogers had proposed a deletion in this paragraph. He said that the language that is to be deleted in this paragraph suggests that Mr. Bundy would not be representing the County in matters of litigation and potential litigation that are related to the Public Works Department. He stated that his issue with deleting this language is that Mr. Bundy has a long history of working with the County, has helped developed the County's policies on water and sewer, and is very familiar with how Public Works operates. He said that he thought the County would be giving up a tremendous amount of knowledge, and that Mr. Merritt would have to be brought up to speed on much of this information.

Commissioner Baucom said that he would like for this portion of the motion to delete language in the second bulleted paragraph on Page 2 to be voted on separately. He offered this as a friendly amendment to the motion on the floor, and if it is not accepted by Vice Chair Rogers as a friendly amendment to her motion, he would offer it as an amendment.

Commissioner Kuehler commented that she understood the value and knowledge that Mr. Bundy brings to the County, but she thought it had been spelled out in the work session that just because the County Attorney is Mr. Merritt, it does not mean that Mr. Bundy would not be involved in the event there was litigation. She said that it would not be to Mr. Merritt's best interest to not see the value in Mr. Bundy and use his services as he sees fit. She stated that she thought this is something that should be left up to the County Attorney to do the best for the County.

Vice Chair Rogers stated that she and Commissioner Kuehler had met with both Mr. Merritt and Mr. Bundy and discussed this matter. She said that both gentlemen were very professional and both are outstanding attorneys. She said that Mr. Merritt and Mr. Bundy were able to reach a consensus on every single issue with the exception of the Public Works matters. She stated that she expected that Mr. Merritt will use everything he deems necessary to represent the County in the best possible manner, and if that means utilizing the skills of Mr. Bundy, then he will do so. She stressed that she did not want either Mr. Merritt or Mr. Bundy to walk out of this meeting thinking that the discussion has any bearing on what the Board thinks of them as professionals. She said that the decision was made at the beginning of the year to have Mr. Merritt as the County Attorney, and, therefore, she sees no reason to make things different. She stated her desire is to funnel everything through Mr. Merritt, as County Attorney, and he will do what he deems necessary.

Chairman Openshaw recapped the motion by Vice Chair Rogers for changes in the agreement and Commissioner Baucom's request to delete the remainder of the seconded bulleted paragraph on Page 2, which he has now rescinded and requested that the Public Works portion be voted on separately.

There was discussion on whether Commissioner Baucom's amendment had been accepted as a friendly amendment by Vice Chair Rogers. Mr. Crook stated that he did not believe the amendment had been accepted by Vice Chair Rogers as a friendly amendment, so, therefore, the Board should vote on the amendment first.

Commissioner Baucom stated that what he had heard is that the Board agrees that Mr. Bundy is very capable of performing the duties and that Mr. Nelson had explained to the Board the fiscal responsibilities and challenges in the legal budget. He said that he did not think it was necessary to have two attorneys working on an issue, and he thought it would be prudent to allow Mr. Bundy to continue doing Public Works' work.

Vice Chair Rogers stated as a point of clarification that on the seconded bulleted paragraph, Page 2, she had said she wanted the following deleted: "Attorney shall represent the County in all matters of litigation and potential litigation that are related to the Public Works Department." Further, she said that Commissioner Kuehler had stated that she wanted to see the whole bulleted paragraph deleted. Vice Chair Rogers asked for clarification on the status of that issue.

Commissioner Kuehler responded that the Board was discussing whether to delete the remainder of that paragraph, and Commissioner Baucom, after reading it again, was saying "no" to deleting the remainder of the paragraph, and the short answer is that the language still remains in the paragraph.

Chairman Openshaw called for a vote on the amendment by Commissioner Baucom to vote on the Public Works portion separately. The amendment failed by a vote of one to three. Commissioner Baucom voted in favor of the amendment. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted against the amendment. Commissioner Mills was not present.

Chairman Openshaw then called for a vote on the original motion which passed by a vote of three to one. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted in favor of the motion. Commissioner Baucom voted against the motion. Commissioner Mills was not present.

Change Order – Motorola Contract for the New 800 MHz Radio System:

Al Greene, County Manager, explained that in the County's current contract with Motorola, there is an amount of \$381,000 included for upgrades for the consoles in the Communications Department. He said that one of two things must occur for the consoles to work with the new radio system that will come on line in March: either the consoles will need to be upgraded at the cost of \$381,000 or replaced at a cost of \$577,000. Mr. Greene said that the Board had approved funding to replace the consoles with new and more modern consoles, but in a previous budget amendment, that amount was reduced to an upgrade of the consoles.

He stated that it was known for sometime that Motorola would probably discontinue maintenance of the County's existing consoles at some point in time, but there was not a clear indication of when that might be. He said that it was hoped that would be further out in the future and that the County could take advantage of the upgrades at a cost of \$381,000 as opposed to replacing the consoles at a cost of \$577,000. Mr. Greene said that the County was recently notified by Motorola that it would discontinue maintaining the current consoles in late 2010 or early 2011. He pointed out that if the County were to continue on its current course, it would spend \$381,000 to upgrade the existing consoles, and within a little more than a year, it would have to replace those consoles with more modern consoles at a cost of approximately \$577,000.

Mr. Greene explained that staff's recommendation is that the Board approve another change order to the Motorola contract that would delete the console upgrades and the associated costs and add back in the replacement of the consoles which will give a much longer service life than the one year that would be provided through the upgrades. He said that the capital project budget has sufficient funds. He stated that it is recommended that the contingency for the project be reduced to \$20,000, because the tower sites have been acquired and are nearing completion; the Motorola system has been ordered and is under construction and will be shipped to the County in the very near future. Therefore, he said, it is believed that there is limited need for contingency at this point as opposed to two years ago when the County was facing an \$11 million expenditure with a lot of unknowns. He said Mr. Nelson has included funding for the financing of the system. He stated that it was anticipated that this would occur earlier in the year, and now it appears that it will occur later in the year and will save principal and interest in the current year of another \$40,000, which is recommended to come from that source. Mr. Greene said that if the Board approves the change order, then the additional costs can be accommodated through line item transfers within the capital project budget without additional funds.

Vice Chair Rogers asked if the shortfall for this project for 2010 is \$49,000 by completing all of the line item transfers as reviewed by the Manager. Mr. Greene responded that the shortfall would be \$167,000. Mr. Greene corrected his statement by saying that the remaining amount of contingency is \$167,000, and the shortfall would be \$196,000.

Kai Nelson, Finance Director, explained that if the Board approves the change order, it would be in the amount of \$196,000. He explained that there remains \$167,000 in contingency, and it is recommended that \$20,000 be held in contingency for any anticipated costs. He said that staff would propose to use \$147,000 from contingency and apply that amount to the \$196,000, which would leave a shortfall of \$49,000. Mr. Nelson said that a line item transfer could be done from the current year's general fund budget of \$49,000 to make up the difference.

Commissioner Baucom questioned if staff is really comfortable that there are no additional updates or upgrades that would be needed. Gary Thomas, Communications Director, responded that the project is pretty far along, and all of the towers have been constructed and all of Motorola's equipment has been received.

Following explanation of the item, Commissioner Baucom moved to authorize the County Manager to approve the change order to the Motorola 800 MHz contract in the amount of \$195,342 for the purchase of communications consoles.

Chairman Openshaw asked that all the people who would like to lease space on the County's towers be contacted. Mr. Thomas explained the status of discussions with cell phone providers who might want to lease space on the towers. The Chairman stressed that there is a potential opportunity to place the information on the website for all of the cell phone providers to review available tower space. He said that this would be recurring revenue for the County that would help with the costs.

Following the discussion, the motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

Mr. Greene thanked Mr. Thomas for his work on this matter. He said that as the Board knows Mr. Thomas has notified the County that he will be leaving Union County for an opportunity back home. He said that Mr. Thomas will be missed, and he has done a tremendous job in bringing Union County's Communications and operations forward over the past several years.

Rocky River Rural Planning Organization – Presentation of Draft Comprehensive Transportation Plan – This item was removed from the Agenda to be heard at the next regular meeting of the Board:

Public Works: Task Order #28 with Hazen and Sawyer to Evaluate Expansion Options for the Twelve-Mile Creek Wastewater Treatment Plant:

Chairman Openshaw recognized Ed Goscicki, Public Works Director, to explain this item.

Mr. Goscicki stated that Task Order #28 with Hazen and Sawyer is to explore various alternatives on how to expand the disposal and/or treatment option for the Twelve-Mile Creek Wastewater Treatment Plant. He said that as shown in the agenda package, currently this is a six-million gallons per day treatment facility with a current flow of about 4.5 million gallons per day on a peak month and a little over 3 million gallons per day on an average day. He said that it is projected in the numbers reviewed with the Board at its work session, that somewhere about the 2015 timeframe additional capacity will be needed.

Mr. Goscicki stated that in exploring this issue with the State over the years, the State about a year and a half ago put the County on notice of its concerns about straight out expanding the treatment plant and providing for additional discharge into Twelve-Mile Creek. He explained the State's concerns are with the oxygen level in the stream and whether or not it could assimilate additional wastewater flows. He stated that this task order is trying to move the process forward, as was discussed at the Capital Improvement Program (CIP) work session. He said that the first step is to evaluate on a high level the feasible alternatives from an economic, environmental, and permitting perspective. Mr. Goscicki stated that through working with staff and the attorneys six overall options have been identified ranging from doing additional analysis in the stream to show the State that the assimilative capacity is there, and it is safe to expand the plant to purchasing more capacity from Charlotte-Mecklenburg Utilities Department to developing alternative disposal through either spray irrigation, effluent reuse, land application of some kind, to building a new treatment facility in association with Lancaster County some place.

He said that staff has outlined what it thinks are feasible alternatives and now it needs to do some analysis from cost and permitting perspectives and narrow those alternatives to one, two or three that are believed to merit further exploration and determine whether the staff could move forward.

Vice Chairwoman Kuehler stated that as she was reviewing the scope of the task order, the one item that caught her eye was Number 5 – Demonstrate to the NC DWQ that conveyance of final treated effluent upstream of the existing 12-Mile Creek discharge would improve overall water quality within the receiving system. She said she knew this was a matter that Public Works has been working on. She stated at the onset when she first heard about it, it sounded like a good idea considering that the water quality is what is basically keeping the County from increasing the plant capacity. However, she said after the last couple of days when one thinks about one or two million gallons of water being put back into that stream, she knew how her yard looked recently with the four or five inches of rain and she lives near that creek. She stated another concern was the WCWAA situation that occurred near the

plant that has no impervious surface yet, and the impact of that is not known. Vice Chairwoman Kuehler explained the reason she had mentioned this issue was she did not know whether the County is being charged based on the scope of the Task Order. She said as she looked through the Task Order it addresses water quality, but she did not see a lot of information about the impact of putting that much water in the waterway with the existing flooding problems. Mr. Goscicki responded that it would not be included in the study and explained the reason it was not is because when comparing an additional one to two million gallons of water per day of flow at that point in the river, which is at the very downstream part within Union County, to the flood stage elevations that are being dealt with now when two to three inches of rain are received in a short period of time is insignificant. He said that when talking about stormwater flows, it is cubic feet per second as compared to gallons per minute when referring to wastewater flow.

Mr. Goscicki stated he did not know the storm flow numbers in Twelve-Mile Creek, but it has never been raised as an issue in terms of that increased volume being an issue in terms of stormwater management and flood control. He said that the real issue with the State is whether there is enough oxygen in the stream and can those oxygen levels in the stream deal with the organic loading that might be put into the stream. Mr. Goscicki said that the water quality analysis that is part of the study is looking at it from the perspective that additional flows might actually improve the water quality downstream. He said that he would get the information from the stormwater group for the Board in terms of volume, but he did not think it was a concern.

Chairman Openshaw said that in reading the information, it discusses the State's having a problem with the water quality above and below. He said that if there is a problem with water quality below, where there is already water being discharged with more oxygen in it and it has not helped enough, then putting it upstream would not seem to have that much impact either. He stated that he was very hesitant to look at that particular option. He said that most of the flooding occurs from the creeks backing up. He said that he echoed Commissioner Kuehler's concerns on that particular option.

Mr. Goscicki responded that he appreciated the Board's concerns, and he thought the concerns that had been raised were all valid stormwater management issues that the County needs to be looking at. He said that his engineering gut feeling was that typically the kind of flows that would come from stormwater are going to be orders of magnitude that are being generated to be put into the stream during a storm event compared to the few million gallons per day that is being put into the stream for wastewater discharge. He said that is why this issue was not raised by the regulatory agencies. Mr. Goscicki stated that this is the most cost effective alternative. He said that staff believes it is worth pursuing from a water quality perspective, and this issue needs to be addressed as part of the study and to give the Board the comfort that it is not going to be a problem.

Chairman Openshaw suggested that it might be helpful for the Board to obtain an understanding of it and to know the amount of flow per day in the East Fork already. He questioned what was the impact of the last rainfall on the overflows. Mr. Goscicki responded that during the storm events last week there were three sewer overflows, two of which were in the Marshville-Wingate area, and one in the Waxhaw area due to a pump station. He said that otherwise the Twelve Mile Creek Plant did well and met all of the criteria.

Chairman Openshaw clarified that what he was asking was the impact on the Twelve-Mile Creek. Mr. Goscicki said that he thought it was as high as seven million gallons per day.

Following the lengthy discussion, Commissioner Kuehler moved to authorize the County Manager to approve Task Order #28 with Hazen and Sawyer, pending legal review.

Vice Chair Rogers for clarification purposes verified the Task Order is for a lump sum amount of \$131,690. She asked if Commissioner Kuehler would amend her motion to include the lump sum amount of \$131,690, which Commissioner Kuehler agreed to do.

The motion as amended passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion as amended. Commissioner Mills was not present.

Resolution to Adopt Legislative Positions for the 2010 Short Session of the NC General Assembly:

Chairman Openshaw recognized Matthew Delk, Assistant County Manager, to explain this item. Mr. Delk reminded the Board that in late 2008 and early 2009, the County went through a process of working with the Mayors-Commissioners Issues Conference (MCIC) to develop a recommended list of legislative positions which was mailed on behalf of Union County local governments. He said that 13 of the County's 14 municipalities responded by approving some form of this list with some variations. Mr. Delk stated that the Board of Commissioners adopted a list on behalf of County government.

He said that the list was well received by the legislators. He stated that in speaking with the other municipal staff leaders, the only recommendation received was to start the process earlier this year. He said that they have discussed submitting a list of legislative positions for the short session. He stated that this process has not only been before the local City/County Managers and Clerks' meeting but also the MCIC. He said there is a recommended list before the Board tonight along with a suggested letter to

send to the municipalities to begin the process. Mr. Delk stated that the letter asked the municipalities to respond before the end of January to allow plenty of time to get the list in the legislators' hands before they convene for the short session.

Commissioner Kuehler expressed appreciation to Mr. Delk for including the governance committee issue. She said that she liked the way it was written, but in order to get more buy in from the municipalities, that perhaps the wording should be changed. She stated that with all of the time that has been spent on this issue by the Governance Committee, she would hate to see Raleigh change it before the Governance Committee's work is finished.

Mr. Delk explained how the wording had been derived. He said that the verbiage that had been exchanged at the MCIC meeting had been reviewed. He stated that the first part of the wording was from that process and the second part of the wording was from the Board's prior resolution. He offered to modify it however the Board wanted to do so.

Commissioner Kuehler said that during the MCIC meeting, she had heard some push back from some of the municipalities. She stated that she understood that there are different opinions on this issue, but the goal was to allow the Governance Committee to complete its work before it is changed.

Vice Chair Rogers said that the way she had read it "to respect the local process," and right now the local process is going through the Governance Committee. She stated that she thought it was covered with the current wording, and she would not want to see any changes to it.

Chairman Openshaw asked Vice Chair Rogers if she did not want to include "Governance Committee" in the wording, and she responded "no." Commissioner Kuehler suggested that the wording be changed to include "the local process currently in process" to give some indication that it is something that is being done.

Chairman Openshaw reminded that last time, the Board, at his suggestion, had taken out the wording for annexation. He stated that the letter that will be sent to the municipalities should indicate that these are some suggested topics.

Mr. Delk said that letters suggest that the municipalities make the list their own by deleting or adding positions to suit their municipality.

Chairman Openshaw asked the Board what it wanted to do about the suggestion by Commissioner Kuehler regarding Union County Commission Governance. Vice Chair Rogers asked if it were the intent to get the Board to agree on the list tonight so that the letters could be sent. Mr. Delk responded that it was to get the Board's agreement on the list as soon as possible.

Vice Chair Rogers said that what she understood was Chairman Openshaw wanted to remove the bulleted paragraph regarding annexation. Chairman Openshaw stated that from his perspective "yes."

Mr. Greene interjected that he did not believe that staff was asking the Board to approve the County's list tonight, but the list would come back to the Board after hearing from the municipalities. He said that the annexation bullet could be taken out at that time.

Commissioner Kuehler questioned if the intent tonight was to approve sending the letter and list to the municipalities. She said that she would be interested in hearing what the municipalities had to say.

Mr. Delk said that he predicted that the County would receive 13 or possibly 14 resolutions that would be very much similar in some goals and somewhat different in others.

Following the discussion, Vice Chair Rogers moved to submit the letter to the municipalities along with the proposed list of legislative positions, which are recorded below, for their feedback.

"TO: Union County Mayors
FROM: Chairman Lanny Openshaw, Union County Board of Commissioners
RE: Resolution to Adopt Legislative Positions
DATE: November 3, 2009

The Mayors-Commissioners Issues Conference, in conjunction with the Union County Board of Commissioners, recently discussed the attached list of legislative positions for the remainder of the 2009-2010 Session of the North Carolina General Assembly.

The attached resolution was originally discussed and adopted in similar form by thirteen Union County Municipal bodies in the spring of 2009, and by the Board of Commissioners. The document has also been presented to Municipal staff for feedback and input.

In 2009, elected leaders and staff attempted to compile a list of important positions for all Union County local governments. The group recognized that this would be an effective tool for communicating our wishes to the Union County Legislative Delegation.

While the NC House and Senate do not convene again until May for the Short Session of the 2009-2010 Assembly, much of the important work that will influence our legislators' opinions is currently ongoing in the Committee process. It is important that we communicate our positions to them in an organized fashion. Please make every effort to consider this matter no later than the end of January.

Please find attached the list of positions in the form of a model resolution that your elected board may deliberate. Please feel free to make the list your own by adding, deleting, or modifying these positions to suit your municipality.

Changes from last year's recommended list are highlighted in **BOLD**. The recommended positions are:

- Collective Bargaining – Oppose any efforts to allow collective bargaining for public sector employees, to include payment of union dues by payroll deduction.
- Transportation Infrastructure Funding – **Protect** all state collected locally shared revenues collected for transportation purposes. Oppose adding additional requirements or responsibilities to municipalities and counties for transportation funding and maintenance.
- Mental Health – Continue to protect state resources for the provision of Mental Health, Developmental Disability, and Substance Abuse Services, particularly for local crisis services, that are available to all State citizens.
- State Budget – Recognize that municipalities and counties are under the same budget pressures that face the State Budget, and to oppose any actions to reduce state collected locally shared revenues for local governments.
- Diverse Funding for Local Governments – Authorize Local Governments to utilize various methods of funding in addition to the property tax, and to protect authorized sources of revenue. **Specifically protect local revenues from ABC sales, and protect local privilege license tax revenues.**

- Monroe Bypass Funding – Protect funding sources and appropriations for the planned Monroe Bypass Project.
- Annexation – Support municipal authority to annex, recognizing that some changes to municipal annexation authority are warranted.
- Moratoriums – Oppose legislation that would make it more difficult for local governments to enact moratoriums.
- **Union County Commission Governance – Ask State elected leaders to respect the local process established by the Union County Commissioners to determine the composition, terms, and governance style of the Union County Board of Commissioners.**

Please forward copies of your resolutions to:

Clerk to the Board Lynn West
Union County Government
500 N. Main Street
Monroe, NC 28112

Please feel free to call me at 704-283-3656, or by email at delkm@co.union.nc.us at any time if you have any questions about this request. Thank you for what you do for our citizens."

Commissioner Baucom commented that he really did not see the purpose in including the governance item in the proposed list. He said that he appreciated the Governance Committee and what it is doing. He said that the County operates under the privilege and authority of the legislature, and the County works with its legislators. He said he would be voting against the motion for this reason. He suggested that there are better ways to accomplish it.

Chairman Openshaw called for a vote on the motion. The motion passed by a vote of three to one. Chairman Openshaw, Vice Chair Rogers, and Commissioner Kuehler voted in favor of the motion. Commissioner Baucom voted against the motion, and Commissioner Mills was not present.

Announcement of Vacancies on Boards and Committees:

Chairman Openshaw read the vacancies on the following boards and committees:

- a. Adult Care Home Advisory Committee (4 Vacancies)
- b. Nursing Home Advisory Committee (4 Vacancies)
- c. Region F Aging Advisory Committee (1 Vacancy)
- d. Juvenile Crime Prevention Council:
 - 1. County Commissioner Appointees (3)
 - 2. 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. Union County Home and Community Care Block Grant Advisory Committee

Appointments to Boards and Committees:

- a. Planning Board – Chairman Openshaw stated that there is one vacancy for an alternate member on the Planning Board to serve an unexpired term ending April 20, 2011.

Commissioner Kuehler moved to appoint Jim Thornton to fill the vacancy. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

- b. Juvenile Crime Prevention Council:

Chairman Openshaw moved appointment of the following in block:

- 1. Director DSS or Designee – Faye Love
- 2. County Manager or Designee – Matthew Delk

3. Member of Faith Community – Jim Bention
4. Chief District Court Judge or Designee – Judge Joseph Williams
5. Local Health Director or Designee – Phillip Tarte
6. Parks and Recreation Representative – Wanda Smith
7. School Superintendent or Designee – Dr. Mike Webb, Assistant Superintendent for Building Operations
8. Chief Court Counselor or Designee – Rebecca Smith

The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

c. Criminal Justice Partnership Program:

Chairman Openshaw moved appointment of the following in block:

1. Sheriff or Designee – Sheriff Cathey
2. Mental Health Service Representative – Marianne Broadway

The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

Manager's Comments:

Al Greene, County Manager, stated that staff had sent an e-mail to the Board asking that the Board consider the format of its December 7, 2009, meeting. He said that typically the first meeting in December is more of a ceremonial meeting with the swearing in of officers. He said that this year since there are no new members coming on the Board, the ceremonial aspects of the meeting should be relatively minor. He stated that staff would like to gauge the Board's interest in having some action items on that agenda as well.

Mr. Greene asked if the Board would entertain business items, necessary and limited, on the December 7th meeting.

Vice Chair Rogers said that she would put as much as was needed to be accomplished on the December 7th meeting so that the Board could forego the December 21st meeting and with it being right before the holidays, there might some members who have family and travel plans. She stated that her preference would be to have one meeting in December on December 7th and include all items that need to be considered.

Chairman Openshaw and Commissioner Baucom both suggested moving the meeting forward to December 14th. Mr. Greene stated that he did not see anything on the list of pending agenda items that a week's delay would hurt.

Vice Chair Rogers stated that she was fine with having one meeting on December 14th.

Employee Gift Cards:

Mr. Greene said that there was one item that required Board action prior to December 14. He explained that the County usually provides the County's employees with a \$25 gift card.

Commissioner Baucom moved to suspend the Board's Rules of Procedure to add an item to tonight's agenda, to discuss, and approve employee gift cards in the amount of \$25 each. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, Commissioner Kuehler, and Commissioner Mills voted in favor of the motion. Commissioner Mills was not present.

Resolution to Revise the Board's Regular Meeting Schedule for December 2009:

Jeff Crook, Senior Staff Attorney, stated that he was somewhat unclear on the Board's action regarding its December meeting. He asked if the Board had changed its regular meeting to December 14th. He explained that the statutes require the Board to appoint officers on the first Monday in December in the even numbered years and the first regular meeting in December for odd numbered years. He suggested that the Board could authorize the Clerk to prepare and bring a resolution to the Board at its next work session to revise its regular meeting schedule from December 7 to December 14.

Mr. Crook suggested that the Board take action tonight and that a resolution be brought at the next work session. He suggested that the Board suspend its rules tonight and add the item to the agenda.

Vice Chair Rogers moved to suspend the Rules of Procedure to add an item to consider a Resolution to Revise its Regular Meeting Schedule in December 2009. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

Vice Chair Rogers moved to add an item to tonight's agenda for Discussion of Preparation of a Resolution to revise the Board's regular meeting schedule for December 2009. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler vote in favor of the motion. Commissioner Mills was not present.

Commissioner Baucom moved that the Board revise its regular meeting schedule to delete the regular meetings of December 7, 2009, and December 21, 2009, and hold one regular meeting on December 14, 2009.

Mr. Crook stated that staff would bring a resolution to the Board at its work session on November 19, 2009, if need be.

The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.

Commissioners' Comments:

Commissioner Baucom stated that it was a privilege to have the outstanding JROTC cadets present tonight. He said that in the past, the presentations occurred at the airshow celebrating Veterans Day. He said that due to some conflicts that the cadets had, they could not attend the airshow. He congratulated each of the recipients.

He stated that the airshow had been a wonderful and successful event. He said that it was done for the right reasons to honor the veterans.

Commissioner Kuehler said that she also attended the airshow, and her two sons thoroughly enjoyed it.

She stated that they were also involved in another event this weekend at the Optimist Park. She said they had the Little Panther Bull which is a Pop Warner football tournament. She stated that there were teams there from Huntersville, South Carolina, Mint Hill, and all around the Charlotte-Mecklenburg area. She said it was quite busy, and it was a good day for everyone. She stated that she tipped her hat to that organization for putting on such a fantastic day of football.

Vice Chair Rogers had no comments.

Chairman Openshaw offered congratulations to all who ran for office and to all of the municipal elected officials. He recognized Anthony Berman, the recipient of the largest number of votes in Marvin.

Chairman Openshaw quoted from an article written to the newspaper by Monroe High School's football announcer, Chris Rogers, entitled Hats Off to Monroe High School Football Team. He said that "he believed it was their first undefeated regular season ever." Chairman Openshaw said that was incredible, and he wished the team luck in the next round of championships.

He stated that Commissioner Mills was in Haiti tonight on a mission trip. He said that Commissioner Mills had done a good job with the Rotary Club with staffing the tent at the airshow. Commissioner Baucom noted that it was the Republican Men's Club that had worked at the airshow rather than the Rotary Club.

Chairman Openshaw said that the airshow was a great event. He said that he agreed with Commissioner Kuehler's comments about the Optimist Park event. He stated that there was a representative for ages 11 and under group that won the Holly Bowl in Mount Holly.

Chairman Openshaw stated that Vice Chair Rogers and Commissioner Kuehler had been great assets to the Board this year and have brought the best business sense and organizational skills to this board than any board that he has been on or seen since he began attending these meetings. He said that if Union County had five commissioners any where as diligent as Commissioner Kuehler, the County would be catching up even faster than it has been. He stated that her efforts have been predictably outstanding, and to him, she has been the Most Valuable Player (MVP) for the past year.

He said that tonight concludes his year as Chairman of the Board for the regular meetings. He said it has been an honor to have served as Chairman and now it is time for someone else to have that distinction. He stated that next year or in the future, he would be glad to support either Vice Chair Rogers or Commissioner Kuehler as Chair.

He expressed thanks to Mrs. West for her work with the Board.

With there being no further discussion and the time being 9:25 p.m., Vice Chair Rogers moved to adjourn the regular meeting. The motion was passed by a vote of four to zero. Chairman Openshaw, Vice Chair Rogers, Commissioner Baucom, and Commissioner Kuehler voted in favor of the motion. Commissioner Mills was not present.