

May 19, 2008

The Union County Board of Commissioners met in a regular meeting on Monday, May 19, 2008, at 7:00 p.m. in the Board Room, first floor, Union County Government Center, Monroe, North Carolina. The following were

PRESENT: Chairman Allan Baucom, Vice Chairman Kevin Pressley, Commissioner Roger Lane, Commissioner Parker Mills, and Commissioner Lanny Openshaw

ABSENT: None

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

OPENING OF MEETING:

a. Invocation:

The Reverend Chris Justice, Pastor of Lee Park Baptist Church, presented the invocation. Following the invocation, the Chairman presented Pastor Justice with a Certificate of Appreciation, a writing pen with “Union County” engraved on it, and a county lapel pin.

b. Pledge of Allegiance

At the request of Chairman Baucom, Al Greene, County Manager, led the body and audience in reciting the Pledge of Allegiance to the American flag.

INFORMAL COMMENTS:

The Chairman outlined the rules under which informal comments would operate and recognized the first speaker, Joe Pomykaez.

Mr. Pomykaez, 9113 Yellow Pine Court, Waxhaw, reminded the Board that there had been an election within the last year that had voted against the establishment of district representation, and he felt that establishing districts would be a slap in the face of the voters who had worked diligently on this election. He also pointed out that as Chairman of the Republican Party in Union County that the party took a vote to oppose district representation. Mr. Pomykaez said that to take this action now, on the heels of the election, would not be appreciated by the voters of Union County,

Pastor Jim H. Bention, 302 Tucker Street, Monroe, agreed with comments made by Mr. Pomykaez and stated that he believed people would vote for those persons who they believe would represent them. He too said that this proposed action would be a slap to the people who recently voted and soundly denied this proposal. Pastor Bention said he thought that a person, regardless of their race or gender, could be elected if they could be a candidate that would represent all the people. He asked that this item be dismissed and that the Board not take action to approve an increase in the number of persons serving on the Board of County Commissioners. Pastor Bention said that Union County is one county and not an east and west county.

Robert Heath, 5630 Hingley Court, representing an organization *A Few Good Men* stated that this group believed the number of representatives to the Board of Commissioners should be increased and the areas should be represented in order to guarantee true representation of all the citizens. He reminded that Union County is one of the largest counties in this state and nation. He said they asked the Board to reconsider and increase the number of commissioners.

Ina B. Horne, 8603 Samantha Court, Waxhaw, stated that she left Union County in 1978 to attend the University of North Carolina. Since that time, she said she had lived in Mecklenburg and Union Counties and gave the history of the growth of this county. She reminded that there are now more houses and commercial growth than there are farm land connecting the municipal areas. She noted that Union is now one of the fastest growing counties in the nation. She cited the needs of the citizens of this county. Ms. Horne said that as it was 30 years ago the county is only represented by five individuals, and she urged the Commissioners to increase the number of the Board by at least two. She said she believed that increase would guarantee a better representation among the boards and committees that make long-term plans for this county.

John Parker, 5499 Berrywood Road, Monroe, a business owner in Union County and a member of the school board, requested that the Board of Commissioners increase the number of county commissioners. He said he believes as do others that it would be a viable option for Union County.

P. E. Bazemore, Monroe, requested the Board of Commissioners increase its number from five to up to nine members. He said there is a tendency for people to criticize the Board but noted that it is very difficult for five commissioners to do the work of a county of this size. He explained that in his opinion seven members are better than five but nine would certainly be better than seven. Mr. Bazemore said he had a list of what the Commissioners are required to do, and he could not see how only five commissioners could handle all these responsibilities. He said there should be enough individuals on the Board of Commissioners to get the job done.

Frank Deese, 6605 Marshville Boulevard, Marshville, NC, thanked the Board for allowing him to speak and for the job that the Commissioners do for this County. He said for a number of years he has been concerned about the number of members serving on this Board. Mr. Deese said that when candidates were asked if they would support an increase to the Board, 99 percent of the time, the answer was yes. He said with that in mind, he is asking that the Board increase the number on this Board. Mr. Deese said that this Board had been five since 1842 when the population was a little over 17,000 and stressed it is now time to increase this number.

The Chairman next called Lee Little, who had left the meeting room. The Chairman asked the Sheriff to check to see if Mr. Little was standing outside the meeting room.

The Chairman recognized Walt Perry, 604 Main Street, Wingate, who said that he did not envy the job of the Commissioners since he had once served on this Board. He stated that he and Larry Harrington were the second and third Republicans to be elected to office since reconstruction. He reviewed the accomplishments of that Board of two Republicans and three Democrats. Mr. Perry stated that there was a time he would not have supported district representation, but like Mr. Deese before him, he lives in the eastern section of Union County and does not feel that they receive adequate representation. He said he had polled residents of Wingate, regardless of party affiliation, and it was unanimous that the citizens believe in district representation. Mr. Perry said he knew there was a time when Republicans could not get elected and now the shoe is on the other foot, but now district representation is needed.

Ric Atwell, 3507 Savannah Way, Monroe, stated that the Board of Commissioners needs to increase its number from five. He said that it is easy to read the exit polls and it's obvious that two areas of this County dominate the election process, and they are organized well. He said, however, that is still taxation without representation. He noted that there will be three commissioners within

a very small radius who dominate the growth of Union County. He asked the Commissioners to increase the number of representatives on the Board of Commissioners.

Thomas James “Pinkey” Marsh, Jr., 1323 Landsford Road, Marshville, thanked the Board for allowing him to speak for his project the Reo Grande. He said his issue is not only with the Zoning Department and the Board of Adjustments but with Dick Black, who was the acting County Manager at the time. He said this Board of Commissioners should represent all citizens equally – Black, White, Mexican, and Latino – and for the Board’s information, there is a difference between Mexican and Latino so to address both races, they should be addressed as Hispanic. He said he had not seen anyone representing Union County at Wal-Mart or K-Mart or a gas station asking those who purchase products if they are legal citizens. However, Mr. Marsh said that he had seen that taking place at his project to people who attended his rodeos. He said the Board of Commissioners must be the deciding board. Mr. Marsh said that after several attempts by him and his attorney to meet with Mr. Black, he has yet to do so.

Mr. Marsh said that Commissioner Lane had come down to his operation and had asked if he would be interested in partnering with Parks and Recreation. He said Mr. Lane had told him that Mr. Openshaw was supportive of the operation. Mr. Marsh said he had learned that Commissioner Mills was the first to know of the project, but was not sure if Mr. Mills was against a Hispanic rodeo or against it because the County couldn’t take credit for it; he said he had had three good project ideas stolen from him. He said the issue was never the rodeo but stressed that this was racial profiling and crooked politics, and he intended to find out who was behind it.

Jim King, 3514 Waxhaw-Marvin Road, asked for additional information on the extended contract with CMC and asked how the lease could be extended by 10 or 12 years when there is at least that many years remaining on the existing contract. He encouraged that more information be made available to the public.

Mr. King said he wanted to address revaluation – his favorite subject. He said he has been told that the County cannot look at individual parcels. He said that he had proved that commercial and residential revaluation is messed up. He asked the Board to look at the school site on Rae Road. He pointed out that the County had paid \$105,000 an acre for 55.2 acres and that land is now valued at \$70,000 an acre. Mr. King asked why the 12.764 acre tract beside this site is only valued at \$894,760, which is \$70,100 acres, and pointed out that tract is the land with road frontage that the County didn’t buy. He cited other examples of property that he does not believe is valued fairly.

Lee Little was recognized and stated he wanted to endorse district representation. He said he realized that support from some members of this Board had come about due to political developments that might jeopardize their seats. He said he earlier supported district representation and still supports it because it is the fairest way to govern and assure that all voices are heard. He quoted Senator Joseph Biden: "If you want to know a man's true character, give him absolute power." Mr. Little said the management of Union County has taken place in a vacuum without consideration of the thousands of citizens who live in the eastern area of Union County. He said it was his opinion that leaders of the County have allowed unfettered development to occur without the adequate infrastructure to support it and now there are massive water problems and diminished financial capacity with which to address these issues. Mr. Little said that money would never be more important than human life and people and their ideas are what make this county great. He stated it was time for district representation so that there can be more diverse ideas to effectively and expeditiously address the mess that has been created by the same old leadership. He said that people on both sides of the aisle need to be heard.

Mark DiBiasio, 4709 Tom's Creek Court, Waxhaw, addressed an issue that he thought should be a concern to every voter and every taxpayer of Union County. He said that several weeks ago, he heard Allan Baucom adamantly speak about taxes at a Unionville campaign event. He said Chairman Baucom spoke on how he wanted to control taxes so that people who are living on farms won't be sacrificing their futures to put people in schools. He also addressed the CMC contract that would extend the lease until 2048. Mr. DiBiasio said it was not so much that CMC got the contract but that there was no other discussion and no other vendors or anyone else talked with. He said it is not necessary to be Warren Buffet to know that there was money left on the table. He stressed that he believed that entirely where there is no competition and no one else gets to bid but CMC, there is nothing competitive in the negotiation. He said it might be the best deal, but questioned why there was not more information made available to the public and why there wasn't someone else during the negotiations. He asked answers to these questions.

Ruth Helms, 2201 Melody Road, stated she served on this Board from 1982 to 1990 and at that time she worked for the county between 20 and 40 hours per week. She said that she thought it was now time that Union County has district representation. She stressed that Union County is growing and it needs district representation.

John Cassell, 5802 Mayford Court, said he supported district representation and the need for voices to be heard from all over the county. He noted that district representation is at the State level and at the Federal level, and it needs to be brought to the local level. He thanked the Board for allowing him to speak.

Delano Cox, 6404 Rape Road, thanked the Commissioners for their time and devotion to the county. She said she has not served on this board but has served on others and knows the time it takes to do a job when you are dedicated to it. She said that she

and her husband's family have lived in Union County all their lives and stressed that for the farming community, it is imperative to have more members on the Board of Commissioners. She pleaded that the Commissioners implement a change in the number of persons serving on the Board of Commissioners.

The Chairman stated that concluded the Informal Comments.

Chairman Baucom introduced Al Greene who is attending his first meeting as County Manager of Union County.

ADDITIONS, DELETIONS AND/OR ADOPTION OF AGENDA:

Commissioner Mills requested to add to the agenda discussion on increasing the number of commissioners on the Board of Commissioners up to nine members.

Chairman Baucom asked to add to the agenda discussion on NC 218 regarding a resolution for MUMPO.

The Chairman also requested to add an item to set dates for the governance meeting.

Vice Chairman Pressley stated he agreed with Mr. Marsh that it is time to set a meeting date to meet with Mr. Marsh and settle issues surrounding his rodeo project.

Motion was made by Commissioner Pressley to approve the agenda as modified. The motion passed unanimously.

CONSENT AGENDA:

Motion was made by Vice Chairman Pressley that the items as included on the consent agenda be approved as submitted. The motion passed unanimously. [see minutes of May 17, 2010, for correction.]

Contracts Over \$5,000:

- a.) Village of Marvin – Revenue contract amendment to add two contract deputy positions - \$132,718 budget year 2008-2009

- b.) Camp, Dresser and McKee – Agreement to provide wastewater resource modeling and general consulting – Task Order #9A – in lump sum amount of \$15,000
- c.) Hazen & Sawyer, P.C. – Agreement for updating Twelve Mile Creek WWTP storm water pollution prevention plans – (Task Order #17) – Lump sum amount of \$37,830
- d.) Hazen & Sawyer, P. C. – Construction Management Services for Forest Lawn/Potters Road Water Transmission Main Project (Task Order #18) - \$73,665
- e.) Hydrostructures, P. A. - Continuation of the sewer system mapping project – Task Order #6D - \$108,020
- f.) Kimley-Horn & Associates – Design services for the Twelve Mile Creek Sewer Diversion Pump Station and Force Main Project – Task Order #2 - \$310,570
- g.) S&ME, Inc. – Provide alternate source demonstration and additional environmental assessment at County’s construction and demolition landfill – Task Order #16A -- \$6,550
- h.) NC Department of Crime Control and Public Safety, Division of Emergency Management – FY 2008 Emergency Management Performance Grant - Revenue

Tax Administrator:

- a.) Releases for April 2006 in the grand total of \$12,965.10

RELEASES APRIL 2008

2007

Acct #	Name	Release #	Total
06102043	ARABELLA HOMES INC	3958	6,135.86
06240142	GABBERT DEBORAH C & JAMES L GABBERT III	3959	1,455.60
06240142	MARVIN DEVELOPMENT GROUP II LLC	3960	1,455.60
09232027A	STEPP-LEHNHARDT PROPERTIES LLC	3963	3,918.13

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Totals	12,965.19
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GRAND TOTALS	12,965.19
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b.) Refunds for April 2008 in the grand total amount of \$5,159.88

REFUNDS APRIL 2008

Acct #	Name	Rel #	Totals
2007			
07150433	BURNS DAVID J & ELAINE C	3948	135.30
09381046	HELMS CHARLES RAY & WIFE DIANNE	3951	217.94
07090572	DUMAS STEVEN R & MICHELE A	3961	201.14
07024050	SMITH DAVID ZANE & SHELLY S	3964	399.71
08162080	HELMS DONALD S & WIFE LOUISE B	3967	221.01
08231015E	OSTWALT HAL C JR & WIFE CHARLOTTE H	3973	325.96
Total - 2007			1,501.06
2006			
07150433	BURNS DAVID J & ELAINE C	3949	124.98
09381046	HELMS CHARLES RAY & WIFE DIANNE	3952	196.13
07090572	DUMAS STEVEN R & MICHELE A	3962	185.81
07024050	SMITH DAVID ZANE & SHELLY S	3965	364.64
08162080	HELMS DONALD S & WIFE LOUISE B	3968	197.89
08231015E	OSTWALT HAL C JR & WIFE CHARLOTTE H	3974	291.87
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Total - 2006				1,361.32
2005				
09381046	HELMS CHARLES RAY & WIFE DIANNE	3953		184.97
07024050	SMITH DAVID ZANE & SHELLY S	3966		357.85
08162080	HELMS DONALD S & WIFE LOUISE B	3969		195.81
08231015E	OSTWALT HAL C JR & WIFE CHARLOTTE H	3975		288.79
				-
Total - 2005				1,027.42
2004				
09381046	HELMS CHARLES RAY & WIFE DIANNE	3954		174.69
08162080	HELMS DONALD S & WIFE LOUISE B	3970		184.93
08231015E	OSTWALT HAL C JR & WIFE CHARLOTTE H	3976		162.98
				-
Total - 2004				522.60
2003				
09381046	HELMS CHARLES RAY & WIFE DIANNE	3955		104.11
08162080	HELMS DONALD S & WIFE LOUISE B	3971		121.38
08231015E	OSTWALT HAL C JR & WIFE CHARLOTTE H	3977		167.75
				-
Total - 2003				393.24
2002				

09381046	HELMS CHARLES RAY & WIFE DIANNE	3956	93.78
08162080	HELMS DONALD S & WIFE LOUISE B	3972	109.34
08231015E	OSTWALT HAL C JR & WIFE CHARLOTTE H	3978	151.12
Total - 2002			354.24
GRAND TOTALS			5,159.88

- c.) Tenth Motor Vehicle Release Register for the period of April 1, 2008 through April 30, 2008 in the net grand total amount of - \$15,500.21
- d.) Tenth Motor Vehicle Refund Register for the period of April 1, 2008 through April 30, 2008 in the get grand total amount of - \$1,396.59
- e.) Eleventh Motor Vehicle Billing in the grand total of \$1,291,322.05

Property and Casualty Insurance Policy Renewal: Accepted Property-Casualty Insurance renewal proposal for St. Paul Travelers for the period of July 1, 2008 – June 30, 2009 and authorized the County Manager to bind coverage

Finance: Motor Vehicle Tax Refund Overpayments for April 2008 in the amount of \$5,807.53

Communications: Approved Budget Amendment #47 to appropriate insurance reimbursement funds in the amount of \$147,569 for replacement of CentraCom CED Equipment (E-911) caused by water damage

Personnel Department: Approved and Accepted Technical Amendment to Union County Personnel Resolution, Article I, Section 2 (2) to clarify that Article XIII – Drug and Alcohol Free Workplace Policy does in fact apply to supervisory personnel.

SECTION 2

Coverage

All persons in the County's employ shall be subject to these regulations, except as noted below.

- 1) These regulations shall not apply to elected officials, except as expressly stated herein.
- 2) Except for Article I, III, Sections 9, 11, 12, 13, V, VI, VII, X, XI, XII, and XIII these regulations shall not apply to the County Manager, the Assistant County Managers, Department Heads and Supervisors.
- 3) These regulations shall not apply to the County Attorney appointed pursuant to NCGS Sec. 153A-114.
- 4) To the extent that they directly relate to hiring, discharge and supervision, these regulations shall not apply to the employees in the offices of the Sheriff and Register of Deeds.
- 5) To the extent that they conflict with the State Personnel Act, these regulations shall not apply to employees subject to said Act.
- 6) Except for Articles I-V, these regulations shall not apply to part-time employees, which includes temporary and seasonal employees as defined in Article III, Section 8.

Veterans Day Celebration: Authorized Manager to approve Interlocal Agreement with the City of Monroe for the County to provide \$40,000 to the City of Monroe for the Veterans Day program

Public Works Department: Approved request to allow City of Monroe to provide water services as requested by a resident of Deese Road and to residents along Weddington Road which are located within the Union County Public Works Service Area. [Union County Public Works does not have existing water infrastructure located to meet the specified needs or any infrastructure identified to extend service to these areas.]

Minutes: Approved minutes of the Board of Commissioners of the special meeting of April 11, 2008 and regular meeting of May 5, 2008

Discontinuation of Board's Regular Pre-Agenda Meetings: Approved the Chairman's request to discontinue the pre-agenda meetings due to lack of attendance at these meetings.

Union County Agri-Services Center: Corrected action by the Board of Commissioners on April 21, 2008, regarding the date of implementation of changes to the Fee Schedule for the use of the Union County Agri-Services Center. The action taken April 21,

2008 stated that the change “Will collect enough revenues to offset projected costs effective January 1, 2008” and was obviously incorrect. The action should be corrected to be “projected costs to be effective January 1, 2009.”

Information Only: The following reports were included in the agenda package for information only, no action required: 1) Personnel Report for April 2008; and 2) Department of Inspection's Report for April 2008

The Chairman set the items for the additions to the agenda as follows: District Representation is 5(b); Setting date to meet with Mr. Marsh is 5(c); Hwy. 218 Mumpo Discussion will be 10(b); and scheduling a Governance meeting will be 10(c).

ASSISTANT COUNTY MANAGER’S COMMENTS:

Matthew Delk, Assistant County Manager, was recognized. He welcomed Mr. Greene, the newly appointed County Manager and briefly reviewed the following items:

- a) The Sheriff’s office was awarded a \$10,000 grant from Time Warner Cable to expand its Bicycle Safety Program. He said it particularly focuses on educating children about the importance of wearing a helmet and riding a bicycle correctly.
- b) He reported there is a special meeting tomorrow night of the Land Use Steering Committee at the Weddington High School media center as the plan deals with the unincorporated area of the county in that area. He stated that the town councils of the area have been invited to participate.
- c) Mr. Delk reported that the County has received matching funds in the amount of \$500,000 from the North Carolina Park Authority. He said that out of 89 applications, Union County’s was ranked fifth and the funds will be used to help develop the first phase of the passive area at Jesse Helms Parks. He reminded that this passive area will join the property of the Agricultural Center and will go back to the present soccer fields.
- d) He asked those in the audience and the Commissioners to note that last week was Police Week and there was a ceremony on the Courthouse Lawn. Mr. Delk said that the Fraternal Order of the Police is sponsoring a commemorative brick campaign and anyone in the County can participate in this to help raise funds for the law enforcement memorial. He said that for \$35 donation a brick can be personalized to be part of the law enforcement memorial.

RESOLUTION OF APPRECIATION:

The Chairman read the following resolution which was presented to Richard Black, who served as Interim County Manager:

**Resolution of Appreciation
For the Services Rendered By
Richard P. Black, Interim County Manager
Union County, North Carolina**

WHEREAS, Richard P. Black served the County of Union from January 8, 2007, through May 18, 2008, as both Interim County Manager and Planning Director; and

WHEREAS, the responsibilities undertaken by Mr. Black were extensive, and he accomplished them in a most professional manner that brings great credit to both him and the County of Union; and

WHEREAS, Mr. Black has proven to be a dedicated public servant to the citizens of Union County; and

WHEREAS, Mr. Black demonstrated leadership and wisdom during the time of transition; and

WHEREAS, the Board of Commissioners desires to express its sincerest appreciation for the service that Mr. Black rendered to the County of Union as Interim County Manager.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners does hereby thank and express its sincerest appreciation to Richard P. Black for his many contributions, diligent work, and dedication to the citizens of Union County.

NOW, THEREFORE, BE IT RESOLVED that the original of this resolution shall be presented to Richard P. Black and that a copy of this resolution shall be spread upon the minutes of the Union County Board of Commissioners this 19th day of May 2008.

ATTEST:

Lynn G. West, Clerk to the Board

Allan Baucom, Chairman

Vice Chairman Kevin Pressley moved that the foregoing resolution be adopted and presented to Mr. Black. The motion was passed unanimously.

DISTRICT REPRESENTATION:

Commissioner Mills moved that the County's staff be directed to work with the legislators to increase the number of commissioners who serve on the Union County Board of Commissioner up to the number of nine.

Commissioner Lane countered that six months ago the County's voters overwhelmingly voted against such a proposal and quoted from *The Enquirer Journal* whose editorial voiced its opposition to such action. He said such action would be a slap in the face to the voters of this county.

Commissioner Openshaw reminded that when the legislation was being considered all five Commissioners voted against district representation, and he found it hard to believe that with the elections results, it would be presented now in such a fashion. He stated that it was not now a valid concept, not that the concept is not worth discussion, but in his opinion, it is certainly not worthy of discussion now. He said when it was presented last time, politics ensued, and it got out of the Commissioners' hands and that he doubted that many in this room realized what almost happened. He said he would be glad to cover that here or in the press.

Commissioner Openshaw pointed out that no Democrats chose to even run in the primary and now they are asking for district representation. He asked the Democrats in attendance why they did not run. He also noted that a Monroe resident lost by 183 votes and in the previous election, Richard Stone, a resident of the east side of the County lost by a mere 100 votes. He said this is not a landslide situation. He further noted that 60 percent of the precincts voted down district representation and cited the precincts that voted against this plan. Commissioner Openshaw pointed out that every member of this Board is from a district that voted down district representation.

Vice Chairman Pressley stated that he believed the motion before the Board is to increase the number of the Board up to nine members. He said he thought all had been asked during their campaigns if they would be in favor of increasing the number on the Board and that is the motion before the Board.

Commissioner Lane pointed out that he was raised on a farm and has a part-time farm with honeybees and hay, and thought he represented that segment of the community. He said he thought all the schools are being upgraded to be as equal as possible to the new schools. He said he thought that with five commissioners there was adequate representation for all of Union County.

Commissioner Openshaw reminded that all five of the Commissioners voted to oppose Representative Pryor Gibson's plan and Chairman Baucom was appointed to negotiate with Mr. Gibson. He said that what came out of the negotiations was a voter referendum six months ago to increase representation. He said it came back with a plan where the voters would have gotten to vote for one representative and the members could appoint themselves to continue serving on this Board. He said thanks to Commissioner Pressley, this plan was stopped. He said in two or three years, he might feel differently but this was voted down by the voters only six months ago and that this is not the time to take such action.

With there being no additional discussion, the Chairman called for a vote. The motion passed by a vote of three to two. Chairman Baucom, Vice Chairman Pressley, and Commissioner Mills voted for the motion and Commissioners Lane and Openshaw voted against the motion.

MEETING ON RODEO PROPERTY CLASSIFICATION:

Vice Chairman Pressley recommended a meeting with staff, a couple of Commissioners, and Mr. Marsh to work out the details of Mr. Marsh's complaint. The Vice Chairman asked and moved that the County Manager set a meeting date and time for Mr. Marsh and representatives of the Commissioners and staff to meet. The motion passed unanimously.

CENTRALINA COUNCIL OF GOVERNMENTS:

Gayla Woody, Aging Program Administrator with Centralina Council of Governments, reported on how the funds from the State of North Carolina and the Older American Act come to the Home and Community Care Block Grant and how these funds are spent to service Union County. She said that Centralina has for a number of years served as the lead agency for the program. Ms. Woody reported that the Block Grant funding available to Union County service providers (DSS, Transportation, Nutrition and Council on Aging) for fiscal year 2009 is \$744,342 with an additional matching requirement of \$82,703.

Mrs. Ruth Helms, delegate to the Region F Aging Advisory Committee and member of the Union County Planning Initiative, spoke on the study that is in process to meet the needs of the current older adults and the future older adults of this county. She said the Vision of the group is that this County will be a healthy, caring, and secure community that fosters independence for all older adults. She said the Mission is that this County provides the quality of life that assures availability of essential needs that are accessible, affordable, to ensure independence for all older adults. She also reviewed the guidance principles of this planning organization. Mrs. Helms said the committee identified three issues that are top priority on which to begin its works:

- 1.) Safe and affordable housing
- 2.) Transportation
- 3.) Financial Planning for long-term care

Mrs. Helms reported that 83 percent of those surveyed owned their own home and only 21 percent believed they would have to move from their current home. She also pointed out that 48 percent of the respondents do not know how they will pay for long-term care and 51 percent of these older adults believe that Social Security will supply their needs. She reported that a report will be completed in the near future and brought back to this Board.

Mrs. Helms introduced Linda Smosky, Director of the Union County Council on Aging. Mrs. Smosky reported that it is important that services be provided to help older adults remain in their own homes and prevent institutionalization. She said that most older adults want to remain in their own homes, and this is a two-fold effort. She pointed out that it not only helped the older persons to maintain their quality of life by being in their own home but it also saves Medicaid dollars. She said the Committee recommends funds for the following services and explained in-home services, personal care assistants, and home management, and the other services provided by the agencies involved. She assured that where these are listed more than once, it is not considered a duplicate of service. She asked that the Home and Community Care Block Grant Funding Plan be approved as requested for FY2009.

Motion was made by Commissioner Openshaw that the County approve the Home and Community Care Block Grant for Older Adults as presented and that Centralina Council of Governments be named the lead agency for Union County.

The Chairman asked if there is funding to defray mileage expenses to the volunteers who deliver meals to home-bound patients.

Mrs. Woody said that one of the reasons that in North Carolina there have been as many meals delivered as there have been is because the volunteers deliver these meals without reimbursement. She said that if funds are paid out to reimburse volunteers for expenses, the number of meals provided would be reduced.

The Chairman stated that he had received several comments from volunteers who are having a problem because they are living on a fixed income and are suffering.

Mrs. Woody said that another option that is being considered is to deliver frozen meals in lieu of hot meals.

Commissioner Openshaw praised the committee by saying this is the best committee on which he serves.

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

MONROE MEDICAL PLAZA:

The Chairman recognized Mark Billings, President, Presbyterian Hospital Matthews, and Roland Bibeau, Senior Director of Growth to present an update on the Monroe Medical Plaza.

Mr. Billings said that he had committed to present a quarterly report –not only about what was going on with the hospital campus but also the healthcare of the system. He said that at the last meeting, he was asked by the Commissioners about access of affordable healthcare and assured that several of their doctors have been working with health leaders to bring an affordable healthcare clinic to life in Union County. He said, however, while they were waiting, the Community Cruzier has been brought to the County to take care, free of charge, of the most vulnerable patients, the children of Monroe and Union County. Mr. Billings said the site selected was the J. Ray Shute Facility. He said at the last meeting he had misspoken when he reported that Presbyterian had a charity care policy that assured those persons who live at 200 percent or below the federal poverty line would not receive a bill. He said that was incorrect, it is that those persons who live at 300 percent or below the poverty line will not receive a bill. He explained that statement means that a family of four with an income of \$63,000 or less does not receive a bill from the facility or physician practices.

He recognized Roland Bibeau who presented a slide presentation with an update of the Monroe Medical Plaza and the proposed location of its services. He highlighted the benefits of their new location not only on esthetics but also on the quality of care. He also reviewed the progress that has been made with the health department, Red Cross, Hospice, Healthquest, etc.

Mr. Bibeau updated the County Commissioners on their progress and he said that he owed the people of Union County an apology. He said he did not know what the contract was between Union County and CMC, but would be willing to come to the table and negotiate for the contract. Mr. Bibeau said a 30-year contract would be approximately \$50 million. He assured that if Presbyterian Healthcare is invited to the table, he would be there.

The Chairman declared a five-minute recess.

The Chairman reconvened the meeting

PARKS AND RECREATION:

It was pointed out that the proposed sidewalk at the Fred Kirby Park would be the length of the park property on the Lake Park Drive. Documentation provided with the request, indicated that in 1994, the terms and conditions of the deed by N. A. Mathisen of 17.44 acres included a provision that Union County would install a five-foot sidewalk with curb and gutter on park property. Mrs. Smith reported in her documentation that Mr. Mathisen has agreed to install a five-foot sidewalk without curb and gutter if the difference between the two bids is provided to him for further installation of additional sidewalks.

Commissioner Openshaw asked if this was a renegotiation of a previous contract. Mrs. Smith concurred.

Commissioner Lane moved that Union County agree in principal with settlement of a disputed deed provision whereby Parks and Recreation agrees to install sidewalk at Fred Kirby Park and to pay to the property grantor an amount equivalent to the cost of curb and gutter for such sidewalk in lieu of installing curb and gutter. The motion passed unanimously.

AMENDMENT TO CONTRACT DELEGATION POLICY:

Chairman Baucom stated that he had asked this item be placed on the agenda for discussion on the contract amount allowed for County Manager approval. He then moved that the staff be instructed to check with counties of like size to determine what amount they allow to be approved by the County Manager.

Commissioner Lane said that he thought \$5,000 was a bit of an overkill and the \$300,000 was a tad high, and suggested it be somewhere between the two.

Vice Chairman Pressley agreed with the comments of Commissioner Lane and asked Mr. Greene if he had any idea what the average would be. Mr. Greene said he thought somewhere in the vicinity of \$50,000 would be an average contract approval level.

The motion passed unanimously.

**RESOLUTION REQUESTING THE GOVERNOR OF NORTH CAROLINA TO INTERVENE IN AND
OPPOSE THE APPLICATION TO THE FEDERAL EMERGENCY REGULATOR COMMISSION BY
ALCOA FOR A FIFTY-YEAR LICENSE TO CONTROL THE WATERS OF YADKIN RIVER AND ITS
LAKES AND TRIBUTARIES**

The Chairman stated that he had requested Ms. Putnam, Public Works Director, to update the Board about a similar resolution that has been adopted by Richmond County and is being considered by Stanly and Anson Counties. She said this resolution requests the Governor of North Carolina to intervene in the Federal Energy Regulatory Commission's issuance to Alcoa for a fifty-year license to control the waters of the Yadkin River. She said that Alcoa currently has a permit to operate several dams along the river and, Duke Power has the same process along the Catawba River. She reported that Union County was involved in its application preparation, and they sought out anybody that had any interest in the river – recreation as well as water suppliers and other industries. She noted that this resolution basically is asking Alcoa to do the same thing and allow Union County to have some input into their application. She reminded that Union County is looking to the Yadkin River for a water supply source and wants to protect the water that is there.

Commissioner Mills moved that the following resolution be adopted. The motion passed unanimously.

Chairman Baucom stated that basically Union County is supporting Stanly County in protecting its water quality.

**RESOLUTION REQUESTING THE GOVERNOR OF NORTH CAROLINA INTERVENE
IN AND OPPOSE THE APPLICATION TO THE FEDERAL ENERGY REGULATOR**

**COMMISSION BY ALCOA FOR A FIFTY-YEAR LEASE TO CONTROL
THE WATERS OF THE YADKIN RIVER AND ITS LAKES AND TRIBUTARIES**

WHEREAS, Union County is located within the Yadkin-Pee Dee Watershed; and

WHEREAS, the citizens of Union County are exploring availability of potable water from the Yadkin River; and

WHEREAS, Aluminum Company of America (“Alcoa”) currently holds a Federal Energy Regulator Commission (“FERC”) license which gives it near total control over the waters of the Yadkin River and its lakes and tributaries for the sole purpose of generating electricity for sale on the open market; and

WHEREAS, the current license held by Alcoa is set to expire in April of 2008 and Alcoa is currently applying to FERC to grant it another license which would give it control over the Yadkin River and its lakes and tributaries for the next 50 years; and

WHEREAS, the application submitted by Alcoa did not solicit input and does not take into account operational requirements necessary to address multiple uses of the Yadkin River, including potable water supply; and

WHEREAS, the citizens of Union County and North Carolina are dependent upon their government to act in their best interest and to protect our water and natural resources which we depend on to meet our basic needs as well as continued community and economic development.

NOW, THEREFORE, BE IT RESOLVED that the Union County Board of Commissioners thanks the Honorable Michael F. Easley, Governor of the State of North Carolina, for his timely intervention in the ongoing licensing process and further requests that for the foregoing reason, and for the benefit of, the citizens of Union County and North Carolina, that he continue to intervene in the ongoing licensing process before FERC in opposition of a 50-year license being granted to Alcoa.

Adopted this 19th day of May 2008.

ATTEST:

Lynn G. West, Clerk to the Board

Allan Baucom, Chairman

MUMPO- HWY 218 UPGRADE:

Chairman Baucom said he had requested this item be added to tonight's agenda to solicit support for funding for Highway 218 upgrade. After reading the proposed resolution into the minutes, he moved the resolution be adopted and the staff be instructed to contact MUMPO members requesting their support:

**RESOLUTION REQUESTING THAT
THE MECKLENBRUG UNION METROPOLITAN PLANNING ORGANIZATION
SUPPORT FUNDING FOR HIGHWAY 218 UPGRADE**

WHEREAS, studies have shown Highway 74 to be overburdened; and

WHEREAS, this fact has been confirmed by MUMPO and the North Carolina Department of Transportation by inclusion of the Monroe By-Pass/Connector through Union County in the NCDOT Transportation Improvement Program; and

WHEREAS, this By-Pass has been fraught with numerous delays resulting from environmental impacts, alignment decisions, and funding sources, among other problems; and

WHEREAS, Highway 218 currently functions as a bypass through Union County; and

WHEREAS, the increase in traffic on Highway 218 has deteriorated the condition of this road, causing it to become unsafe for motorists of Union County and surrounding areas; and

WHEREAS, the ability of Highway 218 to continue to function as a transportation corridor for residents of Union County and the surrounding areas requires road widening, intersection improvements asphalt strengthening, and resurfacing.

NOW, THEREFORE, BE IT RESOVED that the Union County Board of Commissioners requests the support of MUMPO to divert funding from R3820: NC 218 Polkton and to reprogram excess right-of-way funds from U2507: Mallard Creek Road Relocation to facilitate these necessary improvements.

Adopted this 19th day of May, 2008.

The motion passed unanimously.

Commissioner Mills asked Ms. Putnam what should be done about the 601 Highway median and asked if it would be possible to meet with the DOT about the safety issue of the medians and the inconvenience to the farming community. Ms. Putnam said she was not sure which office would be in charge of the 601 Highway project. Ms. Putnam agreed to set a meeting between the staff, any commissioner, and DOT to discuss the 601 project.

GOVERNANCE MEETING DATES:

Matthew Delk, Assistant County Manager, presented a list of dates where Miriam Carver would be available for meetings and where he and the Clerk did not identify a conflict with a scheduled board meeting. He said that two consecutive dates need to be established and then at that meeting another single date should be identified.

The Vice Chairman recommended that the Board look at August to avoid a conflict with budget meeting dates.

By acclamation, the Board agreed to meet on August 28th and 29th, 2008.

COUNTY MANAGER'S RECOMMENDED 2008-2009 BUDGET:

Dick Black, who had served as Interim County Manager during the time that the Manager's Recommended budget was prepared, presented the major factors affecting the budget recommendation including the effect of revaluation and the slowing of growth that affect the funds available. He reported that the recommended budget is \$239 million, which is an increase of about \$18.9 million or 8.6 percent of the 2007-2008 budget. Mr. Black said the budget is balanced with an appropriation of \$5.2 million from the County's Reserve Fund and a recommended tax rate of 68 cents. He said the tax rate is 3.11 cents less than the existing tax rate of 71.11 cents (FY08) and is 7.64 cents greater than the revenue neutral rate of 60.36 cents. Mr. Black said that amount was arrived at

using the State's requirements which is basically the tax rate based on the 2008 revaluation at the point it would generate the same amount of revenue provided in the current budget plus construction growth. He explained how the tax rate was determined and the amount required by the departments including education and the community college.

Mr. Nelson explained that 4.5 cents of the 68 cents is for general governmental costs. The Finance Director acknowledged that the percentage of general government expenditures had shrunk from eight percent to roughly seven percent this year. It was pointed out that this reduction is due to the property revaluation and the increase in tax base. The Finance Director stated, however, that in real dollars general government's spending is down.

Mr. Black explained the effect of the revaluation on the tax base and tax rate. The tax base for FY09, following the revaluation, is expected to approach 22.5 billion dollars, an increase of almost 29 percent over the FY08 tax base of \$17.5 billion. He said of that increase approximately 9.25 percent is attributable to new construction based on historical growth with another 20 plus or minus percent attributed to adjusting properties to market value. The real property value is comprised of land and improvements and new construction, which increased about 35 percent. The other three tax base categories: personal, motor vehicles, and public service properties, which are re-evaluated every year, remain largely unchanged from the previous year. He noted that the recommended budget of 68 cents per hundred included an increase of 7.64 cents over the revenue neutral budget and will generate an additional \$16.7 million in property revenue. He said the slowing of these discretionary funds has put an additional pressure on the tax rate. The unrestricted revenues mainly property tax, sales tax, investment, real estate and excise tax are the major sources of discretionary local revenue available to the county for county programs and education. He noted other sources of revenue mostly the federal and state assistance are usually restricted with regards to program expenditures. In the fiscal year 2009, based on revenue neutral, the property rate tax structure is anticipated to generate \$177 million in unrestricted county revenue; the amount is approximately \$8.9 million more than the FY08 amount of \$168 million. He also explained the additional unrestricted revenue of \$8.9 million is significantly less than the \$14 million of FY08. Mr. Black explained how the County reached this plateau and stated that sales tax, investment income, and real estate excise tax all went down this year and defined the reasons for this decrease.

He next pointed out that with the County's real estate economy, the 2008-2009 budget reflects for the first time since the early part of the current decade, a decline in year over year revenue aligned with the real estate segment of the economy. He presented a visual comparison of the real estate revenue collected in the Building Inspections Department and in the Register of Deeds' office for recording deeds from 2005 to 2009. He said the combined impact of the real estate excise and the permitting fees generates \$3.6 million less revenue in FY09 compared to the FY08 budget to carry out county programs and education.

He said it had also been necessary to appropriate \$5.2 million from reserves in order to balance the budget. Mr. Black said this figure compares to the appropriation in last year's recommended budget of \$5.8 million, which was later amended to \$7.9 million. He said the current projection is that the County will spend about \$1.8 million of that amount.

Mr. Black said the next item he wanted to discuss was how education and public service consumes the lion share of discretionary income. He supported this fact with a chart showing these expenditures. He stated the increase in county programs is roughly three percent, and education is 12.8 percent. Mr. Black pointed out that expenditures for education in FY2007 were about \$100 million; in FY2008, they were about \$124 million and in the FY2009, it is anticipated to be \$139 million which is a 12.8 percent increase. He said this figure is based on a proposed funding formula that adjusts per pupil expenditures for FY08 by increasing enrollment projections for FY09, including the consumer price index and the cost associated with opening new facilities. He said with such a formula, the potential is there to outstrip the natural revenue growth in the budget. He cited example: while discretionary revenues represents the sole source that the County has for funding education, current expenses are projected to grow in FY2009 by five percent (5%), however, the schools' current expense component has increased by approximately 13 percent. He stressed the growth in the schools outstrips what is available in the county's revenue growth.

The Vice Chairman asked the Finance Director if the items they thought were needed to be moved between current and capital had been adjusted. Mr. Nelson replied that these have not been changed.

Mr. Black said that there have been some significant enhancements made to law enforcement detention, emergency medical services, and public safety communications. He briefly reviewed these items and costs associated with same. He also said that it was a challenge to fund some of the needs of the volunteer fire departments and the budget had not been able to meet all of the needs.

He said the remaining decisions on the capital improvement program for Union County including Union County public schools and South Piedmont Community College for the FY09 through FY13 have not been included in the recommended budget with the exception of the radio communication system. Mr. Black again stressed there is no funding included in the budget for the capital improvement program for the county, the schools, or the community college. He explained that funding of the Capital Improvement Program is typically funded through the issuance of general obligation bonds or installment financing. He said if the Board should desire to move forward with voter approval initiatives, it must reach the decision no later than June 15, 2008. He said the Board had reviewed a number of projects to include libraries, parks and recreation, community college, law enforcement, communications and public schools. Mr. Black said the commission has also received a report on debt affordability indicating that the County's additional debt capacity to be in the range of \$66 million. He said the next step in funding a Capital Improvement Program would be to establish

the debt affordability measures, review projects, budgets, and time lines, set priorities and adopt the capital and repayment plans. He stressed that all of those steps must be concluded by June 15th if the Board desires to place various initiatives before the voters in November.

Mr. Black further explained that the recommended budget includes a 3.5 percent salary compensation for market adjustments; each one percent adjustment of compensation requires about \$425,000. He noted that the amount is far less than what he would like to recommend but it balances the County's employees' compensation and benefit package with available resources.

Mr. Black also noted that included in the budget is \$325,000 representing the first of five step-up payments to fully fund the annual requirement in connection with the County's retirement health program. He explained that as the County Commissioners are aware, the County presently accounts, reports, and funds the retiree health program on a pay-as-you-go basis, but explained the Governmental Accounting Standards Board, which is the government sector regulator of financial accounting and reporting, now requires units of government to account for and report the retirement health benefit as if it were pensions. He said the FY2009 budget contains funding proposals to provide for increased payments over five years so that by 2014, the county will be fully funding its promises to retirees and active employees by funding the annual required contribution to a modified retirement health program.

He said that he is proposing that the Commission modify its current retiree health program effective July 1, 2008, for all new hires to the eligibility structure applicable to Union County Public School employees, employees of the State of North Carolina, and many other local governments throughout the state. He said the county's current retiree eligibility of 10 years would be increased to 20 years. Mr. Black said the Personnel Director and the County Manager would be presenting more information on this proposed change, its effect on employees, and final implications during the month of June. He stressed that it is imperative that the proposed changes be implemented prior to June 30, 2008, to ensure that the modified program is reflected in the fiscal year-end financial statements and notes.

Mr. Black addressed water, sewer and solid waste. He stated that the FY2009 budget includes several of the high-priority recommendations contained in the utility performance review conducted by IMG. He said it continues planning and engineering on major capital projects to improve additional water and sewer capacity as well as improvements to transmission and delivery and funds its operation for maintenance. He also pointed out some of the impacts of the drought. He said the financial impact of the drought of the combined 2008-2009 budget is estimated at \$4 million mainly because of unrealized water sales in the summer months. He pointed out that the FY09 budget is based on a continuation of the current water conservation measures through the summer of 2008 and into 2009. He said that the utility revenues are based on maintenance of volumetric sales experienced during the drought of 2008

and an increase in customer base of between 1500 and 1900 accounts. Mr. Black said this corresponding rate of customer growth for 2009 is projected between four and five percent, which is a decline from 2007 of approximately 11 percent.

The former Interim County Manager explained that the General Assembly enacted a \$2 per ton state-wide tipping fee last year in conjunction with the re-write of the State's Solid Waste Landfill Disposal Laws. The excise tax goes into effect July 1, 2008, and will be charged on municipal solid waste and construction and demolition tonnage. The Solid Waste budget, he stated, also includes approximately \$100,000 for the annual and one-time startup cost for the environmental litter enforcement control program which will be housed in the Sheriff's Office. He said there are also several large capital improvement projects included in the budget, i.e., the replacement of the concrete apron at the transfer station and some ground water mediation at the landfill. However, Mr. Black said, to minimize the impact of the projects on the operation and maintenance budgets, the costs of these projects are recommended for funding from the Solid Waste Reserve Fund. He explained that by shifting some of these major, one-time costs to the Solid Waste Reserve, the budget recommendation regarding fee adjustment is limited solely to the State-imposed landfill tax. Thus, the County's Solid Waste Tipping Fee of \$39 per ton will remain while C&D will remain at \$34 per ton—both of these fees are subject to the \$2 per ton State mandated tipping fee. Therefore, the FY2009 budget recommends adjustments of fees to \$41 and \$36 per ton respectively.

Mr. Black said that this budget has been challenging to the Staff and to him and they are all looking forward to working with the Board to ensure that the budget reflects the Board of Commissioners' and communities' priorities.

Commissioner Openshaw noted that Union County lost a quarter of a cent in sales tax this year (2009) and would lose yet another quarter cent in 2010.

Mr. Nelson said that the Medicaid Relief Phase-in over a number of years will cause the county to lose a quarter cent of sales tax in 2009, and in 2010, the County will lose yet another quarter cent. He said that admittedly that loss in sales tax is supposed to be offset by a corresponding reduction in the Medicaid expenses. Mr. Nelson said that Union County's challenge is that this County has been a unique county where Medicaid cost has not consumed a large portion of the budget and has seen some robust growth in sales tax – except for the upcoming year.

Commissioner Openshaw asked if the finance directors of the municipalities are aware of the upcoming loss of revenue. Mr. Nelson said that the NC League of Municipalities has published and distributed a Bulletin making the municipalities aware of it, but the legislation requires the County to hold the municipalities harmless while the State of North Carolina will be extracting that

payment from counties and giving it to the cities. Commissioner Openshaw then asked if that action did not make the impact on the counties more than a quarter of a cent. The Finance Director agreed that was true that there would be potentially a greater loss to the counties than one-quarter of a cent.

ADOPTION AND ESTABLISHMENT OF BUDGET CALENDAR:

Motion was made by Commissioner Mills that the proposed budget calendar be adopted with a starting time of 4:00 p.m. After brief discussion during which Commissioner Openshaw commented on the hearing date sequence, the motion passed unanimously.

May 19	Filing of Budget with Clerk
May 19	Presentation and Overview of FY 2009 recommended budget
Wednesday, May 28, Session 1	Budget Review
Wednesday, June 4, Session 2	Budget Review
Tuesday, June 10, Session 3	Budget Review
Thursday, June 12, Session 4	Budget Review

ANNOUNCEMENTS OF VACANCIES ON BOARDS AND COMMITTEES:

At the request of the Chairman, the Clerk read the following vacancies on boards and committees.

- a.) Juvenile Crime Prevention Council—1) District Attorney or his designee; 2) Substance Abuse Professional; 3) Two persons under age of 18 and 4) Juvenile Defense Attorney
- b.) Adult Care Home Community Advisory Committee
- c.) Union County Home and Community Care Block Grant Advisory Committee
- d.) Nursing Home Advisory Committee
- e.) Board of Health (Vacancy as of January 2008 for a Licensed Optometrist)
- f.) Centralina Council of Governments – Comprehensive Economic Development Commission
- g.) Centralina Workforce Development Board
- h.) Agricultural Advisory Board – three vacancies as of June 2008
- i.) Region F Aging Advisory Board – vacancy for alternate member
- j.) South Piedmont Community College Board of Trustees – one vacancy as of June 30, 2008

k.) Social Services Board – one vacancy as June 2008

APPOINTMENTS TO BOARDS AND COMMITTEE:

Planning Board:

The Chairman announced there is one vacancy on the Planning Board representing the Sandy Ridge Township.

The Vice Chairman nominated Don Kerr.

Commissioner Openshaw stated that he was sorry but it was necessary for him to oppose Mr. Kerr. He said although he knows it was not illegal what was done by the Union County 20/20 committee, the difference between ethics and legality is something that was discussed during the disclosure statement conversations. He further said that he did not like the fact that when one of the three members of that board denied any involvement, no one stepped forward to admit involvement. He then proposed and nominated Ken Evans to the Planning Board.

The Vice Chairman stated that he had known Mr. Kerr for a long time and knows that Mr. Kerr may be serving with a group that is trying to do something good for Union County, but he understood and believed that Mr. Kerr was not involved with the particular things that took place. Vice Chairman Pressley gave a comparison of Mr. Kerr's involvement with the activities of 20/20 and the involvement of Mrs. Rogers in the Group Tolerance. He said that he was not condemning Mrs. Rogers and believed that Mr. Kerr's explanation should also be accepted without condemnation. He noted that Commissioner Openshaw had said that Mrs. Rogers is one of the finest tools even after her denial of involvement and that he believed Mr. Kerr to be the same. He said he believed Mr. Kerr when he said he was not involved in the publication.

Commissioner Openshaw countered that he was not pointing the finger at Mr. Kerr but was pointing the finger at him as one of the three board members of his group. He said the difference is that Mrs. Rogers came out and addressed the situation immediately and that he did not see any representative of Union County 20/20 stepping up and accepting the responsibility of the publication. He read from a statement published in *The Enquirer Journal* about their involvement. He said he was offended by the political publication.

After additional comments by the Vice Chairman stressing that he did not think Mr. Kerr should be penalized for something a group did, he restated his motion.

Commissioner Lane interjected that he thought Mr. Evans is more removed from the support of the developer community than is Mr. Kerr, and he thought this was the type individual needed on the Board. He said he had nothing against Mr. Kerr but thought there should be more diversity on the Planning Board.

With there being no other discussion, the Chairman called for the vote. The Attorney instructed the Chairman to call for the vote in order of nomination. The vote for Mr. Kerr to be appointed to serve on the Union County Planning Board was three to two. Chairman Baucom, Vice Chairman Pressley, and Commissioner Mills voted for Mr. Kerr who was declared the winner and reappointed to the Planning Board.

Union County Home and Community Care Block Grant Advisory Committee:

The Chairman stated that there was an application received from Beatrice Colson to serve on the above named board. Motion was made by Commissioner Lane that Mrs. Colson be appointed to the Union County Home and Community Care Block Grant Advisory Board. The motion passed unanimously.

ENGAGEMENT OF CONSULTANTS:

The Chairman recognized Jeff Crook who explained that at the last meeting the Board of Commissioners agreed to appropriate up to \$15,000 for a planning consultant in defense of the APFO lawsuit with the understanding that it might be necessary to request additional funds. He said that is the case now. The attorneys are requesting up to \$10,000 to employ one or more additional consultants to serve as expert(s) in the matter of Union County Land Owners Association et. al vs. the County of Union. Motion was made by Commissioner Mills that an amount not to exceed \$10,000 be approved and that budget amendment #50 be approved to transfer \$10,000 from Contingency to Operating Expenses of the Commissioners' budget. The motion passed unanimously.

MANAGER'S COMMENTS:

Mr. Greene thanked the Commissioners for appointing him the County Manager and allowing him the opportunity to work with Union County—the Board, the staff and its citizens.

COMMISSIONERS' COMMENTS:

Commissioner Lane welcomed Mr. Greene to the County. He pointed out that the building permit statistics indicate that because of the unfortunate economy, the drought, and the sewage problems, there is a better formula on new home constructed versus the commercial—63 percent residential and 37 percent commercial. Commissioner Lane said it would be good if that percentage could continue but with greater volume.

He also mentioned that Crime Stoppers had voted \$2,500 to help defray the cost of the law enforcement memorial.

Commissioner Openshaw also welcomed Mr. Greene to the team and said he had heard that Mr. Greene did an excellent job in York County during his tenure there. He pointed out that the budget message may have been a little daunting, to him, as the new County Manager.

He said he had forgotten at the last meeting to congratulate Jessica Garner for being chosen *Teacher of the Year* at Porter Ridge.

Commissioner Openshaw also noted that Waxhaw had a very well attended spring festival this weekend, and it was great to see it grow.

He explained that he was a little embarrassed for this board because it even presented the redistricting question. He said to him that indicated total disregard for the voters and made a sham of the democratic process of only a half year ago.

Commissioner Openshaw stated that Union County has amassed about a quarter of a million dollars in legal fees in the last nine months, not including any cost of the Shalati case since the end of January other than \$27,000 to defend the majority of this board. He said there have been endless depositions since then including five hours for him alone, which is still open and is not included in this total.

Commissioner Mills also welcomed Mr. Greene to the County and wished him well in his new position. He agreed that this meeting was contentious but noted that the number of people who were here indicated a positive message to increase the number of commissioners.

He thanked Mr. Black and Mr. Nelson for the budget presentation and thought it would be a challenge. He said he shared Commissioner Openshaw's sentiment that he would like to see the hearing later in the process. He related that there will be a lot of hard decisions to make and that he hoped the citizens would understand the message that this is a hard year and even though this is a revaluation year, taxes cannot be held neutral. He emphasized that when the citizens vote and approve bonds, the payment on these bonds must come from taxes, which will cause an increase in the rate.

Vice Chairman Pressley also welcomed Mr. Greene to Union County. He noted that everyone talks about the workload that this Board has and the need to expand the board. He said when he had been asked by the public, he had answered that he would expand the Board. He said the Commissioners were asked tonight to expand the Board and that is why he had voted tonight to expand the Board.

He thanked the Presbyterian Hospital for providing the mobile unit, and said he thought it was a big plus for this community. He stated there are lots of people who cannot afford to travel to get care.

Chairman Baucom also applauded Presbyterian for their mobile clinic and pointed out that healthcare in Union County is making great strides forward and this step is a good thing. He pointed out that CMC and Presbyterian are both making great strides forward for providing enhanced health care for all the citizens of Union County.

The Chairman offered congratulations to Mark Donham, Assistant City Manager of Monroe, who has accepted a position of City Manager at Oxford, North Carolina.

The Chairman also extended his welcome to Mr. Greene and stated that he had only heard positive comments from the staff. He expressed his sincerest appreciation to Mr. Black for a job well done for Union County—this Board, and the citizens of Union County.

The Chairman adjourned the meeting.

